



The Municipal Manager
P O Box 19
George
6530

Reference: Erf 8249 George

28 April 2025

Sir

APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURES: ERF 8249 GEORGE

Attached hereto, please find an application in terms of

- Section 15(2)(o) of the Land Use Planning By-Law for the George Municipality, 2023 for a consent use for a "*Place of Instruction*" on Erf 8249 George to accommodate the use of a portion of an existing building (120m² in extent) as a swim school.
- Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for a permanent departure for the relaxation of the following building lines on Erf 8249 George:
 - the northern street boundary building line from 5.0 metres to a distance varying from 1.097 metres to 1.613 metres to accommodate the existing swim school; and
 - the eastern side boundary building line from 5.0 metres to 4.208 metres to accommodate the existing swim school.
- Section 15(2)(b) of the By-law on Land Use Planning for George Municipality, 2023 for the relaxation of the number of motor vehicle carriageway crossings stipulated in Section 45(4)(a) of the George Integrated Zoning Scheme 2023, to allow for 2 carriageway crossings from School Street to the proposed parking bays on Erf 8249 George.

Your prompt consideration of the application will be appreciated.

Thanking you in anticipation.

Jan Vrolijk

MOTIVATION REPORT
APPLICATION FOR CONSENT USE (PLACE OF INSTRUCTION) AND PERMANENT
DEPARTURES (RELAXATION OF BUILDING LINES AND SECOND CARRAIGEWAY
CROSSING)
ERF 8249 GEORGE

28 April 2025



Prepared for:

M de Kock
18 Union Street
George
6529

Prepared by:

Jan Vrolijk Town Planner/Stadsbeplanner
Millwood building, C/o York- and Victoria streets,
George,
P O Box 710, George, 6530
South-Africa
Tell: 044 873 3011
Cell: 082 464 7871
Fax: 086 510 4383
SACPLAN Registration No A/1386/2011

INDEX

1. BACKGROUND

2. APPLICATION

3. DEVELOPMENT PROPOSAL

4. PRE-APPLICATION CONSULTATION

5. GENERAL INFORMATION REGARDING ERF 8249 GEORGE

- 5.1 Locality
- 5.2 Existing land use
- 5.3 Extent
- 5.4 Present Zoning
- 5.5 Surveyor General Diagram
- 5.6 Title Deed
- 5.7 Power of Attorney
- 5.8 Bondholder's consent
- 5.9 Conveyancer Certificate

6. DESIRABILITY OF APPLICATION FOR CONSENT USE (PLACE OF INSTRUCTION) IN RESPECT OF ERF 8249 GEORGE

- 6.1 Introduction
- 6.2 Physical characteristics of erf
 - 6.2.1 Topography
 - 6.2.2 Surface conditions
 - 6.2.3 Vegetation
 - 6.2.4 Other characteristics

6.2.5 Conclusion

6.3 Proposed land use

6.4 Compatibility of proposal with existing planning documentation and policies

6.4.1 Introduction

6.4.2 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)

6.4.3 Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)

6.4.4 Western Cape Provincial Spatial Development Framework

6.4.5 George Spatial Development Framework, 2023 (GSDF)

6.4.6 George Integrated Zoning Scheme By-Law, 2023

6.4.7 Title Deed

6.4.8 Conclusion

6.5 Compatibility of proposal with character of the area

6.6 Compatibility of proposal with natural environment

6.7 Potential of erf

6.8 Access to erf

6.9 Provision of parking

6.10 Provision of services

7. DESIRABILITY OF APPLICATION FOR PERMANENT DEPARTURE (RELAXATION OF BUILDING LINES) IN RESPECT OF ERF 8249 GEORGE

7.1 Introduction

7.2 Existing planning in the area

7.3 Impact on schools, open spaces and other community facilities

7.4 Impact on sunlight, view and privacy

7.5 Impact on streetscape

7.6 Impact on property values

7.7 Impact on provision of parking

7.8 Impact on traffic circulation

7.9 Provision of services

7.10 Fire fighting

8. CONCLUSION

ANNEXURES

- Annexure "A":** Final approval letter dated 12 July 2016
- Annexure "B":** First Legal Notice dated 19 July 2016
- Annexure "C":** Final Legal Notice dated 14 September 2016
- Annexure "D":** Letter from Attorney dated 20 June 2023
- Annexure "E":** Court Order dated 27 August 2024
- Annexure "F":** Proposed site plan
- Annexure "G":** Application form
- Annexure "H":** Signed pre application consultation from dated 2 December 2024
- Annexure "I":** Locality plan
- Annexure "J":** Surveyor General Diagram
- Annexure "K":** Title Deed
- Annexure "L":** Power of Attorney
- Annexure "M":** Consent of Bondholder
- Annexure "N":** Conveyancer Certificate

MOTIVATION EPORT
APPLICATION FOR CONSENT USE (PLACE OF INSTRUCTION) AND PERMANENT
DEPARTURE (RELAXATION OF BUILDING LINES AND SECOND CARRIAGEWAY
CROSSING)
ERF 8249 GEORGE

1. BACKGROUND

An application in terms of Section 15(2)(6) of the Land Use Planning By-Law for the George Municipality, 2015 for a permanent departure for the relaxation of certain building lines on Erf 8249 George to accommodate an indoor swimming pool was approved during June 2016. A copy of the Municipality's final approval letter dated 12 July 2016 is attached hereto as **Annexure "A"**. The requisite building plan depicting the indoor swimming pool could, however, not be approved due to the non-compliance with other requirements pertaining to a "place of instruction" in the applicable Zoning Scheme.

In terms of a non-compliance notice dated 19 July 2016, the owner of the erf was informed that it was found that a swim school (place of instruction) was being operated on the erf. As no record could be found of George Municipality granting approval for the land use, nor of the mentioned land use being indicated on approved building plans, the owner was instructed to submit the necessary land use applications for approval, or to cease the mentioned activity. A final notice in the above regard was issued on 14 September 2016. Copies of the Legal notice dated 19 June 2016, as well as the Final notice, dated 14 September 2016 are attached hereto as **Annexure "B"**, and **Annexure "C"**, respectively. The necessity to submit a land use application in respect of the swim school (place of instruction) on the application erf was confirmed during a meeting on 2 June 2023, in the presence of the Municipality's attorneys (Messrs. Le Roux Lamprecht Inc.) between the owner and Municipal officials. A copy of the letter in the above regard to the owner, dated 20 June 2023, is attached hereto as **Annexure "D"**.

As it was subsequently found that the unlawful use of the application erf had not been ceased, the High Court of South Africa (Eastern Circuit Local Division, Thembalethu), on 27 August 2024 ordered, *inter alia*, that the illegal use of Erf 8249 George as a place of instruction be ceased

immediately, that the indoor swimming pool be removed and that an application to rectify the use of the erf for the purposes of a place of instruction (swim school) be submitted to the Municipality before 11 November 2024. A copy of the Court Order, dated 27 August 2024, is attached hereto as **Annexure “E”**.

The owner has subsequently decided to submit all the required land use applications to legalize the land use on the application erf.

The application erf is zoned Single residential Zone I. In terms of this zoning, it is possible to apply for a **Consent use** for a “*Place of Instruction*” to accommodate the swim school.

In terms of the land use parameters applicable to a “*Place of Instruction*”, a building line of 5.0 metres from all erf boundaries applies. The structure covering the indoor swimming pool is situated at a distance varying from 1.097 metres to 1.613 metres from the School Street boundary and 4.208 metres from the eastern side boundary of the erf. An application for a permanent departure from the northern street boundary, as well as from the eastern side boundary will thus also be necessary in respect of the swim school.

As no access to the required parking bays for the place of instruction is allowed from Union Street, two carriageway crossings are required from School Street to provide access to the required parking bays for the Place of Instruction. As the erf has a street width of less than 30 metres an application for a departure from Section 45(4)(a) of the George Integrated Zoning Scheme 2023, to allow for 2 carriageway crossings from School Street to the proposed parking bays on Erf 4249 George will also be required.

A site plan indicating the

- position of the Place of Instruction in relation to the boundary lines of the erf;
- the proposed parking spaces as required for the Place of Instruction; as well as
- the two carriageway crossings from School Street to provide access to the required parking bays

is attached hereto as **Annexure “F”**.

2. APPLICATION

- Application is made in terms of Section 15(2)(o) of the Land Use Planning By-Law for the George Municipality, 2023 for a consent use for a “*Place of Instruction*” on Erf 8249 George to accommodate the use of the existing indoor swimming pool as a swim school.
- Application is made in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for a permanent departure for the relaxation of the following building lines on Erf 8249 George:
 - ⇒ the northern street boundary building line (School Street) from 5.0 metres to a distance varying from 1.097 metres to 1.613 metres to accommodate the existing swim school; and
 - ⇒ the eastern side boundary building line from 5 0 metres to 4.208 metres to accommodate the existing swim school.
- Application is made in terms of Section 15(2)(b) of the By-law on Land Use Planning for George Municipality, 2023 for the relaxation of the number of motor vehicle carriageway crossings stipulated in Section 45(4)(a) of the George Integrated Zoning Scheme 2023, to allow for 2 carriageway crossings from School Street to the proposed parking bays on Erf 8249 George.

A site plan indicating the development proposal is attached hereto as **Annexure “F”**. The completed application form for the proposed consent use and permanent departure application is attached hereto as **Annexure “G”**.

3. DEVELOPMENT PROPOSAL

Erf 8249 George, which is situated between Union Street in the south and School Street in the north, was initially developed with a dwelling house, double garage and a storeroom, which is situated on the eastern side boundary. Access to the double garage is provided from Union Street to the south of the application erf.

The present owner added an enclosed swimming pool on the northern (School Street) side of the dwelling house, in a position indicated on the proposed site plan which is attached hereto as **Annexure “F”**. The enclosed swimming pool is used as a swim school.

The following photo shows the interior of the swim school, with the change rooms in the background.



An on-site parking bay in respect of the swim school, has been provided in the north-eastern corner of the erf. Access to this parking bay is from School Street. This parking bay is separated from the garden of the erf by means of a wall. The following photo shows the parking bay referred to.

In terms of the parking requirements applicable to the Place of Instruction as set out in table format in Section 42 of the George Integrated Zoning Scheme, 2023 provision must be made for 1.5 bay per classroom / office, plus 1 parking bay per 6 students. The swim school has no “classrooms”, as the existing covered pool is used for tuition.

Due to the limited extent of the swim school, which is comparable with a “home occupation” activity, a parking ratio of 1 parking bay per 25m² area used for the swim school is considered more appropriate. As the extent of the covered pool area is approximately 113m², 5 on-site parking bays should be required.



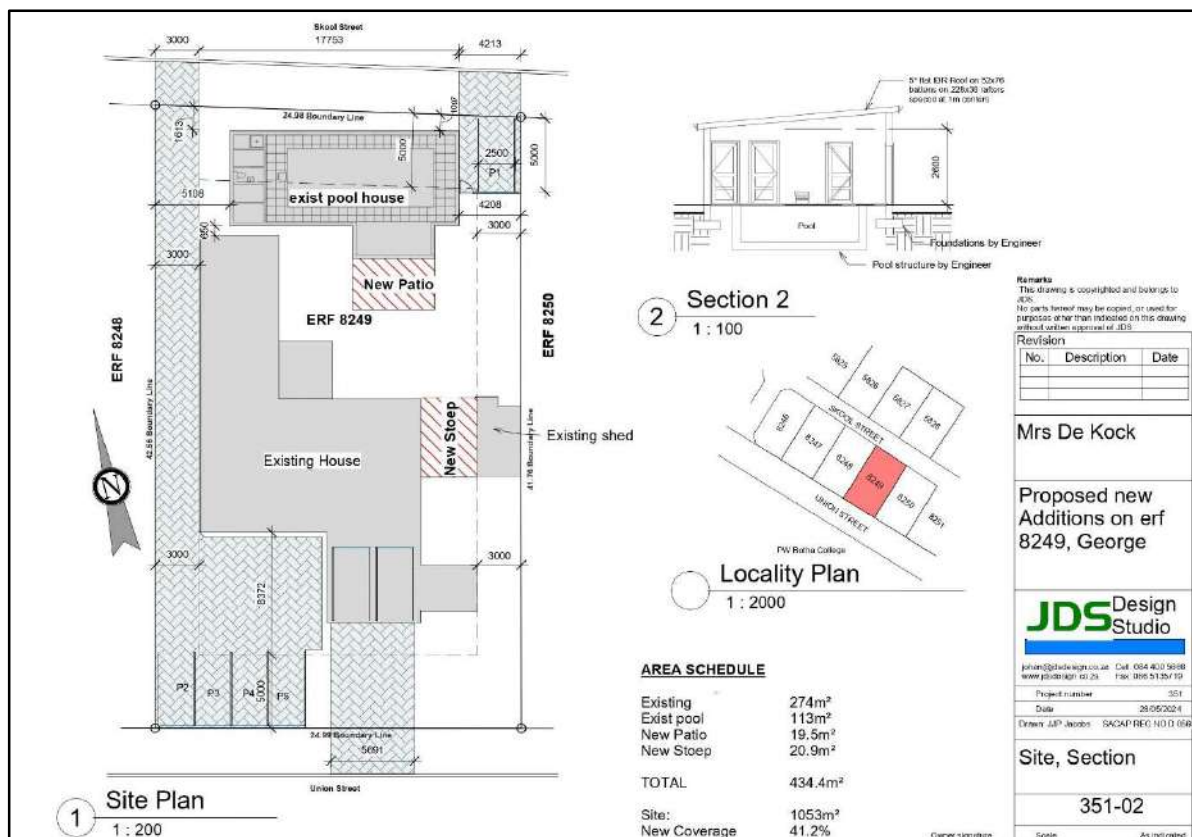
As indicated on the proposed site plan attached hereto as **Annexure “F”**, 5 parking bays, of which 1 is located on the eastern side of swim school building and 4 will be located to the south of the dwelling house, can be provided on the erf, which is in line with the mentioned requirement. As no access is allowed from Union Street to the 4 parking bays proposed on the southern side of the erf, an additional carriageway crossing will be required from School Street to provide access to the 4 southern parking bays.

The operating hours of the centre will be from 08:00 to 17:30 on Mondays to Fridays. The swim school is closed over weekends and public holidays. A typical swim session will take approximately 20 minutes with between 4 to 6 learners per session.

Erf 8249 George is zoned Single Residential Zone I. The owner of the erf (who is also the owner of the swim school) resides on the erf. The George Integrated Zoning Scheme By-Law, 2023 provides for “home occupation”, which is described as the practising of an occupation or the conducting of an enterprise by one or more occupants who reside on the property, provided that the dominant use of the property concerned must remain for the living accommodation of the occupants. The use of an erf for “home occupation” is subject to certain conditions.

The present swim school conforms with most of the development parameters applicable to “home occupation.” The most notable deviation is in respect of the total area used for the “home occupation” activity, as the area of the building used for the swim school activities is 113m², which is more than the maximum area allowed, namely 60m². In this regard, it should be considered that the extent of this building is dictated by the extent of the swimming pool it must cover, and not by the number of swimmers to be accommodated simultaneously. The school currently has 3 trainers who works different shifts with a maximum of 4 to 6 learners per trainer per shift. As the swim school building is larger than 60m² and is able to accommodate more than 4 to 6 learners it can, therefore, not be construed as a “home occupation”. Application will have to be made for a Consent Use for a “Place of Instruction” to accommodate the swim school.

The following site plan indicates the site layout of the swim school on the application erf. The extent to which the building lines are exceeded, as well as the parking bays and the access are also indicated on the plan. A copy of the proposed site plan is attached hereto as **Annexure “F”**.



The existing building which accommodates the swim school transgresses the 5.0 metres building line applicable to the northern street and eastern side boundary building lines in respect of a Place of Instruction. Application will have to be made for a permanent departure to relax the street and eastern side boundary building lines to accommodate the swim school.

As two carriageway crossings are proposed from School Street to provide access to the proposed parking bays and the erf has a street width of less than 30 metres, an application for a departure from Section 45(4)(a) of the George Integrated Zoning Scheme 2023, to allow for 2 carriageway crossings from School Street to the proposed parking bays on Erf 4249 George will also be required.

The purpose of this application is therefore to obtain approval for the consent use and permanent departure to enable the submission of building plans to accommodate the existing swim school (place of instruction).

4. PRE-APPLICATION CONSULTATION

The pre-application consultation discussion of the proposed application by the relevant officials of George Municipality took place on 2 December 2024. The completed pre-application consultation form with the municipal comments on the proposal is attached hereto as **Annexure "H"**. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

"Town Planning"

- *Need to address compliance with MSDF, LSDF, SPLUMA, Zoning Scheme etc.*
- *Parking requirements calculated as Place of instruction plus that of Dwelling House. To be shown and illustrated on plan.*
- *Need to take cognizance of the development parameters as per the zoning scheme.*
- *TIA (with drop and Go Facility) may be required from CES.*

CES

- **Access:**
 - *Access to the property is restricted to School Street*
 - *Access is permitted, as per the George Integrated Zoning Scheme (GISZ) 2023 regulations.*
- **Parking:**
 - *All parking must be provided on-site, in accordance with the parking requirements specified in the GIZS 2023 parking tables. (Note PT1 ratios can be applied for)*
 - *A TIA/TIS may be required to address traffic related matters parking and drop and go facilities which needs to be provided.*
 - *No parking is allowed within the road reserve, and the owner may be held liable for any costs associated with preventing parking in the road reserve.*
- **Water & Sewer:**
 - *Water and sewer services are available, but they are subject to confirmation of capacity through a service capacity confirmation.*
 - *DC: Normal Development Charges (DCs) will apply in accordance with the DC policy and the Town Planning By-law*
- **Stormwater:** *The developer must comply with the relevant Stormwater By-law.*

ETS

- *To confirm with ETS.”*

The various aspects referred to in the comments above are addressed in various points throughout this motivation report.

5. GENERAL INFORMATION REGARDING ERF 8249 GEORGE

5.1 Locality

Erf 8249 George is situated at 18 Union Street, in George South, south of the George CBD. The locality of the erf is indicated on the locality plan which is attached hereto as **Annexure “I”**.

5.2 Existing land use

Erf 8249 George has been developed with a dwelling house, double garage, outbuildings and an indoor swimming pool. The erf is used for residential purposes by a single family, as well as for the purposes of a swim school. The development on the erf is rounded off by a garden, consisting of lawn, shrubs and trees. A plastered and painted brick wall with a sliding gate has been erected along the Union Street boundary, with a “Vibre-crete wall on the School Street boundary, excluding the parking bay in School Street.

5.3 Extent

Erf 8249 George is 1 055m² in extent.

5.4 Present zoning

In terms of the George Integrated Zoning Scheme By-Law, 2023, the zoning of Erf 8249 George is Single Residential Zone I.

5.5 Surveyor General Diagram

The Land Surveyor General Diagram of Erf 8249 George is attached hereto as **Annexure “J”**.

5.6 Title Deed

Erf 8249 George is registered in the name of Melanie de Kock, ID Number 800917 0077 08 8. A copy of the Title Deed of the erf is attached hereto as **Annexure “K”**.

The title deed of Erf 8249 George contains, inter alia, the following condition:

“C ENTITLED to the provisions of a servitude referred to in the following endorsement dated 29 December 1938 contained in Deed of Grant dated 15 June 1922 (George Quitrents Volume 15 Number 15) which endorsement reads as follows:

By Deed of Transfer No 13615 dated 29.12.1938 the owner and his successors in title of the property thereby conveyed is prohibited from carrying on any trade or business other than that of saw mill, grist mill and certain manufactures connected with a timber factory, as will more fully appear on reference to the said Deed of Transfer”

The George Municipality has indicated that this condition is not construed to be restricted to this application for consent use and permanent departure.

5.7 Power of Attorney

A Power of attorney, whereby Jan Vrolijk Town Planner / Stadsbeplanner is appointed by Melanie de Kock, the registered owner of Erf 8249 George, to prepare the applications referred to in point 2 of this motivation report and to sign all relevant documents is attached hereto as **Annexure “L”**.

5.8 Bondholder’s Consent

Erf 8249 George is encumbered by a bond. A copy of the consent of the bondholder, Nedbank, is attached hereto as **Annexure “M”**.

5.9 Conveyancer Certificate

A Conveyancer Certificate in respect of Erf 8249 George is attached hereto as **Annexure “N”**. The Conveyancer Certificate confirms that there are no conditions contained in the title deed which restrict the contemplated land use in terms of the proposed application.

6. DESIRABILITY OF THE APPLICATION FOR CONSENT USE (PLACE OF INSTRUCTION) IN RESPECT OF ERF 8249 GEORGE

6.1 Introduction

The term "desirability" in the land use planning context, may be defined as the degree of acceptability of the land uses on the land unit concerned. The desirability of the intended consent use shall be discussed with reference to the aspects listed below.

- Physical characteristics of the site.
- The proposed land use.
- The compatibility of the proposal with existing planning documentation, spatial frameworks, legislation, and policies.
- The compatibility of the proposal with the character of the surrounding area.
- Potential of the site.
- Accessibility of site.
- Availability of parking.
- Provision of services.

It will be indicated in the following paragraphs that the proposal can be regarded as being desirable as far as the mentioned aspects are concerned.

6.2 Physical characteristics of the erf

6.2.1 Topography

The application erf has no visible slope. The topography of the erf had been considered in the design of the existing buildings. The topography will therefore not have a negative impact on the development proposal and therefore, does not restrict the consent use as applied for in this application.

6.2.2 Surface conditions

Little information concerning the soil conditions in the area is available. The soil condition of the application erf seems stable. The existing buildings on the application erf and buildings in the vicinity do not appear to have construction anomalies relating to unstable soil conditions. It can therefore be accepted that the soil condition is suitable to accommodate the development.

There is, as such, no reason why this application cannot be supported from this point of view.

6.2.3 Vegetation

The application erf is developed with a garden consisting of lawn, trees, shrubs, and paved driveways. The existing covered swimming pool on the application erf is being used as a swim school. No new buildings are envisaged.

Vegetation will therefore not have a negative influence on the development as proposed in this application.

6.2.4 Other characteristics

The application erf is not affected by flood lines, fountains, or other unique ecological habitats.

6.2.5 Conclusion

From the contents of the above-mentioned paragraphs, there is no reason from physical characteristics point of view why the application for consent use, as submitted, cannot be supported.

6.3 Proposed land use

The application erf is currently used for residential purposes. The owner also uses the covered swimming pool on the erf for the purposes of a swim school (place of instruction). The administration of the swim school is done by the owner, using the study in the dwelling house.

One on-site parking is provided with access from School Street. As indicated on the proposed site plan attached as **Annexure “F”**, four parking bays will also be provided on the southern side of the erf, using a proposed second access from School Street.

6.4 Compatibility of the development proposal with existing planning documentation and policies

6.4.1 Introduction

Different planning documents apply to the application and the desirability and compatibility of the application regarding each of these documents will subsequently be discussed.

6.4.2 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) “(SPLUMA)”

Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) lists 5 development principles which must be applied when any development application is to be evaluated. The principles referred to are as follows:

- “Spatial justice”
- “Spatial sustainability”
- “Spatial efficiency”
- “Spatial resilience”
- “Good administration”

Different development principles are identified under each of the 5 abovementioned principles which must be applied when a land use application is to be evaluated. The proposed application for consent use will subsequently be evaluated on each of the principles.

Spatial justice		
Criteria	Compliance	Planning Implication

Past spatial and other development imbalances must be redressed through improved access to and use of land.	Complies with.	The swim school is accessible to swimmers from all the communities in George. The application will result in an underdeveloped residential erf situated within the Urban Edge and near to 2 large schools in George being developed to its full potential. It will also lead to more efficient use of land.
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Complies with.	George Municipality approved a Spatial Development Framework for George, 2023. The Spatial Development Framework contains development proposals which are aimed at improving the quality of life of all the inhabitants of George, thus creating the opportunity for approval of this application which targets all income groups.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Complies with.	George Municipality approved the George Integrated Zoning Scheme By-Law, 2023, which contains zoning- and development parameters which guide the development of all erven in respect of type of structure allowed, land uses and building lines. These parameters enable the development as proposed, which is aimed at providing instruction to swimmers of all communities.
Land use management systems must include all areas of a municipality and especially include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homelands areas.	Complies with.	George Municipality approved the George Integrated Zoning Scheme By-Law, 2023, which contains zoning- and development parameters which guide the development of all erven in respect of type of structure allowed, land uses and building lines. These parameters enable the development as proposed, which is aimed at providing instruction to swimmers of all communities.
Land development procedures must include provisions that accommodate access to secure tenure and incremental upgrading	Not applicable.	This provision does not apply to this application, as no informal residential development is involved.

of informal areas.		
A Municipal Planning Tribunal, considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of this application.	Not applicable.	As far as is known, the Eden Joint Planning Tribunal - George Municipality's discretion when considering applications is not affected by the value of land or property. Decision making is, as far as is known, based on the principles, as stated in Section 7 of the Spatial Planning and Land Use Act, 2013 (Act 16 of 2013).

Spatial sustainability		
Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	Complies with.	The proposed development will have no impact on the fiscal, institutional, or administrative capabilities of the George Municipality. The development proposal that forms the subject of the application is located within the urban edge of George in terms of the George Spatial Development Framework, 2023.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable.	The application erf is zoned as indicated in point 5.4 of this motivation report. The provisions of the Act on the Subdivision of Agricultural Land, 1970 (Act 70 of 1970) therefore do not apply to the application.
Uphold consistency of land use measures in accordance with environmental management instruments.	Not applicable.	The proposed development does not trigger any listed activities in terms of environmental legislation.
Promote and stimulate the effective and equitable functioning of land markets.	Complies with.	The application erf is situated in George South, between Union Street and School Street in the south-west of the proposed high-density residential area associated with the George CBD, as indicated in the George Spatial Development Framework, 2023. Being

		situated within 500 metres of York Street, the erf is also situated in the "Intensification Zone". The area to the north of Union Street is currently characterized by residential development. The application erf is ideally situated to be used for a swim school as it is situated between 2 High Schools, close to a school hostel, the Correctional Services complex, as well as being situated on the route of the "Go George" public transportation system, with bus stops in Union Street. Due to its limited extent, the swim school does not have a negative impact on the surrounding area.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Complies with.	All costs pertaining to the infrastructure required for the proposed development will be carried by the landowner. The proposal will thus not result in infrastructure costs to any external parties. The proposal will thus not place any burden on municipal budget for the provision services infrastructure.
Promote land development in locations that are sustainable and limit urban sprawl.	Complies with.	The application erf is situated within the Urban Edge of George. The proposed development will, therefore, not result in urban sprawl.
Result in communities that are viable.	Complies with.	Being situated near 2 major high schools, a high school hostel, and on the "Go George" public transportation route, the use of the application erf as is proposed in this application, will result in underdeveloped erf being turned into a more viable investment, creating a few more job opportunities, which will have a positive effect on the economy of George. This will result in additional income for the Municipality, which could be used for the improvement of quality of services to all the citizens of George.

Spatial efficiency		
Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Complies with.	The application erf is situated within an existing serviced area. All costs pertaining to the extension of existing infrastructure required for the proposed development will be carried by the landowner.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	Complies with.	The municipality has procedures in place that are designed to minimise negative financial, social, economic, or environmental impacts.
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Complies with.	George Municipality has adopted the George Municipality: Land Use Planning Ordinance, 2023 which prescribes procedures and time frames developers must comply with when submitting land use applications, and which officials must consider when considering applications. This application has been prepared in accordance with the stipulations of the George Municipality: Land Use Planning By-law, 2023 and the application will therefore be handled and considered in accordance with the time frames as prescribed.

Spatial resilience		
Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure	Complies with.	The application erf is situated within the Urban Edge of George, in an area indicated for Residential Densification, as well as the Intensification Zone in

sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

the George Spatial Development Framework, 2023.

Good administration

Criteria

Compliance

Planning Implication

All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.

This is general principle that municipalities need to comply with.

Input was received from all spheres of government when the George Spatial Development Framework was drafted. An integrated approach, guided by the spatial planning and land use management systems as embodied in this Act, was thus followed in the preparation of the George Spatial Development Framework. As the development proposal can be deemed to comply with the contents of the George Spatial Development Framework, 2023, it can be stated that the proposal complies with this specific criterion.

All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.

This is general principle that municipalities need to comply with.

Input was received from all government departments and sectors when the George Spatial Development Framework was drafted. An integrated approach, guided by the spatial planning and land use management systems as embodied in this Act, was thus followed in the preparation of the George Spatial Development Framework. As it can be deemed that the development proposal complies with the contents of the George Spatial Development Framework, 2023 it can be stated that the proposal complies with these specific criteria.

The requirements of any law relating to land development and land use are met timeously.	This is general principle that municipalities need to comply with.	The George Municipality has adopted the George Municipality: By-law on Land Use Planning, 2023 which prescribes procedures and timeframes which developers must adhere to when submitting land use applications and which officials needs to take into consideration when considering applications. This application has been prepared in keeping with the requirements as per the George Municipality: By-law on Land Use Planning, 2023 and the application will from date of submission be dealt with and be considered within the timeframes prescribed in the by-law.
The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.	This is general principle that municipalities need to comply with.	This application will be advertised in accordance with the stipulations as contained in the George Municipality: By-law on Land Use Planning, 2023. All parties will be given the opportunity to participate in the public participation process and will be afforded the opportunity to provide input on the application.
Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.	This is general principle that municipalities need to comply with.	The George Municipality: By-law on Land Use Planning, 2023 contains clear procedures set to inform and empower members of the public. This application will be subjected to these procedures.

As can be seen from the table above, it can be argued that the proposal can be regarded as being compatible with the 5 development principles of SPLUMA.

6.4.3 Land Use Planning Act, 2014 (Act 3 of 2014) "(LUPA)"

In terms of the above Act, it is expected of a municipality to consider the compatibility of any development proposal with existing provincial and municipal spatial development frameworks and as well as more detail local spatial frameworks.

Section 19(1) and 19(2) of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) which is relevant to this application reads as follows:

*19(1) If a spatial development framework or structure plan specifically provides for the utilization or development of land as proposed in a land use application or a land development application, the proposed utilization or development is regarded as **complying** with that spatial development framework or structure plan.*

*19(2) If a spatial development framework or structure plan does not specifically provide for the utilization or development of land as proposed in a land use application or a land development application, but the proposed utilization does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilization or development is regarded as being **consistent** with that spatial development framework or structure plan.”*

The compatibility of the development proposal with existing spatial development frameworks is addressed in points 6.4.4 and 6.4.5 of this report.

The development principles referred to in Section 59 of LUPA, which should also be considered when motivating an application, are directly in line with the principles of SPLUMA which have been discussed in detail in point 6.4.2 above. The comments in point 6.4.2 are thus also relevant as far as Section 59 of LUPA is concerned.

6.4.4 Western Cape Provincial Spatial Development Framework (WC PSDF)

6.4.4.1 Introduction

The Western Cape Provincial Spatial Development Framework (WC PSDF) is one of the most important planning guidelines in the province. The framework not only provides for a new spatial development pattern for the province but also clearly indicates where development may take place and where it may not take place. The provisions of the development framework must therefore be considered with any development proposal.

In terms of the framework, several principles are mentioned, namely spatial justice, spatial sustainability, spatial resilience, spatial efficiency, accessibility and quality of life and good administration that spatial planning must comply with. The impact of the application on spatial justice, spatial sustainability, spatial resilience, spatial efficiency, has already been fully discussed in point 6.4.2 above and it has been shown that the proposed development complies with the relevant mentioned principles.

Several policy statements are also highlighted in terms of the WC-PSDF which must specifically correlate with the mentioned principles. Some of the policy statements that are relevant to this town planning application will be addressed in the following points.

6.4.4.2 Protection of agricultural land

In terms of the WC-PSDF it is indicated that agricultural land must be protected. Erf 8249 George is zoned Single Residential Zone I. The erf is not used for agricultural purposes. This objective of the WC-PSDF is therefore not relevant to this application.

6.4.4.3 Urban edge

The WC-PSDF provides for a guideline which determines that towns should identify an urban edge, and that development should be restricted to areas inside the urban edge. The George Municipality identified an urban edge, and the application erf falls within the identified urban edge. As such, the proposed development will not result in "urban sprawl". The proposal therefore meets the requirement of this guideline set out in the WC-PSDF.

6.4.4.4 Self-sufficiency

Another important guideline requires that any proposed development must be self - sufficient, as: *"the development needs of the present generations should be met without the ability of future generations to meet their own needs, being compromised."* The development because of this consent use application will be self-sufficient and will place no financial burden on present or future inhabitants of George.

6.4.4.5 Summary

The framework does not go to the detail level of individual erven and therefore does not contain further information, other than the abovementioned compliance with the urban edge, and self-sufficiency, which could be used to determine whether this application falls within the stipulations of the framework. From the content of point 6.4.4 it seems clear that the application can indeed be considered compatible with the WC-PSDF.

6.4.5 George Spatial Development Framework, 2023 (GSDF)

Erf 8249 George is located within the study area of the George Spatial Development Framework, 2023 (GSDF) and this framework therefore applies to this application. In terms of the GSDF, the application erf is located within the **Urban Edge of George**, as well as in the area indicated for **Residential Densification**, which is located to the south of the George CBD. Being located within 500 metres from York Street, the erf is also located within the **Intensification Zone**.

Except for the indication that the application erf falls within the “*Urban Edge*” of George, as well as in the area indicated for Residential Densification to the south of the George CBD and in the Intensification Zone, the George Spatial Development Framework, 2023, contains no site-specific future development proposals for this erf which could be used to evaluate the compatibility of the consent use application with the Spatial Development Framework.

Due to the limited extent of the consent use (swim school), the activity has no impact on the proposals of the GSDF.

6.4.6 George Integrated Zoning Scheme By-Law, 2023

Erf 8249 George is zoned Single Residential Zone I. In terms of this zoning, the erf may be used primarily for the purposes of a dwelling house. A “*Place of Instruction*” could be developed as a consent use. A “*Place of Instruction*” is described as follows in the George Integrated Zoning Scheme By-Law, 2023:

“*Place of instruction*” means-

(a) *a place for education or training at nursery, school or post-school levels, including-*

- (i) *crèche;*
- (ii) *nursery school;*
- (iii) *primary school;*
- (iv) *secondary school;*
- (v) *college;*
- (vi) *university; or*
- (vii) *research institute; and*
- (viii) *place of instruction in physical exercise and sport where the main objective is instruction rather than participation of the public as competitors or spectators;*
- (ix) *and the following ancillary uses-*

- (aa) *a boarding hostel;*
- (bb) *administrative offices;*
- (cc) *cafeteria;*
- (dd) *convenience shop limited to a total floor space of 100m²;*
- (ee) *laboratories;*
- (ff) *occasional use for religious gatherings, craft markets and events;*
- (gg) *place of assembly;*
- (hh) *place of worship;*
- (ii) *private road;*
- (jj) *private open space;*
- (kk) *sports and recreation centre; and*
- (ll) *staff accommodation.*

(b) *a civic facility for the promotion of knowledge to the community, including-*

- (i) *a public library;*
- (ii) *public art gallery; and*
- (iii) *museum;*

(c) *but does not include a reformatory or conference facility."*

The application erf will still be used as a place of residence for a single family and the dominant use of the erf will still be residential. The proposed use of the application erf for a swim school can be accommodated in the present zoning, by means of a consent use, as applied for in this application.

The following table indicates the development parameters applicable to a place of instruction in terms of Schedule II of the mentioned By-Law as well as the compliance of the proposal with the different parameters:

Development parameter	Description	Adherence
(a) Floor factor	Maximum: 1,2	Adhered to
(b) Coverage	Maximum: 60%	Adhered to
(c) Height	Top of the roof: 12 meters	Adhered to
(d) Building lines	Place of Instruction: All boundaries: 5 meters.	Union Street boundary: adhered to. School Street boundary: relaxation applied for.
(e) Parking	1 bay per 25m ² area used (home occupation)	5 bays provided. Adhered to
(f) Loading bays	Must be provided (if required)	Not provided
(g) Screening	May be required	Boundary walls exist along all the boundaries of the erf
(h) Noise mitigation	May be required	Not provided
(i) Refuse room	Must be provided	Not provided
(j) Single Residential Zone I & III	No more than 20 students may be registered at a time or attend the school at any time	Accommodates approximately 4 - 6 swimmers simultaneously. Adhered to

Application is made for a permanent departure to accommodate the building line transgressions.

6.4.7 Title Deed

Although the title deed of a property is not a planning document, it sometimes still contains conditions which may have an essential impact on the development potential of a property. The title deed of the application erf is discussed in point 5.6 of this motivation report, where it is indicated that the Title deed is not construed as restrictive to this application for consent use.

6.4.8 Conclusion

From the above information the application for consent use as described in this application, complies with the mentioned Planning Policies and Planning Guidelines and can be considered desirable.

6.5 Compatibility of the proposal with the character of the area

As indicated on the following aerial photo, the application erf is situated to the north of Union Street, in a predominantly single residential area.



The erf is also situated to the east of the business activities in York Street and to the north of the Eden Technical High School and York High School hostel. The large Correctional Services complex is located further to the south-east, along Union Street. The erf is also situated on the Union Street route of the “Go George” public transportation service.

The proposed swim school, therefore, fits in well with the education facilities in the surrounding area. The consent use as proposed in this application will, therefore, be supportive of the land uses in the area. Together with the residential component, the land use on the erf will be compatible with the existing character of the surrounding area.

The swim school on the application erf does not have a negative influence on the character of the area concerned, for the following reasons:

- No new buildings are envisaged. The existing covered swimming pool is used. The residential appearance and character of the application erf will thus be maintained.
- Due to the limited extent of the swim school, sufficient on-site parking bays can be provided.
- Education in the swim school is session driven, with no play times which could create disturbances in the surrounding area.

6.6 Compatibility of the proposal with the natural environment of the erf

The application erf is situated within the Urban Edge of George and has been developed with a garden consisting of lawn, trees, shrubs, and paved areas. The existing covered swimming pool on the application erf is used for tuition purposes and no new buildings are envisaged.

The proposed development will thus not have a negative impact on the natural environment.

6.7 Potential of the erf

Erf 8249 George is zoned Single Residential Zone I and may be used for a dwelling house and a second dwelling of not more than 175m² in extent.

The application erf is situated near the York Street business area, High Schools, hostels, and on the public transportation service. Due to the locality, the erf has the potential to be developed for the purposes of a place of instruction, as proposed in this application.

The consent use as proposed in this application, will therefore result in the application erf attaining a higher development potential.

6.8 Access to the erf

The application erf is situated within walking distance from the Union Street bus stops of the “Go George” public transportation service, and close to York Street. The erf is, therefore, easily accessible from the surrounding areas.

As indicated on the proposed site plan, attached hereto as **Annexure “F”**, one on-site parking bay is provided to the east of the covered swimming pool, with access from School Street. A further four on-site parking bays, with an additional access from school Street are to be provided on the southern side of the existing double garage. There is good visibility in both directions into School Street from both the proposed access points.

6.9 Provision of parking

The parking requirements applicable to different land uses are set out in table format in Section 42 of the George Integrated Zoning Scheme, 2023. In respect of a Place of Instruction, provision must be made for 1.5 bay per classroom / office, plus 1 parking bay per 6 students. The swim school has no “classrooms”, as the existing covered pool is used for tuition.

Due to the limited extent of the swim school, which is comparable with a “home occupation” activity, a parking ratio of 1 parking bay per 25m² area used for the swim school is considered more appropriate. As the extent of the covered pool area is approximately 113m², 5 on-site parking bays should be required.

As indicated on the proposed site plan attached hereto as **Annexure “F”**, five parking bays, of which 1 is located on the eastern side of swim school building and 4 will be provided south of the dwelling house will be provided, which is in line the mentioned requirement.

The following photo shows the parking bay to the east of the swim school building.



The following photo shows the Union Street elevation of the erf. The 4 proposed parking bays will be located behind the screen wall, with an entrance from School Street.



The four parking bays will thus have no impact on traffic movement along Union Street.

6.10 Provision of services

Existing municipal services are available to the application erf. Should any upgrade or extension of services be required because of this application, this will be at the cost of the owner and to the satisfaction of the municipality.

The development as proposed in this application will, therefore, not have a negative impact on the provision of services to the surrounding area. The proposal could result in more effective utilization of existing municipal services, which is one of the objectives of the Western Cape Provincial Spatial Development Framework.

7. DESIRABILITY OF THE APPLICATION FOR PERMANENT DEPARTURE (RELAXATION OF BUILDING LINES AND SECOND CARRIAGEWAY CROSSING) IN RESPECT OF ERF 8249 GEORGE

7.1 Introduction

Specific issues which must be addressed in the motivation of applications are highlighted in the Land Use Planning By-Law for George Municipality, 2023. These issues are, however, aimed at more complex applications and are not applicable to lesser applications, such as permanent departures.

This application will therefore be motivated with reference to the following aspects:

- Compatibility of the proposal with the existing planning and land uses of the surrounding area.
- The impact that the proposal will have on the environment.
- The impact that the proposal will have on traffic and parking in the surrounding area.

- The impact that the proposal will have on surrounding facilities such as schools, open spaces and other community facilities, should the application result in an increase in the population of the area concerned.
- The impact that the proposal will have on the existing character of the surrounding area and the right of the inhabitants of the area in respect of property values, privacy, view, sunlight, et cetera.
- Provision of essential services.

7.2 Existing planning in the area

The application erf is situated in an area to the north of Union Street which is characterized by residential development. The permanent departure as proposed in this application is required to accommodate the existing covered swimming pool which is also used as a swim school. No new buildings are required to accommodate the swim school.

The existing buildings have formed part of the ambience of the area for a considerable period and as no extensions to these buildings are proposed the proposal will have no changing effect on the surrounding area as far as building construction is concerned.

It is further clear from the aerial photo that there are buildings situated near their erf boundaries on many of the surrounding erven, i.e. the building on Erf 8246 George, to the west of the application erf, where a building is also located close to School Street, as well as the structures on Erf 8875 George and Erf 8876 George, to the north-east of the application erf, which are also located close to the School Street boundaries. Buildings located within building lines are thus not uncommon to the area.

Erven with two motor vehicle carriageway crossings is also not uncommon in George South especially in cases where second dwellings have been developed in the back yards of erven.

The proposed relaxation of the building line and second motor vehicle carriageway crossing will thus not set an undesirable precedent and can be accommodated within the existing planning of the area concerned.

7.3 Impact on schools, open spaces, and other community facilities

This application entails the relaxation in respect of the northern street, and eastern side boundary building lines on Erf 8249 George to accommodate the existing covered swimming pool. The proposed permanent departure will not result in an increase in the number of people residing on the erf as no further habitable rooms are envisaged in this application. The covered swimming pool is also used as a swim school which does not compete with or distract learners from other education facilities. The swim school, therefore, has no negative impact on existing schools, public open spaces or community facilities in the area.

The second motor vehicle carriage crossing is furthermore also not relevant as far as schools, open spaces and other community facilities are concerned.

This aspect is therefore not relevant to this application.

7.4 Impact on sunlight, view, and privacy

The following aerial photo indicates that, being located to the south of School Street and to the north of the dwelling house on the application erf, the only erf which could be affected by the proposed permanent departures on the application erf, is Erf 8250 George, to the east thereof.



As the building involved in this application already exist, it is easy to establish whether the proposed relaxation of the building lines could have any impact on sunlight, view, or privacy of the mentioned adjacent erf.

Erf 8250 George is situated east of the application erf. The dwelling house on Erf 8250 George is situated a considerable distance to the south of the communal boundary with the application erf. This results in the grassed outdoor living area being located opposite the building on the application erf which transgresses the side boundary building line. The mono-pitched building which covers the swimming pool and accommodates the swim school, has a low profile.

The proposed relaxation of the building lines to accommodate the covered swimming pool / swim school as proposed in this application will, therefore, have no impact on sunshine on, or the view from, or the privacy of the mentioned adjacent erf.

The second motor vehicle carriage crossing is furthermore also not relevant as far as sunlight, privacy and view are concerned.

7.5 Impact on streetscape

As the building is not visible from Union Street, the following photo indicates the present School Street elevation of the application erf.



Due to the low roof height of the building, the large tree located on the application erf and the screen wall, only a small portion of the north elevation of the building is visible from the street. The building in respect of which the proposed permanent departure is required, is an existing building which have formed part of the development on the application erf for a considerable time and thus forms part of the existing streetscape.

As the outside finish of the building is neat and of the same quality as that of the dwelling house, the proposed permanent departures as proposed in this application will thus not have a negative impact on the streetscape.

The first street carriageway crossing is an existing carriageway crossing that provides access to an existing parking bay and is clearly visible on the above photo. The second carriageway crossing will be provided to left of the mini municipal substation. The distance between the two carriageway crossings will be more than 17 metres.

The existing tree which is directly behind the wall will have to be removed to allow for the access to the parking bays. A street gate will close-off this access from the street. It is argued that this second street carriageway will have to impact on the streetscape of School Street as street gates are common along residential streets.

7.6 Impact on property values

As indicated in the previous points, the building in respect of which the proposed permanent departure is required, has been in existence for a considerable time and do not have a negative impact on any of the surrounding properties. The architectural design of the building is sound, and the finish is of a good quality. The mentioned building adds value to the utilization of the erf and represents a substantial capital investment by the owner.

The value of surrounding properties can, therefore, not be negatively impacted upon by the relaxation of the building lines and second carriageway crossing as proposed in this application.

7.7 Impact on the provision of parking

The parking requirements and the provision of parking are discussed in detail in point 6.9 of this motivation report.

As indicated on the proposed site plan attached hereto as **Annexure “F”**, five parking bays will be provided, which is in line with the requirement. The permanent departure as proposed in this application has no negative impact on the provision of parking on the application erf. The second carriageway crossing is however required to access the parking bays. It is however indicated in this motivation report that the proposed second carriageway crossing will have no negative impact on the surrounding area.

7.8 Impact on traffic circulation

The building which transgresses the northern street boundary building line (School Street) is an existing building which is situated behind a street boundary wall on School Street. The relaxation of the School Street boundary building line will, therefore, not have a negative impact on traffic circulation in the street.

Sufficient parking bays are provided on site. The sight distances in both directions at the access points to the proposed parking areas are adequate. To prevent motorists from waiting and/or queuing within Union Street, the entrance gate will remain open during the swim school's operating hours. The operating hours of the swim school do not coincide with the morning and afternoon traffic peak in Union Street.

Due to the limited extent of the swim school, which results in low traffic generation outside traffic peak hours, the additional traffic generated in Union Street, a major access route to the George CBD, will be minimal.

Visibility in both directions into School Street is excellent with no obstructions obscuring the view into School Street from the two entrances. The second vehicle carriageway crossing will thus have no negative effect on traffic circulation in School Street.

The relaxation of the building lines and the second carriageway crossing, as proposed in this application will thus not have a negative impact on traffic circulation in School Street.

7.9 Provision of services

Municipal services are available to the application erf. The permanent departure as proposed in this application will not have any negative impact on the existing services or the provision of services. Should any extension of the existing municipal infrastructure be required because of this application for building line relaxation, all costs because of such extension will be for the account of the applicant, subject to the conditions of the municipality.

7.10 Fire fighting

The fire-fighting requirements stipulated in the fire-regulations will not be negatively impacted upon as the application erf will still be fully accessible for fire-fighting purposes.

8. CONCLUSION

Application is made in terms of Section 15(2)(o) of the Land Use Planning By-Law for the George Municipality, 2023 for a consent use for a "*Place of Instruction*" on Erf 8249 George to accommodate the use of the existing indoor swimming pool as a swim school.

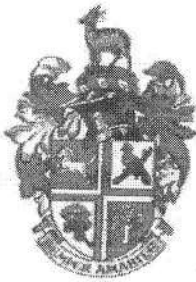
Application is also made in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for certain permanent departures on Erf 8249 George to accommodate the existing swim school.

As indicated in this report the proposed applications for consent use and permanent departure in respect of the application erf are compatible with all existing planning documents, spatial plans, legislation, and policy documents applicable to the application.

The proposal will not have a negative impact on the environment, development, public facilities, traffic circulation or Municipal services in the surrounding area.

The application can therefore be considered desirable and is submitted for consideration in terms of the relevant stipulations of the Land Use Planning By-Law for the George Municipality, 2023.

ANNEXURE "A" - FINAL APPROVAL LETTER DATED 12 JULY 2016



MUNISIPALITEIT
Wes Kaap

UMASIPALA WASE
Intshona - Koloni

MUNICIPALITY
Western Cape

Posbus / P.O.Box 19 George 6530 Tel: 044 - 8019111 Fax: 044 - 8019116
Email/e-pos: stadsbeplanning@george.org.za

Ref/Verw: Erf 8249, George
Contact/Kontak: Mrs M Arries
Tel: 044 801 9171

12 July 2016

M De Kock & A Thomson
PO Box 8
MOLENDRIFT
6537

REGISTERED POST

DEPARTURE : ERF 8249, GEORGE


Abovementioned application as well as the municipality's decision letter dated 10 June 2016 in this regard refers.

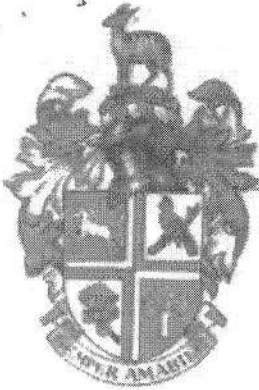
No appeal against the above decision has been received. The application is thus regarded as finalised and can be implemented as per abovementioned letter.

Yours faithfully


T. BOTHA
MUNICIPAL MANAGER

Cc: Directorate: Civil Engineering Services
Directorate: Electrotechnical Services
Directorate: Environmental Services
Directorate: Financial Services Anita Scheepers
Directorate: Financial Services S Langeveldt
Town Planning Section
Building Control Section





G E O R G E

MUNISIPALITEIT
Wes Kaap

UMASIPALA WASE
Intshona - Koloni

MUNICIPALITY
Western Cape

Posbus / P.O. Box 19 George 6530 Tel: 044 8019111 Fax: 044 8733776

VERW/REF

E-mail: marisa@george.org.za
Erf 8249, George

NAVRAE:
ENQUIRIES:

Marisa Arries

TEL: 044 – 801 9473

10 June 2016

M DE KOCK/A THOMSON
PO BOX 8
MOLENDRIFT
6537

melaniedekock@gmail.com

**APPLICATION FOR DEPARTURE:
ERF 8249, GEORGE**

Abovementioned application refers.

The Deputy Director: Planning (Authorised Official) has, under delegated authority, W.1.33 of 29 July 2015 decided that application for Departure in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2015 for the relaxation of the street boundary building line from 4.5m to 0.63m and 1.179m for an indoor swimming pool on Erf 8249, George;

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

REASONS FOR DECISION

- (i) The proposal is in line with the development parameters for the surrounding development and other properties thus cannot be negatively affected thereby;
- (ii) the proposal is compatible with the surrounding residential context and scale;

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

CONDITIONS

1. The departure shall lapse if not acted upon within a period of five (5) years from the date of approval;
2. That the approval shall be taken to cover only the departure applied for and shall not be construed as to depart from any other Council requirement or legal provision;
3. That the building line relaxation occurs in accordance with the Site Development Plan dated January 2016 drawn by J.J.P. Jacobs (Annexure "A"), which bears Council's stamp;
4. That all other requirements of the applicable Zoning Scheme be complied with;

5. That a building plan be submitted for approval in accordance with the National Building Regulations (NBR);
6. That the approval will only be regarded as implemented on the issuing of an occupation certificate for the abovementioned structures;

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 and received by the Appeal Authority, P O Box 19, George before or on 1 July 2016.
- An appeal that is not lodged within the set date or that does not comply with Section 80 of the George Municipality's By-law on Municipal Land Use Planning will be deemed invalid.

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.

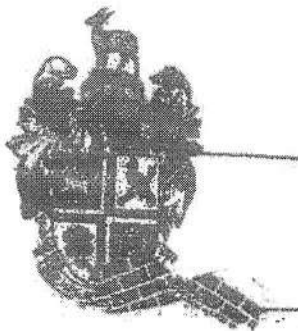
Yours Faithfully


T BOTHA
MUNICIPAL MANAGER

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ANNEXURE "B" – FIRST LEGAL NOTICE DATED 19 JULY 2016

"LW7"
G-



G E O R G E

MUNISIPALITEIT

Van Riep

UMASIPALA WASE

Isikhona - Kolori

MUNICIPALITY

Western Cape

Postbus / PO Box 19 George 6530 Tel 044 8019111 Fax 044 8733776

MENSLIKE NEDERSEETSE EN SWAANSKE EN BEPLANNING
HUMAN SETTLEMENTS, LAND AFFAIRS AND PLANNING

OUR REF: Erf 8249 George
ENQUIRIES: W van Jaarsveld
TEL: 044 8019038
EMAIL: willem@george.org.za
DATE: 19 July 2016

M de Kock
18 Union Street
George South
GEORGE
6529

REGISTERED MAIL

**FIRST NOTICE : SWIM SCHOOL BEING OPERATED FROM PROPERTY : 18 UNION STREET, GEORGE SOUTH, GEORGE
ERF NO. 8249, GEORGE**

1. The above refers.
2. This Municipality has reasonable grounds to suspect that you are guilty of the following offence(s) in terms of section 85 (1) of the George Municipality's By-law on Municipal Land Use Planning:

- ☐ Contravenes or fails to comply with Sections 15(1) and (5), 21(1), 62(2) and 86(3);
- ☐ Fails to comply with a compliance notice served in terms of section 86;
- ☒ Utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality;
- ☐ Upon registration of the first land unit arising from a subdivision, fails to transfer all common property arising from the subdivision to the owners' association;

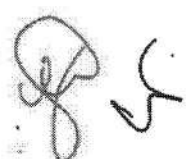
Handwritten signature/initials

- ☐ Supplies particulars, information or answers in an application, or in an appeal against a decision on an application, knowing it to be false, incorrect or misleading or not believing them to be correct;
- ☐ Falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee;
- ☐ Hinders or interferes with an authorised employee in the exercise of any power, or the performance of any duty, of that employee.

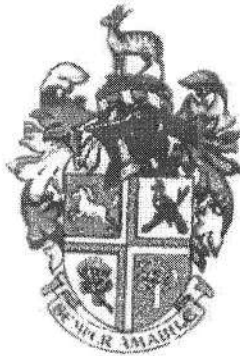
3. You are hereby instructed in terms of section 86 of the said legislation, to cease the unlawful land use and/or the construction activity or both, without delay or within 30 days of date of registration of this notice.
4. You can either:
 - (a) Submit an application to rectify the unlawful land use and/or construction activity in terms of section 86(2)(b) of the said legislation within 30 days of date of registration of this notice. However, this must not be construed as an indication that the application will be approved, or
 - (b) Demolish unauthorised building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days of date of registration of this notice.
5. You may object to this notice by lodging written representations to the Municipality within 30 days of date of registration of this notice in terms of section 86 (6) of the said legislation.
6. Please note that failure to comply with the above request may result in further action, legal or otherwise, being taken against you in terms of section 87(1)(g)(i)-(v) of the said legislation.

Yours faithfully


T BOTHA
MUNICIPAL MANAGER



ANNEXURE "C" - FINAL LEGAL NOTICE DATED 14 SEPTEMBER 2016



MUNISIPALITEIT
Wes Kaap

UMASIPALA WASE
Intshona - Koloni

MUNICIPALITY
Western Cape

Posbus / P.O. Box 19 George 6530 Tel: 044 8019111 Fax: 044 8733776

MENSLIKE NEDERSETTINGS, GRONDSAKE EN BEPLANNING
HUMAN SETTLEMENTS, LAND AFFAIRS AND PLANNING

OUR REF: Erf 8249 George
ENQUIRIES: W van Jaarsveld
TEL: 044 8019038
EMAIL: willem@george.org.za
DATE: 14 September 2016

M de Kock
18 Union Street
George South
GEORGE
6529

REGISTERED MAIL

FINAL NOTICE : SWIM SCHOOL BEING OPERATED FROM PROPERTY : 18 UNION STREET, GEORGE SOUTH, GEORGE

ERF NO. 8249, GEORGE

The municipality's letter dated 19 July 2016 and your reply by e-mail of 12 September 2016 with regard to the above refer.

In terms of Section 18(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 the approved Departure granted for the indoor swimming pool has lapsed as the building for which the Departure was approved is not utilised in accordance with the approval granted.

It must also be noted that:

- 1) Before taking a decision on the recommendation for the granting of approval for the abovementioned indoor swimming pool, the Municipal Planners consulted with you to clarify whether the indoor swimming pool was intended for the purposes of operating a swim school (Place of Instruction). You confirmed that it was not your intention to operate a swim school but that it was required for your father's health.

- 2) The Place of Instruction as being operated from the property would require an on-site drop off zone as well as an on-site parking area being provided. Such facilities cannot be provided on the property and that as a result, such facility would not have been considered for approval.

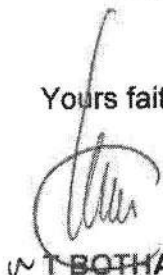
The building on the property is also unlawful as it was erected without approved building plans.

In consideration of the above, you are hereby instructed in terms of Section 87 (2)(a) of the above mentioned By-Law to cease all illegal activities immediately and attend to the demolition of said building within 30 days of registration of this notice. You are also advised that in terms of Section 87(3) of said By-Law, no land use application may be submitted to rectify said structure.

Should you refuse to address the above, the Municipality will, without further notice in terms of Section 89 of the George Municipality's By-law on Municipal Land Use Planning, apply to the High Court for an order –

- (i) Restraining you from continuing the unlawful utilisation of the land.
- (ii) Directing you to, without the payment of compensation –
 - (aa) demolish, remove or alter any building, structure or work unlawfully erected or constructed; and
 - (bb) rehabilitate the land concerned.

Yours faithfully



T. BOTHA
MUNICIPAL MANAGER

ANNEXURE "D" - LETTER FROM ATTORNEY DATED 20 JUNE 2023



LE ROUX LAMPRECHT INC.
attorneys | conveyancers | notaries

44 Victoria Street,
George, 6529

P.O. Box 433, George, 6530

T: +27 (0)44 884 1414 | E: info@lrinc.co.za | W: www.lrinc.co.za | Reg no: 2021/331618/21

OUR REF: FJL/GB/FG0246

YOUR REF:

DATE: 20 June 2023

MS MELANIE DE KOCK

E-MAIL: bubbleslearn2swim@gmail.com

Dear Madam

WITHOUT PREJUDICE

GEORGE MUNICIPALITY // YOURSELF (ERF 8249, GEORGE)

The abovementioned matter and our round table meeting on the 2nd day of June 2023 refers.

We reiterate our opinion that it would be in the best interest of both parties to reach an amicable settlement agreement in this matter to avoid costly and protracted litigation.

We wish to advise that we have now received further instructions from our client as set out more fully here below, in a final attempt to resolve the disputes between the parties.

We deem it appropriate to also provide for certain historical facts pertaining to the matter, as instructed by our client, which are as follows:

In 2016:

On the 8th day of February 2016, you applied for a departure of land-use to the Town Planning department of our client in order to depart from the required street boundary line from 10 meters to 0,63 and 1.179 meters respectively, in relation to an indoor swimming pool building as part of a dwelling house. We are informed that your application was motivated by the disclosure of your father's severe medical condition and his necessary aquatic therapy.

Directors: F.J. Lamprecht | R. Lamprecht
Associate: C. de Wet
Candidate Attorney: G. Barnard

The abovementioned application was approved on the 10th day of June 2016 and the same was valid for 5 years until 2021. The approval was subject to the obtaining of an approved occupation certificate for the said building before the approval lapsed.

Later in 2016, you submitted a building plan for the said building to the Building Control department of our client with the intention of obtaining an occupation certificate. However due to the fact that on Erf 8249 was being operated as a *place of instruction*, which appeared to be a swimming school called BubblesLearn2swim, our client could not consider your application any further. We are instructed that you deliberately withheld this crucial information with regards to the purpose of your application to our client.

The abovementioned building plan could not be approved in 2016 due to the fact that you utilised the land in a manner other than prescribed by the zoning scheme at that time without the approval of our client. You and/or your representative, Mr. Casper Pieters, were fully informed by registered mail posted by our client and email correspondence from Mr. Willem van Jaarsveld, a representative of our client, who explained the matter to yourself and/or your representative in detail.

Datum

In essence, your application related to personal use of the swimming pool building, but evidently the activities which took place in the swimming pool were correctly defined as a *place of instruction* in terms of our client's zoning scheme regulations at the time.

In 2016 (and again in 2022), our client's the Building Control section provided you with an outcome indicating that the abovementioned building plans could not be considered as you were first required to submit a land-use application and obtain the necessary approval.

A place of instruction:

We are instructed that in terms of the George Integrated Zoning Scheme By-law (2017), the size of the building as well as the number of learners receiving instruction at a time, now determines whether the swimming school activity being conducted on the property constitutes a *place of instruction* or simply a *home occupation*. We are also instructed that the George Integrated Zoning Scheme of September 2017 (the new zoning scheme) restricts the number of learners to six (6) and the size of the building in relation to a *home occupation* to sixty (60) square meters in extent. Even though you claim to have no more than six (6) learners at a time, the building from which the swimming school is being conducted on Erf 8249 is one hundred and twenty (120) square meters in extent,

which is double the size permitted in relation to a *home occupation* and consequently, the activity is not a *home occupation* and therefore remains a *place of instruction* in terms of the current zoning scheme. Fortunately, the title deed of Erf 8249 contains no condition preventing you from operating a *place of instruction* on the property.

In terms of the current zoning scheme, a *place of instruction* is no longer a primary right of a property but rather a consent-use. Hence, any owner of a single residential zoned property must apply to our client in order proceed as a *place of instruction* on their property.

nie current

An application to use the swimming pool building as a *place of instruction* was never submitted since 2016. ?

A *place of instruction*'s building line, adequate parking bays and access requirements:

The George Zoning Scheme (1977) which was applicable in 2016 (the old zoning scheme) made provision for a dwelling house and a *place of instruction* as a primary right. According to this scheme, the dwelling house was subject to a 4.5 meter street boundary building line and a 3 meter side and rear boundary building lines. A *place of instruction* was subject to 10 meter building lines on all boundaries. *Johan*

LWS

Consequently, in 2016, you were required to submit a new application for departure for relaxation of the respective 10 meter street and side boundary building lines as well as provide on-site parking facilities and a drop-off area in order to use the swimming pool building as a *place of instruction*. We are instructed that these aforementioned requirements in terms of the old zoning scheme were communicated yourself and/or your representative via emails correspondence with Mr. Willem van Jaarsveld. *→*

In terms of the new 2017 zoning scheme, a *place of instruction* is subject to 5 meter building lines on all boundaries, instead of the 10 meter building lines as stated above. Parking bays also need to be provided on-site at a ratio of 1.5 parking bays per classroom, 1 bay per office and 1 bay for every six (6) learners.

Unfortunately, Erf 8249 is located between Unions Street and School Street. We are instructed that Union Street experiences heavy traffic and is a main bus road and therefore it cannot accommodate any additional vehicle traffic. We are further instructed that School Street is very narrow and consequently the Civil Engineering department of our client confirmed that the street cannot accommodate any additional parking of vehicles. *Unsub*

Self
Marina
Marina

As a result, our client is of the opinion that the only solution with regards to the parking requirement in terms of the new zoning scheme would be the provision of on-site parking on Erf 8249 itself with vehicle access only from School Street. Alternatively, the new zoning scheme allows you to provide parking on other properties nearby, but written proof of such an agreement/s must be submitted to our client.

Furthermore, the size of the swimming school building and the use thereof, being *a place of instruction*, determines the amount of parking bays required, hence at least 4 parking bays will be required at the premises.

We are instructed that there is no requirement for a drop-and-go facility for the *place of instruction*. We are also informed that a provision for parking in the street would never have been allowed and that parking bays must be allocated on Erf 8249 or on a neighbouring property as stated above in order to comply as *a place of instruction*.

If you wish to provide fewer parking bays, you may submit an additional application for a departure of the land-use in this regard, the same may need to be accompanied by a parking study prepared by a traffic engineer, subject to the Civil Engineering department's requirements.

Civil
Engineer

2020-2023:

We are informed that you received a letter from our client indicating that the building plan application has expired and therefore the 2016 building plan application cannot be reconsidered and that a new building plan application had to be submitted. This abovementioned letter did not state a refusal of the decision, but merely a notification of expiration. Hence, a new building plan application must therefore be submitted to the Building Control department of our client for consideration. Also, a new land-use application to legalize the current unlawful buildings must be submitted to the Town Planning department of our client for consideration.

Geon

We are instructed that between 2020 and 2022, a carport and/or canopies were erected by yourself next to the swimming pool building without making the necessary applications to our client in terms of the bylaws applicable to Erf 8249. We confirm that the carport structure over the eastern side of the boundary building line does not require a town planning application. However, we are instructed that due to necessity to fulfil the bylaws in terms of providing parking bays and access to the property, that the same may need to be removed in order to provide sufficient parking bays at the property, as required.

At our round table meeting on the 2nd day of June 2023, you stated that you erected the building during the amnesty period and that you submitted building plans only after construction of the building/s have commenced. We are informed that amnesty never applied to buildings erected during the amnesty period and consequently you did not qualify for amnesty.

As you will recall, Mr. Clinton Petersen of our client, committed to consult with all the necessary departments of our client in order to aid you in simplifying the necessary procedures to validate the unlawful use of the property going forward.

We are further instructed that the position of the building on the plans submitted with the application does not correspond with the as-built structure on site. The latest aerial images indicate that the building is located about 2.4 meters from the street boundary line and about 4.4/4.5 meters from the western and eastern side boundary lines of the property. We are also instructed that you erected a flat roof structure and not a pitched roof structure as indicated on the plans you submitted in 2016.

Unlawful land use:

We are instructed that the swimming pool activities, at all times, were in contravention with the provisions of both the old and new zoning schemes applicable at the relevant times and required the application of land-use and provision of on-site parking bays to qualify as a *place of instruction*. Unless and until such requirements are met, the aforementioned activities on Erf 8249, remains unlawful.

In an effort to bring finality to the matter, our client undertakes to expedite the land use application and the building plan application, should you agree to submit same without any further delay.

We would like to point out the following requirements of our client:

In order to allow the current unlawful buildings and activities on the property, the following will be required:

1. You must notify our offices within 7 days of receipt of this letter that you will adhere to our client's requirements as outlined above and below;

2. An architect must be appointed to draft the as-built building plans in accordance with the correct position of the indoor swimming pool and the other illegally erected carports and canopies on site within 14 days of your confirmation of adherence to point 1 above;
3. Revised building plans must indicate at least 4 to 5 on-site parking bays for the place of instruction with access taken from School Street, as well as the other illegally erected structures as mentioned above;
4. The parking area must be designed so that the vehicles enter onto and exit from the site in a forward direction, thus the vehicles must be able to turn around on the property and are not allowed to reverse into School Street;
5. No access or parking for the place of instruction from Union Street will be considered;
6. Confirmation of the abovementioned appointment must be received from the appointed architect within said 14 days;
7. Our client strongly recommends that you consider appointing a town planning consultant (agent) to assist you in preparing and managing the consent use and departure application which is required to legalize the unlawful activities pertaining to the *place of instruction* on the site;
8. Should you opt to make use of the services of a town planning consultant, same must confirm his appointment to us within the said 14 days;
9. We are instructed that the pre-application submission process is an essential mechanism of the Town Planning department of our client to authorize a deviation of land-use and that providing a public participation and document submissions process are always required and necessary as stated in the Town Planning bylaws.
10. You and/or your agent must submit a pre-application submission to Mrs. Ilan  Huyser of the Town Planning department of our client within 30 days of the architect and/or town planning consultant being appointed.

11. The pre-application submission must include the filled in pre-application form, the title deed of the property and the aforementioned building plans. You may contact Mrs. Huyser for any municipal documents or guidelines in this regard.
12. A pre-application meeting is held internally every Wednesday and all the requirements for submissions and/or public participation process will be stated in the completed pre-application form which will be returned to you or your agent after the meeting.
13. You or your agent must apply for consent use for a place of instruction and departure to relax the street, western and eastern side boundary building lines to legalize the unlawful buildings within 30 days of the completed and signed pre-application form being returned to you or your agent.
14. Kindly note that our client's department uses an on-line portal system for land-use application submissions. Applicants must register on the system to use it. If you want to submit it yourself, you will need to register on the portal first, which our client's service provider can assist you with.
15. Alternatively, our client suggests that you make use of a consultant or agent which is already registered on the system. The application submission guidelines and a list of town planning consultants will be provided to you should you request it.
16. Our client is agreeable that you or your agent will only need to follow a minimal public participation process; a site notice for 30 days and obtaining consent letters from all the surrounding neighbours. No advertising in a newspaper will be necessary. This will be confirmed at the pre-application meeting.
17. Our client will also undertake to expedite the report writing and decision-making process. The application process from submission to decision will take about 4 months to conclude.
18. Our client acknowledges that the societal value of the swimming school as well as the fact that the operation of such *place of instruction* in the context outline above (e.g. access from Short Street and provision of on-site parking) can be deemed reconcilable with the surrounding residential context and the spatial planning policies and guidelines applicable to the surrounding area.

19. There is a strong likelihood that, should you adhere to our client's requirements, the outcome of land-use application process will be positive, however, our client can never guarantee that the submission of the application will lead to an approval.
20. Our client adheres to the administrative law of South Africa (PAJA), and therefore our client's officials cannot be bias and may not pronounce itself on the outcome of an application before all administrative processes have been concluded and the application has been formally evaluated by a registered town planner.
21. Should the land use application be approved, the rights will only be valid for two (2) years. This is standard practice for all approvals where the intension is to legalize unlawful structures or land-uses.
22. We are instructed that you must note that it is incumbent on yourself to ensure that your architect submit building plans to the Building Control department of our client as soon as the decision letter has been issued (presuming that the application is approved), to allow sufficient time for our client to consider and approve said plans as well as to issue the occupation certificate before the aforementioned two (2) year approval period lapses.

Lastly, we must point out to you that this is and will be our client's final indulgence for you to legalize the unlawful activity and buildings on your property.

Our client's rights are and remain reserved.

We are diarizing our file accordingly.

Yours faithfully



LE ROUX LAMPRECHT INC.

per: Francois J Lamprecht

ANNEXURE "E" - COURT ORDER DATED 27 AUGUST 2024

THE HIGH COURT OF SOUTH AFRICA
(EASTERN CIRCUIT LOCAL DIVISION, THEMBALETHU)

^ X
[Signature]
27/8/2024

Case No: 18104/2023

THEMBALETHU: TUESDAY, 27 AUGUST 2024

BEFORE THE HONOURABLE MR JUSTICE N C ERASMUS

In the matter between:

GEORGE MUNICIPALITY

Applicant

and

MELANIE DE KOCK

Respondent



ORDER

Having perused the papers filed of record and having heard counsel for the applicant and the respondent:

IT IS ORDERED:

1. A rule nisi is issued, returnable on **Monday 11 November 2024** calling on the respondent to show cause why the following relief should not be made final:

- 1.1 That the respondent be ordered and interdicted:

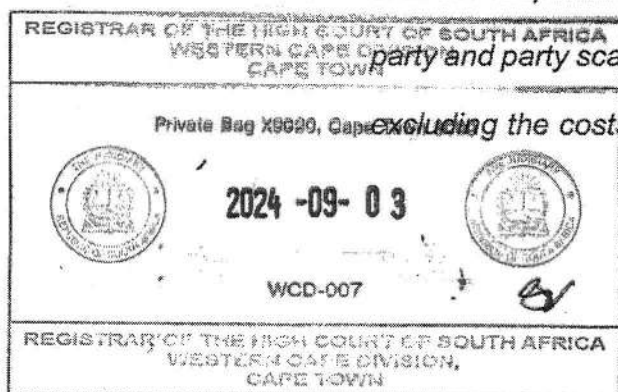
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	
Private Bag X9020, Cape Town 8003	
	
2024 -09- 03	
WCD-007	
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	

a) to prohibit illegal land use on Erf 8249, George, better described as 18 Union Street, George South, George, Western Cape Province ("the property");

- b) to immediately cease and/or stop the use and/or cease and/or stop to allow the use of the property as a place of instruction; and
- c) to remove and/or demolish all illegal building and/or structures and/or works unlawfully erected and/or constructed on the property, specifically the indoor swimming pool, as indicated on the plan dated 1 July 2016 drawn by JDS Design Studio, annexed to the applicant's founding affidavit as "LW2" ("the structure"), and to rehabilitate the property, within 30 (thirty) calendar days of this Order.

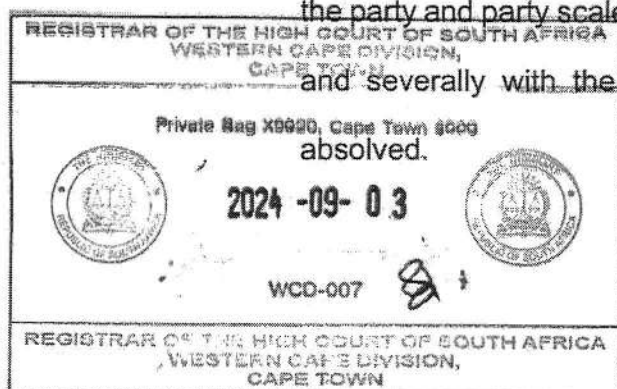
1.2 That in the event that the respondent fails to comply with the relief sought in paragraph (c) above, that leave be granted to the applicant to approach the Honourable Court on the same papers, duly amplified and supplemented if necessary, urgently if necessary, for an order authorising the demolition of the structure, and directing and authorising the Sheriff and the members of the South African Police Services, to assist the applicant in giving effect to the provisions of such order, if necessary and for which demolition costs the respondent is to be liable.

1.3 That the respondent shall pay the costs of the application on the party and party scale including the costs of counsel on scale B (but excluding the costs of the hearing on Tuesday 23 April 2024, the

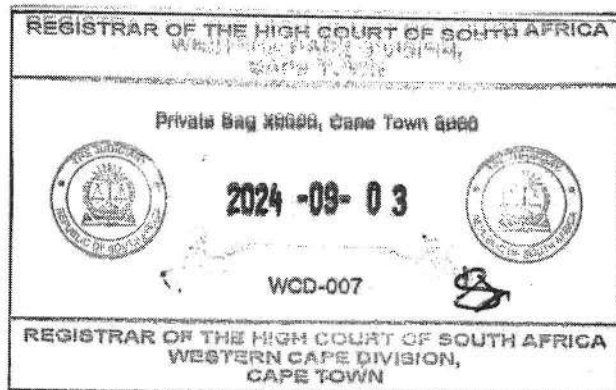


appearance on Friday 3 May 2024 and the hearing of Tuesday 27 August 2024 for which an order has already been granted).

2. The respondent shall pay the wasted costs of the hearing on Tuesday 23 April 2024, the appearance on Friday 3 May 2024 and the hearing of Tuesday 27 August 2024 on the party and party scale including the costs of counsel on scale A.
3. The respondent is directed and ordered, pending the return date, to submit for consideration and approval by the applicant any plans and/or applications as may be required to comply with the relief sought by the applicant in paragraph 1 above.
4. Pending the return date, the applicant is ordered and directed to accept and consider for approval any plans and/or applications presented to it by or on the respondent's behalf.
5. A *rule nisi* is issued, returnable on **Monday 11 November 2024** calling on Mr Casper Pieters to give reasons why he should not be ordered to pay the costs of the hearing on Tuesday 23 April 2024, the appearance on Friday 3 May 2024 and the hearing of Tuesday 27 August 2024 on the party and party scale including the costs of counsel on scale B jointly and severally with the respondent, the one to pay the other to be



- 5.1 Mr Pieters (should he wish to do so) must file his reasons by way of affidavit(s) no later than Monday 23 September 2024;
 - 5.2 The applicant will be entitled to answer thereto by no later than Monday 14 October 2024; and
 - 5.3 Mr Pieters will be entitled to reply thereto by no later than Monday 21 October 2024.
6. The *rule nisi* issued in terms of paragraph 5 above shall be served on Mr Pieters by email at the address **pieters.edie@gmail.com**.

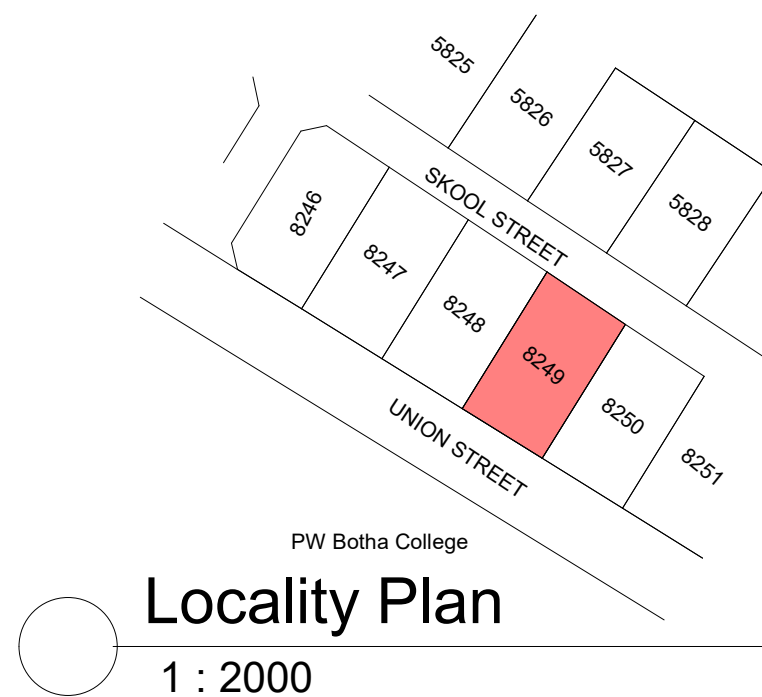
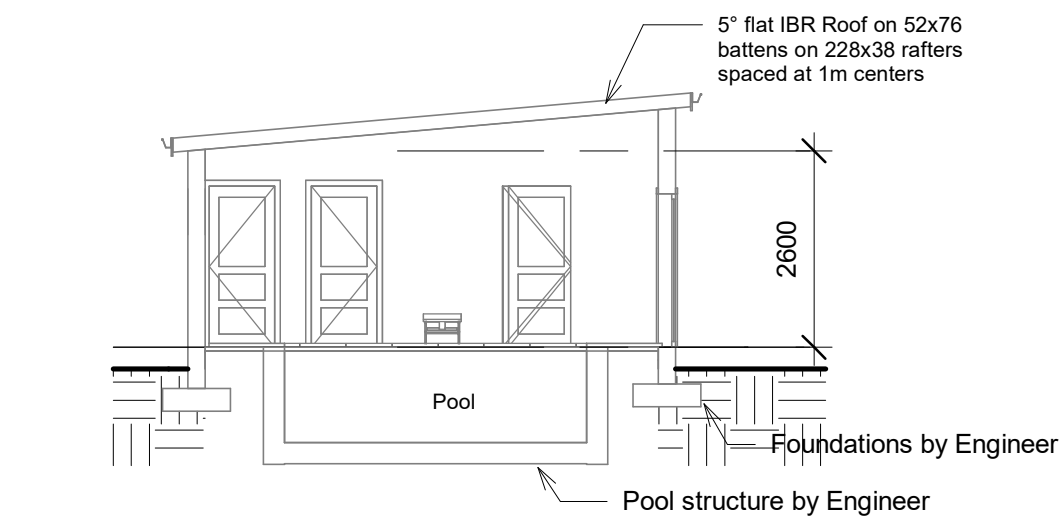
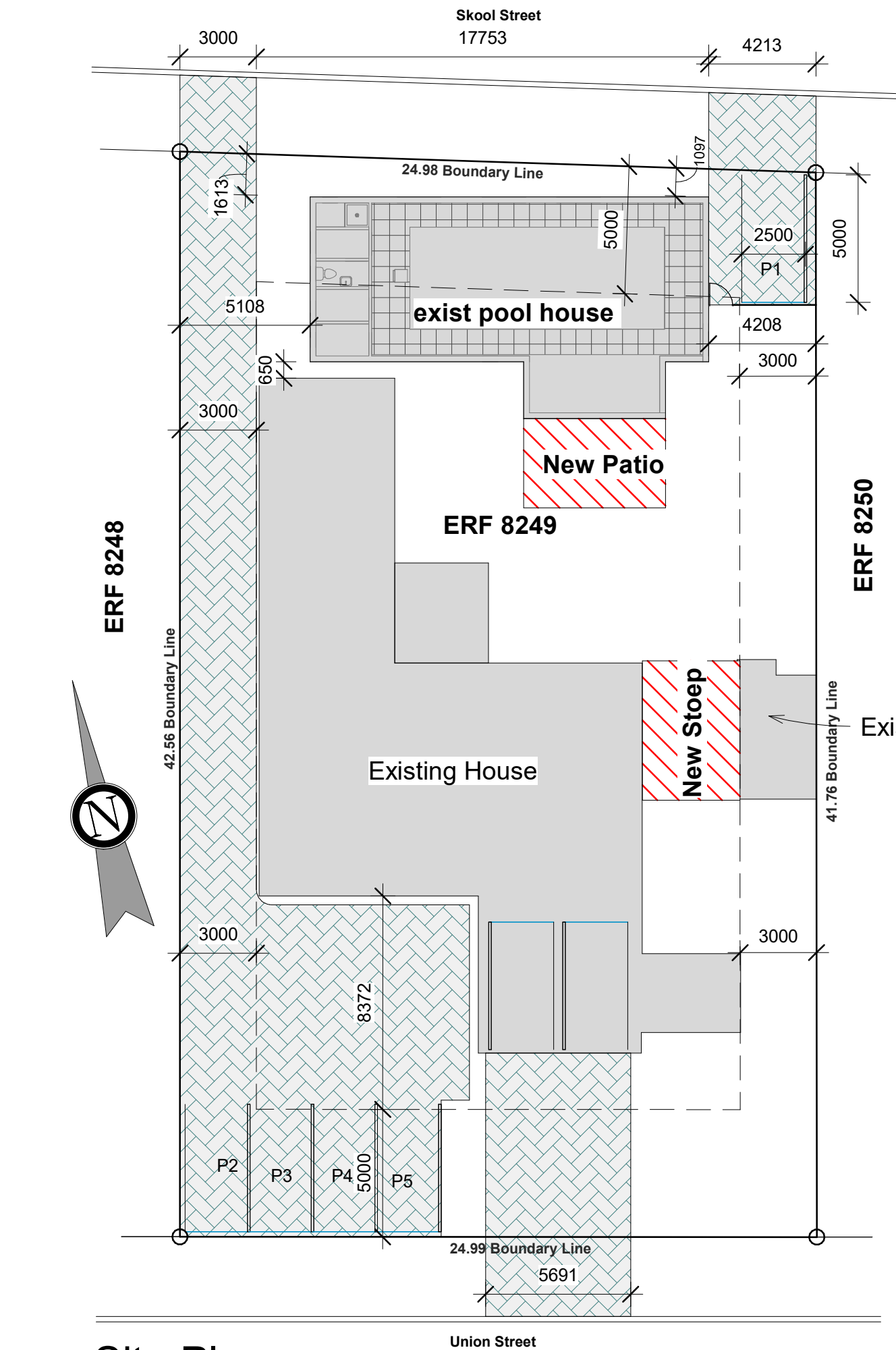


BY ORDER OF THE COURT

COURT REGISTRAR

LE ROUX LAMPRECHT ATTORNEYS
FRANCOIS LAMPRECHT
ATTORNEYS FOR THE APPLICANT
44 VICTORIA STREET, GEORGE
044 884 1414 / francois@lrinc.co.za

ANNEXURE "F" - PROPOSED SITE PLAN



AREA SCHEDULE

Existing	274m ²
Exist pool	113m ²
New Patio	19.5m ²
New Stoep	20.9m ²
TOTAL	434.4m²
Site:	1053m ²
New Coverage	41.2%

Remarks
This drawing is copyrighted and belongs to JDS.
No parts hereof may be copied, or used for purposes other than indicated on this drawing without written approval of JDS

Revision		
No.	Description	Date

Mrs De Kock

Proposed new Additions on erf 8249, George



johan@jdsdesign.co.za Cell: 084 400 5666
www.jdsdesign.co.za Fax: 086 5135719

Project number	351
Date	28/05/2024
Drawn: JJP Jacobs	SACAP REG NO D 0560

Site, Section

351-02

Scale	As indicated
-------	--------------

Owner signature

ANNEXURE "G" - APPLICATION FORM



Application Form for Application(s) Submitted in terms of the Land Use Planning By-Law for George Municipality

NOTE: Please complete this form by using: Font: Calibri; Size: 11

PART A: APPLICANT DETAILS

First name(s)	Johannes George		
Surname	Vrolijk		
SACPLAN Reg No. (if applicable)	A/1386/2010		
Company name (if applicable)	Jan Vrolijk Town Planner / Stadsbeplanner		
Postal Address	P O Box 710		
	George	Postal Code	6530
Email	janvrolijk@jvtownplanner.co.za		
Tel	044 873 3011	Fax	086 510 4383
		Cell	082 464 7871

PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner	Melanie de Kock		
Address	18 Union Street		
	George	Postal code	6529
E-mail	bubbleslearn2swim@gmail.com		
Tel	0448760250	Fax	N/a
		Cell	0846268083

PART C: PROPERTY DETAILS (in accordance with Title Deed)

Property Description [Erf / Erven / Portion(s) and	Erf 8249 George
---	-----------------

Farm number(s), allotment area.]											
Physical Address	18 Union Street, George South										
GPS Coordinates					Town/City		George				
Current Zoning	Single Residential Zone I			Extent	1 055m²			Are there existing buildings?		Y	N
Current Land Use	Residential and swim school										
Title Deed number & date	T 15930/2016										
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).								
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).								
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?			Nedbank					
Has the Municipality already decided on the application(s)?	Y	N	If yes, list reference number(s)?								
Any existing unauthorized buildings and/or land use on the subject property(ies)?					Y	N	If yes, is this application to legalize the building / land use?			Y	N
Are there any pending court case / order relating to the subject property(ies)?					Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N
PART D: PRE-APPLICATION CONSULTATION											
Has there been any pre-application consultation?			Y	N	If Yes, please complete the information below and attach the minutes.						
Official's name	N/a			Reference number	N/a			Date of consultation	N/a		

PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY & APPLICATION FEES PAYABLE

***Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.**

BANKING DETAILS

Name: **George Municipality**
 Bank: **First National Bank (FNB)**
 Branch no.: **210554**
 Account no.: **62869623150**
 Type: **Public Sector Cheque Account**
 Swift Code: **FIRNZAJJ**
 VAT Registration Nr: **4630193664**
 E-MAIL: **msbrits@george.gov.za**
 *Payment reference: Erven ____, George/Wilderness/Hoekwil...

PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

- **Application is made in terms of Section 15(2)(o) of the Land Use Planning By-Law for the George Municipality, 2023 for a consent use for a "Place of Instruction" on Erf 8249 George to accommodate the use of a portion of an existing building (120m² in extent) as a swim school.**
- **Application is made in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for a permanent departure for the relaxation of the following building lines on Erf 8249 George:**
 - **the northern street boundary building line from 5.0 metres to a distance varying from 1.097 metres to 1.613 metres to accommodate the existing swim school; and**
 - **the eastern side boundary building line from 5.0 metres to 4.208 metres to accommodate the existing swim school.**
- **Application is made in terms of Section 15(2)(b) of the By-law on Land Use Planning for George Municipality, 2023 for the relaxation of the number of motor vehicle carriageway crossings stipulated in Section 45(4)(a) of the George Integrated Zoning Scheme 2023, to allow for 2 carriageway crossings from School Street to the proposed parking bays on Erf 8249 George.**

PART G: ATTACHMENTS & SUPPORTING INFORMATION FOR LAND USE PLANNING APPLICATIONS

Please complete the following checklist and attach all the information relevant to the proposal. Failure to submit all information required will result in the application being deemed incomplete.

Is the following compulsory information attached?

Y	N	Completed application form	Y	N	Pre-application Checklist (where applicable)
Y	N	Power of Attorney / Owner's consent if applicant is not owner	Y	N	Bondholder's consent
Y	N	Motivation report / letter	Y	N	Proof of payment of fees

Y	N	Full copy of the Title Deed		Y	N	S.G. noting sheet extract / Erf diagram / General Plan	
Y	N	Locality Plan		Y	N	Site layout plan	
Minimum and additional requirements:							
Y	N	N/A	Conveyancer's Certificate	Y	N	N/A	Land Use Plan / Zoning plan
Y	N	N/A	Proposed Subdivision Plan (including street names and numbers)	Y	N	N/A	Phasing Plan
Y	N	N/A	Consolidation Plan	Y	N	N/A	Copy of original approval letter (if applicable)
Y	N	N/A	Site Development Plan	Y	N	N/A	Landscaping / Tree Plan
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes	Y	N	N/A	Required number of documentation copies
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes	Y	N	N/A	Other (specify)
PART H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION							
Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)		Y	N/A	Specific Environmental Management Act(s) (SEMA)	
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)		Y	N/A	(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),	
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Y	N/A	National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008),	
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		Y	N/A		

Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	N/A	Other (specify)
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. N/A				
Y	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of the Land-Use Planning By-law for George Municipality?				

SECTION I: DECLARATION

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. The Municipality has not already decided on the application.
3. I'm aware that it is an offense in terms of section 86(1)(d) to supply particulars, information or answers in an application, knowing it to be false, incorrect or misleading or not believing them to be correct.
4. I am properly authorized to make this application on behalf of the owner and (where applicable) copies of such full relevant Powers of Attorney/Consent are attached hereto.
5. I have been appointed to submit this application on behalf of the owner and it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to me as the authorised agent and the owner will regularly consult with the agent in this regard (where applicable).
6. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
7. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/amendment/suspension forms part of this submission.
8. I am aware of the status of the existing bulk services and infrastructure in the subject area and that I am liable for any possible development charges which may be payable as a result of the proposed development.
9. I acknowledge that in terms of the Protection of Personal Information Act (POPIA) all correspondence will be communicated directly and only to myself (the applicant). No information will be given to any third party and/or landowner (if the landowner is not the applicant). I herewith take responsibility to convey all correspondence to the relevant parties.

Applicant's signature:



Date:

28 April 2025

Full name:

Johannes George Vrolijk

Professional capacity:

Professional Town Planner

SACPLAN Reg. Nr:

A/1386/2010

**ANNEXURE "H" – SIGNED PRE APPLICATION CONSULTATION FORM DATED 2
DECEMBER 2024**

LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

PLEASE NOTE:

Pre-application consultation is an advisory session and is required prior to submission of an application for rezoning, consent use, temporary departure and subdivision. It does not in any way pre-empt the outcome of any future application which may be submitted to the Municipality.

PART A: PARTICULARS

Reference number: **Collab no. 3501226**

Purpose of consultation: **Application for consent use (place of instruction) and departure (building line relaxation)**

Brief proposal: **The purpose of the application is to legalize and existing swimming school on Erf 8249 George.**

Property(ies) description: **Erf 8249 George**

Date: **22 November 2024**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilane Huyser	George Municipality	0448019477	ihuyser@george.gov.za
Official	Robert Janse van Rensburg	George Municipality	0448019477	rhjansevanrensbrug@george.gov.za
Pre-applicant	Jan Vrolijk	Jan Vrolijk Town Planners	044 873 3011 082 464 7871	janvrolijk@jvtownplanner.co.za

Documentation provided for discussion:

(Include document reference, document/plan dates and plan numbers where possible and attach to this form)

- Title Deed
- Locality plan

- S G Diagram
- Site plan and building plan
- High Court Order

Has pre-application been undertaken for a Land Development application with the Department of Environmental Affairs & Development Planning (DEA&DP)?

(If so, please provide a copy of the minutes)

BACKGROUND

YES	NO
-----	----

An application in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2015 for a permanent departure for the relaxation of certain building lines on Erf 8249 George to accommodate an indoor swimming pool was approved during June 2016. The requisite building plan depicting the indoor swimming pool could, however, not be approved due to the non-compliance with other requirements pertaining to a “place of instruction” in the applicable Zoning Scheme.

In terms of a non-compliance notice dated 19 July 2016, the owner of the erf was informed that it was found that a swimming school (place of instruction) was being operated on the erf. As no record could be found of George Municipality granting approval for the land use, nor of the mentioned land use being indicated on approved building plans, the owner was instructed to submit the necessary land use applications for approval, or to cease the mentioned activity. A final notice in the above regard was issued on 14 September 2016. The necessity to submit a land use application in respect of the swimming school (place of instruction) on the application erf was confirmed during a meeting on 2 June 2023, in the presence of the Municipality’s attorneys (Messrs. Le Roux Lamprecht Inc.) between the owner and Municipal officials. The notices will be attached to the complete application.

As it was subsequently found that the unlawful use of the application erf had not been ceased, the High Court of South Africa (Eastern Circuit Local Division, Thembaletu), on 27 August 2024 ordered, *inter alia*, that the illegal use of Erf 8249 George as a place of instruction be ceased immediately, that the indoor swimming pool be removed and that an application to rectify the use of the erf for the purposes of a place of instruction (swimming school) be submitted to the Municipality before 11 November 2024. A copy of the Court Order, dated 27 August 2024, is attached hereto.

The owner has subsequently decided to submit all the required land use applications to legalize the land use on the application erf.

The application erf is zoned Single residential Zone I. In terms of this zoning, it is possible to apply for a Consent use for a “Place of Instruction” to accommodate the swimming school.

In terms of the land use parameters applicable to a “Place of Instruction”, a building line of 5.0 metres from all erf boundaries applies. The structure covering the indoor swimming pool is situated at a distance varying from 1.097 metres to 1.613 metres from the School Street boundary and 4.208 metres from the eastern side boundary of the erf. An application for a permanent departure from the northern street boundary, as well as from the eastern side boundary will thus also be necessary in respect of the swimming school.

DEVELOPMENT PROPOSAL

Erf 8249 George, which is situated between Union Street in the south and School Street in the north, was initially developed with a dwelling house, double garage and a storeroom, which is situated on the eastern side boundary. Access to the double garage is provided from Union Street to the south of the application erf.

The present owner added an enclosed swimming pool on the northern (School Street) side of the dwelling house, in a position indicated on the proposed site plan which is attached hereto. The enclosed swimming pool is used as a swimming school.

An on-site parking bay in respect of the swimming school has been provided in the north-eastern corner of the erf. Access to this parking bay is from School Street. This parking bay is separated from the garden of the erf by means of a wall.

The operating hours of the swimming school will be from 08:00 to 17:30 on Mondays to Fridays. The swimming school is closed over weekends and public holidays. A typical swimming session will take approximately 20 minutes with between 4 to 6 learners per session.

Erf 8249 George is zoned Single Residential Zone I. The owner of the erf (who is also the owner of the swimming school) resides on the erf. The George Integrated Zoning Scheme By-Law, 2023 provides for “home occupation”, which is described as the practicing of an occupation or the conducting of an enterprise by one or more occupants who reside on the property, provided that the dominant use of the property concerned must remain for the living accommodation of the occupants. The use of an erf for “home occupation” is subject to certain conditions.

The present swimming school conforms with most of the development parameters applicable to “home occupation.” The most notable deviation is in respect of the total area used for the “home occupation” activity, as the area of the building used for the swimming school activities is 113m², which is more than the maximum area allowed, namely 60m². In this regard, it should be considered that the extent of this building is dictated by the extent of the swimming pool it must cover, and not by the number of swimmers to be accommodated simultaneously. The swimming school currently has 3 trainers who work different shifts with a maximum of 4 to 6 learners per trainer per shift. As the swimming school building is larger than 60m² and can accommodate more than 4 to 6 learners it can, therefore, not be construed as a “home occupation”. Application will have to be made for a Consent Use for a “Place of Instruction” to accommodate the swimming school.

The attached site plan and building plan indicates the site layout of the swimming school on the application erf. The extent to which the building lines are exceeded, as well as the parking bays and the access are also indicated on the attached site plan and building plan.

The existing building which accommodates the swimming school transgresses the 5.0 metres building line applicable to the northern street and eastern side boundary building lines in respect of a Place of Instruction. Application will have to be made for a permanent departure to relax the street and eastern side boundary building lines to accommodate the swimming school.

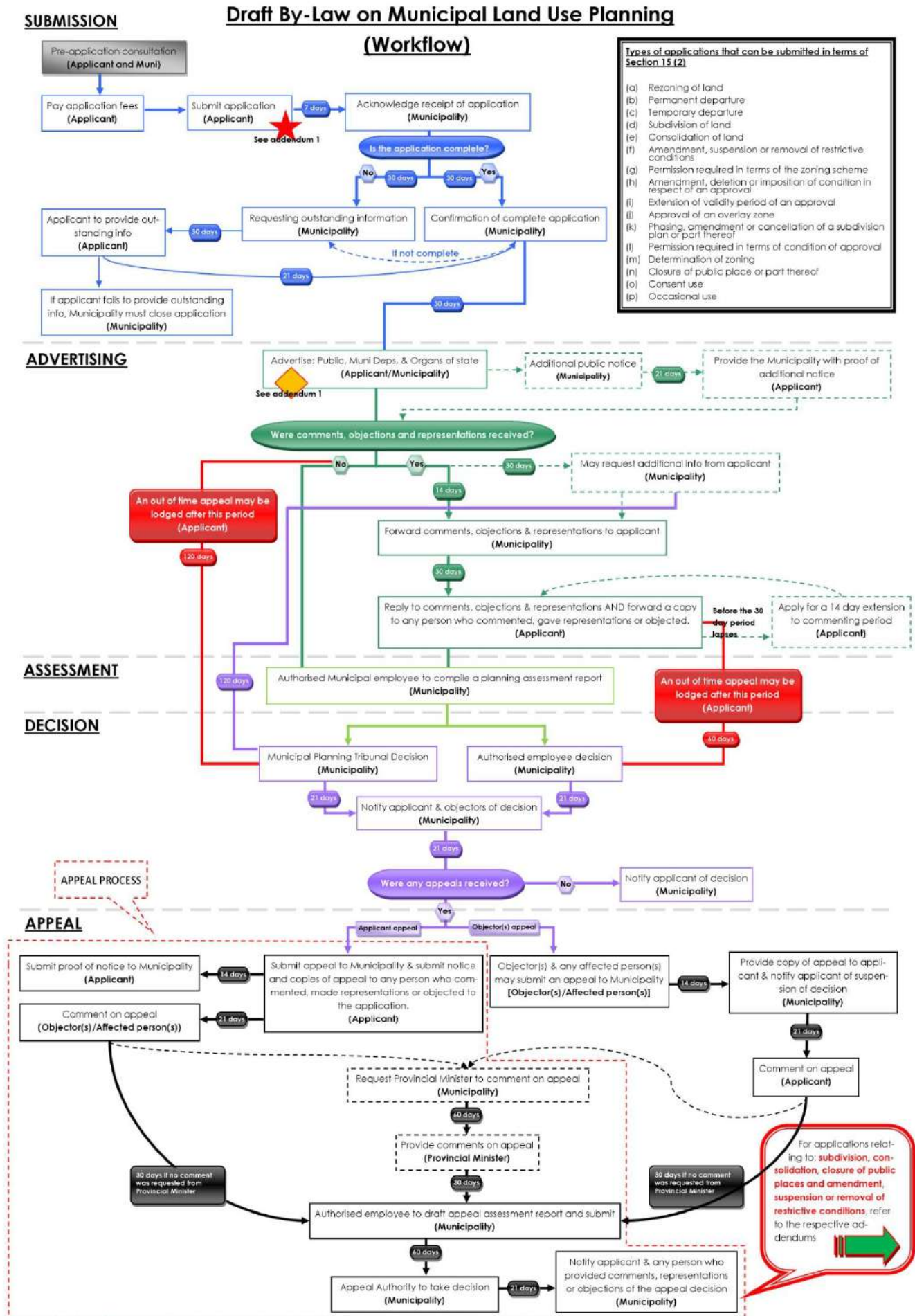
The purpose of the application will be to obtain approval for the consent use and permanent departure to enable the submission of building plans to accommodate the existing swimming school (place of instruction).

APPLICATION

- An application will have to be submitted in terms of Section 15(2)(o) of the Land Use Planning By-Law for the George Municipality, 2023 for a consent use for a “*Place of Instruction*” on Erf 8249 George to accommodate the use of the existing indoor swimming pool as a swimming school.
- An application will have to be submitted in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for a permanent departure for the relaxation of the following building lines on Erf 8249 George:
 - the northern street boundary building line (School Street) from 5.0 metres to a distance varying from 1.097 metres to 1.613 metres to accommodate the existing swimming school; and
 - the eastern side boundary building line from 5 0 metres to 4.208 metres to accommodate the existing swimming school.

PART B: APPLICATION PROCESS

(WILL FULLY APPLY ONLY ONCE LUPA REGULATIONS ARE IN FORCE)



PART C: QUESTIONNAIRES**SECTION A:****DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND ADVERTISEMENT PROCEDURES**

Tick if relevant		What land use planning applications are required?	Application fees payable
	2(a)	a rezoning of land;	R
x	2(b)	a permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme;	R
	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(l)	a permission required in terms of a condition of approval;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
x	2(o)	a consent use contemplated in the zoning scheme;	R
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a home owner's association;	R
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	R
Tick if relevant		What prescribed notice and advertisement procedures will be required?	Advertising fees payable
Y	N	Serving of notices (i.e. registered letters etc.)	R
Y	N	Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.)	R

Y	N	Additional publication of notices (i.e. Site notice, public meeting, local radio, website, letters of consent etc.)	R
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE* (VAT excluded):			To be confirmed

PLEASE NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application and/or yearly application fee increase.

SECTION B:

PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?			X	To be determined
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)]			X	Conveyancer certificate to confirm
Any other Municipal by-law that may be relevant to application? (If yes, specify)			X	
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? George Integrated Zoning Scheme By-law, 2023 What is the current zoning of the property? Single Residential Zone I What is the proposed zoning of the property? Single Residential Zone I Does the proposal fall within the provisions/parameters of the zoning scheme? Yes Are additional applications required to deviate from the zoning scheme? (if yes, specify) Yes – Building line relaxation				

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
--	------------	-----------	-------------------------	----------------

Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?	X		N/a	N/a
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?		X	N/a	N/a

SECTION C:

CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		X		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		X		National Department of Agriculture
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		X		Western Cape Provincial Department of Environmental Affairs & Development Planning (DEA&DP)
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) / National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA) (strikethrough irrelevant)		X		National Department of Environmental Affairs (DEA) & DEA&DP
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		X		National Department of Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?		X		South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		X		National Department of Transport / South

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		X		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		X		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		X		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		X		Transnet
Is the property subject to a land / restitution claims?		X		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?		X		SANParks / CapeNature
Will the proposal require comments from DEFF?		X		Department of Environment, Forestry and Fishery
Is the property subject to any existing mineral rights?		X		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on? (strikethrough irrelevant)		X		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

SECTION D:

SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	TO BE DETERMINED	OBTAIN COMMENT FROM: (list internal department)
Electricity supply:			X	Directorate: Electro-technical Services

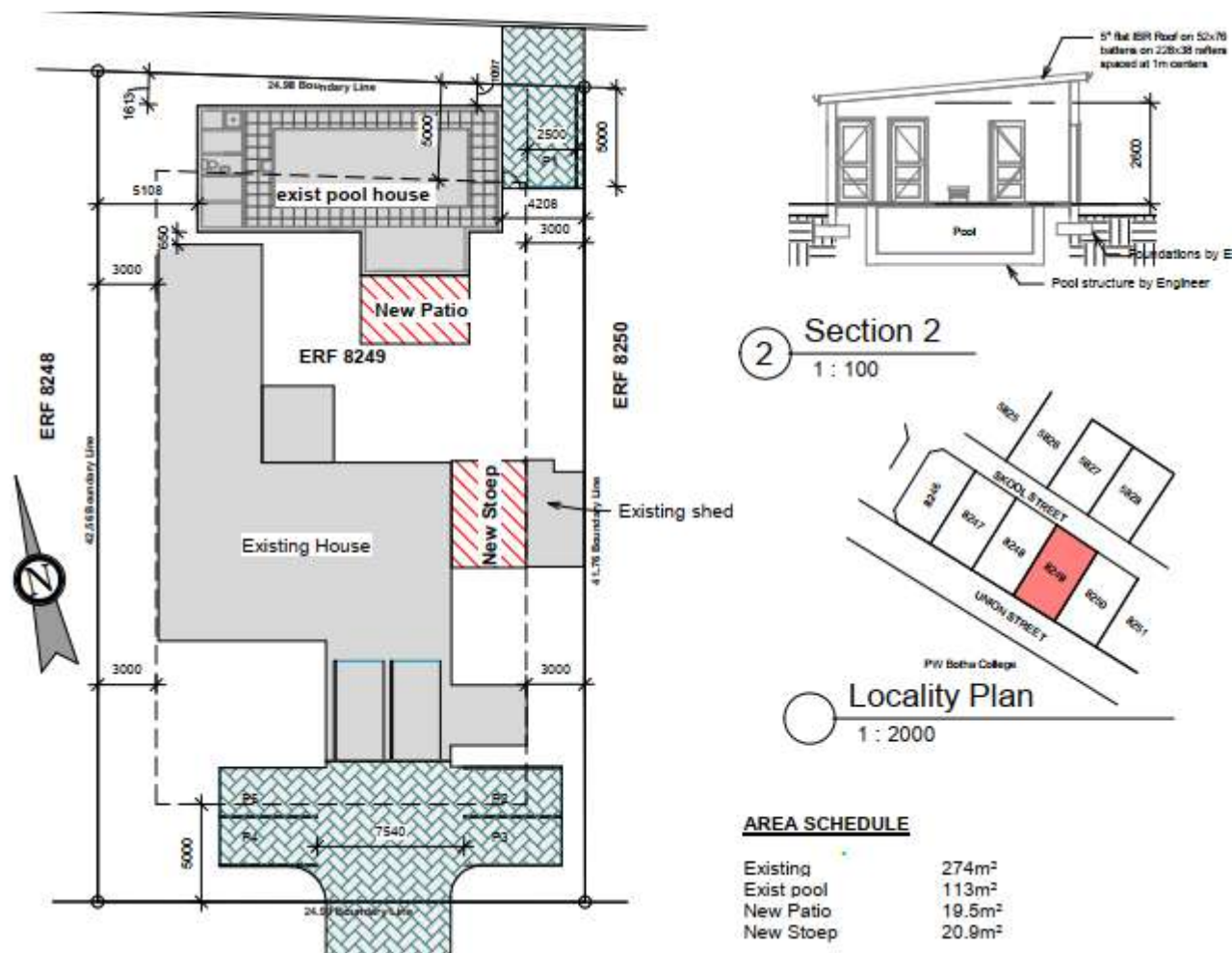
Water supply:			X	Directorate: Civil Engineering Services
Sewerage and waste water:			X	Directorate: Civil Engineering Services
Stormwater:			X	Directorate: Civil Engineering Services
Road network:			X	Directorate: Civil Engineering Services
Telecommunication services:			X	
Other services required? Please specify.			X	
Development charges:			X	

PART D: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF THE APPLICATION

COMPULSORY INFORMATION REQUIRED:					
Y	N	Power of Attorney / Owner's consent if applicant is not owner (if applicable)	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Motivation report / letter	Y	N	Full copy of the Title Deed
Y	N	Locality Plan	Y	N	Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent
MINIMUM AND ADDITIONAL REQUIREMENTS:					
Y	N	Site Development Plan	Y	N	Conveyancer's Certificate
Y	N	Land Use Plan	Y	N	Proposed Zoning plan
Y	N	Phasing Plan	Y	N	Consolidation Plan
Y	N	Abutting owner's consent	Y	N	Landscaping / Tree Plan
Y	N	Proposed Subdivision Plan (including street names and numbers)	Y	N	Copy of original approval letter
Y	N	Services Report or indication of all municipal services / registered servitudes	Y	N	Home Owners' Association consent
Y	N	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)	Y	N	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	Other (specify)	Y	N	Required number of documentation copies

PART E: DISCUSSION

The pre application meeting dated 27 November 2024 refers. The proposed plan represented at the meeting is illustrated below:



Town Planning

- Need to address compliance with MSDF, LSDF, SPLUMA, Zoning Scheme etc.
- Parking requirements calculated as Place of instruction plus that of Dwelling House. To be shown and illustrated on plan.
- Need to take cognizance of the development parameters as per the zoning scheme.
- TIA (with drop and Go Facility) may be required from CES.

CES

- **Access:**
 - Access to the property is restricted to School Street
 - Access is permitted, as per the George Integrated Zoning Scheme (GISZ) 2023 regulations.
- **Parking:**
 - All parking must be provided on-site, in accordance with the parking requirements specified in the GISZ 2023 parking tables. (Note PT1 ratios can be applied for)

- A TIA/TIS may be required to address traffic related matters parking and drop and go facilities which needs to be provided.
- No parking is allowed within the road reserve, and the owner may be held liable for any costs associated with preventing parking in the road reserve.

- **Water & Sewer:**

- Water and sewer services are available, but they are subject to confirmation of capacity through a service capacity confirmation. **DC:** Normal Development Charges (DCs) will apply in accordance with the DC policy and the Town Planning By-law

- **Stormwater:** The developer must comply with the relevant Stormwater By-law.

ETS

- To confirm with ETS.

PART F: SUMMARY / WAY FORWARD

Refer to comments in section E.

OFFICIAL: **Robert Janse van Rensburg**

Town Planner

PRE-APPLICANT: **Johannes George Vrolijk**

(FULL NAME)

SIGNED: _____



SIGNED: _____



DATE: _____ **02 December 2024** _____

DATE: **22 November 2024**

OFFICIAL: **Ilané Huyser**

(Senior Town Planner)

SIGNED: _____



DATE: _____ **04.12.2024** _____

**Please note that the above comments are subject to the documents and information available to us at the time of the pre-application meeting and we reserve our rights to elaborate on this matter further and/or request more information/documents should it deemed necessary.*

ANNEXURE "I" - LOCALITY PLAN



George Municipality will not be liable for any claims whatsoever, whether for damages or otherwise, which may arise as a result of inaccuracies in the information supplied.



Scale: 1:1,341

ANNEXURE “J” – SURVEYOR GENERAL DIAGRAM

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System Lo 23° X		S.G. No.
		Constant			5565/78
AB	25,01	303.34.50	A	+ 50 927,23	+ 60 433,97
BC	41,80	31.48.10	B	+ 50 906,39	+ 60 447,80
CD	25,00	121.48.10	C	+ 50 928,42	+ 60 483,33
DA	42,58	211.48.10	D	+ 50 949,66	+ 60 470,15
		Δ Geo 9		+ 50 788,27	+ 55 472,47
		Δ Oud 7		+ 56 603,60	+ 51 940,04

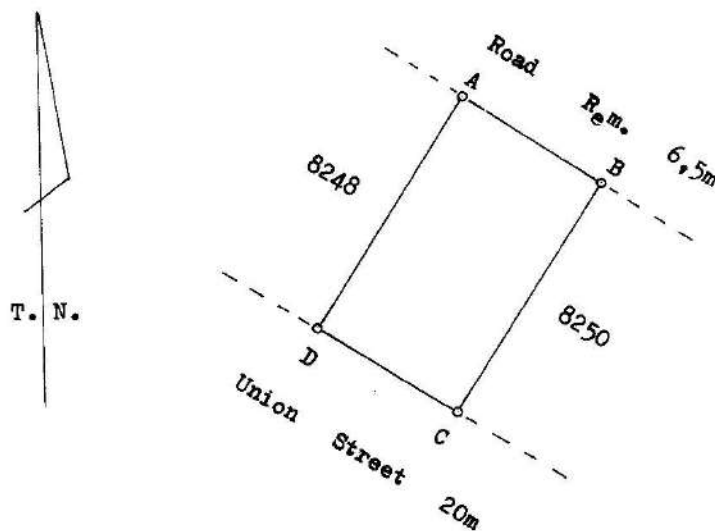
Approved

[Signature]
Surveyor-General

09 JAN 1979

Beacons

All beacons are 16mm iron pegs



Scale: 1 : 1 000

The figure A. B. C. D.
represents 1 055 square metres of land, being
Erf 8249 (portion of Erf 8244) George
situate in the Municipality and
Administrative District of George Province of Cape of Good Hope.
Surveyed in August 1978.
by me, *[Signature]* Land Surveyor

This diagram is annexed to <i>D/T</i> No. 22337/80 dated i.f.o.	The original diagram is No. 5560/1978 annexed to Transfer/Grant No. 1979-44-22003	File No. S.8775/70 S.R. No. E.1333/78 Comp. BL-7DD/X34 (1750).
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Registrar of Deeds

8249

ANNEXURE "K" - TITLE DEED

179

Haycock Attorneys
7 Cathedral Square
Cathedral Street
P O Box 879
George
6530

Prepared by me

[Signature]
CONVEYANCER
JACOBUS ALBERTUS VAN ZYL

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R. 1260 000,00	R. 950,00
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt from section 12C of the Deeds Registries Act, 1937	

VERBOD		MORTGAGED	
R. 656 037,00			
000017224 / 2020		06 OCT 2020	

T 000015930 / 2016

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at GEORGE on 15 JANUARY 2016 granted to him by

ANTHONY PHILIP KELLY THOMPSON
Identity Number 600514 5261 080
Married out of community of property

FOR FURTHER ENDORSEMENT
VIA REMOTE COMMUNICATION

5

DATA / VERIFY
08 APR 2016
NGONGWANA PENELOPE

DATA / CAPTURE
4 - APR 2016
GONCALVES BELINDA

ENDOSSEMENT KRAFTENS ART. 68 (1) VAN WET 47 VAN 1937	ENDORSEMENT BY VENDOR OF SECT. 60 (1) OF ACT 47 OF 1937
PERSONELE DIENSTUIT IN COB- DAWON ON PAGE ENDORSEMENT GEDATUM VAT VERVAL.	THE PERSONAL SERVICE IN COB- DAWON ON PAGE ENDORSEMENT DATED VAT VERVAL.
BC	

The marital status of the free

GEVOED KRAFTENS ART. 4 (1) VAN WET 47 VAN 1937
AMENDED BY SECTION 4 (1) OF ACT 47 OF 1937 TO READ:

Unmarried.

BC 000028318 / 2020

06 OCT 2020

And the appearer declared that his said principal had, on 6 November 2015, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

MELANIE DE KOCK
Identity Number 800917 0077 088
Married out of community of property

her Heirs, Executors, Administrators or Assigns, in full and free property

**ERF 8249 GEORGE, IN THE MUNICIPALITY AND DIVISION OF GEORGE
PROVINCE OF THE WESTERN CAPE**

IN EXTENT 1055 (ONE THOUSAND AND FIFTY FIVE) Square metres

**FIRST TRANSFERRED by Deed of Transfer Number T22337/1980 with
General Plan SG Number 505/1978 relating thereto and held by Deed of
Transfer Number T98973/2006**

- A. SUBJECT to the conditions referred to in Deed of Grant dated 15 June 1922 (George Quitrents Volume 15 number 15);
- B. SUBJECT FURTHER to the following conditions contained in Deed of Grant dated 15 June 1922 (George Quitrent Volume 15 number 15), namely:-
- "(2) That all existing roads and thoroughfares shall remain free and uninterrupted and that the Government or other competent authority shall have the right when necessary at any time to make further roads over the land in question.
- (3) NOT SUBJECT to condition B. (3) on page 3 of Deed of Transfer Number T98973/2006 by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003."
- C. ENTITLED to the provisions of a servitude referred to in the following endorsement dated 29 December 1938 contained in Deed of Grant dated 15 June 1922 (George Quitrents Volume 15 Number 15) which endorsement reads as follows:



"By Deed of Transfer No 13615 dated 29.12.1938 the owner and his successors in title of the property thereby conveyed is prohibited from carrying on any trade or business other than that of saw mill, grist mill and certain manufactures connected with a timber factory, as will more fully appear on reference to the said Deed of Transfer."

- D. SUBJECT FURTHER to the provisions of a servitude referred to in endorsement dated 7 June 1977 contained in Deed of Grant dated 15 June 1922 (George Quitrents Volume 15 number 15):

"Registration of servitude

The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No W10/76) dated 5-6-1977 as will more fully appear on reference to the copy of the said Order filed as K493/77S".

- E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T22337/1981 imposed by the George Municipality with the sale of the property, namely:

(a) Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteits-, telefoon- of televisiekabels, of -drade en hoë en/of ander waterpype en die rioolvuil van dreinerings, insluitend stormwater van enige ander erf of erwe, binne of buite hierdie dorp, oor hierdie erf gevoer word indien dit deur die plaaslike of ander statutêre owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelijkerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.

(b) Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat af na vereis word, sodat die volle breedte van die straat soos finaal aangee en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.

WHEREFORE the said Appearer, renouncing all right and title which the said

ANTHONY PHILIP KELLY THOMPSON, Married as aforesaid

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

MELANIE DE KOCK, Married as aforesaid

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 240 000,00 (ONE MILLION TWO HUNDRED AND FORTY THOUSAND RAND).

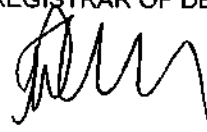
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

18 March 2016

In my presence

REGISTRAR OF DEEDS



q.q.



ANNEXURE "L" - POWER OF ATTORNEY

POWER OF ATTORNEY

I, the undersigned

Melanie de Kock

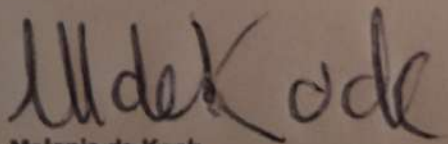
in my capacity as the registered owner of

Erf 8249 George

do hereby appoint Jan Vrolijk Town Planner/Stadsbeplanner to prepare, sign and submit the following applications to the George Municipality:

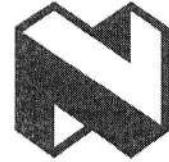
- An application in terms of Section 15(2)(o) of the Land Use Planning By-Law for the George Municipality, 2023 for a consent use for a *"Place of Instruction"* on Erf 8249 George to accommodate the use of a portion of an existing building (120m² in extent) as a swim school.
- An application in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for a permanent departure for the relaxation of the following building lines on Erf 8249 George:
 - the northern street boundary building line from 5.0 metres to a distance varying from 1.097 metres to 1.613 metres to accommodate the existing swim school; and
 - the eastern side boundary building line from 5.0 metres to 4.208 metres to accommodate the existing swim school.

Signed at George on 4 November 2024.



Melanie de Kock

ANNEXURE "M" - CONSENT OF BONDHOLDER



Miss M de Kock
Email: BUBBLESLEARN2SWIM@GMAIL.COM

31 July 2024

Your ref: M de Kock

Our ref: Theona Hilder

Dear Sir/Madam

HOME LOAN IN THE NAME OF : Miss M de Kock
ACCOUNT NUMBER : 8004275643801
SECURITY DESCRIPTION : Erf 8249 George South

We refer to your request dated 15 July 2024 and advise as follows:

We have no objection to the relaxation of the building line on the abovementioned property, subject to:-

- Local municipality approval
- All building work must be done by a recognised builder registered with the NHBRC
- Client needs to contact Nedbank Group Insurance on 0860 333 111 to update insurance on the property.

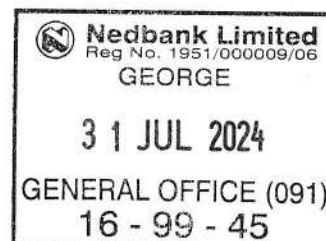
If you have any further questions regarding this matter, kindly contact Theona Hilder on 010 234 7719.

Yours faithfully

T. Hilder

THEONA HILDER
Administrator
Administrations
Gauteng Home Loans

cc



Home Loans | Gauteng

16 Constantia Boulevard Constantia Kloof Roodepoort 1709 PO Box 1144 Johannesburg 2000 South Africa
T 0860 555 111 F 011 495 9161

Directors: AD Mminele (Chairperson) JP Quinn (Chief Executive) HR Brody (Lead Independent Director) BA Dames MH Davis (Chief Financial Officer) NP Dongwana Dr MA Hermanus EM Kruger
P Langeni RAG Leith L Makalima MC Nkuhlu (Chief Operating Officer) Dr TM Nombembe S Subramoney
Company Secretary: J Katzin 15.07.2024.

www.nedbank.co.za

NEDBANK

ANNEXURE "N" - CONVEYANCER CERTIFICATE

CONVEYANCER'S CERTIFICATE

IN TERMS OF SECTION 38(1)(n) OF THE GEORGE MUNICIPALITY: LAND USE PLANNING BY LAW, 2023

ERF 8249 GEORGE

APPLICATION DETAILS

- An application in terms of Section 15(2)(o) of the Land Use Planning By-Law for the George Municipality, 2023 for a consent use for a "*Place of Instruction*" on Erf 8249 George to accommodate the use of a portion of an existing building (120m² in extent) as a swim school.
- An application in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for a permanent departure for the relaxation of the following building lines on Erf 8249 George:
 - the northern street boundary building line from 5.0 metres to a distance varying from 1.097 metres to 1.613 metres to accommodate the existing swim school; and
 - the eastern side boundary building line from 5.0 metres to 4.208 metres to accommodate the existing swim school.

APPLICATION DATE

November 2024

I, the undersigned

ANDALEEN CHIMES a duly qualified and admitted Conveyancer, practicing at A Chimes & Van Wyk Attorneys, Cathedral Street, George do hereby certify as follows:

1. I have perused the following title Deed/s and conducted a search behind the pivot of the said title deed/s at the Deeds Office, Cape Town:

T15930/2016 (current Title Deed)

in respect of:

**ERF 8249 GEORGE
IN THE MUNICIPALITY AND DIVISION OF GEORGE
WESTERN CAPE PROVINCE**

IN EXTENT: 1 055 (ONE ZERO FIVE FIVE) SQUARE METRES

HELD BY DEED OF TRANSFER NUMBER T15930/2016

REGISTERED in the name of

MELANIE DE KOCK

2. I have appraised myself with the details of the abovementioned Land Development Application.

3. The abovementioned Title Deed contains the following condition

“C ENTITLED to the provisions of a servitude referred to in the following endorsement dated 29 December 1938 contained in Deed of Grant dated 15 June 1922 (George Quitrents Volume 15 Number 15) which endorsement reads as follows:

By Deed of Transfer No 13615 dated 29.12.1938 the owner and his successors in title of the property thereby conveyed is prohibited from carrying on any trade or business other than that of saw mill, grist mill and certain manufactures connected with a timber factory, as will more fully appear on reference to the said Deed of Transfer.”

4. There is a bond registered over the property.

SIGNED at GEORGE on 4 November 2024



CONVEYANCER