AGENDA

SOUTH CAPE JOINT MUNICIPAL PLANNING TRIBUNAL – GEORGE MUNICIPALITY
SUID-KAAP GEMEENSKAPLIKE MUNISIPALE BEPLANNINGSTRIBUNAAL – GEORGE MUNISIPALITEIT

Office of the Municipal Manager:
Civic Centre
GEORGE
6530

Kantoor van die Munisipale Bestuurder:
Burgersentrum
GEORGE
6530

Date/Datum: 05 November 2026

TO: All members of the Southern Cape Joint Municipal Planning Tribunal
AAN: Alle lede van die Suid-Kaap Gemeenskaplike Munisipale Beplanningstribunaal

Presiding Officer / Voorsittende Beampte:	Jaco Roux
Panel Members / Paneellede:	Evan Jacobs Jaco Eastes Garron Campbell Riaan Thomson
Alternative members / Alternatiewe lede:	Gilbert Cairncross Paul Louw

Notice is given that a meeting of the Southern Cape Joint Municipal Planning Tribunal – George Municipality will be held in George via Microsoft Teams on Tuesday, 24 November 2026 at 10:00.	Kennis geskied dat 'n vergadering van die Suid-Kaap Gemeenskaplike Munisipale Beplanningstribunaal – George Munisipaliteit gehou sal word in George op Microsoft Teams op Dinsdag, 24 November 2026 om 10:00.

JACO ROUX
Chairperson / Voorsitter

ITEM	AGENDA	
1	OPENING OF MEETING	
2	CONFIRMATION OF REQUIREMENTS	
3	DETERMINATION OF VESTED RIGHTS	
4	DECLARATION OF CONSTITUTED MEETING	
5	APPLICATION FOR CONVENER/ORAL HEARING/ADDITIONAL ITEMS	
6	ITEMS FOR DISCUSSION	

6. ITEMS FOR DISCUSSION

ITEM	AGENDA	PAGES
6.1	APPLICATION FOR PERMANENT DEPARTURE APPLICABLE TO ERF 7952, PACALTSDORP	3 – 54

6.1 APPLICATION FOR PERMANENT DEPARTURE APPLICABLE TO ERF 7952, PACALTSDORP

LAND USE PLANNING REPORT					
APPLICATION FOR PERMANENT DEPARTURE APPLICABLE TO ERF 7952, PACALTSDORP					
Reference number	# 3775496	Application submission date	2025-07-27	Date report finalized.	2026-10-14

PART A: AUTHOR DETAILS						
First name(s)	Khuliso					
Surname	Mukhovha					
Job title	Town Planner					
SACPLAN registration number	A/2119/2015					
Directorate/ Department	Planning and Development					
Contact details	044 801 9447					
PART B: APPLICANT DETAILS						
First name(s)	Seretse					
Surname	Mthembu					
Company name	Daimcon Personnel CC					
SACPLAN registration number	Not provided.		Is the applicant authorized to submit this application?		**Y**	N
Registered owner(s)	George Municipality					
PART C: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	• Erf 7952, Pacaltsdorp					
Physical address	6 Genesis Road, Rosedale		Town/City	Pacaltsdorp		
Current zoning	Community Zone I.	Extent (**m²**/ha)	1933m².	Are there existing buildings on the property?	**Y**	N
Applicable Zoning Scheme	George Integrated Zoning Scheme By-law, 2023 (hereafter also referred to as "**Zoning Scheme**")					

Legislation and Spatial Plans	• Spatial Planning and Land Use Management Act, 2013 (hereafter also referred to as "**SPLUMA**") • Western Cape Land Use Planning Act, 2014 (hereafter also referred to "**LUPA**") • Land Use Planning By-law for George Municipality, 2023 (hereafter also referred to as "**Planning By-law**") • George Municipal Spatial Development Framework, 2023 (hereafter also referred to as "**MSDF**")					
Current Land Use	Place of instruction.			Title Deed number and date	T25488/2010	
Any restrictive title conditions applicable?	Y	N	If yes, list condition number(s)	• N/A		
Any third-party conditions applicable?	Y	**N**	If yes, specify	• N/A		
Any unauthorised land use/building work?	**Y**	N	If yes, explain	• Building 1 – 4, 21, 9 – 11 and 20 which encroaches building lines.		

PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)						
Has pre-application consultation been undertaken?	Y	**N**	• N/A			
Reference Number	N/A	Date of consultation	N/A	Official's name	N/A	

PART E: LIST OF APPLICATIONS (TICK APPLICABLE)							
a. Rezoning		**b. Permanent departure**	**x**	c. Temporary departure		d. Subdivision	
e. Consolidation		f. Amendment, suspension, or deletion of restrictive conditions		g. Permissions required in terms of the zoning scheme		h. Amendment, deletion, or additional conditions in respect of existing approval	
i. Extension of validity period		j. Approval of an overlay zone		k. Phasing, amendment, or cancellation of subdivision plan		l. Permissions required in terms of conditions of approval	
m. Determination of zoning		n. Closure of public place		o. Consent use		p. Disestablish an owner's association	
q. Rectify breach of Homeowner's Association		r. Reconstruct building of non-conforming use		Other			

PART F: APPLICATION DESCRIPTION

Consideration of the following applications applicable to Erf 7952, Pacaltsdorp:

1. **Permanent Departure** in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for relaxation of the following building lines applicable to Erf 7952, Pacaltsdorp:

(a) Relaxation of street boundary building line from 5.0m to 1.835m for existing two toilets (building 20 on site plan).
(b) Relaxation of the northern side boundary building line from 5.0m to 0.0m for existing store (building 21 on site plan).
(c) Relaxation of northern side boundary building line from 5.0m to 1.057m for existing playroom (building 1 on site plan).
(d) Relaxation of the eastern rear boundary building line from 5.0m to 0.995m for existing classrooms (building 9, 10 and 11 on site plan).

2. **Permanent Departure** in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for relaxation of parking requirement from 12 bays to four (4) bays applicable to Erf 7952, Pacaltsdorp.

PART G: LOCATION

The subject property is located along Genesis Street, Rosedale in Pacaltsdorp just few meters off Moriah Street. 1 below indicates the locality and cadastral context of the subject property.



Figure 1: Location and aerial cadastral boundary of the subject property in Pacaltsdorp

PART H: BACKGROUND AND HISTORY

- Erf 7952, Pacaltsdorp is owned by George Municipality. The property was previously leased to Mrs. Nolindela Bityashe-Thembiso and Mr. Lindell Botha for a period of three (3) years, commencing on 01 October 2017 and ending on 31 September 2020.
- According to the applicant, it is assumed that the lease agreement remains valid on a month-to-month basis until such time as it is formally renewed or terminated.
- The Directorate enquired with the Directorate: Community Services, which is the custodian of the subject property, regarding the status of the lease agreement. It was established that the item relating to the subject lease was presented to Council but was referred back for clarification.
- The item will be presented at the next Section 80 Committee meeting.
- Notwithstanding the above, the Director: Corporate Services has signed the Power of Attorney authorising Daimcom Personnel CC to act on behalf of the Municipality.
- It should be noted that municipal public facilities were previously managed by the Directorate: Corporate Services.
- During the course of initial lease agreement, the lessees to continues to improve the property without acquiring necessary approvals from the municipality. It is now the intension of the lessees to regularise existing structures that encroaches building lines as applied for.

PART I: SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation report can be summarised as follows:

Note: The text in italic did not form part of the applicant's memorandum(s) and is merely for explanation or commenting purposes by the author. The applicant's motivation report is comprehensive. However, only relevant facts will be included on this report. Applicant's motivation report is attached Annexure C should the reader require further information.

DEVELOPMENT PROPOSAL

It is the intention of the lessees to regularise the existing structures on Erf 7952, Pacaltsdorp. The property is currently used as an early childhood development centre for approximately 120 children. It is developed with one (1) playroom, eight (8) daycare rooms, one (1) kitchen, one (1) storage and eight (8) toilets. The property is also occasionally used as a meeting venue and as a soup kitchen. The following images illustrate the site plan and all existing structures on the property.

Surrounding properties are predominantly used for residential purposes except for the two properties located southwards of the property. These are being used as a substation and a shop.

A deeds search was undertaken by the applicant and there is no title deed copy. Consequently, a deeds search is attached in lieu of an actual title deed. There are no known title deed restrictions that have a bearing on the current proposal. Consequently, no title deed restrictions are proposed to be removed or suspended and part of this application.

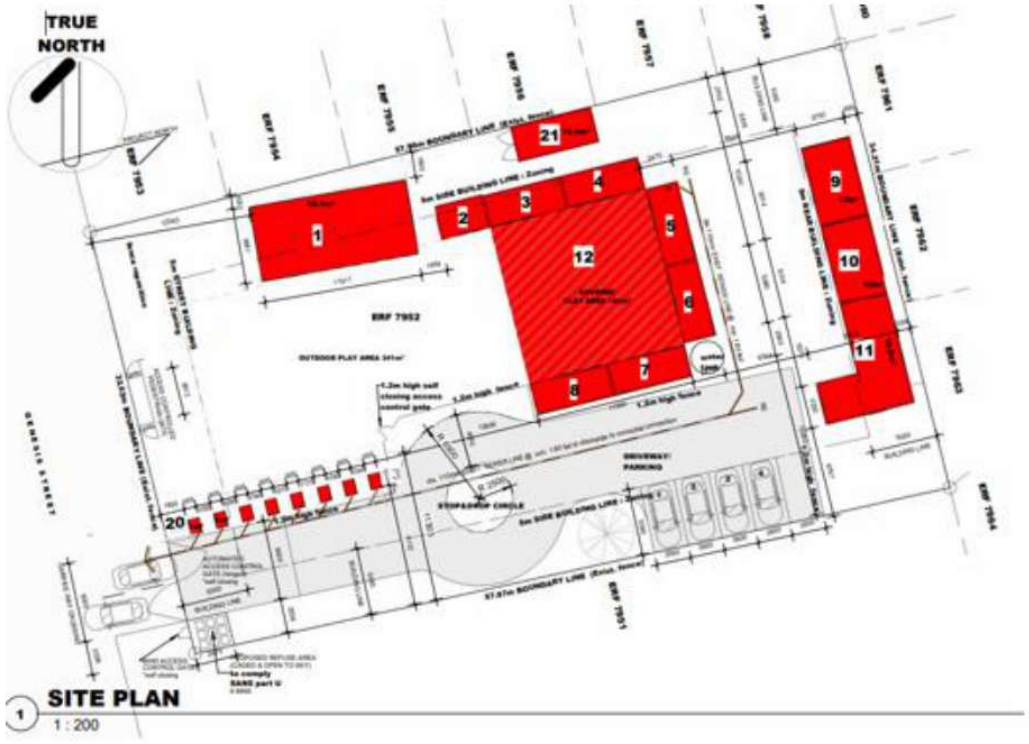


Figure 2: Site plan for existing structures on Erf 7952, Pacaltsdorp

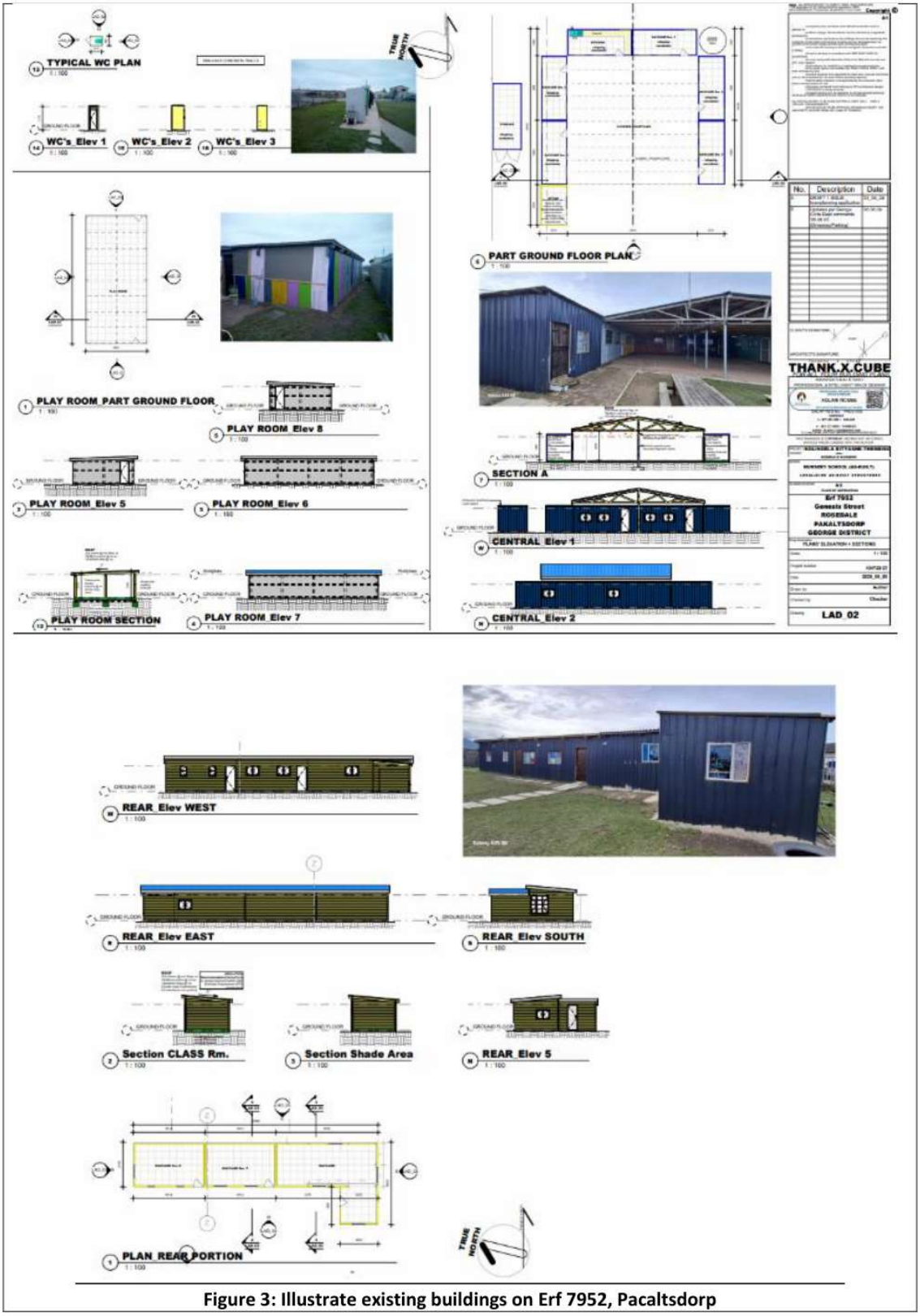


Figure 3: Illustrate existing buildings on Erf 7952, Pacaltsdorp

Public Interest
The structures encroaching the building lines have been in existence since 2022, and no complaints have since been registered from affected community members citing their existence. All surrounding property owners have been approached for comment and none of them voiced any objections relating to the structures in question. Any other potential concerns by members of the public are to be dealt with as and when received.

The potential impact on services
As indicated on the site development plan, no services are impacted on by the as-built and new structures. Adequate capacity exists within the existing infrastructure to handle the daily activities of the existing creche.

Vehicular access and parking
Access to the property is to be obtained from Genesis Street along which the stop-and-drop facility is located. The stop-and-drop facility, though it is barely used, is already in place informally and is to be formalised in line with whatever conditions the municipality may impose. Provision has been made of six (6) on-site parking bays as per the zoning scheme by-law parameters. It is our view that there is adequate access and parking provision on site to warrant unanimous support for the current proposal.

Conclusion
It is submitted that the proposal is consistent with the applicable development principles set out in Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), as well as the spatial strategies contained in the George Spatial Development Framework, 2023. Accordingly, the applicant contends that the proposed building line relaxation in respect of the proposed and as-built structures is desirable and in the public interest and therefore warrants the favourable consideration of the Local Authority.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	**N**	N/A	N/A	N/A
Gazette	Y	**N**	N/A	N/A	N/A
Notices	Y	**N**	N/A	27 October 2026 (Neighbour's Consent received)	10 January 2026
Website	**Y**	N	N/A	N/A	N/A
Ward councillor	**Y**	N	N/A	10 February 2026	09 March 2026
On-site display	**Y**	N	N/A	N/A	N/A
Community organisation(s)	Y	**N**	N/A	N/A	N/A
Public meeting	Y	**N**	N/A	N/A	N/A
Third parties	Y	**N**	N/A	N/A	N/A
Other	Y	N	If yes, specify	N/A		

Total valid objections	N/A	Total invalid objections and petitions	N/A

Valid petition(s)	Y	**N**	If yes, number of signatures					
Community organisation(s) response	Y	**N**	N/A	Ward councillor response		Y	**N**	N/A
Total letters of support	None							

Was the minimum requirement for public participation undertaken in accordance with relevant By-law on Municipal Land Use Planning By-law and any applicable Council Policy	**Y**	N

CONDONATION

The applicant submitted an amendment in terms of Section 52 of the Planning By-law to include a Departure from the applicable parking requirements. The amendment is considered immaterial, as the proposed site development plan remains unchanged. The amendment is therefore regarded as an administrative exercise, particularly given that all relevant internal Directorates, including Civil Engineering Services, have supported the proposal.

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

Public Participation was followed as per the Land Use Planning By-Law for George Municipality, 2023. All adjoining property owners were notified and signed Neighbour's Consents were received. An email was also sent to Ward Councillor, Department of Social Development and Department of Education. No objections were received.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

Not applicable.

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE

Name of Department	Date	Summary of comments	Recommendation
Civil Engineering Services (Planning)	04 November 2025	• In order, see attached comments (Annexure B).	N/A
Civil Engineering Services (Traffic)	21 October 2025 & 10 June 2026	• Not Supported, it seems Dir: CES was never consulted when the Municipality constructed the initial creche facilities; • CES cannot support the SDP in its current form as it does not comply with key Bylaw requirements; the current drop-and-go area is on-street, which raises serious concerns from a traffic and safety perspective; • Should approval be given the on-site parking must be separated from the creche area by a fence and pedestrian gate for the safety of the children (21/10/2025). • In order (10/06/2026).	N/A
Electro-technical Services	06 October 2025	• Building line relaxation is in order.	N/A
Spatial Planning	07 October 2025	• In order, no objection on the proposed departure applications.	N/A

Building Control	07 October 2025	• Building plan to be submitted in terms of Section 4 of the National Building Regulations and Building Standards Act, 103 of 1977, for the development. • Building plans to comply with SANS 10400 and any other applicable legislation. • No construction may be commenced until such time as a building plan has been approved. • The property may only be used for the intended purpose once a Certificate of Occupation has been issued. • Further comments will be provided on submission of building plans. • Additional building plan application fees, calculated in terms of the approved tariffs, will be applicable should structures already be commenced with or completed without the approval of the Local Authority.	N/A
Fire	04 October 2025	• In order.	
Waste	09 October 2025	• In order. • Must comply with Refuse Collection Policy, must make sure 240L Wheelie Bins is supplied for Refuse, they must take into consideration the type of waste they will produce, Refuse collection will be done in accordance of the normal refuse schedule for Businesses/ Creches. • Waste Office must be informed when the creche/school opens.	

PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)		
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA? (can be elaborated further below)	**Y**	N
Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)	**Y**	N

Application history

- The initial application did not include an application for a departure from the applicable parking requirements. This application was submitted during the evaluation stage in terms of Section 52 of the Planning By-law.
- It should be noted that all internal Directorates supported the proposed site development plan, which incorporated a reduction in the parking requirements. Consequently, the additional application was not re-circulated to the internal Directorates for comment.

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-law)

The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-law was evaluated as follows:

No	Evaluation checklist (s. 65)	Yes	No	N/A
65(a)	Does the application submitted comply with the provisions of this by-law?	x		
	Has the motivation submitted been considered?	x		
65(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	x		
	Was a condonation required and granted with regards to the process followed? *(see land use application process checklist)*		x	
65(c)	Have the desirability guidelines as issued by the provincial minister to utilise land for the proposed land uses been considered? *(not yet applicable)*			x
65(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? *(s. 45 of LUPA)*			x
65(e)	Have the comments received from the applicant been considered?	x		
65(f)	Have investigations carried out in terms of other laws which are relevant to the application been considered?			x
65(g)	Was the application assessed by a registered town planner? *(see land use application process checklist)*	x		
65(h)	Has the impact of the proposed development on municipal engineering services been considered?	x		
65(i)	Is the application in line, consistent and/or compatible with the IDP of the Municipality?			x
	Is the application in line, consistent and/or compatible with the Municipality's SDF?	x		
65(j)	Is the application in line, consistent and/or compatible with the IDP of the district Municipality including its SDF?			x
	Is the application in line, consistent and/or compatible with the district Municipality's SDF?			x
65(k)	Is the application in line, consistent and/or compatible with the applicable local SDF?	x		
65(l)	Is the application in line, consistent and/or compatible with the applicable policies of the Municipality that guide decision making?			x
65(m)	Is the application in line, consistent and/or compatible with the provincial SDF?			x
65(n)	Is the application in line, consistent and/or compatible with the regional SDF *(SPLUMA)* or provincial regional SDF *(LUPA)*?			x
65(o)	Is the application in line, consistent and/or compatible with the applicable policies, guidelines, standards, principles, norms, or criteria set by national and/or provincial government?	x		

65(p)	Is the application in line, consistent and/or compatible with the matters referred to in Section 42 of SPLUMA?		x		
65(q)	Does the application comply with the requirements of Section 42(2) of SPLUMA, supported by the relevant environmental reports.				x
65(r)	Is the application in line or consistent and/or compatible with the following principles as contained in Sections 7 of SPLUMA and 59 of LUPA:				
	1.	The redress of spatial and other development imbalances of the past through improved access to, and use of land?			x
	2.	Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			x
	3.	Enable the redress of access to land by disadvantaged communities and persons?			x
	4.	Support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			x
	5.	Has the potential impact of the development proposal on the value of the affected land /properties been considered?	x		
	6.	Has the impact of the application on the existing rights of the surrounding owners been recognised?	x		
	7.	Does the application promote spatially compact, resource frugal development form?			x
	8.	Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the Municipality? *(e.g. Infrastructure upgrades required – when, budgeted for, etc.)*			x
	9.	Has the protection of prime, unique, and/or high potential agricultural land been considered?			x
	10.	Is the application consistent with the land use measures applicable to / contained in environmental management instruments?			x
	11.	Does the application promote and stimulate the equitable and effective functioning of land markets?	x		
	12.	Have all current and future costs to all parties for the provision of infrastructure and social services been considered?	x		
	13.	Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification, and promotes a more compact urban form?			x
	14.	Will the development result in / promote the establishment of viable communities?	x		
	15.	Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?	x		
	16.	Will the development sustain and/or protect natural habitats, ecological corridors, and areas of high bio-diversity importance?			x
	17.	Will the development sustain and/or protect provincial heritage and tourism resources?			x
	18.	Will the development sustain and/or protect areas unsuitable for development including flood plains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?			x
	19.	Will the development sustain and/or protect the economic potential of the relevant area or region?			x
	20.	Has provision been made in the development to mitigate against the potential impacts of climate change?			x

	21.	Does the development include measures to reduce consumption / conserve water and energy resources? *(renewable energy, energy saving, water saving, etc.)*			x
	22	Does the development consider sea-level rise, flooding, storm surges, fire hazards?			x
	23	Does the development consider geological formations and topographical (soil and slope) conditions?			x
	24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			x
	25.	Benefits the long-term social, economic, and environmental priorities for the area *(sustained job opportunities, sustained income, integrated open space network, etc.)* over any short-term benefits *(job creation during construction, short term economic injection, etc.)*?			x
	26.	Contributes towards the optimal use of existing resources, infrastructure, agriculture, land, minerals, and/or facilities?			x
	27.	Contributes towards social, economic, institutional, and physical integration aspects of land use planning?			x
	28.	Promotes and supports the inter-relationships between rural and urban development?			x
	29.	Promotes the availability of employment and residential opportunities in close proximity to each other or the integration thereof?			x
	30.	Promotes the establishment of a diverse combination of land uses?			x
	31.	Contributes towards the correction of distorted spatial patterns of settlements within the town / city / village?			x
	32.	Contributes towards and / or promotes the creation of a quality and functional open spatial environment?			x
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?	x		
65(s)	Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-law)? (e.g. Definitions, land use description and development parameters)		x		
65(t)	Is the application in conflict with any restrictive condition applicable to the land concerned?				x

Comments on the above table:

- The Directorate acknowledges that the subject property accommodates an educational facility within an established residential area of Pacaltsdorp. ECD schools provide an essential community service and are generally compatible with residential areas, subject to appropriate site development and the effective management of potential impacts on surrounding properties.
- The proposed building line relaxation should be considered in the context of the operational requirements of the school, the existing development on the property and the need to ensure the efficient use of the site. A building line relaxation is supported because the proposed encroachment does not result in unacceptable impacts on the surrounding residential environment.
- Furthermore, the continued provision and functional improvement of educational facilities within established residential neighbourhoods support community well-being and the efficient use of existing urban infrastructure.
- Having regard to the above, the building line relaxation may be supported from a town-planning perspective, subject to compliance with the applicable zoning scheme, the absence of unacceptable adverse impacts on adjoining properties. As mentioned above, all structures have been in existence is 2022 with no registered complains from the community.

- It is further understood that the proposal will not have adverse impact on the municipal engineering services.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

George Municipal Spatial Development Framework, 2023 (MSDF)
The intention of the George MSDF (2023) is to provide guidelines aimed at among others, promoting sustainability and affordability, providing for the needs of the community, strengthening the economy, finding a balance between urban development and the natural environment, responding to climate change and disaster management, the equitable and more efficient functioning of the city, providing a diversity of housing typologies and respond to broader housing needs, restructuring and densify the existing urban form, access to employment opportunities, social services, open spaces and recreation opportunities, connectivity by walking, non-motorised transport and public transport, enabling greater choice and a more productive economy.

The following MSDF (2023) policies are relevant to this application:

- Policy A7: Lower order facilities usually serve one or just a few neighbourhoods and can be accommodated on a small property and have limited impact. Many of these services are run from homes and private/NGO undertakings. Municipal services include small creches, soup kitchens, limited frail care, etc. This will be achieved through categorization of facilities in terms of land use- and zoning classification and new applications to be evaluated based on merit. Lower order facilities (serving only a few) can be located anywhere within the George area, as per zoning scheme allows, subject to evaluation of the impact and budget availability. The MSDF further emphasise that investment from private sector is encouraged because public fiscus is constrained.
- The proposed development can be regarded as a low-order facility as it will service limited number of students from Rosedale area. The MSDF does not have specific proposals for the subject property, but it is recognised the property is zoned Community Zone I for a place of instruction which is reconcilable with a residential environment and the proposed development is found to be consistent with this policy.

Though the above policy does not address the relaxation of building lines, it is not anticipated that the proposed building line relaxation to accommodate existing structure will detract from the existing residential character of the area.

(In)consistency with guidelines prepared by the Provincial Minister
Not applicable.

Outcomes of investigations/applications i.t.o. other laws

- No investigations were conducted as a result of this application.

George Integrated Zoning Scheme By-law, 2023 (Zoning Scheme)
According to the Zoning Scheme, the subject property is zoned Community Zone I and is subject to a 5.0m building line along all boundaries. As indicated above, Buildings 1–4, 9–11, 20 and 21 encroach into the prescribed building lines, with encroachments ranging from 0.0 m to 1.835 m. These encroachments were made without the requisite municipal approval, hence the submission of the current application for building line relaxation.

The Zoning Scheme requires that parking for a place of instruction (creche) be provided at a ratio of one (1) bay per 10 children plus 1 stop and drop facility. It is indicated that the creche accommodates 120 learners, these 12 parking bays will be required plus one (1) stop and drop facility. According to the site plans, only four parking bays are provided – refer to Figure 4 below. The Directorate agrees with the applicant in that the development complies with all other development parameters with the exception of building lines and parking requirements.

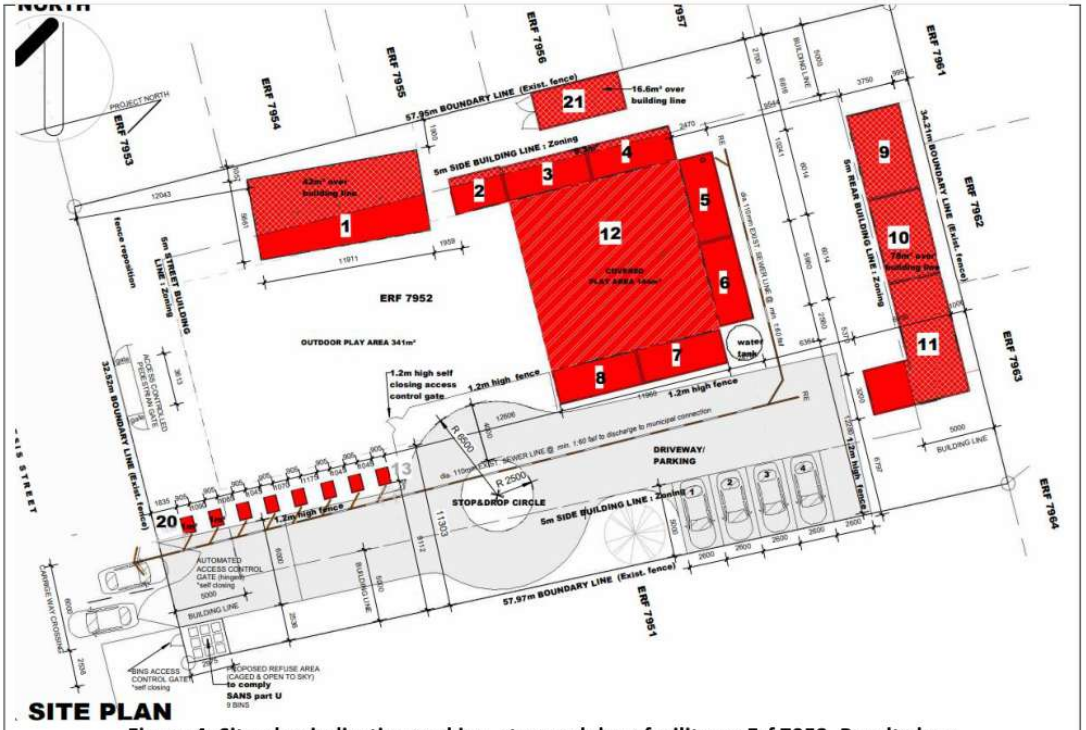


Figure 4: Site plan indicating parking, stop and drop facility on Erf 7952, Pacaltsdorp

The Directorate acknowledges that the Zoning Scheme does not provide for a reduced parking requirement for a crèche (PT1). Notwithstanding this, it is recognised that, in lower-income areas, parents commonly walk their children to school, thereby reducing reliance on private motor vehicles. Consequently, such facilities are not necessarily expected to generate significant vehicular traffic. In this regard, the Directorate does not anticipate that the proposed reduction in the parking requirement from 12 to 4 bays would have a significant adverse impact on vehicular traffic or pedestrian movement in the surrounding area. Furthermore, the Directorate: Civil Engineering Services (Traffic) is satisfied with the proposed parking layout.

It is important to note that Development Parameter (d)(iii) provides that the Municipality may require a 10.0 m building line setback on properties abutting residentially zoned properties where the height of a building exceeds 8.5 m. This parameter is not applicable to the proposed development, as no building is proposed to exceed a height of 8.5 m. A condition will be included to limit the school to only 120 learners with no additional building structures or classes.

CONTRAVENTION LEVY

The existing building structures applied for is located over the building lines and was constructed by the current owner/s(lessees) without the necessary approvals. A contravention levy is thus payable in terms of the approved tariff list. The contravention levy is calculated as follows:

Factor	Calculation
Floor Area Directly Related	• Area of Building 1 over the building line = 42m². • Area of Buildings 2,3 and 4 over the building line = 8.3m². • Area of Building 21 over the building line = 16.6m². • Area of Building 9, 10 and 11 over the building line = 78m². • Area of Building 20 (two toilets) over the building line = 2m².

	Total Area: 146.9 m².
Floor Area Indirectly Related	N/A
m^2 Value of the property	Total municipal value of the property R 228 000, 00 Total area of the property 1933 m^2 = R117,95/m^2
Contravention Levy (Direct)	10% x R117,95/m^2 x 146.9m^2 = R 1 732,68 (Excluding VAT) Plus 15% VAT = R259,90
Total:	**R 1992,58 (inclusive of VAT)**

The need and desirability of the proposal

The need for and desirability of the proposed development have been considered in terms of the following factors:

NO.	EVALUATION CHECK LIST	YES	NO	N/A
1	Will the natural environment and / or open space systems be negatively affected?			x
2	Will the application result in trees / indigenous vegetation being removed on site or in the road reserve?		x	
3	Does the application have any negative impact on heritage resources?		x	
4	Will the character of the surrounding area be negatively affected?		x	
5	Will the architectural character of the streetscape be negatively affected?		x	
6	Will there be any negative impact on vehicle traffic and pedestrian safety?		x	
7	Will there be a negative impact on traffic movement?		x	
8	Will there be a negative impact on vehicle sight distances?		x	
9	Are there adequate on-site parking / loading facilities provided?	x		
10	Are there adequate vehicle access / egress to the property?	x		
11	Will the neighbour's amenity to sunlight be negatively affected?		x	
12	Will the application result in overshadowing onto neighbours' properties?		x	
13	Will the neighbour's amenity to privacy / enjoyment of their property / views be negatively affected?		x	
14	Will the proposal have a negative impact on scenic vistas or intrude on the skyline?		x	
15	Will the intended land use have a negative impact on adjoining uses?		x	
16	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		x	
17	Will there be a negative impact on property values?		x	
18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		x	
19	Will adequate open space and/or recreational space be provided (for residential developments)?			x
20	Will approval of the application set a precedent?		x	

NEED AND DESIRABILITY

Section 42 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), stipulates that proposals should comply with the municipal spatial development framework, indicating its desirability. The following considerations are relevant to this application:

- Socio-economic impact: The application will have no negative economic impact, whatsoever. In fact, the proposal will provide essential community service in the area, being a place of instruction (creche) and create or retain jobs.
- Compatibility with surrounding uses: The application is regarded as being consistent with the surrounding residential land uses as the proposed use is commonly found in a residential neighbourhood.
- Surrounding property rights: The existing structures will not have a negative impact on the existing neighbour's rights with regards to privacy, views and sunlight. As indicated, the adjoining property owners were notified about the proposal and no objections were received.
- Impact on safety, health and wellbeing of the surrounding community: No adverse safety or health impacts are anticipated from the development.
- Impact on heritage: No negative impact on heritage resources is foreseen as the existing building structures are not older than 60 years.
- Impact on the biophysical environment: As mentioned, all buildings are existing on the subject property, thus no impact is anticipated on biophysical environment. It is noted that the property does not have trees, thus a condition will be included that the developer must plant at least five 200l trees along the property boundary.
- Engineering infrastructure: Existing engineering infrastructure was considered. The development has no impact on this regard.
- Traffic: As mentioned, the proposed development will not have negative impact on vehicle and pedestrian movement. The applicant has sufficiently addressed all concerns raised by Directorate CES - Traffic. In addition, the Directorate has supported the proposed parking layout, access as well as drop and go facilities.

Assessment of objections / comments

- Not applicable.

PART O: SUMMARY OF EVALUATION

The application seeks approval for the relaxation of building lines in respect of existing building structures and a reduction in the parking requirements applicable to a crèche. The subject property is owned by George Municipality and was leased to Mrs Nolindela Bityashe-Thembiso and Mr Lindell Botha for a period of three (3) years, commencing on 1 October 2017 and ending on 31 September 2020. According to the applicant, it is assumed that the lease agreement remains in effect on a month-to-month basis until it is formally renewed or terminated. Having regard to the power of attorney signed by the Director: Community Services, this Directorate is satisfied that the applicant is duly authorised to represent the property owner.

During the initial lease period, the lessees constructed building structures without the necessary municipal approvals, necessitating the submission of this land use application. All adjoining property owners were notified and provided their written consent to the proposal. No objections were received.

Given that the building structures are already in existence and no complaints have been received from adjoining property owners, this Directorate does not anticipate that approval of the application would unreasonably prejudice their rights or adversely affect their amenities in terms of privacy, overshadowing or views. Although noise is generally associated with the operation of a crèche or school, such noise is considered an inherent consequence of this type of land use and is not, in itself, sufficient grounds to conclude that the proposal would adversely affect adjoining property owners.

The George Municipal Spatial Development Framework, 2023, supports the provision of lower-order social facilities within residential neighbourhoods. The proposed crèche is consistent with this objective, as it provides a social facility that serves the needs of the surrounding community.

In terms of the Zoning Scheme, one (1) parking bay must be provided for every ten (10) children, together with one (1) stop-and-drop facility. According to the applicant's motivation report, the crèche will accommodate 120 learners, thereby requiring twelve (12) parking bays and a stop-and-drop facility. However,

the submitted site development plan indicates that only four (4) parking bays and one (1) stop-and-drop facility are provided. The applicant therefore seeks approval to reduce the parking requirement from twelve (12) to four (4) bays.

The subject property is situated within a low-income residential area where a significant proportion of parents are expected to walk their children to the crèche. Having regard to the residential context and the anticipated travel patterns of users, this Directorate does not anticipate that the proposed reduction in parking provision would result in unacceptable traffic or parking impacts on the surrounding area. The provision of a dedicated stop-and-drop facility further accommodates the needs of parents who transport their children by vehicle.

In view of the above, the application may be favourably considered, subject to any appropriate conditions deemed necessary by the Municipality.

Lastly, the existing building structures applied for is located over the building lines and was constructed by the current owner/s(lessees) without the necessary approvals. A contravention levy of R 1 992,58 is thus payable in terms of the approved tariff list.

PART P: RECOMMENDATION

That the following applications applicable to Erf 7952, Pacaltsdorp:

1. **Permanent Departure** in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for relaxation of the following building lines applicable to Erf 7952, Pacaltsdorp:
   (a) Relaxation of street boundary building line from 5.0m to 1.835m for existing two toilets (building 20 on site plan);
   (b) Relaxation of the northern side boundary building line from 5.0m to 0.0m for existing store (building 21 on site plan);
   (c) Relaxation of northern side boundary building line from 5.0m to 1.057m for existing playroom (building 1 on site plan);
   (d) Relaxation of the eastern rear boundary building line from 5.0m to 0.995m for existing classrooms (building 9, 10 and 11 on site plan);

2. **Permanent Departure** in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for relaxation of parking requirement from 12 bays to four (4) bays applicable to Erf 7952, Pacaltsdorp;

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

REASONS FOR DECISION

i) The proposed building line relaxation will allow buildings to be positioned where they function most effectively in relation to existing structures, access, pedestrian circulation, parking, drop and go facilities.
ii) A building-line relaxation does not necessarily change the primary use of the property or introduce an incompatible land use.
iii) The proposed building line relaxation will not materially prejudice neighbouring properties in terms of privacy, views and sunlight.
iv) A place of instruction provides an important community service and contributes directly to the provision of education and social infrastructure. National guidance recognises that adequate, good-quality school infrastructure is important for creating an environment conducive to teaching and learning.

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT:

1. That in terms of Section 18(2) of the Land Use Planning By-law for the George Municipality 2023, the approval shall lapse if not implemented within a period of two (2) years from the date of approval.
2. This approval shall be taken to cover only the departure application as applied for and as indicated on the site layout plans number **LAD_01, LAD_02 and LAD_03**, drawn by **Xolani Ncube** dated **04 September 2026**

(three sheets) attached as "**Annexure A**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision.

3. The Directorate: Community Services shall ensure that at least 5x 200l trees are planted on the property boundary.
4. A contravention levy of **R 1992,58 (inclusive of VAT)** is payable on the submission of building plans for the unauthorized structures erected over the building lines.
5. The above approval will be considered implemented on the approval of the building plans for the as-built structures.

Note:
The Directorate: Community Services may apply to the Director: Planning and Development for an exemption from paying the abovementioned contravention levy.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

6. The conditions imposed by the Directorate Civil Engineering Services are attached as "**Annexure B**" dated 04 November 2025, be complied with.
7. As stipulated in the attached conditions imposed by the Directorate Civil Engineering Services, the amount of Development Charges (DCs) to be paid by the developer is calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference hereto, with regards to the proposed development, the developer will be required to make a development contribution, as indicated below.
8. The amounts of the development contributions are reflected on the attached calculation sheet dated 04 November 2025 and are as follows:

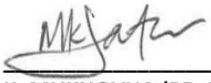
Roads:	R 0, 00	Excluding VAT
Sewer:	R 0, 00	Excluding VAT
Water:	R 0, 00	Excluding VAT
Total:	**R 0, 00**	**Excluding VAT**

9. The total amount of the development charges of R 0, 00 (excluding VAT) shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
10. Any amendments or additions to the proposed development which are not contained within the said calculation sheet, that may lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.

PART Q: ANNEXURES

The following annexures are included with this report:

Annexure A	Site plan
Annexure B	CES Conditions
Annexure C	Motivation Report and Section 52 Application
Annexure D	Locality plan
Annexure E	Power of Attorney
Annexure F	SG Diagram
Annexure G	Neighbour's consent

 **K. MUKHOVHA (PR. PLN. A/2119/2015)** **TOWN PLANNER**	**09 OCTOBER 2026** **DATE**
RECOMMENDED ~~/NOT RECOMMENDED~~  **CLINTON PETERSEN** (B/8336/2016) **SENIOR MANAGER: TOWN PLANNING**	**16 October 2026** **DATE**

APPLICATION FOR PERMANENT DEPARTURE APPLICABLE TO ERF 7952, PACALTSDORP (K. MUKHOVHA)

PAJA

NO	PROCESS CHECK	YES	NO	N/A
1.	Has this application been assessed / evaluated by a registered town planner as required in terms of section 65.(g) of the By-law?	x		
2.	Was the report submitted by the town planner a fair and objective reflection of the relevant information available and has all relevant information been attached to the report?	x		
3.	Did the town planner exercise due diligence in evaluating the application? Is the report balanced (does not show any unfair prejudice) and were the conclusions reached reasonable and rationally linked to the relevant information available?	x		
4.	Was the town planner empowered in terms of the Municipality's system of delegations to evaluate the application?	x		
5.	Was the decision-maker empowered in terms of the Municipality's system of delegations to decide on the application?	x		
6.	Was adequate information available for the decision-maker to make a fair, reasonable and objective decision on the application?		x	
7.	If not, can it be demonstrated that the necessary attempts were made to obtain this information before the decision was taken?			x
8.	Was all the available information which impacts on the application made available to the decision-maker?	x		
9.	Was all relevant information taken into account when making the decision?	x		
10.	Was all irrelevant information noted in the town planner's report and reasons given as to why it should be disregarded when making the decision stated in the report?			x
11.	Was the town planner's evaluation, to the best of the decision-maker's knowledge, potentially influenced by an error of law?		x	
12.	Is the decision taken logical, clear, concise, and fair?	x		
13.	Can the decision be justified – i.e. rationally and reasonably linked to the information provided (critical information available) and relevant facts contained in the report?	x		
14.	Were written reasons given for the decision taken?	x		
15.	Can these reasons be reasonably and rationally linked to the relevant facts and the decision taken?	x		
16.	Were conditions of approval imposed with the decision?	x		
17.	Can these conditions be lawfully imposed as contemplated by Sections 66 of the By-law?	x		
18.	Are these conditions fair and can they be reasonably and rationally linked to the development proposal submitted, the relevant facts contained in the town planner's report, the decision taken and the reasons for such decision?	x		

~~APPROVED/ REFUSED / REFER BACK TO APPLICANT /~~ **REFER TO TRIBUNAL**

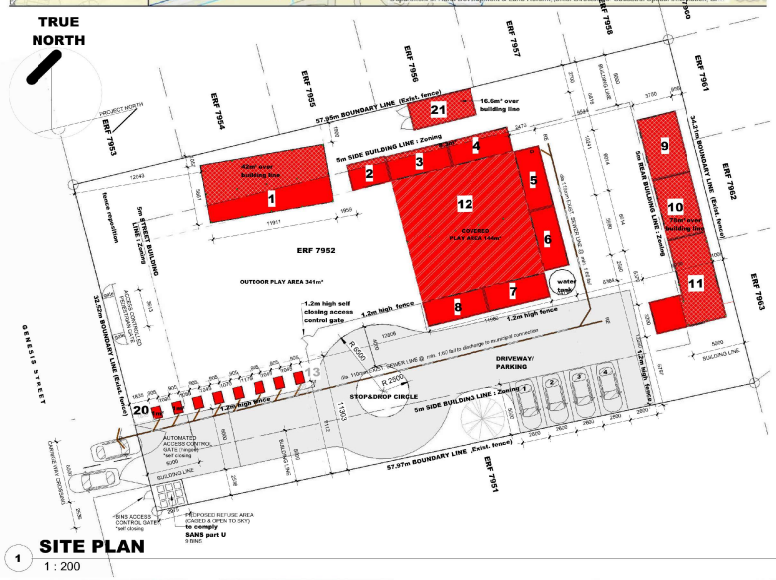
H Koch

16/10/2026

_____ _____

H KOCH Pr.Pln. A/1399/2010 **DATE**
ACTING DEPUTY DIRECTOR: DEVELOPMENT AND ENVIRONMENTAL PLANNING/ AUTHORISED OFFICIAL







SG PART SNAP



1.2m HIGH CLEARVU FENCE or similar approved with integrated access cotrol gate

Area Schedule (Gross Building)		
	Name	Area
GROUND FLOOR		
1	PLAY ROOM	67.6 m²
2	STUDY	9.6 m²
3	DAYCARE Rm. 1	14.6 m²
4	DAYCARE Rm. 2	14.6 m²
5	KITCHEN	14.6 m²
6	DAYCARE Rm. 3	14.9 m²
7	DAYCARE Rm. 4	14.6 m²
8	DAYCARE Rm. 5	14.6 m²
9	DAYCARE Rm. 6	22.7 m²
10	DAYCARE Rm. 7	22.4 m²
11	DAYCARE Rm. 8	42.5 m²
12	COURTYARD	144.1 m²
13	WC	1.2 m²
14	WC	1.2 m²
15	WC	1.2 m²
16	WC	1.2 m²
17	WC	1.2 m²
18	WC	1.2 m²
19	WC	1.2 m²
20	WC	1.2 m²
21	STORAGE	15.7 m²
		423.7 m²

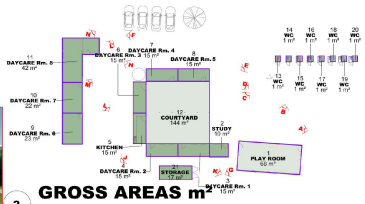
COVERAGE GRAND TOTAL (Gross Building)

423.7 m²

AREAS	
ENCLOSED ROOMS	280m²
OPEN COURTYARD(Roof Over)	144.1m²
FOOTPRINT	423.7m²
COVERAGE	21.9%
m² of structures over building line	145.2m²
SITE AREA/ LAND UNIT	1933.3m²

PARKING @ 6 BAYS

CHILDREN PLAY AREAS:
1. Covered @ 144m²
2. Garden @ 341m²
TOTAL 485m²



2 GROSS AREAS m² 1 : 400



NOTE : ALL SPECIFICATION TO COMPLY SANS 10400 [SABS 0400]
- The application of the National Building regulations (NBR)
WITH REFERENCE TO KNYSNA MUNICIPALITY (KAAYS.

Copyright ©

A1

- municipal by-laws and those other affected authorities must be adhered to.
- positions of pegs/ site boundaries must be checked by a registered land surveyor.
- all dimensions and levels on the building site must be checked by the contractor prior commencing work. Any discrepancies to be reported to the author/ design/ architect prior commencing work.
- never scale this drawing on site but use figured dimensions and refer to details.
- all work to be done in accordance with NBR SANS 10400 XA requirements.
- all cavity cavity walls below floor 9 tish to be filled with concrete and DPC to be stepped
- all plumbing to be installed by a registered/ competent plumber
- all hot water pipes to be insulated per SANS 10254 & 10252-1 and meet municipal by-laws
- structural members to be appointed for steel work, concrete and timber and no work is to be done without architects approval
- health & safety inspector to be appointed by the contractor/ client before commencement on site.
- information contained herein belongs to YXT architectural designs. COPYRIGHT© is strictly reserved.
- a competent person to be appointed for all mechanical & electrical works as per SANS reg.standards and must be on LA.Architectus.

ALL INSTALLATIONS TO BE DONE AS PER LA. SANS 1128.1 , 10400 & 10254-3012 REGULRINDERS.
- ANY DEVIATION FROM APPROVED DRAWINGS EXEMPT THE ARCHITECT/ AUTHOR FROM ANY LIABILITY THEREOF.

No.	Description	Date
D	Integrated driveway security fence/gate	'26.02.13
E	Updates per George Civils Dept comments '26.06.05 (Driveway/Parking)	'26.06.09

CLIENT'S SIGNATURE :

ARCHITECT'S SIGNATURE:

THANKOA A XCUBE
THANK.X.CUBE
FOR ALL YOUR BUILDING PLANS
ARCHITECTURAL STUDIO
PROFESSIONAL & INTELLIGENT SPACE DESIGNS
PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
XOLANI NCUBE
SACAP COMPETENCE SEAL
PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
XOLANI NCUBE
SACAP COMPETENCE APPROVED/WAIVED
SACAP REG No. : PAD21059
CONTACT
c : 071 341 0841 - XOLANI
c : 083 227 0001 - THABISO
e-mail : thank.x.cube@gmail.com
12 Long Street-2nd Floor Merrick House-KNYSNA-6570

THIS DRAWINGS IS COPYRIGHT AND MAY NOT BE COPIED WITHOUT PRIOR CONSENT WITH THE AUTHOR

PROJECT: **NOLINDELA BITYASHE-THEMBISO**
OWNER: **aka ROSEDALE NURSERY**

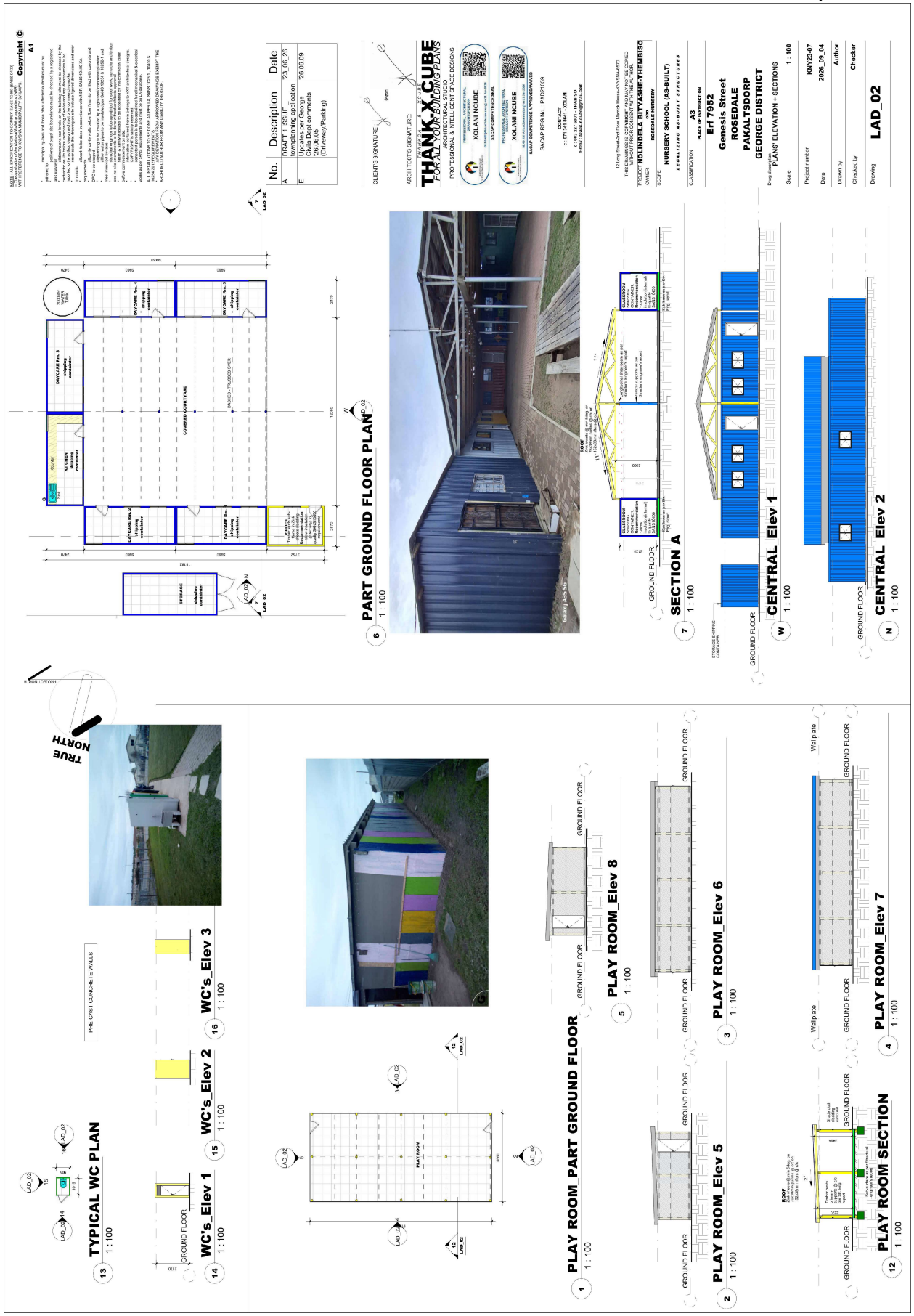
SCOPE: **NURSERY SCHOOL (AS-BUILT)**
LEGALIZING AS-BUILT STRUCTURES

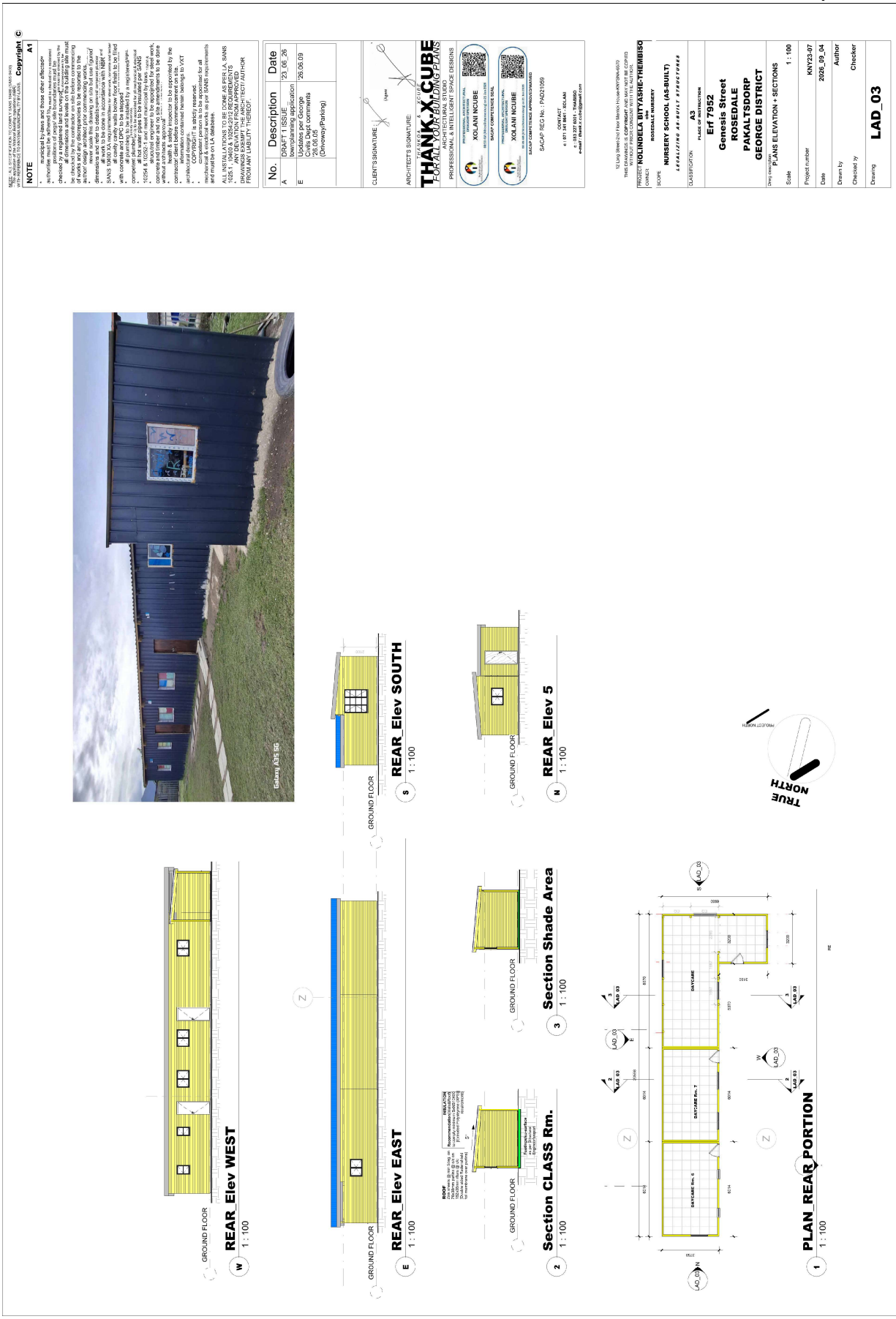
CLASSIFICATION: **A3**
PLACE OF INSTRUCTION
Erf 7952
Genesis Street
ROSEDALE
PAKALTSDORP
GEORGE DISTRICT

Drwg description: **SITE & LOCALITY PLANS**

Scale	As indicated
Project number	KNY23-07
Date	2026_09_04
Drawn by	XN
Checked by	XN
Drawing	**LAD_01**

ANNEXURE "A"


PART GROUND FLOOR PLAN
1 : 100
SECTION A
1 : 100
CENTRAL_Elev 1
1 : 100
CENTRAL_Elev 2
1 : 100
PLAY ROOM_PART GROUND FLOOR
1 : 100
PLAY ROOM_Elev 5
1 : 100
PLAY ROOM_Elev 8
1 : 100
PLAY ROOM_Elev 6
1 : 100
PLAY ROOM_Elev 7
1 : 100
PLAY ROOM SECTION
1 : 100
TYPICAL WC PLAN
1 : 100
WC's_Elev 1
1 : 100
WC's_Elev 2
1 : 100
WC's_Elev 3
1 : 100
PRE-CAST CONCRETE WALLS
TRUE NORTH
GROUND FLOOR
Wallplate
THANK X CUBE
FOR ALL YOUR BUILDING PLANS
ARCHITECTURAL STUDIO
PROFESSIONAL & INTELLIGENT SPACE DESIGNS
XOLANI NCUBE
SACAP REG No. : PAD21059
CONTACT
c : 071 241 8661 / XOLANI
t : 083 227 8991 / THANSEO
e-mail : thankxcube@gmail.com
CLIENT'S SIGNATURE
ARCHITECT'S SIGNATURE
No. Description Date
A DRAFT 1 ISSUE '23_06_26
E Updates per George Municipality comments '26.06.09
(Driveway/Parking)
PROJECT NOLINDELA BITYASHE-THEMBISO cnr
ROSEDALE NURSERY
SCOPE NURSERY SCHOOL (AS-BUILT)
CLASSIFICATION A3
PLACE OF INSTRUCTION
Erf 7952
Genesis Street
ROSEDALE
PAKALTSDORP
GEORGE DISTRICT
PLANS' ELEVATION + SECTIONS
Scale 1 : 100
Project number KNY23-07
Date 2026_09_04
Drawn by Author
Checked by Checker
Drawing LAD_02


NOTE
Copyright ©
A1
No. Description Date
A DRAFT 1 ISSUE 23_06_26
E Updates per George Client Right comments 26.05.09
(Driveway/Parking)
CLIENT'S SIGNATURE:
ARCHITECT'S SIGNATURE:
THANK-X-CUBE
FOR ALL YOUR BUILDING PLANS
ARCHITECTURAL STUDIO
PROFESSIONAL & INTELLIGENT SPACE DESIGNS
XOLANI NCUBE
SACAP REG No. : PAD21059
CONTACT
c: +271 347 8647 : XOLANI
e-mail: thank.x.cube@gmail.com
PROJECT: NOLINDELA BITYASHE-THEMBISO
OWNER: ROSEDALE NURSERY
SCOPE: NURSERY SCHOOL (AS-BUILT)
CLASSIFICATION: A3
PLACE OF INSTRUCTION
Erf 7952
Genesis Street
ROSEDALE
PAKALTSDORP
GEORGE DISTRICT
Drwg contents: PLANS ELEVATION + SECTIONS
Scale 1 : 100
Project number KNY23-07
Date 2026_09_04
Drawn by Author
Checked by Checker
Drawing LAD_03
REAR_Elev WEST
1 : 100
REAR_Elev EAST
1 : 100
REAR_Elev SOUTH
1 : 100
REAR_Elev 5
1 : 100
Section CLASS Rm.
1 : 100
Section Shade Area
1 : 100
PLAN_REAR_PORTION
1 : 100
GROUND FLOOR
TRUE NORTH
PROJECT NORTH

GEORGE DC CALCULATION MODEL	Version 1.00	31 August 2021
For Internal information use only (Not to publish)		

Erf number *	**7952**
Allotment area *	**Pacaltsdorp**
Water & Sewer System *	**George System**
Road network *	**Pacaltsdorp**
Developer/Owner *	**Seretse Mthembu**
Erf Size (ha) *	**1 933,25**
Date (YYYY/MM/DD) *	**2025-11-04**
Current Financial Year	**2025/2026**
Collaborator Application Reference	**3775496**

Application: **Consent (Place of instruction)**

Service applicable	Description
Roads	Service available, access via Genesis Street (Subject to the Road master plan & access approval)
Sewer	Service available (Subject to the Sewer Master Plan, WWTW treatment & network capacity)
Water	Service available (Subject to the Water Master Plan,WTW treatment & network capacity)

Conditions

General conditions

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

2 The amounts of the development charges are reflected on the attached calculation sheet dated 04/11/2025 and are as follows:

Roads:	R	-	Excluding VAT (Refer to attached DC calulation sheet)
Sewer:	R	-	Excluding VAT (Refer to attached DC calulation sheet)
Water:	R	-	Excluding VAT (Refer to attached DC calulation sheet)
Total	R	-	Total Excluding VAT

3 The total amount of the development charges of R0 000,00 shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.

4 Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in clause 2 above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of the subdivision plan to ascertain what information they require to provide a more accurate calculation.

5 As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R0 000,00 shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of paragraph 3 above.

6 Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.

7 All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.

8 Consent use approval with regards to Guest houses, School, House shop or Hotels are subject to the submission and approval of building plans, which shall include a detailed Site Development Plan (SDP), indicating proposed land use changes to the erf/erven. The SDP should, but not limited to, address all internal parking requirements (ie within the development area) , position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic.

9 Any, and all, costs directly related to the development remain the developers' responsibility.

10 Only one connection permitted per registered erf (water and sewer connections). Condition 7 applies.

11 Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (condition 7 applicable)

12 Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (condition 7 applicable)

13 Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (condition 7 applicable)

14 Note, the developer is to adhere to the requirements of the Environmental Authorisation (EA). The onus is on the developer to provide the Dir: CES with the necessary proof of compliance with the EA.

15 Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.

16 Note, the applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.

17 Note, provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.

18 Note, the developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.

19 Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.

20 The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.

21 No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.

22 Municipal water is provided for potable use only. No irrigation water will be provided.

23 The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.

24 The development, in its entirety or in phases, is subject to confirmation by the Dir. CES of the availability of Water and Sanitation bulk treatment capacity at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the availability of such bulk capacity

25 If required, the developer is to have a Traffic Impact Assessment (TIA) conducted by a registered traffic engineer. The terms of reference of the TIA are to be finalised with the Dir. CES together with any other approving authority, and who must also approve the TIA. All recommendations stipulated in the TIA report and as approved by the Dir. CES and/or relevant authority are to be implemented by the developer. All costs involved will be for the developer.

26 Maintenance and/or upgrading of all private / servitude roads are the responsibility of all the owners who make use thereof.

27 The discharge of surface stormwater is to be addressed by the developer. Condition 7 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done on line with the available stormwater master plans.

28 Internal parking requirements (ie within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.

29 Adequate parking with a hardened surface must be provided on the premises of the proposed development.

30 No private parking will be allowed in the road reserve. The developer will be required at own cost to install preventative measures to insure compliance.

31 The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.

32 Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

33 Minimum required off-street parking provided, must be provided in terms of the George Integrated Zoning Scheme 2023 parking requirements and vehicles must readily leave the site without reversing across the sidewalk. Alternative Parking may be supplied.

34 Site access to conform to the George Integrated Zoning Scheme 2023.
Access to the development is permitted only through the existing municipal road. Direct access from York Street is not allowed.

Ricus Fivaz — **04 Nov 25**

Manager (CES): Land development — Date
Civil Engineering Services

CES Development Charges Calculator — Version 3.02 (Mar 2024)

GM 2023 Development Charges policy | GM 2023 Intergrated Zoning Scheme By-law | GM 2024/25 Tariffs | Civil Engineering Service | Electro-Technical Service

Erf number *	7952
Allotment area *	Pacaltsdorp
Water & Sewer System *	George System
Road network *	Pacaltsdorp
Developer/Owner *	Seretse Mthembu
Erf Size (ha) *	1 933,25
Date (YYYY/MM/DD) *	2025-11-04
Current Financial Year	2025/2026
Collaborator Application Reference	3775496

Code	Land Use	Unit	Total Exiting Rigth			Total New Right		
INSTITUTIONAL			**m2 Erf**	**FAR**	**m^2 GLA**	**m^2 Erf**	**FAR**	**m^2 GLA**
	Pre-School (Day Care Centre)	student			**120**			**120**
		m^2 GLA	**423,70**	**1,00**	**423,70**	**423,70**	**1,00**	**423,70**

Is the development located within Public Transport (PT1) zone? Please select: **Yes**

Calculation of bulk engineering services component of Development Charge

Service	Units	Additional Demand	Unit Cost	Amount	VAT	Total
	trips/day	0,00	R 0,00	R 0,00	R 0,00	R 0,00
	trips/day	0,00	R 0,00	R 0,00	R 0,00	R 0,00
	kl/day	0,00	R 55 140,00	R 0,00	R 0,00	R 0,00
	kl/day	0,00	R 44 980,00	R 0,00	R 0,00	R 0,00
Total bulk engineering services component of Development Charge payable				**R 0,00**	**R 0,00**	**R 0,00**

Link engineering services component of Development Charge
Total Development Charge Payable

City of George

Calculated (CES): **JM Fivaz**

Signature : _____

Date : **November 4, 2025**

NOTES : 1. In relation to the increase pursuant to section 66(5B)(b) of the Planning By-Law (as amended) in line with the consumer price index published by Statistic South Africa) using the date of approval as the base month

2. Pleasde note the calulation above only surfse as a pro-forma calulation. Once confirmation of the calulation is revised can a VAT invoice be requested from the Municipal Finacial department. In this regard you can contact Werner Joubert on email at wcjoubert@george.gov.za or telefone on 044 801 1333

Departmental Notes:

For the internal use of Finance only

Service	Financial codeUKey number	Total
Roads	20220703048977	R 0,00
Public Transport		R 0,00
Sewerage	20220703048978	R 0,00
Water	20220703048981	R 0,00
		R 0,00

Daimcon Personnel CC t/a
Daimcon Personnel Collaborative
Urban Planners & Development Facilitators

No. 1 Fourth Street, Dinangwe
Concordia East
KNYSNA
6570

Cell: 0835834132
E-mail: seretsem@gmail.com
Tax No: 3357441140
WhatsApp: 0835834132

By e-mail to: kjmukhovha@george.gov.za
Cc: pnako@george.gov.za

13 October 2026

The Director: Human Settlements, Planning & Development
P O Box 19
GEORGE
6530

Attention: Mr K. Mukhovha

ERF 7952 PACALTSDORP: AMENDMENTS BEFORE APPROVAL (APPLICATION REFERENCE ON COLLAB. 3775496)

1. Reference is made to the e-mail received from your office dated 13 October 2026 requesting amendment to the original application referenced above. Our understanding of the request is that the following application type is missing from the original application:

   1.1. Application in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality (2023), read with the George Integrated Zoning Scheme By-law (2017), for '*Permanent Departure*' on Erf 7952 Pacaltsdorp to allow a total of 4 parking bays in lieu of 12 in respect of an existing creche.

2. We would like to request that, for the purpose of approval, the application type framed under Paragraph 1.1 above is deemed to have been part of the original application referenced above.

3. Furthermore, we would like to request that the proposed amendment to the application is deemed '*immaterial*' for the following reasons:

   3.1. The availability and configuration of the proposed parking (including the stop-and-drop) was addressed on the site development plan under Paragraph 4.9 as well as indicated on the site development plan.

   3.2. No objections were received from either the internal departments responsible, external departments or the public in relation to parking.

3.3. The creche is already in existence and since its establishment no incidents have been recorded on the part of the municipality or any media platforms relating to access to the creche or parking.

4. In the circumstance we would like to request that no further notice of the application is published in terms of Sections 44, 45, 46 or 48 of the George Planning By-law (2023) and that a decision referencing the application type framed under Paragraph 1.1 above is issued without further delay.

We trust that you will find this in order. Please feel free to contact the undersigned if further information is required.

Regards,



Seretse Mthembu A/2210/2015

Town & Regional Planner

Daimcon Personnel CC

Date 13 October 2026

ERF 7952 PACALTSDORP



Application for:

Permanent Departure for as-built structures

Prepared by:

Daimcon Personnel CC

On behalf of:

George Municipality c/o Mrs N Bityashe-Thembiso

Date: **August 2025**

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1 BACKGROUND

This report has been prepared by Daimcon Personnel CC on behalf of the George Municipality (c/o Mrs N Bityashe-Thembiso), the property owner, as per power of attorney attached as **Annexures A** and **B** respectively. The object of the report is to obtain approval for a departure in respect of as-built structures on Erf 7952 Pacaltsdorp (also referred to as 'the subject property', 'the erf' or 'the site'). Several of the structures in question encroach the statutory building lines and as such require a building line relaxation approval to be legalised. The legalisation is required to secure their continued existence and usage.

The subject property is primarily used for daily operations of an '*early childhood development centre*' (creche) known as Rosedale Nursery School. The site is developed with various structures which are used in connection with the school.

The nursery school is operated by a partnership between Mrs N Bityashe-Thembiso and Mr C Smart as per the lease agreement attached as **Annexure C**. The lease agreement, until formally renewed or cancelled, is deemed to be effective on a month-to-month basis. An intention to extend the lease agreement received from George Municipality is also appended herewith (**Annexure D**)

This report is also accompanied by *inter alia* a land use application form (**Annexure E**) and the Site Development Plan (**Annexure F**).

It is noted that the property is zoned 'Community Zone I' in terms of the George Municipality Integrated Zoning Scheme By-law (2017). The report argues that the as-built structures on the property encroaching the street, lateral and rear proposed have no negative impact on the surrounding land uses or the ability of the neighbouring property owners. They serve as no impediment to the ability of the neighbouring property owners from enjoying beneficial use of and ownership of their respective properties. It is thus requested that the application and intention thereof be considered in a positive light.

2 PURPOSE OF THE REPORT

The report is submitted to bring the attention of and to request the George Municipality to consider the following:

a) Application in made in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality (2023), read with the George Integrated Zoning Scheme By-law (2017), for '*permanent departure*' on Erf 7952 Pacaltsdorp to allow the following: -

- The relaxation of the street building line adjacent to Genesis Street from 5m to 1,835m for two toilets (*building 20*);
- The relaxation of the northern lateral building line adjacent to Erven 7953 – 7958 from 5m to 0m for a store (*building 21*);
- The relaxation of the northern lateral building line adjacent to Erven 7953 – 7958 from 5m to 1,057m for a playroom / hall (*building 1*); and
- The relaxation of the western lateral building line adjacent to Erven 7961 – 7963 from 5m to 0,995m for three classrooms (*building 9,10 and 11*).

The structures referred to above are depicted on the site development prepared by Thank.X.Cube being Project No. Kny23-07 dated 1 June 2023 (LAD_01 to LAD_03)

The application, as the report seeks to prove, does not lack desirability and should, consequently, be supported.

3 SITE INFORMATION

3.1 PROPERTY PARTICULARS

PROPERTY PARTICULAR	DESCRIPTION
Cadastral Description	ERF 7952 PACALTSDORP situate in the Municipality and Division of George, Province of the Western Cape
Location	7952 Genesis Street, Pacaltsdorp (**Annexure G – Locality Map**)
Vehicular & pedestrian access	Genesis Street
Property size	1933 m²
Ownership	George Municipality
Title deed number	Document No. T25488/2010 (**Annexure H**)
Title deed restrictions	*None* **(see Annexure O - Conveyancer Certificate)**
Bondholder	N/A
General Plan No.	5379/2009 (**Annexure I**)
S. G. Diagram No.	N/A
Current Zoning	Community Zone I (**Annexure J**)
Predominant zoning	Single Residential Zone III, followed by Business Zone I, then Open Space Zone I and Community Zone I (**Annexure J – Zoning Map**)
Current land use	Creche
Predominant land use	Residential and then Business

Existing development	Classrooms, playrooms, ablution facilities, and other structures associated with a creche (**Annexure F – Site Development Plan**)

Table 1: Property Particulars

3.2 SITE LOCALITY

The property is in Pacaltsdorp at No. 7952 Genesis Street (**Annexure G)**. Genesis Street also provides vehicular and pedestrian access to the site.

3.3 EXTENT OF DEVELOPMENT ON SITE

The site is developed with buildings and other structures associated with the current land use – the creche (**Annexure F)**.

3.4 LAND USE

The subject property is used as an early childhood development centre for approximately 120 children. The premises are also occasionally used as a meeting venue and as a soup kitchen.

Surrounding properties are predominantly used for residential purposes except for the two properties located southwards of the property. These are being used as a substation and a shop.

3.5 ZONING OF THE PROPERTY

The property is zoned Community Zone I in terms of the George Integrated Zoning Scheme By-law (2017). The property is utilized in accordance with its designated zoning i.e. as a creche.

3.6 OWNERSHIP OF THE ERF

In terms of the deeds search, the ownership vests with George Municipality. The deeds search did, however, not yield any title deed copy within the deeds registry office.

3.7 CONDITIONS OF TITLE

A deeds search was undertaken be the applicant according to which no title deed copy exists of the site. Consequently, a deeds search is attached in lieu of an actual title deed. There are no known title deed restrictions that have a bearing on the current proposal. Consequently, no title deed restrictions are proposed to be removed or suspended and part of this application.

3.8 BONDHOLDERS CONSENT

The property is not bonded.

3.9 REGISTERED SERVITUDES

In terms of the attached general plan (**Annexure I**) there are no servitudes registered against the property.

4 MOTIVATION (FACTORS CONSIDERERED RELEVANT TO THE APPLICATION)

4.1 Unique facts and circumstances of the proposal

The objective of the proposal is to obtain approval for as-built structures that encroach the building lines contemplated in the George Zoning Scheme By-law (2017). The nature and composition of the structures is graphically represented in the site development plan (**Annexure F**) and are also described under Paragraph 2 (Purpose of the Report). As expected, these structures are used in conjunction with the activities associated with the creche. Therefore, it is our considered view that, despite their location in relation to the building lines and also considering the overwhelming support received from all of the adjoining property owners marked by the municipality (**Annexure K**) and the signed consent forms (**Annexure L**). A Plans signed by the adjoining property owners is attached **Annexure M**. To ensure that all the signatories of the consent forms also signed on the corresponding plans, please see cross-referencing sheet attached as **Annexure P**. No negative impact is currently being demonstrably felt by the surrounding property owners as

a result of these structures. Furthermore, as the site development plan indicates, no municipal services are being affected.

It is to be further noted that the creche was built by the municipality as part of its services delivery drive towards the Rosedale Community. The orientation of buildings and the basic requirements of creches and increased demand rendered it challenging to develop the property further whilst avoiding minor deviations from building line parameters.

4.2 Rights of the surrounding property owners

The structures encroaching the building lines have been in existence since 2022, and no complaints have since been registered from affected community members citing their existence. All surrounding property owners have been approached for comment and none of them voiced any objections relating to the structures in question. Please see annexures **K**, **L** and **M** for the locality map, completed consent forms and the signed site development plan.

4.3 Provisions of the zoning scheme

The property's zoning scheme designation is Community Zone I with its primary use being that of a *place of instruction*. The positioning of some of the as-built and proposed structures is discordant with the zoning rights of the property only in as far they encroach designated building lines.

Our position is that these structures cause no inconvenience to the surrounding property owners and have no impact on municipal services. The surrounding community has indicated overwhelmingly support as evidenced by the signed consent forms.

4.4 The potential impact on services

As indicated on the site development plan, no services are impacted on by the as-built and new structures. Adequate capacity exists within the existing infrastructure to handle the daily activities of the existing creche.

4.5 The proposal in relation to existing land uses

The proposal is only to obtain approval for an existing legal creche. No other land uses that might have an impact on the prevailing land use or zoning status of the property and its surrounds are proposed.

4.6 The principles set out in SPLUMA and subordinate legislation

There are five SPLUMA principles which could be summarised as spatial justice, sustainability and resilience, Efficiency and good administration.

Spatial justice, sustainability and resilience mainly relate to how higher order planning framework instruments i.e. Planning frameworks, policies, mechanisms, schemes, systems, procedures, processes, measures, plans, approaches and legislation. These planning documents should incorporate these principles for them to be regarded as credible. Therefore, if a proposal is in line with the directives of these credible documents, logic follows that the decisions taken in relation to such proposals could be regarded, by the same token, as also credible. This is purportedly stated in the Spatial Planning and Land Use Management Act. This proposal is, as far as it has been conceived, not for the consideration of planning policies, frameworks or guidelines. However, due regard shall be had to the policy recommendations of the spatial development framework. The principle of good governance deals specifically with spheres of government and other government agencies in terms of the manner and method they should adopt whilst facilitating development towards a much-integrated prosperous society.

However, it is submitted that the proposal complies with the principle of efficiency in as far as it allows the property to be utilized to its optimal level. This is in line with the spirit and purport of the Provincial Spatial Development Framework as well as the local George Spatial Development Framework (2023).

4.7 The proposal in relation to the George Spatial Development Framework (2023/27)

The spatial vision of the George Municipality as framed in the George Spatial Development Framework (2023/27) aims to *Develop George as a resilient regional development anchor of excellence for prosperity, inclusive- and smart growth*.

The spatial vision of the George Municipality is that *George Municipality ascribes to the "Smart City" concept, to create a future George that is safe, secure, sustainable and efficient*. One of the pillars of a Smart City include the development of physical infrastructure and services. Our interpretation of this pillar in relation to the physical structures on site (classrooms), the playground equipment and ablutions facility falls directly within this pillar and therefore in line with the spatial vision of the George Municipality.

The Spatial Development Framework furthermore introduces the notion that the primary levers for achieving SPLUMA principles include Growth management which is translated to compact urban form. The development of the site in the manner that it has, whilst discordant with the building line parameters, does fall in line with the primary lever being compact urban form. The further intensification of the current land use allows for greater access in respect to the community to the education and social facilities provided by the site. It is therefore our considered view that the building line relaxation is indeed in line with the spatial vision of the George Municipality and should as such be supported.

4.8 The local authority adherence to forward planning

It is common cause that the municipality is in the process of occasionally processing land use applications of a similar nature e.g. permanent departure application. Judging from several applications which are dealt with by the municipality especially those that are found to have merit in the past, including policies that have been approved to promote densification, infill development and compact urban form.

4.9 Vehicular access and parking

Access to the property is to be obtained from Genesis Street along which the stop-and-drop facility is located (see **Annexure F – Site Development Plan**). The stop-and-drop facility, though it is barely used, is already in place informally and is to be formalised in line with whatever directives the municipality may impose.

Provision has been made of six (6) on-site parking bays as per the zoning scheme by-law parameters. It is our view that there is adequate access and parking provision on site to warrant unanimous support for the current proposal.

4.10 Potential impact on the environment

The collective impact of the proposal is of a significantly lesser impact as there is no known fauna of flora or any structures or artifacts on the property that are of any conservation or heritage value. Furthermore, except for the proposed refuse enclosures, all other structures are already in place.

None of the proposed development activities are located on a 100-year floodline.

Furthermore, no listed activities are proposed as part of the development proposal.

4.11 Public interest

The proposal in question relates to an existing community facility from which members of the surrounding community are already benefiting. Additionally,

surrounding property owners that were identified by the municipality have offered no objections in respect of the current proposal (see **Annexures K**, **L** and **M**). Any other potential concerns by members of the public are to be dealt with as and when received.

5 PROPOSAL IN RELATION TO THE CHAPTER 2 PRINCIPLES OF SPLUMA

The Chapter 2 principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) provides that all spatial development should conform to the principles detailed in the following table:

Table 2: SPLUMA Principles

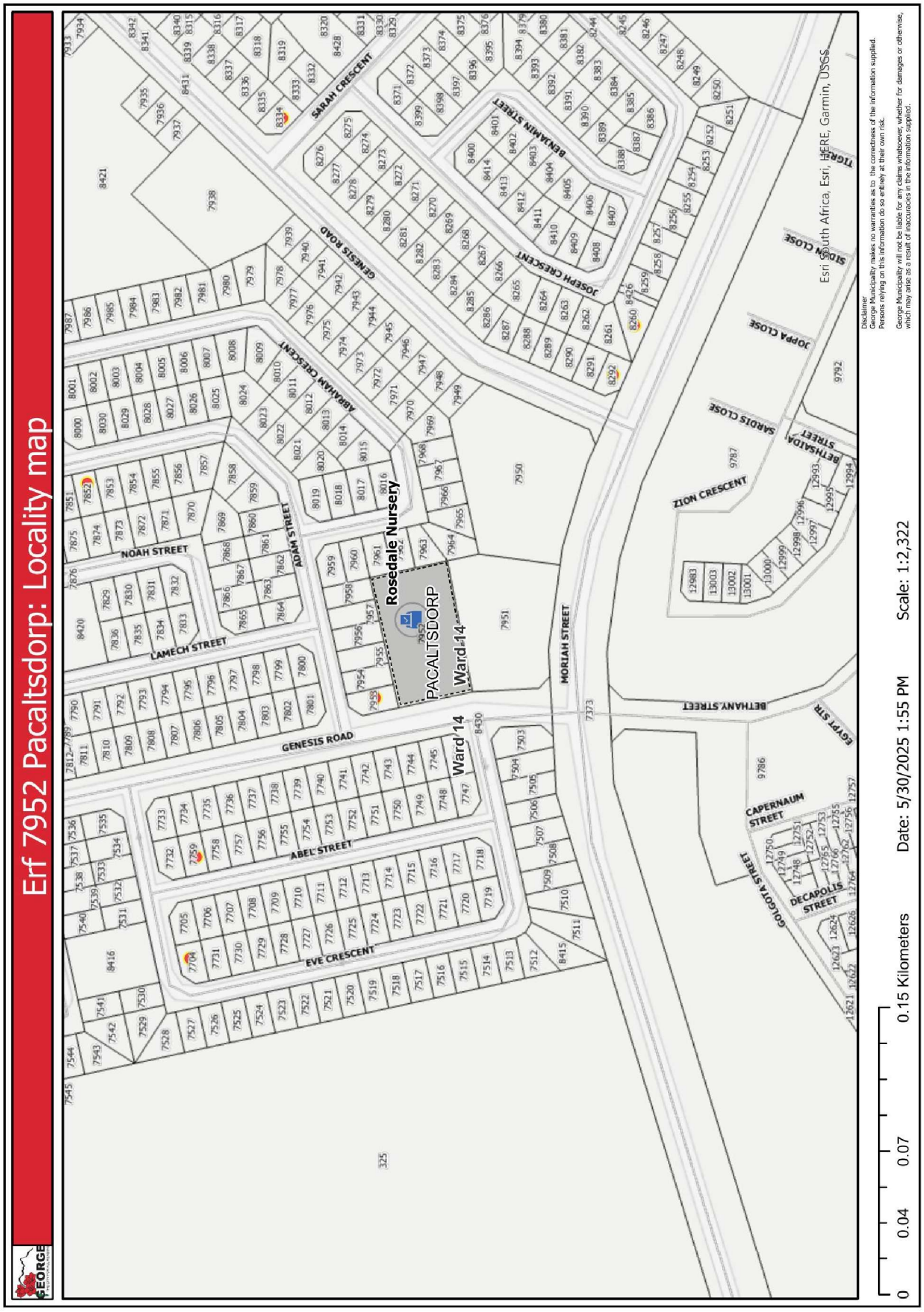
Spatial justice	
Past spatial and other development imbalances must be redressed through improved access to, and use of, land by disadvantaged communities and persons.	The current proposal, whilst it is not particularly aimed at redressing past inequalities in spatial terms, it is not discordant with the principle of redress.
Spatial sustainability	
Spatial planning and land use management systems must promote the principles of socio-economic and environmental sustainability by encouraging the protection of prime and unique natural areas; promoting land development in locations that are sustainable, and limit urban sprawl; consider all current and future costs to all parties involved in the provision of infrastructure and social services to	The current proposal relates to a property that is already developed (brownfields development). The property is also in an already that is heavily developed i.e. Rosedale. Therefore, the question of sustainability is not a moot point in as far as the current proposal for building line relaxation in respect of as-built structures is concerned.

ensure the creation of viable communities.	
Efficiency	
Land development must optimize the use of existing resources and the accompanying infrastructure, while development application procedures and timeframes must be efficient and streamlined to promote growth and employment.	The development of the subject property to make provision for additional activities on site is regarded as welcome strategy to ensure efficiency. This is due, in part, to the fact that, despite intensified development, the prescribed coverage of the site is not exceeded.
Spatial resilience	
Ensure sustainable livelihoods in communities that are likely to suffer the impacts of economic- and environmental shocks.	Although the relevance of this principle on the current proposal is doubted, it is our position that the proposal is not in variance with the general objective of the principle.
Good administration	
All spheres of government must ensure an integrated approach to land development and all departments must provide their sector inputs and comply with prescribed requirements during the preparation or amendments of SDFs.	One of the main purposes of this application is to facilitate a process whereby the municipality can apply its mind to what impact the proposal shall have on the natural and built environment, and on the communities directly affected. It is our considered view, therefore, that the role we are playing is very important in promoting good administration in general.

6 CONCLUSION

We view this submission as testament to the fact that the proposal so submitted does not lack desirability. In fact, it is submitted that the building line relaxation in respect of the proposed and as-built structures is in the public interest and warrant local authority support. Furthermore, it is our submission that the proposal is in line with the Chapter 2 Principles of SPLUMA and the Spatial Strategies of the George Spatial Development Framework, 2023.

==========


Erf 7952 Pacaltsdorp: Locality map
Rosedale Nursery
PACALTSDORP
Ward 14
Ward 14
GENESIS ROAD
NOAH STREET
LAMECH STREET
ADAM STREET
ABRAHAM CRESCENT
GENESIS ROAD
SARAH CRESCENT
BENJAMIN STREET
JOSEPH CRESCENT
ABEL STREET
EVE CRESCENT
MORIAH STREET
BETHANY STREET
ZION CRESCENT
SARDIS CLOSE
JOPPA CLOSE
SIDON CLOSE
TIGRIS
EGYPT STR
GOLGOTA STREET
CAPERNAUM STREET
DECAPOLIS STREET
BETHSAIDA STREET
Esri South Africa, Esri, HERE, Garmin, USGS
Disclaimer
George Municipality makes no warranties as to the correctness of the information supplied.
Persons relying on this information do so entirely at their own risk.
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.
0
0.04
0.07
0.15 Kilometers
Date: 5/30/2025 1:55 PM
Scale: 1:2,322

ANNEXURE "E"

SPECIAL POWER OF ATTORNEY

I/We Bevan Ricoh Ellman - Director Corporate Services - George Municipality, the registered owner of the under-mentioned property, do hereby nominate, constitute and appoint **Seretse Mthembu (ID No. 781215 5530 08 3) of Daimcon Personnel CC** with power of substitution to be our lawful representative in our name, place and stead to make any necessary Town Planning applications in order to obtain local authority approvals in respect of **ERF 7952 PACALTSDORP**, including the following:

(a) To make any other necessary applications and further to represent me/us in any enquiry or inspection and hearing in relation to the aforementioned matters and generally do whatever may be necessary or desirable to procure Town Planning approvals, authorisations and related matters on the said land;

(b) To alter and amend the application(s) as may be required from time to time, or to withdraw it;

(c) And generally for effecting the purposes aforementioned, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our representative shall lawfully do or cause to be done, by virtue of these presents and whatever our said representatives have to date done herein.

SIGNATURE:

_____ **on this the** 22nd **day of** May **2025**

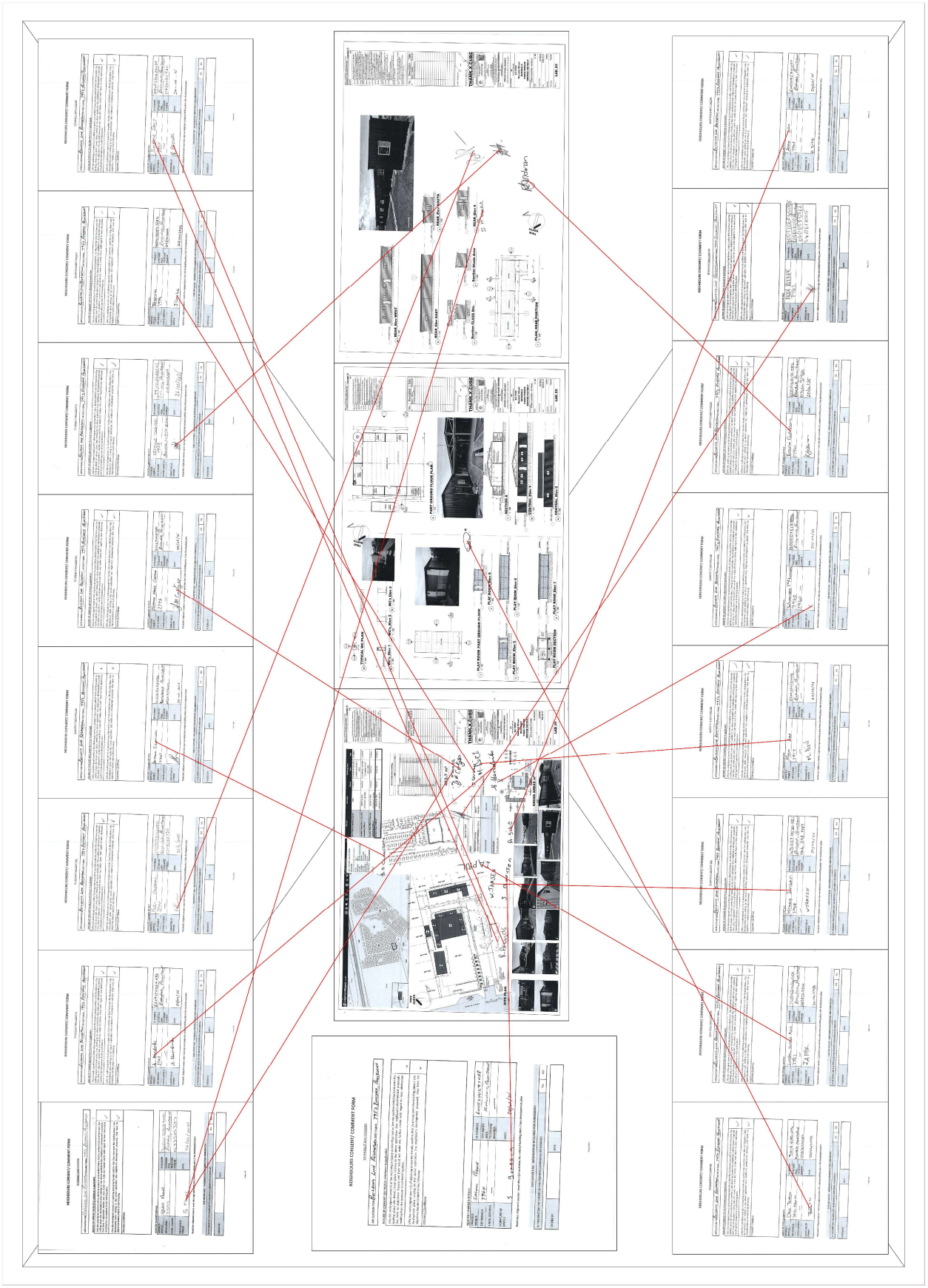
In the presence of the under-signed witnesses.

AS WITNESSES:

1. .....

2. Edward Ganza .....

ANNEXURE "F"



MEMORANDUM OF AGREEMENT

Made and entered into between

THE MUNICIPALITY OF GEORGE

(hereinafter referred to as the **LESSOR**) of the one part
and represented herein by **Allen Pause** in his
capacity as Director: Community Services

and

Rosedale Nursery

(herein after referred to as the **LESSEE**) of the other part and represented herein by:

Nolindela Bityashe-Thembiso

in her capacity as **PRINCIPAL**

and

Clarence Smart

in her/his capacity as **CHAIRPERSON**

WHEREAS Council resolved during a Council meeting that took place on 12 August 2021, a new lease agreement be entered into with the crèche for a three (3) years with an option to extend for a further period at a nominal rental amount of R20,00 + VAT per annum

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1

LEASE

The **LESSOR** hereby lets the PREMISES situated at Erf 7952 Genesis Street, Rosedale, Pacaltsdorp, to the **LESSEE** who hereby hires the same from the **LESSOR** upon the terms and conditions herein stated.

2

C.C.S NT NK AM

PERIOD OF LEASE

Notwithstanding the date of signature hereof, this lease shall endure for a period of three (3) years, starting on 1 July to 2021 to 30 June 2024.

3

RENTAL

The annual rental shall be the sum of R20,00 plus VAT.

4

RESPONSIBILITIES OF PARTIES

4.1 The Day Care Centre must be registered with the Department of Social Development, Provincial Government Western Cape, The Western Cape Education Department or be in the process of registration

4.2 The LESSEE must adhere to all the stipulations and regulations as set out in the agreement with the abovementioned Government Departments

4.3 The LESSEE must provide the Municipality (Social Development) with a monthly progress report and a copy of its financial statements

4.4 The Social Development Section reserves the right to any time visit the Crèche concerned to ascertain the management thereof

4.5 All Municipal Crèches form part of the Municipal Crèche Forum hence forth

5

MUNICIPAL SERVICES

The **LESSEE** will be responsible for the payment of municipal service charges, which includes; sewerage, water usage and garbage removal at the tariffs as determined by the **LESSOR** from time to time.

6

C.C.S NT N.K AM

USE OF PROPERTY

The property is to be used for the purposes of a crèche only, and may not be used for any other purpose, except with the prior written approval of the **LESSOR**. The **LESSEE** may not use any part of the property hereby leased as residence, sleeping accommodation or any similar usage.

7

BREACH

In the event of any breach of the conditions of this lease by either party, or of non-payment of the rental or any amount due in terms of this lease by the **LESSEE** on the due date, the **LESSOR** and/or **LESSEE**, as the case may be, shall have the right to cancel this lease after giving 14 days written notice to the defaulting party to rectify the breach and the **LESSOR** shall have the right to retake possession of the premises without prejudice to any claim which the **LESSOR** may have against the **LESSEE** for any rental or amounts already owing or any other amount or for any damage which the **LESSOR** may suffer as a result of the termination of the agreement of lease.

8

MAINTENANCE OF PROPERTY

The **LESSEE** shall keep the premises and all improvements, appurtenances, fixtures and fittings thereon in a clean, neat and tidy condition.

9

INSURANCE

9.1 The **LESSEE** may insure the equipment on the property in its discretion.

9.2 While utilising the facilities in the property neither party may do anything or allow anything to be done which may endanger or damage the PREMISES or whereby the insurance thereof may be affected.

9.3 The **LESSOR** shall not be responsible for any theft, damage, loss or injury to body or limb or property of whatsoever nature and to whosoever it may belong which may result

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from the use of the PREMISES and the **LESSEE** hereby indemnifies the **LESSOR** for any claim made against the **LESSOR** in this regard.

10

SUBLETTING AND CESSION

The **LESSEE** may not sub-let the property nor cede, pledge or renounce in favour of any other person or institution any of the rights or obligations flowing from this agreement.

11

DESTRUCTION OF PREMISES

Should the premises become partially or wholly destroyed or untenantable as a result of fire, storm, tempest, earthquakes or earth tremors or any other cause beyond the control of the **LESSOR** in such a manner as to substantially interfere with the further use of the property by the **LESSEE**, then either party shall have the right to cancel the lease by notice to this effect to the other party and neither party shall have any claim against the other arising from such cancellation.

12

BUILDINGS

The **LESSEE** may not erect or cause to be erected any buildings of whatever nature, being either of a temporary or a permanent nature, without the prior written approval of the **LESSOR** and may also not effect or cause to be effected alterations to the existing buildings without such written approval.

13

TERMINATION

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13.1 Upon termination of this agreement of lease, either by expiration of time or otherwise, the **LESSEE** shall vacate the property hereby leased and hand it over to the **LESSOR** in a good, clean and orderly fashion. Any buildings and/or improvements will become the property of the **LESSOR** without payment of any compensation.

13.2 Both parties will have the right to cancel this agreement by given the other party 3 months written notice.

14

CEASING OF OPERATIONS

In the event of the **LESSEE** ceasing its operations as a crèche, this agreement of lease will be cancelled with effect from such date and the property shall revert to the **LESSOR**, without prejudice to the **LESSOR'S** rights to take action to recover any outstanding rental or other amounts still owing.

15

DOMICILIUM AND NOTICES

15.1 The parties select their addresses as hereinafter stated as their respective *domicilia citandi et executandi* for all purposes arising out of this agreement or the cancellation thereof.

15.2 Any notice sent to the *domicilium citandi et executandi* of a party by pre-paid registered post or delivered there by hand shall be deemed to have been received on the fifth business day after posting or on the date of delivery, as the case may be.

15.3 Any party may, by written notice to the other, change his *domicilium citandi et executandi* to another physical address (not being a post office box number or poste restante) within the Republic of South Africa and such change shall become effective seven days after the giving of such notice.

15.4 All notices which may or may have to be given in terms of this agreement shall be in writing.

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THE LESSOR:
Municipal Offices
York Street
GEORGE
6530

THE LESSEE:
Erf 7952
Genesis Street
Rosedale
Pacaltsdorp

DISPUTE RESOLUTION

16.1 The parties hereby agree that in the event of a dispute arising out of this agreement then resolution of this dispute must be attempted by the way of consultation between the parties. If the consultation process does not lead to a resolution of the dispute, within five (5) days, then the parties agree to refer the dispute for arbitration.

16.2 All arbitration proceedings shall be conducted in George. The arbitration shall be conducted informally, but in accordance with the provisions of the Arbitration Act, No. 42 of 1965, it being intended that if possible it shall be concluded within ten days of referral.

16.3 If the parties cannot agree on the appointed of an Arbitrator within three days after arbitration has been agreed upon, than the President for the time being of the Cape Bar Council will be requested to appoint the arbitrator.

16.4 The fees payable to the arbitrator shall be determined and agreed to between the arbitrator and the parties and the parties shall be jointly and severally liable for the payment of the arbitrator's fees. Any party may request the other party to deliver an acceptable guarantee or reasonable deposit for his portion of the cost.

16.5 The Arbitrator shall be requested to hand down his/her award within ten days after the completion of the arbitration.

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16.6 The decision of the Arbitrator shall be final and binding and may be an order of the Cape of Good Hope Provincial Division of the High Court upon the application by and party to the arbitration.

THUS DONE and SIGNED on behalf of the LESSOR at **GEORGE** on the 14 day of OCTOBER 2021

AS WITNESSES:

1. _____

2. _____

_____
A PAULSE
DIRECTOR: COMMUNITY SERVICES

THUS DONE and SIGNED on behalf of the LESSEE at **GEORGE** on the 14 day of OCTOBER 2021

AS WITNESSES

1. _____

2. _____

_____
PRINCIPAL
LESSEE

_____
CHAIRPERSON
LESSEE