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Beplanning en Ontwikkeling Planning and Development

Reference / Verwysing: Erf 26325 George
Date / Datum: 1 December 2020
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REZONING AND DEPARTURE : ERF 26325, SHORT STREET, GEORGE

Your application in the above refers.

The Eden Joint Municipal Planning Tribunal – George Municipality, meeting held on 17 November 2020 resolved:

(a) That, in consideration of the objections received and the findings in the town planner's report, the following application applicable Erf 26325, George:

- (1.) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2015 for Flats;
 - (i). Relaxation of the street building line along Short Street from 5.0m to 4.5m;
 - (ii). Relaxation of the Street building line along Kershout Street from 5.0m to 3.0m;
 - (iii). Relaxation of the side and rear building lines which form the common boundary with Single Residential Zone I erven from 4.5m to 3.0m;

BE REFUSED in terms of Section 60 of said Planning By-Law for the following reasons:

1. Relaxation of the proposed building lines in this area may have a detrimental impact on the neighbouring properties amenity to privacy and views;
2. The layout design can be improved by complying with the building lines as prescribed by the Zoning Scheme for flats;

(b) That, notwithstanding the objections received and considering the findings of the town planner's report, the following applications applicable to Erf 26325, George:

- (1.) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 of Erf 26325, George from "Single Residential Zone I" to "General Residential Zone IV";

- (2.) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2015 of the parking requirements for flats from 2 parking bays per flat to 1.5 parking bays per flat.
- (3.) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2015 for Flats;
 - (i). Relaxation of the street building line along Station Street from 5.0m to 4.5m;

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

- (i). The impact of the development will be mitigated by imposing applicable conditions.
- (ii). The proposed development, in consideration of the need for densification and relevant mitigation measures proposed, will not have an adverse impact on the adjacent neighbours' amenity and right to privacy, views and sunlight.
- (iii). Should the mitigation measures be implemented, the application cannot be inconsistent with the objectives of the spatial development plans for the area.
- (iv). The proposed development will contribute to the road system upgrades which will subsequently contribute to the decrease in the traffic congestion in the area.
- (v). The lower parking ratio can be justified considering traffic impacts, location in proximity to bus route, basic amenities, CBD and concept of walkability.
- (vi). The relaxation of the proposed building line along the railway line would not have a detrimental impact on the neighbouring residential properties.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT

1. That in terms of Section 43 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and section 17(6) of the Land-Use Planning By-Laws for George Municipality this approval shall lapse if not acted upon within a period of (5) five years from the date of approval.
2. The overall residential density of the development shall not exceed 90 dwelling units per hectare.
3. A height restriction of 8.5m to the ridge of the roof, as measured from natural ground level shall be applied to all buildings located within 30m of any "Single Residential Zone I" properties.
4. The height of buildings along the railway line, which does not border "Single Residential Zone I" properties, shall be restricted to 10m to the wall plate and 11.5m to the ridge of the roof, as measured from the natural ground level.
5. A 12m setback must be provided at the access gate along Short Street to allow for adequate vehicle stacking distances.
6. A revised site development plan (SDP) and a phasing plan must be submitted to the satisfaction of the Directorate: Planning and Development, for the development in accordance with the provisions of Section 23 of the George Zoning Scheme By-Law, 2017 and the conditions of approval, prior to submission of building plans.
7. No trees on the property shall be lopped, topped, felled, removed or disturbed in any way without the prior written approval of the Directorate: Community Services. This condition also extends underground to include the area of the root zone. The trees agreed to be retained must be indicated on the site development plan.
8. The Aesthetics Committee must comment on the SDP prior to the approval by the Directorate: Planning and Development.

9. Building plans may only be submitted for approval in accordance with the National Building Regulations (NBR) after the approval of the SDP.
10. The approval will only be regarded as implemented on the commencement of building works in accordance with an approved building plan.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

11. Capital contributions are payable by the developer for each new equivalent erf (ee) created, as per standard tariffs for George, applicable on transfer of a portion, unit or the approval of building plans, or on application for a CRT, or as stipulated in a Services Agreement between the George Municipality and the Developer. The total amount payable will be determined by the Dept: CES and will be subject to annual adjustment. Contributions payable may be adjusted should the actual water usage exceed the accepted normal daily usage based on the Guidelines for Human Settlement Planning and Design, based on a six-month average use.
12. All civil services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with The Guidelines for Human Settlement and Design and Council specifications. A Technical Report and all drawings and plans are to be submitted to the Dept: CES, 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 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 or occupational certificate will be approved before all the civil services have been satisfactorily installed and as-builts submitted electronically, as well as the surveyors plan.
13. Should more than two developments/properties be party to or share any service, the Dept: CES will in conjunction with the parties determine the pro-rata contributions payable.
14. Any, and all, costs directly related to the development remain the developers' responsibility.
15. Each new portion created must have separate water and sewer connections
16. 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/owner of the other erf. (Condition 12 applicable).
17. Any service from another relevant erf 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 12 applicable).
18. 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 12 applicable) All existing municipal services must be indicated on all plans submitted for approval. Before and after photographic evidence must be presented to the Dept. CES on request. This is particularly required w.r.t. the use of public roads by construction vehicles, damage to kerbs, paving etc during the construction phase.
19. Should it be necessary, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Dept: CES. All expenses will be for the developer.
20. Servitudes must be registered for any pipeline or service not positioned within the standard building lines.
21. Provisions for the storage and removal of solid waste is to be addressed in conjunction with the Directorate: Community Services.

22. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval was required and obtained for this proposed development.
23. A Homeowners' Association or Body Corporate must be established incorporating all erven within a complex /security estate. The private roads and the related stormwater infrastructure, and private open spaces within the development will be transferred by the developer to the Homeowners' Association/Body Corporate who will assume responsibility for the maintenance thereof.
24. 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 Dept: CES, or any condition of any authority has not been satisfactorily complied with.
25. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include but is not limited to Telkom & Fibre optical cable.
26. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dept: Civil Engineering Services (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to comply with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption at a rate as per applicable tariff list. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so, required by the Dept: CES
27. The Developer / erf owner must apply to the George Municipality for the installation of any individual erf water meter prior to any building work commencing on an erf.
28. The Developer is to take ensure that they obtain all the necessary information regarding the position of existing municipal services.
29. A Water Demand Management Plan must be submitted for approval by the relevant departments/authority. All approved measures must be implemented by the developer. The approved management plans must be incorporated into all homeowner constitutions/body corporate/any such governing or controlling body's property rules.
30. No stormwater may be discharged into the municipal sewer system
31. The private roads and the associated stormwater and private open spaces are to be registered as private and transferred to the HOA, or other relevant governing or controlling body.
32. Should any person, including the developer, the Association, an owner of an erf in the development or a contractor appointed by any of the aforesaid persons, dispose of any items into the municipal sewer or stormwater network, the developer and the Association will jointly and severally be liable for any losses or damages the Municipality may suffer as a result thereof and the cost the Municipality may incur to remedy the effect of the action in question.
33. The development, in its entirety or in phases, is subject to confirmation of the availability of treatment capacity of the Sanitation treatment works at the time of the development implementation, or if developed in phases before the commencement of each phase.
34. 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 Dept: Civil Engineering Services 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 Dept: CES, are to be implemented by the developer. No transfers to a third party or any occupation certificate will be issued unless the recommendations in the TIA have been carried out to the satisfaction of the relevant authority. All costs involved will be for the developer.
35. Internal parking requirements (ie within the development area), position of accesses, provision for stacking distance at entrances, 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. Adequate parking with a hardened surface must be provided on the premises of the proposed development as no private parking is permitted in any municipal road reserve.

36. Stormwater management is to be addressed in the Technical Report. Stormwater from the property is to discharge into the municipal stormwater system. All approved measures are to be implemented by the developer. Should a stormwater management plan be required, this approved management plan must be incorporated into the homeowner constitution/body corporate/any such governing or controlling body rules. A layout plan indicating the proposed storm water drainage must be submitted to the Dept: CES for approval. Condition (12) applies.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES:

37. Capital contributions are payable by the developer for each new equivalent erf (ee) created, as per standard tariffs for George, applicable on transfer of a portion, or the approval of building plans, or on application for a CPT, or as stipulated in a Services Agreement between the George Municipality and the Developer. The total amount payable will be determined by the Dept: Electro Technical Services (ETS) and will be subject to annual adjustment. Contributions payable may be adjusted should the actual electricity connection be other than a conventional 60 Amp single phase per erf.
38. All electrical services -internal, link and relocation of or upgrades to the existing network - are to be designed by a registered consulting engineer in accordance with Council specifications. All drawings and plans are to be submitted to the Dept: ETS, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the electrical department 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 electrical services have been satisfactorily installed and as-builts submitted electronically.
39. Any, and all, costs directly related to the development remain the developers' responsibility.
40. Only one electrical connection permitted per registered erf.

You have the right to appeal to the Appeal Authority against the decision/conditions of approval of the Eden Joint Municipal Planning Tribunal – George Municipality, in terms of Section 79(2) of the George Municipality's By-law on Municipal Land Use Planning.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Municipal Manager, P O Box 19, George, 6530 or Directorate: Planning, 5th floor, Civic Centre, York Street, George **on or before 22 December 2020** and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard.


The notice must be served in accordance with section 115 of the Municipal Systems Act and in accordance with the additional requirements as may be determined by the Municipality. The notice must allow persons 21 days from date of notification of the appeal to comment on the appeal. Proof of the notification must be submitted to the Municipality, within 14 days of the date of notification.

An appeal that is not lodged within the timeframe or that does not comply with Section 80 of the George Municipality's By-law on Municipal Land Use Planning will be deemed invalid.

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

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

Yours faithfully


D POWER

ACTING DIRECTOR: PLANNING AND DEVELOPMENT

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