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Beplanning en Ontwikkeling Planning and Development

Reference / Verwysing: Erf 23865 George
Date / Datum: 1 December 2020
Enquiries / Navrae: Keith Meyer

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Marlize de Bruyn Planning
P O Box 2359
GEORGE
6530

REMOVAL OF RESTRICTIONS, SUBDIVISION, CONSOLIDATION AND REZONING : ERVEN 23865-23873 & 23878, YORK STREET, GEORGE

Your application in the above refers.

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

That, notwithstanding the objection received, the following applications applicable to Erven 23865, 23866, 23867, 23868, 23869, 23870, 23871, 23872, 23873 & 23878, George:

1. Removal of restrictive condition, paragraph C, in Title Deed T48908/2006 in terms of Section 15(2)(f) of the Land Use Planning By-law for George Municipality, 2015;
2. Subdivision of Erf 23878, George in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2015 in the two portions namely:
 - a) Portion A (± 0.4637 ha);
 - b) Remainder Erf 23878, George (± 0.5967 ha).
3. Consolidation of Portion A, Erven 23865, 23866, 23867, 23868, 23869, 23870, 23871, George in terms of Section 15(2)(e) of the Land Use Planning By-law for George Municipality, 2015 to form Portion B (± 6.0232 ha);
4. Rezoning of the consolidated Portion B from "Transport Zone III" (private road), "General Residential Zone IV" (flats) and "Business Zone I" (business premises) in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2015 to "Business Zone I" (business premises);
5. Consolidation of Erven 23872 & 23873, George in terms of Section 15(2)(e) of the Land Use Planning By-law for George Municipality, 2015 to form Portion C (± 0.7335 ha);
6. Rezoning of Portion C in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2015 from General Residential Zone IV (flats) to Business Zone I (business premises);

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

- a) The larger part of the consolidated property already enjoys “Business Zone I” development rights and have the primary right for an Institution (hospital and sub-acute facilities).
- b) The development proposal will not have a detrimental impact on the surrounding character of the area or the surrounding built environment.
- c) The proposal is found to be in line with the spatial planning principles, objectives and guidelines applicable to the area in terms of the Provincial SDF and George MSDF.
- d) It is found that the proposed development will not have a negative affect any heritage or environmental recourses. Notwithstanding, a condition will be imposed for the appointment of an Environmental Control Officer to as per the conditions of approval below.
- e) The proposed development will create job opportunities for the skilled and unskilled labour market during construction and operation phase.

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

CONDITIONS OF THE DIRECTORATE: DEVELOPMENT AND PLANNING

- 1. In terms of Section 17(5); 22(1) and 32(1) of the Land-Use Planning By-Law for George Municipality, the rezoning, subdivision and consolidation approval lapses if not implemented within a period of 5 years from the date of the approval being communicated.
- 2. This approval shall be taken to cover only the rezoning, subdivision and consolidation as applied for and indicated on the proposed subdivision plan with the number ‘Annexure 9’ (191/G19) dated November 2019 and Consolidation Plan with number ‘Annexure 10’ (191/G19) dated November 2019 with drawn by Marlize de Bruyn Planning attached as “**Annexure D**” and “**Annexure E**” respectively, which bears Council’s stamp and shall not be construed as to depart from any other Council requirements or legal provision.
- 3. A site development plan (and landscaping plan), in terms of Section 23 of the George Integrated Zoning Scheme Bylaw, 2017, must be submitted to the satisfaction of the Directorate: Planning and Development for approval prior to the submission of building plans.
- 4. No offices may be developed on the respective consolidated properties (proposed Portions B and C) which are not medically related (i.e. no office park will be allowed).
- 5. That servitudes be registered over Erf 23878 and Erf 23864, George in favour of Erf 23863, George as well as proposed Portions B and C respectively for, *inter alia*, access and engineering services to the satisfaction of the Municipality prior to the submission of the Site Development Plan.
- 6. The owner must appoint an an Environmental Control Officer (ECO) to ensure compliance with regards to all relevant Environmental requirements & recommendations (with special reference to, *inter alia*, Specialist studies and comments from DEA&DP dated 14 August 2020).
- 7. The ECO must confirm in writing, that the proposed development conforms with all environmental requirements as part of the SDP submission.
- 8. Approved Consolidation and Surveyor General diagrams be submitted to the Directorate: Planning and Development for record purposes.
- 9. In terms of Section 34(1) of the Land Use Planning Bylaw for George Municipality, 2015 the owner must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the

- removal of the restrictive condition, after the publication of a notice contemplated in Section 33(7) in the Provincial Gazette.
10. Building Plans must be submitted for approval in accordance with the National Building Regulations (NBR). Building Plans may not be considered until the SDP has been approved, and the properties are registered in the Deeds Office.
 11. The Building Plans must be submitted to the Municipality's Aesthetics Committee for comment prior to approval by the Municipality.
 12. The approval will only be regarded as implemented on the commencement of building works in accordance with the approved building plans.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

13. 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 Directorate: Electrotechnical Services. (Dir. ETS) the Directorate: Civil Engineering Services (Dir. 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 Neighbourhood Planning and Design Guide, based on a six-month average use.
14. All Electrical & civil services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with The Neighbourhood Planning and Design Guide and Council specifications. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. Road reserve widths must be indicated on the plans submitted. 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 will be approved before all services have been satisfactorily installed and as-builts submitted electronically as well as the surveyors plan.
15. Should more than two developments/properties be party to or share any service, the applicable departments will in conjunction with the parties determine the pro-rata contributions payable.
16. Any, and all, costs directly related to the development remain the developers' responsibility.
17. Each new portion created must have separate service. (Electrical, water & sewer connections) (Condition 14 applies)
18. 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 14 applicable)
19. 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 14 applicable)
20. Any existing municipal (electrical, water or sewer) or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 14 applicable)
21. No development may take place within the 1:100-year flood line or on slopes steeper than 1:4.

22. Should be required, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Municipal Manager. All expenses will be for the developer.
23. No site development plan (SDP) may be approved before the Dir CES has commented. Additional conditions may be imposed once the draft SDP has been received.
24. Servitudes must be registered for any municipal service not positioned within the normal building lines.
25. The applicant is to comply with the National Forests Act No 84 of 1998, should it be required.
26. Provisions for the removal of solid waste is to be addressed in conjunction with the Dept: Environmental Services.
27. 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.
28. A home owners' association/body corporate (as applicable) is/are to be established incorporating all even within security estates / private access-controlled developments. The private roads and the related stormwater and light poles infrastructure, and private open spaces within the development will be transferred by the developer to this / these home owners' association/s who will assume responsibility for the maintenance thereof.
29. The developer, the association, an owner of an erf shall see to it that the officials and contractors of the Municipality shall at all times have access to any portion of the development that may otherwise not be generally accessible to the general public due to security measures, including guarded entrances, electronic gates or booms. For the avoidance of doubt, it is agreed that this requirement relates to the Municipality's emergency services, entry for normal maintenance and replacement, meter reading and inspection and refuse removal. If access to the development is denied to the Municipality or a contractor appointed by the Municipality, the developer and the association will jointly and severally be liable for the full cost of the municipal infrastructure repairs and any damages the Municipality may suffer as a result thereof and will be billed for any water losses from the system and/or electrical sales.
30. 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 applicable department, or any condition of any authority has not been satisfactorily complied with.
31. Developer responsible to obtain the necessary approval / way leaves from third parties which include, but not limited to the following: Telkom & Fibre optical cable.
32. The developer / erf owner in conjunction with the applicable departments, is to apply to the George Municipality for the installation of an individual erf electrical or water meter prior to any building work commencing on an erf.
33. Developer is to take note of existing municipal services within the property of the proposed development. (Condition 14 applicable) A minimum 3m wide servitude, depending on the service, will be required for service installed outside the building lines. (Condition 24 applies)
34. A development/implementation (phasing plan) program is to be provided by the Developer on requesting confirmation of this capacity from the applicable departments. If the Developer does not adhere to the program the municipality will be entitled to revise the conformation of availability so that other development in George is not compromised.
35. Public and private roads are to be clearly indicated on all layout plans submitted. The road reserves must be clearly indicated on all plans submitted for approval. The cadastral layout can only be approved if the road reserves have been included on plans and approved by Dir. CES.
36. 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. Public roads must be transferred to the George Municipality (see General).

37. A home owners' association/s is/are to be established incorporating all even within security estates / developments. The private roads, related stormwater and street lighting infrastructure, and private open spaces within the development will be transferred by the developer to this / these home owners' association/s who will assume responsibility for the maintenance thereof.
38. 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 costs the Municipality may incur to remedy the effect of the action in question

Water

39. Municipal water is provided for potable use only. No irrigation water will be provided.
40. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption by this department at a rate as per 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 Dir: CES.
41. Water demand management plans are to be submitted for approved by the relevant departments/authority. All approved measures are to be implemented by the developer. The approved management plans must be incorporated into all home owner constitutions/body corporate/any such governing or controlling body.
42. The development, in its entirety or in phases, is subject to confirmation of the availability of treatment capacity of the Water treatment works at the time of the development implementation, or if developed in phases before the commencement of each phase.

Sewer

43. 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 costs the Municipality may incur to remedy the effect of the action in question
44. 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.

Roads/Access

45. The developer is to have an external Traffic Impact Assessment (TIA) and an internal Traffic Study (TS) conducted by a registered traffic engineer that addresses the entire development area. The terms of reference of the TIA and TS 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 relevant Dir: CES, are to be implemented by the developer. All costs involved will be for the developer.
46. All recommendations stipulated in the TIA report and as approved by the relevant Dir: CES and any other approving authority, are to be implemented by the developer. Where recommendations required upgrading in excess of the capacity

required by the developer, the costs involved will be distributed among for the development, in terms of a traffic trip generation cost model, which shall be address in a Service Agreement.

47. Subject to developments implementation on Remainder 464 (Adjacent to erf 23866, George), the access onto York street, recommendations for the proposed circle will be regarded as a private access. All cost involved for the provision of this access will be for the developer.
48. Subject to development implementation on erf Remainder 464 (Adjacent to erf 23866, George), the developer and Council are to finalises a land exchange agreement, for a portion equal to the portion of erf 23866, George, required for a public road link, which must be consolidated with the development. All cost involved to consolidation this portion are to include as a condition of sale of erf 464, George. (Adjacent to erf 23866, George)
49. The portion of erf 23866, George required for the provision of the public road link, subject to the land exchange agreement, must be transfer to George Municipality. All cost involved to register, and construction of public road link are to include as a condition of sale of erf 464, George. (Adjacent to erf 23866, George)
50. An internal link road, linking proposed circle and the existing and proposed development on erf 23864 & 23865, are to be designed and constructed to minimum standards required to accommodate municipal service vehicles, which may be required for the maintenance and/or upgrading of internal municipal services, and is essential for access to the bulk electrical infrastructure.
51. A Stormwater management plan is to be submitted and approved by the relevant departments/authority. All approved measures are to be implemented by the developer. The approved management plans must be incorporated into all home owner constitutions/body corporate/any such governing or controlling body.
52. The discharge of surface stormwater into any existing water course may only proceed if the approval of the necessary authority has been obtained. All the requirements/conditions of such approval are to be implemented by the developer. All costs related is for the developer.
53. A layout plan indicating the proposed storm water drainage must be submitted to the Dir: CES for approval. Condition (14) applies.
54. All proposed Public Open Spaces are to be landscaped and finished to the satisfaction of the Dir: Civil Engineering Services and Dept: Environmental Services.
55. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
56. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
57. No private parking will be allowed in the public road reserve.
58. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition (14) applies.
59. As only a general layout has been provided, with no dimensions indicated, the developer is to take note that all road reserve widths are to be in accordance with The Neighbourhood Planning and Design Guide standards. The width of road reserves is to be approved by the Dir: CES before the final layout can be approved. Roads reserve widths will conform to the minimum as stipulated in the Guide but will be also be informed by the internal roads Traffic Study and the positioning of internal services.
60. The District Roads Engineer (DRE) is to comment on the development application and approve the external TIA.
61. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

62. Construction vehicle access must be pre-approved by the Dir. CES and the DRE. Condition (14) & (20) applies.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES:

63. The developer will be responsible to submit an Electrical Services Report for the development for the approval by the Electrotechnical Services Department. The developer will have to adhere to the Electrical Services Report. However, the preliminary designs, followed by the detailed designs, will only be finalised once the site development plan is approved. (Condition 14 applies)
64. The developer will be responsible to arrange with a professional land surveyor to indicate those services traversing erven on the relevant erf's SG diagram. The Electrotechnical Services Department can insist that an electrical servitude be registered if services traverse other properties. All cost related to the above will be for the developer.
65. The Electrotechnical Services will not be responsible for the installation, maintenance, energy consumption or any other costs related to streetlights, or other lighting, within the development.
66. A dimensioned layout plan indicating the proposed accesses to the municipal substations and other electrical infrastructure must be submitted to and approved by the Dir. ETS and Dir. CES to allow the municipality access with their LUVs and/or Crane Truck to their infrastructure for the purposes of maintenance and/or upgrading. The access should allow for internal link roads in the development to enable the ETS unhindered access to their internal infrastructure. (Condition 50 applies)
67. Neither the Developer nor the HOA are allowed to distribute electricity across property boundaries.
68. The developer, the association, and/or an owner of an erf shall see to it that no Small-Scale Embedded Generation (SSEG) are installed on an erf, any portion of an erf or the development, without prior approval from the Electrotechnical Services Department. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
69. All electrical infrastructure upstream of an electrical meter will be deemed part of the George Municipality distribution network and will be transferred to the municipality at no cost, who will assume responsibility for the maintenance thereof.
70. A new erf must be registered for the new 11kV switching substation and be transferred to the Municipality. It will be the responsibility of the developer to arrange at his cost for the subdivision of the property to allow for the substation erf and for the rezoning. A. Conveyancer must be appointed to complete this task.

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.

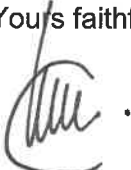


An appeal that is not lodged within the timeframe or that does not comply with Section 80 of the George Municipality's By-law on Municipal Land Use Planning will be deemed invalid.

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



PP

D POWER

ACTING DIRECTOR: PLANNING AND DEVELOPMENT

P:\New By Law Approvals\Erf 23865 George (rem, sub, cons, rez approval) m de bruyn.docx



PROJECT

PROPOSED DEVELOPMENT FOR
DIE THABA DEVELOPMENT TRUST

ERVEN 23865, 23866, 23867, 23868,
23869, 23870, 23871, 23872 & 23873,
23878, YORK STREET,
GEORGE MUNICIPALITY & DIVISION

SUBDIVISION PLAN

Subdivision of Erf 23878, George in
terms of Section 15(2)(d) of the
George Municipality: Land Use
Planning By-law (2015) in the two
portions namely:

- Portion A (±0.4511ha / 4511m²);
- Remainder Erf 23878, George
(±0.6093ha / 6093m²).

MAKLEZE DE SEUNEN PLANNING
Consulting Team & Independent Facilitator

• M. G. G. G.
• M. G. G. G.
• M. G. G. G.

DRAWING NO:

Annexure 9

DESIGNED BY

MD8

DRAWN BY:

JM

DATE:

November 2019

PROJECT NO:

191/G19

KOPIEEREG VOORBEHOUDOPVIGT RESERVEERD
MAKLEZE DE SEUNEN PLANNING



MUNICIPALITEIT GEORGE MUNICIPALITY

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

1/12/2020
DATE
DATUM

[Signature]

MUNICIPAL MANAGER
MUNISIPALE BESTUURDER



NTS

PROJECT

PROPOSED DEVELOPMENT FOR
DIE THABA DEVELOPMENT TRUST

ERVEN 23865, 23866, 23867, 23868,
23869, 23870, 23871, 23872 & 23873,
23878, YORK STREET,
GEORGE MUNICIPALITY & DIVISION

CONSOLIDATION PLAN

- Consolidation of Portion A, Erven 23865, 23866, 23867, 23868, 23869, 23870, 23871, George in terms of Section 15(2)(e) of the George Municipality: Land Use Planning By-law (2015) to form Portion B (46,0106ha);
- Consolidation of Erven 23872 & 23873, George in terms of Section 15(2)(e) of the George Municipality: Land Use Planning By-law (2015) to form Portion C (40,7336ha).

MUNICIPELE DE BOUTE PLANNING
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DRAWING NO: Annexure 10

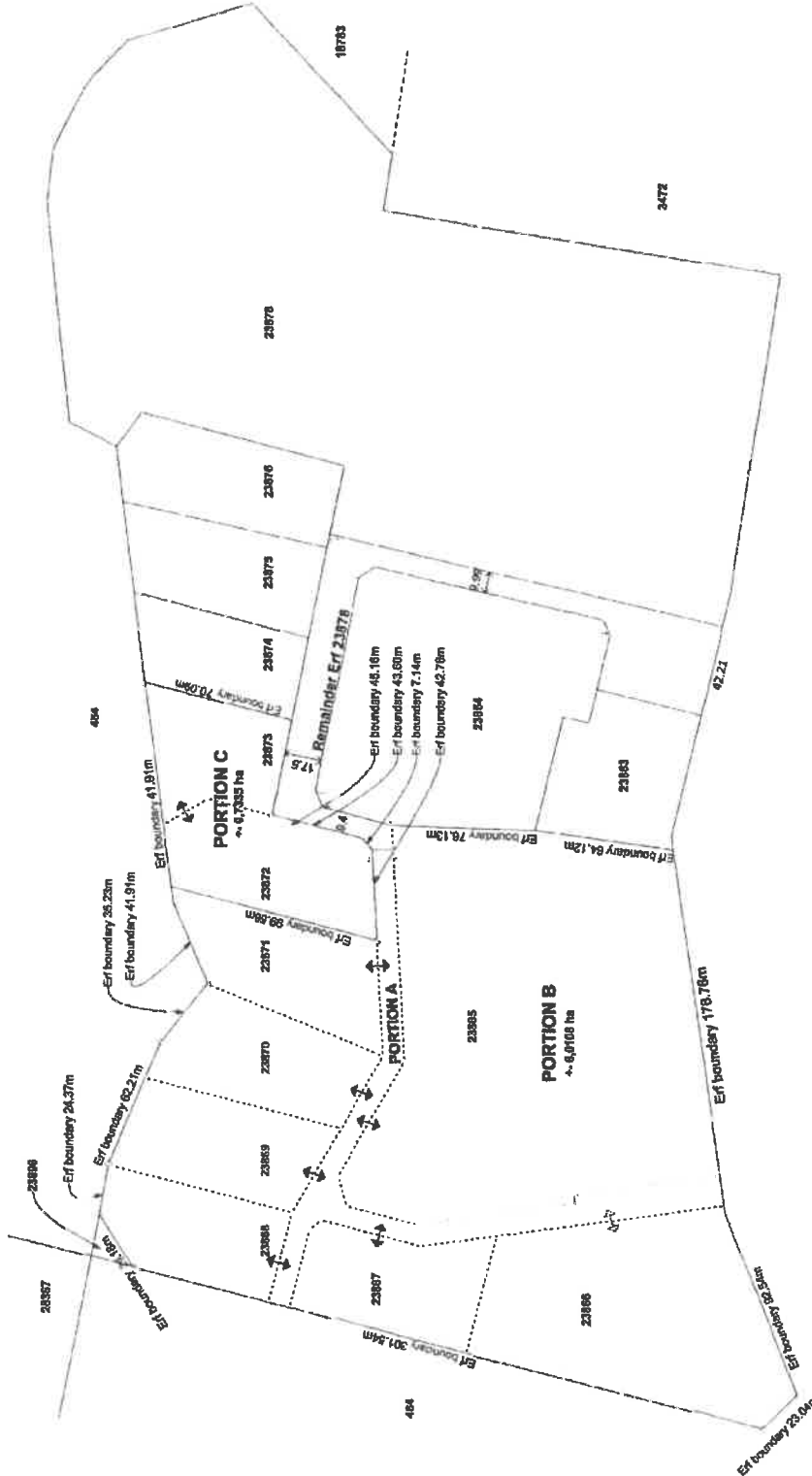
DESIGNED BY: MDB

DRAWN BY: JM

DATE: November 2019

PROJECT NO: 191/G19

RESERVEERD VOOR RECHTSPORDEGEWIST RESEWERD
MARKEER DE BRUYN PLANNING



York Street

MUNICIPALITEIT GEORGE MUNICIPALITY

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

1/12/2020
DATE
DATUM

[Signature]

MUNICIPALITY MANAGER
MUNISIPALE BESTUURDER



NTS