

Reference Number: Erf 314, Hoekwil

Date: 13 November 2020

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**APPLICATION FOR DEPARTURE, CONSENT USE AND REMOVAL OF
RESTRICTION: ERF 314, HOEKWIL**

Your application in the above refers.

- a. The Deputy Director: Planning (Authorised Official) has, under delegated authority; WW.1.33 of 29 July 2015 decided That the application for Departure in terms of Section 15(2)(b) of Land Use Planning By-law for George Municipality, 2015 for the relaxation of the southern building line from 20m to 10m for the second dwelling unit on Erf 314, Hoekwil:

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

1. There is more than enough developable area within the building lines which can be used as an alternative location for the proposed second dwelling unit on the subject property;
 2. No town planning reasons were provided by the applicant to justify a deviation from this development parameter and the Department could also not find any reasons either;
- b. That the following applications applicable to Erf 314, Hoekwil:
1. Removal in terms of Section 15(2)(f) of Land Use Planning By-Law for George Municipality, 2015 of Restrictive Title Condition Paragraph E(b) in Title Deed T45855/10 of Erf 314, Hoekwil;
 2. Consent Use in terms of Section 15(2)(o) of Land Use Planning By-Law for George Municipality, 2015 for a second dwelling unit on Erf 314 Hoekwil;

3. Departure in terms of Section 15(2)(b) of Land Use Planning By-Law for George Municipality, 2015 to increase the total floor space of the second dwelling unit from 150m² to 155m²;

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

REASON FOR DECISION:

- a) A second dwelling is deemed an appropriate development form within a smallholding area;
- b) The sustainable and considerate development of smallholdings located in environmentally sensitive areas such as Wilderness Heights achieves the goals and objectives set out in the municipality's spatial plans;
- c) The proposed second dwelling unit (155m²) is consistent with the Rural Development Guidelines;

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

CONDITIONS DIRECTORATE: PLANNING AND DEVELOPMENT

1. That in terms of Section 18(2), Section 19(5) and Section 33 (2) of the Land Use Planning By-law for the George Municipality, 2015, the approval shall lapse if not implemented within a period of 5 years from the date of this approval;
2. That in terms of Section 34(1) 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;
3. Proof of endorsement by the Registrar of Deeds be submitted to the George Municipality prior to submission of building plans;
4. A site development plan in terms of Section 23 of George Integrated Zoning Scheme Bylaw, 2017 must be submitted to the satisfaction of the Directorate for approval prior to the submission of building plans;
5. An OSCA permit application must be submitted to the satisfaction of the Directorate for approval prior to the submission of building plans;
6. Building plans must be submitted for approval in accordance with the National Building Regulations (NBR);
7. The application will only be regarded as implemented on commencement of building works in accordance with approved building plans;

CONDITIONS: CIVIL ENGINEERING SERVICES

8. 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: 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;
9. 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. 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 will be approved before all the civil services have been satisfactorily installed and as-builts submitted electronically as well as the surveyors plan;

10. Any, and all, costs directly related to the development remain the developers' responsibility;
11. Any service from the relevant erf must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any cost 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 9 applicable)
12. 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 9 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 9 applicable)
14. The flood line is to be determined. No development may take place within the 1:100-year flood line or on slopes steeper than 1:4;
15. Servitudes must be registered for any pipeline not positioned within the normal building lines;
16. The applicant is to comply with the National Forests Act No 84 of 1998, should it be required;
17. Provisions for the removal of solid waste is to be addressed in conjunction with the Dept: Environmental Services;
18. 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;
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 Dept: CES, or any condition of any authority has not been satisfactorily complied with;
20. Developer responsible to obtain the necessary approval / way leaves from third parties which include, but not limited to the following: Telkom & Fibre optical cable;
21. Municipal water is provided for potable use only. No irrigation water will be provided;
22. 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 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 Dept: CES;
23. The developer / erf owner in conjunction with the Dept: Civil Engineering Services, 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. No municipal sewer services are available at present. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to connect to the network. A capital contribution for sewer will then become payable as per standard tariff for each equivalent erf applicable at the time of connection;
 25. A conservancy tank, or alternative approved sewer disposal method, must be installed at the owner's cost. The owner is to appoint a private contractor, at own expense, to service the tank or alternative approved disposal methods;
 26. The development is subject to the availability of treatment capacity of the applicable treatment plants;
 27. The discharge of surface stormwater is to be addressed by the developer. Condition (9) applies. All costs related is for the developer.
 28. A layout plan indicating the proposed storm water drainage must be submitted to the Dept: CES for approval. Condition (9) applies;
 29. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorized transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval;
 30. Adequate parking with a hardened surface must be provided on the premises of the proposed development;
 31. No private parking will be allowed in the road reserve;
 32. 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 Guidelines for Human Settlement Planning and Design standards. The width of road reserves is to be approved by the Dept: CES before the final layout can be approved. Minimum width of Municipal road reserve is 10m and for panhandle erven access is 4 m;
 33. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dept: Civil Engineering Services. A site development plan is to be submitted to the Dept: CES, or any other relevant authority for approval prior to any construction work taking place;
 34. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities;

CONDITIONS: ELECTRO TECHNICAL SERVICES

35. Rural connection: Capital contributions will be payable by the applicant as part of the electrical connection on application for an electrical connection. The Capital contribution will be determined by the department ETS, based on the size of the connection at the standard prevailing tariff for rural high voltage connections;
36. 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;
37. Any, and all costs directly related to the development remain the developers' responsibility;
38. Only one electrical connection permitted per registered erf.

You have the right to appeal to the Appeal Authority against the decision of the Authorised Official, in terms of Section 79(2) of the George Municipality's By-law on Municipal Land Use Planning.

- A detailed motivated appeal with reasons should be directed to and received by the Appeal Authority, P O Box 19, George **on or before 04 January 2021**.
- An appeal that is not lodged within this 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.

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

Yours Faithfully



D. POWER

ACTING DEPUTY DIRECTOR: PLANNING AND DEVELOPMENT

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