

## **COVID-19 RISK ADJUSTMENT OPERATIONAL GUIDELINES FOR COMPILATION AND SUBMISSION OF A LAND USE APPLICATIONS IN TERMS OF SECTION 15(2) OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY, 2015**

COMPILED BY DIRECTORATE: PLANNING AND DEVELOPMENT

LAST REVIEW: 01 FEBRUARY 2021

### **1 INTRODUCTION**

The Land Use Planning By-Law for George Municipality, 2015 (hereafter referred to as the “*Planning By-Law*”) came into effect on 1 June 2015. The George Integrated Zoning Scheme By-Law, 2017 (hereafter referred to as the “*Scheme By-Law*”) came into effect on 1 September 2017.

In terms of Section 38(3) of the Planning By-Law, the Municipality may issue guidelines regarding the submission of information, documents or procedural requirements in respect of land use applications.

The Directorate has revised its requirements for the submission and processing of land use applications having considered the Restrictions of the COVID-19 Regulations, as published by the National Government, to ensure that service delivery can continue. The revised guidelines below shall apply until further notice.

#### **1.1 Aim of the Guidelines**

The aim of these guidelines is to assist the public with submission of the following applications in terms of Section 15 of the Planning By-Law:

- Rezoning in terms of Section 15(2)(a);
- Permanent Departure from the land development parameters of the Scheme By-Law in terms of Section 15(2)(b);
- Temporary Departure in terms of Section 15(2)(c);
- Subdivision of land (not exempted in terms of Section 24) in terms of Section 15(2)(d);
- Consolidation of land (not exempted in terms of Section 24) in terms of Section 15(2)(e);
- Removal, Amendment or Suspension of restrictive title conditions in terms of Section 15(2)(f);
- Permission in terms of the Scheme By-Law in terms of Section 15(2)(g);
- Permission required in terms of a condition of approval in terms of Section 15(2)(l);
- Consent Use contemplated in the Scheme By-Law in terms of Section 15(2)(o);

Although this document does not address each land use application individually, the principles and procedures herein can be used as guidelines for the compilation of the respective applications.

These guidelines do not bind the Municipality in any form or manner from its rights to request any additional information which it may require to assist it in taking a decision. The applicant is required to familiarize himself/herself with the content of the legislation and/or any policies applicable to the George Municipality.

## 2

## PROCEDURE

### 2.1 Who may apply

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2.1.1 The owner of land or the owner's authorised agent may apply to the Directorate: Planning and Development in terms of the By-Law. Refer to paragraph 2.4.2.5 hereunder.

### 2.2 Pre-application

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2.2.1 In terms of Section 37 of the By-Law, the Municipality may require an owner of land or his authorised agent who intends to submit an application, to attend to a pre-application consultation process before he or she applies to the Municipality.

2.2.2 The following land use applications requires a Pre-Application:

- Consent Use (excluding 2<sup>nd</sup> dwellings and house shops);
- Rezoning;
- Removal of Restrictive Title Conditions;
- Subdivision (more than 20 erven);
- Consolidation (which forms part of another application i.e. rezoning);
- Temporary Departure;
- Any application where the applicant seeks to omit certain compulsory information as per paragraph 2.4 below;

2.2.3 Minimum documents required for purposes of the consultation:

- Title Deed of the property/ies concerned;
- Site Layout Plan;
- Elevation Plan (if deviating from a height restriction);
- Completed (filled in) pre-application form which shall include a detailed summary of what is being applied for;
- Previous land development approvals.

2.2.4 How to submit a pre-application:

- All pre-application documents must be emailed to the Senior Town Planner, Jeanne Fourie ([jfourie@george.gov.za](mailto:jfourie@george.gov.za)) and a copy to Ilanè Huyser ([ihuyser@george.gov.za](mailto:ihuyser@george.gov.za)) and Clinton Petersen ([cpetersen@george.gov.za](mailto:cpetersen@george.gov.za)).
- The pre-application form must be submitted in Microsoft Word format. The remaining minimum required documents must be submitted in PDF format.

\*The Pre-application form will be available on the Municipal's website or can be obtained from Lorraine Malangeni at [lxmalangeni@george.gov.za](mailto:lxmalangeni@george.gov.za).

#### 2.2.5 Pre-application meeting instructions:

- The pre-application meetings will be held every Wednesday morning via a TEAMS meeting which will include the relevant departments.
- The pre-application meetings will not be open to the owner or authorised agent, unless requested and agreed to in advance thereof.
- All pre-application documents and requests to attend must be submitted by 12h00 on the Monday before the Wednesday meeting.
- Feedback on the pre-applications will be provided within 2-3 business days after the Wednesday meeting.

### 2.3 How to submit electronically

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- 2.3.1 The application must be accompanied by all the documents/ information stipulated in Section 38 of the Planning By-Law (unless otherwise agreed during the pre-application consultation meeting) and all additional documents as required by the Municipality as stated on the pre-application consultation form [Section 38(2) of the Planning By-Law]. (refer to paragraphs 2.4 hereunder).
- 2.3.2 All new applications must be emailed to Jeanne Fourie at [jfourie@george.gov.za](mailto:jfourie@george.gov.za) (even numbers) and Ilanè Huyser at [ihuyser@george.gov.za](mailto:ihuyser@george.gov.za) (odd numbers) for scrutinizing.
- 2.3.3 All the documents must be scanned in separately and named correctly, always starting with the property description, followed by the document type, for example: *Erf\_123\_George\_Title\_Deed*.
- 2.3.4 The applicant will be informed if the application is complete, or not. If the application is complete a Section 38 compliance letter, which will include the advertising instruction, will be issued via email.
- 2.3.5 Confirmation that the application is complete will be sent to the applicant and Lorraine Malangeni at [town.planning.applications@george.gov.za](mailto:town.planning.applications@george.gov.za) to issue an invoice for the application fees payable. After payment is made, the complete application, along with the proof of payment and confirmation letter, must be emailed to Lorraine Malangeni for processing (email address: [town.planning.applications@george.gov.za](mailto:town.planning.applications@george.gov.za)).
- 2.3.6 Once Lorraine Malangeni has received all the required documents an "Acknowledgement Letter" will be issued.
- 2.3.7 After receipt of the acknowledgement letter the applicant may commence with the Public Participation Process as per the guidelines.

### 2.4 What documents/information are required

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2.4.1 In terms of Section 38 of the Planning By-Law, the applicant must submit an electronic copy of, at least, the following documents (which will only be attended to during office hours being 7:45 to 16:30 Weekdays) to the Directorate Planning and Development:

2.4.2.1 a **covering letter** addressed to the Directorate: Planning and Development;

- 2.4.2.2 a complete and signed **application form** (respective application forms are available on the Municipal website or can be requested from Lorraine Malangeni at [lxmalangeni@george.gov.za](mailto:lxmalangeni@george.gov.za))

**Note:** The applicant's email address and cellphone number details must be provided on the application form to receive SMS updates and emails generated by Collaborator.

- 2.4.2.3 **proof of payment** application fee and compliance letter of (paragraph 2.3.5);

- 2.4.2.4 where applicable, **minutes of the pre-application consultation** (paragraph 2.2);

- 2.4.2.5 if the applicant is not the owner of the property(ies), a **power of attorney**, signed by all the registered owners at the time of submission.

- a) If the registered owner is a company, close corporation, trust, body corporate or owner's association the applicant must submit a **resolution** of the said body that authorises him/her to act on behalf of the relevant body. (the power of attorney and resolution must correspond with the Title Deed);
- b) **Proof of members/directors of company, closed corporation, trust, body corporate or owner's association** must also be submitted.

**Note:** Although it is intended to possibly transfer the property, the registered owner at the time of submission still needs to sign all required documents.

- 2.4.2.6 If the property is encumbered by a bond, the **bond holder's consent**;

- 2.4.2.7 **Conveyance Certificate** as per Section 38 (n) of the By-Law (*may be waived if access to the deeds office is restricted because of COVID-19*);

- 2.4.2.7 Written **motivation** for the application based on the criteria referred to in section 65 of the Planning By-Law. Minimum information required:

- a) Type of application;
- b) Property details (property description, size, ownership, etc.);
- c) Title conditions (describe any restrictive conditions or servitudes);
- d) Locality (zonings and land uses);
- e) Character of the area and streetscape;
- f) Proposed development;
- g) Current and proposed development controls;
- h) The necessity for and desirability of the proposed development;
- i) Reference to the objectives and principles contained in Chapter VI of the Land Use Planning Act, 2014:
  - Principle of spatial justice;
  - Principle of spatial sustainability;
  - Principle of efficiency;
  - Principle of spatial resilience;
- j) Reference to and compliance with National, Provincial and Local Government Policies and Municipal Spatial Development Frameworks, as may be applicable;

- k) Reference to and compliance with the matters referred to in Section 42 of the Spatial Planning Land Use Management Act, 2013:
  - Public interest;
  - Facts and circumstance relevant to the application;
  - The respective rights and obligations of all those affected;
  - The state and impact of engineering services, social infrastructure, community facilities and open space requirements (need for new infrastructure);
  - The effect of the land use application on the natural and rural environment and environmental legislation;
  - Impact on agriculture;
- l) Other aspects to consider:
  - Access to and from the development;
  - Traffic and pedestrian safety;
  - Topography, vegetation and other natural features on site;
  - Heritage (any alterations or demolition of buildings and/or structures older than 60 years requires authorization in terms of the National Heritage Recourses Act, 1999 (Act 25 of 1999));
  - Public transport facilities;
  - Provision of adequate parking and manoeuvring spaces;
  - Privacy and overshadowing on neighbouring properties;
  - Provisions in the Scheme By-Law;
  - Water, air and noise pollution/noise nuisance;
  - Applications in terms of any other legislation which may impact on the application (Flood lines, EIA, Environmental Health, Business Licenses etc.).

2.4.2.8. a copy of the **Title Deed** which is registered in the Deeds Office at the time of submission. A draft- or ghost deed will not be accepted without a letter from an Attorney confirming that the deed of transfer is in process of registration.

**\*Note:** On transfer of the property, the applicant needs to submit the new registered Title Deed as well as power of attorney signed by the new owners.

- 2.4.2.9 a **Site Layout Plan** indicating at least the following:
- Plan Scale;
  - North Arrow;
  - Existing and proposed cadastral boundaries;
  - Layout of the property, indicating the use of different portions of the property;
  - The position, use and extent of buildings;
  - Development parameters including building lines/ building restriction area;
  - Adjacent property boundaries and erf numbers;
  - Road kerb, accesses and carriageways;
  - All extents and dimensions;
  - Parking areas with adequate manoeuvring space;
  - Bio-physical Features (rock outcrops, boulders, forest, trees, river, dam, wetland, etc.);

- Municipal Engineering Services (transformers, manholes, street lights, pipelines, electricity lines and connections);
- Roads (public/private);
- Registered public and private servitudes;
- Contour lines and slopes on more than 1:4;
- Encroachments over the property boundary;
- Subdivision/consolidation lines (if applicable).

2.4.2.10 the following **Plans** need to be submitted:

- Locality Plan (in all circumstances);
- Zoning Plan (if required for rezoning applications);
- Subdivision Plan (if applicable);
- Phasing Plan (if applicable);
- Consolidation Plan (if applicable);
- Site Layout Plan (if required);
- Site Development Plan in terms of Section 23 of Scheme By- Law (if required);
- Building Plan with elevations (if required);

**\*Note:** See examples of a Locality Plan, Subdivision Plan and Consolidation Plan attached.

**\*Note:** All land use applications need to consider compliance with Environmental, Heritage and other applicable Legislation.

## 2.5 Public Participation Process

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The applicant may only commence with the public participation process in accordance with the instructions contained in the Section 38 compliance letter, once he/she has received an SMS notification and/or the letter of acknowledgement by email.

Public participation will be dealt with as follows, unless otherwise stated in the Section 38 compliance letter:

- 2.5.1 A site notice in terms of Section 48(2)(a) of the Land Use Planning By-law for George Municipality, 2015 will be required for all land use applications.
- 2.5.2 The notice and full set of application documents (for all applications) must be emailed to Corlize Bester ([cebester@george.gov.za](mailto:cebester@george.gov.za)) to be placed on the Municipal Website and Facebook for all land use applications.
- 2.5.3 All applications that must comply with Section 45 of the Land Use Planning By-law for George Municipality, must also cause public notice to be given in the Local News Paper (George Herald, Burger, etc).
- 2.5.4 All applications as contemplated under Section 46(1) of the Land Use Planning By-law for George Municipality, must serve the notice in accordance with Section 35 in at least two of the official languages of the Province most spoken in the area and on every owner of land adjoining the land concerned.
- 2.5.5 Written consent from adjoining landowners (clearly stating name and property description) will be accepted for building line relaxation and second dwelling applications. Please note that the plans should also be signed by the said respective

landowners. In this instance, the applicant will be exempted from complying with the PPP requirements as listed above.

- 2.5.6 Notwithstanding the above, the Municipality may request the applicant obtain comments from any State Department, State Authority, Governing Body and/or Interested and Affected Party. This will be stated in the Section 38 compliance letter.

\*Note: Full particulars of the public participation process is available on the municipal website.

## 2.6 Other information/documents

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The Municipality may require additional information with regards to the proposed development and/or other relevant documents, such as traffic impact study/statement, Environmental study, geotechnical study, heritage study etc. to be submitted in support of the application before the application is finalised.

## 2.7 Office Hours and Meeting with Town Planners

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Operating hours of the office will be from Monday to Friday 7:45 to 16:30. The offices will be open to the public (with strict access protocols) between the hours of 8:00 and 12:00 from Monday to Thursday. There will be a Town Planner and Administrative Officer on duty each day to attend to any queries. The Senior Town Planners will see clients on appointment only.

All standard COVID protocols will apply and shall be adhered to at all times. No more than 2 persons may be allowed to enter the offices at a time. Persons will be assisted at the front desk and only allowed into the back office under strict conditions. Clients will have to sanitize their hands, sign a register and declare any illness or COVID related symptoms, etc. Masks must be worn at all times.

Face-to-face meetings will only be held under exceptional circumstances. Such meetings will be conducted in the 5<sup>th</sup> floor boardroom. Booking of the boardroom must be arranged with Lorraine Malangeni by email: [lxmalageni@george.gov.za](mailto:lxmalageni@george.gov.za) or telephone: 044 801 9477.

The client may otherwise arrange for a *Microsoft Teams* or *Zoom* meeting with the Senior Town Planners. An email request may be sent to Jeanne Fourie at [jfourie@george.gov.za](mailto:jfourie@george.gov.za) (even numbers) or to Ilanè Huyser at [ihuyser@george.gov.za](mailto:ihuyser@george.gov.za) (odd numbers), where after the responsible Official will schedule the meeting.

Clients are requested to email the document or plan to be discussed to the Senior Town Planner prior to the meeting.

*"Please note that the above is based on current circumstances and may be revised"*









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**KOPIEREG:** Die kopiereg van hierdie tekening behoort aan ..... Moenie daarvan afskaal nie, maar verwys na afstande soos aangedui. Alle afmetings moet deur 'n Professionele Landmeter nagegaan en bevestig word. Enige teenstrydighede moet asseblief dadelik aan ..... rapporteer word.

**PROJECT:** Proposed consolidation for ...

**PROJEK:**

**DESCRIPTION:** Erf no's 1 & 2, Suburb / Street name, George

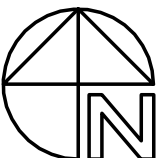
**BESKRYWING:**

**TITLE:** Consolidation plan

**TITEL:**

**NOTES:** Proposed consolidation of: Erf 1 = 3,184.00m², and Erf 2 = 3,370.00m², into Portion A = 6,551.00m²

**NOTAS:**

A3 Scale:  1:1000

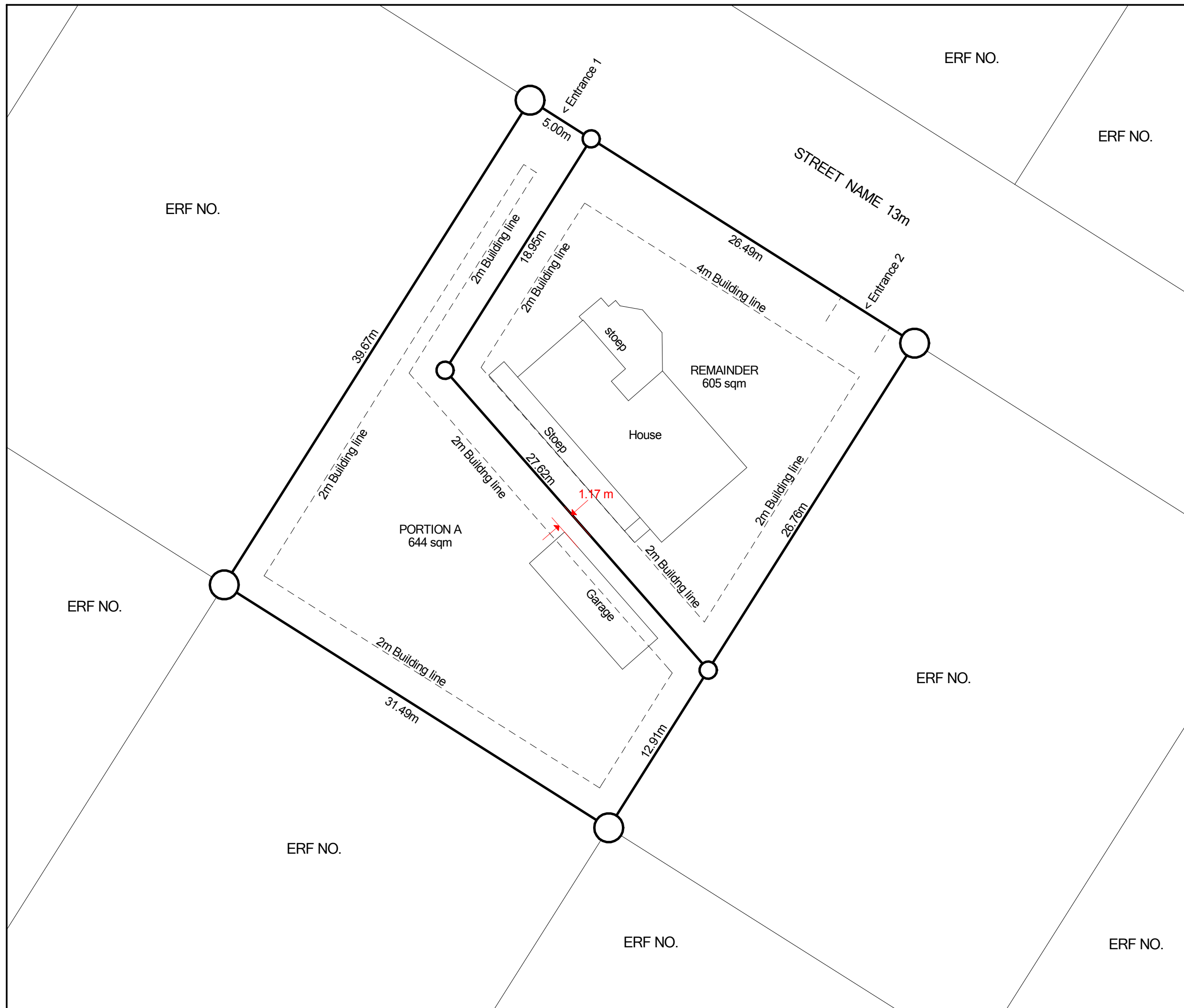
LOGO

**DESIGNED:**  
**DRAWN:**

**FILE PATH:**

**DATE:** FEBRUARY 2021

**PLAN NAME:** ANNEXURE



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**PROJECT:** Proposed subdivision for ...

**PROJEK:**

**DESCRIPTION:** Erf 1, Suburb / Street name, George

**BESKRYWING:**

**TITLE:** Subdivision plan

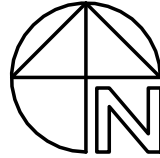
**TITEL:**

**NOTES:** The subdivision of Erf 1, George in terms of Section 15 (2)(d) of the George Municipality: Land Use Planning By-Law (2015) into:

Portion A (±644m<sup>2</sup>) and;

The remainder of Erf 1, George (±605m<sup>2</sup>).

**NOTAS:**

A3 Scale:  1:250

LOGO

**DESIGNED:**  
**DRAWN:**

**FILE PATH:**

**DATE:** FEBRUARY 2021

**PLAN NAME:** ANNEXURE