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Menslike Nedersettings, Beplanning en Ontwikkeling **Human Settlements, Planning and Development**

Collaborator No.:

2955225

Reference / Verwysing: Erf 1170, Pacaltsdorp

Date / Datum:

14 June 2024

Enquiries / Navrae:

Primrose Nako

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DELPLAN CONSULTING P O BOX 9956 **GEORGE** 6530

APPLICATION FOR REMOVAL OF RESTRICTION AND SUBDIVISION: ERF 1170, PACALTSDORP

Your application in the above regard refers.

The Deputy Director: Town Planning (Authorised Official) has, under delegated authority, 4.17.1.17 of 30 June 2023 decided that the following applications applicable to Erf 1170, Pacaltsdorp:

- 1. Removal in terms of Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 of restrictive Condition B (6) and (7) of title deed T50459/2023 for Erf 1170, Pacaltsdorp;
- 2. Subdivision in terms of Section 15 (2)(d) of Land Use Planning By-law for George Municipality, 2023 of Erf 1170, Pacaltsdorp as follows:
 - (a) Portion 1 ± 586 , $47m^2$;
 - (b) Portion 2 ±494,47m²;
 - (c) Portion 3 $\pm 494,47$ m²; and
 - (d) Remainder ±586, 47m²;

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

REASONS FOR DECISION

- a) The proposed development will not have an adverse impact on the adjacent neighbour's amenity and right to privacy and sunlight.
- b) The proposed subdivision supports densification objectives for the Pacaltsdorp area, aimed at optimising under-utilised land to support fiscal sustainability.
- c) The proposed development will not have adverse impact on the residential character of the area or the surrounding built environment.
- d) The proposal is not in conflict with the spatial planning principles, objectives and guidelines applicable to the surrounding area.
- e) Due to the owners' shared responsibility to manage the servitude right of way and other matters of mutual interest for the development the development must have an HOA, especially as it will to enable the owners









to set rules and remedy any internal disputes among them, and to refer unresolved disputes to the Community Services Ombud in terms of the CSOS Act.

Subject to the following conditions imposed of Section 66 of said Bylaw, namely:

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

General conditions

1. That in terms of the provisions of the Land Use Planning By-law for the George Municipality, 2023, the applications as applied for shall lapse if implemented within a period of five (5) years from the date it comes into operation.

Conditions applicable to removal of restrictive conditions

- 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 and/or amendment of the restrictive condition, after the publication of a notice contemplated in Section 33(7) in the Provincial Gazette.
- 3. A copy of the endorsed Title Deed be sent to the Planning Department for record purposes.

Conditions applicable to subdivision

- 4. This approval shall be taken to cover only the subdivisions applied for as indicated on submitted Subdivision plan number SUB1 dated November 2023 and drawn by DV 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.
- 5. A condition must be imposed in the respective title deeds limiting each portion to 1 dwelling unit.
- A homeowners association (HOA) as contemplated by Section 29 of the Land Use Planning By-law for George Municipality, 2023 must be established for the development and must be registered against the title deeds of the respective properties.
- 7. An HOA constitution must be submitted to the Directorate for consideration and approval. The constitution must specifically address all matters of mutual interest to the owners and their successors in title including, among others, the maintenance and use of the servitude right of way area, the erecting and maintenance of structures in the servitude area such as access gates, visitor access and parking, and compliance with the conditions of approval such as the stormwater management plan and environmental management programme; as well as the expenditure related to these matters.
- The approved Surveyor General diagram must be submitted to the Directorate's GIS Department for record purposes.
- The above approval will be regarded as implemented on the registration of at least one portion at the 9. Deeds Office.

Conditions applicable to implementation of the development

- 10. The developer must provide the Civil Engineering Directorate with a stormwater masterplan for the development prior to the submission of building plans. This plan must ensure that additional stormwater generated by the development is captured and dispersed in such a way to avoid or mitigate any harm to the natural area found on the southern boundary of the site. All attempts should be made to lead stormwater from the development to the street and not to the public open space.
- 11. No structures, except boundary walls and fences, may be erected over the southern rear building line of the site.
- 12. No construction activity may occur over the southern rear building line without the developer first submitting an environmental management programme for the protection of the natural area. The EMPr must be submitted to the Directorate's Environmental management Section for consideration and approval prior to the commencement of construction.
- 13. No direct access to Panther Drive is permitted. All properties in the development must take access from the private servitude right of way as illustrated on the approved subdivision plan.









Note:

- a) Building plans to be submitted in terms of Section 4 of the National Building Regulations and Building Standards Act, 103 of 1977, for the development;
- b) Building plans to comply with SANS 10400, 204, Part XA and any other applicable legislation.
- c) No construction may be commenced with until such time as a building plan has been approved.
- d) The property may only be used for the intended purpose once a Certificate of Occupation has been issued.
- e) The neighbouring property (Erf 727, Pacaltsdorp) comprises of Garden Route Granite Fynbos which is Critically Endangered. When the development takes place, it should be ensured that building rubble does not end up in this ecosystem or that it is adversely affected by additional stormwater run-off.
- f) Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Community Services.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

- 14. 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:
- 15. The amounts of the development contributions are reflected on the attached calculation sheet dated 23/04/2024 and are as follows:

Excluding VAT R 25 359,30 Roads: **Excluding VAT** Sewer: R 48 262,89 R 47 059,84 **Excluding VAT** Water TOTAL R 120 682,03 **Excluding VAT**

- 16. The total amount of the development charges of R 120 682,03 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.
- 17. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 15 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 the transfer of a portion for a final calculation.

- 18. 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 R 120 628,03 excluding VAT 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 Condition 16 above.
- 19. 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.
- 20. 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 electrical 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.
- 21. Any, and all, costs directly related to the development remain the developers' responsibility.
- 22. Only one connection permitted per registered erf (water and sewer connections). Condition 18 applies.
- 23. 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 20 applies.
- 24. 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 20 applies.
- 25. 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 20 applies.
- 26. Suitable servitudes must be registered for any municipal service not positioned within the normal lines.
- 27. Note, the applicant to comply with National Forestry Act, Act No 84 of 1998, should it be required;
- 28. Note, provisions for the removal of solid waste is to be addressed in conjunction with the Dir: **Environmental Services.**
- 29. 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.
- 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.
- 31. 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.
- 32. No construction activity may take place until all approvals, including way leave approval, are in place, the Technical Directorates have approved all drawings and material;
- 33. Municipal water is provided for potable use only. No irrigation water will be provided.
- 34. 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 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 by this department at a rate as per the applicable annual 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;
- 35. 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;
- 36. 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 CES;
- 37. The private roads and the associated stormwater and private open spaces are to be registered as private and transferred to the HOA/BC, or other relevant governing or controlling body. Public roads must be transferred to the George Municipality;
- 38. Maintenance and/or upgrading of all private / servitude roads are the responsibility of all the owners who make use thereof;
- 39. The discharge of surface stormwater is to be addressed by the developer. Condition 20 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done in line with the available stormwater master plans;
- 40. 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;
- 41. Adequate parking with a hardened surface must be provided on the premises of the proposed development;







- 42. No private parking will be allowed in the road reserve. The developer will be required to install preventative measures to ensure compliance;
- 43. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 11 applies;
- 44. 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;
- 45. Permission for access onto municipal, provincial, or national roads must be obtained from the relevant authorities:
- 46. Access to parking must conform to George Integrated Zoning Scheme 2023, and sufficient stacking distance (6m for less than 15 units and 12 meters for more than 15 units, measured form the property boundary) should be allowed for, and indicated on the Site development Plan;
- 47. Minimum required off-street parking 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.
- 48. Site access to conform to the George Integrated Zoning Scheme 2023.

CONDITION OF DIRECTORATE: ELECTRO TECHNICAL SERVICES

- 49. 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:
- 50. The amounts of the development contributions are reflected on the attached calculation sheet dated 03/01/2024 and are as follows:

Electricity: 65 607,58 **Excluding VAT**

- 51. The total amount of the development charges of R65 607,58 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.
- 52. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 50 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 the transfer of a portion for a final calculation.

- 53. 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 R65 607,58 Excluding VAT 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 Condition 51 above.
- 54. 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.
- 55. 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 electrical 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.









- 56. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
- 57. Any, and all, costs directly related to the development remain the developers' responsibility.
- 58. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 55
- 59. 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 55 applies.
- 60. 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 55 applies.
- 61. 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 55 applies.
- 62. Should it 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.
- 63. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
- 64. 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.
- 65. 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.
- 66. No construction activity may take place until all approvals, including way leave approval, are in place, the Technical Directorates have approved all drawings and material.
- 67. In all cases, where individual customer apply for a supply capacity exceeding that provided for in the calculation of DCs and for the developer paid, will be subject to additional DCs based on the rates applicable at the time.
- 68. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
- 69. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
- 70. The developer 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 ETS. 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.
- 71. Where DCs have been applied for a particular section of the network, but the developer is requested to install and fund a part of the section of network, such work will be credited against DCs calculated.
- 72. Installation of ripple relays are compulsory for all geysers with electrical elements.
- 73. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.
- 74. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the municipality.
- 75. A temporary municipal metered construction supply can be installed, at a cost to be determine, prior to construction to monitor electrical consumption during the construction phase. All cost, installation and consumption, will be for the cost of the developer. No electricity may be consumed without it being metered by a registered municipal electrical meter. Standard application process will apply. Temporary supplies will only be made available on full payment of the DCs for the whole development.
- 76. No electricity may be consumed within, or by any part of the development, without the consumption of the supply being metered and billed by a municipal meter (prepaid or credit). All cost, installation and consumption, will be for the cost of the developer. Standard application process will apply.
- 77. The existing infrastructure in the area may need to upgraded. The DC's are calculated for a connection at the existing minisub, which implies that the development should establish it is LV capacity from this point.









Should this scenario change after detail design, the Municipality reserves the right to adjust the DC calculation accordingly.

You have the right to appeal to the Appeal Authority against the decision of the Authorised Employee in terms of Section 79(2) of the Land Use Planning By-Law for George Municipality, 2023.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director: Human Settlements, Planning and Development, P O Box 19, George, 6530 or Directorate: Human Settlements, Planning and Development, 5th floor, Civic Centre, York Street, George on or before 05 JULY 2024 and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. Please also note that the appeal must be e-mailed to the administrative officer mentioned above.

An appeal that is not lodged within the applicable period mentioned above or that does not comply with Section 79 of the Land Use Planning By-Law for George Municipality, 2023, will be deemed invalid in terms of Section 80 of said By-Law.

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 Land Use Planning By-Law for George Municipality, 2023, 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

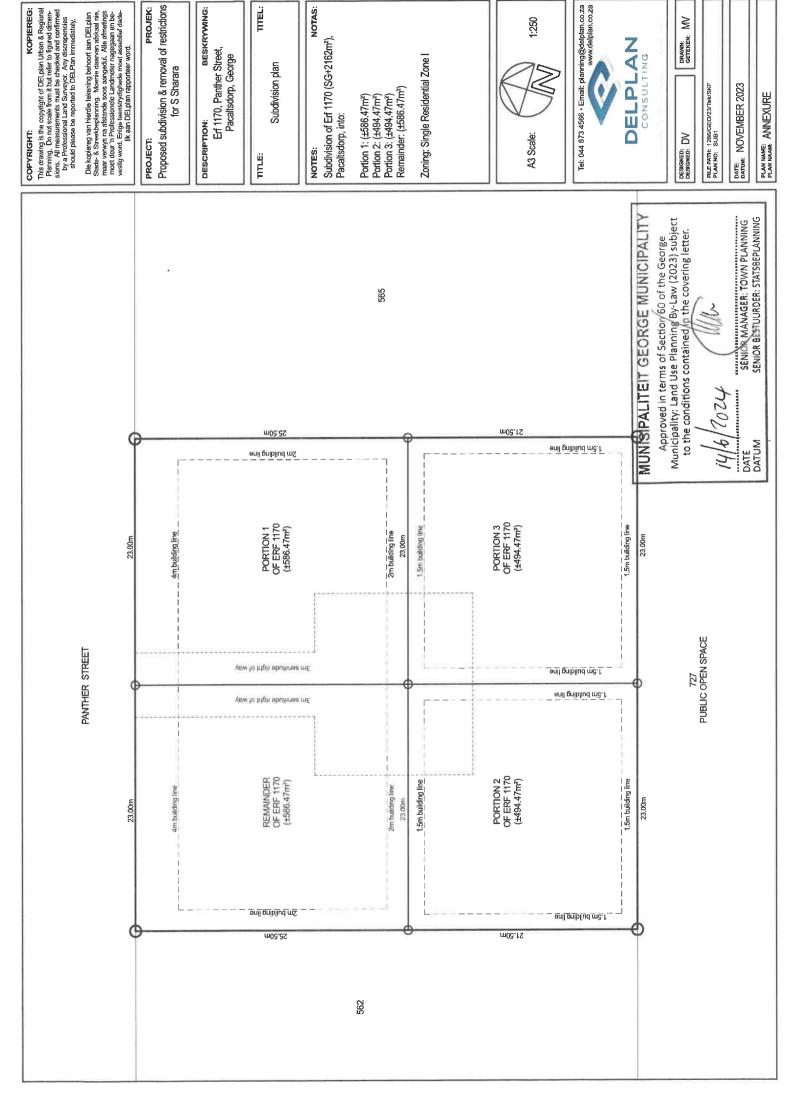
SENIOR MANAGER: TOWN PLANNING

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www.george.gov.za



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 N Hamza Elsayed Abdelhady Sharara Pacaltsdorp/Thembalethu R 138 784,34 R 29 163,20 R 55 502,32 R 54 118,82 Total **Total New** Units George System 2024-04-23 Pacaltsdorp Current Financial Year 2023/2024 2 163,91 Collaborator Application Reference 2955225 Road network * Water & Sewer System * Date (YYYY/MM/DD) * Erf Size (ha) * Allotment area * Developer/Owner * Link engineering services component of Development Charge Total Development Charge Payable R 18 102,30 R 7 239,43 R 7 058,98 R 3 803,90 Total Exiting Rigth Version 3.02 (Mar 2024) Electro-Technical Please select Service Yes R 120 682,03 R 48 262,89 R 47 059,84 R 25 359,30 Civil Engineering Service Unit Unit 'n GM 2023 1 0 R 42 320,00 Is the development located within Public Transport (PT1) zone? R 44 780,00 R 2 113,28 nt of Develo JM Fivaz GM 2023 Intergrated Zoning Scheme By-law April 23, 2024 nt of Dev Residential housing (500-1 000m²) Erf Residential housing (>2 000m²) Erf Residential housing (<500m²) Erf Development Charges policy 12,00 1,08 1,11 GM 2023 CES Development Charges Calculator Calculated (CES): Date: Signature: trips/day kl/day kl/day GEORGE THE CITY POINTL REASONS City of George RESIDENTIAL NOTES:

For the internal use of Finance only

Departmental Notes:

Service	Financial codeUKey number	Totei
Roads	20220703048977	R 29 163,20
Sewerage	20220703048978	R 55 502,32
Water	20220703048981	R 54 118,82
		R 138 784 34

Develop	ment Charges Calcu	ator			Version 1.00				2023/0	7/04
				Erf Number	1170					
				Allotment area	Pacaltsdorp					
			E	lec DCs Area/Region	George Netw	ork				
, , , , , , , , , , , , , , , , , , ,				Elec Link Network	LV					
			Ele	c Development Type	Normal					
(C	EORGE			Developer/Owner	Hamza Shara	ıra				
1	THE CITY FOR ALL REASONS			Erf Size (ha)	0,2					
				Date (YYYY/MM/DD)	2024-01-03					
l			C	urrent Financial Year	2023/2024					
			Collaborator A	oplication Reference	2955225					
Code	Land Use		i i	nit					LAL	I GO V
					Supplied 1	otal Exiting Right	t	T	otal New Right	
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	Single Res > 350m2 Erf	(Small)		unit						4
OTHERS							kVA			kVA
					Please select	2000				
Is the de	evelopment located with	in Public Transport (PT1) zone?				Yes				
Calcula	tion of bulk engineer	ng services component of Develo	pment Charge	WITH THE P						
Service	Units	Existing demand (ADMD) New	demand (ADMO)	tant Cost	Artic	ount.	VA		Tot	at .
Electricty	kVA	5,78	14,45	R 7 567,73	R 65 6	07,58	R 9 84	1,14	R 75 44	18,72
Total bull	censineering services con	parent of Development Charge payable			R 65 6	07,58	R 984	1,14	R 75 44	8,72
			Link engineering se	rvices component of D	evelopment Cha	rge				
			Total I	Development Charge P	ayable					
City of Ge	orge									
	Calculated (ETS):	k key								
		(2)								
	Signature :		_							
	Da	te: January 3, 2024								
NOTE:	: In relation to the increas	e pursuant to section 66(5B)(b) of the Pl	anning By-Law (as am	ended) in line with the co	onsumer price ind	ex published by !	Statistic South A	frica) using the d	ate of approval	as the base
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For the internal use of Finance only

Service	Financial codeUKey number	Total
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