

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

Collaborator No.: 2600122
Reference / Verwysing: Erf 2278, Wilderness
Date / Datum: 14 June 2024
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WILDERNESS LAKE ENVIRONMENTAL ACTION FORUM
P O Box 791
WILDERNESS
6560

APPLICATION FOR REZONING AND RIGHT OF WAY SERVITUDE: ERF 2278, WILDERNESS

Your comments / objection 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, notwithstanding the objections and comments received, the following applications applicable to Erf 2278, Wilderness:

- A. Exempted Subdivision in terms of Section 24(1) of the Land Use Planning By-law, for George Municipality, 2023 for the registration of a servitude right-of-way across Erven 2278 and 1587, Wilderness as per the servitude diagram attached as **Annexure A**;

BE APPROVED in terms of Section 24(2) of the Land Use Planning Bylaw for George Municipality, 2023 for the following reasons:

REASONS FOR DECISION:

- The proposed right of way will provide a safer access to Remainder Erf 2063 & 2278, Wilderness.
- No objection has been received in terms of the right of way servitude.

- B. Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law, for George municipality, 2023 of Erf 2278, Wilderness from "Undetermined Zone" to "Open Space Zone III";

BE APPROVED in terms of Section 60 of the Land Use Planning Bylaw for George Municipality, 2023 for the following reasons:

REASONS FOR DECISION:

- The proposed development is deemed to be consistent with the spatial planning policies and guidelines for this area.
- The proposal acknowledges the historical rights that accrued to the property when it was subdivided in 2004; i.e. to build 1 dwelling unit at a height not exceeding 6,5m.
- The proposal acknowledges the environmental sensitivities/constraints and aims to protect the environmental components on the property.

- d) The rezoning is also the best mechanism to enable the development of the property as the alternative, a zoning rectification, will not allow the Municipality to impose suitable conditions to ensure a desirable environmental outcome.
- e) The proposal is reconcilable with the vision for the area which is to protect and conserve important environmental areas. Visually prominent ridgelines and slopes are confirmed to be important components of the landscape character of Wilderness and needs to be preserved to satisfy the objectives of the LSDF. The conditions related to the position and visual impact of the structures is aimed at addressing this aspect.
- f) The proposed development will not have a significant adverse impact on surrounding neighbours' rights in terms of privacy, views and sunlight.
- g) Conditions have been imposed to ensure the necessary mitigation measures can be implemented to protect the natural bio-physical environment and visual landscape.

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

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT:

General

1. That in terms of the provisions of the Land Use Planning By-law for the George Municipality, 2023, the approval shall lapse if not implemented within a period of five (5) years from the date it comes into operation.

Implementation

2. A site development plan (SDP) for the development must be submitted to the satisfaction of the Directorate: Human Settlements, Planning and Development for consideration and approval, in accordance with the provisions of Section 23 of the George Integrated Zoning Scheme By-Law, 2023 prior to submission of building plans.
3. A Visual Impact Assessment must be submitted with the SDP reflecting the final position of the dwelling house.
4. Ridgelines may not be breached and must be addressed as part of the Visual Impact Assessment and SDP.
5. The required Environmental Authorizations must be submitted with the submission of the SDP.
6. The appointed Environmental Control Officer must confirm in writing that the SDP complies with the conditions of the Environmental Authorization and the approved position as per the environmental approvals. Confirmation to be submitted with the SDP.
7. An Environmental Management Programme for the rehabilitation and ongoing management and maintenance of the land must be submitted by a suitably qualified and experienced environmental practitioner to the Directorate's Environmental Management Section for approval.
8. The property is limited to the development of one (1) dwelling unit. This restriction must be endorsed in the title deed of the property.
9. All structures on the property shall be limited to a maximum height of 6.5m as measured from natural ground level to the ridge of the roof. This restriction must be endorsed in the title deed of the property. Condition 4 of these conditions of approval applies.
10. The total coverage of all buildings on the land unit shall be limited to 300m². This restriction must be endorsed in the title deed of the property.
11. The approval will be considered as implemented on the commencement of build works in terms of the approved building plans.

Notes:

- a. *The position of the dwelling unit must be determined in terms of the Environmental studies and subsequent outcome thereof.*
- b. *A building plan be submitted for approval in accordance with the National Building Regulations (NBR).*
- c. *Stormwater management needs to be addressed to the satisfaction of the Civil Engineering Department as part of the Building Plans. Should a swimming pool be included in the development the stormwater management must address prevention of potential erosion resulting from the backwash.*

- d. *The applicant must clarify the most appropriate method of sewerage disposal for the property with the Department: Civil Engineering Services prior to submission of the SDP.*
- e. *The Outeniqua Sensitive Coastal Area Extension (OSCAE) permit must be obtained and submitted with the Site Development Plan.*
- f. *The SDP must consider and address any applicable conditions as set out in approvals granted in terms of any other legislation.*
- g. *The following should be captured in the environmental management programme:*
 - i. *The applicant must appoint an Environmental Control Officer (ECO), who must be knowledgeable with regard to site management, must for the duration the clearing, construction and post construction rehabilitation of the site.*
 - ii. *All areas outside of the development footprint should be maintained for biodiversity conservation.*
 - iii. *Only locally indigenous vegetation is used for landscaping and the rehabilitation of the disturbed areas, this includes rescued indigenous/ protected seedlings which must be used for landscaping and rehabilitation of the property, post-construction.*
 - iv. *No solid boundary walls or impenetrable fencing will be allowed on the property. Fencing and boundary walls will only be allowed within the proposed disturbed area on the property.*
 - v. *All fencing or walls erected must allow for the free flow of wildlife across the property to the adjoining wildlife corridors.*
 - vi. *Stormwater must as far as possible be controlled by capturing it in rainwater tanks or dissipating it into landscape features and surrounding vegetation.*
 - vii. *The applicant must make use of natural materials and natural paint tones that blend in with the surrounding forest in the design of all exterior elevations, walls and retaining structures.*
 - viii. *All roofs shall be natural tones, preferably dark greens, greys or neutral tones that blend with the surrounding tree canopy.*
 - ix. *The structures erected must blend into the receiving environment and therefore make use of natural wood materials or painted in dark neutral tones and colours.*
 - x. *The applicant must make all attempts to prevent light pollution on the property and to prevent spill over onto surrounding properties and public areas, also due to the proximity of areas utilize by fauna.*
 - xi. *The use of spray or spotlights is not permitted. Only warm coloured lighting with low luminance may be used in external parts of the buildings.*
 - xii. *Outdoor lighting be screened and designed to point downwards and may not be directed toward river valley areas. The lighting along pathways and tracks must also point downwards and may not extend more than 500mm above the ground.*
 - xiii. *The excessive use of paving and minimalizing paved or areas covered by concrete is not supported as this leads to heat retention and with predicted climate change scenarios this can have substantive effects when considered cumulatively.*
 - xiv. *The design of the structures must incorporate the use of water and energy saving devices such as solar panels, solar geysers, gas stoves, rain-water tanks, greywater harvesting, low flow toilets, aerated taps and shower heads, etc.*
 - xv. *The clearing of alien invasive vegetation on the erf must be addressed and should take place in terms of Conservation of Agricultural Resources Act 43 of 1983 (CARA) general duty of care to combat weeds and invader plants.*
 - xvi. *No gardening is permitted outside the development footprint area; and all worked areas must be rehabilitated to a natural condition, using indigenous plant species.*
 - xvii. *Developer is to adhere to the requirements of the Environmental Authorisation (EA). The onus is on the developer to provide the Municipality with the necessary proof of compliance with the EA.*
 - xviii. *Provisions on the removal of solid waste is to be addressed in conjunction with the Dir: Community Services.*
 - xix. *No development may take place within the 1:100-year flood line or on slopes steeper than 1:4.*
 - xx. *The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.*

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

12. 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:
13. The amounts of the development contributions are reflected on the attached calculation sheet dated 31/07/2023 and are as follows:

Roads	-
Sewer	-
Water	-
Total	R 0

14. The total amount of the development charges of **R0. 00 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.
15. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 13 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.
16. 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 **R0.00 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 14 above.
17. 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 **R0.00 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 14 above.
18. 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.
19. 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 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.
20. Any, and all, costs directly related to the development remain the developers' responsibility.
21. Only one connection permitted per registered erf (water and sewer connections). Condition 18 applies.
22. 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 18 applicable)
23. 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
24. 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 18 applicable)
25. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.

26. 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.
27. 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.
28. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
29. Municipal water is provided for potable use only. No irrigation water will be provided.
30. 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 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.
31. No municipal waterborne sewer service is 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 Development Charge for sewer will then become payable in accordance with the approved DC Guidelines at the time of connection.
32. A conservancy tank, or alternative approved sewer disposal method, must be installed at the Developer/owner's cost. The Developer/owner is to appoint a private contractor, at own expense, to service the tank, and the disposal of the content is to be via an approved disposal methods. The installation of a septic tank may be considered if the required percolation tests are within the accepted norms.
33. Maintenance and/or upgrading of all private / servitude roads are the responsibility of all the owners who make use thereof.
34. The discharge of surface stormwater is to be addressed by the developer. Condition 18 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done online with the available stormwater master plans.
35. Internal parking requirements (ie 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.
36. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
37. No private parking will be allowed in the road reserve. The developer will be required at own cost to install preventative measures to ensure compliance. The developer may be required to construct certain roads in lieu of a financial contribution towards the George Master Plan roads. All roads required for access to the development will have to be fully completed prior to the approval of any transfers/rates clearances. The developer's financial contribution towards the roads in the George Master Plan will be determined in accordance with the applicable financial cost sharing model.
38. Should it be required, the developer is to cede any portion of property required for public road reserve, free of charge, to the relevant authority.
39. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.
40. Access to parking must confirm to George Integrated Zoning Scheme 2023, and sufficient stacking distance should be allowed for, and indicated on the Site development Plan.
41. Minimum required off-street parking provided, must be provided in terms of the George Integrated Zoning Scheme 2023 parking requirements and vehicles must, in terms of Clause 46(1)(b) readily leave the site without reversing across the sidewalk. Alternative Parking may be supplied in terms Clause 43(1 & 2).

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

42. 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:
43. The amounts of the development contributions are reflected on the attached calculation sheet dated 16/08/2023 and are as follows:

Electricity: **R - Excluding VAT** (Refer to attached DC calculation sheet)

44. The total amount of the development charges of **R0.00 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.
45. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 43 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.
46. 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 **R0.00, 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 44 above.
47. 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.
48. 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.
49. 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.
50. Any, and all, costs directly related to the development remain the developers' responsibility.
51. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 48 applies.
52. 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 48 applicable)
53. 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 48 applicable)
54. 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 48 applicable)
55. 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.
56. 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.
57. 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.
 58. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
 59. 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.
 60. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
 61. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
 62. 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.
 63. 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.
 64. Installation of ripple relays are compulsory for all geysers with electrical elements.
 65. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.
 66. All LV work must be installed and be funded by the developer / customer.
 67. All MV/LV work must be installed and be funded by the developer/customer as no DCs are levied for this network.
 68. The Electricity DC charge excludes any MV/LV and LV network costs. The customer will be quoted separately for any upgrade work required.
 69. 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 DCs calculation methodology for rural connections.

The application complies with the requirements of Section 67 of the Land Use Planning By-Law for George Municipality, 2015.

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**. 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,

Yours faithfully



C. PETERSEN

SENIOR MANAGER: TOWN PLANNING

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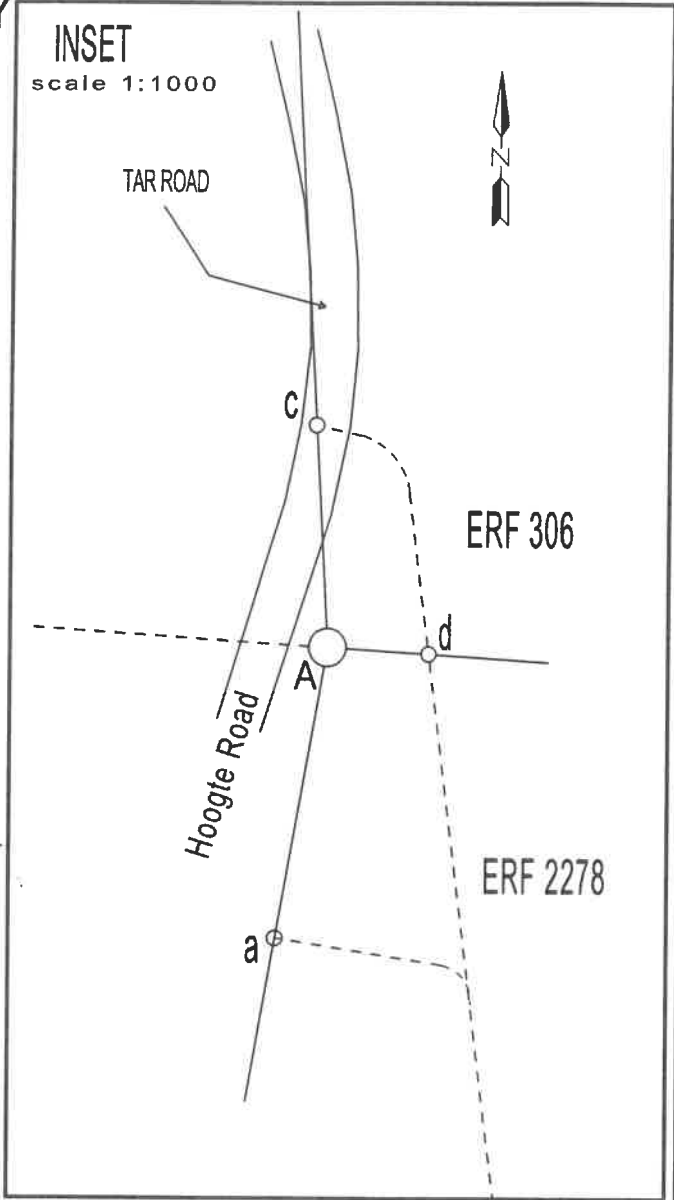
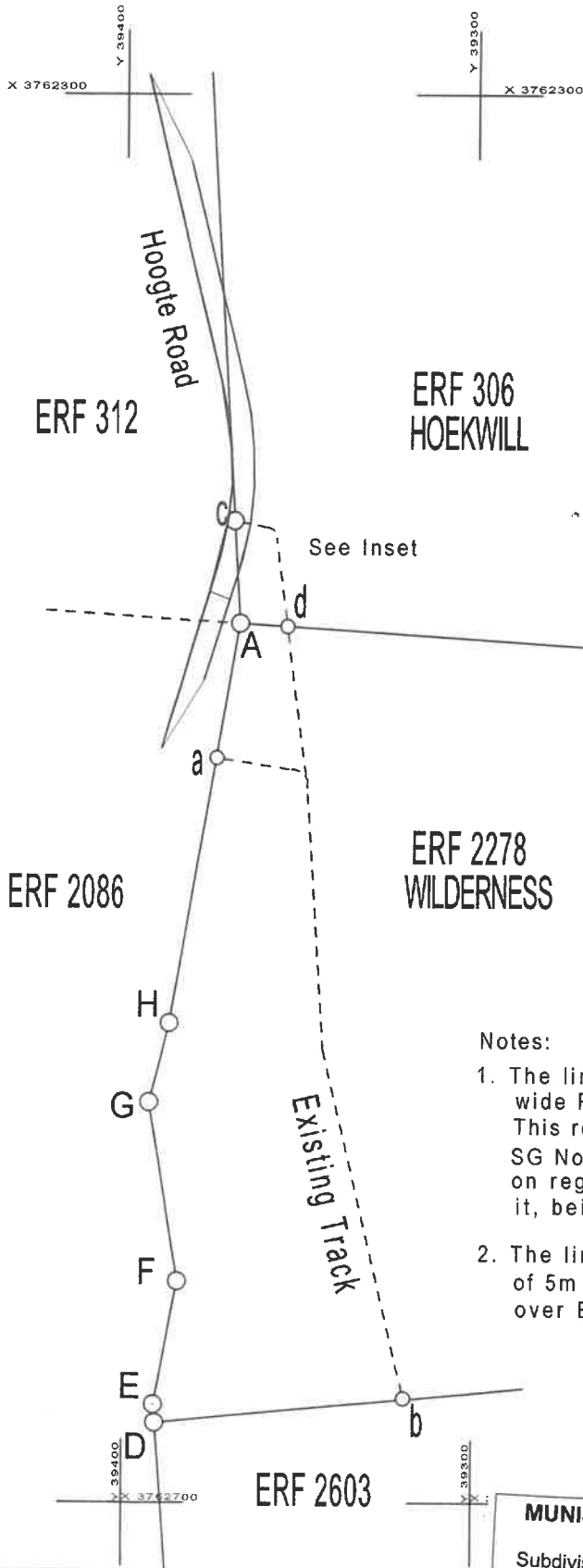


SERVITUDES OF RIGHT OF WAY PLAN

Scale 1:2000

INSET

scale 1:1000



Notes:

1. The line ab represents the centre line of a 5m wide Right of Way Servitude over Erf 2278. This registered servitude shown on Diagram SG No 1430/2005 will be cancelled simultaneously on registration of the new proposed servitude replacing it, being servitude db as shown.
2. The lines cd and db represent the centrelines of 5m wide proposed Right of Way Servitudes over Erf 306 and Erf 2278 respectively.

David R. Baker

May 2024

David.R.Baker

PROFESSIONAL LAND SURVEYOR (PLS 1359)

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MUNISIPALITEIT GEORGE MUNICIPALITY

Subdivision exempted in terms of Section 24(1) of the George Municipality: Land Use Planning By-Law (2023).

14/6/2024

DATE
DATUM

SENIOR MANAGER: TOWNPLANNING
SENIOR BESTUURDER: STADSBEPLANNING