

Primrose Nako Administrator, Planning Department Planning and Development E-mail: pnako@george.gov.za Tel: +27 (044) 801 1273

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

Collaborator No.: 3038618

Reference / Verwysing: Potion 298 of the farm Klein Krantz No.192, Division George

Date / Datum: 26 July 2024 **Enquiries / Navrae: Primrose Nako**

Email: janvrolijk@jvtownplanner.co.za

JAN VROLIJK TOWN PLANNER P O BOX 710 **GEORGE** 6530

APPLICATION FOR DEPARTURE AND CONSENT USE: PORTION 298 OF THE FARM KLEIN KRANTZ **NO.192, DIVISION GEORGE**

Your application in the above regard refers.

The Deputy Director: Town Planning (Authorised Official) has, under delegated authority, 4.16.1.17 of 30 June 2023 decided that the following applications applicable to Portion 298 Klein Krantz No. 192, Division George:

- (1) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 from Condition of Approval No. 3.4 of the approval letter dated 12 October 2000, which reads as follows: "Dat die wooneenhede slegs enkelverdiepings mag wees" to regularise the two-storey (approximately 7.963m) high section of the approved dwelling house as indicated on site and building plan number: 4000 PLAN (A1L) dated 24/01/2024, 4101 SEC (A1L), 4102 ELEV (A1L), 4102 SEC (A1L) and 4103 ELEV (A1L) dated 10/05/2024, drawn by Pierre Durant, on Portion 298 of the farm Klein Krantz No. 192, Division George:
- (2) Consent Use in terms of Section 15(2)(o) of Land Use Planning By-Law for George Municipality, 2023 to permit a guesthouse on Portion 298 of the farm Klein Krantz No. 192, Division George;

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

REASONS FOR DECISION

- 1. The height departure is limited to the approximately 7,963m high portion of the approved dwelling house. The remaining building and any future additions shall remain single storey structures as per the original approval dated 12 October 2000.
- 2. The departure approval therefore only applies to an existing non-conforming land use, which a a lawful right accrued to the owner through the implementation of building plans approved on 06 November 2023. Limiting the approval in this means that a new precedent cannot be created, while also safeguarding the neighbours and the environment against potentially visually insensitive or intrusive development in future.
- 3. The MSDF, 2023, LSDF, 2015 and WCG: Rural Development Guidelines do not provide polies or guidelines with regards to the height of the structures that may be permitted in smallholding areas. Rather, it









- identifies factors that should be considered when considering a development proposal. The development proposal submitted aligns positively with these factors.
- 4. The spatial planning documents applicable to the area also identifies land uses that are appropriate within the smallholding area, being guesthouses, second dwelling units and tourist facilities, amongst others. A guesthouse is therefore deemed an appropriate land use in this area and as several guesthouses and a hotel is found in the surrounds, it is found that the development proposal submitted is in keeping with the character of the area.
- 5. The applicant rectified the errors in the application as highlighted by the objectors. The applicant adequately addressed the remaining objections which the Directorate also found to be without merit.
- The development of the proposed dwelling house will not detract from the functionality and integrity of smallholding and landscapes and is of an appropriate scale and form.
- 7. The proposed development will not have a significant negative impact on the streetscape, traffic or surrounding neighbours' rights and amenity to their views, privacy and the use- and enjoyment of their properties.
- 8. Although no visual impact study was conducted, it is this Directorate's considered view that the house will be barely visible from the N2 and will not impact on negatively on surrounding natural vistas should the mitigating measures as provided for in the OSCAE permit (retention and planting of vegetation for screening, use of dark colours, limiting external lighting, etc) be implemented.

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

- 1. That in terms of the provisions of the Land Use Planning By-law for George Municipality, 2023, this approval shall lapse if not implemented within a period of five (5) years from the date it comes into operation.
- 2. This approval shall be taken to cover only the height departures and consent use as applied for and indicated on the site and building plan number: 4000 PLAN (A1L) dated 24/01/2024, 4101 SEC (A1L), 4102 ELEV (A1L), 4102 SEC (A1L) and 4103 ELEV (A1L) dated 10/05/2024, drawn by Pierre Durant and 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.
- 3. The above approval will be considered as implemented on the commencement of building works in accordance with the approved building plans.

Notes

- 1. The Departure approval is already deemed implemented and the owners may continue with the construction of 2^{nd} storey as per the approved building plans of 06 November 2023.
- 2. Building plans must be submitted for approval in terms of the National Building Regulations (NBR) to implement the guesthouse approval.
- 3. The site plan submitted with the building plans for the guesthouse must reflect seven (7) parking bays 2 for the owners, 4 for the guests and 1 bay for visitors or employees.
- 4. The owner must plant and maintain tall trees along property boundaries for screening and reminded to comply with applicable conditions contained in the approved OSCAE permit as far as it pertains to stormwater management, external lighting on the property, permitted colour tones for walls and roofs of buildings, erections of fences, etc.
- 5. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
- 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.
- 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

7. The amount of Development Charges (DC's) 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 Condition above, with regards to the proposed development, the developer will be required to make development contribution, as follows:









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

Roads:	R	8 959,87	Excluding VAT
Sewer:	R	59 646,96	Excluding VAT
Water:	R	56 370,24	Excluding VAT
Total	R	124 977,07	Excluding VAT

- 9. The total amount of the development charges of R 124 977,07 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.
- 10. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 8 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 submission of building plans for a final calculation.

- 11. 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 124 977,07 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 9 above.
- 12. 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.
- 13. 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.
- 14. Consent use approval with regards to Guesthouses, School or Hotels are subject to the submission and approval of building plans, which shall include a detailed Site Development Plan (SDP), indicating proposed land use changes to the erf/erven. The SDP should, but not limited to, address all 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.
- 15. Any, and all, costs directly related to the development remain the developers' responsibility.
- 16. Only one connection permitted per registered erf (water and sewer connections). Condition 13 applies.
- 17. 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 13 applies.
- 18. 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 13 applies.
- 19. 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 13 applies.
- 20. 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.
- 21. 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.
- 22. 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.
- 23. Municipal water is provided for potable use only. No irrigation water will be provided.
- 24. 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.
- 25. The developer / erf owner 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.
- 26. 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.
- 27. 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 method. The installation of a septic tank may be considered if the required percolation tests are within the accepted norms.
- 28. The discharge of surface stormwater is to be addressed by the developer. Condition 13 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.
- 29. A layout plan indicating the proposed storm water drainage must be submitted to the Dir: CES for prior approval. Condition 13 applies.
- 30. 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.
- 31. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
- 32. 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.
- 33. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.
- 34. Minimum required off-street parking provided, 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.
- 35. Site access is restricted to a single access conforming to the George Integrated Zoning Scheme 2023 clause 45 (3) & (4)(a & c).

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

- 36. The amount of Development Charges (DC's) 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 condition above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
- 37. The amounts of the development contributions are reflected on the attached calculation sheet dated 13/03/2024 and are as follows:

Electricity R 13 962,13 **Excluding VAT**





- 38. The total amount of the development charges of R13 962,13 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.
- 39. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 37 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 submission of building plans for a final calculation.

- 40. 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 13 962,13 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 38 above.
- 41. 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.
- 42. 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.
- 43. Consent use approval with regards to Guesthouses, School or Hotels are subject to the submission and approval of building plans, which shall include a detailed Site Development Plan (SDP), indicating proposed land use changes to the erf/erven. The SDP should, but not limited to, address all internal parking requirements (i.e. within the development area) , position of accesses, provision for pedestrians and nonmotorized transport, and other issues related to traffic.
- 44. 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.
- 45. Any, and all, costs directly related to the development remain the developers' responsibility.
- 46. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 42 applies.
- 47. 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 42 applies.
- 48. 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 42 applies.
- 49. 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 42 applies.
- 50. 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.
- 51. 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.
- 52. 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.
- 53. 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.
- 54. 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.
- 55. In all cases, where individual customer applies for a supply capacity exceeding that provided for in the calculation of DC's and for the developer paid, will be subject to additional DC's based on the rates applicable at the time.
- 56. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
- 57. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
- 58. 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.
- 59. Where DC's 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 DC's calculated.
- 60. Installation of ripple relays are compulsory for all geysers with electrical elements.
- 61. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.
- 62. All MV/LV work must be installed and be funded by the developer/customer as no DC's are levied for this network.
- 63. The Electricity DC charge excludes any MV/LV and LV network costs. The customer will be quoted separately for any upgrade work required.
- 64. 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 DC's calculation methodology for rural connections.
- 65. 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 DC's for the whole development.

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 16 AUGUST 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

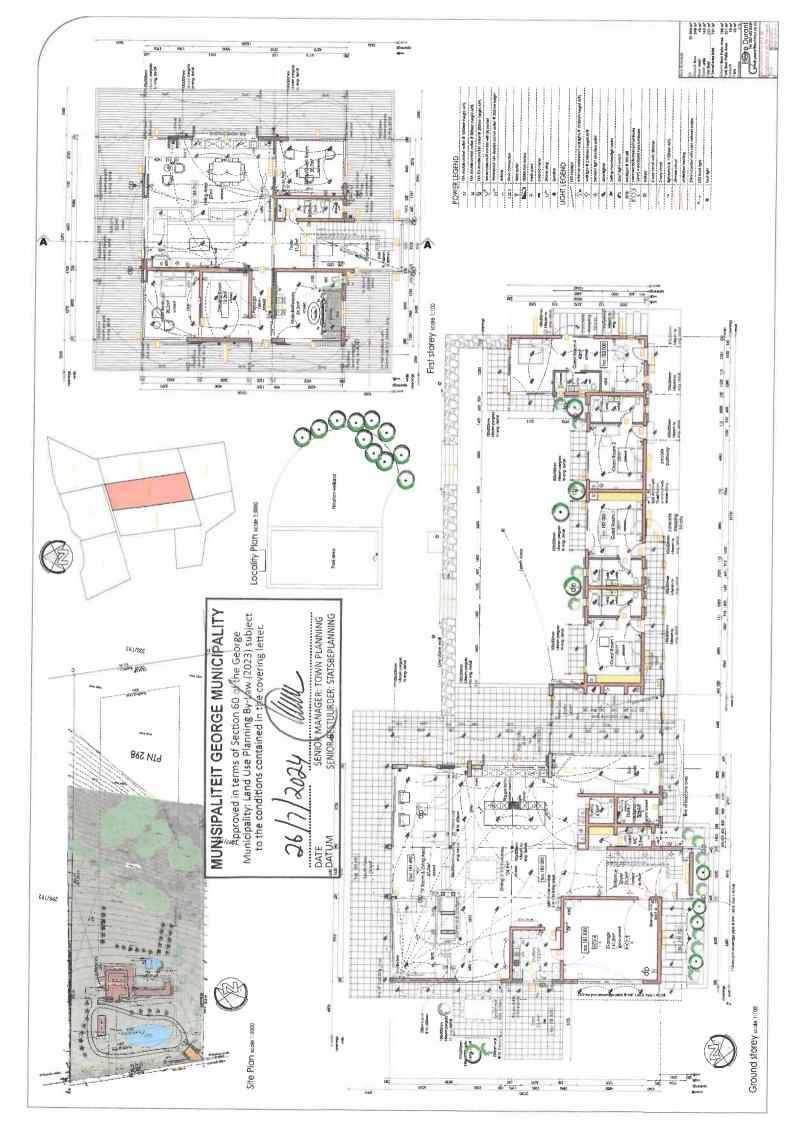
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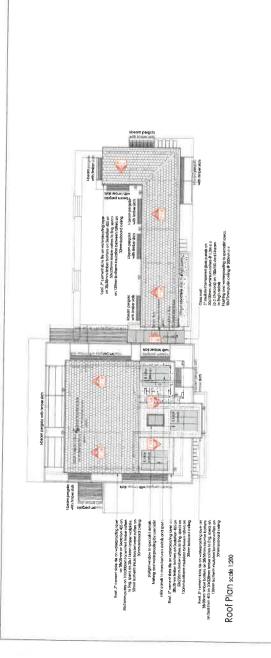
ACTING DEPUTY DIRECTOR: TOWN PLANNING

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Section AA scale 1:100

Approved in terms of Section 60 of the George Municipality: Land Use Planning By, Caw (2023) subject to the conditions contained in the covering letter.

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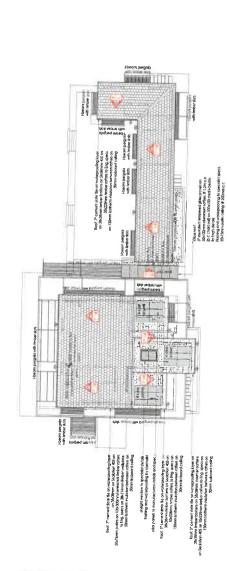
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Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Law (2023) subject to the conditions contained in the covering letter.

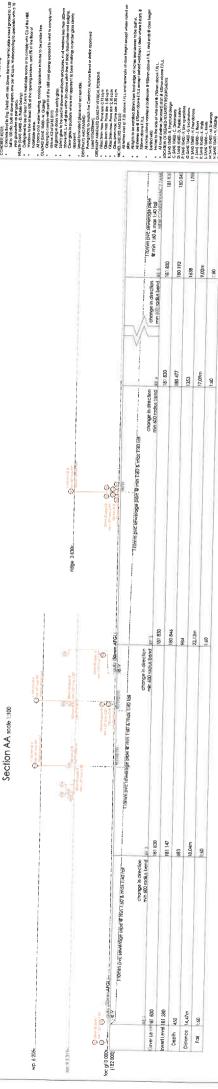
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Section AA scale 1:100



Schematic Drainage Section

MUNISIPALITEIT GEORGE MUNICIPALITY

Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Law (2023) subject to the conditions contained in the covering letter.

SENIOR MANAGER: TOWN PLANNING SENIOR RESTLURDER: STATSBEPLANNING

DATE

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CES Development Charges Calculator

For the internal use of Finance only

Departmental Notes:

2. Pleasde note the calulation above only surfise 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

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