



Stads- en Streekbeplanners
Town and Regional Planners

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29 November 2024

The Municipal Manager
P.O. Box 19
George
6530

Sir

PROPOSED CONSENT USE FOR A MOTOR REPAIR GARAGE AND
PERMANENT DEPARTURE FOR ERF 1951, ST GEORGE'S SQUARE, SITUATED
IN THE MUNICIPALITY AND DIVISION OF GEORGE, WESTERN CAPE.

Duly authorized by the registered owner of Erf 1951, George, we hereby apply for
the following:

Application is being made for the following in terms of Section 15.(2) of the By-Law
on Municipal Land Use Planning of George Municipality, 2023:

1. Consent Use for a motor repair garage in terms of Section 15.(2)(o);
2. Permanent departure in terms of Section 15.(2)(b) to allow for a departure
from the parking requirements of the property from "Normal Areas" to "PT1
Areas".

In support of the application, the following documentation is attached for your
consideration:

- a) Application form fully completed and signed (Annexure 1);
- b) Power of Attorney by the authorised representative (Annexure 2);
- c) Company Resolution (Annexure 3);
- d) The application is submitted before the deadline of the illegal land use
expires. Bondholder's Consent will be provided once it is made available to
the applicant. (Annexure 4);
- e) Motivation Report (Annexure 5);
- f) Copy of the Surveyor General Plan; (Annexure 6);

- g) Plan No. G/I/212-2 (Annexure 7);
- h) Site Development Plan (Annexure 8);
- i) Proof of Payment will be provided in due course as it is made available to the applicant (Annexure 9);
- j) Copy of Title Deed No. T78563/2012 (Annexure 10);
- k) Conveyancer certificate by Danielle Abrahamson (Annexure 11);
- l) Letter by abutting residential neighbour (Annexure 12);
- m) Approved Site Development Plan dd. 07/12/18 (Annexure 13);
- n) Photos of screening wall (Annexure 14); and
- o) Pre-Application dd. 19/07/2024 (Annexure 15).

Should any additional information be required you are kindly requested to contact us.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Alexander Havenga', enclosed within a circular scribble.

Nel & de Kock Town and Regional Planners
Per: Alexander Havenga A/3313/2023



Application Form for Application(s) Submitted in terms of the Land Use Planning By-Law for George Municipality

NOTE: Please complete this form by using: Font: Calibri; Size: 11

PART A: APPLICANT DETAILS

First name(s)	Alexander		
Surname	Havenga		
SACPLAN Reg No. (if applicable)	Pr. Pln A/3313/2023		
Company name (if applicable)	Nel & de Kock Town and Regional Planners		
Postal Address	P.O. Box 1186,		
	George	Postal Code	6530
Email	neldek@mweb.co.za		
Tel	044 874 5207	Fax	n/a
Cell	079 513 3530		

PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner	Fairvest Property Holdings Limited		
Address	8th Floor, The Terraces, 34 Bree Street,		
	Cape Town	Postal code	8000
E-mail	GScholl@broll.com		
Tel	021 446 2530	Fax	n/a
Cell	082 927 7932		

PART C: PROPERTY DETAILS (in accordance with Title Deed)

Property Description	Erf 1951, George
----------------------	------------------

[Erf / Erven / Portion(s) and Farm number(s), allotment area.]						
Physical Address	St George's Square, c/o Knysna Road and 3 rd Street					
GPS Coordinates	33°57'47.62"S 22°28'41.87"E			Town/City	George	
Current Zoning	Business Zone I	Extent	2.5696ha	Are there existing buildings?	Y	N
Current Land Use	Shopping Centre					
Title Deed number & date	T78563/2012					
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).			
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).			
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?	RMB		
Has the Municipality already decided on the application(s)?	Y	N	If yes, list reference number(s)?			
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use?	Y	N	
Are there any pending court case / order relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y	N	
PART D: PRE-APPLICATION CONSULTATION						
Has there been any pre-application consultation?	Y	N	If Yes, please complete the information below and attach the minutes.			
Official's name	Fakazile Vava	Reference number	3225289	Date of consultation	10/07/2024	
PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY & APPLICATION FEES PAYABLE						

***Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.**

BANKING DETAILS

Name: **George Municipality**
 Bank: **First National Bank (FNB)**
 Branch no.: **210554**
 Account no.: **62869623150**
 Type: **Public Sector Cheque Account**
 Swift Code: **FIRNZAJJ**
 VAT Registration Nr: **4630193664**
 E-MAIL: **msbrits@george.gov.za**
 *Payment reference: Erven ____, George/Wilderness/Hoekwil...

PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

Application is being made for the following in terms of Section 15.(2) of the By-Law on Municipal Land Use Planning of George Municipality, 2023, for Erf 1951, George:

1. Consent Use for a motor repair garage in terms of Section 15.(2)(o);
2. Permanent departure in terms of Section 15.(2)(b) to allow for a departure from the parking requirements of the property from "Normal Areas" to "PT1 Areas".

PART G: ATTACHMENTS & SUPPORTING INFORMATION FOR LAND USE PLANNING APPLICATIONS

Please complete the following checklist and attach all the information relevant to the proposal. Failure to submit all information required will result in the application being deemed incomplete.

Is the following compulsory information attached?

Y	N	Completed application form	Y	N	Pre-application Checklist (where applicable)
Y	N	Power of Attorney / Owner's consent if applicant is not owner	Y	N	Bondholder's consent
Y	N	Motivation report / letter	Y	N	Proof of payment of fees
Y	N	Full copy of the Title Deed	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Locality Plan	Y	N	Site layout plan

Minimum and additional requirements:

Y	N	N/A	Conveyancer's Certificate	Y	N	N/A	Land Use Plan / Zoning plan
Y	N	N/A	Proposed Subdivision Plan (including street names and numbers)	Y	N	N/A	Phasing Plan
Y	N	N/A	Consolidation Plan	Y	N	N/A	Copy of original approval letter (if applicable)

Y	N	N/A	Site Development Plan	Y	N	N/A	Landscaping / Tree Plan
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes	Y	N	N/A	Required number of documentation copies 2 copies
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes	Y	N	N/A	Other (specify)

PART H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION

Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)	Y	N/A	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)			
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)			
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	N/A	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Y	N/A	Other (specify)
Y	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of the Land-Use Planning By-law for George Municipality?			

SECTION I: DECLARATION

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. The Municipality has not already decided on the application.
3. I'm aware that it is an offense in terms of section 86(1)(d) to supply particulars, information or answers in an application, knowing it to be false, incorrect or misleading or not believing them to be correct.
4. I am properly authorized to make this application on behalf of the owner and (where applicable) copies of such full relevant Powers of Attorney/Consent are attached hereto.
5. I have been appointed to submit this application on behalf of the owner and it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to me as the authorised agent and the owner will regularly consult with the agent in this regard (where applicable).
6. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
7. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/amendment/suspension forms part of this submission.
8. I am aware of the status of the existing bulk services and infrastructure in the subject area and that I am liable for any possible development charges which may be payable as a result of the proposed development.
9. I acknowledge that in terms of the Protection of Personal Information Act (POPIA) all correspondence will be communicated directly and only to myself (the applicant). No information will be given to any third party and/or landowner (if the landowner is not the applicant). I herewith take responsibility to convey all correspondence to the relevant parties.



Applicant's signature: _____

Date: _____

29 November 2024

Full name: _____

Alexander Havenga

Professional capacity: _____

Registered Professional Planner

SACPLAN Reg. Nr: _____

Pr. PIn A/3313/2023

POWER OF ATTORNEY

I, the undersigned,

Ilham Enous

**In my capacity as an Asset Manager of FAIRVEST PROPERTY HOLDINGS LIMITED
(Registration Number 1998/005011/06)**

And duly authorised as such in terms of Resolution

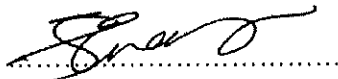
hereby nominate and appoint:

Alexander Havenga of the firm

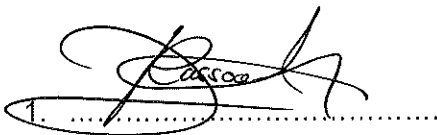
NEL & DE KOCK TOWN & REGIONAL PLANNERS

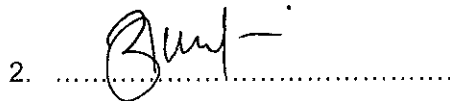
With power of substitution, to be our true and lawful Agent in our name, place and stead, to apply to George Municipality for a **Consent Use for a Motor Repair Garage on Erf 1951, George**, and I hereby ratify, allow and confirm, and promise and agree to ratify, allow and confirm all and whatsoever our said Agent shall lawfully do or cause to be done by virtue of these presents.

SIGNED at Cape Town on this 24 June 2024 in the presence of the under mentioned witnesses.


.....

AS WITNESSES:

1. 
.....

2. 
.....

FAIRVEST PROPERTY HOLDINGS LIMITED
Registration number 1998/005011/06
("Company")

WRITTEN RESOLUTIONS OF THE DIRECTORS OF THE COMPANY PASSED IN ACCORDANCE WITH THE COMPANY'S MEMORANDUM OF INCORPORATION AND SECTION 74 OF THE COMPANIES ACT, 2008 (AS AMENDED) ("COMPANIES ACT")

We, the persons whose names appear below, and who have signed this document (or any counterpart of it), are all of the directors of the Company, and we hereby adopt the resolutions below by written consent in accordance with the requirements of section 74(1) of the Companies Act and further agree that they will have the same effect as if they had been approved by voting at a meeting of the directors duly convened, constituted and held.

WHEREAS


The Company wishes to authorise and empower certain persons as duly authorised agents of the Company to execute and sign requisite documents for the application for approved building plans and the submission thereof to the relevant authorities, including but not limited to architectural compliance certificates, Form 1 and Form 2 referenced in the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977) and all related documents, for and on behalf of the Company.

IT IS HEREBY RESOLVED THAT:

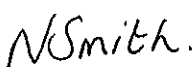
1. Any 1 (one) of Darren Wilder, Jacques Kriel, Riaz Kader, Jo Anne De Freitas, Lance Hoffman, Justin McCarthy, Nicholas Lentz or Ilhaam Enous (each an "**Authorised Signatory**") be and is hereby authorised and empowered to complete, sign and execute any and all documents necessary to apply for and/or submit building plan approval and any documents related thereto, for and on behalf of the Company.
2. Each Authorised Signatory may internally delegate the above authority in the normal course of the Company's business as may be necessary in order to give effect to the authority above.
3. To the extent that any Authorised Person above has done any of the foregoing prior to the date of these resolutions, then such actions be and are hereby ratified to the extent permitted under the Companies Act.

THUS, DONE AND SIGNED ON 17 JANUARY 2024.

J Kriel



H SMIT



N SMITH

D WILDER



11 December 2024

To whom it may concern

Dear Sirs

**APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE
ERF 1951 GEORGE**

FirstRand Bank Limited, registration number 1929/001225/06, (“the Bank”) is the holder of mortgage bonds B18661/2016 and B35313/2012 registered in its favour by Fairvest Property Holdings Limited (“the Owner”) over Erf 1951 George Township, Western Cape (“the Property”).

The Owner intends to submit an application, with respect to the Property, in terms of Section 15 (2) of the By-Lay of Municipal Land Use Planning of George Municipality, 2023, for the following:

- 1) Consent Use for a motor repair garage in terms of Section 15(2) (o); and
- 2) Permanent Departure in terms of Section 15 (2) (b) to allow for a departure from the parking requirements of the Property from “Normal Areas” to “PT1 Areas”.

The Bank approves the Owner’s aforementioned application.

For: FirstRand Bank Limited (acting through its Rand Merchant Bank division)

Duly authorised

Duly authorised

CORPORATE AND INVESTMENT BANKING

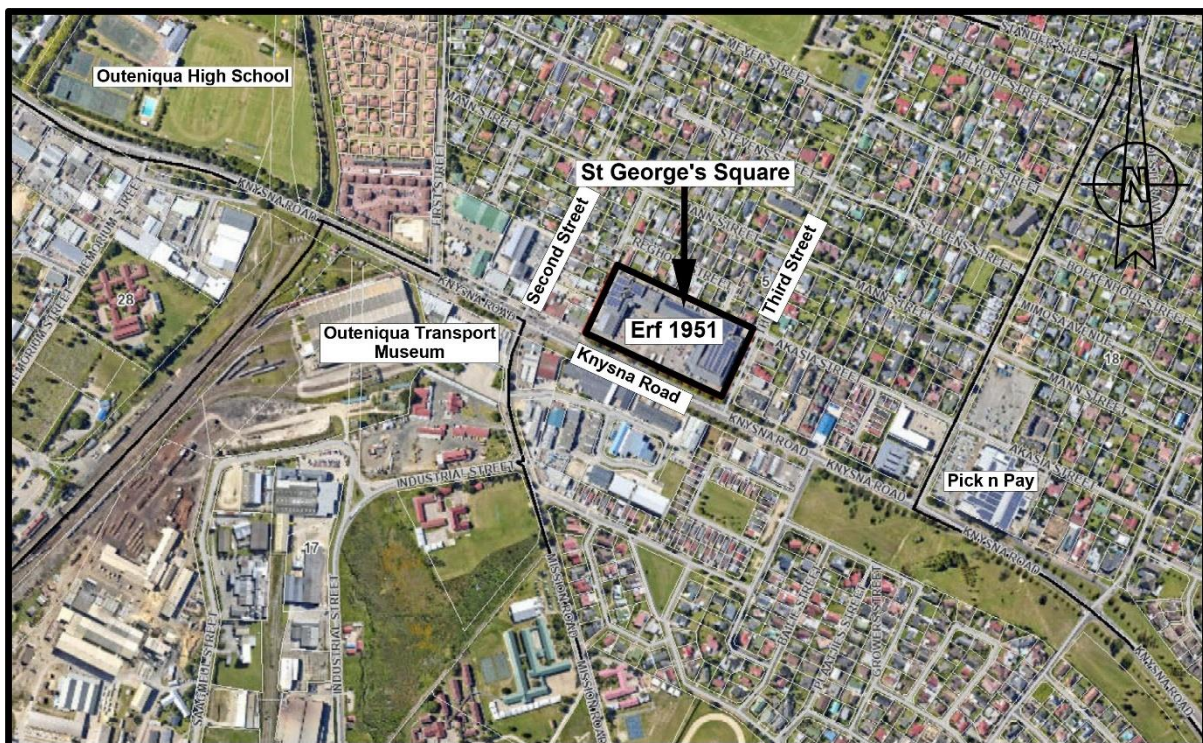
1 Merchant Place
Cnr Fredman Dr and Rivonia Rd
Sandton 2196

PO Box 786273
Sandton 2146
South Africa

Switchboard +27 11 282 8000
Website rmb.co.za

MOTIVATION REPORT

PROPOSED CONSENT USE AND PERMANENT
DEPARTURE
FOR
ERF 1951, SITUATED IN THE MUNICIPALITY AND DIVISION
OF GEORGE
FOR
THE REGISTERED OWNER



Stads- en Streekbeplanners
Town and Regional Planners

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1. APPLICATION

Application is being made for the following in terms of Section 15.(2) of the By-Law on Municipal Land Use Planning of George Municipality, 2023, for Erf 1951, George:

1. Consent Use for a motor repair garage in terms of Section 15.(2)(o); and
2. Permanent departure in terms of Section 15.(2)(b) to allow for a departure from the parking requirements of the property from “Normal Areas” to “PT1 Areas”.

2. BACKGROUND

The property forming the focus of this application is an established shopping centre in George known as St. George’s Square. The shopping centre featured movie theatres which the public could visit in its early years. The movie theatres relocated to the Garden Route Mall once it opened in 2007. Since then the old cinemas were utilised as storerooms as indicated on council approved building plan dd. 07/12/2018 which is attached to this application as Annexure 13. The property managers allowed tenants to utilise the old cinemas as it was empty space with leasable potential in a prime location in George next to a main transport corridor i.e. Knysna Road. Car Service City moved into one of the old cinema’s as tenants’ unknown of the fact that they had to apply for a consent use for a motor repair garage to conduct their business on a property zoned Business Zone I. The tenant was made aware of their illegal land use through a notice issued by the Municipality which gave rise to this application.

3. PURPOSE

The purpose of this application is to obtain approval for a consent use to allow Car Service City to conduct their business from the subject property. In addition to the aforementioned, a permanent departure is required in order to align the existing development with the parking requirements of the Integrated Zoning Scheme By-Law of George Municipality, 2023.

4. MOTIVATION

4.1 NEED

The need for this application sprouted from the fact that Car Service City needs to obtain a consent use approval for a Motor Repair Garage to legally operate their business from the subject property. A motor repair garage in such a central location in town is ideally suited for working class individuals who can drop off their vehicles for services before heading to work. After work vehicles can be picked up which is in close proximity to residential neighbourhoods. The central locality of the

development gave rise to such a service for the public close to their places of residence. Due to the isolated location and poor exposure of the old cinema, it is not an attractive prospect for businesses conducted i.t.o. the Zoning Scheme to operate from there and therefore the landlord found it hard to find a tenant. The land use now applied for is not that dependant on the same exposure and therefore it is the ideal way of utilising this floor area instead of leaving it unoccupied.

The need to apply for the permanent departure from the parking requirements as set out in the Integrated Zoning Scheme By-Law of George Municipality, 2023, is due to the following:

The St George's Square shopping centre is an existing established centre in George. The extent of the development was approved by George Municipality in the past therefore making the development and provided parking bays a fait accompli. The current Gross Leasable Area of the development is 11 195m² which requires 672 parking bays if calculated at 6 bays per 100m² of GLA in accordance with the parking requirements of 'Normal Areas' for shopping centres. The centre is located next to a main transport route of George which connects the CBD to the Mall and residential neighbourhoods. The road abutting the centre, viz. Knysna Road, is a bus route which has three bus stops in close proximity to the centre of which one is as close as 11m while the furthest of the three being 46m. In light of the aforementioned, application is made for a departure in order to calculate the required parking in accordance with PT1 areas as opposed to Normal Areas. PT1 areas for shopping centres states that parking is as determined by the Municipality. Therefore, by approval of the Site Development Plan submitted with this application, the parking will be in accordance with the requirements of the Zoning Scheme.

The 'PT1 Area' parking requirements for shops in high intensity areas stipulates that 4 parking bays be made available for 100m² GLA. If this stipulation were to be used it would equate to 448 bays. Currently 434 parking bays are provided for the shopping centre. This equates to a deficit of 14 parking bays. If the extent of Car Service City, the subject of this consent use application, is taken into consideration which has a floor area of 336.5m², it indicates that the area use will require 14 parking bays which is exactly the same number as the deficit. The applicant would like to indicate that the motor repair garage has its own entrance at the back of the shopping centre which can accommodate approximately 12 vehicles if they are parked behind one another and a further 3 inside the shop. The three parking bays inside the shop constitutes the service bays which is used to service vehicles. Clients can be instructed to drop their vehicles off at the back of the shopping centre, Car Service City can service the vehicles and the owners can collect after work. This will be a practical solution and will therefore not take away any parking for the public visiting the shopping centre.

It should furthermore also be mentioned that the cinemas which utilised this space in the past were approved by council. The amount of visitors to the cinemas resulted in a much larger demand for parking than the current use. Therefore, approval of the departure from the parking requirements poses to not negatively impact the current

parking situation on the property as the proposed motor repair garage is not associated with a continuous flow of visiting customers like other shops in the shopping centre.

The majority of trips to the shopping centre are generated over the weekends, while the average time spent at the centre is not as long as the main shop, i.e. Checkers is a retail shop which is not visited for long periods of time. This can be due to the fact that the shops at St George's Centre includes retail shops which customers visit mainly after hours when coming home from work and do not stay for extended periods of time, while visitors to the motor repair garage take place mainly during the day. Therefore, the approval of the departure will not negatively affect the current parking situation on the property, but will in fact generate less traffic than for what it was originally planned and approved, viz. cinemas.

4.2 DESIRABILITY

PHYSICAL CONDITION:

4.2.1 TOPOGRAPHY

The property forming the subject of this application is a developed shopping centre in George. The property has a flat topography with a 1:39 slope on its steepest part. This application does not propose any additional development, but merely a consent use for an existing business within a portion of the centre previously utilised as cinemas. Therefore, topography pose to not negatively affect this application.

4.2.2 BOTTOM CONDITIONS

The bottom conditions of the relevant property are stable as no structural problems have been experienced related to bottom conditions since the centre was built.

4.2.3 VEGETATION

There is no sensitive conservation worthy vegetation on the erf which will be negatively influenced by the approval of this application. Application is made for a consent use for a business situated within an existing structure of the shopping centre. Therefore, no further elaboration will be made in this regard.

4.2.4 FLOOD LINES

The property does not abut the sea or a river with a flood line. Therefore, the property is not affected by flood lines which would impinge the approval of this application.

4.2.5 SENSITIVITIES

There are no sensitivities on the property as it is an existing developed shopping centre in George.

4.2.6 WATER TABLE

There is no watercourse near the subject property and no problems have been encountered with regard to the water table since the shopping centre was developed. Therefore, the subject of water table will not be elaborated further on in this motivation report.

4.2.7 DRAINAGE PATTERN

The design and construction of the shopping centre took drainage into consideration and was approved by George Municipality. Therefore, approval of this application will not have a detrimental effect on the drainage pattern.

4.2.8 FILLINGS AND EXCAVATIONS

Application is made for a consent use for a motor repair garage situated within an existing structure on the subject property, while no new construction is proposed. Therefore, approval of this application will not result in fillings and excavations to take place.

4.3 EXISTING PLANNING AND LEGISLATION

4.3.1 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013, (S.P.L.U.M.A.)

4.3.1.1 SPATIAL JUSTICE

- **Past spatial and other development imbalances must be redressed through improved access to and use of land.**

The property forming the focus of this application is an existing shopping centre in George and is in extent 2.5696ha. The property was made available on the free market when the current owners acquired it in 2012. Therefore, this application for a consent use and permanent departure pose to not be adequate to address this principle of access to and use of land.

- **Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former**

homeland areas and areas characterises by widespread poverty and deprivation.

Due to considerations discussed above, this objective is not readily achievable with this application.

- **Spatial Planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.**

As discussed above, the limited size of the land unit does not lend itself to the compliance of this objective as the property is zoned for business purposes serving the broad community of George and visitors and not to address the access to land by disadvantaged communities or persons.

- **Land use management systems must include all areas of a Municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas.**

A pragmatic approach to the management of land use systems to follow flexible and appropriate processes to facilitate housing for the disadvantaged community is indispensable.

- **Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.**

This aspect has already been discussed above.

- **A Municipal Planning Tribunal considering an application before it, may not be implemented or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.**

This provision does not apply to this application.

4.3.1.2 PRICIPLE OF SPATIAL SUSTAINABILITY

- **Promote land development that is within the fiscal, institutional and administrative means of the Republic.**

The proposed development is done with private funding and therefore the fiscal, institutional and administrative capacity of government agencies are not relevant to this application.

- **Ensure that special consideration is given to the protection of prime and unique agricultural land.**

The subject of this application is zoned Business Zone I and is situated within George which is included within the Urban Edge. Therefore, the protection of prime and unique agricultural land is not relevant to this application.

- **Uphold consistency of land use measures in accordance with the environmental management instruments.**
This application is not accompanied by any activities that require special environmental management measures.
- **Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.**
This application will not demand any costs to any party with regard to the provision of infrastructure and social services developments as this application involves an existing development in private ownership.
- **Promote land development in locations that are sustainable and limit urban sprawl.**
Application is made for a consent use and permanent departure related to an existing shopping centre which does not propose additional development. Therefore, approval of this application will promote development within the urban edge and limit urban sprawl.
- **Result in communities that are viable.**
This application will result in a more viable community as a motor repair garage will now be available along a main transport route of George, i.e. Knysna Road. The service is proposed close to residential neighbourhoods which will facilitate easy access to this service for the community. The proposed consent use is screened off from the abutting residential properties by a screening wall, therefore, approval of this application poses to not negatively affect the abutting residential properties. In addition to the above, an owner of one of the abutting residential properties wrote a letter in which he confirms that Car Service City does not create a disturbance and that according to him they are one of the quietest shops in the shopping centre. The other adjoining owners will be requested to comment on the application once the applicant is instructed to begin with the Public Participation Process.

4.3.1.3 PRINCIPLE OF EFFICIENCY

- **Land development optimises the use of existing resources and infrastructure.**
This application is in line with the principle of efficiency as application is made for a property situated within the urban edge which is already serviced by the Municipality. Therefore, approval of this application will not require additional municipal resources and infrastructure, but will utilise existing infrastructure.
- **Decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts.**
As a privately funded project, sensible decision making to have minimal negative consequences are indispensable for the successful implementation

of the project. As already discussed, it will have no negative social, economic and environmental impact, but will result in viable business for Car Service City.

- **Development applications procedures are efficient and streamlined and timeframes are adhered to by all parties.**

Adherence to prescribed timeframes vest in the Municipality and therefore the applicant does not have any control over it.

4.3.1.4 PRINCIPLE OF SPATIAL RESILIENCE

This principle, which is primarily aimed at a sustainable way of life for communities that are most vulnerable to economic and environmental setbacks, is not directly applicable to this application.

4.3.1.5 PRINCIPLE OF GOOD ADMINISTRATION

- **All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.**

The only authority involved in this application is George Municipality and therefore there is no other authority with which an integrated approach needs to be followed. The various departments of the Municipality involved function as an integrated team and the applicant has no further comment on this principle.

- **Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.**

Procedures for this application will be adhered to as prescribed. One of the abutting residential property's owners' sent a letter in which they state they have not experienced any disturbance from Car Service City which is the subject of this application. A more in depth public participation process will be followed once the applicant is instructed to begin therewith. It should be mentioned that one of the adjoining tenants had complaints regarding the smell of fumes in their space. The property managers investigated the situation and found that the adjoining tenants and Car Service City is situated within areas previously utilised as cinemas. The air conditioning ducts of the cinemas joined together and it was through the ducting system the smell could be observed. The property managers addressed this issue and do not foresee any further problems for other tenants by the Car Service City.

4.3.2 LAND USE PLANNING ACT, 2014, (L.U.P.A.)

As far as the proposed development is concerned, there is a great deal of overlap between the principles of spatial justice, sustainability, good administration and resilience that are pursued under this legislation, but which have already been discussed in par 4.3.1 above. To avoid duplication, these principles will not be discussed again.

4.3.3 NATIONAL, PROVINCIAL AND LOCAL GOVERNMENT POLICIES AND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

National, Provincial and Local Government policies set out and put in place coherent policies and frameworks to support Municipalities fulfil their municipal planning mandate in line with national and provincial agendas. Application is made in terms of Section 15 of the Land Use Planning By – Law of George Municipality, 2023. Therefore, the local policies and frameworks of the municipality took the policies and frameworks of National and Provincial Government into consideration and only the George Municipal Spatial Development Framework, 2023 (MSDF) will be discussed for the purpose of this application.

Application is made for a consent use and permanent departure which is permitted by the Integrated Zoning Scheme of George Municipality, 2023. The SDF delineates the area the subject property is situated as a commercial area. Therefore, since this application does not propose a change of land use, but merely an ancillary use with the zoning remaining in place as is and contributing to the commercial status quo of the shopping centre, approval of this application will have no bearing impact on the designation of the property according to the SDF. Bearing the above in mind it is therefore irrelevant to elaborate further in this regard for the purposes of this application.

4.3.4 BY-LAW ON MUNICIPAL LAND USE PLANNING OF GEORGE MUNICIPALITY, 2023

4.3.4.1 According to Section 38(1), the following documents are required in support of the application:

4.3.4.1.1 **Annexure 1**, Application form fully completed and signed;

4.3.4.1.2 **Annexure 2**, Power of Attorney to Nel & de Kock Town and Regional Planners by the authorised representative of the registered owner to prepare and submit this application;

4.3.4.1.3 **Annexure 3**, Company Resolution which gives the authorised representative authorisation to appoint Nel & de Kock;

- 4.3.4.1.4 **Annexure 4**, Bondholders Consent will be provided once it is made available to the applicant;
- 4.3.4.1.5 **Annexure 5**, Motivation Report by Nel & de Kock Town and Regional Planners;
- 4.3.4.1.6 **Annexure 6**, Copy of the Surveyor General Plan is attached to this application;
- 4.3.4.1.7 **Annexure 7**, Plan No. G/I/212-2 is attached to this application;
- 4.3.4.1.8 **Annexure 8**, Site Development Plan by Ushindi Architects is attached to this application;
- 4.3.4.1.9 **Annexure 9**, Proof of Payment will be provided in due course as it is made available to the applicant;
- 4.3.4.1.10 **Annexure 10**, Copy of Title Deed T78563/2012 is attached to this application;
- 4.3.4.1.11 **Annexure 11**, Conveyancer Certificate by Danielle Abrahamson is attached to this application;
- 4.3.4.1.12 **Annexure 12**, Letter by abutting residential neighbour in which they state they do not have any negative comments on Car Service City;
- 4.3.4.1.13 **Annexure 13**, Approved Site Development Plan dd. 07/12/18;
- 4.3.4.1.14 **Annexure 14**, Photos of screening wall behind Car Service City and abutting residential properties;
- 4.3.4.1.15 **Annexure 15**, Pre-Application dd. 19/07/2024 with the following comments:

Town Planning:

- **The land use proposal must show compliance with the approved site development plan for the shopping complex and whether sufficient parking is available as per the zoning scheme. Site layout plan must also show proposed service bays.**
 - The proposed service bays are indicated on the attached SDP. The departure from the parking requirements are discussed extensively in Par. 4.1 of this report.
- **The proposal must indicate that no public parking on the site is being taken away, and should this happen, applicant must apply for parking departures (parking study may be required).**

- This application proposes a departure from the parking requirements. Therefore, this comment is addressed and the motivation thereof is discussed extensively in Par. 4.1 of this report.
- **The applicant must address the concerns as raised by the complainant in the illegal land use process (specifically the noise complaints as experienced by the neighbouring property owners to the north-western boundary of the site).**
 - The applicant brought a request to the Municipality to obtain the complaints raised during the illegal land use process. The applicant was, however, not provided with the official complaint, but were notified that the complaints were about noise and smell of fumes as the objector had offices above the garage. Therefore, the complaints did not come from adjoining properties, but another tenant of St. George's Square. As stated in Par. 4.3.1.5 above, the issues with regard to the smell of fumes were addressed by the Property Managers, while the applicant is of the opinion that the complaint regarding the noise was just to give the complaint extra body as no other complaints by any of the other tenants have been received by the Property Managers. In addition to the aforementioned, it should be mentioned that there is a screening wall outside Car Service City screening off the motor repair garage from the residential properties.
- **The proposed area for the service station is bordered by residential properties. Mitigation measures, whether its screening, or insulation of the services areas must be shown/addressed by the applicant.**
 - A screening wall is in place outside the service area between Car Service City and residential properties and is attached to this application as Annexure 14.
- **It is acknowledged that this is not the only motor repair garage found on this property, noting that the site has a 4x4 modification shop along the western boundary of the site. This shop must also be included in the application should the upgrades of vehicles/fitting be done on this property. Confirmation of this service/use must also be addressed/confirmed.**
 - The other business this comment refers to is 4x4 Mega World. This business does not align with the definition of a motor repair garage as their predominant use is sale of 4x4 equipment and vehicle accessories. Therefore, bearing the above in mind this application does not include 4x4 Mega World in this consent use application for a motor repair garage.
- **The exact areas which are used for the motor repair garages must be shown on the site layout plan and applicant is advised to consider**

placing them in a location where they do not affect the surrounding residential uses.

- This comment cannot be addressed as there is no other available space on the property which can accommodate the motor repair garage. The business is an established business and it cannot merely be moved to another space. Mitigation measures are proposed and concerns raised by fellow tenants were addressed in order to mitigate fumes which may be the result of vehicles being brought into the building for services.
- **Overall SDP for the development must show all the recent amendments to the development.**
 - All recent amendments to the development are indicated on the attached SDP.

CES:

- **Access will be restricted to the existing and approved access.**
 - This application does not propose an alteration the property's access. Therefore, no further elaboration will be made in this regard.
- **All parking to be provided on site in terms of the GIZS 2023.**
 - This application provides for a departure from the parking requirements and is discussed extensively in Par. 4.1 of this report.
- **PT1 can not be supported at present as the public transport systems have not fully been implemented, but should the applicant require a reduces parking ratio, the applicant will be required to submit a parking study.**
 - As stated previously, the departure from the parking requirements is discussed extensively in Par. 4.1 of this report, while the Municipality's Traffic Engineer stated that application can be made for a departure to PT1. Therefore, no further elaboration will be made in this regard.
- **No parking allowed within the road reserve.**
 - This comment is noted and no parking is provided in the road reserve.
- **Normal DC's, as per the DC policy & Town planning By-law, will apply.**
 - This comment is not applicable as no new construction is proposed and approval of this application will not result in any additional services.
- **Water & Sewer are available, subject to confirmation of service required, and may be subject to forced phasing.**
 - Please refer to the response on the previous comment.
- **Developer to adhere to the applicable Stormwater By-law.**

- Please refer to the previous response.

4.3.5 TITLE DEED

Title Deed No. T78563/2012 is attached to this application. The attached Conveyancer Certificate by Danielle Abrahamson states that the relevant title deed does not contain any restrictive conditions prohibiting the use of a motor repair garage on the property. The Bondholders Consent will be provided once it is made available to the applicant. The submission of the application was time sensitive as the deadline to submit an application to rectify the illegal land use is 30 November 2024, while the application is submitted on 29 November 2024. In light of the aforementioned no further elaboration will be made with regard to the title deed.

4.4 CHARACTER OF THE ENVIRONMENT

The property relevant to this application is situated along a main transport corridor of George, i.e. Knysna Road. The area the property is situated within is classified as 'Commercial' by George Municipality's SDF. This application will not detract from the character of the environment as approval of this application will allow a business to be operated from an existing shopping centre which is in line with the SDF. In addition thereto, an abutting owner of a residential property sent a letter in which he state that he has not found the motor repair garage to be a disturbance. Therefore, approval of this application poses to not detract from the character of the environment.

4.5 POTENTIAL OF THE PROPERTY

4.5.1 AGRICULTURE

As mentioned earlier in this report, the land unit relevant to this application is situated within the urban edge of George and is currently zoned Business Zone I. Therefore, the property was withdrawn from Agricultural in the past and has no agricultural potential and will subsequently not be elaborated further on in this motivation report.

4.5.2 CONSERVATION

The subject property constitutes an existing developed shopping centre in George with no conservation worthy vegetation. Therefore, no further elaboration will be made with regard to conservation.

4.5.3 MINING

As of date no exploitable materials have been found on the property which could lead to any mining activities taking place.

4.5.4 RECREATION

The current zoning of property is Business Zone I, while the development is an existing shopping centre. The land use of the property is for business purposes, while some may find that the wide variety of business may hold some recreational activities for the public through shopping. This application does, however not propose an amendment to the current zoning of the property. Therefore, approval of this application will not detract from the recreation the property has to offer.

4.5.5 RESIDENTIAL

As mentioned earlier in this report, the subject property is zoned for business purposes and this application does not propose a residential component. Therefore, no further elaboration will be made in this regard.

4.6 LOCATION AND ACCESSIBILITY

Erf 1951 is situated at 33°57'47.62"S 22°28'41.87"E within the city of George. The property is an existing shopping centre which is accessed from Knysna Road and 3rd Street respectively. This application does not propose any additional development which may have an adverse impact on the existing accesses. Therefore, since no amendments to the existing accesses are proposed. No further elaboration will be made in this regard.

4.7 PROVISION OF SERVICES

The shopping centre is serviced by the Municipality and this application does not propose any additional construction requiring additional services. Therefore, the approval of this application will have no effect on the provision of services.

4.8 CONSTRUCTION PHASE

Application is made for the legalisation of an existing business which is situated within an existing structure of the shopping centre. Therefore, approval of this application will not lead to any new construction which will require a construction phase. Therefore, no further elaboration will be made in this regard.

5. CONCLUSION

On strength of the rationalisation followed in this report, it is evident that there is a substantial benefit not only for the business which is the subject of this application or the owners of the property, but also for the community of George as approval of this application will permit a motor repair garage to be operated from an area where no such facility exists and which is easily accessible for its customers and residents of the neighbourhoods in the area. The central location of the proposed motor repair garage will benefit residents through the ease of logistics by dropping of vehicles for services close to their place of residence and places of work. Furthermore, approval of this application will not affect any of the tenants or adjoining land owners in a negative way as the property managers have not received any further complaints from tenants since the fume situation were addressed and in the light of the supportive letter received from one of the adjoining residential property's owners'. The application will be advertised when the applicant is instructed to begin with this process, whereby any member of the public will be officially given the opportunity to comment on the application.

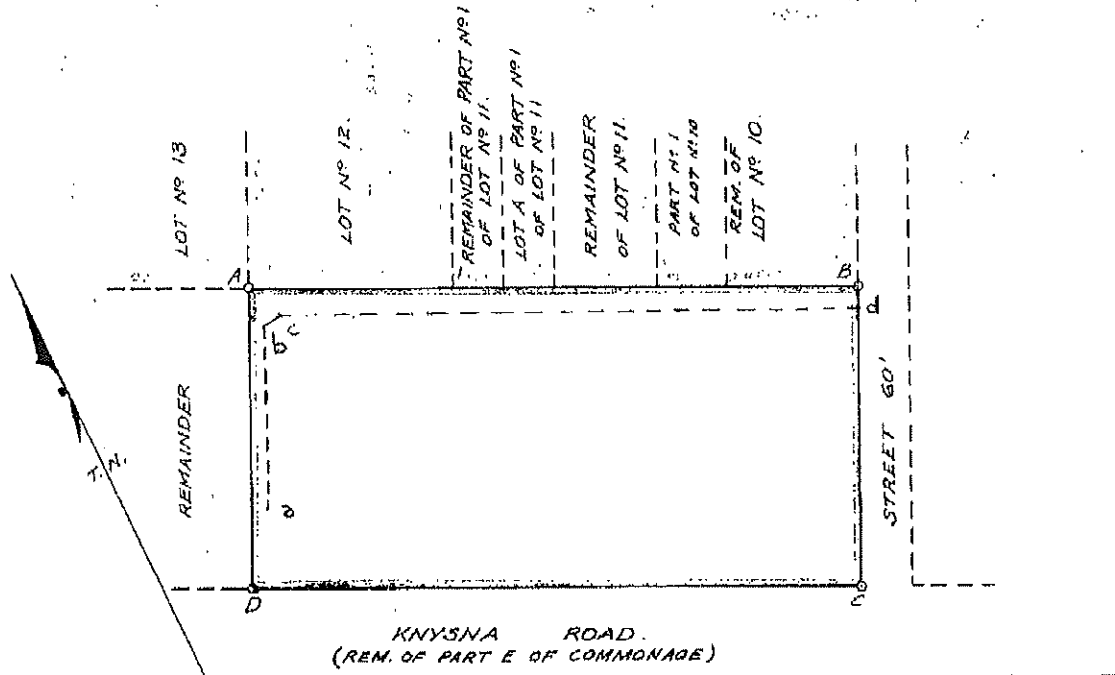
Nel & de Kock Town and Regional Planners
Per: Alexander Havenga Pr. PIn A/3313/2023

November 2024

SIDES		ANGLES OF DIRECTION	SYSTEM L ^o 23 ^o CO-ORDINATES	
Cape	Feet		y	x
AB	720.00	294 59 20	A + 53167.76	+ 19762.34
BC	360.00	24 59 20	B + 52515.16	+ 20066.70
CD	720.00	114 59 20	C + 52667.24	+ 20493.00
DA	360.00	204 59 20	D + 53319.84	+ 20088.84

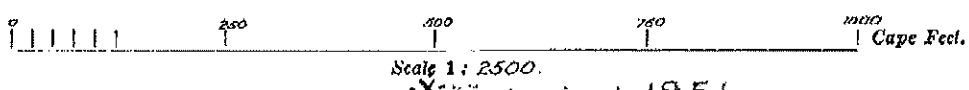
S. G. No. 34345

Approved
[Signature]
 Surveyor-General.



Description of Beacons.
 A... is a 1/2" iron peg.
 B... " " 3/8" " "
 C... " " 3/8" " "
 D... " " 1/2" " "

FOR SUPPLY OF THIS PROPERTY SIDE GENERAL PLAN T.P. 8817 (George Township Ext. No. 33)



The figure ABCD represents 3.0000 Morgen of land being PORTION of LOTS 7, 8 & 9 of LOTS N^{os} 6, 7, 8 & 9 portion of PART E of George Town Commonage.

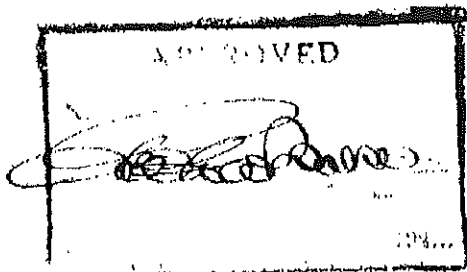
Municipality and situate in the Division of George Province of Cape of Good Hope, Surveyed in April 1941 by me *[Signature]* Land Surveyor.

This diagram is annexed to D/T. N^o 1671 d.d. 23. 8. 46 in favour of J. Lamprecht.
 Registrar of Deeds.

The original diagram is No. 2556/1933 annexed to Transfer Deed N^o 6074. dated 25 October 1933 in favour of A. Comay.

S. G. File No. S8774/32
 S.R. No. E.135/43.
 G. 421
 NIS 1748; 1756
 George Shts. 1A4.
 NTU. BL 700
 C. 1951 X 51
 S.P.C.F.

FOR ENDORSEMENT SEE BOOK OF DGM

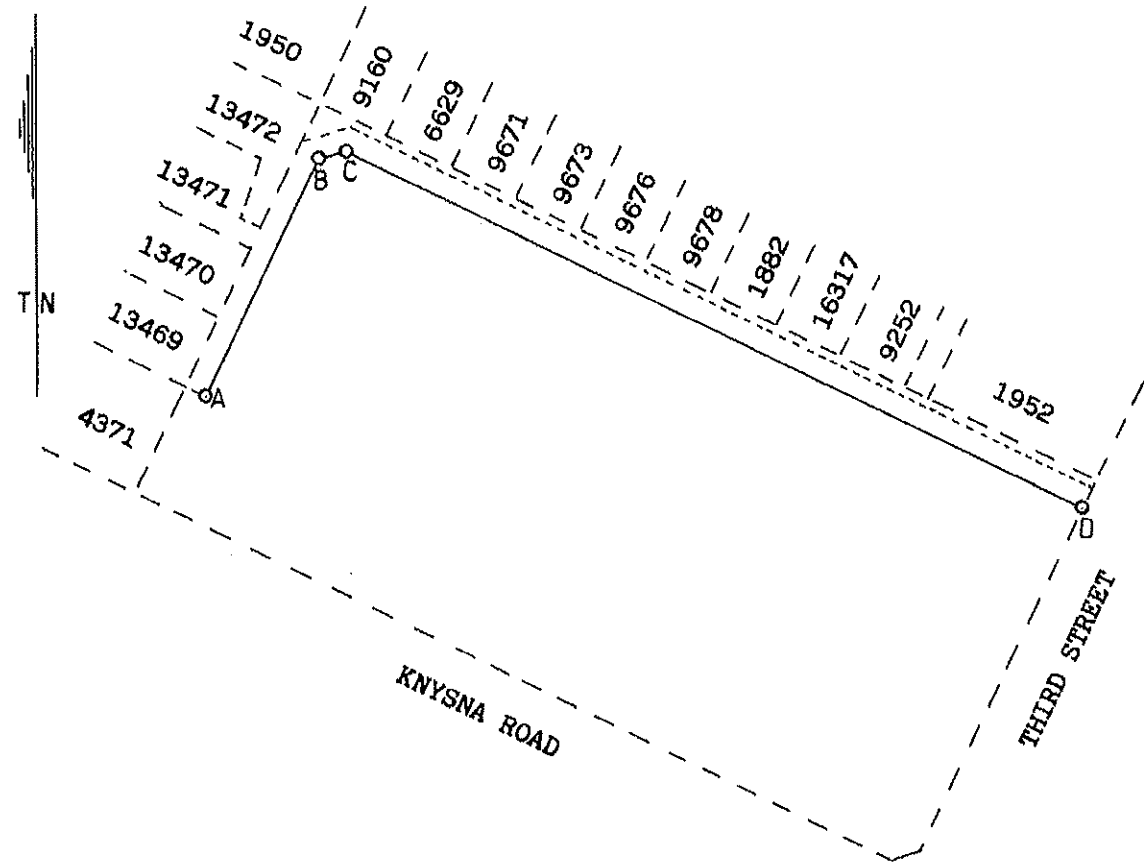


SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	DRAWN	INITIALED
E2925/98	6909/1998	The line ab represents the eastern boundary and the line bcd represents the southern boundary of a Servitude Right of Way 60m wide		

SIDES		ANGLES OF DIRECTION	CO-ORDINATES			S.G. No.
Metres			Y System Lo 23° X			
		Constants		+ 0,00	+3 700 000,00	6909/1998 Approved <i>[Signature]</i> Surveyor-General 1998-11-17
AB	68,35	204 59 10	A	+48 254,78	+59 377,31	
BC	7,79	249 59 10	B	+48 225,91	+59 315,35	
CD	215,28	294 59 10	C	+48 218,59	+59 312,68	
		101P4	D	+48 023,46	+59 403,62	
		105P4	⊕	+47 957,40	+59 290,30	
			⊕	+48 068,79	+59 522,15	

Beacon Description

- A, B, C. - 12mm Iron peg.
- D. - 12mm Hole in concrete.



Scale 1:2000

The line AB represents the eastern boundary and the line BCD the southern boundary of a Servitude Right of Way 6 metres wide, as shown, over ERF 1951 GEORGE situated in the Municipality and Administrative District of George. Province of Western Cape. Surveyed in October 1998, by me

[Signature]

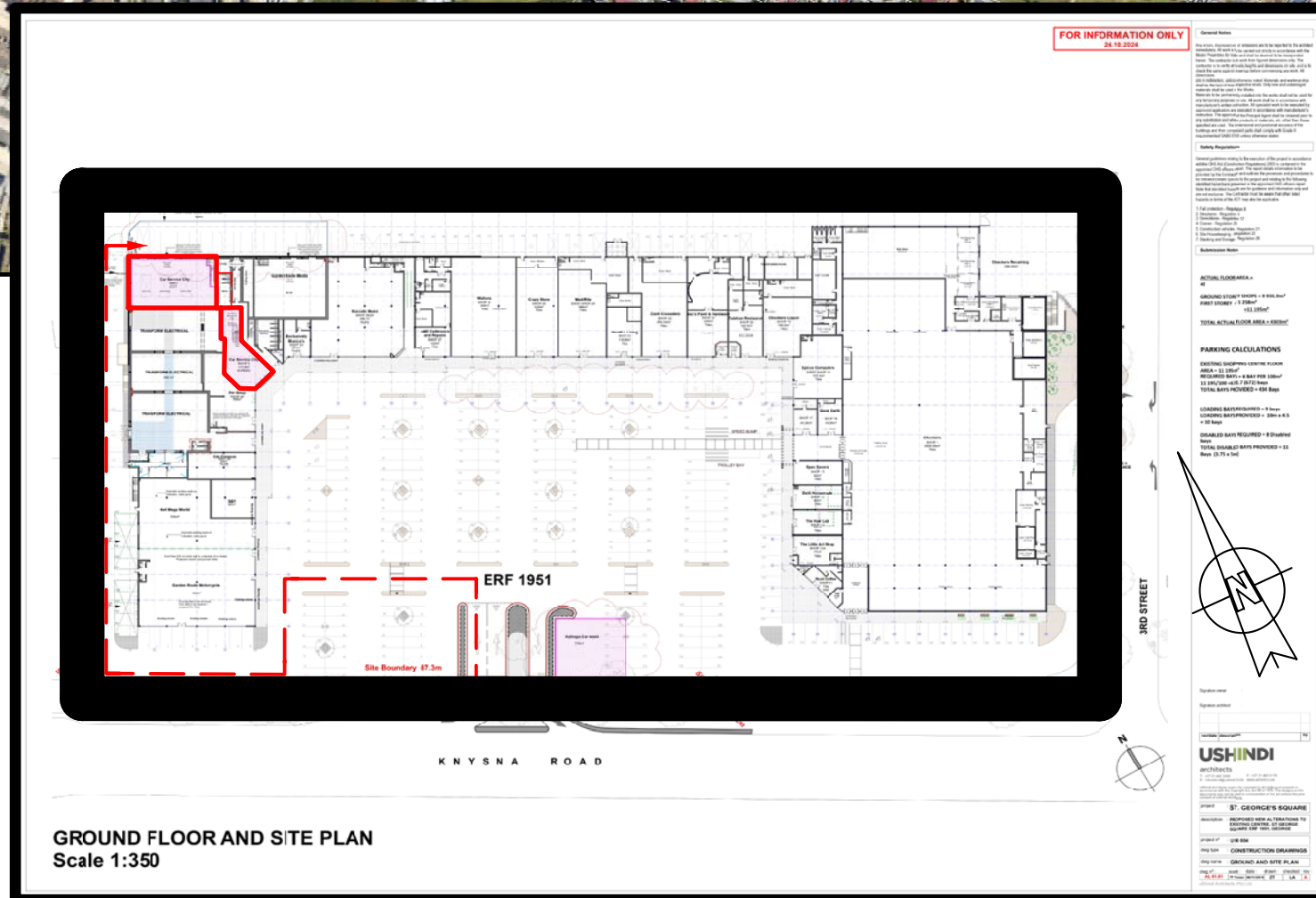
Professional Land Surveyor
C P M Rautenbach (PLS 0509)

This diagram is annexed to dated i.f.o. Registrar of Deeds	The original diagram is S.G. No. 373/1943 annexed to Transfer deed No. 1943.234.11671	File No. S/8775/4/7 S.R. No. E 2925/1998 Compilation BL-7DD/W53 (1748) BL-7DD/X51 (1756)

Locality Map: (1:7 500 (A3))



Site Development Plan: (1:1 500 (A3))



PROPOSED CONSENT USE AND PERMANENT DEPARTURE FOR ERF 1951, GEORGE, IN TERMS OF THE RELEVANT SECTIONS OF THE BY-LAW ON MUNICIPAL LAND USE PLANNING OF GEORGE MUNICIPALITY, 2023

Application is being made for the following in terms of Section 15.(2) of the By-Law on Municipal Land Use Planning of George Municipality, 2023, for Erf 1951:

1. Consent Use for a motor repair garage in terms of Section 15.(2)(o); and
2. Permanent Departure in terms of Section 15.(2)(b) to allow for a departure from the parking requirements of the property from "Normal Areas" to "PT1 Areas".

Remarks:

1. The motor repair garage is operated from existing structures which was a Cinema.
2. Vehicular access will be obtained via the red arrows around the back of the building as indicated on the SDP. Pedestrian access will be from the parking area via the ground floor (Shop 4 outlined in red on SDP) which leads to a staircase outlined in a dotted red line to the first floor from where a staircase leads to the workshop on the ground floor.

Notes:

1. Locality Map obtained from George Municipality's GIS Viewer.
2. Site Development Plan No. AL 01.01 by Ushindi Architects is attached hereto.

ERF 1951
KNYSNA ROAD
ST GEORGE'S SQUARE
GEORGE



Yorkstraat 56 York Street Tel: (044) 874 5207
 Posbus 1186 / P.O. Box 1186 Fax: (044) 873 6354
 George 6530 E-pos / E-mail: neldek@mweb.co.za

SKAAL	1:7 500 (A3)	SCALE
BEPLAN PLANNED	D.N.	PLAN NO G/I/212-2
GETEKEN DRAWN	A.H.	
DATUM DATE	November 2024	

KOPIEREG VOORBEHOU / COPYRIGHT RESERVED

FOR INFORMATION ONLY
24.10.2024

General Notes

Any errors, discrepancies or omissions are to be reported to the architect immediately. All work is to be carried out strictly in accordance with the Model Preambles for trade and shall be deemed to be incorporated herein. The contractor is to work from figured dimensions only, and is to check the same against drawings before commencing any work. All dimensions are in millimeters, unless otherwise noted. Materials and workmanship shall be the best of their respective kinds. Only new and undamaged materials shall be used in the Works. Materials to be permanently installed into the works shall not be used for any temporary purposes on site. All work shall be in accordance with manufacturer's written instruction. All specialist work to be executed by approved applicators and executed in accordance with manufacturer's instruction. The approval of the Principal Agent shall be obtained prior to any substitution and where products or materials, etc. other than those specified are used. The dimensional and positional accuracy of the buildings and their component parts shall comply with Grade II requirements SABS 0155 unless otherwise stated.

Safety Regulations

General guidelines relating to the execution of the project in accordance with the OHS Act (Construction Regulations) 2003 is contained in the appointed OHS officers report. The report details information to be provided by the Contractor and outlines the processes and procedures to be followed. Details specific to the project and relating to the following identified hazards are presented in the appointed OHS officers report. Note that identified hazards are for guidance and information only and are not exclusive. The Contractor must be aware that other listed hazards in terms of the ACT may also be applicable.

1. Fall protection - Regulation 8
2. Structures - Regulation 9
3. Demolitions - Regulation 12
4. Cranes - Regulation 20
5. Construction vehicles - Regulation 21
6. Site Housekeeping - Regulation 25
7. Stacking and Storage - Regulation 26

Submission Notes

ACTUAL FLOOR AREA =

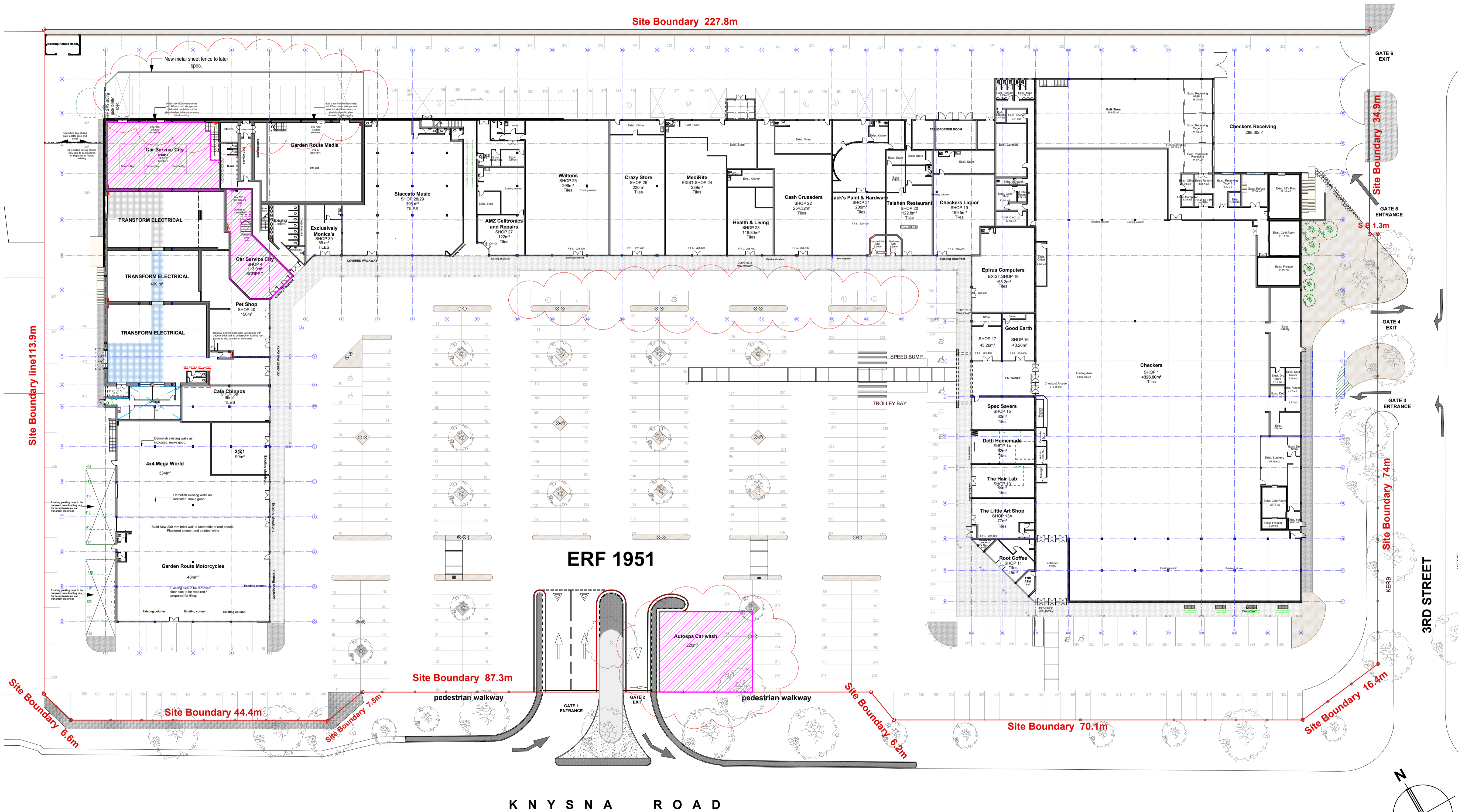
- a) **GROUND STOREY SHOPS = 9 936.9m²**
- FIRST STOREY = 1 258m²**
- = 11 195m²**
- TOTAL ACTUAL FLOOR AREA = 4303m²**

PARKING CALCULATIONS

- EXISTING SHOPPING CENTRE FLOOR AREA = 11 195m²**
- REQUIRED BAYS = 6 BAY PER 100m²**
- 11 195/100 = 671.7 (672) bays**
- TOTAL BAYS PROVIDED = 434 Bays**

- LOADING BAYS REQUIRED = 9 bays**
- LOADING BAYS PROVIDED = 10m x 4.5 = 10 bays**

- DISABLED BAYS REQUIRED = 8 Disabled bays**
- TOTAL DISABLED BAYS PROVIDED = 11 Bays (3.75 x 5m)**



GROUND FLOOR AND SITE PLAN
Scale 1:350

Signature owner :	
Signature architect :	
revidate description	by

USHINDI
architects
T : +27 21 462 0249 F : +27 21 462 0179
E : info@ushindi.co.za www.ushindi.co.za

project	ST. GEORGE'S SQUARE
description	PROPOSED NEW ALTERATIONS TO EXISTING CENTRE, ST GEORGE SQUARE ERF 1951, GEORGE
project n°	U16 004
dwg type	CONSTRUCTION DRAWINGS
dwg name	GROUND AND SITE PLAN
dwg n°	scale : date : drawn : checked : rev :
AL 01.01	as shown 06/11/2018 ZT LA A

uShindi Architects (Pty) Ltd

Any errors, discrepancies or omissions are to be reported to the architect immediately. All work is to be carried out strictly in accordance with the Model Preambles for trade and shall be deemed to be incorporated herein. The contractor is to verify all levels, heights and dimensions on site, and is to check the same against drawings before commencing any work. All dimensions are in millimeters, unless otherwise noted. Materials and workmanship shall be the best of their respective kinds. Only new and undamaged materials shall be used in the Works. Materials to be permanently installed into the works shall not be used for any temporary purposes on site. All work shall be in accordance with manufacturer's written instruction. All specialist work to be executed by approved applicators and executed in accordance with manufacturer's instruction. The approval of the Principal Agent shall be obtained prior to any substitution and where products or materials, etc. other than those specified are used. The dimensional and positional accuracy of the buildings and their component parts shall comply with Grade II requirements SABS 0155 unless otherwise stated.

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Submission Notes

ACTUAL FLOOR AREA =

- a)
- GROUND STOREY SHOPS = 9 936.9m²
 - FIRST STOREY = 1 258m²
 - = 11 195m²

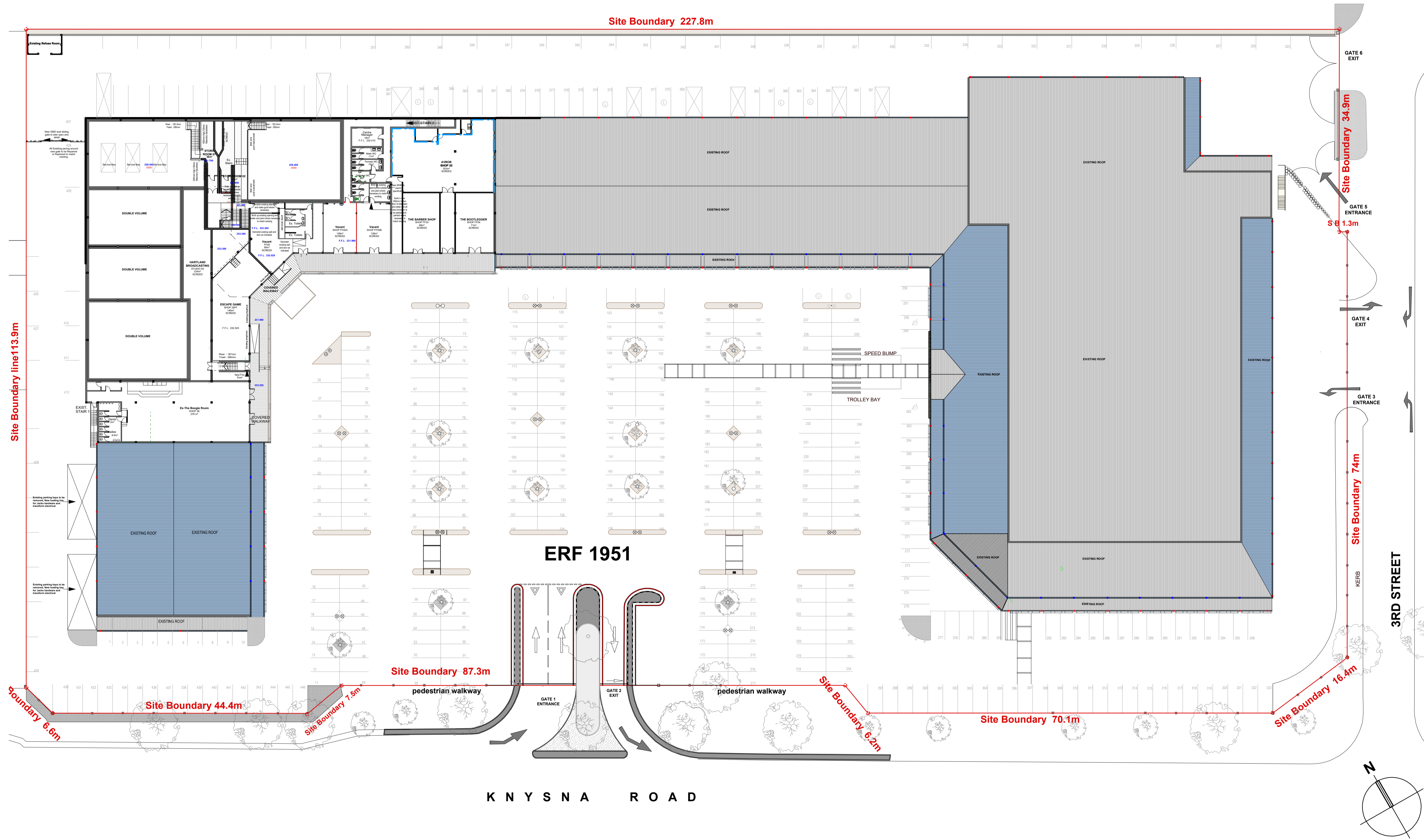
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- TOTAL DISABLED BAYS PROVIDED = 11 Bays (3.75 x 5m)



FIRST FLOOR AND SITE PLAN
Scale 1:350

Signature owner :

Signature architect :

rev/date	description	by

USHINDI
architects

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E : info@ushindi.co.za www.ushindi.co.za

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project : **ST. GEORGE'S SQUARE**

description : **PROPOSED NEW ALTERATIONS TO EXISTING CENTRE, ST GEORGE SQUARE ERF 1951, GEORGE**

project n° : **U16 004**

dwg type : **CONSTRUCTION DRAWINGS**

dwg name : **FIRST FLOOR AND SITE PLAN**

dwg n° : scale : date : drawn : checked : rev :
AL 01.02 as shown 06/11/2016 ZT LA

ushindi Architects (Pty) Ltd

Standard Bank of South Africa

The Standard Bank of South Africa Limited Registered Bank Reg. No. 1962/000738/06

Computer Generated Copy

CUSTOMER ALL PAYMENTS FINAL AUDIT REPORT

Customer No	100400207	User Name	BROLL PROPERTY GROUP - PAYMENT
User ID	BRO01	Reference	2024354017
Sub Module	SSVS	Action date	20241219
Description	FAIRVEST 48184		
Final releasing operators	MBE59 FENCHAEL NAIDU		
Sub-batch	001	From Account no	0000401804070
Trans No	1	Account Name	GEORGE MUNICIPALITY
Acc No / CDI	62869623150	Statement Ref	LUA507
Branch No	210554	Creditor Code	GEORGE
Branch	210554	Amount	16,445.00
Statement Ref	LUA507	RTGS/RTC	0
From Account Name	BPG FAIRVEST ITO S54 1	ISN/Bus Ref	0
Status Description	FINAL AUDIT TO BE DOWNLOADED	Pay Alert	N

Hash Total 103389095270175000
Total Batch amount processed 16,445.00
Total Batch amount rejected 0.00
Total Batch amount 16,445.00

Total RTGS Processed 0 **Amount:** 0.00
Total RTC Processed 0 **Amount:** 0.00
Total RTGS Rejected 0 **Amount:** 0.00
Total RTC Rejected 0 **Amount:** 0.00

*** DISCLAIMER ***

Make sure that you have entered the correct account number as we will pay to, or collect from, the account number you entered. Banks do not check that the specified account number and account name match. Accordingly, Standard Bank cannot be held responsible for payments going to, or collections being taken from, an incorrect account number should incorrect or fraudulent account details be entered. If you would like more information, speak to your Standard Bank representative about our account verification services.

** END OF REPORT **

21

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R. 44 000 000-00	R. 3000-00
Mortgage capital Amount	R.....	R.....
Reason for exemption	Exempt i.t. o Cat..... section..... Act.....	

Annexure 10

Prepared by me,

[Signature]
Conveyancer,
HEIBERG A M

VERBIND	MORTGAGED
VIR FOR R. 44 000 000-00	
00035313 / 2012	<i>[Signature]</i> REGISTRAR/REGISTRAR
13 DEC 2012	

DEED OF TRANSFER

T 000078563 / 2012

BE IT HEREBY MADE KNOWN

THAT RAYMOND FRANCIS SCOTT

appeared before me, Registrar of Deeds at CAPE TOWN the said Appearer being duly authorised thereto by a Power of Attorney signed at CAPE TOWN on 17th September, 2012 and at JOHANNESBURG on 14th September, 2012 and granted by

SA RETAIL PROPERTIES PROPRIETARY LIMITED
Registration Number 1999/025764/07

DATA/CAPTURED
29 DEC 2012

DATA / VERIFY
07 JAN 2013
[Signature]

AND the Appearer declared that the said Principal had truly and legally sold the undermentioned property on 12 April 2012 and that, the said Appearer in his/her capacity aforesaid, do by these presents, cede and transfer, to and on behalf of

FAIRVEST PROPERTY HOLDINGS LIMITED

Registration Number 1998/005011/06

its successors in title or assigns in full and free property

ERF 1951 GEORGE
IN THE MUNICIPALITY AND DIVISION OF GEORGE,
PROVINCE OF THE WESTERN CAPE

In Extent : 2,5696 (TWO COMMA FIVE SIX NINE SIX) hectares

First transferred by Deed of Transfer T11671/1943 with Diagram S.G. 373/43 annexed thereto and held by Deed of Transfer T46506/2007

- A. SUBJECT to the following conditions referred to in Deed of Transfer No T11671/1943.
- B. NOT SUBJECT to condition B on pages 2 and 3 of Deed of Transfer No. T46506/2007 by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.
- C. SUBJECT FURTHER to the following special condition set out in Deed of Transfer No. T6874/1933:-

"The Transferor, viz. The Municipality of George reserves the right to construct, use and maintain across the above property any pipe line for water leading, sewerage, drainage and any poles or structures for the conduct of any electric or other light or power"

A

WHEREFORE the Appearer, renouncing all the right and title which the said:

SA RETAIL PROPERTIES PROPRIETARY LIMITED

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of and disentitled to the same, and that by virtue of these presents, the said:

FAIRVEST PROPERTY HOLDINGS LIMITED

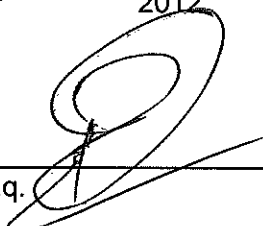
its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price to be the sum of **R44 000 000.00 (FORTY FOUR MILLION RAND)**

IN WITNESS WHEREOF I, the said Registrar, together with the Appearer, q.q. have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the Registrar of Deeds at CAPE TOWN

on this 13th day of December

2012

q.q. 

In my presence,


REGISTRAR OF DEEDS

CONVEYANCER'S CERTIFICATE

I, the undersigned **DANIELLE ABRAHAMSON 84859**, a conveyancer duly admitted and practicing at Cape Town, do hereby certify that I have conducted a search at the Deeds Registry, Cape Town in respect of:

ERF 1951 GEORGE in the Municipality and Division of George, Western Cape Province;

IN EXTENT: 2,5696 (TWO COMMA FIVE SIX NINE SIX) hectares

HELD BY: Deed of Transfer Number T78563/2012;

And certify that:

1. I have conducted a search at the Cape Town Deeds Registry, Cape Town on the above title deed, Deed of Transfer Number T78563/2012 and the prior title deeds of the property.
2. There are no restrictive conditions in the abovementioned title deed or in any of the previous title deeds of the property which prohibit a Consent Use for a motor repair Garage on the premises being granted.

DATE AT CAPE TOWN THIS 28TH DAY OF JUNE 2024



CONVEYANCER

DANIELLE ABRAHAMSON 84859

1 AVENUE LE SUEUR

SEA POINT

CAPE TOWN 8005

TEL: (021) 433 0761 / 082 467 1890

EMAIL: danielle@kalegal.co.za

Nel & De Kock

Subject: FW: FW: Car Service City : noise : email from neighbouring tenant

From: Chris Matthee <chrismatthee53@gmail.com>

Sent: Thursday, 15 August 2024 11:34

To: Sean Van Leeuwen <Svanleeuwen@broll.com>

Subject: Car Service City

Good Day.

My name is Chris Mathee. I live straight behind Car Service City by Paddagat Centre in George.

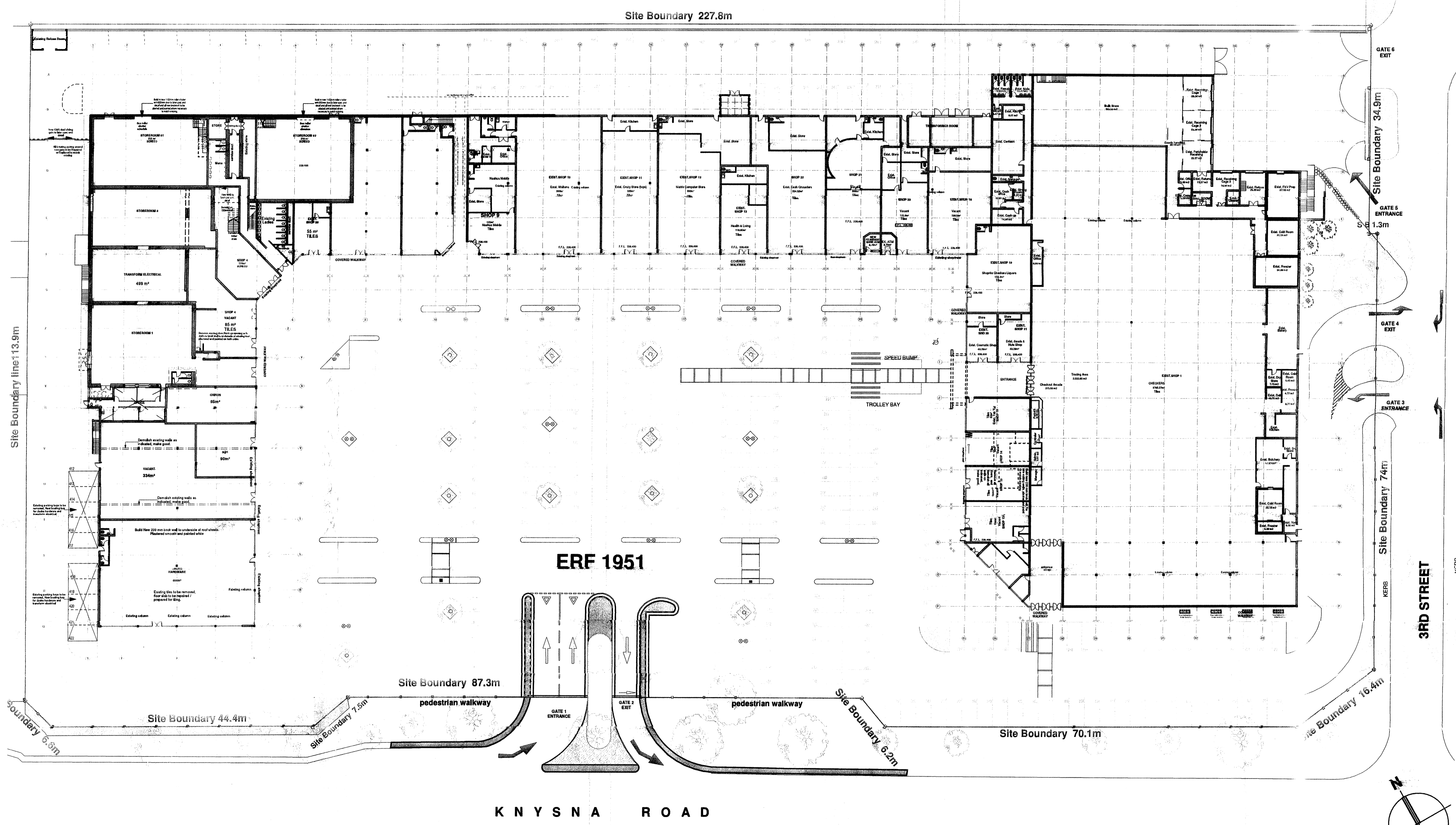
I never had any issues with Car Service City, end never encountered any disturbance from them. I never had any issues of them making any noise of any kind, and according to me, they are one of the quietest shops in that Centre.

Regards

072 080 5985

- Safety Regulations**
- General guidelines relating to the execution of the project in accordance with the OHS Act (Construction Regulations) 2003 is contained in the appointed OHS officers report. The report details information to be provided by the Contractor and outlines the processes and procedures to be followed. Details specific to the project and relating to the following identified hazards are presented in the appointed OHS officers report. Note that identified hazards are for guidance and information only and are not exclusive. The Contractor must be aware that other listed hazards in terms of the ACT may also be applicable.
1. Fall protection - Regulation 9
 2. Structures - Regulation 9
 3. Demolitions - Regulation 12
 4. Cranes - Regulation 20
 5. Construction vehicles - Regulation 21
 6. Site Housekeeping - Regulation 25
 7. Stacking and Storage - Regulation 26

Submission Notes



GROUND FLOOR AND SITE PLAN
Scale 1:350

GEORGE MUNICIPALITY
APPROVED
DATE: 7/12/18 PLAN No: 751/17
PLANNING EXAMINER

Signature owner :
Signature architect :
rev/date | description | by
USHINDI
architects
T: +27 21 452 8242 F: +27 21 452 8179
E: info@ushindi.co.za www.ushindi.co.za
ushindi Architects retains the copyright in all intellectual property in accordance with the Copyright Act, Act 63 of 1978. The designs and/or documents may not be used in contravention of the act without the prior consent of ushindi Architects.
project : **ST. GEORGE'S SQUARE**
description : **PROPOSED NEW ALTERATIONS TO EXISTING CENTRE, ST GEORGE SQUARE ERF 1951, GEORGE**
project n° : **U16 004**
dwg type : **CONSTRUCTION DRAWINGS**
dwg name : **GROUND AND SITE PLAN**
dwg n° : scale : date : drawn : checked : rev :
AL 01.01 as shown 10/09/2018 SL LA A









Planning and Development
E-mail: town.planning.application@george.gov.za
Tel: +27 (0)44 801 9477

LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

PLEASE NOTE:

Pre-application consultation is an advisory session and is required prior to submission of an application for rezoning, consent use, temporary departure and subdivision. It does not in any way pre-empt the outcome of any future application which may be submitted to the Municipality.

PART A: PARTICULARS

Reference number: **3225289**

Purpose of consultation: **To discuss the proposed application.** _____

Brief proposal: **Application for a Consent Use for a Motor Repair Garage on Erf 1951.** _____

Property(ies) description: **Erf 1951, George (St George’s Square).** _____

Date: **10/07/2024** _____

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilané Huyser	George Municipality	044 801 9477	ihuyser@george.gov.za
Official	Fakazile Vava	George Municipality	044 801 9477	fvava@george.gov.za
Pre-applicant	Alexander Havenga	Nel & de Kock Town and Regional Planners	044 874 5207	neldek@mweb.co.za

Documentation provided for discussion:

(Include document reference, document/plan dates and plan numbers where possible and attach to this form)

- 1. Title Deed No. T78563/2012;**
 - 2. S.G. Diagram and Servitude Diagram;**
 - 3. Plan No. G/I/212-1;**
 - 4. Site Development Plan No. AL 01.01 by Ushindi Architects; and**
 - 5. Notice of unauthorised land use dd. 9 May 2024.**
-

Has pre-application been undertaken for a Land Development application with the Department of Environmental Affairs & Development Planning (DEA&DP)?

YES	NO
-----	----

(If so, please provide a copy of the minutes)

Comprehensive overview of proposal:

Car service city, a tenant of the St George's Square received a notice on 9 May 2024 from George Municipality informing them that they are exercising a land use right (illegal motor repairs) without the necessary approvals in terms of the Land Use Planning By-Law of George Municipality, 2023. In light thereof the tenant took it up with the property managers and the property managers approached Nel & de Kock Town and Regional Planners to attend to the matter.

In light of the aforementioned application is made for a Consent Use in terms of Section 15.(2)(o) of the Land Use Planning By-Law of George Municipality, 2023, in order to operate a Motor Repair Garage from the property as indicated on the attached Plan No. G/I/212-1 and SDP by Ushindi Architects.

PART C: QUESTIONNAIRES

SECTION A:

DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND ADVERTISEMENT PROCEDURES

Tick if relevant		What land use planning applications are required?	Application fees payable
	2(a)	a rezoning of land;	R
	2(b)	a permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme;	R
	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(l)	a permission required in terms of a condition of approval;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
<input checked="" type="checkbox"/>	2(o)	a consent use contemplated in the zoning scheme;	To be determined
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a homeowner's association;	R
	2(r)	to rectify a failure by a homeowner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	R
Tick if relevant		What prescribed notice and advertisement procedures will be required?	Advertising fees payable
Y	N	Serving of notices (i.e. registered letters etc.)	R
Y	N	Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.)	R
Y	N	Additional publication of notices (i.e. Site notice, public meeting, local radio, website, letters of consent etc.)	R
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE* (VAT excluded):			To be determined

PLEASE NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application and/or yearly application fee increase.

SECTION B:
PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?			X	
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)]			X	
Any other Municipal by-law that may be relevant to application? (If yes, specify)			X	
<p>Zoning Scheme Regulation considerations:</p> <p>Which zoning scheme regulations apply to this site?</p> <p>Business Premises. _____</p> <p>What is the current zoning of the property?</p> <p>Business Zone I. _____</p> <p>What is the proposed zoning of the property?</p> <p>Business Zone I. _____</p> <p>Does the proposal fall within the provisions/parameters of the zoning scheme?</p> <p>Yes, if this proposed application for a consent use for a motor repair garage is approved.</p> <p>Are additional applications required to deviate from the zoning scheme? (if yes, specify)</p> <p>No. _____</p>				
QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			X	
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?			X	

**SECTION C:
CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE**

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		X		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		X		National Department of Agriculture
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		X		Western Cape Provincial Department of Environmental Affairs & Development Planning (DEA&DP)
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) / National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA) (strikethrough irrelevant)		X		National Department of Environmental Affairs (DEA) & DEA&DP
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		X		National Department of Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?			X	South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		X		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85		X		National Department of Labour (DL)

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
of 1993): Major Hazard Installations Regulations				
Will the proposal affect any Eskom owned land and/or servitudes?		X		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		X		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		X		Transnet
Is the property subject to a land / restitution claims?		X		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?		X		SANParks / CapeNature
Will the proposal require comments from DEFF?		X		Department of Environment, Forestry and Fishery
Is the property subject to any existing mineral rights?		X		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on? (strikethrough irrelevant)		X		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

**SECTION D:
SERVICE REQUIREMENTS**

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	TO BE DETERMINED	OBTAIN COMMENT FROM: (list internal department)
Electricity supply:			X	Directorate: Electro-technical Services
Water supply:			X	Directorate: Civil Engineering Services
Sewerage and wastewater:			X	Directorate: Civil Engineering Services
Stormwater:			X	Directorate: Civil Engineering Services
Road network:			X	Directorate: Civil Engineering Services
Telecommunication services:			X	
Other services required? Please specify.			X	

Town Planning comments

- The land use proposal must show compliance with the approved site development plan for the shopping complex and whether sufficient parking is available as per the zoning scheme. Site layout plan must also show proposed service bays.
- The proposal must indicate that no public parking on the site is being taken away, and should this happen, applicant must apply for parking departures (parking study may be required).
- The applicant must address the concerns as raised by the complainant in the illegal land use process (specifically the noise complaints as experienced by the neighbouring property owners to the north-western boundary of the site).
- The proposed area for the service station is bordered by residential properties. Mitigation measures, whether its screening, or insulation of the services areas must be shown/addressed by the applicant.
- It is acknowledged that this is not the only motor repair garage found on this property, noting that the site has a 4x4 modification shop along the western boundary of the site. This shop must also be included in the application should the upgrades of vehicles/fitting be done on this property. Confirmation of this service/use must also be addressed/confirmed.
- The exact areas which are used for the motor repair garages must be shown on the site layout plan and applicant is advised to consider placing them in a location where they do not affect the surrounding residential uses.
- Overall SDP for the development must show all the recent amendments to the development.

CES comments

- Access will be restricted to the existing and approved access.
- All parking to be provided on site in terms of the GIZS 2023.
- PT1 can not be supported at present as the public transport systems have not fully been implemented, but should the applicant require a reduces parking ratio, the applicant will be required to submit a parking study.
- No parking allowed within the road reserve.
- Normal DC's, as per the DC policy & Town planning By-law, will apply.
- Water & Sewer are available, subject to confirmation of service required, and may be subject to forced phasing.
- Developer to adhere to the applicable Stormwater By-law

PART F: SUMMARY / WAY FORWARD

Refer to comments above.



OFFICIAL: _____

Fakazile Vava (Town Planner)



SIGNED: _____

Ilané Huyser (Senior Town Planner)

DATE: 2024.07.19

PRE-APPLICANT: **Alexander Havenga**

(FULL NAME)



SIGNED: _____

DATE: **8/07/2024**

**Please note that the above comments are subject to the documents and information available to us at the time of the pre-application meeting and we reserve our rights to elaborate on this matter further and/or request more information/documents should it deemed necessary.*