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**Reference number: Remainder Erf 192, Blanco**

**Date: 09 April 2021**

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**APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE:  
REMAINDER ERF 192, 18 MONTAGU STREET, BLANCO**

Your application in the above regard refers.

The Deputy Director: Planning (Authorised Official) has, under delegated authority, W.1.33 of 29 July 2015 decided that the following applications applicable to Remainder Erf 192, Blanco:

- (a) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 of Remainder Erf 192, Blanco from General Residential Zone IV (flats) to Business Zone IV (offices);
- (b) Consent Use in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality, 2015 for a dwelling house on Remainder Erf 192, Blanco;
- (c) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 for the following building lines applicable to Remainder Erf 192, Blanco:
  1. Southern side boundary building line from 3.0m to 0.0m for an existing structure;
  2. North western street boundary building line (Montagu Street) from 5.0m to 0.2m for an existing structure;
  3. Northern street boundary building line (Napier Street) from 5.0m to 3.9m for an existing structure

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

**REASONS FOR DECISION:**

- (i). The development proposal will not have an adverse impact on the surrounding urban environment, natural environment, streetscape or views;
- (ii). The proposed land uses are compatible with the surrounding context and existing development patterns;

- (iii). A necessary service will be provided to the surrounding community;
- (iv). The proposal is compatible with the LSDF applicable to the area;
- (v). The heritage structures of the subject property will be protected and the repurposing of the buildings will enhance the character of the surrounding area;

Subject to the following conditions imposed in terms of Sections 66 of the said By-law, namely:

### **CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT**

1. That in terms of Section 17(5), 19(5) & 18(2) of the Land Use Planning By-law for the George Municipality, 2015, the Rezoning, Consent Use and Departure shall simultaneously lapse if not implemented within a period of five (5) years from the date of approval;
2. This approval shall be taken to cover only the Rezoning, Consent Use and Departure as applied for as indicated on the proposed site plan 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 developer/ owner must rehabilitate the shrubs and vegetation removed from the property in an appropriate and sensitive manner to enhance the heritage character of the property and the streetscape along Montagu Street to the satisfaction of the Department Community Services (Parks Section);
4. As per the applicable LSDF all building on this property are restricted to Two storeys/ 8.5m of the roof height and 6.5m to the Wall Plate.
5. The second access on Montagu Street to be closed and paving removed. A pedestrian access should remain along Montagu Street.
6. The Department of Transport and Public Works must be contacted to reach an agreement on the clear view fence located beyond the property boundary inside the road reserve. The Department must either provide written consent on the location of the clear view fence or a portion of the Road Reserve must be purchased from the department to adjust the property boundary.
7. A contravention levy of R28 183.28 is payable to the Directorate Planning and Development. Proof of payment of the contravention levy must be submitted with the submission of building plans.
8. A building plan be submitted for approval in accordance with the National Building Regulations (NBR);
9. This application will be regarded as implemented on the commencement of building works in accordance with the approved building plans;

### **CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES**

10. Capital contributions are payable by the developer for each new equivalent erf (ee) created, as per standard tariffs for George, applicable on transfer of a portion, or the approval of building plans, or on application for a CPT, or as stipulated in a Services Agreement between the George Municipality and the Developer. The total amount payable will be determined by the Dept: CES, and will be subject to annual adjustment. Contributions payable may be adjusted should the actual water usage exceed the accepted normal daily usage based on the Neighbourhood Planning and Design Guide and Council specifications, based on a six-month average use.
11. All civil services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with The Neighbourhood Planning and Design Guide and Council specifications. All drawings and plans are to be submitted to the Dept: CES, 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 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 civil services have been satisfactorily installed and as-builts submitted electronically as well as the surveyors plan.
12. Any, and all, costs directly related to the development remain the developers' responsibility.
  13. 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/owner of the other erf. (Condition 11 applicable)
  14. Any service from another relevant erf 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 11 applicable)
  15. 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 11 applicable)
  16. The developer is to adhere to the requirements of the EA. The onus is on the developer to provide the Dept: CES with the necessary proof of compliance with the EA.
  17. Provisions for the removal of solid waste are to be addressed in conjunction with the Dept: Environmental Services.
  18. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval was required and obtained for this proposed development.
  19. 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 Dept: CES, or any condition of any authority has not been satisfactorily complied with.
  20. Developer responsible to obtain the necessary approval / way leaves from third parties which include, but not limited to the following: Telkom & Fibre optical cable.
  21. Municipal water is provided for potable use only. No irrigation water will be provided.
  22. The development, in its entirety or in phases, is subject to confirmation of the availability of treatment capacity of the Water & Sanitation treatment works at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the conformation of availability so that other development in George is not compromised
  23. The discharge of surface stormwater is to be addressed by the developer. Condition (11) applies. All costs related is for the developer.
  24. All proposed Public Open Spaces are to be landscaped and finished to the satisfaction of the Dept: Civil Engineering Services and Dept: Environmental Services.
  25. Internal parking requirements (ie within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
  26. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
  27. No private parking will be allowed in the road reserve.
  28. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition (11) applies. All access must apply to the GIZS 2017.

29. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dept: Civil Engineering Services. A site development plan is to be submitted to the Dept: CES, or any other relevant authority for approval prior to any construction work taking place.
30. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

### **CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES**

31. Capital contributions are payable by the developer for each new equivalent erf (ee) created, as per standard tariffs for George, applicable on transfer of a portion, or the approval of building plans, or on application for a CPT, or as stipulated in a Services Agreement between the George Municipality and the Developer. The total amount payable will be determined by the Dept: Electro Technical Services (ETS), and will be subject to annual adjustment. Contributions payable may be adjusted should the actual electricity connection be other than a conventional 60 Amp single phase per erf.
32. All electrical services -internal, link and relocation of or upgrades to the existing network - are to be designed by a registered consulting engineer in accordance with Council specifications. All drawings and plans are to be submitted to the Dept: ETS, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the electrical department 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 electrical services have been satisfactorily installed and as-builts submitted electronically.
33. Any, and all, costs directly related to the development remain the developers' responsibility.
34. Only one electrical connection permitted per registered erf.
35. Owner to apply to Electrotechnical Services for changing tariffs from Residential to Business.

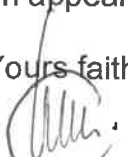
You have the right to appeal to the Appeal Authority against the decision of the Authorised Employee, in terms of Section 79(2) of the George Municipality's By-law on Municipal Land Use Planning.

- A detailed motivated appeal with reasons should be directed to and received by the Appeal Authority, P O Box 19, George on or before **30 APRIL 2021**.
- An appeal that is not lodged within the set date or that does not comply with Section 80 of the George Municipality's By-law on Municipal Land Use Planning will be deemed invalid.

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Kindly note that in terms of Section 80(14) of the George Municipality's By-law on Municipal Land Use Planning, the above decision is suspended until such time as the period for lodging an appeal has lapsed, any appeal has been finalised and you have been advised accordingly.

Yours faithfully

  
**D. POWER**

**DEPUTY DIRECTOR: PLANNING AND DEVELOPMENT**

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