

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

**Collaborator No.:** 2477489  
**Reference / Verwysing:** Erf 1055, Hoekwil  
**Date / Datum:** 19 April 2024  
**Enquiries / Navrae:** Marisa Arries

**Email:** [jdmler@cloudnetworks.co.za](mailto:jdmler@cloudnetworks.co.za)

MR. JOHN MILLER  
PO BOX 363  
WILDERNESS  
6560

**APPLICATION FOR PERMANENT DEPARTURE: ERF 1055, HOEKWIL**

Your application in the above refers.

The Senior Manager: Town Planning (Authorised Official) has, under delegated authority, 4.16.18.1 of 30 June 2023 decided that the application for Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for the following on Erf 1055, Hoekwil:

1. Relaxation of the western side boundary building line of Erf 1055, Hoekwil from 20m to:
  - (a) 4.1m to allow the existing vegetable garden;
  - (b) 3.6m to allow the existing hay store;
  - (c) 10.55m to allow the existing horse shelter (Afdak 1); and
  - (d) 9m to allow the existing toolshed;
2. Relaxation of the south-eastern side boundary building line of erf 1055, Hoekwil from 20m to 11.05m to allow the existing horse shelter (Afdak 2);

**BE APPROVED** in terms of Section 60 of said Bylaw for the following reasons:

**REASONS:**

- (i). The proposed departures will not have an adverse impact on the surrounding smallholding or streetscape character of the area.
- (ii). The proposed development will not result in the overshadowing or intrusion of surrounding neighbours' rights and amenities in terms of privacy or views.
- (iii). The proposed structures are in line with the land use description of "smallholding" and can be accommodated within the property.
- (iv). No negative comments or objections were received.

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

**CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, LAND AFFAIRS AND PLANNING:**

**General**

1. That in terms of Section 18(2) of the Land Use Planning By-law for the George Municipality, 2023, the approval shall lapse if not implemented within a period of two (2) years from the date it comes into operation.

2. This approval shall be taken to cover only the Departures as approved and as indicated on the Site Layout Plan dated 22 August 2022 drawn by "J. Miller." 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.

#### Implementation of Rights

3. A contravention levy of R 812.47 (VAT Included) is payable for the unlawful use of the property for the illegal outbuildings/agricultural buildings and shall be payable on submission of building plans.
4. The approvals will be deemed implemented on the approval of the as-built building plans for the abovementioned structures.

#### Notes:

- (i) *As-built building plans for the abovementioned structures must be submitted for approval in accordance with the National Building Regulations (NBR).*
- (ii) *Stormwater management needs to be addressed to the satisfaction of the Civil Engineering Department in the Building Plans.*
- (iii) *An Outeniqua Sensitive Coastal Area Extension (OSCAE) permit cannot be granted for these structures. An application for the condonation of the OSCAE contravention must be submitted to the Environmental Management Section prior to the approval of building plans.*
- (iv) *The contravention levy was calculated as follows:*
  - a. *Total extent of unauthorised structures; 78.21m<sup>2</sup> (directly use) – Afdak 1, Afdak 2, vegetable garden, hay store, and tool shed;*
  - b. *The present municipal value of the property is R2 710 000.00;*
  - c. *The property area is 30 000m<sup>2</sup>.*
  - d. *The m<sup>2</sup> value of the property is thus, R 90.33/m<sup>2</sup>.*
  - e. *The contravention levy payable by the owner in accordance with the municipality's tariff list is: 10% x R90.33 x 78.21m<sup>2</sup> = R 706.50 Plus VAT (15%) = R812.47;*

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

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director: Human Settlements, Planning and Development, P O Box 19, George, 6530 or Directorate: Human Settlements, Planning and Development, 5th floor, Civic Centre, York Street, George **on or before 10 MAY 2024** and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. Please also note that the appeal must be e-mailed to the administrative officer mentioned above.

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

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

Please also note that in terms of Section 80(14) of the Land Use Planning By-Law for George Municipality, 2023, the above decision is suspended until such time as the period for lodging an/appeal(s) has lapsed, any appeal(s) has been finalised and you have been advised accordingly.

Yours faithfully



**C. PETERSEN**

**SENIOR MANAGER: TOWN PLANNING**

C:\Marisa\Decisions\_New By-Law Pro formas\_(applicant)\Erf 1055, Hoekwil(departure (building line relaxation approval john miller).docx

# 1:500 SITE PLAN

AMENDED 27 JULY 2022  
REVISION 2 15 AUGUST 2022

'OLD' 30m building line

Distances from boundary line:  
Afdak 1, 10.55m  
Tool Shed, 9.0m  
Hay Store, 3.6m  
Vegetable Garden, 4.1m

Distance from boundary line:  
Afdak 2, 11.05m

NEW POOL POSITION  
EXACT POSITION TO BE DECIDED ON SITE ALLOW  
FOR POOL BUMP AND 2x LIGHT POINTS

30m BUILDING LINE  
POINT

DRIVE WAY  
PAVING STONE CHIPS OR PAVING

*Handwritten signature*  
1010

*Handwritten signature*  
1006

*Handwritten signature*  
1057

ERT boundary

**MUNICIPALITEIT GEORGE MUNICIPALITY**  
 Approved in terms of Section 50 of the George Municipality: Land Use Planning By-law (2023) subject to the conditions contained in the covering letter.

19/4/2024  
 DATE

*Handwritten signature*  
 SENIOR MANAGER: TOWN PLANNING  
 SENIOR BESTUURDER: STATSBEPANNING

DATUM

