

**Collaborator No.:** 3392103  
**Reference / Verwysing:** Farm Kleinkrantz 192 of portion 279, Division George  
**Date / Datum:** 27 June 2025  
**Enquiries / Navrae:** Marisa Arries

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MR/MS LUFUNDO NOLUBABALO  
12 LONG STREET,  
2<sup>ND</sup> FLOOR, MERRIC HOUSE  
KNYSNA  
6500

**APPLICATION FOR PERMANENT DEPARTURE (BUILDING LINE RELAXATION)**  
**PORTION 279 OF THE FARM KLEINKRANTZ 192, DIVISION GEORGE**

Your application in the above regard refers.

The Deputy Director: Town Planning (Authorised Official) has, under delegated authority, 4.17.1.17 of 24 April 2025 decided the following:

- A. That, in consideration of the objections received and public right of way servitude, the application for Permanent Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 to relax the southern boundary building line on Portion 279 of the Farm Kleinkrantz 192, Division George from 20m to 19.644 to allow for a carport;

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

REASONS:

1. The structure encroaches a servitude designated for public access, and as such, no encroachments can be permitted within this area.
2. Public servitudes must remain unobstructed, as they are reserved for future road expansions or the installation of essential services and include the setbacks required to safeguard the infrastructure.

- B. That, notwithstanding the objections received, the application for Permanent Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for the relaxation of the western boundary building line on Portion 279 of the Farm Kleinkrantz 192, Division George from 20m to 5.28m, 14.8m and 13.043m to accommodate the existing tool shed, cottage (second dwelling) and storage container;

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

REASONS

- (i) The proposed development will not have a significant adverse impact on surrounding neighbours' rights in terms of privacy, views, and sunlight.
- (ii) The proposed additions form part of rural residential development and can be accommodated within the property.
- (iii) The encroachments are minor in nature and follow the historic development and does not encroach the public servitude along the western boundary of the property.
- (iv) The area in which the structures are placed are already disturbed and removal of the structures and placement elsewhere on the property could cause further environmental disturbance.

(v) Fire management concerns raised are noted and have been addressed in the decision below.

i. *Notes:*

- ii. *A building plan must be submitted for approval in accordance with the National Building Regulations (NBR).*
- iii. *The carport must be moved to be within the building envelope or alternatively demolished.*
- iv. *The carport may only be positioned in accordance with an approved building plan.*
- v. *An OSCA/E permit must be obtained prior to disturbance of soil or vegetation or dredging.*
- vi. *Stormwater must be dispersed responsibly, and the stormwater management, retention and erosion measures must be addressed on the building plans.*
- vii. *The owner of the property is required to join the Southern Cape Fire Association (SCFA) to access fire safety resources, training, and assistance in meeting fire prevention requirements.*
- viii. *The owner must establish and maintain firebreaks on the property to mitigate fire risk.*
- ix. *The owner must undertake invasive clearing in accordance with an approved invasive clearing plan.*
- x. *The contravention levy is calculated as follows:*

Factor	Calculation
Floor Area Directly Related	22.621m <sup>2</sup> (storeroom) + 3.419m <sup>2</sup> (cottage)+14.76m <sup>2</sup> (container) = 40.80m <sup>2</sup>
m <sup>2</sup> Value of the property	$\frac{\text{Total Municipal Value of the Property}}{\text{Total Area of the Property}} = \frac{\text{R2,130 000.00}}{23,611.30\text{sqm}}$ <p><b>=R90.21 /m<sup>2</sup></b>  <b>Note: Minimum fee of R160/m<sup>2</sup> applies for properties larger than 2500m<sup>2</sup>.</b></p>
Contravention Levy 10% (Directly)	<p>10% x R160/m<sup>2</sup> x 40.80m<sup>2</sup> = R652.80  Plus VAT (15%) = <b>R97.92</b>  <b>Total: R750.72 (VAT Included)</b></p> <p>Note: The Municipality has imposed a minimum contravention levy of <b>R11 200</b> excluding VAT.</p>

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 18 JULY 2025** 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**

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