

Collaborator No.: 3194637
Reference / Verwysing: Erf 1020, Wilderness
Date / Datum: 31 October 2025
Enquiries / Navrae: Primrose Nako

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APPLICATION FOR PERMANENT DEPARTURE: ERF 1020, WILDERNESS

Your application in the above regard refers.

The Deputy Director: Development and Environmental Management (Authorised Official) has, under delegated authority, 4.17.1.17 of 24 April 2025 decided:

1. That the applicant be informed that the application for Administrator's Consent in terms of Section 39(4) of the Land Use Planning Act, 2014 was not required.
2. That the application for **Departure** in terms of Section 15 (2)(b) of the Land Use Planning Bylaw for George Municipality, 2023 for the relaxation of the following building lines applicable to Erf 1020, Wilderness:
 - (i) Relaxation of north-western common boundary building line from 3.0m to 1.65m for the proposed cellar, workshop and a study;
 - (ii) Relaxation of south-eastern common boundary building line from 3.0m to 2.688m for the proposed second dwelling;
 - (iii) Relaxation of south-eastern common boundary building line from 3.0m to 2.782m for the proposed covered timber deck;

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

REASONS:

1. The application is to convert an existing approved structure into a second dwelling, study, cellar and workspace which is common land uses on properties zoned Single Residential Zone I. As a result, this proposal will not detract from the residential character of the area.
2. The Environmental Management Section is of the opinion that the proposed internal conversion and building line relaxations are not expected to have significant environmental impacts. Flooding and tidal influence along the southern boundary are inherent risks for the property; however, the proposed additions are located along the south-eastern side and do not materially increase the property's exposure to these risks.

3. It is acknowledged that the property is located below the 10m AMSL and it deviates from both the LSDF and MSDF, however with on-site stormwater management the flood risk may be mitigated. Thus, the deviation is considered justifiable Site-Specific Circumstances from a town planning perspective.
4. The proposal will not have an adverse impact on the character of the area or the streetscape.
5. The proposal will not have a substantive negative impact on the rights and amenity of the affected neighbouring properties in terms of privacy, overshadowing and/or views, especially since written consent was obtained from the adjoining property owner.

6.

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

CONDITIONS:

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 departure application as applied for and as indicated on the site layout plans number **W01 and W02 Revision E**, drawn by **Scott Architects** dated **09 May 2024** 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 new deck must be built with high-quality, weather resistant materials that conform with standard engineering practices. Building plans must be signed off by the Professional Structural Engineer.
4. Proper drainage must be incorporated into the design to direct water run-off away from the riverbank, using durable materials suitable for the riverine environment to prevent erosion.
5. The municipality shall be indemnified by the owner and his/her successors in title from any damage caused to- and by the structures erected below the 5m AMSL / 1:100-year flood line applicable to the property. The owner must submit the indemnity with the building plan application.
6. A contravention levy of **R10 139.34** (Including VAT) is payable on the submission of building plans for the unauthorized structures erected over the building lines.
7. The above approval will be considered implemented on the approval of the building plans for the as-built structures.

Note:

- (a) *Stormwater must be dispersed responsibly, and the stormwater management and retention must be addressed on the building plans.*
- (b) *The structural engineer must sign off on the proposed building plans.*
- (c) *It is the owner's responsibility to exercise Duty of Care in accordance with the National Environmental Management Act (NEMA). The owner must ensure that any activity that may trigger the need for environmental authorization is duly authorized by the competent authority.*
- (d) *No exotic tree species may be introduced on the property.*
- (e) *Trees hosting active bird nests or other biodiversity features may not be disturbed without a valid Fauna Permit.*
- (f) *This approval does not authorise the trimming, cutting or removal of any protected tree species listed in the Notice of The List of Protected Tree Species Under the National Forests Act, 1998 (Act No. 84 of 1998).*
- (g) *Contravention levy was calculated as follows:*
 - *Encroachment: 19.5m²*
 - *Property value: R 6 850 000,00/1515m² = R4 521,45/m²*
 - *Contravention: 10% x R 4 521, 45/m² x 19.5m² = R 8 816, 82 Excluding VAT*
 - *VAT @ 15%: R 1 322,52*
 - *Total: R 10 139, 34 Including VAT*
- (h) *Building plans must be submitted in terms of section 4 of the National Building Regulations and Building Standards Act, 103 of 1977, for the development.*
- (i) *Building plans must comply with SANS 10400, Part XA and any other applicable legislation.*
- (j) *No construction may be commenced with until such time as a building plan has been approved.*
- (k) *The property may only be use for the intended purpose once a Certificate of Occupation has been issued.*

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: Planning and Development, P O Box 19, George, 6530 or Directorate: Planning and Development, 46 Market Street (Old York Hostel Building), George **on or before 21 November 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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