



Cnr Brooklyn & 1st Street
Menlo Park
PO Box 95617
Waterkloof
0145
Tel: (012) 346 3204
Email: andre@ntas.co.za

TOWN AND REGIONAL PLANNERS
TOWNSHIP DEVELOPMENT SPECIALISTS
PROJECT MANAGEMENT
CK 95/00647/23

George Local Municipality
Directorate: Human Settlements, Planning & Environment
71 York Street, George CBD
PO Box 19, 6530

Date: 2026/07/01
Our Ref: A1515
Council Ref: 4548938

APPLICATION FOR DEPARTURE IN TERMS OF SECTION 15(2)(b) OF THE GEORGE LAND USE PLANNING BY-LAW, 2023 FOR THE RELAXATION OF BUILDING LINES AND ADMINISTRATOR'S CONSENT IN TERMS OF SECTION 39(4) OF THE WESTERN CAPE LAND USE PLANNING ACT, 2014 TO ADDRESS RESTRICTIVE CONDITION B6(b) IN THE DEED OF TRANSFER (T46134/2023) – ERF 1879 WILDERNESS

The above-mentioned property has reference.

Our firm is appointed by the registered owner of **Erf 1879, Wilderness** to apply simultaneously for:

1. **A Departure** in terms of Section 15(2)(b) of the George Land Use Planning By-law, 2023 for the **relaxation of building lines** applicable to Erf 1879 Wilderness; and
2. **Administrator's Consent** in terms of Section 39(4) of the Western Cape Land Use Planning Act, 2014 to address **restrictive condition B6(b)** in the Deed of Transfer (T46134/2023).

The purpose of the application is to obtain building line relaxation for the **western rear boundary line** (from 1.5m to 0.1m) for a braai area and garden store, as well as consent to relax building lines as per the restrictive title deed condition.

The following documentation is attached:

1. **Motivating Memorandum;**
2. **Special Power of Attorney**
3. **Locality Plan**
4. **Registered Title deed;**
5. **Site Plan**
6. **SG Diagram**

For any further enquiries, please do not hesitate to contact the writer hereof.

Yours faithfully,

A.A.J. VAN NIEUWENHUIZEN Pr. Pln.
NEW TOWN ASSOCIATES

**MEMORANDUM IN SUPPORT OF AN
APPLICATION FOR A DEPARTURE
AND ADMINISTRATORS CONSENT ON
ERF 1879 WILDERNESS**

**JANUARY 2026
Project A1515**



TOWN AND REGIONAL PLANNERS
TOWNSHIP DEVELOPMENT SPECIALISTS
PROJECT MANAGEMENT
CK 95/00647/23

Corner Brooklyn & 1st Street
Menlo Park
Pretoria
P.O. Box 95617
Waterkloof
0145
Tel: (012) 346 3204
Cell 082 900 1745
Email: andre@ntas.co.za

1. INTRODUCTION

- Application is hereby made for a Departure in terms of Section 15(2)(b) of the George Land Use Planning By-Law, 2023 for the relaxation of building lines applicable to Erf 1879 Wilderness.

The intention of the owner is to obtain building line relaxation for the **western rear boundary line from 1.5m to 0.1m**. It should be noted that the relaxation is for a braai area and garden store/shed and not the main dwelling house.

- Application is hereby also made for Consent by the Municipality as the Controlling Authority in terms of **Section 39(4) of the Western Cape Land Use Planning Act, 2014** in order to address the restrictive condition **B6(b)** in the **Deed of Transfer (T46134/2023)** that relates to the consent to be granted by the Municipality.

The consent from the controlling authority is to obtain building line relaxation for the **southern side building line from 1.5m to 0.5m**, the **western rear building line from 3m to 0.1m** and for the **eastern street building line from 5m to 4m**.

2. PROPERTY INFORMATION

2.1. Description and extent

Erf 1879 Wilderness

2.2. Locality

The site in question is located at 1879 Dalsy Street - Refer to attached locality plan.

2.3. Registered owner

The property is registered in the name of **U Turvey & FW Turvey** in terms of Deed of Transfer, (T46134/2023).

2.4. Bondholder's consent

There is no bond registered over the property.

2.5. Size of the property

The erf measures 375m² in extent as registered in the Title Deed of the property.

2.6. Present zoning and land use

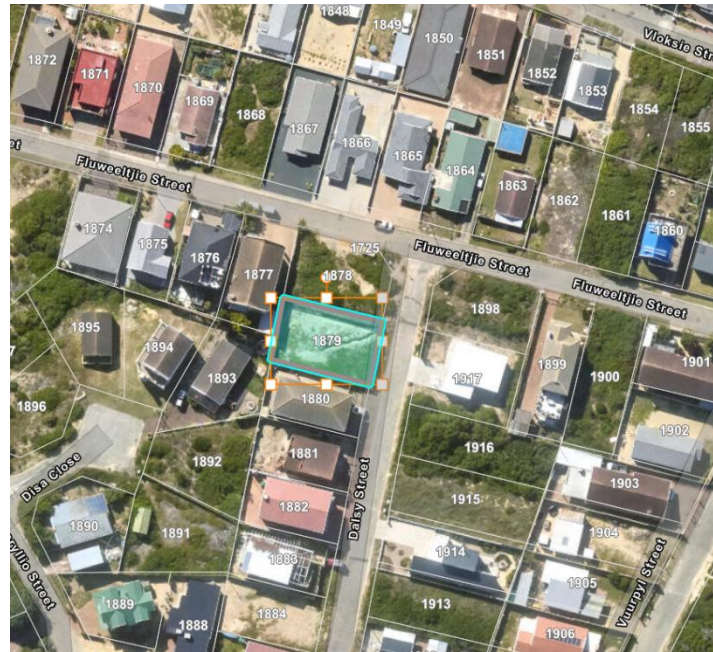
The property is zoned "Single Residential 1 (SRZI)", and the land is currently vacant.

2.7. Title Conditions

An Administrators Consent application for the following conditions in the Deed of Transfer (T46134/2023) condition **B6(b)** is submitted with the permanent departure application.

2.8. Surrounding Land Use

The site is situated in an area where the majority of properties are mostly used for residential dwelling units – see location of the property in relation to the surrounding land uses on the aerial photo below.



3. MOTIVATION

3.1. Introduction

This motivating memorandum has been prepared in support of a land use application for a departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law, 2023 **AND** in support of an application for Consent by the Municipality as the Controlling Authority in terms of **Section 39(4) of the Western Cape Land Use Planning Act, 2014** in order to address the restrictive condition **B6(b)** in the **Deed of Transfer (T46134/2023)** that relates to the consent to be granted by the Municipality. The application is submitted on behalf of the registered owner of Erf 1879 Wilderness.

The purpose of the **departure** application is to obtain municipal approval for the relaxation of the **rear building line** as prescribed in the George Integrated Zoning Scheme. The development – comprising a double storey dwelling, garden store/shed and braai area – only the braai and garden store/shed encroaches over the **western rear boundary line** applicable to properties between 250m²-500m² in Single Residential Zone I. In order to permit this encroachment, a departure from the relevant development parameters is required.

The purpose of the **Administrators Consent** application is to obtain building line relaxation for the southern side building line from 1.5m to 0.5m, the western rear building line from 3m to 0.1m and for the eastern street building line from 5m to 4m.

This memorandum outlines the development proposal, provides motivation in terms of the planning policy framework, and demonstrates that the proposed departure will not negatively impact the surrounding area or the rights of adjacent property owners.

3.2. Character of the area

The area in which the application site is situated is mainly residential land uses. The proposal as set out in this memorandum would thus not constitute a land use which is out of character with the current land use character.

The immediate area surrounding the site is mostly residential in nature. Many of the properties in the area are built right up to the 0-meter building line. This is due to most of the erven in the area being smaller than 500m². The building line relaxation would thus not be out of character in the area.

The application and the proposed land use as set out in this memorandum is one of the best ways in which the property can be better or more fully utilized.

The slope of the site is relatively flat, and no floodplains or flood lines are applicable to this property. The site is located within an established township that was created many years ago that originally undertook applicable professional studies and therefore has no unstable soil formations. The property also does not fall within any unique ecological habitat or environmental sensitive area.

3.3. Desirability of the proposal

This section seeks to prove that the proposed Departure and Administrators Consent, and subsequent development of the land is indeed desirable. When evaluating the specific impact that the change in land use will have on the immediate area surrounding the application site, one needs to take into account the rights of the other existing property owners. In this case, the owner of the property will take into account the specific site characteristics in order to ensure that the proposed dwelling house, braai area and garden store will be in sympathy with the historical character of the neighbourhood and mitigate potential conflicts with the adjacent property owners. Please see the site plan for the proposed land use attached.

The challenge in urban management is how to interpret and control the various policies in light of the current and future development trends, and to see how the city and individual areas can best benefit from it.

The overall character of the area, aesthetic and function of the intended land use rights will not be in contrast with its surroundings in terms of visual character. From an architectural point of view, the current aesthetics of the site are not out of sync with the surrounding dwellings and architectural character of the area.

The main concern for most existing residents living in the area will undoubtedly be the protection of their privacy, the preservation of the good character of their neighbourhood, and of course the control of noise emanating from the construction of the proposed land use on the application site. Our firm is of the strong opinion that this application on the property will not have a detrimental impact on the existing properties and will not constitute an unreasonable addition to the area in terms of privacy and protection of the existing character and visual quality of the area.

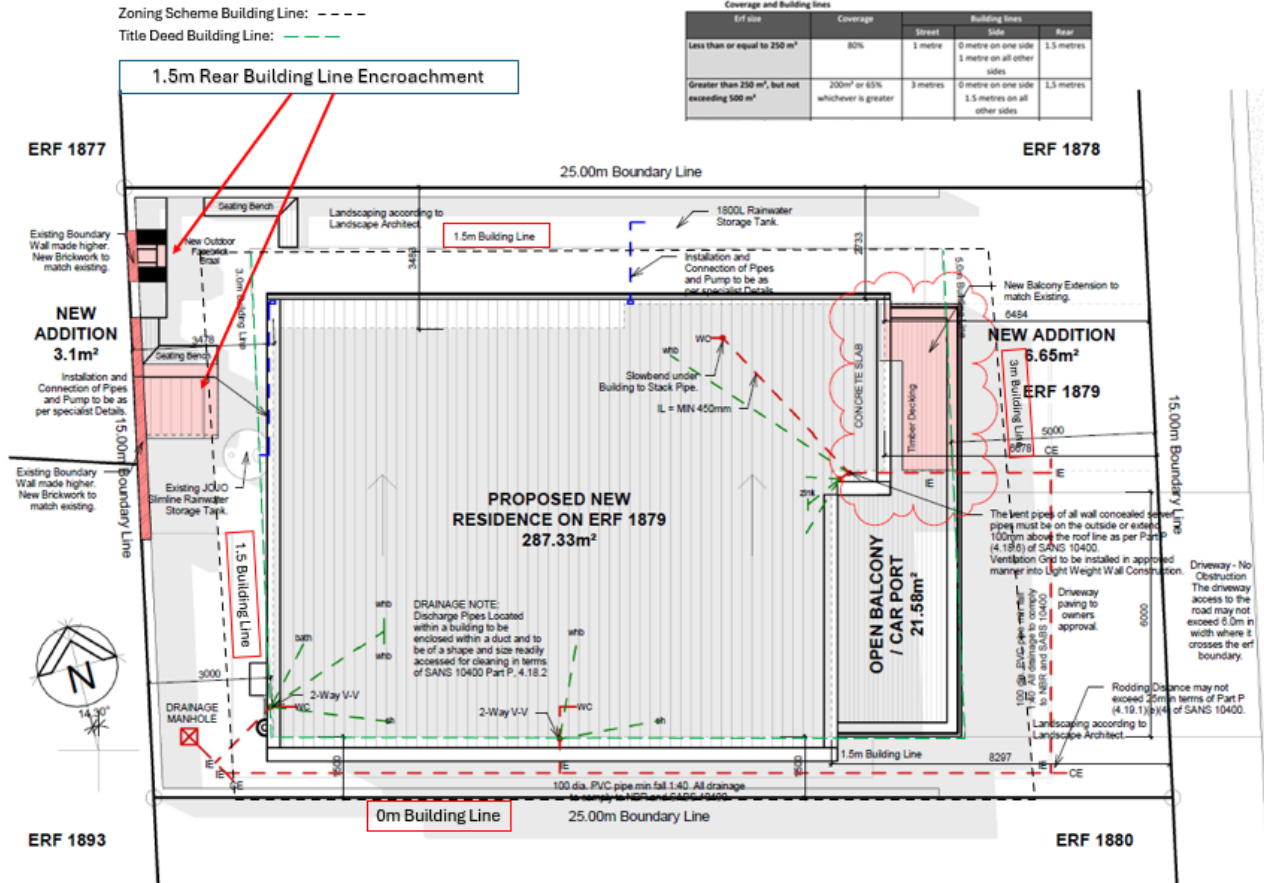
The departure and administrators consent application for a building line relaxation will not affect the surrounding and adjacent properties since the proposed braai area is a very low-key development with no impact on the existing engineering infrastructure.

The granting of the requested departure will have certain definite benefits.

Site Layout Plan of the proposed development. It is important to note that the Site Layout Plan building lines are based on the building restrictions which are provided in the Title Deed and the zoning scheme. See table below for zoning scheme building lines.

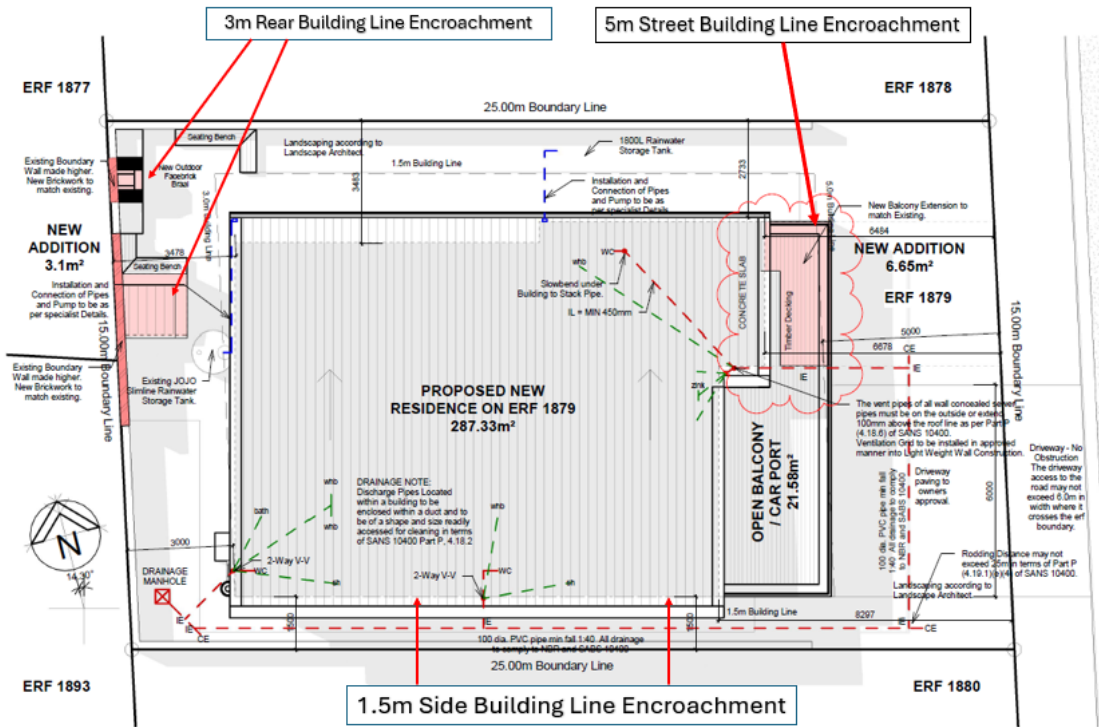
Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m ²	80%	1 metre	0 metre on one side 1 metre on all other sides	1.5 metres
Greater than 250 m ² , but not exceeding 500 m ²	200m ² or 65% whichever is greater	3 metres	0 metre on one side 1.5 metres on all other sides	1,5 metres

SITE PLAN: ERF 1879 WILDERNESS



The plan below gives a clearer illustration of the Title Deed building lines.

SITE PLAN: ERF 1879 WILDERNESS ADMINISTRATORS CONSENT



It is clear from the above figures that the braai area and storeroom will be situated in the northwestern corner of the property. The braai area will thus not have a negative impact on the aesthetics of the area.

The desirability of the proposed land use is also motivated in terms of the following:

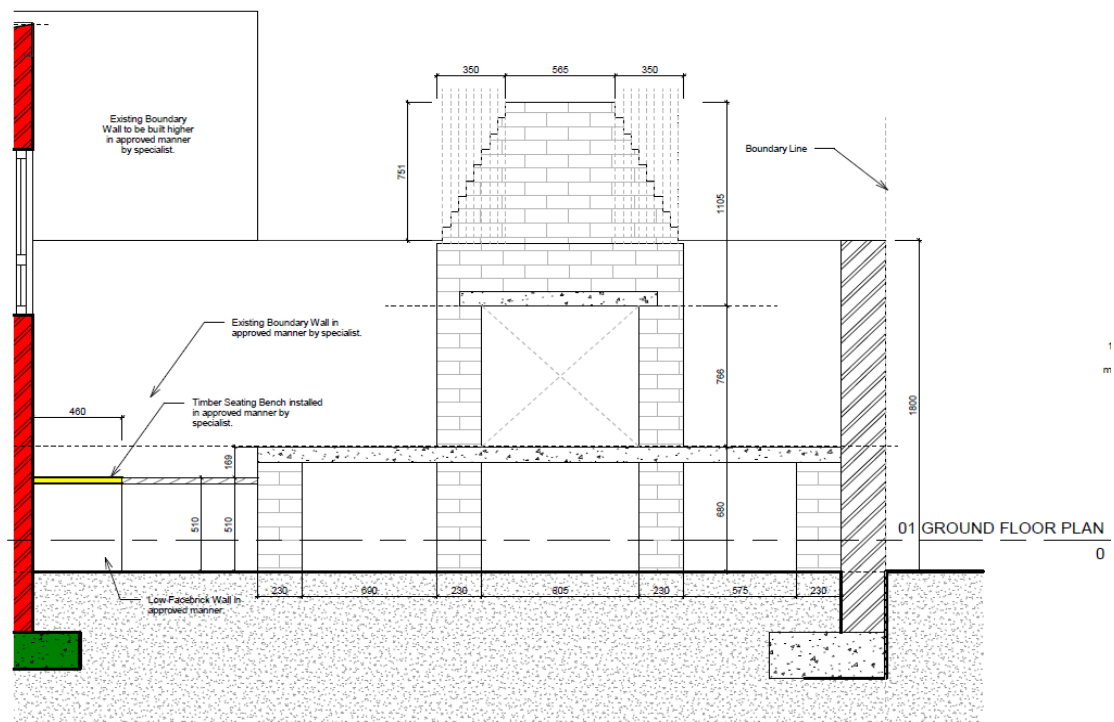
- **Economic impact:** The proposed land use rights will create jobs during the construction phase. The proposed braai area and garden storeroom will also increase the value of the property, which means that the municipality will be able to generate more income through rates and taxes.
- **Compatibility with surrounding uses:** The overall character of the area, aesthetic and function of the intended land use rights will not be in contrast with its surroundings.
- **Impact on the external engineering services:** In order to more fully align the application with the requirements of the SPLUMA Act, it has been deemed necessary to place greater emphasis on the engineering services applicable to the area. The area of the application site is well-serviced with external services available which have proven to be sufficient for the existing land uses in the area.

Having said the above, the application site finds itself within an approved township which was established years ago. The application site is thus located in a serviced township and the site itself is serviced by piped water, electricity and telecommunications infrastructure.

The impact on external engineering services will be no greater than what it currently is.

- **Impact on safety, health and wellbeing of the surrounding community:** The proposed departure will not cause any excessive noise, dust, exposure to any risks or have any other harmful effect on the surrounding community.
- **Impact on heritage:** The proposed departure will respect and protect all culturally important resources in the vicinity of the site.
- **Impact on the biophysical environment:** The property does not fall within any unique ecological habitat or environmental sensitive area. The proposed departure will therefore not affect the natural environment and the various forms of life in it.

The image below depicts the proposed braai area with elevations.



7 OUTDOOR BRAAI AREA
1 : 20

The next section of the memorandum discusses and motivates the need for the proposed departure and administrators consent application.

3.4. Need for the proposed departure and administrators consent

In the previous section, the desirability of the application was motivated. This section seeks to motivate the need for the proposed departure and administrators consent in light of the following:

- Interest of the General Public (Section 42.(1)(c)(i) of SPLUMA)
- Benefit of the proposed departure and administrators consent

3.4.1 Interest of the General Public (Section 42.(1)(c)(i) of SPLUMA)

The application for a departure and administrator consent on the subject property is a measured response to accommodate the functional needs of the homeowner while maintaining compatibility with the surrounding residential character. The proposed braai area and storeroom will enhance the usability and safety of the property, particularly by providing secure storage for garden tools and sheltered outdoor braai space—both of which are typical and expected features in established residential areas.

While the departure entails a relaxation of the rear building line, it does not introduce any new or incompatible land uses, nor does it place undue pressure on existing municipal services or infrastructure. The proposed structures are entirely in keeping with the scale, form, and residential character of the area and will not result in any significant visual intrusion or negative spatial impact.

This application reflects a common and reasonable adjustment in the context of existing urban development patterns and responds to the evolving needs of households, particularly in well-established suburbs such as Wilderness. Importantly, the departure supports efficient land use without encouraging urban sprawl, and respects the principles of spatial justice, sustainability, and resilience as promoted by SPLUMA.

In this way, the application aligns with the broader public interest by supporting appropriate residential development, preserving neighbourhood character, and ensuring the continued functional use and value of residential properties in Wilderness.

It is thus put forward that the application is desirable given the fact that it will provide the necessary land use rights on the property. With regards to the **Section 42 of SPLUMA, 2013 (Act 16 of 2013)**, specific mention is made to:

(i) the public interest;

Section 3.4.1 of this motivating memorandum discusses how the interest of the public finds support in the context of this application.

(ii) the constitutional and transformation imperatives and the related duties of the State;

The constitutional and transformation imperatives and related duties of the State are encompassed within the wider context of the LSDF, MSDF, IDP, NSDP and other legislation pertaining to land development in the George area and are discussed in Sections 3.5, 3.6 and 3.7 of the memorandum in the broad context.

(iii) the facts and circumstances relevant to the application;

The application is motivated in the context of the facts and circumstances (tangible and intangible) surrounding the development of the site. Factors such as surrounding land uses, policy frameworks, engineering services, development trends and the like are discussed and related to the application throughout the motivating memorandum.

(iv) the respective rights and obligations of all those affected;

Section 3.3 of the motivating memorandum discusses the Desirability of the proposed use and should be read bearing in mind Section 3.4 (need for proposed land use change). These sections highlight potential concerns arising from the departure and administrators consent, more

specifically how the development will affect the surrounding land uses and indeed landowners. The application is in line with Council development policies and as such it is reasonable to assume that the application is thus fundamentally sensitive of the rights and obligations of all those affected (general public, the developer, surrounding property owners etc.).

(v) the state and impact of engineering services, social infrastructure and open space requirements.

Section 4 of the motivating memorandum discusses the matters related to the engineering services in the area. The engineering departments shall provide comments indicating whether additional studies have to be undertaken by consulting engineers.

(vi) the effect of the land development application on the environment and environmental legislation.

We trust that the application is thus satisfactory in this regard. No red data species are found near the application site, and the subject property is not subject to an EIA process. The benefit of the proposed departure and administrators' consent is discussed below.

3.4.2 Benefit of the proposed departure and administrators consent

The proposed departure and administrators consent to permit the construction of an outdoor braai area within the prescribed building line will result in several practical and contextually appropriate benefits for the property owner, without detriment to the surrounding residential environment.

From a functional perspective, the outdoor braai area will provide a defined space for normal residential recreational use, incorporating a built-in braai facility and seating benches. As the braai area is entirely open and unsheltered, it will not result in any obstruction to views, loss of light, or adverse impacts on neighbouring properties. The garden storeroom will serve a complementary function by accommodating the storage of garden tools and equipment, thereby reducing clutter and improving the overall usability of the property.

The scale, design, and placement of the proposed structures have been carefully considered to ensure compatibility with the existing built form and character of the area. The low-profile nature of the outdoor braai area, together with the modest scale of the garden storeroom, ensures that the visual impact on the streetscape is minimal and that the development integrates harmoniously with the surrounding residential context.

Furthermore, the proposed development represents an efficient and practical use of the property by formalising outdoor living and storage spaces that are customary and expected within a residential setting. The proposal aligns with sound urban design and land-use planning principles, supports incremental in-place improvement, and contributes to the orderly and sustainable development of the property without compromising the amenity of the neighbourhood.

Overall, the proposed departure and administrators consent offers tangible lifestyle and urban management benefits without imposing any measurable impact on municipal infrastructure, public amenity, or neighbouring properties.

3.5. SPLUMA principles and related policies

The planning policy landscape has seen a big change with the coming into operation of the Spatial Planning and Land Use Act, 2013 (SPLUMA). This Act brings with it a change in the way development planning needs to be addressed and places a greater emphasis on the engineering aspects of the urban environment as well as encouraging a more holistic approach to land use planning as a whole.

SPLUMA sets out Development Principles in Section (7) of the Act. These principles apply to spatial planning, land development and land use management. **The context and legislation by which an application is brought before the Local Authority shall determine which principles are applicable and should be adhered to.** The principles can be summarised as follows:

- a) **Spatial justice** (past development imbalances);

- b) **Spatial sustainability** (realistic land development, environmental concerns, limit urban sprawl);
- c) **Efficiency** (optimize existing land and infrastructure);
- d) **Spatial resilience** (ensure flexibility to absorb and cope with economic and environmental shocks); and
- e) **Good administration** (integrated approach to land use and development, holistic spatial frameworks, clear policy directives).

PRINCIPLE	COMPLIANCE
SPLUMA Principle 7(a): The principle of spatial justice -	
(i) past spatial and other development imbalances must be redressed through improved access to and use of land;	N/A
(ii) 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 characterised by widespread poverty and deprivation;	The George MSDF was compiled with the best interests of the residents of George in mind. Factors such as access to employment, stimulating growth in key areas and working towards rectifying the imbalances that exist in George have been considered and are reflected in this policy. The SDF is in line with the IDP and national policies alike, and this application is in line with the proposals of the SDF as mentioned above. This principle is endorsed.
(iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;	N/A
(iv) 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;	The George Integrated Zoning Scheme,2023 is applicable to all areas in the city.
(v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and	The development of the site will constitute an improvement in the amenity of the site, which supports the development of integrated and well-served communities. The application does not take the form of upgrading of existing settlements.
(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded 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 principle is endorsed.
SPLUMA Principle 7(b): The principle of spatial justice sustainability, whereby spatial planning and land use management systems must—	
(i) promote land development that is within the fiscal, institutional and administrative means of the Republic;	This application complies with the principle of fiscal, institutional and administrative sustainability.
(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;	The application site under consideration is not prime or unique agricultural land.
(iii) uphold consistency of land use measures in accordance with environmental management instruments;	The land under consideration does not constitute a listed activity in terms of the National Environmental Management Act.
(iv) promote and stimulate the effective and equitable functioning of land markets;	The development of the site stimulates competitiveness in the land markets as the market and supporting land uses is in itself a competitive market.
(v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;	The approval of the departure and administrator's consent is in the best interest of the general public, as the available land will be more fully utilised as a result of this application.
(vi) promote land development in locations that are sustainable and limit urban sprawl; and	No urban sprawl is thus generated by the approval of this application.
(vii) result in communities that are viable;	The site is situated within a residential area. This will only

	increase the viability of the area.
SPLUMA Principle 7(c): The principle of efficiency, whereby -	
(i) land development optimises the use of existing resources and infrastructure;	Approval of the departure and administrators consent application as set out in this memorandum will improve the use of the existing land uses and infrastructure.
(ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and	The approval of the departure and administrators consent application will in fact avoid negative financial, social, economic or environmental impacts given that the site will be used more optimally.
(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties;	In terms of the application process all stakeholders will ensure efficiency thereof and timeframes stipulated by Government officials are strictly adhered to.
SPLUMA Principle 7 (d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and	The application is consistent with all planning policies at national, provincial and local level. The application thus complies with this principle.
SPLUMA Principle 7(e): The principle of good administration, whereby -	
(i) 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;	This principle should be implemented with the preparation of planning policies by authorities.
(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;	With the drafting of policies, it is the responsibility of the relevant authorities to liaise and integrate all factors and inputs.
(iii) the requirements of any law relating to land development and land use are met timeously;	This principle is endorsed. Any timeframes stipulated by the Municipality shall be strictly adhered to.
(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and	In terms of the application process all relevant engineering stakeholders will be afforded the opportunity to submit objections and-or representations in respect of the application.
(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public.	This principle is endorsed by the applicant. Land use procedures make provision for a consultation process where the inputs of all role players will be considered and assessed.

In conclusion, the application for departure and administrators consent finds support in the SPLUMA land development principles. It is important to keep in mind the overall goal of the SPLUMA legislation – to ensure that land development in its many shapes and forms, is considered and implemented in a holistic and inclusive way.

The next section provides a brief overview of the Spatial Development Frameworks and other policies applicable to the application.

3.6. National development and provincial spatial framework's

The current spatial form of South Africa's cities is fragmented and disrupted as a result of apartheid city planning. To eradicate these injustices and damages that occurred during apartheid the **National Spatial Development Perspective (NSDP), 2006** was implemented.

The NSDP, 2006 is a framework focusses on intervention by the State in equitable and sustainable development. The NSDP, 2006 states that this perspective is: "a key instrument in the State's drive towards ensuring greater economic growth, buoyant and sustained job creation and the eradication of poverty."

The NSDP, 2006 focusses and encourages the interaction and coordination between departments and spheres of government. It provides tools and principles to make government decisions on investment and development spending more focused. The NSDP, 2006 is not a national plan that directs what should happen where, when and how, it provides principles and acts as a backdrop against which investment and spending decisions should be considered and made. The ultimate purpose of the NSDP, 2006 is to reconfigure apartheid spatial relations and to implement spatial priorities that will provide basic services to all and alleviating poverty and inequality.

This application does not promote the concept of reversing entrenched spatial inequalities; it does however promote the sustainability and amenity of the neighbourhood and reduces urban sprawl given that it is located within an existing residential neighbourhood.

The application cannot fight poverty directly; however, the application will result in a clean, healthy, safe and sustainable community given that the application is already situated in an existing healthy neighbourhood, and the new investment and employment opportunities which will result from this application will contribute to the above. The application also promotes the effective use of land and infrastructure given that the site is already serviced sufficiently.

The NSDP, 2006 is based on 5 normative principles which, inter alia, states that future settlements and economic development should be channelled into activity corridors and nodes adjacent to major growth centres. Public transport is more effective and more affordable in corridor developments, which will suite the fragmented form of South African Cities and especially in George.

The NSDP, 2006 focusses on spatial challenges and highlights the importance of the role that is played by spatial dispensation and the nature of the space economy of the country/region that has certain consequences for meeting the social, economic and environmental objectives of government. The example set out in the NSDF, 2006 illustrates the high costs and difficulties that arise to maintain and service settlements that are scattered and fragmented over vast distances.

According to the **Municipal Systems Act, 32 of 2000**, Section 35 it is stated that the Municipality “**has to have regard to its IDP of which the Municipal Spatial Development Framework (MSDF) is a component off.**”

The aim of the **IDP** for George Local Municipality is to present a coherent plan to improve the quality of life for people living in George. The IDP also focuses on issues of national and provincial importance and one of its requirements was to seek alignment with national and provincial priorities, policies and strategies. Section 26 of the Municipal Systems Act, 32 of 2000 states that the MSDF must be aligned to the IDP and all other spatial plans must be aligned with the MSDF. This means that no spatial plan of the George Local Municipality may contradict the MSDF or the IDP.

According to the MSDF: “The MSDF leads the Municipality’s policy-driven Land Use Management System. The MSDF provides the long-term spatial framework for decisions made in terms of the Land Use Planning By-Law for George (2023) and George Integrated Zoning Scheme By-Law (2023). These by-laws standardise land use regulations across the municipal jurisdiction aligned to the long-term spatial development outcomes sought by the MSDF and its policies. It is important to note that a MSDF does not confer or take away land use rights, but guides decisions associated with the award and management of such rights. When deciding on an application, the Municipal Planning Tribunal, or any other authority required or mandated to make a land development decision which is consistent with the MSDF (Section 22 of SPLUMA, 2013).

The purpose of the George Municipal Spatial Development Framework (MSDF), as set out in the Spatial Planning & Land Use Management Act (2013) (SPLUMA), is to:

- a) Interpret and represent the spatial development vision of the municipality – informed by a long-term spatial development vision statement and plan.
- b) Guide planning and development decisions across all sectors of government and specifically the municipality and provincial government in its spatial planning and land use management decisions.
- c) Contribute to a coherent, planned approach to spatial development across the spheres of government.
- d) Provide clear and accessible information to the public and private sector and provide direction for

investment purposes.

e) Include previously disadvantaged areas, rural areas, informal settlements, slums and landholdings of state-owned enterprises and government agencies and address their inclusion and integration into the spatial, economic, social, and environmental objectives of the relevant sphere.

f) Address historical spatial imbalances in development

g) Identify the long-term risks of spatial patterns of growth and development and the policies and strategies necessary to mitigate those risks.

h) Provide direction for strategic developments, infrastructure investment, promote efficient, sustainable, and planned investments by all sectors and indicate priority areas for investment in land development.

i) Promote a rational and predictable land development environment to create trust and stimulate investment.

j) Assist in integrating, coordinating, aligning, and expressing development policies and plans emanating from the various sectors of the spheres of government as they apply within the municipal area, specifically as it relates to environmental management; and

k) Outline specific arrangements for prioritising, mobilising, sequencing, and implementing public and private infrastructural and land development investment in the priority spatial structuring areas identified.

3.7. Land Use Planning Act, 2014 (Act 3 of 2014)

This application is submitted in terms of the Land Use Planning Act, 2014 (LUPA), which provides the statutory framework for land use planning and development management in the Western Cape. LUPA empowers municipalities to consider and decide on land use applications, including departures from the development rules contained in applicable zoning schemes. In line with LUPA and the relevant municipal by-law, this application seeks a departure and administrators consent to relax the applicable building line in order to enable appropriate and context-sensitive development. The application has been prepared with due regard to the planning principles set out in the Act, including spatial justice, spatial sustainability, and efficiency (As discussed under 3.5)

3.8. Wilderness Local Spatial Development Framework (2015)

The proposed relaxation of the applicable building line to allow for the construction of a garden storeroom and an outdoor braai area is considered reasonable and consistent with the principles of the Wilderness Local Spatial Development Framework (LSDF).

The LSDF promotes development that is sensitive to landscape character and natural visual resources, requiring structures to be visually unobtrusive and not to interfere with important views, skylines, or the scenic quality of the area. The proposed structures are minor in scale, low in height, and ancillary to the primary residential use. The outdoor braai area is entirely open, comprising only a built-in braai and seating benches, while the garden storeroom is limited in size and intended solely for domestic storage. As such, the proposal does not introduce excessive bulk or massing and will have a negligible visual impact.

The proposed development will not give rise to adverse impacts such as noise, light, effluent, or odour pollution, and will not affect neighbouring properties or the broader streetscape. Furthermore, the structures are located outside of environmentally sensitive buffer areas identified in the LSDF, including those associated with water bodies and indigenous vegetation.

The siting of the structures makes use of an undeveloped portion of the property and avoids encroachment into natural or visually prominent areas. Materials and finishes can be selected to blend with the surrounding environment, further ensuring compatibility with the existing landscape character.

In light of the above, the proposed building line relaxation will not undermine the intent of the development controls or the objectives of the Wilderness LSDF. The proposal represents a modest, low-impact form of development that supports reasonable residential use while maintaining the scenic and environmental qualities of the area.

4. ENGINEERING SERVICES, OPEN SPACE AND SOCIAL AMENITIES

In order to more fully align the application with the requirements of the SPLUMA Act, it has been deemed necessary to place greater emphasis on the engineering services applicable to the area. The importance of this is quite clear and this section of the memorandum will touch on the most important aspects of the engineering services in the vicinity of the application site.

The residential neighbourhood of Wilderness is serviced by the George Local Municipality with external services available that is sufficient for the existing land uses in the area. The application site is located in a serviced area and the site itself is serviced by piped water, electricity and telecommunications infrastructure (Telkom etc.).

5. CONCLUSION AND REQUEST

The need and desirability of this application for a Departure from the George Integrated Zoning Scheme, 2023 has been properly motivated and it is submitted that enough town planning merits exist to support this application.

- Application is hereby made in terms of Section 15(2)(b) of the George Land Use Planning By-Law, 2023 for the relaxation of building lines applicable to Erf 1879.

The purpose of this application is to obtain municipal approval for the relaxation of the **western rear building line** as prescribed in the George Integrated Zoning Scheme. The proposed development – comprising of a proposed dwelling house, outdoor braai area and garden shed –only the braai and garden store/shed encroaches over the 1.5-meter western rear building line applicable to properties between 250m²-500m² in Single Residential Zone I. In order to permit this encroachment, a departure from the relevant development parameters is required.

- Application is hereby also made for Consent by the Municipality as the Controlling Authority in terms of Section 39(4) of the Western Cape Land Use Planning Act, 2014 in order to address the restrictive condition B6(b) in the Deed of Transfer (T46134/2023) that relates to the consent to be granted by the Municipality.

The consent from the controlling authority is to obtain building line relaxation for the **southern side building line from 1.5m to 0.5m**, the **western rear building line from 3m to 0.1m** and for the **eastern street building line from 5m to 4m**.

It is submitted that this site has excellent merits for the proposed departure and administrators consent, and it is put forward that this use will contribute to the needs of the residents of the area. The application as submitted is furthermore in line with current policy and sound town planning rationale, and it is therefore requested that the application be supported.


SPECIAL POWER OF ATTORNEY

We, the undersigned, **Unetsie Turvey No: 450316 5042 085 and Fredrieka Turvey (ID No:470526 0096 086)** do hereby nominate, constitute and appoint **ANDRE ALBERTUS JANSEN VAN NIEUWENHUIZEN**, of the firm **NEW TOWN TOWN PLANNERS (CK95/00647/23)**, with power of substitution, to be our lawful representative in our name, place and stead, to lodge an application for the **CONSENT OF THE CONTROLLING AUTHORITY AND DEPARTURE** of **ERF 1879 WILDERNESS** to such authorities as may be necessary and generally for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as we might or could do if personally present and acting herein, hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as we might or could do if personally present and acting herein, hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our Agent shall lawfully do, or cause to be done, by virtue of these present.

In addition to apply for such amendments of the Town Planning Scheme, as may be deemed necessary and to make any other necessary applications and further to represent us at any enquiry in relation to the above mentioned matters and generally do whatever may be necessary or desirable to procure the approval of the application

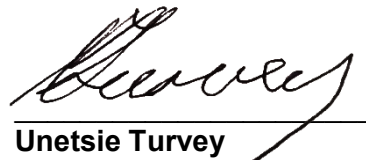
Signed at Pretoria on this 3rd day of **February 2026** in the presence of the undersigned Witnesses.

AS WITNESSES:

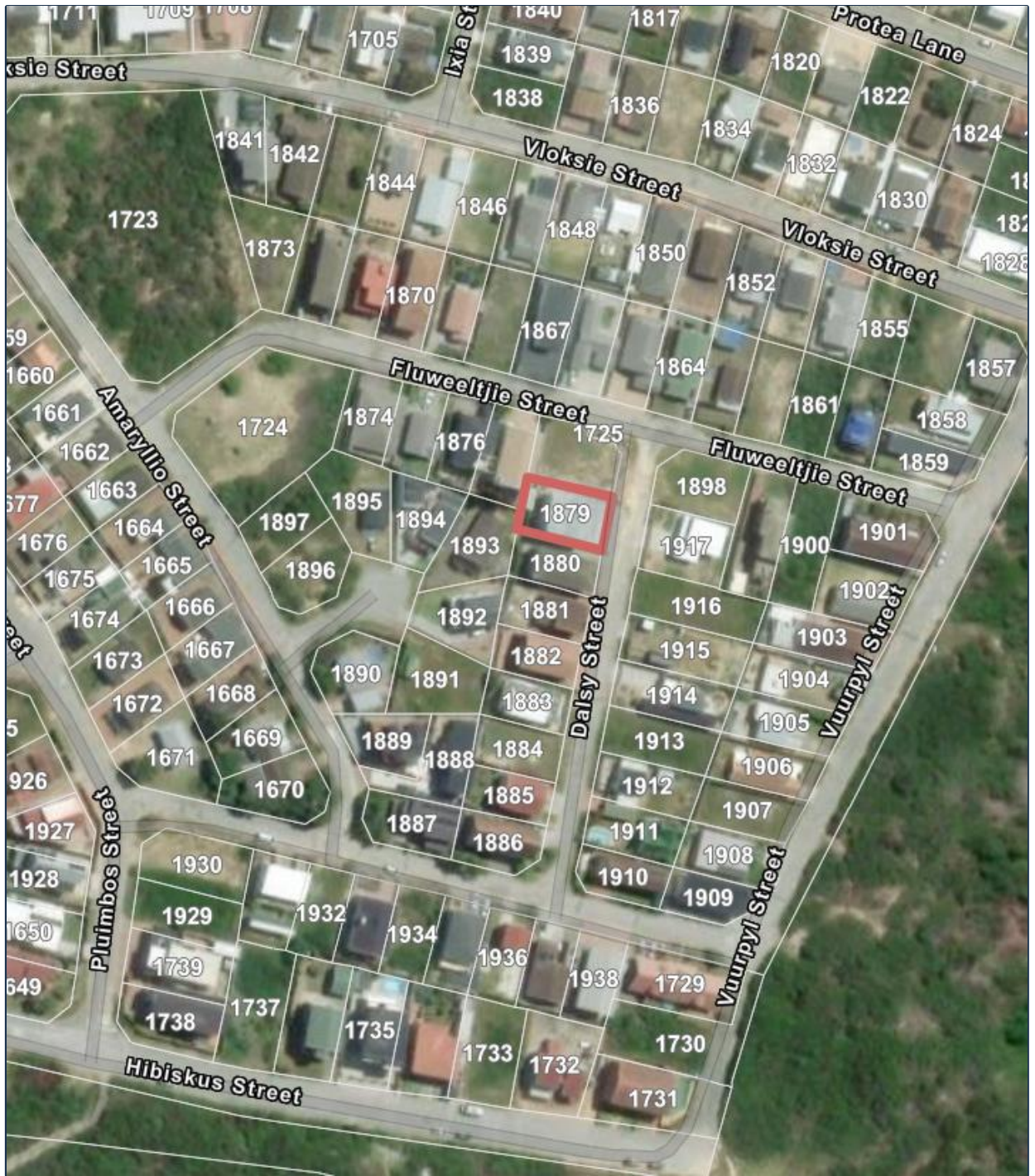
1. 

2. 

SIGNATURE


Unetsie Turvey


Fredrieka Turvey

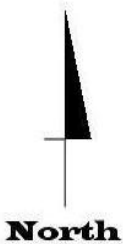


Locality Plan

Erf 1879 Wilderness

The site 

Ref. A1515



Cnr Brooklyn & 1st Street
 Menlo Park
 P.O Box 95617
 Waterkloof
 0145
 Tel: (012) 358 3204
 Email: andre@ntas.co.za

1267

1ST FLOOR,
CHURCH CORNER BUILDING
CNR CHURCH AND COURTENAY
STREETS
GEORGE
6530

Prepared by me

CONVEYANCER
LOREN GILES (91373)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 1100 000,00	R. 1453,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / VERIFY
02 NOV 2023
Anitha Manyisana

DATA / CAPTURE
02 NOV 2023
Sinazo Xhiphu

T000046134 / 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA LPCM 82076

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

CLARANCE ANTONIO POWER
Identity Number 700224 5190 086
Unmarried

which said Power of Attorney was signed at Kimberley on 2 October 2023

And the appearer declared that his/her said principal had, on 18 September 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

UNETSIE TURVEY
Identity Number 450316 5042 085
and
FREDRIEKA WILHELMINA TURVEY
Identity Number 470526 0096 086
Married in community of property to each other

their Heirs, Executors, Administrators or Assigns, in full and free property

ERF 1879 WILDERNESS
IN THE MUNICIPALITY AND DIVISION OF GEORGE
PROVINCE OF THE WESTERN CAPE

IN EXTENT 375 (THREE HUNDRED AND SEVENTY FIVE) Square metres

FIRST REGISTERED by Certificate of Registered Title Number T96139/2007 with General Plan No. 12273 relating thereto and held by Deed of Transfer T18015/2019

- A. SUBJECT** to the condition contained in Certificate of Amended Title dated 2 August 1904 (George Quitrents Volume 14 No. 15) one of which reads as follows:-

“The land thus granted being further subject to all such Duties and Regulations as either are or shall in future be established respecting lands granted on similar tenure.”

- B. SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T40434/1989 imposed by and in favour of the Administrator of the Cape of Good Hope in terms of the provisions of Section 18 of Ordinance No. 33 of 1934, when approving of the establishment of KLEINKRANTZ TOWNSHIP, namely:-

- “1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nr. 623 van 14 Augustus 1970.

2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepaling van hierdie voorwaarde moet nie opgevat word as sou dit die bepalings van Artikel 17 van Ordonnansie Nr. 19 van 1976, soos gewysig, vervang nie.
3. Geen geboue op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.
4. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat hoofgasleidings, elektrisiteits-, telefoon- of televisiekabels of -drade en hoof- en/of ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf or erwe, binne of buite hierdie dorp, oor hierdie erf gevoer word en dat bogrondse installasies soos mini-substasies, meter kiosks en dienspale daarop geïnstalleer word indien dit deur die plaaslike of 'n ander statutêre owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.
5. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.
6. (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd na oorleg met die Dorpekommissie en die plaaslike owerheid goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.

(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid -

①

- (i) 'n buitegebou wat uitsluitlik vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy- en agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die vereiste is van die strate wat die erf begrens;
 - (ii) 'n buitegebou ingevolge subparagraaf (i) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afstand hierbo voorgeskryf, opgerig mag word indien geen vensters of deure in enige muur, wat op sodanige grens front, aangebring word nie.
- (c) By konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as die wat hierin uiteengesit word, is hierdie voorwaardes op die gekonsolideerde erf van toepassing asof dit een erf is.
- (d) Ingeval hierdie erf onderverdeel word, is elke onderverdeelde gedeelte, uitgesonderd enige gedeelte afgesny vir pad- of derglike doeleindes, onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is."



WHEREFORE the said Appearer, renouncing all rights and title which the said

CLARANCE ANTONIO POWER, Unmarried

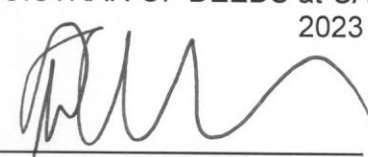
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**UNETSIE TURVEY and FREDRIEKA WILHELMINA TURVEY,
Married as aforesaid**

their Heirs, Executors, Administrators or Assigns, now are 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 R1 100 000,00 (ONE MILLION ONE HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, 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

31 October 2023


q.q.

In my presence



REGISTRAR OF DEEDS

Q

SITE PLAN: ERF 1879 WILDERNESS

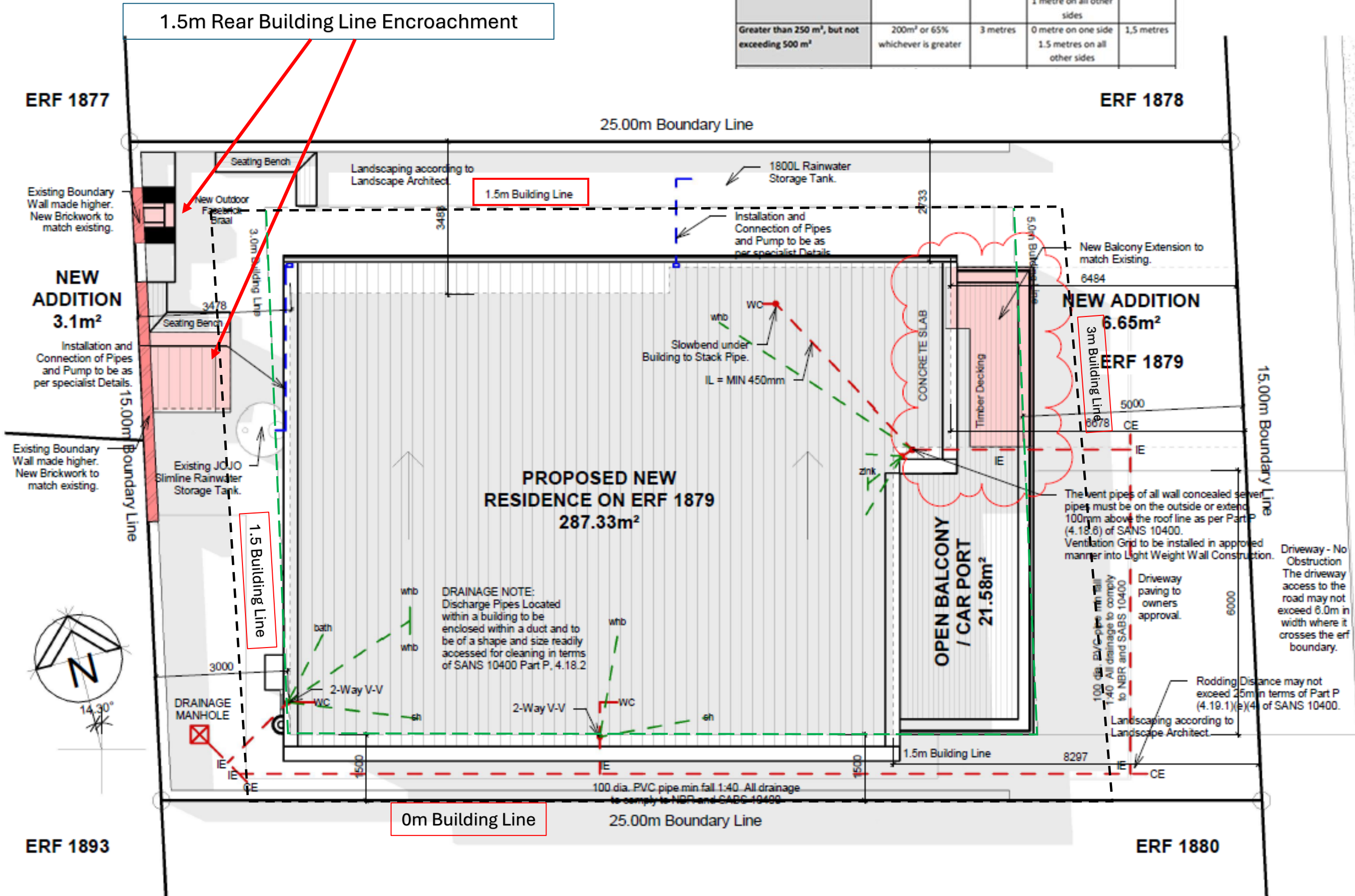
DEPARTURE

Zoning Scheme Building Line: - - - -

Title Deed Building Line: - - - -

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m ²	80%	1 metre	0 metre on one side 1 metre on all other sides	1.5 metres
Greater than 250 m ² , but not exceeding 500 m ²	200m ² or 65% whichever is greater	3 metres	0 metre on one side 1.5 metres on all other sides	1.5 metres

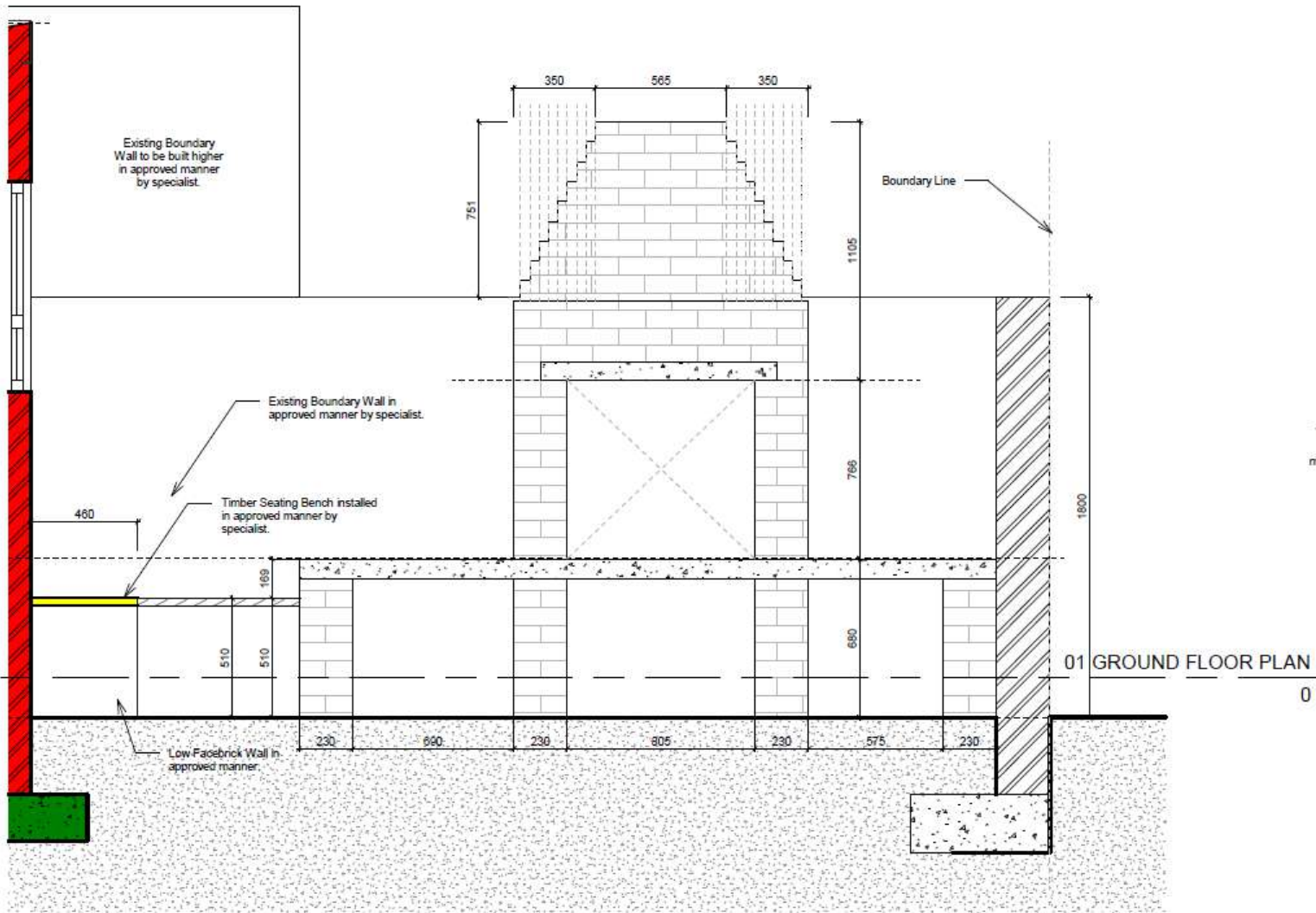
1.5m Rear Building Line Encroachment



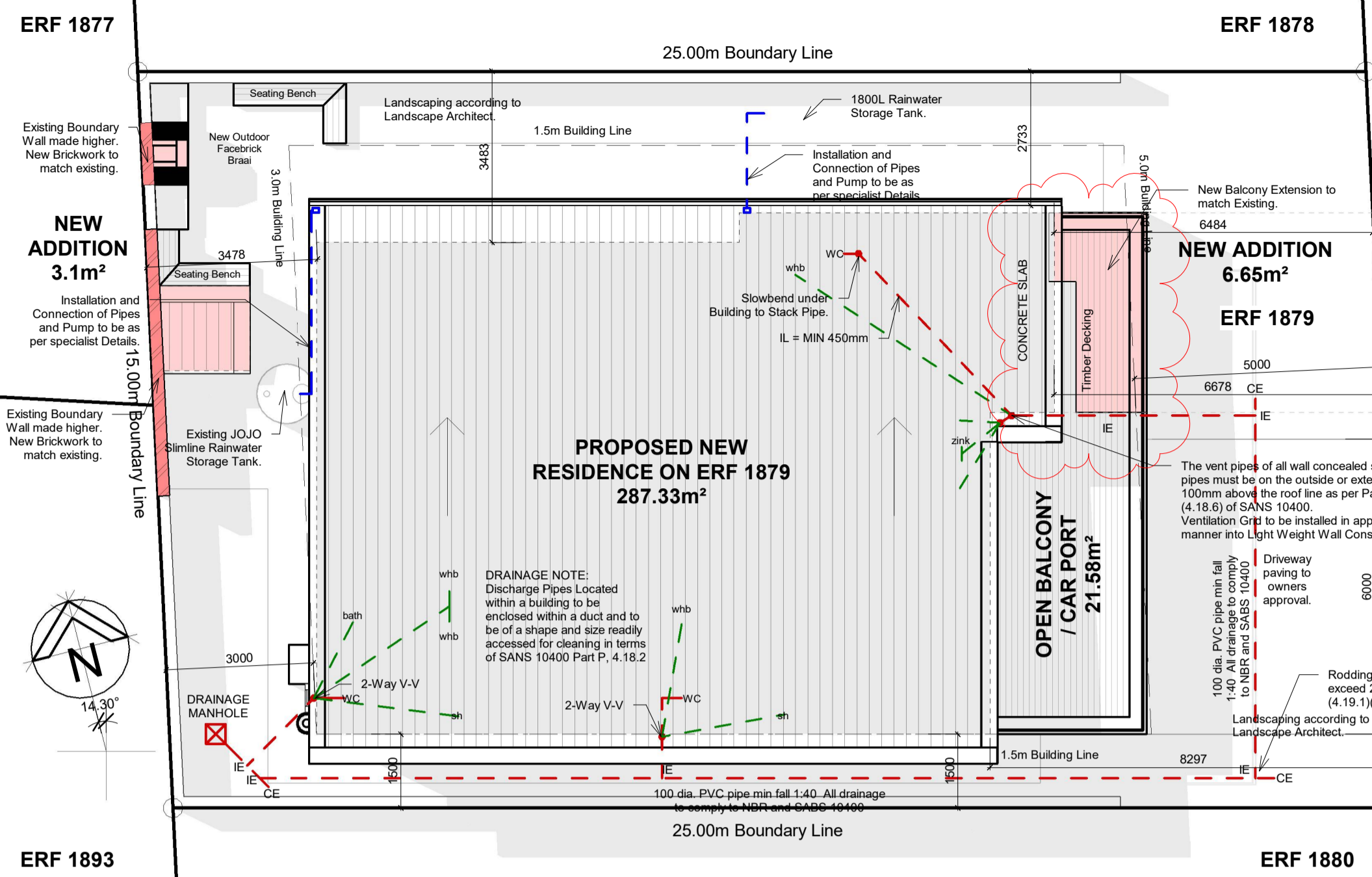
0m Building Line

ERF 1893

ERF 1880

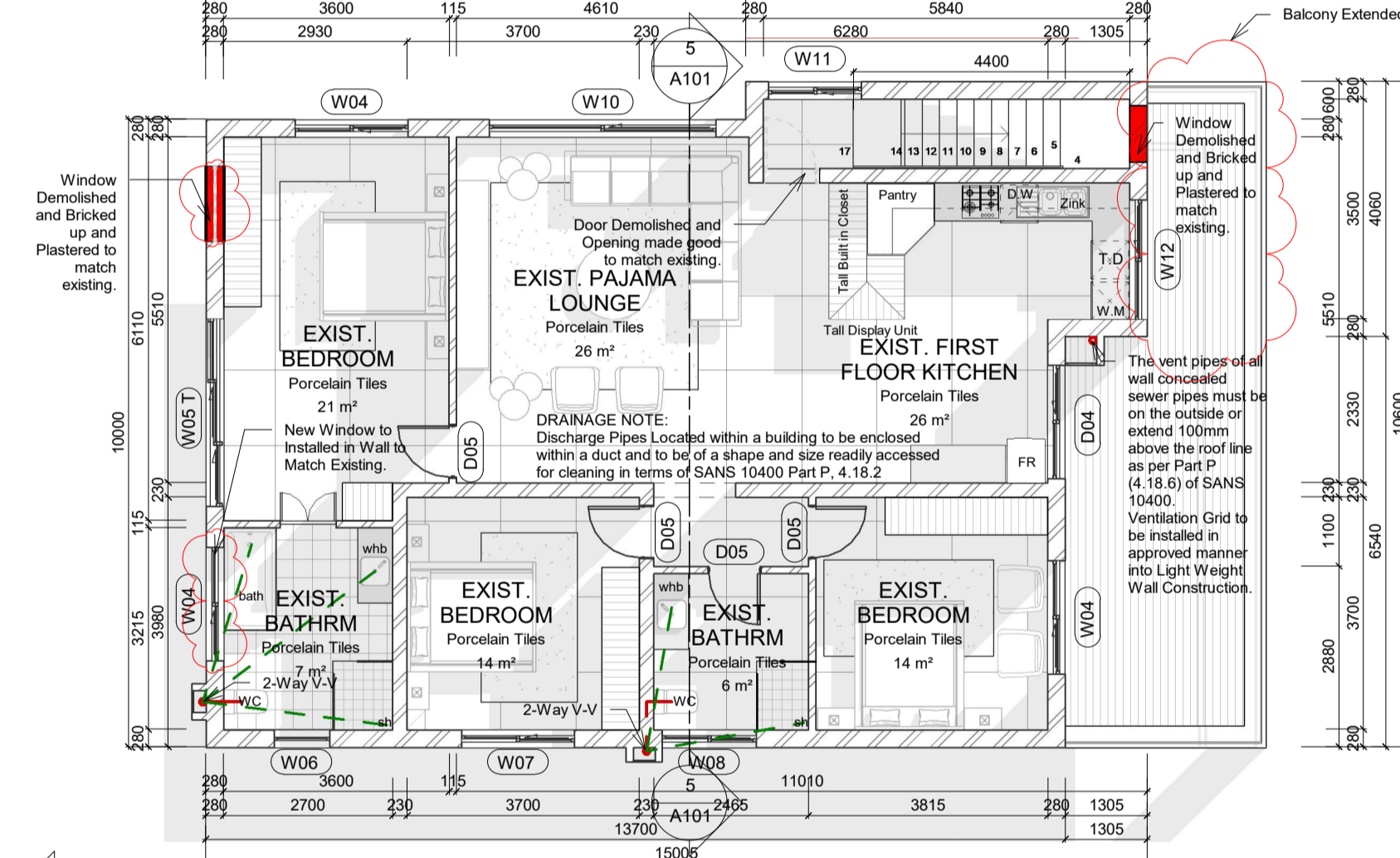


7 OUTDOOR BRAAI AREA
1 : 20

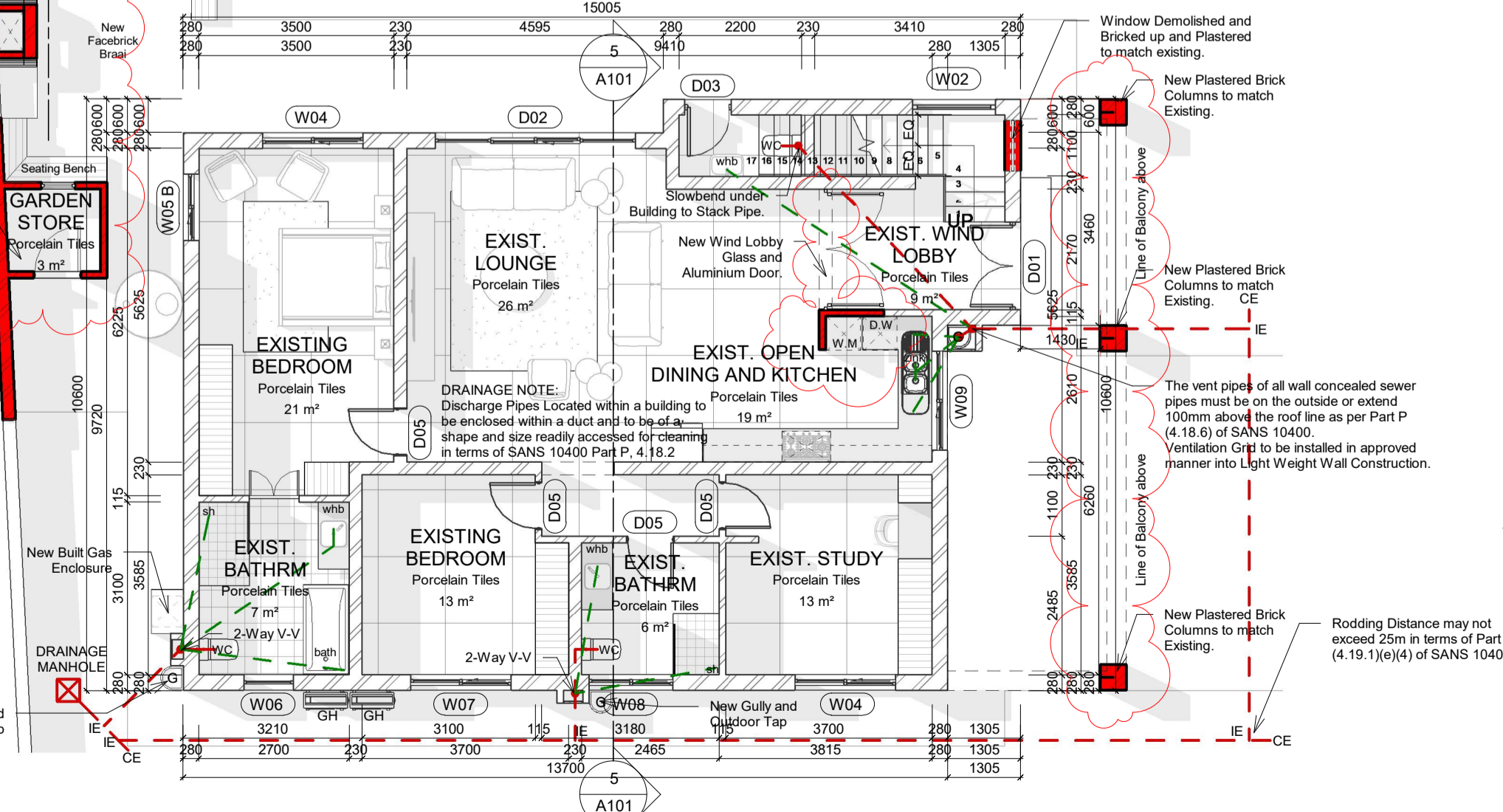


1 00 SITE PLAN
1 : 100

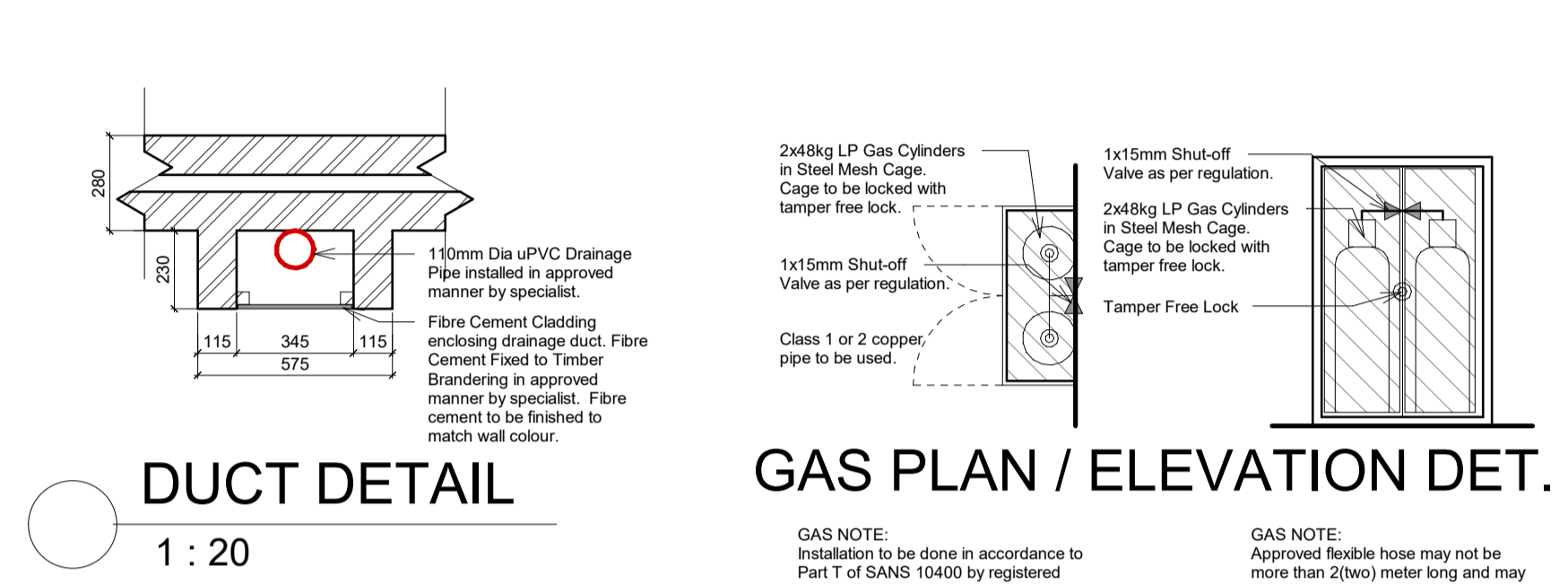
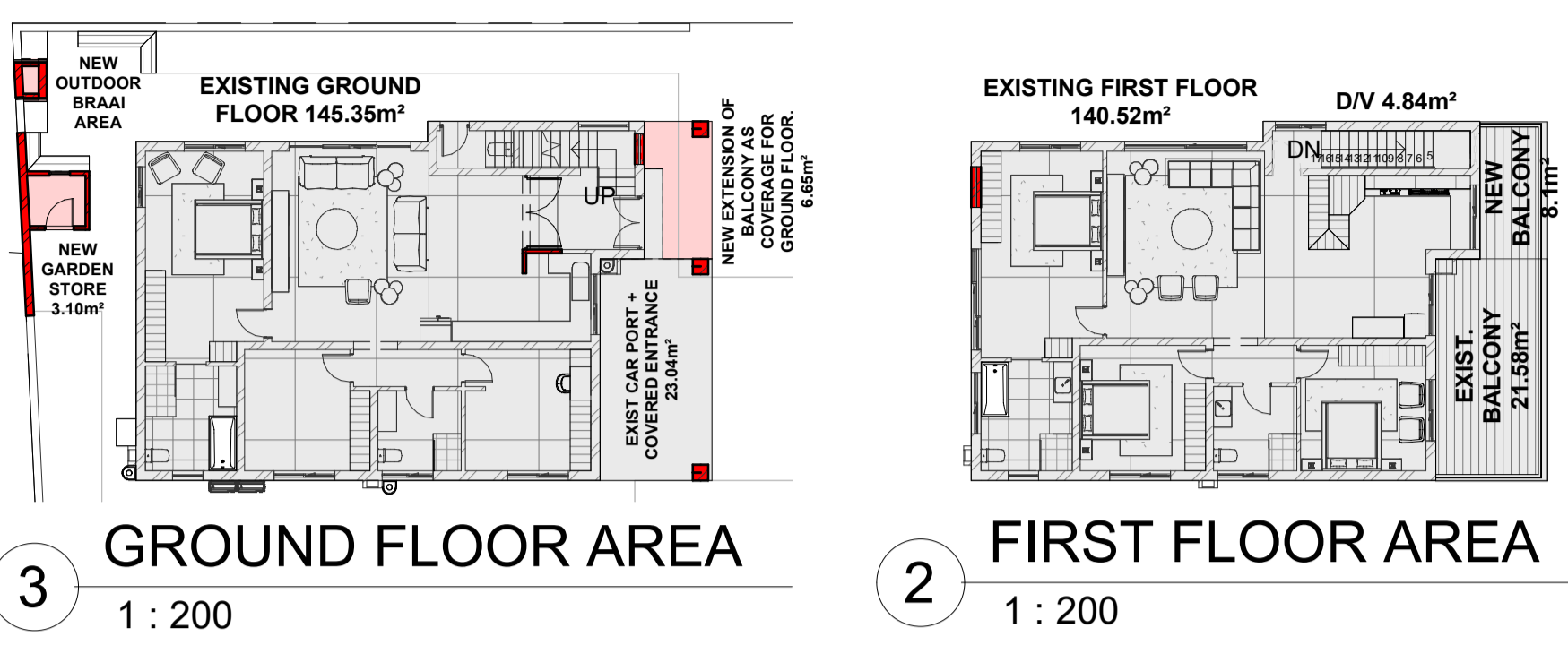
SERVICES COLOUR LEGEND	
	HOT Water Piping network. Final Design and layout according to engineers specifications.
	COLD Water Piping network. Final Design and layout according to engineers specifications.
	STORMWATER Piping network. Final Design and layout according to engineers specifications.
	DRAINAGE Piping network. Final Design and layout according to engineers specifications.
	TELECOMMUNICATION Piping network. Final Design and layout according to engineers specifications.



5 02 FIRST FLOOR PLAN
1 : 100



4 01 GROUND FLOOR PLAN
1 : 100



COVERAGE SCHEDULE	
Description	m²
TOTAL SITE AREA	374.57
Existing Ground Floor Area	145.35
Existing Exterior Covered Car Port	23.04
NEW COVERAGE (%)	47.56
F.A.R	0.85

AREA SCHEDULE	
Description	m²
Ground Floor	
Existing Ground Floor Area	145.35
Existing Exterior Covered Car Port	23.04
New Exterior Covered Car Port	6.65
New Garden Store	3.1
New Outdoor Built Braai	0.91
TOTAL GROUND FLOOR AREA	178.14

First Floor	
Existing New First Floor Area	140.52
Existing Double Volume	4.84
Existing Open Balcony	21.58
TOTAL FIRST FLOOR AREA	140.52
TOT. RESIDENCE FLOOR AREA	318.66

EXTERNAL WALL CALCULATIONS PARAMETERS			
MINIMUM THERMAL RESISTIVITY	R = 0.35		
CLIMATIC ZONE	Zone = 2		
CONDUCTIVITY	THICKNESS	RESISTIVITY	
W/m.K	mm	m²Kw	
EXT. PLASTER WORK	0.6	15	0.03
BRICKWORK	0.7	230	0.33
INT. PLASTER WORK	0.6	15	0.03
TOTAL		260	0.38

CHROMADEK ROOF SHEETING CALCULATIONS			
ACCORDING TO SANS 10400 - XA & SANS 204 THE MINIMUM THERMAL RESISTIVITY VALUE FOR METAL ROOF SHEETING ASSEMBLIES AND HORIZONTAL CEILING			
NOTES	CLIMATIC ZONE	TOTAL REQUIRED RESISTIVITY R = m²Kw	DIRECTION
TOTAL R-VALUE IS A COMBINATION OF ROOF ASSEMBLY & INSULATION	4	2.85	UP
R-VALUE OF ROOF CEILING MATERIAL CALCULATED FOR CHROMADEK SHEET & PLASTER BOARD CEILING (0.17 + 0.05)		0.22	
MINIMUM VALUE OF ADDED THERMAL RESISTIVITY OF REQUIRED INSULATION		2.63	
The 50mm ISOHERM INSULATION AS SPECIFIED HAVE A R-VALUE OF 1.1 AND IS NOT SUFFICIENT FOR THE DESIGN TO COMPLY TO SANS 10400 - XA - 2011			
TO ACHIEVE THE THERMAL RESISTIVITY OF 2.85 ONE OF THE FOLLOWING IS RECOMMENDED: 1. PINK ANHYDRITE GLASSWOL, THERMAL & ACOUSTIC CEILING INSULATION WITH A MINIMUM THICKNESS OF 110mm WHICH HAS A R-VALUE OF 2.85. 2. A COMBINATION OF PINK ANHYDRITE & A REFLECTIVE FOIL CAN ALSO BE USED PROVIDED THAT THE VALUE OF THE COMBINATION IS GREATER THAN 2.85. 3. ISOCELLULON CELLULOSE FIBRE CEILING INSULATION WITH A MINIMUM THICKNESS OF 100mm. 4. THE USE OF ISOHERM 150mm INSULATION.			
RECOMMENDATION	MIN REQUIREMENT R-VALUE = 2.85		
R-VALUE OF ROOF CEILING MATERIAL CALCULATED FOR CHROMADEK SHEET & PLASTER BOARD CEILING (0.17 + 0.05)	0.22		
ISOHERM 150mm INSULATION	3.14		
TOTAL	R-VALUE = 3.36		
NOTE: THE ABOVE STATED IS A RECOMMENDATION ONLY. ANY INSULATION CAN BE USED AS LONG AS THE THERMAL RESISTIVITY OF THE MATERIALS IS MORE THAN 2.85.			
CONCLUSION: WITH THE ABOVE MENTIONED MATERIALS THE DESIGN COMPLIES WITH SANS 10400 - XA 2011.			

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DISCLAIMER
All drawings and dimensions must be correlated by the owner and contractor before any materials are ordered or building work commences. Any differences must be brought to the attention of the Architect in writing immediately.

Upon submitting this document to the Local Authority for approval, the owner of this property confirms that all the information on this document is to the owner's final wish and to their satisfaction. The owner understands that any changes hereafter for whatever reason, must be resubmitted to the Local Authority for approval.

The owner of this property acknowledges that they will be responsible and liable for any deviation from this document without the Architect's knowledge.

Revision schedule

No.	Date	Description
1	13-10-2023	Proposed New Residence - Sketch Plan Proposal
2	23-11-2023	Council Drawing Set
3	04-04-2024	Technical Plot Layout Plan Added
4	21-02-2025	Amended Plans Submission to Council

No.	Date	Description
1	13-10-2023	Proposed New Residence - Sketch Plan Proposal
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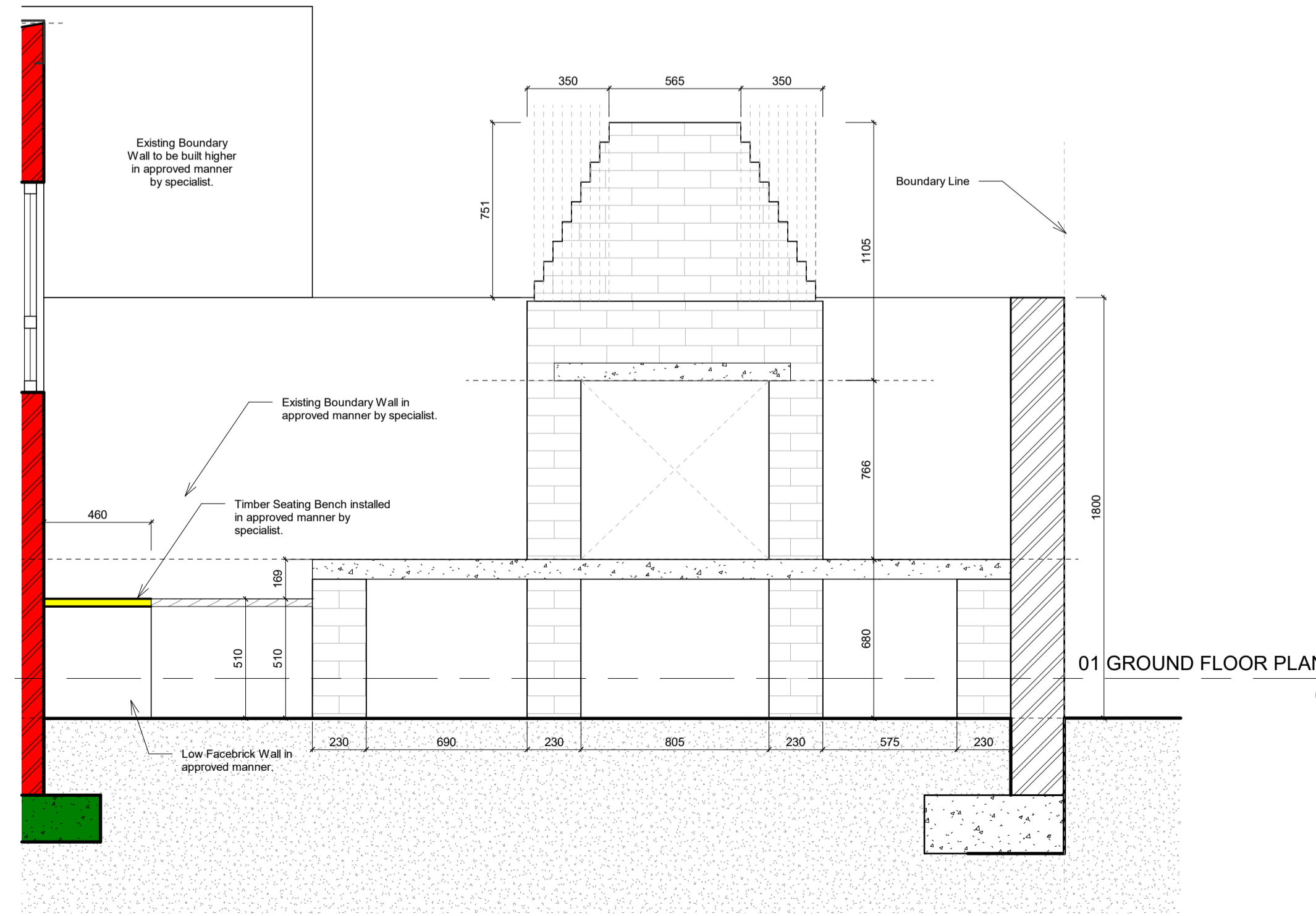
INFORMATION

Client	Signature	Date
Architect		
Engineer		
Project name :		
Site :		
Client :		

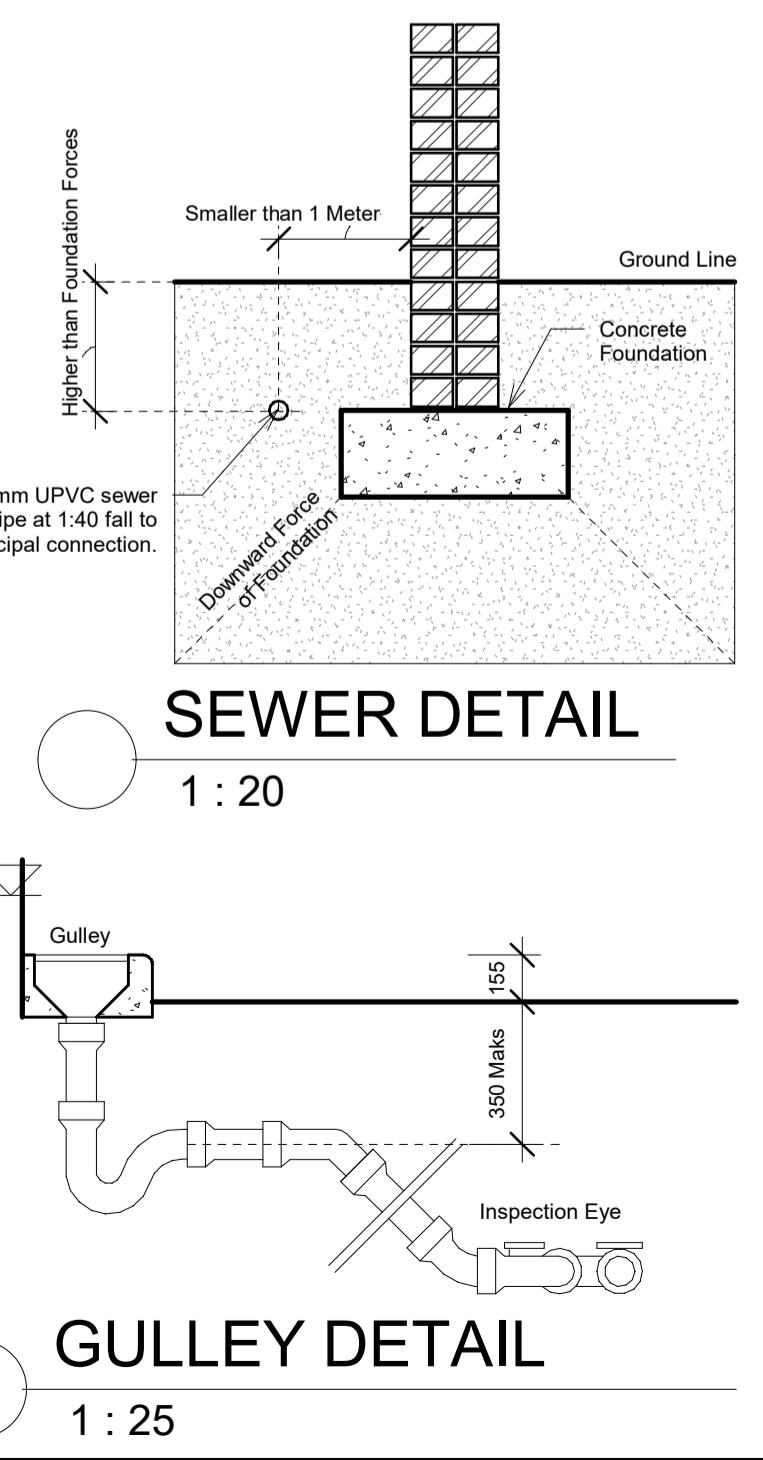
SITE PLAN + FLOOR PLANS

PROPOSED NEW RESIDENCE ON ERF 1879 KLEINKRANTZ, WILDERNESS, WESTERN CAPE, FOR MR UNETSJE TURVEY AND MRS FREDRIKA WILHELMINA TURVEY

2023056	
Project number	
S.J. van Vuuren - Director (N.DIP. ARCH. PTA. SACAP. ST 0469)	
L.E. Schroeder - Director (B. ARCH. (UP) SACAP 7627)	
Design Team	
4	21-02-2025
Revision	Date
PAS	LE
Drawn by	Checked by
A100	As indicated
Dwg number	Scale
A1	Page size



7 OUTDOOR BRAAI AREA
1 : 200



SEWER DETAIL
1 : 20

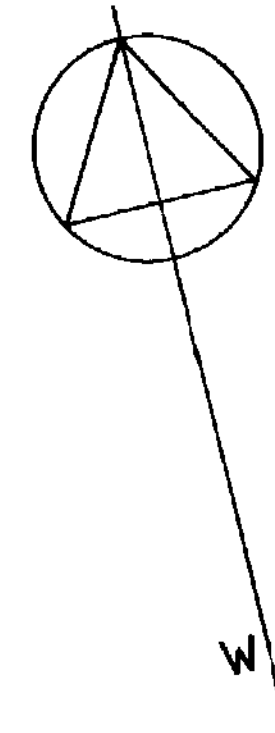
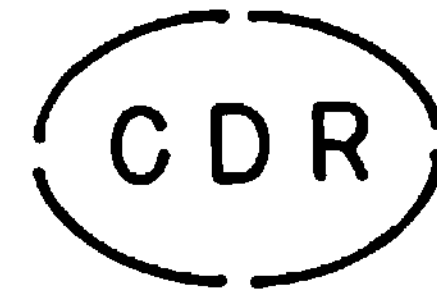
GULLEY DETAIL
1 : 25

(WILDERNESS TOEKENNINGSGBIED)
C ALGEMENE PLAN No. 12273

VAN DIE ONDERVERDELING VAN

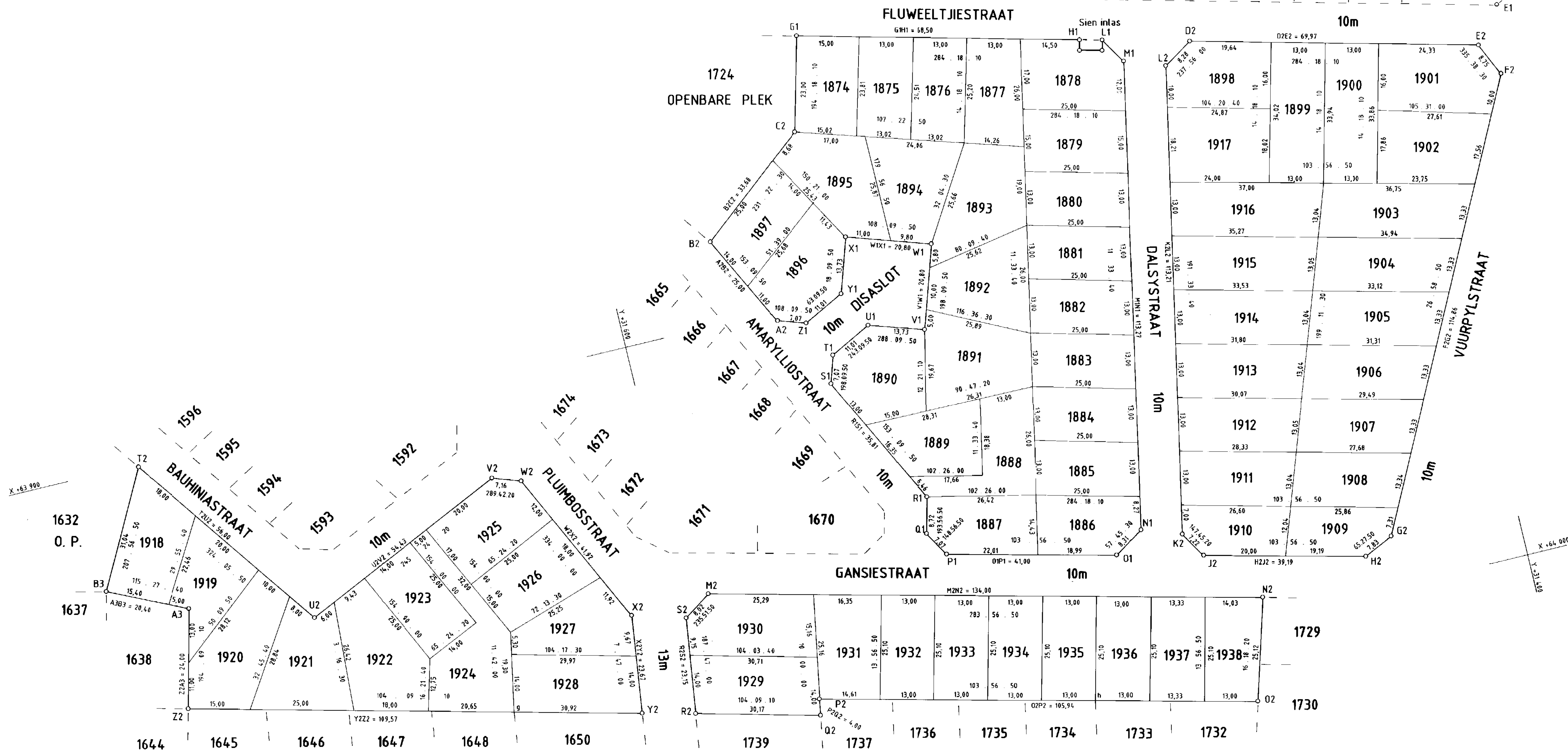
ERWE 1531, 1567, 1651, 1721, 1722, 1726, 1727 EN 1728 WILDERNESS
 GELEË IN DIE ADMINISTRATIEWE
 DISTRIK VAN GEORGE, PROVINSIE VAN DIE KAAP DIE GOEIE
 HOOP

SKAAL 1 : 500



VEL 2 SLUIT HIER AAN

1871 1870 1869 1868 1867 1866 1865 1864 1863 1862 1861 1860 1859



L.G. No. 5780-88
 VEL 3
 HIERDIE PLAN BESTAAN UIT 3 VELLE
 GOEDGEKEUR
Smiller
 LANDMETER - GENERAAL
 DATUM: 1989-10-30

OPGEMEEET IN MAART 1983 - NOVEMBER 1984
 EN APRIL - MEI 1988
 DEUR MY
VM8
 LANDMETER

LEER No. GEOR 192
 MEETSTUKKE No. E 1979/88
 KOMPLIASIES
 ALND - 1211 (M2952)
 ALND - 1212 (M2953)
 ALND - 1213 (M2954)
 ALND - 1214 (M2955)