

Collaborator No.: 3762721
Reference / Verwysing: Erf 138, Herolds Bay
Date / Datum: 25 September 2026
Enquiries / Navrae: Petro Botha

New Town Associates Town Planners

Attention: Andre Van Nieuwenhuizen

Email: arno@ntas.co.za

**APPLICATION FOR PERMANENT DEPARTURE & ADMINISTRATORS CONSENT ON
ERF 138, HEROLDS BAY**

Your application in the above regard refers.

The Senior Manager: Town Planning (Authorised Official) has, under delegation 4.17.3.13 of 24 April 2025, decided:

- A. That 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 following building lines on Erf 138, Herolds Bay:
- a) northern side boundary building line from 2m to 0m to accommodate an existing second dwelling unit and pergola stoep;
 - b) street boundary building line from 4m to 0m to accommodate a new carport;
 - c) southern side boundary building line from 2m to 1.5m to accommodate an existing open balcony;

BE APPROVED in terms of Section 60 of said By-law for the following reasons:

REASONS

- (i). The proposed departures will not negatively impact the surrounding character of the area, streetscape or natural environment.
- (ii). The location of the structures in their current position has no impact on natural resources.
- (iii). The proposed departure will have no negative impact on sunlight, views or privacy in respect of any adjacent property.
- (iv). The proposed departures will not have a negative impact on development, public facilities or traffic circulation in the surrounding area.
- (v). The proposed departure will not have a negative impact on surrounding property rights.
- (vi). No objections were received against the proposed departures.

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

CONDITIONS

1. That in terms of the provisions of the Land Use Planning By-law for George Municipality, 2023, the approval will lapse if not implemented within a period of two (2) years from the date of approval.

2. This approval shall be taken to cover only the Departures as applied for and as indicated on Drawing No. 138-03 dated 29 May 2026, drawn by Belvedere Architects and attached as "**Annexure A**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provisions.
3. In accordance with Section 66(2)(z) of the Land Use Planning By-Law for George Municipality, 2023, a contravention levy of **R 3 199,06 (inclusive of VAT)** for the unauthorised structures shall be payable to the Directorate: Planning and Development upon submission of building plans.
4. Landscaping must be implemented and maintained along the street boundary, and the carport must incorporate aesthetically appropriate materials and finishes, to ensure that the development protects and enhances the visual character of the streetscape and does not present as visually intrusive when viewed from the public realm.
5. The approval of the existing structures will be considered as implemented on approval of building plans while the approval of the proposed structures will be considered implemented on the commencement of building works in accordance with the approved building plans.

Notes:

- (i). *All zoning scheme development parameters must be indicated on building plan submission and complied with. In this regard, the structures located over the eastern boundary building line were not applied for. Any structure not applied for and that requires an additional application, must either be removed, or a new land use application must be submitted for consideration, before building plans may be considered.*
 - (ii). *A building plan must be submitted for approval in accordance with the National Building Regulations.*
 - (iii). *Stormwater must be dispersed responsibly, and the stormwater management and erosion control measures must be addressed on the building plans.*
 - (iv). *The contravention levy was calculated as follows:*
 - ~ *Total extent of contravention area = 6,11m² (directly related)*
 - ~ *The per m² value of the property is R4 552,85/m²*
 - ~ *The contravention levy payable by the owner in accordance with the Municipality's tariff list is:*
 - ~ *Directly: 10% x R per m² (R4 552.85) x contravention area (6.11m²) = R2 781,79 Plus VAT (15%)*
 - ~ *Total contravention levy = R3 199,06 (inclusive of VAT)*
- B. That the application for Administrator's Consent in terms of Section 39(4) of the Western Cape Land Use Planning Act, 2014, for the relaxation of restrictive title deed Condition B. 6. (b) contained in title deed T56264/2024 for Erf 138, Herolds Bay:
- (i). northern side boundary building line from 1.5m to 0m to accommodate an existing second dwelling unit and pergola stoep;
 - (ii). street boundary building line from 5m to 0m to accommodate a new carport

BE APPROVED as indicated on Drawing No. 138-03 dated 29 May 2026, drawn by Belvedere Architects and attached as "**Annexure A**" which bears Council's stamp.

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 16 October 2026**, 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

A handwritten signature in black ink, appearing to be 'C Petersen', with a large, stylized 'P' and 'S'.

C PETERSEN

SENIOR MANAGER: TOWN PLANNING

[https://georgemun-my.sharepoint.com/personal/pbotha_george_gov_za/Documents/LAND USE MANAGEMENT/DECISIONS/2026/SEPTEMBER/Myne/Erf 138 Herolds Bay - Permanent Departure.docx](https://georgemun-my.sharepoint.com/personal/pbotha_george_gov_za/Documents/LAND%20USE%20MANAGEMENT/DECISIONS/2026/SEPTEMBER/Myne/Erf%20138%20Herolds%20Bay%20-%20Permanent%20Departure.docx)

