

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

**Collaborator No.:** 3013030  
**Reference / Verwysing:** Erf 154, Wilderness  
**Date / Datum:** 12 July 2024  
**Enquiries / Navrae:** Primrose Nako

**Email:** [robertscottarch@gmail.com](mailto:robertscottarch@gmail.com)

ROBERT STEWART SCOTT  
No 71 Sands Road  
**WILDERNESS**  
6529

**APPLICATION FOR PERMANENT DEPARTURE: ERF 154, WILDERNESS**

Your application in the above regard refers.

The Deputy Director: Town Planning (Authorised Official) has, under delegated authority, 4.17.1.17 of 30 June 2022 decided as follows:

- A) That the applicant be informed 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 relaxation of the western common boundary building line from 2m to 0m for the (existing) storeroom of Erf 154, Wilderness is not required as it is a primary right of the property;
- B) That the following application for 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 applicable to Erf 154, Wilderness:
- (1) Southern street boundary building line from 4m to 0m for a braai;
  - (2) Southern street boundary building line from 4m to 2.027m for a swimming pool;
  - (3) Western common boundary building line from 2m to 0m for a braai and outside shower;

**BE REFUSED** in terms of Section 60 of the Land Use Planning By-law for George Municipality (2023) for the following reasons:

**REASONS**

- (i). The area is listed as a High-Risk area, vulnerable to flooding, sea level rise and storm surges and from disaster risk reduction perspective, potential risks to property, people and infrastructure must be reduced and preferably avoided.
- (ii). No structures should be erected on primary dunes as this is the first form of defence against storm surges and impacts of climate change. The erection of any structures on the dune will compromise the integrity of the dune, increasing the vulnerability of the property and increasing the risk of impacts from coastal processes and storm events. Development will therefore compromise a person's right to a safe

- and secure environment (not only for the current generation, but also future generations) and add to complexity of disaster risk response actions.
- (iii). The structures are located below/seaward of the 20-year erosion risk line. Properties must be protected from risks arising from dynamic coastal processes. It is essential to not only consider the impacts of the new additions and its associated activities on the receiving environment, but also the impacts that the environment, including dynamic coastal processes would have on the said additions.
  - (iv). It is essential to maintain the dune to ensure that an appropriate buffer area is preserved in order to absorb any effects from coastal processes. Any artificial embankments or hard infrastructure required to safeguard the property and occupants from extreme events must be applied by the owner and done within the property boundaries. By compromising the space available for construction of such measures, property owners are inclined to construct such protective barriers and infrastructure on public coastal property, as is already evident along the coast of Wilderness.
  - (v). Notwithstanding the Departure approvals granted on surrounding properties, given the latest information available, the catastrophic natural events that have occurred along this section of coastline since then, and as the cumulative impacts of continued development along the coast on primary dunes must be considered, these past practices cannot be allowed to continue and thus, further new building line relaxations along the southern boundary is not condoned.

**Notes:**

1. *The developer must adhere to the requirements of all relevant Acts (including the Integrated Coastal Management Act, OSCAE), as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.*
2. *As the proposed development is adjacent to the coast, the owner is reminded that the erection of any protection measures aimed at prevention of erosion or accretion outside the property boundary, is prohibited in terms of Section 15 of the NEM: ICMA,*
3. *It is acknowledged that landowners have a Constitutional right to protect their property. However, this right must be exercised in compliance with all relevant legislation. As such, no private property owner may erect erosion protection measures to protect their property outside of their property boundary. Such structures must be erected within the affected cadastral unit and must not impact adjacent properties or negatively impact public access to the coast.*
4. *All unlawful structures to the south of Erf 154, Wilderness must be removed, and the area must be rehabilitated in accordance with an approved Environmental Management Plan to the satisfaction of the Department.*

Subject to the following conditions imposed in terms of Sections 66 of the said By-law, 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 **ASL22308C**, drawn by **Marius Swart** dated **AUGUST 2023** 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. In accordance with Section 66(2)(z) of the Land Use Planning Bylaw for George Municipality, 2023 a contravention levy of R 3 679.99 VAT Included is payable for the illegal land use activities and building works on the property. The contravention levy shall be payable on the submission of building plans for the abovementioned buildings.
4. The above approval will be considered implemented on the approval of the building plans for the as-built structure.

**Note:**

- (a) *Building plan to be submitted in terms of section 4 of the National Building Regulations and Building Standards Act, 103 of 1977, for the development.*
- (b) *Building plans to comply with SANS 10400, Part XA and any other applicable legislation.*

- (c) No construction may be commenced with until such time as a building plan has been approved.
- (d) The property may only be use for the intended purpose once a Certificate of Occupation has been issued.
- (e) The contravention levy was calculated as follows:
  - (i) 13m<sup>2</sup> of the floor area of the property is used directly for an unlawful outside bedroom on a Single Residential Zone I property.
  - (ii) The present municipal value of the property is R 800 000.00, and the property area is 325m<sup>2</sup>.
  - (iii) The m<sup>2</sup> value of the property is thus, R 2 461,53 /m<sup>2</sup>.
  - (iv) The contravention levy payable by the owner in accordance with the Municipality's tariff list is thus, 10% x R2 461,53 x 13.0m<sup>2</sup> = R 3 199.99 Plus VAT (15%);
  - (v) Total: R 3 679.99 VAT Included.

**5. The illegal structures encroaching over the southern street building line (i.e. the braai, swimming pool and outside shower that were refused) must be demolished within 30 days of the date of this decision.**

6. Should the owner not demolish these illegal structures and restore any encroachment over the property boundary to its natural state, the matter will be handed over to the Directorate's Enforcement and Compliance Division as well as the Environmental Authorities for further action.

C) 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 relaxation of the eastern street boundary building line from 4m to 0m for a braai on Erf 154, Wilderness;

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

#### REASONS

- (i). The development does not have an adverse impact on the character of the streetscape or adjacent property owners' rights.
- (ii). The development forms part of residential development and can be accommodated within the property's cadastral boundaries.
- (iii). The development is located outside the 20-year erosion risk line and ±6m from the site's southern boundary.

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

#### CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

1. That in terms of the provisions of the Land Use Planning By-Law for the George Municipality (2023), the above-mentioned approvals shall lapse if not implemented within a period of two (2) years from the date of when the approval comes into operation.
2. This approval shall be taken to cover only the departure application as applied for and as indicated on Drawing No W001 dated 30/01/2024 drawn by Scott Architects 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 above approval will be considered as implemented on approval of building plans.
4. In accordance with Section 66(2)(z) of the Land Use Planning By-law for George Municipality (2023) a contravention levy calculated **R1 310.75** VAT Included shall be payable on submission of building plans for the braai structure.

#### *Notes:*

- a. Building plans must be submitted to the George Municipality in terms of the NBR&BS Act for approval, before any site and construction works may commence.
- b. The contravention levy is calculated as follows:
  - (i) 0.8m<sup>2</sup> of the floor area of the property is used directly for an unlawful use;
  - (ii) The present municipal value of the property is R10 600 000;
  - (iii) The property area is 744m<sup>2</sup>;
  - (iv) The m<sup>2</sup> value of the property is thus, R14 247.31/m<sup>2</sup>;

- (v) *The contravention levy payable by the owner in accordance with the Municipality's tariff list is thus,*
- $10\% \times R14\,247.31/m^2 \times 0.8m^2 = R1\,139.78$  plus 15% VAT = R1 310.75 (direct use); and
  - **Total: R1 310.75 VAT Included.**

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 02 AUGUST 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:\scan\Erf 154 Wilderness(Permanent Departure Decision Letter) R S Scott.docx

**GENERAL NOTES:**

- 1. Contractor to ensure compliance to SANS 10400 in all relevant aspects.
- 2. All work, dimensions and problems to be checked on site and reported to the architect immediately.
- 3. All work to be done in accordance with good and accepted building practices.
- 4. All work to be done in accordance with the relevant building regulations.
- 5. The contractor will be held responsible for the correct setting out of the building.
- 6. The contractor will be held responsible for the correct setting out of the building.
- 7. The contractor will be held responsible for the correct setting out of the building.
- 8. The contractor will be held responsible for the correct setting out of the building.
- 9. The contractor will be held responsible for the correct setting out of the building.
- 10. The contractor will be held responsible for the correct setting out of the building.
- 11. The contractor will be held responsible for the correct setting out of the building.
- 12. The contractor will be held responsible for the correct setting out of the building.
- 13. The contractor will be held responsible for the correct setting out of the building.
- 14. The contractor will be held responsible for the correct setting out of the building.
- 15. The contractor will be held responsible for the correct setting out of the building.
- 16. The contractor will be held responsible for the correct setting out of the building.
- 17. The contractor will be held responsible for the correct setting out of the building.
- 18. The contractor will be held responsible for the correct setting out of the building.
- 19. The contractor will be held responsible for the correct setting out of the building.
- 20. The contractor will be held responsible for the correct setting out of the building.

**STATUS:** Council Submission

**ARCHITECT:** SCOTT ARCHITECTS professional architect

**CLIENT:** Leslie Phillips

**PROJECT:** Proposed Addition and Alteration

**SITE:** ERF 154 Willemans

**DRAWING:** Site Development Plan

**SCALE (@ A1):** 1:100

**DATE:** 2024/01/30 12:52:30

**PROJECT NO.:** 213

**DRAWING NO.:** 1/001

**REVISION:**

**ARCHITECT SIGNATURE:** [Signature]

**CLIENT SIGNATURE:** [Signature]

**DATE:**

**MUNICIPALITEIT GEORGE MUNICIPALITY**

Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Law (2023) subject to the conditions contained in the covering letter.

**12/07/2024**

DATE

**12/07/2024**

DATUM

**WILLIE**

SENIOR MANAGER: TOWN PLANNING

SENIOR BESTUURDER: STADSBEPLANNING

**COVER SHEET**

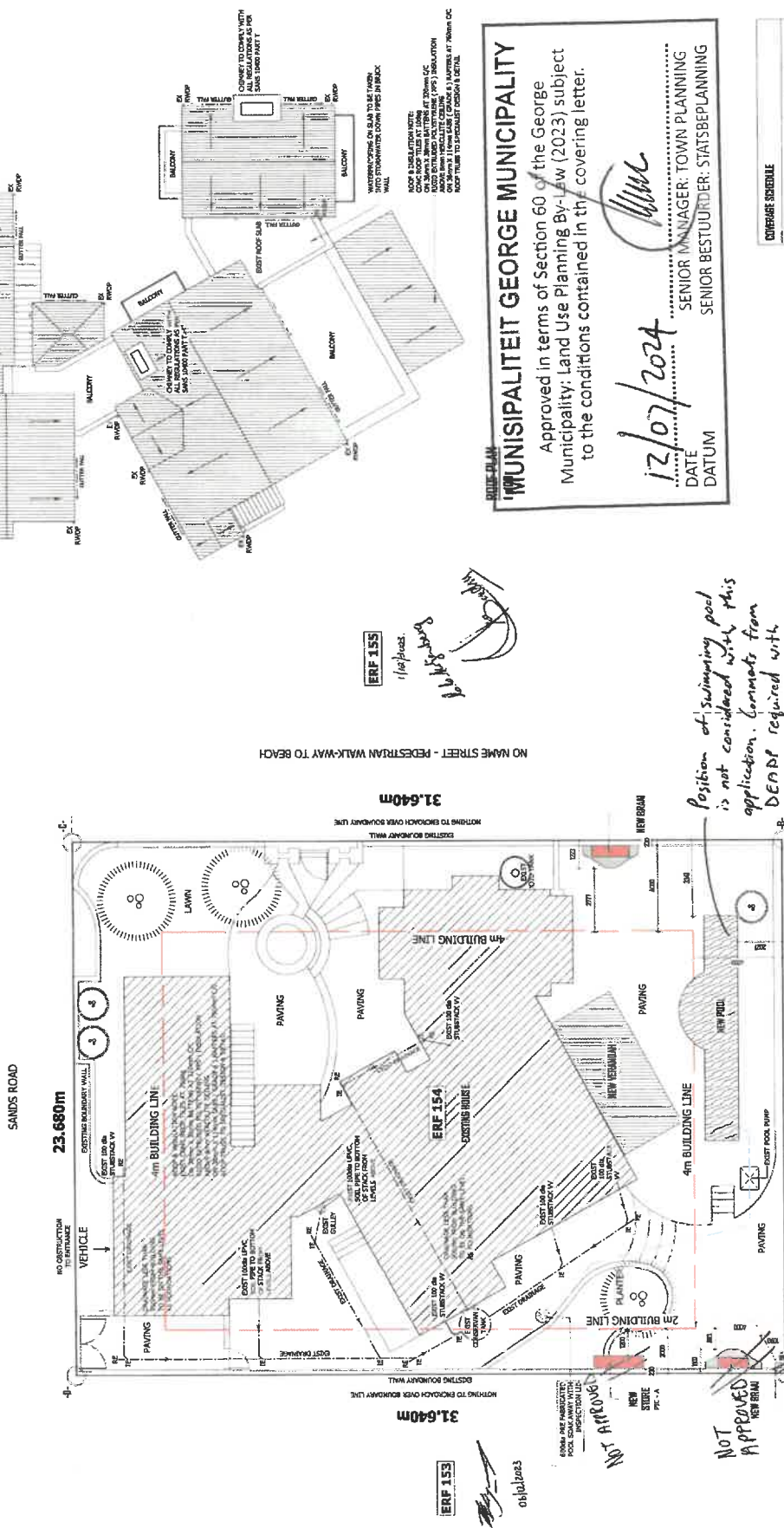
ZONE	SPACE RESERVATION ZONE - 1	ALLOWED	ACTUAL
COVERAGE	65%	65%	65%
F.A.R.	74.0 m <sup>2</sup>	74.0 m <sup>2</sup>	74.0 m <sup>2</sup>
SITE AREA	10 400 m <sup>2</sup>	10 400 m <sup>2</sup>	10 400 m <sup>2</sup>
EXISTING LOWER GROUND FLOOR AREA	1 141 m <sup>2</sup>	1 141 m <sup>2</sup>	1 141 m <sup>2</sup>
EXISTING UPPER GROUND FLOOR AREA	1 141 m <sup>2</sup>	1 141 m <sup>2</sup>	1 141 m <sup>2</sup>
EXISTING TOTAL FLOOR AREA	2 282 m <sup>2</sup>	2 282 m <sup>2</sup>	2 282 m <sup>2</sup>
NEW FLOOR AREA ADDED	7 948 m <sup>2</sup>	7 948 m <sup>2</sup>	7 948 m <sup>2</sup>
TOTAL AREA	10 400 m <sup>2</sup>	10 400 m <sup>2</sup>	10 400 m <sup>2</sup>

9/12/2023

ERP 2064

ERP 2576 - TRANSMET

[ 1000 ]



*Position of swimming pool is not considered with this application. Formats from DENR required with building plan submission.*

[ 500 ]

SITE PLAN 1:100