

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

Collaborator No.: 2752334
Reference / Verwysing: Portion 4 of the farm New Melsetter No.179, Division George
Date / Datum: 24 January 2025
Enquiries / Navrae: Primrose Nako

Email: planning@mdbplanning.co.za

MARLIZE DE BRUYN PLANNING
P O Box 2359
GEORGE
6530

**APPLICATION FOR DEPARTURE (BUILDING LINE RELAXATION): PORTION 4 OF THE FARM NEW
MELSETTER NO 179, 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 30 June 2023 decided:

1. 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 side boundary building line from 30m to 0m to accommodate a non-interleading bedroom on Portion 4 of the Farm New Melsetter No. 179, Division George

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

REASONS FOR DECISION:

- i. Considering the objections from the owner of Portion 16 of the Farm New Melsetter No. 179, Division George, it is evident that the proposed non-interleading bedroom will have a negative impact on the rights of the objector in terms of privacy and unsightly views.
 - ii. The applicant fails to address the concerns raised and does not provide practical mitigation measures i.e. access agreement with the owner of Portion 16 of the Farm New Melsetter No. 179, Division George for the purpose of maintaining the eastern side wall of the non-interleading bedroom.
 - iii. The Directorate cannot consider this application in positive light in the absence of an agreement between the owners on how the maintenance of the eastern side wall of the non-interleading bedroom will be done.
 - iv. There is sufficient space on the property to accommodate the non-interleading bedroom in a location which will not have an impact on the neighbouring property owner.
2. That the application for **departures** in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality 2023 to permit the relaxation of the following building lines applicable to Portion 4 of the Farm New Melsetter No. 179, Division George:

- (a) Eastern side boundary building line from 30m to 28m for the second dwelling unit.
- (b) Eastern side boundary building line from 30m to 11m and 14,3m respectively for the primary dwelling house.
- (c) Western side boundary building line from 30m to 5,4m for the worker accommodation.
- (d) Western side boundary building line from 30m to 0m for the agricultural building (animal shed).

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

REASONS FOR DECISION

- i. All existing structures are primary land use rights on properties zoned Agricultural Zone I and it is not anticipated that the proposed departures will have a negative impact on the character of the area or the environment.
- ii. The development will not detract from the functionality and integrity of farming practices and landscapes in the area.
- iii. The proposal will not have significant impact on the rights of the surrounding property owners in terms of privacy and views and is found to be in line with the spatial policies of the area.

Subject to the following conditions imposed in terms of Section 66 of the said By-Law:

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

1. That in terms of the provisions of the Land Use Planning By-law for George Municipality 2023, the above-mentioned approval shall lapse if not implemented within a period of two (2) years from the date of approval and/or if the below conditions are not complied with.
2. This approval shall be taken to cover only the departure application for the structures as indicated on the Site Plan no. w1 dated 13 July 2022, drawn by Rooted Living Solutions 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. The property owner must contribute to biodiversity conservation and landscape functionality, which may be achieved by means of the continued clearing of alien vegetation and maintaining and expanding the critical biodiversity areas on the property, subject to the relevant permits.
4. The above approval will be considered as implemented on the approval of building plans for the various structures and the demolition of the non-interleading bedroom on the eastern side boundary.

Notes

1. *No construction may take place prior to the issuing of an OSCAE permit. The owner needs to ensure that the OSCAE permit application addresses the protection of environmental corridors and measures that ensure the free movement of wild animals across the property.*
2. *Eskom must be consulted especially regarding works near overhead infrastructure and the clearances that need to be maintained.*
3. *Building plans must be submitted in terms of the National Building Regulations and Building Standards Act, 103 of 1977, for the development.*
4. *Building plans to comply with SANS 10400, Part XA and any other applicable legislation.*
5. *No construction may commence until such time as a building plan has been approved.*
6. *The property may only be used 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: 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 14 FEBRUARY 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



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ACTING SENIOR MANAGER: TOWN PLANNING

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