

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

**Collaborator No.:** 3125183  
**Reference / Verwysing:** Erf 3976, George  
**Date / Datum:** 21 February 2025  
**Enquiries / Navrae:** Primrose Nako

**Email:** [caditra@mweb.co.za](mailto:caditra@mweb.co.za)

Mr. T Franzsen  
97 Market Street  
**GEORGE**  
6530

**APPLICATION FOR PERMANENT DEPARTURE (BUILDING LINE RELAXATION): ERF 3976, GEORGE**

Your application in the above regard refers.

The Senior Manager: Town / Spatial Planning (Authorised Official) has, under delegated authority, 4.17.1.24 of 30 June 2022 decided 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 3976, George:

- a) Western side boundary building line from 3m to 2,2m for the existing braai area;
- b) Northern rear boundary building line from 3m to 1m for the existing garage; and
- c) Eastern side boundary building line from 3m to 2m for the existing garage;

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

**REASONS:**

1. The departures will not have an adverse impact on the character of the area or the streetscape.
2. The proposed development will not have a negative impact on the amenities of the neighbouring properties in terms of privacy, overshadowing and/or views.
3. Written consent was obtained from the adjoining property owners, and no objections were received.
4. The applicable structures are normal additions to a dwelling house and can be accommodated within the boundaries of the property.

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

## **CONDITIONS:**

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 when the approval comes into operation or if the conditions are not complied with.
2. This approval shall be taken to cover only the departures as applied for and as indicated on the site layout plan "DRAWING 1 Prinsloo" dated 2 September 2024, drawn by T Franzsen 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 R12 880,00 (VAT included) shall be payable to the Directorate: Human Settlements, Planning and Development on submission of building plans.
4. The above approval will be considered as implemented on the approval of building plans.

### *Notes:*

- *That the municipal services must be accessible at all times and access must be provided to the municipality and/or its agents. As undertaken by the owners, no additional structures may be constructed on municipal services.*
- *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.*
- *Building plans to comply with SANS 10400, and any other applicable legislation.*
- *No construction may commence until such time as a building plan has been approved.*
- *The property may only be use for the intended purpose once a Certificate of Occupation has been issued.*
- *Stormwater must be dispersed responsibly, and the storm water management and erosion measures must be addressed on the building plans.*
- *The contravention levy was calculated as follows:*
  - *Total municipal value of the property, divided by total area of the property to determine the per m<sup>2</sup> value of the property (R1 950 000 / 1 249 m<sup>2</sup> = R1 561,25/m<sup>2</sup>).*
  - *Contravention levy (directly) is calculated as 10% of the per m<sup>2</sup> value times the contravention floor area (10% x R1 561,25 x 0,96m<sup>2</sup> = R 149,88 plus 15% VAT (R22,48) = R 172,36).*
  - *A minimum contravention levy of R11 200,00 (excluding VAT) is payable, in terms of the approved municipal Tariff Book.*
  - *Total contravention levy = R11 200,00 + 15% VAT = R12 880,00.*

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 MARCH 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



**H. KOCH**

**SENIOR MANAGER: SPATIAL PLANNING**

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