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*Bepanning en Ontwikkeling
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Collaborator No. : 1982909
Reference / Verwysing: Erf 372, Wilderness
Date / Datum: 25 October 2021
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**APPEAL : REZONING, REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND
DEPARTURE : ERF 372, WILDERNESS**

The abovementioned refers.

The Appeal Authority on 22 October 2021 resolved:

1. That in terms of Section 81(7)(b) of the Land Use Planning By-law for George Municipality, 2015 the decision taken by the Eden Joint Municipal Planning Tribunal – George Municipality on 3 December 2020 and communicated to the applicant on 15 January 2021, to **APPROVE** the following applications submitted by Marlize de Bruyn Planning on behalf of the owners of Erf 372 Wilderness:
 - a) Removal of Restrictive condition A in Title Deed T73086/2016 of Erf 372, Wilderness, in terms of Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2015;
 - b) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 of Erf 372, Wilderness from "Single Residential Zone I" to "General Residential Zone V" for a Guest Lodge; *
 - c) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2015 from the following development parameters applicable to a Guest Lodge:
 - i. Northern street building line (Limber Lost Lane) from 5.0m to 0.0m for an open parking level on the first floor with storage below (development parameter (d) (i));

- ii. Western side building line from 4.5m to 3.0m for additions and alterations to the existing 2 storey structure (development parameter (d) (ii));
- iii. Eastern side building lines from 4.5m to 3.0m for additions and alterations to the existing 2 storey structure (development parameter (d) (ii));
- iv. Increase in the height of the Guest Lodge from 8.5m to 11m on the southern elevation, to 9.429m on the eastern elevation and to 9.364m on the western elevation to the ridge of the roof as measured from the natural ground level (development parameter (c) (i)) for additions and alterations to the existing 2 storey structure;

BE UPHELD for the following reasons as required by Section 81(7)(c) of said By-law, namely:

- (1) It is evident that the Eden Joint Municipal Planning Tribunal – George Municipality took an administratively fair and objective decision as required by the Promotion of Administrative Justice Act;
- (2) No new evidence or information was presented by the appellant which demonstrates conflicts or errors in the Eden Joint Municipal Planning Tribunal – George Municipality’s report or the decision taken by the Eden Joint Municipal Planning Tribunal – George Municipality;
- (3) The appellants clearly indicated that they will not accept a deviation from the original development proposal and thus, a variation on the original decision cannot be considered;
- (4) The circumstances around the original decision have not materially changed to justify a deviation from the decision taken by the Eden Joint Municipal Planning Tribunal – George Municipality to justify it being varied or revoked;
- (5) The Appeal Authority therefore agrees with the decision taken by the Eden Joint Municipal Planning Tribunal – George Municipality as well as the reasons for said decision;

2. That Condition 22 which reads as follows: *“The developer is to provide the Dept: CES with a TIA approved by the DRE and SANRAL. The comments and conditions in the approved TIA must be implemented by the developer.”* **BE DELETED** as it is not relevant to the development approved.

The appeal process has now been concluded. The application is thus regarded as finalized.

Yours faithfully



C PETERSEN

SENIOR MANAGER : TOWN PLANNING

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