

3 May 2024

Municipal Manager
George Municipality
GEORGE

By e-mail

Att: Ms Jeanne Muller/Mr. Clinton Petersen

PROPOSED DEPARTURE (RELAXATION OF BUILDING LINES): ERF 724,
HOEKWIL

Application is hereby made in terms of Section 15.(2)(b) of the George Land Use Planning By-Law, 2023 for a departure for the relaxation of the eastern and western side boundary building line from 20m to 1m, 15m and 18.5m to retain 3 existing outbuildings on the erf. The following is attached hereto:

- Memorandum
- Application form
- Deed of Transfer
- Conveyancer Certificate
- Power of Attorney
- Erf Diagram
- Locality Plan
- Site Plan
- There is no bond for the erf

I trust that you will find this in order.



P C J Theron Pr. Pln

PROPOSED DEPARTURE (RELAXATION OF BUILDING LINES): ERF 724, HOEKWIL

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PROPOSED RELAXATION OF BUILDING LINES: ERF 724, HOEKWIL

1. INTRODUCTION

The owner of the property, Mr Alan Mocké, bought this property in April 2018 from the previous owner. Mr Mocké was under the impression that all the buildings on the property were legal in terms of approved building plans. However, in February this year, a notice was served on Mr Mocké to the effect that he *“utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; (unauthorized structures that are encroaching over building lines: Shed, Carport and Braai Area)”*. The notice further instructed Mr Mocké to either *“demolish, remove and/or alter unauthorized building, structure or work and/or rehabilitate the land or restore the building, as the case may be, to its original form or alternatively submit a land use application to rectify the unlawful land use”*. Mr Mocké does not want to demolish the relevant buildings and decided to rather apply for the relaxation of the building lines and retain the buildings.

The owner appointed Formaplan to lodge the land use application on his behalf – see attached power of attorney.

2. THE PROPERTY

2.1 Description

The property is described as Remainder of Erf 724, Hoekwil.

2.2 Ownership

The erf is registered in the name of Alan Brian Mocké.

2.3 Size

The erf is 3.2764 ha in size.

2.4 Zoning

The erf is zoned Agriculture Zone II.

2.5 Locality

The property is located in Taaibos Street in Wilderness Heights. See attached Locality Plan.

2.6 Present Land Use

There are 2 dwelling units together with a few outbuildings on the erf. See **photos 1 to 7** below.



Photo 1 The existing primary & second dwellings on the erf. The photo was taken in a southerly direction.



Photo 2 An existing building containing garages and storeroom. The photo was taken in a north-westerly direction



Photo 3 A building containing an existing carport and shed. This building complies with the building lines and does not form part of the building line relaxation application. The photo was taken in a northerly direction.



Photo 4 A structure used for leisure on the eastern side of the erf. This structure was originally erected by a previous owner as a chicken shelter over the building line and was changed by the current owner as a leisure area. A relaxation is therefore required. The photo was taken in a north-easterly direction.



Photo 5 The same structure as in photo 4, but taken further away from the structure to show the dense vegetation on the eastern boundary of the erf.



Photo 6 A structure used as carport and shed on the western side of the erf. This structure was erected over the building line by previous owners with slight modifications by current owner and a relaxation is therefore required. The photo was taken in a northerly direction.



Photo 7 Structure used as carport and shed on the western side of the erf. These structures were erected over the building line by previous owners with slight modifications/addition by current owner and a relaxation is therefore required. The photo was taken in a south-westerly direction. Also note the dense vegetation behind the structure on the erf boundary.

2.7 Surrounding Land Use

The erf is surrounded by other small holding used for residential purposes. *See Cape Farm Mapper image below.*



Cape Farm Mapper image of the area where Erf 724 is located. Note that the erf is surrounded by similar small holdings used for residential and small-scale farming in some cases.

3. APPLICATION

Application is made in terms of Section 15(2)(b) of the George Land Use Planning By-Law for

- 3.1 departure for the relaxation of the eastern side boundary building line from 20m to 18.5m to accommodate the existing braai/leisure structure (*photo 4 above*),
- 3.2 departure for the relaxation of the western side boundary building line from 20m to 15m and 1m respectively to accommodate 2 existing outbuildings as shown on the attached site plan (*photos 6 and 7 respectively*).

4. PRE-APPLICATION CONSULTATION

A pre-application consultation is not required for this departure application.

5. DESIRABILITY OF THE PROPOSED DEVELOPMENT

The concept, desirability of the development as proposed in this application, can be described as the acceptability thereof on the land unit and the environment where it will take place. The proposal will be discussed in terms of the following to determine the desirability thereof:

- ❖ Physical characteristics
- ❖ Proposed Land Uses /Departures
- ❖ Consistency of the proposal in terms of existing planning documents
- ❖ Removal of Restrictive Condition

5.1 Physical Character of the Property

5.1.1 Topography

The portion of the property where the 3 outbuildings were erected, is fairly flat with a gentle slope from south to north.

5.1.2 Vegetation

No indigenous vegetation will be affected on the areas where the 3 outbuildings were erected. **See photos 4, 6 & 7 above.**

5.1.3 Soil conditions

The soil condition of the property is not of any concern. The buildings already exist.

5.1.4 Summary

The physical character of the property is such that the relevant buildings can retained in the positions as proposed.

5.2 Proposed Development

No development is intended. The application is to retain the buildings that were already erected partly by a previous owner and partly by the current owner. The relevant buildings are a braai/leisure area situated to the north-east of the dwelling units and two outbuildings used as carports and sheds for storage of garden implements, braai wood etc. **See photos 4, 6 & 7 above.**

In order for the owner to achieve the above, application needs to be made for relaxation of the 20m building line on the eastern and western boundaries of the erf to retain the buildings as indicated on the attached site plan.

5.3 Consistency in terms of Existing Planning Documents

5.3.1 Deeds of Transfer

Deed of Transfer No T 17369/2018 is applicable to the property.

The title deed is attached to the application. There are no restrictive conditions in this deed iro relaxation of the building lines. It is noted that the normal condition iro the restriction on the number of units that may be erected on the erf, has already been removed and the 2 dwelling units on the erf is therefore legal in terms of the deed of transfer. Also see the attached Conveyancer Certificate.

5.3.2 Spatial Planning and Land Use Management Act – SPLUMA

Section 7 of SPLUMA lists 5 development principles that are applicable to spatial planning, land use development and land use management namely:

- ❖ Spatial justice
- ❖ Spatial sustainability
- ❖ Efficiency
- ❖ Spatial resilience
- ❖ Good administration

Section 42 of SPLUMA mentions the factors that must be taken into account when an application is submitted to a municipal tribunal for a decision namely:

- ❖ The 5 development principles as mentioned above
- ❖ Conservation and promotion of agricultural land
- ❖ Public interest
- ❖ Constitutional transformation
- ❖ Rights and obligations of all those affected
- ❖ Impact on engineering services, social infrastructure and open space requirements
- ❖ Compliance with environmental legislation

5.3.2.1 The 5 Development Principles

- a) Spatial Justice refers to the imbalances in development proposals and spatial planning of the past that must be addressed. It is mentioned that spatial development frameworks and policies of governments at all spheres must address the inclusion of persons and areas that were previously excluded. Spatial planning mechanisms must incorporate provisions that will enable access to land by disadvantaged persons. Land use management systems

must include all areas of a municipality. Land development procedures must include provisions that accommodate access to secure tenure. Lastly it is mentioned that when a Municipal Planning Tribunal considers an application, it may not be restricted in the exercise of its discretion solely on the ground that the value of land is affected by the outcome of the application.

This application is only for the relaxation of building lines to accommodate 3 existing outbuildings on the erf and does therefore not affect the above principle.

In respect of the influence that the 3 buildings may have on land values of existing developments in its vicinity, we are of the opinion that there will be no negative influence on land values. The 3 outbuildings do not have any negative influence on any of the neighbouring properties.

The proposed development can be regarded as consistent with this principle of SPLUMA.

- b) Spatial Sustainability refers to spatial planning and land use management systems that must inter alia protect prime and unique agricultural land and promote development in areas that are sustainable and limit urban sprawl.

The retaining of the 3 outbuildings on the property will not have an influence on this principle. No agricultural land is involved as the property is zoned as a small holding and not used for agricultural purposes at all.

This application is not for a development as referred to in this principle

The proposed development complies with this principle.

- c) Efficiency refers to development that optimizes the use of existing resources and infrastructure.

The application will not affect services that are in any case already available on the erf.

The principle is supported.

- d) Spatial Resilience refers to flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

This principle is not applicable to this application.

- e) Good Administration refers to an integrated approach to land use and land development for all spheres of government. Spatial development frameworks and inputs thereto by all government departments must be met

timeously. Public participation must be transparent and all parties must have opportunity to participate in matters affecting them.
This principle is supported. The application will be advertised to allow the public to participate.

5.3.2.2 Factors Mentioned in Section 42 of SPLUMA (para 5.3.2 above)

Section 42 of SPLUMA deals with the factors that a Municipal Planning Tribunal must consider when deciding on a development application namely:

- a) it must be guided by the development principles as set out in Section 7 of SPLUMA.

This consideration was already dealt with in para 5.3.2.1 above.

- b) make a decision that is consistent with norms and standards, protect agricultural land and is consistent with the Spatial Development Framework (SDF) of the municipality.

Protection of agricultural land is not applicable in this proposal - also see para 5.3.2.1 (b) above - Spatial Sustainability.

The consistency with the SDF will be dealt with in para 5.3.3 below

- c) other factors relating to the application:

- (i) Public Interest

- After receipt of the application, the Council will advertise the application at which stage the public will be offered the opportunity to object and/or give comments to the application.

- The public interest will therefore be taken into account before a final decision is taken on the application. Also see para 5.3.4 below.

- (ii) Constitutional Transformation Imperatives and Duties of the State

- This was already discussed in para 5.3.2.1 – Spatial Justice

- (iii) Facts and Circumstances Relevant to the Application

- It is the purpose of this report to put the Planning Tribunal in a position to consider the application on the grounds of the circumstances relevant to the application.

(iv) Respective Rights and Obligations of those Affected

This implies that the tribunal must consider the application taking into account the possible objections against the application as well as the need for the proposed use of the property.

(v) Engineering Services, Social Infrastructure and Open Space Requirements

Provision of engineering service will not be affected as a result of this application.

Social Infrastructure and Open Space is not relevant.

(vi) Any Factors that may be Prescribed Including Time Frames

No comment.

(vii) Environmental Factors

The proposed development will not trigger any environmental procedure or any natural vegetation.

5.3.3 Land Use Planning Act, Act 3 of 2014. (LUPA)

It is clear that LUPA gives effect to SPLUMA in the Western Cape Province. Section 49 of LUPA gives the basis of assessments of land use applications. It mentions that when a Municipality considers and decides on a land use application, at least the following must be assessed:

- Applicable spatial development frameworks- (5.3.3.1),
- Applicable structure plans (LSDF) - (5.3.3.2),
- Principles of Chapter 6 of LUPA – (5.3.3.3),
- Desirability of proposed land uses – (5.3.3.4),
- Guide lines that may be issued by the Provincial Minister regarding desirability – 5.3.3.5).

5.3.3.1 Relevant Spatial Development Framework

The George Spatial Development Framework (MSDF) is applicable to this area.

The purpose of the SDF is to provide a long-term forward planning document which spatially indicates the long term growth and development path of the municipality. A number of guidelines, principles and tools are formulated in the SDF to achieve the long term goals of the municipality's vision for the area. An

urban edge was determined for the town to prevent development that will lead to urban sprawl. Development must take place inside the urban edge. The document mentions that all development must be carried out in such a manner that watercourses that could be affected by such a development, remain in its natural state.

This application involves the relaxation of building lines to retain 3 outbuildings that were erected partly by a previous owner of the property and partly by the current owner. Relaxation of building lines as applied for, is not addressed in the policies and guidelines in the SDF. The existing buildings on the property will furthermore not affect any watercourses.

In support of the MSDF, the municipality also compiled and approved a local SDF (structure plan) for the area where the property is situated. This document will be discussed in the next paragraph. See para 5.3.3.2.

5.3.3.2 Structure Plan - Local Spatial Development Plan for Wilderness, Lakes and Hoekwil - LSDF

As an integral part of the MSDF, the municipality adopted a number of local SDF's for different parts of the Municipal Area. These local SDF's were compiled to address future development of these areas in more detail due to the diversity of the character of different sections of the town. The above mentioned LSDF was adopted for this area.

In the LSDF it is mentioned that, in the consideration of applications, care must be taken that proposed use(s) that could have a negative impact on the character of the environment, not be permitted such as excessive water usage, undue noise, light pollution, effluent generation and odours. These aspects will be addressed in para 5.3.4.1 below.

It is mentioned that it is the main focus of the LSDF to ensure that the landscape character, especially areas in view of the picturesque tourist routes, be protected against inappropriate developments that could harm the special character. The primary tourist routes mentioned in the LSDF are the N2, Serpentine Road, Seven Passes Road and Wilderness Heights Road. The views of other individuals in the area should also not be negatively affected. Materials that blend with the environment should be used. This property is not in view of any of the main tourist routes mentioned in the SDF and the relaxation will therefore not have any influence on this issue. Due to the existing vegetation along the eastern and western boundaries of the erf, the 3 buildings are also not visible from neighbouring dwellings and views from these neighbouring dwellings will/are not affected.

Another concern that is expressed in the LSDF, is the granting of departures that must be done carefully. It is mentioned that rural character of Hoekwil (Wilderness Heights) was created as a result of the specific distances between

residential buildings. These distances can be maintained inter alia by adherence to building line restrictions. Relaxation of building lines could lead to a change in the character to that of a semi - urban environment.

Despite the abovementioned limitations put forward in the LSDF, it is clear that the municipality can consider the relaxation of building lines in cases where such proposals will not harm the “special character” of the small holding area as well as any other specific circumstances. Such a situation can be achieved by following the guide lines i.r.o. the development of small holdings as stipulated in the LSDF. See para 5.3.4.1 below.

5.3.3.3 Principles of Chapter 6 of LUPA

The land use planning principles mentioned in LUPA as set out in Chapter 6 (Section 59), are in essence the same as the 5 development principles of SPLUMA that are applicable to spatial planning, land use development and land use management. These principles were already dealt with in para 5.3.2.1 above and will not be addressed again.

5.3.3.4 Desirability

The desirability of the application will be dealt with in paragraph 5.3.4.1.

5.3.3.5 Guidelines by Provincial Minister

As far as can be ascertained, there are no guide lines in this regard from the Provincial Minister that has not been dealt with so far.

5.3.4 Land Use Planning By – Law for George Municipality, 2015 (By–Law)

In Chapter 5 (Regulation 65) of the By–Law a number of general criteria are listed that must be taken into account when an application for land development is considered inter alia:

- Desirability of the proposed land uses – (5.3.4.1)
- Impact on municipal services – (5.3.4.2)
- Spatial Development Frameworks, Local structure plans-(5.3.4.3)
- Relevant planning policies – (5.3.4.4)
- SPLUMA – Section 42, LUPA – Chapter 6 – (5.3.4.5)
- Zoning scheme – (5.3.4.6)

5.3.4.1 Desirability

Desirability is mentioned in the Land - Use - Planning - By-Law as one of the criteria that must be taken into account when applications are considered.

This application involves the relaxation of the eastern and western erf boundary building lines in order to retain 3 existing outbuildings. It is not known how long these outbuilding already exist on the erf, as the current owner bought the property with the buildings already existing thereon.

As mentioned before, it is stated in the LSDF that the special character of Hoekwil was created as a result of the specific distances between buildings and that this character can be retained by not allowing these distances between building to disappear by allowing building line relaxations. In the case of this application however, the 3 outbuildings already exist and it is therefore easy to consider whether the character of this area is negatively affected by the fact that a building line relaxation is needed to retain the buildings. In this respect it should be noted that none of the 3 buildings are visible from the adjacent street due to the dense vegetation that the owner planted on the street boundary. All 3 buildings are furthermore situated quite far from the street which makes visibility thereof from the street even more impossible. In our opinion, the statement in the LSDF concerning the *distances between buildings that determine the character of the area (rural character)*, must be seen as the distances between buildings as seen from the adjacent street by passers-by. In the case of this property, the buildings that are the subject of this application, can therefore, in our opinion not have a negative influence on the character of the area

The applicable buildings will not be visible from the N2 which is one of the tourist roads mentioned in the LSDF from where inappropriate developments that could harm the special character of the area, should not be visible.

5.3.4.2 Impact on Municipal Services

The property is already provided with all the necessary available municipal services.

5.3.4.3 Local Structure Plans, SDF

These have already been dealt with in para 5.3.3.1 and 5.3.3.2 above.

5.3.4.4 Relevant Planning Policies

The applicable planning documents and policies of the municipality i.r.o. the proposed development have already been dealt with above.

5.3.4.5 SPLUMA AND LUPA

See paragraph 5.3.2 and 5.3.3.

5.3.4.6 Zoning Scheme

The Integrated Zoning Scheme for George is applicable to this area. The property is zoned Agriculture Zone II and is subject to 20m building lines on all the erf boundaries. In order to retain the 3 existing outbuildings on the property as set out in para 5.2 above and indicated on the site plan, application for relaxation of the 20m building line on the eastern and western boundaries needs to be approved by Council.

6. CONCLUSION

The owner of Erf 724, Hoekwil wishes to retain 3 outbuilding that were erected partially by a previous owner and partially by the current owner, without the necessary approved building plans and building line relaxations, on the property. To achieve the above however, application for a building line relaxation must first be approved by Council.

In the paragraphs above, it was shown that the proposed departure will not be harmful to the neighbours or the environment and will not detract from the sensitive landscape character of the area.

It is trusted that Council will consider this application in a positive light.

**APPLICATION
FORM**



Application Form for Application(s) Submitted in terms of the Land Use Planning By-Law for George Municipality

NOTE: Please complete this form by using: Font: Calibri; Size: 11

PARTA: APPLICANT DETAILS

<i>First name(s)</i>	PHILLIPUS CORNELIUS JOHANNES		
<i>Surname</i>	THERON		
<i>SACPLAN Reg No. (if applicable)</i>	A/025/1985		
<i>Company name (if applicable)</i>	FORMAPLAN		
<i>Postal Address</i>	PO BOX 9824		
	GEORGE	<i>Postal Code</i>	6530
<i>Email</i>	philip@formaplan.co.za		
<i>Tel</i>	044 – 873 0305	<i>Fax</i>	044 – 874 5632
		<i>Cell</i>	082 770 9006

PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

<i>Registered owner</i>	Alan Brian Mocké		
<i>Address</i>	<i>Formaplan</i>		
	PO Box 9824, George	<i>Postal code</i>	6530

E-mail		philip@formaplan.co.za			
Tel	044 873 0305	Fax		Cell	082 770 9006

PART C: PROPERTY DETAILS (in accordance with Title Deed)

Property Description [Erf / Erven / Portion(s) and Farm number(s), allotment area.]	Erf 724, Hoekwil				
Physical Address	Taaibos Street, Wilderness Heights				
GPS Coordinates		Town/City	George		
Current Zoning	<i>Agricultural Zone II</i>	Extent	3.2764 Ha	Are there existing buildings?	Y <i>N</i>
Current Land Use	Residential				
Title Deed number & date	T 17369/2018				
Any restrictive conditions prohibiting application?	Y	N	<i>If Yes, list condition number(s).</i>		
Are the restrictive conditions in favour of a third party(ies)?	Y	N	<i>If Yes, list the party(ies).</i>		
Is the property encumbered by a bond?	Y	N	<i>If Yes, list Bondholder(s)?</i>		
Has the Municipality already decided on the application(s)?	Y	N	<i>If yes, list reference number(s)?</i>		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	<i>If yes, is this application to legalize the building / land use?</i>	Y	N
Are there any pending court case / order relating to the subject property(ies)?	Y	N	<i>Are there any land claim(s) registered on the subject property(ies)?</i>	Y	N

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y	N	If Yes, please complete the information below and attach the minutes.
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Official's name	Reference number	Date of consultation
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PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY & APPLICATION FEES PAYABLE

***Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.**

BANKING DETAILS

Name: **George Municipality**
 Bank: **First National Bank (FNB)**
 Branch no.: **210554**
 Account no.: **62869623150**
 Type: **Public Sector Cheque Account**
 Swift Code: **FIRZAJJ**
 VAT Registration Nr: **4630193664**
 E-MAIL: **msbrits@george.gov.za**
 *Payment reference: Erven ____, George/Wilderness/Hoekwil...

PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

The application for DEPARTURE entails the following: **Relaxation of building lines from 20m to 1m, 15m and 18.5m respectively to retain 3 existing outbuildings on the erf.**

PART G: ATTACHMENTS & SUPPORTING INFORMATION FOR LAND USE PLANNING APPLICATIONS

Please complete the following checklist and attach all the information relevant to the proposal. Failure to submit all information required will result in the application being deemed incomplete.

Is the following compulsory information attached?

Y	N	Completed application form	Y	N	Pre-application Checklist (where applicable)
Y	N	Power of Attorney / Owner's consent if applicant is not owner	Y	N	Bondholder's consent
Y	N	Motivation report / letter	Y	N	Proof of payment of fees
Y	N	Full copy of the Title Deed	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Locality Plan	Y	N	Site layout plan

Minimum and additional requirements:

Y	N	N/A	Conveyancer's Certificate	Y	N	N/A	Land Use Plan / Zoning plan
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Y	N	N/A	Proposed Subdivision Plan (including street names and numbers)	Y	N	N/A	Phasing Plan
Y	N	N/A	Consolidation Plan	Y	N	N/A	Copy of original approval letter (if applicable)
Y	N	N/A	Site Development Plan	Y	N	N/A	Landscaping / Tree Plan
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes	Y	N	N/A	Required number of documentation copies 2 copies
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes	Y	N	N/A	OSCA-Permit Application

PART H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION

Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)	Y	N/A	Specific Environmental Management Act(s) (SEMA)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)			(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008),
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)			National Environmental Management: Waste Act, 2008 (Act 59 of 2008),
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	Y	N/A	Other (specify) Contour Plan, Elevations and floor plan, amended road servitude plan
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. N/A			
Y	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of the Land-Use Planning By-law for George Municipality?			

SECTION I: DECLARATION

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. The Municipality has not already decided on the application.
3. I'm aware that it is an offense in terms of section 86(1)(d) to supply particulars, information or answers in an application, knowing it to be false, incorrect or misleading or not believing them to be correct.
4. I am properly authorized to make this application on behalf of the owner and (where applicable) copies of such full relevant Powers of Attorney/Consent are attached hereto.
5. I have been appointed to submit this application on behalf of the owner and it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to me as the authorised agent and the owner will regularly consult with the agent in this regard (where applicable).
6. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
7. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/amendment/suspension forms part of this submission.
8. I am aware of the status of the existing bulk services and infrastructure in the subject area and that I am liable for any possible development charges which may be payable as a result of the proposed development.
9. I acknowledge that in terms of the Protection of Personal Information Act (POPIA) all correspondence will be communicated directly and only to myself (the applicant). No information will be given to any third party and/or landowner (if the landowner is not the applicant). I herewith take responsibility to convey all correspondence to the relevant parties.



Applicant's signature:

Date:

14 May 2024

Full name:

PCJ Theron

Professional capacity:

Town Planner

SACPLAN Reg. Nr:

A/025/1985

DEED OF TRANSFER

MILLERS INC.
 BEACON HOUSE
 123 MEADE STREET
 GEORGE
 6530

Prepared by me

M Goldie
 CONVEYANCER
 MADELEINE GOLDIE

Use of instrument	
Stamp duty	Office fee
5050 0000	17500
Stamp duty capital	
Exempt i.e. o	
Cat.....	section.....Art.....

T 000017369 / 2018

DATA / VERIFY
 23 APR 2018
 NANDIPHA KETILE

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Madelein Williams

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him by

- PAUL MARTIN RIXOM**
 Identity Number 460108 5529 18 9
 Married, which marriage is governed by the laws of Zambia
 duly assisted by his spouse **GISELLE YVETTE RIXOM**
 as far as needs be
- GISELLE YVETTE RIXOM**
 Identity Number 560508 0803 18 3
 Married, which marriage is governed by the laws of Zambia
 duly assisted by her spouse **PAUL MARTIN RIXOM**
 as far as needs be

DATA / CAPTURE
 23 APR 2018
 NANDIPHA KETILE

which said Power of Attorney was signed at GEORGE on 05 MARCH 2018

And the appearer declared that his said principal had, on 21 January 2018, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

ALAN BRIAN MOCKÉ
Identity Number 581108 5095 08 6
Unmarried

his Heirs, Executors, Administrators or Assigns, in full and free property

ERF 724 HOEKWIL
IN THE MUNICIPALITY AND DIVISION OF GEORGE, PROVINCE OF THE
WESTERN CAPE;

IN EXTENT: 3,2764 (THREE COMMA TWO SEVEN SIX FOUR) Hectares;

FIRST TRANSFERRED AND STILL HELD by Deed of Transfer No. T
76398/2003, with Diagram S.G. No. 42/2003 relating thereto.

- I. **SUBJECT** to the conditions referred to in Deed of Transfer No. T
3762/1964.
- II. **SUBJECT** in so far as the figure a middle of kloof bBdcGA on Diagram
No. 42/2003 attached:
 - A. **SUBJECT** to the following conditions noted on endorsement
dated 22 April 1907, on Deed of Transfer No. T 4632/1905,
which reads as follows:

"By Deeds of Transfer No. 2955 and 2956 – April 1907, certain
water and other rights have been conceded in favour of the land
thereby conveyed as will more fully appear on reference to the
said Deeds of Transfer."
 - B. **SUBJECT** further to the following special conditions contained
in Annexures to Deed of Transfer No. T 14200/1920, which
reads as follows:

"Extract from Power of Attorney dated at Johannesburg, 14
September 1920, to pass transfer from the Wilderness Estate
Co. Ltd. hereinafter called the "Transferor" to the Kerkraad of the
Dutch Reformed Church at George hereinafter called the
"Transferee."



- (a) The properties hereby transferred shall be subject to all conditions restrictions reservations and servitudes mentioned or referred to in or endorsed upon the said Deed of Transfer No. 4632 or any prior title or otherwise registered in the Deeds Office and in particular to the conditions and servitudes set out in certain two Deeds of Transfer No.'s. 2955 and 2956 dated 16th April, 1907, and in Deed of Transfer passed on the 21st February, 1918, to the George Forest Timber Company Ltd., and the properties hereby transferred shall be subject to the further condition that the transferor shall be entitled to take from the Silver River or any of its tributaries and the Kaaiman's river at any point on the properties hereby transferred, such quantity of water as the transferor may be entitled to or may obtain under the Irrigation and conservation of Waters Act 1912, with the right to lead such waters across the properties hereby transferred, and for that purpose to lay and maintain such pipes as may be necessary and in the event of the Transferor having or acquiring the right to take water from any river or stream above the ground hereby transferred, then the Transferor shall be entitled to a right of way over the properties hereby transferred for such water, with the right to lay pipes over the property hereby transferred and for the purpose of laying and maintaining the pipes and exercising the other rights in this clause mentioned the Transferor shall have the right to ingress and egress to and from the properties hereby transferred, with the right to make such excavations and do and perform such other works as may be necessary to conduct such water to any part of the Transferor's property's, including the said land marked No. 497 called Barbiers Kraal, and these conditions are hereby registered as a servitude against the properties hereby transferred.
- (b) The Transferor and all persons now at any time hereafter holding title from or through the Transferor of any portion of the land marked 497 called Barbiers Kraal, in extent 828 morgen, as well as persons at any time frequenting the seaside resort known as the Wilderness shall have full and undisturbed right of way on foot and by means of vehicles over the properties hereby transferred to and from any portion of the said landmarked 497 and the said Seaside Resort by the present public roads on the ground hereby transferred and also by a road constructed and made by the Transferor and which has not yet been declared a public road, and by such public roads as may hereafter be constructed and/or declared public roads by any competent authority, and the Transferee shall in so far as and to the extent that the same passes through the properties hereby transferred keep in good order and repair the said road constructed by the Transferor, provided that such repairs shall not extend to gravelling, the Transferor on its part undertaking to keep the said road in good repair over the extent that the said road passed through its property."



C. **SUBJECT FURTHER** to an Agreement of the storage and usage of water as provided in Act 13/41 endorsed dated 18 December 1951, which water appears on said Deed of Transfer No. T 14200/1920, reading as follows:

"By Not. Deed No. 689/51 dated 14 March 1951 certain agreement relating to the conservation and use of water in terms of Act No. 13/41 have been entered into between the owners of the several properties held by para. 2 hereof and Consolidated Title 6957/43 and by T. 7987/42 and 20436/47, subject to conditions, as will more fully appear on reference to the said Not. Deed, a copy of which is annexed hereto."

D. **SUBJECT FURTHER** to the following conditions of consolidation imposed by the Minister as contained in Certificate of Consolidated Title No. T 14471/1961, subject to the following reservation of right in favour of the state:-

(1)

(2) Die reg om grond te neem en materiaal te verkry en te verwyder vir die bou en herstel van openbare paaie.

III. **SUBJECT** in so far to marked cdCDEF on Diagram No. 42/2003, related to such conditions as more fully appear in sub-paragraph A, B and D of clause II above.

IV. **SUBJECT** in so far as the whole property is concerned:

A. **SUBJECT** to the following conditions contained in Deed of Transfer No. T 3762/1964, imposed by the Administrator of the Cape of Good Hope Province when sub-divided in terms of Section 196 of Ordinance No. 15/1952, as amended, of the Farm WILDERNISHOOGTE, which may be amended or modified:-

(a) Dit mag net vir woon- en landboudoeleindes gebruik word.

(b)

C. **SUBJECT FURTHER** to the servitude dated 7 January 1972 as contained in Deed of Transfer No. T 15404/1964, which reads as follows:

"Die binnegemelde grond is onderhewig aan 'n serwituut met betrekking tot verdeling van water in terme van 'n bevel van die Waterhof (Waterhof distrik Kaap) gedateer 26/5/71 soos meer volledig sal blyk uit gemelde bevel, waarvan afskrif hieraan geheg is."

Handwritten signature

WHEREFORE the said Appearer, renouncing all rights and title which the said

1. **PAUL MARTIN RIXOM , Married as aforesaid**
2. **GISELLE YVETTE RIXOM , Married as aforesaid**

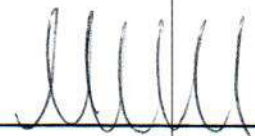
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

ALAN BRIAN MOCKÉ, Unmarried

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R5 050 000,00 (FIVE MILLION FIFTY THOUSAND RAND) .


IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 20 APR 2018 2018.



q.q.

In my presence



REGISTRAR OF DEEDS



**CONVEYANCER
CERTIFICATE**

CONVEYANCER CERTIFICATE

I, the undersigned,

STEPHANUS ABRAHAM ROUX

hereby confirm that a search was conducted in the Deeds Registry Cape Town regarding the following property (including current and earlier title deeds / pivot deeds / deeds of transfer):

ERF 724 HOEKWIL, in the Municipality and Division of George,
Province of the Western Cape;

IN EXTENT: 3,2764(Three Comma Two Seven Six Four) Hectares

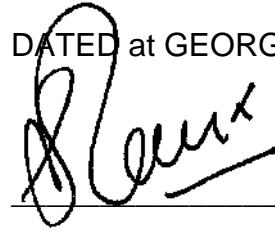
Held by Deeds of Transfer T17369/2018
(the Erf)

Application relating to the Erf is made in terms of Section 15(2)(b) of the George Land Use Planning By-Law permanently departing from the development parameters of the Zoning Scheme for:

1. Departure for the relaxation of the eastern side boundary building line from 20m to 18.5m to accommodate the existing braai/leisure structure;
2. Departure for the relaxation of the western side boundary building line from 20m to 15m; and
3. 1m Respectively to accommodate 2 existing outbuildings.

In respect of the above, it was found and I hereby certify, that no restrictive condition/s exist that prohibit the departures in paragraph 1 & 2 above, as the subject matter of the said application.

DATED at GEORGE on this 14th day of MAY 2024.



SA ROUX

CONVEYANCER

**POWER OF
ATTORNEY**

POWER OF ATTORNEY

to

FORMAPLAN (TOWN AND REGIONAL PLANNERS)

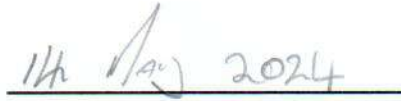
of

8 St John Street, George

I, **Alan Brian Mocké**, the undersigned and registered owner of **Erf 724, Hoekwil**, hereby appoint *Formaplan Town Planners*, to be my sole agent to apply to the Municipality in terms of section 15(2)(b) of the municipality's Land Use Planning By-Law 2023, for a departure (relaxation) of the eastern and western side boundary building lines from 20m to 1m, 15m and 18.5m respectively to retain 3 existing outbuildings on the erf as shown on the site plan and described in the accompanying memorandum.



Alan Brian Mocké



Date

ERF DIAGRAM

G S Savage Prof Land Surveyor George

SIDES Metres	ANGLES OF DIRECTION		CO-ORDINATES	
			Y System	WG 23 X
	Constant		+0, 00	+3700000, 00
AB	99, 91	241 35 10	A	+38798, 12
BC	279, 86	350 58 30	B	+38710, 25
CD	122, 22	67 27 00	C	+38666, 35
DE	4, 85	48 01 10	D	+38779, 22
EF	105, 92	182 42 10	E	+38782, 83
FG	105, 55	178 46 00	F	+38777, 83
GA	70, 00	165 05 00	G	+38780, 11
Aa		165 05 00		
Bb		170 58 30		
No 200 Knys3			▲	+39012, 48
No 445 Wilderness			▲	+40016, 88
				+61494, 67
				+62603, 27

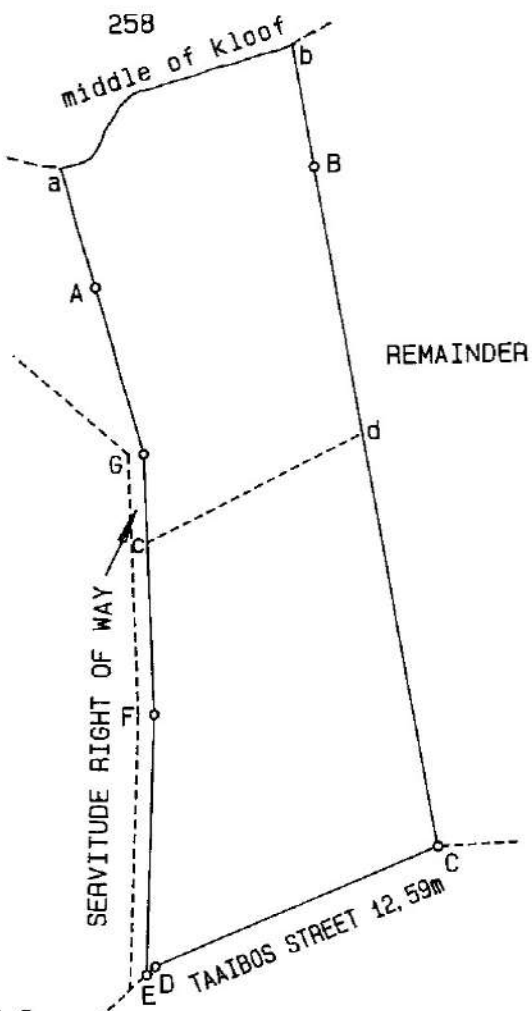
S.G. No.
42/2003
Approved
T. Swan
2003.05.15
for Surveyor-General

BEACONS:
16mm iron peg: A, B, C
20mm iron peg: D, E, F, G



Scale 1: 3000

252



EXEMPT FROM PROVISIONS OF ACT
70 OF 1970
SECTION 1(a)

The figure a middle of kloof b C D E F G represents 3,2764 hectares of land, being ERF 724 a portion of ERF 267 HOEKWIL

situate in the Municipality of George.
Administrative District of George.
Province of Western Cape
Surveyed in November 2002 by me.

G S Savage

G S SAVAGE (PLS 0543)
Professional Land Surveyor.

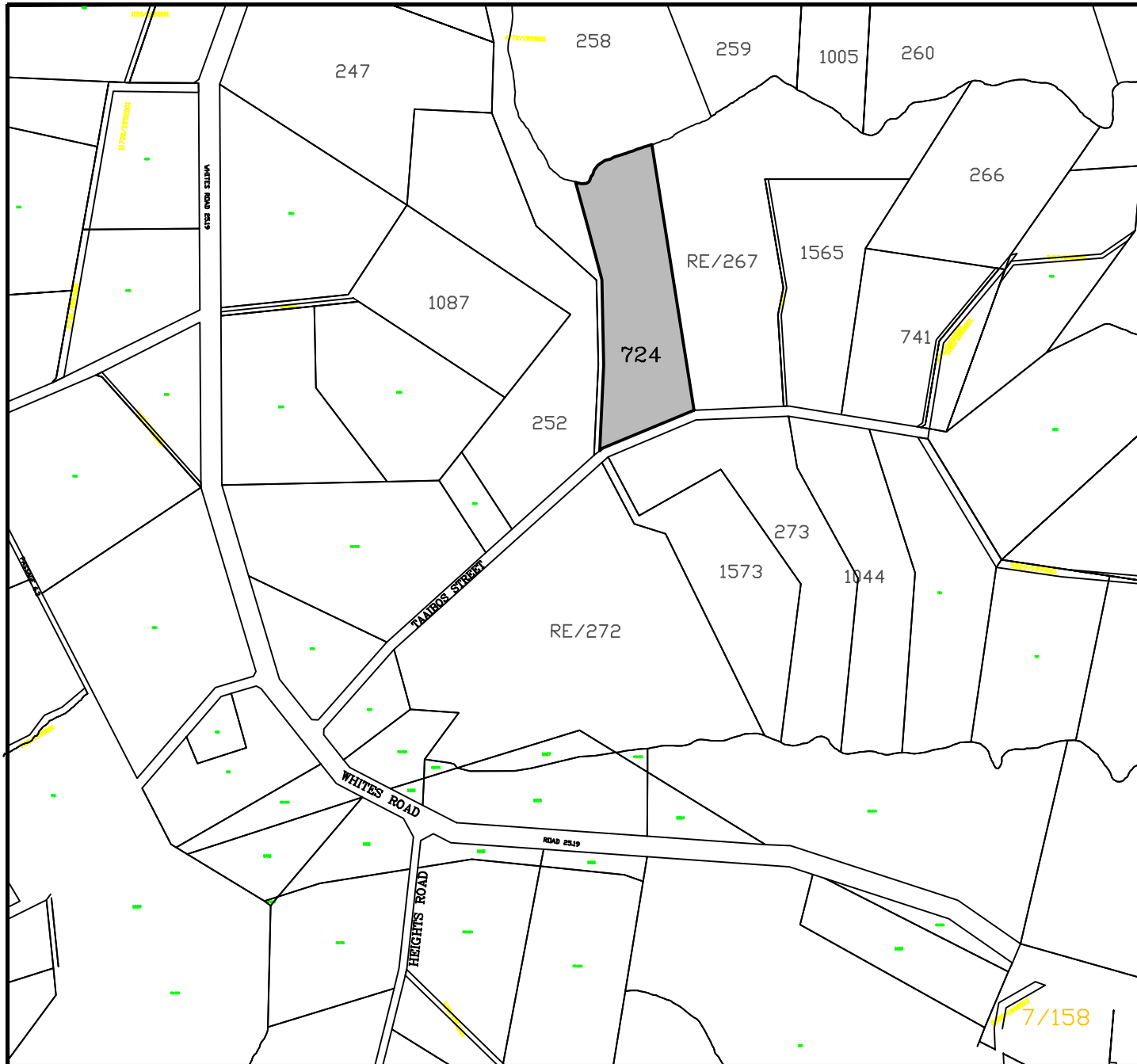
APPROVED BY THE REGISTRAR OF DEEDS
OF THE WESTERN CAPE
REF: Erf 267, HOEKWIL
DATE: 2002.11.11

This diagram is annexed to
No. T 76398/2003
dated
i.f.o.
Registrar of Deeds

The original diagram is
No. 9830/1960 annexed to
Transfer/Grant
No. 1964, 76, 3762

File No. S/4924 Geor 157
S.R. No. E 17/2003
Comp BL-8CCD (4139)
LPI: C0270005
PLAN 1730 LD

LOCALITY PLAN



Copyright Reserved
Kopiereg Voorbehou

NOTE:

All measurements on this plan are approximate and must be verify by a landsurveyor.

Client: Kliënt:

ALAN MOCKÉ

FORMAPLAN 
STADS- & STRAATREKKEPLANNERS
 TOON- & RECREASIEPLANNERS
 P.O. Box 9824, George 6520 / 8 St. John St.
 Tel: 0410 873-6365 Fax: 0410 874-5632

Project: Projek:

Building Line
Relaxation

Title: Titel:

LOCALITY PLAN

Property: Eienskap:

Erf 724, HOEKWIL

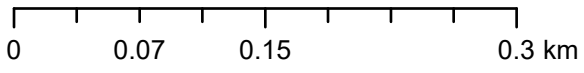
Scale: Skala: Drawing Number:
 NTS Tekening Nummer:

Date: Datum:
 APRIL 2024 Hoek 724 1.1





George Municipality, Esri South Africa, Esri, HERE, Garmin, Esri South Africa, Esri, HERE, Garmin, USGS



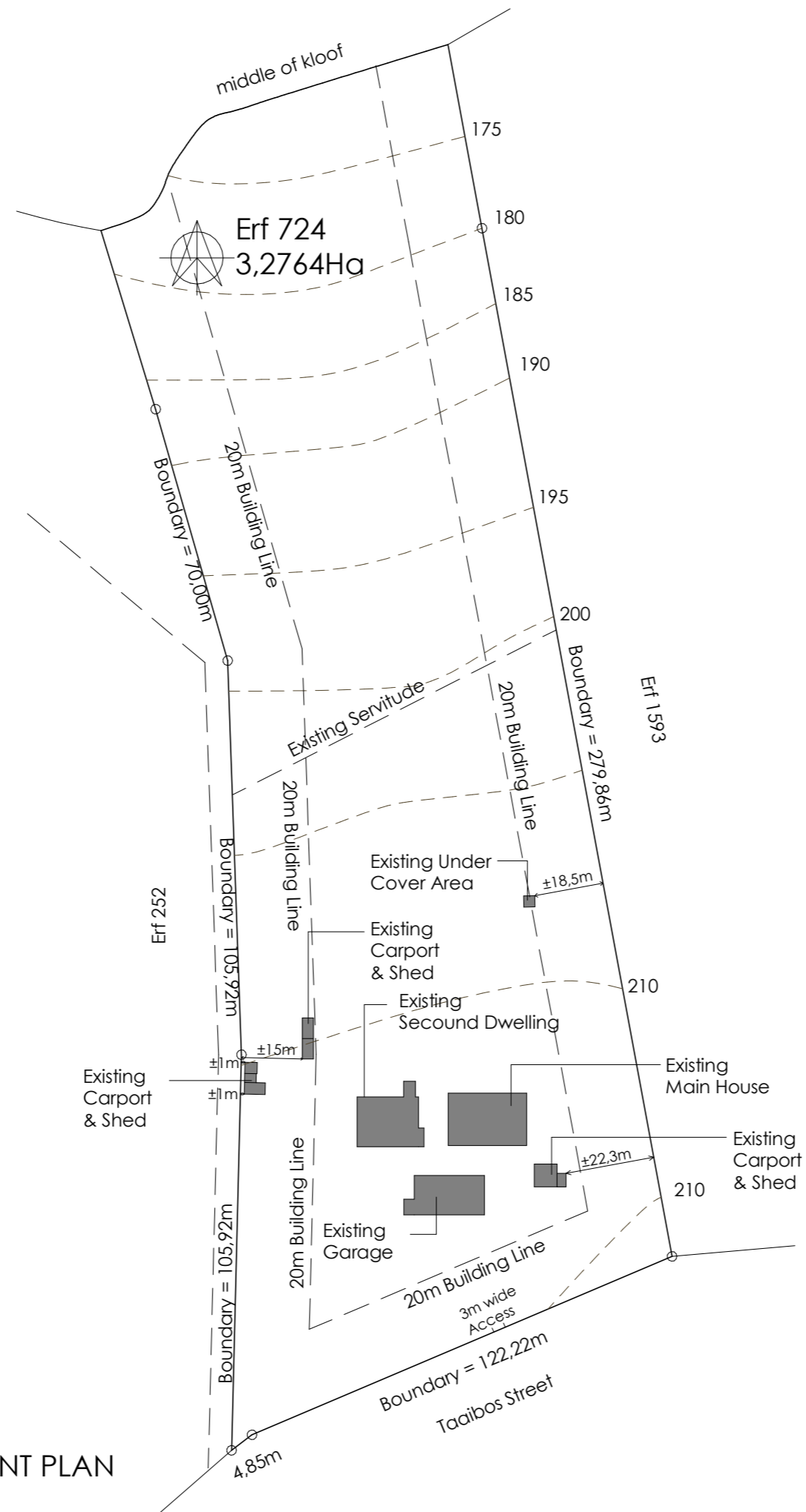
Date: 2/26/2024 9:56 AM

Scale: 1:4,514



Disclaimer
George Municipality makes no warranties as to the correctness of the information supplied. Persons relying on this information do so entirely at their own risk.
George Municipality will not be liable for any claims whatsoever, whether for damages or otherwise, which may arise as a result of inaccuracies in the information supplied.

SITE PLAN



SITE DEVELOPMENT PLAN
Scale 1 : 1500

SITE DEVELOPMENT PLAN
For Alan Mocke
On Erf 724
Taaibos Street
Wilderness Heights

Rooted Living Solutions



Architect
Camilla : Eagar
MArch Professional

064 065 2492

RootedLivingSolutions@protonmail.com

Architecture • Landscape • Design

IN COLLABORATION WITH



PIETER LIEBENBERG

ST 1371

Unit 4
Building 1
Milkwood Village
Beacon Road
Wilderness

**NON-COMPLIANCE
NOTICE**



Nathi Timakwe
Town Planning Inspector
Planning and Development
E-mail: ntimakwe@george.gov.za
Tel: +27 (044) 801 9119

Reference number: Erf 724 Hoekwil
Date: 14 February 2024
Collab No. 3022850

FOR ATTENTION:
Alan Mocke
Taaibos Street
Hoekwil
6538

BY Email: alan.mocke88@gmail.com

FIRST NOTICE: UNAUTHORISED STRUCTURES THAT ARE ENCROACHING OVER BUILDING LINES (SHED, CARPORT AND BRAAI AREA, ON LAND ZONED FOR AGRICULTURAL ZONE II PURPOSES AT ERF 724, HOEKWIL

1. The above refers.
2. Official of the George Municipality conducted a site inspection on **erf 724 Hoekwil** on 09 February 2024. This subject property is zone **Agricultural Zone II, permitting a small holding** in terms of the George Integrated Zoning Scheme By-Law, 2023.
3. This Municipality thus has reasonable grounds to suspect that you are guilty of the following offence(s) in terms of section 86 (1) (b) of the George Municipality's By-law on Municipal Land Use Planning:

- Contravenes or fails to comply with Sections 15(1) and (5), 21(1), 62(2) and 86(3);
- Fails to comply with a compliance notice served in terms of section 86;
- Utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; (unauthorized structures that are encroaching over building lines Shed, Carport and Braai Area)**
- Upon registration of the first land unit arising from a subdivision, fails to transfer all common property arising from the subdivision to the owners' association;
- Supplies particulars, information or answers in an application, or in an appeal against a decision on an application, knowing it to be false, incorrect or misleading or not believing them to be correct;

- Falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee;
- Hinders or interferes with an authorised employee in the exercise of any power, or the performance of any duty, of that employee.
- An owner who permits his or her land to be used in a manner set out in section (1)(b) and who does not cease that use or take reasonable steps to ensure that such use ceases, is guilty of an offence and liable to a conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment.**

4. You are **hereby instructed to cease the unlawful land use** within 30 days of date of receipt of this notice.
5. You are further instructed to do the following:
- (a) Demolish, **remove** and/or **alter unauthorised building, structure or work** and/or **rehabilitate the land** or **restore the building**, as the case may be, to its original form within **30 days** of date of receipt of this notice; or
 - (b) **Submit land use application to rectify the unlawful land use** in terms of section 86(1)(b) of the said legislation within **30 days** of date of receipt of this notice. However, this must not be construed as an indication that the application will be approved.
 - (c) **A new application for a building line relaxation on erf 724 Hoekwil, must be submitted to legalise the unauthorised structures.**
6. You may object to this notice by lodging written representations to the Municipality within 14 days of date of receipt of this notice in terms of section 87 (6) of the said legislation.
7. Please note that failure to comply with the above request will result in further action, which could lead to **criminal prosecution** or other **legal steps**, being taken against you in terms of section 86 of the said legislation. **It's important to note that should criminal prosecution be instituted against yourself, on conviction you would be liable to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment.**
8. You are thus advised to contact the author of this letter as well Mrs Welman at 044 801 9477 or mwelman@george.gov.za immediately to arrange a meeting to discuss your options within **14 days** of this notification with the relevant departments (Town Planning,).

Yours faithfully



A Joubert

MANAGER: COMPLIANCE, COMPLAINTS AND INVESTIGATIONS

C:\Users\ntimakwe\Documents\Town Planning Inspector\Town Planning\Notices 1st\Erf 724 George - Illegal land use on site(14-02-2024) first notice.docx