

GEORGE MUNICIPALITY



APPLICATION FORM FOR APPLICATION SUBMITTED IN TERMS OF THE LAND-USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY

CONSENT USE AND/OR DEPARTURE FOR RESIDENTIAL AND AGRICULTURE ZONED PROPERTY ONLY

(Please complete the form in full for consideration - tick appropriate boxes with X)

BUILDING LINE RELAXATION	<input checked="" type="checkbox"/>	INCREASE IN COVERAGE	<input type="checkbox"/>	ADDITIONAL DWELLING	<input type="checkbox"/>
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PROPERTY DETAILS

ERF NUMBER	Portion 27	EXTENSION/ AREA	Farm Pine Dew 191
ZONING	Agriculture I		
EXISTING LAND USE	A dwelling house, garages, store, yoga studio and deck.		

CORRESPONDENCE DETAILS

IS THE APPLICANT ALSO THE REGISTERED OWNER OF THE RELEVANT PROPERTY?				YES	NO	
ADDRESS CORRESPONDENCE TO		OWNER	APPLICANT	POST OR E-MAIL	POST	E-MAIL
COLLECT BY HAND	YES	NO	TELEPHONE NO	083 453 1532		

OWNER DETAILS

OWNER NAME	Paula Elizabeth Viljoen				
STREET NAME	No street – only a right of way	HOUSE NUMBER	27 of 191		
POSTAL ADDRESS	balvindra@wildernessliving.co.za	SAME AS POSTAL ADDRESS	YES	NO	
EXTENSION/AREA	N/a	CODE	N/a		
ID NUMBER	590411 0031 08 3	E-MAIL ADDRESS	balvindra@wildernessliving.co.za		
TELEPHONE NO	No land line available	CELL NO	067 032 6320		

APPLICANT DETAILS (strike through if registered owner is also the applicant)

NAME	Camille Burger				
STREET NAME	Rosheen Crescent	HOUSE NUMBER	21		
POSTAL ADDRESS	Postnet Suite 256, Private Bag 1006	SAME AS POSTAL ADDRESS	YES	NO	
EXTENSION/AREA	PLETTENBERG BAY	CODE	6600		
TEL / CELL NO	083 453 1532	E-MAIL ADDRESS	camille@valgis.co.za		
PROFESSIONAL CAPACITY	Town Planner	SACPLAN NO	A/767/1994		

BOND HOLDERS DETAILS (Only applicable if property is encumbered by a bond)

IS THE PROPERTY ENCUMBERED BY A BOND?				YES	NO
NAME OF BOND HOLDER	N/a				

TITLE DEED DETAILS


TITLE DEED NO.	T70770/2001		
ARE THERE RESTRICTIONS IN THE TITLE DEED WHICH IMPACT THE APPLICATION? (If yes, describe restrictions below)	YES	NO	
N/a			

APPLICATION DETAILS

DESCRIPTION OF BUILDING LINE RELAXATION (STREET / LATERAL / REAR BUILDING LINE)	FROM M	TO M	DETAILS
Western lateral building line	10	4,180	To allow for an existing house with a footprint of 66m ²
Rear building line	10	3,379	To allow for an existing Yoga studio of 14m ²
Rear building line	10	0	To allow for a deck of 45m ² of lower than 1 m from NGL
Is an application for an increase in coverage being applied for? (Indicate increase under details)	YES	NO	%
Is an application for a 2 nd dwelling /additional dwelling being applied for? (indicate size under details)	YES	NO	

HOA/ ADJACENT OWNERS DETAILS (Consent letters as well as site plans to be signed by adjacent owners)

ERF NO	ADDRESS	NAME	CONSENT LETTER ATTACHED
191/RE	isaac.mashaba.mbale@gmail.com	Mr M.I. & Mrs H.S. Mashaba	YES /NO
191/19	info@tuxsoft.co.za	Mr/Ms R.C. Linder	YES /NO
191/26	namlaw@afol.co.na	Mr/Ms J.D.G. Maritz	YES /NO
189/89	rhuntDavis@mweb.co.za	Mr R.T.H. Davis	YES /NO
189/108	njb@mzl.co.za	Mr/Ms N.Y. Brummer	YES /NO

APPLICANT'S SIGNATURE		DATE	8 June 2024
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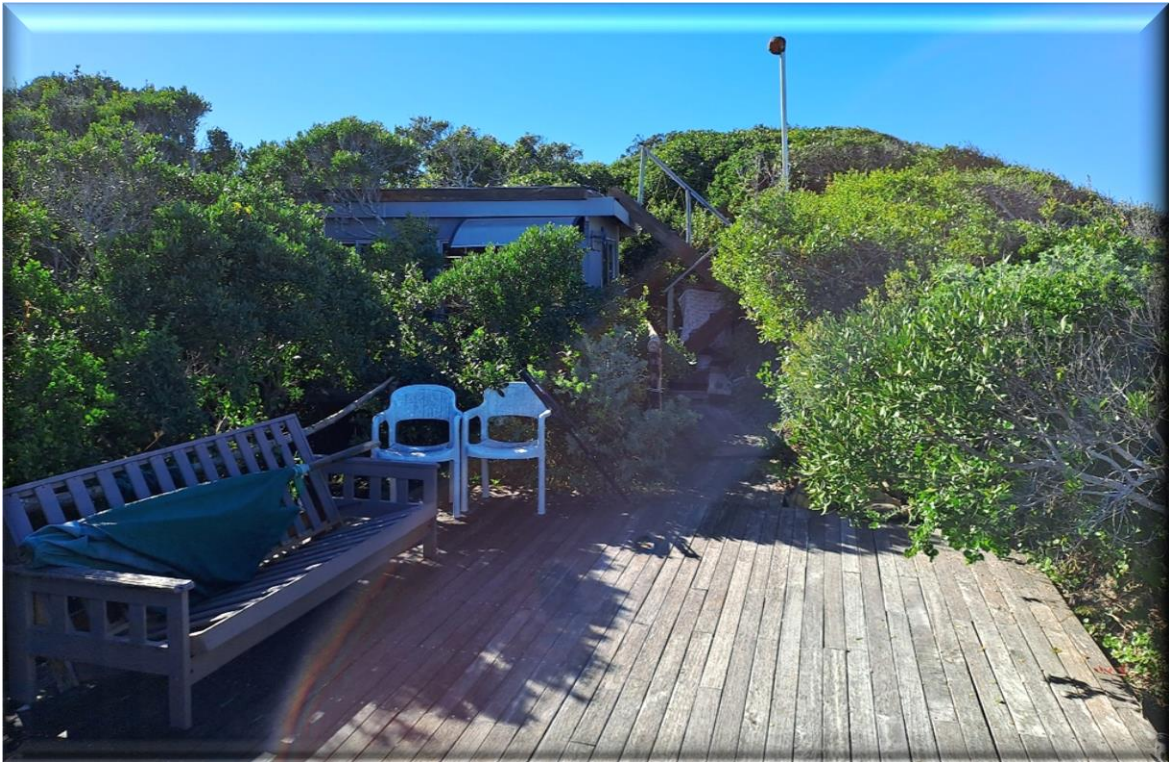
FOR OFFICE USE: INFORMATION REQUIRED FOR SUBMISSION:

Locality Plan	Building Plan/ Site Plan on A3/ A4	SG Diagram/ General Plan	Title Deed
Power of Attorney	Motivation	Neighbours Consent / Comment	HOA Consent
Bond Holder Consent	Proof of Payment	2 Copies attached	Other (Specify)

CHECKED BY	DATE
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— **MOTIVATING MEMORANDUM** —

in support of an application by virtue of
Section 15(2)(b) of the George Municipality Land-Use Planning By-law of 2015
for departures from the
George Integrated Zoning Scheme By-law, 2023
to relax a side building line
in respect of
Portion 27 of the Farm 191, Pine Dew, George



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ANNEXURES

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Annexure B - Locality Plan

Annexure C - Title Deed 70770-2001

Annexure D - Conveyancer certificate

Annexure E1 - SG General Plan

Annexure E2 - SG diagram

Annexure F - Topography

Annexure G - Zoning Plan

Annexure H - Land Use

Annexure I1 - Land Surveyor certificate

Annexure I2 - Site development on aerial image

Annexure I3 - Site Development Plan

Annexure J - GMSDF

1. BACKGROUND

The owner bought the subject property in 2001 when the only structure on it was a dwelling house. Over time other buildings and a viewing deck were constructed but, due to the property not being fenced and covered with dense bush, mistakes were made by placing the viewing deck and yoga studio over the building line.

She recently appointed a land surveyor to establish what the extent of the errors was. After the survey, she appointed an architect, an environmental practitioner and a town planner to regularise the development of the property.

The appointment of the undersigned to act on her behalf, is shown in the Power of Attorney contained in **Annexure A**.

2. THE APPLICATION

This application is lodged by virtue of Section 15(2)(b) of the George Municipality: Land Use Planning By-law of 2023 for the permanent departure from the building lines as prescribed by the George Integrated Zoning Scheme By-law of 2023, to:

- (a) Relax the western lateral building line of 10 m to 4,18 m in respect of an existing dwelling house; and
- (b) Relax the southern lateral building line of 10 m to 0 m in respect of an existing deck; and
- (c) Relax the southern lateral building line of 10 m to 3,37 m in respect of an existing yoga studio.

3. THE SUBJECT PROPERTY

3.1. Property description

The subject property is Portion 27 of the farm Pine Dew 191.

3.2. Locality

The position of the property is indicated on the attached Locality Plan, attached as **Annexure B**. It is situated in an "estate" commonly known as "Pinedew" or "Pine Dew". This estate is to the east of Kleinkrantz and on the seaside of Road N2.

Since there are no streets and street names to identify the properties, they are numbered according to the portion number of each.

This position places the subject property is in the jurisdiction of the George Local Municipality which falls within the boundaries of the Eden District Municipality of the Western Cape Province.

3.3. Title Deed

The subject property is currently registered by virtue of Deed of Transfer T70770/2001 as per attached **Annexure C**.

There are no conditions of title restricting the proposal as stated in the attached Conveyancer Certificate attached as **Annexure D**.

3.4. Ownership

The subject property is registered in the name of Paula Elizabeth Viljoen.

3.5. Bonds

The property is not bonded.

3.6. Surveyor General Diagram

The subject property appears on SG General Plan 8449/50 (**Annexure E1**) as well as SG diagram 5715/52 (**Annexure E2**).

3.7. Size

According to its Title Deed, the subject property is 3,8807 ha. This corresponds with the 4,5308 morgen as reflected in the SG's General Plan and diagram.

3.8. Topography

As shown on **Annexure F**, the slopes on the property vary from nil to 30%. It is the very steep slope towards the beach in the south that creates fantastic vistas over the ocean that makes this property sought after.

The scenic views available from the southern part of the site, is the main reason why the deck and yoga studio were built over that lateral building line. The positioning of the dwelling over the building line was, however, not a consequence of the topographical challenges.

3.9. Vegetation and other natural features on site

The property is situated in an area characterized by dense vegetation. Although alien species are found all over the area, the natural vegetation dominates.

Due to the landowner's sympathetic approach towards the nature, there is very little disturbance of nature. This developmental approach contributed the building line encroachments.

3.10. The George Integrated Zoning Scheme By-law, 2023

As shown on the Zoning Plan (**Annexure G**), which displays information obtained from the GM GIS Viewer, the subject property falls in the **Agriculture I** zone. According to Schedule 1 (Use Zones Table), the primary use for this zone is **agriculture**.

According to Schedule 2 (Land Use Descriptions and Development Parameter), the building lines for a property smaller than 5 ha, are 10 m along all boundaries.

Development parameters related to height, coverage, etc. are not challenged or encroached upon.

3.11. Surrounding land uses and zonings

The area surrounding the subject property is dominated by similarly sized farms, all being used for rural residential purposes, save a few that are vacant. Refer to **Annexure H**.

4. THE DEVELOPMENT OF THE PROPERTY AND TRANSGRESSIONS OF THE ZONING SCHEME

For this section of the report, refer to the following annexures:

Annexure I1 – Land Surveyor's certificate.

Annexure I2 – Site development on aerial image.

Annexure I3 – Site Development Plan.

The structures found of the property and their compliance with the Zoning Scheme By-law are analysed in the table below:

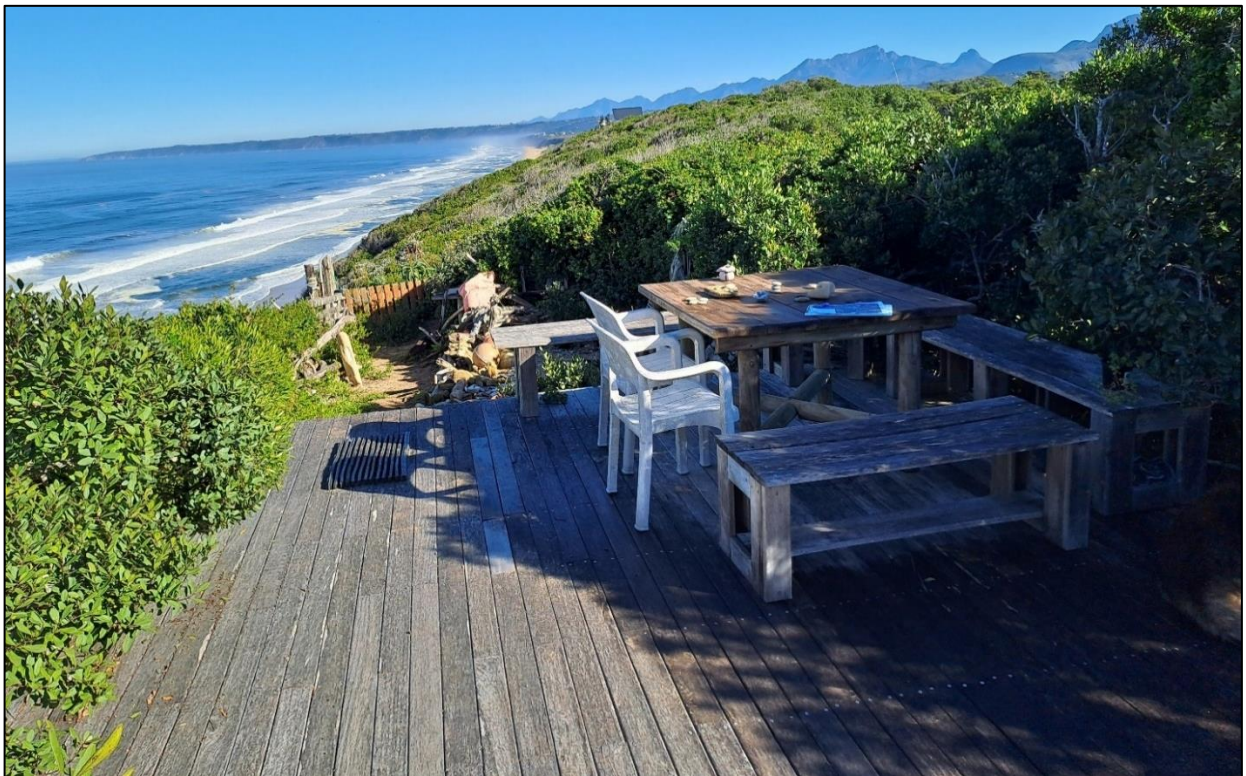
#	STRUC-TURE	FLOOR AREA	HEIGHT	YEAR BUILT*	COMPLIANCE
1	Store	22 m ²	1 level	2021	Complies
2	Garages	76 m ²	1 level	2016	Complies
3	House	66 m ² 52 m ²	1 st level 2 nd level	1980s	Over the 10 m side building line – 4,18 m from the boundary
4	Deck	45 m ²	>500 mm above NGL	2017	Over the 10 m side building line – touching the boundary
5	Yoga studio	14 m ²	1 level with viewing deck on roof	2018	Over the 10 m side building line – 3,37 m from the boundary

* Information provided by the owner's representative.

As demonstrated by the photographs inserted below, the deck and buildings are of very limited size and have an insignificant visual and physical impact on the nature and surrounding environment.



The eastern part of the deck with the yoga studio hidden in the vegetation.



The western part of the deck.



The house.

5. SPATIAL PLANNING POLICIES AND GUIDELINES

Land development should be measured and tested against the guiding policy frameworks applicable in the area of concern. Although this case can be classified as an application for lesser rights, the anticipated effect of the proposed building line relaxations, were evaluated against the spatial planning and land use guidelines and policies listed below, and it was found to be consistent:

- National level: The Spatial Planning and Land Use Management Act of 2013.
- Provincial level:
 - The Western Cape Land Use Planning Act of 2014.
 - The Western Cape Land Use Planning Guidelines Rural Areas of March 2019.
- District level: The Eden District SDF of 2017.
- Local level: The George Municipal Spatial Development Framework, 2023/27 (May 2023, version 4). The property is situated in an area earmarked as Priority Natural Area as per **Annexure J**.

6. OTHER LEGISLATION

6.1. The National Environmental Act (Act 107 of 1998)

None of the activities listed in NEMA will be triggered by the proposed development nor is the subject property situated within the boundaries of a recognised Critical Biodiversity Area or a listed Threatened Ecosystem.

6.2. Regulations regarding identified activities concerning the Outeniqua Sensitive Coastal Area

According to Schedule 3 of the regulations, the property is within the Outeniqua Sensitive Coastal Area Extension. Because structures were erected without OSCAE-permits, HilLand Environmental of George has been appointed to submit the prescribed condonation report to the municipality.

6.3. The Building Standards Act (Act 103 of 1977)

Although an application for the approval of a building plan can only follow the successful completion of this application, it is appropriate to anticipate if such plans may have to be rejected by virtue of Section 7 of the Building Standards Act based on one or more of the following criteria:

- The building will probably or in fact disfigure the area in which it will be erected.
- The building will probably or in fact be unsightly or objectionable.
- The building will probably or in fact derogate the value of adjoining or neighbouring properties.
- The building will probably or in fact be dangerous to life or property.

It is proposed that none of these disqualifiers will apply as demonstrated throughout this memorandum.

6.4. The National Heritage Recourses Act (Act 25 of 1999)

No buildings or structures are older than 60 years and additions and alterations are proposed.

7. LAND USE CONTROL MEASURES – AN OVERVIEW

7.1. Reasons for land use control measures

Following on previous discussions in this memorandum as well as worrying public statements of officials in positions of authority, is the consideration of the reasons for imposing land use control measures and reasons for departing from such rules.

❖ Legislation

Looking at South African legislation, from the constitution down to the by-laws of local authorities, the message is clear – there is an obligation to the sustainable development of our country. To achieve this, land use management is prescribed as essential for stewards of cities, towns and villages to shape the future of their communities.

Section 156(1) of the Constitution of the Republic of South Africa confers on municipalities the executive authority and the right to administer municipal planning. The resulting sets of planning laws adopted by all tiers of government gave birth to planning instruments that are used to shape economies and influence social and political life in cities and towns as well as in rural areas.

Against the backdrop of a series of Constitutional Court judgments, SPLUMA put municipalities at the epicentre of land use planning and land use management.

Section 25 of SPLUMA determines the purpose of a land use scheme as follows:

“A land use scheme must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote—

(a) economic growth;

(b) social inclusion;

(c) efficient land development; and

(d) minimal impact on public health, the environment and natural resources.”

Section 28 of SPLUMA empowers municipalities to amend their land use schemes, thereby creating flexibility.

Looking at the Western Cape Land Use Planning Act, Act 3 of 2014 [LUPA], we find the following reasons for having land use schemes in S.23:

“Purpose of zoning schemes

23. *The purpose of a zoning scheme is to at least—*

(a) make provision for orderly development and the welfare of the community; and

(b) determine use rights and development parameters, with due consideration of the principles referred to in Chapter VI.”

The George Municipality Land Use Planning By-law of 2023 does not provide any reasons for or purpose of managing land use – it is merely designed as a tool to fulfil the municipality’s obligations derived from national and provincial levels.

The George Municipality Integrated Zoning Scheme By-law of 2023 expands on LUPA and defines the purpose of the by-law vividly, thereby ensuring alignment with the empowering legislation:

“Purpose of Zoning Scheme

3. *The purpose of the zoning scheme is to—*

(a) give effect to the municipal spatial development framework;

(b) make provision for orderly development, safeguarding the environment and the welfare of the community; and

(c) determine use rights and development parameters, with due consideration of the principles referred to in the Land Use Planning Act.”

Similar to SPLUMA, but more detailed, LUPA defines the land use planning principles of spatial justice; spatial sustainability; efficiency; good administration; and spatial resilience.

❖ Reasons for departing from land use scheme conditions

Surely the common occurrence of departures from the standard development parameters of zoning schemes makes one question the rationale of land use controls – why do we have all these development restrictions if deviations are allowed so frequently?

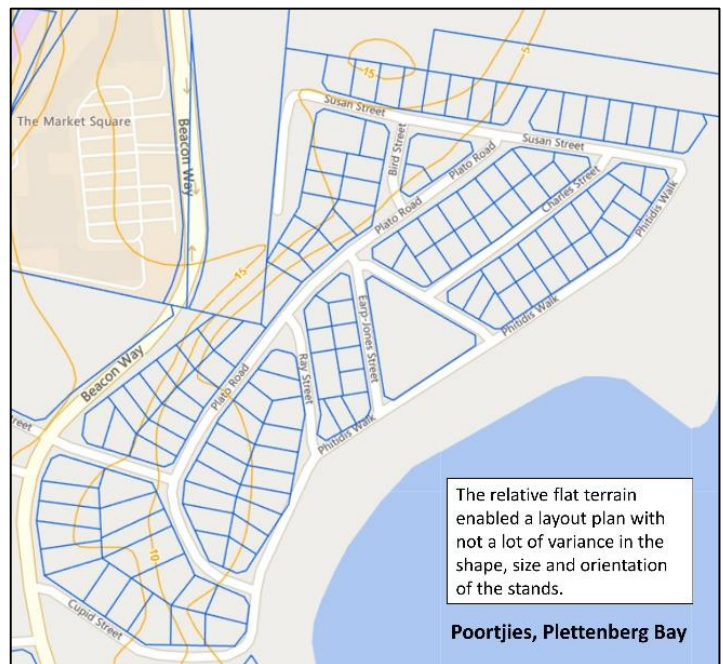
The first clue to the answer comes from S.28 of SPLUMA which empowers municipalities to amend their land use schemes to create flexibility.

Simplified, a zoning scheme can be described a set of norms and standards that supports a chosen vision of the urban and rural form and fabric, its networks and socio-economic well-being as derived from the Spatial Development Frameworks from all tiers. In more practical terms, a zoning scheme should be seen as a generalised set of rules applicable to all land parcels, regardless of individual circumstances, ie. all similarly zoned properties are typically subject the same development restrictions.

However, if a zoning scheme is rigidly enforced as a generalised set of rules, the obvious weakness is its inability to accommodate diversity. Since this will create an untenable situation, the legislator at the highest level foresaw the need for flexibility, hence the S.28 empowerment of SPLUMA.

❖ Diversity and flexibility

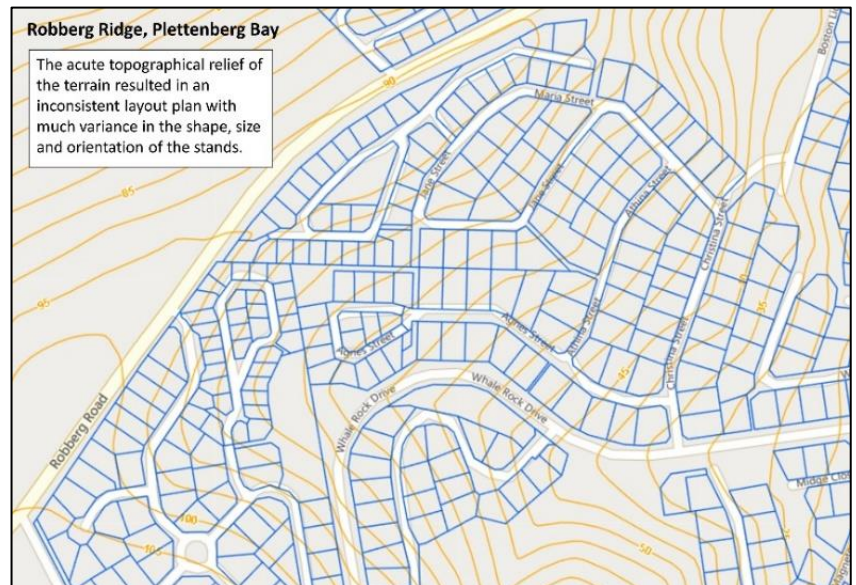
Practical examples of why land use management systems must be flexible, are often found in towns with complex physical



geographical features such as the coastal towns of the Eden District.

If, for instance, Plettenberg Bay was built on a flat uniform plain where all geographical features were identical, it could be argued that a standard set of development parameters for all similarly zoned erven might be practical and fair. But this is a theoretical situation which rarely exists on Mother Earth.

Knowing that Plettenberg Bay is characterised by very complex geographical constraints that are unevenly distributed, the wisdom of using a standard set of development parameters for all erven in each use zone can certainly be questioned.



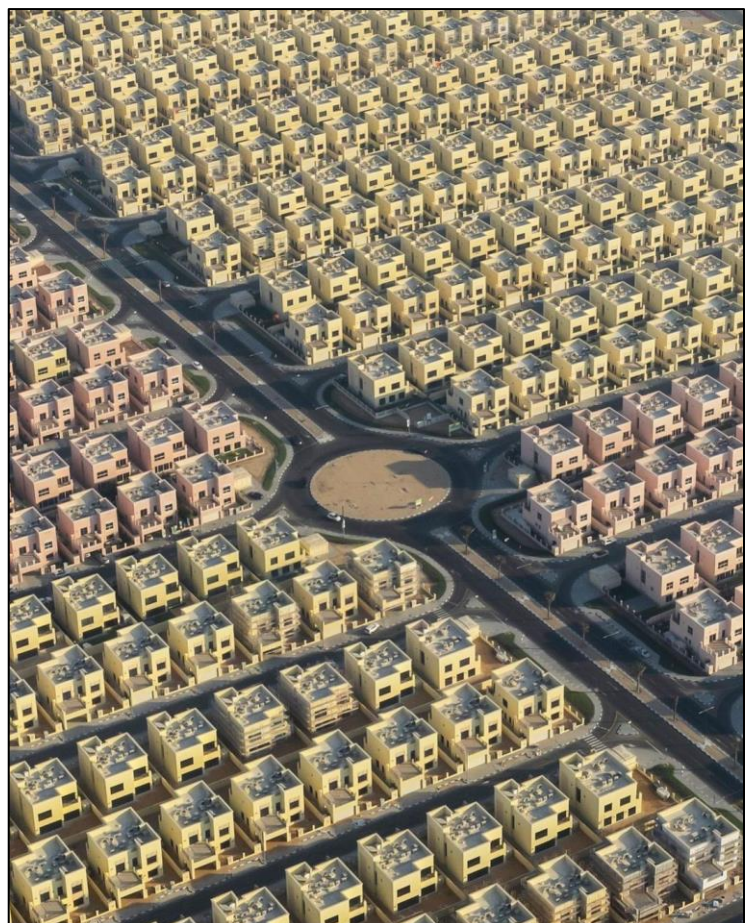
The accompanying graphical comparison demonstrates how the topography has influenced the design of two of the suburbs found in the town. Despite the radical differences between the shape, size and orientation of stands in these two neighbourhoods, a uniform set of development parameters applies for all similarly zoned erven.

Although these uniform parameters clearly cannot accommodate the multiplicities found in the town, there are good reasons for this widely accepted practise. Probably the most important reason is the unsuitability and impracticability of developing and administering a unique set of parameters on an erf-to-erf basis.

Because of the said practise of applying uniform rules, it is obvious that development parameters will always be contested throughout the town but, much more frequently in precincts affected by severe slopes than in neighbourhoods on relatively flat terrain.

If, on the other hand, town planners ignore the S.28 empowerment of SPLUMA and persist in applying standard land use parameters stubbornly and without any flexibility, our towns and cities might be forced to look akin to the Dubai suburb depicted in the photograph.

Clearly this would be a very unfortunate outcome of town planning and related processes.



❖ Quo vadis?

Town Planning is a science, and an art. Everyday town planning can thus not be reduced to a set of formulas and uniform rules to be applied by each and every one. Most town planners understand this and skilfully deal with it. The problem, however, is that the public and many elected decisionmakers do not always have the benefits of the required training and experience. This frequently results in conflict, a resistance to change, rigidity and ultimately, stagnation.

A typical example is the relaxation of building lines: Many a time, decisionmakers are hesitant to relax building lines purely based on principle. This is not the correct approach because the use of building line restrictions is not a method of robbing landowners from developable land. It is merely a tool that is used to gradually shape attractive and practical built landscapes, and at the same time, ensure that space is reserved for the reasons of health, safety, engineering services and urban design.

Another example is the resistance to densification by residents of low-density neighbourhoods and the willingness of decisionmakers to succumb to public pressure by rejecting such proposals. This practise cannot be condoned as it screams against our legal obligation to build more compact and efficient towns and cities. Furthermore, the process of inviting the comments of neighbours is not a democratic poll to see how popular development proposals are. No, it is simply a procedure to ensure that neighbours' interests are duly considered.

On the positive side, experience tells that while landowners mostly seek efficiency, ie. the best use of their properties, most South African municipal town planners are generally using zoning schemes correctly to ensure a harmonious achievement of predetermined development visions. The willingness of town planners to deviate from hard and fast rules – flexibility – is a sign of them acknowledging diverse circumstances and keeping pace with modern trends, new perspectives and modern ideological approaches to urban development and land use management.

In the end, it is the responsibility of town planners, especially those who are public officials, to educate broad society and the elected decisionmakers to ensure that their roles as stewards of their territories do not become influenced by the dangerous mix of political power and clumsy reasoning.

8. MOTIVATION

8.1. Departing from development control measures

As elaborated upon in the previous section, development control measures should not be seen as holy cows which must be left untouched. Each case should be considered on its merits, as many practising town planners tend to do. It is thus proposed that this application deserves the same rational consideration

This application applies to structures that are comparatively small with the consequential insignificant impact on its built and natural environment and should therefore be sympathetically considered.

8.2. Building lines as instrument to control land development

In the arsenal of development control instruments that town planners have at their disposal, building lines are probably one of the oldest and most common. Below follow some reasons why the implementation of building lines may be necessary:

For health and safety:

- To ensure ventilation of air between buildings.
- To allow sunlight to reach streets and lower floors.
- To support fire prevention by the creation of gaps between buildings preventing fires from running uninterrupted from building to building.
- To create space for fire fighters to access burning buildings from all sides.
- To promote traffic safety by ensuring clear lines of sight at intersections and bends.

For services:

- To create space for engineering services (water, electricity and sewage) and other utilities (i.e. telecommunication lines).
- To reserve space for new roads and road widenings.

For urban design:

- To allow for the creation of attractive streetscapes.
- To assist in the establishment of uniform areas.
- To assist with the control development densities.
- To support the creation of private living conditions

When an application for the relaxation of a building line is to be considered, it is factors such as the above that should be considered. In other words, if a good reason for maintaining a specific building line determination is not present, a relaxation should be allowed to facilitate development.

8.3. Spatial Planning policy and guidelines and other legislation

As earlier outlined in this report, the proposed building line relaxations will not lead to any inconsistency with the applicable spatial planning and land use policies and guidelines.

8.4. Reasons for overstepping the building lines

As mentioned in the beginning, the landowner bought the property with the dwelling house already built over the building line.

The deck was built in 2017 but was not regarded as a “building” for which approved plans were required. This deck was positioned to be out of sight and had a minimal impact on nature. To obtain the best viewing position, the topography left no other choice but to build the deck on the boundary line of the property.

The tiny yoga studio of 14 m² was added in 2018 and integrated with the deck and set back from the boundary line. It was deliberately constructed in a position where the surrounding vegetation screened it from sight.

8.5. Evaluation of the potential impacts the relaxation of the building lines can have

SUBJECT OF POTENTIAL IMPACT	DESCRIPTION	CONCLUSION
Engineering services	The property is off grid.	No negative impact.
Traffic	The buildings and structures applicable are far from public roads and right of way servitudes. The building line relaxations can thus not lead to any traffic safety risk.	No negative impact.
Firefighting	The encroachments will not lead to any hinderance of vehicles, equipment or staff during a firefighting operation.	No negative impact.
Public safety	The public do not have access to the farm and cannot come close to the encroaching buildings and structures to expose them to any form of danger.	No negative impact.
Privacy, noise and sunlight	The closest building to the encroaching buildings and structures, is a dwelling house which is ±75 m away. No thread to the privacy of those residents can be caused, noise will not reach them easier, and sunlight cannot be blocked.	No negative impact.
Schools, open spaces and other community facilities	The relaxations will not have any effect on the number of residents found on the property and it cannot cause any additional demand.	No negative impact.
The landscape	Whether these structures are on the 10 m building line or over, it will not affect the aesthetic quality of the surrounding landscape because this is a low-density area dominated	No negative impact.

SUBJECT OF POTENTIAL IMPACT	DESCRIPTION	CONCLUSION
	by dense vegetation. The size and relative scale of the structures are also far below the average, making the encroachments almost invisible.	
Property values	The relevant structures are of a lesser size and placing them a little closer or further away from the property boundaries, cannot have any effect on the value of surrounding properties. The encroaching house has been standing since the 1980s and there is no evidence that it affected land values in the area. The deck and yoga studio are hidden in the bushes and not visible. They were constructed in 1017 and 2018 respectively and have not been challenged based on impacting property values.	No negative impact.

8.5. General public interest

- The application for the departures from the zoning scheme is consistent with what is possible for all property owners in George—a standard legal procedure available to all property owners was followed.
- All rights of the surrounding property owners to the beneficial use and enjoyment of their properties that existed prior to the proposed redevelopment of this property, will remain intact.
- Approving the application will not set a precedent—on the contrary, it will contribute to affirm the existing character of the area since several similar cases exist.
- Traffic movements in the precinct will not change due to the approval of this application.
- The approval of the proposal will not lead to the over-burdening of engineering services, social infrastructure, community facilities and/or open spaces.
- Although the use of building line restrictions to control urban development at site level is a proven town planning technique, exceptions to the rule are often made for practical reasons without forfeiting the desired effect on a city-wide scale.
- The requested relaxations will have no negative impact on the safety of people or property.

8.6. The prevalence of precedents

Several structures are found on the ridge line boundaries of farms to the west of this property. However, the difference is that the structures found on this property’s seaside boundary – the deck and the yoga studio – are not dominating the nature but are carefully hidden from plain sight.



8.7. Desirability

Viewed from all perspectives, the proposed development should be deemed as desirable because the approval of the application:

- will not lead to conditions that may be harmful to property owners in the direct vicinity or in the greater area;
- will not cause any of the rights of affected landowners to be affected in any manner;
- will not damage the amenity of the area in any manner;
- will not represent a real or potential threat to the health of the inhabitants or their neighbours;
- will not compromise safety, especially fire prevention and firefighting;
- will not detrimentally affect any existing or future engineering services;
- will not detrimentally affect traffic conditions;
- will enable an attractive development with no negative visual impact; and
- will not impact nature negatively.

9. SUMMARY

The practise of deviating from the standards of a zoning scheme or any other development control instrument, is as old as such instruments exist. To bluntly refuse a request for permission to deviate, is not only unreasonable but also highly irregular. Each case must be considered independently, and decisions should be based on, among others, the degree of deviation, the reasons for deviating as well as the impact on surrounding properties, the neighbourhood and the town.

The proposal is not in conflict with spatial planning guidelines of all tiers of government.

The wrongful positioning of the house was inherited while the deck was an innocent mistake. The placement of the yoga studio was related to the position of the deck, as well as the opportunities provided by the vegetation to hide it from sight.

It has been demonstrated that the relaxation of the building lines will have no negative impact in any regard. However, if the relaxations should not be approved, it would have massive financial consequences for the land-owner and inevitably lead to new damage to the natural environment.



A.C. Burger
Pr. Planner
A/767/1994

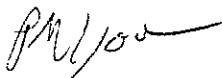
Special Power of Attorney

I, **Paula Elizabeth Viljoen** with identity number 590411 0031 08 3, being the registered owner of **Portion 27 of the farm 191**, situated in the district of George and held by virtue of Deed of Transfer T70770/2001 do hereby nominate, constitute and appoint Armand Camille Burger Professional Planner A/767/1994 of ValGIS Technologies CC as well as its authorised agents and/or employees with power of substitution to be our lawful representatives to:

- a. Prepare, submit and seek approval of land use rights as prescribed by the relevant legislation in order to allow for the relaxation of building lines in order to regularise existing buildings/structures currently in transgression of the relevant by-laws of the George municipality;
- b. Additionally address all such town planning related issues that may arise during the preparation phase of this application; and
- c. Generally do whatever may be necessary or desirable to obtain approval for the proposed development.

I hereby declare that I am aware that my personal information related to this application has to be collected, documented and submitted to the relevant authorities and that the Professional Planner hereby appointed, who undertakes to protect such information as prescribed in the relevant legislation, will not and cannot be held responsible if my personal information is leaked and/or made available to the public due to the behaviour of said authorities in possession of my information.

Signed at George on this 23 day of April 2024.

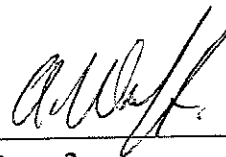


PAULA ELIZABETH VILJOEN

in the presence of the undersigned witnesses:



Witness 1



Witness 2

Locality Plan



DEED OF TRANSFER

NO. T70778/2001

OF

P E VILJOEN

PTN 27 OF THE FARM NO 191 GEORGE

MOSDELL, PAMA & COX
Attorneys Notaries & Conveyancers
Suite 19, Pledge Square
48 Main Street
KNYSNA 6570
Tel: 044 382 5333

SEELREG
 DUTY R.....
 FOCI R... 400,00
 FEE

Prepared by me

CONVEYANCER
 C E MOSDELL

CEM

DEED OF TRANSFER

REKENAAR DE JAVASI PASGONG ANUTER DATA CAPTURE	
OPSTREKSTAFTEL	DATA: 07/11/2001
OPSTREKSTAFTEL	OPERA: TEUR: OPERATOR
GESSTAFTVERREKID	
T 070778 - 2001	

BE IT HEREBY MADE KNOWN:

THAT HENDRIK MALHEBBE OOSTHUIZEN

appeared before me, the Registrar of Deeds at Cape Town, he, the said
 appearer, being duly authorised thereto by a power of attorney granted to him
 by

ENA LORRAINE COATES
 IDENTITY NUMBER 400105 0677 18 0
 MARRIED, WHICH MARRIAGE IS GOVERNED BY THE LAWS OF
 ZIMBABWE, HEREIN ASSISTED BY ANTHONY LEONARD MARTIN
 COATES

✓

dated 16 JULY 2001 and signed at Knysna,

AND THE SAID APPEARER declared that on 16 JULY 2001 the transferor as aforesaid sold the following property to the undermentioned transferee

and that he in his capacity aforesaid, did by these presents, cede and transfer in full and free property to and on behalf of

PAULA ELIZABETH VILJOEN
IDENTITY NUMBER 590411 0031 08 3
UNMARRIED

her heirs, executors, administrators or assigns,

PORTION 27 OF THE FARM NO. 191, IN THE MUNICIPALITY AND DIVISION OF GEORGE, WESTERN CAPE PROVINCE

IN EXTENT 3,8807 (THREE comma EIGHT EIGHT ZERO SEVEN) HECTARES

FIRST TRANSFERRED by Deed of Transfer No. 1502/1953 with Diagram No. 5715/52 annexed thereto and HELD BY Deed of Transfer No. T70024/1989

1. **SUBJECT** to the conditions referred to in Amended Deed of Grant dated 26th July 1898 (George Freeholds Volume 14, No. 8), and to the special conditions therein contained, one of which reads as follows:

“The land thus granted being further subject to all such duties and regulations as either are already or shall in future be established respecting lands granted on similar tenure.

2. **SUBJECT FURTHER** to the following conditions imposed by the National Transport Commission as Controlling Authority in terms of Sections 11 (3) and (6) of the Advertising on roads an Ribbon Development Act (Act No. 21 of 1940), as amended, namely :



- (i) The land may not be subdivided without the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 of 1948.
- (ii) Not more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land except with the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 of 1948.
- (iii) The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in act no. 21 of 1940, read in conjunction with Act No. 44 of 1948.

WHEREFORE THE APPEARER, renouncing all the right and title which the said

ENA LORRAINE COATES
 IDENTITY NUMBER 400105 0677 18 0
 MARRIED, WHICH MARRIAGE IS GOVERNED BY THE LAWS OF
 ZIMBABWE , HEREIN ASSISTED BY ANTHONY LEONARD MARTIN
 COATES

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

PAULA ELIZABETH VILJOEN
 IDENTITY NUMBER 590411 0031 08 3
 UNMARRIED

her 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 that the purchase price to be the sum of ~~R500~~ R700 000,00
~~XXXXXXX~~ (SEVEN HUNDRED THOUSAND RAND) on which amount transfer duty

SEVEN

has been paid.

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 *6th September 2001*.

[Handwritten Signature]

q.q.

In my presence,

[Handwritten Signature]

REGISTRAR OF DEEDS

✓

CONVEYANCER CERTIFICATE

I, ANDREW JOHN COX (NUMBER 79009)

in my capacity as Conveyancer practising at MOSDELL PAMA & COX, Western Cape Province


do hereby certify that:

PAULA ELIZABETH VILJOEN
Identity number 590411 0031 08 3
UNMARRIED

is the registered owner of

PORTION 27 OF THE FARM NO. 191, IN THE MUNICIPALITY AND DIVISION
OF GEORGE, WESTERN CAPE PROVINCE
IN EXTENT 3,8807 (THREE comma EIGHT EIGHT ZERO SEVEN) HECTARES
HELD BY Deed of Transfer No. T70770/2001.

SIGNED at PLETTENBERG BAY on this 13th day of MAY 2024.



ANDREW JOHN COX
CONVEYANCER

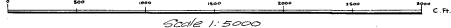
GENERAL PLAN 869^{LD}

of
PORTIONS 7 to 27 and 40' Road of the farm LOT No 42

THE FARM No. 191
GEORGE

Division of George - Province Cape of Good Hope

Site diagram No 26/1898 annexed to D/G Geo & 14-8



Scale 1:5000

Description of Beacons:

- Z¹ = Planted stone 6' x 5' x 10" above ground.
- a¹ = Planted stone 45' x 20' x 6' x 15" above ground.
- a² = Planted stone 26' x 9' x 5' x 12" above ground.
- a³ = Planted stone 39' x 9' x 6' x 15" above ground.
- a⁴ = Planted stone 38' x 15' x 4' x 12" above ground.
- a⁵ = Planted stone 45' x 9' x 6' x 18" above ground.
- a⁶ = Planted stone 45' x 10' x 5' x 18" above ground.
- a⁷ = Planted stone 37' x 9' x 8' x 12" above ground.
- a⁸ = Planted stone 46' x 7' x 5' x 18" above ground.
- U² = Planted stone 46' x 7' x 4' x 18" above ground.
- All other beacons = Concrete pillars 3' x 6' x 12" x 12" above ground.

The beacons of each portion represented on this plan are in accordance with regulation and have been placed under my supervision.
Surveyed in June 1960 by me

R.S. Dumbarton
Land surveyor

NOTE:
All lots are subject to conditions in terms of Act 21/1940.
Conditions A 1, 2, 3 & 4 apply to all lots.
Conditions B 1 & 2 apply to Lots 1 & 2 only.
Conditions C 1 applies to Dumbarton.
For copy of Conditions see p. 29 of File 5 705

Note: The roads are 40' wide and made under No. 95 of 1953.

Angles of Beacons	Angles of Beacons	Co-ordinates System 1928	Co-ordinates System 1928				
Station	Station	Station	Station				
1300	785.3	296.0	4.0	0.0	4184800.0	0.0	4184800.0
04-72	742.2	296.2	10	4	34141.2	2	12712.8
25-02	648.1	296.16	30	B	33515.8	2	13019.8
03-42	241.3	290.23	40	C	33682.8	8	13519.7
02-52	157.0	284.8	40	D	34650.9	9	13181.3
02-12	256.8	277.29	80	E	34522.4	12	12935.5
72-12	654.2	277.30	00	F	34212.5	12	12830.1
02-21	368.7	394.51	10	G	34711.0	13	12224.4
21-48	4818.1	108.24	30	H	34609.1	1	13601.0
03-12	3491.8	196.24	40	I	34161.4	12	12720.4
				J	34509.8	18	12824.6
				K	33857.9	14	14042.6
				L	33430.8	13	13059.2
				M	33238.1	13	13127.9
				N	33118.1	13	13159.4
				O	33411.9	9	14191.0
				P	33047.6	13	13752.2
				Q	32688.5	13	13221.9
				R	32394.7	14	13259.9
				S	32297.2	12	13289.3
				T	32113.5	13	13297.9
				U	32433.9	14	14009.9
				V	31990.4	14	14664.1
				W	32129.7	14	14607.7
				X	32577.2	14	14468.8
				Y	31886.6	15	1515.8
				Z	32424.4	15	15613.5
				A	34451.8	13	13970.1
				B	34242.0	14	14185.3
				C	34122.11	14	14295.7
				D	34308.5	14	14448.0
				E	33578.3	14	14691.0
				F	33743.7	15	15187.9

Portion	Margen	Dym. No	HECTARES	D/T
7	9-0233	800/50	0-4996	1886-2536
8	5-9242	800/50	5-3433	1980-2728
9	5-7828	800/50	4-9532	
10	5-5084	800/50	4-7162	
11	5-5805	800/50	4-7199	
12	5-9071	800/50	5-6597	
13	5-6206	800/50	4-9443	
14	5-3475	800/50	4-5803	1583-2377
15	5-7440	800/50	4-9200	1283-2377
16	5-3909	800/50	4-4755	1551-3558
17	5-3981	800/50	4-6237	1681-3325
18	5-3981	800/50	4-6237	1870-3890
19	5-0246	800/50	4-3038	1344-1514
20	5-0928	3708/50	4-3622	1353-1838
21	5-1125	3708/50	4-3791	1363-1839
22	5-0969	3708/50	4-3657	1355-1810
23	4-8868	3708/50	4-4857	1384-2074
24	4-8573	3708/50	4-4604	1383-1839
25	4-9422	3708/50	4-2381	1383-1500
26	4-9211	3708/50	4-2191	1383-1501
27	4-5308	3708/50	3-8807	1383-1502
43			68/2009	4,4776
62			2524/2014	0.8633
63			2525/2014	0.1405

S.G. No 8449/50

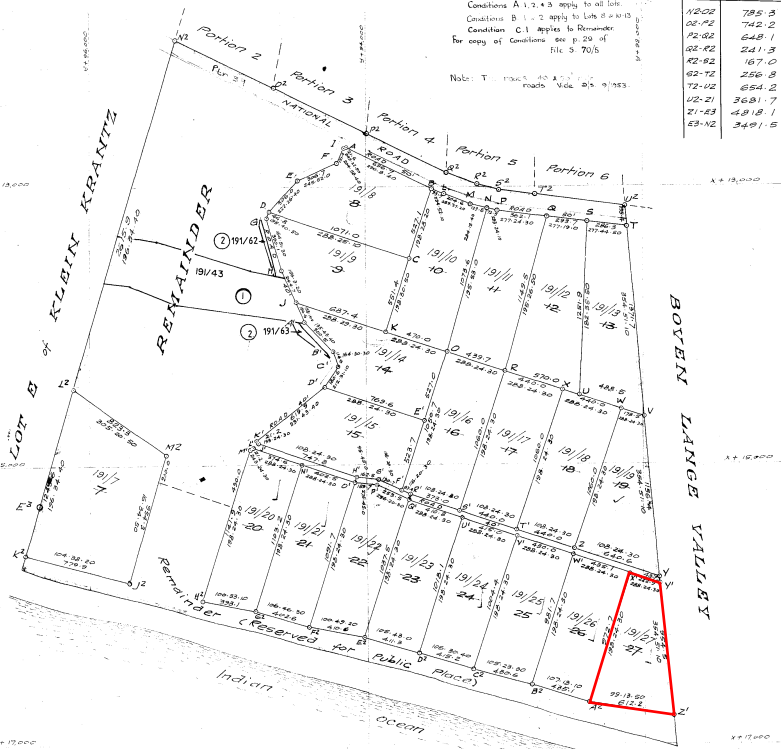
Approved

Surveyor-General

1962

ENDORSEMENTS					
NO.	AMENDMENT	ADDITION	AUTHORITY	SIGN	DATE
1	Creation of farm portion	Portion 63 additional farm portion No 18/2064	Local Authority Consent Ref. No. 125 Date: 1960-05-01		
2	Creation of additional farm portions	Portion 62 and 63 additional farm portions No 18/2064	Local Authority Consent Ref. No. 125 Date: 1960-05-01		

869



SG General Plan

Annexure E1

55.0. File No 6701/5
60.0. No. E 206/50
Dep. Sht. AL-2A-B-8
George Div. Sheet

Numbered under the Provisions of the Deeds Registries Act No. 47 of 1937.



SG diagram

669 CB

1927

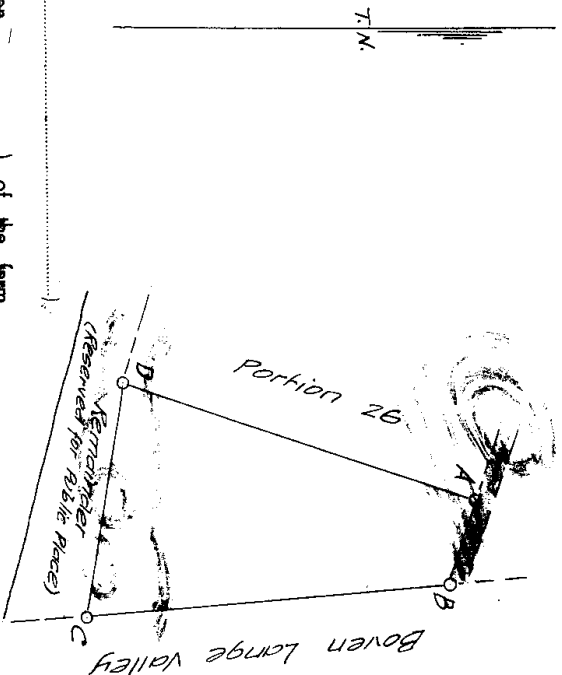
OFFICE COPY.

No. 5715/52

Approved

Sanath Kumar
J. Survegor-General.

SIDES Cape Feet	ANGLES OF DIRECTION	SYSTEM L ^o 23 ^e CO-ORDINATES	
		x	y
AB 222.9	288 24 30	A + 92094.2	+ 11940.000.0
BC 954.5	354 51 10	B + 91882.7	+ 15859.3
CD 812.2	99 13 50	C + 91797.1	+ 16810.0
DA 972.7	198 24 30	D + 92401.4	+ 16711.8



Portion 27 () of the farm
 (a portion of Portion) of the farm

No. 191

GEORGE

Description of Beacons:

A.B.D = Concrete pillars 3'x 6 1/2" & 12" above ground.
 C = Planted stone 6"x 5" & 10" above ground.

Scale 1 : 5000

2011/3/14

The figure A.B.C.D
 represents A. 5308 Mergert of land being

Portion 27 of the farm Lot NE42

situate in the Division of George Province of Cape of Good Hope.

Surveyed in June 1950 by me

R.P. Dumbarton
 Land Surveyor.

This diagram is annexed to

D/T 1502/53
dd. 13:2:53

The original diagram is

No. 26/1898 annexed to
D/G GEO R 14-8

File No. 5/70/5

S.R. No. R 2163/50

GEN. PLAN 869 LP

D.S. AL-2AB

Registrar of Deeds.

Annexure E2

19/1/27

A 8308

C

Topography

5m Contours

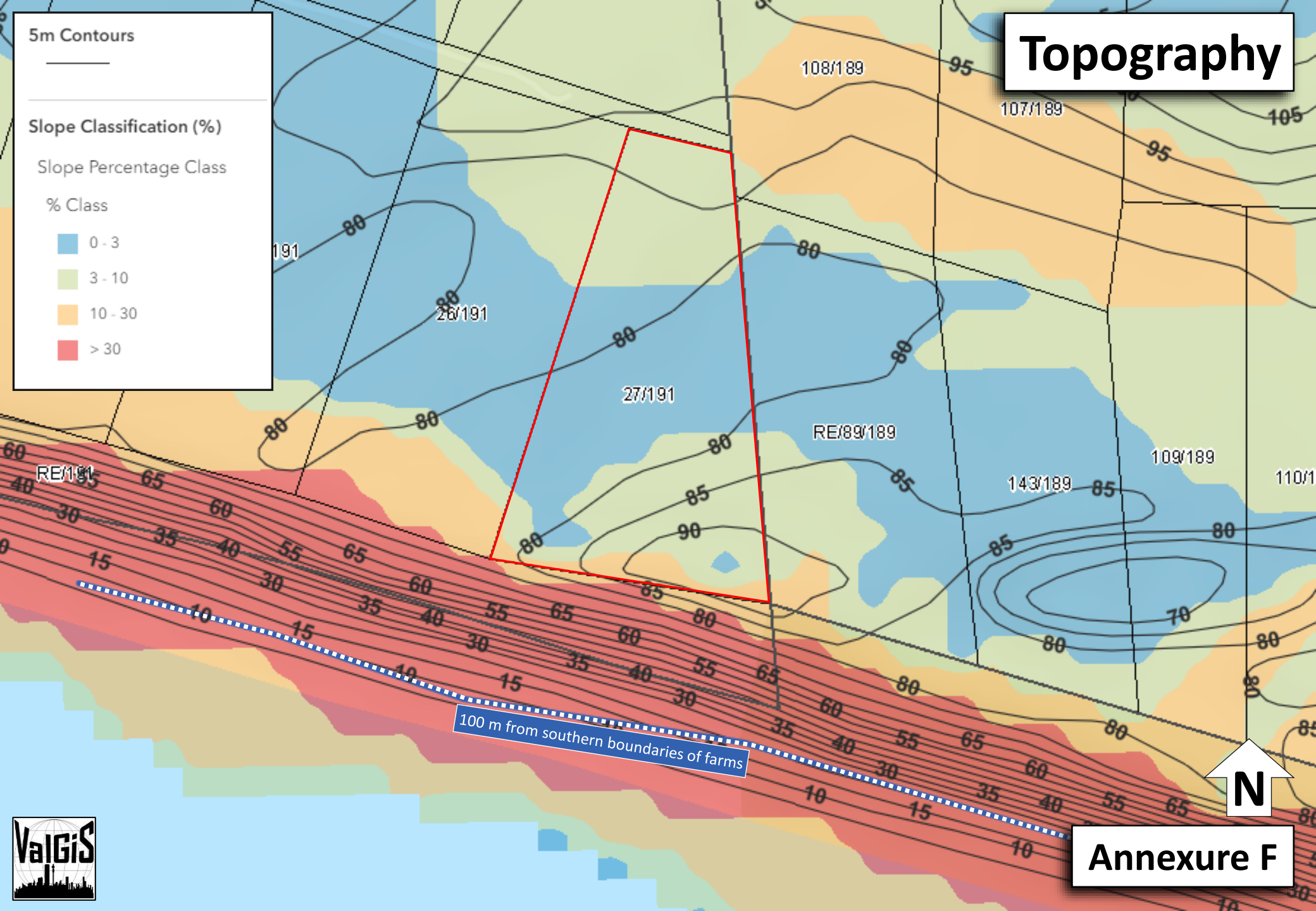
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Slope Classification (%)

Slope Percentage Class

% Class

- 0 - 3
- 3 - 10
- 10 - 30
- > 30

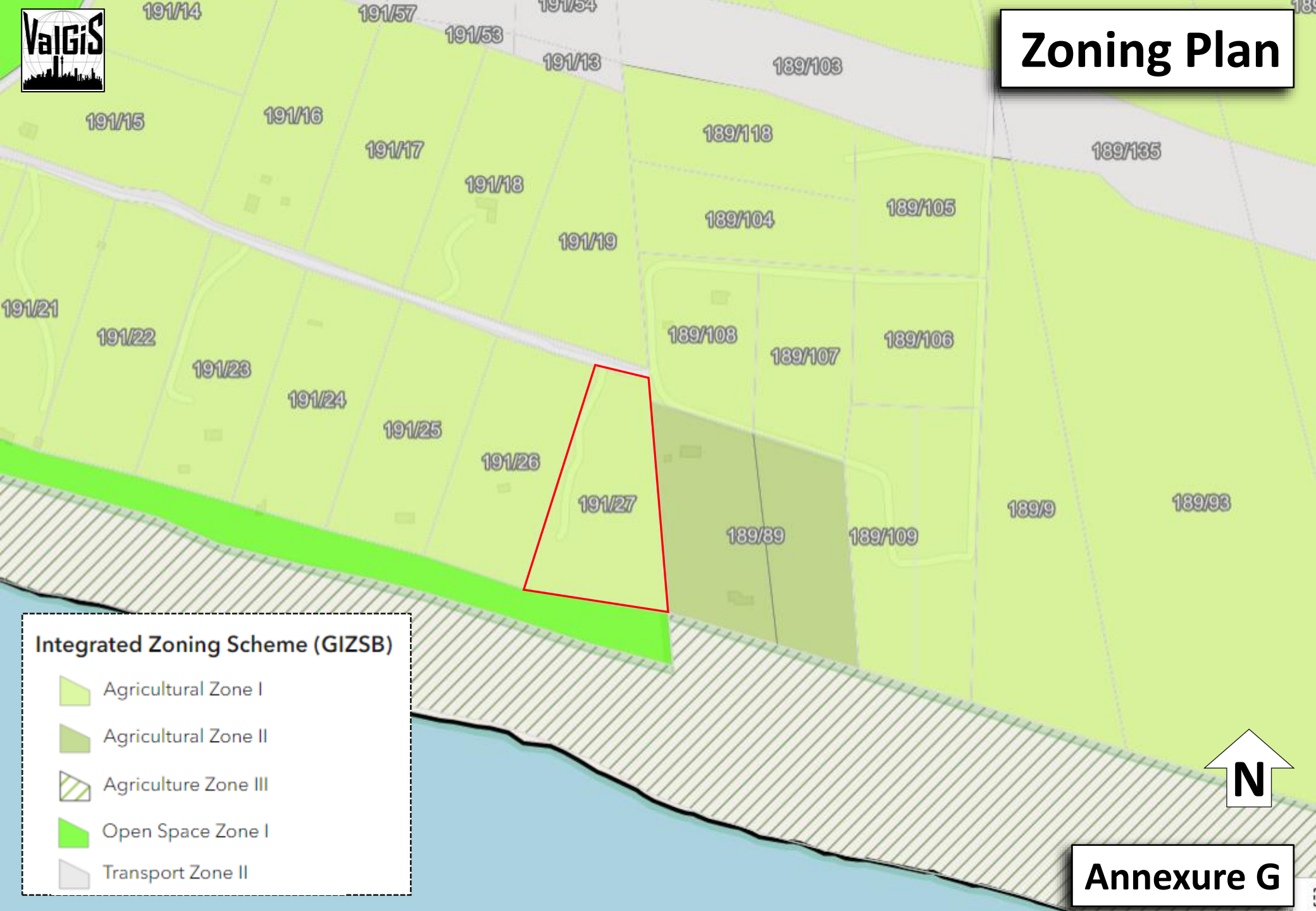


Annexure F






Zoning Plan



Integrated Zoning Scheme (GIZSB)

-  Agricultural Zone I
-  Agricultural Zone II
-  Agriculture Zone III
-  Open Space Zone I
-  Transport Zone II



Annexure G

Land Use



Annexure H



LAND SURVEYOR'S CERTIFICATE page 1/2

The Chief Town Planner, Municipality of GEORGE
I hereby certify that I have inspected the property known as
PORTION 27 of the farm PINE DEW No 191

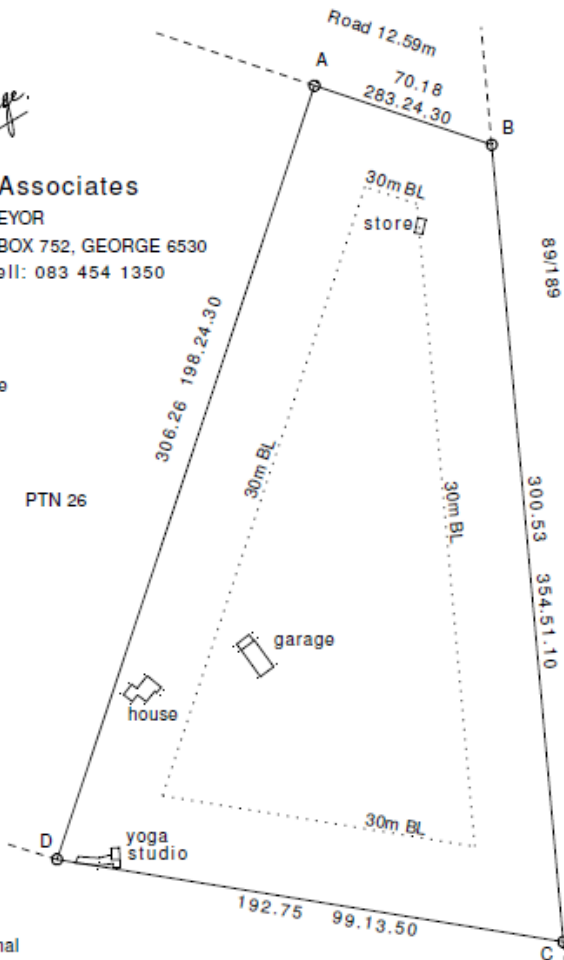
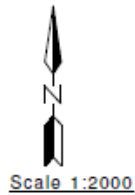
Situate in the Municipality of GEORGE
Administrative District of George
Province of the Western Cape
on behalf of Mr B Walter
General Plan No 869LD and that

- a) I have either located all of the buildings on this erf as shown below and detailed on page 2
- b) 3 of the buildings encroach over the building lines

G. Savage
in June 2023

G. S. SAVAGE & Associates
PROFESSIONAL LAND SURVEYOR
46 ALBERT STREET, P O BOX 752, GEORGE 6530
TEL: (044) 874 2414 Cell: 083 454 1350

Beacon Descriptions
A, B, D: 150x150 concrete pillars
C: planted stone

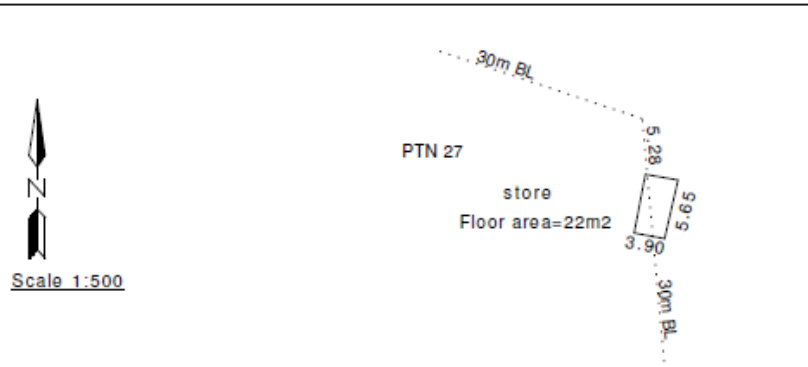


CF: 4140/GEO 191
Ref: 27-191 WALTER.mal

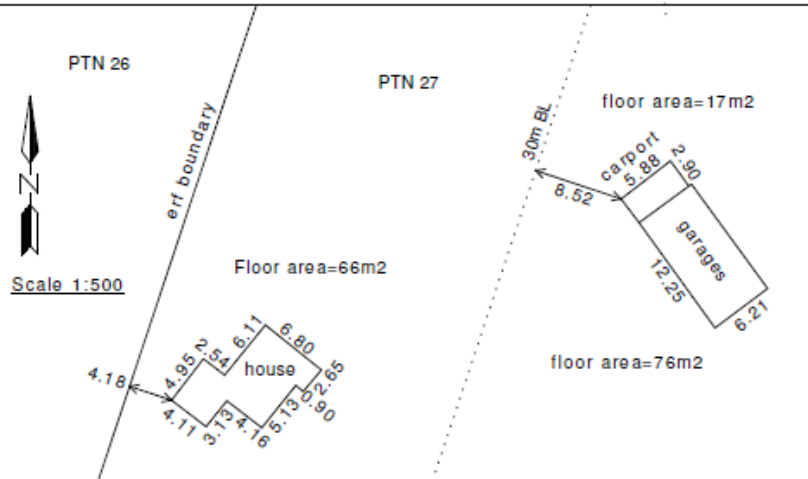
LAND SURVEYOR'S CERTIFICATE page 2/2

PORTION 27 of the farm PINE DEW No 191

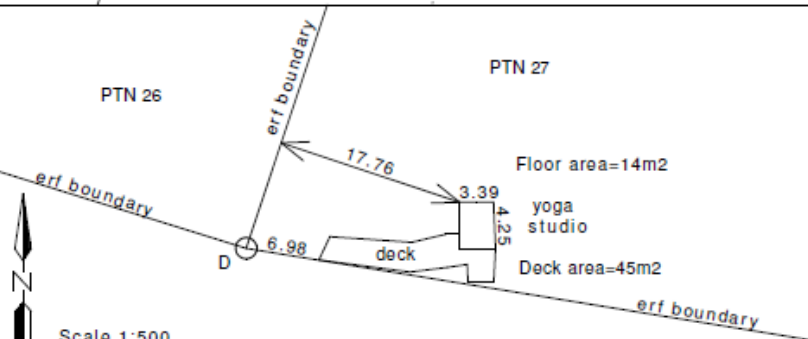
Insets showing dimensions in and around buildings



Scale 1:500



Scale 1:500



Scale 1:500

Remainder Farm No 191

CF: 4140/GEO 191
Ref: 27-191 WALTER.mal

Annexure I1

Site development



GENERAL PLAN 869^{LD}

of
PORTIONS 7 to 27 and 40 Road of the farm LOT 191/22

Division of George - Province of the Garden Route

Scale diagram 1:500 (vertical) or 1:1000 (horizontal)

Author: P. J. M. M. M.

Client: P. J. M. M. M.

Project: As-built structures on Ptn 27, Farm 191, for owner: Paula Viljoen

Drawn by: P. J. M. M. M.

Checked by: P. J. M. M. M.

Date: 07/06/2024

Scale: 1:500

Project: As-built structures on Ptn 27, Farm 191, for owner: Paula Viljoen

Drawn by: P. J. M. M. M.

Checked by: P. J. M. M. M.

Date: 07/06/2024

Scale: 1:500

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Scale: 1:500

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Checked by: P. J. M. M. M.

Date: 07/06/2024

Scale: 1:500

Project: As-built structures on Ptn 27, Farm 191, for owner: Paula Viljoen

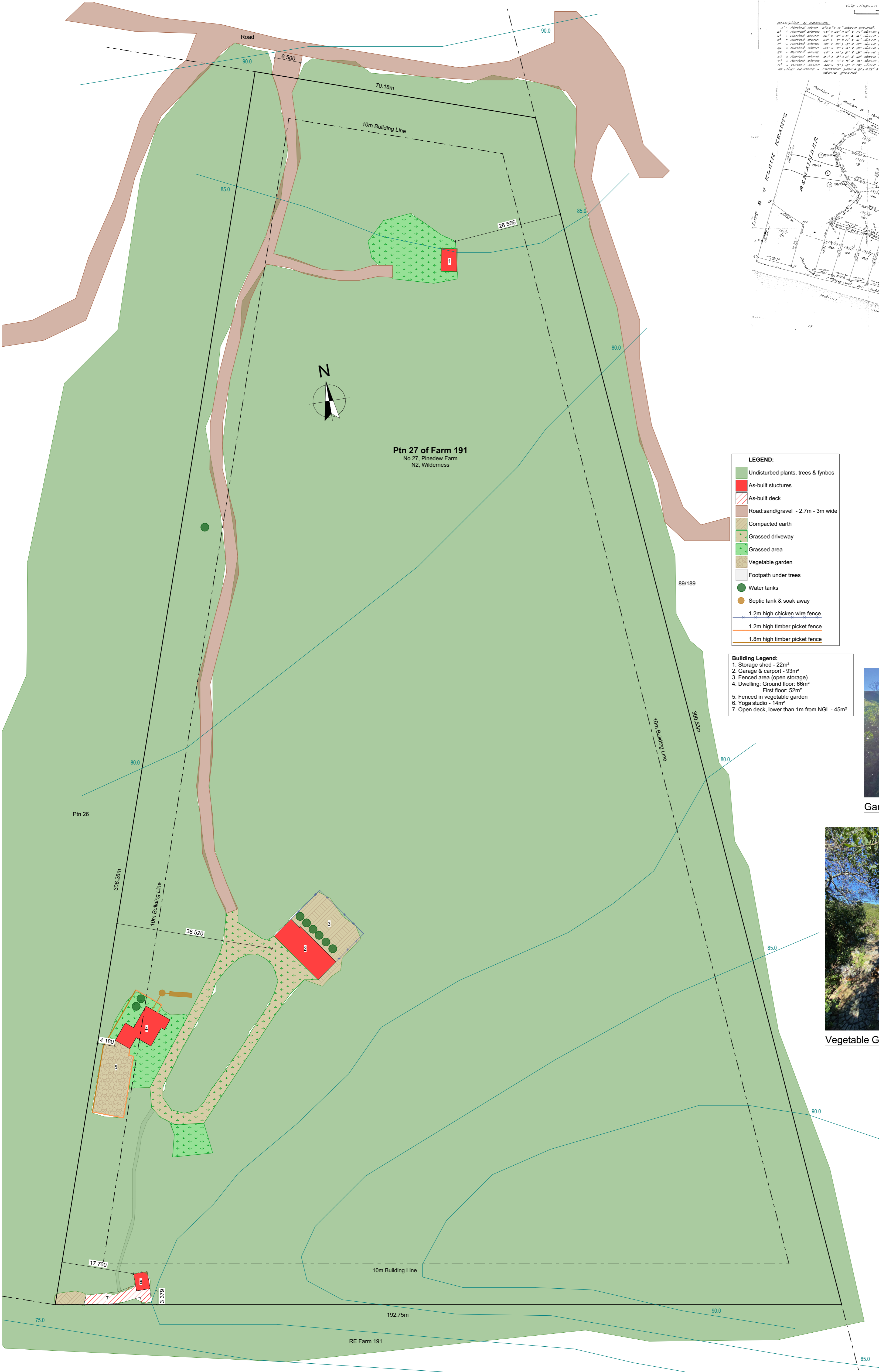
Drawn by: P. J. M. M. M.

Checked by: P. J. M. M. M.

Date: 07/06/2024

Scale: 1:500

Project: As-built structures on Ptn 27, Farm 191, for owner: Paula Viljoen



- LEGEND:**
- Undisturbed plants, trees & fynbos
 - As-built structures
 - As-built deck
 - Road/sand/gravel - 2.7m - 3m wide
 - Compacted earth
 - Grassed driveway
 - Grassed area
 - Vegetable garden
 - Footpath under trees
 - Water tanks
 - Septic tank & soak away
 - 1.2m high chicken wire fence
 - 1.2m high timber picket fence
 - 1.8m high timber picket fence
- Building Legend:**
1. Storage shed - 22m²
 2. Garage & carport - 93m²
 3. Fenced area (open storage)
 4. Dwelling: Ground floor: 66m²
First floor: 52m²
 5. Fenced in vegetable garden
 6. Yoga studio - 14m²
 7. Open deck, lower than 1m from NGL - 45m²

Schedule of Rights			
Property Description			
Erf / Portion	27	Site Area	3.8807 ha
Township	Farm 191 George	Title deed no	T070770-2001
Zoning Information			
Town planning Scheme	George Integrated zoning scheme by-law 2023	Amendment Scheme no	
Use Zone	AZ 1	Annexure no	
Area Schedule			
Construction areas		Areas (m ²)	
House	*	66.00	
Garage & carport	*	93.00	
Storage shed	*	22.00	
Yoga studio	*	14.00	
Open patios (not higher than 1m from NGL)		45.00	
* areas to be included in coverage calculation			
Total built area (m ²)		240.00	
Additional cleared areas			
Driveway (gravel & sand)		757.22	
Open parking area, grassed driveway		416.58	
Cleared area around structures (including vegetable garden, tanks, walkways, gardens)		782.00	
Coverage Schedule			
Total area for house and garage		159.00	
Total area for other structures		36.00	
Total coverage		195.00	
Development Control Measures			
Permissible	Control	Actual	
Agri zone 1	Zone	Residential	
8.5m	Height of Buildings	6.5m	
500m ² or 40%	Coverage	0.50%	
1	No of dwelling units on the erf	1	



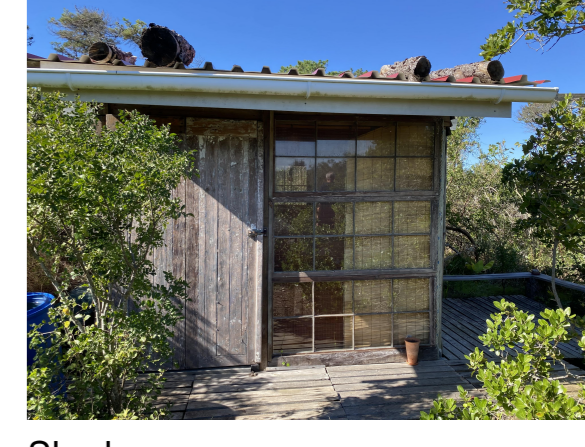
Garage & Carport



Vegetable Garden



House



Shed



Yoga Studio

3.

Site layout

1:500

STAMPS / SIGNATURES:



OCCUPANCY CLASSIFICATION = H4		
DRAWN BY	RH	
REVISION	DATE	REVISION DETAILS
S	07/06/2024	SDP - issued for submission
PROJECT: As-built structures on Ptn 27, Farm 191, for owner: Paula Viljoen		
DRAWING TITLE: Site Development Plan		
DRAWING:	GEOT2-191_Viljoen SDP.pln	SHEET: 1 of 1
SCALE	PAPER SIZE	REVISION
as shown	A1	S
HG Architectural Design & Drafting JM Hattingh - registered SACAP PAT4759499 SAIT 32538 044 343 2206 083 272 9122 office@hgdsgn.co.za www.hgdsgn.co.za G7, Gondwana Game Reserve, Mossel Bay Farms, WC		

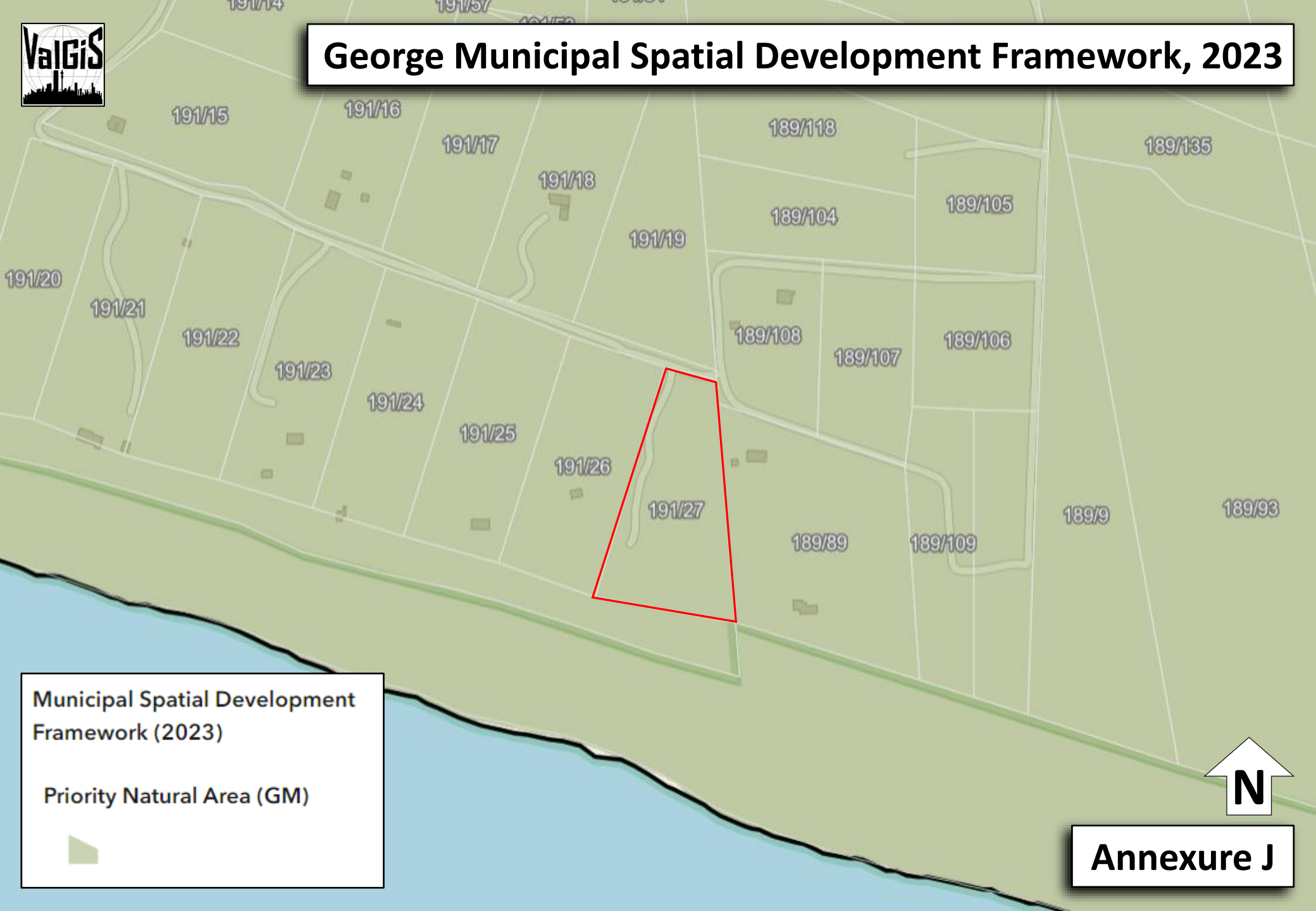
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Any unauthorized reproduction, publication, transmission, adaptation and/or inclusion of this drawing in a cinematograph film or television broadcast is an act of copyright infringement which will render the doer of the act liable for civil law copyright infringement and may in certain circumstances render the doer liable to criminal prosecution. Requests and enquiries concerning this drawing and the rights subsisting therein should be addressed to the copyright owner.

ACTS OF PARLIAMENT: All Contractors shall ensure that, before any work is put in hand, they comply with all the necessary Acts of Parliament of the Republic of South Africa.



George Municipal Spatial Development Framework, 2023



Municipal Spatial Development Framework (2023)

Priority Natural Area (GM)



Annexure J