



The Municipal Manager  
P O Box 19  
George  
6530

Reference: Erf 402 Herolds Bay

5 September 2024

Sir

**APPLICATION FOR CONSENT OF THE ADMINISTRATOR AND PERMANENT DEPARTURE: ERF 402 HEROLDS BAY**

Attached hereto, please find the following an application in terms of

- Section 39(4) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) for the consent of the Administrator in terms of condition C(b) on page three of Title Deed T30330/2023, the title deed of Erf 402 Herolds Bay, for the relaxation of the street boundary building line on Erf 402 Herolds Bay from 5 metres to 1.885 metres to accommodate the existing covered stoep.
- Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for a permanent departure for the relaxation of the street boundary building line on Erf 402 Herolds Bay from 4.0 metres to 1.885 metres to accommodate the existing covered stoep.

Your prompt consideration of the application will be appreciated.

Thanking you in anticipation.

**Jan Vrolijk**

**MOTIVATION REPORT**  
**APPLICATION FOR CONSENT OF THE ADMINISTRATOR AND PERMANENT**  
**DEPARTURE**  
**ERF 402 HEROLDS BAY**

5 September 2024



Prepared for:

**M Coertze & L Coertze**  
2 Perlemoen Street  
Herolds Bay  
6615

Prepared by:

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SACPLAN Registration No A/1386/2011

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**MOTIVATION REPORT**  
**APPLICATION FOR CONSENT OF THE ADMINISTRATOR AND**  
**PERMANENT DEPARTURE (RELAXATION OF BUILDING LINE)**  
**ERF 402 HEROLDS BAY**

## 1. BACKGROUND

On 16 May 2024 the Senior Manager: Town Planning (Authorised Official), under a sub delegation granted by the Director: Human Settlements, Planning and Development on 09 November 2022, approved an application for Administrators Consent for a second dwelling on Erf 402 Herolds Bay in terms of Section 39(B) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) as well as in accordance with condition C(a) of the Title Deed T39223/2000 for Erf 402 Herolds Bay. This approval enabled the development of a second dwelling on the lower ground floor of the dwelling house, as indicated on the site plan and building plan that was attached to the letter of approval.

Copies of the municipality's decision letter dated 12 May 2024, as well as the site plan and building plan attached to the letter of approval are attached hereto as **Annexure "A"** and **Annexure "B"** respectively. The erf has been developed in accordance with the mentioned site plan and building plan. A covered stoep has since been added to the dwelling house.

The south-eastern corner of the covered stoep on the southern side of the dwelling house transgresses the 5 metres street boundary building line as stipulated in the Title Deed of the application erf as well as the 4.0 metres street boundary building line stipulated in the George Integrated Zoning Scheme By-Law, 2023.

As no formal approval of this transgression could be found, application must be made for the consent of the Administrator in terms of condition C(b) on page three of Title Deed T30330/2023, the title deed of Erf 402 Herolds Bay and in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for the relaxation of the street boundary building line on the erf.

## 2. APPLICATION

- Application is made in terms of Section 39(4) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) for the consent of the Administrator in terms of condition C(b) on page three of Title Deed T30330/2023, the title deed of Erf 402 Herolds Bay, for the relaxation of the street boundary building line on Erf 402 Herolds Bay from 5 metres to 1.885 metres to accommodate the existing covered stoep.
- Application is made in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for a permanent departure for the relaxation of the street boundary building line on Erf 402 Herolds Bay from 4.0 metres to 1.885 metres to accommodate the existing covered stoep.

The proposed site plan and building plan indicating the existing covered stoep in relation to the street boundary building lines is attached hereto as **Annexure “C”**.

The completed application form for the application for the consent of the Administrator and permanent departure is attached hereto as **Annexure “D”**.

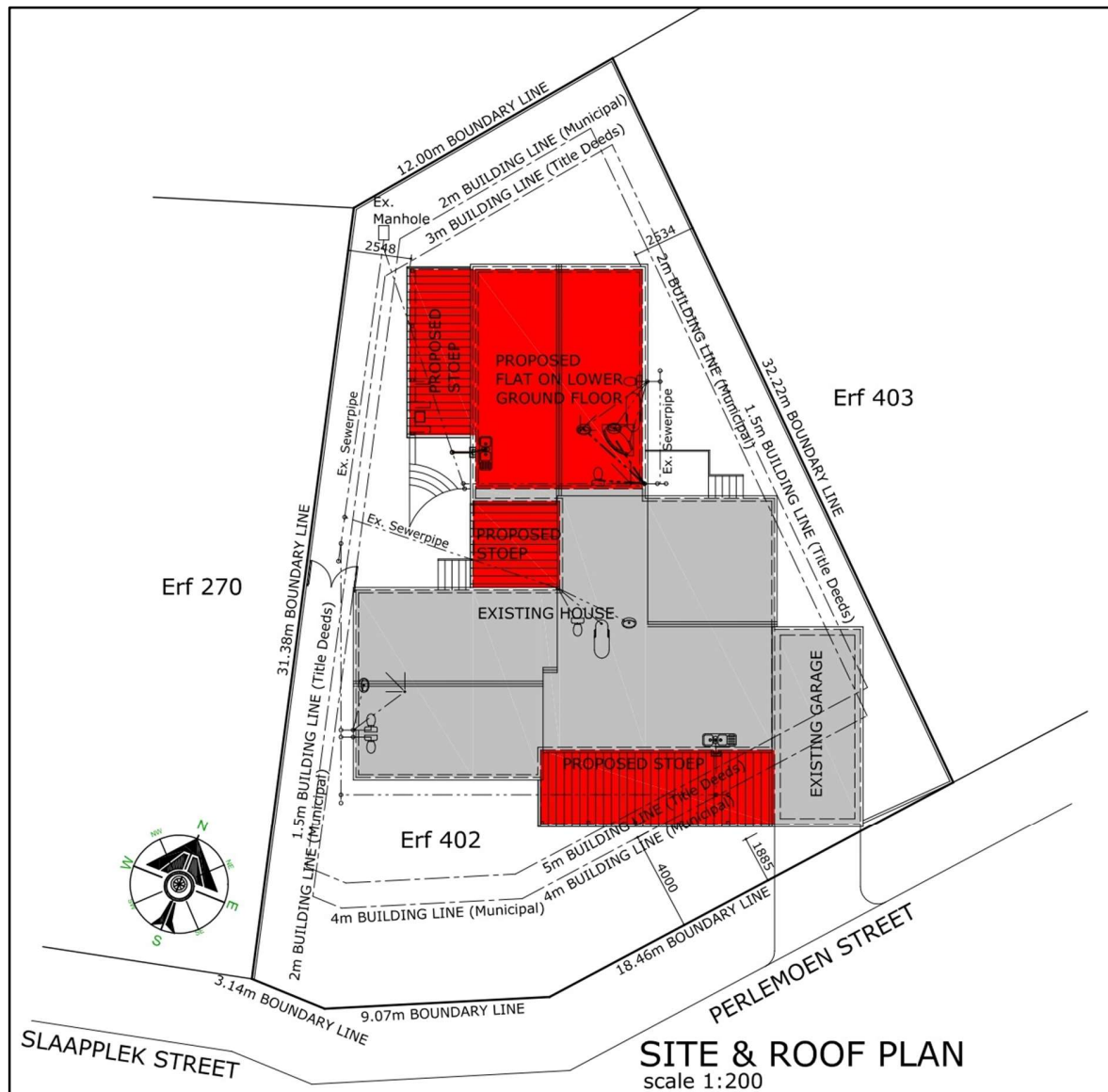
## 3. PRE-APPLICATION CONSULTATION

A pre-application consultation was not requested as the application entails the relaxation of a building line in terms of the title deed of Erf 402 Herolds Bay, as well as a permanent departure in terms of the George Integrated Zoning Scheme By-Law, 2023. This is in line with the e-mailed directive in this regard to various consultants by the Municipal Town Planners, which was issued by e-mail dated September 2024.

## 4. DEVELOPMENT PROPOSAL

The application erf has been developed with a single-story dwelling house with a single garage attached to the eastern side thereof. Due to the steep slope, the second dwelling has been built on the lower ground floor, under the northern part of the dwelling house. The development of the erf is rounded off with a garden consisting of lawn, shrubs and a few trees and a paved driveway

leading to the garage and paved parking area on the western side of the erf. The eastern portion of the covered stoep on the southern side of the dwelling house transgresses the street boundary building line stipulated in the title deed and the George Integrated Zoning Scheme By-Law, 2023. The extent of the transgression into the street building line is indicated on the site plan below which is also attached hereto as **Annexure "C"**.



The purpose of this application is to obtain the consent of the Administrator in terms of condition C.(b) of the title deed as well as in terms of Section 15(2)(b) of the Land Use Planning By-Law



for George Municipality, 2023 for a permanent departure for the relaxation of the street boundary building line on Erf 402 Herolds Bay in respect of the existing covered stoep, to enable the submission of a building plan in respect of the development.

## **5. GENERAL INFORMATION REGARDING ERF 402 HEROLDS BAY**

### **5.1 Locality**

Erf 402 Herolds Bay is situated at 2 Perlemoen Street, in the north-eastern portion of Upper Herolds Bay. The locality of the erf is indicated on the locality plan which is attached hereto as **Annexure “E”**.

### **5.2 Existing land use**

Erf 402 Herolds Bay is currently used for single residential purposes.

### **5.3 Extent**

Erf 402 Herolds Bay is 680m<sup>2</sup> in extent.

### **5.4 Present zoning**

In terms of the George Integrated Zoning Scheme By-Law, 2023, the zoning of Erf 402 Herolds Bay is Single Residential Zone I. In terms of this zoning, the erf may be used for the purposes of a “*dwelling house*”.

The coverage and building lines applicable to a “*dwelling house*” are set out in a table in Schedule II of the George Integrated Zoning Scheme, 2023. The extent of the application erf is 680m<sup>2</sup>. The street building line applicable to a dwelling house on an erf larger than 500m<sup>2</sup>, but not larger than 1 000m<sup>2</sup> is 4.0 metres and the side and rear building lines are 2.0 metres, whilst the coverage applicable is the larger of 325m<sup>2</sup> or 50% of the area of the erf.

The total coverage of the dwelling house is 43%, which is considerably lower than the maximum coverage allowed. Except for the street boundary building line, the development on the application erf conforms with all the development parameters applicable to a dwelling house.

Approval is therefore required in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for a permanent departure in respect of the relaxation of the street boundary building line to accommodate the existing covered stoep.

### 5.5 Surveyor General Diagram

A copy of the Surveyor General Diagram of Erf 402 Herolds Bay is attached hereto as **Annexure "F"**.

### 5.6 Title Deed

Erf 402 Herolds Bay is registered in the name of Mario Coertze, ID Number 740531 5063 08 5 and Lizel Coertze, ID Number 771129 0090 08 8. The Title Deed of the application erf is attached hereto as **Annexure "G"**.

The title deed of Erf 402 Herolds Bay, Title Deed T30330/2023 contains, inter alia, the following condition:

*"C. SUBJECT FURTHER to the terms of the Endorsement dated 7 July 1978 on Deed of Transfer No. T3724/1978 which reads as follows:*

*"Condition 6 herein is removed in terms of Administrator's Proclamation no. 139/1978 dated 21.6.1978 in Official Gazette No. 4003/1978 dated 30.6.1978 subject to conditions therein, namely:*

- (a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings.....*
- (b) No buildings or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres*

*to the street line which forms a boundary of this erf nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:*

- (i) An outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuildings to the wall-plate thereof, may be erected within such side and rear spaces, and any other building of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner the distance of 12 metres shall be measured from the point furthest from the street abutting the erf;*
- (ii) An outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary of a site that the above prescribed spaces, if no windows or doors are inserted in any wall facing such a boundary.*

*(c) On consolidation.....*

*(d) In the event.....”*

Condition C.(b). which determines the street boundary building line is applicable to this application for the Administrator's consent to accommodate the proposed covered stoep. This condition was laid down by the Administrator in terms of the Endorsement dated 7 July 1978 on Deed of Transfer No. T3724/1978, with the approval of the removal of Condition B6 from the Title Deed of the erf. It was common practice to control land use and land use parameters by means of such conditions being included in the title deed of individual erven. Title deeds were thus used as “zoning schemes”.

George Municipality has recently accepted the George Integrated Zoning Scheme By-Law, 2023. The stipulations in this By-Law represent the latest thinking as far as land use management and land development parameters are concerned. There is, therefore, no reason why land use and land development parameters should be regulated by means of title deeds anymore. Except for the street boundary building line, the covered stoep does not transgress any other building lines prescribed in the Title Deed of the application erf.

In terms of the title deed the authority to relax the building lines vests with the **Administrator**. The authority of the Administrator to consider building line relaxations in terms of title deeds has, however, been delegated to local authorities and the local authority can therefore act accordingly.

In the remainder of this report, it will be indicated that the building line relaxation as proposed has no negative impact on the surrounding area. The proposal adds value to the utilization of the erf. The Municipality (local authority) is therefore, requested to grant the consent of the Administrator in terms of the delegated authority.

### 5.7 Power of Attorney

A Power of Attorney, whereby Jan Vrolijk Town Planner / Stadsbeplanner is appointed by Mario Coertze and Lizel Coertze, the registered owners of Erf 402 Herolds Bay, to prepare the application referred to in point 2 of this motivation report and to sign all relevant documents is attached hereto as **Annexure "H"**.

### 5.8 Bondholder's Consent

Erf 402 Herolds Bay is not encumbered by a bond.

### 5.9 Conveyancer Certificate

A Conveyancer Certificate in respect of Erf 402 Herolds Bay is attached hereto as **Annexure "I"**. The Conveyancer Certificate refers to condition C(b) in the title deed of Erf 402 Herolds Bay, which restricts the development of the erf as proposed in this application.

The purpose of this application is to obtain the consent of the Administrator in terms of condition C(b) of the title deed for the relaxation of the street boundary building line on Erf 402 Herolds Bay to submit a building plan in respect of the existing covered stoep.

## 6. DESIRABILITY OF THE APPLICATION FOR CONSENT OF THE ADMINISTRATOR AND PERMANENT DEPARTURE (BUILDING LINE RELAXATION): ERF 402 HEROLDS BAY

## 6.1 Introduction

Specific issues which must be addressed in the motivation of applications are highlighted in the Land Use Planning By-Law for George Municipality, 2023. These issues are, however, aimed at more complex applications and are not applicable to applications such as an application for the consent of the Administrator or a permanent departure from the development parameters in the George Integrated Zoning Scheme, 2023. This application will therefore be motivated with reference to the following aspects:

- *Compatibility of the proposal with the existing planning and land uses of the surrounding area.*
- *The impact that the proposal will have on surrounding facilities such as schools, open spaces and other community facilities, should the application result in an increase in the population of the area concerned.*
- *The impact that the proposal will have on the existing character of the surrounding area and the right of the inhabitants of the area in respect of property values, privacy, view, sunlight, et cetera.*
- *The impact that the proposal will have on traffic and parking in the surrounding area.*
- *Provision of essential services.*

## 6.2 Existing planning and development in the area

The area of Herolds Bay where the application erf is located, has a single residential land use character. The dwelling houses and outbuildings of various architectural design and extent are situated in neatly kept gardens. The following aerial photo indicates the locality of the application erf, as well as the structures on the erf, in relation to the surrounding erven.

It is clear from the aerial photo that, due to the intersection of Perlemoen Street with Slaapplek Street opposite the application erf, the dwelling house on the application erf is not parallel to the street boundary of the erf. It is, therefore, only the south-eastern corner of the covered stoep, next to the single garage, that transgresses the street boundary building line mentioned in the title deed and zoning scheme.



The following photo shows the south elevation of the dwelling house and the covered stoep, with Perlemoen Street in the background.



The photo clearly shows that the existing lean-to covered stoep does not extend the whole width of the dwelling house. It forms an integral part of the overall architectural design, finish and street

elevation of the dwelling house. As the main purpose of the covered stoep is to provide shelter at the front entrance to the dwelling house, it will not have an impact on the use of the erf for single residential purposes.

The granting of the consent of the Administrator and permanent departure as proposed in this application, will therefore not establish an undesirable precedent and can be accommodated within the existing planning of the area concerned.

### **6.3 Impact on schools, open spaces and other community facilities**

The consent of the Administrator and permanent departure for the relaxation of the street boundary building line will not result in an increase in the number of inhabitants of the erf beyond that which is accommodated in the zoning of the erf. As such, the proposal will not have an impact on schools, open spaces and other community facilities in the area. This aspect is, therefore, not relevant to this application.

### **6.4 Impact on streetscape**

The following photo shows the street elevation of the application erf.



The covered stoep on the application erf does not have a negative impact on the streetscape, for the following reasons:

- Only the eastern portion of the covered stoep transgresses the street boundary building line.
- The height of the lean-to roof is lower than the roof of the remainder of the dwelling house.
- Due to the topography of the area, the application erf is situated slightly lower than the erven to the south thereof, which results in the covered stoep being lower than the dwelling houses on Erf 370 Herolds Bay and Erf 272 Herolds Bay.
- The lightweight construction of the columns and roof of the covered stoep is unobtrusive.
- Shrubs located between the street boundary and the covered stoep softens the visual impact of the structure even further.

The consent of the Administrator and permanent departure as proposed in this application will, therefore, not have a negative impact on the streetscape in the vicinity of the application property.

### **6.5 Impact on sunlight, view and privacy**

The application erf is situated to the north of the intersection of Perlemoen Street with Slaapplek Street. The aerial photo in point 6.2 above indicates that location of the application erf in relation to the surrounding erven.

The location of the portion of the covered stoep which transgresses the street boundary building line on the application erf, has no influence on the sunlight, view and privacy of the adjacent erven for the following reasons:

- The roof of the covered stoep is lower than the roof of the rest of the dwelling house.
- The garage on the application erf separates the covered stoep from Erf 403 Herolds Bay, which is situated adjacent and east of the application erf.
- The erven to the south of the application erf are separated from the covered stoep by Slaapplek Street and Perlemoen Street.
- The main purpose of the covered stoep on the southern side of the dwelling house is to provide shelter at the main entrance to the house.



- The covered stoep is not used as a habitable room.

The proposed consent of the Administrator and permanent departure will, therefore, not have a negative impact on the sunlight, view or privacy in respect of any adjacent erf.

### **6.6 Impact on property values**

As indicated in the previous paragraphs, the structure in respect of which the consent of the Administrator and permanent departure are required, does not have a negative impact on any of the surrounding properties. The outside finish is of good quality. The proposal will add value to the utilization of the erf.

The value of surrounding properties can, therefore, not be negatively impacted upon by the proposal.

### **6.7 Impact on the provision of parking**

The parking requirements applicable to different land uses are set out in table format in Section 42 of the George Integrated Zoning Scheme, 2023. In respect of dwelling houses on erven larger than 350m<sup>2</sup>, provision must be made for a minimum of 2 on-site parking bays per dwelling house and 1 additional parking bay in respect of a second dwelling.

As indicated on the site plan and building plan attached hereto as **Annexure "C"**, 1 covered and 2 open parking bays are provided. The number of parking bays therefore conforms with the parking requirement in the George Integrated Zoning Scheme, 2023.

The provision of on-site parking will, therefore, not be negatively impacted upon by the granting of consent of the Administrator and the permanent departure as proposed.

### **6.8 Impact on traffic circulation**

From the site plan and building plan which is attached hereto as **Annexure "C"** it is clear that the structure that forms the basis of this application can have no impact on traffic circulation in

Slaapplek Street or Perlemoen Street, as it is situated “behind” the street boundary and no additional access from any street is required.

The consent of the administrator and permanent departure as proposed in this application can thus not have any negative impact on the traffic situation in the vicinity.

### **6.9 Provision of services**

Municipal services are available to the application erf. The application erf has already been developed with a dwelling house and second dwelling which have been connected to municipal services. The granting of consent of the administrator and permanent departure as proposed in this application will not result in a change of the land use or a new building being erected. The existing buildings will remain intact.

Should any upgrade or extension of the existing municipal infrastructure be required because of this application, all costs because of such extension will be for the account of the applicant, subject to the conditions of the municipality. The proposal will thus not result in infrastructure costs to any external parties. The proposal will thus not place any burden on the municipal budget for the provision of services infrastructure, have any negative impact on the existing services or the provision of services in the area concerned.

### **6.10 Firefighting**

The firefighting requirements stipulated in the fire-regulations will not be negatively impacted upon as the application erf will still be fully accessible for fire-fighting purposes.

## **7. CONCLUSION**

Application is made in terms of Section 39(4) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) for the consent of the Administrator in terms of condition C(b) on page three of Title Deed T30330/2023, the title deed of Erf 402 Herolds Bay, for the relaxation of the street boundary building line on Erf 402 Herolds Bay from 5 metres to 1.885 metres to accommodate the existing covered stoep.

Application is also made in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for a permanent departure for the relaxation of the street boundary building line on Erf 402 Herolds Bay from 4.0 metres to 1.885 metres to accommodate the existing covered stoep.

The granting of consent of the Administrator and permanent departure as proposed in this application will not have a negative impact on development, public facilities or traffic circulation in the surrounding area.

The application furthermore conforms with the prescriptions contained in the Land Use Planning By-Law for George Municipality, 2023 and is submitted for consideration in accordance with the relevant stipulations of the title deed of the erf and the mentioned By-Law.

**ANNEXURE "A" - MUNICIPAL DECISION LETTER DATED 12 MAY 2024**

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

**Collaborator No.:** 3139066  
**Reference / Verwysing:** Erf 402 Herolds Bay  
**Date / Datum:** 16 May 2024  
**Enquiries / Navrae:** Primrose Nako

**Email:** [cascoertze@gmail.com](mailto:cascoertze@gmail.com)

Mr C C Coertze  
Erf 402, Herolds Bay  
**HEROLDS BAY**  
6530

**APPLICATION FOR ADMINISTRATORS CONSENT:  
ERF 402, HEROLDS BAY**

Your application in the above regard refers.


The Senior Manager: Town Planning (Authorised Official) has, under a subdelegation granted by the Director: Human Settlements, Planning and Development on 09 November 2022, decided that the application for Administrators Consent in terms of Section 39(B) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) in accordance with condition C (a) of the Title Deed T39223/2000 for Erf 402 Herolds Bay;

**BE APPROVED.**

**REASONS:**

To develop the dwelling house in terms of the prescribed building lines as per the George Integrated Zoning Scheme, 2023.

Yours faithfully

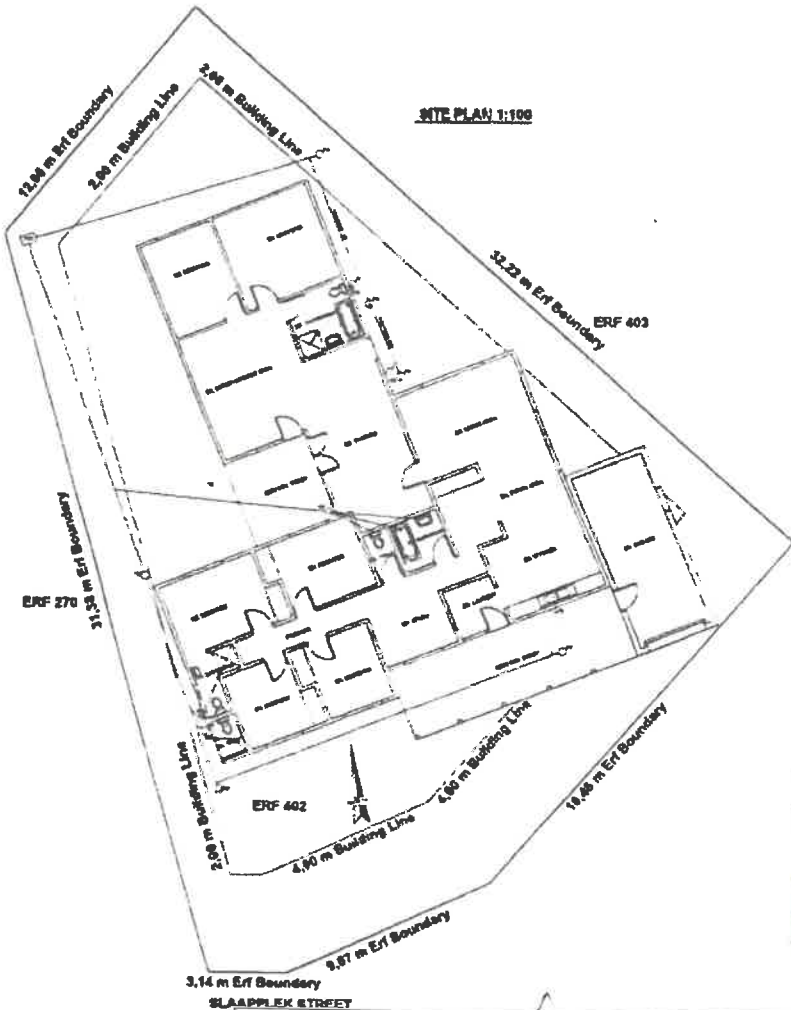


**C. PETERSEN**

**SENIOR MANAGER: TOWN PLANNING**

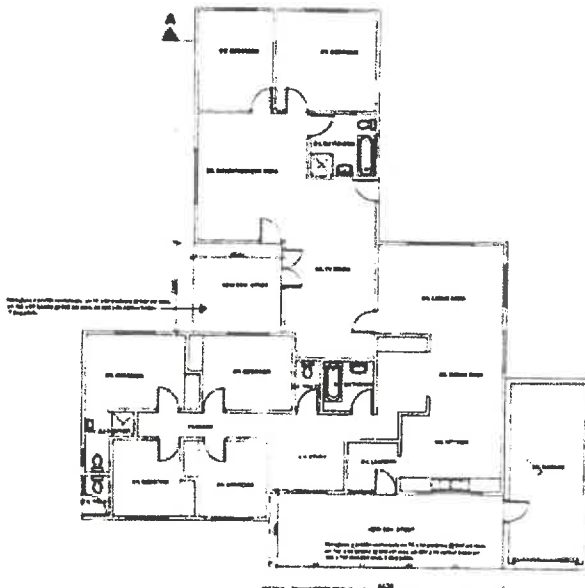
C:\scan\Erf 402 Herolds Bay(administrator consent\_approval)Mr C Coertze.docx

**ANNEXURE "B" - COPY OF APPROVED SITE PLAN AND BUILDING PLAN**

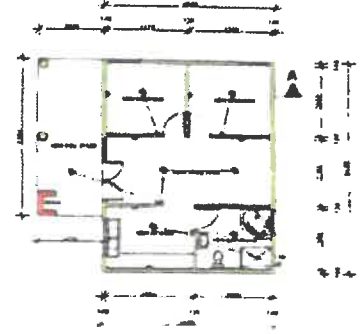


**SITE PLAN 1:100**

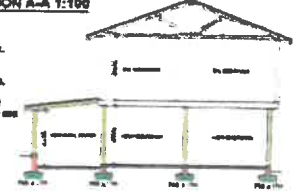
**GROUND FLOOR PLAN 1:100**



**LOWER GROUND FLOOR PLAN 1:100**



**SECTION A-A 1:100**



BR ROOF SHEETS ON 70 x 50 PURLINS @ 900 C/C MAX.  
ON 110 x 38 BEAMS @ 900 C/C MAX 2.7 DEG PITCH.  
12mm ALUMINIUM OUTTERS WITH 75mm DOWNPIPES.  
12mm SHPLAUX CLADDING ON 2 PLY OSB/ALUM ON  
BUSH ONE BOARD ON 110 x 38 AS PER PRESSWORK @ 900  
C/C MAX WITH 1mm SHIMWOOD ON THE SHIDE.  
30mm TOPPING ON 80mm CONCRETE ON 175 MICRON  
SURPLUS ON WELL COMPACTED FILLING.  
ALL DRAINAGE INSTALLATIONS UNDER BUILDING  
WORK MUST BE PROTECTED BY TIERPS OF PART 4  
OF SANS 10406 (4.3.3.7)  
ALL DRAINAGE TO COMPLY WITH SANS 10406  
PART 4.  
RAINWATER TO BE DISCHARGE ONTO STREET.  
NO PART OF THE STRUCTURE MUST ENROACH ON  
THE REIMBOURING PROPERTY.

**WEST ELEVATION 1:100**



**NORTH ELEVATION 1:100**



**EAST ELEVATION 1:100**



**SOUTH ELEVATION 1:100**



**AREA:**  
EX. AREA: 225.00 m<sup>2</sup>  
NEW PLAY: 59.30 m<sup>2</sup>  
NEW COV. STOEP: 67.30 m<sup>2</sup>  
TOTAL NEW AREA: 116.60 m<sup>2</sup>  
TOTAL AREA: 341.60 m<sup>2</sup>  
ERF SIZE: 600 m<sup>2</sup>  
COVERAGE: 48.85 %  
NEW FOOTPRINT: 287.27 m<sup>2</sup>

**MUNICIPALITEIT GEORGE MUNICIPALITY**

APPROVED: *16.05.2024*

SIGNATURE: *[Signature]*

TOWNPLANNING SECTION

PROPOSED NEW PLAY AND COVERED STOEP ON  
ERF NO 462, BLAAPLEK STREET, HEROLDSBAAL,  
GEORGE.

C. COERTZE



R & D DESIGNS  
BACAP: PADJONG  
CELL: 0715802061  
EMAIL: randsdesigns@gmail.com

**ANNEXURE "C" - PROPOSED SITE PLAN AND BUILDING PLAN**





**ANNEXURE "D" - 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

### PART A: APPLICANT DETAILS

First name(s)	Johannes George		
Surname	Vrolijk		
SACPLAN Reg No. (if applicable)	A/1386/2010		
Company name (if applicable)	Jan Vrolijk Town Planner / Stadsbeplanner		
Postal Address	P O Box 710		
	George	Postal Code	6530
Email	<a href="mailto:janvrolijk@jvtownplanner.co.za">janvrolijk@jvtownplanner.co.za</a>		
Tel	044 873 3011	Fax	086 510 4383
		Cell	082 464 7871

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

Registered owner	Mario Coertze, ID Number 740531 5063 08 5 Lizel Coertze, ID Number 771129 0090 08 8		
Address	2 Perlemoen Street		
	Herolds Bay	Postal code	6560
E-mail	<a href="mailto:cascoertze@gmail.com">cascoertze@gmail.com</a>		
Tel	N/a	Fax	N/a
		Cell	083 2734 101

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

Property Description [Erf / Erven / Portion(s) and	Erf 402 Herolds Bay
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Farm number(s), allotment area.]											
Physical Address		<b>2 Perlemoen Street, Herolds Bay</b>									
GPS Coordinates				Town/City		George					
Current Zoning		<b>Single Residential Zone I</b>		Extent		<b>680m<sup>2</sup></b>		Are there existing buildings?		<b>Y</b>	N
Current Land Use		<b>Residential</b>									
Title Deed number & date		<b>T30330/2023</b>									
Any restrictive conditions prohibiting application?		<b>Y</b>	N	If Yes, list condition number(s).		<b>Condition C(b) in Title Deed T 30330/2023</b>					
Are the restrictive conditions in favour of a third party(ies)?		Y	<b>N</b>	If Yes, list the party(ies).							
Is the property encumbered by a bond?		Y	<b>N</b>	If Yes, list Bondholder(s)?							
Has the Municipality already decided on the application(s)?		Y	<b>N</b>	If yes, list reference number(s)?							
Any existing unauthorized buildings and/or land use on the subject property(ies)?				<b>Y</b>	N	If yes, is this application to legalize the building / land use?				<b>Y</b>	N
Are there any pending court case / order relating to the subject property(ies)?				Y	<b>N</b>	Are there any land claim(s) registered on the subject property(ies)?				Y	<b>N</b>
<b>PART D: PRE-APPLICATION CONSULTATION</b>											
Has there been any pre-application consultation?				Y	<b>N</b>	If Yes, please complete the information below and attach the minutes.					
Official's name		<b>N/a</b>		Reference number		<b>N/a</b>		Date of consultation		<b>N/a</b>	
<b>PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY &amp; APPLICATION FEES PAYABLE</b>											

**\*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: **FIRNZAJJ**  
 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:**

- **An application in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for the relaxation of the street building line on Erf 402 Herolds Bay from 4.0 metres to 1.885 metres to allow for the legalization of an existing covered stoep.**
- **An application in terms of Section 39(4) of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) for the permission of the Administrator to allow for the relaxation of the street building line on Erf 402 Herolds Bay from 5.0 metres to 1.885 metres to allow for the legalization of an existing covered stoep.**

**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?*

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

*Minimum and additional requirements:*

<b>Y</b>	<b>N</b>	<b>N/A</b>	Conveyancer's Certificate	<b>Y</b>	<b>N</b>	<b>N/A</b>	Land Use Plan / Zoning plan
<b>Y</b>	<b>N</b>	<b>N/A</b>	Proposed Subdivision Plan (including street names and numbers)	<b>Y</b>	<b>N</b>	<b>N/A</b>	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	<del>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)</del> (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
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes	Y	N	N/A	Other (specify)

**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)  (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)			
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)			
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
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:

**5 September 2024**

Full name:

**Johannes George Vrolijk**

Professional capacity:

**Professional Town Planner**

SACPLAN Reg. Nr:

**A/1386/2010**

**ANNEXURE "E" - LOCALITY PLAN**



# Erf 402 Herolds Bay - Locality plan



0 0.05 0.1 0.19 km

Date: 8/21/2024 2:18 PM

Scale: 1:1,674



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.

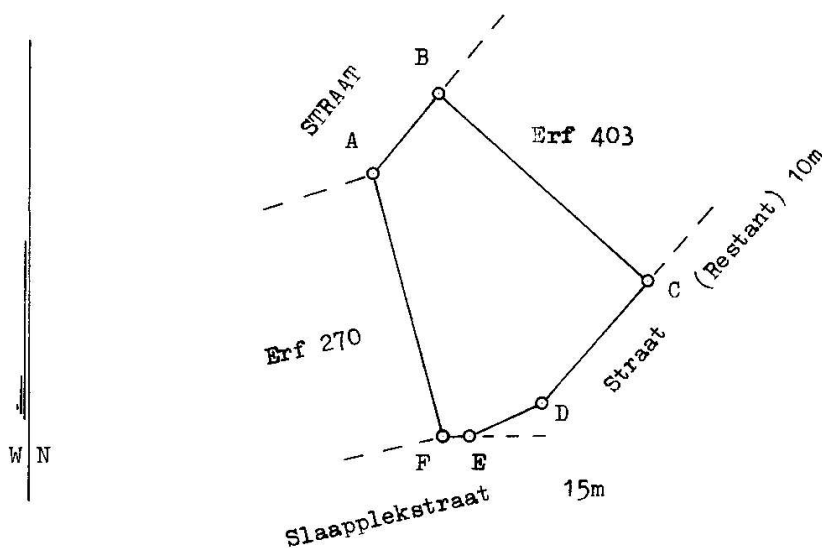
George Municipality will not be liable for any claims whatsoever, whether for damages or otherwise, which may arise as a result of inaccuracies in the information supplied.

**ANNEXURE "F" – SURVEYOR GENERAL DIAGRAM**

SYE Meter	RIGTINGS -HOEKE	KOÖRDINATE <sup>o</sup>			L.G. No.
		Y	Stelsel	Lo 23° X	
	Konstante	±	0	+3 700 000	8 - 47/78
AB	12,00	A	+ 55 241,26	+ 68 753,90	Goedgekeur <i>[Handwritten Signature]</i> ~ Landmeter-generaal 25 JAN 1979
BC	32,22	B	+ 55 233,82	+ 68 744,48	
CD	18,46	C	+ 55 210,19	+ 68 766,38	
DE	9,07	D	+ 55 222,09	+ 68 780,48	
EF	3,14	E	+ 55 230,32	+ 68 784,30	
FA	31,38	F	+ 55 233,46	+ 68 784,30	
	Δ Brakkefontein		+ 56 611,25	+ 68 014,29	
	Δ Geo 13		+ 58 577,14	+ 68 875,57	

Bakens

A.B.C.D.E.F. 16mm ronde ysterpen



Skaal: 1 : 750

Die figuur A. B. C. D. E. F.  
stel voor 680 Vierkante meter grond, synde  
Erf 402 (n gedeelte van Erf 271) Heroldsbaai  
geleë in Plaaslike Gebied van Heroldsbaai,  
Heroldsbaai Uitbreiding No. 2, Administratiewe Distrik  
George Provinsie Kaap die Goeie Hoop.  
Opgemeet in Oktober 1973 - Desember 1978  
deur my, *[Handwritten Signature]* Landmeter

Hierdie kaart is geheg aan  
Transportakte  
NB. 43144/1983  
gedateer  
t.g.v.  
Registrateur van Aktes

Die oorspronklike kaart is.  
No. 8146/78 geheg aan  
Transport/Grondbrief  
No. T. 3724/1978

Lêer No. **Seor. 204/39**  
M.S. No. **E. 2149/78**  
Komp. AL-1BB/Y23 (6499)  
Alg. Plan T.P. 9878

**S**  
**B**  
**C**  
402

**ANNEXURE "G" - TITLE DEED**

4

Oosthuizen Marais & Pretorius  
Sioux Building  
16 Sioux Street, Voorbaai  
Mossel Bay

Prepared by me

CONVEYANCER  
NICOLAAS LOUIS PIENAAR MARAIS  
(8392)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 2 000 000,00	R. 1 453,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / CAPTURE  
31-07-2023  
ATHI DAMOYI

T 000030330 / 2023

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

CONRAAD VAN LILL  
(LPC Membership number: 104215)

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

**CASPER CORNELES COERTZE**  
Identity Number 511128 5059 08 5  
Unmarried

which said Power of Attorney was signed at Mossel Bay on 26 June 2023

Lexis® Convey 18.2.10.14

And the appearer declared that his/her said principal naq, on 8 June 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**MARIO COERTZE**  
Identity Number 740531 5063 08 5  
and  
**LIZEL COERTZE**  
Identity Number 771129 0090 08 8  
Married in community of property to each other

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

**ERF 402 HEROLDS BAY, IN THE MUNICIPALITY AND DIVISION GEORGE  
WESTERN CAPE PROVINCE**

**IN EXTENT 680 (SIX HUNDRED AND EIGHTY) Square metres**

<sup>Transferred</sup>  
**FIRST REGISTERED** by Deed of Transfer No. T43144/1983 with Diagram  
No. 8147/1978 annexed and held by Deed of Transfer T39223/2000

- <sup>thru</sup>
- A. **SUBJECT** to the conditions referred to in Deed of Transfer no. T2525/1974.
- B. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T3724/1978 imposed by the Administrator Cape of Good Hope in terms of Ordinance No. 33 of 1934 upon approval of the establishment of Herolds Bay Town Extension No. 2, namely:
- \*1. Any words and expressions used in the following conditions shall have same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14th August 1970.
  2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf, shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance Nr. 15 of 1952, as amended.
  3. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
  4. The owner of this erf shall, without compensation be obliged to allow electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local or any other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

  
Lexis® Convey 18.2.10.14

5. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on this erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

6. ....

C. **SUBJECT FUTHER** to the terms of the Endorsement dated 7 July 1978 on Deed of Transfer No. T3724/1978 which reads as follows:

\*Condition B6 herein is removed in terms of Administrator's Proclamation no. 139/1978 dated 21.6.1978 in Official Gazette No. 4003/1978 dated 30.6.1978 subject to conditions mentioned therein, namely:-

(a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.

(b) No buildings or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority-

(i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuildings to the wall-plate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner the distance of 12 metres shall be measured from the point furthest from the street abutting the erf;

(ii) an outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site that the above prescribed spaces, if no windows or doors are inserted in ay wall facing such boundary.

(c) On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth, these conditions shall apply to the consolidated holding as if it was one erf.

(d) In the event of this erf being subdivided each subdivided potion, other than any portion deducted for public place, road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.



Lexis® Convey 18.2.10.14



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

**CASPER CORNELES COERTZE, Unmarried**

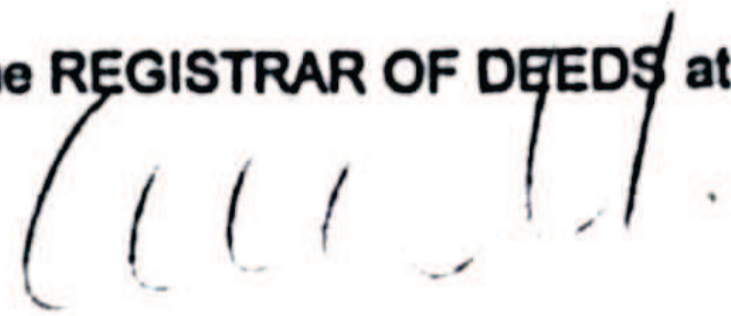
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**MARIO COERTZE and LIZEL COERTZE, Married as aforesaid**

their Heirs, Executors, Administrators or Assigns, now are 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 R2 000 000,00 (TWO MILLION 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 26 JUL 2023

  
\_\_\_\_\_  
q.q.

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS

  
Lexis® Convey 18.2.10.14

R



**ANNEXURE "H" - POWER OF ATTORNEY**

# POWER OF ATTORNEY

We, the undersigned

**Mario Coertze and Lizel Coertze**

in our capacity as the registered owners of

**Erf 402 Herolds Bay**

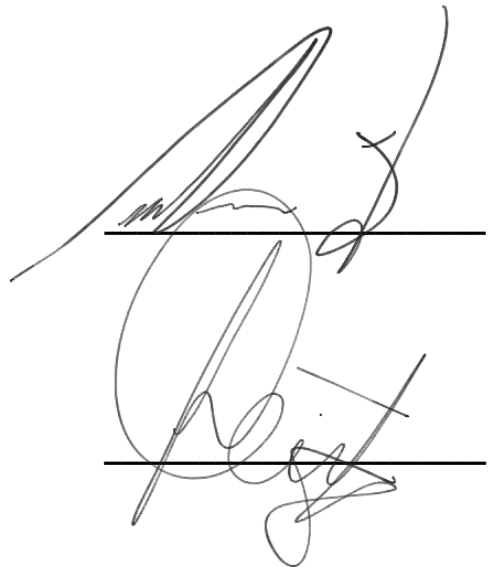
do hereby appoint Jan Vrolijk Town Planner/Stadsbeplanner to prepare, sign and submit the following applications to the George Municipality:

- An application in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for the relaxation of the street building line on Erf 402 Herolds Bay from 4.0 metres to 1.885 metres to allow for the legalization of an existing covered stoep.
- An application in terms of Section 39(4) of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) for the permission of the Administrator to allow for the relaxation of the street building line on Erf 402 Herolds Bay from 5.0 metres to 1.885 metres to allow for the legalization of an existing covered stoep.

Signed at Herolds Bay on 23 August 2024

**Mario Coertze**

**Lizel Coertze**

The image shows two handwritten signatures in black ink. The top signature is for Mario Coertze, and the bottom signature is for Lizel Coertze. Each signature is written over a solid horizontal line that serves as a baseline for the signature.

**ANNEXURE "I" - CONVEYANCER CERTIFICATE**

## CONVEYANCER'S CERTIFICATE

### IN TERMS OF SECTION 38(1)(n) OF THE GEORGE MUNICIPALITY: LAND USE PLANNING BY LAW, 2023

#### ERF 402 HEROLDS BAY

#### APPLICATION DETAILS

- An application in terms of Section 39(4) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) for the consent of the Administrator in terms of condition C(b) on page three of Title Deed T30330/2023, the title deed of Erf 402 Herolds Bay, for the relaxation of the street boundary building line on Erf 402 Herolds Bay from 5 metres to 1.885 metres to accommodate the existing covered stoep.
- An application in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for a permanent departure for the relaxation of the street boundary building line on Erf 402 Herolds Bay from 4.0 metres to 1.885 metres to accommodate the existing covered stoep.

#### APPLICATION DATE

September 2024

I, the undersigned

ANDALEEN CHIMES a duly qualified and admitted Conveyancer, practicing at A Chimes & Van Wyk Attorneys, Cathedral Street, George do hereby certify as follows:

1. I have perused the following title Deed/s and conducted a search behind the pivot of the said title deed/s at the Deeds Office, Cape Town:

**T30330/2023** (current Title Deed)

in respect of:

**ERF 402 HEROLDS BAY**

**IN THE MUNICIPALITY AND DIVISION OF GEORGE  
WESTERN CAPE PROVINCE**

**IN EXTENT: 680 (SIX EIGHT ZERO) SQUARE METRES**

**HELD BY DEED OF TRANSFER NUMBER T30330/2023**

REGISTERED in the name of

**MARIO COERTZE AND LIZEL COERTZE**

2. I have appraised myself with the details of the abovementioned Land Development Application.
3. The abovementioned Title Deed contains the *inter alia* the following condition C.(b) restricting the contemplated Land Use in terms of the abovementioned Land Development Application:

“C. *SUBJECT FURTHER to the terms of the Endorsement dated 7 July 1978 on Deed of Transfer No. T3724/1978 which reads as follows:*

*“Condition 6 herein is removed in terms of Administrator’s Proclamation no. 139/1978 dated 21.6.1978 in Official Gazette No. 4003/1978 dated 30.6.1978 subject to conditions therein, namely:*

- (a) *This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings.....*
- (b) *No buildings or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:*
  - (i) *An outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the*

*outbuildings to the wall-plate thereof, may be erected within such side and rear spaces, and any other building of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner the distance of 12 metres shall be measured from the point furthest from the street abutting the erf;*

*(ii) An outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such a boundary.*

*(c) On consolidation.....*

*(d) In the event.....”*

4. There is no bond registered over the property.

**SIGNED at GEORGE on 2 September 2024**



**CONVEYANCER**