



**MARLIZE DE BRUYN PLANNING**  
Consulting Town & Regional Planning

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PO Box 2359, George, 6530  
PO Box 540, Mossel Bay 6500

## **PROPOSED PERMANENT DEPARTURE FOR WL MOULT**

**REMAINDER ERF 233  
C/O 4TH AVENUE AND 5TH AVENUE, DENNEOORD  
GEORGE MUNICIPALITY & DIVISION**



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**Authors of this report:**

M de Bruyn	Professional Planner A/1477/2011	B. Art. et. Scien. Planning
D Janse van Rensburg	Candidate Planner C/9531/2021	MSc. Urban and Regional Planning

## Aerial images:

<https://gis.elsenburg.com/apps/cfm/#>

<https://gis.george.gov.za/portal/apps/webappviewer/index.html?id=0283eccf869641e0a4362cb099290fca>

<https://www.google.com/earth/>

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**PROPOSED PERMANENT DEPARTURE:  
RE/233, C/o 4TH AVENUE & 5TH AVENUE, DENNEOORD  
GEORGE MUNICIPALITY & DIVISION**

## 1. BACKGROUND INFORMATION & PROPERTY DETAILS

RE/233 George is a residential property situated within the urban edge of George in the suburb, Denneoord, the most northern lying neighbourhood of George at the foot of the Outeniqua Mountains. The property is zoned Single Residential Zone I and is developed with a dwelling house.

In 2015, shortly after purchasing the property, the owner replaced the original carport with a slightly larger and improved double carport. However, it was recently discovered that the carport was never formally approved. To address this, a building line relaxation is required to accommodate its encroachment on the street building line before a building plan can be approved. In the interim, the owner has removed the carport pending the outcome of this land use application.

*Marlize de Bruyn Planning* was appointed to address the land use requirements so that building plans for the proposed carport can be submitted and approved for the property. The power of attorney attached as **Annexure 1** to this report. The table below includes relevant information regarding RE/233 George.

<b>Property Description:</b>	RE/233 George
<b>Physical Address:</b>	C/o 4th Avenue & 5th Avenue, Denneoord, George
<b>Owner:</b>	WL Mout
<b>Title Deed No:</b>	T67525/2015 ( <b>Annexure 2</b> )
<b>Bond:</b>	Cancelled as transfer to new owner is imminent ( <b>Annexure 3</b> )
<b>Size of the property:</b>	631m <sup>2</sup>
<b>SG Diagrams</b>	9283/46 ( <b>Annexure 4</b> )
<b>Zoning</b>	Single Residential Zone I (dwelling house)

The conveyancer certificate confirms that there are no conditions in the title deed that restricts this land use application. The conveyancer's certificate is attached hereto as **Annexure 5**.

## 2. APPLICATION

This land use application in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2023) for RE/233 George entails the following:

- **Permanent departure** in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2023) for the relaxation of the northern street building line from 4.0m to 0.0m for a proposed carport.

**3. LOCALITY, ZONING, & CHARACTER OF THE PROPERTY**

RE/233 George is a developed residential property located in the residential neighbourhood Denneoord, the most northern lying neighbourhoods of George, at the foot of the Outeniqua Mountains. The property is abutted by residential properties on its south and west and abuts 4th Avenue on its northern boundary and 5th Avenue on its eastern boundary. A locality map is attached hereto as **Annexure 6**.

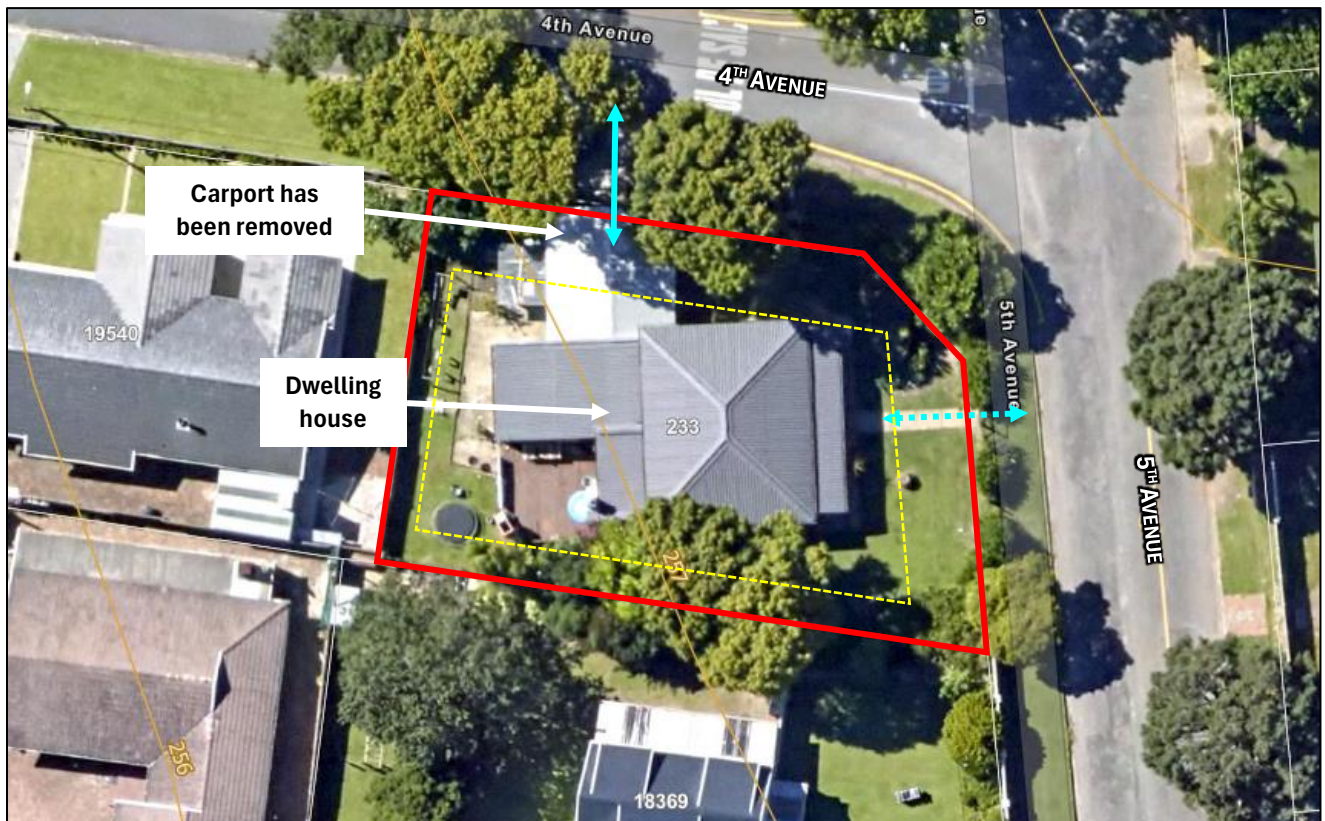
RE/233 George is zoned Single Residential Zone I (SRZI) and developed accordingly with a dwelling house. All the surrounding properties are also zoned SRZI. The zoning and the land use of the subject property will not change following this land use application. The property has a 4.0m street building line along two street boundaries and a 2.0m building line along the remaining side boundaries.



RE/233 George is 631m<sup>2</sup> and has a relatively flat topography with the slightest downward slope from west to east. The proposed carport, visible in aerial imagery, was initially constructed without the owner knowing that a building line relaxation was required. The carport has since been removed, pending approval of the land use application for the relaxation. Once approved, the owner intends to reinstate the carport as proposed through this land use application.

Vehicular access to the property is from 4th Avenue where the carport was initially instated by the owner up to the northern street boundary. The property also has a pedestrian access from 5<sup>th</sup> Street. The first photo below is recent and shows that the carport has been removed. The images to follow highlight the character and features of the surrounding area and RE/233 George.



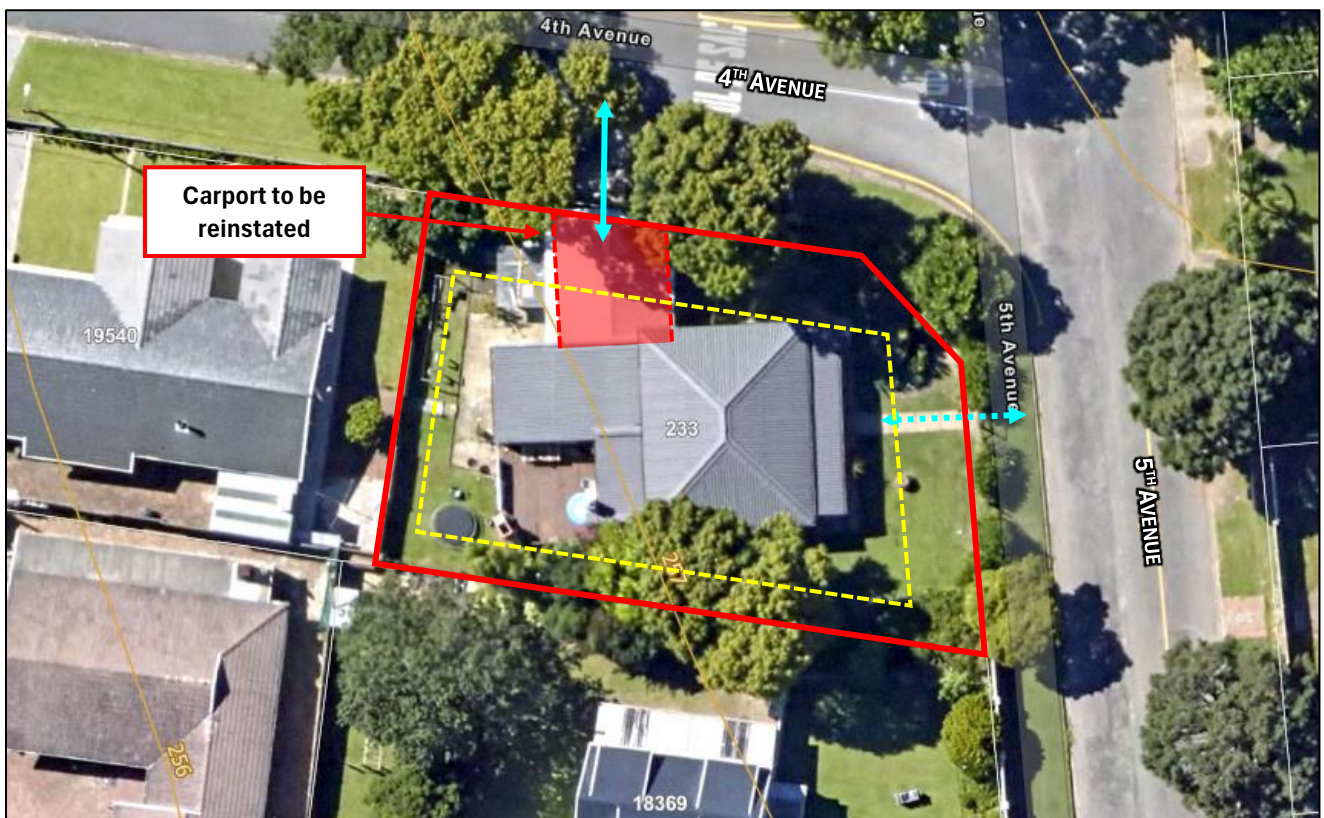


#### 4. DEVELOPMENT PROPOSAL

RE/233 George is a residential property located on the corner of 4th Avenue and 5th Avenue in Dennoord. The property is developed with a dwelling house and used to have a double carport. The owner has removed the carport until the necessary approvals has been obtained.

This land use application is for the relaxation of the northern street boundary building 4.0m to 0.0m to re-erect the double carport. The carport is proposed at the existing vehicular access to the property from 4<sup>th</sup> Avenue.

The carport is proposed to be 5.85m wide and cover an area of about 40m<sup>2</sup>. The access will not change. The proposed location is the logical and most practical location for a carport as it lines up directly with the existing access and will provide direct access from the car to the house. The following image shows the proposed addition and extension as seen from above. This carport replaces the old, dilapidated carport visible on the older street view images.



The building plans are attached hereto as **Annexure 7**.

#### 4.1 MUNICIPAL ENGINEERING SERVICES & ACCESS

The municipal engineering services provided to this property will continue to be used as at present. No changes to any of these matters are proposed as the use of the property is not to change. The existing vehicular access will not change. The carport will provide protected parking on the property.

#### 4.2 IMPACT ON NEIGHBOURING PROPERTIES

The public interest in this application is considered limited, as the proposed carport is an uninhabitable addition and does not impede on any surrounding property owners' common boundaries' building lines. The photos from before the carport was removed shows that it is a solid, aesthetically pleasing structure.

#### 4.3 NATURAL ENVIRONMENT & HERITAGE CONSIDERATIONS

As no trees were removed and there are no environmental features on the property, there are no expected environmental impacts. The dwelling house is older than 60 years and is protected in terms of the National Heritage Resources Act of 1999.

The 1957 aerial image reveals that the existing access has been in place for more than 60 years and that a carport at the existing entrance is adaptive of the current situation. The property also has an historic pedestrian access from 5<sup>th</sup> Avenue that is visible on the 1957 aerial image.



As the proposed carport will be attached to the house, a permit application to Heritage Western Cape is to be addressed by the property owner.



## 5. NEED & DESIRABILITY

### ***Need***

Need depends on the nature of a development proposal and is based on the principle of sustainability. This land use report has shown that the departure (building line relaxation) for the proposed addition of a carport on RE/233 George responds to the nature of the property and the historic access configuration on the property. The proposed relaxation will have no negative impact on surrounding properties, visual impacts, or the environment. Most importantly, it fulfils the property owner's need to efficiently provide functional parking space for their vehicles on the property.

### ***Desirability***

Desirability from a planning perspective, is defined as the degree of acceptability of a proposed development on a property. The relevant factors include the physical characteristics of the property, existing planning in the area, character of the area, the locality and accessibility of the property as well as the provision of services.

### ***Physical characteristics of the properties***

No physical characteristics of the property will be changed or affected by the proposed permanent departures. The carport will provide much needed protection for vehicles.

### ***Existing planning in the area***

As indicated later in this land use report, this land use application is not in conflict with the George Municipal Spatial Development Framework (GMSDF).

### ***Character of the area***

The permanent departure will not affect the character of the area.

### ***Provision of services***

Municipal engineering services are already available on the property and will be used accordingly.

### ***Economic impact***

This departure for a carport cannot have a negative economic impact.

### ***Direct impact on surrounding properties***

No neighbours will be impacted by the proposed addition.

It is our view that the need and desirability of the proposed permanent departure for RE/233 George, shows no negative impacts.

## 6. LEGISLATION & POLICIES

The criteria for the consideration of land use applications as per the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SLPUMA), the Western Cape Land Use Planning Act, (Act 3 of 2014) (LUPA) and the George Municipality: By-law on Municipal Land Use Planning (2023) builds on each other. SLPUMA introduced legislative and procedural changes to the management of land use planning in South Africa. The Western Cape Province followed with LUPA and thereafter George Municipality with the Municipal Land Use Planning By-law (2023). What is relevant to this land use application is discussed in the paragraphs to follow.

### 6.1 SPATIAL PLANNING & LAND USE MANAGEMENT ACT, 2013 (SPLUMA)

Section 7 of this Act sets out the five development principles that are applicable to spatial planning, land development and land use management and section 42 of SPLUMA then refers to the factors that must be considered by a municipal tribunal when considering a land use planning application, which include but are not limited to:

- Five SPLUMA development principles;
- Public interest;
- Constitutional transformation;
- Respective rights and obligations of all those affected;
- State and impact of engineering services, social infrastructure and open space requirements;
- Compliance with environmental legislation.

Relevant aspects not addressed in the earlier paragraphs of this land use report, are addressed below:

#### 7.1.1. Five Development Principles

The five development principles of SPLUMA, namely spatial justice, spatial sustainability, efficiency, spatial resilience, and good administration are not all directly relevant to this land use application.

Spatial justice as described in Section 7(a) of SPLUMA is not fully relevant to this land use application.

Spatial sustainability as described in Section 7(b) of SPLUMA is relevant as follows:

- The proposed departure for a carport hold no expected negative environmental impact.
- The effective and equitable functioning of land markets is not negatively affected by this application.
- No negative impacts are expected on surrounding properties.

Efficiency as described in Section 7(c) of SPLUMA is not fully relevant to this application.

Spatial resilience as described in Section 7(d) of SPLUMA is not fully relevant to this land use application.

Good Administration as described in Section 7(e) of SPLUMA indicates the responsibilities of all involved in any land use matter.

The paragraphs above show that the land use application for RE/233 George supports the relevant development principles of SPLUMA.

## 6.2 WESTERN CAPE LAND USE PLANNING ACT, 2014 (LUPA)

LUPA requires that local municipalities consider the following when deciding on land use applications:

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59) which is an expansion of the five development principles of SPLUMA;
- Desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

The land use planning principles expands on the five development principles of SPLUMA and desirability which is discussed in foregoing paragraphs. Section 19(1) and (2) of LUPA refers to **consistency** and **compliance** of a land use proposal regarding spatial development frameworks or structure plans. Considering the aim of this land use application for RE/233 George, no conflict was found with the George Municipal Spatial Development Framework (GMSDF).

## 6.3 GEORGE MUNICIPALITY: LAND USE PLANNING BY-LAW, 2023

The general criteria for the consideration of applications in terms of this By-law are included in Section 65 which, inter alia, includes:

- Desirability of the proposed utilisation of land;
- Impact of the proposed development on municipal engineering services;
- Integrated development plan, including the municipal spatial development framework, the applicable local spatial development framework and/or local structure plans;
- Relevant municipal policies;
- Western Cape Provincial Spatial Development Framework;
- Section 42 of SPLUMA (public interest, constitutionality);
- Land use planning principles transposed from LUPA; and
- Provisions of the applicable zoning scheme.

The above is addressed elsewhere in this land use report as relevant.

## 6.4 GEORGE INTEGRATED ZONING SCHEME BY-LAW, 2023 (GIZS)

RE/233 George is designated as Single Residential Zone I (residential) according to the George Integrated Zoning Scheme By-law (GIZS) (2023) and developed accordingly with a dwelling house and a double carport (since removed) thereon. The property's zoning and land use will remain unchanged following the approval of this application for permanent departure to improve the functionality of the access and parking on the property.

The property has a 4.0m building line on the relevant street boundary (4<sup>th</sup> Avenue). A carport of about 40m<sup>2</sup> is proposed to be up to the street boundary (0.0m) where the vehicular access to the property is. The carport will comply with the relevant parameters for a carport on a property larger than 650m<sup>2</sup> and no other departures are required.

#### 6.5 GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (GMSDF) (2023)

RE/233 George is not addressed specifically in the GMSDF. It is a residential property within the George urban edge and in a demarcated residential area - Denneoord. This land use application and the nature thereof is found to be consistent with the GMSDF as required in terms of Section 19 of the Land Use Planning Act, 2014 (LUPA).

### 7. CONCLUDING

Obtaining the necessary relaxation of the relevant building line for the proposed carport will enable the current owner to submit building plans that improve the functionality of the access and parking on RE/233 George. These adjustments will address the owner's practical needs for protection for his vehicles.

From this land use report, it is our opinion that this land use application for RE/233 George is consistent with all the relevant considerations as prescribed by the planning legislation. It does not create conflict with the overall spatial objectives for the area.




MARLIZE DE BRUYN Pr. Pln

DECEMBER 2024

**Power of Attorney**

I, **Warren Lee Moul** ( [REDACTED] ), the registered owner of *Remainder Erf 233 George Municipality & Division* hereby resolves to authorise *Marlize de Bruyn* and *Denise Janse van Rensburg* from *MDB Planning* to submit the required land use application in terms of Section 15 (2) of George Municipality: Land Use Planning By-law (2023) for the property.

Signed at George on 05 December 2024

  
\_\_\_\_\_  
**WL Moul**

Witness 

1082

Symington and De Kok  
Vineyard Square South  
The Vineyard Office Estate  
99 Jip de Jager Street  
Bellville  
7530

Fee endorsement		
Purchase price/Value	Amount	Office fee
R. ....	R. ....	R. 85000
R. ....	R. ....	R. ....
Reason for endorsement	.....	.....

Prepared by me

*[Signature]*  
CONVEYANCER  
JANINE FOUCHÉ

<b>VERBIND MORTGAGED</b>	
VIA FOR R. ....	
<b>B</b> 000032858 / 2015	<i>[Signature]</i> REGISTRAR
20 NOV 2015	

### DEED OF TRANSFER

**T** 000067525 / 2015

BE IT HEREBY MADE KNOWN THAT  
**JANINE FOUCHÉ**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at George on 16 October 2015 granted to him by

- JAN HENDRIK VILJOEN**  
Identity Number 730626 5023 08 9  
Married out of community of property
- JANINE GWENDOLENE VILJOEN**  
Identity Number 781230 0031 08 6  
Married out of community of property

**DATA / CAPTURE**  
30 NOV 2015  
LEEUWD

**DATA / VERIFY**  
01 DEC 2015  
VILJOEN JERRY

And the appearer declared that his said principal had, on 19 September 2015, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**WARREN LEE MOULT**  
Identity Number [REDACTED]  
Married out of community of property

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

REMAINDER ERF 233 GEORGE,  
IN THE MUNICIPALITY AND DIVISION OF GEORGE,  
PROVINCE OF THE WESTERN CAPE

IN EXTENT 631 (SIX HUNDRED AND THIRTY ONE) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer Number T 18331/1946 with  
Diagram No. LG 7283/46 relating thereto and held by Deed of Transfer Number  
T58643/2014

- A. SUBJECT to the conditions referred to in Deed of Grant issued in terms of Article 9 of 1879 on 1 February 1887 (George Quitrents Volume 17 No.92) one of which reads as follows:-

"Subject further to all such duties and regulations as are either already or shall in future be established in regard to such lands."

- B. SUBJECT FURTHER to the following special condition contained in Deed of Transfer No. T8726/1928 namely:

"The Transferor reserves the right to construct, use and maintain across the property hereby transferred any transferred any pipe-lines for waterleading, sewerage, drainage, and any poles or structures for the conduct of any electric or other light or power"

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

1. **JAN HENDRIK VILJOEN, Married as aforesaid**
2. **JANINE GWENDOLENE VILJOEN, Married as aforesaid**

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

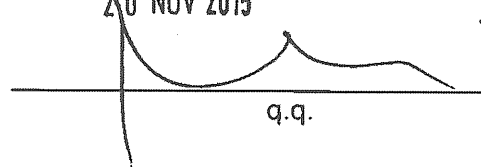
**WARREN LEE MOULT, Married as aforesaid**

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R970 000,00 (NINE HUNDRED AND SEVENTY THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

20 NOV 2015  
q.q.



In my presence

  
REGISTRAR OF DEEDS





Our Ref: MOU6/0001  
Tel: 0824109066  
Email: [alta@roosinc.co.za](mailto:alta@roosinc.co.za)  
Mobile: 0824109066

Your Ref: MOULT

Date: 06 December 2024

## MDB PLANNING

Email: [marilize@mdbplanning.co.za](mailto:marilize@mdbplanning.co.za)

Dear Sirs

**OUR TRANSFER: WL MOULT // JD & N BURGER  
PROPERTY: REMAINDER ERF 233 GEORGE**

We refer to the abovementioned transaction.

We confirm that our transfer will be lodged in the Cape Town Deeds Office on Monday 09 December 2024 and that registration will take place on or before 20 December 2024.

We trust that the above meets with your favourable approval.

Yours faithfully

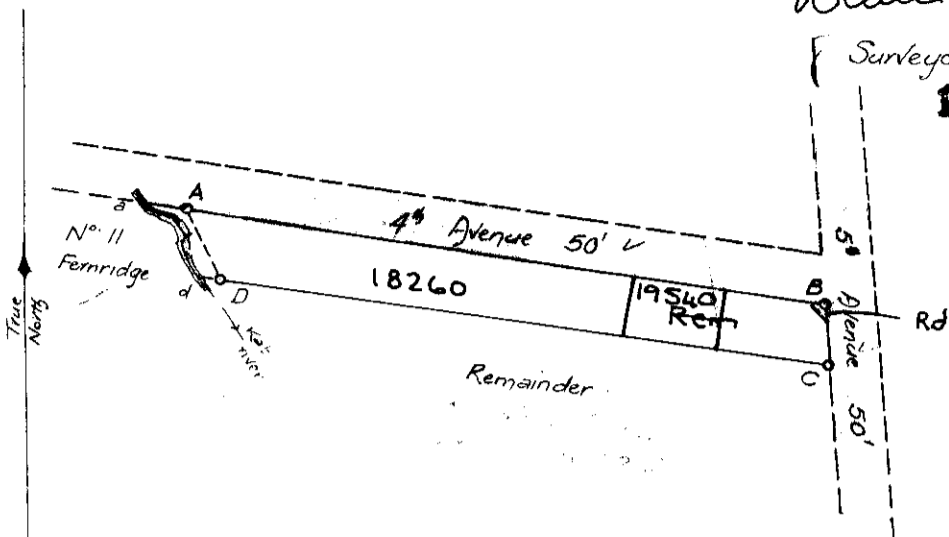
A handwritten signature in black ink that reads "A ROOS".

**ALTA ROOS INC**  
Per: ALTA CARIEN ROOS

N<sup>o</sup>.

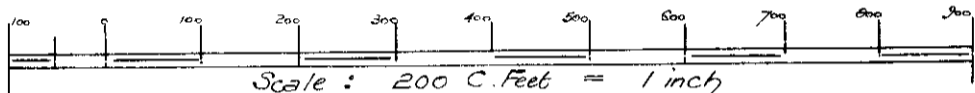
Approved

*Wren Munn*  
Surveyor General.  
18 SEP 1946



Sides		Angles	
	c. Feet.		"
AB	668.20	A	52.32.30
BC	66.00	B	103.30.30
CD	634.46	C	76.29.30
DA	80.82	D	127.27.30

Rect. Area = 290 Sq. Rds. 30 Sq. Ft.



X<sup>1</sup> No. 18 233

GEORGE

The figure a BC d middle of Kab river a represents 301 Sq. Rds., 46 Sq. Ft. of land situate in the Municipality and Division of George being <sup>X</sup> Part N<sup>o</sup> 1 of Lots N<sup>os</sup> 8, 9 & 10 Boer Park transferred to C.G. Baker on the 28<sup>th</sup> Aug. 1928. (D/T 1928-180-8726)

Bounded as indicated above.

Surveyed & beaconed by me according to regulations

*J. Samuel*

Land Surveyor  
June 1928.

This diagram belongs to the transfer deed made this day in favour of H.G. Westraad  
No. 18 331 dd 23.10.46

General Plan F30

*George St. 4.*

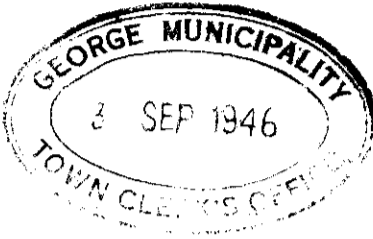
Registrar of Deeds.

FOR ENDORSEMENTS  
SEE BACK OF DIAGRAM

NO. BL-7DD  
V.4

233

APPROVED  
*[Handwritten Signature]*



THE FOLLOWING BOUNDARIES HAVE BEEN MADE FROM THIS DIAGRAM

SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMBR.
E 1783/94	5396/94	Erf 18260	3021	75 292/94	WA	
E 2871/96	7430/96	" 19540	650	278/97	WF	

# AKTEBESORGERCERTIFIKAAT

Ek, **ALTA CARIEN ROOS (24137)**, Aktevervaardiger by Roos Inc, George sertifiseer as volg:

Dat die voorgestelde boulynverslapping vir die afdak, nie in stryd is met die titelakte nie.

Geteken te GEORGE op 06 Desember 2024.



---

**AKTEVERVAARDIGER  
ALTA CARIEN ROOS  
(24137)**



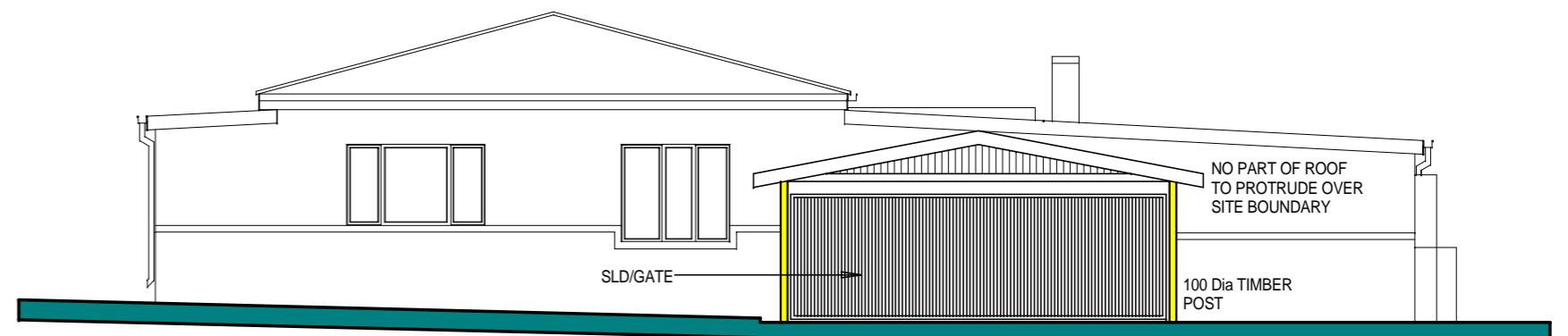
Copyright ©

**REMAINDER ERF 2339**  
**C/O 4<sup>TH</sup> AVENUE AND 5<sup>TH</sup> AVENUE, DENNEOORD**  
**GEORGE MUNICIPALITY & DIVISION**

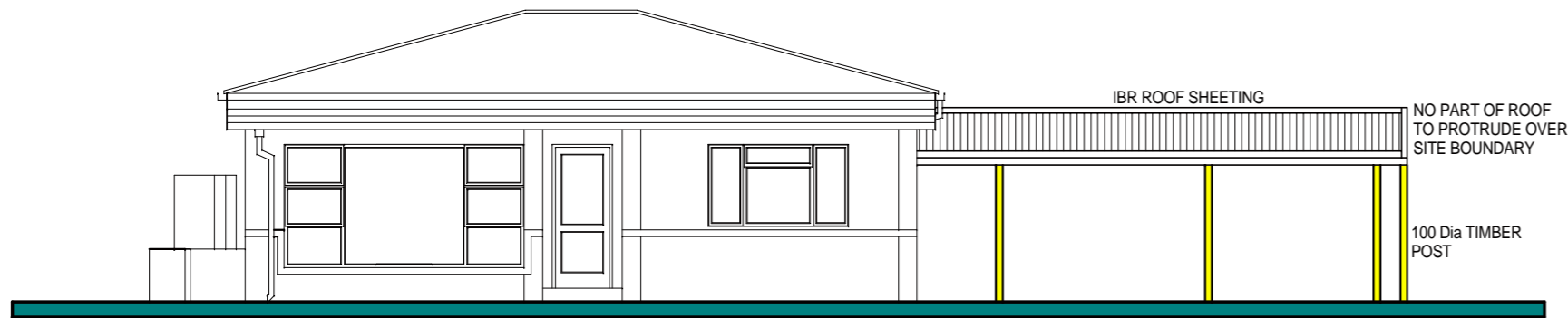
For scale refer to figured dimensions. Measurements always to be checked by Professional Land Surveyor.



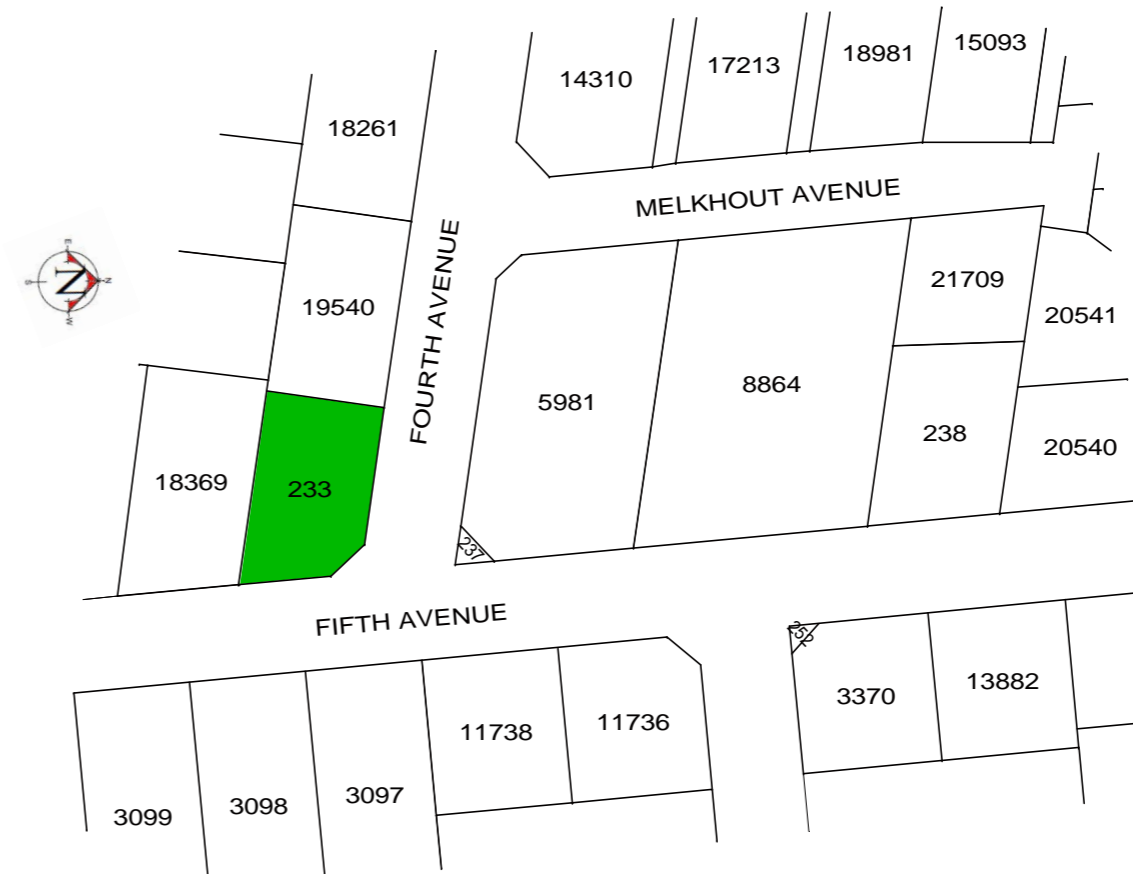
1:100 WEST ELEVATION



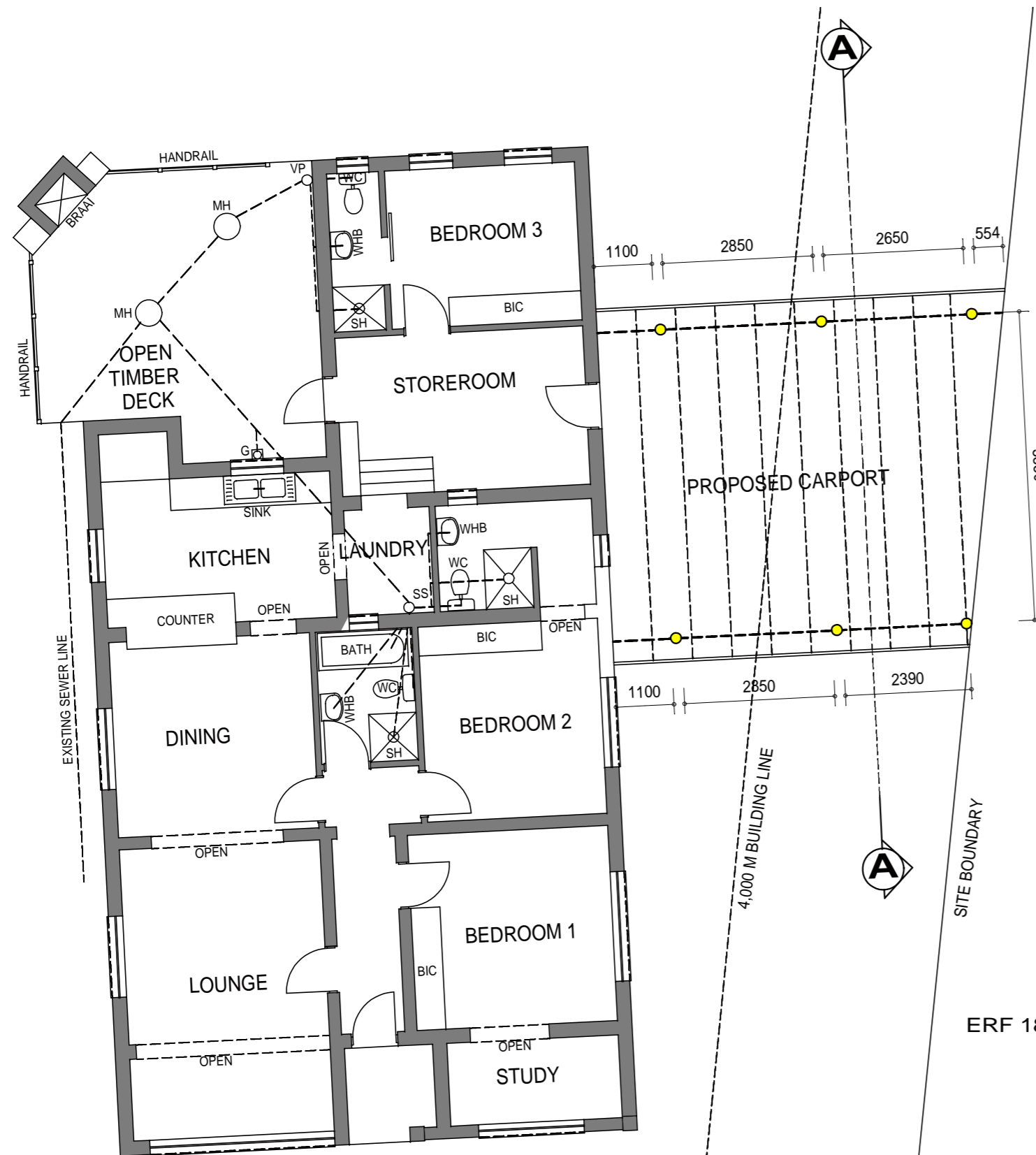
1:100 NORTH ELEVATION



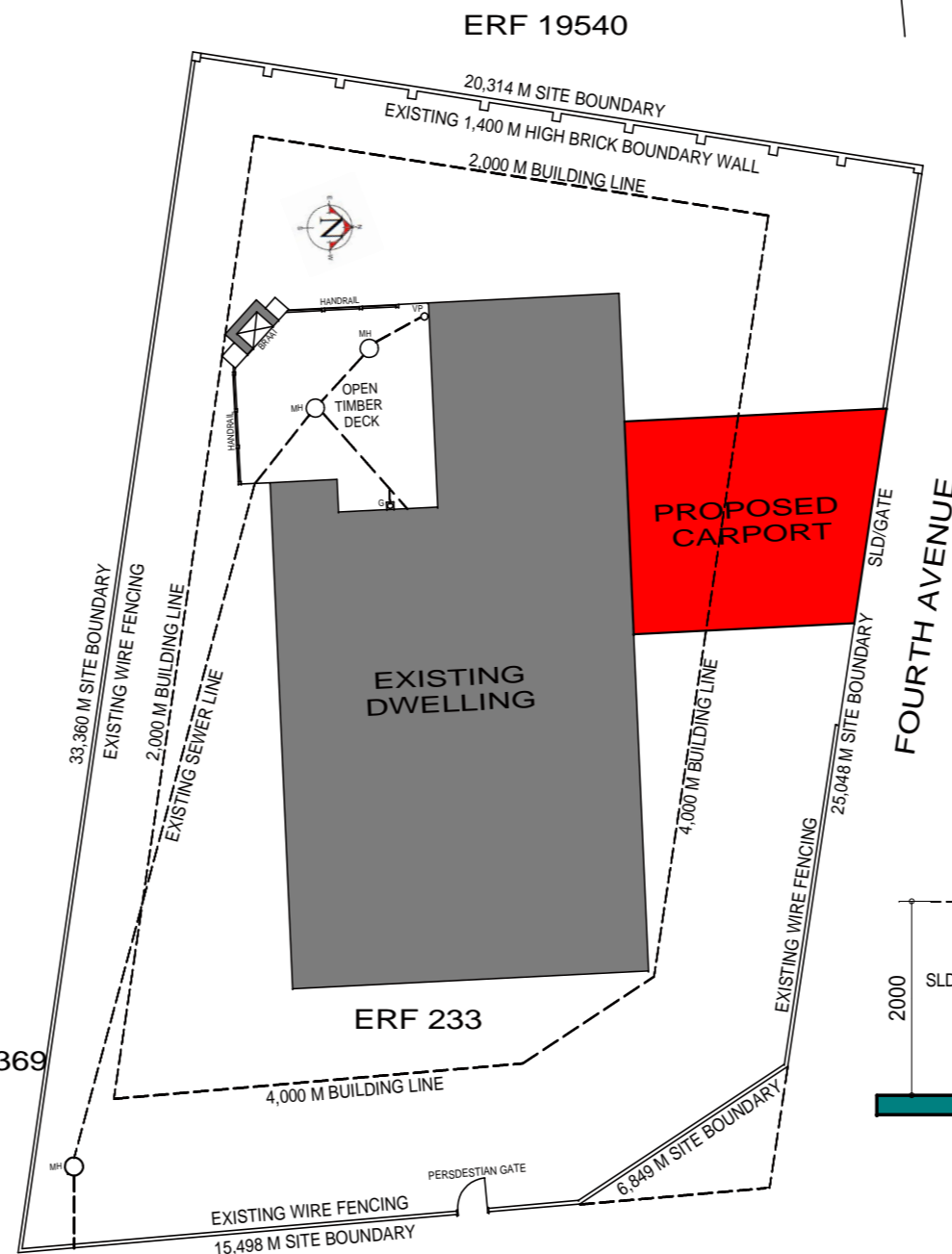
1:100 EAST ELEVATION



LOCALITY PLAN

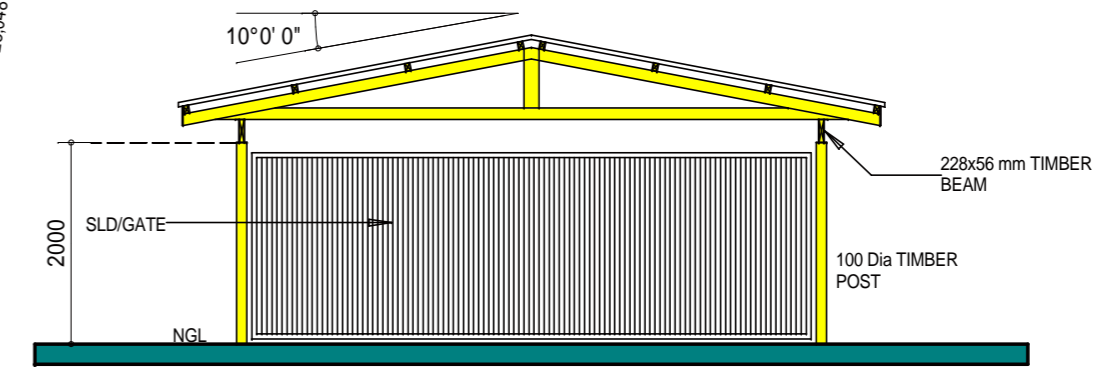


FLOOR PLAN 1:100



SITE PLAN 1:100

**ROOF CONSTRUCTION :**  
 "IBR" corrugated roof profile sheeting complete with matching male and female FC ridding on 50x76 SA Pine purlins @ 1200 c/c on 38x114 SA Pine prefabricated roof trusses @ 900 c/c max. on 228x56 mm timber beam on 100mm DIA. timber post.  
 15x200mm NUTEC fibre cement moulded faciaboards in not less than 1M length to be fitted to all roof overhangs, fixed at max.640mm c/c to end of 144x38 sprocket with brass screw with 19mm dia. washer. PVC H - Profile joiners to be used throughout. Roof must have maximum overhang of 400mm.  
 127mm Half-round uPVC gutters with a continuous fall towards 760mm dia. uPVC downpipe are to be fixed on brackets supplied by the manufacture, screwed to every alternate truss sprocket. One uPVC downpipe per eaves gutter length.



SECTION A-A 1:75

PROPOSED CARPORT - 39 m<sup>2</sup>

**K-M-H**  
 ARCHITECTURAL  
 DRAFTING  
 SERVICES  
 DENNEOORD  
 GEORGE  
 CELL : 0632569024  
 EMAIL : kmhart18@gmail.com

MEMBER SA COUNCIL FOR THE ARCHITECTURAL PROFESSION

Client Name:

**PROPOSED CARPORT ON ERF 233 DENNEOORD GEORGE FOR W. MOULT**

scale	skaal	date	datum	drawn	geteken
AS NOTED		NOV. 2024		K.M.H.	

Work Description  
**FLOOR PLAN ELEVATIONS SECTION SITE PLAN**

drawing no. **2024/TWM/12B** tekening nr.

revisions

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