

BAILEY & LE ROUX
PROFESSIONAL LAND SURVEYORS
PROFESSIONELE LANDMETERS

Sectional Title - Topographical Surveys - Township Planning
Deeltitel - Topografiese Opmetings - Dorpsbeplanning

88 Meade Street
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GEORGE
6530

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Meadestraat 88
Posbus 9583
GEORGE
6530

Your ref / U verw
Our ref / Ons verw : HRY/GF/2228

The Directorate: Planning and Development
Municipality of George
P O Box 19
GEORGE
6530

3 November 2022

Dear Sir

LAND USE PLANNING ACT (NO 3 OF 2014)
PROPOSED DEPARTURE AND SUBDIVISION PORTION 177 OF FARM KRAAI B OSCH
NO 195

In terms of Sections 15(2)(b) and (d) of the above By-Law we hereby submit for your consideration under Council's delegated powers -

- 1 The application form duly completed for the departure and subdivision
- 2 The subdivision plan illustrating the proposal
- 3 The locality plan
- 4 The planning motivation
- 5 The diagram of Portion 177 of Farm 195
- 6 The deed of transfer T19570/2001
- 7 Power of attorney duly signed by the owner of the property
- 8 Conveyancer's certificate

Please do not hesitate to telephone the undersigned to arrange a site inspection if deemed necessary or if any further information or assistance is required.

Yours faithfully

BAILEY & LE ROUX

Professional Land Surveyors

per:

J H BAILEY

Letters.Prop.Sub.HRY2228

GEORGE MUNICIPALITY



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

NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	John				
Surname	Bailey				
SACPLAN Reg No. (if applicable)					
Company name (if applicable)	BAILEY & LE ROUX, PROFESSIONAL LAND SURVEYORS				
Postal Address	P.O.Box 9583				
	GEORGE			Postal Code	6530
Email	john@blrland.co.za				
Tel	044 8745315	Fax	044 8745345	Cell	828921759

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

Registered owner	CORIA FREDERIKA HENRY				
Address	Mountview Road. Portion 177 of Farm Kraai Bosch No 195.				
				Postal code	
E-mail	Andrew.c.henry@gmail.com				
Tel		Fax		Cell	0612912090

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

Property Description [Erf / Erven / Portion(s) and	Portion 177 of the Farm Kraai Bosch No 195
---	--

Farm number(s), allotment area.]										
Physical Address	Portion 177 of Farm Kraai Bosch No 195									
GPS Coordinates	34.000117792 S 22.312543286 E				Town/City					
Current Zoning	Agricultural Zone II		Extent		3,0112 hectares		Are there existing buildings?		Y	N
Current Land Use	Residential									
Title Deed number & date	T19570/2001									
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).							
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).							
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?							
Has the Municipality already decided on the application(s)?	Y	N	If yes, list reference number(s)?							
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use?				Y	N		
Are there any pending court case / order relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?				Y	N		
PART D: PRE-APPLICATION CONSULTATION										
Has there been any pre-application consultation?	Y	N	If Yes, please complete the information below and attach the minutes.							
Official's name			Reference number				Date of consultation			
PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY & APPLICATION FEES PAYABLE										
*Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.										

BANKING DETAILS

Name: **George Municipality**
 Bank: **ABSA**
 Branch no.: **632005**
 Account no.: **01022220981**
 Type: **Cheque**
 Swift Code: **ABSAZAJCPE-SORTCODE 632005**
 VAT Registration Nr: **4630193664**
 E-MAIL: **ronel@george.org.za**
 *Payment reference: **Erven , George**

PART F: DETAILS OF PROPOSAL**Brief description of proposed development / intent of application:**

The application for the subdivision of Portion 177 entails the following: a) The subdivision of Portion 177 into Portion A and a remainder and b) the departure from the standard building line of 30 metres to 5 metres for Portions A and B.

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

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

Is the following compulsory information attached?

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

Minimum and additional requirements:

Y	N	N/A	Conveyancer's Certificate	Y	N	N/A	Land Use Plan / Zoning plan
Y	N	N/A	Proposed Subdivision Plan (including street names and numbers)	Y	N	N/A	Phasing Plan
Y	N	N/A	Consolidation Plan	Y	N	N/A	Copy of original approval letter (if applicable)
Y	N	N/A	Site Development Plan	Y	N	N/A	Landscaping / Tree Plan
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) /	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)

			Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)				
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes		Y	N	N/A Required number of documentation copies 2 copies
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes		Y	N	N/A Other (specify)

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

Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)				Specific Environmental Management Act(s) (SEMA)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)				(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008),
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		Y	N/A	National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
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/A	Other (specify)
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.

Applicant's signature:



Date: 4
November
2022

Full name:

John Henry Bailey

Professional capacity:

Professional Land Surveyor

SACPLAN Reg. Nr:

FOR OFFICE USE ONLY

Date received:

--

Received by:

--

Receipt number:

--

Date application
complete

--

ANNEXURES

Please do not submit these Annexure exemplars with the application form.

Annexure A: Exemplar of locality plan (consult guidelines for precise requirements)

Annexure B: Application submission checklist

Annexure C: Exemplar of typical layout plan (consult guidelines for precise requirements)



SUBDIVISION PLAN APPLICATION TO SUBDIVIDE

FRAMED IN TERMS OF SECTION 36 OF ACT 3 OF 2014
AND SECTION 15 OF THE GEORGE MUNICIPALITY
LAND USE PLANNING BY-LAW

Proposal:
The figure A B c middle of stream d represents 3,0112 hectares of land being Portion 177 of Farm Kraai Bosch No 195 Situate in the Municipality and Administrative District of George. It is proposed to subdivide Portion 177 into Portions A and B of approximately 1,91 and 1,1 hectares resectively.

Servitude
The line e A B represents the northwestern and northern boundary of a proposed servitude right-of-way 6m wide

SCALE - 1 : 2000 (A3)

PROPERTY: Portion 177
of Farm Kraai Bosch No 195
OWNER: C F Henry
DIAGRAM: 4487/1987
TRANSFER: T19570/2001
ZONING: Agricultural Zone II

C ref./verw.

ENDORSEMENTS :

DATE	AMENDMENT	No.
------	-----------	-----

Prepared by me
in September 2022


Professional Land Surveyor
BAILEY & LE ROUX

Professional Land Surveyors
88 Meade Street, P O Box 9583
GEORGE 6530, Telephone (044)8745315

PLAN No. 195G27

Scale 1:7500



Tel 044-8745315

Cell 082-8921759

PLANNING MOTIVATION

PROPOSED SUBDIVISION OF PORTION 177 OF THE FARM KRAAI BOSCH NO 195 SITUATE IN THE MUNICIPALITY AND ADMINISTRATIVE DISTRICT OF GEORGE

1 TYPE OF APPLICATION

The purpose of the application is to:-

- a) subdivide Portion 177 of Farm 195 in terms of section 15(2)(d) and
 - b) apply for a departure in terms of section 15(2)(b)
- of the George Municipality Land Use Planning By-Law

2 PROPERTY DETAILS

Portion 177 of Farm 195 :

Owner : C F Henry

Size : 3,0112 hectares.

Deed : T19570/2001.

Zoning : Agricultural Zone II.

3 TITLE DEED CONDITIONS

The deed contains conditions that govern the development of the property
Condition D on page 3 states the following:-

- a) The land may not be subdivided.
- b) Not more than one dwelling house may be erected on the property.
- c) The land shall be used for residential and agricultural purposes only and
- d) No building may be closer than 37,78 meters from the centerline of the road.

- without the written approval of the controlling authority as defined in act 21 of 1940

The preamble to condition D. defines the controlling authority as the Divisional Council of George.

All authority of this Council was delegated to the George Municipality. Consequently the George Municipality, being the controlling authority, is authorized to grant approvals to conditions 3a) to 3d).

4 LOCALITY

The property is located within the Kraaibosch rural residential area.

The Kraaibosch South area is predominantly occupied by smallholdings used mostly for residential purposes.

While the predominant use is residential this part of the Kraaibosch node in particular has a mixture of Agricultural I and Agricultural II zoned land.

The property is located approximately 600 metres south of the N2 National Rd which is a dominating feature that controls access to these portions of land.

5 AREA CHARACTER

The area has a typical rural residential character with large properties and fully grown trees dominating the landscape which is bisected by steeply sloping kloofs that drain towards the coastline.

6 PROPOSED DEVELOPMENT

The purpose of the application is to apply: -

- a) for the subdivision of Portion 177 into proposed Portions A and B of approximately 1,91 and 1,1 hectares respectively

in terms of section 15(2)(d) and

- b) for the relaxation of the following building lines:-

Portion A: The south western boundary from 30 metres to 20 metres and

Portion B: The north eastern and south eastern boundaries from 30 metres to 5 metres.

in terms of section 15(2)(b) of the George Municipality Land Use Planning By-Law.

7 DESIRABILITY

GEORGE INTEGRATED DEVELOPMENT PLAN (IDP) 2017 – 2022

The IDP has 5 spatial development objectives of which objective number 3 states:-
 “Creating Quality Living Environments through Sustainable Urban Growth Management, managing a hierarchy of City Activity Nodes, the use of Strategic vacant land to take up new development demand, the densification of Urban Areas, and the provision of Housing & Public Facilities.”

GEORGE SPATIAL DEVELOPMENT FRAMEWORK (SDF) 2019

In terms of the MSDF Portion 177 of Farm 195 is located in the Kraaibosch South rural residential area identified as the Eastern Gateway to George. This land falls outside the urban edge.

This proposal will not have any impact on the policy proposals of the MSDF. The disturbed footprint will remain unchanged and no change of the visual impression gained upon entry to George from the east will occur.

Furthermore the Kraaibosch South Spatial Development Plan of May 2009 identifies Portion 177 as being suitable to be subdivided into 1 hectares portions. See Annexure.

The MSDF has guidelines for the management of growth in the Kraaibosch South area which states :-

“The Municipality will maintain the present environmental, rural and settlement character of the area. To this end it will:

- Restrict development in Victoria Bay to existing building footprints and height.
- Manage applications for subdivision and land use in the surrounding area in a manner that maintains the rural and scenic character of the area and do not place an additional burden on service infrastructure.”

STATUTES:

a) SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

b) WESTERN CAPE LAND USE PLANNING ACT, 2014 NO. 3 OF 2014:

Section 19 of act 3 of 2014 states the following:

“ If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.”

The proposal for the subdivision of Portion 177 is thus consistent and complies with the policy of Kraaibosch South Spatial Development Plan of May 2009 which recommends subdivision of certain properties into 1 hectare portions.

8 SUBDIVISION APPLICATION:

The property is occupied by 2 dwellings located approximately 35 metres apart on either side of a small dam.

It is now the intention of the owner to subdivide the property such that the dwellings are each located on their own property.

The proposed boundary is to be located as shown on the application plan 195G17, to run between the dam and the dwelling located on Portion B.

Access to Portion 177 from the N2 offramp is via a 6 metre wide servitude right of way over Portions 176, 182 and 70 of Farm 195.

For access to the proposed Portion B the servitude will be extended along the northern and western boundary of Portion A where an existing track already provides access to this proposed portion.

Municipal water, electricity and refuse collection services are utilized by both dwellings. Sewage is managed by septic tanks and French drains.

From a desirability perspective the proposed subdivision will not change the built environment or have an impact on the natural environment as both portions are already developed to their potential.

It must be recognised that within the immediate vicinity of Portion 177, both Portions 173 and 167 of Farm 195 have been subdivided into Portions 386, 387, 368 and 369 of 1,0018, 1,0272, 1,0520 and 1,0854 hectares respectively.

Consequently this subdivision is desirable as it complies with the policies of:-

- a) The Western Cape Land Use Planning Act 2014(Act 3 of 2014) and
- b) The George 2019 MSDF

9 DEPARTURE APPLICATION:

The George Integrated Zoning Scheme By-Law specifies a building line of 30 metres on all boundaries for a property zoned for agricultural purposes.

However compliance with this restriction is impossible as the existing dwellings are only 35 metres apart. Furthermore the dwelling on Portion A is located approximately 8 metres from the eastern boundary of Portion 177.

Application is hereby made for a departure from the By-Law for the relaxation of the building line from 30 metres as per paragraph 6 b) above.

10 LAND USE PLANNING PRINCIPLES

a) Spatial justice :

This principle is primarily concerned with access to land by people who were previously excluded from the planning process with the emphasis on informal settlements. This principle is not applicable to this application.

b) Spatial sustainability

No impact on the environment or threat to agricultural land is possible.
The subdivision will not require any additional municipal services.

c) The principles of efficiency, good administration and spatial resilience are also not applicable to this application.

11 HYPOTHEC

The property is not encumbered by a bond.

12 OTHER

a) Services :

There will be no additional demand on the services infrastructure.

b) George Zoning Scheme Plan:

The zoning plan reflects Portion 177 to be zoned for agricultural zone II purposes.
The property is located outside the Urban edge as shown on the SDF.

13 CONCLUSION

This application makes provision for the subdivision of Portion 177 of Farm 195 into Portion A and Portion B and for the relaxation of certain building lines of Portion A and Portion B from the required 30 metres.

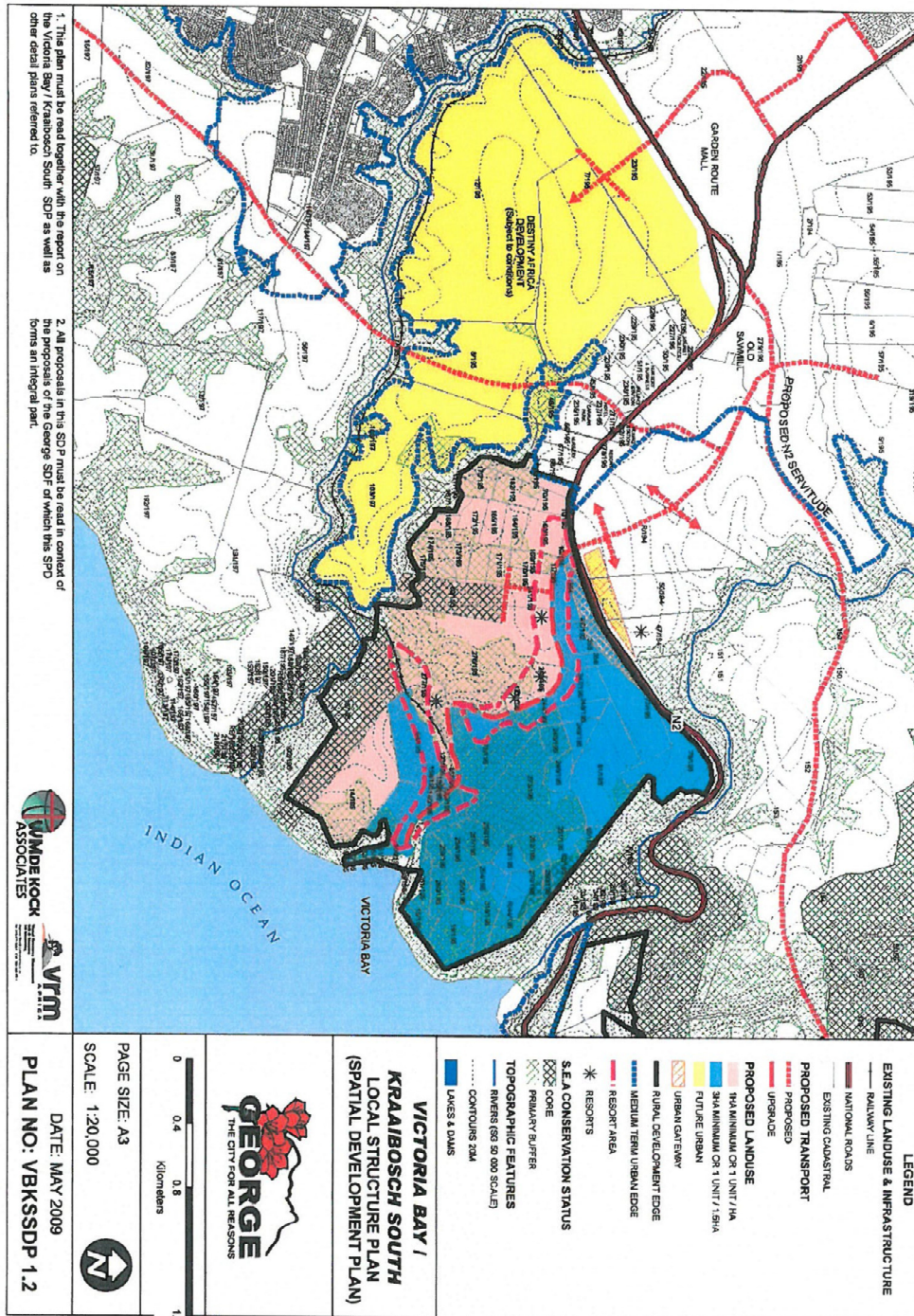
The application complies with the policies of the George 2019 SDF.
No threat to the values of surrounding properties is anticipated.
The application is recommended for approval.



September 2022

J H BAILEY
Professional Land Surveyor

VICTORIA BAY / KRAAIBOSCH SOUTH SPATIAL DEVELOPMENT PLAN



BAILEY & LE ROUX
PROFESSIONAL LAND SURVEYORS
PROFESSIONELE LANDMETERS

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BC	302,80	11 32 50	B	43 869,42	63 442,56
CD	197,30	159 07 20	C	43 930,03	63 739,23
DA	143,55	210 08 50	D	44 000,34	63 554,88
Ad		30 08 50			
Bc		11 32 50			
BE	52,00	191 32 50	E	43 859,01	63 391,61
EF	476,08	191 32 50	F	43 763,72	62 925,17
		△ Berg 14		38 455,57	55 217,28
		△ Oud 7		56 603,60	51 940,04

Die figuur A B c middel van stroom d
stel voor 3,0112 hektaar grond, synde
Gedeelte 177 'n Gedeelte van Gedeelte 70 van
die Plaas Kraai Bosch No. 195
geleë in die Administratiewe Distrik
George Provinsie Kaap die Goeie Hoop
Opgemeet in Junie 1987
deur my,

A Louw

A LOUW Landmeter

Hierdie kaart is geheg aan	Die oorspronklike kaart is	Lêer Nr. Geor. 195
Nr. gedateer t.g.v.	Nr. 8683/49 geheg aan Transport/Grensbriëf	M.S. Nr. E 1370/87
Registrateur van Aktes	Nr. A/T 1953.397.19804	Komp. BL-8CCC (6423) AL-2AA (3594)

Bakenbeskrywing

A,B,D,E,F
C

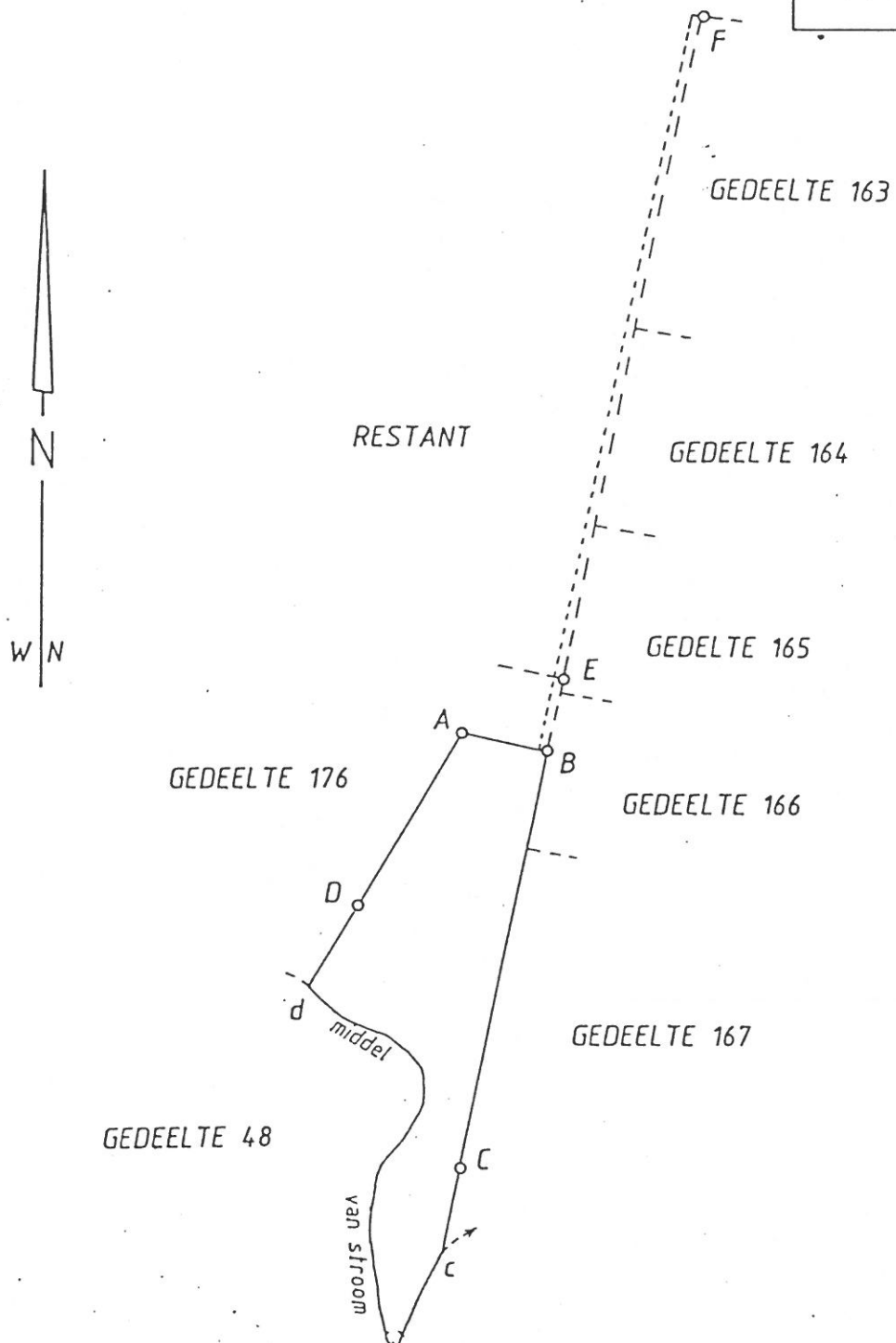
20 mm ysterpen
Ingeplante klip

L.G.Nr.

4487-87

Goedgekeur

J. Smits
Landmeter-generaal
1987-08-19.



Nota

1. Die lyn B E stel voor die oostelike grens van 'n serwituut van Reg van Weg 6,00 meter wyd
2. Die lyn E F stel voor die oostelike grens van 'n serwituut van Reg van Weg 6,00 meter wyd oor die Restant.

Skaal 1 : 5 000

179

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

5

293

Millers Inc
BEACON HOUSE
123 MEADE STREET
GEORGE
6530

Prepared by me

CONVEYANCER
Bosman H S

REGISTRY DUTY	R. —
FOOT FREE	R. 20,00

REGISTERED	REGISTERED
REGISTERED	REGISTERED
REGISTERED	REGISTERED

T 019570*200

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT:

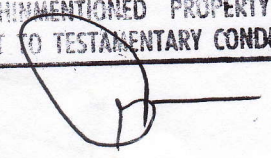
Elizabeth Johanna McCaul

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

JAN CHRISTIAAN BARNARD
Identity Number 290506 5034 00 9
MARRIED OUT OF COMMUNITY OF PROPERTY

which said Power of Attorney was signed at GEORGE on 23 February 2001

5

ENDOSSEMENT KRAGTENS ART. 45 (1) VAN WET 47 VAN 1937	ENDORSEMENT BY VIRTUE OF SECT. 45 (1) OF ACT 47 OF 1937
Coria Frederika Henry ID 3112090054081 Unmarried	
WAT IN GEMEENSAP VAN GOED GETROUD WAS MET	WHO WAS MARRIED IN COMMUNITY OF PROPERTY TO <i>late</i>
P. w. Henry	
IS GERECHTIG OM MET BINNENGEWELDE EIENDOM TE HANDEL ONDERNEWIG AAN TESTAMENTERE VOORWAARDES.	IS ENTITLED TO DEAL WITH THE WITHINMENTIONED PROPERTY SUB- JECT TO TESTAMENTARY CONDITIONS.
T 000019634 / 2015	
17 APR 2015	
	REGISTRATEUR/REGISTRAR

(mpx)

000019634 / 2015

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Elizabeth Johanna McGaul

appeared before me, Registrar of Deeds, at Cape Town, the said person being duly authorized thereto by a Power of Attorney granted to him by

JAN CHRISTAAN BARNARD

Identity Number 820504 00 9

MARRIED OUT OF COMMUNITY OF PROPERTY

which said Power of Attorney was signed at GEORGE on 23 February 2015

And the said appearer declared that his principal had, on 22 February 2001, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

PETER WILLIAM HENRY
Identity Number 270104 5014 00 9
and
CORIA FREDERIKA HENRY
Identity Number 311209 0054 00 8
Married in community of property to each other

their Heirs, Executors, Administrators or Assigns,

PORTION 177 (A PORTION OF PORTION 70) OF THE FARM KRAAI BOSCH NO. 195, IN THE ADMINISTRATIVE DISTRICT OF GEORGE PROVINCE OF THE WESTERN CAPE;

IN EXTENT: 3,0112 (THREE COMMA NOUGHT ONE ONE TWO) Hectares;


FIRST TRANSFERRED BY Deed of Transfer No. T 37290/1988 with Diagram L.G. No. 4487/87 relating thereto and held by Deed of Transfer No. T 11754/96.

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T 10010/1926.
- B. **SUBJECT FURTHER** to the following conditions contained in Certificate of Amended Title dated 23 April 1913 (George Quitrents Volume 15 No. 11), namely:-

Subject however, to all such duties and regulations as either are already or shall in future be established respecting lands held on similar tenure.

- C. **SUBJECT FURTHER** to the terms of the Servitude referred to in the endorsement dated 9 September 1940 on Deed of Transfer No. T 551/1933, which endorsement reads as follows:-

By Notarial Deed No. 247/1940 dated 6th November 1939, the within mentioned transferee has granted certain water rights to the Municipality of George over the property held hereunder, subject to conditions as will more fully appear on reference to the said Notarial Deed registered this day in the Servitude Register under No. 247/1940.



D. **SUBJECT FURTHER** to the following special condition contained in Deed of Transfer No. T 19804/1953 imposed by the Body Corporate namely the Divisional Council of George, in terms of Section 11(3) of Act 21 of 1940:

- (a) The Land may not be subdivided without the written approval of the controlling authority as defined in Act 21 of 1940.
- (b) Not more that 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 approval of the controlling authority as defined in Act 21 of 1940.
- (c) 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 21 of 1940.
- (d) No building or any structure whatsoever shall be erected within a distance of 37,78 metres from the centre line of the road, without the written approval of the controlling authority as defined in Act 21 of 1940.

E. **SUBJECT FURTHER** to the terms of the endorsement dated 7 January 1972 on Deed of Transfer No. T 9325/1965, which endorsement reads as follows:-

The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District Cape) dated 26th May 1971, as will more fully appear on reference to the copy of said Order filed as Servitude 15/72.

F. **SUBJECT FURTHER** to the following endorsement dated 7 June 1977 on Deed of Transfer No. T 2530/76:

Registrasie van Serwituut.

Die binnegemelde grond is onderhewig aan 'n serwituut met betrekking tot verdeling van water in terme van 'n bevel van die Waterhof.

Waterhof Distrik No.), gedateer 3 Junie 1977 soos meer volledig sal blyk uit gemelde bevel, waarvan afskrif hieraan geheg is.

G. **ENTITLED TO** a Servitude Right of Way 6 metres wide over Portion 176 a Portion of Portion 70 of the Farm Kraai Bosch No. 195, in the Administrative District of George, In Extent: 3,0029 (Three comma nought nought two nine) Hectares, held by Deed of Transfer No. T 37289/1988 in respect of which the line B E on Diagram S.G. No. 4487/87 the Eastern Boundary indicates.

H. **ENTITLED FURTHER** to a Servitude Right of Way 6 metres wide over the Remainder of Portion 70 (portion of Portion 9) of the Farm Kraai Bosch No, 195, in the Division of George, In Extent: 6,3075 (Six comma three nought seven five) Hectares, held by Deed of Transfer No. T 37291/1988

in respect of which the line E F on Diagram S.G. No. 4487/87 the Eastern Boundary indicates.

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

JAN CHRISTIAAN BARNARD

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

PETER WILLIAM HENRY and CORIA FREDERIKA HENRY

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 **R195 000,00 (ONE HUNDRED AND NINETY FIVE THOUSAND RANDS)**.

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

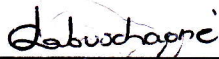
26 March

2001.

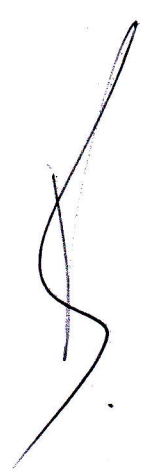


q.q.

In my presence



REGISTRAR OF DEEDS



SPECIAL POWER OF ATTORNEY

I, **CORIA FREDERIKA HENRY**

the undersigned,

do hereby nominate, constitute and appoint :

BAILEY & LE ROUX

with Power of Substitution, to be my lawful Attorney and Agent in my name, place and stead, in order to make application

**IN TERMS OF THE GEORGE MUNICIPALITY LAND USE PLANNING BY-LAW IN ORDER
THAT PORTION 177 OF FARM KRAAI BOSCH NO 195 MAY BE SUBDIVIDED**

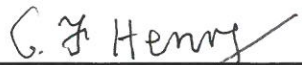
and generally for affecting the purposes aforesaid to do or cause to be done whatsoever shall be requisite as fully and effectually for all intents and purposes as I might or could do if personally present and acting herein – hereby ratifying allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these presents

Signed at Kraai Bosch this 22 day of July 2022

in the presence of the undersigned witnesses.

AS WITNESSES

1 
2 



SIGNATURE -GRANTOR

CONVEYANCER'S CERTIFICATE

I, the undersigned

WILLEM MUNRO LUTTIG

a Conveyancer practising at the firm RAUBENHEIMERS INCORPORATED in GEORGE and duly admitted as such in the High Court of South Africa hereby certify as follows:

I. PROPERTY AND OWNER

PORTION 177 (A PORTION OF PORTION 70) OF THE FARM KRAAI BOSCH NO. 195, in the Municipality and Division of George, Western Cape Province

In Extent: 3,0112 (THREE COMMA NOUGHT ONE ONE TWO) hectares, is held by CORIA FREDERIKA HENRY, IDENTITY NUMBER 311209 0054 08 1, by virtue of Deed of Transfer Number T19570/2001 ("the property").

In terms of endorsement T19634/2015 dated 17 April 2015, CORIA FREDERIKA HENRY, IDENTITY NUMBER 311209 0054 08 1, is entitled to deal with the property consequential to the estate of PETER WILLIAM HENRY.

There are NO BONDS registered over the property.

II. DEEDS OFFICE RECORDS

Diagram number 4487/1987 has been framed in respect of the property and is annexed to Deed of Transfer no. T37290/1985.

III. RESTRICTIVE CONDITIONS

The property is according to the deed of transfer subject to the following onerous conditions:

- A. None.
- B. None.
- C. None.
- D. **SUBJECT FURTHER** to the following special condition contained in Deed of Transfer No. T 19804/1953 imposed by the Controlling Authority namely the Divisional Council of George, in terms of Section 11(3) of Act 21 of 1940:
 - (a) The Land may not be subdivided without the written approval of the controlling authority as defined in Act 21 of 1940.
 - (b) 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 approval of the controlling authority as defined in Act 21 of 1940.
 - (c) 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 21 of 1940.
 - (d) No building or any structure whatsoever shall be erected within a distance of 37,78 metres from the centre line of the road, without the written approval of the controlling authority as defined in Act 21 of 1940.
- E. None.
- F. None.
- G. None.
- H. None.

IV. **ZONING, IMPROVEMENT AND SUBDIVISION**

According to my information the property is situated within the George Integrated Zoning Scheme of which George Municipality is the controlling authority in terms of the Land Use Planning Act of 2014 (Section 39(4)).

Conditions D (a) and (b) of the title deed prohibit the subdivision of the property and the erection of more than one dwelling house without the approval of the Controlling Authority.

Provided that the buildings and use of the property comply with the planning by-laws and the approval of the Controlling Authority is obtained, I am of the opinion that there are no conditions contained in Deed of Transfer No. T19570/2001 that prohibit the improvement of the property or the subdivision thereof.

V. **CAPE TOWN DEEDS OFFICE**

This certificate only refers to conditions contained in Deed of Transfer no. T19570/2001 as access to the Cape Town Deeds Office is currently limited and further searches beyond the pivot deed are not possible.

DATED at GEORGE on 9 NOVEMBER 2022



CONVEYANCER