



Stads- en Streekbeplanners
Town and Regional Planners

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21 February 2024

The Municipal Manager
P.O. Box 19
George
6530

Sir

PROPOSED CONSENT USE AND PERMANENT DEPARTURE FROM THE DEVELOPMENT PARAMETERS OF THE INTEGRATED ZONING SCHEME BY-LAW OF GEORGE MUNICIPALITY, 2023, FOR ERF 3168, SITUATED IN THE MUNICIPALITY AND ADMINISTRATIVE DISTRICT OF GEORGE.

By order of the power of attorney of the registered owner of Erf 3168, George, application is being made in terms of Section 15.(2) of the By-Law on Municipal Land Use Planning of George Municipality, 2023 for the following:

1. Consent Use in terms of Section 15.(2)(o) in order to operate a Guest House from the Second Dwelling on Erf 3168, George; and
2. The following Permanent Departure in terms of Section 15.(2)(b) and as shown on the attached Site Development Plan No. CL5419/1 by New Architectural Design :
 - 2.1 An increase of the maximum permissible floor space of a Second Dwelling Unit from 175.00m² to 200.55m².

In support of the application, the following documentation is attached for your consideration:

- a) Application form fully completed and signed (Annexure 1);
- b) Power of Attorney by the Registered Owner (Annexure 2);
- c) Bondholders Consent by SA Home Loans (Annexure 3);
- d) Motivation Report (Annexure 4);

In diens van die Suid-Kaap sedert 1985 – Kususela ngo 1985 – Serving the South Cape since 1985
Direkteur/Director: G.A. (Deon) Nel Pr. Pln A/520/1987 BA(Stel), M(S&S)(Stell).

- e) Copy of the Surveyor General Plan No. 415/2005 (Annexure 5);
- f) Plan No. G/IH/200-1 (Annexure 6);
- g) Site Development Plan No. CL 5419/1 by New Architectural Design (Annexure 7);
- h) Proof of Payment will be provided in due course as it is made available to the applicant (Annexure 8);
- i) Copy of Title Deed No.'s T20242/2019 and T25703/2006 (Annexure 9);
- j) Conveyancer Certificate by Salome van Wyk (Annexure 10);
- k) Copy of Pre-Application dd. 27/09/2023 (Annexure 11);
- l) Proof of the Sectional Title De-Registration (Annexure 12); and
- m) Approved building plans (Annexure 13).

We trust that the application will enjoy your favourable consideration and to get feedback in due course.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Havenga', enclosed within a circular scribble.

Nel & de Kock Town and Regional Planners
Per: Alexander Havenga Pr. PIn A/3313/2023



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)	Alexander				
Surname	Havenga				
SACPLAN Reg No. (if applicable)	Pr. Pln A/3313/2023				
Company name (if applicable)	Nel & de Kock Town and Regional Planners				
Postal Address	P.O. Box 1186,				
	George	Postal Code	6530		
Email	neldek@mweb.co.za				
Tel	044 874 5207	Fax	n/a	Cell	079 513 3530

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

Registered owner	Charl Edmund Watson				
Address	28 Soeteweide Road				
	George	Postal code	6529		
E-mail	soeteweidenorth@gmail.com				
Tel	044 870 0551	Fax	n/a	Cell	083 716 1347

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

Property	Erf 3168, George
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Description [Erf / Erven / Portion(s) and Farm number(s), allotment area.]											
Physical Address	28 Soeteweide Road, Blanco										
GPS Coordinates	33°56'54.56"S 22°24'11.27"E				Town/City		George				
Current Zoning	Single Residential Zone I		Extent		1006m ²		Are there existing buildings?		Y	N	
Current Land Use	Dwelling House and Second Dwelling										
Title Deed number & date	T20242/2019 and T25703/2006										
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)?			SA Home Loans					
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	Martin Botha		Reference number	2882661		Date of consultation	27/09/2023				
PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY & APPLICATION FEES PAYABLE											

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

BANKING DETAILS

Name: **George Municipality**
 Bank: **First National Bank (FNB)**
 Branch no.: **210554**
 Account no.: **62869623150**
 Type: **Public Sector Cheque Account**
 Swift Code: **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:

Application is being made for the following in terms of Section 15 of the By-Law on Municipal Land Use Planning of George Municipality, 2023:

1. Consent Use in terms of Section 15.(2)(o) in order to operate a Guest House from the Second Dwelling on Erf 3168, George; and
2. The following Permanent Departures in terms of Section 15.(2)(b) and as shown on the attached Site Development Plan No. CL5419/1 by New Architectural Design :
 - 2.1 An increase of the maximum permissible floor space of a Second Dwelling Unit from 175.00m² to 200.55m²;
 - 2.2 Relaxation of the southern street building line from 5.0m to 4.631m (on the corner of Soeteweide Road and Bergvliet Road);
 - 2.3 Relaxation of the south eastern street building line from 5.0m to 4.450m along Bergvliet Road; and
 - 2.4 Relaxation of Section 45, Site Access and Exits, in order to allow two carriageway crossings closer than 12 metres to each other along Soeteweide Road and to allow access closer than 10 metres from an intersection.

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) Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes	Y	N	N/A	Required number of documentation copies 2 copies
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes	Y	N	N/A	Other (specify)

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

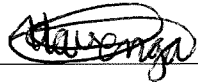
Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)	Y	N/A	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management 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/A	Other (specify)
Y	N/A	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:

8 February 2023

Full name:

Alexander Havenga

Professional capacity:

Registered Professional Planner

SACPLAN Reg. Nr:

Pr. Pln A/3313/2023

POWER OF ATTORNEY

I, the undersigned,

Charl Edmund Watson

In my capacity as the Registered Owner of Portions 1 and 2 of the Soeteide North Sectional Title Scheme situated on Erf 3168, George, situated in the Municipality and Division of George, Province of the Western Cape.

hereby nominate and appoint:

NEL & DE KOCK TOWN & REGIONAL PLANNERS

With power of substitution, to be our true and lawful Agent in our name, place and stead, to apply to the George Municipality for the following:

1. Consent Use in terms of Section 15.(2)(o) in order to operate a Guest House from the Second Dwelling on Erf 3168, George; and
2. The following Permanent Departures in terms of Section 15.(2)(b):
 - 2.1 An increase of the maximum permissible floor space of a Second Dwelling Unit from 175.00m² to 200.55m²;
 - 2.2 Relaxation of the southern street building line from 5.0m to 4.631m (on the corner of Soeteweide Road and Bergvliet Road);
 - 2.3 Relaxation of the south eastern street building line from 5.0m to 4.450m along Bergvliet Road; and
 - 2.4 Relaxation of Section 45, Site Access and Exits, in order to allow two carriageway crossings closer than 12 metres to each other along Soeteweide Road and to allow access closer than 10 metres from an intersection.

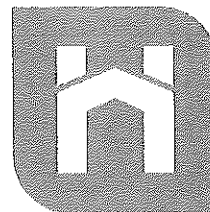
And I hereby ratify, allow and confirm, and promise and agree to ratify, allow and confirm all and whatsoever our said Agent shall lawfully do or cause to be done by virtue of these presents.

SIGNED at GEORGE on this 01 FEBRUARY 2024 in the presence of the under mentioned witnesses.

AS WITNESSES:

1. [Signature]

2.



SA Home Loans

Our ref: SAHL 1491069/ Anushinee Bisnath

08 February 2024

Mr. CE Watson
P.O Box 360
George
Western Cape
6530

Dear Mr. CE Watson

CONSENT TO CONVERSION OF SECOND DWELLING (ONCE DEREGISTRATION OF SECTIONAL TITLE IS COMPLETE) & BUILDING LINE RELAXATION –

**Unit 2 ,SS Soeteweide North , Western Cape
SA HOMELOAN ACCOUNT NUMBER: 1491069**

We have pleasure in advising that SA Home Loans has consented to the above subject to the following conditions:

1. All costs herein to be borne by client
2. No contravention of local municipality rules/regulations
3. Client to ensure that all rates & taxes are paid up to date
4. Client to ensure that this does not affect SAHL security negatively
5. Prior to any alterations, developments, structural alterations or demolition to the existing security, SAHL consent is required
6. **Client to cede external Home Owners cover**
7. **No Further Lending will be considered (No further advances & no re-advances)**

I trust that you find the above in order. Should you require any further assistance, please do not hesitate to contact me.

Yours faithfully

Anushinee Bisnath
Bond Variations Specialist
Tel: (031) 576 5708
Fax: 0867434528 ,
E-mail: AnushineeB@sahomeloans.com

MOTIVATION REPORT

CONSENT USE AND PERMANENT DEPARTURE FROM THE
DEVELOPMENT PARAMETERS OF THE INTEGRATED
ZONING SCHEME BY-LAW

ON

ERF 3168, SITUATED IN THE MUNICIPALITY AND DIVISION
OF GEORGE

FOR

THE REGISTERED OWNER

Locality Map: (True to scale)



Stads- en Streekbeplanners
Town and Regional Planners

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1. APPLICATION

Application is being made for the following in terms of Section 15 of the By-Law on Municipal Land Use Planning of George Municipality, 2023:

1. Consent Use in terms of Section 15.(2)(o) in order to operate a Guest House from the Second Dwelling on Erf 3168, Blanco; and
2. The following Permanent Departure in terms of Section 15.(2)(b) and as shown on the attached Site Development Plan No. CL5419/1 by New Architectural Design :
 - 2.1 An increase of the maximum permissible floor space of a Second Dwelling Unit from 175.00m² to 200.55m².

2. BACKGROUND

In 2005 Erf 3168, Blanco, was registered under a Sectional Title Scheme as set out on SS 603/2005 contained in SG. Diagram No. 4015/2005, attached as Annexure 5. The current registered owner of Erf 3168, Blanco, bought Portion 2 of the Soeteweide North Sectional Title Scheme in 2006. In 2019 the owner also bought Portion 1 of the Soeteweide North Sectional Title Scheme and is currently the sole owner of the two portions contained in the Soeteweide North Sectional Title Scheme.

The owner unlawfully opened and operated a Guest House on Erf 3168, Blanco, and received a letter from the Municipality on 29 May 2023 in order to rectify the unauthorised land use on the subject erf. The owner contacted Nel & de Kock Town and Regional Planners in order to lodge an application to rectify the unauthorised land use on Erf 3168, Blanco. Nel & de Kock submitted a Pre – Application on 12 June 2023 for the Rezoning of Erf 3168, Blanco, from Single Residential Zone I to General Residential Zone V in order to operate a Guest Lodge on the property. The Municipal response was that the proposed zoning is not reconcilable with the property and that different alternatives be investigated and that the Guest House only be operated from one of the dwelling units. On 4 September 2023 Nel & de Kock submitted another Pre – Application to Rezone Erf 3168 from Single Residential Zone I to General Residential Zone I and apply for a Consent Use for a Guest House on one of the dwelling units. The rezoning to General Residential Zone I was aimed at bringing the land use on the erf in line with the Municipality's Zoning Scheme for a Double Dwelling House and to operate a Guest House from one of the dwelling units. The Municipality's decision was that the proposal does not comply with the land use description of a Double Dwelling as the building is not designed as a single architectural entity. The Municipality advised the applicant that in order to rectify the unauthorised land use that application should be made to de-register the Soeteweide North Sectional Title Scheme so that the land use of the property revert back to its original zoning, i.e., Single Residential Zone I whereby a Second Dwelling Unit up to 150m² is permitted. Application should then be made for a Consent Use

for a Guest House on the Second dwelling unit. On 15 January 2024 an application was submitted to the Registrar of Deeds in order to de-register the Sectional Title Scheme, attached as Annexure 12. The de-registration gave rise to this application as set out in Par.1 above.

3. PURPOSE

The purpose of this application is to obtain approval for a Guest House as a Consent Use on Erf 3168, Blanco, and to obtain approval for A departure as set out in Par. 1 of this report in order to legally operate a Guest House on Erf 3168. The proposed permanent departures will bring the current existing approved dwelling units in line with the development parameters of the zoning scheme.

4. MOTIVATION

4.1 NEED

The need for this application sprouted from the owner's desire to operate a Guest House on his property. The owner wishes to operate a Guest House from his property in order to generate an additional stream of income. As the sole owner of both portions comprising the Soeteweide North Sectional Title Scheme the registered owner has now successfully applied for the de-registration of the Sectional Title Scheme. This will result in the land use to conform with George Municipality's Integrated Zoning Scheme By-Law, 2023, which will in turn legalise the unlawful land use of a guest house on Erf 3168.

4.2 DESIRABILITY

PHYSICAL CONDITION:

4.2.1 TOPOGRAPHY

The topography of the property is flat which is suitable for the current zoning i.e., Single Residential Zone I with roughly a 1m fall in a south westerly direction over a distance of ± 20 m. Therefore, the average gradient of the property is 1:20 which will not be an issue if this application for consent use and permanent departures are approved.

4.2.2 BOTTOM CONDITIONS

The bottom conditions of the property relevant to this application are stable and the current owner of the erf have not experienced any structural concerns with regards to the existing dwellings on the property.

4.2.3 VEGETATION

There is no conservation worthy vegetation on the erf which will be negatively influenced by the approval of this application.

4.2.4 FLOOD LINES

There are no flood lines on the property that would impinge the existing development on the erf and therefore approval of this application will have no adverse effect on flood lines.

4.2.5 SENSITIVITIES

There are no sensitivities on the property as it is an existing developed residential erf within a residential neighbourhood which is situated within the urban edge of George. Therefore, approval of this application will not negatively affect any sensitivities.

4.2.6 WATER TABLE

The current owner of Erf 3168 has not experienced any issues with regards to a high water table since he took ownership of the Portion 2 of the Soeteweide North Sectional Title Scheme in 2006. Therefore, the subject of water table will not be elaborated on further in this motivation report.

4.2.7 DRAINAGE PATTERN

The design of the existing dwellings took drainage into consideration and does not negatively affect the drainage of the property. Therefore, approval of this application will not have an impact on the existing/current drainage pattern on Erf 3168.

4.2.8 FILLINGS AND EXCAVATIONS

Application is made for a consent use for a guest house and permanent departures on Erf 3168. The property has an existing dwelling house and second dwelling and no additional construction is proposed with this application. Therefore, approval of this application will not result in fillings and excavations to take place.

4.3 EXISTING PLANNING AND LEGISLATION

4.3.1 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013, (S.P.L.U.M.A.)

4.3.1.1 SPATIAL JUSTICE

- **Past spatial and other development imbalances must be redressed through improved access to and use of land.**

The property which relates to this application is in extent 1006m² and was made available on the free market when the owner acquired Portion 2 of the Soeteweide North Sectional Title Scheme in 2006 and Portion 1 in 2019.

Therefore, this application pose to not be adequate to address this principle of access to and use of land.

- **Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterises by widespread poverty and deprivation.**

Due to considerations discussed above, this objective is not readily achievable with this application.

- **Spatial Planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.**

As discussed above, the limited size of the land unit does not lend itself to the compliance of this objective as the property is zoned for residential purposes and not to address the access to land by disadvantaged communities or persons.

- **Land use management systems must include all areas of a Municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas.**

A pragmatic approach to the management of land use systems to follow flexible and appropriate processes to facilitate housing for the disadvantaged community is indispensable.

- **Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.**

This aspect has already been discussed above.

- **A Municipal Planning Tribunal considering an application before it, may not be implemented or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.**

This provision does not apply to the application.

4.3.1.2 PRICIPLE OF SPATIAL SUSTAINABILITY

- **Promote land development that is within the fiscal, institutional and administrative means of the Republic.**

The proposed development is done with private funding and therefore the fiscal, institutional and administrative capacity of government agencies are not relevant to this application.

- **Ensure that special consideration is given to the protection of prime and unique agricultural land.**

The property forming the focus of this application is zoned Single Residential Zone I and is situated within a developed neighbourhood of George which is included within the Urban Edge. Therefore, the protection of prime and unique agricultural land is not relevant to this application.

- **Uphold consistency of land use measures in accordance with the environmental management instruments.**

This application is not accompanied by any activities that require special environmental management measures.

- **Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.**

Approval of this application will not incur any costs with regard to the provision of services or infrastructure to any party as this application entails a consent use and permanent departures for a property with an existing approved dwelling house and second dwelling unit of which the services are already installed.

- **Promote land development in locations that are sustainable and limit urban sprawl.**

Application is made for a land unit situated within the urban edge, which therefore limits urban sprawl. Therefore, approval of this application will be in line with this principle as it will limit urban sprawl and facilitate a more optimal use of an existing land use.

- **Result in communities that are viable.**

Approval of this application will result in an approved Guest House to be operated in George. Therefore, approval of this application will offer short term housing for guests visiting the greater George area which in turn will result in a viable community.

4.3.1.3 PRINCIPLE OF EFFICIENCY

- **Land development optimises the use of existing resources and infrastructure.**

This application is in line with the principle of efficiency as application is made for a Consent Use in order to operate a Guest House from an existing structure which was approved by the Municipality in the past. Therefore, approval of this application will result in the optimal use of existing resources and infrastructure and will result in the Municipality to receive rates and taxes for a Guest House on a Single Residential Zone I property.

- **Decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts.**

As a privately funded project, sensible decision making to have minimal negative consequences are indispensable for the successful implementation of the project. As already discussed, it will not have a negative social, economic and environmental impact, but will result in a viable opportunity for the owner of the property as he will be in a position to operate an approved guest house.

- **Development applications procedures are efficient and streamlined and timeframes are adhered to by all parties.**

Adherence to prescribed timeframes vest in the Municipality and therefore the applicant does not have any control over it.

4.3.1.4 PRINCIPLE OF SPATIAL RESILIENCE

This principle, which is primarily aimed at a sustainable way of life for communities that are most vulnerable to economic and environmental setbacks, is not directly applicable to this application.

4.3.1.5 PRINCIPLE OF GOOD ADMINISTRATION

- **All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.**

The only authority involved in this application is George Municipality and therefore there is no other authority with which an integrated approach needs to be followed. The various departments of the Municipality involved function as an integrated team.

- **Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.**

Procedures of the public participation process for this application will be adhered to as prescribed when the applicant receives a Section 38 Land Use Planning By-Law, 2023, compliance letter.

4.3.2 LAND USE PLANNING ACT, 2014, (L.U.P.A.)

As far as the proposed development is concerned, there is a great deal of overlap between the principles of spatial justice, sustainability, good administration and resilience that are pursued under this legislation, but which have already been discussed in par 4.3.1 above. To avoid duplication, these principles will not be discussed again.

4.3.3 NATIONAL, PROVINCIAL AND LOCAL GOVERNMENT POLICIES AND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

National, Provincial and Local Government policies sets out and put in place coherent policies and frameworks to support Municipalities fulfil their municipal planning mandate in line with national and provincial agendas. Application is made in terms of Section 15 of the Land Use Planning By-Law of George Municipality, 2023. Therefore, the local policies and frameworks of the Municipality took the policies and frameworks of National and Provincial Government into consideration and only the George Municipal Spatial Development Framework, 2023 (MSDF) will be discussed for the purpose of this application.

As stated on p.65 of the George MSDF, 2023, the predominant sector of the economy of George is the tertiary or services sector which in turn relates to tourism. Approval of this application will strengthen George Municipality's economy by providing additional lodging to transient guests visiting the Garden Route. Furthermore, approval of his application will also create 4 additional jobs for unschooled labourers in George. The operation of the guest house will create a job opportunity for a manager, a gardener and two room attendants.

4.3.4 BY-LAW ON MUNICIPAL LAND USE PLANNING OF GEORGE MUNICIPALITY, 2023

4.3.4.1 According to Section 38(1), the following documents are required in support of the application:

4.3.4.1.1 Annexure 1, Application form fully completed and signed;

4.3.4.1.2 Annexure 2, Power of Attorney to Nel & de Kock Town and Regional Planners by the registered owner to prepare and submit this application;

4.3.4.1.3 **Annexure 3**, Bondholders Consent by SA Home Loans is attached to this application;

4.3.4.1.4 **Annexure 4**, Motivation Report by Nel & de Kock Town and Regional Planners;

4.3.4.1.5 **Annexure 5**, Copy of the Surveyor General Plan No. 415/2005 is attached to this application;

4.3.4.1.6 **Annexure 6**, Plan No. G/IH/200-1 is attached to this application;

4.3.4.1.7 **Annexure 7**, Site Development Plan No. CL 5419/1 by New Architectural Design is attached to this application;

4.3.4.1.8 **Annexure 8**, Proof of Payment will be provided in due course as it is made available to the applicant;

4.3.4.1.9 **Annexure 9**, Copy of Title Deed No.'s T20242/2019 and T25703/2006 is attached to this application;

4.3.4.1.10 **Annexure 10**, Conveyancer certificate by Salome van Wyk is attached to this application;

4.3.4.1.11 **Annexure 11**, Copy of Pre-Application dd. 27/09/2023 is attached to this application;

4.3.4.1.12 **Annexure 12**, Proof of the Sectional Title De-registration; and

4.3.4.1.13 **Annexure 13**, Approved building plan.

4.3.4.3 Current and proposed development controls (George Integrated Zoning Scheme By-Law, 2023)

4.3.4.3.1 Height:

The height of a dwelling house may not exceed 6,5 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof, provided that if the intention is to utilise any area above the roof for recreational or entertainment purposes, the height may not exceed 6.5 metres.

- The existing dwelling house and second dwelling unit have building plans which were approved by the Municipality. Therefore, it is foreseen that it complies with the maximum height development parameter of 8,5m with no new construction proposed with this application.

4.3.4.3.2 Coverage and building lines:

Building lines applicable to erven 1006m² in size are as follows:

Street: 5m;
Side :3m; and
Rear: 3m.

- The current dwelling units constituting the Soeteweide North Sectional Title Scheme have approved building plans, therefore it is not necessary to apply for a relaxation of building lines as the structures are in line with building lines as set out above.

4.3.4.3.3 Window and door placement:

Any portion of a building which contains an external window or door facing onto a common boundary must-

- (i) Be set back at least 1,5 metres from such boundary; and
 - (ii) The portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.
- The existing approved dwelling units are in line with this development parameter and approval of this application will not deviate therefrom.

4.3.4.3.4 Garages, carports and outbuildings:

(i) A garage, carport and outbuilding are permitted within the common boundary building line provided that the garage and carport and outbuilding-

- (aa) do not exceed a height of 4 metres;
- (bb) does not contain more than a double garage façade facing a public street;
- (cc) when combined, does not exceed a total length of 12 metres along a common boundary building line; and
- (dd) does not include a braai room or entertainment area.

- No new construction is proposed with this application. Therefore, the existing dwelling units pose to be in line with this development parameter.

- (iii) For land units exceeding 650m², a garage or carport that is accessed perpendicular to the street boundary may not be closer than 5 metres from that street boundary, notwithstanding the street building line.

- This application does not propose a garage or carport, therefore this development parameter is not applicable to this application.

(iv) Notwithstanding subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes

of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case.

- This application does not propose a garage or carport within the street boundary building line. Therefore, this development parameter is not applicable to this application.

4.3.4.3.5 Parking and access

(i) Parking and access must be provided on the land unit in accordance with this By-Law.

(ii) Where a dwelling unit is occupied by unrelated persons as defined in (b) the definition of “family”, provision must be made for parking in accordance with the parking requirements for a boarding house.

- George Municipality’s Integrated Zoning Scheme By-Law, 2023, stipulates that dwelling houses should provide two parking bays for erven in ‘Normal Areas’. The Zoning Scheme further indicates that a Guest House should provide one parking bay per bedroom, two for the owner’s home and 1 bay for visitors. Since this application propose a Guest House as a Consent Use, the parking provisions for a Guest House will be discussed. Attached SDP by New Architectural Design with Plan No. CL 5419/1 designates parking’s 7 and 8 for the owners home, one parking bay for each of the bedrooms of the guest house can be accommodated on parking’s 1-5 and parking bay 6 is reserved for visitors. Therefore, baring the aforementioned in mind efficient provision is made for parking on Erf 3168.

4.3.4.3.6 Garaging

Garaging for up to 6 vehicles are permitted for properties larger than 1000m².

- The attached building plans do not indicate any garaging on Erf 3168, therefore this development parameter is not relevant to this application.

4.3.4.3.7 Open space

The Municipality may request the provision of functional open space for single residential development at the following ratios-

- (i) A development containing 5 to 20 dwelling units: 24m² per dwelling unit;
 - (ii) A development of 21 dwelling units or more: 480m² or 18m² per dwelling unit, whichever is greater; and
 - (iii) In accordance with an open space policy, should one become applicable.
- This application entails one Single Residential Zone I property. Therefore, the scale and extent of this application does not trigger the above development

parameter. It should however be mentioned that there is a public park, approximately 1.25ha in extent and $\pm 300\text{m}$ from Erf 3168.

4.3.4.3.8 Greenhouse

Greenhouses shall be limited to a total of 20m².

- No greenhouses are proposed with this application, therefore this development parameter will not be elaborated further on in this application.

4.3.4.3.9 Development charges

The Municipality may impose development charges in accordance with the provisions of Section 52.

- The owner will abide to the development charges as determined by Section 52.

4.3.5 TITLE DEED

Salome van Wyk from Millers Attorneys states in the Conveyancer Certificate, attached as Annexure 10, there are no other title conditions that prohibits this application for Consent Use and Permanent Departures other than what is stated on the Conveyancer Certificate.

4.4 CHARACTER OF THE ENVIRONMENT

The property relevant to this application is situated within Fancourt Gardens which is an existing residential neighbourhood of George. Properties in this neighbourhood are zoned for residential purposes. Therefore, the zoning of the property and the proposed land use, Guest House, will not detract from the character of the environment as it will remain residential while contributing to the economy of George.

4.5 POTENTIAL OF THE PROPERTY

4.5.1 AGRICULTURE

As mentioned earlier in this report, the land unit relevant to this application is situated within a residential neighbourhood of George and is currently zoned Single Residential Zone I. Therefore, the property has no Agricultural potential and will not be elaborated further in this report.

4.5.2 CONSERVATION

The subject property is an existing developed erf within the urban edge of George with no conservation worthy vegetation. Therefore, it is irrelevant to elaborate further on this subject.

4.5.3 MINING

As of date no exploitable materials have been found on the property which could lead to any mining activities taking place on the property.

4.5.4 RECREATION

The current zoning of the property, i.e. Single Residential Zone I, is not reconcilable with recreational activities for the public and in most instances only offers recreational benefits for the owners. In this case the property has a swimming pool which guests can utilise while visiting the proposed Guest House, therefore while the primary land use of the property is residential it also offers a form of recreation and is in close proximity to a public open space merely 300m away.

4.5.5 RESIDENTIAL

As mentioned in Par. 2 of this report, currently the property constitutes two Sectional Title units on Erf 3168. The de-registration of the Sectional Title Scheme is currently underway which will entail that the erf will revert back to its original zoning, i.e., Single Residential Zone I comprising of a Dwelling Unit and a Second Dwelling Unit. Approval of this application will allow the owner to operate a guest house from the proposed Second Dwelling unit consisting of 5 rooms. Therefore, approval of the de-registration of the Sectional Title Scheme and this land use planning application will result in a primary Dwelling House and a Guest House with five rooms on Erf 3168. Approval of this application will therefore not detract from the residential component of the property, but will rather contribute to housing for transient guests visiting George.

4.6 LOCATION AND ACCESSIBILITY

Erf 3168 is situated at 33°56'54.56"S 22°24'11.27"E within the existing residential neighbourhood of George. The property can be accessed from Soeteweide Road or Bergvliet Road as depicted on the attached SDP.

4.7 PROVISION OF SERVICES

The erf is currently serviced by the Municipality and approval of this application will not require any additional installation of services. The municipal meters will most likely have to be changed in order to only give the property one connection as opposed to two connections for the Sectional Title units. The owner will conform to the Capital Contributions payable to the Municipality as the proposed guest house will lead to an increase in demand for services.

4.7.1 WATER

The property currently receives water from the Municipality. Approval of this application will most likely result in the amendment of the current meters in order to give the owner only one account as opposed to two accounts from each of the Sectional Title Units.

4.7.2 SEWERAGE

Sewerage generated on the erf is disposed through the municipal sewerage system. The proposed Guest House will not require the installation of additional services and the owner will abide to the capital contributions as determined by the Municipality due to the increase in demand.

4.7.3 ELECTRICITY

The property currently receives electricity from the Municipality. Most likely the metres will have to be amended as discussed in the above Par. 4.7.1.

4.7.4 STORM WATER

Storm water is managed accordingly and while no new construction is proposed, approval of this application will not alter the storm water generated on the property.

4.7.5 REFUSE REMOVAL

Refuse removal is a service the owner receives from the Municipality and will continue to utilise this service once this application is approved.

4.8 CONSTRUCTION PHASE

Application is made for a Consent Use for a Guest House and accompanying departures. The existing structures has approved building plans and no additional construction is proposed. Therefore, no further elaboration will be made with regard to the construction phase.

5. CONCLUSION

On the strength of the rationalisation followed in this report, it is evident that approval of this application has a substantial benefit not only for the owner of the property, but also to the George urban area as approval of this application will result in additional accommodation for transient guests who visit George. This will in turn contribute to George's tourism sector which is as stated in the SDF one of the city's most predominant sectors of the economy. Furthermore, approval of this application will lead to the Municipality receiving more rates and taxes from the Guest House as opposed to the existing Second Dwelling. Therefore, approval of this application will also aid in more cost effective service delivery by the Municipality.

Nel & de Kock Town and Regional Planners
Per: Alexander Havenga Pr. PIn A/3313/2023

February 2024

COMPONENTS

1. The figure ABCD^EGH represents REMAINDER ERF 1022 BLANCO vide Diagram No ~~1022/2005~~ 4010/2005
2. The figure EFa represents ERF 3166 BLANCO vide Diagram No 4013/2005

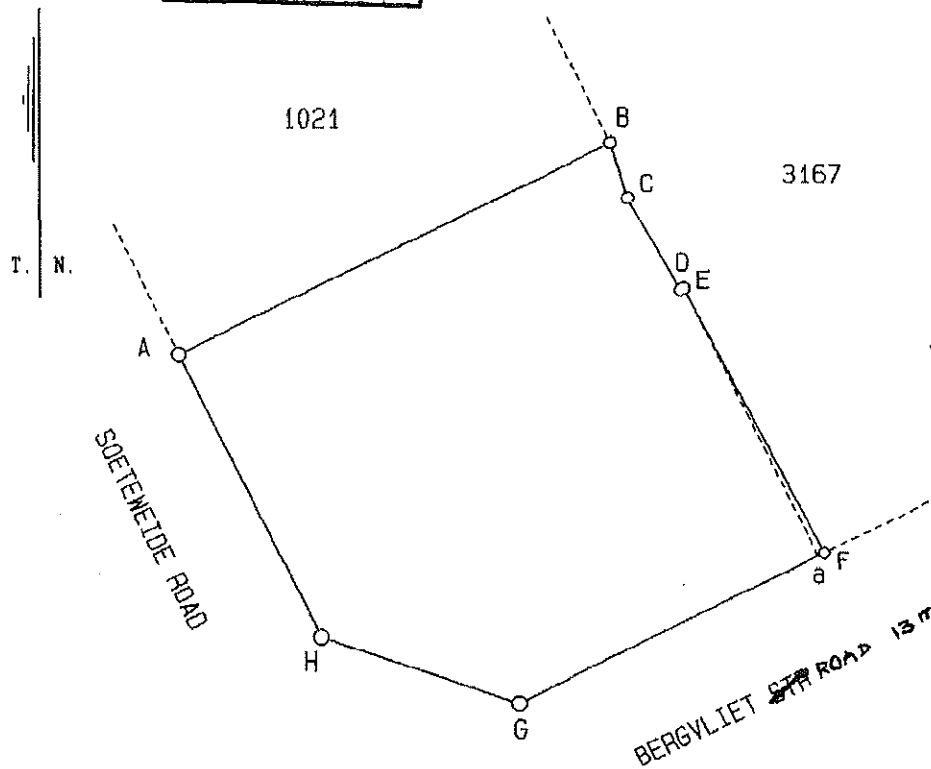
S.G. No.
4015/2005

Approved

G. Savage

2005-08-22

for Surveyor-General

**SUBJECT TO
SECTIONAL TITLE**

Scale 1:500

The figure A B C D E F G H
represents 1006 square metres of land, being
ERF 3168 BLANCO and comprises 1 and 2 above

situate in the Fancourt Gardens Township
in the Municipality of George
Administrative District of George
Province of Western Cape
Compiled in March 2005 by me.

*G. Savage*G S SAVAGE (PLS 0543)
Professional Land Surveyor.

This diagram is annexed to

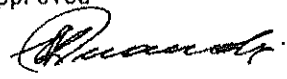

No. *791245/2005*
dated
i.f.o.

Registrar of Deeds

The original diagrams are as
quoted above.File No. S.7767/20 v.3
S.R. No. Compiled
Comp BL-700/V23 (1733)
LPI C0270001
Gen. Plan No.11066**FOR ENDORSEMENTS
SEE BACK OF DIAGRAM**

ERF 3168 BLANCO

SECTIONAL TITLES		
SRE NO.	SGD NO.	SS NO.
E 1870/2005	D 511/2005	603/2005

SECTIONAL PLAN No. SS 603/2005		SHEET 1	S. G. No. D 511/2005
Registered at CAPE TOWN		OF	Approved 
Registrar of Deeds Date 2005-11-09		5 SHEETS	for Surveyor-General Date 2005-08-22
<p>NAME OF SCHEME : SOETWEIDE NORTH</p> <p>DESCRIPTION OF LAND ACCORDING TO DIAGRAM: Erf 3168 BLANCO Situate in the Fancourt Gardens Township in the Municipality of George, Administrative District of George Province of the Western Cape, measuring 1006 square metres</p> <p>DIAGRAM No.: S.G. No 4015/2005</p> <p>NAME OF LOCAL AUTHORITY: George Municipality</p> <p>DESCRIPTION OF BUILDINGS: 2 Buildings namely :- a) Building 1 comprising Section 1 and b) Building 2 comprising Section 2</p> <p>CAVEAT: None</p> <p>ENCROACHMENTS ON THE LAND: None</p> <p>EXCLUSIVE USE AREAS: None</p> <p>CERTIFICATE: I, Graham Stephen Savage hereby certify that I have prepared sheets 1 to 5 inclusive of this sectional plan from survey in accordance with the provisions of the Sectional Titles Act 95 of 1986 and the regulations promulgated thereunder.</p> <p style="text-align: right;"> G. S. Savage PLS 0543D Professional Land Surveyor P O Box 752 GEORGE 6530</p> <p>Date: 2005-03-05</p>			
Survey Record No. E 1870/2005	Compilation BL-7DD/V23 (1733)		

SHEET 2 OF 5 SHEETS

S. G. No. D 511/2005

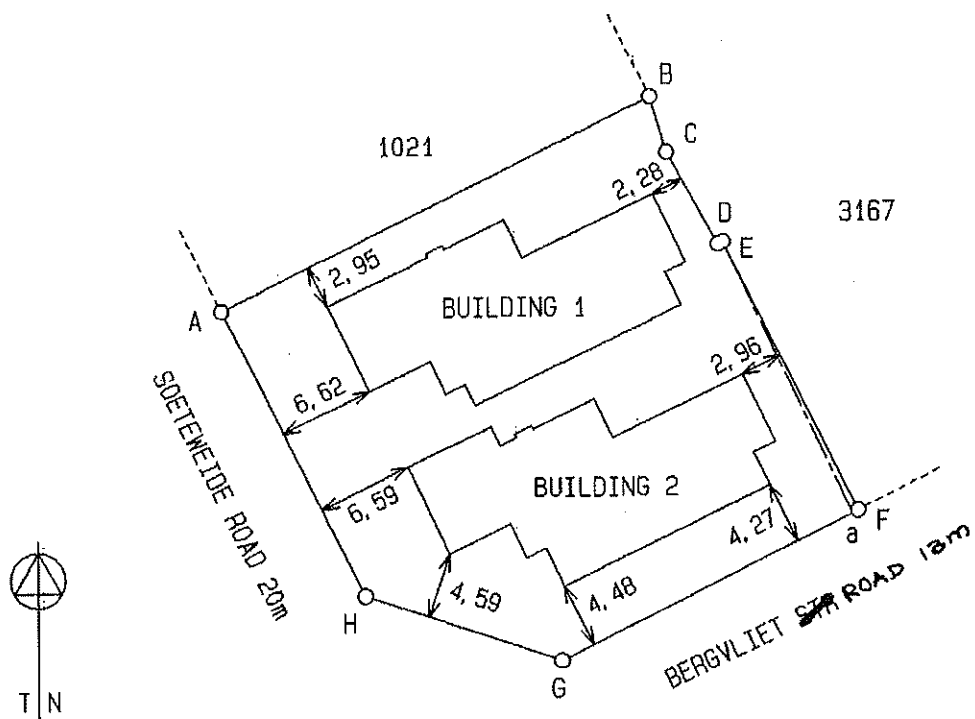
Approved

[Signature]

2005-08-22

for Surveyor-General

Date



NOTES:

1. The figure ABCDEFGH represents Erf 3168 BLANCO
2. All measurements are given in metres
3. ----- denotes a consolidation component line

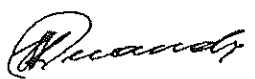

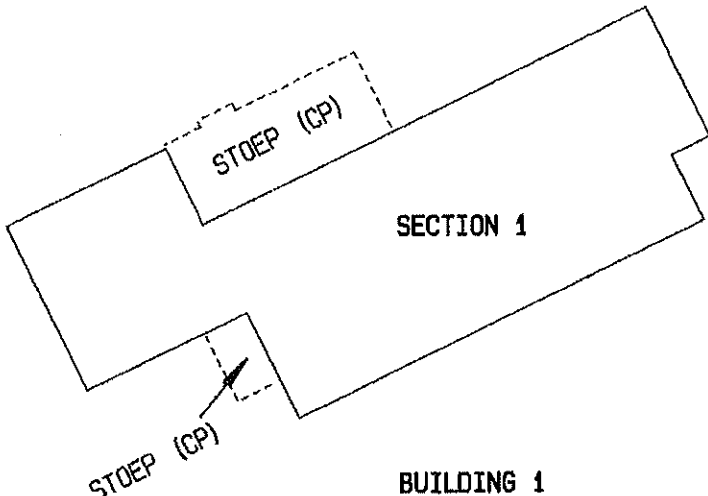

G S SAVAGE PLS0543D
Professional Land Surveyor
P O Box 752 GEORGE 6530
Tel 044 - 8742414



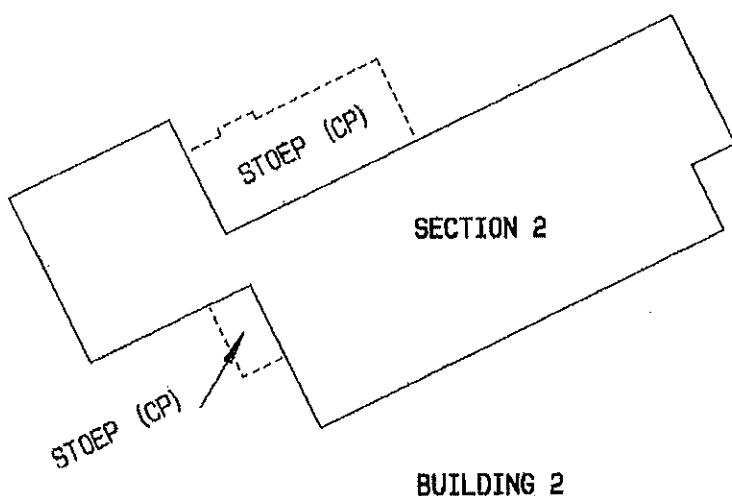

03.03.2005

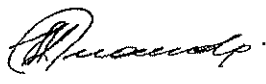
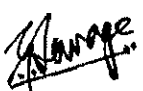
SOETEWIDE NORTH

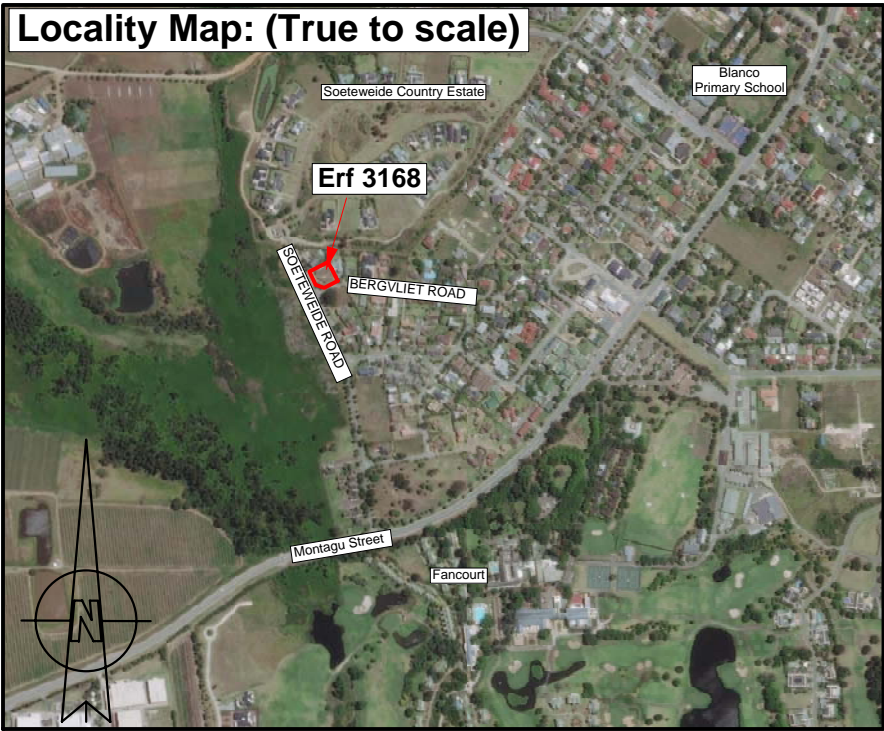
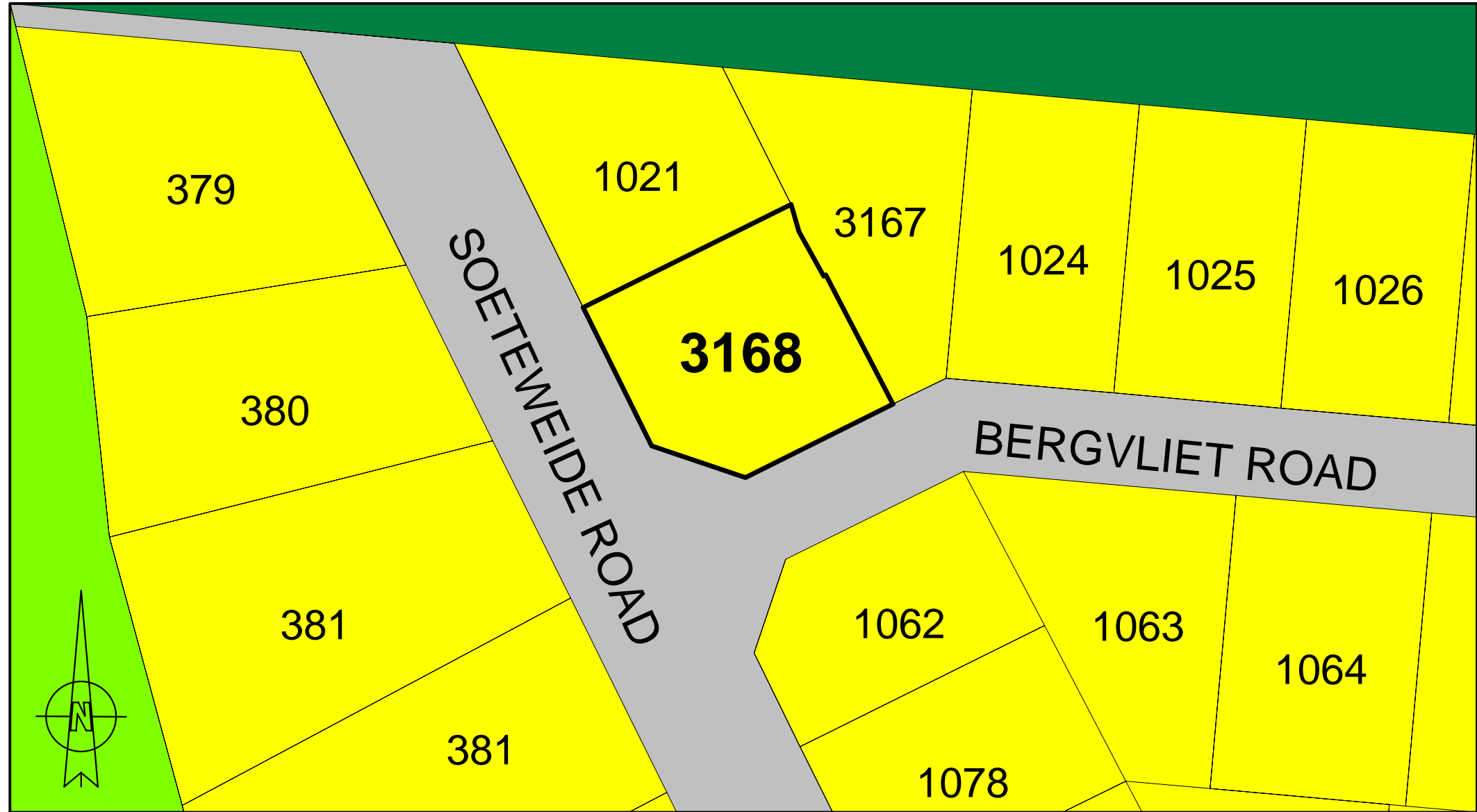
DRAWING TITLE : BLOCK PLAN

Scale 1:500

SHEET 3 OF 5 SHEETS	S. G. No. D 511/2005
	Approved  for Surveyor-General 2005-03-22 Date
<div style="text-align: center;">  </div> <div style="text-align: center; margin-top: 100px;">  </div>	
NOTES: 1. For participation quota see sheet 5. 2. (CP) denotes common property.	
G S SAVAGE PLS 05430 Professional Land Surveyor P O Box 752 GEORGE 6530 Tel 044 - 8742414	<div style="text-align: center;">  </div> <div style="text-align: center;"> SOETWEIDE NORTH DRAWING TITLE : GROUND FLOOR PLAN BUILDING 1 </div> <div style="text-align: center;"> 03.03.2005 Scale 1:250 </div>

SHEET 4 OF 5 SHEETS	S. G. No. D 511/2005
	Approved  for Surveyor-General 2005-08-22 Date
<div style="text-align: center;">   </div>	
NOTES: 1. For participation quota see sheet 5. 2. (CP) denotes common property.	
G S SAVAGE PLS 0543D Professional Land Surveyor P O Box 752 GEORGE 6530 Tel 044 - 8742414	<div style="text-align: center;">  </div> SOETEWIDE NORTH DRAWING TITLE : GROUND FLOOR PLAN BUILDING 2 Scale 1:250 03.03.2005





SHEET 5 OF 5 SHEETS		S. G. No. D 511/2005
		Approved  for Surveyor-General 2005-08-22 Date
SECTION No.	FLOOR AREA square metres	PARTICIPATION QUOTA PERCENTAGE
1	163	50, 0000
2	163	50, 0000
TOTAL	326	100, 0000
G S SAVAGE PLS 05430 Professional Land Surveyor P O Box 752 GEORGE 6530 Tel 044 - 8742414  03.03.2005		SOETENEIDE NORTH DRAWING TITLE : PARTICIPATION QUOTA SCHEDULE



PROPOSED CONSENT USE AND PERMANENT DEPARTURE ON ERF 3168, GEORGE, IN TERMS OF THE RELEVANT SECTIONS OF THE BY- LAW ON MUNICIPAL LAND USE PLANNING OF GEORGE MUNICIPALITY, 2023

Application is being made for the following in terms of Section 15.(2) of the By-Law on Municipal Land Use Planning of George Municipality, 2023:

1. Consent Use in terms of Section 15.(2)(o) in order to operate a Guest House from the Second Dwelling on Erf 3168, George; and
2. The following Permanent Departure in terms of Section 15.(2)(b) and as shown on attached SDP:
 - 2.1 An increase in the maximum permissible floor space of a Second Dwelling Unit from 175.00m² to 200.55m².

Table 1: Existing Zonings	
	Single Residential Zone I
	Transport Zone I
	Open Space Zone I
	Open Space Zone II

- Remarks:**
1. The two existing dwelling units on Erf 3168 currently forms part of the Soeteweide North Sectional Title Scheme. The owner has appointed Millers Attorneys to de-register the Sectional Title Scheme. After approval of the de-registration the property will revert back to its original zoning, i.e., Single Residential Zone I wehereafter the two dwelling units will constitute a Dwelling House and Second Dwelling Unit.
 2. The proposed Guest House will be operated from the 'existing' Second Dwelling Unit.
 3. The proposed Guest House will consist of 5 rooms.
 4. A Site Development Plan by New Architectural Design with Plan No. CL 5419/1 is attached.

Note:
Locality Map obtained from the CapeFarmMapper.

ERF 3168 c/o
SOETEWEIDE AND
BERGVLIET ROAD,
BLANCO, GEORGE



Stads - en Streekbeplanners
Town and Regional Planners

Yorkstraat 56 York Street Tel: (044) 874 5207
Posbus 1186 / P.O. Box 1186 Fax: (044) 873 6354
George 6530 E-pos / E-mail: neldek@mweb.co.za

SKAAL		1:750 (A3)		SCALE	
BEPLAN PLANNED	D.N.	PLAN NO	G/IH/200-1	February 2024	
GETEKEN DRAWN	A.H.				
DATUM DATE					
KOPIEREG VOORBEHOUD / COPYRIGHT RESERVED					



Internet Banking
 Standard Bank Centre
 5 Simmonds Street, Johannesburg, 2001
 P.O. Box 7725, Johannesburg, 2000
 Telephone: 0860 123 000
 International: +27 11 299 4701
 Fax: +27 11 631 8550
 Website: www.standardbank.co.za

Dear GEORGE MUNICIPALITY

We confirm that the following payment has been made into your account from Charl:

Reference number	3098961481
Listed company name	GEORGE MUNICIPALITY
Bank name	FIRST NATIONAL BANK
Listed company number	XXXXXXXX2621
Listed company branch number	21011500
Beneficiary reference	LUA285 CHARL E WATSON
Amount	R19090.00
Payment date and time	2024-02-23 08h12

If you need more information or have any questions about this payment, please contact:

Charl

Payments to Standard Bank accounts may take up to one business day to reflect.

Payments to other banks may take up to three business days.

Please check your account to confirm you have received this payment.

Yours sincerely,

The Internet Banking Team

MILLERS INC
BEACON HOUSE
123 MEADE STREET
GEORGE
6530



Prepared by me

CONVEYANCER
~~SALOME VAN WYK~~
MOEGSIENA ISHMAIL

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 1 250 000,00	R. 1146,00
Reason for exemption	Category Exemption	Exemption 1 to Sec/Reg Act/Proc

DATA / CAPTURE
15-11-2019
LITHA VUYO MADAMA

3

VERBIND MORTGAGED

R. 750 000,00

SB 000008890 / 2019

14 NOV 2019

REGISTRAR/REGISTRAR

ST 000020242 / 2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

CHLOE DIPPENAAR

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

JOHANNES HERMANUS BOTHA
Identity Number 760114 5022 08 1
Unmarried

which said Power of Attorney was signed at PRETORIA on 14 AUGUST 2019

And the said appearer declared that his/her principal had, on 26 February 2019, truly and legally sold for the sum of R1 250 000,00 (ONE MILLION TWO HUNDRED AND FIFTY THOUSAND RAND) the following property, by Private Treaty;

And that he/she, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer in full and free property to and on behalf of:

CHARL EDMUND WATSON
Identity Number 680203 5165 08 6
Unmarried

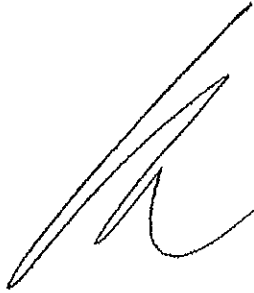
A Unit consisting of

- (a) Section No. 1 as shown and more fully described on Sectional Plan No SS 603/2005 in the scheme known as SOETEWIDE NORTH in respect of the land and building or buildings situated at BLANCO IN THE MUNICIPALITY AND DIVISION OF GEORGE, WESTERN CAPE PROVINCE, of which section the floor area, according to the said sectional plan is 163 (One Hundred and Sixty Three) square metres in extent and
- (b) An undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

HELD BY Deed of Transfer Number ST 25044/2007

The said unit is subject to or shall benefit by:

- (i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in Section 11(3) (b) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986 (Act 95 of 1986); and
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.



293

MILLERS ING
BEACONHUIS
MEADESTRAAT 123
GEORGE
6530

FEE

R 500,00

Opgestel deur my

W. Goldie
TRANSPORTBESORGER
Goldie M

VERBIND

MORTGAGED

VIR
FOR R 4 00 000 - 00



SB 000017516 / 2006

14 SEP 2006

REGISTRATEUR/REGISTRAR

REKENAAR: DATAFILE	SCHEM: COM-UTER DATA CIST
OPGEHEEMEN: [initials]	OPERATEUR: [initials]

TRANSPORTAKTE

000025703 / 2006

HIERBY WORD BEKEND GEMAAK DAT

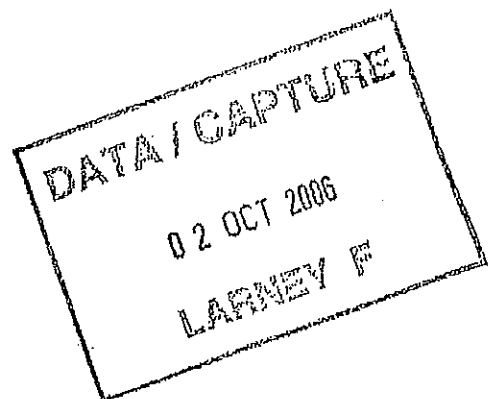
Marilize Hugo

Atk

voor my verskyn het, REGISTRATEUR VAN AKTES, te KAAPSTAD, hy die genoemde komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom verleen deur

1. MONRAY SCHOERIE
Identiteitsnommer 720811 5101 08 3
Getroud buite gemeenskap van goed
2. GERTRUIDA JACOBA SCHOERIE
Identiteitsnommer 790111 0077 08 0
Getroud buite gemeenskap van goed

geteken te GEORGE op 7 JUNIE 2006



En genoemde Komparant het verklaar dat sy prinsipaal het, op 30 Mei 2006, waarlik en wettiglik verkoop, by Privaat ooreenkoms, teen die koopprys van R1 060 000,00 (EEN MILJOEN SESTIG DUISEND RAND);

EN DAT hy, in sy voorgenoemde hoedanigheid hierby in volkome en vrye elendom sodeer en transporteer aan en ten gunste van

CHARL EDMUND WATSON
Identiteitsnommer 680203 5165 08 6
Ongetroud

die volgende elendom,

'n Eenheid bestaande uit –

- (a) Deel Nr. 2 soos aangetoon en vollediger beskryf op Deelplan Nr. SS 603/2005 in die skema bekend as **SOETWEIDE NORTH** ten opsigte van die grond en gebou of geboue geleë te **BLANCO IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE**, van welke deel die vloeroppervlakte, volgens genoemde deelplan, 163 (Een Honderd Drie en Sestig) vierkante meter groot is; en
- (b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die skema, aan genoemde deel toegedeel ooreenkomstig die deelnemingskwota soos op genoemde deelplan aangeteken.

GEHOU KRAGTENS Transportakte Nr. ST 28479/2005

Genoemde eenheid is onderworpe aan of word bevoordeel deur:

- (i) die servitute, ander saaklike regte en voorwaardes, indien enige, soos vervat in die bylae van voorwaardes bedoel in Artikel 11(3)(b) en die servitute bedoel in Artikel 28 van die Wet op Deeltitels, 1986 (Wet 95 van 1986); en
- (ii) 'n verandering aan die gebou of geboue of aan 'n deel of aan die gemeenskaplike elendom op genoemde deelplan getoon.

MW

Derhalwe word afstand gedoen van al die reg, titel en belang wat die Transportgewer/s voorheen op genoemde eiendom gehad het, en gevolglik word ook erken dat die Transportgewer/s geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat vermelde Transportnemer/s hiermee daartoe geregtig is, behoudens die regte van die Staat.

Onderteken, verly en met die ampseël bekragtig op die kantoor van die Registrateur van Aktes te Kaapstad op

14 September

2006

Att

Utugo

q.q.

In my teenwoordigheid

REGISTRATEUR VAN AKTES

MG

CONVEYANCER CERTIFICATE

I, the undersigned

SALOME VAN WYK

in my capacity as Conveyancer practicing at Millers Incorporated, Beacon House, 123 Meade Street,
George hereby certify in respect of the property previously known as:

Erf 3168 George

In the Municipality and Division of George

Western Cape Province

Previously held by Deed of Transfer T91245/2005

(Hereinafter referred to as the "Property")

in respect of which a Sectional Plan No SS6032005 in the scheme known as Soeteweide North was
registered consisting of two Sectional Title Units.

The Body corporate of the aforesaid scheme and the owner of the two units in the scheme have applied
to the High Court for the cancellation of the scheme and the reversion back into the land register of the
Property. The title deed conditions that shall be contained in the new Title Deed whereby the Property
is to be held once the Property reverted back into the land register shall be identical to the conditions
contained in Deed of Transfer T91245/2005 and is also identical to the conditions contained in the
Schedule of Conditions in terms of Section 11(3) (b) of the Sectional Titles Act 95 of 1986 in respect of
the scheme.

The aforesaid Deed of Transfer T91245/2005 and the Certificate of Amended Title No. T8396/1929
referred to in the Deed of Transfer contains the following restrictive conditions that prohibits land use
rights applications for Consent Use and Permanent Departures:

"3 (v) Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as
wat volgens hierdie voorwaardes toegelaat word nie.

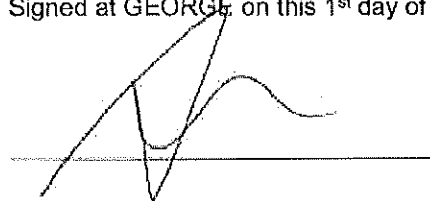
(vi) (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue
vir die doeleindes van die Administrateur van tyd tot tyd na oorleg met die Dorpekommissie en
die plaaslike owerheid, goedgekeur, met dien verstande dat, indien die erf in die gebied van
dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema
toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings in die skema.

(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure ne heinings, mag behalwe met die toestemming van die Administrateur nader as 4,72 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 4,15 meter van die agtergrens of 1,57 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid:

- (i) 'n buitegebou wat uitsluitend vir die staling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet aan die vloer van die buitegebou tot agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet aan die agtergrens van die erf, met dien verstande dat in geval van 'n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens.
- (ii) 'n buitegebou ingevolge subparagraaf (i) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afstand hierby voorgeskry, opgerig mag word indien geen vensters of deure in enige muur, wat sodanige grens front, aangebring word nie.

There are no other title conditions that prohibits an application for consent use or departure from parameters.

Signed at GEORGE on this 1st day of February 2024.



CONVEYANCER
SALOME VAN WYK



Planning and Development
E-mail: town.planning.application@george.gov.za
Tel: +27 (0)44 801 9477

LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

PLEASE NOTE:

Pre-application consultation is an advisory session and is required prior to submission of an application for rezoning, consent use, temporary departure and subdivision. It does not in any way pre-empt the outcome of any future application which may be submitted to the Municipality.

PART A: PARTICULARS

Reference number: 2882661

Purpose of consultation: Pre - Application _____

Brief proposal: Rezoning of Erf 3168, Blanco, from Single Residential Zone I to General Residential Zone I, Consent Use for a Guest House and Permanent Departures _____

Property(ies) description: Erf 3168, Blanco _____

Date: 4 September 2023

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Jeanne Muller	George Mun	044 801 9138	jmuller@george.gov.za
	Martin Botha	George Mun	044 801 9191	pmbotha@george.gov.za
Pre-applicant	Gideon Andries Nel	Nel & de Kock Town and Regional Planners	044 874 5207	neldek@mweb.co.za
	Alexander Havenga	Nel & de Kock Town and Regional Planners	044 874 5207	neldek@mweb.co.za

Documentation provided for discussion:

(Include document reference, document/plan dates and plan numbers where possible and attach to this form)

1. Title Deed No's. T20242/2019 and T25703/2006;
2. S.G. Diagram No. 4015/2005;
3. Locality Map, Plan No. G/GIH/704-1, dd. September 2023; and
4. Site Development Plan by New Architectural Design, Plan No. CL 5419/1.

Has pre-application been undertaken for a Land Development application with the Department of Environmental Affairs & Development Planning (DEA&DP)?
(If so, please provide a copy of the minutes)

NO

Comprehensive overview of proposal:

Application is being made in terms of Section 15 of the By-Law on Municipal Land Use Planning of George Municipality, 2023, on Erf 3168, George, for the following:

1. Rezoning of Erf 3168, George, consisting of two Sectional Title dwelling units, from Single Residential Zone I to General Residential Zone I in terms of Section 15.(2)(a) in order to bring the zoning of the property in line with the use thereof;
2. Consent Use to operate a Guest House from one of the Sectional Title dwelling units in terms of Section 15.(2)(o) as indicated on the attached Site Development Plan No. CL 5419/1; and
3. Permanent Departure from Section 45.(4)(b) of the Zoning Scheme in terms of Section 15.(2)(b) in order to allow two carriage way crossings to a site where the street boundary is less than 30m and the carriage way crossings are closer than 12m to each other.

Please take note that parking number 7 and 8 on the attached SDP No. CL 5419/1 will be allocated to the owner of the property and should a departure for the tandem parking be required, the applicant please be informed in the Pre-Application minutes. Furthermore, it should be mentioned that Development Parameter (b) of a Guest House states that the owner of a Guest House must live on the property. In this instance the owner resides on the property which consists of two Sectional Title units where one unit is proposed to be utilised for a Guest House and the other for dwelling purposes for the owner. Therefore, should the Municipality deem it necessary, a Condition of Approval can be added to the letter of decision which states that should the owner sell one of the Sectional Title Units, the rights of the Guest House will lapse unless the 'new' owner complies with all of the Development Parameters of the Zoning Scheme.

PART C: QUESTIONNAIRES
SECTION A:
DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND ADVERTISEMENT PROCEDURES

Tick if relevant		What land use planning applications are required?	Application fees payable
	2(a)	a rezoning of land;	R
	2(b)	a permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme;	R
	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(l)	a permission required in terms of a condition of approval;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
	2(o)	a consent use contemplated in the zoning scheme;	R
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a home owner's association;	R
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	R
Tick if relevant		What prescribed notice and advertisement procedures will be required?	Advertising fees payable
Y	N	Serving of notices (i.e. registered letters etc.)	R
Y	N	Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.)	R
Y	N	Additional publication of notices (i.e. Site notice, public meeting, local radio, website,	R

		letters of consent etc.)	
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE* (VAT excluded):			TBC following submission of application.

PLEASE NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application and/or yearly application fee increase.

SECTION B:

PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?			X	
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)]			X	Submit Conveyancer's Certificate
Any other Municipal by-law that may be relevant to application? (If yes, specify)			X	
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? Dwelling House _____ What is the current zoning of the property? Single Residential Zone I _____ What is the proposed zoning of the property? Single Residential Zone I with consent for guesthouse _____ Does the proposal fall within the provisions/parameters of the zoning scheme? No _____ Are additional applications required to deviate from the zoning scheme? (if yes, specify) Yes, the relevant additional applications are applied for with this proposal. _____				

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
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Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			X	
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?			X	

SECTION C:

CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		X		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		X		National Department of Agriculture
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		X		Western Cape Provincial Department of Environmental Affairs & Development Planning (DEA&DP)
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) / National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA) (strikethrough irrelevant)		X		National Department of Environmental Affairs (DEA) & DEA&DP
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		X		National Department of Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?		X		South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		X		National Department of Transport / South

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		X		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		X		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		X		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		X		Transnet
Is the property subject to a land / restitution claims?		X		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?		X		SANParks / CapeNature
Will the proposal require comments from DEFF?		X		Department of Environment, Forestry and Fishery
Is the property subject to any existing mineral rights?		X		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on? (strikethrough irrelevant)		X		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

SECTION D:

SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	TO BE DETERMINED	OBTAIN COMMENT FROM: (list internal department)
Electricity supply:			x	Directorate: Electro-technical Services
Water supply:			x	Directorate: Civil

				Engineering Services
Sewerage and waste water:			x	Directorate: Civil Engineering Services
Stormwater:			x	Directorate: Civil Engineering Services
Road network:			x	Directorate: Civil Engineering Services
Telecommunication services:			x	
Other services required? Please specify.			x	
Development charges:			x	

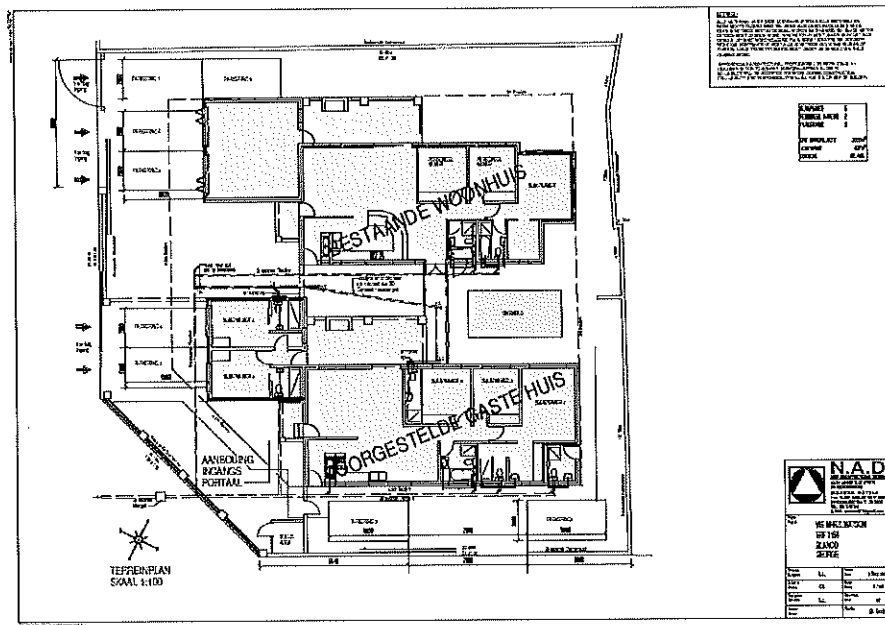
PART D: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF THE APPLICATION

COMPULSORY INFORMATION REQUIRED:					
Y	N	Power of Attorney / Owner's consent if applicant is not owner (if applicable)	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Motivation report / letter	Y	N	Full copy of the Title Deed
Y	N	Locality Plan	Y	N	Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent
MINIMUM AND ADDITIONAL REQUIREMENTS:					
Y	N	Site Development Plan	Y	N	Conveyancer's Certificate
Y	N	Land Use Plan	Y	N	Proposed Zoning plan
Y	N	Phasing Plan	Y	N	Consolidation Plan
Y	N	Abutting owner's consent	Y	N	Landscaping / Tree Plan
Y	N	Proposed Subdivision Plan (including street names and numbers)	Y	N	Copy of original approval letter
Y	N	Services Report or indication of all municipal services / registered servitudes	Y	N	Home Owners' Association consent
Y	N	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)	Y	N	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	Other (specify)	Y	N	Required number of documentation copies

PART E: DISCUSSION

Town Planning:

The attached documents and plan below, were discussed.



Following investigation of the proposal, it was confirmed that the proposal does not comply with the land use description of a Double Dwelling, given the fact that the building is not designed as a single architectural entity and same does not appear as a single dwelling house. In this regard, the following proposal was made for consideration:

- Deregister the sectional title scheme (required because a sectional title scheme on a single residential property is regarded as a non-conforming use, where no additions or alteration will be allowed).
- The proposed draft George Integrated Zoning Scheme (2023) which is to be promulgated in October 2023, will allow for a second dwelling of up to 175m² floor space as a primary right. A departure from the floor space, may be submitted should same be required.
- A second dwelling may accommodate a guest house, in terms of the George Integrated Zoning Scheme By-law.
- Given the above, there will be a primary dwelling unit and a second dwelling unit (to accommodate the Guest House).
- Please take note of the development parameters of a Guest House, in terms of the George Integrated Zoning Scheme (2023).

CES:

CES will grant permission to ease the requirements for road crossings in cases where the distance between the street boundary and the crossing is less than 30 meters, and the crossings are closer than 12 meters to each other. This adjustment is intended to accommodate tandem parking for the owner of the Guest House, specifically for parking spaces numbered 7 and 8.

However, it's important to note that this approval should not be seen as an opportunity or precedent for the property owner to repeatedly seek relaxation of these requirements after engaging in unauthorized land use practices to gain access privileges. Such a practice is not endorsed by CES. Additionally, the existing structure situated in the area designated for parking space 1 must be dismantled.

PART F: SUMMARY / WAY FORWARD

See Part E above. Given the fact that notices were served to the landowner for the operation of an illegal land use, this Directorate should be informed in writing within 30 days if the landowner will proceed with an application.

OFFICIAL: Martin Botha

(FL)



PRE-APPLICANT: Gideon Andries Nel

(FULL NAME)



SIGNED: _____

SIGNED: _____

DATE: 22/09/2023

DATE: 4 September 2023

OFFICIAL: Jeanne Muller
(FULL NAME)



SIGNED: _____

DATE: 27/09/2023

**Please note that the above comments are subject to the documents and information available to us at the time of the pre-application meeting and we reserve our rights to elaborate on this matter further and/or request more information/documents should it be deemed necessary.*

ORIGINAL
CERTIFICATE

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CIRCUIT LOCAL DIVISION, THEMBALETHU)**

Case No:

106/2024

In the matter between:

SOETWEIDE NORTH BODY CORPORATE

First Applicant

CHARL EDMUND WATSON

Second Applicant

and

GRIFPIER OOSTELIKE RONDGAAT PLAASLIKE AFDELING VAN DIE WES-KAAP HOE HOF KAAPSTAD
2024 -01- 15
REGISTRAR EASTERN CIRCUIT LOCAL DIVISION OF THE WESTERN CAPE HIGH COURT CAPE TOWN

THE REGISTRAR OF DEEDS, CAPE TOWN

First Respondent

THE SURVEYOR-GENERAL

Second Respondent

SA HOME LOANS

Third Respondent

THE GEORGE MUNICIPALITY

Fourth Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the applicants will make application to the Honourable Court for an order in the following terms:

1. That, in terms of section 17(8) of the Sectional Titles Act, No. 95 of 1986, the registered sectional plan SS603/2005 be cancelled.

Millers Inc Attorneys
Ms Aqeelah Petersen
044 8841140 / aqeelah@millers.co.za

2. That the Registrar of Deeds notify the Surveyor-General and the George Municipality that the Sectional Title Register SS603/2005 is closed, whereupon the Surveyor-General shall cancel the original sectional plan and the deeds registry copy thereof.
3. That the Registrar of Deeds shall make all such alterations, amendments, endorsements and entries on the sectional title deeds and in the registers and records kept by him, as may be necessary to record the cancellation and the reversion of the land hereunder referred to into the applicable land register:

ERF 3168 BLANCO

In the Municipality and Division of George

PROVINCE OF THE WESTERN CAPE

In extent: 1006 (ONE THOUSAND AND SIX) square metres

4. That the Registrar of Deeds issues to:

CHARL EDMUND WATSON,

Identity Number: 680203 5165 086

Unmarried

Being the former owner of:

A Unit consisting of

- (a) Section 1 as shown and more fully described on Sectional Plan No SS 603/2005 in the scheme known as SOETEWEIDE NORTH in respect of land building or buildings situated at BLANCO IN THE MUNICIPALITY AND DIVISION OF GEORGE, WESTERN CAPE PROVINCE, of which section the floor area, according to the said sectional plan is 163 (One Hundred and Sixty Three) square metres in extent and
- (b) An undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan

AND

A Unit consisting of

- (a) Section 2 as shown and more fully described on Sectional Plan No SS 603/2005 in the scheme known as SOETEWEIDE NORTH in respect of land building or buildings situated at BLANCO IN THE MUNICIPALITY AND DIVISION OF GEORGE, WESTERN CAPE PROVINCE, of which section the floor area, according to the said sectional plan is 163 (One Hundred and Sixty Three) square metres in extent and
- (b) An undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan

a Certificate of Registered Title for the aforementioned land (ERF 3168 BLANCO, In the Municipality and Division of George, PROVINCE OF THE WESTERN CAPE, In extent: 1006 (ONE THOUSAND AND SIX) square metres), subject or entitled to such servitudes, other real rights and conditions (if any) as are still applicable to or in respect of the said land.

5. That the Registrar of Deeds substitute the aforesaid Units with the Land as described in paragraph 3 above in respect of the Mortgage Bonds SB8890/2019 & SB7516/2006.
6. That the applicants shall pay the costs of the application except if any of the respondents oppose the application in which case the applicants shall ask for an order that those of the respondents opposing the application shall pay the costs thereof, jointly and severally, the one to pay the other to be absolved.
7. For further and/or alternative relief.

BE PLEASED TO TAKE NOTICE THAT that the affidavit of **CHARL EDMUND WATSON**, together with annexures thereto will be used in support of the application.

BE PLEASED TO TAKE FURTHER NOTICE THAT the applicants have appointed **MILLERS INC ATTORNEYS, BEACON HOUSE, 123 MEADE STREET, GEORGE** (reference **Ms Aqeelah Petersen, 044 874 1140 / aqeelah@millers.co.za**) as

the attorneys of record at which it will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application you are required:

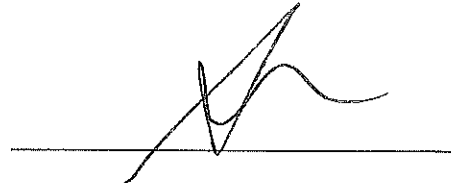
- (a) to notify the applicants' attorney within 15 (fifteen) court days of this application being served on you;
- (b) and within 15 (fifteen) court days after you have so given notice of your intention to oppose the application, to file your answering affidavit(s), if any; and further that you are required to appoint in such notification an address referred to in rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

KINDLY TAKE NOTICE FURTHER THAT should you fail to deliver the notice referred to in (a) above and/or fail to deliver your answering affidavit(s) as indicated in (b) above, the matter will be set down for hearing on the date indicated above and the applicants will move for the relief sought on an unopposed basis.

BE PLEASED TO TAKE FURTHER NOTICE THAT if no notice of intention to be given then application will be made on FRIDAY 8 MARCH 2023 at 10h00 or as soon thereafter as the matter may be heard.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

DATED AT **GEORGE** ON THIS THE 15th DAY OF **JANUARY**
2024.



MILLERS INC ATTORNEYS

AQEELAH PETERSEN

Attorneys with Right of Appearance as required

By Rule 18 of the Rules of the above Honourable Court,

Read with Sections 25(3) and 114 of the Legal Practice Act,

28 of 2014, as amended, previously in terms of Section 4(2)

Of the Right of Appearance Act now repealed

Applicants' Attorney

Beacon House

123 Meade Street

GEORGE

Tel: 044 884 1140

E-mail: aqeelah@millers.co.za

TO: THE REGISTRAR
EASTERN CIRCUIT LOCAL DIVISION, THEMBALETHU

AND TO: **THE REGISTRAR OF DEEDS, CAPE TOWN**

90 Plein Street

Cape Town

Western Cape

AND TO: **SA HOME LOANS**

2 Milkwood Crescent

Milkwood Park

La Lucia, Umhlanga

KwaZulu-Natal


AND TO: **THE GEORGE MUNICIPALITY**

Municipal Buildings

York Street

George

Western Cape

GEORGE MUNICIPALITY
LEGAL SERVICES & COMPLIANCE
71 YORK STREET GEORGE 6530
2024 -01- 15

..... SIGNATURE
PRINT NAME: F. du Plessis.....

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CIRCUIT LOCAL DIVISION, THEMBALETHU)**

Case No: 106/2024

In the application of:

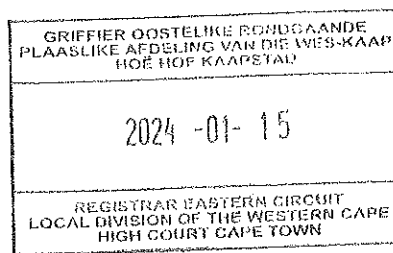
SOETEWEIDE NORTH BODY CORPORATE

First Applicant

CHARL EDMUND WATSON

Second Applicant

and



THE REGISTRAR OF DEEDS, WESTERN CAPE

First Respondent

THE SURVEYOR-GENERAL, WESTERN CAPE

Second Respondent

SA HOME LOANS

Third Respondent

THE GEORGE MUNICIPALITY

Fourth Respondent

FOUNDING AFFIDAVIT

I, the undersigned

CHARL EDMUND WATSON

declare as follows under oath:

[Handwritten signature]
JEB

1. I am an adult male with identity number 680203 5165 08 6 residing at 28 Soeteweide Road, Fancourt Gardens, Blanco, George, Western Cape Province.
2. The contents of this affidavit fall within my own personal knowledge except where the contrary is clearly stated or appears from the context hereof.
3. In as far as I make submissions of a legal nature, I do so on the advice of my legal representatives, and I believe that the advice is correct.

The parties:

4. The first applicant is the body corporate of the sectional title scheme known as Soeteweide North SS603/2005 having separate legal standing from its members in terms of section 2(1) read with section 2(7) of the Sectional Titles Schemes Management Act No. 8 of 2011 with its place of business at 28 Soeteweide Road, Fancourt Gardens, Blanco, George, Western Cape Province.
5. I am the second applicant in this application. My details are as set out above.
6. The first respondent is the Registrar of Deeds, Western Cape of 90 Plein Street, Cape Town, Western Cape.
7. The second respondent is the Surveyor-General, Western Cape also of 90 Plein Street, Cape Town, Western Cape.

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8. The third respondent is the South African Home Loans Guarantee Trust with its principal place of business at 2 Milkwood Crescent, Milkwood Park, La Lucia, 4051.
9. The fourth respondent is the George Municipality, a local municipality with its place of business at the Municipal Buildings, York Street, George, Western Cape.
10. No relief is sought against the third and fourth respondents, but they are cited as both have a direct and substantial interest in the relief sought:
 - 10.1. The third respondent because of two Mortgage Bonds registered in its favour (as will be fully explained below); and
 - 10.2. The fourth respondent because the immovable property is situated within its jurisdictional area and because of its interest in the intended development of the property (as will also be fully explained below).

The Soeteweide North Sectional Title Scheme

11. The Soeteweide North Sectional Title Scheme (hereinafter "the scheme") is situated at 28 Soeteweide Road, Blanco, George, Western Cape Province (being previously Erf 3168, Blanco, in the Municipality and Division of George, Western Cape Province, in extent of 1006 (One Thousand and Six) square metres).
12. On 22 August 2005, the Surveyor-General approved Diagram SG No. 4015/2005 in respect of Erf 3168, Blanco.



13. On the same date, the Surveyor-General also approved Sectional Plan SG No. D511/2005 in respect of a Sectional Title Scheme to be established on the aforesaid Erf 3168.
14. On 9 November 2005, a Sectional Title Register was opened and registered at the Deeds Office, Cape Town under Sectional Plan No. SS603/2005.
15. The scheme consists of (only) two sections (units) as follows:
- 15.1. Section 1 as shown and more fully described on Section Plan No SS 603/2005 in the scheme known as Soeteweide North in respect of land building or buildings situated at Blanco in the Municipality and Division of George, Western Cape Province, of which section the floor area, according to the said sectional plan is 163 (One Hundred and Sixty Three) square metres in extent; and
- 15.2. Section 2 as shown and more fully described on Sectional Plan No SS 603/2005 in the scheme known as Soeteweide North in respect of land building or buildings situated at Blanco in the Municipality and Division of George, Western Cape Province, of which section the floor area, according to the said sectional plan is 163 (One Hundred and Sixty Three) square metres in extent.
16. I am the registered owner of both units in the scheme. Section 1 is held under title deed ST20242/2019 and section 2 is held under title deed ST25703/2006.
17. I annex hereto marked "W1 to W4" the respective copies of extracts from the records of the Registrar of Deeds in confirmation hereof.



18. I further annex hereto marked "W5" copies of the schemes plan and diagrams.

19. It follows that, because I am the registered owner of the only two units in the scheme, that I am also the sole member of the scheme's body corporate.

20. I therefore have the necessary capacity and legal standing to institute this application as representative of the body corporate and also in my personal capacity.

The purpose of the application:

21. As owner of both units in the scheme on the immovable property, I have decided, through a private company of which I will be the sole director and shareholder, to operate a Guest Lodge in (what is now) Section 2 of the Scheme.

22. During what is referred to as a "pre-application meeting" I have been advised by the fourth respondent's officials that in terms of the George Land Use legislation, the two sections comprising the scheme cannot be rezoned from Residential Zone 1 to General Residential Zone V (which would allow the operation of a Guest Lodge as a primary use under the zoning scheme).

23. The Land Use legislation includes *inter alia* (but is not limited to) the Western Cape Land Use Planning Act no 3 of 2014 read with the George Integrated Zoning Scheme By-Law Promulgated on 6 October 2023 in terms of Section 13 of the Local

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Government: Municipal Systems Act, 2000 (Act 32 of 2000) as well as the George Municipality's (new) Land Use Planning By-law (that commenced on 1 April 2023).

24. I am advised that the legislation does not allow a Guest Lodge in terms of single Residential Zoning in respect of a Sectional Title Scheme and that the Scheme must be deregistered to enable the operation of a Guest Lodge on one of the residential properties on the property in the land register in terms of the George Land Use By-Laws.

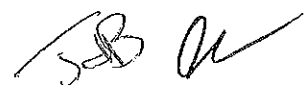
25. The purpose of this application is therefore, to ask the court for the cancellation of the registered sectional plan and for an order that the Registrar of Deeds close the sectional title register and make all such alterations, amendments, endorsements and entries on the sectional title deeds and in the registers and records kept by him, as may be necessary to record the cancellation and the reversion of the land into the applicable land register being Erf 3168, Blanco, in the Municipality and Division of George, Western Cape Province.

Jurisdiction:

26. This honourable court has the necessary jurisdiction to hear this application as the immovable property that forms the subject matter of the application is situated within the jurisdictional area of the court.

The Sectional Titles Act, 95 of 1986 ("the Act"):

27. I am advised that, other than in instances where there have been destroyed (or deemed destroyed) of buildings in a scheme and where the owners in the scheme do not wish to

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rebuild (as provided for in section 49 of the Act) or where the developer wish to cancel the scheme (where no sections have been transferred) (as provided for in terms of section 14 (6) and (7)) the only way for a registered sectional title scheme to be cancelled is by way of an order of court in terms of section 14(8) of the Act.

28. Section 14(8) reads as follows:

(8) (a) A registered sectional plan shall, subject to the provisions of subsection (6) and sections 17 (6), 48 and 49, only be cancelled by an order of the Court, and the registrar shall give effect to any such cancellation by making the necessary endorsements and entries in his or her records in the prescribed manner, and shall notify the Surveyor-General, who shall cancel the original sectional plan and the deeds office copy thereof.

(b) The provisions of section 49 (3) to 49 (5) apply, with the necessary changes, in instances where a body corporate is in existence upon cancellation of the sectional plan by an order of the Court.

29. Section 17(6) is not applicable as it deals with the alienation of the scheme's common property, section 48 was repealed during 2011. and I have already referred to section 49.

30. Subsections 49 (3) to (5) reads as follows:

(3) When such entry has been made in the relevant sectional title register—

(a) the owners shall cease to be separate owners of sections but shall, subject to the provisions of section 48 (2), remain co-owners of the land in undivided shares proportionate to the quotas of the respective sections previously owned by them;

(b) any sectional mortgage bond, lease or other real right or condition then registered against or affecting a unit, shall be deemed to be converted into a mortgage bond, lease or other real right or condition registered against or affecting the undivided share in the land which formed part of such unit;



(c) the land shall revert to the land register; and

(d) the sectional title deeds of units which are thus deemed to be destroyed as well as in the title deeds regarding any right to an exclusive use area and any right to the extension of a scheme referred to in section 25, together with any mortgage bond over the said rights, shall be surrendered to the registrar for cancellation.

(4) Upon the reversion of the land to the land register, the registrar shall—

(a) cancel the title deeds referred to in subsection (3) (d);

(b) issue to each of the owners of a unit which is thus deemed to be destroyed a certificate of registered title in the form prescribed under the Deeds Registries Act for his undivided share in the land, subject or entitled to such servitudes, mortgage bonds, other real rights and conditions which are applicable to or in respect of such land;

(c) make suitable endorsements on any sectional mortgage bond, lease or other real right to reflect the conversion referred to in subsection (3) (b);

(d) re-register any sectional mortgage bond, lease or other real right referred to in subsection (3) (b) as a mortgage bond, lease or real right in terms of the Deeds Registries Act;

(e) make an endorsement on the schedule referred to in section 11 (3) (b) to reflect the reversion of the land; and

(f) notify the Surveyor-General and the local authority of the said reversion of the land.

(5) Upon receipt of the notification that the whole of the land has reverted to the land register, the Surveyor-General shall cancel the relevant sectional plan.

31. The court will note that subsections 49(3) to (5) essentially sets out the legislative procedure to be followed upon the court granting the order for cancellation of the scheme.

32. The applicants' relief in the notice of motion is based upon the provisions of these subsections. The applicants have been assisted for the formulation of the relief by the conveyancing department of its attorneys of record.

Mortgage Bonds:

33. Section 1 is mortgaged in favour of South African Home Loans Guarantee Trust and registered under SB8890/2019.

34. Section 2 is also mortgaged in favour of South African Home Loans Guarantee Trust and registered under SB17516/2006.

35. It is for this reason that the South African Home Loans Guarantee Trust has been cited as the third respondent.

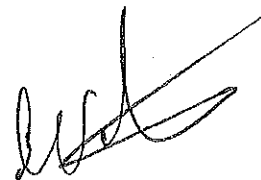
36. The applicants' attorneys of record have been in communication with the third respondent, and it is aware of my intended development. The court will note that the third respondent's real rights in respect of the mortgage bonds over the units are protected through the provisions of subsections 49(3) and (4).

37. The mortgage bond registered under SB17516/2006 has in any event been paid up and I am in the process of the cancellation of that bond.

Conclusion:



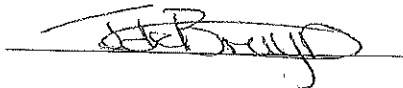
38. In order to proceed with my intended development of one of the sections as a Guest Lodge, I have to cancel the registered title scheme of which I am the only owner of units (and therefore any common property).
39. Upon cancellation of the scheme, the original property, Erf 3168, Blanco, in the Municipality and Division of George, Western Cape Province will revert to me, and I will then be able to proceed with the necessary land use application.
40. The third respondent's rights under its sectional mortgage bonds will be protected by conversion of those mortgage bonds (or at least one thereof) as a mortgage bond over the property to the satisfaction of the third respondent.
41. The Sectional Titles Act does not provide for any other manner in which to cancel the registered sectional scheme (under the present circumstances) other than through an application to the court for such an order.
42. In the premises the applicants ask for the relief in terms of the notice of motion.




CHARL EDMUND WATSON



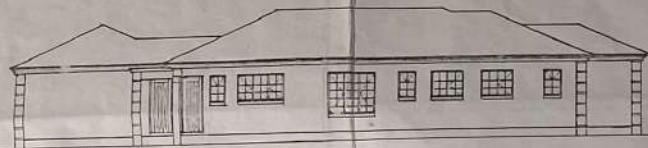
I certify that the above signature is the true signature of CHARL EDMUND WATSON and that he acknowledged to me that he knows and understands the contents of the above affidavit, which affidavit was signed and sworn to before me at GEORGE on the 15th day of JANUARY 2023 in accordance with the requirements of Regulation R.1258 dated 21 July, 1972, as amended by Regulation No. 1648 dated 19 August, 1977, as amended by Government Notice No. 1428 dated 11 July, 1980 and further amended by Government Notice R773 of 1982.



COMMISSIONER OF OATHS



COMMISSIONER OF OATHS (RSA)
Martha Johanna C-de Bruyn
Professional Accountant (SA)
Member No.: 25957
Beacon House, Meade Street 123,
George, 6629



SOUTH ELEVATION



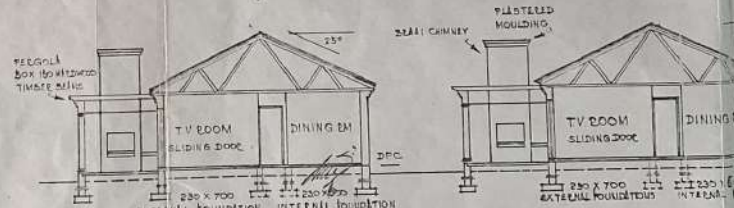
NORTH ELEVATION



WEST ELEVATION

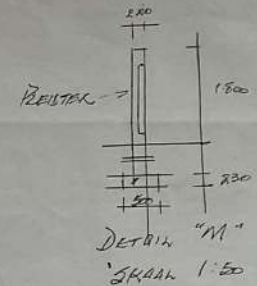


EAST ELEVATION



SECTION A-A

SECTION A-A



DETAIL "M"
SCALE 1:50

ROOF CONSTRUCTION
DOUBLE DOWN TILES ON SIBELATION 410 TILL UNDERLAY
ON 38" X 38" SLATERS @ MAX 380" CC
ON GINGNAIL TWISSES @ MAX 340" CC
TO MANUFACTURERS SPECIFICATIONS
IN RESPECT PRIMER & ROOF ST

FLOOR CONSTRUCTION
25" SCREED ON 100" CONCRETE
ON 250 MICRON ON COMPLETED FILL

PLAN	
FLAT	120.00 ^{M2}
GARAGE	41.58 ^{M2}
BRAAI PATIO	12.47 ^{M2}
ENTRANCE	3.75 ^{M2}

PLAN	
DWELLING	128.85 ^{M2}
GARAGE	41.58 ^{M2}
BRAAI PATIO	13.20 ^{M2}

HOUSES J. S. LEWIES
SCALE 1:100 & 1:200

PROPOSED NEW DWELLING
& GRANNY FLAT ON ERF 1022
CNR. OF SOETWEIDE AVENUE
& BERGVLIET RD FANCOURT
GARDENS GEORGE

DRAWN BY:
M. WEIDEMAN
CELL N° 0825774463
OWNER'S SIGNATURE

GEORGE MUNICIPALITY
DIRECTORATE PLANNING & DEVELOPMENT
APPROVED
DATE 11/10/2014
CHIEF & DEPUTY CHIEF OFFICER

GEORGE MUNICIPALITY
DIRECTORATE PLANNING & DEVELOPMENT
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CHIEF & DEPUTY CHIEF OFFICER

GEORGE MUNICIPALITY
DIRECTORATE HEALTH SERVICES
APPROVED
DATE 11/10/2014
DIRECTOR HEALTH SERVICES