

Application Erf 2155 Constantia Kloof, Wilderness

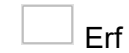
General information:

1. Locality Plan
2. Motivation report
3. Erf diagram
4. Conveyancing certificate (exemption)
5. Power of attorney
6. Title deed
7. Layout plans

2155 WILDERNESS



Legend



Map Center: Lon: 22°35'7.8"E
Lat: 33°59'25.1"S

Scale: 1:2,257

Date created: 2024/17/03



**Western Cape
Government**
FOR YOU

Surveyor General WC, Department of Rural Development and Land Affairs
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
Department of Rural Development and Land Affairs

APPLICATION FOR DEPARTURE ON ERF 2155 WILDERNESS GEORGE

INTRODUCTION

The property owner wishes to make extension to the dwelling on the subject property. The property is situated in Constantia Kloof and is subject to the Constantia Kloof conditions of approval in the letter dated 25 Nov 1996. The property owner intends to add a storage room on the lower ground floor of the dwelling and a bedroom and open pergola on the first floor, which is not in line with the conditions of the approval for the Constantia Kloof development which therefore requires departure application. There are several dwellings in the area with similar departures already approved.

JCVH Architecture has been appointed by the by the owner of Erf 2155 Wilderness to submit the required land use application for the additions to the dwelling. A Power of Attorney to submit than application is attached.

Title deed

Erf 2155, Wilderness is registered in the name of *Mr P Fourie and Mrs F Fourie* with Title Deed No. T20756/2018. The property is 851m² in extent.

Land Use Application

The follow applications are required for Erf 2155, Wilderness:

- Departure in terms of Section 15 (2) (b) of the George Municipality Land Use Planning By-Law 2023 from Condition 4.1 of the Constantia Kloof conditions of approval for a portion of the dwelling house from 8.5m to 8.874m, measured from the average natural ground level of the property that immediately adjoins the building to the highest point of the roof for a new guest bedroom and open pergola; and
- Departure in terms of Section 15 (2) (b) of the George Municipality Land Use Planning By-Law 2023 from Condition 4.1 of the Constantia Kloof conditions of approval for a dwelling house with a 3 storey façade; and
- Departure in terms of Section 15 (2) (b) of the George Municipality Land Use Planning By-Law 2023 from Condition 4.2 of the Constantia Kloof conditions of approval for a dwelling house with plaster, stone and timber cladding.

Locality

The property is situated north-east of Wilderness CBD area and within the Contantia Kloof area. The property is situated in Constantia Street. Figure 1 below indicates the subject

property, in relation to the surrounding area. Figure 2 gives a closer look at the subject property and surrounding area.



Figure 1



Figure 2

Character of the Area

A dwelling has been approved on the subject property. Constantia Kloof is distinguished for its naturally occurring vegetation and rather big residential dwellings. Because of this, the additions will blend in with the architectural style and character. Due to the location of the dwelling, the additions will appear significantly lower than the dwellings on the northern side because the property is situated below Constantia Street on the southern side.

The proposed exterior finishes are similar to the surroundings as many other houses have decks and pergolas made of wood, as well as plastered exteriors.

When observing the surrounding area one can conclude that the area has multiple dwellings that have more than the 2 storey façade and buildings higher than the 8.5m allowed. Therefore, the character of this area won't be negatively impacted by the proposed additions.

Zoning

The zoning of the subject property according to the George Integrated Zoning Scheme By- Law is *"Single Residential Zone I"*. The application does not constitute a rezoning; therefore, the zoning of the property will remain unchanged. The additions to the dwelling complies with the development parameters provided for a dwelling house building lines, height etc. The below shows the zoning of the surrounding properties.



Figure 3

DEVELOPMENT PROPOSAL

Development

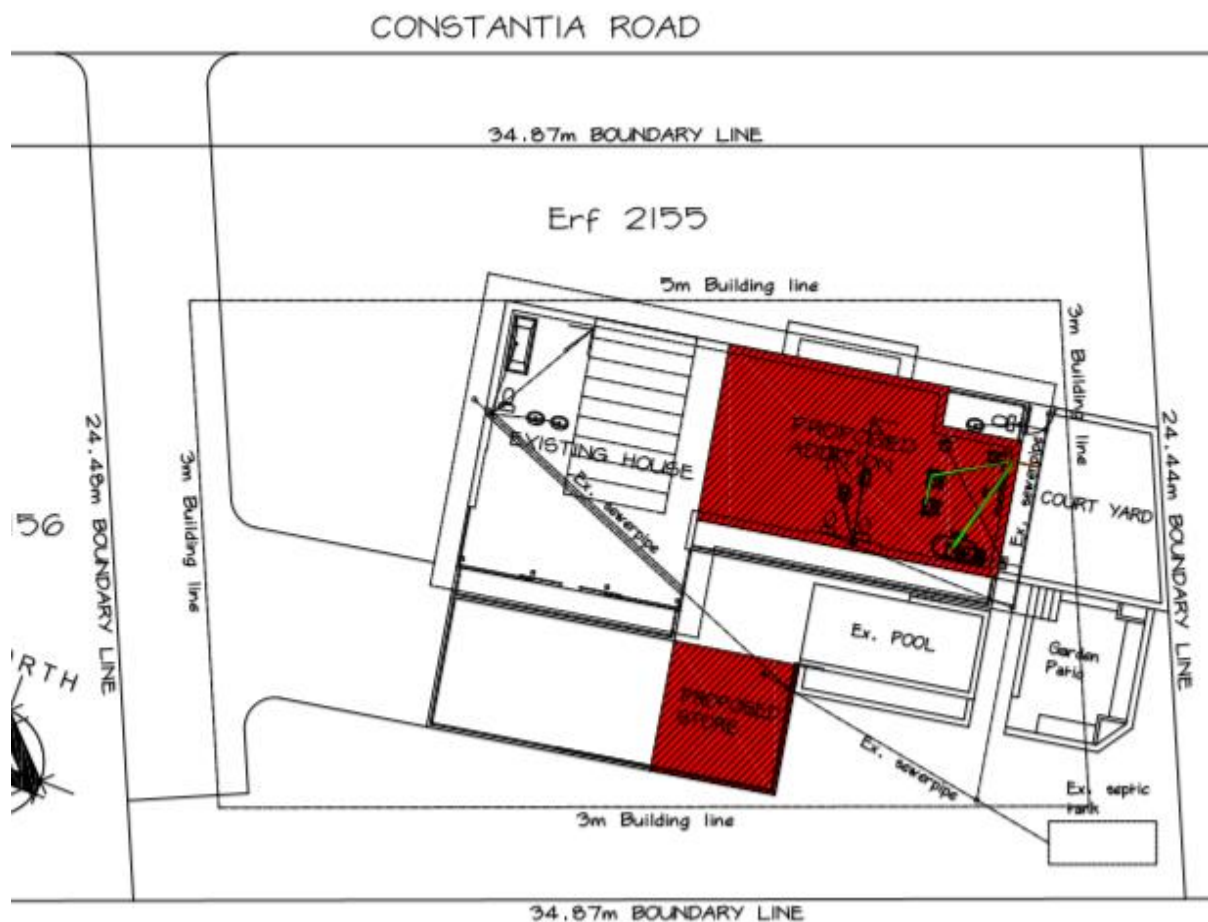
The property owner intends to add a storage room on the lower ground floor of the dwelling and a plastered and painted bedroom and open timber pergola on the first floor of the already approved dwelling.

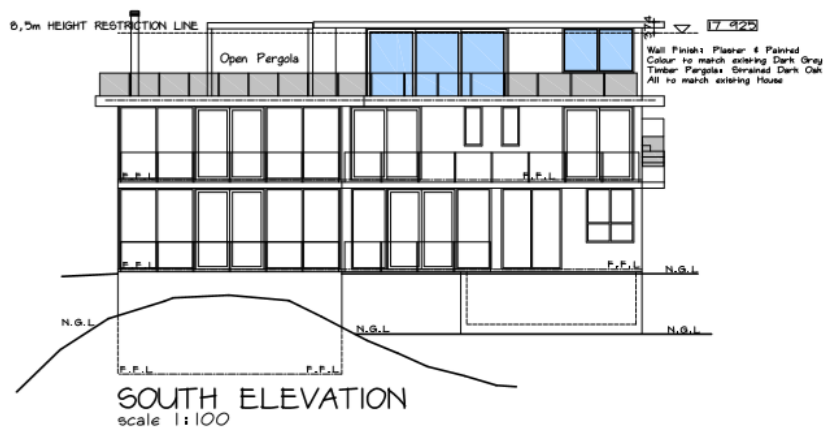
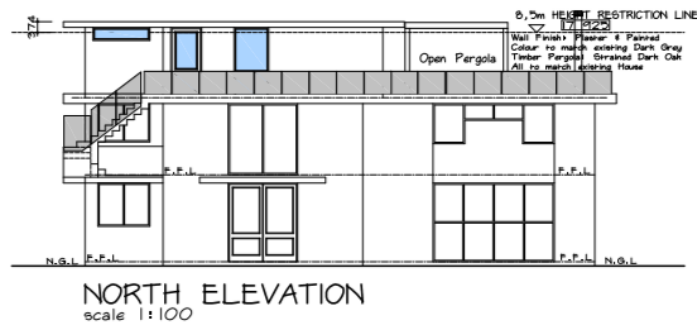
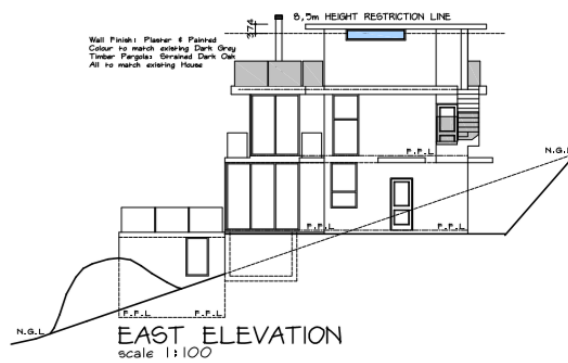
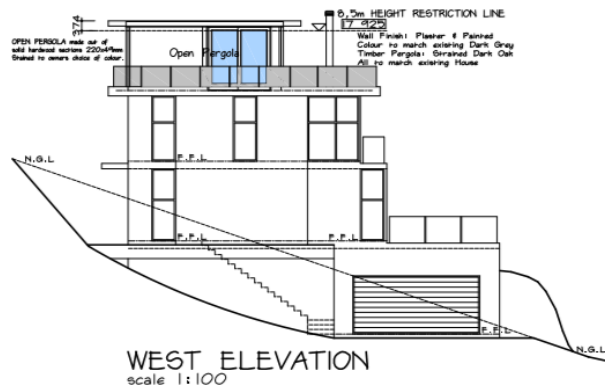
The conditions of approval for Constantia Kloof development state the following:

“4.1 No building or outbuilding erected shall be higher than two storeys as seen from any direction and a maximum of 8.5m...”

“4.2 That all exterior finishes of buildings and boundary walls/fences be constructed of clinker brick and/or timber logs and that all roofs be of a green, brown or black colour.”

Below the site plan and elevations of the proposed additions:





Accessibility and Parking

The proposed dwelling will gain access of Constantia Street from the northern side of the property. The existing access will be used and no additional access is required for the proposal. The dwelling has a double garage which takes care of the parking needs of the property.

Engineering Services

The dwelling is situated in a residential neighborhood that has already been developed with existing services. No extra connections to the municipal water, sewer, or electricity services will be needed.

SPATIAL PLANNING GUIDELINES

George Municipal Spatial Development Framework (2023) & Wilderness, Lakes & Hoekwil Local Spatial Development Framework (2015)

The GMSDF does not refer to the subject property specifically. The WLHLSDF does also not refer to the subject property and no reference is made to Constantia Kloof and the prescribed conditions for the area. The image below indicates that the subject property falls within the residential area. As additions to the already approved dwelling is proposed on the subject property, the proposed development is not considered to be in conflict with the GMSDF and WLHLSDF.

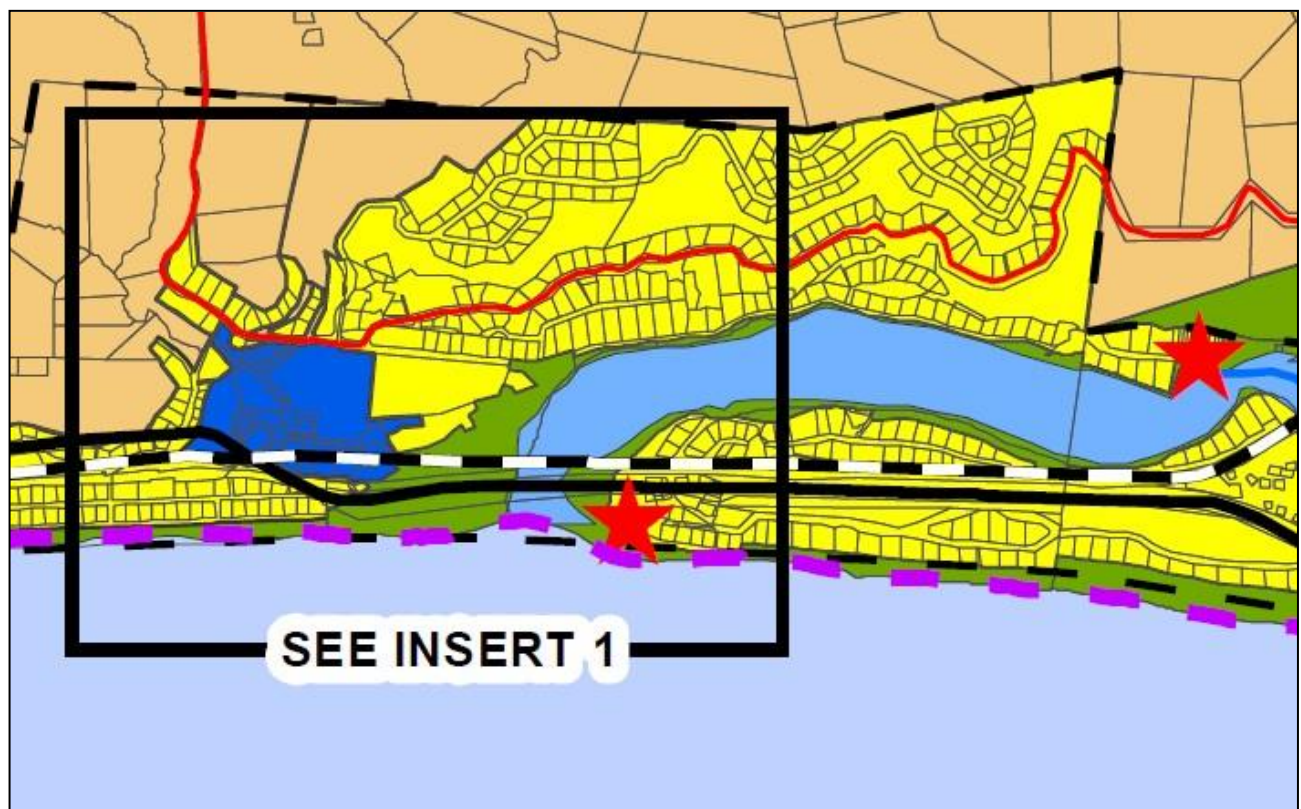


Figure 6: An extract from the WLHLSDF

STATUTORY FRAMEWORKS

Spatial Planning and Land Use Management Act, 2013 (ACT 16 OF 2013) (SPLUMA)

Section 7 of SPLUMA lists the five development principles that apply to spatial planning, land use development and land use management namely (each of which to be elaborated on);

1. *Spatial justice* refers to the need for improved access and use of land in order to readdress past spatial and development imbalances as well as the need for SDF's and relevant planning policies, spatial planning mechanisms, land use management systems and land development procedures to address these imbalances.
 - *The proposed development will contribute to a more integrated urban environment.*
 - *This development will also contribute to the character of the surrounding area.*
2. *Spatial sustainability* refers to the need for spatial planning and land use management systems to promote land development that is viable and feasible within a South African context, to ensure the protection of agricultural land and maintain environmental management mechanisms. It furthermore relates to the need to promote effective/ equitable land markets, whilst considering the cost implications of future development on infrastructure and social services as well as the need to limit urban sprawl and ensure viable communities.
 - *This development complies with the George Municipal Local Municipality's Spatial Development Framework (2023) as a tool to guide future development within George Local Municipality.*
3. *Efficiency* relates to the need for optimal use of existing resources and infrastructure, decision- making that minimizes negative financial, social, economic or environmental impacts and development application procedures that are efficient and streamlined.
 - *The proposed development will optimize existing resources related to the subject property that will not have a financial, social, economic or environmental impact on the subject property and the surrounding properties.*
 - *The development will make use of existing local resources and contribute to specialised skills development within the municipality.*

-
4. *Spatial resilience* refers to the extent to which spatial plans, policies and land use management systems are flexible and accommodating to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.
 - *The proposed development complies with the George Municipal Spatial Development Framework (2023).*
 - *This proposed development also complies with George Municipality's zoning scheme.*

 5. *Good administration* refers to the obligation on all spheres of government to ensure implementation of the above efficiently, responsibly and transparently.
 - *This principle has no direct bearing on the application. George Municipality should consider the application within the prescribed timeframes. Public participation must be transparent with policies and legislation. Procedures should be clear to inform and empower members of the public.*

Public Interest

The approval of the application will allow the property owner to plaster the exterior walls of the proposed dwelling and paint it as well as timber cladding to the pergola to create a softer visual impact with the surrounding natural environment. The approval of the property will not have a negative impact on the surrounding property owners. As explained above, the character of the area has already changed given that many of the surrounding dwellings are not constructed from clinker brick and/or timber logs.

Environmental

No listed activities as contemplated by the National Environmental Management Act, 1998 (as amended) (NEMA) are triggered by this application as the additions will be in the disturbed area and the existing development footprint.

An OSCAE permit / exemption may be required by the municipality. The owner will submit the required application after the decision of the land use application.

Land Use Planning Act (LUPA)

The development objectives entrenched in SPLUMA have been assimilated into the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) and sets out a basis for the adjudication of land use planning applications in the province. It requires that local municipalities have due regard to at least the following when doing so:

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

The land-use planning principles of LUPA (Section 59) is, in essence, the expansion of the five development principles of SPLUMA listed above. Again, only the relevant aspects are addressed in this report.

Spatial Policy Compliance

Section 19(1) and (2) of LUPA states that the following:

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

“(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structured plan.”

As addressed above, it is clear that the application is consistent with the spatial policies, specifically the George Municipality’s Spatial Development Framework (2019).

Desirability

The concept “*desirability*” in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned or the proposed

development of the property. This section expresses the desirability of the proposed departures, taken in conjunction with the development principles and criteria set out through the statutory planning framework listed above, as well as the degree to which this proposal may be considered within the context of the broader public interest. It is our view that the initial investigation into the desirability of the proposal reveals no obvious negative impacts.

The proposed development is not considered to be in conflict with the GMSDF or the WLHLSDF. It is further anticipated that the proposed departure will not have a negative impact on the character of the area. The proposed departure further will not negatively impact the surrounding neighbours. Given the above, the proposed departure is considered desirable.

CONCLUSION

It is clear from the abovementioned principles, considerations and guidelines for this land use application satisfies the applicable legislation. As a result, it is trusted that this application can be viewed favorably.

CDR

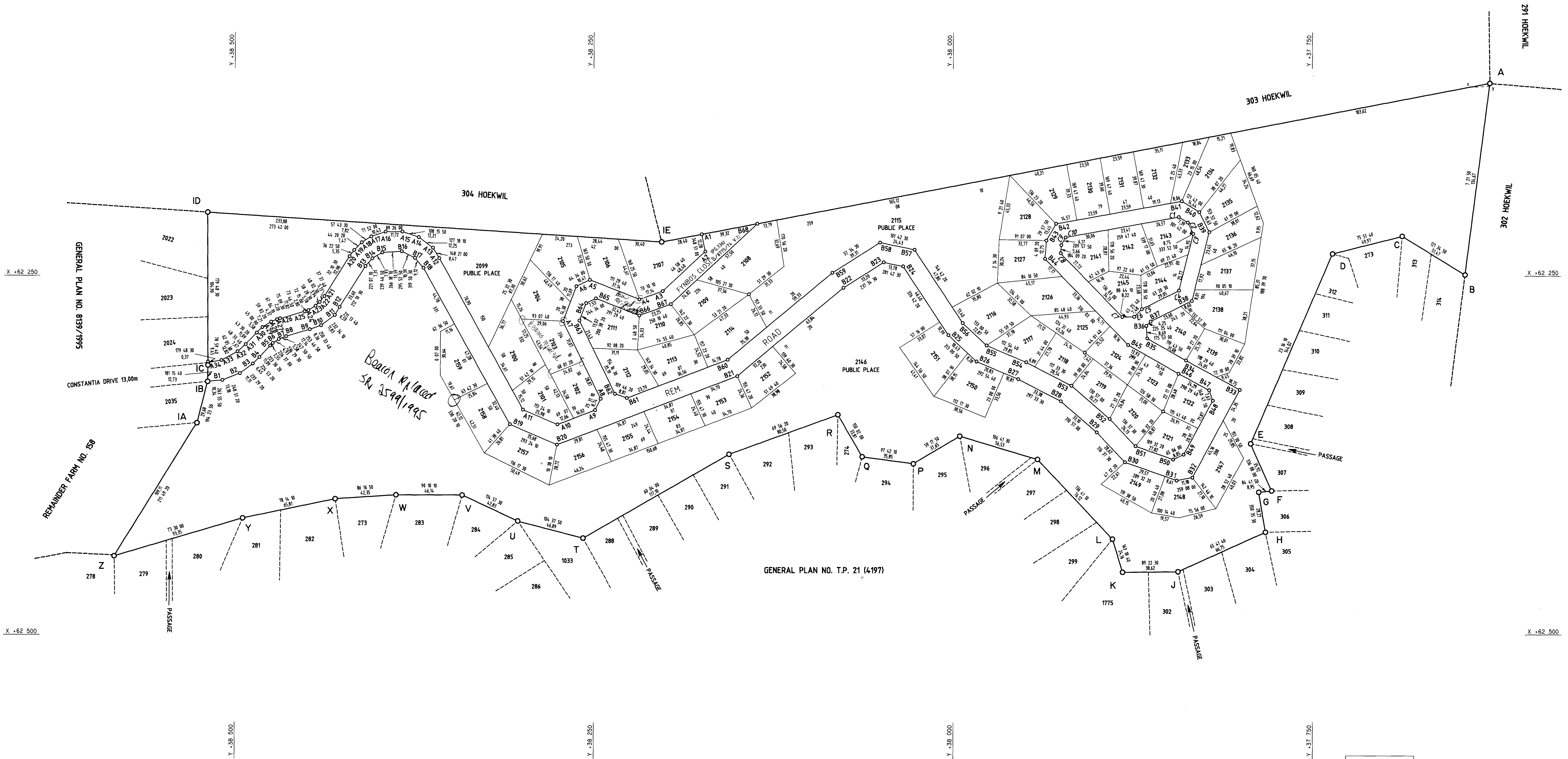
SG No. 240/1998
SHEET 2 OF 3 SHEETS
Provisionally Approved :
[Signature]
for Surveyor-General
Date: 1998-02-12
Approved : *[Signature]*
for Surveyor-General
Date: 1998-11-04

(WILDERNESS ALLOTMENT AREA)
GENERAL PLAN NO. 240/1998
OF SUBDIVISION OF ERF 2097 WILDERNESS
Situate in the Municipality of Wilderness
Administrative District of George
Province of the Western Cape.

Scale 1:1000

This general plan was framed by me and I undertake to place the beacons of the erven in positions which correspond with the data on this plan and to submit the final general plan and the survey records pertaining thereto within the prescribed period to the Surveyor-General for approval.

[Signature]
J Lake PLS 0328
Pr. Land Surveyor
Date : January 1998



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: **Collab no. 3192852**

Purpose of consultation: **Exemption from submitting of Conveyancer certificate**

Brief proposal: **Exemption from submitting of Conveyancer certificate**

Property(ies) description: **Erf 2155 Constantia Kloof, Wilderness**

Date: **04 June 2024**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilané Huyser	George Municipality	044 801 9477	ihuyser@george.gov.za
Official	Robert Janse van Rensburg	George Municipality	044 801 9477	rhjansevanrensburg@george.gov.za
Pre-applicant	Jacques van Heerden	JCVH Architecture	082 375 3026	jcvh@telkomsa.net

Documentation provided for discussion:

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

Erf 2155 Building plan

Erf 2155 Title Deed

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)

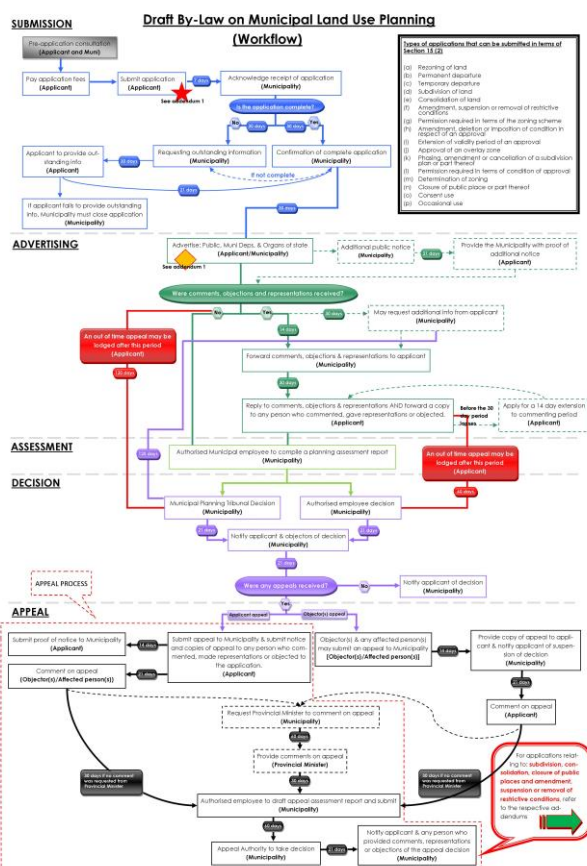
YES	NO
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Comprehensive overview of proposal:

Construction is proposed on the same footprint, even the proposed storeroom is proposed on original disturbed area under the original OSCA application.

PART B: APPLICATION PROCESS

(WILL FULLY APPLY ONLY ONCE LUPA REGULATIONS ARE IN FORCE)



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, letters of consent etc.)	R

Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE* (VAT excluded):			To be determined

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		
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? GIZS, 2023 _____ What is the current zoning of the property? _Single Residential Zone I _____ What is the proposed zoning of the property? _Single Residential Zone I _____ Does the proposal fall within the provisions/parameters of the zoning scheme? TBD _____ Are additional applications required to deviate from the zoning scheme? (if yes, specify) TBD _____				

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 Africa National Roads

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				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

- The pre application meeting dated 12 June 2024 refers.

POWER OF ATTORNEY

PROPERTY INFORMATION:

Erf: 2155

Area: WILDERNESS

Street address:

Description of Work:ADDITIONS DWELLING HOUSE

Registered owner: Frederika Fourie ~~ID: 670929 0124 00 0~~

Petrus Johannes Naude Fourie ~~ID: 611118 5061 08 7~~

Contact no.: 082 463 1375 email: pieterfourie2021@gmail.com

Postal address: 2155 Constantia drive, Wilderness, George

Authorized representative:

Name: JACQUES VAN HEERDEN ~~ID: 7203113130000~~

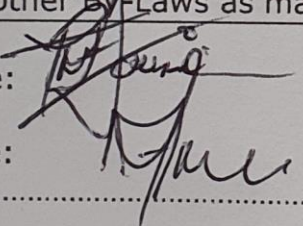
Contact no.: 082 375 3026 email: JCVH@TELKOMSA.NET

Postal address: 87 A VICTORIA STREET, GEORGE

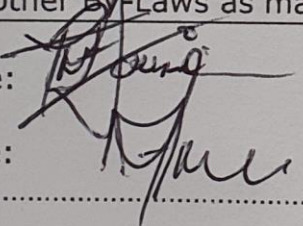
DECLARATION:

I, the undersigned, hereby grant permission for the above-mentioned person to act as legal representative for the submission of the application and to act on my behalf and take the necessary steps, as required by the Local Authority, to ensure that the application complies with the conditions contained in Act 103 of 1977 (as amended) and any other By-Laws as may be applicable.

Owner:

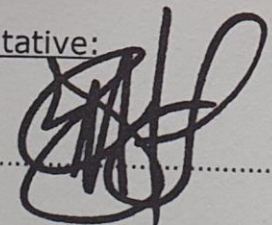
Signature: 

Date: 2024/04/10

Signature: 

Date: 2024/04/10

Authorized representative:

Signature: 

Date: 2024 / 04 / 10

MILLERS INC
BEACON HOUSE
123 MEADE STREET
GEORGE
6530

Prepared by me

M Goldie
CONVEYANCER
MADELEINE GOLDIE

Purchase price/Value	R. 1020 000.00	R. 1050 00
Mortgage Capital Amount	R.	R.
Reason for exemption	Exempted from section 81C of the Deeds Registries Act	

DATA / VERIFY
14 MAY 2018
YOLANDI OLIVIER

T 000020756 / 2018

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

CORLENE MOSTERT

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

MARTHINUS LOUW PRINS
Identity Number 551111 5030 08 3
and
ROSEMARIE PRINS
Identity Number 560620 0005 08 9
Married in community of property to each other

DATA / CAPTURE
11 MAY 2018
DIPONTSENG LEEUW

which said Power of Attorney was signed at BELLVILLE on 11 APRIL 2018

And the appearer declared that his/her said principal had, on 20 March 2018, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

PETRUS JOHANNES NAUDE FOURIE

Identity Number 621218 5061 08 7

and

FREDERIKA FOURIE

Identity Number 670929 0124 08 0

Married in community of property to each other

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

ERF 2155 WILDERNESS in the Municipality and Division of George,
PROVINCE WESTERN CAPE;

IN EXTENT 851 (EIGHT HUNDRED AND FIFTY ONE) Square metres

FIRST TRANSFERRED by Deed of Transfer No. T54813/2002 with General Plan No. 240/1998 relating thereto and held by Deed of Transfer No. T 70863/2005.

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T2059/1923. 7-
- B. **SUBJECT FURTHER** to the terms of the servitude referred to in the endorsement on Deed of Transfer No. T4632/1905 to the effect that certain water and other rights have been ceded in favour of the land transferred by Deeds of Transfer Nos T2955/1907 and T2956/1907.
- C. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T2059/1923, namely:

"Special Conditions

Wilderness Estate

George Freehold Vol. 12 No 7012 March 1852.

General Plan W71

Remaining extent (259,8037 hectares). Without prejudice to existing vested rights (if any) of the public or of any persons whomsoever the Liquidator of the Wilderness Estate Company Limited, in so far as the said Company may be entitled so to do imposes the following special conditions.

RECOGNISED PATHS

In this term as included:-

MU 5

- (1) A path leading from Lots "d" and "dd" across the remaining extent to the Kaaimans River and to the top of the Hill on the remaining extent, overlooking the Kaaimans River, and what is known as the "Map of Africa."
- (2) A path leading from Lots "d" and "dd" across the remaining extent direct to the Beach.

The Recognised Paths shall (subject to the provisions hereinafter contained) remain free and open for the use of owners as hereinafter defined, provided always that the use of these Recognised Paths shall not constitute a servitude for camping or picnicking and further that the owner of the Remaining extent shall be at liberty at any time to deviate the whole or any part of these paths or to close the same upon providing other roads or paths giving of access of substantially equal degree.

In respect of the portion of the Road shown on the General Plan W71 and included in the Diagram of Transfer No. 9087, 22 September 1921, the owners of :-

- (1) Lots "a", "b", "dd", Block E lots 1, 2, and 3.
- (2) The Park.
- (3) The Remaining Extent;
- (4) Any portions hereafter transferred therefrom

shall make no claim in respect of above portion of the road included in the Diagram of Transfer No. 9087 – 22 September 1921 and no objection shall be raised by such owners to the closing and cancellation of the said portion of such road should the owner of the land described in the said Transfer hereafter take any steps to have the same closed or cancelled according to law.

Nothing hereinbefore contained shall be taken as preventing the owner of the Remaining Extent from passing transfer of further portions of the Wilderness Estate subject to similar conditions with or without modification in regard to such future transfers.

BUILDINGS it shall be a condition in respect of all portions which may be hereafter laid out as lots and transferred from the present Remaining Extent that all dwelling houses erected on any such portions shall be built of brick, stone, or concrete, provided that this shall not apply to what are known as "Sand Plots" being the Lots comprised in Blocks "A", "B", "C", "D".

WATER the owner of the Remaining Extent shall allow the owner of Lots "d" and "dd" access to the Kaaimans River and other sources of water for the purposes of drawing a reasonable supply of water therefrom, whether by pipes or otherwise, provided that this shall not interfere with the present and future rights, if any, of other parties entitled."

D.

E.

M G

- F. **ENTITLED FURTHER** to benefits under the terms of the servitude referred to in the endorsement dated 11th July 1929 on Deed of Transfer No. T2059/1923, namely:-

"By Notarial Deed dd 22 May 1929 the conditions in favour of the land contained in transfer 9209, September 1925 relating to paths buildings and water, etc. have been cancelled and certain other conditions imposed as will more fully appear on reference to the copy annexed hereto."

G.

H.

- I. **ENTITLED FURTHER** to benefits under the terms of the servitude referred to in the endorsement dated 21st June 1940 on Deed of Transfer No. T2059/1923, namely:-

"By Notarial Deed No. 152/1940 dated 10.06.1940 the properties conveyed by Transfer 6029/1040 have been made subject to conditions relating to persons who may own, lease or occupy the properties, prohibition of trades or business, nature of buildings, walls fences etc, provisions for sanitation, water electric light, etc, clearing or destroying bush or shrub, for the benefit of Wilderness (1921) Limited as owners of the property conveyed by Para. 2 hereof and the owner of properties which are subject to similar conditions as will more fully appear on reference to the said Notarial Deed registered this day in the Servitude Register under No. 152/1940."

J.

K.

L.

M.

- N. **SUBJECT FURTHER** to the terms of the servitude referred to in the endorsement dated 25th February 1952 on the said Deed of Transfer No. T2059/1923 namely:-

"By Not. Deed No. 61/52 dated 15.5.51 the owner of the remainder held under para 2 hereof has granted to the owners of the properties held by Trfs. 4691/47, 15345/47, 20653/49 and 19389/50 the unimpeded access of light, air and view of the servitude area on the said remainder as indicated in red in extract from General Plan W71 annexed to said Not. Deed (more fully described therein) subject to conditions as will more fully appear on reference of the said Not. Deed, a copy of which is annexed hereto."

MO

Q. ENTITLED FURTHER to the benefits under the terms of the servitude referred to in the endorsement dated 18th November 1958 on Deed of Transfer No. T2059/1923 namely:-

"By Notarial Deed No. 705/1958 dated 21st May 1958.

- (1) A condition prohibiting the establishment of hotels and boarding houses on Lots 15 and 16, Block F, Wilderness held by T20653/1949, Lot 15, Block G, and Lot 5, Block F, Wilderness held by T15345/1947 the remainder of Wilderness Extension Township 1G and Lots 88 and 85, Wilderness Extension Township site 1G held by T4691/1947 has been cancelled. (The said condition being referred to in endorsements dated 12/8/1947 and 23/12/1949 on this Deed).
- (2) Conditions b to f hereafter set out are imposed against Lts 15 and 16 Block F, Wilderness held by Transfer 20653 dated 23/12/1949 and the remaining extent of Wilderness Extension Township 1G (excluding the figure abcde marked on diagram A4501/1931 annexed to Certificate of Consolidated Title No. 4126/32 held by T4691/1947:-
 - (b) No trade or business of any description may be carried out on the Lot without the written permission of the Company first had and obtained.
 - (c) All buildings erected on the Lot shall be built of brick, stone or concrete, and the ground plan showing the relation of the position of such buildings to the boundaries of the Lot, as well as the elevation plans of such buildings shall be submitted to the Company for its approval in writing before any buildings are commenced.
 - (d) All walls, fences or hedges or like structures abutting upon any road or pathway shall be of a type approved of by the Company. The Company shall not be liable to contribute to the costs of any party for dividing fence or wall, not to the costs of repair thereof, but it may call upon the said Grant to enclose the said Lot. The said Grant agrees to observe uniformity in respect of fencing line for all fences that may abut on to any road, pathway, open space, or property of the Company and to maintain all boundary fences of the said Lot in good repair and order. No corrugated iron fence or screen shall be erected on the lot without the leave of the company.
 - (e) The said Grant shall be obliged to plant and maintain at a suitable heights such hedge and/or such trees or shrubs as shall be prescribed by the Company suitable to screen any premises situate on the Lot.

M/G

- (f) The said Grant agrees to be bound not to clear or destroy the trees and bush on the Lot without first consulting the Company, whose consent to such clearing or destroying shall be necessary but shall not unreasonably interfere with the said Grant's full use and enjoyment of the Lot."
- (3) The following condition is imposed against Lot 15, Block G and Lot H, held by Deed of Transfer 15345 dated 12th August 1947;
- "No trade or business of any description may be carried out on the Lot without the written permission of the Company first had and obtained."
- (4) That the area marked xCDy on diagram A.4026/1924 annexed to Trf. 7863/1926 of Lot 5 Block F Wilderness held by T15345/1947 is subject to the conditions that the owner shall not without the permission of Wilderness (1921) (Ltd) make or suffer to stand any building, structure or thing whatsoever, including fencing.
- (5) That Hugh Owen Bruce Grant as owner of the following properties:-
1. Certain piece of freehold land situate in the Division of George, being Lot 15, Block F, Wilderness;
Held under T20653 dated 23.12.1949
 2. Certain piece of freehold land, situate as above, being Lot 5, Block F, Wilderness;
Held under T20653 dated 23.12.1949.
 3. Certain piece of freehold land, situate as above, being Lot 5, Block F, Wilderness;
Held under T15345 dated 12.8.1947.
 4. Certain piece of freehold land, situate as above, being the remaining extent of Wilderness Extension Township No. 1G.
 5. Certain piece of freehold land, situate as above, being Lot 88 a portion of Wilderness Extension Township Site No. 1G.
 6. Certain piece of freehold land, situate as above, being Lot 85 a portion of Wilderness Extension Site No. 1G.
Held under T4691 dated 20.3.1947.

shall not sell or dispose of any of them save as provided in Clause 5 of the said Notarial Deed."

R. SUBJECT FURTHER to the terms of the endorsement dated 17 May 1978 on said Deed of Transfer No. T6167/1973, which endorsement reads as follows:-

Remainder Para 2

By Deed of Transfer No. T10573/78 dated this day the remainder of the Farm 158 George is subject to the conditions imposed by the Administrator of the Province of the Cape of Good Hope in terms of Section 9 of Ordinance 33/1934 when approving of the said subdivision:-

- (a) The owner of this erf shall without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other water -pipes and the sewage and drainage, including storm-water of any other erf or erven to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonable required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
- (b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority."

U. SUBJECT FURTHER to the terms of the endorsement dated 5 March 1987 on said Deed of Transfer No. T6167/1973, which endorsement reads as follows:-

Kragtens Akte van Transport Nr. T9457/87 hede gedateer, is die restant van die plaas Nr. 158 groot 175,9896 Ha gehou hieronder, onderhewig aan die volgende voorwaardes opgelê deur die Administrateur i.t.v. Art 9 van Ord. 33/34 tydens die goedkeuring van onderverdeling:

- (a) The owner of this erf shall without compensation be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf, and surfaces installations such as mini-substations, meter kiosks and service pillars to be installed thereon if deemed necessary by the local authority in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above."

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

**MARTHINUS LOUW PRINS and ROSEMARIE PRINS , Married as
aforesaid**

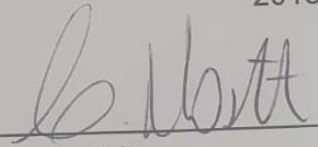
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**PETRUS JOHANNES NAUDE FOURIE and FREDERIKA FOURIE , Married
as aforesaid**

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 020 000,00 (ONE MILLION TWENTY THOUSAND RAND) .

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

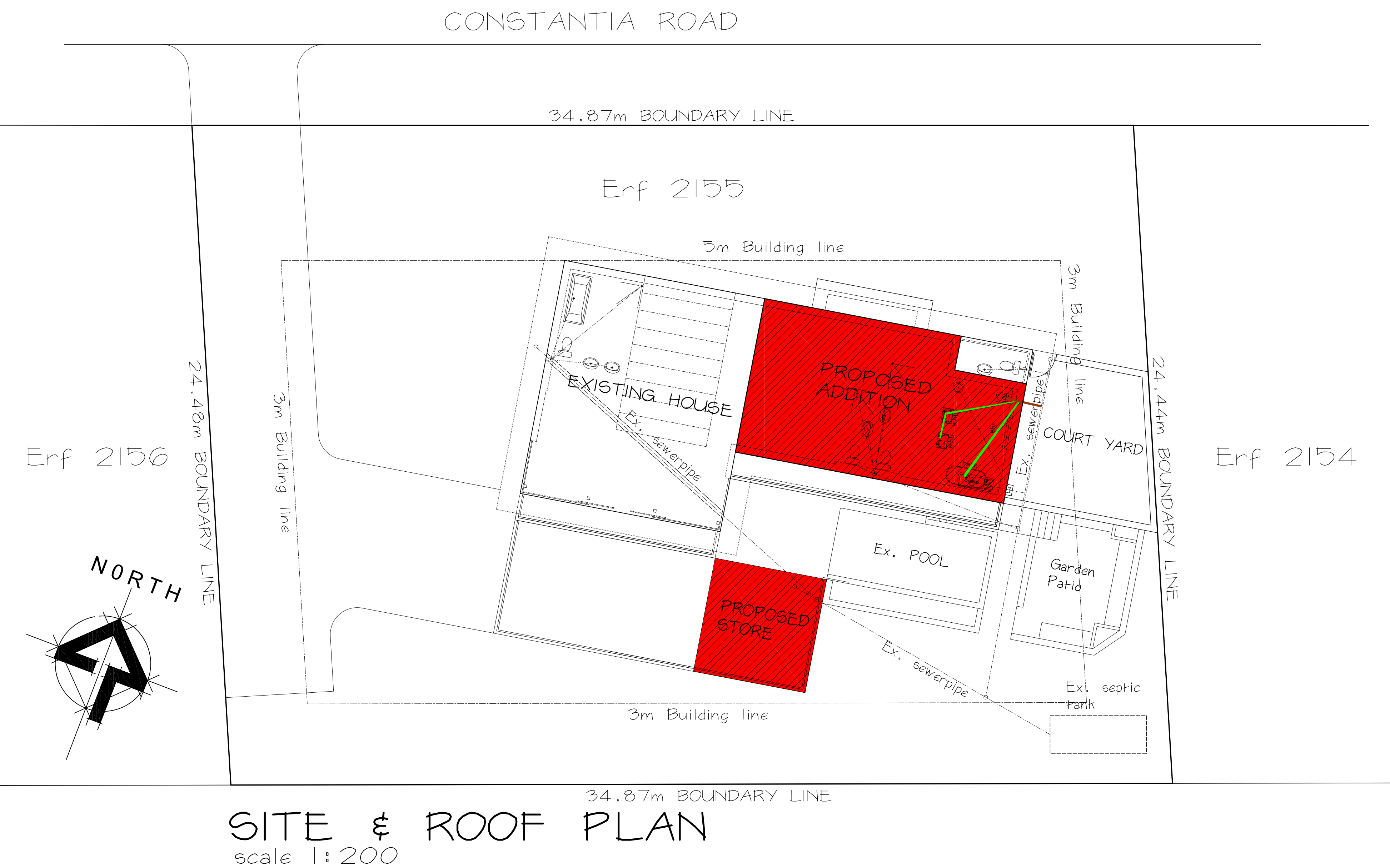
THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE
TOWN on 10 May 2018


q.q.


In my presence



REGISTRAR OF DEEDS



Ref.	Date	Description
A	27/11/2023	Municipal submission
B	04/03/2024	Height adjusted



JH
ARCHITECTURE

ND ARCHITECTURE - SACAP reg: PrsArchT
Tel: 044 873 3680 - 082 375 3026
mail: jcvh@telkomsa.net


PROFESSIONAL SENIOR ARCHITECTURAL TECHNOLOGIST
JACQUES CASPER VAN HEERDEN
 20:29 PM (Africa/Johannesburg) on 13 Jun 2023

Client:

P J N & F FOURIE

Project:

PROPOSED ADDITIONS
ON ERF 2155,
CONSTANTIA DRIVE
WILDERNESS

SITE PLAN PLANS

Scale: 1:100 / 1:200	100 B
Date: 03 June 2024	
Drg: 2155 dwq1	

Ref.	Date	Description
A	27/11/2023	Municipal submission
B	04/03/2024	HEIGHT ADJUSTMENT

