

Our Ref.: 1435/GEO/25
Your Ref.: Erf 24, Wilderness

4 June 2025

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

ATTENTION: MR. CLINTON PETERSEN

Dear Mr. Petersen,

PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION ON ERF 24, WILDERNESS, GEORGE MUNICIPALITY AND DIVISION

1. The above matter refers.
2. Attached hereto find the following:
 - A copy of the required documentation;
3. We hope that you will be able to process the application as soon as possible.

Yours faithfully
DELPLAN Consulting



DELAREY VILJOEN Pr. Pln

<https://delplan.sharepoint.com/sites/Delplan/Shared Documents/General/Documents/PROJECTS/2025/1435-GEO-25/Korrespondensie/Cover letter.doc>

Cc: GÉLA LE ROUX

**PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 24,
WILDERNESS, GEORGE MUNICIPALITY AND DIVISION**



FOR: GÉLA LE ROUX



URBAN & REGIONAL PLANNERS

D E V E L O P M E N T E N V I R O N M E N T L I N K

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PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 24, WILDERNESS, GEORGE MUNICIPALITY AND DIVISION

1. INTRODUCTION

The new owners of Erf 24, Wilderness have appointed *DELPLAN Consulting* to prepare and submit the required land use application. A copy of the power of attorney to submit this land use application is attached as **Annexure 1**.

1.1 Title Deed

The property is currently registered to Géla Le Roux according to the Title Deed (T17816/2023) and is attached as **Annexure 2**. The conveyancer certificate (attached as **Annexure 3**) does confirm that certain title deed restrictions are relevant to this application. The owner wishes to remove the following section, Section C (2-4 & 9). These subsections state that the owner of the property requires the seller's approval to make changes to the subject property as well as identifying the relevant parties to provide consent (Wilderness (1921) Ltd & successors in title). According to the Title Deed, the property measures 3793m² in extent as shown in the SG Diagram attached herewith as **Annexure 4**.

1.2 Land Use Application

This land use application entails the following.

- **Removal of restrictive title deed condition:** Application in terms of Section 15 (2)(f) of the George Municipality: Land Use Planning By-Law, 2023 for the removal of condition C (2-4 & 9) to remove the conditions imposed in favour of the seller.

Property Description:	Erf 24, Wilderness, George Municipality & Division
Physical Address:	Western Road
Owner:	Géla Le Roux
Title Deed No:	T17816/2023
Bond Holder:	No
Size of the property:	3793m ²

2. CONTEXTUAL INFORMATION

2.1 The Locality of the Subject Property

The subject property is located in Wilderness along Western Road in Ward 4, just off the N2 highway. Figure 1 illustrates the subject property in relation to the surrounding area. Figure 2 provides a more detailed view of the subject property in relation to the immediate surroundings. A locality map is attached hereto as **Annexure 5**.



Figure 1: Subject property in relation to the surrounding area and the N2



Figure 2: Detailed view of subject property and immediate surrounding land uses as well as the N2

2.2 Existing Land Uses and Character of the Area

The subject property is currently vacant and zoned as *Single Residential Zone I*. Positioned along the N2 on the northern side, the property does not benefit from its proximity to this major roadway as it does not have direct access. To the east and south, it is bordered by areas zoned for both single residential and general residential use, creating a mix of housing types in its surroundings. The western adjacent property is also vacant, reinforcing the undeveloped nature of the immediate area.

Additionally, a train track runs along the southern side of the property, marking another significant infrastructural element in the neighbourhood. At present, no development is being proposed, and the associated application is not expected to have any negative impact on the surrounding environment. Figure 3 provides a visual representation of the subject property in its current state. The subject property currently gains access off Western Road and would remain the same.



Figure 3: Visual representation of the subject property

As can be seen, the property is currently undeveloped, thus has a high potential for a variety of uses (given its location with excellent sea views). The current restrictions placed on this erf limits the uses necessitating its removal.

2.3 Zoning



Figure 4: Zoning for Erf 24

The zoning of the subject property according to the George Integrated Zoning Scheme By-Law is “Single Residential Zone I”. Figure 4 indicates the zoning of the subject property as well as the immediate surroundings.

3. DEVELOPMENT PROPOSAL

The subject property is currently vacant in its existing state with no new development proposed by the owner at the moment; however, the owner seeks to remove certain restrictive title deed conditions to allow for greater flexibility in potential future use. Specifically, the request involves the removal of Section C (2-4 & 9), which imposes limitations requiring the seller's permission for various changes. These restrictions include obtaining approval from the seller before conducting any business activities on the property, ensuring that any new developments are constructed using brick stone, and securing written consent for elevation and floor plans. Additionally, the owner must currently seek permission to build fences or walls, and even the clearing of trees requires the seller's authorization. Removing these conditions would provide the owner with more control over the property and its development potential.

3.1 Accessibility

The subject property currently gains access off Western Street and would remain the same and have no influence on the pedestrian movement.

3.2 Engineering Services

The property is in an already developed and serviced residential area, however, the relevant service requirements will be provided in accordance with municipal guidelines and infrastructure costs will be covered by the developer.

3.3 Pre-application feedback

A pre application consultation was held on 12 March 2025, attached as **Annexure 6**, and the following feedback was received:

Town Planning

- The applicant must obtain a Conveyancer's Certificate. The said certificate must provide confirmation on the following matters: Who are the interested and affected parties who must be notified of the application (i.e. in whose favour are the conditions imposed).
- Who must give permission for the removal of the said conditions.
- Who the Seller is.

- Any other conditions that prohibit the application which require action (by removal, municipal consent, agreement, etc.).

Noted, the conveyancer has included a comprehensive overview of the relevant restrictions, highlighting the above.

- Should the owner decide to submit building plans in the future, consider the following: Slope and structural integrity – engineering reports may be requested with building plan submission.
- Please take note that any development of the site must comply with the relevant statutory environmental process (OSCA, NEMA, etc.).
- Access arrangements.
- Stormwater management.
- Milkwood trees.

This is noted. The necessary requirements will be abided by when a formal development application is proposed.

- Please note that a potential land use approval to remove the title deed conditions will not exempt the property owners of the required applications and permits required in terms of other legislation.

This is noted.

4. RELEVANT SPATIAL PLANNING POLICIES

This section briefly addresses the relevant spatial policy frameworks that provide guidance to development proposals in general and their applicability to this proposed development. These include:

4.1 Wilderness Local Spatial Development Framework (2015)

The wilderness LSDF does not address the subject directly or anything related to the proposed land use application. However, the LSDF states the following:

“Even though Wilderness is not regarded as an area where housing need should be addressed by means of infill development, expansion or densification, the fact that such a high percentage of erven is still undeveloped is further motivation not to consider any further single residential development in this area.”

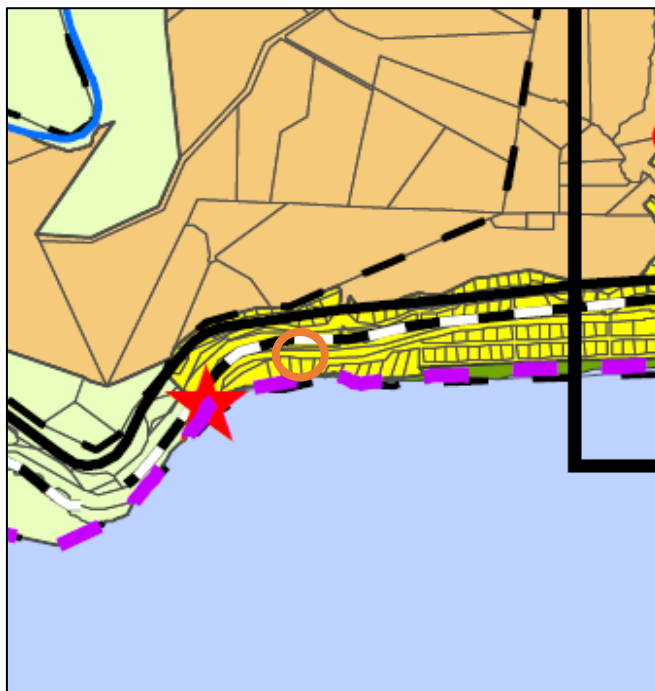


Figure 5: LSDF extraction

The orange circle in Figure 5 provides the approximate location of the subject area. It can be argued that the proposed land use is consistent with the LSDF.

4.2 George Municipal Spatial Development Framework (GMSDF) (2023)

The GMSDF does not specifically refer to the subject property or anything related to the land use application. Details regarding developments in and around Wilderness is specified within the Wilderness & Hoekwil LSDF.

5. STATUTORY FRAMEWORKS

Following the most recent legislative and procedural changes that have become applicable to the management of land use planning in South Africa and consequently the Western Cape Province, it is considered necessary to summarise the implications of the current statutory framework within the context of this land-use planning application. Below are a set of principles and ethical conventions related to this application.

5.1 George Municipality Land Use Planning by-law (2023)

Section 33 (4) of the By-Law identify 6 considerations when deciding on the removal, suspension or amendment of a restrictive condition. These considerations are applied to the proposed development below:

1. the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;

The restrictive title conditions recommended for removal will accrue to the owner a financial and social benefit as it would allow the property to be utilised to its fullest potential. The title deed conditions are archaic in some instances as it limits the property to certain standards that are no longer applicable to many properties. The limitation of the architectural styling by what materials are allowed for the structures as well as fencing holds very little positive effects as materials and buildings styles today can ensure better integration with the surrounding area in many instances. Due to its proximity to the N2 and excellent sea views, the property is also ideal for tourism business purposes thus having the restriction removed which limits its use is appropriate.

2. the personal benefits which accrue to the holder of rights in terms of the restrictive condition;

The title deed conditions limit the use on the property, the materials to be used in the structures as well as the fencing thus the holder of rights in this instance can control what is being built and how it will look. The personal benefit to the holder can only be described in the sense that the holder can dictate the site conditions and development for either their own benefit or that of the surrounding area. Noting that the area has changed since the initial conditions were laid down is detrimental to whether these conditions would really benefit the area in today's context.

3. the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;

The removal of the restrictions will accrue to the owner a financial and social benefit as it would allow the property to be utilised to its fullest potential and, since the property is vacant, assist with establishing an appropriate use and development proposal since this cannot be done efficiently without knowing what would be allowable.

4. the social benefit of the restrictive condition remaining in place in its existing form;

Not removing the title deed condition will result in the owner not being able to develop, or requiring consent to develop, the property for a specific use. Given the mixed character of the area, allowing

business rights on the property can be considered an appropriate use. The other restrictions are merely aesthetical in nature. There is no social benefit to having the restrictions in place given the fact that any use and design would have to be architecturally appropriate to ensure integration with the surrounding developments in any case. The relevant environmental legislation would also have to be considered should any development be proposed, thus conditions relating to this are also redundant.

5. the social benefit of the removal, suspension or amendment of the restrictive condition; and

The social benefit to the owner is apparent as it will allow the property to be developed without the specific restrictions. The social benefits to the surrounding area cannot be completely foreseen but it should be noted that the conditions can be considered archaic given the development context of the area today which means it could benefit from revitalisation. A new development proposal could also ensure better integration of the development given that better design principles can be implemented.

6. whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The removal of the indicated conditions will not completely remove the rights as the By-Law will provide a level of control thereafter.

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

The nature of this land use application only partially affects the five development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA). Only the most relevant aspects are addressed below.

5.2.1 Development Principles

1) Spatial Justice

This principle 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.

- *No reference is made to the properties in the MSDF or Wilderness SDF specifically. The erf is not located in an imbalanced area thus no motivation could be made in this regard.*

2) Spatial Sustainability

This principle 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 to 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 land-use application does not affect prime - or unique agricultural land, nor does it influence any environmental management mechanisms. The property is situated in a residential area and will not negatively affect the efficient and equitable functioning of land markets.*
- *The proposed development will have a limited impact on the provision of infrastructure and will not require any additional social services outside the development itself.*
- *The owner is not proposing any new development, but the approval of the application will allow for the optimal utilisation of the subject property.*

3) Spatial Efficiency

This principle relates to the need for optimal use of existing resources and infrastructure as well as decision-making that minimises negative financial, social, economic or environmental impacts and development application procedures that are efficient and streamlined.

- *Capital contributions will also be paid when development occurs, and it is not anticipated that the proposed application will have negative financial, social, economic or environmental impacts.*

4) Spatial Resilience

This principle 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 development proposal does not undermine the aim of any relevant spatial plan and has no influence on the diminishment of sustainable livelihoods. Other aspects of spatial resilience are, however, not considered relevant to this application.*

5) Good Administration

This principle refers to the obligation of all spheres of government to ensure implementation of the above as efficiently, responsibly, and transparently as possible.

- *The application as set forth, aligns with all relevant principles and frameworks. George Municipality should consider the application within the prescribed timeframes and follow due process in an efficient manner. Public participation must – and will be transparent regarding the relevant policies and legislation as procedures should be clear to inform and empower members of the public regarding new developments.*

5.2.2 Public Interest

The neighbouring properties will not be influenced by the proposed land use application, as no additional developments are being proposed. Additionally, the northern neighbouring property is separated by the N2. The neighbour on the eastern side will not be influenced since the properties are separated by a wall and vegetation. This not only secures privacy but the wall and vegetation act as a sound buffer between the properties, reducing the sound from the subject property. The neighbour on the southern will not be influenced by the proposed land use applications as the properties have sufficient vegetation between them. Additionally, there is a train track that runs between the subject property the two neighbouring properties to the south. The neighbour on the western side will not be influenced since the property is vacant. The owner of the neighbouring property can place the structures in such a way as not to be influenced negatively by the proposed development. The removal of the relevant restrictions does not hold specific negative implications any one of the neighbouring properties thus is removal is considered desirable.

5.2.3 Environmental Legislation

As the site falls within the Wilderness Urban Edge, the vegetation present on the site is not known, though the relevant environmental legislation will be abided by when development is eventually proposed. At this time the development remains uninfluenced by the current proposal to remove restrictions.

5.3 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) are, in essence, the expansion of the five development principles of SPLUMA listed above. Spatial resilience and - justice have very few associations with this application. The principles of sustainability, efficiency and good administration all have relative bearing with regards to this application and have been included in the framework analysis under subsection 5.2.1.

5.3.1 Compliance/Consistency with Spatial Policy Directives

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.”

In view of the nature of this land use application and its location within George, this proposal is consistent with the GSDF.

5.3.2 Need and Desirability

The concept of “*desirability*” in the land use planning context may be defined as the degree of acceptability of a proposed land use application. This section expresses the desirability of the proposed application 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 broader public interest. It is our view that the initial investigation into the desirability of the proposal reveals no obvious negative impacts.

The proposed application will not have a negative impact on the surrounding neighbours, furthermore, it will not have an impact on the character of the area. It is not anticipated that the approval of the application will have a negative impact on the aesthetic appearance of the property from the street or the neighbouring properties, given that the owner wishes only to remove title deed conditions. Given the position to the N2 highway, appropriate architectural styling and integration with the surrounding environment will have to be maintained in any case when any new development is proposed thus the specific conditions as contained in the title deed hold no specific positive effects with regards to the surrounding area. The development can therefore be seen as *desirable*. The development is not needed to realise any spatial goal of the SDF but is needed to potentially allow the utilisation of the property to its fullest potential.

6. CONCLUSION

As mentioned in this motivational report we believe that the abovementioned principles, considerations and guidelines for this land use application for Erf 24, Wilderness satisfies the applicable legislation. As a result, it is trusted that this application can be finalised successfully.



DELAREY VILJOEN Pr. Pln

JUNE 2025

ANNEXURE 1

POWER OF ATTORNEY

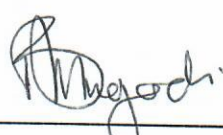
I, Géla Le Roux, the undersigned, the registered owner of Erf 24, Wilderness, George Municipality and Division hereby instruct Delarey Viljoen of *DELPLAN Consulting* to submit the land use application with the local authority.


D Le Roux

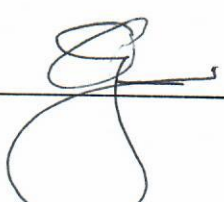
Date: 20/05/2025

Witnesses:

1.



2.



ANNEXURE 2

**Deon Neuhoff Attorneys
Prokureur/Attorney**

1246

TEL: (021) 423 4354

DEED OF TRANSFER

in favour of

GELA LE ROUX

over

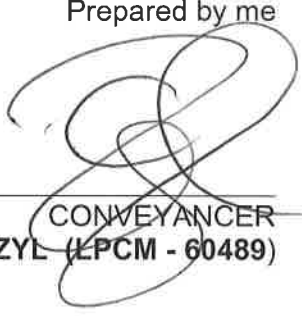
ERF 24 WILDERNESS

**DEON NEUHOFF ATTORNEYS.
602 BUITENKLOOF STUDIOS
8 KLOOF STREET
GARDENS
CAPE TOWN
8001
Tel:(021) 423 4354**

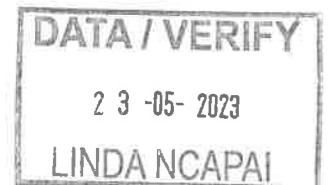
CTN1704

Phatshoane Henney Attorneys
P O Box 153
Bloemfontein
9300

Prepared by me


CONVEYANCER
CORLIA VAN ZYL (LPCM - 60489)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 2 500 000,00	R 1453,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....



T00017816 / 2023

DEED OF TRANSFER

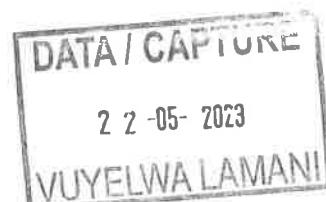
BE IT HEREBY MADE KNOWN THAT

GIDEON PETAUS CONRADIE NEUHOF (81049)

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

RAUBEX EIENDOMME PROPRIETARY LIMITED
Registration number 1977/003922/07

which said Power of Attorney was signed at Bloemfontein on 06 April 2023.



And the appearer declared that his/her said principal had, on **18 November 2022**, truly and legally sold by , 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:

GÉLA LE ROUX
Identity Number 8812290119080
Unmarried

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

ERF 24 WILDERNESS, IN THE MUNICIPALITY AND DIVISION OF GEORGE,
PROVINCE WESTERN CAPE

IN EXTENT 3793 (THREE THOUSAND SEVEN HUNDRED AND NINETY
THREE) Square metres

FIRST TRANSFERRED BY DEED OF TRANSFER NUMBER T15080/1965 WITH
DIAGRAM NUMBER 4383/1949 ANNEXED THERETO AND HELD BY DEED OF
TRANSFER NUMBER T24200/1989

- A. SUBJECT to the conditions referred to in Deed of Transfer Number T15080/1965.
- B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T2059/1923 namely:
- “Certain water and other rights having however been conceded in favour of the land transferred by Transfers No’s 2955 and 2956 - 16th April 1907 as appears from and endorsement on Transfer No. T4632-22 May 1905”
- C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number 15080 dated 14th June 1965 imposed for the benefit of all Purchasers and their successors in title of portions of the properties held by the said The Wilderness (1921) Limited under the said Deed of Transfer No. T2059/1923 , Certificates of Registered Title dated 1st July 1932, Nos. 4119,4120,4121 and 4122 Certificates of Consolidated Title dated 1 July 1932 Nos. 4125,4126 and 4127 and Certificate of Amended Title dated 21st August 1929, No. 8335, and for the benefit of the said The Wilderness (1921) Limited and its successors in title for the remainder of remainders of the said properties namely:-
2. No trade or business of any description may be carried on this Lot without written permission of the Seller first had and obtained.
 3. All building erected on this Lot shall be built of brick stone or concrete and the ground plan shewing the relation of the position of such buildings to be boundaries of the said Lot as well as the elevations plans of such buildings shall be submitted to the Seller of its approval in writing before any buildings are commenced.

4. All walls, fences or hedges or like structures abutting upon any road or pathway shall be of a type approved of by the Seller. The Seller shall not be liable to contribute to the costs of any party or dividing fence, or wall, nor to the cost of the repair thereof, but it may call upon the Purchaser to enclose the said Lot. This provisions eliminating any contribution by the Seller t the cost or repair of any party or dividing fence or wall shall not extend to any adjoining Lot which the Seller may sell or dispose of subsequent to the date hereof , and the purchaser of such Lot adjoining the Lot hereby sold shall in all respects by subject to the laws governing contributions to such party or dividing fences or walls. The Purchaser 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 Seller and the maintain all boundary fences of the said Lot in good order and repair. No Purchaser shall be entitled to elect any corrugated iron fence or screen upon his Lot without the leave of the Seller.
5. The seller retains the right and power to enforce the observance of proper sanitation and cleanliness upon this lot as well as the right to construct use and maintain across this Lot any pipeline for water leading, sewerage or drainage. The Purchaser binds himself to conform to all such regulations as the Seller may hereafter prescribed in regard to matters of public health and sanitation, and the use of all roads , paths open spaces and the remainder of the Seller's Estate at The Wilderness.
6. The Seller retains ownership and control of all roads streets, paths, avenues, lanes, open spaces or reserves shown on the plan of the estate, as well as the right in its discretion to alter, close deviate or otherwise deal with any such roads, streets, paths, avenues, lanes, open spaces or reserves.
7. The Purchaser of any lot having a frontage on either " The Park "or any other open space or reserve , shall be obliged to plant and maintain at a suitable height such live hedge, and /or such trees or shrubs as shall be prescribed by the Seller suitably to screen any premises situate on such lot.
8. In respect of any Lot situate in Blocks A, B, C, F, G, L and M upon the sea front , purchasers shall not cut down or otherwise destroy the natural bush growth on the sea front and so endanger any plot to erosion by the sea or to shifting sands. Seller reserves the right to prescribe the level at which all buildings shall be placed on such lots or any of them, and if called upon to do so by the Seller, puchasers shall be obliged to plant and maintain suitable turf of any clear or open portions of such lots to guard against shifting sands.
9. The Purchaser agrees to bound not to clear or destroy the trees and bush on the said Lot, without first consulting the Seller, whose consent to such clearing, or destroying shall be necessary, but shall not unreasonably interfere with the Purchaser's full use and enjoyment of the said Lot.
10. The terms "Seller" and "Purchaser" in these conditions shall be deemed to include the successors in title of the said Seller to the remainder of the freehold land now called Wilderness Estate (Lot 497 Lot H) Barbies Kraal of the properties held under Certificate of Registered Consolidated and Amended Title hereinbefore mentioned and of "The Park" part of the said Wilderness Estate, in the Division of George and the heirs , executors and administrators or assigns of the aforesaid Transferee."

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

RAUBEX EIENDOMME PROPRIETARY LIMITED
Registration number 1977/003922/07


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

GÉLA LE ROUX, Unmarried

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R2 000 000,00 (TWO MILLION RAND)**.


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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on **12 MAY 2023**



q.q.

In my presence



REGISTRAR OF DEEDS

ANNEXURE 3

CONVEYANCER'S CERTIFICATE

IN RESPECT OF THE REMOVAL OF RESTRICTIVE CONDITIONS UNDER SECTION 15(2)(f), READ WITH SECTION 33 OF THE GEORGE MUNICIPALITY: LAND USE PLANNING BY-LAW, 2023

I, the undersigned

ANDRE HENDRIK SWART

a duly qualified and admitted Conveyancer, practicing at:

STADLER & SWART ATTORNEYS INC
1 Doneraile Street, George, 6529

DO HEREBY CERTIFY AS FOLLOWS:

1. PROPERTY AND TITLE INVESTIGATION

- 1.1 I have caused deeds office searches to be conducted at the Cape Town Deeds Registry in respect of the property which is the subject of the intended application.
- 1.2 I have examined **Deed of Transfer No. T15080/1965** (previous title deed) and **Deed of Transfer No. T17816/2023**, being the registered title deed of the property.
- 1.3 I have considered the provisions of the **George Municipality: Land Use Planning By-Law, 2023**, in particular **Section 15(2)(f)**, which provides for the **removal, suspension or amendment of title deed conditions** and **Section 33**, which prescribes the procedure for such application.

2. RESTRICTIVE CONDITIONS FOR REMOVAL

- 2.1 The relevant Conditions to be removed are:
 - 2.1.1 **Condition 2:** Restriction on trade or business without written permission of the Seller;
 - 2.1.2 **Condition 3:** Requirement that building plans and materials be approved by the Seller;
 - 2.1.3 **Condition 4:** Restriction on type and uniformity of walls, fences or hedges, and requirement for Seller's approval;



- 2.1.4 **Condition 9:** Prohibition on clearing or destroying vegetation without Seller's consent.

3. BENEFICIARIES OF THE CONDITIONS

- 3.1 The restrictive conditions were imposed **in favour of** the following parties:

3.1.1 **All purchasers and successors in title** of the various portions of land originally held by **The Wilderness (1921) Limited** under Deed of Transfer No. T2059/1923 and the related Certificates of Title referred to in the deed; and

3.1.2 **The Wilderness (1921) Limited**, being the "*Seller*" referenced in the title and **its successors in title** to the remainder of the original property.

- 3.2 The term "*Seller*" as used in the above restrictive conditions refers to **The Wilderness (1921) Limited**, a company referenced by name in the title.

4. NOTICE AND CONSENT REQUIREMENT

- 4.1 In terms of **Section 33 of the George Municipality: Land Use Planning By-Law, 2023** and the legal effect of the conditions:

- 4.1.1 The following parties must be **notified** of the application:

4.1.1.1 **All persons whose rights or legitimate expectations** may be affected by the removal of the conditions

4.1.1.2 **All owners of land who benefit from the restrictive conditions**, being:

4.1.1.2.1 Current owners of portions originally held by The Wilderness (1921) Limited for whose benefit the conditions remain enforceable;

4.1.1.2.2 The **successor(s) in title to the remainder** of the land originally retained by The Wilderness (1921) Limited.

- 4.2 The following parties must grant permission:

The Wilderness (1921) Limited, being the "*Seller*" referenced in the title and **its successors in title** to the remainder of the original property.



5. ABSENCE OF OTHER PROHIBITIVE CONDITIONS

- 5.1 I confirm that there are **no other conditions** in the current title deed that prohibit or preclude the proposed application in terms of **Section 15(2)(f)** of the George Municipality: Land Use Planning By-Law, 2023.
- 5.2 No additional municipal or contractual consents are required in terms of the title conditions, apart from the statutory process provided in Section 33 of the said By-Law.

Accordingly, I certify that:

1. The conditions to be removed are clearly identified;
2. The parties in whose favour the conditions were imposed have been determined;
3. The required notices and procedural steps for the removal of said conditions are governed by Section 33 of the George Municipality: Land Use Planning By-Law, 2023; and
4. There are no further conditions in the title deed that prevent the proposed application.

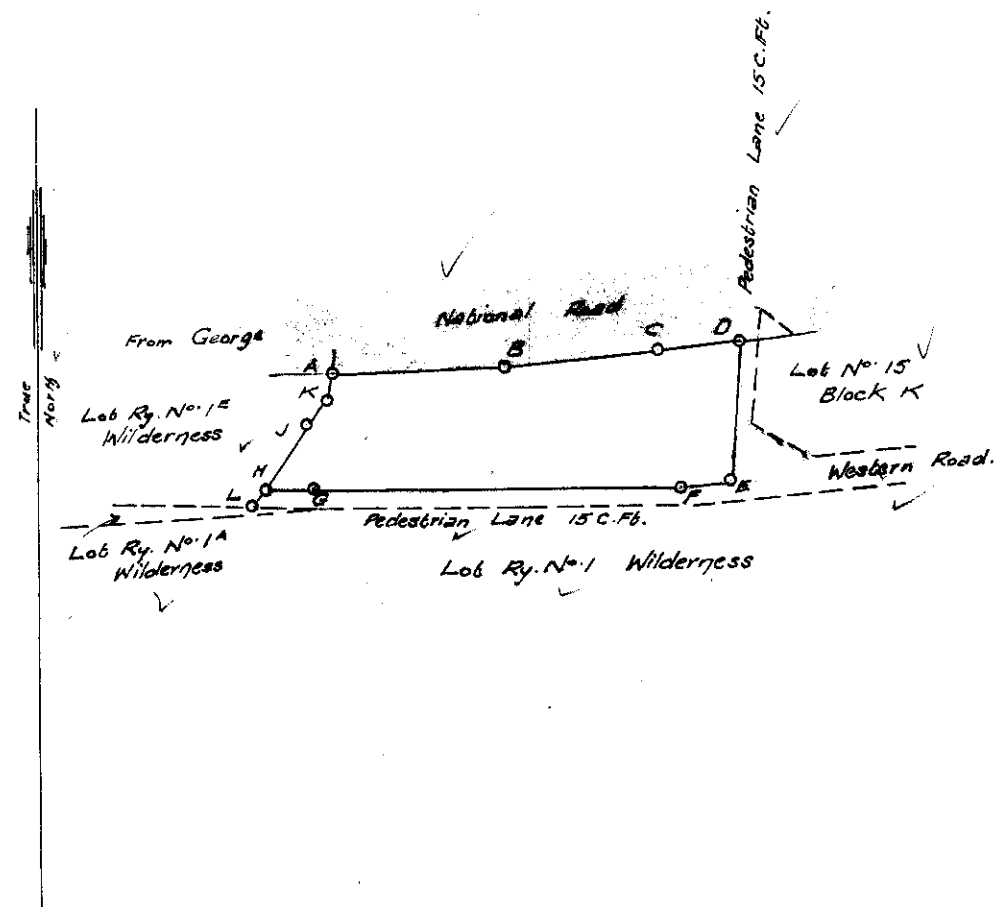
SIGNED at **GEORGE** on this 4th day of June 2025.



ANDRE HENDRIK SWART
CONVEYANCER
LPC Number: 82449

ANNEXURE 4

Public Place—
 Road lettered along Bdy. ABCD
 closed. Notice d.d. 2010-12-17
 File St. Geor. M. V 5 p. 324
P. R. Phillips 2012-02-16
 p.p. SURVEYOR-GENERAL DATE



SIDES	Cape Feet	ANGLES OF DIRECTION	SYSTEM 1.0 CO-ORDINATES	
			y	x
AB	146.86	267.52.20	A + 69142.22	+ 54293.20
BC	129.76	264.34.10	B + 68995.46	+ 54287.75
CD	66.50	261.47.10	C + 68866.28	+ 54275.46
DE	120.00	3.48.30	D + 68800.46	+ 54265.96
EF	40.63	83.54.10	E + 68808.43	+ 54385.69
FG	307.99	89.53.40	F + 68848.83	+ 54390.01
GH	41.86	91.14.50	G + 69156.82	+ 54390.58
HJ	67.00	215.17.20	H + 69198.67	+ 54389.67
JK	24.23	215.2.0	J + 69159.97	+ 54334.98
KA	22.28	189.55.30	K + 69146.06	+ 54315.14
LH	18.10	215.17.20	L + 69209.13	+ 54404.44

No. 4383/49

Approved

 Ken. C. [Signature]
 Surveyor-General.
 6.12.1946

A.B.C.D.E.F.G.H.J.K are pieces of iron fencing standard
 each 3 ft. long & projecting 6".

L, Rail Section.

ERP 24

WILDERNESS

Scale 1: 1/2000

The figure ABCDEFGHIJK

represents

38262 Sq. Feet

of land being

Lot No 16 Block K. Wilderness.

situate in the Division of George

Province of Cape of Good Hope.

Surveyed in May 1949 by me
 [Signature]
 Land Surveyor.

Land Surveyor.

This diagram is annexed to
D/T. No 15080/1965

Registrar of Deeds.

The original diagram is
 No. annexed to
D/G. Geo. F. 12.7.
Geo. L. 3. 246

File No. 5.8692.
 S.R. No. E. 1233/49
221 SP. 5611.
W 719
Portfolio 286.

ANNEXURE 5



LEGEND:



A4 Scale:
1:3,000

PROJECT:

Proposed removal of title deed condition
for G le Roux

PROJEK:

DESCRIPTION:

Erf 24, Wilderness, George

BESKRYWING:

TITLE:

Locality plan

TITEL:

1435/GEO/25/GIS/Ligging

DESIGNED: SG
ONTWERP:

DRAWN: MV
GETEKEN:

DATE: MAY 2025
DATUM:

PLAN NO: ANNEXURE 5
PLAN NR:

Tel: 044 873 4566, Email: planning@delplan.co.za
www.delplan.co.za



URBAN & REGIONAL PLANNERS

COPYRIGHT:

This drawing is the copyright of DELplan Consulting. Do not scale from it but refer to figured dimensions. All measurements must be checked and confirmed by a professional Land Surveyor. Any discrepancies should please be reported to DELplan immediately.

KOPIEREG:

Die kopiereg van hierdie tekening behoort aan DELplan Consulting. Moenie daarvan afskaal nie, maar verwys na afstande soos aangedui. Alle afmetings moet deur 'n professionele Landmeter nagegaan en bevestig word. Enige teenstrydighede moet asseblief dadelik aan DELplan rapporteer word.

ANNEXURE 6

Documentation provided for discussion:

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

Locality (in text)

Title Deed

SG Diagram

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)

Comprehensive overview of proposal:

YES	NO
-----	----

Erf 24, Wilderness is situated along the N2 highway and at the end of Western Road. According to the title deed the property measures 3793m². The image below indicates the subject property.



Figure 1: Locality



Figure 2: Enlarged aerial photograph

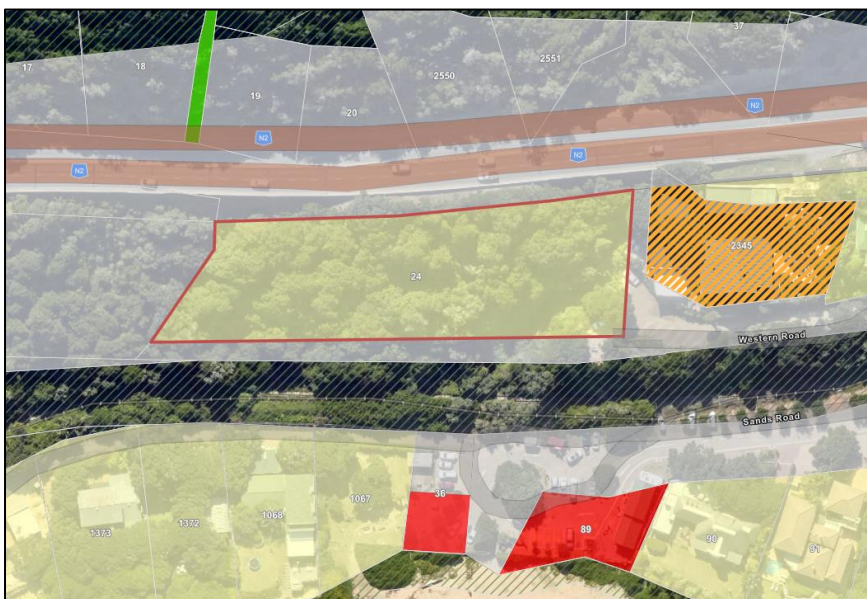


Figure 3: Enlarged aerial photograph

As can be seen in figure 3, the erf is currently zoned for “Single Residential Zone I”. The owners would like to implement their primary rights on the property, but there are several title deed restrictions which need to be removed as set out in conditions C2-4 & 9 below.

C.	SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number 15080 dated 14 th June 1965 imposed for the benefit of all Purchasers and their successors in title of portions of the properties held by the said The Wilderness (1921) Limited under the said Deed of Transfer No. T2059/1923 , Certificates of Registered Title dated 1 st July 1932, Nos. 4119,4120,4121 and 4122 Certificates of Consolidated Title dated 1 July 1932 Nos. 4125,4126 and 4127 and Certificate of Amended Title dated 21 st August 1929, No. 8335, and for the benefit of the said The Wilderness (1921) Limited and its successors in title for the remainder of remainders of the said properties namely:-
2.	No trade or business of any description may be carried on this Lot without written permission of the Seller first had and obtained.
3.	All building erected on this Lot shall be built of brick stone or concrete and the ground plan shewing the relation of the position of such buildings to be boundaries of the said Lot as well as the elevations plans of such buildings shall be submitted to the Seller of its approval in writing before any buildings are commenced.
4.	All walls, fences or hedges or like structures abutting upon any road or pathway shall be of a type approved of by the Seller. The Seller shall not be liable to contribute to the costs of any party or dividing fence, or wall, nor to the cost of the repair thereof, but it may call upon the Purchaser to enclose the said Lot. This provisions eliminating any contribution by the Seller t the cost or repair of any party or dividing fence or wall shall not extend to any adjoining Lot which the Seller may sell or dispose of subsequent to the date hereof , and the purchaser of such Lot adjoining the Lot hereby sold shall in all respects by subject to the laws governing contributions to such party or dividing fences or walls. The Purchaser 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 Seller and the maintain all boundary fences of the said Lot in good order and repair. No Purchaser shall be entitled to elect any corrugated iron fence or screen upon his Lot without the leave of the Seller.
9.	The Purchaser agrees to bound not to clear or destroy the trees and bush on the said Lot, without first consulting the Seller, whose consent to such clearing, or destroying shall be necessary, but shall not unreasonably interfere with the Purchaser's full use and enjoyment of the said Lot.

Figure 4: Title deed conditions

Permission will also have to be obtained from The Wilderness (1921) Limited. DELPLAN therefore aims to apply for the following:

Removal of title deed conditions in terms of Section 15(2) (f) of the George Municipality: Land Use Planning By-Law (2023) to Remove conditions C 2-4 & 9 from the title deed.

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;	R10 240
	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):			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	Motivate in application
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? George Integrated Zoning Scheme 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? Yes Are additional applications required to deviate from the zoning scheme? (if yes, specify) No				

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			X	Motivate in application
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) / <u>National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008)</u> (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)

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Will the proposal have an impact on any National or Provincial roads?			X	National Department of Transport / South 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		N	Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent

MINIMUM AND ADDITIONAL REQUIREMENTS:

	N	Site Development Plan		N	Conveyancer's Certificate
	N	Land Use Plan		N	Proposed Zoning plan
Y	N	Phasing Plan	Y	N	Consolidation Plan
Y	N	Abutting owner's consent	Y	N	Landscaping / Tree Plan
	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
	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 were discussed at the pre-application meeting held on 12 March 2025.

- The applicant must obtain a Conveyancer's Certificate. The said certificate must provide confirmation on the following matters:
 - Who are the interested and affected parties who must be notified of the application (i.e. in whose favour are the conditions imposed).
 - Who must give permission for the removal of the said conditions.
 - Who the Seller is.
 - Any other conditions that prohibit the application which require action (by removal, municipal consent, agreement, etc.).
- Should the owner decide to submit building plans in the future, consider the following:
 - Slope and structural integrity – engineering reports may be requested with building plan submission.
 - Please take note that any development of the site must comply with the relevant statutory environmental process (OSCA, NEMA, etc.).
 - Access arrangements.
 - Stormwater management.
 - Milkwood trees.
 - Etc.
- Please note that a potential land use approval to remove the title deed conditions will not exempt the property owners of the required applications and permits required in terms of other legislation.

PART F: SUMMARY / WAY FORWARD

The submission of the land use application may proceed, considering Part E above.

OFFICIAL: Martin Botha

PRE-APPLICANT: **Delarey Viljoen Pr. Pln**

SIGNED: 

SIGNED: 

DATE: 18/03/2025

DATE: 10/03/2025

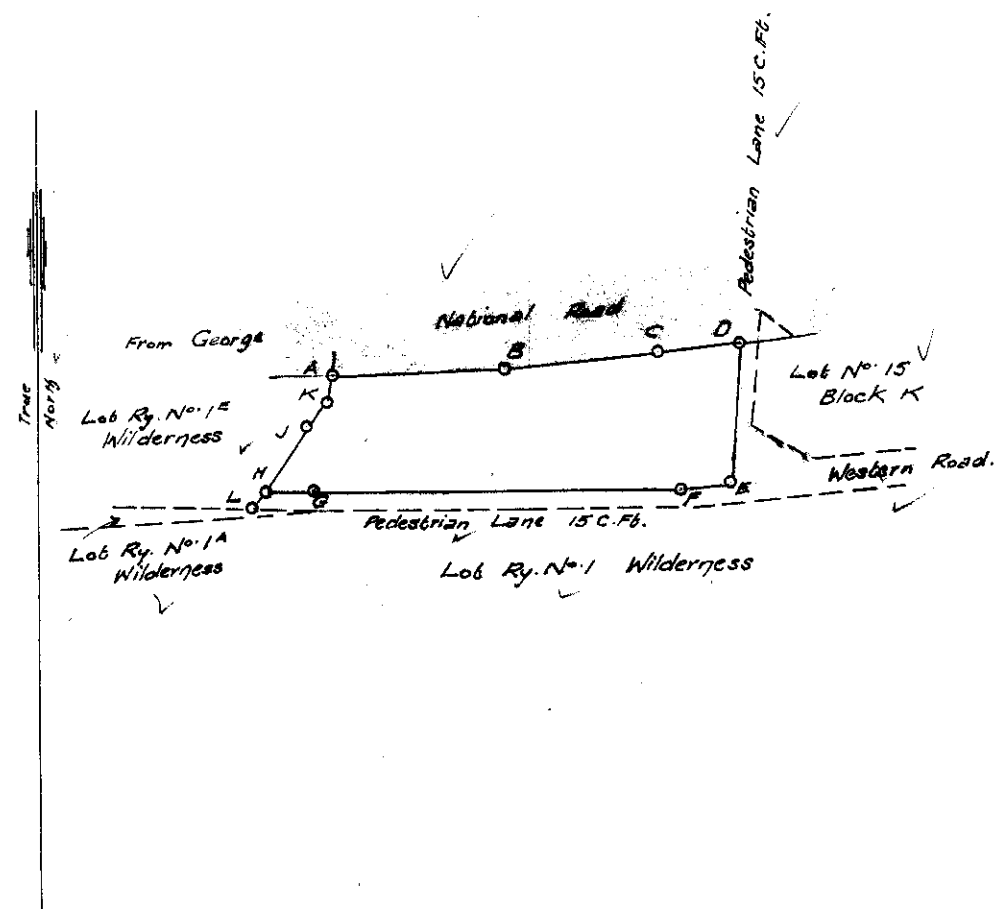
OFFICIAL: Naudica Swanepoel

SIGNED: 

DATE: 18 March 2025

**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.*

Public Place—
Road lettered along Bdy. ABCD
closed. Notice d.d. 2010-12-17
File St. Geor. M. V 5 p. 324
P. R. Phillips 2012-02-16
p.p. SURVEYOR-GENERAL DATE



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Surveyor-General.
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ERP 24

WILDERNESS

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221 SP. 5611.
W 719
Portfolio 286.

**Deon Neuhoﬀ Attorneys
Prokureur/Attorney**

1246

TEL: (021) 423 4354

DEED OF TRANSFER

in favour of

GELA LE ROUX

over

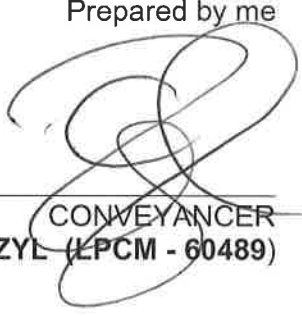
ERF 24 WILDERNESS

**DEON NEUHOFF ATTORNEYS.
602 BUITENKLOOF STUDIOS
8 KLOOF STREET
GARDENS
CAPE TOWN
8001
Tel:(021) 423 4354**

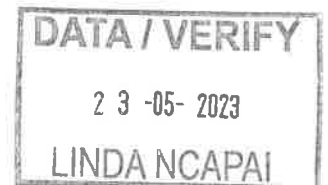
CTN1704

Phatshoane Henney Attorneys
P O Box 153
Bloemfontein
9300

Prepared by me


CONVEYANCER
CORLIA VAN ZYL (LPCM - 60489)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 2 500 000,00	R. 1453,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....



T00017816 / 2023

DEED OF TRANSFER

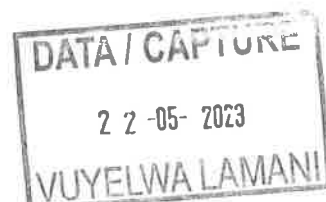
BE IT HEREBY MADE KNOWN THAT

GIDEON PETAUS CONRADIE NEUHOF (81049)

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

RAUBEX EIENDOMME PROPRIETARY LIMITED
Registration number 1977/003922/07

which said Power of Attorney was signed at Bloemfontein on 06 April 2023.



And the appearer declared that his/her said principal had, on **18 November 2022**, truly and legally sold by , 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:

GÉLA LE ROUX
Identity Number 8812290119080
Unmarried

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

ERF 24 WILDERNESS, IN THE MUNICIPALITY AND DIVISION OF GEORGE,
PROVINCE WESTERN CAPE

IN EXTENT 3793 (THREE THOUSAND SEVEN HUNDRED AND NINETY
THREE) Square metres

FIRST TRANSFERRED BY DEED OF TRANSFER NUMBER T15080/1965 WITH
DIAGRAM NUMBER 4383/1949 ANNEXED THERETO AND HELD BY DEED OF
TRANSFER NUMBER T24200/1989

- A. SUBJECT to the conditions referred to in Deed of Transfer Number T15080/1965.
- B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T2059/1923 namely:
- “Certain water and other rights having however been conceded in favour of the land transferred by Transfers No’s 2955 and 2956 - 16th April 1907 as appears from and endorsement on Transfer No. T4632-22 May 1905”
- C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number 15080 dated 14th June 1965 imposed for the benefit of all Purchasers and their successors in title of portions of the properties held by the said The Wilderness (1921) Limited under the said Deed of Transfer No. T2059/1923 , Certificates of Registered Title dated 1st July 1932, Nos. 4119,4120,4121 and 4122 Certificates of Consolidated Title dated 1 July 1932 Nos. 4125,4126 and 4127 and Certificate of Amended Title dated 21st August 1929, No. 8335, and for the benefit of the said The Wilderness (1921) Limited and its successors in title for the remainder of remainders of the said properties namely:-
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4. All walls, fences or hedges or like structures abutting upon any road or pathway shall be of a type approved of by the Seller. The Seller shall not be liable to contribute to the costs of any party or dividing fence, or wall, nor to the cost of the repair thereof, but it may call upon the Purchaser to enclose the said Lot. This provisions eliminating any contribution by the Seller t the cost or repair of any party or dividing fence or wall shall not extend to any adjoining Lot which the Seller may sell or dispose of subsequent to the date hereof , and the purchaser of such Lot adjoining the Lot hereby sold shall in all respects by subject to the laws governing contributions to such party or dividing fences or walls. The Purchaser 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 Seller and the maintain all boundary fences of the said Lot in good order and repair. No Purchaser shall be entitled to elect any corrugated iron fence or screen upon his Lot without the leave of the Seller.
5. The seller retains the right and power to enforce the observance of proper sanitation and cleanliness upon this lot as well as the right to construct use and maintain across this Lot any pipeline for water leading, sewerage or drainage. The Purchaser binds himself to conform to all such regulations as the Seller may hereafter prescribed in regard to matters of public health and sanitation, and the use of all roads , paths open spaces and the remainder of the Seller's Estate at The Wilderness.
6. The Seller retains ownership and control of all roads streets, paths, avenues, lanes, open spaces or reserves shown on the plan of the estate, as well as the right in its discretion to alter, close deviate or otherwise deal with any such roads, streets, paths, avenues, lanes, open spaces or reserves.
7. The Purchaser of any lot having a frontage on either " The Park "or any other open space or reserve , shall be obliged to plant and maintain at a suitable height such live hedge, and /or such trees or shrubs as shall be prescribed by the Seller suitably to screen any premises situate on such lot.
8. In respect of any Lot situate in Blocks A, B, C, F, G, L and M upon the sea front , purchasers shall not cut down or otherwise destroy the natural bush growth on the sea front and so endanger any plot to erosion by the sea or to shifting sands. Seller reserves the right to prescribe the level at which all buildings shall be placed on such lots or any of them, and if called upon to do so by the Seller, puchasers shall be obliged to plant and maintain suitable turf of any clear or open portions of such lots to guard against shifting sands.
9. The Purchaser agrees to bound not to clear or destroy the trees and bush on the said Lot, without first consulting the Seller, whose consent to such clearing, or destroying shall be necessary, but shall not unreasonably interfere with the Purchaser's full use and enjoyment of the said Lot.
10. The terms "Seller" and "Purchaser" in these conditions shall be deemed to include the successors in title of the said Seller to the remainder of the freehold land now called Wilderness Estate (Lot 497 Lot H) Barbies Kraal of the properties held under Certificate of Registered Consolidated and Amended Title hereinbefore mentioned and of "The Park" part of the said Wilderness Estate, in the Division of George and the heirs , executors and administrators or assigns of the aforesaid Transferee."

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

RAUBEX EIENDOMME PROPRIETARY LIMITED
Registration number 1977/003922/07


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

GÉLA LE ROUX, Unmarried

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R2 000 000,00 (TWO MILLION RAND)**.


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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on **12 MAY 2023**



q.q.

In my presence



REGISTRAR OF DEEDS

ANNEXURE 7



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)	Delarey				
Surname	Viljoen				
SACPLAN Reg No. (if applicable)	A/1021/1998				
Company name (if applicable)	Delplan Consulting				
Postal Address	PO BOX 9956				
	Dormehlsdrift, George			Postal Code	
Email	planning@delplan.co.za				
Tel	044 873 4566		Fax	044 873 4566	
			Cell	082 808 9624	

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

Registered owner	Géla Le Roux				
Address	Along Western Road				
	Wilderness			Postal code	6560
E-mail	gelahearing@gmail.com				
Tel			Fax		
			Cell	073 885 4611	

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

Property Description [Erf / Erven / Portion(s) and Farm number(s), allotment area.]	Erf 24										
Physical Address	Along Western Road										
GPS Coordinates	33.995155°S 22.565238°E				Town/City		Wilderness				
Current Zoning	Single Residential I			Extent		3793m ²		Are there existing buildings?		Y	N
Current Land Use	Vacant										
Title Deed number & date	T17816/2023										
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).		Section C (2-4 & 9)						
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).								
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?								
Has the Municipality already decided on the application(s)?	Y	N	If yes, list reference number(s)?								
Any existing unauthorized buildings and/or land use on the subject property(ies)?					Y	N	If yes, is this application to legalize the building / land use?			Y	N
Are there any pending court case / order relating to the subject property(ies)?					Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N
PART D: PRE-APPLICATION CONSULTATION											
Has there been any pre-application consultation?			Y	N	If Yes, please complete the information below and attach the minutes.						
Official's name	Martin Botha Naudica Swanepoel			Reference number		3626670		Date of consultation		10 March 2025	

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:

- **Removal of restrictive title deed condition:** Application in terms of Section 15 (2)(f) of the George Municipality: Land Use Planning By-Law, 2023 for the removal of condition C (2-4 & 9) to remove the conditions imposed in favour of the seller.

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		Conveyancer's Certificate		Y	N	N/A	Land Use Plan / Zoning plan
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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			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) (strikethrough irrelevant)		Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
	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)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)				(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008),
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)				National Environmental Management: Waste Act, 2008 (Act 59 of 2008),
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	N/A	Other (specify)
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. N/A				

Y	N	<i>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?</i>
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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:

20/05/2025

Full name:

Delarey Viljoen

Professional capacity:

Professional Planner

SACPLAN Reg. Nr:

A/1021/1998