

Collaborator No.: 3719473
Reference / Verwysing: Erf 24, Wilderness
Date / Datum: 21 November 2025
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APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS: ERF 24, WILDERNESS

Your application in the above regard refers.

The Deputy Director: Development and Environmental Management (Authorised Official) has, under delegated authority, 4.17.1.17 of 24 April 2025 decided:

That, notwithstanding the objection received, the application for Removal in terms of Section 15(2)(f) of the Land Use Planning By-Law of George Municipality, 2023 of Restrictive Title **Conditions C(3), (4) and (9)** in Title Deed No. T17816/2023 of Erf 24, Wilderness;

BE APPROVED in terms of Section 60 of said Planning By-Law for the following reasons:

REASONS:

- A. It is recognised that the conditions to be removed are private or praedial rights and not conditions related to township establishment and that such conditions can be removed administratively by agreement and does not require a land use application to do so.
- B. Notwithstanding, the holders of the rights have consented to the removal thereof and thus, the owner of Erf 24, Wilderness may follow this administrative process where the removal of any of the conditions is not supported.
- C. Notwithstanding the recommendation by the author of this report and the motivation provided, the removal of condition C.(2) is not supported.
- D. The applicant's motivation with regards to the removal of a condition that prohibits the owner from conducting business on the property is inadequate. Aside from the benefit that the owner will have more flexibility, no other clarification is provided as to why a restriction to conduct business from the property is problematic.
- E. Regard has been given to the alternatives available to the owner as outlined in A and B above, which enables the owner to remove the conditions without involving the municipality in the action.
- F. In the absence of full disclosure of the intent, the municipality will be taking an uninformed decision which may be construed as consent, in principle, and possibly pre-emptive of an outcome on a future application for rezoning or consent use.

- G. The removal of the remaining restrictive title deed conditions C.(3), (4) and (9), will allow the subject property to be utilised in accordance with the Zoning Scheme.
- H. The property is also subject to other planning and environmental legislation that will be applied to address the matters these conditions sought to address.
- I. The removal of the remaining conditions C.(3), (4) and (9) cannot have an adverse impact on the surrounding residential character, the natural environment or the streetscape, while the property is be utilised in accordance with existing development rights.
- J. Furthermore, the removal of the aforesaid conditions does not present any risk of pre-empting the outcome of possible enhanced rights, should it be the owner's intention to submit a further land use application.
- K. There will be no negative impacts on surrounding neighbours' rights or amenities, noting further that none of the neighbouring property owners objected to the application.

Subject to the following conditions imposed in terms of Section 66 of the said By-law, namely

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT

1. In terms of the Land Use Planning By-law for George Municipality, 2023, the removal of restrictive title deed conditions approval shall lapse if not implemented within a period of five (5) years from the date it comes into operation.
2. In terms of Section 34(1) the owner/applicant must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive conditions, after the publication of a notice contemplated in Section 33(7) in the Provincial Gazette.
3. The approval will be deemed implemented on the publication of the notice in the Provincial Gazette.

Notes:

- i. *Development on the subject property should align with the development parameters in the Zoning Scheme.*
- ii. *Stormwater must be dispersed responsibly, and the stormwater management, retention and erosion measures must be addressed on the building plans.*
- iii. *The developer to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.*
- iv. *The applicant to comply with the National Forestry Act, Act No 84 of 1998.*
- v. *Should any listed activities be triggered in terms of NEMA or OSCAE, the necessary environmental authorizations from the competent authority will have to be obtained prior to building plan approval/construction taking place.*
- vi. *The onus is on the applicant/owner to ensure that all the applicable environmental legislation are considered, and the necessary authorisation obtained from the competent authorities prior to construction or clearance taking place.*

You have the right to appeal to the Appeal Authority against the decision of the Authorised Employee in terms of Section 79(2) of the Land Use Planning By-Law for George Municipality, 2023.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director: Planning and Development, P O Box 19, George, 6530 or Directorate: Planning and Development, 46 Market Street (Old York Hostel Building), George **on or before 12 DECEMBER 2025**, and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. Please also note that the appeal must be e-mailed to the administrative officer mentioned above.

An appeal that is not lodged within the applicable period mentioned above or that does not comply with Section 79 of the Land Use Planning By-Law for George Municipality, 2023, will be deemed invalid in terms of Section 80 of said By-Law.

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Please also note that in terms of Section 80(14) of the Land Use Planning By-Law for George Municipality, 2023, the above decision is suspended until such time as the period for lodging an/appeal(s) has lapsed, any appeal(s) has been finalised and you have been advised accordingly.

Yours faithfully



C PETERSEN

SENIOR MANAGER: TOWN PLANNING

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