

# HEROLD'S BAY ERF 362

APPLICATION FOR:  
**PERMANENT DEPARTURE & ADMINISTRATIVE  
CONSENT**



CLIENT: JAMES AND ANNE HOWARD  
PREPARED BY: MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



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**CONTENTS**

**(I) TABLE OF CONTENTS**

**SECTION A : BACKGROUND ..... 1**

**1. BACKGROUND ..... 1**

**2. THE APPLICATION..... 2**

**3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP..... 2**

**SECTION B : DEVELOPMENT PROPOSAL ..... 1**

**4. DEVELOPMENT SPECIFICATIONS ..... 1**

**4.1. Access and Parking ..... 1**

**5. STATUTORY SPECIFICATIONS ..... 1**

**5.1. Permanent Departure ..... 1**

**5.2. Administrative Consent..... 2**

**5.3. George Municipality Zoning Scheme By-Law, 2023..... 3**

**6. CIVIL SERVICES INFRASTRUCTURE..... 4**

**SECTION C : CONTEXTUAL INFORMANTS ..... 5**

**7. LOCALITY ..... 5**

**8. CURRENT LAND USE AND ZONING ..... 5**

**8.1. Land Use ..... 5**

**8.2. Zoning..... 6**

**9. CHARACTER OF THE AREA ..... 6**

**10. EXISTING POLICY FRAMEWORKS..... 8**

**10.1. Western Cape Provincial SDF (2014) ..... 8**

**10.2. George Municipal SDF (2023) ..... 9**

**10.3. Compliance/Consistency with Spatial Policy Directives ..... 10**

**10.4. George Integrated Development Plan (2022/2027) ..... 11**

**SECTION D : MOTIVATION..... 12**

**11. ASSESSMENT OF APPLICATIONS ..... 12**

**11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) 12**

**11.2. George Municipality Bylaw on Municipal Land Use Planning (2023) 12**

**12. REMOVAL OF TITLE DEED RESTRICTIONS..... 13**

**13. CONSISTENCY WITH SPATIAL PLANNING POLICIES..... 15**

|              |   |           |
|--------------|---|-----------|
| <b>14.</b>   | <b>NO IMPACT ON MUNICIPAL SERVICES.....</b>                           | <b>15</b> |
| <b>15.</b>   | <b>CONSISTENCY WITH THE SURROUNDING AREA .....</b>                    | <b>15</b> |
| <b>16.</b>   | <b>NO IMPACT ON EXISTING RIGHTS.....</b>                              | <b>16</b> |
| <b>17.</b>   | <b>NEED FOR BUILDING LINE RELAXATION .....</b>                        | <b>16</b> |
| <b>18.</b>   | <b>NEED &amp; DESIRABILITY .....</b>                                  | <b>16</b> |
| <b>19.</b>   | <b>WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014) .....</b> | <b>18</b> |
| <b>19.1.</b> | <b>Spatial Justice.....</b>   | <b>19</b> |
| <b>19.2.</b> | <b>Spatial Sustainability .....</b>                                   | <b>20</b> |
| <b>19.3.</b> | <b>Spatial Efficiency .....</b>                                       | <b>21</b> |
| <b>19.4.</b> | <b>Spatial Resilience.....</b>  | <b>22</b> |
| <b>19.5.</b> | <b>Good Administration .....</b>                                      | <b>22</b> |
| <b>20.</b>   | <b>CONCLUSION .....</b>   | <b>23</b> |

**(II) ANNEXURES**

|                    |                          |
|--------------------|--------------------------|
| <b>ANNEXURE A.</b> | Approved Building Plan   |
| <b>ANNEXURE B.</b> | Signed Power of Attorney |
| <b>ANNEXURE C.</b> | Application Form         |
| <b>ANNEXURE D.</b> | Copy of Title Deed       |
| <b>ANNEXURE E.</b> | General Plan No. 9878    |
| <b>ANNEXURE F.</b> | Precedents Plan          |
| <b>ANNEXURE G.</b> | Conveyancer Certificate  |

**(III) PLANS**

|                |                       |
|----------------|-----------------------|
| <b>PLAN 1.</b> | Locality Plan         |
| <b>PLAN 2.</b> | Land Use Plan         |
| <b>PLAN 3.</b> | Site Development Plan |

**(IV) TABLE OF FIGURES**

|                  |  |          |
|------------------|--|----------|
| <b>FIGURE 1.</b> | Locality Of Herold's Bay Erf 362. ....         | <b>1</b> |
| <b>FIGURE 2.</b> | Extract - Approved Building Plans.....         | <b>1</b> |
| <b>FIGURE 3.</b> | Locality.....                                  | <b>5</b> |
| <b>FIGURE 4.</b> | Existing Building on the Application Area..... | <b>6</b> |
| <b>FIGURE 5.</b> | Extract George Zoning Map .....                | <b>6</b> |



**FIGURE 6.** Land Uses..... 7

**FIGURE 7.** Roofed entrance patios / porches in the surrounding area ..... 7

**FIGURE 8.** Policies Applicable to the Proposed Development..... 9

**FIGURE 9.** George IDP: Vision, Mission & Values ..... 11

**FIGURE 10.** Extract - Properties encroaching street building line ..... 16

**SECTION A :****BACKGROUND****1. BACKGROUND**

Herold's Bay Erf 362 (hereafter referred to as "the application area") is located at 54 Slaapplek Street, in Herold's Bay, George. The application area is inside the urban edge of Herold's Bay and is currently zoned "Single Residential Zone I" in terms of the George Integrated Zoning Scheme By-Law (2023) and is 630m<sup>2</sup> in extent.



*FIGURE 1: LOCALITY OF HEROLD'S BAY ERF 362.*

As-built and proposed building plans were submitted to the George Municipality for approval because the previous owners had constructed additions that were not reflected on any approved plans, together with new additions proposed by the current owners. The plans were approved; however, the municipality crossed out the existing roof over the front patio, an addition built by the previous owners, and required that it be converted into a pergola (see **ANNEXURE A: Approved building plans**). The new owner wishes not to convert the existing entrance stoep's roof and therefore seek to legalise it in its current form.

As the covered stoep encroaches into the prescribed street building line, a permanent departure application is required. In addition, the property is subject to restrictive title deed building line conditions imposed by the 'Administrator' (George Municipality). Therefore, consent from George municipality must be obtained to permit the existing roof over the entrance stoep.

In order for the owner of the property to be able to retain the current as-built roof over the entrance stoep, an application for permanent departure in terms of Section 15(2)(b) of the George Municipality Land-Use Planning By-Law (2023), and an administrative consent for the relaxation of condition B(7) on Herold's Bay Erf 362.

## 2. THE APPLICATION

Marika Vreken Urban and Environmental Planners have been appointed by **JAMES AND ANNE HOWARD** to prepare and submit the required application documentation (refer to **ANNEXURE B: Power of attorney and ANNEXURE C: Application Form**) for:

- (i) A Permanent Departure of Herold's Bay Erf 362 in terms of Section 15(2)(b) of the George Municipality By-Law on Municipal Land Use Planning (2023) to relax the 4m Street building line to 3,45m to allow the existing roof over the entrance patio.
- (ii) Application for the Administrator's consent to relax Condition B(7) contained in Title Deed No. T23035/2024 in respect of Herold's Bay Erf 362, in order to permit the existing roof over the entrance patio within the restrictive title deed street building line.

## 3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

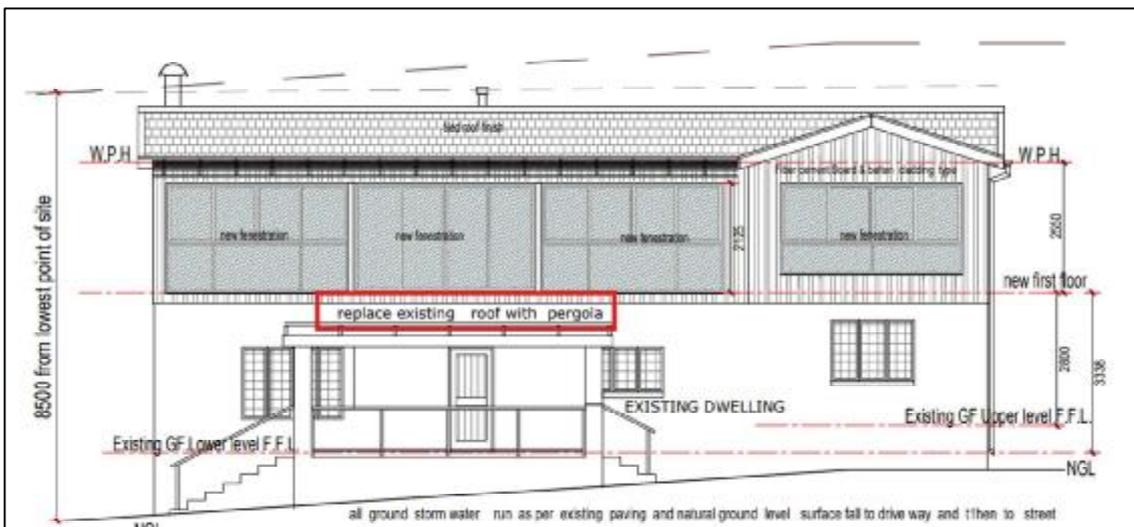
A copy of the Title Deed (T23035/2024) for George Erf 362 that includes the information outlined below is contained in **ANNEXURE D**. The General Plan (No. 9878) for the application area is contained in **ANNEXURE E**.

|                          |   |
|--------------------------|---|
| Property Description:    | Erf 362 Herold's Bay, in the Municipality and Division of George, Province of the Western Cape.   |
| Title Deed No:           | T23035/2024   |
| Property Owner:          | Anne Carmel Howard and James Stephen Howard   |
| Property Size:           | 630m <sup>2</sup> (Six Hundred and Thirty) Square Metres  |
| Title Deed Restrictions: | <b>Condition B(7)</b> – "...No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metre of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that the consent of the local authority..." |
| Servitude:               | There are no servitudes registered over the application area, that prevents the proposal.   |
| Bonds:                   | There is no Bond registered over the application area.  |

**SECTION B :****DEVELOPMENT PROPOSAL****4. DEVELOPMENT SPECIFICATIONS**

(Refer to Plan 3: Site Development Plan)

No new development is proposed, as the application is only to allow the existing roof over the existing patio / porch, as the building plans have been approved with the roof stated as to be replaced with a pergola. See attached **ANNEXURE A: Approved building plans.**



**FIGURE 2: EXTRACT - APPROVED BUILDING PLANS**

**4.1. Access and Parking**

The parking and access will remain the same as it is currently indicated on the approved building plans and therefore are compliant with the parameters as set out in the George Integrated Zoning Scheme Bylaw (2023).

**5. STATUTORY SPECIFICATIONS**

The following land development applications are lodged in terms of the George Municipality's By-Law on Municipal Land Use Planning (2023) to achieve the desired outcome.

**5.1. Permanent Departure**

The George Integrated Zoning Scheme Bylaw (2023) prescribes a Street building line of 4m for "Single Residential Zone I (SRZI)" even that are larger than 500m<sup>2</sup>, but smaller than 1000m<sup>2</sup>.

**"Building Line"** means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited.

The previous owner of the application area constructed an entrance patio with a roof to gain access to the house from the outside. This roofed entrance patio was not indicated on any previously approved plans, and when new plans, indicating additions to the existing dwelling house, were submitted and approved, the municipality required the existing roof to be replaced with a pergola, as it was situated within the 4m street building line. As a pergola only provides partial coverage to the patio, the owners wish to keep the existing roof.

Section 21(1)(d) of the George Integrated Zoning Scheme Bylaw (2023) allows for a covered entrance or gatehouse provided that the roof area does not exceed 5 m<sup>2</sup> and the height does not exceed 3 metres from floor level to the highest point. As the existing roof measures 13.02 m<sup>2</sup>, it does not comply with the parameters set out in this section. Thus, an application is made for a permanent departure in terms of Section 15(2)(b) of the George Municipality By-Law on Municipal Land Use Planning (2023), on Herold's Bay Erf 362 for:

- (i) The relaxation of the prescribed south-eastern street building line from 4m to 3,45m to allow the existing roof over the entrance patio.

## 5.2. Administrative Consent

The Title Deed T23035/2024 for Herold's Bay Erf 362 contains restrictive title deed conditions that prohibit the construction of structures within the title deed building lines, without the consent of the administrator.

**Condition B(7):** "...No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that the consent of the local authority..."

The above states that no building or structure may be constructed within the 5m street building line, 3m rear building line, and 1,5m from the side building line, except if permission is granted by the "Administrator".

The abovementioned conditions were imposed by the "Administrator" as conditions of approval when the township area was approved, hence the reason for the restrictive title deed conditions.

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) came into effect on 1 July 2013. Since the Local Municipality (George Municipality) has taken over the role of the 'Administrator', they have the authority to remove and/or relax any conditions concerning building lines when imposed by the Administrator. These conditions can be removed with the permission of the Administrator (i.e. Knysna Municipality).

**Reason for removal:** The previous owner of the application area constructed an entrance patio with a roof to gain access to the house from the outside. This roofed entrance patio was not indicated on any previously approved plans, and when new plans, indicating additions to the existing dwelling house, were submitted and approved, the municipality required the existing roof to be replaced with a pergola, as it was situated within the Title Deed building line. As a pergola only provides partial coverage to the patio, the owners wish to keep the existing roof.

### 5.3. George Municipality Zoning Scheme By-Law, 2023

A summary of the prescribed development parameters for "Single Residential Zone I (SRZI)" – 'Dwelling House' and a comparison of the proposed development's parameters are shown in the table below:

| Development Parameter                  | Prescribed Parameter                       | Proposal on Erf 362        | Compliance                |
|--|--|----------------------------|---------------------------|
| <b>Primary Use:</b>                    | 'Dwelling House'                           | 'Dwelling House'           | <b>Comply</b>             |
| <b>Coverage:</b>                       | 50%  | 39,1% (247m <sup>2</sup> ) | <b>Comply</b>             |
| <b>Height:</b>                         | 6.5m to the wall Plate                     | <6.5m                      | <b>Comply</b>             |
|  | 8.5m to the ridge of the roof              | <8.5m                      | <b>Comply</b>             |
| <b>Side and Rear Building Lines</b>    | 2m   | 2m                         | <b>Comply</b>             |
| <b>Street Building Line:</b>           | 4m   | 3,45m                      | <b>Departure Required</b> |
| <b>Window and door placement</b>       | Set back at least 1.5m                     | >1.5m                      | <b>Comply</b>             |
|  | Structures set back 3m                     | >3m                        | <b>Comply</b>             |
| <b>Garage, Carport and Outbuilding</b> | Parallel to the street boundary: 1.5m      | >1.5m                      | <b>Comply</b>             |
|  | Perpendicular to the street boundary: 5.5m | 5.5m                       | <b>Comply</b>             |
| <b>Parking Requirement</b>             | 2 bay per dwelling unit                    | 2 bays provided            | <b>Comply</b>             |

With the above information taken into consideration, it is clear that the dwelling house complies with all prescribed development parameters, except for the street building line, for which a permanent departure application is lodged, to allow the existing roof over the entrance patio.



## **6. CIVIL SERVICES INFRASTRUCTURE**

The application area is located within the existing urban fabric and urban edge of Herold's Bay. No additional development is proposed on the application area, and therefore, there will be no additional load on the service capacity of the property.

**SECTION C :****CONTEXTUAL INFORMANTS****7. LOCALITY**

*(Plan 1: Locality Plan)*

Herold's Bay Erf 362 is located at 54 Slaapplek Street, in Herold's Bay, George. The application area is located near the centre of Herold's Bay residential area and is 810m from Herold's Bay Beach.

The coordinates to the centre of the application area are located at: **34°2'57.53"S** and **22°23'58.70"E**.



*FIGURE 3: LOCALITY*

**8. CURRENT LAND USE AND ZONING****8.1. Land Use**

The application area is currently used as a "dwelling house", and no change in land use is proposed.



FIGURE 4: EXISTING BUILDING ON THE APPLICATION AREA

## 8.2. Zoning

Herold's Bay Erf 362 is currently zoned **Single Residential Zone I (SRI)** in terms of the George Municipality: Zoning Scheme By-law (2023). No Change in zoning is proposed.



FIGURE 5: EXTRACT GEORGE ZONING MAP

## 9. CHARACTER OF THE AREA

The application area is situated within a medium-density residential environment. The surrounding properties consist predominantly of Single Residential-zoned erven, with several guest accommodation establishments also present, while the remaining properties are either vacant or designated as open space. Within the broader neighbourhood, numerous dwelling houses have

structures, some of which are entrance patios or porches, encroaching into the street building lines. The figure below shows the land uses in close proximity to the application area.



**FIGURE 6: LAND USES**

The proposal to allow the existing roof over the entrance patio/porch is not out of character with the area. Similar entrance designs are common in the surrounding neighbourhood, and several properties contain structures that encroach on the street building line. Retaining the existing roof, rather than replacing it with a pergola, is therefore consistent with the established architectural character, as most homes with entrance features utilise fully covered porches rather than open pergola structures.



**FIGURE 7: ROOFED ENTRANCE PATIOS / PORCHES IN THE SURROUNDING AREA**

## 10. EXISTING POLICY FRAMEWORKS

### 10.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The Western Cape Province’s Strategic objectives include:

- **Educating Cape:** Everyone has access to a good education, and the cities, towns and rural villages are places of innovation and learning.
- **Working Cape:** There are livelihood prospects available to urban and rural residents, and opportunities for them to find employment and develop enterprises in these markets.
- **Green Cape:** All households can access basic services that are delivered resource efficiently, residents use land and finite resources prudently and safeguard their ecosystems.
- **Connecting Cape:** Urban and rural communities are inclusive, integrated, connected and collaborative.
- **Living Cape:** Living and working environments are healthy, safe, enabling and accessible, and all have access to the region’s unique lifestyle offering.
- **Leading Cape:** Urban and rural areas are effectively managed.

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Capes's strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements

For each theme, key challenges as distilled from the Provincial spatial profile and their spatial implications are noted and Provincial policies for dealing with them are presented. These themes and policies are summarised in the figure below.

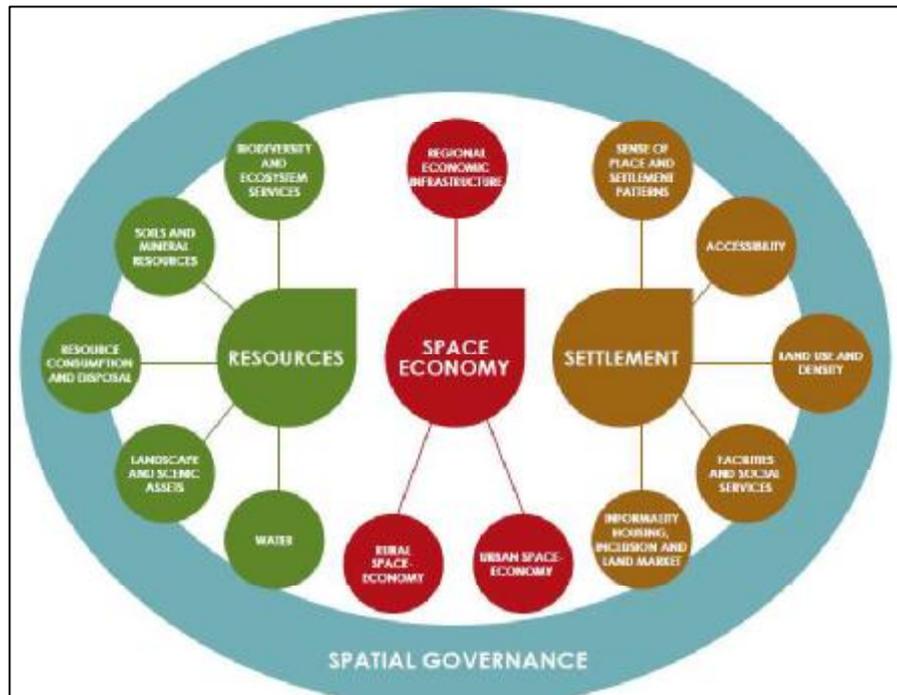


FIGURE 8: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

**Planning Implication:**

*The Western Cape Spatial Development Framework has a strong emphasis on revitalising urban spaces creating an urban living environment that is more convenient, efficient, and aesthetically pleasing to residents without impacting the character of the surrounding area and surrounding property owners' rights. However, the WC SDF is a provincial-scale planning instrument, and the scale of the current proposal is too small to have any meaningful bearing on, or conflict with, the policies contained in this framework.*

**10.2. George Municipal SDF (2023)**

The Municipal Spatial Development Framework 2023, for the period May 2023 to May 2027, is now deemed the adopted policy, which guides spatial growth and development in George. The MSDF provides clarity with respect to the manner in which land-use, development, and investment will be supported to build a spatial form which facilitates the vision and strategic objectives of the Municipality.

The George MSDF plays a leading role in the broader municipal planning system. The MSDF is the spatial expression of the IDP while at the same time, the MSDF couches the IDP within a long-term spatial vision for the municipal area that seeks to implement the vision, principles and policy directives set out in national and provincial legislation, strategies, policies and plans. Therefore, decisions made by sectors, spheres and entities of the public sector should be consistent with and work towards realising the vision, spatial strategies and plan set out in the MSDF.

George Municipality's vision, as encapsulated in its 2022 – 2027 Integrated Development Plan (IDP), is to be "a city for a sustainable future". To this end, the following 5 Strategic goals are identified within the George SDF:

- ✚ Develop and grow George;
- ✚ Safe, clean and green;
- ✚ Affordable quality services;
- ✚ Good governance and human capital; and
- ✚ Ensure good governance and human capital in George.

The spatial policies and policy guidelines guide decision-making on resource allocation, sector planning, land use management and land development programmes. It is important to note some of the key policies of the SDF have a bearing on this application.

From the above discussion regarding the George MSDF; the following conclusion can be made:

- The subject property is situated inside the urban edge and urban area of Herold's Bay and the George Municipality.
- The application area is located in an identified "residential area".

Therefore, this proposed development is regarded as being consistent with the George Spatial Development Framework as it does not conflict with the purpose of the relevant designation in the spatial development framework and urban development is supported.

### 10.3. Compliance/Consistency with Spatial Policy Directives

Section 19(1) and (2) of LUPA state 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."

Taking into account Section 19(2) of LUPA, the proposal can be regarded as being consistent with the applicable spatial planning policies, as the policies does not make any specific

reference to building lines. The proposal is consistent with the urban development designation, and consistent with the character of this neighbourhood.

#### 10.4. George Integrated Development Plan (2022/2027)

The George Council opted to adopt a new five-year IDP for the period 2022 – 2027. The IDP is a municipal planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality's area of jurisdiction. The IDP is the municipality's principal five-year strategic plan that deals with the most critical development needs of the municipal area (external focus) as well as the most critical governance needs of the organisation (internal focus).



FIGURE 9: GEORGE IDP: VISION, MISSION & VALUES

The application area is located within **Ward 23** of the George Municipality within the demarcated urban edge. None of the identified ward-based needs and priorities has a direct bearing or any reference to the encroachment of building lines on the application area.

#### **Planning Implication:**

*The IDP is a municipal planning tool to integrate municipal planning and allocates municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. The proposal is on too small a scale to have any positive or negative impact on the George Integrated Development Plan, as it only encompasses a permanent departure of the street building line and the administrative consent for the removal of the title deed building lines to allow the existing roof over the entrance patio / porch.*

**SECTION D :****MOTIVATION****11. ASSESSMENT OF APPLICATIONS****11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Section 42 of SPLUMA prescribes certain aspects that have to be taken into consideration when deciding on an application. These are:

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework, and take into account: —
  - (i) the public interest.
  - (ii) the constitutional transformation imperatives and the related duties of the State.
  - (iii) the facts and circumstances relevant to the application.
  - (iv) the respective rights and obligations of all those affected.
  - (v) the state and impact of engineering services, social infrastructure, and open space requirements.
  - (vi) any factors that may be prescribed, including timeframes for making decisions.

**11.2. George Municipality Bylaw on Municipal Land Use Planning (2023)**

The George Municipality Bylaw on Municipal Land Use Planning (2023) as promulgated by G.N 8747 dated 21 April 2023 states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application. The following criteria must be considered when evaluating the desirability of this land development application:

| CRITERIA  | REFERENCE IN REPORT |
|---|---------------------|
| The impact of the proposed land development on <b>municipal engineering services</b> .          | Par.6 & Par.14      |
| The <b>integrated development plan</b> , including the municipal spatial development framework. | Par.10.4            |

| CRITERIA   | REFERENCE IN REPORT |
|--|---------------------|
| The applicable <b>spatial development frameworks</b> adopted by the Municipality.  | Par. 10.3           |
| The applicable <b>structure plans</b> .  | n/a                 |
| The applicable <b>policies of the Municipality</b> that <b>guide decision-making</b> .   | Par.11.2            |
| The <b>provincial spatial development framework</b> .  | Par.10.1            |
| Where applicable, a <b>regional spatial development framework</b> contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework. | Par.10.2            |
| The policies, principles and the planning and development norms and criteria set by the national and provincial government.  | Par.11.1            |
| The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act.<br>Principles referred to in <b>Chapter VI (6) of the Western Cape Land Use Planning Act</b> .              | Par.19              |
| Applicable provisions of the <b>zoning scheme</b> .  | Par.5.3             |
| any <b>restrictive condition</b> applicable to the land concerned  | Par.12              |

## 12. REMOVAL OF TITLE DEED RESTRICTIONS

The Municipal Land Use Planning Bylaw states that the following aspects have to be addressed / taken into consideration when an application for the removal, suspension or amendment of restrictive title deed conditions:

**a) 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.**

*Response:*

*It is the considered opinion that there is no financial value associated with the restrictive title deed restrictions. The only value associated with the restrictive title deed conditions was to maintain a uniform township as no zoning schemes were in place at the time, and title deeds contained the property's specific development parameters and guidelines. This restriction is outdated, and several precedents exist in the area.*

**b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition.**

*Response:*

*The holder of the rights is 'The Administrator' and all property owners who own property in the Herold's Bay Ext 2 township. The Local Municipality (George Municipality) has taken over the role of the 'Administrator'. The Municipality has a Zoning Scheme in place used to regulate land use and development parameters, therefore, there are no benefits for the holder of the rights. The*

*benefits were to create and maintain a uniform neighbourhood prior to zoning schemes being implemented. The property owners in this neighbourhood have a right to ensure orderly urban development, to protect their property rights and value. Since there are several precedents of similar removals in this area, the proposal will not affect their rights.*

**c) 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.**

Response:

*The personal benefit which accrues to the person seeking to remove the condition will allow the landowner to:*

*To legally permit the existing roof over the front patio, currently required to be converted into a pergola, within the title deed building lines, in accordance with the provisions of the George Integrated Zoning Scheme By-Law.*

**d) The social benefit of the restrictive condition remaining in place in its existing form.**

Response:

*Maintaining this restrictive title deed condition offers no social benefits. The restriction is outdated, and several precedents for its relaxation already exist in the area. It was originally imposed as a general regulatory measure, rather than to protect specific services, site characteristics, or other particular reasons. If the restriction remains, it will prevent the landowner from legally retaining the existing structure within the development parameters prescribed by the George Zoning Scheme By-Law, even though the structure was purchased as is from the previous owners. Therefore, keeping this condition in place serves no social or practical purpose.*

**e) The social benefit of the removal, suspension or amendment of the restrictive condition.**

Response:

*The directly affected surrounding property owners will not be negatively affected by the administrative consent to remove the title deed restriction in any way whatsoever. As mentioned in **Par.9**, the proposal will not affect the surrounding area. It will also not impact the view from the surrounding properties.*

**f) 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.**

Response:

*No. The George Municipality has a zoning scheme in place which is a regulatory tool serving the same purpose as this condition. Any land development application on the property must still comply with the prescribed development parameters of the Zoning Scheme, and deviation from*

*these parameters must be assessed in terms of a departure application; thus, the removal will not completely remove all rights enjoyed by the beneficiary.*

### **13. CONSISTENCY WITH SPATIAL PLANNING POLICIES**

As described in **Par.10** of this report, the proposal is consistent with the relevant spatial planning policies for the following reasons:

- (i) The WC SDF promotes revitalised, efficient, and aesthetically pleasing urban environments without negatively affecting neighbourhood character or property rights.
- (ii) The WC SDF is a broad provincial planning tool, it does not apply to small-scale proposals such as a building line relaxation.
- (iii) Spatial policies guide land use management, development decisions, and resource allocation; key SDF policies are relevant to the application.
- (iv) The property falls within the urban edge and a designated residential area, and is not in contradiction to any SDF policies, making the proposal consistent with the George SDF.
- (v) Under Section 19(2) of LUPA, the proposal aligns with applicable spatial policies, as the policies do not address building lines directly.
- (vi) The proposal fits the urban development designation and is compatible with the character of the surrounding neighbourhood.
- (vii) The IDP directs municipal planning and funding to achieve the municipality's strategic vision.
- (viii) The proposal is too small in scale to meaningfully impact the IDP, as it only relates to a permanent departure and removal of title deed building line restrictions.

### **14. NO IMPACT ON MUNICIPAL SERVICES**

As mentioned in **par. 6**, no new development is proposed on the application area. The application seeks only to legalise the existing roof over the entrance patio/porch. Since the property is being used in accordance with its primary "Single Residential Zone I" rights, and no additional structures or intensification of use are proposed, the application will have no impact on the service capacity of the George Municipality. A covered roof structure over a porch does not generate any additional demand on municipal services.

### **15. CONSISTENCY WITH THE SURROUNDING AREA**

As described in Par 9 of this report, the proposal is not in conflict with the character of the area. The appearance of the roofed entrance patio / porch is similar to other houses that can be seen in the surrounding area. There are also numerous properties that encroach on the 4m street building line of their properties, situated within 200m of the application area, as can be seen in the extract below. (see Annexure F: Precedent Plan).



FIGURE 10: EXTRACT - PROPERTIES ENCROACHING STREET BUILDING LINE

## 16. NO IMPACT ON EXISTING RIGHTS

It is the considered opinion that the proposal will not impact the existing land use rights of any property owners in the area. The structure does not encroach on any surrounding property owner's privacy or impact any views. The proposal will not prevent any surrounding owner from exercising their legal land use rights.

## 17. NEED FOR BUILDING LINE RELAXATION

The previous owner of the application area constructed an entrance patio with a roof to gain access to the house from the outside. This roofed entrance patio was not indicated on any previously approved plans, and when new plans, indicating additions to the existing dwelling house, were submitted and approved, the municipality required the existing roof to be replaced with a pergola, as it was situated within the 4m street building line. As a pergola only provides partial coverage to the patio, the owners wish to keep the existing roof.

However, the roofed entrance patio/porch exceeds the 5 m<sup>2</sup> roof area threshold and the maximum permitted height of 3 m from floor level, and therefore, does not qualify for exemption in terms of section 21(1)(d) the George Integrated Zoning Scheme Bylaw (2023). As a result, a permanent departure application must be submitted to permit the existing roof within the 4 m street building line.

## 18. NEED & DESIRABILITY

The concept of "desirability" in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned. This section expresses the

desirability of the proposed administrator's consent and permanent departure, taken in conjunction with the development principles and criteria set out through the statutory planning framework, 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 development is considered desirable as it is not in conflict with the spatial development policies. Furthermore, the approval of the application will not prevent any surrounding landowner from lawfully exercise his/her existing land use rights or detract from the character of the area and can, therefore, be considered to be desirable and suitable.

The following key considerations are taken into account to determine the desirability of the proposed land use:

| <b>Elements for Consideration</b>                                  | <b>Key Questions to Ask</b>   | <b>Desirability of Development Proposal</b>  |
|--|---|--|
| Economic impact  | Positive or Negative impact on neighbourhood / settlement?          | (i) <i>No negative impact on surrounding property owners or their rights.</i><br><br>(ii) <i>Proposal to keep property as it currently is.</i>   |
| Social impact  | Greater social justice, equity of access to opportunity             | (i) <i>Allows the applicants to keep the property to their liking and in accordance with the development in the area.</i>  |
| Scale of capital investment  | > capital investment - > positive impact                            | (i) <i>No new development proposed, no capital investment. The only investment is to apply to legalise the current structure.</i>  |
| Compatibility with surrounding land uses                           |   | (i) <i>The proposal is indeed compatible with the surrounding land uses – refer to Par 9 &amp; 15</i>  |
| Impact on external engineering services                            | How much must the developer contribute to municipal costs incurred? | (ii) <i>No Impact - Refer to Par 6</i><br>(iii) <i>Application area already connected to the municipal infrastructure services network. No additional capacity is required.</i>  |
| Impact on safety, health & well-being of the surrounding community |   | (i) <i>Provide an area for the applicant to sit outside their house, looking at the surrounding environment.</i><br><br>(ii) <i>Increased eyes on the street. = increase surveillance = increased safety and security.</i> |

| Elements for Consideration   | Key Questions to Ask  | Desirability of Development Proposal   |
|--|---|--|
| Impact on heritage   |   | <i>(i) No heritage impacts.</i><br><i>(ii) The dwelling has no heritage value as it is not older than 60 years.</i>  |
| Impact on the biophysical environment  | Are there negative impacts? Are they adequately mitigated?      | <i>(i) Within urban edge.</i><br><i>(ii) No new development proposed.</i><br><i>(iii) No NEMA-listed activities were triggered.</i><br><i>(iv) No impact on the biophysical environment.</i> |
| Traffic impacts, parking access, other transport considerations                      | Support for densification & functional public transport system? | <i>Refer to par. 4.1. In accordance with approved plans, and primary land use right. No new development proposed.</i>  |
| Impact on quality of life (incl. views, sunlight, privacy, visual impact, character) |   | <i>(i) No views will be obscured.</i><br><i>(ii) Fits within the character of the area.</i><br><i>(iii) Refer to Par.9 &amp; Par. 15</i>   |
| Timing – need to densify or protect urban edges                                      | The best option for the site at this point?                     | <i>(i) Within urban edge.</i><br><i>(ii) No impact on relevant spatial planning policies.</i><br><i>(iii) The structure was already built prior to the applicant taking ownership.</i>       |
| Cumulative impacts   | Unacceptable cumulative impacts?                                | <i>(i) No negative impact on any of the surrounding property owners.</i>   |
| Opportunity costs  | Any unacceptable opportunity costs?                             | <i>(i) Private investment</i><br><i>(ii) No municipal funding required</i>   |
| Alignment with SDF's   |   | <i>The proposal is on too small a scale to impact the relevant spatial planning policies.</i>  |

## 19. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land

development on agriculture; to provide for land use planning principles; to repeal certain old-order laws, and to provide for matters incidental thereto.

Section 59 of this Act prescribes the Land Use Planning Principles that apply to all land development in the province. These are summarised in the tables below. The tables below aim to summarise how the proposed application complies with these principles.

### 19.1. Spatial Justice

| CRITERIA   | COMPLIANCE                               | PLANNING IMPLICATION   |
|--|--|--|
| Past spatial and other development imbalances must be redressed through improved access to and use of land.  | N/A                                      | <i>This policy is not applicable to the application area.</i>  |
| Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation. | N/A                                      | <ul style="list-style-type: none"> <li>• <i>This policy is not applicable to the application area.</i></li> <li>• <i>Not a Spatial Development Framework or Policy.</i></li> </ul> |
| Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.   | N/A                                      | <i>This policy is not applicable to the application area.</i>  |
| Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.   | N/A                                      | <i>This policy is not applicable to the application area.</i>  |
| Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.   | <b>Applicable to George Municipality</b> | <i>The municipality should process this application within the prescribed guidelines of the George Municipality By-Law on Municipal Land Use Planning (2023).</i>                  |

| CRITERIA  | COMPLIANCE                               | PLANNING IMPLICATION   |
|---|--|--|
| A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application. | <b>Applicable to George Municipality</b> | <i>The municipality should process this application within the prescribed guidelines of the George Municipality By-Law on Municipal Land Use Planning (2023).</i>  |
| The right of owners to develop land in accordance with current use rights should be recognised.   | <b>COMPLY</b>                            | <i>The owner seeks to keep the dwelling as it currently is, and not to replace the existing roof over the entrance porch / patio with a pergola.<br/><br/>The proposal complies with all the current land use rights, but an application is made for a departure from the building line.</i> |

**19.2. Spatial Sustainability**

| CRITERIA   | COMPLIANCE    | PLANNING IMPLICATION  |
|--|---------------|---|
| Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional, and administrative means of the relevant competent authority in terms of this Act or other relevant authority. | <b>COMPLY</b> | <ul style="list-style-type: none"> <li>▪ <i>The proposal is resource-frugal, as all activities will make use of the existing services.</i></li> <li>▪ <i>No new development is proposed, merely to legalise the existing roof over the entrance patio / porch on Herold's Bay Erf 362.</i></li> <li>▪ <i>The application area is within the urban edge of Harold's Bay and within an established urban environment.</i></li> <li>▪ <i>No additional service capacity is required to enable the proposal.</i></li> </ul> |
| Ensure that special consideration is given to the protection of prime, unique, and high potential agricultural land.   | <b>N/A</b>    | <i>Not Agricultural land</i>  |
| Uphold consistency of land use measures in accordance with environmental management instruments.   | <b>COMPLY</b> | <ul style="list-style-type: none"> <li>▪ <i>The proposal does not trigger any environmental listed activities according to the National Environmental Management Act (1998).</i></li> </ul>   |

| CRITERIA   | COMPLIANCE    | PLANNING IMPLICATION   |
|--|---------------|--|
| Promote and stimulate the effective and equitable functioning of land markets.   | <b>COMPLY</b> | <ul style="list-style-type: none"> <li>The proposal is consistent with the character of the surrounding area.</li> <li>The legalisation of the roof over the entrance patio / porch will not negatively impact the value of its surrounding properties.</li> </ul> |
| Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments. | <b>COMPLY</b> | <ul style="list-style-type: none"> <li>The existing infrastructure is adequate, and any service upgrades are at the cost of the applicant. Refer to <b>Par.6</b></li> </ul>  |
| Promote land development in locations that are sustainable and limit urban sprawl.   | <b>COMPLY</b> | <ul style="list-style-type: none"> <li>The application area is located within an existing urban area.</li> <li>No urban sprawl will be created because of this application, as no new development is proposed.</li> </ul>  |
| Result in communities that are viable.   | <b>COMPLY</b> | <ul style="list-style-type: none"> <li>The proposal will not detract from the existing character of the area.</li> <li>The application will legalise the existing roof over the entrance patio / porch.</li> </ul>   |
| Strive to ensure that the basic needs of all citizens are met in an affordable way.  | <b>N/A</b>    | <i>This principle is not applicable to the applicant or this development.</i>  |
| The sustained protection of the environment should be ensured.   | <b>COMPLY</b> | <ul style="list-style-type: none"> <li>In line with all Environmental policy documents and legislation.</li> <li>The application area is located within the existing urban area of Herold's Bay and within the existing urban fabric.</li> </ul>                   |

### 19.3. Spatial Efficiency

| CRITERIA   | COMPLIANCE                               | PLANNING IMPLICATION  |
|--|--|---|
| Land development optimises the use of existing resources and infrastructure.             | <b>COMPLY</b>                            | <ul style="list-style-type: none"> <li>No new development is proposed. The proposal complies with the primary land use and the service provisions for a dwelling house. No upgrades to the existing infrastructure will be required.</li> </ul> |
| Integrated cities and towns should be developed.   | <b>N/A</b>                               | <ul style="list-style-type: none"> <li>This policy is applicable to township developments.</li> </ul>   |
| Policy, administrative practice, and legislation should promote speedy land development. | <b>Applicable to George Municipality</b> | <ul style="list-style-type: none"> <li>The municipality should process this application within the prescribed time frames of the George Municipality By-Law on Municipal Land Use Planning (2023)</li> </ul>                                    |

**19.4. Spatial Resilience**

| CRITERIA  | COMPLIANCE    | PLANNING IMPLICATION  |
|---|---------------|---|
| Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks | <b>COMPLY</b> | <ul style="list-style-type: none"> <li>▪ <i>The proposal is consistent with the various applicable spatial plans, policies and land use management systems.</i></li> <li>▪ <i>Will have no negative impact on the livelihood of the community.</i></li> </ul> |

**19.5. Good Administration**

| CRITERIA  | COMPLIANCE                               | PLANNING IMPLICATION   |
|---|--|--|
| All spheres of government should ensure an integrated approach to land use planning.  | <b>Applicable to George Municipality</b> | <ul style="list-style-type: none"> <li>▪ <i>This principle has no direct bearing on the application; however, the George Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</i></li> <li>▪ <i>What is however important is that all decision-making is aligned with sound policies based on nation, provincial and local development policies.</i></li> </ul> |
| All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.   |  |  |
| The requirements of any law relating to land development and land use must be met timeously.  |  |  |
| The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them. |  |  |
| The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust, and acceptance in order to inform and empower members of the public.   |  |  |

| CRITERIA  | COMPLIANCE | PLANNING IMPLICATION |
|---|------------|----------------------|
| A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority. |            |                      |
| Decision-making procedures should be designed to minimise negative financial, social, economic, or environmental impacts.   |            |                      |
| Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.  |            |                      |
| Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.  |            |                      |

**20. CONCLUSION**

In light of this motivation, and the information contained in the foregoing report, it is clear that the application for:

- (i) A Permanent Departure of Herold’s Bay Erf 362 in terms of Section 15(2)(b) of the George Municipality By-Law on Municipal Land Use Planning (2023) to relax the 4m Street building line to 3,45m to allow the existing roof over the entrance patio.
- (ii) Application for the Administrator’s consent to relax Condition B(7) contained in Title Deed No. T23035/2024 in respect of Herold’s Bay Erf 362, in order to permit the existing roof over the entrance patio within the restrictive title deed street building line.

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the George Municipality’s By-Law on Municipal Land Use Planning (2023) and is desirable. It is therefore recommended that the application be supported by the relevant authorities and approved by George Municipality.

Marika Vreken Urban and Environmental Planners  
January 2026

**ANNEXURE A:**

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*Approved Building Plan*



**ANNEXURE B:**

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*Signed Power of Attorney*

**SPECIAL POWER OF ATTORNEY**

I / We, James and Anne Howard

the undersigned,

do hereby nominate, constitute and appoint **THE AUTHORISED AGENTS OF MARIKE VREKEN TOWN & REGIONAL PLANNERS CC** and duly authorised employees of Marike Vreken Town Planners CC with power of Substitution to be \*my/our lawful representatives in \*my/our application for:

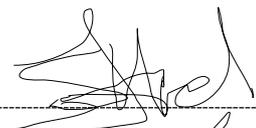
**Administrator's Consent**

on

**Haroldsbaai Erf 362**

In addition to apply for such amendments of any zoning schemes / structure plans / Removal of Title Deed Restrictions as may be deemed necessary and to make other necessary application and further to represent \*me/us at any inquiry in relation to the abovementioned matters and generally do whatever may be necessary or desirable to procure the approval of the application, by virtue of those present and whatever our said representative have to date done herein.

Signed at Tadley on this 18th day of November 2025

SIGNED:  James Howard

SIGNED:  Anne Howard

SIGNED: \_\_\_\_\_

In the presence of the undersigned witnesses:

AS WITNESSES:  
  
1. \_\_\_\_\_ Gavyn James Howard

**ANNEXURE C:**

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*Application Form*



## Application Form for Application(s) Submitted in terms of the Land Use Planning By-Law for George Municipality

|  |  |             |      |      |              |
|--|--|-------------|------|------|--------------|
| <b>NOTE: Please complete this form by using: Font: Calibri; Size: 11</b> |  |             |      |      |              |
| <b>PART A: APPLICANT DETAILS</b>   |  |             |      |      |              |
| First name(s)  | Marike   |             |      |      |              |
| Surname  | Vreken   |             |      |      |              |
| SACPLAN Reg No.<br>(if applicable)                                       | Pr. Pln A/1101/1999  |             |      |      |              |
| Company name<br>(if applicable)  | Marike Vreken Town Planners CC   |             |      |      |              |
| Postal Address   | P.O. Box 2180  |             |      |      |              |
|  | Knysna   | Postal Code | 6570 |      |              |
| Email  | <a href="mailto:info@vreken.co.za">info@vreken.co.za</a> / <a href="mailto:marike@vreken.co.za">marike@vreken.co.za</a> / <a href="mailto:lourens@vreken.co.za">lourens@vreken.co.za</a> |             |      |      |              |
| Tel  | 044-382-0420   | Fax         |      | Cell | 082-927-5310 |
| <b>PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)</b> |  |             |      |      |              |
| Registered owner   | Anne Carmel Howard and James Stephen Howard  |             |      |      |              |
| Address  | Herold's Bay   |             |      |      |              |
|  | George   | Postal code | 6615 |      |              |
| E-mail   | <a href="mailto:howardjimmy31@gmail.com">howardjimmy31@gmail.com</a>   |             |      |      |              |
| Tel  |  | Fax         |      | Cell |              |
| <b>PART C: PROPERTY DETAILS (in accordance with Title Deed)</b>          |  |             |      |      |              |
| Property Description   | Erf 362 Herold's Bay, in the Municipality and Division of George, Province of the Western Cape.  |             |      |      |              |

|  |                                |   |                      |   |           |                               |   |   |   |  |
|--|--------------------------------|---|----------------------|---|-----------|-------------------------------|---|---|---|--|
| [Erf / Erven / Portion(s) and Farm number(s), allotment area.]   |                                |   |                      |   |           |                               |   |   |   |  |
| Physical Address   | 54 Slaapplek Street            |   |                      |   |           |                               |   |   |   |  |
| GPS Coordinates  | 34°2'57.53"S and 22°23'58.70"E |   |                      |   | Town/City | Herold's Bay, George          |   |   |   |  |
| Current Zoning   | Single Residential Zone I      |   | Extent               | 630m <sup>2</sup>   |           | Are there existing buildings? |   | Y | N |  |
| Current Land Use   | Dwelling House (SRI)           |   |                      |   |           |                               |   |   |   |  |
| Title Deed number & date   | T23035/2024                    |   |                      |   |           |                               |   |   |   |  |
| Any restrictive conditions prohibiting application?  | Y                              | N |                      | If Yes, list condition number(s).                                     |           | Condition B(7)                |   |   |   |  |
| 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 |   |   |  |
| <b>PART D: PRE-APPLICATION CONSULTATION</b>  |                                |   |                      |   |           |                               |   |   |   |  |
| Has there been any pre-application consultation?   | Y                              | N |                      | If Yes, please complete the information below and attach the minutes. |           |                               |   |   |   |  |
| Official's name  | Reference number               |   | Date of consultation |   |           |                               |   |   |   |  |
| <b>PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY &amp; APPLICATION FEES PAYABLE</b>         |                                |   |                      |   |           |                               |   |   |   |  |
| <b>*Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.</b> |                                |   |                      |   |           |                               |   |   |   |  |

**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: **Erf 632, George/Wilderness/Hoekwil...**

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

As-built and proposed building plans were submitted to the George Municipality for approval because the previous owners had constructed additions that were not reflected on any approved plans, together with new additions proposed by the current owners. The plans were approved; however, the municipality crossed out the existing roof over the front patio, an addition built by the previous owners, and required that it be converted into a pergola. The new owner wishes not to convert the existing entrance stoep's roof and therefore seek to legalise it in its current form. Application is made for:

- (i) A Permanent Departure of Herold's Bay Erf 362 in terms of Section 15(2)(b) of the George Municipality By-Law on Municipal Land Use Planning (2023) to relax the 4m Street building line to 3,45m to allow the existing roof over the entrance patio.
- (ii) Application for the Administrator's consent to relax Condition B(7) contained in Title Deed No. T23035/2024 in respect of Herold's Bay Erf 362, in order to permit the existing roof over the entrance patio within the restrictive title deed street building line.

**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?*

|   |          |   |                           |          |  |            |                             |
|---|----------|---|---------------------------|----------|--|------------|-----------------------------|
| <b>Y</b>                                    | <b>N</b> | Completed application form                                    | <b>Y</b>                  | <b>N</b> | Pre-application Checklist (where applicable)           |            |                             |
| <b>Y</b>                                    | <b>N</b> | Power of Attorney / Owner's consent if applicant is not owner | <b>Y</b>                  | <b>N</b> | Bondholder's consent                                   |            |                             |
| <b>Y</b>                                    | <b>N</b> | Motivation report / letter                                    | <b>Y</b>                  | <b>N</b> | Proof of payment of fees                               |            |                             |
| <b>Y</b>                                    | <b>N</b> | Full copy of the Title Deed                                   | <b>Y</b>                  | <b>N</b> | S.G. noting sheet extract / Erf diagram / General Plan |            |                             |
| <b>Y</b>                                    | <b>N</b> | Locality Plan   | <b>Y</b>                  | <b>N</b> | Site layout plan                                       |            |                             |
| <i>Minimum and additional requirements:</i> |          |   |                           |          |  |            |                             |
| <b>Y</b>                                    | <b>N</b> | <b>N/A</b>  | Conveyancer's Certificate | <b>Y</b> | <b>N</b>   | <b>N/A</b> | Land Use Plan / Zoning plan |

|   |   |     |   |   |   |     |   |
|---|---|-----|---|---|---|-----|---|
| Y | N | N/A | Proposed Subdivision Plan (including street names and numbers)  | Y | N | N/A | Phasing Plan  |
| Y | N | N/A | Consolidation Plan  | Y | N | N/A | Copy of original approval letter (if applicable)        |
| Y | N | N/A | Site Development Plan   | Y | N | N/A | Landscaping / Tree Plan                                 |
| Y | N | N/A | Abutting owner's consent  | Y | N | N/A | Home Owners' Association consent                        |
| Y | N | N/A | <del>Copy of Environmental Impact Assessment (EIA) /<br/>Heritage Impact Assessment (HIA) /<br/>Traffic Impact Assessment (TIA) /<br/>Traffic Impact Statement (TIS) /<br/>Major Hazard Impact Assessment (MHIA) /<br/>Environmental Authorisation (EA) /<br/>Record of Decision (ROD)</del><br>( <del>strikethrough irrelevant</del> ) | Y | N | N/A | 1 : 50 / 1:100 Flood line determination (plan / report) |
| Y | N | N/A | Services Report or indication of all municipal services / registered servitudes   | Y | N | N/A | Required number of documentation copies <b>2 copies</b> |
| Y | N | N/A | Any additional documents or information required as listed in the pre-application consultation form / minutes   | Y | N | N/A | Other (previously approved building plans)              |

**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)<br><br>(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),<br>National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008),<br>National Environmental Management: Waste Act, 2008 (Act 59 of 2008),<br>National Water Act, 1998 (Act 36 of 1998)<br><br>( <del>strikethrough irrelevant</del> ) |
| Y | N/A | National Environmental Management Act, 1998 (Act 107 of 1998)  |   |     |  |
| Y | N/A | Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)  |   |     |  |
| Y | N/A | Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)  |   |     |  |
| Y | N/A | Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations  |   |     |  |
| Y | N/A | Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)   | Y | N/A | Other (specify)  |
| Y | N/A | If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. <b>N/A</b> |   |     |  |

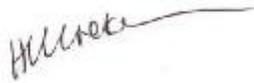
|   |          |  |
|---|----------|--|
| Y | <b>N</b> | <i>If required, do you want to follow an integrated application procedure in terms of section 44(1) of the Land-Use Planning By-law for George Municipality?</i> |
|---|----------|--|

**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:

2026-01-20

Full name:

Hendrika Maria Vreken

Professional capacity:

Town Planner

SACPLAN Reg. Nr:

Pr. Pln A/1101/1999

**ANNEXURE D:**

---

*Copy of Title Deed*

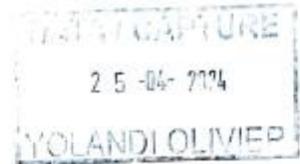
# 262

**C Pansegrouw Attorneys Inc**  
2nd Floor, Office nr A2 02  
The Harrington, 50 Harrington Street  
Cape Town  
Tel: 021 300 5056

Prepared by me

  
CONVEYANCER  
**CHRISTELLE PANSEGROUW**  
(LPCM 86821)

| Deeds Office Registration fees as per Act 47 of 1937 |                    |   |
|--|--------------------|---|
|  | Amount             | Office Fee                                      |
| Purchase Price                                       | R. 3550 000,00     | R. 2140,00                                      |
| Reason for Exemption                                 | Category Exemption | Exemption i.o.<br>Sec/Reg.....<br>Act/Proc..... |



T00023035/2024

## DEED OF TRANSFER

**BE IT HEREBY MADE KNOWN THAT**

**CHRISTELLE PANSEGROUW (LPCM 86821)**

appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney granted to her by

- JOHANNA MARIA DU TOIT**  
**Identity Number 780905 0024 08 9**  
**Married out of Community of Property**

(As owner of the bare dominium)

signed at CAPE TOWN on 20 FEBRUARY 2024

2. **ENGELA ELIZABETH BECKER**  
**Identity Number 750515 0106 08 7**  
Married in community of property to JACOBUS MARTHINUS BECKER, which community of property has been excluded in respect of the property herein described by virtue of Condition in the Will of the late THOMAS JOHANNES VAN DER WALT, dated 5 September 2020  
  
(As owner of the bare dominium)

signed at AUGRABIES on 15 FEBRUARY 2024 and

3. **ENGELA ELIZABETH WILHELMINA VAN DER WALT**  
**Identity Number 520527 0034 08 5**  
**Unmarried**  
  
(As Usufructuary)

signed at GEORGE on 15 FEBRUARY 2024.

And the appearer declared that:

Whereas the Transferors had truly and legally sold the undermentioned property on 2 February 2024 by Private Treaty

Now therefore the Appearer on behalf of the Transferors, did by these presents, cede and transfer to and on behalf of

**ANNE CARMEL HOWARD**  
**Identity Number 610221 0818 08 2**  
and  
**JAMES STEPHEN HOWARD**  
**Identity Number 640129 5822 08 8**  
**Married in community of property to each other**

their heirs, executors, administrators or assigns, in full and free property

**ERF 362 HEROLDS BAY,  
IN THE MUNICIPALITY AND DIVISION OF GEORGE,  
PROVINCE OF THE WESTERN CAPE**

MEASURING 630 (SIX HUNDRED AND THIRTY) SQUARE METRES

**FIRST TRANSFERRED** by Deed of Transfer Number T21768/1986 with General Plan T.P. 9878 relating thereto and held by Deed of Transfer Nr. T 2024 and Notarial Deed of Usufruct nr. SK *Van der Walt* 000023094 / 2024

- A. **SUBJECT** to the conditions referred to in Deed of Transfer Number T2525/1974;
- B. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer Number T21758/1982 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No. 33 of 1934 when approving of the Establishment of Herolds Bay Township Extension No. 2, namely:-

1. Any words and expression used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14<sup>th</sup> August 1970.
2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.
3. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
4. 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 waterpipes and the sewage and drainage including stormwater of any other erf or erven inside or outside this township 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 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.
5. 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.
6. This erf shall be used solely for the purpose of erecting thereon one dwelling or to her building for such purposes as the Administrator may, from time to time after reference to the Township Board and the local authority, approve provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions as stipulated by the scheme.
7. No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metre of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that the consent of the local authority -
  - (i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuildings to the wall plate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf.
  - (ii) an outbuilding in terms of sub-paragraph (1) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any walls facing such boundary.

Pa

8. On consolidation of this erf or any portion thereof, with any abutting erf subject to the same conditions as herein forth, these conditions shall apply to the consolidated holdings as if it was one erf.
9. In the event of this erf being sub-divided each sub-divided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf."



**WHEREFORE** the appearer, renouncing all the rights and title the said

1. JOHANNA MARIA DU TOIT , Married as aforesaid
2. ENGELA ELIZABETH BECKER , Married as aforesaid
3. ENGELA ELIZABETH WILHELMINA VAN DER WALT , Unmarried

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

ANNE CARMEL HOWARD and JAMES STEPHEN HOWARD , Married to each other as aforesaid

their heirs, executors, administrators or assigns, now are and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R3 550 000,00 (Three Million Five Hundred and Fifty 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

22 APRIL 2024

  
\_\_\_\_\_  
Signature of appearer q.q.

In my presence

  
\_\_\_\_\_  
Registrar of Deeds



**ANNEXURE E:**

---

*General Plan No. 9878*



**ANNEXURE F:**

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*Precedents Plan*

# LEGEND

THE PROPERTY  
200m RADIUS



ENCROACHING  
NOR ENCROACHING

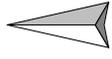


ENCROACHING BUILDING LINE



## HEROLD'S BAY ERF 362

## STREET BUILDING LINE ENROACHMENTS



Projection: Transverse Mercator  
Centre Lon: 22°23'55" E  
Centre Lat: 34°02'57" S  
Created: 11/26/2025  
Scale: 1:3000

21 Truiter Street, P.O. Box 2180  
KIMBERLEY, 6670

☎ (044) 382 0430  
☎ (086) 459 2997  
✉ info@vrekken.co.za  
web: www.vrekken.co.za

**Murlike Vrekken**  
Urban & Environmental Planners

**ANNEXURE G:**

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*Conveyancer Certificate*

**CONVEYANCER'S CERTIFICATE**

I, the undersigned

**VERA VIVIEN REYNOLDS (LPCM 96350),  
Conveyancer practising as such at VVR Attorneys Inc, 102 Merriman Street, George**

hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town regarding the following property (including both current and earlier title deeds / pivot deeds / deeds of transfer):

**ERF 362 HEROLDS BAY  
IN THE MUNICIPALITY AND DIVISION OF GEORGE  
PROVINCE OF THE WESTERN CAPE  
Held by Deed of Transfer T23035/2024**

in respect of which it was found that there are restrictive conditions registered against such property prohibiting it from being utilised / developed for the following purposes (as elaborated on in more detail in the accompanying application):

**The relaxation of the prescribed south-eastern street building line from 4m to 3,45m to allow the existing roof over the entrance patio.**

**LIST OF RESTRICTIVE TITLE CONDITIONS (if applicable)**

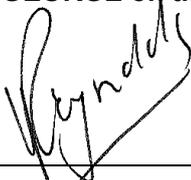
| Deed no     | Condition / Clause no | Description   |
|-------------|-----------------------|---|
| T23035/2024 | B(7)                  | <i>"...No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that the consent of the local authority..."</i> |

**PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED**  
(please tick appropriate box)

|  |   |   |  |
|--|---|---|--|
| Removal/ suspension/ amendment of restrictions in terms of Act 84/1967 (submit separate application)<br><b>X</b> | Notarial Deed of Cancellation (submit copy of signed agreement) | Consent (submit copy of signed consent) | Expungement by means of 'rule nisi' application to High Court (submit copy of Court order) |
|--|---|---|--|

**Signed at GEORGE on this 19<sup>th</sup> day of JANUARY 2026**

**Signature**

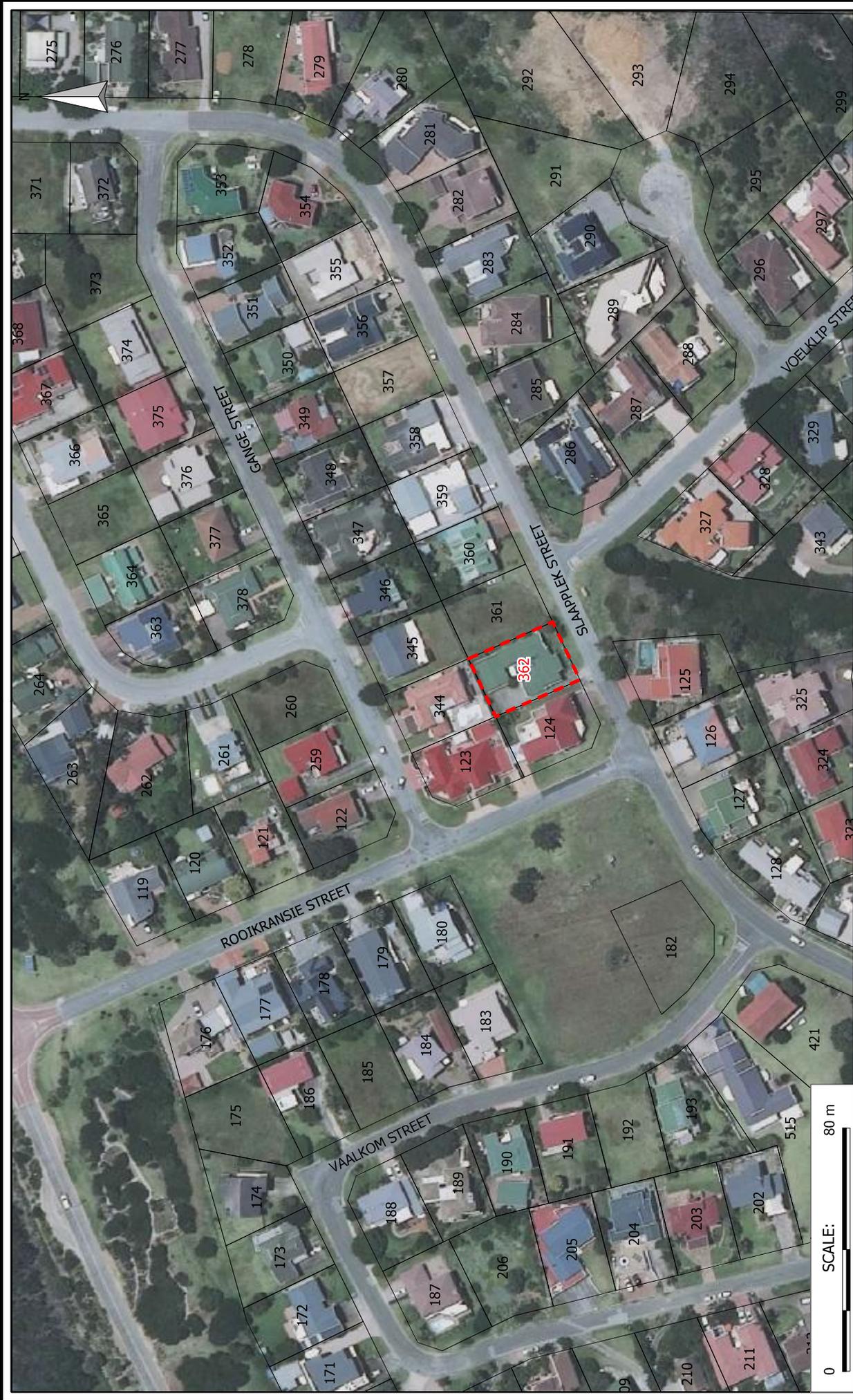


VERA VIVIEN REYNOLDS  
VVR ATTORNEYS INC  
102 MERRIMAN STREET  
GEORGE

**PLAN 1:**

---

*Locality Plan*



# HEROLDSBAAI ERF 362

# LOCALITY PLAN

Projection: Transverse Mercator  
 Centre Lon: 22°23'58" E  
 Centre Lat: 34°02'56" S  
 Plan No: PR2454/Locality Plan  
 Created: 11/12/2025  
 Scale: 1:1600

Source: V108/Approved Project/362 - Heroldsbaai Erf 362/Heroldsbaai Erf 362.nwg

**Mantek Aeyelen**  
 Water & Environmental Planning

21 Truiter Street, P.O. Box 2180  
 KENYONIA, 6670  
 T: (044) 382 0480  
 F: (086) 409 2987  
 e-mail: info@mantek.co.za  
 web: www.mantek.co.za

**PLAN 2:**

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*Land Use Plan*

**LEGEND**

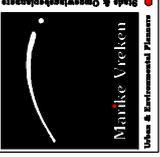
The Property  
200m Radius



-  Single Residential
-  Guest Accommodation
-  Vacant
-  Transport
-  Open Space



Projection: Transverse Mercator  
 Centre Lon: 22°23'55" E  
 Centre Lat: 34°02'57" S  
 Plan No: PR2454/Locality Plan  
 Created: 11/26/2025  
 Scale: 1:3000  
Sheet: Y:\GIS\Approved\Projects\PR2454 - Herold's Bay ERF 362\Herold's Bay ERF 362.mxd



21 Truiter Street, P.O. Box 2180  
 KENTONA, 6670  
 ☎ (044) 382 0480  
 ☎ (086) 499 2987  
 ✉ mail: info@marikie.co.za  
 web: www.marikie.co.za

**LAND USE PLAN**

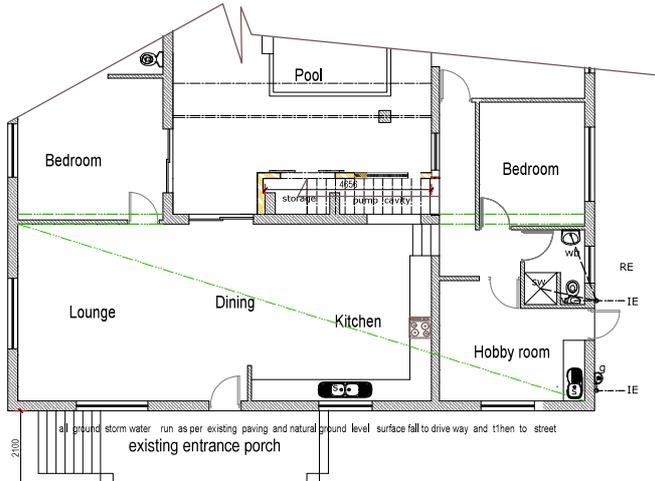
**HEROLD'S BAY ERF 362**

SCALE: 20 51

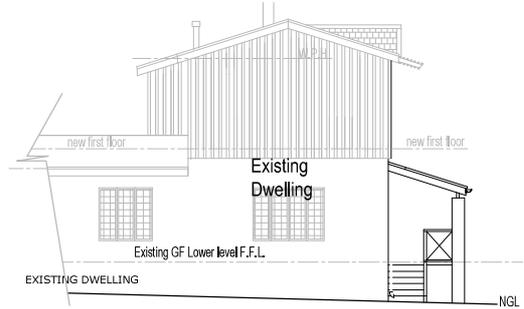
**PLAN 3:**

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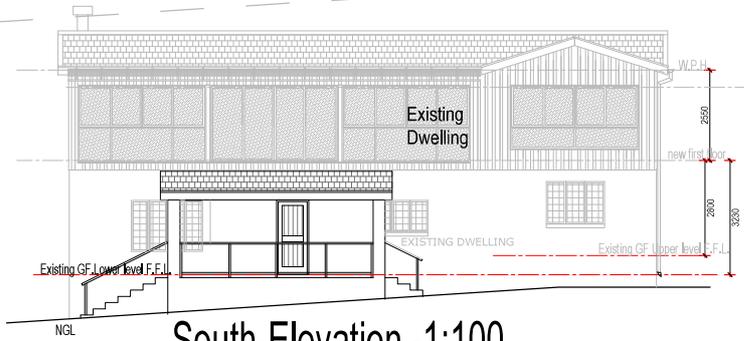
*Site Development Plan*



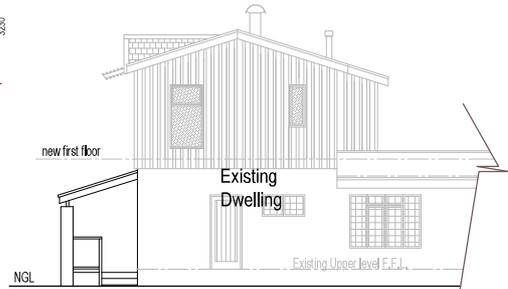
GROUND STOREY 1:100



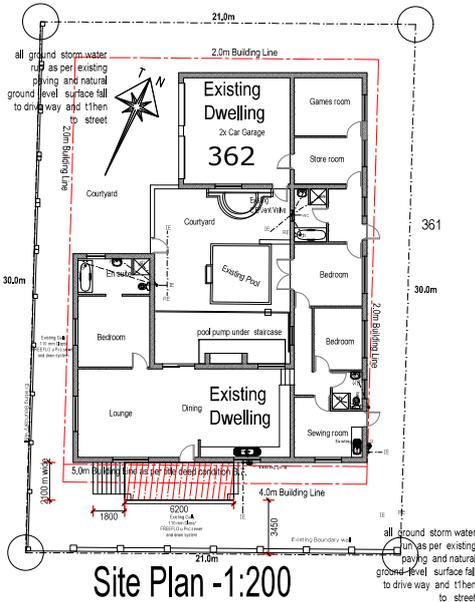
West-Elevation -1:100



South-Elevation -1:100



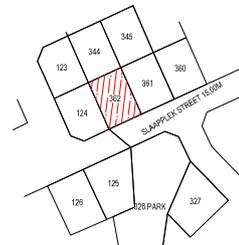
East-Elevation -1:100



Site Plan -1:200

**CONTROL SCHEDULE**

|                          |                            |
|--------------------------|----------------------------|
| Exist.                   |                            |
| Existing Ground floor    | 328 m <sup>2</sup>         |
| Porch area               | 13 m <sup>2</sup>          |
| Total new structure Area | 342 m <sup>2</sup>         |
| Site size                | 629,88 m <sup>2</sup>      |
| Coverage                 | $\frac{260}{629} = 39,1\%$ |



|  |   |   |
|--|---|---|
| <b>Sylvia &amp; J.G. Watson</b><br>Documentalist<br>JC Watson<br>Engineers Comp. 1<br>Drawing No: 362/MM/ 2025 | <b>PROJECT TITLE</b><br>existing structure on<br>Erf 362<br>Slaapplek street<br>Herolds Bay | <br><b>ARCHITECTS</b><br>LIVING THE DREAM<br>Professional Registrations: SACAP   SAAT   SAA<br>Sylvia Watson: Patch 37706417<br>082 210 9206<br>Joseph Charles Watson: P Tech - T 0834<br>082 906 2339<br>Shop 7   Oubool Village Market   Oubool Golf Estate<br>Heroldsbay   George   6229 |
|  | <b>Municipal / Town plan documentation -</b>  |   |