



27 September 2023

Ref : ERF 99 - Hoekwil

The Municipal Manager  
George Municipality  
PO Box 19  
GEORGE  
6530

Sir

**APPLICATION FOR CONSENT OF THE ADMINISTRATOR AND PERMANENT DEPARTURES (BUILDING LINE): ERF 99 HOEKWIL**

Attached hereto, please an application in terms of

- section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 for permanent departures in respect of the relaxation of the southern side boundary building line on Erf 99 Hoekwil to accommodate for new additions consisting of bedrooms, tv lounge and entertainment room.

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## 1. DEPARTURE

Application in terms of section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 for:

- **relaxation of the southern side building line** from 20m to 6m on Erf 99 Hoekwil to accommodate for new additions consisting of bedrooms, tv lounge and entertainment room.

<b>Property Description:</b>	ERF 99, Hoekwil			
<b>Physical Address:</b>	Oliphantshoek Road, Hoekwil			
<b>Owner:</b>	Martin John Moul			
<b>Title Deed No:</b>	23959 / 2019			
<b>Bond Holder:</b>	Standard Bank			
<b>Size of the property:</b>	2,9573 Hectares			
<b>HOA/ Body Corporate</b>	N/A	<b>Written Consent</b>	YES	NO

<b>PERMANENT DEPARTURE</b>	<b>FROM</b>	<b>TO</b>	<b>PURPOSE</b>
Southern Street Building Line	20m	6.13m	Existing Garages
Southern Street Building Line	20m	6.76m	Newly Proposed Bedrooms and TV Lounge

## 2. INTRODUCTION:

The representatives of the owner of ERF 99, hereafter as referred to as the “the subject property”, has appointed Scott Architects to prepare and submit the required departure application. A copy of the power of attorney to submit this land use application is attached as **Annexure 1**.

## 3. OWNERSHIP / TITLE DEED:

Ownership, as set out in title deed (T000023959 / 2019) in the name of Martin John Moul. A copy of the title deed of the application erf is attached as **Annexure 2**. The conveyancer certificate also confirms that no title deed restrictions are relevant to this application. Conveyancer certificate attached as **Annexure 3**.

#### 4. LOCATION:

The property under consideration is situated along Olifantshoek Road in Hoekwil. Refer to Figure 1 (below) for an overview of the property's location in relation to its surroundings. Additionally, Figure 2 offers a close-up perspective of the subject property and its neighboring area. Attached please also see SG Diagram attached as **Annexure 5**.

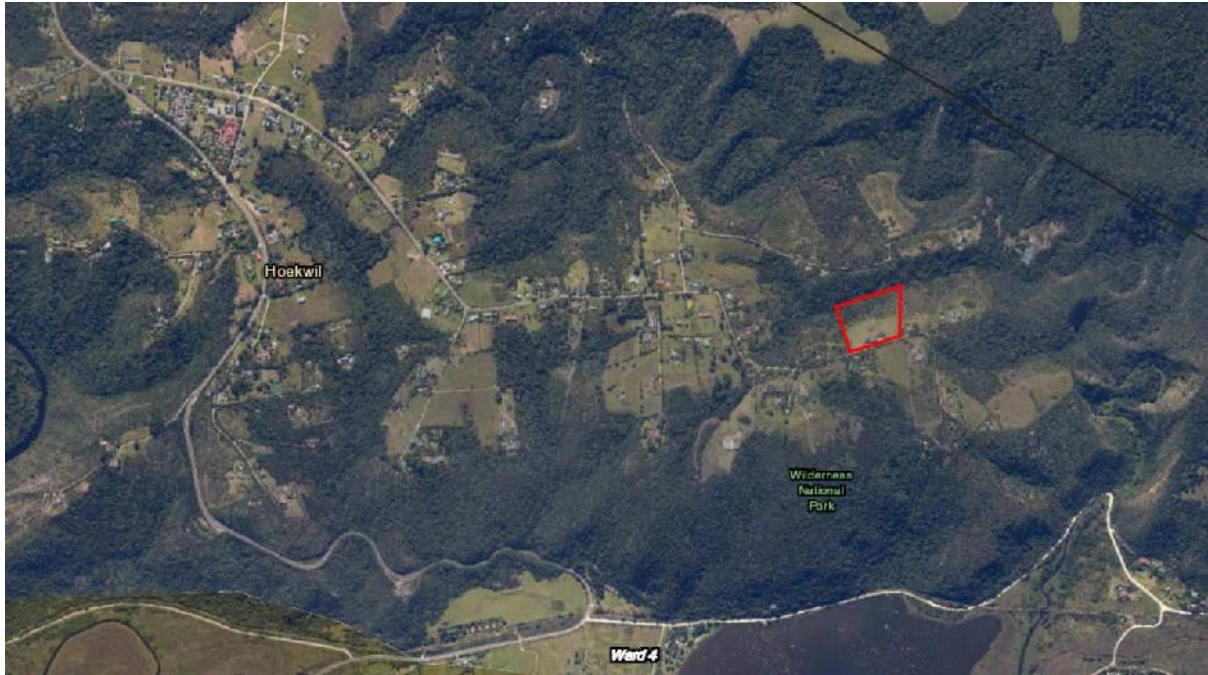


FIG 1: Indicated in macro view of property location.



FIG 2: Indicated in micro view of property location and surrounds.

## 5. PROPOSED DEVELOPMENT:

The owner wishes to incorporate three new bedrooms, a bathroom, and a television room. Presently, the existing dwelling extends beyond the southern 20-meter boundary line, as depicted in Figure 3 (below). The owner seeks permission to request a relaxation of the building line requirement from 20 meters to 6.76 meters. This modification is intended to ensure that the new addition harmoniously aligns with the proportions of the existing dwelling.

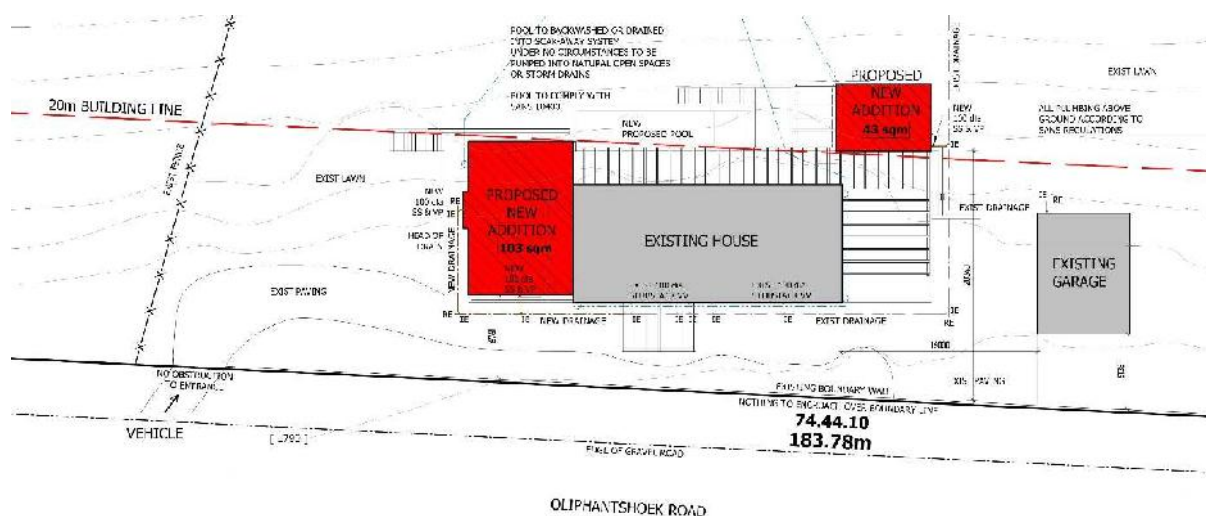


FIG 3: Extraction from site development plan indicating proposed new addition.

## 6. NATURAL ENVIRONMENT:

The current dwelling is already established in its present form; therefore, the suggested expansions to the existing structure will not result in the removal of additional vegetation, thereby preserving the natural environment.

## 7. HERITAGE:

The subject property is not located in a heritage area and none of the buildings are older than 60 years, therefore no heritage impact assessment is necessary.

## **8. TRAFFIC AND PEDESTRIAN MOVEMENT:**

The existing gravel road known as Olifantshoek Road terminates approximately 350 meters further ahead, leading to a dead-end. The property under consideration is situated in a remote area characterized by low vehicular traffic and minimal pedestrian activity. Presently, the primary access point to the property is via Olifantshoek Road. There is no need for additional vehicular access.

The property features an approved double garage for owner, providing sufficient parking capacity for visitors. Moreover, it complies with all the access and parking requirements stipulated in the George Integrated Zoning Scheme By-Law.

## **9. IMPACT ON NEIGHBOURING PROPERTIES:**

The request for a departure from the southern building line relaxation regulation does not exert any impact on adjacent properties. Given the expansive nature of properties within the concerned vicinity, the proposed additions, which the owner intends to construct, are largely inconspicuous and or unseen to the majority of neighbours. The owner proactively engaged with neighbouring property owners, taking the initiative to elucidate the scope of their proposed additions. Notably, **none** of the neighbours with properties designated as **ERF 98, 523, 103, 102, 304, 297, 298, 299, and 1014**, encompassing the vicinity of the owner's property, have expressed any concerns. Furthermore, all aforementioned neighbours have provided their endorsement, as substantiated in **Annexure 4**.

## **10. PUBLIC PARTICIPATION:**

Formal public participation process will be followed sending notice letters to the surrounding property owners informing them of the proposed development. A site notice will also be erected.

## **11. NEED AND DESIRABILITY:**

In the context of land use planning, desirability can be characterized as the level of approval or acceptance of a suggested development within the specific land area in question. This segment articulates the desirability associated with the proposed relaxation of the building line requirement. This assessment is conducted in conjunction with the principles and standards for development established within policies and planning frameworks. Additionally, the evaluation considers the extent to which this proposition aligns with the larger public interest. Our assessment indicates that the preliminary evaluation of the proposal's desirability does not reveal any evident adverse effects.

The existing requirement for additional development stems from the necessity to accommodate the growth of an expanding family unit. In this context, desirability encompasses the alignment of the proposed development with the present zoning regulations, ensuring that no supplementary implications arise that might detrimentally affect the larger public welfare. Moreover, the suggested application is deemed to be

consistent with the spatial policies, carrying no heightened potential for jeopardy or inconvenience to proximate properties.

## 12. POLICIES:

ERF 99 Hoekwil is zoned Agricultural Zone II (as shown in Fig 4 below) in terms of the George Integrated Zoning Scheme By-Law, 2017. In terms of this zoning, the erf may be used for the purpose of smallholding.

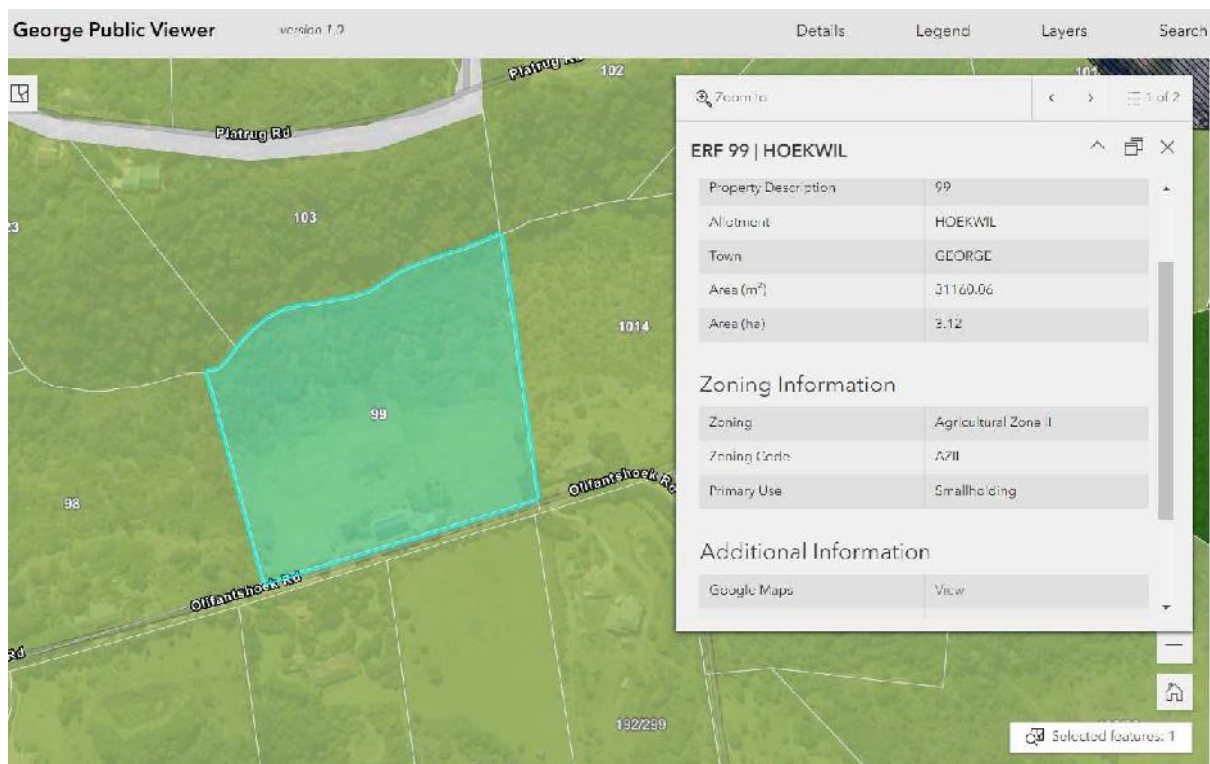


FIG 4: Current Zoning – Screenshot from George Public Viewer.

Application in terms of section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 for:

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### “SMALLHOLDING”

**Land use description:** “*smallholding*” means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.

### Development parameters:

Development parameters applicable to “agriculture” apply, except for building lines which are-

- 10 metres from any boundary in respect of properties smaller than 2 hectares, provided that a street building line of 5 metres applies to properties smaller than 5000m<sup>2</sup>;

- (b) 20 metres from any boundary in respect of properties smaller than 4 hectares;
- and
- (c) 30 metres from any boundary in respect of properties larger than 4 hectares.

In considering the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of spatial planning and land use management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the land use planning Act, 2014 (Act 3 of 2014\_ (LUPA).

SPLUMA is a framework law, which means that the law provides for a set of provincial laws that will regulate planning. It does not have much relevance to individual departure applications that are mostly site-specific. The principle of spatial justice for example requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The nature of this application cannot directly contribute to spatial reform. These matters are best addressed through spatial development frameworks and zoning schemes and other management systems.

It can be argued that being compatible with a Spatial Development Framework, the proposal will automatically comply with the principles of Spatial Justice, Spatial Efficiency, and Spatial Resilience. Furthermore, authorisation of the existing encroaching structures supports the principle of Good Administration.

### **13. CONCLUSION:**

As mentioned in this motivational report we believe that the above-mentioned principles, considerations and guidelines for this land use application for ERF 99 Hoekwil satisfies the applicable legislation. As a result, it is trusted that this application can be finalised successfully.







## **ANNEXURE - 1**

## POWER OF ATTORNEY

I, the undersigned appointed below Authorised Representative as legal representative for the submission of the application to act on my behalf and take the necessary steps as required by the Local Authority to ensure that the application complies with the conditions contained in the law on the By-Law on Municipal Land Use Planning for George Municipality, 2015, or any other applicable law.

OWNER NAME	M J Moul	ID NUMBER	G107095222185
ERF	99	EXTENSION AREA	Heekwil
AUTHORISED REPRESENTATIVE	R.S. SCOTT	ID NUMBER	6612085182083
SIGNATURE OF OWNER		DATE	04/08/2023
SIGNATURE OF AUTHORISED REPRESENTATIVE		DATE	04/08/2023

## **ANNEXURE - 2**

Jordaan, Van Wyk Attorneys  
 65 Main Road  
 P O Box 471  
 Sedgefield, 6573

Prepared by me

CONVEYANCER  
 HENNO NOTHNAGEL

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 22 500 000 -00	R. 1588 -00
Reason for exemption	Category Exemption.....	Exemption i.o. Sec/Reg..... Act/Proc.....

VERIFY  
 14-06-2019  
 DI OLIVIER

**VERREKENDE MORTGAGED**

VIR FOM R. 22 500 000 -00

B000012721 / 2019

13 JUN 2019

REGISTRAR

DATA / CAPTURE  
 14-06-2019  
 LINDA NCAPAI

T000023959 / 2019

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**THERESA OOSTHUIZEN**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

1. **NORMAN ERNEST MOUL**  
**Identity Number 320509 5085 18 1**  
**Married, which marriage is governed by the laws of ENGLAND**
2. **MARJORIE MOUL**  
**Identity Number 3408100088188**  
**Married, which marriage is governed by the laws of ENGLAND**

which said Power of Attorney was signed at HOEKWIL on 31 March 2019.

And the appearer declared that his/her said principal had, on 21 January 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**MARTIN JOHN MOUL**  
**Identity Number 610709 5222 18 5**  
**Married out of community of property**

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

ERF 99 HOEKWIL  
in the Municipality and Division of George  
Western Cape Province

IN EXTENT 2,9573 (TWO COMMA NINE FIVE SEVEN THREE) Hectares

FIRST TRANSFERRED by Deed of Transfer no T11549/1965 with Diagram No 3780/1961 relating thereto and Held by Deed of Transfer No T4137/2013

- A. SUBJECT to such conditions referred to in Deed of Transfer Number T4137/2013.
- B. SUBJECT FURTHER to the terms of Notarial Deed No. 134/1956 dated 30 November 1955 referred to in the endorsement dated 16 March 1956 on Deed of Transfer No. T5973/1952 which reads as follows:

"Kragtens Not. Akte Nr. 134/56 gedateer 30/11/55 is die Restant van Olifants Hoek Forest Reserve: 994, 2999 Hektaar hieronder gehou onderhewig aan die volgende voorwaardes:-

- (a) Sulke regte van opdam, stoor en waterleiding soos in die gesegde Not. Akte uiteengesit.
- (b) In Reg van pyplyn aangedui deur die letters A gekromde blou lyn b op serwituut kaart 8673/54.

- (c) Die reg van gebruik, hernuwing en instandhouding van gesegde installasies.

Watter voorwaardes opgelê is ten gunste van Ged. 22 ('n Ged. van Ged. 21) van die plaas Klein Krantz gehou onder T19388/54 soos meer breedvoerig sal blyk met verwysing na gesegde Not. Akte 'n afskrif waarvan hieraan geheg is."

- C. SUBJECT FURTHER to the terms of a Notarial Deed No. 136/1956 dated 6 September 1955 referred to in the endorsement dated 16 March 1956 on Deed of Transfer No. T5973/1952 which reads as follows:

"registrasie van Serwituut.

Kragtens Notariële Akte Nr. 136/1956 ged. 6/9/55 is die restant van Olifants Hoek Forest Reserve groot 994, 2999 Hektaar onder Para 1 hierin gehou, onderhewig aan 'n Serwituut reg van weg 7,56 meter wyd soos aangedui deur die letters Gy (oostelike grens) yH (noordelike grens) op kaart Nr. 4939/53 ten gunste van ged. 20 (ged. Van Perseel D) van die plaas Klein Krantz gehou onder T3585/56, onderhewig aan sekere voorwaardes soos meer volledig sal blyk met verwysing na gesegde Notariële Akte, 'n afskrif waarvan hieraan geheg is."

- D. SUBJECT FURTHER to the following uniform conditions contained in mentioned Certificate of Uniform Title No. T20225/1963 imposed by the Minister when giving his consent to issue the mentioned Certificate of Uniform Title namely:-

- (i) .....
- (ii) Die reg om grond te neem en materiaal te verkry en te verwyder vir die bou en herstel van openbare paaie;

Dit wil sê., alle besitsvoorwaardes en alle ander regte wat ten gunste van die Staat bestaan het, word uitgewis.

E. SUBJECT FURTHER to the following conditions contained in mentioned Deed of Transfer No. T11549/1955 imposed by the Administrator of the Province of Cape of Good Hope by subdivision in terms of Act 196 of Ordinance No. 15/1952, as amended, of the farm Olifantshoogte, which can be amended or relieved by him:-

- (a) Dit mag net vir woon-en landbouoelindes gebruik word.
- (b) Geen geboue uitgesonderd een woning vir gebruik deur 'n enkel familie tesame met die buitegeboue wat gewoonlik nodig is om in verband daarmee gebruik te word, mag op hierdie grond opgerig word nie.

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

- 1. **NORMAN ERNEST MOUL, Married as aforesaid**
- 2. **MARJORIE MOUL, Married as aforesaid**

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

**MARTIN JOHN MOUL, Married as aforesaid**

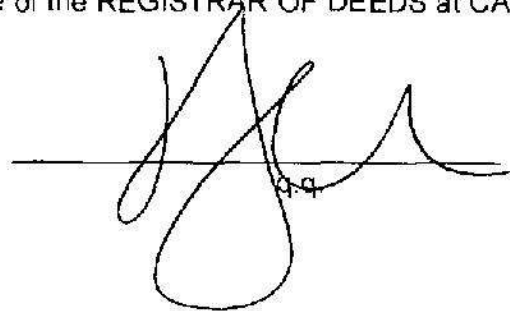
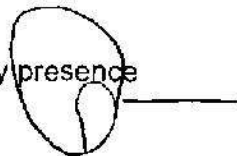
his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 250 000,00 (TWO MILLION TWO HUNDRED AND FIFTY THOUSAND RAND) .

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

13 JUN 2019

In my presence



REGISTRAR OF DEEDS

## **ANNEXURE - 3**



# de waal esterhuyse inc.

attorneys - notaries - conveyancers

registration number: 2012/047275/21

office c6 | leonardo park | link road | parklands  
postnet suite #252 | private bag x3 | bloubergrant | 7443

docex 9 blaauwberg

deeds office box 250

T 021 557 2967 F 086 402 4669

[www.esterhuyse.co.za](http://www.esterhuyse.co.za)

vat registration number: 4200260851

Our Reference: DE W ESTERHUYSE/tr

Your Reference: A JORDAAN

07 SEPTEMBER 2021

JORDAAN, VAN WYK ATTORNEYS INC.  
SEDFIELD

## **CONVEYANCER CERTIFICATE: ERF 99 HOEKWIL**

Our all inclusive fee for taking instructions, search at Deeds Office  
and preparing of the Conveyancer Certificate

R2 000-00

Postages & Petties

R 200-00

R2 200-00

15% VAT

R 330-00

TOTAL

R2 530-00

DE WAAL ESTERHUYSE INC  
NEDBANK TRUST ACCOUNT  
ACCOUNT NUMBER: 1027540767  
BRANCH CODE: 11860200

In Association with Ward Ward & Pienaar Cape Town

De Waal Esterhuyse B.Com LLB, Alison Lee Trentini BA LLB, Catharina Elizabeth Smyth BA LLB, Monica Smit BProc. LLB

## CONVEYANCER CERTIFICATE

I, DE WAAL ESTERHUYSE, a Conveyancer practising at DE WAAL ESTERHUYSE INC, MELKBOSCH STRAND certify that I have examined the deeds with respect to the undermentioned properties, namely:-

ERF 99 HOEKWIL  
IN THE MUNICIPALITY AND DIVISION OF GEORGE  
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 2,9573 (TWO comma NINE FIVE SEVEN THREE) HECTARES

HELD by Deed of Transfer Number T23959/2019

and have found that there are no restrictive conditions registered against such properties prohibiting it from being utilized for the extension of the existing residence;

and to apply for the above in terms of the provisions of the George Integrated Zoning Scheme By-law, 2017 (MPBL).

Provided that the buildings and use of the properties comply with the planning by-laws I am of the opinion that there are no conditions contained in Deed of Transfer Number T23959/2019 that prohibit the improvement of the property through the proposed land use applications in terms of Section 15(2) of the Land Use Planning BY Law for George Municipality.

SIGNED at MELKBOSCH STRAND on this 7<sup>TH</sup> day of SEPTEMBER 2021

  
DE WAAL ESTERHUYSE  
(LPCM 78531)

## **ANNEXURE - 4**



## **ANNEXURE - 5**

ONDERVERDELINGSKAART, ART. 24 (b), WET Nr. 9 VAN 1927.

Afgetrek van Plan 1789LD

	SYE Kaapse Voet	RIGTINGS- HOEKE
AB	543.52	250.58.20
BC	505.07	347.18.10
CD	583.70	72.44.13
DE	442.47	164.28.20
EA	80.63	219.15.40
Bb	18.0	179.23.10
Ee	10.0	164.28.20

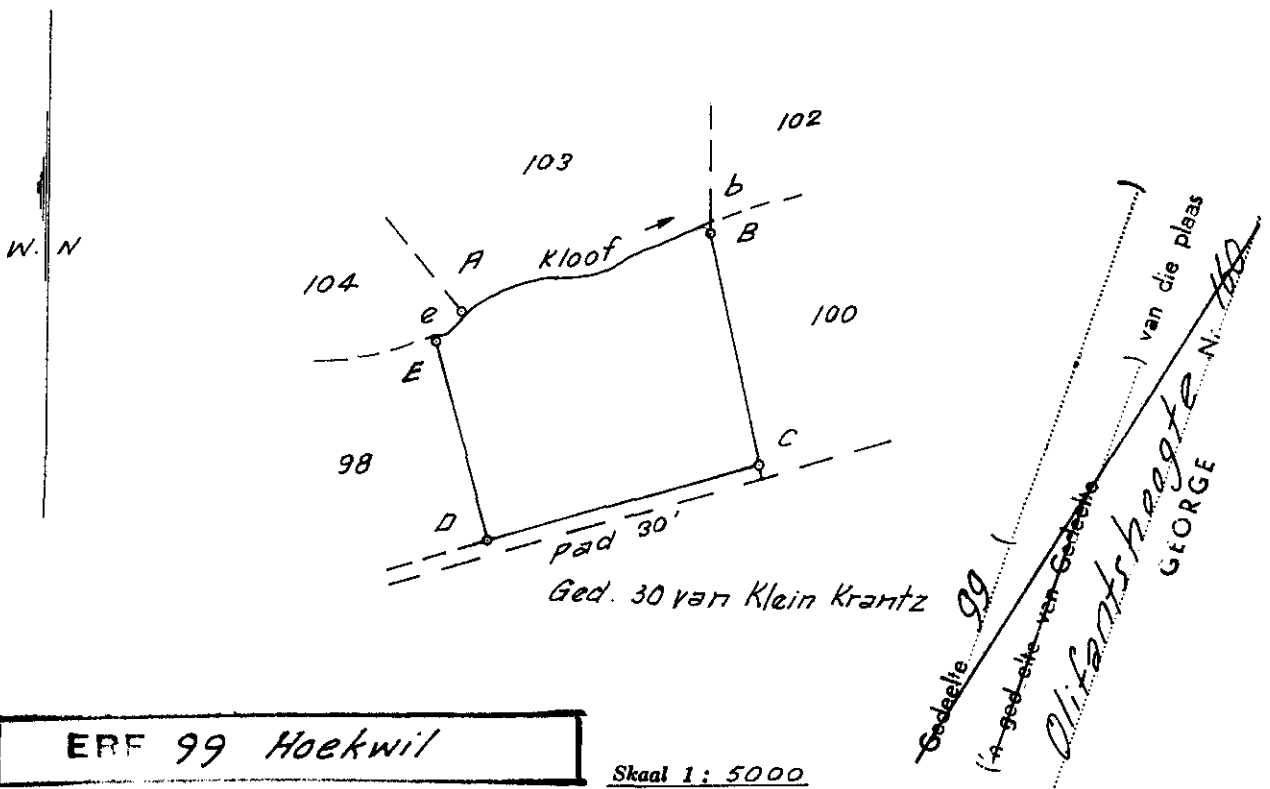
Nr. 3780161

Goedgekeur.

*J. van der Merwe*  
Landmeter-Generaal.  
19. 6. 1961

Beskrywing van Bakens:

ABCDE  $\frac{3}{4}$ " Ysterpen



**ERF 99 Hoekwil**

Skaal 1: 5000

Die figuur BCDE e middel van kloof b

stel voor

3.4526 Morge

grond synde

Gedeelte 99 van die plaas

OLIFANTSHOOGTE

geleë in die Afdeling George, Provinsie Kaap die Goeie Hoop.

Opgemeet in Julie 1956 — Desember 1959 deur my

*R. J. Barry*  
Landmeter.

Hierdie kaart is geheg aan

T/A 11549/65

Die oorspronklike kaart is

Nr. 5009/60 geheg aan

L.G. Lêr Nr. S/4924

Meetstukke Nr. E. 1091/60

Alg. Plan 1789LD

Gradevel BL-8CC

BL-8CD

Registrateur van Aktes

B & S.P.C.T.-A

**B**  
99  
160/99

## **ANNEXURE - 6**



**PBB OPS Shared Services  
Account Maintenance**

Mr MJ Moul  
P.O. Box 24  
Hoekwil  
6538

20 May 2021

Dear Sir/Madam

**Consent to proposed building line relaxation for additions to the existing dwelling and outbuilding**

**Account Number : 532352920**  
**In the Name of : Mr MJ Moul**  
**Property Description : Erf 99 Hoekwil, Western Cape**

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We are pleased to advise that the Standard Bank has no objection to your request, subject to our rights being protected and on the following conditions:

- Local municipality authority approval must be obtained.
- All municipal and town planning bylaws are to be adhered to
- The residential component is not compromised.
- A copy of the approved plan will have to be sent to the bank on receipt.
- The bank is not committing to finance new development.
- No buildings to be demolished without the Bank's consent.
- The correct Insurance must be applied.
- The building must comply with SBSA minimum specifications, should there be any further development.
- No additions or alterations to be done without the banks consent.
- The Bank is not committing to finance new development.
- Please note that the bank holds the right to withdraw or amend the given consent

Yours faithfully

Home Services  
Consultant After Sales  
**Standard Bank**  
Customer Contact Centre : +27 0860 123 001

**The Standard Bank of South Africa Limited (Reg. No. 1962/000738/06) Authorised financial services provider and registered credit provider (NCRCP15)**

**Directors:** TS Gcabashe (Chairman) L Fuzile\* (Chief Executive) PLH Cook A Daehnke\* MA Erasmus<sup>1</sup> GJ Fraser-Moleketi Xueqing Guan<sup>2</sup> GMB Kennealy JH Maree NNA Matyumza KD Moroka NMC Nyembezi ML Oduor-Otieno<sup>3</sup> AC Parker ANA Peterside CON<sup>4</sup> MJD Ruck SK Tshabalala\* JM Vice Lubin Wang<sup>2</sup>

**Company Secretary:** Z Stephen – 22/02/2021  
\*Executive Director <sup>1</sup>British <sup>2</sup>Chinese <sup>3</sup>Kenyan <sup>4</sup>Nigerian