



The Municipal Manager
P O Box 19
George
6530

Reference: Erven 4645 to 4647 Pacaltsdorp

28 April 2025

Sir

**APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITION OF TITLE,
CONSOLIDATION, REZONING, SUBDIVISION, PERMANENT DEPARTURE
(PARKING REQUIREMENTS): ERVEN 4645 TO 4647 PACALTSDORP**

Attached hereto, please find an application in terms of

- Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 for the removal of the endorsement on page 5 of Title Deed T795/87, the Title Deed of Erf 4645 Pacaltsdorp.
- Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 for the removal of the endorsement on page 5 of Title Deed T796/97, the Title Deed of Erf 4646 Pacaltsdorp.
- Section 15(2)(e) of the Land Use Planning By-Law for the George Municipality, 2023 for the consolidation of Erven 4645 to 4647 Pacaltsdorp.
- Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the consolidated erf from Resort Zone to a Subdivisional Area to allow for a group housing development comprising of the following:
 - 53 Residential Zone II erven (group housing at a density of ± 30 du/ha);
 - 1 Transport Zone III erf (private road); and

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SACPLAN REG No. A/1386/2010

- 1 Transport Zone II erf (public road).
- Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into:
 - 53 General Residential Zone II erven (Portions 1 to 53);
 - 1 Transport Zone III erf (Portion 54); and
 - 1 Transport Zone II erf (Portion 55).
- an application in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for the relaxation of the parking requirements applicable to group housing from 2 parking bays per dwelling unit to 1,25 parking bays per dwelling unit.

Your prompt consideration of the application will be appreciated.

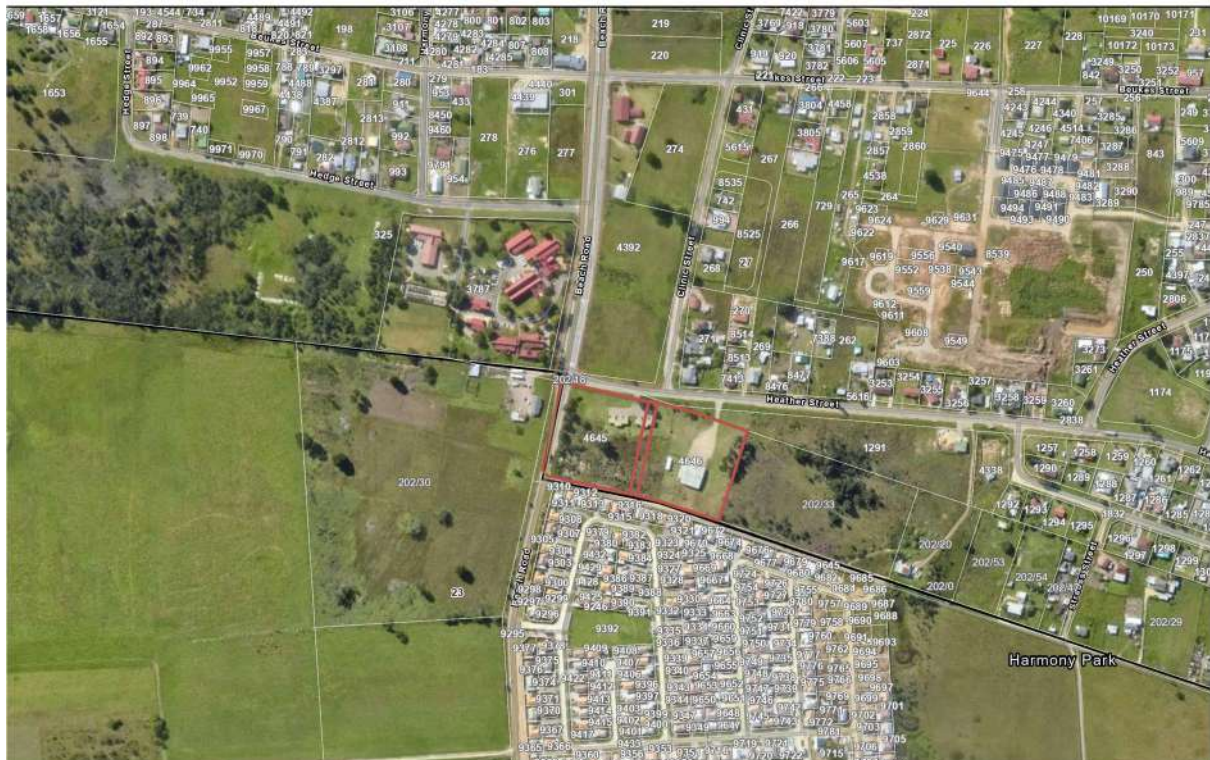
Thanking you in anticipation.

A handwritten signature in black ink, appearing to read 'J. Vrolijk', written in a cursive style.

Jan Vrolijk

MOTIVATION REPORT
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITION OF TITLE,
CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURE (PARKING
REQUIREMENTS)
ERVEN 4645 TO 4647 PACALTSDORP

28 April 2025



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MOTIVATION REPORT
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITION OF TITLE,
CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURE (BUILDING LINE)
ERVEN 4645 TO 4647 PACALTSDORP

1. BACKGROUND

Erven 4645 and 4646 Pacaltsdorp are separated from each other by Erf 4647 Pacaltsdorp. Erf 4647 Pacaltsdorp is a closed section of street which in terms of a letter dated 3 December 1993, from the then Pacaltsdorp Municipality, attached hereto as **Annexure "A"**, should have been transferred to the owner of Erven 4645 and 4646 Pacaltsdorp. However, as is clear from the letter from Milton Matsemela Oosthuizen Attorneys dated 1 December 2023, attached hereto as **Annexure "B"** the transfer never took place. Despite the fact that the transfer never took place, development did take place over the closed section of street as is evident from the aerial photograph below.



Erven 4645 and 4646 Pacaltsdorp and Erf 4647 Pacaltsdorp (the closed section of street) are thus currently being used as one entity.

Erf 1291 Pacaltsdorp, which is situated to the east of Erven 4645, 4646 and 4647 Pacaltsdorp, is also registered in the name of the same owner as Erven 4645 and 4646 Pacaltsdorp.

In terms of the attached letter from Milton Matsemela Oosthuizen Attorneys Attorneys, the Title Deed of Erf 1291 Pacaltsdorp contains inter alia the following conditions:

“B. 6. Hierdie erf mag alleenlik gebruik word om ‘n Ouetehuis/Kliniek of enige ander geboue wat die Administrateur van tyd tot tyd na oorleg met die dorpekommissie en die plaaslike owerheid goedkeur, daarop op te rig, met dien verstande dat indien die erf in die gebied van ‘n dorpsaanlegskema insgesluit is, die plaaslike owerheid enige ander gebruke wat deur die skema toegelaat word, kan toelaat onderworpe and die voorwaardes en beperkings wat in die skema bepaal word.”

7. *Behalwe met die voorafverkeë toestemming van die Administrateur –*

(i) mag hoogstens die helfte van die oppervlakte daarvan bebou word;

(ii) mag geen gebou or struktuur of enige gedeelte daarvan behalwe grensmure en heining nader as 5 meter vanaf enige grens van hierdie erf opgerig word nie.”

Erf 1291 Pacaltsdorp is furthermore subject to the following conditions imposed by and in favour of George Municipality, namely

C.1.(a) *Die transportnemer en sy opvolgers in title, sal nie die eiendom hierdeur oorgedra, verkoop aan ‘n derde party, alvorens die eiendom nie eers aan die Munisipaliteit George te koop aangebied word teen die oorspronklike koopprys daarvoor betaal deur die Transportnemer nie.*

(b) *Bogenoemde eiendom sal deel vorm van ‘n voorgestelde hotelterrein en sal hoofsaaklik aangewend word vir tuine en parkering. Indien die Transportnemer of sy opvolger in title te enigertyd die eiendom vir ‘n ander doen aanwend, sal die*

voorkoopsreg genome in voorwaarde 1(a) hierbo, mutatis mutandis van toepassing wees en sal die Munisipaliteit George daarop geregtig wees om aan te dring dat die eiendom op die koste van die transportnemer aan die Munisipaliteit George, teruggetranspoteer word.

C.2 Die eiendom hierby oorgedra en (i) ERF 4645 PACALTSDOR, in die Munisipaliteit en Afdeling van George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Trnasportakte Nr T795/1987 en (ii) ERF 4646 PACALTSDORP, in die Munisipaliteit en Afdeling van George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Trnasportakte Nr T796/1987, mag nie afsonderlik van mekaar vervreem word, sonder die skriftelike toestemming van Munisipaliteit George nie, welke toestemming gegee mag word op sodanie voorwaardes as wat die Munisipaliteit George wenslikmag ag om op te lê.“

A copy of the title deed of Erf 1291 Pacaltsdorp is attached hereto as **Annexure “C”**. The title deed of Erf 1291 Pacaltsdorp thus contains a condition which states that Erven 4645, 4656 and 1291 Pacaltsdorp may not be separately alienated without the consent of George Municipality.

Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp contains the following condition:

“By Deed of Transfer No T56438/98 the within property and Erf 4646 Pacaltsdorp measure: 8565 held by T796/1987 together with the remainder erf 1291 Pacaltsdorp measure: 1,1557 HA held by said deed of transfer may not be separately alienated without the consent of George Municipality as will more fully appear from said deed of transfer”

A copy of the title deed of Erf 4645 Pacaltsdorp is attached hereto as **Annexure “D”**.

Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp contains the following condition:

“By Deed of Transfer No T56438/98 the within property and Erf 4645 Pacaltsdorp measure: 8565 m² held by T795/1987 together with the remainder erf 1291 Pacaltsdorp measure: 1,1557 HA held by said deed of transfer, may not be separately alienated without the consent of George Municipality as will more fully appear from said deed of transfer”

A copy of the title deed of Erf 4646 Pacaltsdorp is attached hereto as **Annexure “E”**.

The title deeds of the three erven therefore contain specific conditions that will have a restrictive impact on the proposed development of Erven 1291, 4645 and 4646 Pacaltsdorp as set out in point 4 below.

An application was subsequently submitted by Milton Matsemela Oosthuizen Attorneys to the George Municipality requesting the cancellation of the restrictive title deed conditions set out above to allow the developer to develop Erf 1291 Pacaltsdorp for affordable housing and that consent be granted that Erven 1291, 4645 and 4647 Pacaltsdorp may be alienated separately. The last-mentioned application was considered at the e-Council meeting of 19 September 2024. A copy of the complete item presented to the Council for consideration is attached hereto as **Annexure “F”**.

The following resolution was taken by Council on 19 September 2024:

“RESOLVED

- (a) That Council **TAKE NOTE** of Regulation 7 of the Asset Transfer Regulations listed in the report and **CONFIRMS** that the factors listed have been taken into account in considering the proposed disposal;
- (b) That **IT BE DECIDED** that the unconstructed road Erf 4647 Pacaltsdorp, is not required for the minimum level of basic municipal service delivery in terms of Section 14(2) of the Municipal Finance Management Act, 2003 (act 56 of 2003);
- (c) That Council **CONDONE THE DECISION** of the then Pacaltsdorp and South Cape Regional Council to transfer Erf 4647 Pacaltsdorp to the owner of Erven 4645 and 4646 Pacaltsdorp on condition that the required procedures be undertaken to consolidate the three properties;
- (d) That the decision taken by the Executive Mayor-In-Committee held on 6 June 2007 regarding the waving of the pre-emptive right in respect of the Remainder of Erf 1291 Pacaltsdorp, **BE REVOKED AND RESCINDED**;

- (e) *That the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp and Erven 4645 and 4646 Pacaltsdorp listed in the report **BE APPROVED**, subject to:*
- (i) *The applicant pays the amount of R 2 215 000.00 plus VAT, which is the difference in value of the amount that they acquired the land for and the current market value of the property;*
 - (ii) *That the applicant be notified that this approval does not pre-empt any land use, town planning or any other approvals that may be required for the proposed development;*
 - (iii) *That, should the developer do not proceed with the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp within a period of three (3) years from the date of this decision, the Municipality may consider exercising its pre-emptive right to buy back the property at the original purchase price.*
- (f) *That transfer of the unconstructed road Erf 4647 Pacaltsdorp **BE ADVERTISED** for public comment and representations and for counter proposals;*
- (g) *That this approval be regarded as **FINAL APPROVAL** if no counter proposals for the utilisation of this non-viable unconstructed road Erf 4647 Pacaltsdorp is received to develop it for affordable housing;*
- (h) *That the applicant **BE RESPONSIBLE** for all costs, including the cancellation of the restrictive conditions, the consolidation and the rezoning of the properties, etc.*
- (i) *That it **BE NOTED** that the development of the consolidated Erven 4645, 4646 and 4647 Pacaltsdorp and the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp be considered as two separate processes.; and*
- (j) *That this approval is **SUBJECT THERETO**, that all administrative, technical and legal requirements are adhered to by the applicant.”*

A copy of the Council Resolution 19 September 2024 is attached hereto as **Annexure “G”**.

The transfer of the unconstructed road Erf 4647 Pacaltsdorp was subsequently advertised for public comment and representations and for counter proposals. No input was received in response to the advert. The necessary Deed of Sale has since been signed. A copy of the signed Deed of Sale is attached hereto as **Annexure "H"**. In terms of the letter attached to the signed Deed of Sale, Makhafola Incorporated Attorneys have been appointed to compile the necessary documents to transfer Erf 4647 Pacaltsdorp into the name of the owners of Erven 4645 and 4647 Pacaltsdorp.

Erf 1291 Pacaltsdorp does not at this moment form part of the application and a separate development proposal for this erf will be submitted in due course. The remainder of this report will thus deal with removal of restrictive condition of title, consolidation, rezoning, subdivision and departure (building line) applicable to Erven 4645, 4646 and 4647 Pacaltsdorp.

2. APPLICATION

- Application is made in terms of Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 for the removal of the endorsement on page 5 of Title Deed T795/87, the Title Deed of Erf 4645 Pacaltsdorp.
- Application is made in terms of Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 for the removal of the endorsement on page 5 of Title Deed 796/87, the Title Deed of Erf 4646 Pacaltsdorp.
- Application is made in terms of Section 15(2)(e) of the Land Use Planning By-Law for the George Municipality, 2023 for the consolidation of Erven 4645 to 4647 Pacaltsdorp.
- Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the consolidated erf from Resort Zone to a Subdivisional Area to allow for group housing development comprising of the following:
 - ⇒ 47 Residential Zone II erven (group housing at a density of ± 28 du/ha);
 - ⇒ 1 Open Space Zone II erf (private open space);
 - ⇒ 1 Transport Zone III erf (private road); and

- ⇒ 1 Transport Zone II erf (public road).
- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into:
 - ⇒ 47 Residential Zone II erven (Portions 1 to 27 and 29 to 48);
 - ⇒ 1 Open Space Zone II erf (Portion 28)
 - ⇒ 1 Transport Zone III erf (Portion 49); and
 - ⇒ 1 Transport Zone II erf (Portion 50).
- Application is made in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for the relaxation of the northern building line on Portions 9 to 21 from 3.0 metres to 1.5 metres and the eastern building line on Portion 21 to 27 from 3.0 metres to 1.5 metres to allow for the construction of dwelling units.

The proposed consolidation plan and subdivision plan is attached hereto as **Annexure “I”** whilst the completed application form for the removal of the restricted title conditions, consolidation, rezoning, subdivision and permanent departure (building line) is attached hereto as **Annexure “J”**.

3. PRE-APPLICATION CONSULTATION

The pre-application consultation discussion of the proposed application by the relevant officials of George Municipality took place on 8 December 2023. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

“Town Planning

- *A right of way servitude is proposed over Erf 1291, Pacaltsdorp to give access to 202/20 in another Pre-App. (Marika Vreken)*
- *Another Pre-Application was submitted on 202/33 (Marlize de Bruyn)*
- *It is advised to speak to the applicants as mentioned above to consider a roads structure/master /access plan for the area. Note that this could result in a combined TIA.*

- *A council resolution would be required to utilise Erf 1291, Pacaltsdorp for anything other than parking and gardening as per deed of transfer T56438/1998.*
- *The transfer of Erf 4647, Pacaltsdorp to be discussed with Properties Department.*
- *Need to address compliance with MSDF 2023, LSDF, SPLUMA, Zoning Scheme etc.*
- *Note that a sections of road portions to be given off as per the requirements of CES (Beach Road).*
- *Stacking distance, access, building lines, parking, manoeuvring space, refuse yard, open spaces and all other areas and dimensions to be indicated on the site layout plan.*
- *Development to be sensitive to the surrounding residential area and height to be reconcilable with the surrounding area.*
- *Services reports may be required.*
- *Please take cognizance of the new proposed Zoning Scheme, 2023 and changes to the development parameters*

Note:

- *Comprehensive Integrated Transport Plan (CITP) exercise regarding the development of Portion 20 & 33 of 202 and erven 4645, 4646 & 1291, Pacaltsdorp regarding provision of the internal road's layout may be required.*

CES

- To discuss access and services with CES

ETS:

- *To discuss services with ETS"*

The signed pre-application consultation form dated 8 December 2023 with the municipal comments on the proposal is attached hereto as **Annexure "K"**.

The George Municipality has, however, requested that, due to the fact that the pre-application is more than a year old, a new pre-application be submitted for consideration. A new pre-application was subsequently once again submitted on 7 April 2024. The discussion of the new pre-

application consultation by the relevant officials of George Municipality took place on 16 April 2024. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

“The pre application meeting dated 14 December 2023 and 9 April 2025 the refers.

Town Planning

- *To correct wording on the plan above (Not a road reserve servitude) See encircled in red.*
- *Need to address compliance with MSDF, LSDF, SPLUMA, Zoning Scheme etc.*
- *To specify if application is made for estate housing or general residential zone II? To address density, parking etc.*
- *Development to be sensitive to the surrounding residential area and height to be reconcilable with the surrounding area.*
- *Stacking distance, access, building lines, parking, manoeuvring space, refuse yard, open spaces and all other areas and dimensions to be indicated on the site layout plan.*
- *Services reports may be required.*
- *It is advised to discuss the proposal with CES prior to submission.*

CES

- *To discuss with CES.*

ETS

- *Report is required. DC's applicable.”*

The required amendment to the wording of the Site Development Plan regarding the “*road reserve servitude*” has been made. It is hereby confirmed that application is made for a General Residential Zone II development and not for Estate Housing.

The required Services Reports has been prepared in collaboration with CES and ETS as requested.

Compliance with the MSDF, LSDF, SPLUMA, Zoning Scheme etc, is addressed in various points throughout this motivation report.

A copy of the signed pre-application consultation form dated 16 April 2025 is attached hereto as **Annexure "L"**.

4. DEVELOPMENT PROPOSAL

4.1 Proposed land uses

It is the intention of the owner to consolidate Erven 4645 to 4647 Pacaltsdorp and to rezone the consolidated erf to a Subdivisional Area to allow for the consolidated erf to be developed with 47 General Residential Zone II (Group housing) erven, 1 Open Space Zone II erf (Private open space), 1 Transport Zone III (Private Street) and 1 Transport Zone II (Public street) erf as indicated on the subdivision plan below which is also attached hereto as **Annexure "I"**.



The owner intends developing the consolidated application erven with 47 group housing erven, ranging from $\pm 172\text{m}^2$ to $\pm 326\text{m}^2$ in extent, 1 private open space erf with a size of $\pm 941\text{m}^2$ as well as a proposed private street which will include an entrance control structure and a refuse yard.

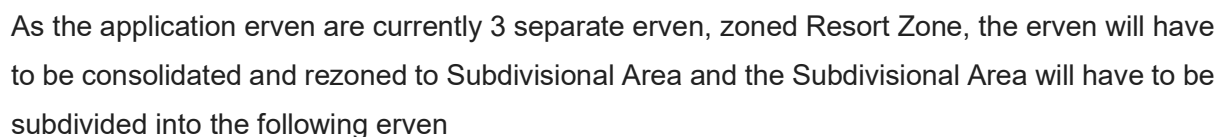
Provision is also made for a portion of public street on the western side of the development to accommodate the widening of Beach Road, as required in terms of the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015.

Two types of group housing units are proposed. The two different units will consist of two- and



three-bedroom units. The two-bedroom units will have a size of approximately 108m^2 and will consist of 2 bedrooms, two bathrooms, a separate toilet, an open-plan kitchen / lounge area, a carport with a further choice of adding a braai patio to the unit. The three-bedroom units will have a size of approximately 137m^2 and will consist of 3 bedrooms, two bathrooms, a separate toilet, an open-plan kitchen / living / dining area, a carport with a further choice of adding a braai patio to the unit.

The layout and positioning of the different dwelling units on the 47 group housing portions is indicated on the draft Site Development Plan below which is also attached hereto as **Annexure “N”**.



➡ 47 Residential Zone II erven (Portions 1 to 27 and 29 to 48);

- ⇒ 1 Open Space Zone II erf (Portion 28)
- ⇒ 1 Transport Zone III erf (Portion 49); and
- ⇒ 1 Transport Zone II erf (Portion 50).

to accommodate the proposed development.

4.2 Building lines

The proposed group housing units will adhere to the 3-metre street building line along the Heather Street and Beach Road erf boundaries.

The development will however be subject to a 1.5 metre building line along the unmade road which forms the southern boundary of the consolidated erf as well as along the eastern boundary of the consolidated erf. An application for the relaxation of these building lines will thus be necessary. The desirability of this application for relaxation of the building lines is dealt with in point 8 of this motivation report.

4.3 Parking requirements / provision

The parking requirements applicable to different land uses are set out in table format in Section 42 of the George Integrated Zoning Scheme, 2023.

In terms of the Table in Section 42 as per the George Integrated Zoning Scheme By-law, 2023, 2.0 parking bays must be provided for each dwelling unit with three or more habitable rooms. This includes 0.25 parking bays for visitors. As the dwelling units will all consist of more than three habitable rooms 2 parking bays need to be provided for each dwelling unit. Ninety four parking bays will thus be required for the 47 dwelling units.

As indicated on the proposed draft Site Development Plan attached hereto as **Annexure “N”**, it will be possible to provide 2 parking bays in the form of a carport and an open parking bay on all portions except on Portions 10, 27, 46, 47 and 48 where it will only be possible to provide 1 parking bay on each portion. The carports will adhere to the requirement that the opening to the carport must at least be setback 5 metres from the kerb of the internal road.

Five additional parking bays for Portions 10, 27, 46, 47 and 48 will be provided in the private road reserve as indicated on the proposed draft Site Development Plan.

It will thus be possible to adhere to the parking requirements within the boundaries of the development.

4.4 Open space requirement

Development parameter (d) of the development parameters applicable to “Group Housing” as per the George Integrated Zoning Scheme Regulations reads as follows:

“Within a group housing site, outdoor space of at least 50m² per dwelling unit must be provided, which may include private or communal open space or any functional outdoor space which is inaccessible to motor vehicles, but excludes roads, service yards and parking areas.”

In terms of the development proposal, and as indicated on the table on the draft Site Development Plan attached hereto as **Annexure “N”**, private open space ranging from ±50m² to ±125m² is to be provided on the individual erven. These areas exclude roads, service yards and parking areas. A separate private open space of ±941m² is also proposed.

The proposal thus complies with the open space requirement applicable to the development.

4.5 Access, street name and street addresses

One access point is proposed for the development of Heather Street. As indicated on the proposed subdivision plan, attached hereto as **Annexure “I”**, the individual group housing erven will gain access from a circular internal road which is linked via an entrance structure with Heather Road.

Provision is made for a stacking distance of 12 metres in the private street at the entrance from Heather Street to the development.

The private road will be transferred to the Homeowners Association to be established for the development who will be responsible for the maintenance of the private street.

It is proposed to name the private street Blue Crane Street. The plan attached hereto as **Annexure "O"** indicates the street name and the street addresses allocated to each individual erf. An application for approval of the street name has been submitted to the town planning section of the George Municipality and the necessary approval of the street name is being awaited.

Provision is also made for a portion of public street (Portion 50) on the western side of the development to accommodate the widening of Beach Road, as required in terms of the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015.

4.6 Service yards

Each erf will be provided with a small service yard which will make provision for a washing line and an area to place a refuse bin. The service yards are indicated on the draft Site Development Plan attached hereto as **Annexure "N"**.

4.7 Refuse area

A refuse area which can accommodate 47 wheelie bins is proposed at the entrance to the development. The refuse area will be accessible from Heather Street.

4.8 Phasing

The development will be developed as two phases as indicated on the subdivision and rezoning plan attached hereto as **Annexure "I"**.

4.9 Homeowners' Association Constitution

The proposed Homeowners Association Constitution for the development will be submitted for approval when the final site development plan and landscaping plan are submitted for approval.

4.10 Architectural guidelines

Architectural guidelines for the development will be submitted for approval when the final site development plan and landscaping plan are submitted for approval. The architectural guidelines will be based on the plans attached hereto as **Annexure “M”**.

4.11 Summary

The purpose of this application is to obtain approval for the proposed consolidation, rezoning, subdivision and permanent departure (building line) to enable the proposed development of the consolidated erf in accordance with the proposed site development plan.

5. GENERAL INFORMATION REGARDING ERVEN 4645 TO 4647 PACALTSDORP

5.1 Locality

Erven 4645 to 4647 Pacaltsdorp is situated on the southwestern corner of the junction of Heather Road with Beach Road in the southern section of Pacaltsdorp. The locality of the erven is indicated on the locality plan which is attached hereto as **Annexure “P”**.

5.2 Existing land use

Erf 4646 Pacaltsdorp is developed with a building which houses the Border Pub and Lounge. A large gravel parking area has been developed between the building and the Heather Street boundary of the erf. The photo below indicates the building and parking area.



This building is to be demolished to make way for the development proposal.

Six accommodation units have been developed on Erf 4645 Pacaltsdorp. As indicated on the aerial photo in point 1 above these units encroaches onto Erf 4647 Pacaltsdorp. The photo below indicates the 6 accommodation units. These units will be demolished to make way for the development proposal.



Two containers have been placed to the west of the abovementioned units and to the east of Beach Road. The photo below indicates the containers.



These containers are used as a tyre repair/fitment centre. This land use is illegal and will be terminated when the development is to commence.

5.3 Extent

Erf 4645 Pacaltsdorp is 8 565m² in extent, Erf 4646 Pacaltsdorp is 8 565 m² in extent whilst Erf 4647 Pacaltsdorp is 714m² in extent. The total area of the consolidated erf will therefore be 17 844m².

5.4 Present zoning

In terms of the George Integrated Zoning Scheme By-Law, 2023, the zoning of Erven 4645 to 4647 Pacaltsdorp is Resort Zone.

5.5 Surveyor General Diagrams

The Surveyor General Diagram of Erf 4645 Pacaltsdorp is attached hereto as **Annexure “Q”**. The Surveyor General Diagram of Erf 4646 Pacaltsdorp is attached hereto as **Annexure “R”**. The Surveyor-General Diagram of Erf 4647 Pacaltsdorp is attached hereto as **Annexure “S”**.

5.6 Title Deeds

Erven 4645 and 4646 Pacaltsdorp is registered in the name of Hansmoeskraal Enterprises CC Registration number CK86/15685/23. A copy of Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp is attached hereto as **Annexure “D”** whilst a copy of Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp is attached hereto as **Annexure “E”**.

Erf 4647 Pacaltsdorp is at present an unregistered erf which is in the process, by virtue of the signed the Deed of Sale attached hereto as **Annexure “H”**, being transferred in the name of Hansmoeskraal Enterprises CC Registration number CK86/15685/23.

Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp contains the following condition:

“By Deed of Transfer No T56438/98 the within property and Erf 4646 Pacaltsdorp measure: 8565 held by T796/1987 together with the remainder erf 1291 Pacaltsdorp measure: 1,1557 HA held by said deed of transfer may not be separately alienated without the consent of George Municipality as will more fully appear from said deed of transfer”

Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp contains the following condition:

“By Deed of Transfer No T56438/98 the within property and Erf 4645 Pacaltsdorp measure: 8565 m² held by T795/1987 together with the remainder erf 1291 Pacaltsdorp measure: 1,1557 HA held by said deed of transfer, may not be separately alienated without the consent of George Municipality as will more fully appear from said deed of transfer”

To allow for the development as proposed it will thus be necessary to have the mentioned conditions removed from Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp and Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp. The desirability of this application is being dealt with in point 7.5.8 of this Motivation Report.

5.7 Power of Attorney

A document certifying the names of the Members/Directors of Hansmoeskraal Enterprises CC Registration number CK86/15685/23, the registered owner of Erven 4645 and 4646 Pacaltsdorp, is attached hereto as **Annexure “T”**.

A Closed Corporation Resolution dated 22 April 2024 whereby, Nolan Leech Munsamy, in his capacity as a Member/Director of Hansmoeskraal Enterprises CC Registration number CK86/15685/23, is authorized to sign all documents pertaining to the development proposal is attached hereto as **Annexure “U”**.

A Power of Attorney, whereby Jan Vrolijk Town Planner / Stadsbeplanner is appointed by Nolan Leech Munsamy, in his capacity as the authorized Member/Director of Hansmoeskraal Enterprises CC Registration number CK86/15685/23, the registered owner of Erven 4645 and 4647 Pacaltsdorp, to prepare the application referred to in point 2 of this motivation report and to sign all relevant documents is attached hereto as **Annexure “V”**.

5.8 Bondholder's Consent

Erven 4645 to 4647 Pacaltsdorp are not encumbered by a bond.

5.9 Conveyancer Certificate

A Conveyancer Certificate in respect of Erven 4645 and 4646 Pacaltsdorp is attached hereto as **Annexure "W"**. The Conveyancer Certificate refers to the restrictive alienation conditions referred to earlier in the motivation report. These conditions will be removed. This aspect is dealt with in point 7.5.8 of this motivation report.

6. DESIRABILITY OF THE APPLICATION FOR THE CONSOLIDATION OF ERVEN 4645 TO 4647 PACALTSDORP

The owner intends to consolidate the three erven to enable the consolidated erf to be developed with a group housing complex. The extent of the consolidated erf will be 17 844m².

Specific issues which must be addressed in the motivation of applications are highlighted in the Land Use Planning By-Law for George Municipality, 2015. These issues are, however, aimed at more complex applications and are not applicable to lesser applications, such as applications for consolidation. The application for the consolidation of Erven 4645 to 4647 Pacaltsdorp can be deemed desirable (acceptable) for the following reasons:

- All three erven will have the same owner.
- The erven have the same zoning, namely Resort Zone I.
- The three erven are at present being used as an entity.
- The Title Deed of the erven does not prohibit consolidation.
- There are no bulk municipal services on the communal erf boundary, with the result that no Municipal services will be disrupted by the proposed consolidation.
- The proposed consolidation and rezoning of the application erven will result in a group housing development where all buildings and structures will be planned, designed and built as a harmonious architectural entity with special attention being given to aesthetics,

architectural coordination, urban design and landscaping, thus enhancing the quality of the surrounding area.

- The proposed consolidation will result in only 1 vehicular access being provided, which will reduce the number of access points, thus impacting positively on traffic movement and safety in the adjacent streets.
- Sufficient on-site parking will be provided.
- The proposed development resulting from the consolidation of the erven will add value to the utilization of the property and represents a substantial capital investment by the owner.
- The view of the properties to the south and north thereof will not be affected by the proposed consolidation as roads separate the proposed development from the developments to the south and north thereof.
- The privacy and amenity of the surrounding properties will not be affected by the proposed consolidation.
- The value of surrounding properties will not be negatively impacted upon by the proposed consolidation.
- The densification resulting from the consolidation of the mentioned erven could lead to an increase in the use of the Heather Street/Beach Road route of the “GO George” public transportation service.

The proposed consolidation will therefore not have a negative impact on the character of the surrounding development and will make a positive contribution to the surrounding area.

7. DESIRABILITY OF THE APPLICATION FOR THE REZONING AND SUBDIVISION IN RESPECT OF THE CONSOLIDATED ERF

7.1 Introduction

The owner intends to subdivide the consolidated erf into 50 portions. Portions 1 to 27 and 29 to 48 will be rezoned to General Residential Zone II, Portion 28 will be rezoned to Open Space Zone II, Portion 49 will be rezoned to Transport Zone III and Portion 50 will be rezoned to Transport Zone II.

The following stipulation appears in Section 20 of the Land Use Planning By-Law for the George Municipality, 2023:

“20(2) No application for subdivision involving a change of zoning may be considered by the Municipality unless the land concerned is zoned as a subdivisational area.

(3) An applicant may submit a subdivision application simultaneously with an application for rezoning.”

The proposed rezoning of the consolidated erf to a Subdivisational Area and simultaneous subdivision of the consolidated erf into the 50 separate portions will, therefore, comply with the aforementioned stipulations.

The desirability of both the proposed rezoning and subdivision will, therefore, be dealt with simultaneously in this report.

The term "desirability" in the land use planning context, may be defined as the degree of acceptability of the land uses on the land unit concerned. The desirability of the intended rezoning and subdivision shall be discussed with reference to the aspects listed below.

- Physical characteristics of the site.
- The proposed land uses.
- The compatibility of the proposal with existing planning documentation, spatial frameworks, legislation and policies.
- The compatibility of the proposal with the character of the surrounding area.
- Potential of the site.
- Accessibility of site.
- Availability of parking.
- Provision of services.

It will be indicated in the following paragraphs that the proposal can be regarded as being desirable as far as the mentioned aspects are concerned.

7.2 Physical characteristics of the property

7.2.1 Topography

According to the contours on the draft Site Development Plan the consolidated erf will have a natural 5-metre downward slope from the north-western corner to the south-eastern corner of the consolidated erf. This relates to a slope of 1:40. This slope is of such a nature that it will not have a negative impact on the proposed development and therefore does not restrict the proposed rezoning and subdivision as applied for in this application.

7.2.2 Surface conditions

Little information concerning the soil conditions in the area is available. The soil condition of the application erven seems stable. The existing structures on the erven do not appear to have construction anomalies relating to unstable soil conditions. It can, therefore, be accepted that the soil condition is suitable to accommodate the proposed development. There is as such no reason from this point of view why this application cannot be supported.

7.2.3 Vegetation

The consolidated erf consists of two distinct areas as far as vegetation is concerned.

The areas to the north of the Border Pub and Lounge and the six accommodation units consist of lawn and gravel areas used for parking purposes.

The area to the south of the Border Pub and Lounge and the six accommodation units is an untidy / unkept / unmaintained area which is overgrown with veld grass type of vegetation with Pine trees and small Wattle trees scattered throughout this area. The eastern boundary of the erf is lined with Gum trees whilst several trees are also found in the portion of the consolidated erf that is to be given off for the widening of Beach Road. To allow for the development as proposed all vegetation on the consolidated erf will have to be removed.

The photos below give an indication of the mentioned vegetation.





7.2.4 Other characteristics

The consolidated erf is not affected by flood lines, fountains or other unique ecological habitats.

7.2.5 Conclusion

From the contents of the above-mentioned paragraphs, there is no reason from a physical characteristics point of view why the application for rezoning and subdivision cannot be supported.

7.3 Proposed land uses

The owner intends to develop the consolidated erf with 47 General Residential Zone II erven (Portions 1 to 27 and 29 to 47), an Open Space Zone II erf (Portion 28), a Transport Zone III erf (Portion 49) as well a Transport Zone II erf (Portion 50).

The 47 General Residential Zone II erven will be developed with group housing units with sizes varying between $\pm 171\text{m}^2$ and $\pm 325\text{m}^2$ as indicated on the floor layout plans and elevation plans of the proposed group housing units

Portion 28 will have a size of $\pm 687\text{m}^2$ and will be developed as a private open space.

Portion 49 will be developed as a private street which gives access to all erven within the development perimeter.

Portion 50 will be developed as an extension of Beach Road and will thus form a public street.

7.4 Density of the proposed development

The total area of the consolidated erven is 17 844m². An area of approximately ±622m² is taken up by the proposed widening of Beach Road, along the western boundary of the consolidated erf, as required in terms of the Pacaltsdorp / Hansmoeskraal Local Spatial Development Plan, 2015. This leaves an area of approximately 17 222m² for actual development.

The proposed development of 47 group housing units relates to a density of approximately 28 dwelling units per hectare, which is compatible with the norm of 25 dwelling units per hectare, aimed at by the Department of Environmental Affairs and Development Planning.

The proposed density furthermore compares well with the density aimed at in Section 9.4 “*Densification in built-up area*” in the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015, which, inter alia, reads as follows:

“Group housing would be allowed anywhere in the identified residential areas at densities of 35 dwelling units per hectare.”

This aspect is discussed further in this motivation report under point 7.5.6: “Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015”.

7.5 Compatibility of the development proposal with existing planning documentation and policies

7.5.1 Introduction

Different planning documents apply to the application and the desirability and compatibility of the application regarding each of these documents will subsequently be discussed.

7.5.2 "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)"

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" lists 5 development principles which must be applied when any development application is to be evaluated. The principles referred to are as follows:

- "Spatial justice"
- "Spatial sustainability"
- "Spatial efficiency"
- "Spatial resilience"
- "Good administration"

Different development principles are identified under each of the 5 abovementioned principles which must be applied when a land use application is to be evaluated. The proposed application for rezoning and subdivision will subsequently be evaluated on each of the principles.

Spatial justice		
Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Complies with.	This application will result in 3 underdeveloped erven situated within the Urban Edge being developed to its full potential. The proposed development targets the lower-middle income group and will result in affordable housing being made available. It will also lead to more efficient use of land.

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.	Complies with.	George Municipality approved a Spatial Development Plan for George, 2023, as well as a Local Spatial Development Framework for Pacaltsdorp / Hansmoeskraal, 2015. Both these Spatial Development Frameworks contain development proposals which are aimed at improving the quality of life of all the inhabitants of George, thus creating the opportunity for approval of this application which will result in affordable housing being made available.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Complies with.	George Municipality approved the George Integrated Zoning Scheme By-Law, 2023, which contains zoning- and development parameters which guide the development of all erven in respect of type of structure allowed, land uses and building lines. These parameters enable the development of smaller erven, as proposed in this application, aimed at the need for affordable housing.
Land use management systems must include all areas of a municipality and especially include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homelands areas.	Complies with.	George Municipality approved the George Integrated Zoning Scheme By-Law, 2023, which contains zoning- and development parameters which guide the development of all erven in respect of type of structure allowed, land uses and building lines. These parameters enable the development of smaller erven, as proposed in this application, aimed at the need for affordable housing.
Land development procedures must include provisions that accommodate access to secure tenure and incremental upgrading of informal areas.	Not applicable.	This provision does not apply to this application, as no informal residential development is involved.

A Municipal Planning Tribunal, 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 is affected by the outcome of this application.	Not applicable.	As far as is known, the Eden Joint Planning Tribunal - George Municipality's discretion when considering applications is not affected by the value of land or property. Decision making is, as far as is known, based on the principles, as stated in Section 7 of the Spatial Planning and Land Use Act, 2013 (Act 16 of 2013).
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Spatial sustainability		
Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	Complies with.	The proposed development will have no impact on the fiscal, institutional or administrative capabilities of the George Municipality. The George Municipality's income base will in fact be broadened through this development proposal. The development proposal that forms the subject of the application is furthermore located within the urban edge of George and is earmarked for residential development in terms of the George Spatial Development Framework, 2023 and the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable.	Erven 4645 to 4647 Pacaltsdorp are zoned as indicated in point 5.4 of this Motivation Report. The provisions of the Act on the Subdivision of Agricultural Land, 1970 (Act 70 of 1970) therefore do not apply to the application.
Uphold consistency of land use measures in accordance with environmental management instruments.	Not applicable.	The proposed development does not trigger any listed activities in terms of environmental legislation.

<p>Promote and stimulate the effective and equitable functioning of land markets.</p>	<p>Complies with.</p>	<p>The application erven are situated in Oudorp, to the south west of the Pacaltsdorp CBD. The erven are situated on the “Go George” public transportation route in Beach Road and Heather Street. The area to the north is currently characterized by low to medium residential densities whilst the high density Mooikloof development is located to the south of Erven 4645 and 4646 Pacaltsdorp. The application erven are indicated for “Single Residential” development in the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, being situated to the south of the areas indicated for “High density” and “Medium density” residential development. Erven 4645 to 4647 Pacaltsdorp are however situated in the “Densification Zone” proposed along Beach Road on Map 37: “Composite Spatial Development Framework for the George City Area” in the George Spatial Development Framework, 2023 (GSDF). The owner intends to develop 47 group housing erven on the consolidated erf. The proposed density of 28 dwelling units per hectare is within the norm of 35 dwelling units per hectare in respect of group housing development. The proposed use of the application erf for group housing purposes, therefore, conforms with the objective of General Residential Zone II, which indicates that group housing “<i>may be located in single residential areas in places where an increased density is desirable, including along main roads, and also, preferably near to public open spaces.</i>” It is evident that the development proposed in this application will be compatible with the existing, as well as the future character of the surrounding area.</p>
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Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Complies with.	All infrastructure required for the development will be provided by the developer at his cost in accordance with municipal requirements.
Promote land development in locations that are sustainable and limit urban sprawl.	Complies with.	The property is in terms of the George Spatial Development Framework, 2019 and the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015 located within the urban edge of the George Municipal area and is in terms of the framework targeted for urban development. The proposal will thus not result in urban sprawl.
Result in communities that are viable.	Complies with.	Due to the high maintenance cost (labour, water and plants), as well as security risk associated with large properties, the development of large residential erven is increasingly considered not viable. This could lead to neglect, which could result in reducing property values in an area. The development of smaller erven, as is proposed in this application, can result in a vibrant and viable neighbourhood, which will have a positive effect on property values and the economy of George. This will result in additional income for the Municipality, which could be used for the improvement of quality of services to all the citizens of George.

Spatial efficiency		
Criteria	Compliance	Planning Implication

Land development optimises the use of existing resources and infrastructure.	Complies with.	The required infrastructure for the proposed development will be provided by the developer at his costs. The proposal will thus not result in infrastructure costs to any external parties. The proposal will thus not place any burden on municipal budget for the provision services infrastructure.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	Complies with.	In terms of the contents of this Motivation Report the proposed development will have no negative financial, social, economic or environmental impacts. The proposal will in fact have a positive effect on the upliftment of Pacaltsdorp. It will thus be possible to comply with any procedures which the George Municipality has designed to minimise negative financial, social, economic or environmental impacts.
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Complies with.	George Municipality has adopted the George Municipality: Land Use Planning Ordinance, 2023 which prescribes procedures and time frames developers must comply with when submitting land use applications, and which officials must consider when considering applications. This application has been prepared in accordance with the stipulations of the George Municipality: Land Use Planning By-law, 2023 and the application will therefore be handled and considered in accordance with the time frames as prescribed.

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.	Complies with.	The application erven are situated within the urban Edge of George, in an area indicated for further development in both the George Spatial Development Framework, 2023, and the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015.
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Good administration		
Criteria	Compliance	Planning Implication
All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.	This is general principle that municipalities need to comply with.	Input was received from all spheres of government when the George Spatial Development Framework was drafted. An integrated approach, guided by the spatial planning and land use management systems as embodied in this Act, was thus followed in the preparation of the George Spatial Development Framework. As the development proposal can be deemed to comply with the contents of both the George Spatial Development Framework, 2023 and the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015, it can be stated that the proposal complies with these specific criteria.
All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.	This is general principle that municipalities need to comply with.	Input was received from all government departments and sectors when the George Spatial Development Framework was drafted. An integrated approach, guided by the spatial planning and land use management systems as embodied in this Act, was thus followed in the preparation of the George Spatial Development Framework. As it can be deemed that the development proposal complies with the contents of the George Spatial

		Development Framework, 2023 and the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015, it can be stated that the proposal complies with this specific criterion.
The requirements of any law relating to land development and land use are met timeously.	This is general principle that municipalities need to comply with.	The George Municipality has adopted the George Municipality: By-law on Land Use Planning, 2023 which prescribes procedures and timeframes which developers must adhere to when submitting land use applications and which officials needs to take into consideration when considering applications. This application has been prepared in keeping with the requirements as per the George Municipality: By-law on Land Use Planning, 2023 and the application will from date of submission be dealt with and be considered within the timeframes prescribed in the by-law.
The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.	This is general principle that municipalities need to comply with.	This application will be advertised in accordance with the stipulations as contained in the George Municipality: By-law on Land Use Planning, 2023. All parties will be given the opportunity to participate in the public participation process and will be afforded the opportunity to provide input on the application.
Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.	This is general principle that municipalities need to comply with.	The George Municipality: By-law on Land Use Planning, 2023 contains clear procedures set to inform and empower members of the public. This application will be subjected to these procedures.

As can be seen from the table above, it can be argued that the proposal can be regarded as being compatible with the 5 development principles of SPLUMA.

7.5.3 "Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)"

In terms of the above Act, it is expected of a municipality to consider the compatibility of any development proposal with existing provincial and municipal spatial development frameworks and as well as more detailed local spatial frameworks.

Section 19(1) and 19(2) of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) which is relevant to this application reads as follows:

- 19(1) If a spatial development framework or structure plan specifically provides for the utilization or development of land as proposed in a land use application or a land development application, the proposed utilization or development is regarded as **complying** with that spatial development framework or structure plan.*
- 19(2) If a spatial development framework or structure plan does not specifically provide for the utilization or development of land as proposed in a land use application or a land development application, but the proposed utilization does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilization or development is regarded as being **consistent** with that spatial development framework or structure plan.”*

The compatibility of the development proposal with existing spatial development frameworks is addressed in points 7.5.4 to 7.5.6 of this report.

The development principles referred to in Section 59 of LUPA, which should also be considered when motivating an application, are directly in line with the principles of SPLUMA which have been discussed in detail in section 7.5.2 above. The comments in paragraph 7.5.2 are thus also relevant as far as Section 59 of LUPA is concerned.

7.5.4 Western Cape Provincial Spatial Development Framework (WC PSDF)

7.5.4.1 Introduction

The Western Cape Provincial Spatial Development Framework (WC-PSDF) not only provides for a new spatial development pattern for the Province but also clearly points out where

development may and may not take place. The provisions of the development framework must therefore be considered with any development proposal.

In terms of the framework, mention is made of several principles namely spatial justice, spatial sustainability, spatial resilience, spatial efficiency, accessibility and quality of life and good administration to which spatial planning must comply. The impact of the application on spatial justice, spatial sustainability, spatial resilience, spatial efficiency, has already been fully discussed in point 7.5.2 above and it has been shown that the proposed development complies with the mentioned principles.

Several policy statements are also highlighted in terms of the WC-PSDF which must specifically correlate with the mentioned principles. Some of the policy statements that are relevant to this town planning application will be addressed in the following points.

7.5.4.2 Protection of agricultural land

In terms of the WC-PSDF it is indicated that agricultural land must be protected. Erven 4645 to 4647 Pacaltsdorp are zoned Resort Zone and are not used for agricultural purposes. The relevant objective of the WC-PSDF is therefore not relevant to this application.

7.5.4.3 Urban edge

The WC-PSDF provides for a guideline which determines that towns should identify an urban edge, and that development should be restricted to areas inside the urban edge. The George Municipality identified an urban edge, and Erven 4645 to 4647 Pacaltsdorp fall within the identified urban edge. As such, the proposed development will not result in "urban sprawl". The proposal therefore meets the requirement of this guideline set out in the WC-PSDF.

7.5.4.4 Densification

In terms of the WC-PSDF, higher densities and more compact cities must be created. According to the framework, it is recommended that towns should densify to an average density of 25 units

per hectare with development densities of 3 to 6 units per hectare on the edge of a town and densities of between 40 to 60 units per hectare in the core of the urban area.

In the framework, it is highlighted that the density was decided upon following studies that were undertaken and which showed "that this is the minimum density at which urban settlements begin to significantly improve their urban performance."

According to the framework, the proposed density creates the following benefits:

- The ability to walk to several different destinations on foot.
- Improve surveillance and security.
- Employment and retail opportunities within easy distance.
- Vibrant and active streetscape.

The framework further states that "the figure of an average gross density of 25 du/ha should be seen as a hurdle below which urban settlements will not perform adequately, and above which a number of positive opportunities begin to be achievable."

According to the framework, increased densities are best applied in towns that are under development pressure and, according to the framework, increased densities is an important tool to counter urban sprawl. Although George is not subject to high development pressure and urban sprawl is not a problem at this stage, an application of this nature may contribute to limiting urban sprawl in the future.

According to the framework, the increased density and the combating of urban sprawl can be achieved through various development possibilities. Subdivisions of properties, the development of additional residential units as well as sectional title developments, demolition and redevelopment, high density residential areas, apartment blocks and infill are presented as possible means by which higher densities can be achieved.

The option of vacant land that is located within the urban edge of a town and that is targeted for residential development in terms of an approved spatial development framework has been identified to achieve the increased density and counteract urban sprawl. This specific proposal

involves the development of three erven located within the urban edge of George and targeted for residential development in terms of the George Spatial Development Framework, 2023 and the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015. This development proposal, which will be developed at an average density of approximately 28 units per hectare, will contribute to the fact that the density prescribed by the framework will eventually be achieved and that urban sprawl will be limited.

However, it is important to point out that densification must take place within acceptable areas and that it must not detract from the environment within which the densification is proposed. This development takes place within the urban edge of George as well as in an environment that is targeted for residential development in terms of the George Spatial Development Framework, 2023 and the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015. The objectives as prescribed in the development framework are therefore achieved with this application.

7.5.4.5 Public Transport

The WC-PSDF states that "non-motorised" and public transport should be promoted. Erven 4645 to 4647 Pacaltsdorp are located directly adjacent to a GO George bus route with a bus stop located directly adjacent to the erf. The erf is thus located within a public transport service PT 1 area as per the George Integrated Zoning Scheme By-law, 20323 in terms of which certain incentives regarding the provision of parking spaces are available to a development. The development proposal therefore also complies with the guideline contained in the WC-PSDF in this respect.

7.5.4.6 Summary

From the content of point 7.5.4 it seems clear that the application can indeed be considered compatible with the WC-PSDF.

7.5.5 George Spatial Development Framework, 2019 (GSDF)

Erven 4645 to 4647 Pacaltsdorp are located within the study area of the George Spatial Development Framework, 2023 (GSDF) and the framework therefore applies to this application.

Erven 4645 to 4647 Pacaltsdorp are however situated in the “Densification Zone” proposed along Beach Road on Map 37: “Composite Spatial Development Framework for the George City Area” in the George Spatial Development Framework, 2023 (GSDF).

In table 13: “Spatial Elements”, “*Residential Densification*” is explained as follows:

- *“Densification zones are areas within existing settlements where residential densification should be accommodated and promoted through appropriate mechanisms such as redevelopment, infill, subdivisions, second dwellings, sectional title, greenfield or brownfield development.*
- *Densification is promoted in all urban areas with specific focus on areas surrounding primary transport corridors and identified nodes. Density – measured as walking distance from public transport route (80u/ha (or more to be motivated) for 150m, 60u/ha in 151-350m and 45u for 351-500m”.*

Erven 4645 to 4647 Pacaltsdorp are situated directly adjacent to the main public transportation route in Beach Road. The erf, therefore, falls under the “80u/ha (or more to be motivated) for 150m” category. The application erf is currently vacant.

The proposed rezoning and subdivision of the application erf will result in 47 dwelling units being developed on the application erf, at a proposed density of approximately 28 dwelling units per hectare, which, although lower than that mentioned in the GSDF, is still substantially higher than the present density. The density proposed in this application is also in line with the density of a new development in Kloof Street and Beukes Street, to the east of the consolidated erf and the Mooikloof development to the south of the consolidated erf. The proposed density is therefore considered appropriate for the area concerned. The development as proposed in this application will also result in a mixture of residential opportunities being available in the area concerned.

Except for the indication that the application erf falls within the Urban Edge of George, as well as within the area identified for “*Densification*” and thus complies with the broader principle of

densification, the George Spatial Development Framework, 2023, contains no specific future development proposals for this area which could be used to evaluate the compatibility of a land use application with the Spatial Development Framework.

7.5.6 “Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework 2015”

The application erven are in an area which is indicated for “Single Residential” development on the “Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015” map. The following plan, which is a copy of an extract from the mentioned map, indicates the locality of the application erven in relation to the “Single Residential” development area.



A copy of the “Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015” map is also attached hereto as **Annexure “X”**.

The densification of existing built-up areas of Pacaltsdorp is addressed in Section 9.4 “*Densification in built-up area*”, which, inter alia, reads as follows:

“Pacaltsdorp and specifically the Oudorp area is characterized by very large properties with a resultant low density. Spatial reconstruction and development of efficient towns and cities require that urban areas densify significantly. Higher densities cannot be introduced everywhere but should be placed optimally and in areas where it will function efficiently. Higher density living always coincide with the business or CBD areas as this is where people work and where the greater need is as far as pedestrian and public transport. The Pacaltsdorp CBD and the area immediately around it is therefore the most appropriate place for flats and higher density apartment living.

Further away from the high density Pacaltsdorp CBD the most appropriate locality for higher density living is close or adjacent to the public transport routes or main distributors. The higher density living adjacent to these public transport routes would be in the form of “town housing” or developments between 35 and 60 dwelling units per hectare. The rest of the residential areas would be densified with infill on available pockets and redevelopment of areas. The density would be limited to “group housing” or developments up to 35 dwelling units per hectare.

This strategy should increase the very low density of Pacaltsdorp significantly, even to the desired overall average of 25 dwelling units per hectare. In summary therefore:

- *Blocks of flats and town housing – these high density residential areas would be allowed in identified areas along Beach Road, around the Pacaltsdorp CBD, as well as adjacent to other business nodes and public open spaces as identified on the structure plan map.*
- *Town housing only (no blocks of flats are allowed here) – identified properties along the bus routes: North street, East Street and Kloof Street and surrounding newly developed business nodes in the expansion area south of Pacaltsdorp. Town housing densities will be allowed at 60 dwelling units per hectare.*
- *Group housing would be allowed anywhere in the identified residential areas at densities of 35 dwelling units per hectare.*

A very important aspect in densification proposals is to ensure that an appropriate mix of residential opportunities are provided and that monotonous residential areas where any one specific land use dominates the landscape should be avoided.”

The application erven are situated in the area indicated for “Single Residential” development in the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015. Being situated adjacent Beach Road and Heather Street, which forms part of the “Go George” public transportation route, the proposed development, which makes provision for group housing development at a density of approximately 28 dwelling units per hectare, is in line with the stipulations in the densification strategy, namely that *“Group housing would be allowed anywhere in the identified residential areas at densities of 35 dwelling units per hectare.”*

This proposal

- will result in a mix of residential opportunities in the area,
- will be situated on the public transportation route; and
- relates to a density of approximately 28 dwelling units per hectare, which compares favorably with the density aimed at in the mentioned densification strategy.

The provision of group housing development on the consolidated erf, instead of ordinary single residential development, will be advantageous to the surrounding area, for the following reasons:

- Dwelling houses on Single Residential erven can be individually designed with different, contrasting facades and finishes, which, especially on such small erven, might have a negative impact on the surrounding development. In contrast to this approach, the *“Design principles”* applicable to group housing as stipulated in the George Integrated Zoning Scheme By-Law, 2023,, stipulates that:

“all buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping”.

The proposed group housing development will be subjected to more control over the aesthetic quality of the proposed development than in the case of single residential development, thus ensuring that it contributes to the ambiance of the surrounding development.

- The dimensions of the proposed group housing erven are of such a nature that adequate space is available on each individual erf to accommodate a group housing unit which will fit into the surrounding development.
- The application erf is situated in an area designated for “Single Residential” development in the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015. The proposed development of 47 dwelling units on the consolidated erf, relates to a density of 28 dwelling units per hectare. This density is therefore, in line with the density aimed at in Section 9.4 “*Densification in built-up area*” in the Local Spatial Development Framework, where it is stated that:

“Group housing would be allowed anywhere in the identified residential areas at densities of 35 dwelling units per hectare.”

It is, therefore, clear that the proposed use of the consolidated erf for group housing development, and the proposed density of approximately 28 dwelling units per hectare, are in line with the proposals for the area concerned, as stipulated in the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015.

In addition to adhering to the land use and density stipulations in the “Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015”, the proposed rezoning and subdivision also makes provision for the widening of the public street (Beach Road) on the eastern boundary of the application erven, as required in terms of the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015.

From the contents of this point, the proposal can be regarded as being in keeping and compatible with the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015 and that the proposed development can be allowed on the application erf.

As discussed in point 7.5.5 above, the area Erven 4645 to 4647 Pacaltsdorp are located in, is earmarked for densification in terms of the GSDF. As the GSDF is a 2023 document and the Blanco Local Spatial Development Framework, 2015 is a 2015 document it is taken that the

proposals as per the GSDF represents the present vision of the George Municipality for this specific area. The application should as such be evaluated in terms of the GSDF.

7.5.7 George Integrated Zoning Scheme By-Law, 2023

Erven 4645 to 4647 Pacaltsdorp are zoned Resort Zone in terms of the George Integrated Zoning Scheme By-Law, 2023. In terms of this zoning, the erven may each be used for resort purposes which includes tourist accommodation.

The owner intends to develop the consolidated application erf with 47 group housing erven.

To enable the consolidated erf to be developed in accordance with the development proposal, the consolidated erf will have to be rezoned to Subdivisional Area and the Subdivisional Area will then have to be subdivided into the following erven:

- 47 General Residential Zone II erven;
- 1 Open Space Zone 1 erf;
- 1 Transport Zone III erf; and
- 1 Transport Zone II erf.

The objective of the “General Residential Zone II” use zone is described as follows in the Land Use Table in Schedule 1 of the George Integrated Zoning Scheme By-Law, 2017:

“The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces.”

The consolidated erf is situated in an area which is indicated for “Single Residential” development but is situated along a public transportation route and in close proximity to the public open

spaces. The proposed use of the application erf for group housing purposes, therefore, conforms with the objective of General Residential Zone II, which indicates that group housing:

“may be located in single residential areas in places where an increased density is desirable, including along main roads, and also, preferably near to public open spaces.”

In terms of Schedule II of the mentioned By-Law, the following development parameters are applicable:

Development Parameter	Description	Adherence
Design principles	All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping.	Will be adhered to.
Density	The maximum gross density on a group housing site is 35 dwelling units per hectare.	The proposed density of approximately 28 dwelling units per hectare is within the norm of 35 dwelling units per hectare.
Height	The height of dwelling units may not exceed 6,5 metres to the wall plate and 8,5 metres to the ridge of the roof.	Will be adhered to.
Open spaces	Functional outdoor space, which excludes roads, service yards and parking areas, of at least 50m ² must be provided.	Will be adhered to.
	Public street boundary building line: 3 metres.	Will be adhered to.

Building lines along the perimeter of a group housing site	Side and rear boundary building lines: 3.0 metres.	Relaxation applied for along southern and eastern boundary.
Building lines within a group housing site	Internal roads: 0 metres, provided that garage doors facing the road must be 5 metres from the kerb of the road. Side and rear boundary building lines: 0 metres, unless a building line is required for firefighting purposes.	Will be adhered to.
Parking and access	1.75 Parking bays per dwelling unit for residents, plus 0,25 bays per unit for visitors.	Will be adhered to.
Site development plan	Must be provided.	Will be provided.
Service yard and refuse room	Must be provided.	Will be provided.

The proposed development will thus comply with the land use parameters applicable to a group housing development.

7.5.8 Title Deed

Erven 4645 and 4646 Pacaltsdorp are registered in the name of Hansmoeskraal Enterprises CC Registration number CK86/15685/23. A copy of Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp is attached hereto as **Annexure “D”** whilst a copy of Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp is attached hereto as **Annexure “E”**.

Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp contains the following condition:

“By Deed of Transfer No T56438/98 the within property and Erf 4646 Pacaltsdorp measure: 8565 held by T796/1987 together with the remainder erf 1291 Pacaltsdorp measure: 1,1557 HA held by said deed of transfer may not be separately alienated without the consent of George Municipality as will more fully appear from said deed of transfer”

Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp contains the following condition:

“By Deed of Transfer No T56438/98 the within property and Erf 4645 Pacaltsdorp measure: 8565 m² held by T795/1987 together with the remainder erf 1291 Pacaltsdorp measure: 1,1557 HA held by said deed of transfer, may not be separately alienated without the consent of George Municipality as will more fully appear from said deed of transfer”

To allow for the development as proposed it will thus be necessary to have the mentioned conditions removed from Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp

In terms of the mentioned conditions Erven 4645 and 4646 Pacaltsdorp together with Erf 1291 Pacaltsdorp may not be separately alienated. As it is the intention to develop Erven 4645 and 4646 Pacaltsdorp with 47 group housing units which will be separately alienated this condition places a restriction on the developability of Erven 4645 and 4646 Pacaltsdorp.

The title deeds of Erven 4645 to 4647 Pacaltsdorp were scrutinised, and it was found that both title deed contains a condition in favour of the George Municipality which places a restriction on how the owners may deal with the alienation of the erven.

The conditions mentioned have been registered in favour of George Municipality. The conditions have been imposed as a restriction on the two erven by the George Municipality.

A Conveyancer Certificate confirming the abovementioned is attached hereto as **Annexure “V”**.

It would as such only be possible to remove the two conditions by virtue of a George Municipal Council Resolution whereby it is resolved by the George Municipal Council that the condition cancelled.

In terms of an Ordinary e-Council Meeting held on 19 September 2024 it was resolved that the cancellation of the restrictive conditions of Erven 4645 and 4646 be approved. A copy of the Council Resolution dated 19 September 2024 is attached hereto as **Annexure “G”**, hence the application for removal of the restrictive conditions of title as indicated in point 2 of this motivation report.

7.5.9 Conclusion

From the above information it is clear that the application for rezoning, subdivision and removal of the restrictive conditions of title complies with the mentioned Planning Policies and Planning Guidelines and can be considered desirable.

7.6 Compatibility of the proposal with the character of the area

The application erven are situated in Oudorp, to the south west of the Pacaltsdorp CBD. The erven are situated on the “Go George” public transportation route in Beach Road and Heather Street. The area to the north is currently characterized by low to medium residential densities whilst the high density Mooikloof development is located to the south of Erven 4645 and 4646 Pacaltsdorp. The application erven are indicated for “Single Residential” development in the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, being situated to the south of the areas indicated for “High density” and “Medium density” residential development.

Erven 4645 to 4647 Pacaltsdorp are however situated in the “Densification Zone” proposed along Beach Road on Map 37: “Composite Spatial Development Framework for the George City Area” in the George Spatial Development Framework, 2023 (GSDF).

The owner intends to develop 47 group housing erven on the consolidated erf. The proposed density of 28 dwelling units per hectare is within the norm of 35 dwelling units per hectare in respect of group housing development. The proposed use of the application erf for group housing

purposes, therefore, conforms with the objective of General Residential Zone II, which indicates that group housing.

“may be located in single residential areas in places where an increased density is desirable, including along main roads, and also, preferably near to public open spaces.”

It is evident that the development as proposed in this application will be compatible with the existing, as well as the future character of the surrounding area.

7.7 Compatibility of the proposal with the natural environment of the property

The consolidated erf consists of two distinct areas as far as vegetation is concerned.

The areas to the north of the Border Pub and Lounge and the six accommodation units consist of lawn and gravel areas used for parking purposes.

The area to the south of the Border Pub and Lounge and the six accommodation units is an untidy / unkept / unmaintained area which is overgrown with veld grass type of vegetation with Pine trees and small Wattle trees scattered throughout this area. The eastern boundary of the erf is lined with Gum trees whilst several trees are also found in the portion of the consolidated erf that is to be given off for the widening of Beach Road. To allow for the development as proposed all vegetation on the consolidated erf will have to be removed.

It is however the intention to landscape the development in accordance with a landscaping plan to be approved by the George Municipality once the land use application has been successfully dealt with.

7.8 Potential of the property

Erven 4645 to 4647 Pacaltsdorp are zoned Resort Zone in terms of the George Integrated Zoning Scheme By-Law, 2023. The existing land use on the erven which consists of a pub/club and holiday accommodation are thus in keeping with the zoning of the three erven.

The application erven are situated adjacent Beach Road and are on the “Go George” public transportation route in Heather Street and Beach Road. The erven are also situated in the “Densification Zone” proposed along Beach Road on Map 37: “Composite Spatial Development Framework for the George City Area” in the George Spatial Development Framework, 2023 (GSDF).

The objective of General Residential Zone II indicates that group housing

“may be located in single residential areas in places where an increased density is desirable, including along main roads, and also, preferably near to public open spaces.”

As it is clear that the application erven are situated in a *place where an increased density is desirable*, the owner intends to develop 47 group housing erven on the consolidated properties. The proposed density of 28 dwelling units per hectare is within the norm of 35 dwelling units per hectare in respect of group housing development.

The rezoning and subdivision of the application erf, as proposed in this application, will therefore result in the erf being utilized at its maximum potential.

7.9 Access to the property

The application erf is situated on the south-eastern corner of the junction of Heather Street with Beach Road, in Oudorp, Pacaltsdorp. The erven are easily accessible from both the Pacaltsdorp and George CBD. The accessibility of the erven is enhanced by the fact that they are situated on the “Go George” public transport routes, Beach Road and Heather Street.

As indicated on the proposed subdivision plan, attached hereto as **Annexure “I”**, the individual group housing erven gain access from Heather Street via a single, 10.0 metres wide, private road across the consolidated erf. There is good visibility in both directions into Heather Road from the proposed access point and a stacking distance of 12 metres is provided.

7.10 Provision of parking

In terms of the Table in Section 42 as per the George Integrated Zoning Scheme By-law, 2023, 2.0 parking bays must be provided for each dwelling unit with three or more habitable rooms. This includes 0.25 parking bays for visitors. As the dwelling units will all consist of more than three habitable rooms 2 parking bays need to be provided for each dwelling unit. Ninety-four parking bays will thus be required for the 47 dwelling units.

As indicated on the proposed draft Site Development Plan attached hereto as **Annexure “N”**, each dwelling unit will be provided with a carport. These carports will adhere to the requirement that the opening to the carport must at least be setback 5 metres from the kerb of the internal road.

A second open parking space is provided on all the portions except for Portions 10, 27, 46, 47 and 48. Five open visitors parking bays are however provided in the road reserve as indicated on the draft Site Development Plan attached hereto as **Annexure “N”**.

It is clear that the provision of parking conforms with the requirement for on-site parking as set out in the George Integrated Zoning Scheme By-Law, 2023.

7.11 Traffic Impact Assessment

The owners appointed Urban Engineering, Consulting Civil and Structural Engineers to undertake a Traffic Impact Assessment for the proposed development on Erven 4645 to 4647 Pacaltsdorp. A copy of the complete Traffic Impact Assessment is attached hereto as **Annexure “Y”**.

Based on the findings of the report, the proposed development of Erven 4645 to 4647 Pacaltsdorp is supported from a traffic and transportation point of view, subject to the following recommendations made in the Traffic Impact Assessment prepared by Urban Engineering, Consulting Civil and Structural Engineers:

1. *The access control must be position in such a way that provides at least 12m stacking distance between the access control and the Heather Street road reserve.*

2. *If the current Heather Street upgrade does not include the construction of sidewalks, it is recommended that any possible road development contributions payable by this development, rather be used for the construction of a new UA compliant, asphalt surfaced sidewalk. The extend of the sidewalk construction should be a function of the value of the relevant road oriented development contribution. It is proposed that the sidewalk start at the Heather/Beach intersection and continue along Heather Street towards the proposed site access. The position of the sidewalk should make provision for a landscaped “furniture zone” as per the George Municipality Universal Design Guidance Note. (Min furniture Zone width = 1,2m, minimum sidewalk width = 1,8m)*
3. *Although not a condition pertaining to the development of erven 4645 and 4646, any possible road contributions applicable to the development of PTN 20 of Farm 202 could ideally also be used to continue with the UA compliant sidewalk referred in point 2 above.*
4. *Internal erf layouts must make provision for a 5m set back between the garage door and kerb of the internal road or private right of way servitude.*
5. *The George Municipality parking requirements specific to PT1 Areas should be adhered to.”*

There is no reason as such from a traffic point of view why the application cannot be approved.

7.12 Provision of services

The owners appointed Urban Engineering, Consulting Civil and Structural Engineers and De Villiers & Moore Consulting Engineers Electrical, Mechanical, Fire respectively, for the planning of the Civil and Electrotechnical Services in respect of the proposed development.

A copy of the Civil Engineering Services Report is attached hereto as **Annexure “Z”** whilst a copy of the Electrotechnical Engineering Services Report is attached hereto as **Annexure “AA”**.

Civil Engineering Services:

The findings of this report are summarized below:

1. *"It is the developer's intention to consolidate and subdivide erven 4645 and 4646 into 52 group housing erven.*
2. *The site has access to potable municipal water but the existing municipal bulk sewer line in Heather Street is situated along the high side of the site and the bulk of the site will not be able to drain towards the sewer line. A new bulk sewer line will therefore have to be installed to service the site. It is proposed that the new bulk line follows the GLS Master Plan and connects to the existing "Mooikloof" sewer manhole as indicated in ANNEXURE D.*
3. *Site access and the impact of the generated traffic on the public road network is addressed in a separate Traffic Impact Assessment.*
4. *Proposed internal reticulation plans have been attached as ANNEXURE D*
5. *Proposed George Municipality typical detail plans have been attached as ANNEXURE E."*

Electrotechnical Engineering Services:

The consultants concluded:

1. *"Impact on Existing Electricity Consumers*

The development will have no detrimental effect on the quality of supply to the existing consumers due to the fact that the development will be supplied by its own mini-substation which in turn will be supplied from the 11kV system.

2. *Impact on Distribution Authority Operating Costs*

The development will have no negative effect on the electrical costs of the distribution authority, due to the fact that the complete electrical infrastructure required for the development will be supplied and installed by the Developer.

3. *Impact on the Environment*

Services will be located within the road reserves to prevent additional disturbances of vegetation. The internal electrical infrastructure design will take into account energy saving

technologies which may include load control, the use of energy efficient lighting, the use of alternative means of water heating and inverter type HVAC equipment.

From the abovementioned reports it is clear that the proposed rezoning and subdivision of the application erf will not have a negative impact on the provision of services to the surrounding area. The proposal will result in more effective utilisation of existing municipal services, which is one of the objectives of the Western Cape Provincial Spatial Development Framework.

8. DESIRABILITY OF THE APPLICATION FOR PERMANENT DEPARTURE: (RELAXATION OF BUILDING LINE)

8.1 Introduction

Specific issues which must be addressed in the motivation of applications are highlighted in the Land Use Planning By-Law for George Municipality, 2015. These issues are, however, aimed at more complex applications and are not applicable to lesser applications, such as permanent departures in respect of building line relaxations and tandem parking.

This application will therefore be motivated with reference to the following aspects:

- *Compatibility of the proposal with the existing planning and land uses of the surrounding area.*
- *The impact that the proposal will have on the environment.*
- *The impact that the proposal will have on traffic and parking in the surrounding area.*
- *The impact that the proposal will have on surrounding facilities such as schools, open spaces and other community facilities, should the application result in an increase in the population of the area concerned.*
- *The impact that the proposal will have on the existing character of the surrounding area and the right of the inhabitants of the area in respect of property values, privacy, view, sunlight, et cetera.*
- *Provision of essential services.*

8.2 Existing planning in the area

As can be seen from the aerial photo below the area surrounding Erven 4645 to 4647 Pacaltsdorp consist of the Mooikloof high density residential development to the south, vacant land to the east, north west and west with existing lower density residential development located to the north-east. The surrounding area thus has a residential character with varying densities. It is foreseen that the vacant land surrounding Erven 4645 to 4647 Pacaltsdorp, because of its excellent locality in relation to the Go George public transport system, will eventually also be developed with higher density residential development. Higher density developments are normally, because of the size of the erven being smaller, associated with smaller building lines.



It is thus argued that the building lines as proposed can be accommodated within the existing and future character of the immediate surrounding area.

8.3 Impact on schools, open spaces and other community facilities

The proposed permanent departures will not result in an increase in the number of inhabitants of the proposed group housing complex beyond that which is accommodated in the zoning of

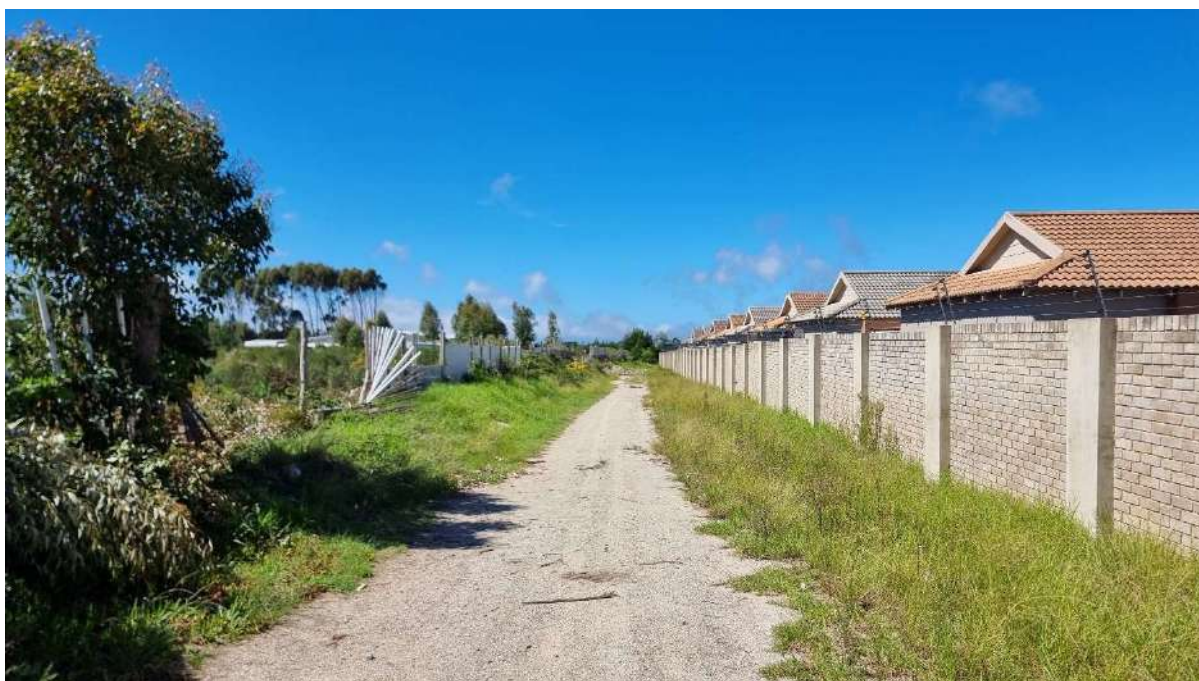
the property. Due to the proximity to the public transportation route, public transportation is available for commuting to schools, open spaces and other community facilities. As such, the relaxation of the building lines and tandem parking as applied for will not have an impact on schools, open spaces and other community facilities in the area. This aspect is therefore not relevant to this application.

8.4 Impact on sunlight, view and privacy

The building line relaxations as proposed are located along the southern and eastern boundary of the development.

Southern boundary

Mooikloof is located to the south of the development area with an approximately ten-metre-wide unmade street located between the proposed development and Mooikloof. The Mooikloof development is screened from this unmade road by a 2.1 metre solid brick wall. The unmade road and 2.1 metre brick wall referred to is clearly visible from the photo below.



From the photo it is clear that the sunlight, privacy and view of the dwelling units within the Mooikloof development area cannot at all be negatively affected by the proposed building line relaxation on Portions 9 to 21 located along the southern boundary of the proposed development area.

Eastern boundary

The area to the east of the proposed development area is at present vacant. The photo below indicates this vacant area.



It is as such not possible to evaluate the impact the building relaxation along the eastern boundary will have on any future development on this vacant land.

The proposed development on this vacant land will be screened from this development by a 1.8 metre brick wall. This wall will screen the proposed development from the future development on the vacant land and will ensure that the privacy, view and sunlight on any development on the vacant land will not be negatively affected.

It is as such clear that the permanent departures as applied for, on the proposed application erven, will have no impact on the sunlight, view or privacy of the existing Mooikloof development to the south and the future development on the vacant land to the east.

8.5 Impact on streetscape

The building line relaxations are located in such a position within the boundaries of the proposed development that it can have no effect on the streetscape of Heather Street and Beach Road. This point is thus not relevant as far as this application is concerned.

8.6 Impact on property values

As indicated in the previous paragraphs, the structures in respect of which the building line relaxations are required will not have a negative impact on any of the surrounding properties. The architectural design is sound, and the finishes will be of good quality. The proposed group housing will add value to the utilization of the consolidated erf and represents a substantial capital investment by the owner.

The value of surrounding properties cannot, therefore, not be negatively impacted upon by the departures as proposed in this application.

8.7 Impact on the provision of parking

The relaxation of the street boundary building lines as proposed in this application, although small in relation to the size of the consolidated property, contributes to creating more space within the proposed group housing development for the provision of parking. The provision of on-site parking will, therefore, not be negatively impacted upon by the relaxation of the building lines as proposed in this application.

8.8 Impact on traffic circulation

A single vehicular street access to the consolidated erf will be provided from Heather Street. The proposed vehicular access will be situated approximately in the centre of the street frontage of the consolidated erf. The entrance gate will be set back to 12.0 metres from the erf boundary, to provide sufficient vehicle stacking space at the entrance.

As the proposed group housing units will be situated behind security walls, the proposed relaxation of the boundary building lines to accommodate the proposed group housing units can have no negative impact on sight distances or traffic circulation in any direction in Heather Street.

8.9 Provision of services

The provision of Municipal services is dealt with in point 7.11 of this motivation report. The proposed building line relaxations as proposed in this application will not have any negative impact on the provision of services to the proposed group housing development.

8.10 Fire fighting

The fire-fighting requirements stipulated in the fire-regulations will not be negatively impacted upon as the application erven will still be fully accessible for fire-fighting purposes.

9. CONCLUSION

As indicated in this report the proposed applications are compatible with all existing planning documents, spatial plans, legislation and policy documents applicable to the applications.

The proposal will not have a negative impact on the environment, development, public facilities, traffic circulation or Municipal services in the surrounding area.

The applications can therefore be considered desirable and are submitted for consideration in terms of the relevant stipulations of the Land Use Planning By-Law for the George Municipality, 2023.

**ANNEXURE "A" – LETTER FROM PACALTSDORP MUNICIPALITY DATED 3
DECEMBER 1993**



07 DEC 1993

SUID-KAAP STREEKSDIENSTERAAD SOUTH CAPE REGIONAL SERVICES COUNCIL

YORKSTRAAT 54
POSBUS 12

GEORGE
6530

54 YORK STREET
P.O. BOX 1

14/2/1

K.A. Brown

George

TAKKANTOOR
BRANCH OFFICE
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6770

	KANTOOR OFFICE	PAIS ROADS	GESONDHEID HEALTH
GEORGE	(0441) 744942	744340	744240
KNYSNA	(0445) 21157		21157
MOSSELBAAI/BAY	(0444) 3503		3503
RIVERSDAL/E	(02933) 32438	32438	32438
HEIDELBERG	(02934) *		21441

FAX

(0441) 744942
*
(02913) 332

3 Desember 1993

Mnr Sakkie de Beer
Posbus 165
GEORGE
6530

Meneer

SLUITING VAN PAD TUSSEN GEDEELTES 27 & 28 HANSMOESKRAAL 202

U vorige skrywes Mnr de Beer/M113 het betrekking.

Ontvang asseblief ons verskoning dat hierdie aangeleentheid so lank gesloer het en dat beantwoording op hierdie laat stadium eers geskied.

Dankie vir die afskrifte van skrywes wat u per faksimilee op 18 November 1993 aan ons gestuur het. Die aangeleentheid is ook na die Raad se regsverteenvoerders verwys en hulle stem saam dat die vertolking van mnre Millers Ing rakende die prosedures wat gevolg moet word, korrek is.

Die regsmening dui ook aan dat oordrag dan kan geskied ingevolge Artikel 31 van die Akteswet (nr 47 van 1937), maar dat die Raad in besit moet wees van 'n diagram van die betrokke eiendom, opgestel deur 'n landmeter.

Graag word verneem of u klient oor sodanige diagram sou beskik.

Die uwe

C. Zietsman

C. ZIETSMAN
HOOF-UITVOERENDE BEAMPTTE
KAByh2

Korrespondensie moet aan die Hoof-Uitvoerende Beampte gerig word
Correspondence must be addressed to the Chief Executive Officer

**ANNEXURE "B" – LETTER FROM MILTON MATSEMELA OOSTHUIZEN ATTORNEYS
DATED 1 DECEMBER 2023**

ONS VERWYSING / OUR REFERENCE

U VERWYSING / YOUR REFERENCE

DATUM / DATE
1 December 2023

Dear Sir / Madam

**RE: LEGAL OPINION IN SUPPORT OF LAND USE APPLICATION IN
REGARD TO THE DEVELOPMENT OF ERVEN 4645, 4646 & 1291
PACALTSDORP.**

**CLIENTS: HANSMOESKRAAL ENTERPRISES CC
REDROCK DEVELOPMENT PTY (LTD)**

1. We refer to the above matter and confirm that we have received instructions to provide a legal opinion on the proposed development of erven 4645, 4646, (4647) and 1291 Pacaltsdorp in the municipality and administrative district of George.

Our clients are desirous to enter a joint venture for the purposes of the development of the said erven, to enable them to develop and sell 58 full- and 76 sectional title units to third party purchasers.

2. Development of Erven 4645, 4646 and (4647) Pacaltsdorp.

As mentioned above, our clients intend to develop 58 full-title units on erven 4645, 4646 and (4647) Pacaltsdorp.

Seperating erf 4645 and 4646, is a road 7,56 metres wide, that has been closed off and is currently known as erf 4647 Pacaltsdorp, as per attached deeds office property report and approved SG diagram No. 6111/1996.

As per page 2 of said SG diagram no. 6111/1996, the diagram represents a closed road and will be approved subject to the simultaneous registration of SG diagram no. 6112/1996, being erf 4394.

SG diagram no. 6112/1996 represents the consolidation of erven 4645, 4646 and 4647 into erf 4394 Pacaltsdorp.

However, it is evident from deeds office property report that erf 4394 Pacaltsdorp has not been registered at the deeds office as per SG diagram no. 6112/1996.

To facilitate the development, it is crucial to initiate the consolidation process by obtaing the necessary authorisation to transfer erf 4647 into the name of our client.

Once this transfer is complete, we can proceed with the consolidation of erven 4645, 4646 and 4647 into a single consolidated erf. As separate portions of land to be consolidated must be owned by the same person or entity.

Subsequently, we plan to subdivide the consolidated erf into the designated 58 full-title residential units and issue each with a certificate of registrered title.

The proposed development will involve the following key steps:

2.1 Transfer of Erf 4647 Pacaltsdorp:

Acquiring Erf 4647 Pacaltsdorp would be a prerequisite for the successful execution of the development project.

2.2 Rezoning:

Erven 4645, 4646 and 4647 Pacaltsdorp are all currently zoned as “resort zone” (RZ) and application would be brought to rezone these erven to “Residential Zone 2”.

2.3 Obtain consent from George municipality:

As per deed of transfer T795/1987, T796/1987 & T56438/1998, erven 4645, 4646 and 1291 may not be separately alienated without the consent of George municipality.

2.4 Consolidation of erven 4645, 4646 and 4647 into Erf 4394 Pacaltsdorp in terms of Section 40 of the Deeds Registries Act 47 of 1937:

Upon the successful transfer of Erf 4647 into the name of our client, we can proceed with the consolidation of erven 4645, 4646 and 4647 into a single erf, as per attached SG diagram 6112/1996, known as erf 4394 Pacaltsdorp.

2.5 Opening of a township register and registration of the general plan in terms of Section 46 of the Deeds Registries Act 47 of 1937.

The consolidated erf 4394 Pacaltsdorp will be subdivided into erven shown on a general plan, we shall furnish a copy of the general plan to the Registrar of Deeds, who shall register the plan and open a register in which all registrable transactions affecting the respective erven shown on the plan will be registered.

Full-title units are then offered for sale to the public with the help of an estate agent who markets the units.

3. Development of Erf 1291 Pacaltsdorp:

Furthermore, our clients intend to establish and register a sectional title scheme to develop 76 sectional title units on erf 1291.

Erf 1291 is currently zoned as "Transport Zone iii" (PZ 3) and an application would be brought to rezone Erf 1291 to "General Residential Zone iv" (GRZ4), to develop the said sectional title units.

As per deed of transfer T56438/1998, the necessary consent must also be obtained from the the Administrator and George municipality to develop more than half of the floor area and to use the property for another purpose, other than gardens and parking.

Thereafter, the following steps can be identified to establish the sectional title scheme:

3.1 Preparation of a draft sectional plan by a land-surveyor (Section 4 of the Sectional Titles Act 95 of 1986).

3.2 Approval of draft sectional plan by Surveyor-General (Section 7 of the Sectional Titles Act 95 of 1986):

When a draft sectional plan is submitted, a land-surveyor on behalf of the developer must submit the prescribed number of copies of the draft sectional plan to the Surveyor-General for his approval.

3.3 Application for opening of a Sectional Title Register (Section 11 of the Sectional Titles Act 95 of 1986):

After approval of the sectional plan by die Survey-General, the developer applies to the registrar of deeds for the:

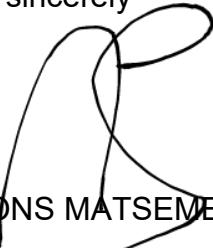
- a) Opening of a Sectional Title Register; and
- b) Registration of the sectional plan.

Once the sectional plan has been opened and registered in the deeds office, the sectional title units are then offered for sale to the public with the help of an estate agent who markets the units in the scheme.

4. In conclusion, the proposed development can proceed effectively by following the recommended steps outlined above and to ensure compliance with all applicable municipal by-laws and planning regulations.

Should you require further assistance or clarification on any aspect of this legal opinion, please do not hesitate to contact me.

Yours sincerely

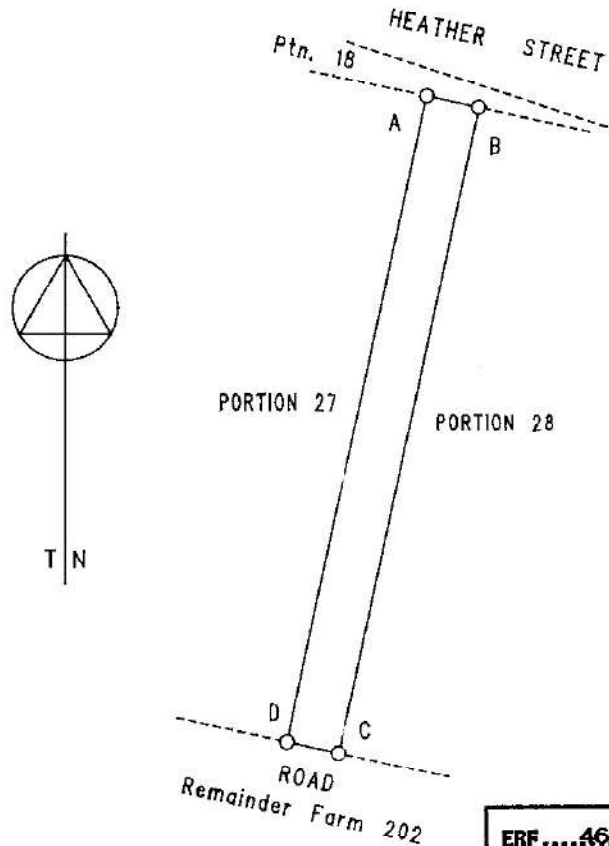
A handwritten signature in black ink, appearing to be 'N. Schoeman', written over the company name.

MILTONS MATSEMELA OOSTHUIZEN INC.

PER: N SCHOEMAN

TREVOR, BAILEY & SAVAGE

SIDES Metres		ANGLES		CO-ORDINATES System Lo 23° X		S.G. No.
AB	7,56	A	90 00 00			6111/1996
BC	94,46	B	90 00 00			Approved
CD	7,56	C	90 00 00			<i>M. J. C. Savage</i>
DA	94,46	D	90 00 00			Surveyor-General
						1996-08-28



ERF.....4647..Pacaltsdorp.....

Scale 1:1000

The figure A B C D
represents 714 square metres of land, being
PORTION ~~88~~ of the farm HANS-MOES-KRAAL No. 202
situate in the Administrative District of George
Province of ~~Cape of Good Hope~~ Western Cape
Framed in terms of Section 39 of Act 9 of 1927,
in May 1994 by me

G. S. Savage
PLS 0543
G S Savage Land Surveyor

This diagram is annexed to	The original diagram is	File No. GEOR 202
No.	No. 1145/1909	S.R. No. Framed
Dated	annexed to Grant	Comp. ALNC-1273 (M4471)
i.f.o.	No. Geo. G.15-4	
Registrar of Deeds		

Erf 4647 Pacaltsdorp

6111/95

SOUTH CAPE REGIONAL SERVICES COUNCIL
SUBDIVISION EXEMPT FROM THE PROVISIONS
OF SECTION 25 IN TERMS OF SECTION 23
OF ORDINANCE 15 OF 1985.

Suid-Kaap Streeksdiensteraad
South Cape Regional Services Council

Hofmeester
Chief Executive Officer



EXEMPT FROM PROVISIONS OF ACT
70 OF 1970
SECTION 1(b)

THIS DIAGRAM REPRESENTS A
.....CLOSED ROAD

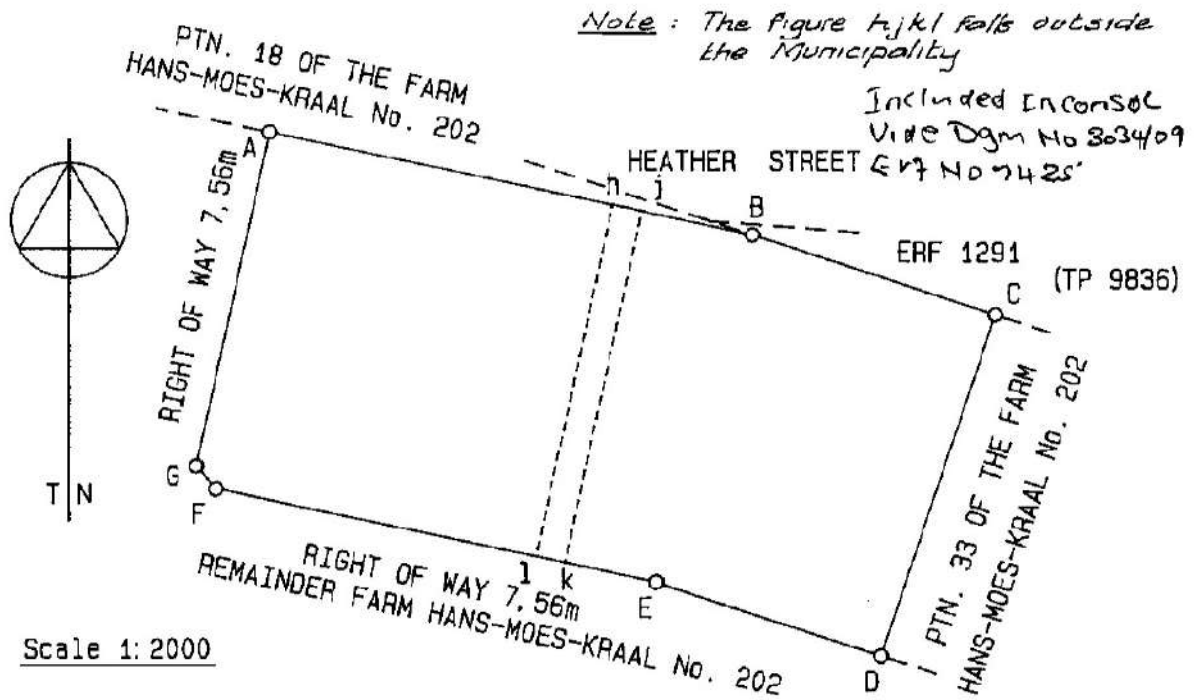
EXEMPT FROM PROVISIONS
OF CHAPTER III
OF ORD. 15/1985

Road Closure

APPROVED SUBJECT TO SIMUL-
TANEOUS REGISTRATION OF
DIAGRAM 6112/96
BEING Erf 4394

SIDES Metres		ANGLES		CO-ORDINATES System Lo 23° X		S.G. No.
				Y		6112/1996
AB	127,65	A	90 00 00			Approved <i>MR. C...</i> f Surveyor-General 1996-08-28
BC	66,45	B	173 54 40			
CD	94,46	C	90 00 00			
DE	61,43	D	90 00 00			
EF	116,32	E	186 05 20			
FG	7,87	F	143 07 50			
GA	89,73	G	126 52 10			

1. The figure A h l F G represents Erf **4645** Pacaltsdorp vide Diagram 2598/1926 annexed to Deed 1926.181.9008
2. The figure j B C D E k represents Erf **4646** Pacaltsdorp vide Diagram 2599/1926 annexed to Deed 1926.181.9008
3. The figure h j k l represents Erf **4647** Pacaltsdorp vide Diagram **6111/96** annexed to Deed



The figure A B C D E F G
represents 1,7844 hectares of land, being

ERF 4394 PACALTSDORP and comprises 1 to 3 above
situate ^{partly} in the Municipality and
Administrative District of George
Province of ~~Cape of Good Hope~~ Western Cape
Compiled in March 1995 by me

G. Savage
Professional Land Surveyor
G S Savage PLS 0543

This diagram is annexed to
No.
Dated
i.f.o.

Registrar of Deeds

The original diagrams
are as quoted above

File No. Geor. 202
S.R. No. Compiled

Comp. ALNC-1273 (M4471)

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SEARCH CRITERIA

Search Date	2023/12/07 14:51	Erf Number	4394
Reference	-	Portion Number	-
Report Print Date	2023/12/07 14:51	Deeds Office	Cape Town
Township	PACALTSDORP	Search Source	Deeds Office

THERE IS NO INFORMATION AVAILABLE THAT MATCHES YOUR SEARCH CRITERIA.

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SEARCH CRITERIA

Search Date	2023/11/24 14:41	Erf Number	4645
Reference	-	Portion Number	-
Report Print Date	2023/11/24 14:50	Township Remaining Extent	NO
Township	PACALTSDORP	Search Source	Deeds Office
Deeds Office	Cape Town		

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T9008/1926
Township	PACALTSDORP	Local Authority	PACALTSDORP MUN
Erf Number	4645	Province	WESTERN CAPE
Portion Number	0	Remaining Extent	NO
Registration Division	GEORGE RD	Extent	8565.0000SQM
Previous Description	-	LPI Code	C02700070000464500000
Suburb / Town**	-	Co-ordinates (Lat/Long)**	-

OWNER INFORMATION (1)

HANSMOESKRAAL ENTERPRISES C C		Owner 1 of 1	
Company Type**	CLOSE CORPORATION	Document	T795/1987
Registration Number	CK86/15685/23	Microfilm / Scanned Date	-
Name	HANSMOESKRAAL ENTERPRISES C C	Purchase Price (R)	10 000
Multiple Owners**	NO	Purchase Date	1985/03/04
Multiple Properties**	NO	Registration Date	1987/01/09
Share (%)	-		

ENDORSEMENTS (3)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	VA8911/2019	HANSMOESKRAAL ENTERPRISES C C	-	-
2	FARM GE 202/27	-	-	1985 003 2 :18:76
3	RENUM FROM: GEORGE R	D ERF: 0000202	-	-

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HISTORIC DOCUMENTS (2)				
#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	I-10154/96LG	-	-	-
2	T5554/1970	SCHARFETTER HANS OTTO LEO	Unknown	-

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SEARCH CRITERIA

Search Date	2023/12/07 14:49	Erf Number	4646
Reference	20033115/IV	Portion Number	-
Report Print Date	2023/12/07 14:49	Deeds Office	Cape Town
Township	PACALTSDORP	Search Source	Deeds Office

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T9008/1926
Township	PACALTSDORP	Local Authority	PACALTSDORP MUN
Erf Number	4646	Province	WESTERN CAPE
Portion Number	0	Extent	8565.0000SQM
Registration Division	GEORGE RD	LPI Code	C02700070000464600000
Previous Description	-	Co-ordinates (Lat/Long)**	-
Suburb / Town**	-		

OWNER INFORMATION (1)

HANSMOESKRAAL ENTERPRISES C C		Owner 1 of 1	
Company Type**	CLOSE CORPORATION	Document	T796/1987
Registration Number	CK86/15685/23	Microfilm / Scanned Date	1998 049 3 :55:05
Name	HANSMOESKRAAL ENTERPRISES C C	Purchase Price (R)	10 000
Multiple Owners**	NO	Purchase Date	1985/03/04
Multiple Properties**	NO	Registration Date	1987/01/09
Share (%)	-		

ENDORSEMENTS (3)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	I-10154/96LG	-	-	-
2	FARM GE 202/28	-	-	1985 003 2 :18:77
3	RENUM FROM: GEORGE R	D ERF: 0000202	-	-

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HISTORIC DOCUMENTS (1)				
#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	T5555/1970	SCHARFETTER SIEGFRIED CURT	Unknown	-

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**** ASTERISKS INDICATE THE INFORMATION IS ENRICHED FROM THE WINDEED DATABASE.**

SEARCH CRITERIA

Search Date	2023/12/06 09:35	Erf Number	4647
Reference	-	Portion Number	-
Report Print Date	2023/12/06 12:01	Deeds Office	Cape Town
Township	PACALTS DORP	Search Source	Deeds Office

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	DU 1000/800
Township	PACALTS DORP	Local Authority	PACALTS DORP MUN
Erf Number	4647	Province	WESTERN CAPE
Portion Number	0	Extent	800.0000DUM
Registration Division	GEORGE RD	LPI Code	C02700070000464700000
Previous Description	-	Co-ordinates (Lat/Long)**	-
Suburb / Town**	-		

OWNER INFORMATION

No owner information to display

ENDORSEMENTS (2)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	I-10154/96LG	-	-	-
2	FMLY-GE RD 202/88	-	-	-

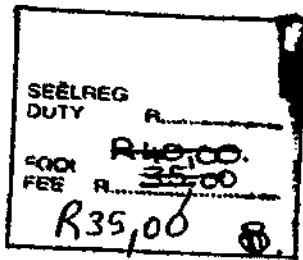
HISTORIC DOCUMENTS

No historic documents to display

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ANNEXURE “C” – TITLE DEED OF ERF 1291 PACALTSDORP



Opgestel deur my,
[Signature]
TRANSPORTBESORGER
HAYCOCK N

[Signature]

T 56438 98

TRANSPORTAKTE

SY DIT KENNELIK AAN ALMAL WIE DIT MAG AANGAAN

Dat ELIZABETH JOHANNA McCAUL

verskyn het voor my, Registrateur van Aktes te KAAPSTAD, hy die gesegde
Komparant synde daartoe behoorlik gemagtig deur 'n volmag geteken te GEORGE
op 20ste Maart 1998
aan hom verleen deur

MUNISIPALITEIT GEORGE

welke volmag, geteken in die teenwoordigheid van getuie ooreenkomstig die Wet, my
hede getoon is:

En die Komparant het verklaar dat voormelde TRANSPORTGEWER waarlik en wettiglik verkoop het op 4 MEI 1992 en dat hy, in sy hoedanigheid as voormeld hiermee in volle en vrye eiendom sedeer en transporteer aan en ten behoewe van

HANSMOESKRAAL ENTERPRISES CC
CK No 86/15685/23

of hul Gemagtides

RESTANT ERF 1291 PACALTSDORP
IN DIE MUNISIPALITEIT EN ADMINISTRATIEWE DISTRIK VAN GEORGE
DIE PROVINSIE WES-KAAP

GROOT 1,1567 (EEN KOMMA EEN VYF SES SEWE) HEKTAAR

Oorspronklik geregistreer en steeds GEHOU kragtens SERTIFIKAAT VAN GEREGISTREERDE TITEL NR T19289/1991 met Kaart Nr. 8202/90 wat daarop betrekking het.

- A. ONDERHEWIG aan die volgende voorwaardes vervat in Akte van Toekenning Nr 48 gedateer 16 November 1964:
- (a)
 - (b) Alle regte op minerale op of onder die grond word aan die Staat voorbehou.
- B. ONDERHEWIG VERDER, soos vervat in Sertifikaat van Geregistreerde Titel Nr T19289/1991, aan die volgende voorwaardes opgelê deur die Administrateur kragtens Ordonnansie Nr 33 van 1934 by goedkeuring van die stigting van die Dorp Pacaltsdorp Uitbreiding Nr 8, naamlik:
- 1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nr 623 van 14 Augustus 1970.
 - 2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalinge daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgevat word as sou dit die bepalinge van Artikel 146 van Ordonnansie Nr 15 van 1952, soos gewysig, vervang nie.

3. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.
 4. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteits-, telefoon- of televisiekabels of -drade en hoof- en/of ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie dorp, oor hierdie erf gevoer word indien dit deur die plaaslike of 'n ander statutêre owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogemelde aan te lê, te wysig, te verwyder of te inspekteer.
 5. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.
 6. Hierdie erf mag alleenlik gebruik word om 'n Ouethuis/Kliniek of enige ander geboue wat die Administrateur van tyd tot tyd na oorleg met die dorpekommissie en die plaaslike owerheid goedkeur, daarop op te rig, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander gebruike wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.
 7. Behalwe met die voorafverkreë toestemming van die Administrateur-
 - (i) mag hoogstens die helfte van die oppervlakte daarvan bebou word;
 - (ii) mag geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings nader as 5 meter vanaf enige grens van hierdie erf opgerig word nie.
- C. ONDERHEWIG VERDER aan die volgende voorwaardes opgelê deur, en ten gunste van MUNISIPALITEIT GEORGE, naamlik:
1. (a) Die Transportnemer en sy opvolgers in titel, sal nie die eiendom hierdeur oorgedra, verkoop aan 'n derde party, alvorens die eiendom nie eers aan die Munisipaliteit George te koop aangebied word teen die oorspronklike koopprys daarvoor betaal deur die Transportnemer nie.
 - (b) Bogenoemde eiendom sal deel vorm van 'n voorgestelde hotelterrein en sal hoofsaaklik aangewend word vir tuine en parkering. Indien die Transportnemer of sy opvolger in titel te enigertyd die eiendom vir 'n

ander doel aanwend, sal die voorkoopsreg genoem in voorwaarde 1(a) hierbo, mutatis mutandis van toepassing wees en sal die Munisipaliteit George daarop geregtig wees om aan te dring dat die eiendom op die koste van die transportnemer aan die Munisipaliteit George, teruggetranspoteer word.

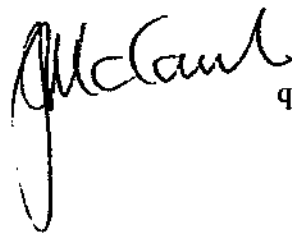
2. Die eiendom hierby oorgedra en (i) ERF 4645 PACALTSDORP, in die Munisipaliteit en Afdeling van George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Transportakte Nr T795/1987 en (ii) ERF 4646 PACALTSDORP, in die Munisipaliteit en Afdeling van George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Transportakte Nr T796/1987, mag nie afsonderlik van mekaar vervreem word, sonder die skriftelike toestemming van Munisipaliteit George nie, welke toestemming gegee mag word op sodanige voorwaardes as wat die Munisipaliteit George wenslik mag ag om op te lê.

h

Weshalwe die Komparant afstand doen van al die regte en titel wat die TRANSPORTGEWER voorheen op genoemde eiendom gehad het, en gevolglik ook erken dat dit geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat kragtens hierdie akte, bogenoemde TRANSPORTNEMER BESLOTE KORPORASIE, of hul Gemagtides, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat; en ten slotte erken hy dat die hele Koopsom die bedrag van R49 500,00 (NEGE EN VEERTIGDUISEND VYFHONDERD RAND) bedra.

Ten Bewyse waarvan ek, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te
KAAPSTAD op 22 Junie 1998



q.q. sy Prinsipaal/ale

In my teenwoordigheid,



REGISTRATEUR VAN AKTES.



ANNEXURE “D” – TITLE DEED OF ERF 4645 PACALTSDORP

JAN S. DE VILLIERS AND SON
P O Box 1474
8000 CAPE TOWN

GRP

FOR FURTHER ENDORSEMENTS SEE S
VIR VERDERE ENDOSSEMENTE SIEN.....

"HI"

T 795 87

DIE GROND HIERIN BESKRYWE IS HERNOMMER EN
THE LAND DESCRIBED HEREIN HAS BEEN RENUM-
BERED AND MUST IN FUTURE BE DESCRIBED AS:
ERF 4645 PACAUTSDORP
AKTEKANTOOR
DEEDS REGISTRY
KAAPSTAD
CAPE TOWN
22 06 93
19.....
REGISTRATEUR VAN AKTES
REGISTRAR OF DEEDS

PREPARED BY ME:-

[Signature]

CONVEYANCER

G. R. PRETORIUS

DEED OF TRANSFER

BY VIRTUE OF A POWER OF ATTORNEY

KNOW ALL MEN WHOM IT MAY CONCERN -

T H A T ~~HERPHILLUS STEYN~~

JOHANNES GERHARDUS LOURENS
VISAGIE

appeared before me, the Registrar of Deeds at CAPE TOWN, he, the said
Appearer being duly authorised thereto by a power of attorney dated at
P R E T O R I A on the 9th day of OCTOBER ,1986 granted to
him by -

HANS OTTO LEO SCHARFETTER

Identity Number 300102 5030 00 3
married out of community of property

WHITE GROUP

which/....

which said power of attorney, duly witnessed in accordance with law, has been lodged with me;

AND the Appearer declared that his said Principal had truly on 4th March 1985 and legally sold/and that he in his capacity aforesaid, did by these presents cede and transfer in full and free property to and on behalf of -

HANS MOESKRAAL ENTERPRISES CC
No. CC86/15685/23

WHITE GROUP

its successors in title or assigns

PORTION 27 of the farm HANS-MOES-KRAAL no. 202
in the Division of GEORGE

MEASURING 8565 (Eight thousand five hundred and
sixty-five) square metres

FIRST TRANSFERRED under deed of transfer no. T 9008/1926
with diagram annexed thereto and held under deed of transfer
no. 5554/1970

- A. SUBJECT to the conditions referred to in Deed of Grant dated 19th November, 1909 (George Quitrents Volume 15, No. 4) and to the condition therein contained that the land shall be subject to such duties and regulations as either are already or may in future be established in respect of land granted on similar tenure;
- B. ENTITLED as stated in Deed of Transfer T.9008 dated 10th September, 1926, to benefits under the special condition or servitude (whereof an endorsement dated 16th October, 1925 appears on Deed of Grant dated 19th November, 1909 (George Quitrents Volume 15 No. 4)) relating to a right of public road which extends up to Lot DC held by Deed of Transfer T.9966 dated 16th October, 1925 in favour of the Divisional Council of George;
- C. SUBJECT FURTHER as set out in the said Deed of Transfer T.9008/1926 to the following special condition:-

THAT no owner or occupier of the land hereby transferred shall at any time place any gate or obstruction across any road lawfully constructed by the Divisional Council of George for the purpose of giving access to the Public Outspan on the said farm HANS MOES KRAAL without the consent of the said Council; it having been agreed between the London Missionary Society and the Divisional Council that in consideration of this prohibition, the latter will bear half of the costs of any fence not exceeding five strands of wire that may be erected along any such road;

WHEREFORE/.....

WHEREFORE the Appearer renouncing all the right and title his said Principal heretofore had to the premises, on behalf as aforesaid, did in consequence, also acknowledge his said Principal to be entirely dispossessed of and disentitled to the same; and that by virtue of these presents, the said -

HANSMOESKRAAL ENTERPRISES CC

Its Successors in Title 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 R10 000,00 (TEN THOUSAND RAND) and that the sale took place on the 4th day of MARCH, 1985;

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

THUS DONE and EXECUTED at the Office of the Registrar of Deeds in CAPE TOWN, CAPE OF GOOD HOPE, on the 9th day of the month of January in the year of our Lord, one thousand nine hundred and ~~eighty six (1986)~~ Eighty-Seven (1987)

IN MY PRESENCE:-

REGISTRAR OF DEEDS

q.q.

5
By Deed of Transfer No. T 56438/93 Paarltsdorp
the within property and erf 4646 a
meas: 8565 held by T 796/1987 together
with remainder erf 1291 Paarltsdorp
meas: 1,1567 HA held by said deed
of transfer may not be separately
alienated without the consent of
George Municipality
as will more fully appear from said
deed of transfer

22 06 93
Deeds Office
Cape Town

[Signature]
Register of Deeds.

Page 6

T795/1987

VA 000008911 / 2019
Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No 68. (1)
Deeds Registry Cape Town
13 DEC 2019 ASST REGISTRAR OF DEEDS

ANNEXURE “E” – TITLE DEED OF ERF 4646 PACALTSDORP

12
JAN S. DE VILLIERS AND SON
P O Box 1474
8000 CAPE TOWN

GRP

FOR FURTHER ENDORSEMENTS SEE 5
VIR VERDERE ENDOSSEMENTE SIEN.....

T 796 87

DIE GROND HIERIN BESKRYWE IS HERNOMMER EN
THE LAND DESCRIBED HEREIN HAS BEEN RENUM-
MOET IN DIE TOEKOMS BESKRYWE WORD AS:
BERED AND MUST IN FUTURE BE DESCRIBED AS:
ERF 4646 PACALTS DORP.

AKTEKANTOOR
DEEDS REGISTRY
KAAPSTAD
CAPE TOWN

22 06 93

REGISTRATEUR VAN AKTES
REGISTRAR OF DEEDS

PREPARED BY ME:-

CONVEYANCER

G. R. PRETORIUS

DEED OF TRANSFER

BY VIRTUE OF A POWER OF ATTORNEY

KNOW ALL MEN WHOM IT MAY CONCERN -

T H A T

~~HERPHILUS STEYN~~

JOHANNES GERHARDUS LOUPENS
VISAGIE

appeared before me, the Registrar of Deeds at CAPE TOWN, he, the said
Appearer being duly authorised thereto by a power of attorney dated at
P R E T O R I A on the 9th day of OCTOBER ,1986 granted to
him by -

SIEGFRIED CURT SCHARFETTER

Identity Number 311026 5007 00 9
married in community of property to
MARIA ALETTA SCHARFETTER

WHITE GROUP

which/....

which said power of attorney, duly witnessed in accordance with law, has been lodged with me;

AND the Appearer declared that his said Principal had truly
on 4th March 1985
and legally sold/and that he in his capacity aforesaid, did by *Law*
these presents cede and transfer in full and free property to
and on behalf of -

HANSMOESKRAAL ENTERPRISES CC
No. CC86/15685/23

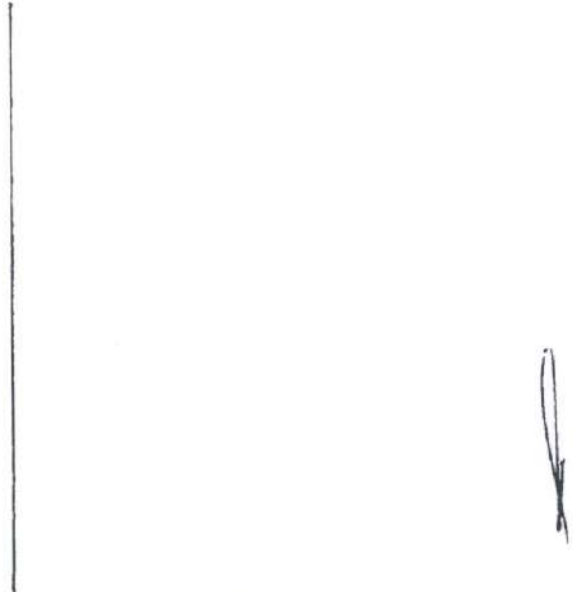
WHITE GROUP

its successors in title or assigns *Handwritten signature*

PORTION 28 of the farm HANS-MOES-KRAAL no. 202
in the Division of GEORGE

MEASURING 8565 (Eight thousand five hundred and
sixty-five) square metres

FIRST TRANSFERRED under deed of transfer no. T 9008/1926
with diagram annexed thereto and held under deed of transfer
no. 5555/1970



- A. SUBJECT to the conditions referred to in Deed of Grant dated 19th November, 1909 (George Quitrents Volume 15, No. 4) and to the condition therein contained that the land shall be subject to such duties and regulations as either are already or may in future be established in respect of land granted on similar tenure;
- B. ENTITLED as stated in Deed of Transfer T.9008 dated 10th September, 1926, to benefits under the special condition or servitude (whereof an endorsement dated 16th October, 1925 appears on Deed of Grant dated 19th November, 1909 (George Quitrents Volume 15 No. 4)) relating to a right of public road which extends up to Lot DC held by Deed of Transfer T.9966 dated 16th October, 1925 in favour of the Divisional Council of George;
- C. SUBJECT FURTHER as set out in the said Deed of Transfer T.9008/1926 to the following special condition:-

THAT no owner or occupier of the land hereby transferred shall at any time place any gate or obstruction across any road lawfully constructed by the Divisional Council of George for the purpose of giving access to the Public Outspan on the said farm HANS MOES KRAAL without the consent of the said Council; it having been agreed between the London Missionary Society and the Divisional Council that in consideration of this prohibition, the latter will bear half of the costs of any fence not exceeding five strands of wire that may be erected along any such road;

WHEREFORE/.....

WHEREFORE the Appearer renouncing all the right and title his said Principal heretofore had to the premises, on behalf as aforesaid, did in consequence, also acknowledge his said Principal to be entirely dispossessed of and disentitled to the same; and that by virtue of these presents, the said -

HANSMOESKRAAL ENTERPRISES CC

Its Successors in Title 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 R10 000,00 (TEN THOUSAND RAND) and that the sale took place on the 4th day of MARCH, 1985;

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

THUS DONE and EXECUTED at the Office of the Registrar of Deeds in CAPE TOWN, CAPE OF GOOD HOPE, on the 9th day of the month of January in the year of our Lord, one thousand nine hundred and eighty-six (1986); 54-65 1987.

IN MY PRESENCE:-

REGISTRAR OF DEEDS



q.q.

5.

By Deed of Transfer No. 56438 98
the within property and of 4645
Pacaltsdorp meas: 5565 m² held by
T-795.87 together with the remainder
of 1291 Pacaltsdorp meas: 1,567 HA
held by said deed of transfer,
may not be separately alienated
without the consent of George
Municipality.

as will more fully appear from
said deed of transfer
22 06 93

Deeds Office
Cape Town


Registrar of Deeds

ANNEXURE “F” – COMPLETE APPLICATION SUBMITTED TO COUNCIL



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

8.1.9 APPLICATION FOR THE CANCELLATION OF RESTRICTIVE TITLE DEED CONDITIONS REGISTERED AGAINST ERVEN 1291, 4645 AND 4646 PACALTSDORP AND CONSENT TO THE TRANSFER OF THE UNCONSTRUCTED ROAD ERF 4647 PACALTSDORP [9.1]

The abovementioned item was dealt with by the Mayoral Committee meeting held on 12 September 2024 and was resolved as follow:

"File number / Verwysingsnommer: [Erven 4647 and 1291 Pacaltsdorp]
Meeting date / Vergadering datum: [September 2024]
Report by / Verslag deur: [DM Gelderbloem

This report was referred back at the Mayoral-In Committee meeting that was held on 15 August 2024 in order for the developer to submit additional information, namely:

- 1. Letter of Authority from Hansmoeskraal Enterprises CC authorising Neil Schoeman Attorneys and Redrock Development (Pty) Ltd to proceed with the development of the land, attached as Annexure F¹ to the report; and**
- 2. Resolution of Hansmoeskraal Enterprises CC to enter into negotiations with Redrock Development (Pty) Ltd to do the development, attached as Annexure F² to the report.]**

PURPOSE OF REPORT / DOEL VAN VERSLAG

[For Council to consider an application to cancel the restrictive title deed conditions of Erf 1291 Pacaltsdorp and Erven 4645 and 4646 Pacaltsdorp and to give consent to transfer the unconstructed road Erf 4647 Pacaltsdorp, for which approval was granted previously, to enable a development for affordable housing.

SUMMARY OVERVIEW OF APPLICATION

DELEGATED AUTHORITY	:	Council
APPLICANT	:	Miltons, Matsemela, Oostuizen Attorneys. (now taken over by Niel Schoeman Attorney and Conveyancer)
REGISTERED OWNER	:	Erf 1291 – Hansmoeskraal Enterprises CC
	:	Erf 4647 – Vests in George Municipality



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

EXTENT : 11567m² and
LOCALITY : Heather Road, Pacaltsdorp
EXISTING USE : Vacant
APPLICABLE LEGISLATION, REGULATIONS,
POLICIES, PLANS AND GUIDELINES : Local Government: Municipal Finance
Management Act 56 of 2003 hereinafter
referred to as "MFMA" Immovable
Property Management Policy of 2021 Municipal Asset Transfer Regulations (Gazette
No.31346 – Regulation 878).]

BACKGROUND AND DISCUSSION / AGTERGROND EN BESPREKING

[The then Municipality of Pacaltsdorp sold the remainder of Erf 1291 Pacaltsdorp (11567m² in extent) to Hansmoeskraal Enterprises CC during 1992 for R45 000.00 plus VAT of 10% (the applicable rate in 1992). Hansmoeskraal Enterprises CC is also the owner of Erven 4645 and 4646 located adjacent to Erf 1291 Pacaltsdorp and the intention was to develop these properties as a hotel with gardens and parking facilities. The consolidated Erven 4645, 4646 and 4647 were intended to be developed as the hotel building with Erf 1291 Pacaltsdorp designated for the parking area. Hansmoeskraal Enterprises CC is now in the process to develop the above properties for affordable housing and to enable them to continue with their project some of the title deed conditions must be cancelled. The erven referred to above are depicted on the plan attached as **Annexure "A"** to the agenda.

Erf 1291 is held under deed of title number T56438/1998 and is subject to the following restrictive conditions as contained in the Certificate of Registered Title No. T19284/1991, imposed by the Administrator under ordinance No. 33 of 1934 upon approval of the establishment of the town of Pacaltsdorp Extension No. 8, namely:

"Hierdie erf mag alleenlik gebruik word om 'n Ouetehuis/Kliniek of enige ander geboue wat die Administrateur van tyd tot tyd na oorleg met die dorpekommissie en die plaaslike owerheid goedkeur, daarop op te rig, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema insgesluit is, die plaaslike owerheid enige ander gebruik wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word."

("This erf may only be used to erect a Nursing Home/Clinic or any other buildings that the Administrator approves from time to time after consultation with the village commission and the local authority, provided that if the erf in the area is included in a town plant scheme, the local authority may allow any other uses permitted by the scheme subject to the conditions and restrictions set out in the scheme.")
en/and

"Behalwe met die voorafverkeë toestemming van die Administrateur –

(i) mag hoogstens die helfte van die oppervlakte daarvan bebou word;



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

- (ii) *mag geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heining nader as 5 meter vanaf enige grens van hierdie erf opgerig word nie.*
("Except with the prior consent of the Administrator -
- (i) *no more than half of its area may be built on;*
- (ii) *no building of structure or any part thereof except boundary walls and fence may be erected closer than 5 meters from any boundary of this erf.")*

Erf 1291 is further subject to conditions imposed by and in favour of Municipality George, namely:

"Die transportnemer en sy opvolgers in titel, sal nie die eiendom hierdeur oorgedra, verkoop aan 'n derde party, alvorens die eiendom nie eers aan die Munisipaliteit George te koop aangebied word teen die oorspronklike koopprys daarvoor betaal deur die Transportnemer nie."

("The transferee and his successors in title shall not sell the property hereby transferred to a third party, before the property is first offered for sale to the Municipality of George at the original purchase price paid for it by the Transferee.")
en/and

("Bogenoemde eiendom sal deel vorm van 'n voorgestelde hotelterrein en sal hoofsaaklik aangewend word vir tuine en parkeering. Indien die Transportnemer of sy opvolger in titel te enigertyd die eiendom vir 'n ander doel aanwend, sal die verkoopsgereguleerder in voorwaarde 1(a) hierbo, mutatis mutandis van toepassing wees en sal die Munisipaliteit George daarop geregtig wees om aan te dring dat die eiendom op die koste van die transportnemer aan die Munisipaliteit George, teruggetransporeer word."

("The above property will form part of a proposed hotel site and will mainly be used for gardens and parking. If the Transferee or his successor in title at any time uses the property for another purpose, the right of pre-emption taken in condition 1(a) above will apply mutatis mutandis and the Municipality of George will be entitled to insist that the property at the cost of the transporter to the George Municipality, be transported back.")

Further condition in the title deed to be cancelled are:

"Die eiendom hierby oorgedra en (i) ERF 4645 PACALTSDORP in die Munisipaliteit en Afdeling George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Transportakte Nr T795/1987 en (ii) ERF 4646 PACALTSDORP, in die Munisipaliteit en Afdeling George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Transportakte Nr T796/1987, mag nie afsonderlik van mekaar vervreem word, sonder die skriftelike toestemming van Munisipaliteit George nie, welke toestemming gegee mag word op sodanige voorwaardes as wat die Munisipaliteit George wesenlik mag ag om op te lê."



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

("The property hereby transferred and (i) ERF 4645 PACALTSDORP in the Municipality and Division of George, Province of the Western Cape, measuring 8565 square metres, held under Deed of Transfer No T795/1987 and (ii) ERF 4646 PACALTSDORP, in the Municipality and Division of George, Province of the Western Cape, measuring 8565 square metres, held under Deed of Transfer No T796/1987, may not be alienated separately from each other, without the written consent of George Municipality, which consent may be given on such terms as the George Municipality substantially may deem to impose.")

An application was received from Miltons, Matsemela, Oostuizen Attorneys (now taken over by Niel Schoeman Attorney and Conveyancer) on behalf of the developer of the above properties, in which they request for the cancellation of the restrictive title deed conditions set out above to allow them to develop Erf 1291 Pacaltsdorp for affordable housing and that consent be granted that Erf 4645 Pacaltsdorp may be alienated separately from Erf 4646 Pacaltsdorp. The applications are attached as **Annexures B¹** and **B²** to the agenda respectively. It must be noted that all the properties mentioned above is owned by Hansmoeskraal Enterprises CC.

As mentioned above, Erven 4645, 4646 and 4647 were to be consolidated whereafter it was intended to be developed as the hotel. Erf 4647 Pacaltsdorp, being one of the properties referred to above, is an unconstructed road for which approval was granted to be transferred by the then Pacaltsdorp and South Cape Regional Council as per the letter dated 3 December 1993 and the diagram attached as **Annexure "C¹"** and **"C²"** to the agenda respectively. Despite of a further attempt to proceed with the transfer of the unconstructed road Erf 4647 Pacaltsdorp (Letter attached from Mike Steyn Attorneys attached as **Annexure "C³"** to the agenda), it was not finalised and it is recommended that the transfer of the unconstructed road be condoned in order for the developer to proceed with the consolidation.

Erf 1291 is subject to the condition that: *"The above property will form part of a proposed hotel site and will mainly be used for gardens and parking..."*. For the purpose of gardens and parking, the property was sold at an amount of R45 000.00 plus VAT of 10% (the applicable rate in 1992). The applicant now intends to establish an affordable housing development on a property that was acquired at the price for garden and parking purposes. A similar request was received in March 2007 and was submitted to the Executive Mayor-In-Committee where it was resolved on 6 June 2007: *"that Messrs GS Savage associates be informed that Council will exercise its pre-emptive right to re-purchase the property at the original purchase price should the owner wish to dispose of it..."* This report to the Executive Mayor-In-Committee held on 6 June 2007 is attached as **Annexure "D"** to the agenda. In terms of the above resolution, it must be noted that there is not any funds budgeted to buy the property, neither is there funds budgeted to develop the land. It must be noted that that the Municipality does function as a developer of land, but rather facilitate land developments.



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

It is now again requested from Council to give consent for an affordable housing complex on land that was required for gardening and parking purposes. It is recommended that this consent not be withheld unless the applicant pays the difference in value of the amount that he acquired the land for, i.e. R45 000.00 plus VAT and the current market value for the said purpose.

The Municipal Valuer was instructed to do a valuation for Erf 1291 Pacaltsdorp to determine the value of the property, which is intended to be developed for affordable housing. The property was valued at R2 260 000.00 plus VAT. The amount due to be paid by the applicant is R2 215 000.00 plus VAT (i.e. R2 260 000.00 – R45 000.00 plus VAT). The valuation summary report is attached as **Annexure “E”** to the agenda.]

FINANCIAL IMPLICATIONS

[There are no financial implications in terms of expenditure for the Municipality. Income is derived from the waiving of the title deed conditions.

LEGAL IMPLICATIONS

In terms of Regulation 7 of the Municipal Asset Transfer Regulations, Council must consider several factors (highlighted in **bold**) if a capital asset is to be transferred: –

- (a) **whether the capital asset may be required for the Municipality’s own use at a later date;**

The unconstructed Erf 4647 Pacaltsdorp is not required for the minimum level of basic municipal service delivery in terms of Section 14 of the Municipal Finance Management Act, 2003 (Act 56 of 2003).

- (b) **the expected loss or gain that is expected to result from the proposed transfer or disposal;**

The development of the land to buy into the status of the Pacaltsdorp area and invest in the economic growth of George.

- (c) **the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the Municipality;**

Additional income will be derived from the sale of the land and from rates and taxes. The transfer of this property will result in economic growth for the region.

- (d) **the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the Municipality’s interests;**

No risks for the Municipality. Any risks will be addressed in the deed of sale. Tremendous rewards for in terms of economic growth.



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

- (e) **the effect that the proposed transfer or disposal will have on the credit rating of the Municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash-flow;**
No significant effect.
- (f) **any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;**
It will be a condition that the properties may only be utilised for what is allowed in terms of its zoning. Servitudes must be registered in favour of the Municipality to protect any of the municipal infrastructure, where applicable.
- (g) **the estimated cost of the proposed transfer or disposal;**
No cost implication for the Municipality.
- (h) **the transfer of any liabilities and reserve funds associated with the capital asset;**
Not applicable
- (i) **any comments or representations on the proposed transfer or disposal received from the local community and other interested persons;**
The proposed transfer of the subject property will be advertised in terms of the MATR for comments and representations.
- (j) **any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant Provincial Treasury;**
Not applicable.
- (k) **the interests of any affected organ of state, the Municipality's own strategic, legal and economic interests and the interests of the local community; and**
Not applicable.
- (l) **compliance with the legislative regime applicable to the proposed transfer or disposal.**
The transfer of the asset is compliant with the Municipal Asset Transfer Regulations, The Municipal Finance Management Act and Council's Immovable Property Management Policy.]

COMMENTS: MUNICIPAL MANAGER

[N/A]

COMMENTS: DIRECTOR: FINANCIAL SERVICES

[N/A]

COMMENTS: DIRECTOR: CORPORATE SERVICES

[N/A]

COMMENTS: DIRECTOR: CIVIL ENGINEERING SERVICES

[N/A]



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

COMMENTS: DIRECTOR: ELECTRO-TECHNICAL SERVICES

[N/A]

COMMENTS: DIRECTOR: HUMAN SETTLEMENTS, PLANNING & DEVELOPMENT AND PROPERTIES

[N/A]

COMMENTS: DIRECTOR: COMMUNITY SERVICES

[N/A]

COMMENTS: LEGAL SERVICES

[N/A]

COMMENTS: OTHER

[N/A]

SUMMARY/OPSOMMING

[N/A]

Proposed by Councillor M Barnardt and seconded by Councillor M Kleynhans, it was

RESOLVED TO RECOMMEND TO COUNCIL

- (a) That Council **TAKE NOTE** of Regulation 7 of the Asset Transfer Regulations listed in the report and **CONFIRMS** that the factors listed have been taken into account in considering the proposed disposal;
- (b) That **IT BE DECIDED** that the unconstructed road Erf 4647 Pacaltsdorp, is not required for the minimum level of basic municipal service delivery in terms of Section 14(2) of the Municipal Finance Management Act, 2003 (Act 56 of 2003);
- (c) That Council **CONDONE THE DECISION** of the then Pacaltsdorp and South Cape Regional Council to transfer Erf 4647 Pacaltsdorp to the owner of Erven 4645 and 4646 Pacaltsdorp on condition that the required procedures be undertaken to consolidate the three properties;
- (d) That the decision taken by the Executive Mayor-In-Committee held on 6 June 2007 regarding the waiving of the pre-emptive right in respect of the Remainder of Erf 1291 Pacaltsdorp, **BE REVOKED AND RESCINDED**;



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

- (e) That the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp and Erven 4645 and 4646 Pacaltsdorp listed in the report **BE APPROVED**, subject to:
- (i) the applicant pays the amount of R2 215 000.00 plus VAT, which is the difference in value of the amount that they acquired the land for and the current market value of the property;
 - (ii) that the applicant be notified that this approval does not pre-empt any land use, town planning or any other approvals that may be required for the proposed development;
 - (iii) that, should the developer do not proceed with the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp within a period of three (3) years from the date of this decision, the Municipality may consider exercising its pre-emptive right to buy back the property at the original purchase price.
- (f) That transfer of the unconstructed road Erf 4647 Pacaltsdorp **BE ADVERTISED** for public comment and representations and for counter proposals;
- (g) That this approval be regarded as **FINAL APPROVAL** if no counter proposals for the utilisation of this non-viable unconstructed road Erf 4647 Pacaltsdorp is received to develop it for affordable housing;
- (h) That the applicant **BE RESPONSIBLE** for all the costs, including the cancellation of the restrictive conditions, the consolidation and the rezoning of the properties, etc;
- (i) That it **BE NOTED** that the development of the consolidated Erven 4645, 4646 and 4647 Pacaltsdorp and the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp be considered as two separate processes; and
- (j) That this approval is **SUBJECT THERETO**, that all administrative, technical and legal requirements are adhered to by the applicant.]

KUGQITYWE UKUBA KUCETYISWE IBHUNGA

- (a) Kukuba iBhunga LITHATHE INGQALELO yoMmiselo wesi-7 weMimiselo yoTshintshelo lwe-Asethi edweliswe kwingxelo lize LIQINISEKISE ukuba le miba idwelisiweyo ithathelwe ingqalelo xa kuqwalaselwa ukuchithwa okucetywayo;
- (b) Kukuba KUGQITYWE ukuba indlela engakhiwanga kwiSiza sama-4647 ePacaltsdorp, ayifuneki kumgangatho ophantsi wonikezelo lwenkonzo esisiseko kamasipala ngokweCandelo le-14(2) loMthetho woLawulo lweMali kaMasipala, ka-2003 (uMthetho wama-56 ka-2003);



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

- (c) Kukuba iBhunga LAMKELE ISIGQIBO seBhunga soMmandla owawusakuba yiPacaltsdorp kunye neloMmandla woMzantsi Koloni sokutshintshela iSiza sama- 4647 ePacaltsdorp kumnini weSiza sama-4645 nesama-4646 ePacaltsdorp phantsi komqathango wokuba iinkqubo ezifunekayo zenziwe zokuhlenganisa ezi propati zintathu;
- (d) Kukuba isigqibo esithathwe nguSodolophu oLawulayo kwiKomiti ebibanjwe ngomhla wesi-6 eyeSilimela 2007 ngokumalunga nokurhoxiswa kwamalungelo okufumana ngokuthenga phambi kwabanye ngokubhekiselele kwiNtsalela yeSiza se-1291 ePacaltsdorp, SICHITHWE KWAYE SIRHOXISWE;
- (e) Kukuba ukucinywa kwemiqathango yesithintelo sexwebhu ngelungelo lobunini bomhlaba leSiza sama-1291 ePacaltsdorp kunye neSiza sama-4645 kunye nesama-4646 ePacaltsdorp edweliswe kwingxelo KWAMKELWE, ngokuxhomekeke kukuba:
- (i) umfaki-sicelo uhlawula isixa-mali sezi-R2 215 000.00 kunye neRhafu, engumahluko sexabiso lesixa athe wawufumana ngalo umhlaba kunye nexabiso lemarike langoku lepropati;
 - (ii) ukuba umfaki -sicelo aziswe ukuba olu lwamkelo aluthinteli kwangaphambili naluphi na usetyenziso lomhlaba, ucwangciso lwedolophu okanye naluphi na olunye ulwamkelo olunokuthi lube yimfuneko kuphuhliso olucetywayo;
 - (iii) ukuba, xa umphuhlisi engaqhubeki nokurhoxisa imiqathango yesithintelo sexwebhu ngelungelo lobunini mhlaba leSiza se-1291 ePacaltsdorp kwisithuba seminyaka emithathu (3) ukususela kumhla wesi sigqibo, uMasipala angacinga ukusebenzisa ilungelo lakhe lokuthenga ngaphambi kwabanye lokuthenga kwakhona ipropati ngexabiso lokuthenga lokuqala.
- (f) Kukuba udluliselo lwendlela engakhiwanga kwiSiza sama-4647 ePacaltsdorp LUBHENGEZWE ukuze uluNtu lunike izimvo zalo kunye nomelo kunye neziphakamiso ezichasayo;
- (g) Kukuba olu lwamkelo luthathwe NJENGOLWAMKELO LOKUGQIBELA ukuba akukho zindululo zichaseneyo malunga nokusetyenziswa kwale ndlela ingenakwenzeka ingakhiwanga kwiSiza sama-4647 ePacaltsdorp zifunyenweyo zokuyiphuhlisa kwizindlu ezifikelelekayo;
- (h) Kukuba umenzi wesicelo ABE NOXANDUVA lwazo zonke iindleko, kubandakanywa ukucinywa kwemiqathango ethintelayo, ukudityaniswa kunye nokucandwa ngokutsha kweepropati, njl.njl;



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

- (i) Kukuba KUQATSHELWE ukuba uphuhliso lweZiza ezidityanisiweyo zama-4645, 4646 kunye nesama-4647 ePacaltsdorp kunye nokucinywa kwemiqathango ethintelayo yexwebhu ngelungelo lobunini bomhlaba leSiza se-1291 ePacaltsdorp luthathwa njengeenkqubo ezimbini ezahlukeneyo; kunye
- (j) Nokuba olu lwamkelo LUXHOMEKEKE NGOKO, kukuba zonke iimfuneko zolawulo, zobuchule nezomthetho zithotyelwe ngumfaki-sicelo.”

ATTACHMENTS / STAWENDE DOKUMENTE
ANNEXURE “A”

FOR CONSIDERATION



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "A"





AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "B1"



**Miltons Matsemela Oosthuizen Inc
Tuinroete / Garden Route**

Montagustraat 71 Montagu Street,
Mosselbaai | Mossel Bay 6500

Caledonstraat 1 Caledon Street,
George 6529

Langstraat 85 Long Street,
Grootbrakrivier | Great Brak River 6525

Tel: +27 (0) 44 601 8700

E-pos/E-mail: neill@mmolaw.co.za

Docex: 13 Mossel Bay

Our Ref/Ons Verw

Your Ref/U Verw:

Date / Datum: 29 January 2024

George Municipality
Department of Housing
71 York Street
George
6530

Dear Sir / Madam

RE: CANCELLATION OF RESTRICTIVE TITLE CONDITIONS OF ERF 1291 PACALTS DORP

We refer to the above and confirm that we have received instructions to address this letter to you on behalf of our client, Hansmoeskraal Enterprises CC.

Our client would like to undertake a development project at Erf 1291 and is seeking the municipalities consent for the same. We kindly request your approval to proceed with the development in accordance with the applicable regulations and guidelines.

Erf 1291 is held under deed of title number T56438/1998 and is subject to the following restrictive conditions as contained in the Certificate of Registered Title No. T19284/1991, imposed by the Administrator under ordinance No. 33 of 1934 upon approval of the establishment of the town of Pacaltsdorp Extension No. 8, namely:

Reg No 2020/767845/21

MILTONS MATSEMELA OOSTHUIZEN INC

Directors: Herbert Oosthuizen, Fred Wille, Izak Venter, Kristen Searle, Michael Ngubeni

Professional Assistants: Yolande Minnie, Magdelène Barnard, Vera Reynolds, Sonja Bantjes, Danille Mitchell

Mosselbaai | Mossel Bay:

George

Groot Brakrivier | Great Brak River



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "B1" CONTINUED

MILTONS MATSEMELA INCORPORATED

6. *"Hierdie erf mag alleenlik gebruik word om 'n Ouetehuis/Kliniek of enige ander geboue wat die Administrateur van tyd tot tyd na oorleg met die dorpekommissie en die plaaslike owerheid goedkeur, daarop op te rig, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema insluit is, die plaaslike owerheid enige ander gebruke wat deur die skema toegelaat word, kan toelaat onderworpe and die voorwaardes en beperkings wat in die skema bepaal word."*

("This erf may only be used to erect a Nursing Home/Clinic or any other buildings that the Administrator approves from time to time after consultation with the village commission and the local authority, provided that if the erf in the area is included in a town plant scheme, the local authority may allow any other uses permitted by the scheme subject to the conditions and restrictions set out in the scheme.")

7. *"Behalwe met die voorafverkeë toestemming van die Administrateur –*
(i) mag hoogstens die helfte van die oppervlakte daarvan bebou word;
(ii) mag geen gebou or struktuur of enige gedeelte daarvan behalwe grensmure en heining nader as 5 meter vanaf enige grens van hierdie erf opgerig word nie."

("Except with the prior consent of the Administrator -

(i) no more than half of its area may be built on;

(ii) no building or structure or any part thereof except boundary walls and fence may be erected closer than 5 meters from any boundary of this erf.")

Erf 1291 is further subject to conditions imposed by and in favour of Municipality George, namely:

1. (a) *"Die transportnemer en sy opvolgers in title, sal nie die eiendom hierdeur oorgedra, verkoop aan 'n derde party, alvorens die eiendom nie eers aan die Munisipaliteit George te koop aangebied word teen die oorspronklike koopprys daarvoor betaal deur die Transportnemer nie."*



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "B1" CONTINUED

MILTONS MATSEMELA INCORPORATED

("The transferee and his successors in title shall not sell the property hereby transferred to a third party, before the property is first offered for sale to the Municipality of George at the original purchase price paid for it by the Transferee.")

- (b) *"Bogenoemde eiendom sal deel vorm van 'n voorgestelde hotelterrein en sal hoofsaaklik aangewend word vir tuine en parkering. Indien die Transportnemer of sy opvolger in title te enigertyd die eiendom vir 'n ander doen aanwend, sal die voorkoopsreg genome in voorwaarde 1(a) hierbo, mutatis mutandis van toepassing wees en sal die Munisipaliteit George daarop geregtig wees om aan te dring dat die eiendom op die koste van die transportnemer aan die Munisipaliteit George, teruggetranspoteer word."*

("The above property will form part of a proposed hotel site and will mainly be used for gardens and parking. If the Transferee or his successor in title at any time uses the property for another purpose, the right of pre-emption taken in condition 1(a) above will apply mutatis mutandis and the Municipality of George will be entitled to insist that the property at the cost of the transporter to the George Municipality, be transported back.")

2. *"Die eiendom hierby oorgedra en (i) ERF 4645 PACALTS DORP in die Munisipaliteit en Afdeling George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Transportakte Nr T795/1987 en (ii) ERF 4646 PACALTS DORP, in die Munisipaliteit en Afdeling George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Transportakte Nr T796/1987, mag nie afsonderlik van mekaar vervreem word, sonder die skriftelike toestemming van Munisipaliteit George nie, welke toestemming gegee mag word op sodanige voorwaardes as wat die Munisipaliteit George wesenlik mag ag om op te lê."*

("The property hereby transferred and (i) ERF 4645 PACALTS DORP in the Municipality and Division of George, Province of the Western Cape, measuring 8565 square metres, held under Deed of Transfer No T795/1987 and (ii) ERF 4646 PACALTS DORP, in the Municipality and Division of George, Province of the Western Cape, measuring 8565 square metres, held under Deed of Transfer No T796/1987, may not be alienated separately from each other, without the



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "B1" CONTINUED

MILTONS MATSEMELA INCORPORATED

written consent of George Municipality, which consent may be given on such terms as the George Municipality substantially may deem to impose.")

We hereby request the permission of the George Municipality to submit an application in terms of Section 15(2)(f) of By-Law on Land Use Planning for George Municipality, 2023 to the Directorate: Human Settlements, Planning and Development of the George Municipality for the cancellation of the restrictive title conditions 1 & 2 as set out above, to use Erf 1291 Pacaltsdorp for affordable housing.

We further request written consent from George Municipality that Erf 1291 Pacaltsdorp may be alienated separately from Erf 4645 and Erf 4646 Pacaltsdorp.

We believe that this request is in the best interest of community development and with the Municipality of George's objectives of providing affordable housing solutions.

We are available to discuss this matter further and address any concerns the Municipality may have.

Yours sincerely

MILTONS MATSEMELA OOSTHUIZEN INC

Per: N SCHOEMAN



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "B2"



**Miltons Matsemela Oosthuizen Inc
Tuinroete / Garden Route**

Montagustraart 71 Montagu Street,
Mosselbaai | Mossel Bay 6500

Caledonstraat 1 Caledon Street,
George 6529

Langstraat 85 Long Street,
Grootbrakrivier | Great Brak River 6525

Tel: +27 (0) 44 601 8700

E-pos/E-mail: neill@mmolaw.co.za

Docex: 13 Mossel Bay

Our Ref/Ons Verw

Your Ref/U Verw:

Date / Datum: 25 January 2024

George Municipality
Planning and Development
71 York Street
George
6530

Dear Sir / Madam

**RE: ERF 4647 PACALTSDORP
GEORGE MUNICIPALITY // HANSMOESKRAAL ENTERPRISES CC**

We refer to the above matter and confirm that we have received instructions from our client, Hansmoeskraal Enterprises CC, regarding the property known as erf 4647 Pacaltsdorp, which vests within George Municipality.

Attached herewith is a letter dated 3 December 1993, wherein it is indicated that the transfer can take place in terms of Section 31 of the Deeds Registries Act 47 of 1937, but the council must be in possession of a diagram of the property in question, drawn up by a land surveyor. We attach hereto a diagram of the proposed property approved by a surveyor-general on 28 August 1996.

As per our understanding there is a valid council decision to transfer the aforementioned property to my client, who is the registered owner of erven 4645 and 4646 Pacaltsdorp. We humbly request the municipality's consent to transfer erf 4647 into our client's name. It is also our instructions that our

Reg No 2020/767845/21

MILTONS MATSEMELA OOSTHUIZEN INC

Directors: Herbert Oosthuizen, Fred Wille, Izak Venter, Kristen Searle, Michael Ngubeni

Professional Assistants: Yolande Minnie, Magdeléne Barnard, Vera Reynolds, Sonja Bantjes, Danille Mitchell

Mosselbaai | Mossel Bay:

George

Groot Brakrivier | Great Brak River



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "B2" CONTINUED

MILTONS MATSEMELA INCORPORATED

client wishes to consolidate erf 4647 with erven 4645 and 4646 to form erf 4394 Pacaltsdorp, as per the attached diagram S.G no. 6112/1996.

To facilitate this process, we kindly request the municipality to sign the necessary transfer documents at the earliest convenience. We believe that a prompt and efficient transfer will be beneficial for both parties involved.

Additionally, our client wishes to discuss the purchase price for the property. Taking into consideration all future costs to consolidate and develop the property, we humbly propose a purchase price of R1 (One Rand) for erf 4647 Pacaltsdorp. We understand that this may require careful consideration, and we are open to discussing any terms or conditions that the municipality may deem necessary.

We appreciate your prompt consideration and cooperation in facilitating the property transfer process.

Yours sincerely,


MILTONS MATSEMELA OOSTHUIZEN INC

Per: N SCHOEMAN



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "C1"



SUID-KAAP STREEKSDIENSTERAAD

SOUTH CAPE REGIONAL SERVICES COUNCIL

YORKSTRAAT 54
POSBUS 12

14/2/1

K.A. Brown

George

GEORGE
6530

KANTOOR OFFICE	PAATSE ROADS	GESONDHEID HEALTH
GEORGE (0441) 744042	744042	744042
KNYSNA (0445) 21157		21157
MOSSELBAAI (0444) 3503		3503
RIVERSDALE (02933) 32438	32438	32438
HEIDELBERG (02934) -		21441

54 YORK STREET
P.O. BOX 1

FAX

3 Desember 1993

Mnr Sakkie de Beer
Posbus 165
GEORGE
6530

Meneer

SLUITING VAN PAD TUSSEN GEDEELTES 27 & 28 HANSMOESKRAAL 202

U vorige skrywes Mnr de Beer/M113 het betrekking.

Ontvang asseblief ons verskoning dat hierdie aangeleentheid so lank gesloer het en dat beantwoording op hierdie laat stadium eers geskied.

Dankie vir die afskrifte van skrywes wat u per faksimilee op 18 November 1993 aan ons gestuur het. Die aangeleentheid is ook na die Raad se regsverteenwoordigers verwys en hulle stem saam dat die vertolking van mnre Millers Ing rakende die prosedures wat gevolg moet word, korrek is.

Die regsmening dui ook aan dat oordrag dan kan geskied ingevolge Artikel 31 van die Akteswet (nr 47 van 1937), maar dat die Raad in besit moet wees van 'n diagram van die betrokke eiendom, opgestel deur 'n landmeter.

Graag word verneem of u kllënt oor sodanige diagram sou beskik.

Die uwe

C. Zietsman
C. ZIETSMAN
HOOF-UITVOERENDE BEAMPTTE
KAByh2

Korrespondensie moet aan die Hoof-Uitvoerende Beampte gerig word
Correspondence must be addressed to the Chief Executive Officer



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "C2"

G. S. SAVAGE & ASSOCIATES				OFFICE COPY	
SIDES Metres		ANGLES		CO-ORDINATES System Lo 23° X	
AB	127.65	A	90 00 00		
BC	86.45	B	173 54 40		
CD	94.46	C	90 00 00		
DE	61.43	D	90 00 00		
EF	116.32	E	186 05 20		
FG	7.87	F	143 07 50		
GA	89.73	G	126 52 10		

S.G. No. 6112/1996

Approved *MR. [Signature]*
Surveyor-General
1996-08-28

- The figure A h i F G represents Erf 4645 Pacaltsdorp vide Diagram 2598/1926 annexed to Deed 1926.181.9008
- The figure j B C D E k represents Erf 4646 Pacaltsdorp vide Diagram 2599/1926 annexed to Deed 1926.181.9008
- The figure h j k l represents Erf 4647 Pacaltsdorp vide Diagram 6111/96 annexed to Deed

Note: The figure h j k l falls outside the Municipality

PTN. 18 OF THE FARM HANS-MOES-KRAAL No. 202

HEATHER STREET Gt No 2425

ERF 1291 (TP 9636)

RIGHT OF WAY 7.55m

RIGHT OF WAY 7.55m

REMAINDER FARM HANS-MOES-KRAAL No. 202

PTN. 33 OF THE FARM HANS-MOES-KRAAL No. 202

Scale 1:2000

The figure A B C D E F G represents 1.7844 hectares of land, being ERF 4394 PACALTSDORP and comprises 1 to 3 above situate ^{partly} in the Municipality and Administrative District of George Province of ~~Cape of Good Hope~~ Western Cape Compiled in March 1995 by me

G. S. Savage
Professional Land Surveyor
G S Savage PLS 0543

This diagram is annexed to No. Dated i.f.o.	The original diagrams are as quoted above	File No. Geor. 202 S.R. No. Compiled Comp. ALNC-1273 (M4471)
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Registrar of Deeds

4394



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "C2" CONTINUED

TREVOR, BAILEY & SAVAGE

OFFICE COPY

SIDES Metres		ANGLES		CO-ORDINATES System Lo 23° X		S.G. No.
AB	7.56	A	90 00 00			6111/1996
BC	94.46	B	90 00 00			Approved
CD	7.56	C	90 00 00			<i>M. J. Cassim</i>
DA	94.46	D	90 00 00			Surveyor-General
						1996-08-28

HEATHER STREET

Ptn. 18

PORTION 27

PORTION 28

ROAD

Remainder Farm 202

Scale 1:1000

The figure A B C D represents 714 square metres of land, being PORTION 28 of the farm HANS-MOES-KRAAL No. 202 situate in the Administrative District of George Province of ~~Cape of Good Hope~~ Western Cape Framed in terms of Section 39 of Act 9 of 1927, in May 1994 by me

ERF....A647..Pacaltsdorp.....

PLS 0543

G S Savage Land Surveyor

This diagram is annexed to

No. Dated i.f.o.

Registrar of Deeds

The original diagram is

No. 1145/1909 annexed to Grant No. Geo. Q.15-4

File No. GEOR 202 S.R. No. Framed

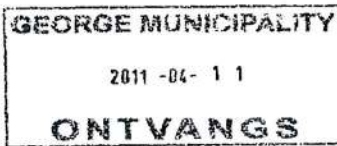
Comp. ALNC-1273 (M4471)

ERF 4647 Pacaltsdorp



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "C3"



Stiaan
in aanwag
Mike Steyn Attorneys
[Signature]
Victoria Straat 57 Victoria Street, PO Box 10076, George 6530
☎ 044 8747511 ☐ 0866 094 283
mikesteyn@absamail.co.za

5 April 2011

DIE BESTUURDER
GEORGE MUNISIPALITEIT
EIENDOMS BEPLANNING AFDELING
YORKSTRAAT
GEORGE

OUR REFERENCE : M STEYN/sr/M050

YOUR REFERENCE :

is : **OORDRAG ERF 4647 PACALTSDORP: GEORGE MUNISIPALITEIT /
HANSMOESKRAAL ENTERPRISES CC**

Meneer

Ons sien om na die konsolidasie van erwe 4654, 4646 en 4647 Pacaltsdorp, om erf 4394 Pacaltsdorp te vorm. 'n Afskrif van konsolidasiekaart S.G nommer 6112/1996 word vir u gerief aangeheg.

'n Aktesoek het aan die lig gebring dat slegs erwe 4645 en 4646 tans in ons kliënt se naam geregistreer is en dat erf 4647 wat 'n straatsluiting is, moet nog oorgedra word aan Hansmoeskraal Enterprises CC vanaf die George Munisipaliteit.

Voorsien ons asseblief van die naam van die kontakpersoon asook die naam van die prokureursfirma wie namens u sal omsien na die oordrag van erf 4647 Pacaltsdorp aan ons kliënt.

Ons verneem dringend van u.

Die uwe
[Signature]
Mike Steyn Prokureurs
per: Michael Steyn

SCAN NR.	
COLLAB	
DEP.	BO
FILE NR.	4647

Michael Herman Steyn (BA. LLB.) (Stell)

Consultant : Hermann Wilhelm Kruger (B.Proc.) (Dip. Reg. Deeds)



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.9.1 ANNEXURE "D"

EXTRACT FROM/UITTREKSEL UIT	
VERGADERING/MEETING	GEHOUD OP/HELD ON
EXECUTIVE MAYOR-IN-COMMITTEE MEETING	6 JUNIE 2007

Dr
14/03/08

5.4.5 APPLICATION TO WAIVE PRE-EMPTIVE RIGHT IN RESPECT OF THE REMAINDER OF ERF 1291 PACALTSDORP (ERF 1291, PACALTSDORP) HL/ml [6.11]

PURPOSE

To consider an application to waive Council's pre-emptive right in respect of the remainder of erf 1291 Pacaltsdorp.

BACKGROUND

The then Municipality of Pacaltsdorp sold the remainder of erf 1291 Pacaltsdorp ± 11567m² in extent to Hansmoeskraal Enterprises CC (represented by Mr S Munsamy member) during 1992 for R45 000,00 plus VAT of 10% (the applicable rate in 1992). Transfer of the property to the purchaser has already been registered.

The property is indicated on a plan marked annexure "A" to the agenda.

The purchaser may not sell the property to a third party without first offering it to the municipality at the original purchase price. The property would have formed part of a proposed hotel-site and would have been utilized primarily for gardens and parking. It is also a condition that if utilized for any other purpose the pre-emptive right referred to above, will apply mutatis mutandis.

REASONING

A letter has been received from Messrs GS Savage Associates on behalf of Mr S Munsamy regarding the possible waiving of such pre-emptive right. Copies of the letter and attached transfer document are marked annexure "B" to the agenda. The conditions relevant to the application form part of the transfer document.

The application has also been referred to the Director: Financial Services and to the Deputy Director: Planning for their comments which are quoted later in the report. It will be noted that no provision has been made on the budget to purchase the property. It may however be unlikely that the purchaser will proceed with the matter should the municipality wish to exercise its pre-emptive right. Further recommendations with regards to financing in the event of Council exercising its pre-emptive right and the purchaser proceeding to offer the property to Council will be furnished at the time.

COMMENTS DEPUTY DIRECTOR: PLANNING

"My persoonlike mening is dat ons ons voorkeepsreg moet uitoefen. Hy het die grond vir 'n spesifieke doel, teen 'n prys bepaal vir die doel, aangekoop en as hy dit vir 'n ander doel wil gebruik gaan dit teenstrydig wees met die verkoopsooreenkoms. Die grond is tans baie meer werd en die Raad kan



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "D" CONTINUED

EXTRACT FROM/UITTREKSEL UIT	
VERGADERING/MEETING	GEHOUD/HELD ON
EXECUTIVE MAYOR-IN-COMMITTEE MEETING	6 JUNIE 2007

heelwat meer vir die grond kry sou ons dit nou vir byvoorbeeld groepbehuising verkoop."

COMMENTS DIRECTOR: FINANCIAL SERVICES

"Indien daar nie deur middel van virement gedurende die 2006/2007 finansiële jaar die fondse bekom kan word nie, word dit aanbeveel dat daar op die 2007/2008 kapitaalbegroting voorsien gemaak word vir hierdie transaksie. Aangesien die aansuiweringsbegroting vir 2006/2007 afgehandel is, is die veriment op die oplossing om die transaksie in 2006/2007 af te kan handel."

OPSOMMING

Pacaltsdorp Munisipaliteit het die restant van erf 1291 Pacaltsdorp ± 11567m² groot gedurende 1992 teen R45 000,00 plus BTW aan Hansmoeskraal Enterprises CC verkoop. Die KOPER mag nie die eiendom aan 'n derde party verkoop sonder om dit eers aan die munisipaliteit aan te bied teen die oorspronklike koopprys nie. Die eiendom sou deel van 'n voorgestelde hotelperseel uitmaak en hoofsaaklik vir tuine en parkering aangewend word. Dit is ook 'n voorwaarde dat indien vir enige ander doel aangewend, die bogenoemde voorkoepsreg mutatis mutandis van toepassing sal wees.

RECOMMENDATION

that Messrs GS Savage Associates be informed that Council will exercise its pre-emptive right to re-purchase the property at the original purchase price should the owner wish to dispose of it or wish to utilize it for a purpose other than provided for in the deed of sale. [BO]

dat Menere GS Savage Assosiate ingelig word dat die Raad sy voorkoepsreg om die eiendom terug te koop teen die oorspronklike koopprys sal uitoefen indien die eienaar dit sou wou vervreem of vir doeleindes anders as waarvoor in die koop-ooreenkoms voorsiening gemaak is, wil aanwend.

RESOLVED

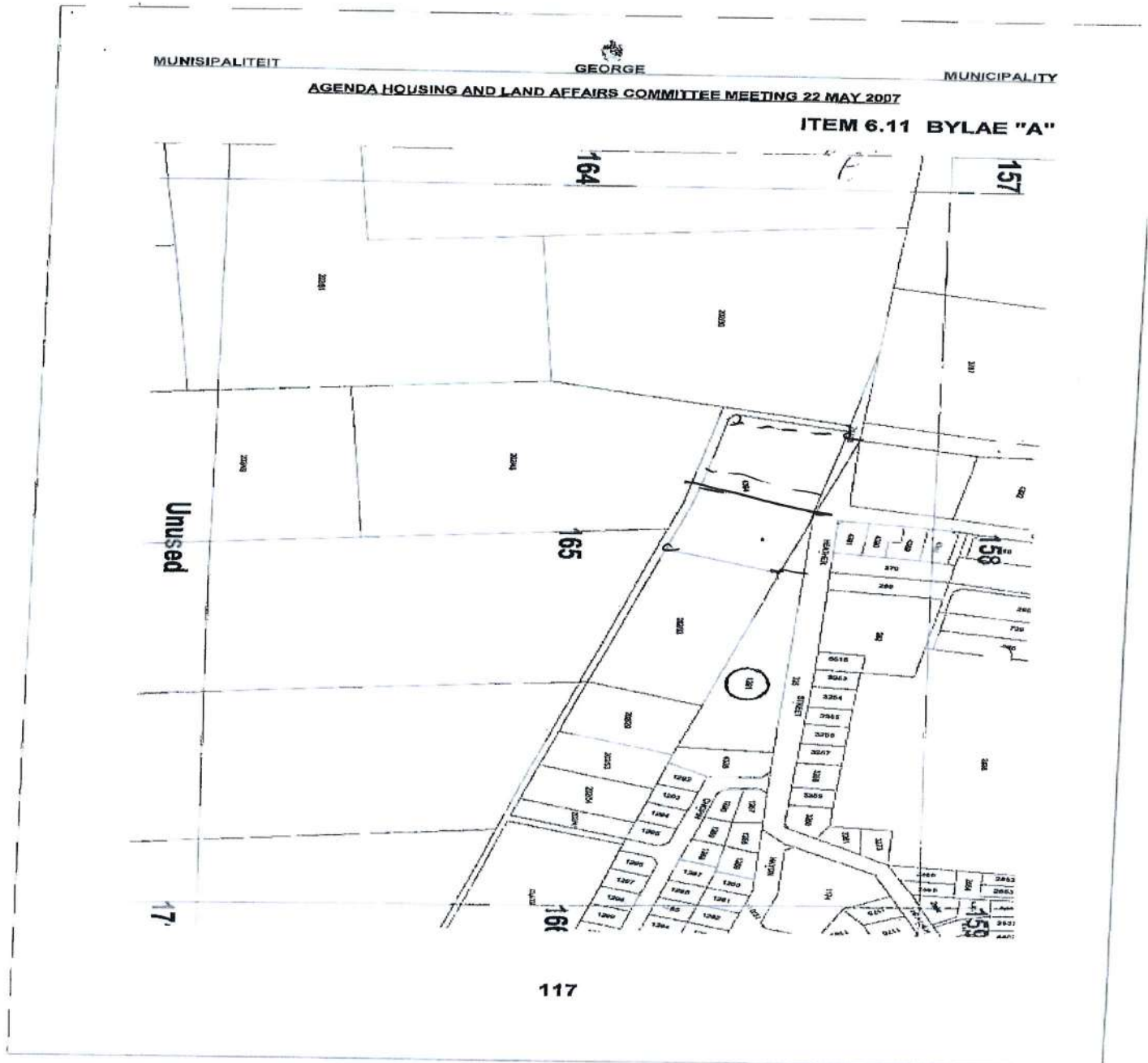
that Messrs GS Savage Associates be informed that Council will exercise its pre-emptive right to re-purchase the property at the original purchase price should the owner wish to dispose of it or wish to utilize it for a purpose other than provided for in the deed of sale, after the original deed of sale. [BO]

dat Menere GS Savage Assosiate ingelig word dat die Raad sy voorkoepsreg om die eiendom terug te koop teen die oorspronklike koopprys sal uitoefen indien die eienaar dit sou wou vervreem of vir doeleindes anders as waarvoor in die koop-ooreenkoms voorsiening gemaak is, wil aanwend.



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "D" CONTINUED





AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "D" CONTINUED

MUNISIPALITEIT

GEORGE

MUNICIPALITY

AGENDA HOUSING AND LAND AFFAIRS COMMITTEE MEETING 22 MAY 2007

ITEM 6.11 BYLAE "B"

*For attention
14/03*

G.S. SAVAGE Associates

G.S. Savage Pr.L. (S.A.) B.Sc., N.T.D., Dip.Bur.M., PLATO
PROFESSIONAL LAND SURVEYOR, TOWNSHIP PLANNER,
ENGINEERING SURVEYOR, SECTIONAL TITLE CONSULTANT

46 Albert Street
P O Box 752
GEORGE 6530

Tel: (044)874 2414
Fax: (044)874 0335
email: g.savage@mweb.co.za

Your ref: Rem.Erf 1291 Pacaltsdorp
Our ref: Munsamy

The Director Planning and Administration
George Municipality
P O Box 19
GEORGE
6530

13 March 2007

Dear Sir

REMAINDER ERF 1291 PACALTSDORP

My client Mr S Munsamy, Member of Hansmoeskraal Enterprises CC, the owner of Rem. Erf 1291 Pacaltsdorp, wishes to investigate the possibility of developing the erf by the construction of townhouses for sale. Before he proceeds with preliminary planning, he is obliged in terms of Clause 1(a) of the deed thereof, to give the George Municipality first refusal to buy the erf back from him.

Please will you let me know in writing if Council will exercise this right, and whether it will accept an application for a partial rezoning to General Residential and give consent for the separation for sale to a third party of portion of the erf. (see Clause 2 of the attached deed.)

Yours faithfully

G.S. Savage

**G.S. SAVAGE
PROFESSIONAL LAND SURVEYOR**



Encl. Copy of Deed of Transfer

SCAN NR.	1252
COLLAB	019227
DEP.	60
FILE NR.	1291/PACS



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "D" CONTINUED

MUNISIPALITEIT

GEORGE

MUNICIPALITY

AGENDA HOUSING AND LAND AFFAIRS COMMITTEE MEETING 22 MAY 2007

ITEM 6.11 BYLAE "B" VERVOLG

Opgestel deur my,

TRANSPORTBESORGER
HAYCOCK N

PROKURASIE VIR TRANSPORT

Ek, die ondergetekende, ANDREAS JACOBUS SMITH behoorlik hiertoe gemagtig deur
MUNISIPALITEIT GEORGE

benoem hiermee ELIZABETH JOHANNA McCAUL

met mag van substitusie om as my/ons ware en wettige Gemagtigde en Agent te verskyn
voor die REGISTRATEUR VAN AKTES TE KAAPSTAD en daar te verklaar dat die
Transportgewer/s op 4 MEI 1992, verkoop het aan

HANSMOESKRAAL ENTERPRISES CC
CK No 86/15685/23

vir die som van R49 500,00 (NEGE EN VEERTIGDUISEND VYFHONDERD RAND)

die ondergenoemde eiendom, naamlik:

RESTANT ERF 1291 PACALTSDORP
IN DIE MUNISIPALITEIT EN ADMINISTRATIEWE DISTRIK VAN GEORGE
DIE PROVINSIE WES-KAAP

GROOT 1,1567 (EEN KOMMA EEN VYF SES SEWE) HEKTAAR

GEHOU KRAGTENS SERTIFIKAAT VAN GEREgistreERDE TITEL NR T19289/91

ONDERHEWIG aan die voorwaardes soos daarin vervat.

ONDERHEWIG VERDER aan die volgende voorwaardes opgelê deur, en ten gunste van
MUNISIPALITEIT GEORGE, naamlik:

1. (a) Die Transportnemer en sy opvolgers in titel, sal nie die eiendom hierdeur oorgedra, verkoop aan 'n derde party, alvorens die eiendom nie eers aan die Munisipaliteit George te koop aangebied word teen die oorspronklik koopprys daarvoor betaal deur die Transportnemer nie.
- (b) Bogenoemde eiendom sal deel vorm van 'n voorgestelde hotelterrein en sal hoofsaaklik aangewend word vir tuine en parkering. Indien die Transportnemer of sy opvolger in titel te enigertyd die eiendom vir 'n ander doel aanwend, sal die voorkoepsreg genoem in voorwaarde 1(a) hierbo, mutatis mutandis van toepassing wees en sal die Munisipaliteit George



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "D" CONTINUED

MUNISIPALITEIT



MUNICIPALITY

AGENDA HOUSING AND LAND AFFAIRS COMMITTEE MEETING 22 MAY 2007

ITEM 6.11 BYLAE "B" VERVOLG

daarop geregtig wees om aan te dring dat die eiendom op die koste van die transportnemer aan die Munisipaliteit George, teruggetransporteer word.

2. Die eiendom hierby oorgedra en (i) ERF 4645 PACALTS DORP, in die Munisipaliteit en Afdeling van George, Provinsie Wes-Kaap, groot 8565 vierkante meter, tehou kragtens Transportakte Nr T795/1987 en (ii) ERF 4646 PACALTS DORP, in die Munisipaliteit en Afdeling van George, Provinsie Wes-Kaap, groot 8565 vierkante meter, gehou kragtens Transportakte Nr T796/1987, mag nie afsonderlik van mekaar vervreem word, sonder die skriftelike toestemming van Munisipaliteit George nie, welke toestemming gegee mag word op sodanige voorwaardes as wat die Munisipaliteit George wenslik mag ag om op te lê.

en om die genoemde eiendom in volle en vrye eiendom te transporteer aan die gemeinde transportnemer en afstand te doen van al die reg, titel en aanspraak wat vroeër in en tot genoemde eiendom gehad het en alles te doen ewe en kragtelik in alle opsigte, as ek/ons self kon doen indien persoonlik teenwoordig en hierin beloof ek/ons hiermee om te bekragtig en goed te keur alles wat my/ons gemeinde prokureur hieromtrent wettiglik doen uit krag van hierdie akte.

GETEKEN te GEORGE

op 20ste Maart 1998

AS GETUIES:

1. [Handwritten signature] [Handwritten signature]
2. [Handwritten signature] [Handwritten signature]



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "E"



Valuation Report

'VACANT RESIDENTIAL LAND'

**ERF 1291 PACALTSDORP,
GEORGE MUNICIPALITY,
WESTERN CAPE**

**Reference number
DDPMUN4986**

www.ddp.co.za



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE “E” CONTINUED



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Property Valuation Experts

- 2 -

V: March 2022



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "E" CONTINUED



1. CONTACT DETAILS

Client / Instructing Party			George Municipality
Name			D Gelderbloem
Title			Manager: Investment Property
Organisation			George Municipality
Address			PO Box 1869 George 6529
Phone			+27 (44) 801 9472
Fax			Unknown
Mobile			Unknown
Email			rehendricks@george.gov.za
Website			www.george.gov.za
Valuer / Company			DDP Valuers (Pty) Ltd
Name			Adele Locker
Title			Professional Valuer
Address			Office 10, 1 st Floor, Beacon House 123 Meade Street George 6530
Phone			+27 (21) 910 2300
Fax			+27 (86) 675 8242
Mobile			+27 (78) 615 9455
Email			adele.locker@ddp.co.za
Website			www.ddp.co.za

Property Valuation Experts



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "E" CONTINUED



2. SUMMARY OF KEY FACTS

Subject Property	Erf 1291 Pacaltsdorp, George, Western Cape Province
Physical Address	Heather Road, Pacaltsdorp, Western Cape Province
Registered Owner	Municipality George
Date of Inspection	18 March 2024
Effective Date of Valuation	25 March 2024
Method of Valuation	Market Approach (Comparable Sales)
Property Type	Vacant Residential Land
Erf Extent	11 567.00m ²
Improved Extent	Not applicable – land only
Quality of Accommodation Offered	Not Applicable
Rate/m ²	R195.00/m ²
Value – Erf 1291	R2 260 000.00 (Excl. VAT)

Property Valuation Experts



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "F1"

11 August 2024

Dear Sir / Madam

RE: LETTER OF AUTHORITY TO CONTINUE DEVELOPMENT

We, Hansmoeskraal Enterprises CC, hereby grant our full consent and authorisation to Neill Schoeman Attorneys Inc. and Redrock Development (Pty) Ltd to proceed with the development activities.

This letter confirms that Hansmoeskraal Enterprises CC acknowledges and approves the continuation of the development project in accordance with terms and conditions as contractually agreed by both parties on 25 April 2024. We trust that Neill Schoeman Attorneys Inc. and Redrock Development (Pty) Ltd will act in accordance with the provisions of the Joint Venture Agreement and ensure that all developments activities are carried out in a professional and compliant manner.

Furthermore, we confirm that our own attorney, Simone Olivier Attorneys, have guided us and are familiar with the contents of the Joint Venture Agreement.

Please feel free to contact us if any further information, documentation or clarification are required.

Thank you for your attention to this matter.

Yours sincerely,

Nolan Munsamy

On behalf of Hansmoeskraal Enterprises CC



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "F1" CONTINUED



+27 84 499 5977
www.nsprok.com
neill@nsprok.co.za
97 Long Street, Great Brak River

8 August 2024

TO WHOM IT MAY CONCERN

**RE: HANSMOESKRAAL ENTERPRISES CC / REDROCK DEVELOPMENT
NEILL SCHOEMAN ATTORNEYS INC.**

Hereby, I confirm that I have started my own practice on the 6th of June 2024.
Please find attached hereto my fidelity fund certificate as well as proof of my practice number from the Legal Practice Council of South Africa.

I was previously employed by MMO (Miltons Matsemela Oosthuizen Inc), when starting this project with Hansmoeskraal Enterprises CC and Redrock Development Pty Ltd.

Further we can confirm that the abovementioned clients have come over to my new practice, and I will be acting in best interests of all parties involved.

Kind regards,

Neill Schoeman Attorneys Inc.

PER: N SCHOEMAN



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "F1" CONTINUED



**Schedule 6A
(Rule 47.6)**

**LEGAL PRACTITIONERS' FIDELITY FUND
FIDELITY FUND CERTIFICATE**

for the year ending 31 December 2024
Pursuant to the provisions of Chapter 6 of the
Legal Practice Act, 28 of 2014 (the Act)

I hereby certify that

NEILL SCHOEMAN

an attorney

has complied with the provisions of
Section 85 of the Act. The legal practitioner named in
this certificate is obliged to practise subject to the provisions of the Act.

for Executive Officer

Legal Practice Council

Issued on 06/06/2024
FFC19891/2024



AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "F1" CONTINUED

ASSOCIATED FIRMS

Firm Name	Firm Number	Province	Role	Associated Period
Schoeman Attorneys Inc, Neil	72102	WESTERNSCAPE	PARTNERDIRECT OR	2024





AGENDA ORDINARY e-COUNCIL MEETING 19 SEPTEMBER 2024

ITEM 8.1.9 ANNEXURE "F2"

RESOLUTION PASSED AT A MEETING OF THE MEMBERS OF HANSMOESKRAAL
ENTERPRISES CC - REGISTRATION NUMBER 1986/015686/23
HELD VIRTUALLY
ON THE 22ND OF APRIL 2024

RESOLVED THAT:

1. The Close Corporation enters into a Joint Venture with Redrock Developments Pty (Ltd) to develop the following properties:
 - 1.1 ERF 4645, PACALTSDOORP;
 - 1.2 ERF 4646, PACALTSDOORP;
 - 1.3 ERF 4647, PACALTSDOORP; and
 - 1.4 ERF 1291, PACALTSDOORP
2. The Close Corporation shall accept all the responsibilities as per the Joint Venture Agreement entered into and signed by the Parties and specifically undertakes to:
 - a) Avail the aforesaid properties for rezoning, developing and subdividing into full- and sectional title units;
 - b) Pass transfer of the subdivided full- and sectional title units to third party purchasers;
 - c) Pay the normal and current municipal rates and taxes on the property until the last phase of development is completed.
 - d) Bear the risk of abnormal costs associated with the Property, including but not limited to the re-zoning of erf 1291, the transfer of erf 4647 into the name of Hansmoeskraal CC and a possible road construction with entrances on erf 1291, as/if required by the George municipality.
3. The Close Corporation shall be compensated as per Clause 5 of the Joint Venture Agreement entered into and signed by the Parties.
4. NOLAN LEECH MUNSAMY, in his capacity as a MEMBER be and is hereby authorised to sign:
 - 4.1 the relevant documents which may be necessary for the development of the properties and;
 - 4.2 the relevant documents which may be necessary for the registration of transfer of the properties into the names of third party purchasers.
5. It is further recorded that as soon as the Close Corporation is compensated in terms of the Joint Venture Agreement, NOLAN LEECH MUNSAMY, shall become responsible for the day to day management of the Close Corporation and shall attend to any business, legal and accounting engagements.

- 2 -

- 4.1 the relevant documents which may be necessary for the development of the properties and;
- 4.2 the relevant documents which may be necessary for the registration of transfer of the properties into the names of third party purchasers.
5. It is further recorded that as soon as the Close Corporation is compensated in terms of the Joint Venture Agreement, NOLAN LEECH MUNSAMY, shall become responsible for the day to day management of the Close Corporation and shall attend to any business, legal and accounting engagements and shall be authorised to sign all documentation and correspondence on behalf of the Close Corporation relating to the aforesaid.

MEMBERS

1. Belinda Munsamy
2. Mandy Iona Munsamy
3. Selvan Munsamy
4. Nolan Leech Munsamy
5. Geraldine Munsamy

SIGNATURES

TO BE SIGNED BY EACH AND EVERY MEMBER

ANNEXURE “G” – COUNCIL RESOLUTION DATED 19 SEPTEMBER 2024

DIRECTORATE: HUMAN SETTLEMENTS, PLANNING & DEVELOPMENT
DIREKTORAAT: MENSLIKE NEDERSETTINGS, BEPLANNING & ONTWIKKELING

Reference Number: 3421079

Enquiries: DM Gelderbloem

Erf no: Erf 4647 and 1291 Pacaltsdorp

Date: 30 September 2024

NEILL SCHOEMAN ATTORNEYS & CONVEYENCERS

97 Long Street

Bergsig

GROOT BRAKRIVIER

6525

PER E-MAIL: neill@nsprok.co.za
vincent@a4arc.co.za

ATTENTION: MR SCHOEMAN

**RE: APPLICATION FOR THE CANCELLATION OF RESTRICTIVE TITLE DEED
CONDITIONS REGISTERED AGAINST ERVEN 1291,4645, AND 4646 PACALTSDORP
AND CONSENT TO THE TRANSFER OF THE UNCONSTRUCTED ROAD ERF 4647
PACALTSDORP**

The abovementioned matter refers.

Your application was discussed at a Council Meeting held on the 19 September 2024.
Please find attached a copy of the signed Council Resolution for you record purposes.

Yours faithfully



DM GELDERBLOEM
MANAGER: INVESTMENT PROPERTIES



EXTRACT MINUTES: ORDINARY e-COUNCIL MEETING HELD ON 19 SEPTEMBER 2024

8.1.9 APPLICATION FOR THE CANCELLATION OF RESTRICTIVE TITLE DEED CONDITIONS REGISTERED AGAINST ERVEN 1291, 4645 AND 4646 PACALTSDORP AND CONSENT TO THE TRANSFER OF THE UNCONSTRUCTED ROAD ERF 4647 PACALTSDORP [9.1]

(...continue on next page)

Proposed by Councillor M Barnardt and seconded by Councillor M Kleynhans, it was

RESOLVED

- (a) That Council **TAKE NOTE** of Regulation 7 of the Asset Transfer Regulations listed in the report and **CONFIRMS** that the factors listed have been taken into account in considering the proposed disposal;
- (b) That **IT BE DECIDED** that the unconstructed road Erf 4647 Pacaltsdorp, is not required for the minimum level of basic municipal service delivery in terms of Section 14(2) of the Municipal Finance Management Act, 2003 (Act 56 of 2003);
- (c) That Council **CONDONE THE DECISION** of the then Pacaltsdorp and South Cape Regional Council to transfer Erf 4647 Pacaltsdorp to the owner of Erven 4645 and 4646 Pacaltsdorp on condition that the required procedures be undertaken to consolidate the three properties;
- (d) That the decision taken by the Executive Mayor-In-Committee held on 6 June 2007 regarding the waiving of the pre-emptive right in respect of the Remainder of Erf 1291 Pacaltsdorp, **BE REVOKED AND RESCINDED**;
- (e) That the cancelation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp and Erven 4645 and 4646 Pacaltsdorp listed in the report **BE APPROVED**, subject to:
 - (i) the applicant pays the amount of R2 215 000.00 plus VAT, which is the difference in value of the amount that they acquired the land for and the current market value of the property;
 - (ii) that the applicant be notified that this approval does not pre-empt any land use, town planning or any other approvals that may be required for the proposed development;
 - (iii) that, should the developer do not proceed with the cancelation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp within a period of three (3) years from the date of this decision, the Municipality may consider exercising its pre-emptive right to buy back the property at the original purchase price.
- (f) That transfer of the unconstructed road Erf 4647 Pacaltsdorp **BE ADVERTISED** for public comment and representations and for counter proposals;

19/09/2024
[Handwritten signatures and initials]



EXTRACT MINUTES: ORDINARY e-COUNCIL MEETING HELD ON 19 SEPTEMBER 2024

8.1.9 APPLICATION FOR THE CANCELLATION OF RESTRICTIVE TITLE DEED CONDITIONS REGISTERED AGAINST ERVEN 1291, 4645 AND 4646 PACALTSDORP AND CONSENT TO THE TRANSFER OF THE UNCONSTRUCTED ROAD ERF 4647 PACALTSDORP [9.1]

(...continued from previous page)

- (g) That this approval be regarded as **FINAL APPROVAL** if no counter proposals for the utilisation of this non-viable unconstructed road Erf 4647 Pacaltsdorp is received to develop it for affordable housing;
- (h) That the applicant **BE RESPONSIBLE** for all the costs, including the cancellation of the restrictive conditions, the consolidation and the rezoning of the properties, etc;
- (i) That it **BE NOTED** that the development of the consolidated Erven 4645, 4646 and 4647 Pacaltsdorp and the cancelation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp be considered as two separate processes; and
- (j) That this approval is **SUBJECT THERETO**, that all administrative, technical and legal requirements are adhered to by the applicant.

Date: 19/09/2024

Manager: Committee Support (Miss R Bredenkamp)

Date: 20/09/2024

Deputy Director: Corporate Services (ADMIN) (Mr E Ganza)

Date: 25/09/2024

Acting Director: Corporate Services (Mr W Muller)

ANNEXURE “H” – SIGNED DEED OF SALE

Reference number: 3087419
Date: 13 March 2025
Erf No: Erf 4647 Pacaltsdorp

Enquiries: 044 801 9472

MAKHAFOLA INCORPORATED ATTORNEYS
2nd Floor, Shamrock Office Park
York Street
GEORGE

Per e-mail: admin3@makhafolainc.co.za

**TRANSFER: DEED OF SALE-GEORGE MUNICIPALITY//HANSMOESKRAAL
ENTERPRISES CC, ERF 4647 PACALTSDORP**

The abovementioned matter has reference.

Attached hereto please find a copy of the signed Deed of Sale in respect of Erf 4647 Pacaltsdorp, for your record purposes.

Makhafola Incorporated Attorneys will compile the necessary documents to transfer the property into your name. **Physical Address:** 2nd Floor, Shamrock Office Park, 97 York Street, George, 6529. **Contact number:** (044) 007 0331.

Yours faithfully



DM GELDERBLOEM
MANAGER: INVESTMENT PROPERTIES

S:\Properties\2020 & Beyond\17.RENE\Deed of sale Letters\REMAINDER OF ERF 246 PACALTSDORP-PRESCRIPTIVE CLAIM.docx

DEED OF SALE

Erf 4647 PACALTSDORP

BETWEEN

THE GEORGE MUNICIPALITY

herein represented by DELIA POWER
In her capacity as Acting Director: Human Settlements, Planning & Development and
Property Management
she being duly authorized thereto in terms of
a delegation of powers as approved by Council on 30 June 2022

hereinafter referred to as **THE SELLER**

**WHO CONFIRMS THAT THIS CONTRACT IS NOT BEING CONCLUDED
IN THE ORDINARY COURSE OF HIS BUSINESS**

and

HANS MOESKRAAL ENTERPRISES CC

Registration number: 1986/015685/23

herein represented by Norval Mlonyani

hereinafter referred to as **THE PURCHASER**

WITNESSETH: That the **SELLER** agrees to sell to the **PURCHASER** who agrees to purchase from the **SELLER** the undermentioned property (hereinafter referred to as "THE PROPERTY") upon the following terms and conditions :

1. THE PROPERTY

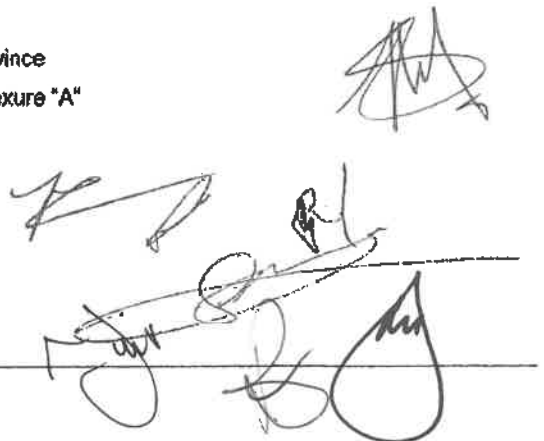
The Property herein sold is described as :

ERF 4647 Pacaltsdorp

in the Municipality and Division of George, Western Cape Province

As reflected on the proposed SG Diagram 6112/1996 as Annexure "A"

EXTENT 800 (Eight Hundred) square metres



2. SUBJECT MATTER

- 2.1 The property is being sold in terms and subject to the Council Resolution taken on 19 September 2024, attached as Annexure "B";
- 2.2 The **SELLER** sells the erf to the **PURCHASER** on the condition that the **PURCHASER** undertake the required procedure to consolidate Erven 4645, 4646 and 4647 Pacaltsdorp.

3. PURCHASE PRICE

- 3.1 The purchase price is the sum of R100.00 (ONE HUNDRED RAND) which shall be payable by the **PURCHASER** to the **SELLER**.

4. TRANSFER COSTS

The **PURCHASER** shall pay all costs of transfer, registration fees, procuring of certificates, transfer duty and/or VAT on the full purchase price if applicable, to enable the Conveyancing Attorneys to effect registration of the property into the name of the **PURCHASER**.

5. TRANSFER

Transfer of the Property shall be given by the **SELLER'S** Attorneys to the **PURCHASER** and will be effected once Clause 2 above have been complied with. The parties undertake to give their co-operation to ensure that registration takes place as soon as possible.

6. RATES & TAXES

The **PURCHASER** shall be responsible for the payment of the local authority's rates and taxes and/or insurance premiums from date of registration of the property in his name and shall refund to the **SELLER** a proportionate share of any monies paid in advance in respect of the Property.

The bottom of the page features several handwritten signatures and initials in black ink. There are approximately six distinct marks, including what appear to be full names and initials, scattered across the lower right quadrant of the document.

7. DESCRIPTION OF PROPERTY IN THE TITLE DEED

The Property is sold as described in the existing Title Deed or Deeds thereof and is subject to all conditions and servitudes (if any) attached thereto, or mentioned or referred to in the said Title Deed. The SELLER shall not be liable for any deficiency in extent which may be revealed upon any re-survey, nor shall the SELLER benefit from any possible surplus.

8. BREACH OF CONTRACT

8.1 In the event of the PURCHASER failing to fulfil on due date any of the terms and conditions of this Deed of Sale and fail to rectify such breach within seven (7) days after being requested to do so in writing by the SELLER'S Conveyancers, the SELLER or his agent shall have the right either:-

8.1.1 To cancel the sale by registered letter addressed to the PURCHASER in which event the PURCHASER shall forfeit all monies paid to the SELLER or his Agent in terms hereof as a genuine pre-estimate of liquidated damages, without prejudice to the SELLER's other legal rights and remedies and the right to claim damages, or alternatively;

8.1.2 To claim immediate payment of the full purchase price together with interest at the prime interest rate which may apply from time to time, plus 2% (two percent);

8.1.3 To claim fulfilment of all terms and conditions.

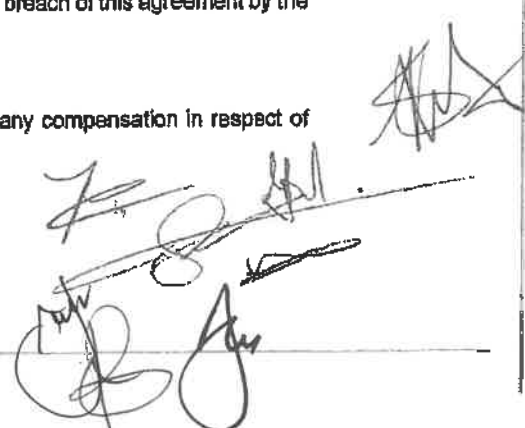
8.2 In the event of the SELLER failing to fulfil on due date any of the terms and conditions of this Deed of Sale, and fail to rectify such breach within seven (7) days after being requested to do so, in writing, the PURCHASER or his agent shall have the right either:-

8.2.1 To cancel the sale by registered letter addressed to the SELLER and to recover from the SELLER such damages as he may have suffered, or alternatively;

8.2.2 To tender payment of the purchase price and to claim immediate fulfilment of all the terms and conditions thereof.

8.3 In the event of the SELLER cancelling the contract due to breach of this agreement by the PURCHASER:

8.3.1 the PURCHASER will not be entitled to claim any compensation in respect of

The bottom right of the page contains several handwritten signatures and initials. There is a large, stylized signature that appears to be 'F. S. Hall' or similar, and below it, several other initials and signatures, including one that looks like 'A. J.' and another that is more cursive. The signatures are written in dark ink on the white paper.

any alterations to the property by the **PURCHASER**;

- 8.3.2 save for any useable alterations the **PURCHASER** shall deliver to the **SELLER** the property in its original condition when it was handed to the **PURCHASER**.

- 8.4 In the event of the **PURCHASER** cancelling the contract due to breach of this agreement by the **SELLER**, the **SELLER** will be liable for any costs incurred by the **PURCHASER** in respect of any alterations effected.

9. AMENDMENT

This is the sole and complete agreement between the parties and any amendment of, addition to, or substitution for any term or condition in this Agreement, or to or for the Agreement, shall be only valid, binding and enforceable upon the parties in the event of it being executed in writing and signed by both the **PURCHASER** and **SELLER**, each in the presence of two witnesses.

10. WAIVER

Notwithstanding any express or implied provisions of this Deed of Sale to the contrary, any latitude or extension of time which may be allowed by the **PARTIES** in respect of any matter or thing that the **PARTIES** are bound to perform or observe in terms hereof, shall not under any circumstances be deemed to be a waiver of the **PARTIES** rights at any time, and without notice, to require strict and punctual compliance with each and every provision or terms hereof.

11. DOMICILIUM CITANDI ET EXECUTANDI

- 11.1 The parties choose as their *domicilia citandi et executandi* for all purposes under this agreement, whether in respect of court process, formal letters or other documents or communications of whatsoever nature at their respective addresses as set out hereunder:

Seller: George Municipality
Office of the municipal manager
3rd Floor, Civic Centre
Email: Dmgelderbloem@george.gov.za
Tel: 044 801 9111

The block contains several handwritten signatures and initials. At the top right, there is a signature that appears to be 'X'. Below it, there are more signatures, including one that looks like 'Z' and another that is a large, stylized signature. At the bottom, there are two more signatures, one of which is a large, circular signature.

Purchaser: Hononoetse Enterprises CC
Heather Rd, Pacaltsdorp
629
 Email: honoetse@gmail.com
 Tel: 082 723 9528

- 11.2 Any notice of communication required or permitted to be given in terms of this agreement shall be valid and effective only if in writing.
- 11.3 Any Party may by notice to the other Party change the physical address chosen as its *domicilium citandi et executandi vis-à-vis* that party to another physical address in the Republic of South Africa or its email address: Provided that the change shall become effective *vis-à-vis* that addressee on the 3rd business day from the deemed receipt of the notice by the addressee.
- 11.4 Any notice to a party:
- 11.4.1 sent by prepaid registered post in a correctly addressed envelope to it at its *domicilium citandi et executandi* shall be deemed to have been received on the 7th business day after posting (unless the contrary is proved); or
- 11.4.2 delivered by hand to a responsible person at its *domicilium citandi et executandi* shall be deemed to have been received on the day of delivery; or
- 11.4.3 sent by email to its chosen email address stipulated, shall be deemed to have been received on the date of dispatch (unless the contrary is proved).
- 11.5 Notwithstanding anything to the contrary herein contained a written notice or communication actually received by a Party shall be an adequate written notice or communication to it notwithstanding that it was not sent to or delivered at its chosen *domicilium citandi et executandi*.

12. TRANSFERRING ATTORNEYS

- 12.1 The SELLER hereby appoint MAKHAFOLA INCORPORATED ATTORNEYS, 2ND FLOOR, SHAMROCK OFFICE PARK, YORK STREET, GEORGE 044 007 0331 to effect transfer of the property into the name of the PURCHASER.

The bottom right of the page contains several handwritten signatures and initials. There is a large, stylized signature that appears to be 'S. J. Mak' or similar, and several other smaller initials and marks, including what looks like a circled 'X' or 'A'.

- 12.2 The PURCHASER shall sign all documents upon request and return them immediately upon being asked to do so by the transferring attorneys.

13. JURISDICTION

The parties hereto, in terms of Section 45 of Act 32 of 1944, consent to the jurisdiction of the Magistrate's Court for the hearing of any action which may arise directly or indirectly from this Agreement, without prejudice however, to institute such action in the Supreme Court in the event of their choosing to do so.

14. COMPANY / CLOSED CORPORATION / TRUST

In the event that this agreement is signed by the PURCHASER acting on behalf of a Company, Closed Corporation or Trust, which entity is registered or not, he shall be deemed to guarantee that he is duly authorised to sign this Agreement. By signing this agreement he binds himself to the SELLER as surety on co-principal debtors in solidum with such Company, Closed Corporation or Trust and he hereby waives the legal exceptions *beneficium excusationes et divisiones* for the due compliance of the obligations of the Company, Closed Corporation or Trust.

15. FICA

The SELLER and PURCHASER warrant that they are aware of their obligations in terms of the Financial Intelligence Act, no. 38 of 2001 ("FICA").

16. RECEIVER OF REVENUE

As a result of SARS (South African Revenue Services) doing risk analysis on both the SELLER and the PURCHASER and on all property transactions, the parties warrant to each other that all tax issues including but not limited to tax returns and tax payments, are current and up to date. The defaulting party will be liable for all costs incurred and damages suffered by the aggrieved party as a result of this warranty. The aggrieved party shall also be entitled to place the defaulting party on terms, and therefore cancel the agreement if this warranty is breached. The remedies are in addition to all rights, which the parties have in terms of this agreement or in law. The parties hereby declare that they are aware of the Section 35A of the Income Tax Act, whereby the PURCHASER has the obligation to the South African Revenue Service to withhold a percentage of the purchase consideration payable to the SELLER or the Attorneys, in circumstances where the SELLER is a non-resident as defined by the Act, and the Purchase price payable in respect of the property is R2 000 000,00 (TWO MILLION RAND) OR MORE. For purposes of this agreement, the SELLER hereby warrants that he is a resident of South Africa.

17. DISPUTE RESOLUTION

- 17.1 If any dispute arises between the **SELLER** and the **PURCHASER** in connection with or arising out of this agreement, the parties shall make every effort to resolve amicably, such dispute or difference by mutual consultation.
- 17.2 Should a dispute which pertains to this agreement arise between the parties to this agreement then the parties can agree to refer the dispute in question to arbitration.
- 17.3 Referral to arbitration must be by way of written notice delivered to the domicilium cjtandi et executandi of the other party/ies involved in the dispute.
- 17.4 In the event of arbitration, the parties shall use their best endeavors to ensure that the arbitration is held and concluded, and a decision handed down within 30 (thirty) working days after the delivery of the referral to arbitration.
- 17.5 The arbitrator shall be a person agreed between the parties to the dispute and party to the dispute may request the Chairperson for the time being of the Legal Practice Council (Western Cape Provincial Office) to appoint an arbitrator, which he is authorized to do in his sole discretion, save that the appointed arbitrator must be independent.
- 17.6 The arbitrator shall have the fullest and freest discretion regarding the procedure applicable to the proceedings; whether he shall require assessors to assist in his decision making; as well as the venue and timing thereof, subject to the other terms of this clause 16.
- 17.7 The arbitrator may make an award as to his/her costs.
- 17.8 The provisions of the Arbitrations Act, Act 42 of 1985, shall apply to this arbitration.
- 17.9 A party to this agreement may institute court proceedings if:
- 17.9.1 same is necessary for the protection of any rights pending the resolution of an arbitration in terms hereof; or
- 17.9.2 same is necessary to obtain relief where grounds justifying urgent relief exist.
- 17.9.3 same is necessary to compel a party to abide by the terms of this arbitration clause.

Handwritten signatures and initials in black ink, located at the bottom right of the page. There are several distinct signatures, some appearing to be initials like 'AA' and 'JG', and others that are more elaborate cursive signatures.

18. PROTECTION OF PERSONAL INFORMATION ACT, ACT 4 OF 2013 (POPI)

I hereby consent to the use of my personal information in terms of the Protection Of Personal Information Act, Act 4 of 2013 for the purposes of record keeping and related matters. This consent is furnished on condition that my personal information shall be used and processed in accordance with POPI.

THUS DONE and SIGNED at GEORGE on 12 MARCH 2025.

AS WITNESSES :

1.

2.

SELLER

THUS DONE and SIGNED at GEORGE on 11 MARCH 2025.

AS WITNESSES :

1.

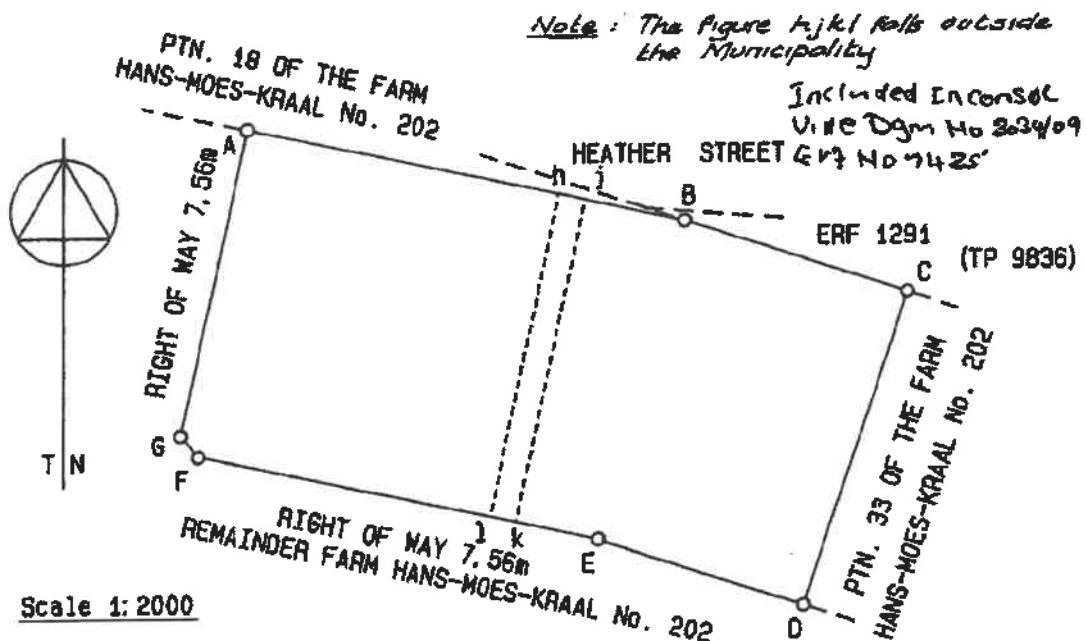
2.

PURCHASER

G S SAVAGE & ASSOCIATES

SIDES Metres		ANGLES		CO-ORDINATES Y System L ₂₃ X		S.G. No. 6112/1996 Approved <i>MR. [Signature]</i> Surveyor-General 1996-08-28
AB	127,65	A	90 00 00			
BC	66,45	B	173 54 40			
CD	94,46	C	90 00 00			
DE	61,43	D	90 00 00			
EF	116,32	E	186 05 20			
FG	7,87	F	143 07 50			
GA	89,73	G	126 52 10			

1. The figure A h l F G represents Erf 4645 Pacaltsdorp vide Diagram 2598/1926 annexed to Deed 1926.181.9008
2. The figure j B C D E k represents Erf 4646 Pacaltsdorp vide Diagram 2599/1926 annexed to Deed 1926.181.9008
3. The figure h j k l represents Erf 4647 Pacaltsdorp vide Diagram 6111/96 annexed to Deed



The figure A B C D E F G represents 1,7844 hectares of land, being

ERF 4394 PACALTSDORP and comprises 1 to 3 above

partly situate in the Municipality and Administrative District of George Province of Cape of Good Hope Western Cape
Compiled in March 1995 by me

G. Savage
Professional Land Surveyor
G S Savage PLS 0543

This diagram is annexed to

No.
Dated
i.f.o.

Registrar of Deeds

The original diagrams are as quoted above

File No. Geor. 202
S.R. No. Compiled

Comp. ALNC-1273 (M4471)

4394

"B"



EXTRACT MINUTES: ORDINARY COUNCIL MEETING HELD ON 19 SEPTEMBER 2024

8.1.9 **APPLICATION FOR THE CANCELLATION OF RESTRICTIVE TITLE DEED CONDITIONS REGISTERED AGAINST ERVEN 1291, 4645 AND 4646 PACALTSDORP AND CONSENT TO THE TRANSFER OF THE UNCONSTRUCTED ROAD ERF 4647 PACALTSDORP [9.1]**
(...continue on next page)

Proposed by Councillor M Barnardt and seconded by Councillor M Kleynhans, it was

RESOLVED

- (a) That Council **TAKE NOTE** of Regulation 7 of the Asset Transfer Regulations listed in the report and **CONFIRMS** that the factors listed have been taken into account in considering the proposed disposal;
- (b) That **IT BE DECIDED** that the unconstructed road Erf 4647 Pacaltsdorp, is not required for the minimum level of basic municipal service delivery in terms of Section 14(2) of the Municipal Finance Management Act, 2003 (Act 56 of 2003);
- (c) That Council **CONDONE THE DECISION** of the then Pacaltsdorp and South Cape Regional Council to transfer Erf 4647 Pacaltsdorp to the owner of Erven 4645 and 4646 Pacaltsdorp on condition that the required procedures be undertaken to consolidate the three properties;
- (d) That the decision taken by the Executive Mayor-In-Committee held on 6 June 2007 regarding the waiving of the pre-emptive right in respect of the Remainder of Erf 1291 Pacaltsdorp, **BE REVOKED AND RESCINDED**;
- (e) That the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp and Erven 4645 and 4646 Pacaltsdorp listed in the report **BE APPROVED**, subject to:
 - (i) the applicant pays the amount of R2 215 000.00 plus VAT, which is the difference in value of the amount that they acquired the land for and the current market value of the property;
 - (ii) that the applicant be notified that this approval does not pre-empt any land use, town planning or any other approvals that may be required for the proposed development;
 - (iii) that, should the developer do not proceed with the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp within a period of three (3) years from the date of this decision, the Municipality may consider exercising its pre-emptive right to buy back the property at the original purchase price.
- (f) That transfer of the unconstructed road Erf 4647 Pacaltsdorp **BE ADVERTISED** for public comment and representations and for counter proposals;

[Handwritten signatures and dates]
19/09/2024



EXTRACT MINUTES: ORDINARY e-COUNCIL MEETING HELD ON 19 SEPTEMBER 2024

8.1.9 APPLICATION FOR THE CANCELLATION OF RESTRICTIVE TITLE DEED CONDITIONS REGISTERED AGAINST ERVEN 1291, 4645 AND 4646 PACALTSDORP AND CONSENT TO THE TRANSFER OF THE UNCONSTRUCTED ROAD ERF 4647 PACALTSDORP [9.1]

(...continued from previous page)

- (g) That this approval be regarded as **FINAL APPROVAL** if no counter proposals for the utilisation of this non-viable unconstructed road Erf 4647 Pacaltsdorp is received to develop it for affordable housing;
- (h) That the applicant **BE RESPONSIBLE** for all the costs, including the cancellation of the restrictive conditions, the consolidation and the rezoning of the properties, etc;
- (i) That it **BE NOTED** that the development of the consolidated Erven 4645, 4646 and 4647 Pacaltsdorp and the cancellation of the restrictive title deed conditions of Erf 1291 Pacaltsdorp be considered as two separate processes; and
- (j) That this approval is **SUBJECT THERETO**, that all administrative, technical and legal requirements are adhered to by the applicant.

Date: 19/09/2024

Manager: Committee Support (Miss R Bredenkamp)

Date: 20/09/2024

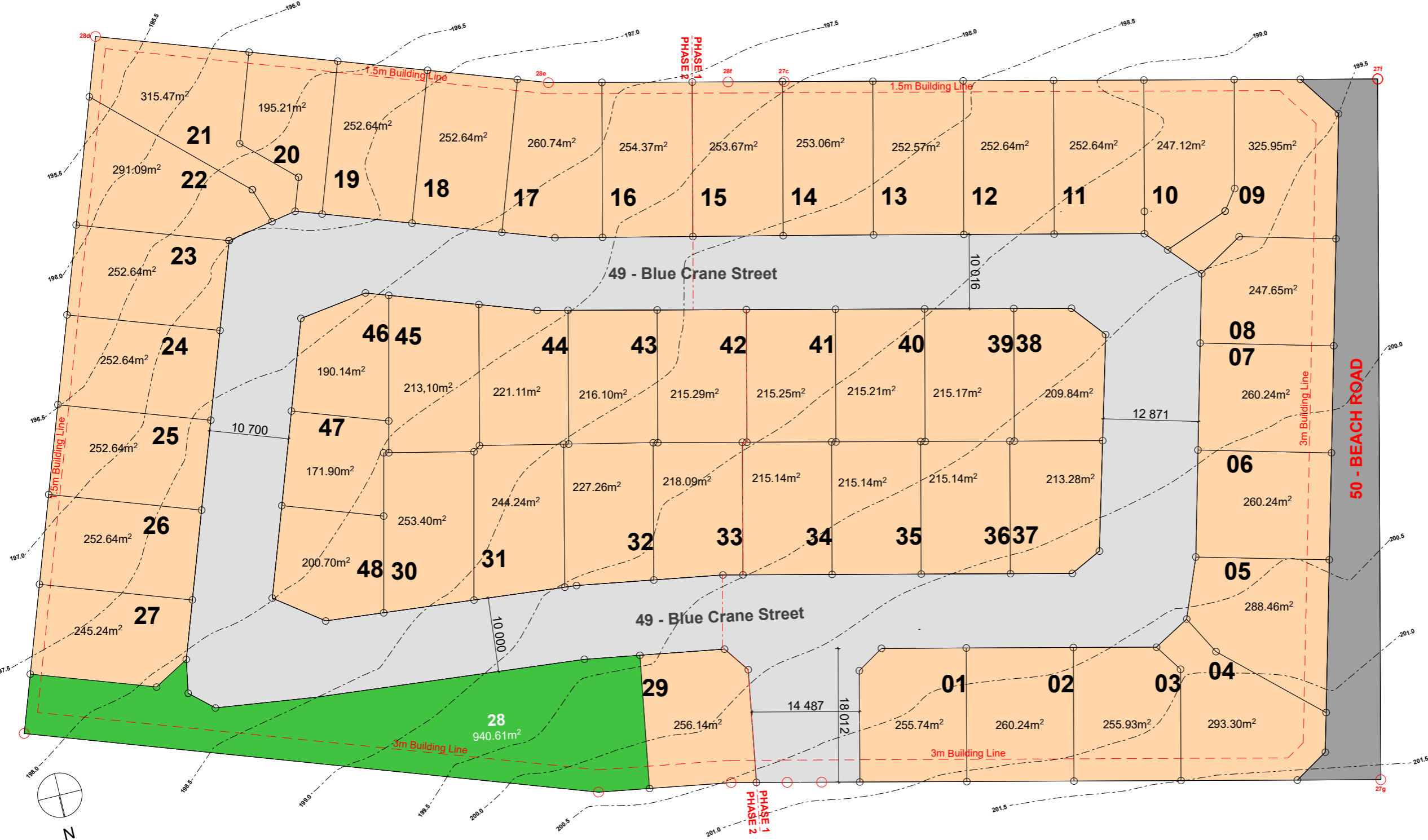
Deputy Director: Corporate Services (ADMIN) (Mr E Ganza)

Date: 25/09/2024

Acting Director: Corporate Services (Mr W Muller)

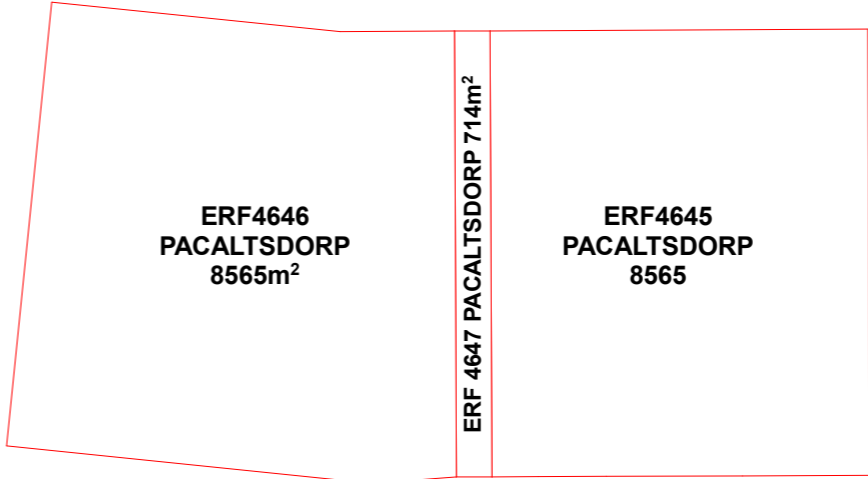
ANNEXURE "I" – PROPOSED CONSOLIDATION PLAN AND SUBDIVISION PLAN

SUBDIVISION PLAN



LEGEND					
COLOUR CODE		AMOUNT	NUMBERS	AREA (m²)	% OF TOTAL AREA
	GENERAL RESIDENTIAL ZONE II	47	01-27,29-48	12382.96m²	69.39%
	PRIVATE OPEN SPACE ZONE II	1	28	940.61m²	5.27%
	TRANSPORT ZONE III	1	49	3898.25m²	21.84%
	TRANSPORT ZONE II	1	50	621.92m²	3.48%
TOTAL AREA		50		17844m²	100%

CONSOLIDATION PLAN



APPLICATION

- Application is made in terms of Section 15(2)(e) of the Land Use Planning By-Law for the George Municipality, 2023 for the consolidation of Erven 4645 to 4647 Pacaltsdorp.
- Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the consolidated erf from Resort Zone to a Subdivisional Area to allow for group housing development comprising of the following:
 - 47 Residential Zone II erven (group housing at a density of ±28du/ha);
 - 1 Open Space Zone I erf (private open space);
 - 1 Transport Zone III erf (private road); and
 - 1 Transport Zone II erf (public road).
- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into:
 - 47 Residential Zone II erven (Portions 1 to 27 and 29 to 48);
 - 1 Open Space Zone I erf (Portion 28)
 - 1 Transport Zone III erf (Portion 49); and
 - 1 Transport Zone II erf (Portion 50).

REVISIONS

DRAWING TITLE		
PROPOSED CONSOLIDATION & SUBDIVISION OF ERVEN 4645 & 24647		
DRAWING DESCRIPTION		
CONSOLIDATION & SUBDIVISION PLANS		
SCALE	N.T.S	
DATE	2025-03-28	
ISSUED	2025-03-28/10:22:57	
DRAWN BY	WH	
CHECKED BY	JV	
PROJECT NO. 2024-03-015 _MUN319	DRAWING NO. 01	REVISION NO. 00

ANNEXURE “J” – MUNICIPAL APPLICATION FORM



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

NOTE: Please complete this form by using: Font: Calibri; Size: 11

PART A: APPLICANT DETAILS

First name(s)	Johannes George		
Surname	Vrolijk		
SACPLAN Reg No. (if applicable)	A/1386/2010		
Company name (if applicable)	Jan Vrolijk Town Planner / Stadsbeplanner		
Postal Address	P O Box 710		
	George	Postal Code	6530
Email	janvrolijk@jvtownplanner.co.za		
Tel	044 873 3011	Fax	086 510 4383
		Cell	082 464 7871

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

Registered owner	Hansmoeskraal Enterprises CC Registration number CK86/15685/23		
Address	P O Box 1341		
	George	Postal code	6530
E-mail	gguuwsa@gmail.com		
Tel	N/a	Fax	N/a
		Cell	082 892 6282

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

Property Description [Erf / Erven / Portion(s) and	Erven 4645 to 4547 Pacaltsdorp
---	--------------------------------

Farm number(s), allotment area.]											
Physical Address	South-eastern corner of junction of Heather Street with Beach Road, Pacaltsdorp										
GPS Coordinates					Town/City		Pacaltsdorp				
Current Zoning	Resort Zone		Extent		Erf 4645 Pacaltsdorp: 8 565m² Erf 4646 Pacaltsdorp: 8 565m² Erf 4647 Pacaltsdorp: 714m²			Are there existing buildings?		Y	N
Current Land Use											
Title Deed number & date	Erf 4645 Pacaltsdorp: T795/87 Erf 4646 Pacaltsdorp: T796/87 Erf 4647 Pacaltsdorp: Still to be registered										
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).		On page 5 of the title deed of Erf 4645 Pacaltsdorp - T795/87 On page 5 of the title deed of Erf 4646 Pacaltsdorp - T796/87						
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).		George Municipality						
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?								
Has the Municipality already decided on the application(s)?	Y	N	If yes, list reference number(s)?								
Any existing unauthorized buildings and/or land use on the subject property(ies)?					Y	N	If yes, is this application to legalize the building / land use?			Y	N
Are there any pending court case / order relating to the subject property(ies)?					Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N
PART D: PRE-APPLICATION CONSULTATION											
Has there been any pre-application consultation?			Y	N	If Yes, please complete the information below and attach the minutes.						

Official's name	Robert Janse van Rensburg & L Muller	Reference number	2960917	Date of consultation	8 December 2023
	Robert Janse van Rensburg & I Huyser		3665707		16 April 2025

PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY & APPLICATION FEES PAYABLE

***Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.**

BANKING DETAILS

Name: George Municipality
Bank: First National Bank (FNB)
Branch no.: 210554
Account no.: 62869623150
Type: Public Sector Cheque Account
Swift Code: FIRZAJJ
VAT Registration Nr: 4630193664
E-MAIL: msbrits@george.gov.za
***Payment reference:** Erven ____, George/Wilderness/Hoekwil...

PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

- **Application is made in terms of Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 for the removal of the endorsement on page 5 of Title Deed T795/87, the Title Deed of Erf 4645 Pacaltsdorp.**
- **Application is made in terms of Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 for the removal of the endorsement on page 5 of Title Deed 796/87, the Title Deed of Erf 4646 Pacaltsdorp.**
- **Application is made in terms of Section 15(2)(e) of the Land Use Planning By-Law for the George Municipality, 2023 for the consolidation of Erven 4645 to 4647 Pacaltsdorp.**
- **Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the consolidated erf from Resort Zone to a Subdivisional Area to allow for group housing development comprising of the following:**
 - **47 Residential Zone II erven (group housing at a density of ± 28 du/ha);**
 - **1 Open Space Zone II erf (private open space);**
 - **1 Transport Zone III erf (private road); and**
 - **1 Transport Zone II erf (public road).**
- **Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into:**

- 47 Residential Zone II erven (Portions 1 to 27 and 29 to 48);
- 1 Open Space Zone II erf (Portion 28)
- 1 Transport Zone III erf (Portion 49); and
- 1 Transport Zone II erf (Portion 50).

- Application is made in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for the relaxation of the northern building line on Portions 9 to 21 from 3.0 metres to 1.5 metres and the eastern building line on Portion 21 to 27 from 3.0 metres to 1.5 metres to allow for the construction of dwelling units.

PART G: ATTACHMENTS & SUPPORTING INFORMATION FOR LAND USE PLANNING APPLICATIONS

Please complete the following checklist and attach all the information relevant to the proposal. Failure to submit all information required will result in the application being deemed incomplete.

Is the following compulsory information attached?

Y	N	Completed application form	Y	N	Pre-application Checklist (where applicable)
Y	N	Power of Attorney / Owner's consent if applicant is not owner	Y	N	Bondholder's consent
Y	N	Motivation report / letter	Y	N	Proof of payment of fees
Y	N	Full copy of the Title Deed	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Locality Plan	Y	N	Site layout plan

Minimum and additional requirements:

Y	N	N/A	Conveyancer's Certificate	Y	N	N/A	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	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)

			(strikethrough irrelevant)				
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes		Y	N	N/A Required number of documentation copies
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes		Y	N	N/A Other (specify)

PART H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION

Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)				Specific Environmental Management Act(s) (SEMA)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)				(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental --
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Y	N/A	Management: Air Quality Act, 2004 (Act 39 of 2004),
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)				National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008),
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				National Environmental Management: Waste Act, 2008 (Act 59 of 2008),
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	N/A	National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. N/A				Other (specify)
Y	N	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?				

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:

28 April 2025

Full name:

Johannes George Vrolijk

Professional capacity:

Professional Town Planner

SACPLAN Reg. Nr:

A/1386/2010

ANNEXURE “K” – SIGNED PRE APPLICATION DATED 8 DECEMBER 2023

LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

PLEASE NOTE:

Pre-application consultation is an advisory session and is required prior to submission of an application for rezoning, consent use, temporary departure and subdivision. It does not in any way pre-empt the outcome of any future application which may be submitted to the Municipality.

PART A: PARTICULARS

Reference number: **Collab no. 2960917**

Purpose of consultation: **‘n Aansoek konsolidasie, hersonering, onderverdeling en opheffing van beperkende titelvoorwaardes**

Brief proposal: **Die doel van die aansoek is om die erwe te ontwikkel ooreenkomstig die ontwikkelingsvoorstel soos uiteengesit op bladsy 2.**

Property(ies) description: **Erwe 1291, 4645, 4646 en 4647 Pacaltsdorp**

Date: **8 Desember 2023**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Jeanne Muller	George Municipality	044 801 9477	jmuller@george.gov.za
Official	Robert Janse van Rensburg	George Municipality	044 801 9555	rhjansevanrensburg@george.gov.za
Pre-applicant	Jan Vrolijk	Jan Vrolijk Town Planner / Stadsbeplanner	044 873 3011 082 464 7871	janvrolijk@jvtownplanner.co.za

Documentation provided for discussion:

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

- **Titelakte van Erf 4645 Pacaltsdorp**
- **Gedeeltelike Titelakte van Erf 1291 Pacaltsdorp (MMO Prokureurs het die volledige titelakte van die Kaapstad Akteskantoor aangevra)**
- **Titelakte van Erf 4646 Pacaltsdorp (Titelakte is verlore - MMO Prokureurs het die titelakte van die Kaapstad Akteskantoor aangevra)**
- **Skrywe vanaf Prokureurs insake eienaarskap van Erf 4647 Pacaltsdorp**
- **Liggingsplan**
- **Voorgestelde uitlegplanne**

Has pre-application been undertaken for a Land Development application with the Department of Environmental Affairs & Development Planning (DEA&DP)?

(If so, please provide a copy of the minutes)

YES	NO
-----	----

ONTWIKKELINGSVOORSTEL

Erwe 4645 en 4646 Pacaltsdorp word deur Erf 4647 Pacaltsdorp van mekaar geskei. Erf 4647 Pacaltsdorp is 'n geslote gedeelte straat wat in terme van 'n Raadsbesluit van die destydse Pacaltsdorp Munisipaliteit aan die eienaar van Erwe 4645 en 4646 Pacaltsdorp oorgedra moes geword het. Die oordrag het egter, soos duidelik vanuit die aangehegde skrywe vanaf MMO Prokureurs blyk, nooit plaasgevind nie. Ten spyte van die feit dat die oordrag nooit plaasgevind het ontwikkeling egter wel bo-oor die geslote gedeelte straat plaasgevind soos vanuit die aangehegde lugfoto blyk. Erwe 4645 en 4646 Pacaltsdorp en Erf 4647 Pacaltsdorp (die geslote gedeelte straat) word tans as 'n eenheid aangewend.

Erf 1291 Pacaltsdorp wat ten ooste van Erwe 4645, 4646 en 4647 Pacaltsdorp geleë is, is ook in die naam van dieselfde eienaar as Erwe 4645 en 4646 Pacaltsdorp geregistreer. In terme van die skrywe vanaf MMO Prokureurs bevat die Titelakte van Erf 1291 Pacaltsdorp sekere voorwaardes wat die gebruik van die erf tot sekere gebruike beperk. Die titelakte van die erf bevat verder ook 'n voorwaarde dat die erf nie sonder die toestemming van die munisipaliteit vervreem mag word nie. Die Titelaktes van Erwe 4645 en 4646 Pacaltsdorp bepaal verder dat Erf 1291 Pacaltsdorp nie afsonderlik van Erwe 4645 en 4646 Pacaltsdorp vervreem mag word nie. Die titelaktes van die drie erwe bevat dus spesifieke voorwaardes wat beperkend op die ontwikkelingsvoorstel soos uiteengesit in die onderstaande paragrafe sal impakteer. Die beperkende voorwaardes sal dus opgehef moet word om enige alternatiewe ontwikkeling op die erwe moontlik te maak.

Indien die nodige toestemming van die van die George Munisipaliteit tot die opheffing van die beperkende genoemde voorwaardes verkry kan word is dit voorneme om die erwe te ontwikkel soos hieronder uiteengesit. Leiding word verlang insake die proses wat gevolg moet word om die munisipale toestemming te verkry sodat

Erf 1291 Pacaltsdorp afsondelik vanaf Erwe 4645 en 4646 Pacaltsdorp vervreem mag word en dat Erf 1291 Pacaltsdorp en Erwe 4645 en 4646 Pacaltsdorp daarna ontwikkel mag word soos uiteengesit in die onderstaande paragrawe.

Dit is die voorneme van die eienaar om so spoedige moontlik die oordrag van die geslote gedeelte straat (Erf 4647 Pacaltsdorp) te bewerkstellig. Na oordrag is dit die voorneme om Erwe 4645, 4646 en 4647 Pacaltsdorp te konsolideer. Dit is daarna die voorneme om die gekonsolideerde erf met 58 groepbehuising erwe ooreenkomstig die aangehegde uitlegplanne te ontwikkel. Die interne straat sal as 'n privaat straat ontwikkel word met toegangsbeheer wat by die ingang vanuit Heatherstraat. Die groepbehuising sal gerig wees op die bekostigbare behuisingssektor. 'n Gedeelte van die erf moet ook as verbreding van Beachweg afgestaan word.

Dit is verder die voorneme van die eienaar om Erf 1291 George met 84 woonstelle wat oor twee verdiepings versprei staan te word te ontwikkel. Ten einde toegang tot Gedeeltes 33 en 20 van die Plaas Hansmoeskraal 202 te verseker gaan 'n gedeelte van die erf vir die doeleindes van 'n publieke straat afgestaan moet word soos aangetoon op die aangehegde uitlegplanne. Die gedeelte van die erf ten weste van die voorgestelde toegangspad sal met 44 woonstelle ontwikkel word terwyl die gedeelte van die erf ten ooste van die voorgestelde toegangspad met 44 woonstelle ontwikkel sal word. Die woonstelle sal ook op die bekostigbare behuisingssektor gerig wees.

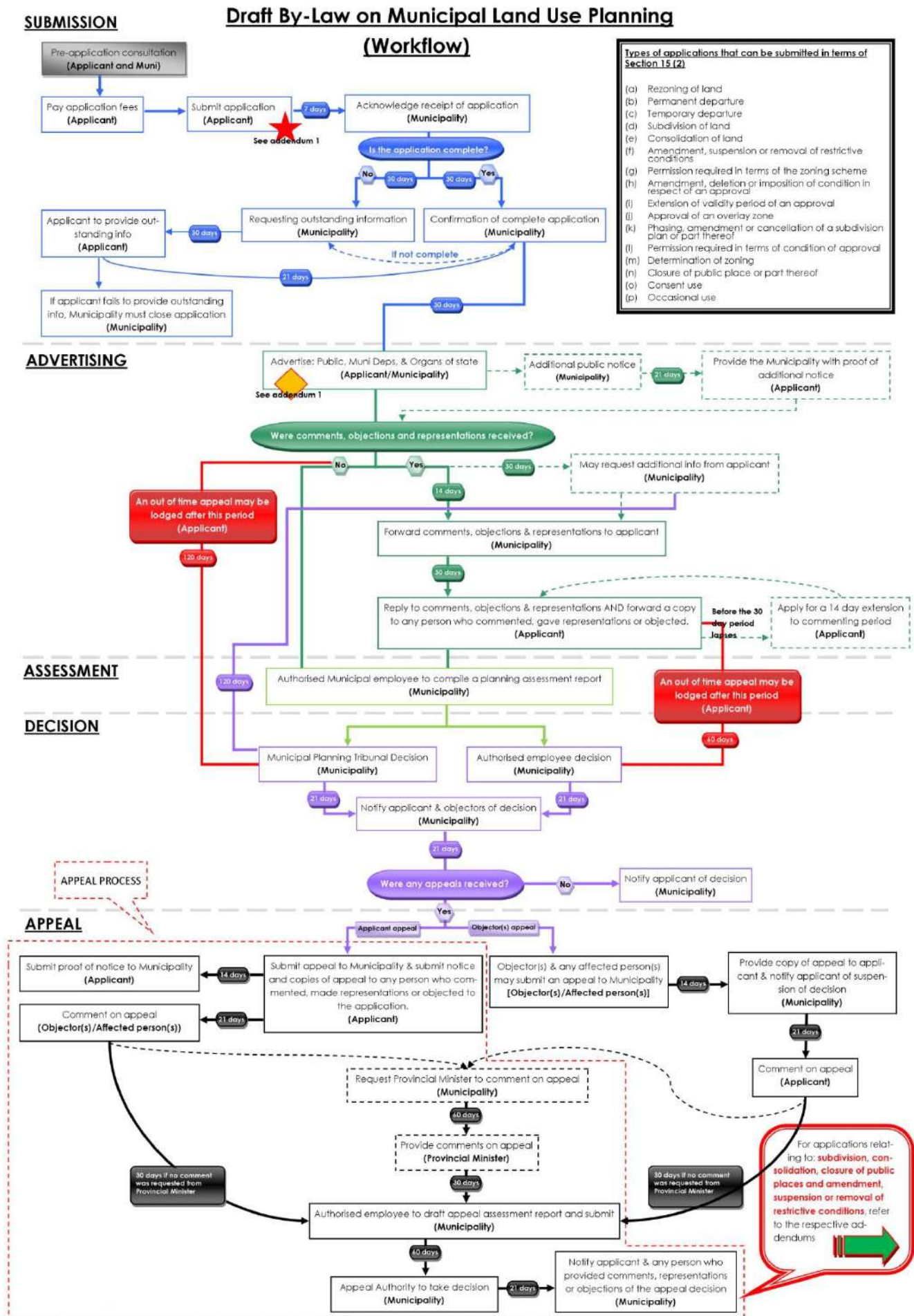
Ten einde uiting aan die ontwikkelingsvoorstel te verleen sal die aansoeke soos hieronder uiteengesit vir oorweging ingedien moet word.

AANSOEK

1. Aansoek sal in terme van Artikel 15(2)(f) van die Verordening op Grondgebruikbeplanning vir George Munisipaliteit, 2023 gedoen moet word vir die opheffing van sekere beperkende voorwaardes uit die titelaktes van Erwe 4645, 4646, 4547 en 1291 Pacaltsdorp.
2. Aansoek sal in terme van Artikel 15(2)(e) van die Verordening op Grondgebruikbeplanning vir George Munisipaliteit, 2023 gedoen moet word vir die konsolidasie van Erwe Erwe 4645, 4646, 4547 en 1291 Pacaltsdorp.
3. Aansoek sal in terme van Artikel 15(2)(a) van die Verordening op Grondgebruikbeplanning vir George Munisipaliteit, 2023 gedoen moet word vir die hersonering van die gekonsolideerde erf vanaf Oordsone na 'n Onderverdelingsgebied.
4. Aansoek sal in terme van Artikel 15(2)(d) van die Verordening op Grondgebruikbeplanning vir George Munisipaliteit, 2023 gedoen moet word vir die onderverdeling van die Onderverdelingsgebied (gekonsolideerde erf) in 58 Algemene Residensiële Sone II erwe, 1 Vervoersone II erf en 1 Vervoersone III erf.
5. Aansoek sal in terme van Artikel 15(2)(a) van die Verordening op Grondgebruikbeplanning vir George Munisipaliteit, 2023 gedoen moet word vir die hersonering van Erf 1291 Pacaltsdorp vanaf Vervoersone III na 'n Onderverdelingsgebied.
6. Aansoek sal in terme van Artikel 15(2)(d) van die Verordening op Grondgebruikbeplanning vir George Munisipaliteit, 2023 gedoen moet word vir die onderverdeling van die Onderverdelingsgebied (Erf 1291 Pacaltsdorp) in 2 Algemene Residensiële Sone IV erwe en 1 Vervoersone II erf.

PART B: APPLICATION PROCESS

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



PART C: QUESTIONNAIRES
SECTION A:
DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND ADVERTISEMENT PROCEDURES

Tick if relevant		What land use planning applications are required?	Application fees payable
x	2(a)	a rezoning of land;	R
	2(b)	a permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
x	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
x	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
x	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme;	R
	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(l)	a permission required in terms of a condition of approval;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
	2(o)	a consent use contemplated in the zoning scheme;	R
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a home owner's association;	R
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	R
Tick if relevant		What prescribed notice and advertisement procedures will be required?	Advertising fees payable
Y	N	Serving of notices (i.e. registered letters etc.)	R
Y	N	Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.)	R
Y	N	Additional publication of notices (i.e. Site notice, public meeting, local radio, website, letters of consent etc.)	R

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

PLEASE NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application and/or yearly application fee increase.

SECTION B:

PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?	X		MSDF 2023 & LSDF.	To be determined
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)]	X		Multiple to be determined	Conveyancer to confirm.
Any other Municipal by-law that may be relevant to application? (If yes, specify)			X	
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? GIZS, 2023 What is the current zoning of the property? Resort Zone & Transport Zone III (Private Road) What is the proposed zoning of the property? Subdivisional Area - General Residential Zone II, Single Residential Zone II , Transport Zone II erf en 'n Transport Zone erf. Does the proposal fall within the provisions/parameters of the zoning scheme? To be determined. Are additional applications required to deviate from the zoning scheme? (if yes, specify) To be determined.				

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
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Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			x	
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?			x	

SECTION C:

CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		x		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		x		National Department of Agriculture
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?			x	Western Cape Provincial Department of Environmental Affairs & Development Planning (DEA&DP)
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) / National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA) (strikethrough irrelevant)			x	National Department of Environmental Affairs (DEA) & DEA&DP
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		x		National Department of Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?			x	South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?			x	National Department of Transport / South Africa National Roads

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		X		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		X		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		X		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		X		Transnet
Is the property subject to a land / restitution claims?		X		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?		X		SANParks / CapeNature
Will the proposal require comments from DEFF?		X		Department of Environment, Forestry and Fishery
Is the property subject to any existing mineral rights?		X		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on? (striketrough irrelevant)	X			Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

SECTION D:

SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	TO BE DETERMINED	OBTAIN COMMENT FROM: (list internal department)
Electricity supply:			X	Directorate: Electro-technical Services

Water supply:			X	Directorate: Civil Engineering Services
Sewerage and waste water:			X	Directorate: Civil Engineering Services
Stormwater:			X	Directorate: Civil Engineering Services
Road network:			X	Directorate: Civil Engineering Services
Telecommunication services:			X	
Other services required? Please specify.			X	
Development charges:			X	

PART D: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF THE APPLICATION

COMPULSORY INFORMATION REQUIRED:					
Y	N	Power of Attorney / Owner's consent if applicant is not owner (if applicable)	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Motivation report / letter	Y	N	Full copy of the Title Deed
Y	N	Locality Plan	Y	N	Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent (conveyancer to confirm)
MINIMUM AND ADDITIONAL REQUIREMENTS:					
Y	N	Site Development Plan	Y	N	Conveyancer's Certificate
Y	N	Land Use Plan	Y	N	Proposed Zoning plan
Y	N	Phasing Plan	Y	N	Consolidation Plan
Y	N	Abutting owner's consent	Y	N	Landscaping / Tree Plan
Y	N	Proposed Subdivision Plan (including street names and numbers)	Y	N	Copy of original approval letter
Y	N	Services Report or indication of all municipal services / registered servitudes	Y	N	Home Owners' Association consent
Y	N	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)	Y	N	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	Other (specify)	Y	N	Required number of documentation copies

PART E: DISCUSSION

The pre application meeting dated 13 December 2023 refers. The proposed layout plan presented at the meeting is illustrated below:



Town Planning

- A right of way servitude is proposed over Erf 1291, Pacaltsdorp to give access to 202/20 in another Pre-App. (Marike Vreken)
- Another Pre-Application was submitted on 202/33 (Marlize de Bruyn)
- It is advised to speak to the applicants as mentioned above to consider a roads structure/master /access plan for the area. Note that this could result in a combined TIA.
- A council resolution would be required to utilise Erf 1291, Pacalstdorp for anything other than parking and gardening as per deed of transfer T56438/1998.
- The transfer of Erf 4647, Pacaltsdorp to be discussed with Properties Department.
- Need to address compliance with MSDF 2023, LSDF, SPLUMA, Zoning Scheme etc.
- Note that a sections of road portions to be given off as per the requirements of CES (Beach Road).
- Stacking distance, access, building lines, parking, manoeuvring space, refuse yard, open spaces and all other areas and dimensions to be indicated on the site layout plan.
- Development to be sensitive to the surrounding residential area and height to be reconcilable with the surrounding area.
- Services reports may be required.
- Please take cognizance of the new proposed Zoning Scheme, 2023 and changes to the development parameters.

Note:

- Comprehensive Integrated Transport Plan (CITP) exercise regarding the development of Portion 20 & 33 of 202 and erven 4645, 4646 & 1291, Pacaltsdorp regarding provision of the internal road's layout may be required.

CES

- To discuss access and services with CES

ETS:

- To discuss services with ETS

PART F: SUMMARY / WAY FORWARD

See Comments in Section E. It is recommended to resubmit a pre-application once a detailed plan is available based on the outcome of discussions with other developers/applicants & CES in terms of access.

OFFICIAL: **Robert Janse van Rensburg**
Town Planner

PRE-APPLICANT: **Johannes George Vrolijk**
(FULL NAME)



SIGNED: _____



SIGNED: _____

DATE: _____ 14/12/2023 _____

DATE: _____ 8 December 2023 _____

OFFICIAL: **Jeanne Muller**
(Senior Town Planner)



SIGNED: _____

DATE: __2023.12.14_____

**Please note that the above comments are subject to the documents and information available to us at the time of the pre-application meeting and we reserve our rights to elaborate on this matter further and/or request more information/documents should it deemed necessary.*

ANNEXURE “L” – SIGNED PRE APPLICATION DATED 16 APRIL 2025

LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

PLEASE NOTE:

Pre-application consultation is an advisory session and is required prior to submission of an application for rezoning, consent use, temporary departure and subdivision. It does not in any way pre-empt the outcome of any future application which may be submitted to the Municipality.

PART A: PARTICULARS

Reference number: **Collab no. 3665707**

Purpose of consultation: **Application for removal of restrictive conditions of title, consolidation, rezoning, subdivision and departures (building lines)**

Brief proposal: **It is the purpose to develop Erven 4645 to 4647 Pacaltsdorp in accordance with the development proposal set out on page 2.**

Property(ies) description: **Erven 4645, 4646 and 4647 Pacaltsdorp**

Date: **7 April 2025**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilane Huyser	George Municipality	044 801 9477	ihuyser@george.gov.za
Official	Robert Janse van Rensburg	George Municipality	044 801 9555	rhjansevanrensburg@george.gov.za
Pre-applicant	Jan Vrolijk	Jan Vrolijk Town Planner / Stadsbeplanner	044 873 3011 082 464 7871	janvrolijk@jvtownplanner.co.za

Documentation provided for discussion:

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

- Title deed of Erf 4645 Pacaltsdorp
- Titel deed of Erf 4646 Pacaltsdorp
- Deed of sale in respect of Erf 4647 Pacaltsdorp
- Locality plan
- Proposed floor plans of units.
- Draft SDP
- Proposed consolidation and subdivision plan

Has pre-application been undertaken for a Land Development application with the Department of Environmental Affairs & Development Planning (DEA&DP)?

(If so, please provide a copy of the minutes)

YES	NO
-----	----

DEVELOPMENT PROPOSAL

1. BACKGROUND

Erven 4645 and 4646 Pacaltsdorp are separated from each other by Erf 4647 Pacaltsdorp. Erf 4647 Pacaltsdorp is a closed section of street which in terms of a letter dated 3 December 1993, from the then Pacaltsdorp Municipality, should have been transferred to the owner of Erven 4645 and 4646 Pacaltsdorp. However, the transfer never took place. Despite the fact that the transfer never took place, development did take place over the closed section of street as is evident from the attached locality plan.

Erven 4645 and 4646 Pacaltsdorp and Erf 4647 Pacaltsdorp (the closed section of street) are thus currently being used as one entity.

It is the intention of the owner to consolidate Erven 4645 to 4647 Pacaltsdorp and to rezone the consolidated erf to a Subdivisional Area to allow for the consolidated erf to be developed with 47 General Residential Zone II (Group housing) erven, 1 Open Space Zone II erf (Private open space), 1 Transport Zone III (Private Street) and 1 Transport Zone II (Public street) erf as indicated on the consolidation and subdivision plan attached hereto.

The owner intends developing the consolidated application erven with 47 group housing erven, ranging from $\pm 172\text{m}^2$ to $\pm 326\text{m}^2$ in extent, 1 private open space erf with a size of $\pm 941\text{m}^2$ as well a proposed private street which will include an entrance control structure and a refuse yard.

Provision is also made for a portion of public street on the western side of the development to accommodate the widening of Beach Road, as required in terms of the Pacaltsdorp / Hansmoeskraal Local Spatial Development Framework, 2015.

Two types of group housing units are proposed. The two different units will consist of two- and three-bedroom units. The two-bedroom units will have a size of approximately 108m² and will consist of 2 bedrooms, two bathrooms, a separate toilet, an open-plan kitchen / lounge area, a carport with a further choice of adding a braai patio to the unit. The three-bedroom units will have a size of approximately 137m² and will consist of 3 bedrooms, two bathrooms, a separate toilet, an open-plan kitchen / living / dining area, a carport with a further choice of adding a braai patio to the unit.

The plans attached hereto give an indication of the floor plans, elevations and aesthetic appearance of the proposed units.

The layout and positioning of the different dwelling units on the 47 group housing portions is indicated on the draft Site Development Plan which is also attached hereto.

As the application erven are currently 3 separate erven, zoned Resort Zone, the erven will have to be consolidated and rezoned to Subdivisional Area and the Subdivisional Area will have to be subdivided into the following erven

- 47 Residential Zone II erven (Portions 1 to 27 and 29 to 48);
- 1 Open Space Zone II erf (Portion 28)
- 1 Transport Zone III erf (Portion 49); and
- 1 Transport Zone II erf (Portion 50).

to accommodate the proposed development.

Erven 4645 and 4646 Pacaltsdorp is registered in the name of Hansmoeskraal Enterprises CC Registration number CK86/15685/23. A copy of Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp is attached hereto whilst a copy of Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp is attached hereto.

Erf 4647 Pacaltsdorp is at present an unregistered erf which is in the process, by virtue of the signed the Deed of Sale attached hereto, being transferred in the name of Hansmoeskraal Enterprises CC Registration number CK86/15685/23.

Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp contains the following condition:

“By Deed of Transfer No T56438/98 the within property and Erf 4646 Pacaltsdorp measure: 8565 held by T796/1987 together with the remainder erf 1291 Pacaltsdorp measure: 1,1557 HA held by said deed of transfer may not be separately alienated without the consent of George Municipality as will more fully appear from said deed of transfer”

Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp contains the following condition:

“By Deed of Transfer No T56438/98 the within property and Erf 4645 Pacaltsdorp measure: 8565 m² held by T795/1987 together with the remainder erf 1291 Pacaltsdorp measure: 1,1557 HA held by said deed of transfer, may not be separately alienated without the consent of George Municipality as will more fully appear from said deed of transfer”

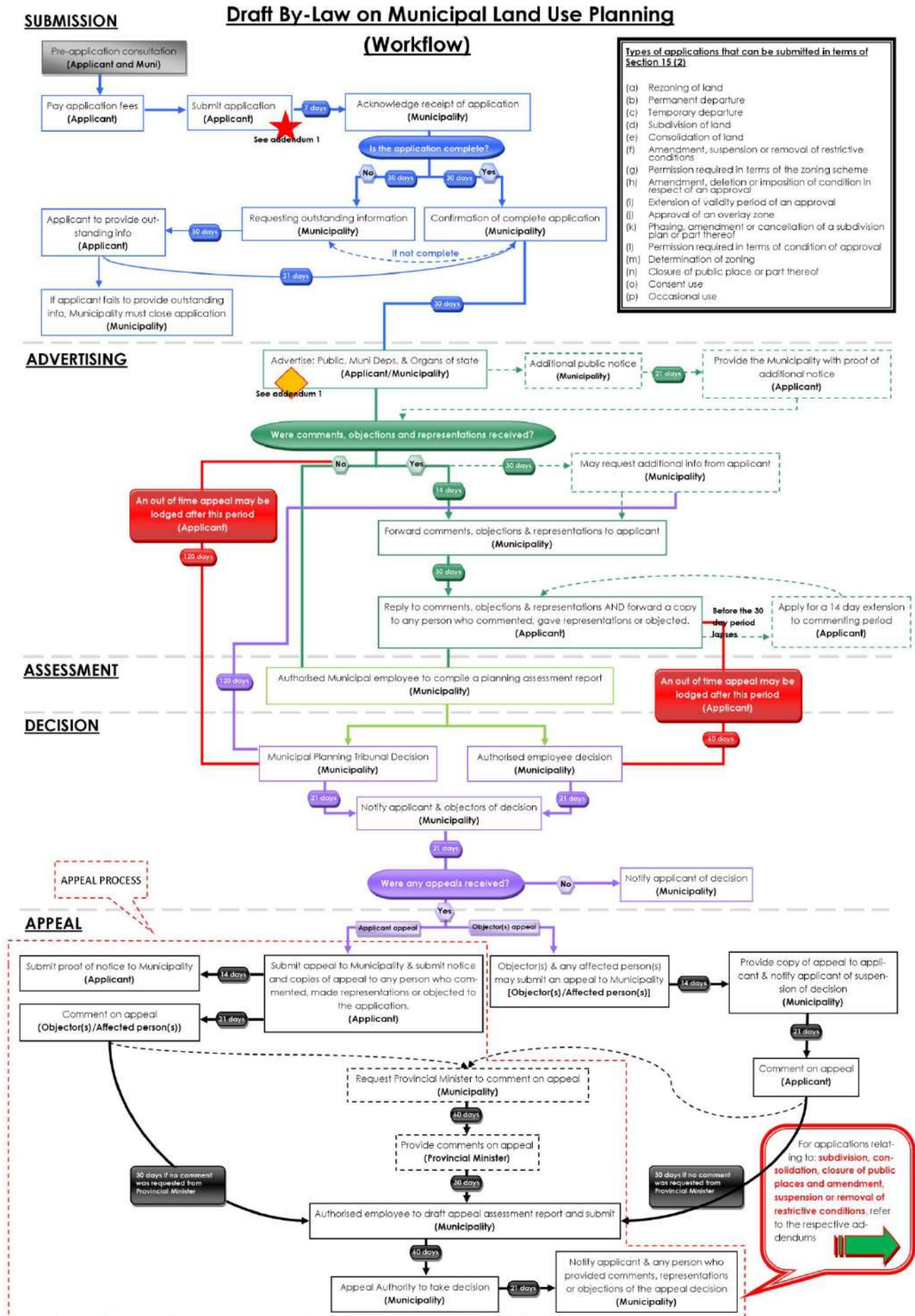
To allow for the development as proposed it will thus be necessary to have the mentioned conditions removed from Title Deed T795/87, the title deed of Erf 4645 Pacaltsdorp and Title Deed T796/87, the title deed of Erf 4646 Pacaltsdorp. The desirability of this application is being dealt with in point 7.5.8 of this Motivation Report.

AANSOEK

- Application is to be made in terms of Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 for the removal of the endorsement on page 5 of Title Deed T795/87, the Title Deed of Erf 4645 Pacaltsdorp.
- Application is to be made in terms of Section 15(2)(f) of the Land Use Planning By-Law for the George Municipality, 2023 for the removal of the endorsement on page 5 of Title Deed 796/87, the Title Deed of Erf 4646 Pacaltsdorp.
- Application is to be made in terms of Section 15(2)(e) of the Land Use Planning By-Law for the George Municipality, 2023 for the consolidation of Erven 4645 to 4647 Pacaltsdorp.
- Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the consolidated erf from Resort Zone to a Subdivisional Area to allow for group housing development comprising of the following:
 - 47 Residential Zone II erven (group housing at a density of ± 28 du/ha);
 - 1 Open Space Zone II erf (private open space);
 - 1 Transport Zone III erf (private road); and
 - 1 Transport Zone II erf (public road).
- Application is to be made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into:
 - 47 Residential Zone II erven (Portions 1 to 27 and 29 to 48);
 - 1 Open Space Zone II erf (Portion 28)
 - 1 Transport Zone III erf (Portion 49); and
 - 1 Transport Zone II erf (Portion 50).
- Application is to be made in terms of Section 15(2)(b) of the Land Use Planning By-Law for the George Municipality, 2023 for the relaxation of the northern building line on Portions 9 to 21 from 3.0 metres to 1.5 metres and the eastern building line on Portion 21 to 27 from 3.0 metres to 1.5 metres to allow for the construction of dwelling units.

PART B: APPLICATION PROCESS

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



PART C: QUESTIONNAIRES

SECTION A:

DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND ADVERTISEMENT PROCEDURES

Tick if relevant		What land use planning applications are required?	Application fees payable
<input checked="" type="checkbox"/>	2(a)	a rezoning of land;	R
<input checked="" type="checkbox"/>	2(b)	a permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
<input checked="" type="checkbox"/>	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
<input checked="" type="checkbox"/>	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
<input checked="" type="checkbox"/>	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme;	R
	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(l)	a permission required in terms of a condition of approval;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
	2(o)	a consent use contemplated in the zoning scheme;	R
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a home owner's association;	R
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	R
Tick if relevant		What prescribed notice and advertisement procedures will be required?	Advertising fees payable
<input type="checkbox"/>	N	Serving of notices (i.e. registered letters etc.)	R
<input type="checkbox"/>	N	Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.)	R

Y	N	Additional publication of notices (i.e. Site notice, public meeting, local radio, website, letters of consent etc.)	R
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE* (VAT excluded):			To be determined

PLEASE NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application and/or yearly application fee increase.

SECTION B:

PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?			X	
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)]	X		Conveyancer certificate to confirm	
Any other Municipal by-law that may be relevant to application? (If yes, specify)			X	
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? George Integrated Zoning Scheme By-law, 2023 What is the current zoning of the property? Resort Zone What is the proposed zoning of the property? Subdivisional Area – General Residential Zone II, Open Space Zone II, Transport Zone II and Transport Zone III Does the proposal fall within the provisions/parameters of the zoning scheme? Yes Are additional applications required to deviate from the zoning scheme? (if yes, specify) Yes – Building line relaxations				

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
--	------------	-----------	-------------------------	----------------

Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?	X		N.a.	N.a.
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?		X	N.a.	N.a.

SECTION C:

CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		X		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		X		National Department of Agriculture
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		X		Western Cape Provincial Department of Environmental Affairs & Development Planning (DEA&DP)
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) / National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA) (strikethrough irrelevant)		X		National Department of Environmental Affairs (DEA) & DEA&DP
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		X		National Department of Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?			X	South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		X		National Department of Transport / South

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		X		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		X		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		X		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		X		Transnet
Is the property subject to a land / restitution claims?		X		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?		X		SANParks / CapeNature
Will the proposal require comments from DEFF?		X		Department of Environment, Forestry and Fishery
Is the property subject to any existing mineral rights?		X		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on? (strikethrough irrelevant)		X		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

SECTION D:

SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	TO BE DETERMINED	OBTAIN COMMENT FROM: (list internal department)
Electricity supply:			X	Directorate: Electro-technical Services

Water supply:			X	Directorate: Civil Engineering Services
Sewerage and waste water:			X	Directorate: Civil Engineering Services
Stormwater:			X	Directorate: Civil Engineering Services
Road network:			X	Directorate: Civil Engineering Services
Telecommunication services:			X	
Other services required? Please specify.			X	
Development charges:			X	

PART D: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF THE APPLICATION

COMPULSORY INFORMATION REQUIRED:					
Y	N	Power of Attorney / Owner's consent if applicant is not owner (if applicable)	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Motivation report / letter	Y	N	Full copy of the Title Deed
Y	N	Locality Plan	Y	N	Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent (Conveyancer to confirm)
MINIMUM AND ADDITIONAL REQUIREMENTS:					
Y	N	Site Development Plan	Y	N	Conveyancer's Certificate
Y	N	Land Use Plan	Y	N	Proposed Zoning plan
Y	N	Phasing Plan	Y	N	Consolidation Plan
Y	N	Abutting owner's consent	Y	N	Landscaping / Tree Plan
Y	N	Proposed Subdivision Plan (including street names and numbers)	Y	N	Copy of original approval letter
Y	N	Services Report or indication of all municipal services / registered servitudes	Y	N	Home Owners' Association consent
Yes (Where applicable)		Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	Other (specify)	Y	N	Required number of documentation copies

PART E: DISCUSSION

The pre application meeting dated 14 December 2023 and 9 April 2025 the refers. The proposed plan represented at the meeting is illustrated below:



Town Planning

- To correct wording on the plan above (Not a road reserve servitude) See encircled in red.
- Need to address compliance with MSDF, LSDF, SPLUMA, Zoning Scheme etc.
- To specify if application is made for estate housing or general residential zone II? To address density, parking etc.
- Development to be sensitive to the surrounding residential area and height to be reconcilable with the surrounding area.
- Stacking distance, access, building lines, parking, manoeuvring space, refuse yard, open spaces and all other areas and dimensions to be indicated on the site layout plan.
- Services reports may be required.
- It is advised to discuss the proposal with CES prior to submission.

CES

- To discuss with CES.

ETS

- Report is required. DC's applicable.

PART F: SUMMARY / WAY FORWARD

Refer to comments in section E.

OFFICIAL: **Robert Janse van Rensburg**
Town Planner



SIGNED: _____

DATE: 16/04/2025

PRE-APPLICANT: **Johannes George Vrolijk**
(FULL NAME)



SIGNED:

DATE: **7 April 2025**

OFFICIAL: **Ilané Huyser**
(Senior Town Planner)

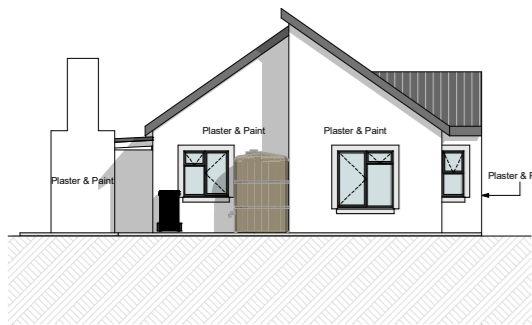


SIGNED: _____

DATE: 25.04.2025

**Please note that the above comments are subject to the documents and information available to us at the time of the pre-application meeting and we reserve our rights to elaborate on this matter further and/or request more information/documents should it deemed necessary.*

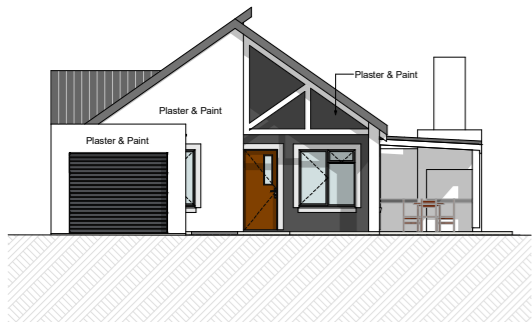
ANNEXURE “M” – FLOOR PLANS, ELEVATIONS AND AESTHETIC APPEARANCE OF DWELLING UNITS



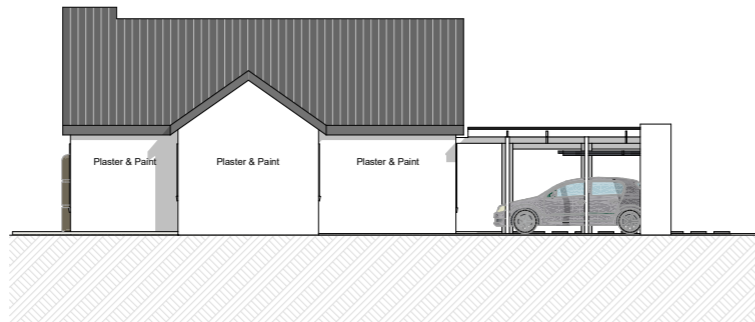
ELEVATION 01
SCALE 1:100



ELEVATION 02
SCALE 1:100



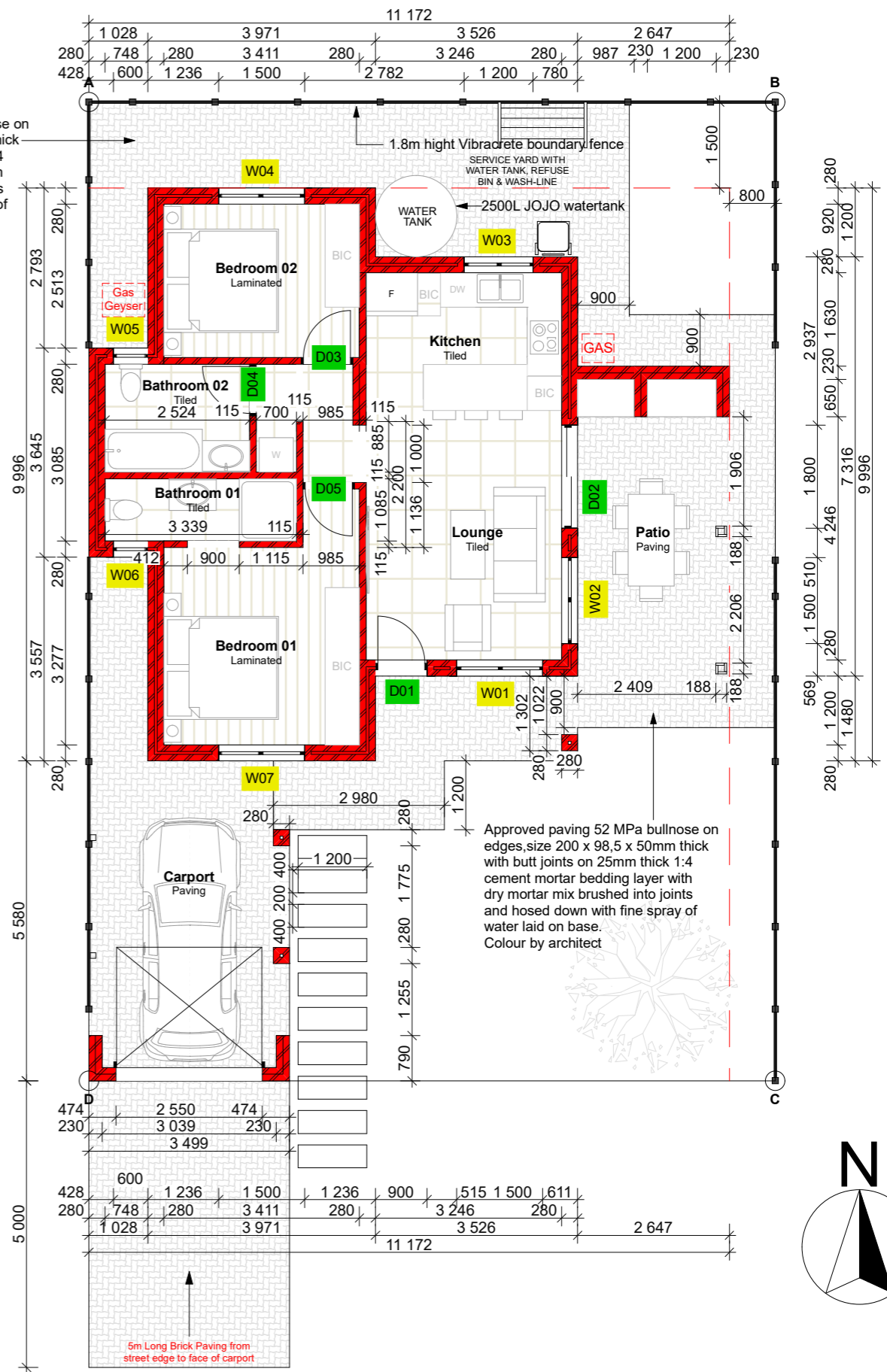
ELEVATION 03
SCALE 1:100



ELEVATION 04
SCALE 1:100

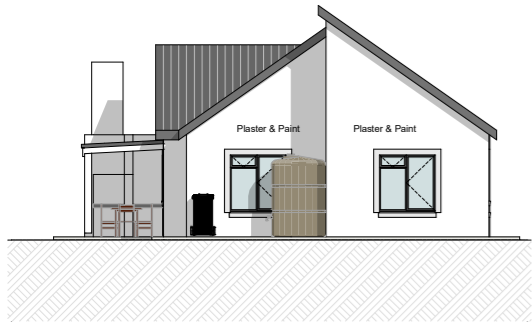


Approved paving 52 MPa bullnose on edges, size 200 x 98,5 x 50mm thick with butt joints on 25mm thick 1:4 cement mortar bedding layer with dry mortar mix brushed into joints and hosed down with fine spray of water laid on base. Colour by architect

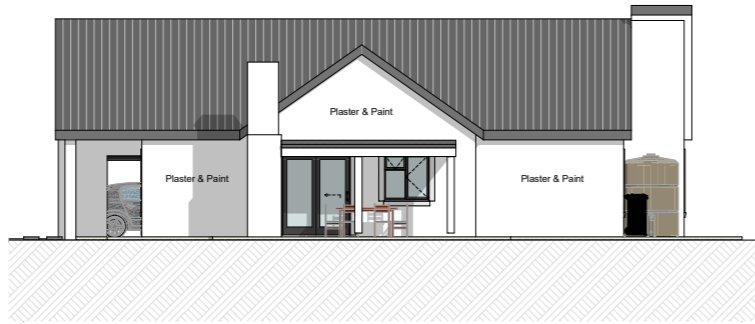


TYPICAL TWO BEDROOM

DWELLING FOOTPRINT: 74.46m²
CARPORT: 19.52m²
PATIO BRAAI: 14.31m²
TOTAL: 108.29m²



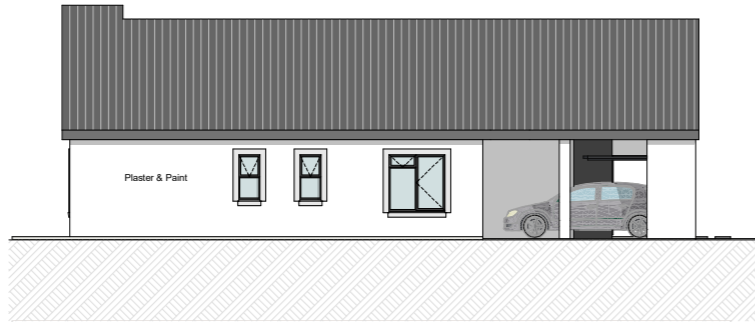
ELEVATION 01
SCALE 1:100



ELEVATION 02
SCALE 1:100

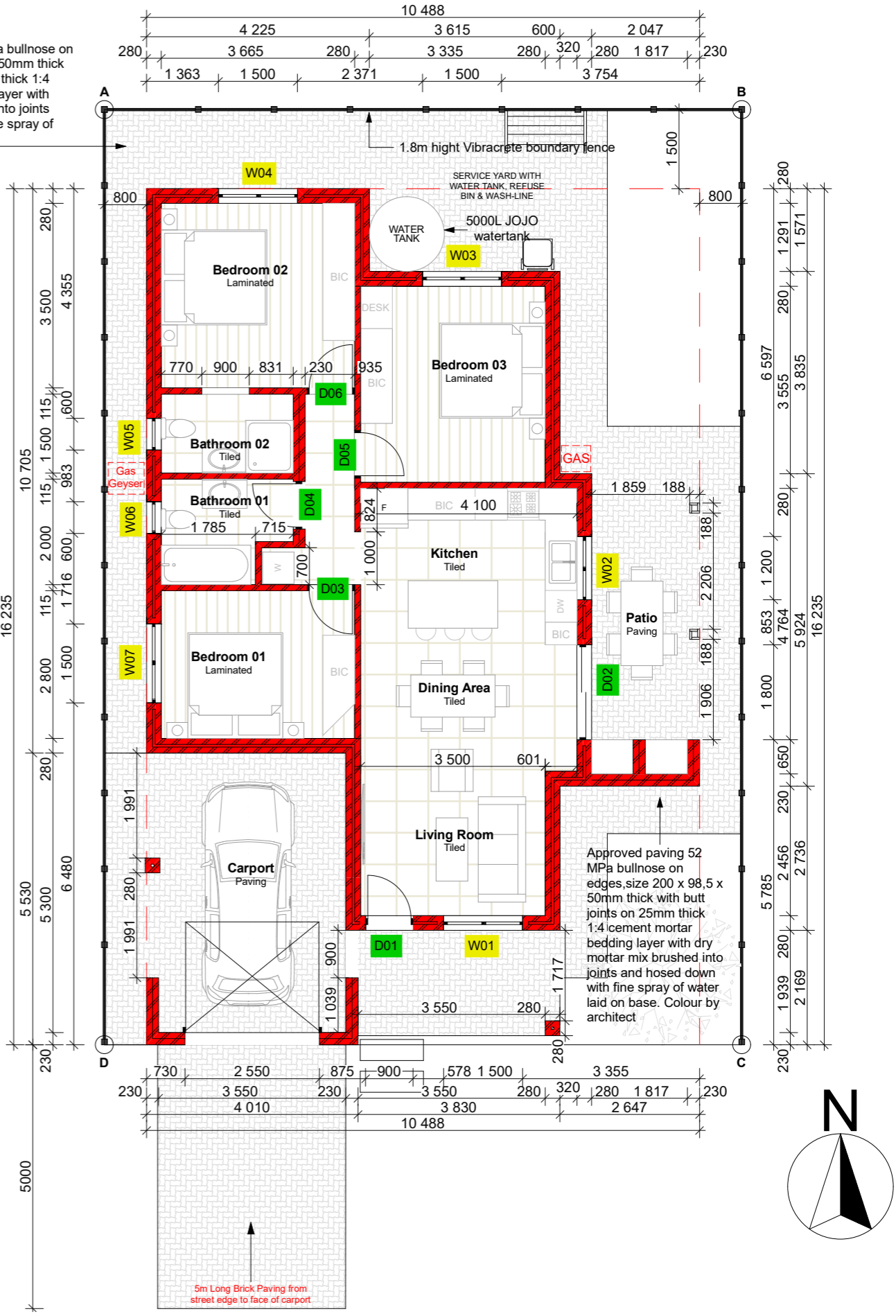


ELEVATION 03
SCALE 1:100



ELEVATION 04
SCALE 1:100

Approved paving 52 MPa bullnose on edges, size 200 x 98,5 x 50mm thick with butt joints on 25mm thick 1:4 cement mortar bedding layer with dry mortar mix brushed into joints and hosed down with fine spray of water laid on base. Colour by architect

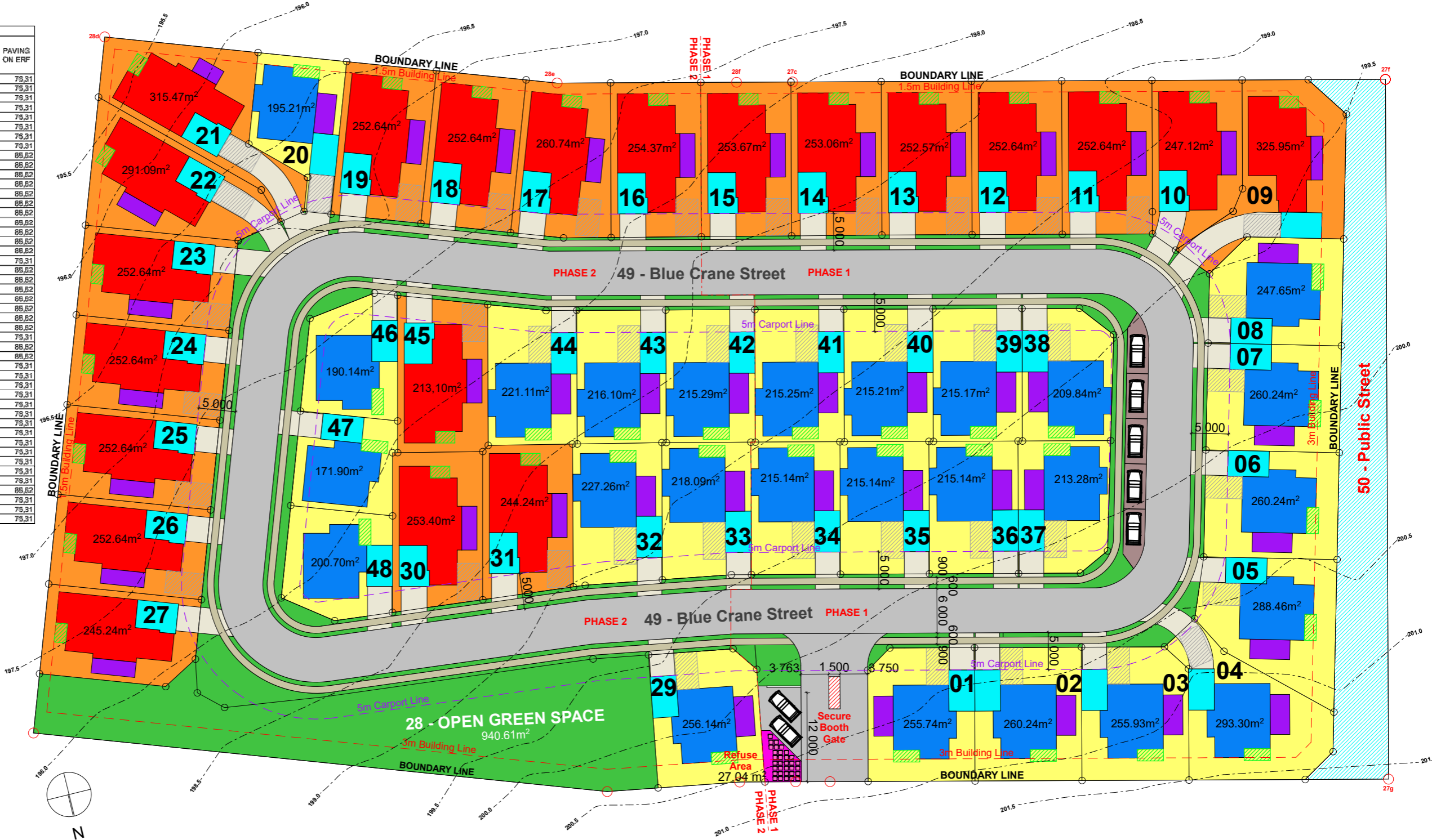


TYPICAL THREE BEDROOM

DWELLING FOOTPRINT: 102.93m²
 CARPORT: 21.51m²
 PATIO BRAAI: 12.12m²
 TOTAL: 136.65m²

ANNEXURE “N” – DRAFT SITE DEVELOPMENT PLAN

AREAS						
STAND NO.	2BDM/3BDM	ERF SIZE	BUILDING FOOTPRINT	CARPORT	PATIO BRAAI	SERVICE YARD
1	2BDM	265,74	74,46	19,52	14,31	5,94
2	2BDM	260,24	74,46	19,52	14,31	5,94
3	2BDM	265,39	74,46	19,52	14,31	5,94
4	2BDM	293,3	74,46	19,52	14,31	5,94
5	2BDM	266,46	74,46	19,52	14,31	5,94
6	2BDM	260,24	74,46	19,52	14,31	5,94
7	2BDM	260,24	74,46	19,52	14,31	5,94
8	2BDM	247,65	74,46	19,52	14,31	5,94
9	3BDM	325,95	101,4	19,13	5,42	4,09
10	3BDM	247,12	102,93	21,51	12,12	4,09
11	3BDM	262,64	102,93	21,51	12,12	4,09
12	3BDM	262,64	102,93	21,51	12,12	4,09
13	3BDM	262,64	102,93	21,51	12,12	4,09
14	3BDM	263,06	102,93	21,51	12,12	4,09
15	3BDM	263,67	102,93	21,51	12,12	4,09
16	3BDM	264,37	102,93	21,51	12,12	4,09
17	3BDM	260,74	102,93	21,51	12,12	4,09
18	3BDM	262,64	102,93	21,51	12,12	4,09
19	3BDM	262,64	102,93	21,51	12,12	4,09
20	2BDM	195,21	74,46	19,52	14,31	5,94
21	3BDM	315,47	102,93	21,51	7,73	4,09
22	3BDM	291,09	102,93	21,51	12,12	4,09
23	3BDM	262,64	102,93	21,51	12,12	4,09
24	3BDM	262,64	102,93	21,51	12,12	4,09
25	3BDM	262,64	102,93	21,51	12,12	4,09
26	3BDM	262,64	102,93	21,51	12,12	4,09
27	3BDM	246,24	102,93	21,51	12,12	4,09
29	2BDM	266,14	74,46	19,52	14,31	5,94
30	3BDM	253,4	102,93	21,51	12,12	4,09
31	3BDM	244,24	102,93	21,51	12,12	4,09
32	2BDM	227,26	74,46	19,52	14,31	5,94
33	2BDM	218,09	74,46	19,52	14,31	5,94
34	2BDM	215,14	74,46	19,52	14,31	5,94
35	2BDM	215,14	74,46	19,52	14,31	5,94
36	2BDM	215,14	74,46	19,52	14,31	5,94
37	2BDM	213,26	74,46	19,52	14,31	5,94
38	2BDM	209,84	74,46	19,52	14,31	5,94
39	2BDM	215,17	74,46	19,52	14,31	5,94
40	2BDM	215,21	74,46	19,52	14,31	5,94
41	2BDM	215,25	74,46	19,52	14,31	5,94
42	2BDM	215,29	74,46	19,52	14,31	5,94
43	2BDM	216,1	74,46	19,52	14,31	5,94
44	2BDM	221,11	74,46	19,52	14,31	5,94
45	3BDM	260,33	102,93	21,51	12,12	4,09
46	2BDM	190,14	74,46	19,52	14,31	5,94
47	2BDM	171,9	74,46	19,52	14,31	5,94
48	2BDM	200,7	74,46	19,52	14,31	5,94



PARKING	
REQUIRED	81 Parking Bays
PROVIDED	89 Parking Bays

GREENSPACE	
REQUIRED per unit	50m ²
REQUIRED total	2350m ²
PROVIDED	3290.61m ²

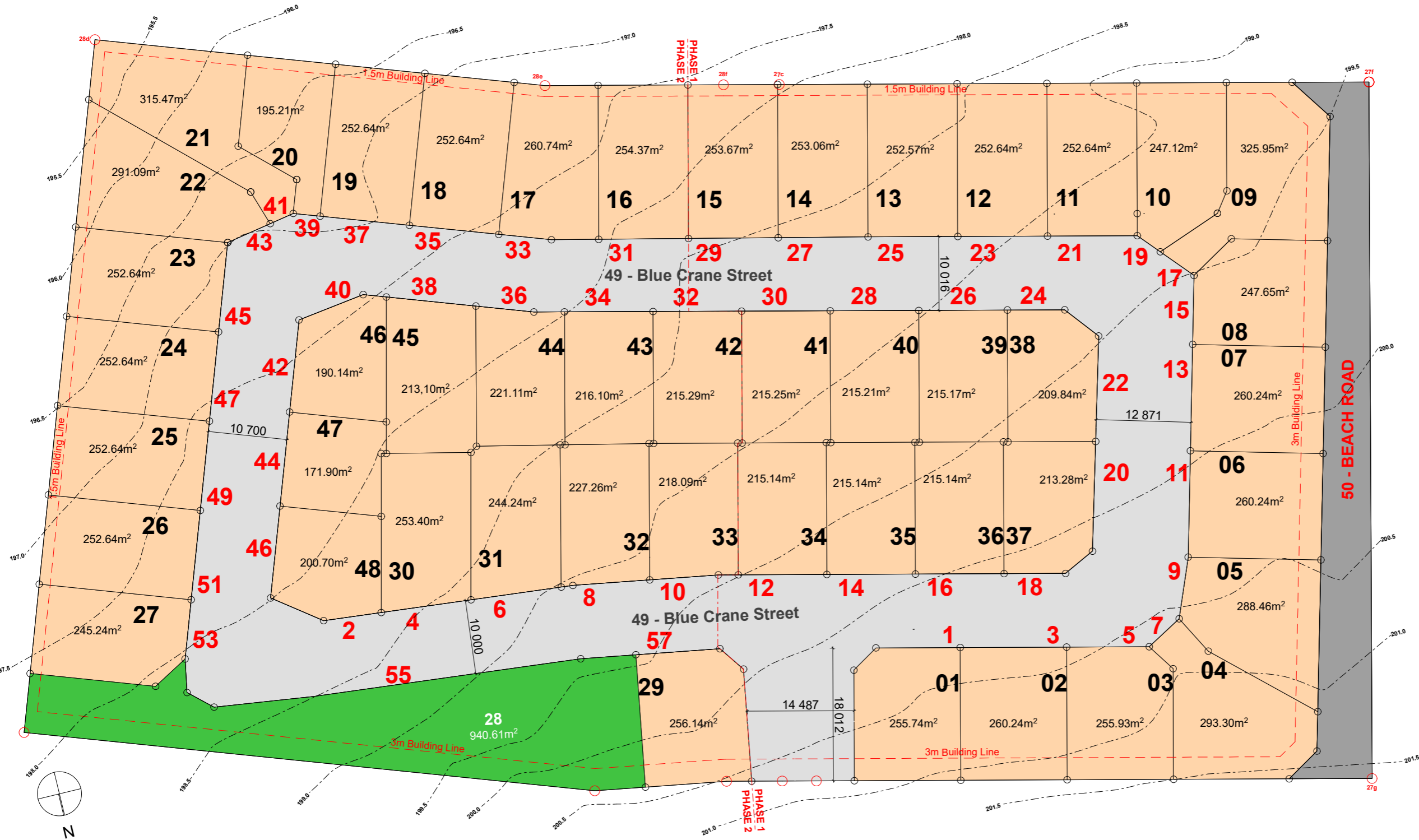
LEGEND	
Blue	Two Bedroom
Red	Three Bedroom
Green	Carport
Yellow	Service Yard
Purple	Patio Braai
Grey	Parking
Red	Security Booth
Green	Open Green Space

COLOUR CODE		AMOUNT	NUMBERS	AREA (m ²)	% OF TOTAL AREA
Blue	GENERAL RESIDENTIAL ZONE II (GRZII) - 2BEDROOM	26	01-08, 20, 29, 32-44, 46-48	6431.11m ²	36.04%
Red	GENERAL RESIDENTIAL ZONE II (GRZII) - 3BEDROOM	21	9-19, 21-27, 30-31, 45	5952.11m ²	33.35%
Green	REFUSE REMOVAL AREA	1		27.04m ²	0.15%
Grey	PRIVATE ROAD	1	49	1983.89m ²	11.11%
Blue	PUBLIC ROAD	1	50	621.21m ²	3.48%
Green	DESIGNATED OPEN GREEN SPACE	1	28	940.61m ²	5.27%
TOTAL AREA				17844m ²	

HANSMOESKRAAL RESERVED UNITS
ERF 20 / 23 / 25 / 29 / 44 / 45

ANNEXURE “O” – STREET NAME AND STREET ADDRESS PLAN

STREET NAME & STREET ADDRESSES



REVISIONS		
DRAWING TITLE		
PROPOSED CONSOLIDATION & SUBDIVISION OF ERVEN 4645 & 24647		
DRAWING DESCRIPTION		
STREET NAME & STREET ADDRESSES		
SCALE	N.T.S	
DATE	2025-03-28	
ISSUED	2025-03-28/09:42:33	
DRAWN BY	WH	
CHECKED BY	JV	
PROJECT NO. 2024-03-015_MUN319	DRAWING NO. 02	REVISION NO. 00

ANNEXURE "P" – LOCALITY PLAN

Erven 4645 to 4647 Pacaltsdorp - Locality plan



0 0.1 0.2 0.4 km

Date: 3/7/2025 11:58 AM

Scale: 1:3,663



Disclaimer
George Municipality makes no warranties as to the correctness of the information supplied.
Persons relying on this information do so entirely at their own risk.

George Municipality will not be liable for any claims whatsoever, whether for damages or otherwise,
which may arise as a result of inaccuracies in the information supplied.

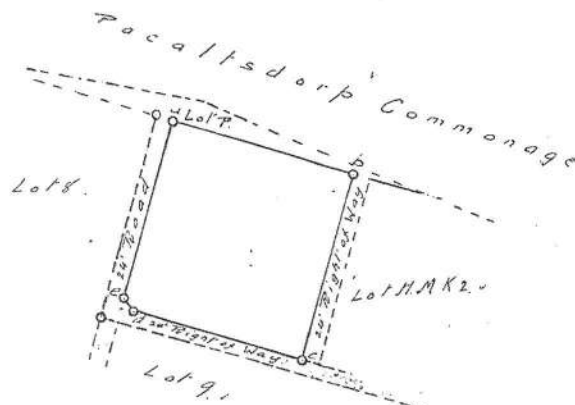
ANNEXURE “Q” – SURVEYOR GENERAL DIAGRAM OF ERF 4645 PACALTSDORP

Docket No. 12598 1259
 Ex. No.

Approved No.

2-R B 2002
 for

Surveyor-General
 30.7.1926.

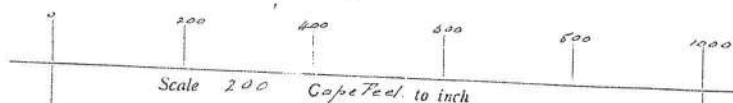


Sides	
ab	288.50
bc	300.00
cd	268.50
de	25.00
ea	288.00

ab	90.83
bc	94.42
cd	84.54
de	7.87
ea	89.73

Angles	
a	90.000
b	90.000
c	90.000
d	143.750
e	126.3210

Portion 27 (a portion of Portion) of the farm
Hans-Moes-Kraal No 202
 George



The above Figure, lettered a b c d e represents 1 Morgen,
 — Square Rods, — Square feet of Ground, situated in
George Division, being Lot H.M.K. 2, portion of Hans
Moestraal, granted to the London Missionary
Society on the 19th November, 1909, (Amended Title).
 Bounded — As indicated above. —

This Diagram belongs to Trans. No. 10.9.19-0.9.08.
 This.....da.....
 in favour of.....M.C. Dunn.....
 Registrar of Deeds.

Surveyed and beaconed by me according to regulations.

T. Dumbardie

Government Surveyor.

April 1924.

T. MASKEW MILLEN,
 STATIONER, CAPE TOWN.
 Pattern B.

ANNEXURE “R” – SURVEYOR GENERAL DIAGRAM OF ERF 4646 PACALTSDORP

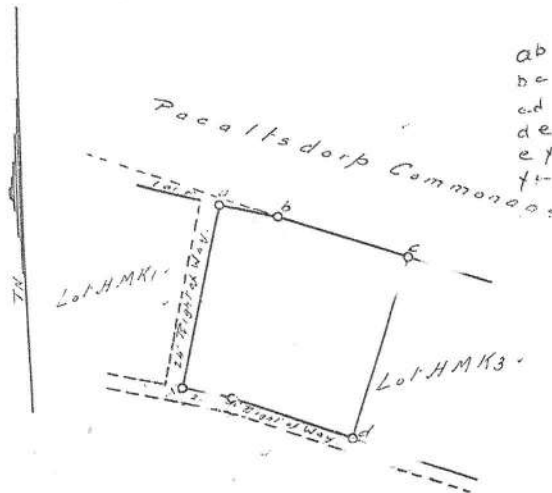
Docket No. 12599 1926

Ex. No.

Approved No.

J. R. Brooke
for

Surveyor-General
30.7.1926.



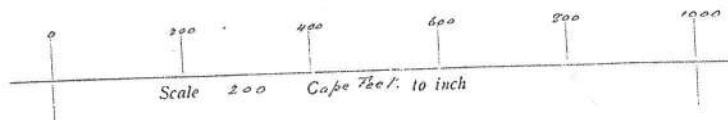
ab 29.25
bc 66.45
cd 94.46
de 61.43
ef 24.22

Sides	Cap
ab	92.90.
bc	211.06.
cd	300.00
de	195.10
ef	76.94
fa	300.00

Angles

a	90° 0' 0"
b	173° 04' 40"
c	90° 0' 0"
d	90° 0' 0"
e	186° 0' 20"
f	90° 0' 0"

Portion 28 () of the farm
Hans - Moes - Kraal No. 202
George



The above Figure, lettered a b c d e f represents 2 1 Morgen, 1956
— Square Roods, — Square feet of Ground, situated in
George Division, being Lot HMK 2 portion of Hans
Moeskraal granted to the London Missionary
Society on the 19th November 1909 (Amended Title).
Bounded: — As indicated above. —

The above belongs to the Transfer made
10.9.1926 21008.
M^{rs} M. M. L. Dumas
R of Deeds.

Surveyed and beaconed by me according to regulations.

T. Deane
Government Surveyor.
April 1924.

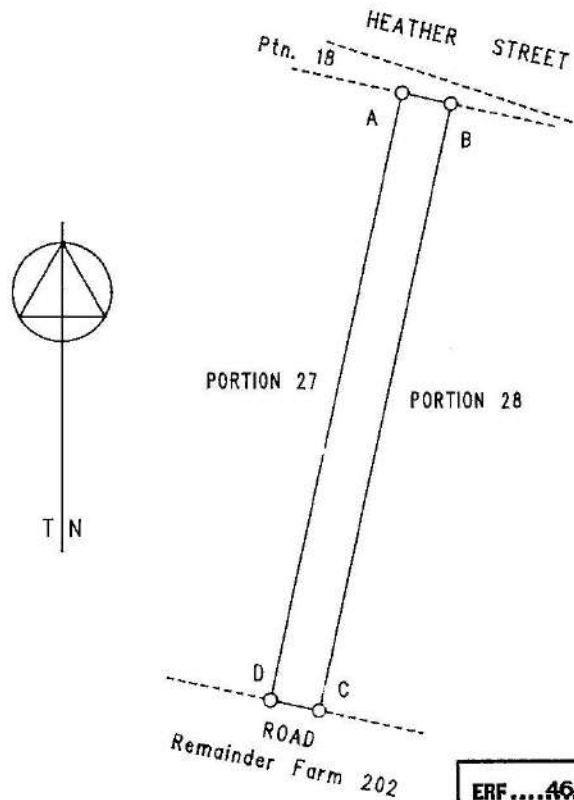
T. MASHUW MILLER,
STATIONER, CAPE TOWN.
Pattern B.

2258

ANNEXURE "S" – SURVEYOR GENERAL DIAGRAM OF ERF 4647 PACALTSDORP

TREVOR, BAILEY & SAVAGE

SIDES Metres		ANGLES		CO-ORDINATES System Lo 23° X		S.G. No.
AB	7,56	A	90 00 00			6111/1996
BC	94,46	B	90 00 00			Approved
CD	7,56	C	90 00 00			<i>M. J. G. G. G.</i>
DA	94,46	D	90 00 00			Surveyor-General
						1996-08-28



Scale 1:1000

The figure A B C D
represents 714 square metres of land, being
PORTION 28 of the farm HANS-MOES-KRAAL No. 202
situate in the Administrative District of George
Province of ~~Cape of Good Hope~~ Western Cape
Framed in terms of Section 39 of Act 9 of 1927,
in May 1994 by me

G. S. Savage
PLS 0543
G S Savage Land Surveyor

This diagram is annexed to	The original diagram is	File No. GEOR 202
No.	No. 1145/1909	S.R. No. Framed
Dated	annexed to Grant	Comp. ALNC-1273 (M4471)
i.f.o.	No. Geo. Q.15-4	
Registrar of Deeds		

ERF 4647 Pacaltsdorp

6111/95

SOUTH CAPE REGIONAL SERVICES COUNCIL
SUBDIVISION EXEMPT FROM THE PROVISIONS
OF SECTION 25 IN TERMS OF SECTION 23
OF ORDINANCE 15 OF 1985.

Suid-Kaap Streeksdiensteraad
South Cape Regional Services Council
pp. 
Hoofsaaklikoerendebeambte
Chief Executive Officer



EXEMPT FROM PROVISIONS OF ACT
70 OF 1970
SECTION 1(b)

THIS DIAGRAM REPRESENTS A
.....CLOSED ROAD

EXEMPT FROM PROVISIONS
OF CHAPTER III
OF ORD. 15/1985
Road Closure

APPROVED SUBJECT TO SIMUL-
TANEOUS REGISTRATION OF
DIAGRAM 6112/96
BEING Erf 4394

ANNEXURE “T” – CLOSED CORPORATION REGISTRATION DOCUMENT

Disclosure Certificate: Companies and Close Corporations

Registration Number: 1986 / 015685 / 23
Enterprise Name: HANSMOESKRAAL ENTERPRISES

ENTERPRISE INFORMATION

Registration Number 1986 / 015685 / 23
Enterprise Name HANSMOESKRAAL ENTERPRISES
Registration Date 29/08/1986
Business Start Date 29/08/1986
Enterprise Type Close Corporation
Enterprise Status In Business
Compliance Status Compliant
Financial Year End February
TAX Number 9010302157

Addresses **POSTAL ADDRESS**
P O BOX 367
GEORGE
6530

ADDRESS OF REGISTERED OFFICE
TOMMY JOUBERT PLAZA
100 MEADE STREET
GEORGE
6530
6529

ACTIVE MEMBERS / DIRECTORS

Surname and First Names	Type	ID Number / Date of Birth	Contrib. (R)	Interest (%)	Appoint. Date	Address
MUNSAMY, GERALDINE DENISE	Member	1952-09-06	10.00	10.00	26/10/2001	Postal: P O BOX 1341, GEORGE, 6530 Residential: HANSMOESKRAAL, GEORGE, 6530
MUNSAMY, MANDY ILONA	Member	1974-09-01	15.00	15.00	26/10/2001	Postal: P O BOX 1341, GEORGE, 6530 Residential: HANSMOESKRAAL, GEORGE, 6530
MUNSAMY-SWARTLAND, BELINDA	Member	1975-10-01	15.00	15.00	26/10/2001	Postal: P O BOX 1341, GEORGE, 6530 Residential: HANSMOESKRAAL, GEORGE, 6530
MUNSAMY, SELVAN	Member	1977-11-28	35.00	35.00	26/10/2001	Postal: P O BOX 1341, GEORGE, 6530 Residential: HANSMOESKRAAL, GEORGE, 6530

**Certificate issued by the Commissioner of Companies & Intellectual
Property Commission on Monday, January 14, 2019 at 11:20**



Disclosure Certificate: Companies and Close Corporations

Registration Number: 1986 / 015685 / 23

Enterprise Name: HANSMOESKRAAL ENTERPRISES

MUNSAMY, NOLAN LEECH	Member	1982-07-06	25.00	25.00	26/10/2001	Postal: P O BOX 1341, GEORGE, 6530
						Residential: HANSMOESKRAAL, GEORGE, 6530

AUDITOR DETAILS

Auditor Name	Type	Status	Appointment Date	Resignation Date	Email Address
ANTHONY GEE AND COMPANY IAT	ACC	Current		ACTIVE	
Profession Number:					

CHANGE SUMMARY

29/08/1986	Registration of CC/CO on 29/08/1986.
26/10/2001	Member Change on 23/10/2001. Change Record Surname/Instit : = MUNSAMY First Names : = GERALDINE DENISE Status : = Active
26/10/2001	Member Change on 23/10/2001. Change Record Surname/Instit : = MUNSAMY First Names : = SAGATHAVAN Status : = Active
26/10/2001	Member Change on 23/10/2001. Add Record Surname/Instit : = MUNSAMY First Names : = MANDY ILONA Status : = Active
26/10/2001	Member Change on 23/10/2001. Add Record Surname/Instit : = MUNSAMY First Names : = BELINDA Status : = Active
26/10/2001	Member Change on 23/10/2001. Add Record Surname/Instit : = MUNSAMY First Names : = SELVAN Status : = Active
26/10/2001	Member Change on 23/10/2001. Add Record Surname/Instit : = MUNSAMY First Names : = NOLAN LEECH Status : = Active
19/10/2010	Status changed to Annual Return In De-registration on 19/10/2010. DEREGISTRATION FOR ANNUAL RETURN NON COMPLIANCE. REGISTRATION MONTH = 8 - AR NON COMPLIANCE DATE = 01/10/2009 - 6 MONTHS AFTER = 03/06/2010.
21/02/2011	Status changed to Cancellation of Annual Return De-registration Process on 21/02/2011. Annual Return Non Compliance - Cancellation of Deregistration
17/03/2011	Status changed to Annual Return In De-registration on 17/03/2011. DEREGISTRATION FOR ANNUAL RETURN NON COMPLIANCE. REGISTRATION MONTH = 8 - AR NON COMPLIANCE DATE = 01/10/2009 - 6 MONTHS AFTER = 03/06/2010.

Physical Address

the dti Campus - Block F
77 Meintjies Street
Sunnyside 0001

Postal Address: Companies

P O Box 429
Pretoria
0001

Docex: 256

Web: www.cipc.co.za

Contact Centre: 086 100 2472 (CIPC)

Contact Centre (International): +27 12 394 9573



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Disclosure Certificate: Companies and Close Corporations

Registration Number: **1986 / 015685 / 23**

Enterprise Name: **HANSMOESKRAAL ENTERPRISES**

01/03/2013 Status changed to Unknown.
FINAL DEREGISTRATION FOR ANNUAL RETURN NON COMPLIANCE

11/08/2014 Status changed to Unknown.

16/02/2015 Status changed to Unknown.
Company / Close Corporation AR Filing - Web Services : Ref No. : 524366109

18/08/2015 Status changed to Unknown.
No Valid SMS or Email Address for enterprise B1986015685

02/08/2016 Status changed to Unknown.
No Valid SMS or Email Address for enterprise B1986015685

19/05/2017 Status changed to Annual Return In De-registration on 19/05/2017.
Annual Return Non Compliance - In Process of Deregistration Last Payment for AR Year/Month is 2013/8.

07/08/2017 Status changed to Unknown.
No Valid SMS or Email Address for enterprise B1986015685

30/11/2017 Status changed to Cancellation of Annual Return De-registration Process on 30/11/2017.
Company / Close Corporation AR Filing - Web Services : Ref No. : 594345743

06/08/2018 Status changed to Unknown.
No Valid SMS or Email Address for enterprise B1986015685

12/12/2018 Principle Business Change on 12/12/2018.
8

12/12/2018 Member Change on 12/12/2018.
Change Record
Surname/Instit : = MUNSAMY
First Names : = GERALDINE DENISE
Status : = Active

12/12/2018 Member Change on 12/12/2018.
Change Record
Surname/Instit : = MUNSAMY
First Names : = SAGATHAVAN
Status : = Deceased

12/12/2018 Member Change on 12/12/2018.
Change Record
Surname/Instit : = MUNSAMY
First Names : = MANDY ILONA
Status : = Active

12/12/2018 Member Change on 12/12/2018.
Change Record
Surname/Instit : = MUNSAMY-SWARTLAND
First Names : = BELINDA
Status : = Active

12/12/2018 Member Change on 12/12/2018.
Change Record
Surname/Instit : = MUNSAMY
First Names : = SELVAN
Status : = Active

12/12/2018 Member Change on 12/12/2018.
Change Record
Surname/Instit : = MUNSAMY
First Names : = NOLAN LEECH
Status : = Active

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