



The Municipal Manager
P O Box 19
George
6530

Ref: Ptn Re/236

3 July 2026

Sir

APPLICATION FOR REZONING AND SUBDIVISION: REMAINDER OF THE FARM BRAKFontein NR 236

Attached hereto find an application in terms of

- Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the figure ABCDEFGHIJ curved line 62,97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236.
- Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 to rezone the figure ABCDEFGHIJ curved line 62,97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236 form Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf.
- Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the Subdivisional Area into
 - o a Portion A with a size approximately 2,47 hectares,
 - o a Portion B with a size of approximately 1,11 hectares, and
 - o a Road Remainder with a size of 1,02 hectares.

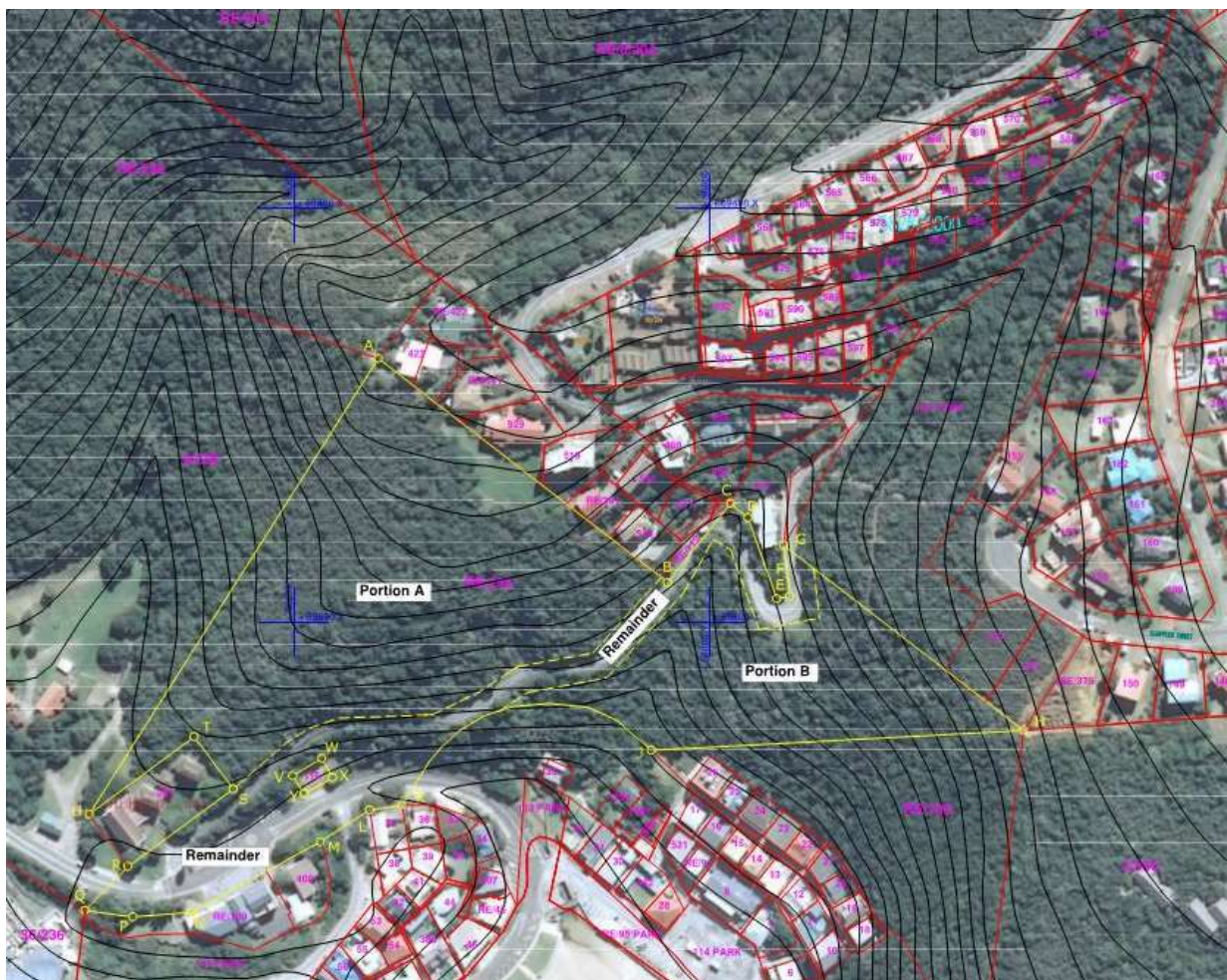
Your prompt consideration of this application will be appreciated.

Yours faithfully

Jan Vrolijk

MOTIVATION REPORT
APPLICATION FOR REZONING AND SUBDIVISION
A PORTION OF THE REMAINDER OF THE FARM BRAKFONTein NO 236

3 July 2026



Prepared for:

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MOTIVATION REPORT: APPLICATION FOR REZONING AND SUBDIVISION: A PORTION OF THE REMAINDER OF THE FARM BRAKFONTEIN NO 236

1. BACKGROUND

Summer Sixteen (Pty) Ltd Registration Number 2015/031093/07 is the registered owner of the Remainder of the Farm Brakfontein No 236 which is held by virtue of Title Deed No T5208/2017. The Remainder of the Farm Brakfontein No 236 has a size of 6,61 hectares.

The locality of the Remainder of the Farm Brakfontein No 236 is indicated on the locality plan attached hereto as **Annexure "A"**. The Remainder of Farm Brakfontein 236 is located within the proclaimed boundaries of Herold's Bay as per GN 2082/1989. The Remainder of the Farm Brakfontein No 236 is thus not located in a rural area but forms part and parcel of the Herolds Bay proclaimed township area. A copy of a plan indication the proclaimed boundaries of Herold's Bay is attached hereto as **Annexure "B"**.

The Remainder of the Farm Brakfontein No 236 is at present zoned Agricultural Zone I, Open Space Zone II and Transport Zone II. A copy of the zoning map of the Remainder of the Farm Brakfontein No 236 as per the George Integrated Zoning Scheme By-law, 2023 is attached hereto as **Annexure "C"**.

The Remainder of the Farm Brakfontein No 236 consists of two distinct portions, namely a portion to the north of Skimmelkrans Road and a portion to the south-southwest of Skimmelkrans Road. The two portions are clearly visible on the locality plan attached as **Annexure "A"**. The portion to the north of Skimmelkrans Road is at present zoned Agricultural Zone I whilst the portion to the south-southwest of Skimmelkrans Road has various zonings.

It is the intention of the owner to subdivide the portion of the Remainder of the Farm Brakfontein No 236 located to the north of Skimmelkrans Road, with an area of approximately 4,6 hectares, from the Remainder of the Farm Brakfontein No 236. The subdivided portion will then be rezoned

from Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf. The Subdivision Area will be subdivided into a

- Portion A with a size approximately 2,47 hectares,
- Portion B with a size of approximately 1,11 hectares, and
- Road Remainder with a size of 1,02 hectares

as indicated on the subdivision plan attached hereto as **Annexure “D”**.

Portions A and B will thus obtain an Open Space Zone III zoning whilst the Road Remainder will be zoned Transport Zone II. The Road Remainder will consist of Rooidraai Road which will be transferred to the George Municipality.

As can be seen from the contours on the subdivision plan both Portions A and B have a fairly steep slope towards the south. From the subdivision plan it is also clear that Portions A and B are furthermore extensively overgrown with indigenous vegetation. This slope and the vegetation on the properties resulted in these two portions never having been utilized for agricultural purposes nor is it foreseen that the two portions will ever be used for agricultural purposes. The Agricultural Zone I zoning is thus not in keeping with the existing land use of the two portions nor with the existing vegetation on the two portions.

The following application was submitted to the Department of Agriculture, Land Reform and Rural Development - Republic of South Africa in December 2021:

- *An application in terms of Section 4 of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) to subdivide the figure ABCDEFGHIJ curved line 62.97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236.*
- *Application is made in terms of Section 4 of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) to subdivide the above-mentioned figure into*
 - *a Portion A with a size approximately 2.47 hectare,*
 - *a Portion B with a size of approximately 1.11 hectare, and*

- o *a Remainder with a size of 1.02 hectare.*

The proposed subdivision lines are indicated on the subdivision plan attached hereto as **Annexure “D”**.

The abovementioned application was approved by Department of Agriculture, Land Reform and Rural Development - Republic of South Africa under consent number 56487 dated 16 March 2022. A copy of the approval letter is attached hereto as **Annexure “E”**.

As it was unclear whether access would be possible from the Road Remainder (Rooidraai Road) to Portions A and B, the application was referred to the Western Cape Government: Department Transport and Public Works for approval for access to the Portion A and B. In response to this request a letter dated 2 February 2023 which is attached hereto as **Annexure “F”** has been received from the Western Cape Government: Department Transport and Public Works. In terms of the contents of the letter it is indicated that the George Municipality is the Roads Authority on this portion of Rooidraai Road and that accesses to Portion A and B must be negotiated with the relevant department of the George Municipality. Since the letter was received, the access issue has been discussed with Ricus Fivas of the Directorate Civil Engineering Services of the George Municipality.

It has since been indicated that provision will be made in the rebuilding/upgrading of Rooidraai Road for accesses to Portion A and B. The access position to Portions A and B as indicated on the plan attached hereto as **Annexure “G”** has been proposed.

The George Municipality has however indicated that the subdivision approval issued by the Department of Agriculture, Land Reform and Rural Development - Republic of South Africa cannot be exempted from the stipulations of the Land Use Planning By-law for George Municipality, 2015 as Portions A and B are not used for agricultural purposes. The municipality has indicated that the two portions should, as part of any proposed application for subdivision, be rezoned to an appropriate zoning.

With the latter in mind it is the intention to rezone Portions A and B to Open Space Zone III and the Road Remainder Transport Zone II.

In terms of the Open Space Zone III zoning proposed for Portions A and B the primary development right of the proposed two portions will be “Nature conservation area”. The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. In terms of the definition of a “Nature conservation area” as per the George Integrated Zoning Scheme By-law, 2023 the construction of a dwelling house is permitted as a primary right within this zoning.

It is the intention of the owners to preserve the two portions as nature areas and eventually to develop a dwelling house on each of the two portions.

As far as Portion A is concerned a contour survey has been undertaken for this portion and an area has been identified on Portion A, adjacent to Erven 423, 441 and 929 Herolds Bay, with a slope of less than 1:4. The contour plan of this area is attached hereto as **Annexure “H”**. From the plan attached hereto as **Annexure “I”** it is clear that a portion of Portion A, where the slope of less than 1:4 is applicable, consists of a lawn and is as such already disturbed. There is thus as far as slope and existing disturbed vegetation is concerned an area available on Portion A where a dwelling house can be erected. The owners have furthermore appointed Confluent Environmental to prepare a Site Sensitivity Report for Portion A. A copy of the report is attached hereto as **Annexure “J”**. From the comments in the report it seems as if the lawned area, where the slope is also less than 1:4, has been identified as a low-risk area. The possibility, however, exists that some vegetation to the south of this low-risk area might have to be removed to allow for the dwelling house to be moved a bit to the south so as not to impact on the privacy of the dwelling houses on Erven 423, 441 and 929 Herolds Bay. The removal of some of the vegetation might triggering some listed activities which might necessitate an environmental impact assessment process. The Owners have no objection to follow an environmental process to allow for the development of a dwelling house in this specific position on Portion A.

As far as Portion B is concerned a contour survey has been conducted for this portion. In terms of the contour survey an area with a slope of less than 1:4 has been identified on Portion B. A copy of the contour plan is attached hereto as **Annexure “K”**. From the survey plan it is clear

that it will be possible to develop a dwelling house with a footprint of approximately 150m² within this area of 1:4. The owners have appointed Confluent Environmental to also prepare a Site Sensitivity Report for Portion B. A copy of the report is attached hereto as **Annexure “L”**. In terms of this report it is indicated that the proposed dwelling on Portion B will likely affect several existing trees (Milkwood and Cheesewood) which are protected by law. In terms of the report it is indicated that the removal or disturbance of these trees would require careful management and permits, as well as compliance with environmental regulations. The Owners have no objection to follow an environmental process to allow for the development of a dwelling house in this specific position on Portion B.

The Road Remainder will continue to be used for the purposes it is at present used for.

2. DEVELOPMENT PROPOSAL

It is the intention of the owner to subdivide the portion of the Remainder of the Farm Brakfontein No 236 located to the north of Skimmelkrans Road, with an area of approximately 4,6 hectares, from the Remainder of the Farm Brakfontein No 236. The subdivided portion will then be rezoned from Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf. The Subdivision Area will be subdivided into a

- Portion A with a size approximately 2,47 hectares,
- Portion B with a size of approximately 1,11 hectares, and
- Road Remainder with a size of 1,02 hectares

as indicated on the subdivision plan, which was approved by Department of Agriculture, Land Reform & Rural Development on 16 March 2022 as per **Annexure “E”**.

As per the requirement of the George Municipality Portions A and B will be rezoned to an appropriate zoning, i.e. Open Space Zone III whilst the Road Remainder will be rezoned to Transport Zone II.

In terms of the proposed zoning the primary development right of Portions A and B will thus be a “Nature conservation area”. The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory

conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. In terms of the definition of a “Nature conservation area” as per the George Integrated Zoning Scheme, 2023 the construction of a dwelling house is permitted as a primary right within this zoning.

It is thus the intention of the owners to preserve both portions as nature areas and eventually to develop a dwelling house on each portion.

3. PRE-APPLICATION

A first pre-application consultation was submitted on 18 June 2021 and considered by the George Municipality on 25 June 2021. The completed pre-application consultation form with the municipal comments on the proposal is attached hereto as **Annexure “M”**. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

“Town Planning:

- 1. It is not ideal to subdivide the natural landscape for the purpose to construct dwelling houses.*
- 2. The Remainder of Farm 237 is located outside the urban edge of Herolds Bay and site-specific circumstances should be motivated.*
- 3. An environmental scoping report must be submitted with the land use applications. The application will not be accepted without the latter.*
- 4. DEA&DP (Environmental) comments to be obtained and submitted with the application.*
- 5. The proposed site layout plan must indicate the contours, all environmental buffer areas (including the 1:50 and 1:100 year flood lines and erosion risk lines) and position of the proposed dwelling house(s).*
- 6. No development will be allowed on slopes steeper than 1:4.*
- 7. The proposed portions have no vehicular access. Access to the said portions to be illustrated and motivated in terms of, inter alia, environmental intrusion.*
- 8. With reference to the above, it can be derived that development on the proposed portions may be impracticable.*

9. *Visual Impact assessment will be a requirement as the natural vistas will be affected.*
10. *Geotechnical engineering report required.*
11. *Stormwater management plan required.*
12. *Heritage impact assessment required.*

CES:

1. *Applicant to show proposed footprint of building, as the geotechnical characteristics are problematic, and will require specialist studies in this regard.*
2. *Services reports required.*

ETS:

1. *Must consult with the Electro-technical department and provide services reports."*

A second pre-application was considered by the George Municipality on 20 April 2023. The completed pre-application consultation form with the municipal comments on the proposal is attached hereto as **Annexure "N"**. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

"Town Planning:

The attached documents were discussed.

- *The site is located / forms part of an environmental corridor with threatened vegetation types which should preferably not be disturbed.*
- *It is proposed to determine which listed activities of NEMA are triggered. Comment from Department of Environmental Affairs and Development Planning will be required.*
- *Comments will have to be obtained from the National Department of Forestry, Fisheries & the Environment.*
- *Specialist studies (visual, heritage, botanical, geotechnical etc.) need to be submitted with this application to determine which portions, if any, of the sites are developable.*

- *It is recommended to firstly obtain environmental input to determine the unit footprints on the site, prior to the submission of the application.*
- *Development is not supported on slopes steeper than 1:4.*
- *Site specific circumstances should be motivated for this application. • A stormwater management plan must be submitted.*
- *Indicate the following on the site plan:*
 - *Areas steeper than 1:4;*
 - *Critical biodiversity areas;*
 - *Waterbodies and associated 32m buffer zones (rivers, dams, wetlands etc.);*
 - *Clear unit footprints;*
 - *Contours;*
 - *Flood lines;*
 - *Erosion risk lines;*
 - *Etc.*

CES:

Access: The project manager of the Rooidraai Road rehabilitation indicated that no additional sections of land will be required for the rehabilitation, and in this regard could not be used to finalize the required access directly of Rooidraai Road. Noting all access should confirm to the Provincial Access Management Guidelines (Standards use by George Municipality)”

A third pre-application was considered by the the George Municipality on 12 May 2023. The completed pre-application consultation form with the municipal comments on the proposal is attached hereto as **Annexure “O”**. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

“Town Planning:

The attached documents were discussed.

- *Please take note that the intention of the attached letter dated 25 August 2022 from the George Municipality, was to assess the applicability of exemptions of certain applications from subdivision approval, in terms of the Land Use Planning By-law for George Municipality (2015). In this regard, it is put on record that the municipality did not advise that the application site should be subdivided and rezoned to Agricultural Zone II for smallholdings.*
- *The creation of smallholdings outside the urban edge is in principle not supported, in terms of the Draft MSDF (2023). In this regard, site specific circumstances should be motivated.*
- *Development on Portion B is in principle not supported, given the access constraints, visual impact and onsite vegetation. The application site is of such an extent that various other portions for the development of a dwelling unit can be identified.*
- *Should an application be submitted, it is advised that the site be rezoned to Open Space Zone III and not Agricultural Zone II.*
- *The developability of the proposed portions should be illustrated.*
- *The comments on the pre-application dated 20 April 2023, are still applicable.”*

The municipal letter referred to dated 25 August 2022 is attached hereto as **Annexure “P”**.

A fourth pre-application was considered by the the George Municipality on 25 April 2025. The completed pre-application consultation form with the municipal comments on the proposal is attached hereto as **Annexure “Q”**. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

“Town Planning:

The attached documents were discussed at a meeting held on 25 April 2025.

- *The application must be motivated in terms of the required legislation and policies (i.e. SPLUMA, LUPA, Western Cape PSDF, George MSDF, etc.).*
- *The site is located / forms part of an environmental corridor with threatened vegetation types which should preferably not be disturbed.*
- *Please determine which listed activities of the National Environmental Management Act are triggered. Comment from the Department of Environmental Affairs and Development Planning will be required.*

- *Comments will have to be obtained from the National Department of Forestry, Fisheries and the Environment.*
- *Specialist studies (visual, heritage, botanical, and geotechnical) need to be submitted with this application to determine which portions, if any, of the sites are developable.*
- *Please first obtain environmental input to determine the unit footprints on the site prior to the submission of the application.*
- *Development is not supported on slopes steeper than 1:4.*
- *Site specific circumstances for the deviation from the Municipal Spatial Development Framework should be motivated for this application.*
- *A stormwater management plan must be submitted.*
- *Motivate how the proposal will comply with the objective of the proposed zoning.*
- *Access is a concern – please indicate and motivate.*
- *Indicate the following on the site plan:*
 - *Areas with slopes steeper than 1:4.*
 - *Critical biodiversity areas.*
 - *Waterbodies and associated 32m buffer zones (rivers, dams, wetlands etc.).*
 - *Clear unit footprints.*
 - *Contours.* ○ *Flood lines.*
 - *Erosion risk lines.*
 - *Driveway, access and other road elements.*
 - *Etc.*

CES:

Access: *Submit a Traffic Impact Statement in support of the proposed access, including associated structural engineering reports.”*

4. SECTION 40 LETTER

An application for the subdivision and rezoning of the Remainder of the Fram Brakfontein 236 was thereafter submitted to the George Municipality on 27 June 2025 for consideration. In response to the submission the Section 40 letter attached hereto as **Annexure “R”** was received from the George Municipality.

In terms of the Section 40 letter the municipality requested that the following matters needed to be addressed:

- *Comments from DFFE should be obtained and uploaded,*
- *Specialist Studies outstanding: Visual and Heritage,*
- *A stormwater plan and Traffic Impact study to be submitted,*
- *Please indicate the following on the site plan:*
 - *Areas with slopes steeper than 1:4*
 - *Critical Biodiversity areas*
 - *Waterbodies and 32m buffers,*
 - *Clear unit footprints,*
 - *Flood lines,*
 - *Erosion risk lines,*
 - *Driveway and access. It should be noted that some of the required information on the last point was submitted but not clearly indicated on the site plan.*

In response to the comments received in the Section 40 letter a meeting was scheduled between the owner's representative Abel Bezuidenhout, Jan Vrolijk and Clinton Petersen (Senior Manager: Planning in the Directorate: Planning and Development of the George Municipality) to discuss the contents of the Section 40 letter.

During the meeting the owner's representative agreed that the requirements as stipulated in the Section 40 letter should be addressed. The owner's representative, however, indicated that he is of the opinion that the studies required can only be successfully addressed when a dwelling house is to be developed on the two portions.

The owner's representative, however, indicated that the development of the dwelling house on each portion will form a second phase as the development of a dwelling house on the portions will trigger listed activities as per the National Environmental Management Act, 1998 (Act 107 of 1998). The owners intention is to separate the subdivision and rezoning process from process to develop a second dwelling on the two portions.

No building plans have yet been prepared for any dwelling house to be developed on the two portions. The owner's representative indicated that the design of the two dwelling houses will to a large extent be determined by the findings of the various studies that will have to be undertaken as part of the environmental approval process and any design presented at this stage will be premature. The owner's representative indicated that it is for this reason not possible to provide the studies and information as requested in the Section 40 letter. The owner's representative indicated that he accepts that the studies and requirements as listed in the Section 40 letter will have to be undertaken as part of the environmental process to be followed to allow for the construction of dwelling houses on the two portions.

This coincides with the view point of the Department of Environmental Affairs and Development Planning in their letter in response to the development proposal dated 26 June 2023. This letter is attached hereto as **Annexure "S"**. The owner's representative also indicated that he accepts the fact that it is possible that a negative Record of Decision may be issued by the Department of Environmental Affairs and Development Planning. The owners representative indicated that this is, however, a risk that owners are prepared to take. If such a scenario does happen, the two portions will at least have a zoning which represents the actual land use on the two portions, and it will also be possible to transfer the Road Remainder to the George Municipality.

The meeting concluded with a recommendation from the Senior Manager: Planning that the application should over and above the normal motivation be thoroughly motivated in terms of the following Acts and By-law:

- Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)
- Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)
- George Municipality Land Use Planning By-law, 2023

The relevance of the principles in the mentioned Acts and By-law is addressed in point 8 of this motivation report.

5. APPLICATION

- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 to subdivide the figure ABCDEFGHIJ curved line 62,97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236.
- Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 to rezone the figure ABCDEFGHIJ curved line 62,97m above the high water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236 form Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf.
- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 to subdivide the Subdivisional Area into a
 - Portion A with a size approximately 2,47 hectares,
 - Portion B with a size of approximately 1,11 hectares, and
 - Road Remainder with a size of 1,02 hectares.

The subdivision plan is attached hereto as **Annexure “D”** whilst the complete municipal application form is attached hereto as **Annexure “T”**.

6. OWNERSHIP

6.1 Registered owner

The Remainder of Farm Brakrivier No 236 is registered in the name of Summer Sixteen (Pty) Ltd Registration Number 2015/031093/07.

6.2 Title Deed

Title Deed No T5208/2017 being the Title Deed for the Remainder of Farm Brakrivier No 236 is attached hereto as **Annexure “U”**.

6.3 Power of Attorney

A Power of Attorney, whereby Jan Vrolijk Town Planner/Stadsbeplanner is appointed by Abel Jacobus Bezuidenhoudt on behalf of Summer Sixteen (Pty) Ltd Registration Number 2015/031093/07 to prepare the application referred to in point 3 of this motivation report and to sign all relevant documents, is attached hereto as **Annexure “V”**.

A company document indication the names of the Directors of the Company is attached hereto as **Annexure “W”**.

A company resolution whereby a resolution was passed by the Directors of Summer Sixteen (Pty) Ltd Registration Number 2015/031093/07 whereby Abel Jacobus Bezuidenhoudt is granted permission to appoint Jan Vrolijk Town Planner / Stadsbeplanner to submit the application is attached hereto as **Annexure “X”**.

6.4 Bondholder's consent

There is no bond registered over the property.

6.5 Conveyancer Certificate

A Conveyancer Certificate for the Remainder of Farm Brakrivier No 236 is attached hereto as **Annexure “Y”**.

7. GENERAL INFORMATION REGARDING THE REMAINDER OF FARM BRAKFORTEIN NO 236

7.1 Locality

Remainder of the Farm Brakfontein No 236 which forms the subject of the application is located to the north of Herolds Bay Lower and to the south Herolds Bay Extensions 1 and 2 as indicated on the Locality Plan attached hereto as **Annexure “A”**.

7.2 Size

The Remainder of Farm Brakrivier No 236 has an area of 6,61 hectares.

7.3 Surveyor General Diagram

The Surveyor General Diagram for the Remainder of the Farm Brakfontein No 236 is attached hereto as **Annexure “Z”**.

7.4 Servitudes

There are no servitudes registered over the area that forms the subject of the application.

7.5 Existing zoning

The Remainder of the Farm Brakfontein No 236 is at present zoned Agricultural Zone I, Open Space Zone II and Transport Zone II. A copy of the zoning map of the Remainder of the Farm Brakfontein No 236 as per the George Integrated Zoning Scheme By-law, 2023 is attached hereto as **Annexure “C”**.

The Remainder of the Farm Brakfontein No 236 which forms the subject of the application is however located inside the Herold's Bay proclaimed township as per GN 2082/1989 which is attached hereto as **Annexure “B”**.

7.6 Existing land use

From the subdivision plan which is attached hereto as **Annexure “D”** it can be seen that Portions A and B have a downward incline towards the south and that it is totally overgrown with indigenous natural coastal vegetation. No agricultural activities exist or are at present undertaken on either of the two portions. There are furthermore no structures on both these portions.

8. DESIRABILITY OF APPLICATION FOR REZONING AND SUBDIVISION OF THE REMAINDER OF THE FARM BRAKFORTEIN NO 236

8.1 Introduction

The term "desirability" in the land use planning context, may be defined as the degree of acceptability of the land use(s) on the land units concerned. The desirability of the intended land use change should be discussed with reference to the aspects listed below.

- Physical characteristics of the site.
- The proposed main 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 will be regarded as being desirable as far as the mentioned aspects are concerned.

8.2 Physical characteristics of the Remainder of the Farm Brakfontein No 236

8.2.1 Topography

From the contours on the subdivision plan it is clear that Portions A and B has a downward incline towards the south. The slope is of such a nature that it is not possible to use the two portions for agricultural purposes.

A contour survey has been conducted for both Portion A and B to determine if there are areas on both portions with a slope of less than 1:4. In terms of the contour survey an area with a slope of less than 1:4 has been identified on both Portion A and Portion B. The contour plans are attached hereto as **Annexure "H"** and **Annexure "K"**. There are thus portions on both portions with a slope of less than 1:4 on which it will be possible to develop a dwelling house.

8.2.2 Geotechnical conditions

Very little is known about the geotechnical condition pertaining to both Portion A and Portion B. It is thus a given, as per the comments in the pre-application document, that a geotechnical report will have to be submitted with any building plans to be submitted for approval. The desirability of the proposed subdivision is however not dependant on a geotechnical report.

It should be remembered that any geotechnical conditions can be accommodated from a civil and structural point of view in the design of a dwelling house. The fact that dwelling houses have been developed on adjacent land clearly indicates that the geotechnical conditions are of such a nature that it will be possible to design and develop a dwelling house on each of the two portions within the geotechnical constraints that may exist.

The development of a dwelling house on any of the two portions will most properly trigger listed activities as per the National Environmental Management Act, 1998 (Act 107 of 1998). To request a geotechnical report as part of the subdivision application is regarded premature in the sense that the position and placing of any dwelling house within the identified areas, with a slope of less than 1:4, on the two portions will depend largely on the environmental process that will have to be undertaken as part of the building plan approval process. The necessary geotechnical report will form an integral part of this environmental process.

It is thus argued that the requirement to submit a geotechnical study for the subject property at this early stage is regarded as premature. It is suggested that the application be approved subject to a condition that a geotechnical report must accompany any building plan submission.

8.2.3 Vegetation

Portions A and B are totally overgrown with indigenous natural coastal vegetation.

Both proposed portions will be rezoned to Open Space Zone III with a “Nature conservation area” as its primary use right. In terms of this zoning, the two portions may thus only be used for the conservation of the existing flora and fauna.

No agricultural activities are found on the two portions, and it is abundantly clear that the two portions will or can never, because of the slope of the land and the existing vegetation that is found on the two portions, be used for agricultural purposes. The present Agricultural Zone I zoning does thus not coincide with the actual use the two portions can be put too.

As far as Portion A is concerned a contour survey has been undertaken for this portion and an area has been identified on Portion A, adjacent to Erven 423, 441 and 929 Herolds Bay, with a slope of less than 1:4. The contour plan of this area is attached hereto as **Annexure "H"**. From the plan attached hereto as **Annexure "I"** it is clear that a portion of Portion A, where the slope of less than 1:4 is applicable, consists of a lawn and is as such already disturbed. There is thus as far as slope and existing disturbed vegetation is concerned an area available on Portion A where a dwelling house can be erected. The owners have furthermore appointed Confluent Environmental to prepare a Site Sensitivity Report for Portion A. A copy of the report is attached hereto as **Annexure "J"**. The Terrestrial Biodiversity of the portion, as requested in the Section 40 letter, is addressed in this report. From the comments in the report it seems as if the lawned area, where the slope is also less than 1:4, has been identified as a low-risk area. The possibility however exists that some vegetation to the south of this low-risk area might have to be removed to allow for the dwelling house to be moved a bit to the south so as to not impede the privacy of the dwelling houses on Erven 423, 441 and 929 Herolds Bay. The removal of some of the vegetation might triggering some listed activities which might necessitate an environmental impact assessment process. The owners have no objection to follow an environmental process to allow for the development of a dwelling house in this specific position on Portion A.

As far as Portion B is concerned a contour survey has been conducted for this portion. In terms of the contour survey an area with a slope of less than 1:4 has been identified on Portion B. A copy of the contour plan is attached hereto as **Annexure "K"**. From the survey plan it is clear that it will be possible to develop a dwelling house with a footprint of approximately 150m² within this area of 1:4. The owners have appointed Confluent Environmental to also prepare a Site Sensitivity Report for Portion B. The Terrestrial Biodiversity of the portion, as requested in the Section 40 letter, is addressed in this report. A copy of the report is attached hereto as **Annexure "L"**. In terms of this report it is indicated that the proposed dwelling on Portion B will likely affect several existing trees (Milkwood and Cheesewood) which are protected by law. In terms of the

report it is indicated that the removal or disturbance of these trees would require careful management and permits, as well as compliance with environmental regulations.

From the contents of the above paragraphs it is clear that some vegetation will in future have to be removed when a dwelling house is to be developed on Portion A and B. The necessary applications in terms of environmental legislation will be submitted to the relevant authorities once a dwelling house is to be erected on either of the two portions.

The removal of any vegetation to allow for the construction of a dwelling house on the subdivided portions will be dealt with as part of the environmental process that will most properly have to be undertaken to allow for the construction of a dwelling house on the two subdivided portions.

It must furthermore be mentioned that an application for rezoning and subdivision per say does not trigger any listed activity. It is the development footprint associated with such a rezoning and subdivision that will trigger listed activities as per the National Environmental Management Act, 1998 (Act 107 of 1998). The development of the dwelling house on each portion will form a second phase and will be subjected to an environmental process. This coincides with the view point of the Department of Environmental Affairs and Development Planning in their letter in response to the development proposal dated 26 June 2023. This letter is attached hereto as **Annexure "S"**.

8.2.4 Other characteristics

The two portions are not affected by flood lines, watercourses, fountains, erosion risk lines, etc. It is as such not possible to provide a plan indicating waterbodies and 32m buffer zones (rivers, dams, wetlands, flood lines, erosion risk lines), as requested in the pre-application document.

7.2.5 Conclusion

The physical characteristics of the two portions are of such a nature that it cannot be economically or physically utilized for agricultural purposes. From the contents of this point, it is clear that the only logic potential of the property is the zoning as proposed by virtue of this application. This zoning will allow for the protection of the existing natural state of the two portions. The proposed subdivision and rezoning will thus protect the existing physical

characteristics of the property, and it is as such argued that the proposed subdivision and rezoning will contribute to the protection of the character of this specific area.

8.3 Proposed land use

The portion of the Remainder of the Farm Brakfontein No 236 which forms the subject of the application is zoned Agricultural Zone I. In terms of this application, it is proposed to rezone Portions A and B to Open Space Zone III and the Road Remainder to Transport Zone II.

Portions A and B will thus be zoned Open Space Zone III in terms of the George Integrated Zoning Scheme By-Law, September 2023. In terms of the zoning the primary development right of this portion is a “Nature conservation area”. The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. In terms of the definition of a “Nature conservation area” as per the George Integrated Zoning Scheme, 2023 the construction of a dwelling house is permitted as a primary right within this zoning.

In terms of the development proposal, it is proposed to develop a single dwelling house on both Portions A and Portions B. At this stage, no design / layout of any of the two dwelling units has yet been prepared. As has been mentioned in previous paragraphs of this report it is anticipated that the construction of the dwelling houses will trigger listed activities as per the National Environmental Management Act, 1998 (Act 107 of 1998). The position, size, height, visual appearance, etc. of the proposed dwelling units will form an integral part of this environmental process and it is anticipated that the necessary documentation / studies to determine the desirability of the any dwelling house to be developed on the two portions will be prepared and submitted during this process

It must furthermore be mentioned that an application for rezoning and subdivision per say does not trigger any listed activity. It is the development footprint associated with such a rezoning and subdivision that will trigger listed activities as per the National Environmental Management Act, 1998 (Act 107 of 1998). The development of the dwelling house on each portion will form a second phase and will be subjected to an environmental process. The owner accepts that the possibility

exists that a negative Record of Decision might be issued by the Department of Environmental Affairs and Development Planning. It is however a risk the owner is prepared to take.

No agricultural land will furthermore be sterilized because of the proposed rezoning of the two portions from Agriculture Zone I to Open Space Zone III and Transport Zone II as the portions do not form viable agricultural units

- from a land size point of view;
- in terms of the physical / topographical characteristics of the portions; and
- in terms of existing vegetation on the portion.

The contents of the above paragraph are furthermore supported by the fact that an application for the subdivision as proposed by virtue of this application was approved by Department of Agriculture, Land Reform and Rural Development - Republic of South Africa under consent number 56487 dated 16 March 2022. A copy of the approval letter is attached hereto as **Annexure "E"**. This represents a clear statement that the relevant portion of the Remainder of the Farm Brakfontein No 236 has no agricultural potential.

As stated before it is the intention of the owner to eventually develop a dwelling house on both Portions A and B.

It should be remembered that the present Agriculture Zone I zoning of the Remainder of Farm Brakfontein No 236 allows for a dwelling house to be developed on the property as a primary right. The Remainder of the Farm Brakfontein No 236 is at present vacant with no dwelling house having been erected on the property. As far as the applicant is concerned it is within the owners legal rights to submit a building plan for a dwelling house to be erected on the Remainder of the Farm Brakfontein No 236 as long as the dwelling house complies with the land use parameters applicable to the Agriculture Zone I zoning.

The definition of a dwelling house as per the George Integrated Zoning Scheme By-law 2023 furthermore, as a primary right, includes the right to develop a second dwelling unit with a maximum floor area of 175m² on the same property. A second dwelling may furthermore be a loose standing structure which can be placed in a different position on a property. It would thus

also be possible for the owner to submit a building plan for a second dwelling to be developed on the property as a primary right. From the contour plan prepared for portion B, attached hereto as **Annexure “K”**, it is clear that only a very small portion of Portion B might be available for the development of a dwelling house. The possible area available is smaller than the floor area permitted for a second dwelling. The second dwelling house to be erected will thus be totally in compliance with the land use parameters applicable to a second dwelling. The two dwellings intended to be developed on Portion A and B will thus be identical to what is actually permitted, as the owners legal rights, in terms of the present Agriculture Zone I zoning of the Remainder of the Farm Brakfontein No 236.

The owners have no objection to the number of dwelling houses per portion being restricted to one dwelling house per portion which condition can, if required, be inserted into the future title deeds of the two portions. The development proposal will thus not result in more dwelling houses being developed on the Remainder of the Farm Brakfontein No 236 as is allowed in terms of its present Agriculture Zone I zoning.

The proposed Open Space Zone III zoning will furthermore allow for more secure protection of the existing vegetation on the property than an Agriculture Zone I zoning as it would be possible, by virtue of conditions of approval, to require an Environmental Management Plan addressing the protection and management of the existing vegetation on the property, which is not possible in terms of the present Agriculture Zone I zoning of the property.

8.4 Compatibility of development proposal with existing planning documentation and policies

8.4.1 Introduction

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

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

8.4.2.1 Introduction

The purpose of the SPLUMA is

- to provide a framework for spatial planning and land use management in the Republic;
- to specify the relationship between the spatial planning and the land use management system and other kinds of planning;
- to provide for the inclusive, developmental, equitable and efficient spatial planning at the different spheres of government; to provide a framework for the monitoring, coordination and review of the spatial planning and land use management system;
- to provide a framework for policies, principles, norms and standards for spatial development planning and land use management;
- to address past spatial and regulatory imbalances;
- to promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications;
- to provide for the establishment, functions and operations of Municipal Planning Tribunals;
- to provide for the facilitation and enforcement of land use and development measures; and
- to provide for matters connected therewith.

8.4.2.2 State's obligation

SPLUMA furthermore states that it is the State's obligation to realize the constitutional imperatives in—

- section 24 of the Constitution of the Republic of South Africa, to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures, which include a land use planning system that is protective of the environment; and
- section 25 of the Constitution of the Republic of South Africa, to ensure the protection of property rights including measures designed to foster conditions that enable citizens to gain access to land on an equitable basis.

It has and will be indicated in various paragraphs of this motivation report that it is the intention in terms of this application to protect the existing ingenious vegetation on Portions A and B as stated in section 24 of the Constitution and that the rezoning requested will further contribute towards the protection of the environment/vegetation on Portions A and B. The proposal can thus be regarded as being compatible with this obligation of SPLUMA.

In terms of Section 25 of the Constitution it is the obligation of the State to protect the property rights of any owner of property. As stated in various paragraphs in this motivation report the Remainder of the Farm Brakfontein No 236 is at present zoned Agricultural Zone I with certain development rights attached to the two portions. In terms of the Constitution the existing property rights of the owner should thus be protected. These rights include the right to develop a dwelling house on the property.

As has been indicated in this motivation report it is not the intention to apply for more development rights in terms of this application but rather to apply for development rights which are in keeping with the existing physical characteristics of the two portions and which will protect the physical characteristics for future generations. The number of dwelling houses to be developed on the two portions in terms of the development proposal are in keeping with the existing development rights applicable to the Remainder of the Farm Brakfontein No 236 as per its present Agriculture Zone I zoning. The existing property right to develop a dwelling house on the two portions will now only be permitted under a different zoning which is regarded to be a more appropriate zoning. The proposal can thus be regarded as being compatible with this obligation of SPLUMA.

8.4.2.3 Land

In terms of SPLUMA “land” means any erf, agricultural holding or farm portion, and includes any improvement or building on the land and any real right in land. In terms of this definition the right to develop land in accordance with its legal rights is thus entrenched in SPLUMA. As stated in the paragraph above it is not the intention to apply for more development rights but rather to use the existing development rights in terms of a more appropriate zoning.

8.4.2.4 Land use

In terms of SPLUMA “land use” means the purpose for which land is or may be used lawfully in terms of a land use scheme, existing scheme or in terms of any other authorization, permit or consent issued by a competent authority, and includes any conditions related to such land use purposes. In terms of the mentioned definition the Remainder of the Farm Brakfontein No 236 may lawfully be used for the land uses permitted in terms of the zoning of the property as per the George Integrated Zoning Scheme By-law, 2023.

The property is at present zoned Agriculture Zone I and may therefore in terms of SPLUMA lawfully be used for the development rights applicable to an Agriculture Zone I zoning as per the George Integrated Zoning Scheme By-law, 2023. As has been indicated in various paragraphs in this motivation report the existing zoning is not regarded to be the most appropriate zoning for this property bearing in mind the slope of the property, the vegetation that exists on the property and the fact that for these reasons it cannot be used for agricultural purposes. The development proposal will allow for a more appropriate zoning which will allow for the protection of the existing vegetation on the property whilst still allowing the owners to develop a dwelling house on each portion.

8.4.2.5 Section 3 of SPLUMA

In terms of Section 3 of SPLUMA the objectives of this Act are to —

- provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;
- ensure that the system of spatial planning and land use management promotes social and economic inclusion;
- provide for development principles and norms and standards;
- **provide for the sustainable and efficient use of land;**
- provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and
- redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.

In terms of Section 3 (d) the objective of SPLUMA is to provide for the sustainable and efficient use of land. Efficient and sustainable use of land is thus a requirement of the Act. It is argued that the proposal to rezone the two proposed portions to Open Space Zone III will provide for a more sustainable and efficient land use than is possible within the property's present Agriculture Zone I zoning.

The proposed Open Space Zone III zoning will allow for more secure protection of the existing vegetation on the property than an Agriculture Zone I zoning as it would be possible, by virtue of conditions of approval, to require an Environmental Management Plan addressing the protection and management of the existing vegetation on the property, which is not possible in terms of the present Agriculture Zone I zoning of the property.

8.4.2.6 Section 7 of 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.	Not applicable	This principle is not applicable to the application
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.	Not applicable	This principle is not applicable to the application
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	This principle is not applicable to the application
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.	Not applicable	The portion is located in the area of jurisdiction of the George Municipality. The George Municipality approved a Spatial Development Framework for the George Municipal Area in 2023 and adopted the George Municipality Integrated Zoning Scheme By-Law, 2023. These documents will be applicable to all areas in George and will include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements. This point is however not relevant to this application.
Land development procedures must include provisions that accommodate access to secure tenure and incremental upgrading of informal areas.	Not applicable	This principle is not applicable to the application
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 the applicant is aware the discretion and decision-making of the Eden Joint Municipal Planning Tribunal – George Municipality, when considering applications, is not solely limited or restricted, by the value of land or property affected by the

		outcome of an application. As far as known all principles as listed in Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" are taken into consideration in the decision making process. This principle is not applicable to this application.
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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.	Not applicable	The extent/scope of the proposed subdivision is so small that it will have no impact on the fiscal, institutional and administrative capabilities of the Republic. The George Municipality's income base will however be broadened through this development proposal.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Comply	Although the portion which forms the subject of this application is zoned Agricultural Zone I, it has never been used for agricultural purposes. The proposal to subdivide the Remainder of the Farm Brakfontein No 236 will have as such no impact on agricultural activities nor will it sterilize any agricultural land. No valuable farming land will thus be lost by virtue of this application for subdivision. No new farm portion will furthermore be created as a result of this application. It is the intention to rezone the newly created portions to Open Space Zone III. No fragmentation of farming land will thus take place as a result of this proposal. The contents of the above paragraph are furthermore supported by the fact that an application for the subdivision as proposed by virtue of

		this application was approved by Department of Agriculture, Land Reform and Rural Development - Republic of South Africa under consent number 56487 dated 16 March 2022. A copy of the approval letter is attached hereto as Annexure "E". This represents a clear statement that the relevant portion of the Remainder of the Farm Brakfontein No 236 has no agricultural potential.
Uphold consistency of land use measures in accordance with environmental management instruments.	Comply	The proposal to rezone and subdivide the farm portion per say does not trigger any environmental listed activities as per the National Environmental Management Act, 1998 (Act 107 of 1998). The development of a dwelling house with the accompanying removal of vegetation to allow for the construction of a dwelling house may result in certain activities being triggered. In terms of this application, it is only proposed to rezone and subdivide the farm portion. The development of the two subdivided portions with dwelling houses and the environmental approval that might be needed in such an instance will be addressed on submission of building plans. It should also be remembered that both portions will be located within an area which is controlled by the Outeniqua Sensitive Coastal Extension Regulations (OSCAE). A permit to remove vegetation and to undertake earthworks will thus also have to be obtained before any dwelling unit can be constructed on the portions.
Promote and stimulate the effective and equitable functioning of land markets.	Not applicable	Both portions will be developed with modern dwelling houses which will blend in with the natural environment it will be located in. The proposal will as such have no negative impact on the property values of any property in Herolds Bay.

Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Comply	All services needed to allow for the construction of a dwelling house on both portions will be for the account of the owner. The proposal will thus not result in infrastructure costs to any parties.
Promote land development in locations that are sustainable and limit urban sprawl; and result in communities that are viable.	Comply	The proposal will not lead to urban sprawl as the portion to be subdivided from the Remainder of Brakfontein No 236 is already located within the proclaimed township area of Herolds Bay.
Result in communities that are viable.	Comply	This principle is not applicable to the application.

Spatial efficiency		
Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Comply	No upgrades or improvements to existing infrastructure will be required because of this application for subdivision. All services needed to allow for the construction of a dwelling house on the two portions will be for the account of the owner. The proposal will thus not place any burden on municipal services infrastructure.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	Comply	It is assumed that the George Municipality has procedures in place that are 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.	Comply	The George Municipality has adopted the George Municipality: By-law on Land Use Planning, 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: By-law on Land Use Planning, 2023 and the application will therefore be managed and considered in accordance with the time frames as prescribed
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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.	Not applicable	The proposed development will create new jobs and contribute to the sustainability of the existing farm portion.

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, 2023. The application will be motivated and evaluated in terms of this framework.

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, 2023. The application will be motivated and evaluated in terms of this framework.
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 in order 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.

8.4.2.7 Section 20 of SPLUMA

In terms of Section 20 of SPLUMA municipalities must adopt spatial development frameworks which address the contents as listed in section 21 of SPLUMA. In terms of Section 22(1) of SPLUMA a municipality may not make a decision which is inconsistent with a municipal spatial development framework.

The various Spatial Development Frameworks applicable to the Remainder of the Farm Brakfontein No 236 is discussed in points 8.4.4 to 8.4.6 below. It is indicated in these points that the opinion is held that the proposed development application can indeed be considered compatible with these Spatial Development Frameworks.

The proposal can thus also be regarded to be compatible with these sections of SPLUMA.

8.4.2.8 Section 24 of SPLUMA

In terms of Section 24 of SPLUMA municipalities must adopt and approve a single land use scheme for its entire area. The George Municipality has adopted the George Integrated Zoning Scheme By-law, 2023.

The compliance of the application with the mentioned scheme is discussed in point 8.4.7 below.

8.4.2.9 Summary

From the content of point 8.4.2 it is clear that the application can indeed be accommodated within the stipulations of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).

8.4.3 Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)

8.4.3.1 Introduction

The purpose of the LUPA is

- to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions;
- to make provision for provincial spatial development frameworks;
- to provide for minimum standards for, and the efficient coordination of, spatial development frameworks;
- to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management;
- to regulate the effect of land development on agriculture;
- to provide for land use planning principles;
- to repeal certain old-order laws; and
- to provide for matters incidental thereto.

8.4.3.2 Section 2 of LUPA

In terms of Section 2 of LUPA municipalities

- are responsible for land use planning in their respective municipal areas and within their jurisdiction.
- must regulate at least the following:
 - ⇒ the development, adoption, amendment and review of a zoning scheme for the municipal area;
 - ⇒ the procedures in terms of which the municipality receives, considers and decides on land use applications;
 - ⇒ the procedures in terms of which the municipality facilitates public participation in its consideration of land use applications;
 - ⇒ the criteria for deciding on land use applications;

- ⇒ the imposition of conditions of approval for land use applications;
 - ⇒ the procedures applicable after a land use application has been approved; and
 - ⇒ the enforcement by the municipality of its by-laws and decisions with regard to land use planning.
- must perform the functions referred to in this section in accordance with this Act.

This application is submitted in terms of the George Municipality Land Use Planning By-law, 2023 and the George Integrated Zoning Scheme By-law, 2023, documents which are used by the George Municipality to guide, direct and evaluate land use applications.

8.4.3.3 Land and Land use

The definitions referred to in SPLUMA as highlighted in points 8.2.4.3 and 8.2.4.4 above are also contained in LUPA.

The comments provided in points 8.2.4.3 and 8.2.4.4 above are thus also relevant as far as LUPA is concerned.

8.4.3.4 Section 19 of 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 in more detail 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 various Spatial Development Frameworks applicable to the Remainder of the Farm Brakfontein No 236 is discussed in points 8.4.4 to 8.4.6 in this motivation report. It is indicated in these points that the opinion is held that the proposed development application can indeed be considered compatible with these Spatial Development Frameworks.

The proposal can thus also be regarded to be compatible with these sections of LUPA.

8.4.3.5 Section 22 of LUPA

In terms of Section 22 of LUPA municipalities must adopt and approve a single land use scheme for its entire area. The George Municipality has adopted the George Integrated Zoning Scheme By-law, 2023.

The compliance of the application with the mentioned scheme is discussed in point 8.4.7 below.

8.4.3.6 Section 54 of LUPA

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 8.4.2.6 above. The comments in paragraph 8.4.2.6 are thus also relevant as far as Section 59 of LUPA is concerned.

8.4.3.7 Summary

From the content of point 8.4.3 it is clear that the application can indeed be accommodated within the stipulations of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

8.4.4 George Municipality Land Use Planning By-law, 2023

The purpose of the George Municipality Land Use Planning By-law, 2023 is to regulate and control land use planning within the jurisdictional boundaries of the George Municipality.

This application has been prepared in keeping with the requirements as per the George Municipality Land Use Planning By-law, 2023.

8.4.5 Western Cape Provincial Spatial Development Framework (WC-PSDF)

8.4.5.1 Introduction

The Western Cape Provincial Spatial Development Framework (WC-PSDF) is one of the most important planning guidelines in the province. The framework not only provides for a new spatial development pattern for the Province but also clearly indicates where development may take place and where it may not take place. The provisions of the development framework must therefore be considered with any development proposal.

In terms of the framework, a number of principles are mentioned, namely spatial justice, spatial sustainability, spatial resilience, spatial efficiency, accessibility and quality of life and good administration that spatial planning must comply with. The impact of the application on spatial justice, spatial sustainability, spatial resilience, spatial efficiency, has already been fully discussed in section 6.4.2 above and it has been shown that the proposed development complies with the principles mentioned.

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.

8.4.5.2 Protection of agricultural land

In terms of the WC-PSDF it is indicated that agricultural land must be protected.

Although the portion which forms the subject of this application is zoned Agricultural Zone I, it has never been used for agricultural purposes. The proposal to subdivide this portion from the Remainder of the Farm Brakfontein No 236 will have as such no impact on agricultural activities nor will it sterilize any agricultural land. No valuable farming land will thus be lost by virtue of this application for subdivision. No new farm portion will furthermore be created as a result of this application. It is the intention to rezone the newly created portions to Open Space Zone III. No fragmentation of farming land will thus take place as a result of this proposal.

The contents of the above paragraph are furthermore supported by the fact that an application for the subdivision as proposed by virtue of this application was approved by Department of Agriculture, Land Reform and Rural Development - Republic of South Africa under consent number 56487 dated 16 March 2022. A copy of the approval letter is attached hereto as **Annexure “E”**. This represents a clear statement that the relevant portion of the Remainder of the Farm Brakfontein No 236 has no agricultural potential.

The relevant objective of the WC-PSDF is therefore not relevant to this application.

8.4.5.3 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.

Although the applicable portion of the Remainder of the Farm Brakfontein No 236 is located outside the identified urban edge of George as per the George Spatial Development Framework, 2023 it must be mentioned that the portion to be subdivided from the Remainder of Brakfontein No 236 is located within the proclaimed township area of Herolds Bay as indicated on the plan attached hereto as **Annexure “B”**. No deproclamation of this area from the proclaimed township area exists. This portion of the Remainder of the Farm Brakfontein No 236 is thus, from a legal point of view, regarded as part of the Herolds Bay proclaimed township.

8.4.5.4 Sustainability

A guideline which is laid down is that any development should be self-sufficient. It is stated that *“the development needs of the present generations should be met without the ability of future generations to meet their own needs, being compromised.”* The development as proposed by this application will be self-sufficient and will not place any burden on the future residents of George. The development will in fact make a positive contribution to the improvement of the residents of George’s quality of life since it will make a considerable contribution to the property rates structure of the George Municipality and will also create temporary and permanent job opportunities. The only persons affected by the development proposal are the owners of the portion. The proposal will not place any burden on the future residents of George or the George Municipality.

8.4.5.5 Summary

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

8.4.6 George Spatial Development Framework, 2023

The Remainder of the Farm Brakfontein No 236 which forms the subject of the application is located within the study area of the George Spatial Development Framework, 2023 (GSDF) and the framework therefore applies to this application.

The following policies as per die GSDF are applicable to this application:

- In terms of policy 4.5.2.1 B2:PG b in the GSDF agricultural land must be protected. The portion of the Remainder of the Farm Brakfontein No 236 which forms the subject of the application is at present zoned Agricultural Zone I and should as such in terms of the GSDF be protected. As has been indicated in numerous points in this report the nature and extent of the subject area is such that an Agricultural Zone I zoning cannot be regarded as a suitable zoning for Portions A and B. It cannot and will not be used in future for agricultural purposes. The existing zoning and determination that the Remainder of the Farm Brakfontein No 236 should be protected as agricultural land is thus clearly in conflict with the existing situation on this portion of the Remainder of the Farm Brakfontein No 236. It

is as such argued that this policy cannot be made applicable to this portion of the Remainder of the Farm Brakfontein No 236.

- In terms of policy 4.5.2.2 C2.1: PG a in the GSDF it is stated that urban sprawl should be prevented. The proposal will not lead to urban sprawl as the portion to be subdivided from the Remainder of Brakfontein No 236 is already located within the proclaimed township area of Herolds Bay. This portion of the Remainder of the Farm Brakfontein No 236 is thus already located within the proclaimed boundaries of a township and can thus not result in urban sprawl.
- The GSDF contains furthermore various policies in respect of protecting and keeping intact natural landscape and continuous natural areas to function as ecological areas. This portion of the Remainder of Brakfontein No 236 is located within such a natural area/corridor. The existing zoning of this portion of the Remainder of Brakfontein No 236 is however not in keeping with the character of this portion of the Remainder of Brakfontein No 236 and is as such in conflict with the GSDF. It is the intention by virtue of this application to change the zoning to Open Space Zone III II. The general principle of conserving the natural environment, which is encouraged in the George Spatial Development Framework, 2023 will in fact thus be achieved by virtue of this application.

With the above in mind it is argued that the proposal can thus be regarded as being compatible with the George Spatial Development Framework, 2023.

8.4.7 Herolds Bay Spatial Development Framework, 2015

According to the George SDF the rich and varied natural capital of the George area remains a sensitive and vulnerable environment. The George SDF states that the challenge is to ensure the on-going functioning of eco-system services, that climate change is taken seriously, and the Municipality's towns and rural areas are developed sustainable and heritage resources be protected. This necessitates protection and strengthening of the biodiversity network, and cultural and scenic landscapes are also recommended in die George SDF, aspects which have also been addressed in the Herold's Bay LSDF.

Having regard to the above, only limited possibilities for urban expansion are foreseen for the lifespan of the Herold's Bay LSDF. The Herolds Bay LSDF as such contains various paragraphs and guidelines stating that the existing nature areas along the coastline and surrounding the built-up area of Herolds Bay should be protected.

The portion of the Remainder of Remainder of Farm Brakrivier No 236, which is the subject of this application, is located within a Buffer area as indicated on the Herolds Bay LSDF and forms an integral part of the areas which should be protected. In terms of the Herolds Bay LSDF the Buffer includes private conservation areas, primarily as part of existing residential estates, and also public open spaces. It is proposed to rezone Portions A and B to Open Space Zone III.

The primary development right of an Open Space Zone III zoning is a "Nature conservation area". The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. It is the intention of the owners to protect the existing indigenous coastal vegetation that exist on both portions. The changing of the zoning of the two portions will contribute to the existing fauna and flora of the two portions being protected for future generations. The proposal is thus directly in keeping with the guidelines and vision contained in the Herolds Bay LSDF with regards the protecting of the natural environment in the Herolds Bay precinct.

A dwelling house may be erected as a primary right on any Open Space Zone III zoned property. It should however be noted that environmental approval will most properly be needed before construction of any dwelling will be allowed on either of the two portions. The EIA process, which will most properly include botanical, visual, geological, heritage, etc. studies will ensure that any dwelling house to be erected on either of the two portions will be positioned and developed in such a way that the natural vegetation is protected to its maximum.

It should also be remembered that both portions will be located within an area which is controlled by the Outeniqua Sensitive Coastal Extension Regulations (OSCAE). A permit to remove vegetation and to undertake earthworks will thus also have to be obtained before any dwelling house can be constructed on the portions.

Control measures will thus be in place to ensure that the vision of the Herold Bay LSDF with regards the protection of the natural environment is reached.

It is as such argued that the proposal can thus be regarded as in keeping with the guidelines of the Herolds Bay LSDF and that the proposal will contribute to the protection of a nature area which is at present zone Agricultural Zone I and earmarked as a Buffer in terms of the Herolds Bay LSDF.

8.4.8 George Integrated Zoning Scheme By-law, 2023

In terms of the George Integrated Zoning Scheme By-law, 2023 the Remainder of the Farm Brakfontein No 236 is zoned Agricultural Zone I.

It is however the intention, after the successful subdivision of the property, to rezone Portions A and B to Open Space Zone III and the Road Remainder to Transport Zone II.

The primary development right of an Open Space Zone III zoning is a “Nature conservation area”. The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. It is the intention of the owners to protect the existing indigenous coastal vegetation that exist on both portions. The changing of the zoning of the two portions will contribute to the existing fauna and flora of the two portions being protected for future generations.

Although the portions are to be rezoned no productive agricultural land will be lost as a result of the application.

Rooidraai Road will be accommodated within the Transport Zone II zoning.

8.4.9 Title Deed

Although the title deed of a property is not a planning document, it sometimes still contains conditions which may have an essential impact on the development potential of a property.

The title deed of the Remainder of the Farm Brakfontein No 236 was inspected and contains no conditions prohibiting the subdivision as proposed. This is confirmed by virtue of the Conveyancer Certificate attached hereto as **Annexure “Y”**.

No problem in this regard is thus foreseen.

8.4.10 Conclusion

From the above-mentioned it is clear that the application for subdivision will comply with the mentioned Planning Policies and Planning Guidelines.

8.5 Compliance with other Acts

8.5.1 National Environmental Management Act, 1998 (Act 107 of 1998)

The proposal to rezone and subdivide the farm portion per say does not trigger any environmental listed activities as per the National Environmental Management Act, 1998 (Act 107 of 1998). This is in fact confirmed in a letter from the Department of Environmental Affairs and Development Planning dated 26 June 2023, a copy of which is attached hereto as **Annexure “S”**.

The development of a dwelling house with the accompanying removal of vegetation to allow for the construction of a dwelling house may result in certain listed activities being triggered.

In terms of this application, it is only proposed to rezone and subdivide the farm portion. The development of the two subdivided portions with dwelling houses and the environmental approval that might be needed in such an instance will be addressed on submission of building plans. It should also be remembered that both portions will be located within an area which is controlled by the Outeniqua Sensitive Coastal Extension Regulations (OSCAE). A permit to

remove vegetation and to undertake earthworks will thus also have to be obtained before any dwelling unit can be constructed on the portions.

8.5.2 National Heritage Resources Act, 1999 (Act 25 of 1999)

The proposed subdivision and consolidation application does not activate any activity listed in terms of regulations promulgated in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999). The legislation is therefore not applicable to this application.

8.5.3 Subdivision of Agricultural Land Act, 1970 (Act 20 of 1970)

The following application was submitted to the Department of Agriculture, Land Reform and Rural Development - Republic of South Africa in December 2021:

- *An application in terms of Section 4 of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) to subdivide the figure ABCDEFGHIJ curved line 62.97m above the high water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236.*
- *Application is made in terms of Section 4 of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) to subdivide the above-mentioned figure into*
 - *a Portion A with a size approximately 2.47 hectares,*
 - *a Portion B with a size of approximately 1.11 hectare, and*
 - *a Remainder with a size of 1.02 hectare.*

The abovementioned application was approved by Department of Agriculture, Land Reform and Rural Development - Republic of South Africa under consent number 56487 dated 16 March 2022. A copy of the approval letter is attached hereto as **Annexure “E”**. The requirements of Act 70 of 1970 have thus been adhered to.

8.6 Character of the area

Although the portion of the Remainder of the Farm Brakfontein No 236 is at present zoned Agricultural Zone I it has the appearance of a nature conservation area which, as can be seen from the subdivision plan which is attached hereto as **Annexure “D”**, is in keeping with the general appearance / character of the area. The application for rezoning and subdivision will have no changing effect on this character except that a dwelling house may be built on the two portions which is also in line with the general development pattern in the area. The proposal will thus have no changing impact on the character of the environment.

8.7 Access to the subdivided portions

As it was unclear whether access would be possible from the Road Remainder (Rooidraai Road) to Portions A and B, the application was referred to the Western Cape Government: Department Transport and Public Works for approval for access to the Portion A and B. In response to this request a letter dated 2 February 2023, which is attached hereto as **Annexure “F”**, has been received from the Western Cape Government: Department Transport and Public Works. In terms of the contents of the letter it is indicated that the George Municipality is the Roads Authority on this portion of Rooidraai Road and that accesses to Portion A and B must be negotiated with the relevant department of the George Municipality. Since the letter was received, the access issue has been discussed with Ricus Fivas of the Directorate Civil Engineering Services of the George Municipality.

It has since been indicated that provision will be made in the rebuilding/upgrading of Rooidraai Road for accesses to Portion A and B. The access position to Portions A and B as indicated on the plan attached hereto as **Annexure “G”** has been proposed. Access thus places no restriction on the development proposal.

8.8 Provision of services

All services needed to allow for the construction of a dwelling house on both the portions will be for the account of the owner. The proposal will thus not result in infrastructure costs to any third party.

This aspect will be dealt with as part of the environmental process that will have to be followed to allow for the construction of possible dwelling houses on the two portions.

9. CONCLUSION

Application is made in terms of

- Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the figure ABCDEFGHIJ curved line 62,97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236.
- Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 to rezone the figure ABCDEFGHIJ curved line 62,97m above the high water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236 form Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf.
- Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the Subdivisional Area into
 - a Portion A with a size approximately 2,47 hectares,
 - a Portion B with a size of approximately 1,11 hectares, and
 - a Road Remainder with a size of 1,02 hectares.

It In terms of the contents of this report it is indicated that the proposed application for subdivision is compatible with all existing planning documents, spatial plans, legislation and policy documents applicable to the application.

It is argued in this report that the rezoning and subdivision application per say will not have a changing character on Herolds Bay. It is the development of a possible dwelling house on either portion which will determine if the proposal influences the character of Herolds Bay. It is anticipated that the construction of a dwelling house will trigger certain listed activities as per the environmental legislation. The studies mentioned in the pre-application, i.e. visual impact study,

geotechnical study, vegetation studies, heritage approval, services reports, contours of the areas to be developed will form an integral part of any environmental application to be submitted for approval of a dwelling house on the two portions. The municipal concerns with regards these issues will thus be addressed before any building plan for a dwelling house on either of the two portions can be submitted for consideration.

This application thus only provides for the rezoning and subdivision of the Remainder of the Farm Brakfontein No 236. The development of a dwelling house on the two portions, if any, will be the subject of further applications and studies to be undertaken.

The owner accepts that the possibility exists that a negative Record of Decision might be issued by the Department of Environmental Affairs and Development Planning. It is however a risk the owner is prepared to take.

According to the content of this report, the application can therefore be considered desirable, and the opinion is held that there is no reason why the application cannot be approved.

ANNEXURE "A": LOCALITY PLAN

Remainder of the Farm Brakfontein 236 - Locality plan



Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri South Africa, Esri, HERE, Garmin, USGS

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.

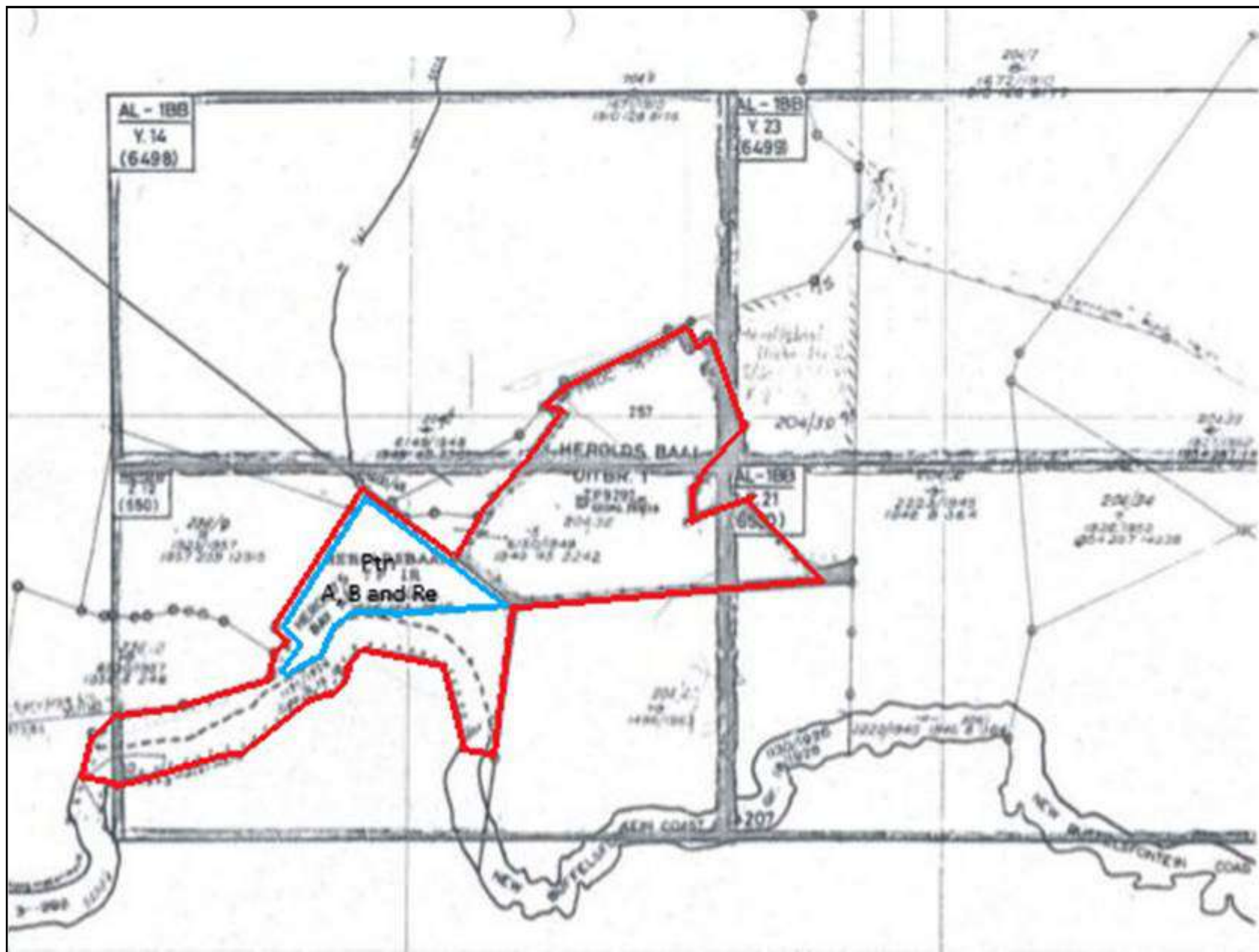
0 0.15 0.3 0.6 km

Date: 7/2/2026 6:06 AM

Scale: 1:5,159



ANNEXURE "B": PROCLAIMED BOUNDARIES OF HEROLD'S BAY



**ANNEXURE "C": ZONING MAP OF THE REMAINDER OF THE FARM BRAKFORTEIN
236**

Remainder of the Farm Brakfontein 236 - Zoning Plan



Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors and the GIS User Community, Esri South Africa, Esri, HERE, Garmin, USGS

0 0.07 0.15 0.3 km

Date: 7/2/2026 6:32 AM

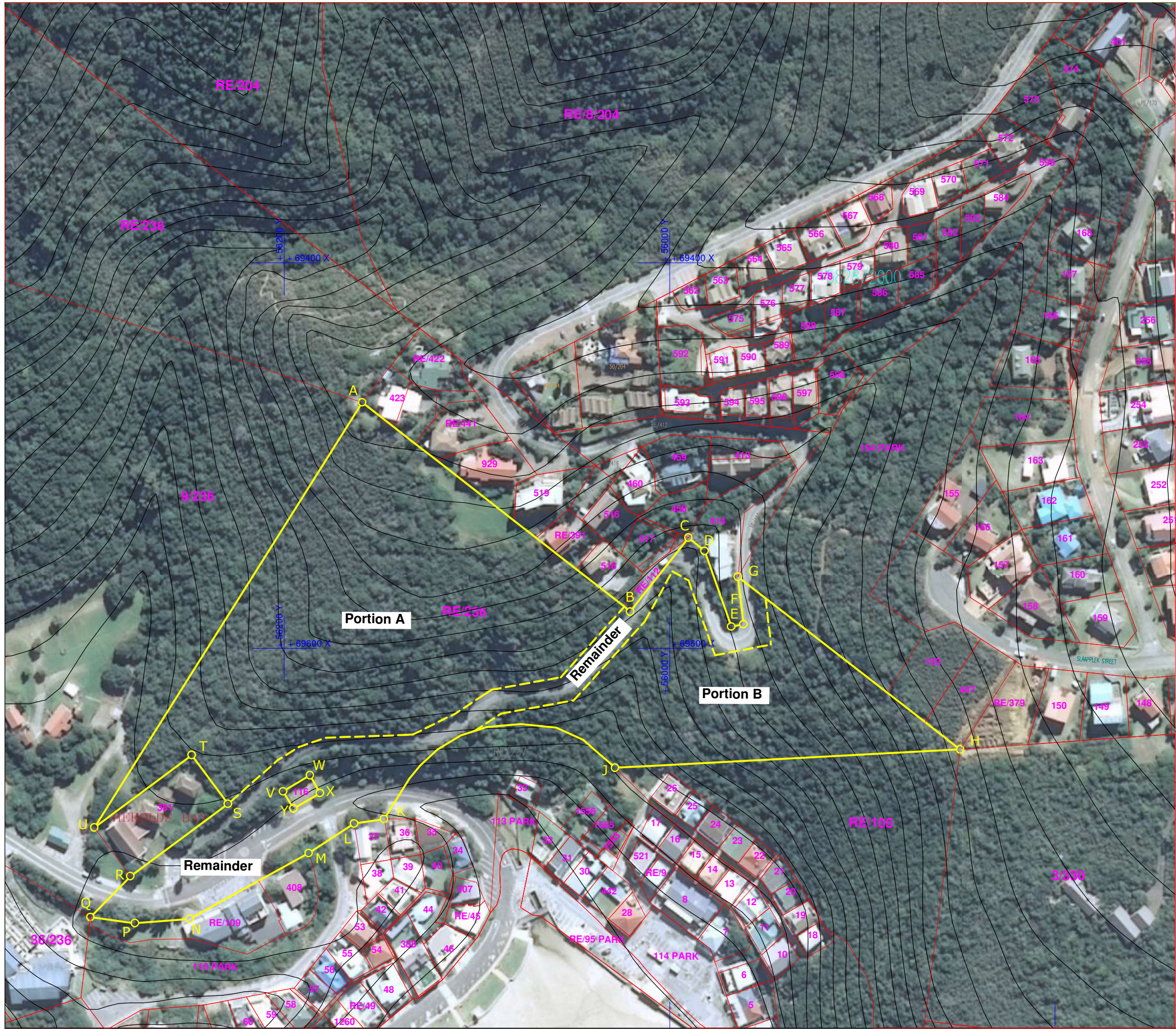
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Disclaimer
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Persons relying on this information do so entirely at their own risk.

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 “D”: SUBDIVISION PLAN



Proposal:
The figure A B C D E F G H J
curved line 62,97m above the
high water mark K L M N P Q
R S T U excluding the figure
V W X Y (Erf 116) represents
4,6 hectares of land being the
part of the Remainder of the Farm
Brakfontein No 236.

situate in the Municipality and
Administrative District of George,
Province of the Western Cape.
It is proposed to
Subdivide Farm 236 into
Portion A of 2,47 hectares,
Portion B of 1,11 hectares
and a Remainder of
1,02 hectares .

APPLICATION to SUBDIVIDE
FRAMED IN TERMS OF THE
GEORGE MUNICIPALITY
LAND USE PLANNING BY-LAW
AND ACT 21 OF 1940

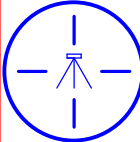
SCALE - 1 : 2000

PROPERTY:
Remainder of
farm Brakfontein No 236
OWNER:
DIAGRAM: 24/1904
TRANSFER: T
ZONING: AGRICULTURAL ZONE I
CONTOUR INTERVAL 5m

C ref./verw.
ENDOSSEMENTE :

DATE	AMENDMENT	No.

Prepared by me
in April 2021

 Professional Land Surveyor
BAILEY & LE ROUX

Professional Land Surveyors
88 Meade Street, P O Box 9583
GEORGE 6530, Telephone (044)8745315

PLAN No. 236G

ANNEXURE “E”: CONSENT NUMBER 56487 DATED 16 MARCH 2022



**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria, 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 Email: KhuthalaD@dalrrd.gov.za
Enquiries: Helpdesk Ref: 2022_01_0071

Jan Vrolijk Town Planners
P O Box 710
GEORGE
6530

For attention: Jan Vrolijk

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF
1970: REMAINDER OF THE FARM BRAKFORTEIN NO. 236, WESTERN CAPE PROVINCE**

Your letter of reference Re/236 dated 03 December 2021 refers.

With reference to the above-mentioned subject, the Department wishes to inform you that the application has been granted.

Consent No. **56487** issued in terms of section 4 of the Act is enclosed.

To facilitate registration, the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents for registration.

Kindly note that the properties concerned are subject to the provisions of the Conservation of Agricultural Resources Act 1983, (Act 43 of 1983).

Yours faithfully

DR. J.M. MODISANE
**ACTING DEPUTY DIRECTOR GENERAL: AGRICULTURAL PRODUCTION, HEALTH AND
FOOD SAFETY, NATURAL RESOURCES AND DISASTER MANAGEMENT**
DATE: **16/03/2022**

CC: The Surveyor-General Private Bag X 2 CAPE TOWN 8000
CC: Land Use and Soil Management Private Bag X 2 SANLAMHOF 7592
CC: Mr Brandon Layman Land use Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607

MM/2022



agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2022_01_0071

TOESTEMMING
*KRAGTENS DIE WET OP DIE ONDERVERDELING
VAN LANDBOUGROND, 1970*

CONSENT
*IN TERMS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, 1970*

56487

By virtue of the powers delegated to me by the Minister of Agriculture, Land Reform & Rural Development consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the subdivision of the agricultural land described in paragraph 1, into units indicated in paragraph 2, subject to the conditions set out in paragraph 3.

PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES

REMAINDER OF THE FARM BRAKFORTEIN NO. 236, IN EXTENT 933,9330 HECTARES;
WESTERN CAPE PROVINCE

PARAGRAPH 2: CONSENT GRANTED

- 2.1 The subdivision of the above-mentioned agricultural land into two portions measuring approximately 4,6 hectares and 929,333 hectares respectively represented by the figures marked Ptn A and Remainder as shown on the sketch plan attached.
- 2.2 The subdivision of the above-mentioned agricultural land into three portions measuring approximately 2,47 hectares, 1,11 hectares and 1,02 hectares respectively represented by the figures marked Ptn A, Ptn B and Remainder as shown on the sketch plan attached.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

- 3.1 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.2 This consent does not exempt any person from any provision of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.
- 3.3 This consent is valid for 5 years from date of this grant. Should it not be registered within the time frame, a new complete application must be lodged which will be considered on its own merits.

16/03/2022
DATE

DR. B. M. MODISANE

ACTING DEPUTY DIRECTOR GENERAL: AGRICULTURAL
PRODUCTION, HEALTH AND FOOD SAFETY, NATURAL
RESOURCES AND DISASTER MANAGEMENT
DELEGATE OF THE MINISTER

**ANNEXURE “F”: LETTER DATED 2 FEBRUARY 2023 FROM DEPARTMENT
TRANSPORT AND PUBLIC WORKS**



Ref: TPW/CFS/RP/LUD/REZ/SUB-12/162 (Job 29970)

Jan Vrolijk Town Planner
PO Box 710
GEORGE
6530

Attention: Mr J Vrolijk

Dear Sir

SUBDIVISION: REMAINDER OF PORTION 236 OF THE FARM BRAKFORTEIN 236, GEORGE

1. Your letter Ptn 236 Brakfontein dated 9 September 2022 to this Branch refers.
2. Unlike the statement in your letter is Proclaimed Provincial Main Road 347 (MR00347; R404) not affected by this application. Access will only be taken off the municipal street network under the sole jurisdiction of George Municipality.
3. This Branch, the Controlling Authority in terms of Act 21 of 1940, approves the proposed subdivision.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 2 FEBRUARY 2023

ENDORSEMENTS

1. George Municipality

Attention: Ms M Welman (e-mail: mhwelman@george.gov.za)

2. Jan Vrolijk Town Planner

Attention: Mr J Vrolijk (e-mail: janvrolijk@jvtownplanner.co.za)

3. Garden Route District Municipality

Attention: Mr JG Daniels (e-mail)

4. District Roads Engineer

Oudtshoorn

5. Mr SW Carstens (e-mail)

6. Mr E Burger (e-mail)

ANNEXURE "G": PROPOSED ACCESS POINTS TO PORTIONS A AND B

Proposed access point to Portions A and B



0 0.075 0.15 0.3 km

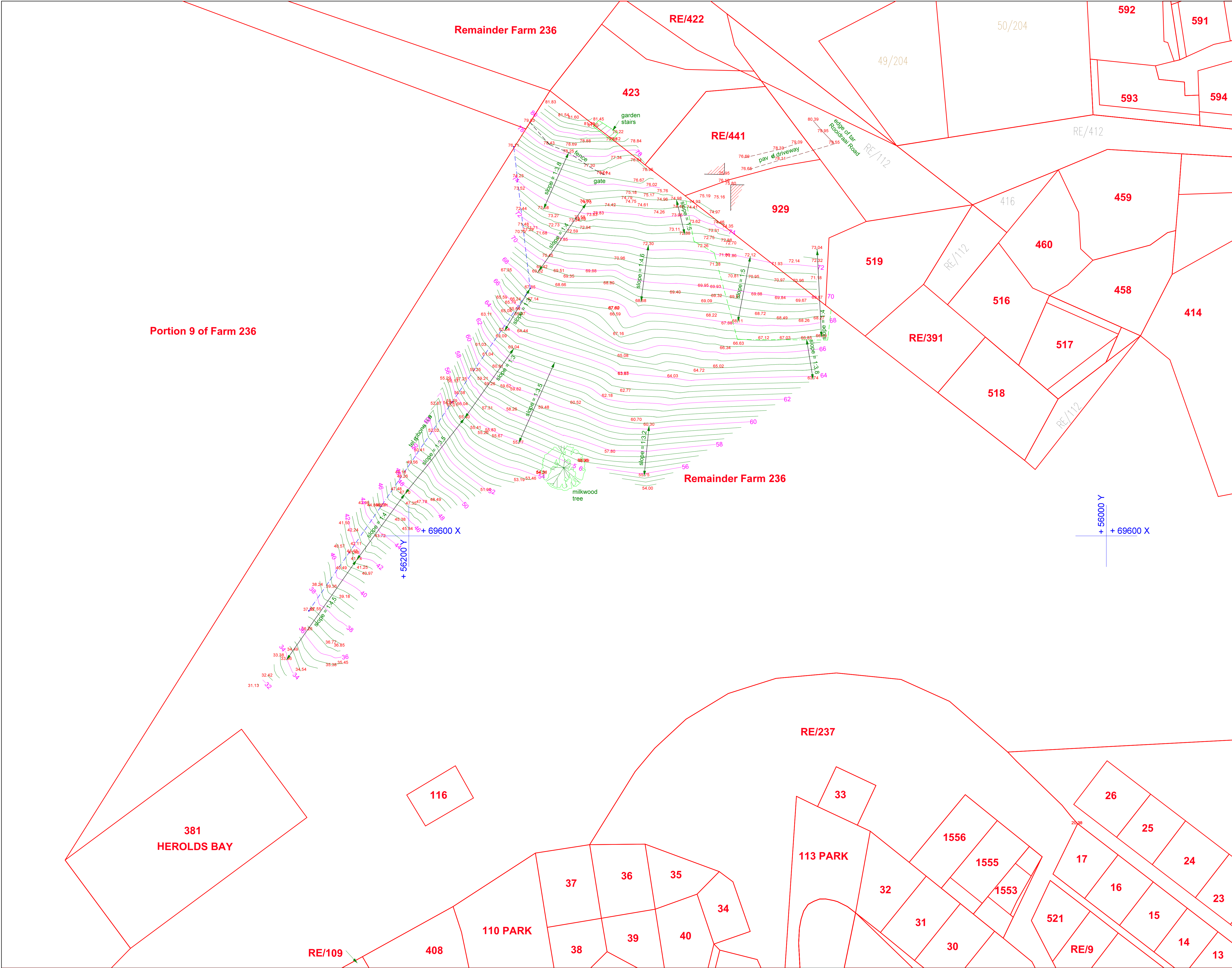
1:2,257

Date: 3/30/2023

Disclaimer:
The George Municipality accepts no responsibility for
and will not be liable for any errors or omissions
contained herein.



ANNEXURE "H": CONTOUR PLAN FOR PORTION A



DRAWING REFERENCE

No	Dwg No	Title

NOTES

50 m0 m50 m100 m

Scale 1:500

NOTES :
1. All dimensions metric
2. Datum mean sea level
3. Contour interval 0,5m
4. Slope analysis shown

C	additional survey and contours	09/2019
B	5m contours added	11/2018
No	Description	Date By

REVISIONS

Drawn	JHB
Checked	
Client App.	

Prepared in April 2018

Professional Land Surveyors
88 Meade Street, P O Box 9583
GEORGE 6530, Telephone (044) 8745315
Fax (044) 8745345 Cell 0828921759

Client

Contract
DEVELOPMENT Remainder Farm 236
GEORGE

Title
TOPOGRAPHICAL PLAN OF
A PORTION OF FARM 236
SITUATE IN THE MUNICIPALITY
AND ADMINISTRATIVE DISTRICT
OF GEORGE
PROVINCE OF THE WESTERN CAPE

236G2C.DRG

Drawing No

Rev No

ANNEXURE "I": PLAN INDICATING DISTURBED AREAS ON PORTION A

Re of 236 - Plan of disturbed area on Portion A



0 0.04 0.07 0.15 km

Date: 4/17/2025 12:34 PM

Scale: 1:1,344



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ANNEXURE “J”: SITE SENSITIVITY REPORT FOR PORTION A

Specialist site sensitivity verification for Farm RE/236, called Brakfontein, Herolds Bay in the George local municipality.

Terrestrial Biodiversity & Terrestrial Plant Species Report



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Date: 30 January 2024
Version: Final



DECLARATION OF SPECIALIST INDEPENDENCE

- I consider myself bound to the rules and ethics of the South African Council for Natural Scientific Professions (SACNASP);
- At the time of conducting the study and compiling this report I did not have any interest, hidden or otherwise, in the proposed development that this study has reference to, except for financial compensation for work done in a professional capacity;
- Work performed for this study was done in an objective manner. Even if this study results in views and findings that are not favourable to the client/applicant, I will not be affected in any manner by the outcome of any environmental process of which this report may form a part, other than being members of the general public;
- I declare that there are no circumstances that may compromise my objectivity in performing this specialist investigation. I do not necessarily object to or endorse any proposed developments, but aim to present facts, findings and recommendations based on relevant professional experience and scientific data;
- I do not have any influence over decisions made by the governing authorities;
- I undertake to disclose all material information in my possession that reasonably has or may have the potential of influencing any decision to be taken with respect to the application by a competent authority to such a relevant authority and the applicant;
- I have the necessary qualifications and guidance from professional experts in conducting specialist reports relevant to this application, including knowledge of the relevant Act, regulations and any guidelines that have relevance to the proposed activity;
- This document and all information contained herein is and will remain the intellectual property of Confluent Environmental. This document, in its entirety or any portion thereof, may not be altered in any manner or form, for any purpose without the specific and written consent of the specialist investigators.
- All the particulars furnished by me in this document are true and correct.



Bianke Fouche (MSc)

January 2024

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ABBREVIATIONS

BPA	Biodiversity Priority Area
BSP	Biodiversity Spatial Plan
CBA	Critical Biodiversity Area
CD:NGI	Chief Directorate: National Geo-spatial Information
DFFE	Department of Forestry, Fisheries, and the Environment
EMP	Ecological Management Plan
ESA	Ecological Support Area
NEM:BA	National Environmental Management: Biodiversity Act
ONA	Other Natural Areas
PAOI	Project Area of Influence
SANBI	South African National Biodiversity Institute
SCC	Species of Conservation Concern
SDP	Site Development Plan
SEI	Site Ecological Importance
SSVR	Site Sensitivity Verification

1. INTRODUCTION

1.1 Background

Confluent Environmental was contracted by Cape EAPrac to undertake a Site Sensitivity Verification Report (SSVR) for botanical and terrestrial sensitivity of the south-eastern section of Farm RE/236 (called Brakfontein) in Herolds Bay, which is within the George local Municipality. This farm portion covers a total area of approximately 59 ha, however the smaller section relevant for this application covers ca. 3.8 ha. According to the Department of Forestry, Fisheries, and the Environment (DFFE) Screening Tool, this SSVR is required because the terrestrial plant species theme has been highlighted as having a **Medium** sensitivity, and the terrestrial biodiversity has a **Very High** sensitivity (Fig 1).



Figure 1: The screening tool generated sensitivity maps for Farm portion RE/236, called Brakfontein.

The plant species theme is triggered due to several species of conservation concern (SCC) that are potentially present in the area (these are listed later in this report). The terrestrial biodiversity theme sensitivity is due to the several biodiversity priority areas (BPAs) mapped on the site.

1.2 General Site Location

The area of interest on Farm RE/236 is located directly north of Herolds Bay Beach. The western and eastern sections of the project site are bisected by Rooidraai road. Some of the residential erven along the north-western section of the site have lawns that extend into the boundaries of the proposed project area. The entire extent of Farm RE/236 is illustrated in Fig. 2, with the proposed development area outlined in red.



Figure 2: The general location of Farm RE/236 in Herolds Bay.

1.3 Site Development Plan

Brakfontein is a very large farm portion, and only a small section of it is relevant to this application. The current site development plan (as on 26 January 2024) is illustrated in Fig. 3. The main idea is to build:

- Camping pod units as follows:
 - Three single units each covering 175m².
 - A large pod unit with a garage, laundry, services, parking area, and grow tunnel covering 298 m² + 45m².
 - A second large pod covering 298 + 65m².
 - Four small pod units, each covering 116m².
- Controlled access roads (7.5m wide) to the proposed buildings.
- Parking bays (ca. 546m² in total if one parking bay is ca. 14m² and ca. 39 bay areas¹ are required).
- A pedestrian walkway off the road, and a private road to the walkway (area not given).
- A sundowner deck (32m²).

¹ The eight bays along the south are doubled to count as 16, as they seem to take up more space.

- A cleared area for lawn (ca. 200 m²), which covers an area that is currently mostly lawn already.

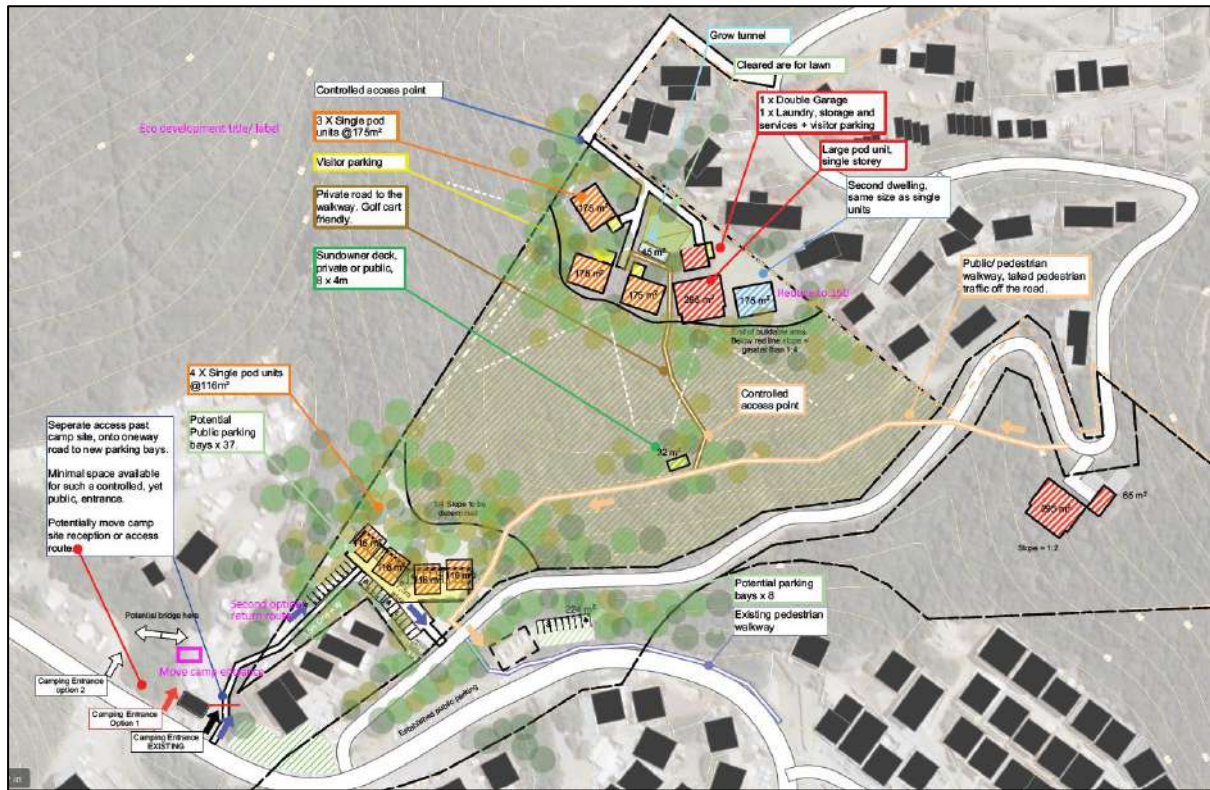


Figure 3: The site development plan for the proposed camp site on Brakfontein.

2. TERMS OF REFERENCE

Apart from the new roads and pedestrian path, the description above will lead to a total disturbance area of ca. 2125m². If the roads and path are to be included, this total primary disturbance area will increase. Due to the fact that a portion of this site contains sensitive habitat as defined in listing notice three,

“(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

(ii) Within critical biodiversity areas identified in bioregional plans;

(iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;

(iv) On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or

(v) On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.”

activity 12 is triggered for the site, which is an activity where “*The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.*” The triggered activity means that environmental authorisation will be required for the proposed activity.

This screening tool sensitivity verification report provides information on Terrestrial and Botanical diversity and sensitivity of the proposed development. The results presented are based on a desktop and field assessment, which includes a consideration of historical photographic records of the site. The assessment presented in this report follows the Protocol for the Specialist Assessment and Minimum Report Content Requirements for Environmental Impacts on Terrestrial Biodiversity, and Terrestrial Plant Species themes.

This site sensitivity assessment follows the requirements of:

- The Environmental Impact Assessment Regulations, as promulgated in terms of Section 24 (5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which includes:
 - The protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial plant species (28 July 2023). A checklist for minimum report requirements according to this theme is presented below in table 1:

Table 1: Reporting requirements as per the Terrestrial Biodiversity Protocol for a site sensitivity verification report.

No.	Site sensitivity verification (the basis of a compliance statement):	Check
4.2.1	Be applicable to the preferred site and proposed development footprint;	X
4.2.2	Confirm that the site is of “low” sensitivity for terrestrial biodiversity;	X
4.2.3.	Indicate whether or not the proposed development will have any impact on the biodiversity feature.	X
4.3.1.	The contact details of the specialist, their SACNASP registration number, their field of expertise and a curriculum vitae;	X
4.3.2.	A signed statement of independence by the specialist;	X
4.3.3.	A statement on the duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;	X
4.3.4.	A baseline profile description of biodiversity and ecosystems of the site;	X
4.3.5.	The methodology used to verify the sensitivities of the terrestrial biodiversity features on the site, including equipment and modelling used, where relevant;	X
4.3.8	A description of the assumptions made and any uncertainties or gaps in knowledge or data; and	X

- The protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial biodiversity (20 March 2020). A checklist for minimum report requirements according to this theme is presented below in table 2:

Table 2: Reporting requirements as per the Terrestrial Plant Species Protocol Protocol for a site sensitivity verification report.

No.	Site sensitivity verification (the basis of a compliance statement):	Check
5.3.1	Contact details and relevant experience as well as the SACNASP registration number of the specialist preparing the compliance statement including a curriculum vitae;	X
5.3.2	A signed statement of independence by the specialist;	X
5.3.3	A statement on the duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;	X
5.3.4	A description of the methodology used to undertake the site survey and prepare the compliance statement, including equipment and modelling used where relevant;	X
5.3.5	Where required, proposed impact management actions and outcomes or any monitoring requirements for inclusion in the empr;	X
5.3.6	A description of the assumptions made and any uncertainties or gaps in knowledge or data;	X
5.3.7	The mean density of observations/ number of samples sites per unit area.	X

- Additional guidelines for the terrestrial biodiversity theme:
 - Ecosystem Guidelines for Environmental Assessment in the Western Cape (de Villiers et al., 2016).
 - The Western Cape Biodiversity Spatial Plan Handbook and summary booklet (CapeNature, 2017; Pool-Sandvliet et al., 2017).
 - The Subtropical Thicket Ecosystem Programme Handbook: Integrating the natural environment into land-use decisions at the municipal level: towards sustainable development (Pierce & Mader, 2006).
- Additional guidelines for the terrestrial plant species theme:
 - Species Environmental Assessment Guideline: Guidelines for the implementation of the Terrestrial Flora (3c) & Terrestrial Fauna (3d) Species Protocols for environmental impact assessments in South Africa (Verburgt et al., 2020).

The assessment was undertaken by a specialist registered with the South African Council for Natural Scientific Professionals (SACNASP) with relevant expertise in the field of Botanical and/or Ecological science.

2.1 Online Screening Tool

The Department of Forestry, Fisheries, and the Environment (DFFE) screening tool report for the development footprint has identified the **terrestrial plant species theme as having a Medium sensitivity**, and the **terrestrial biodiversity theme as having a Very High**

sensitivity. The reasons for the terrestrial plant sensitivity theme are the possible occurrence of species of conservation concern (SCC) on the site. A Medium screening tool sensitivity for plants indicates that:

“Model-derived suitable habitat areas for threatened and/or rare species are included in the medium sensitivity level. Two types of spatial models have been included. The first is a simple rule-based habitat suitability model where habitat attributes such as vegetation type and altitude are selected for all areas where a species has been recorded to occur. The second is a species distribution model which uses species occurrence records combined with multiple environmental variables to quantify and predict areas of suitable habitat. The models provide a probability-based distribution indicating a continuous range of habitat suitability across areas that have not been previously surveyed. A probability threshold of 75% for suitable habitat has been used to convert the modelled probability surface and reduce it into a single spatial area which defines areas that fall within the medium sensitivity level.” ~ (Verburg et al., 2020)

A Very High sensitivity rating for terrestrial biodiversity according to the screening tool is triggered for all Biodiversity Priority Areas (BPAs) and other sensitive features (Stewart et al., 2021). BPAs include the various management layers of the Western Cape Biodiversity Spatial Plan (WC BSP), as well as the other sensitive features in Table 3 below. The highlighted rows of Table 3 were triggered for the proposed development on Farm RE/236, called Brakfontein.

Table 3: Sources of BPA data for the Terrestrial Biodiversity Theme sensitivity (Stewart et al., 2021).
Only BPAs that have been triggered for by the screening tool are listed here.

Sensitivity layer	Data included and source
Critical Biodiversity Areas (CBAs)	Most recent terrestrial CBA spatial footprint for metros, provinces, or bioregional plans, combined to create a national data set.
Ecological Support Areas (ESAs)	Most recent ESA spatial footprint for metros, provinces, or bioregional plans, combined to create a national data set.
Protected Areas (PAs)	Most recent update from the DFFE's "South African Protected Area Database".
Strategic Water Source Areas (SWSAs) (terrestrial)	Surface strategic water source areas, delineated by Mervyn Lotter in October 2020 with substantial input from the SWSA spatial task team as part of the SWSA spatial task team. Note that the protocol only applies to the terrestrial parts of the SWSAs.
Indigenous Forests (National Forest Inventory)	Indigenous forests or forest patches are mapped in detail by the Forestry section in the DFFE. The Forest biome makes up less than 1% of South Africa's land area and is protected in terms of the NFA. Consequently, because of their legal status and small spatial footprint, they are the only terrestrial biome that is included in the Screening Tool in its entirety. The latest available data set from the national forest inventory (NFI) is used to represent forests in the Screening Tool.
Red Listed Ecosystems	Any ecosystem that is listed as Vulnerable, Endangered, or Critically Endangered according to the "Revised National List of Ecosystems that are Threatened and in Need of Protection (NEM:BA Act no.10 of 2004, as amended in November 2022)

3. METHODOLOGY

3.1 Desktop Assessment

The desktop assessment was performed using Cape Farm Mapper and QGIS version 3.28.3 “Firenze”. Plant species data was sourced from the following sources:

- The DFFE screening tool listed SCC.
- Information on plant occurrence prior to the site visit was sourced from SANBI's Botanical Research and Herbarium Management System (BRAHMS) for the Plants of Southern Africa (POSA) database.
- iNaturalist observations of the property and surrounding areas.

Ecosystem/ vegetation type data was sourced from:

- The 2018 updated South African National Vegetation Map from SANBI's Biodiversity GIS (BGIS) database, and the National Biodiversity Assessment report of 2018 (Skowno et al., 2018).
- Shapefiles for the Western Cape Biodiversity Spatial Plan (WC-BSP) i.e., information on PAs, CBAs, ESAs, and ONAs were downloaded from BGIS database (CapeNature, 2017; Pool-Sandvliet et al., 2017).
- Cape Farm Mapper for additional spatial information required for the site.
- Chief Directorate: National Geo-spatial Information (CD: NGI) Geospatial Portal and Google Earth for the acquisition of historical aerial imagery of the site.
- The conservation status of ecosystems was found in the Revised National List of Ecosystems that are Threatened and in need of protection, published under the National Environmental Management: Biodiversity Act (Act No. 10, 2004, as revised in Nov. 2022), and also using the Vegetation of South Africa, Lesotho, and Swaziland.

3.2 Field Assessment

Field work was undertaken on the 09th of January 2024. The method for identifying species was similar to a BioBlitz, also described as a “timed meander”, where the specialist especially keeps an eye out for rarer and threatened species. Some Red Listed Plant species are more easily spotted and found during a site survey than other species. This survey method is an attempt to account for the short and single survey period, where detection probability of some rare and threatened species (e.g., geophytes, small succulents, small perennials etc.) are low (Garrard et al., 2008; Wintle et al., 2012). Observations of individual species and environmental characteristics were documented using a Canon EOS 1200D camera. A provisional species list and plant species accumulation curve is provided in Appendix 10.1.

3.3 Assumptions & Limitations

This assessment is subject to a few assumptions, uncertainties, and limitations, as listed below:

- Only one survey took place during the summer on the 09th of January 2024. The species list for the area is therefore limited to the findings of the one field assessment, as well as past records on iNaturalist and the Plants of Southern Africa (POSA) database for the proposed development site and its surrounding areas.
- The species list and SCC reported are not exhaustive, and more species will be added to the list should more sampling effort, and sampling in different seasons occur (Perret et al., 2023).
- Seasonal and time constraints always play a role in limiting the findings of a terrestrial specialist report. Many plant species flower seasonally and are therefore difficult to identify outside of their flowering season (e.g., many orchids have finished flowering at this time).
- Some rare and threatened plant species are difficult to locate and easily overlooked in the field (e.g., geophytes, small succulents, small shrubs, and cryptic spp.). Furthermore, some species may not have been visible at all during the time of the site assessment (e.g., some geophytes, annuals, and parasitic plants).
- Environmental factors such as the prevailing fire regime influence the successional stage of the vegetation present at the site (in this case the fynbos was quite old / senescent), and therefore the species visible at the time of assessment (Cowling et al., 2010; Privett et al., 2001).
- The dense thicket sections on the site and in the surrounding environment made it hard to gain access to some sections of the site. It is possible that focus on “bundu bashing” and getting access to some parts of the site may have caused a lapse in concentration so that an SCC could have been missed on the site.

4. RESULTS: DESKTOP ASSESSMENT

4.1 Terrestrial Biodiversity

4.1.1 Climate

The nearest town to the proposed development site is Herold's Bay. The temperature is highest in February, averaging a daytime temperature of around 20.4 °C (Fig. 4). The coldest month is July, averaging 13.1 °C. Decembers generally have the most rainy days (ca. 10 days), while May has the fewest (7 days). Rainfall in Herold's Bay follows a little more erratic pattern, with no striking differences between different seasons of the year (Fig. 4). Relative humidity is highest in February (ca. 76%) and lowest in July (ca. 68%).

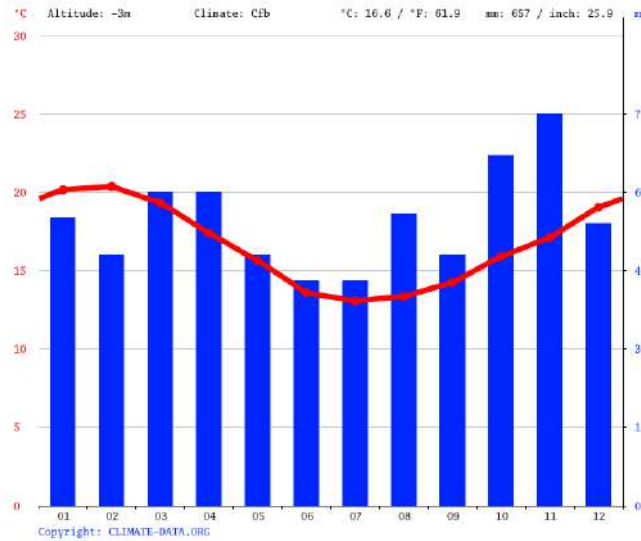


Figure 4: Climate data for Herold's Bay, where month 01 is January and 12 is December. Average Temperature per month is indicated by the red dots, and blue bars indicate average rainfall per month.

4.1.2 Geology and Soil

The soil of this site is well drained and has a high base status. The erodibility of soil here is moderate (erodibility factor of 0.4). Soils here should be well structured and have strong textural contrast in the soil profile, as there is a marked clay accumulation. The site is underlain by Maalgaten granites, which are old geological structures that are then covered by younger aeolian sand and colluvial material. The specific Geology around Herold's Bay is Biotite Granite Gneiss (Table Mountain Group) and Gritty quartzite, phyllite, or graphite bearing schist (Kaaimans Group; Krynauw & Gesse, 1980).

4.1.3 Vegetation Type(s)

Brakfontein is mapped as **critically endangered (CR) Garden Route Granite Fynbos (FFg 5)** (Fig. 5; Dayaram et al., 2019; Mucina & Rutherford, 2006). South of the site another CR vegetation type is mapped, Groot Brak Dune Strandveld (FS 9).

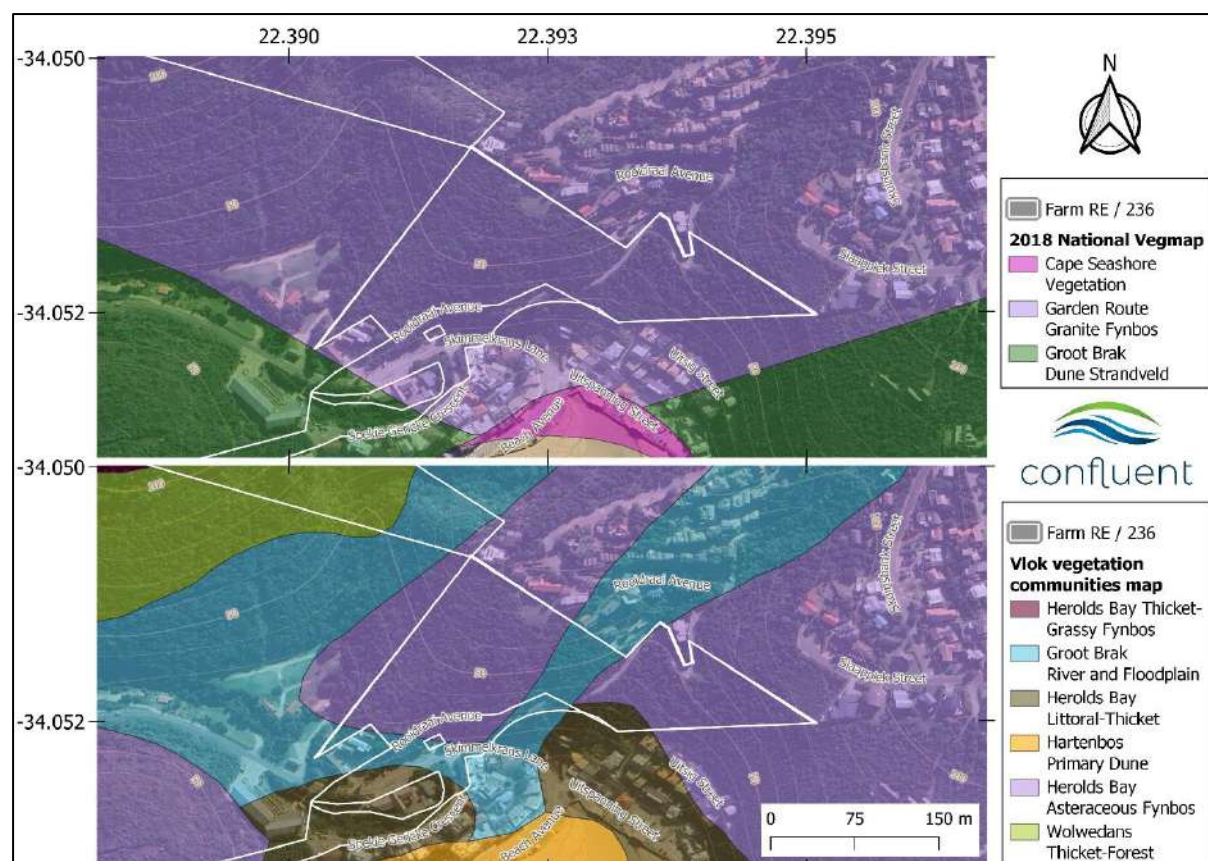


Figure 5: The mapped vegetation type according to the 2018 National Vegetation Map of South Africa (Top; Dayaram et al., 2019; Mucina & Ruthfarnord, 2006) and the Vlok vegetation map categories (Bottom) for Farm RE/236 and the surrounding area.

Garden Route Granite Fynbos is found only in the Western Cape Province in three main sections. The largest section of the is vegetation type is mapped from Groot Brak River to Woodfield. Like shale fynbos, it is associated with undulating hills on coastal forelands. Garden Route Granite Fynbos is typified by dense proteoid and/or ericoid shrubby grassy fynbos depending on the slope and aspect of the landscape. This vegetation type is listed as critically endangered as over 70% of its original extent has been transformed to agriculture or forestry land uses. Remaining patches of this vegetation type is confined mostly to highly fragmented pockets on steeper slopes. Furthermore, even though it is thought that this vegetation type was once dominated by proteoid fynbos, it seems to be easily converted to graminoid fynbos with more frequent fires and / or augmentation with pasture grasses (Mucina & Rutherford, 2006). Some of the typical plants that are associated with Garden Route Granite Fynbos as described in (Mucina & Rutherford, 2006) include (blue entries indicate that the genus was found on the site, and green entries indicate that the species was found on the site):

Tall Shrubs: *Passerina corymbosa*, *Cliffortia serpyllifolia*, *Protea coronata*, *P. lanceolata*, *P. neriifolia*.

Low Shrubs: *Erica discolor* variant '*speciosa*', *E. peltata*, *Phyllica confusa*, *Syncarpha paniculata*, *Agathosma ovata*, *Anthospermum prostratum*, *Aspalathus asparagoides*, *Cliffortia falcata*, *Cullumia bisulca*, *Erica canaliculata*, *E. diaphana*, *E. formosa*, *Eriocephalus africanus*, *Hermannia angularis*, *Leucadendron salignum*, *Lobelia tomentosa*, *Metalasia pungens*, *Mimetes cucullatus*, *Pelargonium fruticosum*, *Oedera calycina*.

Succulent Shrub: *Lampranthus sociorum*.

Semiparasitic Shrubs: *Osyris compressa*, *Thesium virgatum*.

Semiparasitic Epiphytic Shrub: *Viscum capense*.

Geophytic Herb: *Schizaea pectinata*.

Graminoids: *Tetraria cuspidata*, *Brachiaria serrata*, *Eragrostis capensis*, *Ficinia nigrescens*, *Heteropogon contortus*, *Pentaschistis eriostoma*, *Restio triticeus*, *Themeda triandra*

Groot Brak Dune Strandveld is also only found in the Western Cape between the mouth of the Gouritz River to Victoria Bay near Wilderness. The largest section of this vegetation type is found near Mossel Bay. It is associated with softly undulating lowlands up to 180m altitude. Usually, the vegetation is dominated by dense and tall (up to 3m) scrub / thicket. Gaps between the bushes often support fynbos elements that often has a marked presence of members of the Ericaceae. Some of the important taxa (Mucina & Rutherford, 2006) for this vegetation type include (blue entries indicate that the genus was found on the site, and green entries indicate that the species was found on the site):

Small Trees: *Chionanthus foveolatus*, *Clausena anisata*.

Tall Shrubs: *Azima tetraacantha*, *Cussonia thyrsiflora*, *Diospyros dichrophylla*, *Euclea racemosa* subsp. *racemosa*, *Grewia occidentalis*, *Gymnosporia buxifolia*, *Maytenus procumbens*, *Metalasia muricata*, *Morella cordifolia*, *Myrsine africana*, *Mystroxydon aethiopicum*, *Olea exasperata*, *Pterocelastrus tricuspidatus*, *Putterlickia pyracantha*, *Searsia crenata*, *S. glauca*, *S. longispina*, *S. lucida*, *Schotia afra* var. *afra*, *Sideroxylon inerme*, *Tarchonanthes littoralis*.

Low Shrubs: *Asparagus suaveolens*, *Ballota africana*, *Carissa bispinosa* subsp. *bispinosa*, *Chironia baccifera*, *Clusia daphnoides*, *Eriocephalus africanus* var. *africanus*, *Helichrysum teretifolium*, *Lauridia tetragona*, *Phyllaea axillaris*, *Polygala myrtifolia*.

Succulent Shrubs: *Aloe arborescens*, *Cotyledon orbiculata* var. *dactyloopsis*, *Crassula perforata*, *C. pubescens* subsp. *pubescens*, *Euphorbia burmannii*, *E. mauritanica*, *Tetragonia fruticosa*, *Zygophyllum morgesana*.

Woody Climbers: *Asparagus aethiopicus*, *Cissampelos capensis*, *Rhoicissus digitata*.

Woody Succulent Climber: *Cynanchum viminalis*.

Semiparasitic Shrubs: *Colpoosia compressa*, *Thesium fragile*.

Soft Shrub: *Hypoestes aristata*.

Herb: *Commelina africana*, *Indigofera tomentosa* (geographically NB).

Geophytic Herbs: *Brunsvigia orientalis*, *Chasmanthe aethiopica*, *Hesperantha falcata*.

Succulent Herbs: *Carpobrotus edulis*, *Crassula expansa* subsp. *expansa*, *Senecio radicans*, *Freesia alba* (geographically NB).

Herbaceous Climbers: *Astephanus triflorus*, *Cynanchum obtusifolium*, *Kedrostis nana*.

Herbaceous Succulent Climber: *Pelargonium peltatum*.

Graminoids: *Cynodon dactylon*, *Ehrharta erecta*, *Ficinia indica*, *Panicum deustum*, *Stipa dregeana*.

4.1.4 Western Cape Biodiversity Spatial Plan

The Biodiversity Spatial Plan for the Western Cape (WC BSP) contains several conservation planning layers that are used to set priority areas for conserving biodiversity. The definition and objectives of the WC BSP layer mapped on Farm RE/236 is given in BOX 1. Appendix 10.2 illustrates the recommended land-uses associated with the various BSP layers. The majority of Brakfontein is mapped as a CBA 1 area for terrestrial biodiversity, as well as some ESA 2 areas mapped around the existing road (Fig. 6). The reasons for the assignment of the BSP layers in this area are listed below (grey reasons either do not apply to the site, or are outside of the scope of this study to comment on):

- **Garden Route Granite Fynbos.** This is a CR vegetation type. The reason for its status is that remaining patches are narrowly distributed with high rates of habitat loss over the past three decades. This ecosystem is at a high risk of collapse.
- **Groot Brak Dune Strandveld.** Strandveld differs from fynbos in that it typically (but not always) lacks some important fynbos taxa, namely the Proteaceae, Ericaceae, and Restionaceae. Strandveld is associated with our coastline and is typically on marine and aeolian calcareous sands. Often these vegetation types are at risk of increased development pressure and biodiversity loss through the establishment and spread of invasive plant species.
- **Western Cape Milkwood Forests.** This counts as part of our indigenous forest types that, if in a largely natural or pristine condition, counts towards our biodiversity targets according to the Department of Agriculture, Forestry and Fisheries (DAFF) definition. The presence or absence of a coastal Milkwood forest on Brakfontein is discussed in this report. Groot Brak Dune Strandveld also characteristically has Milkwood trees. The forest vegetation usually has a continuous canopy and relatively “open” understory, while the strandveld version contains milkwood trees in impenetrable thicket clumps between fynbos. The woody growth of Brakfontein can be described as a thicket-forest.
- **Watercourse protection – Southern Coastal Belt, and Coastal Resource Protection (Eden).** This BSP trigger falls outside of the scope of this study. Refer to the aquatic specialist study for comment.
- **Bontebok extended distribution range.** This BSP trigger falls outside of the scope of this study. Refer to an animal specialist for comment.



Figure 6: The mapped Western Cape Biodiversity Spatial Plan (WC BSP) categories that have been mapped for Brakfontein (Farm RE/236) and adjacent surrounding landscape.

BOX 1: The Biodiversity Spatial Plan

Critical Biodiversity Area 1

Definition: Areas in a natural condition. Required to meet biodiversity targets for species, ecosystems or ecological processes and infrastructure.

Objective: Maintain in a natural or near-natural state, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.

Ecological Support Area 2

Definition: Not essential for meeting biodiversity targets. Important in supporting functioning of PAs or CBAs. Often vital for ecosystem services.

Objective: Restore/minimise impact on ecological infrastructure functioning, especially soil and water-related services.

4.1.5 Historical Aerial Imagery

High resolution historical imagery (Fig. 7) can be sourced upon request from the CD: NGI Geospatial portal, or from their offices in Mowbray, Cape Town. Google Earth is also a repository of more recent historical images.

1936

The current Rooidraai Road had already existed in 1936. The site and surrounding environment was minimally disturbed, with some agricultural fields visible east of the proposed development site. The vegetation on the site seemed to be relatively woody, which is consistent with Great Brak Dune Strandveld. Some of the vegetation may also well have been fynbos, however it is hard to tell given the lower resolution of the imagery in Fig. 7.

1958

By 1958 Skimmelkrans Avenue had been built, as well as a residential development south of the proposed project area. Some disturbance is also seen north of the site. Despite these disturbances, the proposed project area remained undisturbed apart from Rooidraai Road.

1991

By 1991 major residential development had happened to the east of the proposed project area on Brakfontein. It is at this time that lawns from neighbouring properties are seen to extend into the farm portion project area. These lawns are currently still present in the same place as they were back then.

2006 to 2023 & the present day (i.e., January 2024)

The residential developments have mostly surrounded the proposed development area, with some nature corridors still present between the houses. The site itself remained undisturbed. It is uncertain when the telephone lines along the western section of the proposed site were installed. The vegetation over the majority of the site is still woody, with some open canopy fynbos visible in the western section (“textural” difference on the photo).

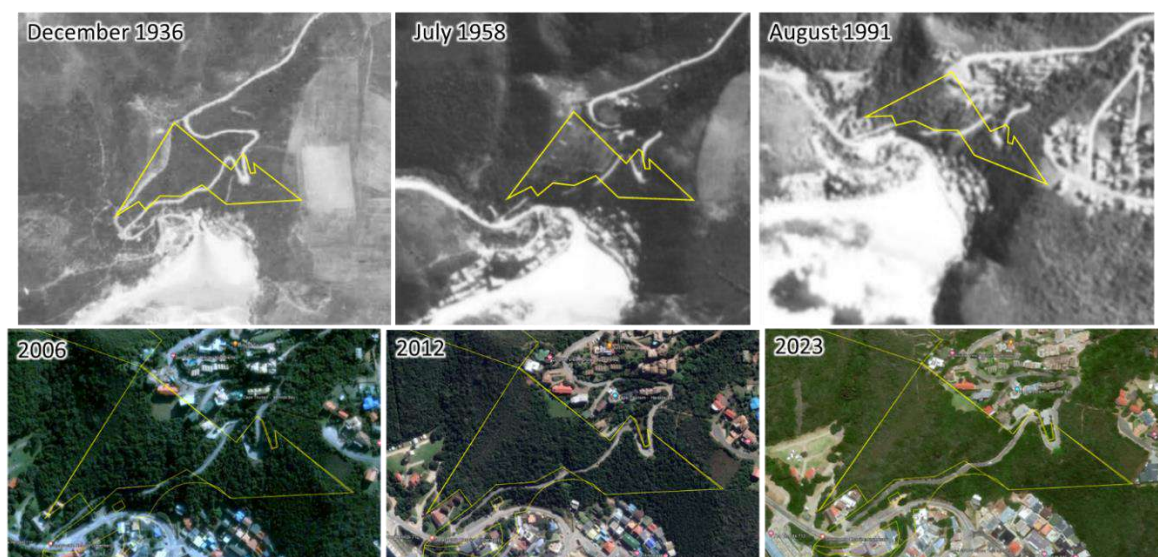


Figure 7: A series of historical imagery sourced from the CD: NGI geospatial portal (top row) and Google Earth (bottom row). The yellow polygons highlight the position of Farm RE/236.

4.2 Plant Species

The plant species theme sensitivity of Medium is dependent on the presence, or likely presence, of several plant species of conservation concern (SCC). The Red List categories are discussed later in the report.

4.2.1 Species of conservation concern (SCC) listed in the screening tool.

Several SCC have the potential to occur on the site and include the following:

- *Lampranthus pauciflorus*
- *Lebeckia gracilis*
- *Erica unicolor mutica*
- *Erica glandulosa fourcadei*
- *Hermannia lavandulifolia*
- *Euchaetis albertiniana*
- *Diosma passerinoides*
- Sensitive species 500
- Sensitive species 516
- Sensitive species 800
- Sensitive species 1024
- Sensitive species 1032

Additional SCC that have been observed nearby on iNaturalist and / or POSA are:

- *Asparagus lignosus*
- *Cullumia carlinoides*
- *Freesia caryophyllacea*
- *Freesia leichtlinii*
- *Dioscorea mundii*
- Sensitive species (unknown number #1)
- *Gnidia chrysophylla*
- *Hermannia lavandulifolia*
- *Muraltia knysnaensis*
- *Oxalis pendulifolia*
- *Podranea ricasoliana*

5. RESULTS: FIELD ASSESSMENT

5.1 Refined Vegetation Map

The vegetation on the majority of the proposed development site was consistent with a thicket-forest (Fig. 8), i.e., Groot Brak Dune Strandveld. The western section of the site was consistent with fynbos (i.e., Garden Route Granite Fynbos), although this vegetation was senescent. The easternmost section of the site may also contain a small patch of fynbos; however, this small section was not included in the site assessment as it falls outside of the project area of influence. Both of the vegetation types that have been mapped for this area have therefore been confirmed on the site, and the vegetation is minimally disturbed.

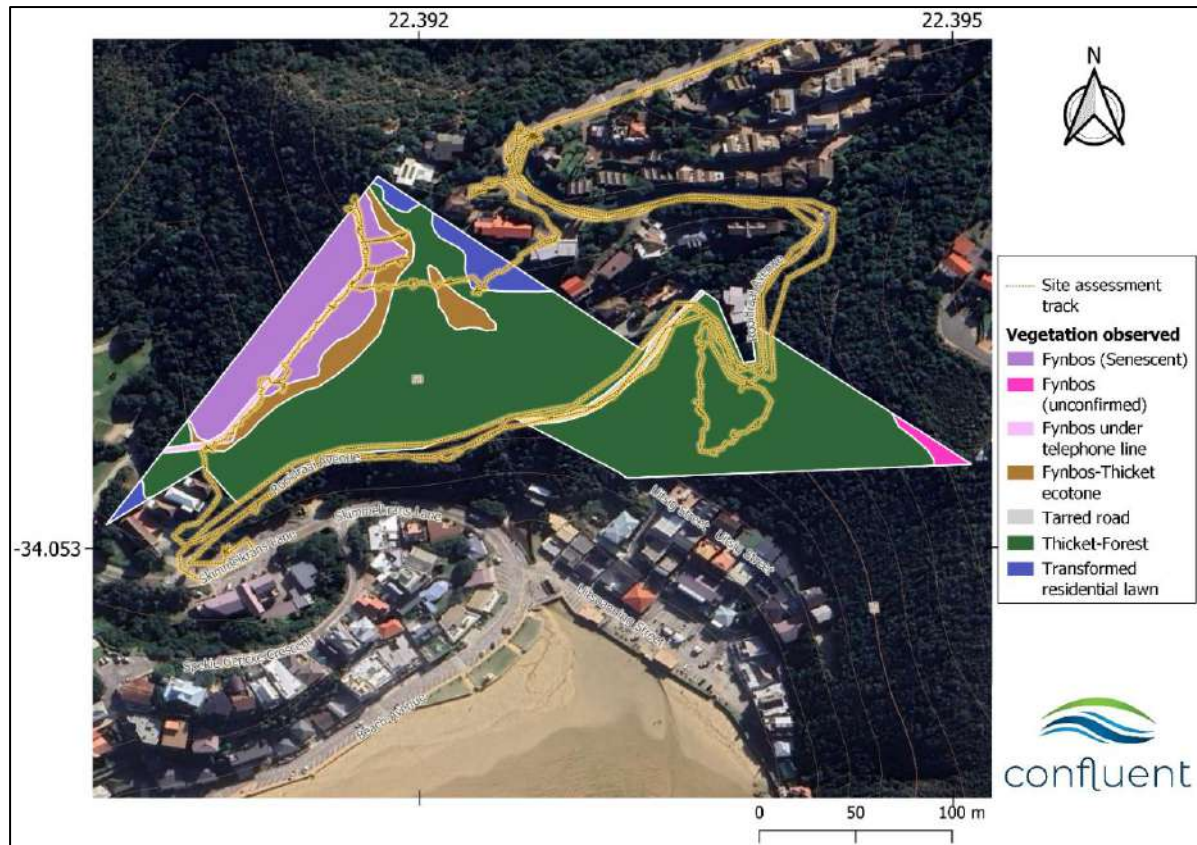


Figure 8: A revised vegetation map for the entire Farm RE/236 (Brakfontein).

5.2 Plant Species on Site

No SCC were observed on the site, but two protected tree species were observed on the site (Fig. 9), namely Milkwood trees *Sideroxylon inerme inerme*, protected tree 579) and Cheesewood trees (*Pittosporum viridiflorum*, protected tree no. 139). Both of these tree species occurred in the fynbos-thicket ecotone and in the thicket-forest mapped in Fig. 8. Some invasive plant species were also observed on the site (See appendix 10.1), with three of the wattles observed illustrated in Fig. 9. Black wattles (*Acacia mearnsii*) and blackwood wattles (*Acacia melanoxylon*) were large trees where they were observed, with some smaller rooikrans (*Acacia cyclops*) observed in patches too. Some other invasive species that were observed included pine trees, fishbone ferns (*Nephrolepis cordifolia*) in the thicket understory, kikuyu grass on the lawns, and one castor bean (*Ricinus communis*) below Rooidraai road.

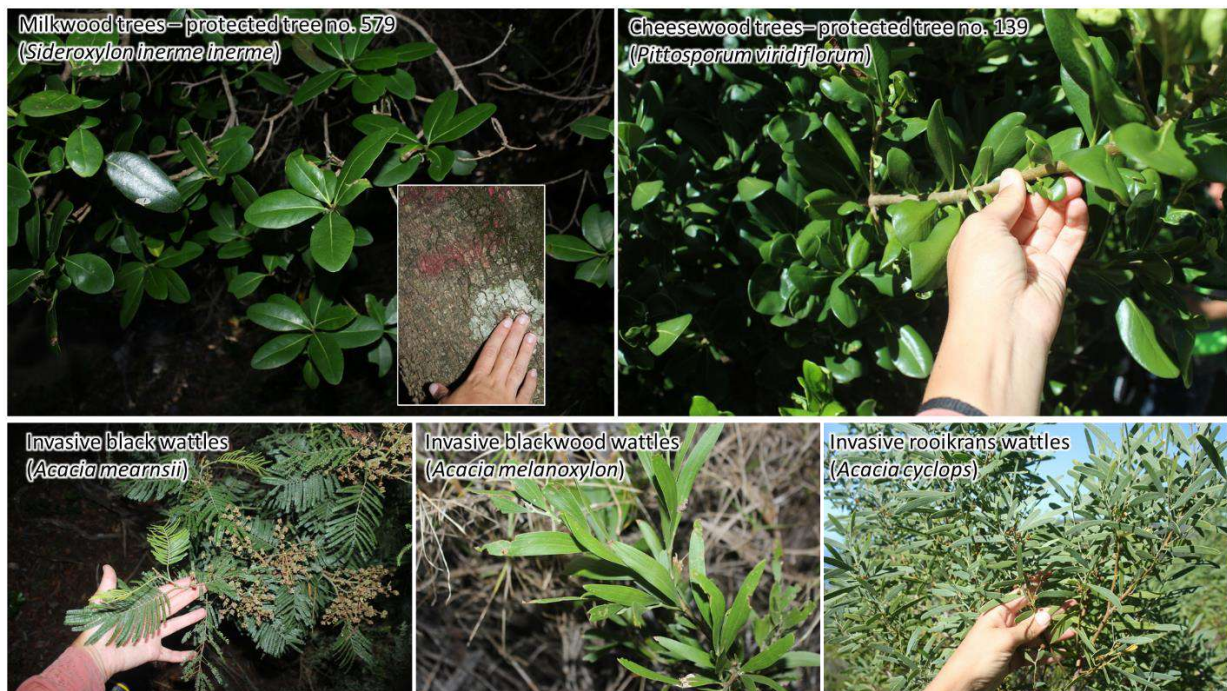


Figure 9: An image illustrating the Milkwood and Cheesewood trees that were observed on the site, and three invasive wattle species that were observed on the site.

BOX 2: NEMBA categories for listed invasive alien plants.

Category 1b

- Species which must be controlled.
- Property owners and organs of state must control the listed invasive species within their properties.
- If an Invasive Species Management Programme has been developed, a person must control the listed invasive species in accordance with such programme.
- Authorised officials must be permitted to enter properties to monitor, assist with or implement the control of listed species.
- Any Category 2 listed species (where permits are applicable) which fall outside of containment and control, revert to Category 1b and must be controlled.
- Any Category 3 listed species which occur within a Protected Area or Riparian (wetland) revert to Category 1b and must be controlled.
- The Minister may require any person to develop a Category 1b Control Plan for one or more Category 1b species occurring on a property.

Category 2

Any species listed under Category 2 requires a permit issued by the Department of Forestry, Fisheries and the Environment (DFFE) to carry out a restricted activity (See Permit Applications.)

- A permit is required to carry out any restricted activity.
- No person may carry out a restricted activity in respect of a Category 2 listed invasive species without a permit.
- A person in control of a Category 2 listed species must take all necessary measures to ensure that specimens of the species do not spread outside of the land or area, such as an aviary) specified in the permit.

5.3 Additional SCC that may be found

All SCC that may be present on the site have been identified using the screening tool report for the site, iNaturalist nearby observations, and the POSA database (Table 4). The current state of vegetation on the farm made it likely that numerous species were missed during the site assessment. All SCC that have been observed nearby on iNaturalist and POSA have been captured by the DFFE screening tool. The probability of occurrence that is stated in this section is a subjective assessment of SCC likelihood on the site.

Table 4: Plant SCC flagged for the site and nearby surroundings, but that were not observed during site assessment.

Species	Common name	Family	Growth form	Source	South African Red List Status	Probability of occurrence
<i>Hermannia lavandulifolia</i>	Lavender-leaved dollsrose	Malvaceae	Herbaceous perennial	iNaturalist	Vulnerable A2c	High Observed nearby
<i>Gnidia chrysophylla</i>	Gold capesaffron	Thymelaceae	Perennial	iNaturalist	Near Threatened B1ab(i,ii,iii,iv,v)	High Occurs in coastal fynbos & observed nearby.
<i>Lampranthus pauciflorus</i>	Beach brightfig	Aizoaceae	Succulent	DFFE Screening tool	Endangered B1ab(ii,iii,iv,v)	High Observed nearby
<i>Erica glandulosa</i> subsp. <i>fourcadei</i>	Ridges glandular heath	Ericaceae	Shrub	DFFE Screening tool	Vulnerable B1ab(ii,iii,iv,v)	High Observed nearby.
<i>Lebeckia gracilis</i>	Slender ganna	Fabaceae	Shrub	DFFE Screening tool	Endangered A2bc; B1ab(ii,iii,iv,v)	High Habitat correct & observed nearby
<i>Cullumia carlinnoides</i>	Limestone snakethistle	Asteraceae	Perennial	iNaturalist	Near Threatened B1ab(ii,iii,iv,v)	High In coastal limestone fynbos, and observed nearby.
<i>Dioscorea mundii</i>	Cinnamon vine	Dioscoreaceae	Climbing tuberous geophyte	iNaturalist	Near Threatened B1ab(ii,iii,iv,v)	High Observed nearby
<i>Diosma passerinoides</i>	Silcrete bitterbuchu	Rutaceae	Shrub	iNaturalist	Vulnerable A2c; C2a(i)	High Observed nearby
<i>Oxalis pendulifolia</i>						High Observed nearby
<i>Freesia caryophyllaceae</i>	Fragrant kammetjie	Iridaceae	Geophyte	iNaturalist	Near Threatened B1ab(i,ii,iii,iv,v)	High Observed nearby
<i>Freesia leichtlinii</i>	Dune kammetjie	Iridaceae	Geophyte	iNaturalist	Near Threatened B1ab(ii,iii,iv,v)	High Observed nearby
Sensitive species 800	-	-	-	DFFE Screening tool	Vulnerable B1ab(iii)	High Observed nearby
<i>Euchaetis albertiana</i>	Albertina beardbuchu	Rutaceae	Shrub	DFFE Screening tool	Endangered A2c	High Habitat correct & observed nearby
<i>Selago burchellii</i>	Garden route bitterbush	Scrophulariaceae	Herbaceous perennial	Specialist inclusion	Vulnerable B1ab(ii,iii,iv,v)	High Habitat correct
<i>Asparagus lignosus</i>	Fire asparagus	Asparagaceae	Climbing perennial	iNaturalist	Near Threatened A2c	Medium Following the precautionary principle, it is conceivable that this species might be present on the site.
<i>Erica unicolor mutica</i>	Two-onecolor heath	Ericaceae	Shrub	DFFE Screening tool	Endangered B1ab(ii,iii,v)	Medium Following the precautionary principle, it is conceivable that this species might be present on the site.
<i>Muraltia knysnaensis</i>	Garden Route purplegorse	Polygalaceae	Perennial	iNaturalist	Endangered B1ab(ii,iii,iv,v)	Medium Following the precautionary principle, it is conceivable that this species might be present on the site.
Sensitive species 516	-	-	-	DFFE Screening tool	Endangered A2cd+4cd; B1ab(i,ii,iii,iv,v)+2ab(i,ii,iii,iv,v)	Medium Following the precautionary principle, it is conceivable that this species might be present on the site.

Sensitive species 500	-	-	-	DFFE Screening tool	Endangered C2a(i)	Medium No signs of sp., but following the precautionary principle, it is conceivable that this species might be present on the site.
Sensitive species 1024	-	-	-	DFFE Screening tool	Endangered B1ab(iii,v)+2ab(iii,v) ; C2a(ii)	Medium No signs of sp., but following the precautionary principle, it is conceivable that this species might be present on the site.
Sensitive species 1032	-	-	-	DFFE Screening tool	Vulnerable C2a(i)	Medium No signs of sp., but following the precautionary principle, it is conceivable that this species might be present on the site.
Sensitive species (unknown number #001)	-	-	-	iNaturalist	Near Threatened B1ab(iii)+2ab(iii)	Low Distribution not right.
<i>Podranea ricasoliana</i>						Very low Distribution incorrect

6. SITE SENSITIVITY VERIFICATION

6.1 Terrestrial Biodiversity

A large portion of the site is mapped as a CBA1 area, and both of the vegetation types mapped on the site are critically endangered (CR). The site has also historically been minimally disturbed, so that the vegetation present on the site is in a natural condition (apart from the fact that fire suppression will continue to be an issue in this landscape). The terrestrial sensitivity of the site remains **Very High**.

6.2 Botanical Diversity

No SCC were found on the site during the site assessment, although several have been observed nearby. Several SCC have a high probability of occurrence on the site and may well be confirmed as present with more sampling effort or if the fynbos vegetation undergoes fire disturbance so that the veld can be observed post fire. Because of this the site is **High** for the botanical theme.

7. SITE ECOLOGICAL IMPORTANCE

The site ecological importance map (Fig. 10) is intended to provide a more refined overview of the sensitivity of the various habitats that have been identified on the site. The SEI reflects the current state of the site, however, prior to any vegetation disturbance since 2018/19 the entire Farm RE/236 would have had a SEI rating of Medium. The benchmark for “fully natural” vegetation is defined according to the Vegetation Assets, States, and Transitions (VAST) framework, which considers natural vegetation to be the state pre-European conditions (i.e., period prior to the 1700s or 1600s). The VAST framework works as an aid for the SEI calculation as it helps to (Thackway & Lesslie, 2006):

- Describe and accounts for changes in the condition and status of vegetation.
- Make explicit links between land management (current) and vegetation modification.
- Provide a mechanism for describing the consequences of certain land management on vegetation.
- Contribute to the analysis of terrestrial ecosystem services that are provided by vegetation, including comparison between various land-use.

The VAST framework is summarised in Table 5 below. The SEI mitigation recommendations for the various ecological importance categories are in in Table 6, and SEI calculation reasons are given in Table 7. The method that was used to calculate the SEI map provided is given in Appendix 10.3.

Table 5: Vegetation Assets, States, and Transitions (VAST) framework with columns representing vegetation states and shifts (Lesslie et al., 2010; Thackway & Lesslie, 2006).

Increasing modification 							
Native vegetation cover Dominant plant species indigenous to the locality and spontaneous in occurrence, i.e. a vegetation community described using definitive vegetation types relative to estimated pre 1750 types				Non-native vegetation cover Dominant structuring plant species indigenous to the locality but cultivated; alien to the locality and cultivated, or alien to the locality and spontaneous			
Vegetation cover classes	Class 0: RESIDUAL BARE	Class I: RESIDUAL	Class II: MODIFIED	Class III: TRANSFORMED	Class IV: REPLACED-ADVENTIVE	Class V: REPLACED-MANAGED	Class VI: REMOVED
	Areas where native vegetation does not naturally persist	Native vegetation community structure, composition, and regenerative capacity intact—no significant perturbation from land use or land management practice. Class I forms the benchmark for classes II to VI	Native vegetation community structure, composition and regenerative capacity intact—perturbed by land use or land management practice	Native vegetation community structure, composition and regenerative capacity significantly altered by land use or land management practice	Native vegetation replacement—species alien to the locality and spontaneous in occurrence	Native vegetation replacement with cultivated vegetation	Vegetation removed
Diagnostic criteria	Current regenerative capacity	Natural regenerative capacity unmodified	Natural regeneration tolerates or endures under past and/or current land management practices	Natural regenerative capacity limited or at risk under past and/or current land use or land management practices. Rehabilitation and restoration possible through modified land management practice	Regeneration of native vegetation community has been suppressed by ongoing disturbances of the natural regenerative capacity; limited potential for restoration	Regeneration of native vegetation community lost or suppressed by intensive land management; limited potential for restoration	Nil or minimal
	Vegetation structure	Nil or minimal	Structural integrity of native vegetation community is very high	Structure is predominantly altered but intact, e.g. a layer or strata and/or growth forms and/or age classes removed	Dominant structuring species of native vegetation community removed or predominantly cleared or extremely degraded	Dominant structuring species of native vegetation community removed	Vegetation absent or ornamental
	Vegetation composition	Nil or minimal	Compositional integrity of native vegetation community is very high	Composition of native vegetation community is altered but intact	Dominant structuring species present—species dominance significantly altered	Dominant structuring species of native vegetation community removed	Vegetation absent or ornamental

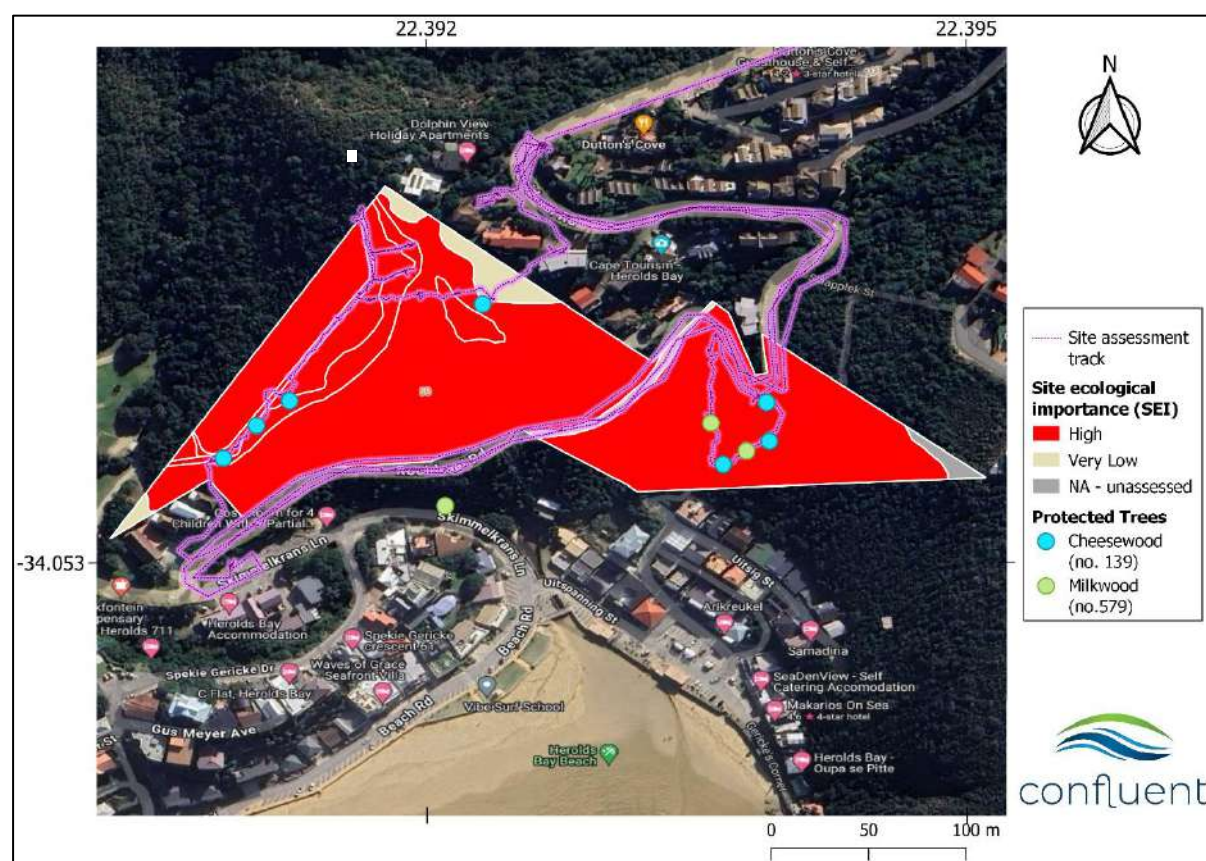


Figure 10: The SEI map for the proposed residential development on Brakfontein Farm near Stil Bay.

Table 6: The mitigation guidelines for interpreting the various SEI categories for the proposed development activities.

Site Ecological Importance	Recommendation for activities based on the mitigation hierarchy
Very High	Avoidance mitigation – no destructive development activities should be considered. Offset mitigation not acceptable/not possible (i.e. last remaining populations of species, last remaining good condition patches of ecosystems/unique species assemblages). Destructive impacts for species/ecosystems where persistence target remains.
High	Avoidance mitigation wherever possible. Minimisation mitigation – changes to project infrastructure design to limit the amount of habitat impacted; limited development activities of low impact acceptable. Offset mitigation may be required for high impact activities.
Medium	Minimisation and restoration mitigation – development activities of medium impact acceptable followed by appropriate restoration activities.
Low	Minimisation and restoration mitigation – development activities of medium to high impact acceptable followed by appropriate restoration activities.
Very Low	Minimisation mitigation – development activities of medium to high impact acceptable and restoration activities may not be required.

Table 7: The evaluation of the SEI for the vegetation / habitats present within and surrounding the proposed development.

Vegetation	Conservation Importance (CI)	Functional Integrity (FI)	Receptor Resilience (RR)	Site Ecological Importance (SEI)
Fynbos (Senescent) & Fynbos under telephone line	High Any area of a CR ecosystem type. Likely occurrence of SCC, but none were observed during the assessment.	High Good habitat connectivity with minor current negative ecological impacts (only the telephone lines and adjacent residences). Veld senescent with good management potential.	Medium The remaining fynbos here will recover slowly if the disturbance regime is managed on the site. The fire regime here is permanently altered given the residential developments surrounding the site, which means that there is a moderate likelihood of some plant species remaining on the site.	High BI: High RR: Medium
Fynbos-Thicket ecotone	High Ecotone between CR ecosystems. Likely occurrence of SCC.	High Good habitat connectivity with minor current negative ecological impacts (only the telephone lines and adjacent residences). Veld senescent with good management potential.	Medium Habitat that can recover slowly (~ more than 10 years) to restore > 75% of the original species composition and receptor functionality.	High BI: High RR: Medium
Thicket-Forest	High Any area of a CR ecosystem type. Likely occurrence of SCC, but none were observed during the assessment.	High Good habitat connectivity with minor current negative ecological impacts (only the telephone lines and adjacent residences). Veld senescent with good management potential.	Medium Habitat that can recover slowly (~ more than 10 years) to restore > 75% of the original species composition and receptor functionality.	High BI: High RR: Medium
Transformed Residential lawn	Very Low No confirmed and highly unlikely populations of SCC.	Low Several minor and major current negative ecological impacts.	High Habitat that can recover relatively quickly (~ 5–10 years) to restore > 75% of the original species composition and receptor functionality.	Very Low BI: Very Low RR: High

Tarred Road	Very Low No natural remaining	Very Low No habitat connectivity except for flying species or flora with wind-dispersed seeds. Several major current negative ecological impacts.	Very High The road will remain a road for a very long time even if not maintained.	Very Low BI: Very Low RR: Very High
Fynbos (unassessed)	NA Left out as assessment is too speculative	NA Left out as assessment is too speculative	NA Left out as assessment is too speculative	NA Left out as assessment is too speculative

8. CONCLUSION

Farm RE/236 is located between residential areas in Herolds Bay. The vegetation on the site has been minimally disturbed over the last century, with Rooidraai road being present since the 1930s. It is unclear when the telephone lines were installed. Some invasive plant species were observed on the site; however, the site was only lightly invaded, and it would be relatively easy to control and eradicate aliens on the proposed development section of the property. If any SCC are observed here in the future that will they must be noted and appropriate action must be taken to preserve and protect them on the site. The plant species theme is High due to the large number of potentially occurring SCC, and the terrestrial biodiversity sensitivity is also Very High.

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10. APPENDIX

10.1 Provisional Plant Species List

A species accumulation curve for all the species recorded on the site during the assessment are presented in Fig. 11. All species that were observed during the site visit are in Table 8. The site assessment species list is not exhaustive.

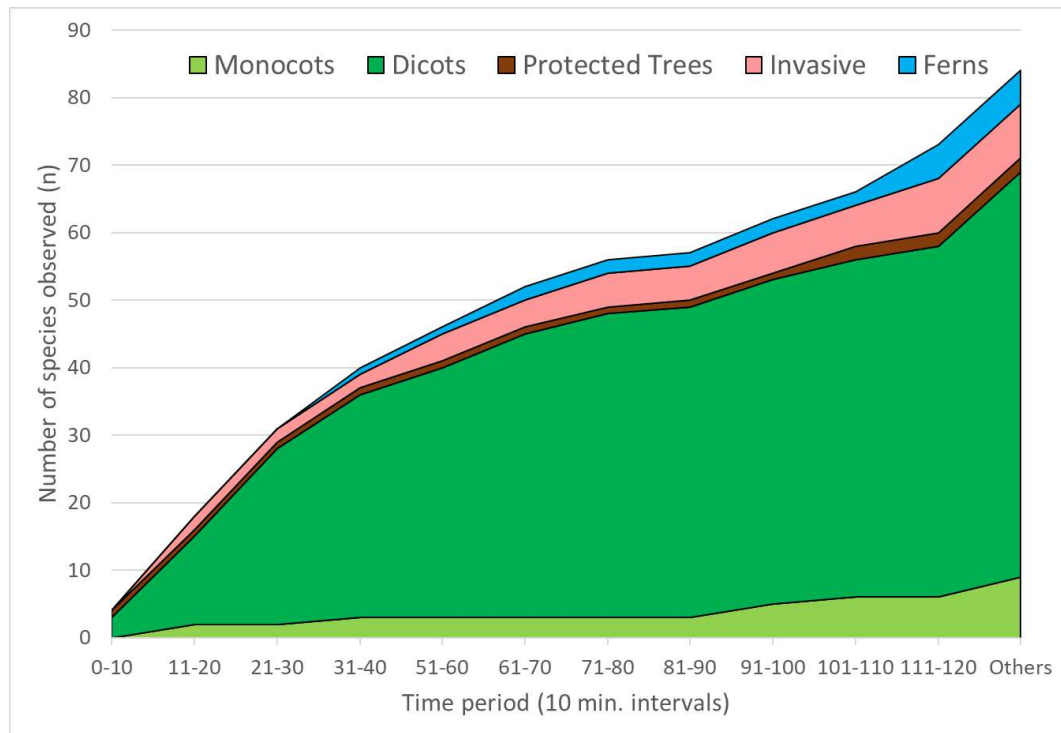


Figure 11: A plant species accumulation curve for the site assessment.

Two species remained unidentified during the site assessment and are presented in Fig. 12 below.



Figure 12: The two unknown creepers that were observed during the site assessment.

Table 8: A provisional species list made for the site assessment on Farm RE/236. The orange species are naturalised exotic plants, and red rows are listed invasive species. In green are the protected tree species.

Family	Species	Common name	Information
Liliopsida (Monocots)			
Amaryllidaceae	<i>Agapanthus praecox</i>	Blue lily	
Amaryllidaceae	<i>Scadoxus puniceus</i>	Bloodlilies	
Asparagaceae	<i>Albuca bracteata</i>	Pregnant onion	
Asparagaceae	<i>Asparagus aethiopicus</i>	African asparagus	
Asparagaceae	<i>Asparagus asparagoides</i>	Cape smilax	
Asparagaceae	<i>Asparagus setaceus</i>	Common asparagus fern	
Asparagaceae	<i>Lachenalia bulbifera</i>	Red viooltjie	
Asphodelaceae	<i>Aloe arborescens</i>	Candelabra aloe	
Cyperaceae	<i>Schoenus sp.</i>	Bogrushes	
Poaceae	<i>Cenchrus clandestinus</i>	Kikuyu grass	Invasive NEMBA cat. 1b CARA cat. 1
Magnoliopsida (Dicots)			
Aizoaceae	<i>Carpobrotus sp.</i>	Sea figs	
Anacardiaceae	<i>Searsia glauca</i>	Blue kunibush	
Anacardiaceae	<i>Searsia lucida</i>	Glossy Curranthrus	
Apocynaceae	<i>Acokanthera oppositifolia</i>	Bushmans poison	
Apocynaceae	<i>Carissa bispinosa</i>	Num-num	
Apocynaceae	<i>Cynanchum ellipticum</i>	Monkeyrope buckhorn	
Asteraceae	<i>Achyranthemum paniculatum</i>	Sewejaartjie chafflower	
Asteraceae	<i>Cineraria geifolia</i>	Hairy cineraria	
Asteraceae	<i>Delairea odorata</i>	Cape-ivy	
Asteraceae	<i>Eriocephalus africanus</i>	Cape snow bush	
Asteraceae	<i>Felicia echinata</i>	Dune felicia	
Asteraceae	<i>Helichrysum teretifolium</i>	Needle everlasting	
Asteraceae	<i>Metalasia trivialis</i>	Eastern blombush	
Asteraceae	<i>Nidorella ivifolia</i>	Ivy vleiweed	
Asteraceae	<i>Oedera calycina</i>	Perdekaroo species	
Asteraceae	<i>Osteospermum moniliferum</i>	Bietou	
Asteraceae	<i>Senecio deltoideus</i>	Climbing ragwort	
Asteraceae	<i>Senecio ilicifolius</i>	Kowanna ragwort	
Brassicaceae	<i>Heliphila subulata subulata</i>	Sunsorrel species	
Campanulaceae	<i>Lobelia erinus</i>	Garden lobelia	
Campanulaceae	<i>Monopsis unidentata unidentata</i>	Wild violet	
Campanulaceae	<i>Stenotium sp.</i>	Bractless lobelias	
Celastraceae	<i>Cassine peragua peragua</i>	Forest spoonwood	
Celastraceae	<i>Gymnosporia nemorosa</i>	White forest spikethorn	
Celastraceae	<i>Mystroxydon aethiopicum</i>	Kooboo-berry	
Celastraceae	<i>Pterocelastrus tricuspidatus</i>	Candlewood	
Crassulaceae	<i>Crassula biplanata</i>	Silver stonecrop	
Crassulaceae	<i>Crassula multicava</i>	Fairy stonecrop	
Crassulaceae	<i>Crassula nudicaulis</i>	Karoo stonecrop	

Crassulaceae	<i>Crassula orbicularis</i>	Rock stonecrop	
Crassulaceae	<i>Crassula subulata</i>	Bihair stonecrop	
Ebenaceae	<i>Diospyros dichrophylla</i>	Poison starapple	
Ericaceae	<i>Erica densifolia</i>	Heaths	
Ericaceae	<i>Erica discolor</i>	Discolorous heath	
Ericaceae	<i>Erica peltata</i>	Shield heath	
Euphorbiaceae	<i>Ricinus communis</i>	Castor bean	Invasive NEMBA cat. 2 CARA cat. 2
Fabaceae	<i>Acacia cyclops</i>	Western coastal wattle	Invasive NEMBA cat. 1b CARA cat. 2
Fabaceae	<i>Acacia mearnsii</i>	Black wattle	Invasive NEMBA cat. 2 CARA cat. 2
Fabaceae	<i>Acacia melanoxylon</i>	Blackwood	Invasive NEMBA cat. 2 CARA cat. 2
Fabaceae	<i>Dipogon lignosus</i>	Okie bean	
Geraniaceae	<i>Pelargonium zonale</i>	Horseshoe geranium	
Lamiaceae	<i>Plectranthus ecklonii</i>	Ecklon spurflower	
Lamiaceae	<i>Stachys aethiopica</i>	African stachys	
Malvaceae	<i>Grewia occidentalis</i>	Crossberry	
Oleaceae	<i>Chionanthus foveolatus</i>	Pock-ironwood	
Pittosporaceae	<i>Pittosporum viridiflorum</i>	Cape cheesewood	Protected tree no. 139
Polygalaceae	<i>Polygala fruticosa</i>	Heartleaf falsepea	
Ranunculaceae	<i>Knowltonia vesicatoria</i>	Common burnleaf	
Rhamnaceae	<i>Phylla axillaris</i>	Axil hardleaf	
Rhamnaceae	<i>Scutia myrtina</i>	Cat-thorn	
Rosaceae	<i>Cliffortia serpyllifolia</i>	Tangle caperose	
Rutaceae	<i>Agathosma ovata</i>	False buchu	
Salicaceae	<i>Trimeria grandifolia</i>	Roundleaf wild-mulberry	
Santalaceae	<i>Colpoon compressum</i>	Cape sumach	
Santalaceae	<i>Thesium fragile</i>	Beach rootthug	
Santalaceae	<i>Viscum capense</i>	Cape mistletoe	
Sapindaceae	<i>Allophylus decipiens</i>	Bastard currant	
Sapotaceae	<i>Sideroxylon inerme inerme</i>	Southern white milkwood	Protected tree no. 579
Scrophulariaceae	<i>Buddleja saligna</i>	False olive	
Scrophulariaceae	<i>Chaenostoma sp.</i>	Skunkbushes	
Scrophulariaceae	<i>Selago corymbosa</i>	Stiff bitterbush	
Solanaceae	<i>Physalis peruviana</i>	Cape gooseberry	Naturalised exotic
Thymelaeaceae	<i>Passerina corymbosa</i>	Common gonna	
Thymelaeaceae	<i>Passerina falcifolia</i>	Weeping gonna	
Thymelaeaceae	<i>Passerina rigida</i>	Beach gonna	
Vitaceae	<i>Rhoicissus digitata</i>	Baboon grape	
Pinopsida			
Pinaceae	<i>Pinus sp.</i>	Pine species	Invasive NEMBA cat. 1b or 2 CARA cat. 2

Polypodiopsida			
Anemiaceae	<i>Anemia cafferorum</i>	Scented fern	
Aspleniaceae	<i>Asplenium rutifolium</i>	Buchu spleenwort	
Nephrolepidaceae	<i>Nephrolepis cordifolia</i>	Fishbone fern	Invasive NEMBA cat. 1b in some provinces including the Western Cape Not CARA listed.
Pteridaceae	<i>Cheilanthes viridis</i>	Green cliff brake	
Pteridaceae	<i>Pteris sp.</i>	Brakes	
Schizaeaceae	<i>Schizaea pectinata</i>	Toothbrush fern	

10.2 Land use recommendations according to the WC BSP

Recommended acceptable land-uses for each BSP layer is outlined and summarised in Table 9 below.

Table 9: The land-use planning proposed by the Western Cape Biodiversity Spatial Plan

LAND USE CATEGORIES		Conservation		Agriculture		Tourism and Recreational Facilities		Rural Accommodation		Urban		Business & Industrial				Infrastructure Installations				
LAND USE SUB-CATEGORIES (Refer to table 4.7 for descriptions)		Proclaimed Protected Areas	Other Nature Areas	Intensive Agriculture	Extensive Agriculture	Low Impact Facilities	High Impact Facilities	Agri-worker Accommodation	Small holdings	Urban Development & Expansion	Community Facilities & Institutions	New Settlements	Rural Business	Non-place-bound Industry (low/moderate impact)	Non-place-bound Industry (high impact)	Extractive Industry (incl. Prospecting)	Linear - roads & rail	Linear - pipelines & canals	Linear - powerlines	Other Utilities
MAP CATEGORY	DESIRED MANAGEMENT OBJECTIVE	Y = Yes: Permissible land uses that are not likely to compromise the biodiversity objective						R = Restricted: Land uses that may compromise the biodiversity objective are only permissible under certain conditions (refer to Table 4.7 for conditions)						N = No: Land uses that will compromise the biodiversity objective and are not permissible						
Protected Area	Must be kept in a natural state, with a management plan focused on maintaining or improving the state of biodiversity.	Land use within proclaimed protected areas are subject to management plan drawn up for that specific protected area.																		
Critical Biodiversity Area 1	Keep natural, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.	Y	Y	N	R	N	N	N	N	N	N	N	N	N	N	N	N	N	R	N
Critical Biodiversity Area 2	Keep natural, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.	Y	Y	N	R	R	N	N	N	N	N	N	N	N	N	N	R	R	R	N
Ecological Support Area 1: Terrestrial	Maintain in a functional, near-natural state. Some habitat loss is acceptable, provided the underlying biodiversity objectives and ecological functioning are not compromised.	Y	Y	N	R	R	N	N	N	N	N	N	R	R	N	N	R	R	R	R
Ecological Support Area 1: Aquatic	Maintain in a functional, near-natural state. Some habitat loss is acceptable, provided the underlying biodiversity objectives and ecological functioning are not compromised.	Y	Y	N	R	R	N	N	N	N	N	N	N	N	N	N	R	R	R	N
Ecological Support Area 2	Restore and/or manage to minimise impact on ecological infrastructure functioning, especially soil and water-related services.	Y	Y	N	R	R	N	N	R	N	N	N	N	N	N	N	R	R	R	R
ONA: Natural to Near-Natural	Minimise habitat and species loss and ensure ecosystem functionality through strategic landscape planning. Offers flexibility in permissible land uses, but some authorisation may still be required for high impact land uses.	Y	Y	R	Y	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
ONA: Degraded	Minimise habitat and species loss and ensure ecosystem functionality through strategic landscape planning. Offers flexibility in permissible land uses, but some authorisation may still be required for high impact land uses.	R	R	R	Y	Y	R	R	Y	R	R	R	R	R	R	R	Y	Y	Y	Y
No Natural Remaining	These areas are suitable for development but may still provide limited biodiversity and ecological infrastructure functions and should be managed in a way that minimises impacts on biodiversity and ecological infrastructure.	R	R	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

10.3 Site Ecological Importance Methods

The site ecological importance (SEI) assessment is a function of biodiversity importance (BI) and receptor resilience (RR), which is defined as:

“The intrinsic capacity of the receptor (i.e., habitat type in question) to resist major damage from disturbance and/or to recover to its original state with limited or no human intervention.”

The function is as follows: $SEI = BI + RR$. BI is a function of conservation importance (CI) and habitat functional integrity (FI), so that $BI = CI + FI$. The definition of CI given by the Species Environmental Assessment Guideline of 2022 is:

“The importance of a site for supporting biodiversity features of conservation concern present, e.g., populations of IUCN threatened and Near Threatened species (CR, EN, VU and NT), Rare species, range-restricted species, globally significant populations of congregatory species, and areas of threatened ecosystem types, through predominantly natural processes.”

Most features included in CI are provided by the screening tool but needs to be evaluated at a finer scale from the field work assessment. FI is defined as:

“A measure of the ecological condition of the impact receptor as determined by its remaining intact and functional area, its connectivity to other natural areas and the degree of current persistent ecological impacts.”

The criteria for defining RR, CI and FI are provided in the Species Environmental Assessment Guidelines of 2022. BI can be derived from a simple matrix of CI and FI, as illustrated in Table 10 below.

Table 10: The matrix that defines the biodiversity importance (BI) of a given habitat type, as identified from a desktop and field assessment.

Biodiversity Importance		Conservation Importance				
		Very High	High	Medium	Low	Very Low
Functional Integrity	Very High	Very High	Very High	High	Medium	Low
	High	Very High	High	Medium	Medium	Low
	Medium	High	Medium	Medium	Low	Very Low
	Low	Medium	Medium	Low	Low	Very Low
	Very Low	Medium	Low	Very Low	Very Low	Very Low

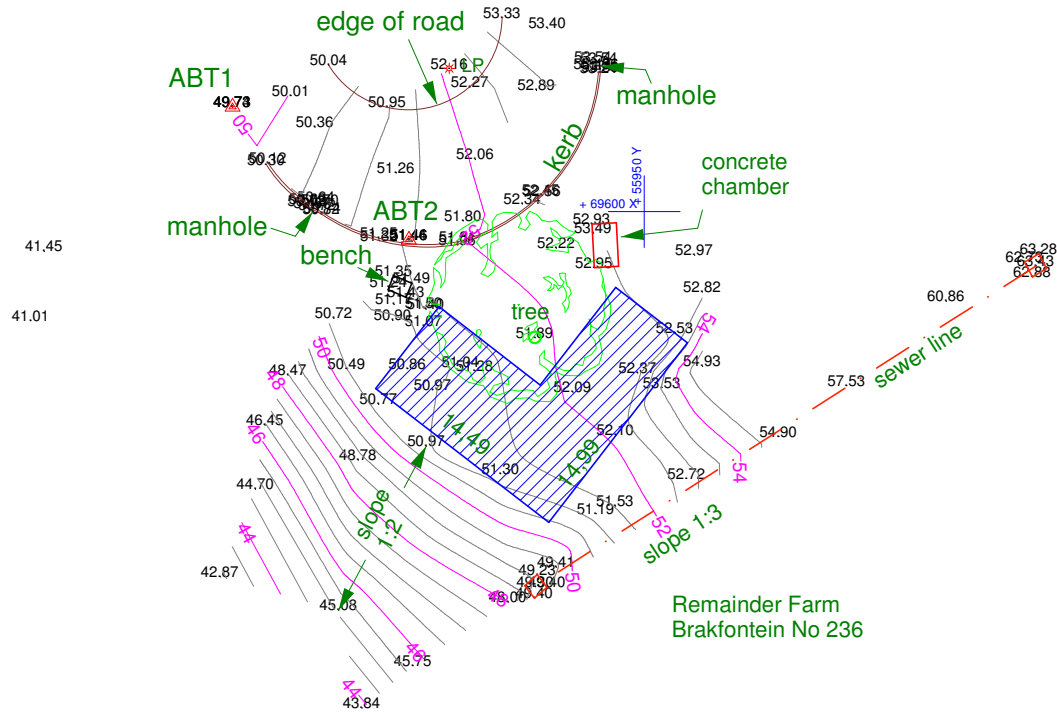
SEI can then be derived from a second matrix, as depicted in Table 11. SEI is specific to the proposed development and can therefore only be compared between alternative layouts for the same proposed development, but not between developments.

Table 11: The matrix that defines the site ecological importance (SEI) of a given habitat type, as identified from a desktop and field assessment.

Site Ecological Importance		Biodiversity Importance				
		Very High	High	Medium	Low	Very Low
Receptor Resilience	Very High	Very High	Very High	High	Medium	Low
	High	Very High	Very High	High	Medium	Very Low
	Medium	Very High	High	Medium	Low	Very Low
	Low	High	Medium	Low	Very Low	Very Low
	Very Low	Medium	Low	Very Low	Very Low	Very Low

ANNEXURE “K”: CONTOUR PLAN FOR PORTION B

Site Plan
of a portion of Remainder
Farm Brakfontein No 236
Situate in the Municipality and
Administrative District of George



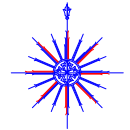
NOTES :

1. Datum mean sea level
2. Contour interval 0,50m
3. Possible position for dwelling shown



DRAWING REFERENCE		
No.	Orig No.	Date

NOTES



Scale 1:500 (A4)

BENCH MARK

COORDINATE LIST WGS84				
CONSTANT	Y	X	Z	DESCRIPTION
ABT1	+55977.22	+69593.08	49.73	12mm iron peg
ABT2	+55965.55	+69601.87	51.46	10mm iron peg

DATE		
AMENDMENT		
No.		
Prepared in May 2023		
Professional Land Surveyors		
BAILEY & LE ROUX		
Professional Land Surveyors		
88 Meade Street, P O Box 9583		
GEORGE 6530, Telephone (044) 8745315		
Fax (044) 8745345		
PLAN No.650ML33		

ANNEXURE "L": SITE SENSITIVITY REPORT FOR PORTION B

18 March 2025

To Abel Bezuidenhout,

RE: Proposed Residential Dwelling on Portion RE/236, called Brakfontein, George Municipality: Terrestrial Biodiversity and Botanical Sensitivity Comment.

This correspondence is provided regarding the proposed development of a dwelling within the footprint indicated on Farm Portion RE/236 (Fig. 1). A more detailed Site Sensitivity Verification Report (SSVR) and Site Ecological Importance (SEI) evaluation of the property was completed following a site assessment on 9 of January 2024 (Fouche, 2024). The previous report was for more extensive development and most of the proposed development area was classified as high sensitivity (Brownlie et al., 2023; Ekstrom et al., 2015). The current proposal involves two dwellings, as shown in Figure 1. Only one of these dwellings proposed is in an area with natural vegetation (thicket/forest), and this correspondence related to that proposed dwelling below Rooidraai Road. This letter may be appended to the initial Terrestrial Biodiversity and Plant Species Report.

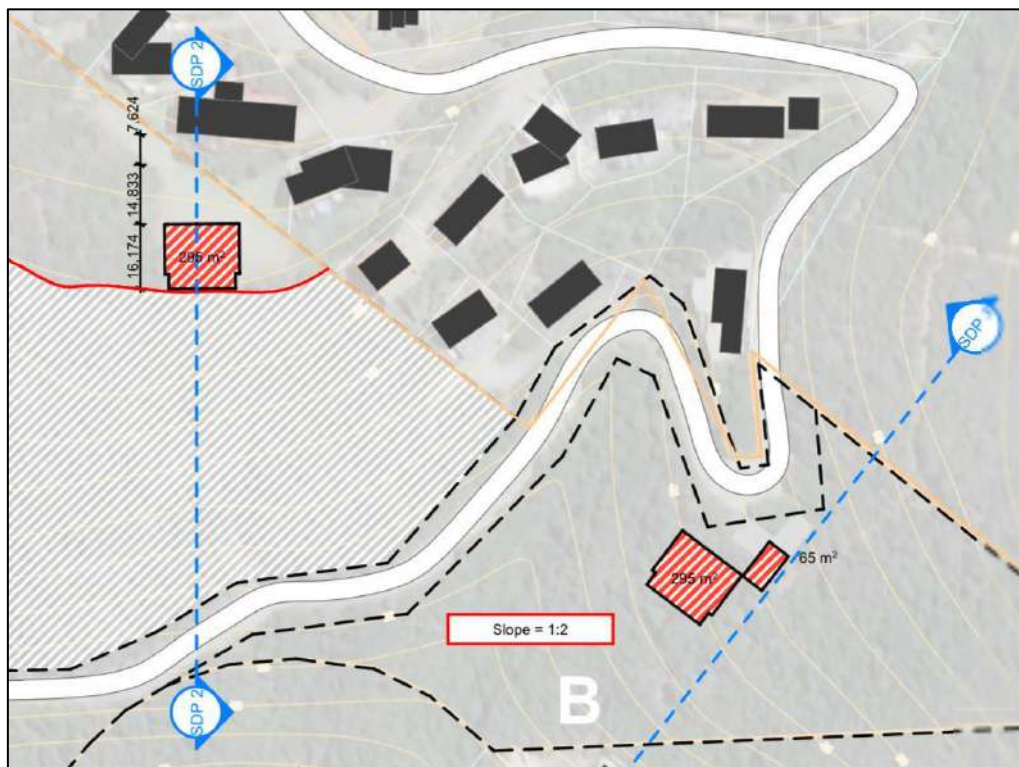


Figure 1: A screenshot of the proposed developments on RE/236. The southern dwelling south of Rooidraai Road is discussed in this correspondence as the northern dwelling is within a transformed area with low sensitivity.

During the SSVR assessment, several Cheesewood (*Pittosporum viridiflorum*; protected tree no. 139) and Milkwood (*Sideroxylon inerme inerme*; protected tree no 579) trees were identified in the vicinity of the proposed dwelling. The report also indicates a high likelihood of several Species of Conservation Concern (SCC) occurring on this site (Garrard et al., 2015; Verburgt et al., 2020). Consequently, this letter is divided into two sections: a) an overview of the protected trees located on or near the proposed footprint, and b) an evaluation of the SCCs likely to be found specifically within the footprint.

Protected Trees

During the SSVR site assessment, the size of the protected trees was not noted in the proposed footprint area due to time constraints. Having gone back to the specific footprint, it is confirmed that the large tree indicated on the architectural drawing (Fig.1) to the north of the proposed dwelling is a fig tree (*Ficus burkei*), which is not a protected tree species. Behind the fig tree, there is a large *Searsia lucida* shrub (not protected), with a medium sized Cheesewood tree (already marked with white tape). Several small / seedling Milkwood trees were seen on either side of the large fig tree, and these, together with the marked Cheesewood, will almost certainly be affected by the proposed development.

Further south of the *Searsia* is a large Cheesewood tree (Fig. 1). Even further south, several Milkwood and Cheesewood trees (of various sizes) become increasingly common in the thicket-forest area here (called “Mw & Ch” in Fig. 1). To the south-east of the fig tree, along the manmade path, there is a medium-large Milkwood tree that may also extend into the proposed development footprint. A forestry permit will be required to transplant Milkwood and Cheesewood seedlings present in this area, as well as to trim or cut back sections of the large Cheesewood tree observed to the south, should it be affected by the proposed development.

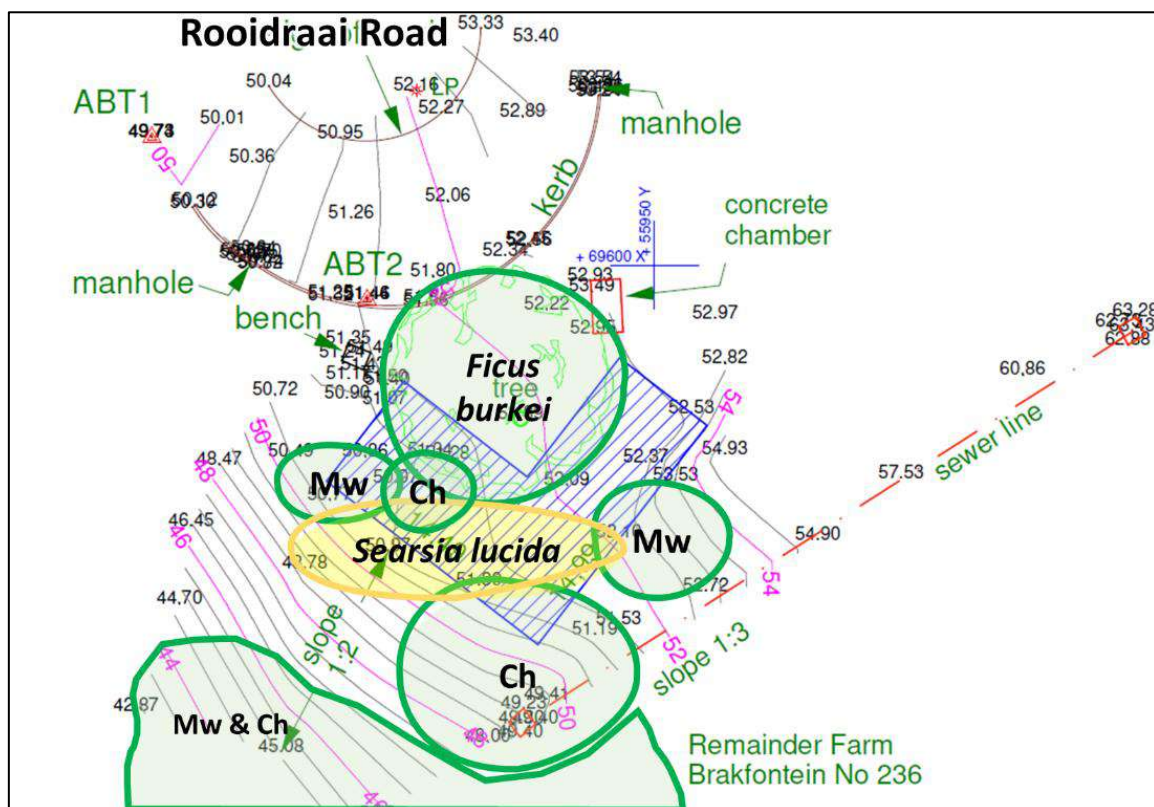


Figure 2: The proposed location of a dwelling superimposed with trees and shrubs observed.

Likelihood of occurrence of SCC

In the original SSVR, no SCC were confirmed on the site although several SCC were identified that could likely occur on the site; however, this list of probable species did not differentiate between SCC likely to occur in fynbos as opposed to thicket/forest vegetation. Given that the dominant vegetation within the proposed dwelling footprint is thicket/forest, the list was separated by dominant vegetation type. The revised list is provided in Table 1 below. This list clearly shows that there is a large difference between the likelihood of species present in fynbos as opposed to the thicket/forest. Only one SCC has a high likelihood of occurrence within the thicket/forest on RE/236. Because of this, the site assessment on 12 March 2025 focused on detecting this climber (*Dioscorea mundii*), and none were found. Therefore, although the likelihood of occurrence remains high on RE/236, it is not present within the proposed development footprint of the dwelling.

Two paintbrush lilies (*Scadoxus puniceus*) that are Least Concern (LC) species were found under the large Cheesewood tree indicated south of the proposed dwelling in Figure 1. These lilies were also found during the SSVR assessment in 2024, however they are now confirmed in this proposed dwelling footprint as well. These lilies could be rescued and transplanted around the dwelling. Under the Threatened or Protected Species (TOPS) regulations of NEMBA, plants, even those that are not classified as a threatened species (like Least Concern species), can still require permits for collection or removal from their natural habitat. Certain plants that fall under this list (which includes categories beyond "Least Concern") require special permits. The status of "Least Concern" typically implies that the species is not immediately threatened, but it still might be protected under South Africa's biodiversity regulations if there is a risk or if they are subject to certain collection pressures. Contact should be made with CapeNature or the Department of Forestry, Fisheries, and the Environment (DFFE) to obtain the necessary permits requires fro a plant search and rescue prior to construction.

Table 1: Plant SCC flagged for the site and nearby surroundings, but that were not observed during site assessment.

Species	Common name	South African Red List Status	Probability of occurrence (Fynbos)	Probability of occurrence (Thicket/forest)
<i>Hermannia lavandulifolia</i>	Lavender-leaved dollsrose	Vulnerable A2c	High Observed nearby	Low Habitat not suitable
<i>Gnidia chrysophylla</i>	Gold capesaffron	Near Threatened B1ab(i,ii,iii,iv,v)	High Occurs in coastal fynbos & observed nearby.	Low Habitat not suitable
<i>Lampranthus pauciflorus</i>	Beach brightfig	Endangered B1ab(ii,iii,iv,v)	High Observed nearby	Low Habitat not suitable
<i>Erica glandulosa</i> subsp. <i>fourcadei</i>	Ridges glandular heath	Vulnerable B1ab(ii,iii,iv,v)	High Observed nearby.	Low Habitat not suitable
<i>Lebeckia gracilis</i>	Slender ganna	Endangered A2bc; B1ab(ii,iii,iv,v)	High Habitat correct & observed nearby	Low Habitat not suitable
<i>Cullumia carlinnoides</i>	Limestone snakethistle	Near Threatened B1ab(ii,iii,iv,v)	High In coastal limestone fynbos, and observed nearby.	Very Low Habitat not suitable
<i>Dioscorea mundii</i>	Cinnamon vine	Near Threatened B1ab(ii,iii,iv,v)	Low Incorrect habitat	High Observed nearby <u>However, it is confirmed that this species is NOT in the footprint of the proposed dwelling at the time of both site assessments.</u>

Species	Common name	South African Red List Status	Probability of occurrence (Fynbos)	Probability of occurrence (Thicket/forest)
<i>Diosma passerinoides</i>	Silcrete bitterbuchu	Vulnerable A2c; C2a(i)	High Observed nearby	Low Habitat not suitable
<i>Oxalis pendulifolia</i>			High Observed nearby	Low Habitat not suitable
<i>Freesia caryophyllacea</i>	Fragrant kammetjie	Near Threatened B1ab(i,ii,iii,iv,v)	High Observed nearby	Very Low Habitat not suitable
<i>Freesia leichtlinii</i>	Dune kammetjie	Near Threatened B1ab(ii,iii,iv,v)	High Observed nearby	Very Low Habitat not suitable
Sensitive species 800	-	Vulnerable B1ab(iii)	High Observed nearby	Very Low Habitat not suitable
<i>Euchaetis albertiana</i>	Albertina beardbuchu	Endangered A2c	High Habitat correct & observed nearby	Very Low Habitat not suitable
<i>Selago burchellii</i>	Garden route bitterbush	Vulnerable B1ab(ii,iii,iv,v)	High Habitat correct	Low Habitat not suitable
<i>Asparagus lignosus</i>	Fire asparagus	Near Threatened A2c	Medium Following the precautionary principle, it is conceivable that this species might be present on the site.	Low Habitat not suitable
<i>Erica unicolor mutica</i>	Two-onecolor heath	Endangered B1ab(ii,iii,v)	Medium Following the precautionary principle, it is conceivable that this species might be present on the site.	Very Low Habitat not suitable
<i>Muraltia knysnaensis</i>	Garden Route purplegorse	Endangered B1ab(ii,iii,iv,v)	Medium Following the precautionary principle, it is conceivable that this species might be present on the site.	Low Habitat not suitable
Sensitive species 516	-	Endangered A2cd+4cd; B1ab(i,ii,iii,iv,v)+2ab(i,ii,iii,iv,v)	Medium Following the precautionary principle, it is conceivable that this species might be present on the site.	Very Low Habitat not suitable
Sensitive species 500	-	Endangered C2a(i)	Medium No signs of sp., but following the precautionary principle, it is conceivable that this species might be present on the site.	Low Habitat not suitable
Sensitive species 1024	-	Endangered B1ab(iii,v)+2ab(iii,v); C2a(ii)	Medium No signs of sp., but following the precautionary principle, it is conceivable that this species might be present on the site.	Very Low Habitat not suitable
Sensitive species 1032	-	Vulnerable C2a(i)	Medium No signs of sp., but following the precautionary principle, it is conceivable that this species might be present on the site.	Very Low Habitat not suitable
Sensitive species (unknown number #001)	-	Near Threatened B1ab(iii)+2ab(iii)	Low Distribution not right.	Low Distribution not right.
<i>Podranea ricasoliana</i>			Very low Distribution incorrect	Very low Distribution incorrect

Conclusion

To summarise, the proposed dwelling on Farm Portion RE/236 will likely affect several existing trees (Milkwood and Cheesewood) which are protected by law. The removal or disturbance of these trees would require careful management and permits, as well as compliance with environmental regulations. It is therefore necessary to apply for a protected tree-clearing permit from the national authority, i.e. Department of Forestry, Fisheries and the Environment

(DFFE) for the affected Milkwood and Cheesewood trees. Activities, as prescribed in the DFFE application, that are likely to require permitting include:

- Cutting, disturbing, damaging or destroying protected trees;
- Pruning or de-limbing individual protected trees; and
- Disturbance of protected trees for buildings or earth moving operations.

It is also recommended that the two paintbrush lilies (*Scadoxus puniceus*) observed be rescued prior to construction and replanted in the thicket/forest beyond the dwelling footprint. The protected trees were relatively abundant, especially in the thicket/forest further away from the road. Based on the second assessment in this specific development footprint, the following noteworthy trees will be affected by the proposed dwelling:

- One large fig tree (unprotected). Some municipalities in the Western Cape, like Mossel Bay, discourage the planting of *Ficus burkei*. While this tree is native to South Africa, it has been recognized as problematic in certain areas due to its aggressive growth and the negative impacts it can have on ecosystems including rapid spread, altered ecosystem structure, roots causing damage to structures, etc. Despite this, there are guidelines to regulate the removal of such species. In the case of species like *Ficus burkei*, local authorities (such as the Department of Environmental Affairs) may provide guidance on whether permits are required for removal. These agencies often encourage the removal of invasive species to help protect native biodiversity, but still require proper procedures for the removal process, especially when dealing with large or mature trees, such as the one on this site. ,
- One medium Cheesewood tree (already marked) and potentially a section of the large Cheesewood south of the *Searsia* bush,
- Around 3 Milkwood seedlings and some Milkwood tree branches next to the existing path.
- Several other seedlings were also observed that could be rescued and transplanted with the paintbrush lilies (already mentioned), e.g., Cape Beech (*Rapanea melanophloeos*)

Despite the trees present in this footprint, and the High SEI mapped here, the identified footprint is small and will not significantly affect the thicket/forest ecosystem. The High SEI and Very High Terrestrial Biodiversity sensitivity was triggered by the mapped CBA and ESA (from the 2018 Biodiversity Spatial Plan; BSP). The updated 2023 BSP now indicates this area as a combination of CBA 1 and CBA 2. Additionally, the National Vegetation Map (NVM) type that applies to this area is “Groot Brak Dune Strandveld” which is critically endangered (CR). Apart from the edge effects and non-native plants along the edge of the road, the thicket/forest habitat is also in a near-pristine condition here.

This area is already affected by edge effects due to the close proximity of the road, infrastructure, and non-native species along the edge of the road.

Yours Sincerely,

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

Bianke Fouche (*Pr.Sci.Nat Botanical Science; Cand.Sci.Nat. Ecological Science*)
18 March 2025

References

- Brownlie, S., Verburgt, L., Ralston-Paton, S., Day, K., Lewis, M., Little, I., & Patterson-Abrolat, C. (2023). *Best Practice Guidelines for Implementing the Mitigation Hierarchy in South Africa: Guidelines for implementing the mitigation hierarchy in impact assessment practice in South Africa*.
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ANNEXURE “M”: PRE-APPLICATION DATED 25 JUNE 2021

GEORGE MUNICIPALITY



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. #1907947**

Purpose of consultation: **Bespreking van 'n aansoek om onderverdeling van 'n gedeelte van die Restant van die Plaas Brakrivier Coast 237.**

Brief proposal: **Die ontwikkelingsvoorstel word op bladsy twee van hierdie aansoekvorm bespreek.**

Property(ies) description: **'n Gedeelte van die Restant van die Plaas Brakfontein Coast 237**

Date: **18 Junie 2021**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilane Huyser	George Municipality	044 801 9550	ihuyser@george.gov.za
Pre-applicant	Jan Vrolijk	Jan Vrolijk Town Planner / Stadsbeplanner	044 873 3011 082 464 7871	janvrolijk@vodamail.co.za

Documentation provided for discussion:

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

- **Skematiese onderverdelingsplan**
- **L G Diagram**
- **Titelakte**
- **Lugfoto / liggingsplan**
- **Soneringsplan**
- **Heroldsbaai Proklamasie**

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)

N.v.t.

YES	NO
-----	-----------

Comprehensive overview of proposal:

ONTWIKKELINGSVOORSTEL

Die gedeelte van die Plaas Brakfontein Coast 237 wat die onderwerp van die aansoek vorm is in terme van die George Geïntegreerde Soneringskema, 2017 Oopruimtesone III gesoneer. Die noordelike gedeelte gemerk Gedeelte A op die skematiese onderverdelingsplan is binne die geproklameerde dorpsgrens van Heroldsbaai geleë. Wet 70 van 1970 is dus nie op Gedeelte A van toepassing nie.

Gedeelte B is egter buite die grense van die geproklameerde Heroldsbaai Dorpsgebied geleë. Alhoewel Gedeelte B Oopruimtesone III gesoneer is, is dit binne 'n landelike gebied geleë en is Wet 70 van 70 dus op die gedeelte van toepassing.

Dit is die voorneme van die eienaar om die twee gedeelte vanaf die Restant van die Plaas Brakfontein Coast 237 af te sny. Gedeelte A sal oor 'n oppervlakte van ongeveer 5 800m² beskik terwyl Gedeelte B oor 'n oppervlakte van ongeveer 1.56 hektaar sal beskik.

Dit is die oogmerk van die eienaars om die gedeeltes as 'n natuurgebied te behou en uit te brei te en uiteindelik op elk van die gedeeltes 'n woonhuis te ontwikkel. Meer detail rakende die posisie van 'n moontlike woonhuis op elk van die gedeeltes en die toegang tot die woonhuise sal in die volledige aansoek aangespreek word.

Ten einde uiting te gee aan die ontwikkelingsvoorstel sal die volgende aansoeke geloods moet word:

- **Aansoek sal in terme van artikel 4 van die Wet op die Onderverdeling van Landbougrond, 1970 (Wet 70 van 1970) by die Nasionale Departement van Landbou gedoen moet word vir die toestemming van die Departement om die Gedeelte B vanaf die Restant van die Plaas Brakfontein Coast 236 af te sny.**
- **Aansoek sal in terme van artikel 15(2)(d) van die Verordening op Grondgebruikbeplanning vir George Munisipaliteit, 2015 gedoen moet om Gedeelte A wat oor 'n oppervlakte van ongeveer 5 800m² beskik, vanaf die Restant van die Plaas Brakfontein Coast 237 af te sny.**

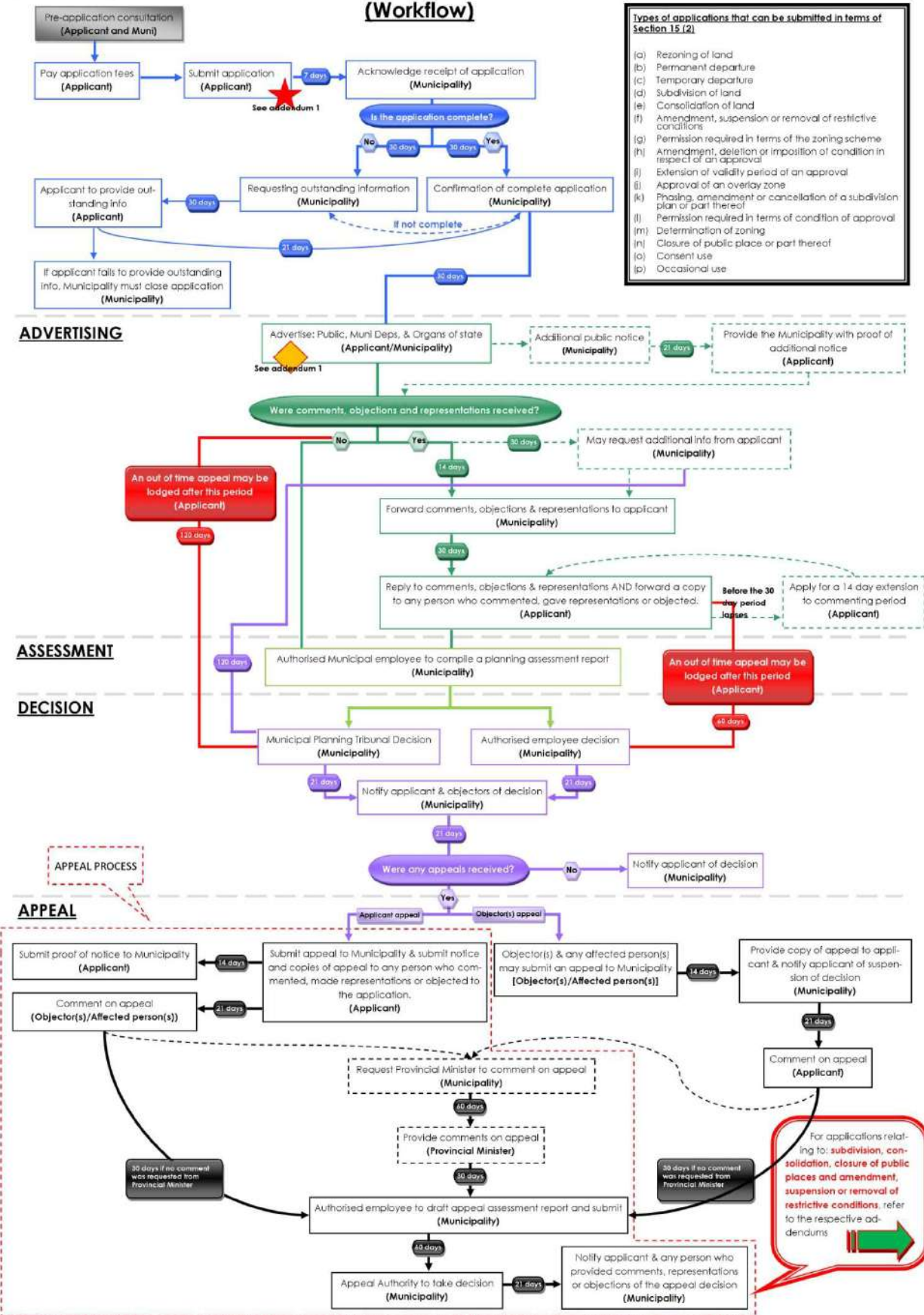
PART B: APPLICATION PROCESS

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

SUBMISSION

Draft By-Law on Municipal Land Use Planning

(Workflow)



PART C: QUESTIONNAIRES

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

Tick if relevant		What land use planning applications are required?	Application fees payable
	2(a)	a rezoning of land;	R
	2(b)	A rezoning to subdivisional area;	R
	2(c)	a temporary departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;	R
	2(d)	a permanent departure from the development parameters of the zoning scheme;	R
X	2(e)	a subdivision of land that is not exempted in terms of section 25, including the registration of a servitude or lease agreement;	R
	2(f)	an amendment, suspension or removal of restrictive conditions in respect of a land unit;	R
	2(g)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(h)	an extension of the validity period of an approval;	R
	2(i)	a consent use in terms of the relevant zoning scheme regulations;	R
	2(j)	Amendment / cancellation of a general plan;	R
	2(k)	a phasing, amendment or cancellation of a plan of subdivision or a part thereof;	R
	2(l)	a contravention levy;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
	2(o)	an occasional use of land;	R
		consolidation	
		approval of a Site development plan	
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*:	To be determined
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PLEASE NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application.

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?	Ja		George Ruimtelike Ontwikkelingsraamwerk, 2019 (GSDF) en die Heroldsbaai Plaaslike Ruimtelike Ontwikkelingsraamwerk, 2015.	Moet vasgestel word
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	Conveyance Certificate to confirm
Any other Municipal by-law that may be relevant to application? (If yes, specify)		Nee	N.v.t	N.v.t
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? George Geïntegreerde Soneringskema Verordening, 2017 What is the current zoning of the property? Oopruimtesone III What is the proposed zoning of the property? Oopruimtesone III Does the proposal fall within the provisions/parameters of the zoning scheme? Ja Are additional applications required to deviate from the zoning scheme? (if yes, specify) Nee				

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	
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?		Nee		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?	YES			National Department of Agriculture, Forestry and Fisheries (DAFF)
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?			Sal bepaal moet word	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)			Sal bepaal moet word	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)?		Nee		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

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		x		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		Nee		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?		Nee		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		Nee		Transnet
Is the property subject to a land / restitution claims?		Nee		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?	Ja			SANParks / CapeNature
Is the property subject to any existing mineral rights?		Nee		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)		Nee		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? Vuilisverwydering			x	
Development charges:	Ja			

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		Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent (to be determined by conveyancer)
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		<u>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)</u> (strikethrough irrelevant)	Y	N	1 : 50 / 1:100 Flood line determination (plan / report)
Y		Other (specify) – see comments below	Y	N	Required number of documentation copies

PART E: DISCUSSION

Town Planning:

1. It is not ideal to subdivide the natural landscape for the purpose to construct dwelling houses.
2. The Remainder of Farm 237 is located outside the urban edge of Herolds Bay and site-specific circumstances should be motivated.

ETS:

1. Must consult with the Electro-technical department and provide services reports.

PART F: SUMMARY / WAY FORWARD

Taking into consideration the above comments (Part E) reconsider the propsoed application.

**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.*

OFFICIAL: ____Ilane Huyser____ PRE-APPLICANT: **Jan Vrolijk**
(FULL NAME) (FULL NAME)

SIGNED: ____



____ SIGNED:



DATE: ____25 June 2021____

DATE: **18 Junie 2021**

ANNEXURE “N”: PRE-APPLICATION DATED 20 APRIL 2023

GEORGE MUNICIPALITY



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: **2611996**

Purpose of consultation: **Proposed subdivision and rezoning of a portion of the Remainder of Farm Brakfontein 236.**

Brief proposal: **The proposal is discussed in detail on page 2.**

Property(ies) description: **Portion of the Remainder of Farm Brakfontein 236**

Date: **12 April 2023**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Jeanne Muller	George Municipality	044 801 9138	jmuller@george.gov.za
	Martin Botha	George Municipality	044 801 9191	pmbbotha@george.gov.za
Pre-applicant	Jan Vrolijk	Jan Vrolijk Town Planner / Stadsbeplanner	044 873 3011 082 464 7871	janvrolijk@vodamail.co.za

Documentation provided for discussion:

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

Annexures “A” to “G”

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
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Comprehensive overview of proposal:

BACKGROUND

Summer Sixteen (Pty) Ltd Registration Number 2015/031093/07 is the registered owner of the Remainder of the Farm Brakfontein No 236 which is held by virtue of Title Deed No T5208/2017. The Remainder of the Farm Brakfontein No 236 has a size of 933.9330 hectare.

The Remainder of the Farm Brakfontein No 236 basically consists of two distinct portions with the largest portion of the farm with an area of approximately 929.3330 hectare which is located outside the Herolds Bay proclaimed township area. The locality of the portion of the Remainder of the Farm Brakfontein No 236 which is located outside the Herold’s Bay proclaimed township area is indicated on the locality plan attached hereto as Annexure “A”.

The locality plan which is attached hereto as Annexure “B” indicates the portion of the Remainder of the Farm Brakfontein No 236 which is located inside the Herold’s Bay proclaimed township area. The portion of Remainder of the Brakfontein No 236 located inside the Herold’s Bay proclaimed township area has a size of approximately 4.6 hectare.

The locality of the 4.6 hectare which is located inside the Herold’s Bay proclaimed township area in relation to the proclaimed boundaries of Herold’s Bay as per GN 2082/1989 is attached hereto as Annexure “C”.

The Remainder of the Farm Brakfontein No 236 which is located within the proclaimed boundary of Herold’s Bay as per GN 2082/1989 is at present zoned Agricultural Zone I. The Herolds Bay Heights road divides this portion into two portions as indicated on the subdivision plan attached hereto as Annexure “D”. The portion to the west of the road has a size of approximately 2.47 hectares whilst the portion to the east of the road has an area of approximately 1.11 hectare whilst the road portion has a size of approximately 1.02 hectare. As can be seen from the contours on the subdivision plan both portions located adjacent to the road have a fairly steep slope towards the south. From the subdivision plan it is also clear that the portions are furthermore extensively overgrown with indigenous vegetation. This slope and the vegetation on the properties on either side of the road resulted in these two portions having never been utilized for agricultural purposes nor is it foreseen that the two portions will ever be used for agricultural purposes.

It is the intention of the owner to subdivide the two portions and the road portion from the Remainder of the Farm Brakfontein No 236.

The following application was submitted to the Department of Agriculture, Land Reform and Rural Development - Republic of South Africa in December 2021:

- *An application in terms of Section 4 of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) to subdivide the figure ABCDEFGHIJ curved line 62.97m above the high water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236.*
- *Application is made in terms of Section 4 of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) to subdivide the above-mentioned figure into*
 - *a Portion A with a size approximately 2.47 hectare,*
 - *a Portion B with a size of approximately 1.11 hectare, and*
 - *a Remainder with a size of 1.02 hectare.*

The proposed subdivision lines are indicated on the subdivision plan attached hereto as Annexure "D".

The abovementioned application was approved by Department of Agriculture, Land Reform and Rural Development - Republic of South Africa under consent number 56487 dated 16 March 2022. A copy of the approval letter is attached hereto as Annexure "E".

As it was unclear if access would be possible from the Remainder Road portion to Portions A and B, the application was referred to the Western Cape Government: Department Transport and Public Works for approval for access to the Portion A and B. In response to this request a letter dated 2 February 2023 which is attached hereto as Annexure "F" has been received from the Western Cape Government: Department Transport and Public Works. In terms of the contents of the letter it is indicated that the George Municipality is the Roads Authority on this portion of Rooidraai Road and that accesses to Portion A and B must be negotiated with the relevant department of the George Municipality. Since the letter was received, the access issue has been discussed with Ricus Fivas of the Directorate Civil Engineering Services of the George Municipality. Rooidraai Road is at present being rebuilt and it has been indicated by Ricus Fivaz that provision for accesses to Portion A and B will be made during the rebuilding of the road. As certain portions of Portions A and B will be required for the general upgrading of Rooidraai Road, it has been suggested by Ricus Fivaz that the owners contact the project manager on the Rooidraai Road project with regards the additional land required for the upgrading of Rooidraai Road and the two accesses required by the owners.

The owners are at present in consultation with the project manager responsible for the rebuilding of Rooidraai Road with regards the additional land required for the rebuilding of Rooidraai Road and the two required access. It has since been indicated that provision will be made in the rebuilding/upgrading of Rooidraai Road for accesses to Portion A and B. The access position to Portions A and B as indicated on the plan attached hereto as Annexure "G" has been proposed.

The George Municipality has also indicated that subdivision approval issued by the Department of Agriculture, Land Reform and Rural Development - Republic of South Africa cannot be exempted from the stipulations of the Land Use Planning By-law for George Municipality, 2015 as Portions A and B are not used for Agricultural purposes. The municipality has indicated that the two portions should, as part of any proposed application for subdivision, be rezoned to an appropriate zoning.

It is the intention of the owners to preserve the two portions as nature areas and therefore it is proposed to rezone the two portions to OpenSpace Zone III and to eventually develop a dwelling house on each of the two portions. The road portion will continue to be used as a public road.

The Remainder of the Farm Brakfontein No 236, with an area of approximately 929.3330 hectare which is located outside the Herolds Bay proclaimed township area, will keep its present Agricultural Zone I zoning and will continue to be used for agricultural purposes.

DEVELOPMENT PROPOSAL

It is the intention of the owners to obtain municipal approval for the subdivision of the Portions A and B and the Road Remainder from the Remainder of the Farm Brakfontein No 236 as indicated on the subdivision plan attached hereto as Annexure "D" which was approved by Department of Agriculture, Land Reform & Rural Development on 16 March 2022 as per Annexure "E".

As per the requirement of the George Municipality Portions A and B will be rezoned to an appropriate zoning, i.e., Open Space Zone III whilst the Road Remainder will be Rezoned to Transport Zone II.

In terms of the proposed zoning the primary development right of Portions A and B will thus be a "Nature conservation area". The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. In terms of the definition of a "Nature conservation area" as per the George Integrated Zoning Scheme, 2017 the construction of a dwelling house is permitted as a primary right within this zoning.

It should however be noted that, because of the nature of the two portions, environmental approval will definitely be needed before construction of any dwelling will be allowed on either of the two portions. The EIA process which will most properly include botanical, visual, geological, heritage, etc. studies will ensure that any dwelling house to be erected on either of the two portions will be positioned and developed in such a way that the natural vegetation is protected to its maximum.

It should also be remembered that both portions will be located within an area which is controlled by the Outeniqua Sensitive Coastal Extension Regulations (OSCAE). A permit to remove vegetation and to undertake earthworks will thus also have to be obtained before any dwelling house can be constructed on the portions.

Control measures will thus be in place to ensure that the natural environment is protected.

PROPOSED LAND USE

The portion of the Remainder of the Farm Brakfontein No 236 which forms the subject of the application is zoned Agricultural Zone I. In terms of this application, it is proposed to rezone the portion which forms the subject of this application to a Subdivisional Area and to subdivide the Subdivisional Area into 2 Open Space Zone III erven and a Transport Zone II erf.

Portions A and B will thus be zoned Open Space Zone III in terms of the George Integrated Zoning Scheme By-Law, September 2017.

In terms of the development proposal, it is proposed to develop a single dwelling house on both Portions A and Portions B. At this stage no design / layout of any of the two dwelling units has yet been prepared. Rooidraai Road will be formalized by way of this application.

No agricultural land will furthermore be sterilized as a result of the proposed rezoning of the two portions from Agriculture Zone I to Open Space Zone III and Transport Zone II as the portions do not form viable agricultural units

- from a land size point of view;
- in terms of the physical / topographical characteristics of the portions; and
- in terms of existing vegetation on the portion.

The proposal to rezone and subdivide the farm portion per say does not trigger any environmental listed activities as per the National Environmental Management Act, 1998 (Act 107 of 1998). The development of a dwelling house with the accompanying removal of vegetation to allow for the construction of a dwelling house will definitely result in certain activities being activated.

PROPOSED APPLICATIONS

- Application will be made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the figure ABCDEFGHIJ curved line 62.97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236.
- Application will be made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 to rezone the figure ABCDEFGHIJ curved line 62.97m above the high water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236 from Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf.
- Application will be made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the Subdivisional Area into
 - a Portion A with a size approximately 2.47 hectare,
 - a Portion B with a size of approximately 1.11 hectare, and
 - a Road Remainder with a size of 1.02 hectare.

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

(Workflow)



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graph TD
    PM[Provincial Minister] --> AEA[Authorised employee to draft appeal assessment report and submit  
(Municipality)]
    AEA -- 10 days --> MA[Appeal Authority to take decision  
(Municipality)]
    MA -- 40 days --> NA[Notify applicant & any person who provided comments, representations or objections of the appeal decision  
(Municipality)]
    NA -- 21 days --> End(( ))
  
```

places and circumstances, suspension or removal of restrictive conditions, refer to the respective addressees

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;	R7 290
	2(b)	a permanent departure from the development parameters of the zoning scheme;	
	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;	R6 960
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	
	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,	R

		website, letters of consent etc.)	
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE* (VAT excluded):			TBC following submission of application

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

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?	Yes		George Spatial Development Framework, 2019 (GSDF) and the Herolds Bay Local Spatial Development Framework, 2015	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	Submit Conveyancer's Certificate
Any other Municipal by-law that may be relevant to application? (If yes, specify)		No	N/a	N/a
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? George Integrated Zoning Scheme By-law 2017 What is the current zoning of the property? Agricultural Zone I What is the proposed zoning of the property? Open Space Zone III and Transport Zone II Does the proposal fall within the provisions/parameters of the zoning scheme? Yes Are additional applications required to deviate from the zoning scheme? (if yes,				

specify)	
No	

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			x	
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?		No	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?	Yes			Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?	Yes		Already obtained	National Department of Agriculture, Forestry and Fisheries (DAFF)
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?			When a dwelling unit is to be developed listed activities will be activated	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)			When a dwelling unit is to be developed listed activities will be activated	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)?			To be	National Department of

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
			determined	Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?	Yes			South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		No		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		No		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		No		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		No		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		No		Transnet
Is the property subject to a land / restitution claims?		No		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?	Yes			SANParks / CapeNature
Is the property subject to any existing mineral rights?		No		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)		No		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:
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				(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?			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
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

Town Planning:

The attached documents were discussed.

- The site is located / forms part of an environmental corridor with threatened vegetation types which should preferably not be disturbed.
- It is proposed to determine which listed activities of NEMA are triggered. Comment from Department of Environmental Affairs and Development Planning will be required.
- Comments will have to be obtained from the National Department of Forestry, Fisheries & the Environment.
- Specialist studies (visual, heritage, botanical, geotechnical etc.) need to be submitted with this application to determine which portions, if any, of the sites are developable.
- It is recommended to firstly obtain environmental input to determine the unit footprints on the site, prior to the submission of the application.
- Development is not supported on slopes steeper than 1:4.
- Site specific circumstances should be motivated for this application.
- A stormwater management plan must be submitted.
- Indicate the following on the site plan:
 - Areas steeper than 1:4;
 - Critical biodiversity areas;
 - Waterbodies and associated 32m buffer zones (rivers, dams, wetlands etc.);
 - Clear unit footprints;
 - Contours;
 - Flood lines;
 - Erosion risk lines;
 - Etc.

CES:

Access: The project manager of the Rooidraai Road rehabilitation indicated that no additional sections of land will be required for the rehabilitation, and in this regard could not be used to finalize the required access directly of Rooidraai Road. Noting all access should confirm to the Provincial Access Management Guidelines (Standards use by George Municipality)

PART F: SUMMARY / WAY FORWARD

See Part E above.

OFFICIAL: Martin Botha
(FULL NAME)

PRE-APPLICANT: **Jan Vrolijk**
(FULL NAME)

SIGNED: _____

SIGNED:

DATE: 19 April 2023

DATE: **12 April 2023**

OFFICIAL: **Jeanne Fourie (Muller)**
(FULL NAME)

SIGNED: _____

DATE: 20 April 2023

**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 "O": PRE-APPLICATION DATED 12 MAY 2023

GEORGE MUNICIPALITY



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: **2641638**

Purpose of consultation: **Proposed subdivision and rezoning of a portion of the Remainder of Farm Brakfontein 236.**

Brief proposal: **The proposal is discussed in detail on page 2.**

Property(ies) description: **Portion of the Remainder of Farm Brakfontein 236**

Date: **12 May 2023**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Jeanne Muller	George Municipality	0448011290	jmuller@george.gov.za
	Martin Botha	George Municipality	0448011281	pmbbotha@george.gov.za
Pre-applicant	Jan Vrolijk	Jan Vrolijk Town Planner / Stadsbeplanner	044 873 3011 082 464 7871	janvrolijk@vodamail.co.za

Documentation provided for discussion:

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

Signed pre-application dated 20 April 2023

Municipal letter dated 25 August 2022

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
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Comprehensive overview of proposal:

A pre-application whereby it was proposed to subdivide a portion from the Remainder of Portion 26 of the Farm Brakfontein 236 and to rezone the subdivided portion to a Subdivisional Area and to subdivide it thereafter into 2 Open Space Zone III erven and 1 Transport Zone II erf was submitted to the George Municipality on 12 April 2023.

The pre-application was considered by the George Municipality and the signed pre-application dated 20 April 2023 with the municipal comments is attached hereto.

The owners' legal representatives have since provided them with the letter attached hereto dated 25 August 2022, a letter that was provided in response to a request for exemption of the application for subdivision. In terms of the contents of the letter reference is made to the possibility of an Agricultural Zone II zoning being considered for the two portions.

The owners have now decided that they would rather prefer to subdivide the Subdivision Area into 2 Agricultural Zone II erven and Transport Zone II erf as mentioned in the letter dated 25 August 2022.

The Municipality's comments on the revised proposal would be appreciated.

PART B: APPLICATION PROCESS

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

SUBMISSION

Draft By-Law on Municipal Land Use Planning

(Workflow)

Types of applications that can be submitted in terms of Section 15 (2)

- (a) Rezoning of land
- (b) Permanent departure
- (c) Temporary departure
- (d) Subdivision of land
- (e) Consolidation of land
- (f) Amendment, suspension or removal of restrictive conditions
- (g) Permission required in terms of the zoning scheme
- (h) Amendment, deletion or imposition of condition in respect of an approval
- (i) Extension of validity period of an approval
- (j) Approval of an overlay zone
- (k) Phasing, amendment or cancellation of a subdivision plan or part thereof
- (l) Permission required in terms of condition of approval
- (m) Determination of zoning
- (n) Closure of public place or part thereof
- (o) Consent use
- (p) Occasional use

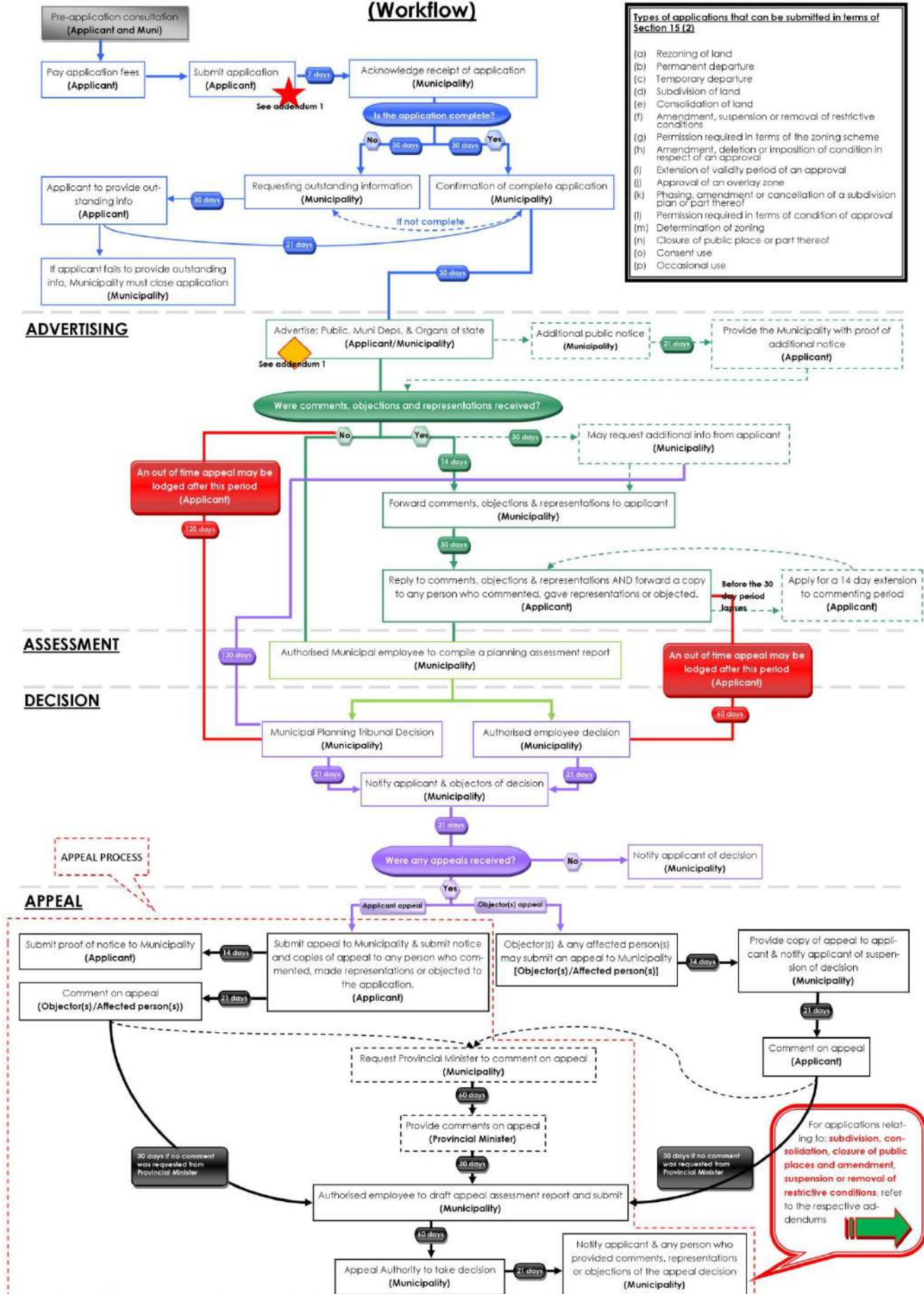
ADVERTISING

ASSESSMENT

DECISION

APPEAL PROCESS

APPEAL



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

Tick if relevant		What land use planning applications are required?	Application fees payable
	2(a)	a rezoning of land;	R
X	2(b)	A rezoning to subdivisioal area;	R7 290
	2(c)	a temporary departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;	R
	2(d)	a permanent departure from the development parameters of the zoning scheme;	R
X	2(e)	a subdivision of land that is not exempted in terms of section 25, including the registration of a servitude or lease agreement;	R6 960
	2(f)	an amendment, suspension or removal of restrictive conditions in respect of a land unit;	R
	2(g)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(h)	an extension of the validity period of an approval;	R
	2(i)	a consent use in terms of the relevant zoning scheme regulations;	R
	2(j)	Amendment / cancellation of a general plan;	R
	2(k)	a phasing, amendment or cancellation of a plan of subdivision or a part thereof;	R
	2(l)	a contravention levy;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
	2(o)	an occasional use of land;	R
		consolidation	
		approval of a Site development plan	
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*:	TBC following submission of application
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PLEASE NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application.

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?	Yes		George Spatial Development Framework, 2019 (GSDF) and the Herolds Bay Local Spatial Development Framework, 2015	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)]		No	N/a	N/a
Any other Municipal by-law that may be relevant to application? (If yes, specify)		No	N/a	N/a
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? George Integrated Zoning Scheme By-law 2017 What is the current zoning of the property? Agricultural Zone I What is the proposed zoning of the property? Agricultural Zone II and Transport Zone II Does the proposal fall within the provisions/parameters of the zoning scheme? Yes Are additional applications required to deviate from the zoning scheme? (if yes, specify) No				

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			x	N/a
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?			x	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?		No		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?	Yes		Already obtained	National Department of Agriculture, Forestry and Fisheries (DAFF)
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?			To be determined	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) (striketrough irrelevant)			To be determined	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)?		No		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)?			To be determined	South African Heritage Resources Agency (SAHRA) &

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		No		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		No		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		No		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		No		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		No		Transnet
Is the property subject to a land / restitution claims?		No		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?	Yes			SANParks / CapeNature
Is the property subject to any existing mineral rights?		No		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)		No		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?			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
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

Town Planning:

The attached documents were discussed.

- Please take note that the intention of the attached letter dated 25 August 2022 from the George Municipality, was to assess the applicability of exemptions of certain applications from subdivision approval, in terms of the Land Use Planning By-law for George Municipality (2015). In this regard, it is put on record that the

municipality did not advise that the application site should be subdivided and rezoned to Agricultural Zone II for smallholdings.

- The creation of smallholdings outside the urban edge is in principle not supported, in terms of the Draft MSDF (2023). In this regard, site specific circumstances should be motivated.
- Development on Portion B is in principle not supported, given the access constraints, visual impact and on-site vegetation. The application site is of such an extent that various other portions for the development of a dwelling unit can be identified.
- Should an application be submitted, it is advised that the site be rezoned to Open Space Zone III and not Agricultural Zone II.
- The developability of the proposed portions should be illustrated.
- The comments on the pre-application dated 20 April 2023, are still applicable.

PART F: SUMMARY / WAY FORWARD

See Part E above.

OFFICIAL: __Martin Botha_____
(FULL NAME)

PRE-APPLICANT: **Jan Vrolijk**
(FULL NAME)

SIGNED: 

SIGNED: 

DATE: 22 May 2023_____

DATE: **12 May 2023**

OFFICIAL: **Jeanne Fourie (Muller)**
(FULL NAME)

SIGNED: 

DATE: **22 May 2023**

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

ANNEXURE "P": MUNICIPAL LETTER DATED 25 AUGUST 2022

Reference number: Collab 2342503

Date: 25 August 2022

Enquiries: 044 801 9120

Raubenheimers Attorneys
Sura Bosch

per email
surab@raubenheimers.co.za

RE: REQUEST FOR EXEMPTION IN IN ACCORDANCE WITH SECTION 24(1)(G) OF THE LAND USE PLANNING BYLAW, 2015 APPLICABLE TO THE REMAINDER OF THE FARM BRAKFONTEIN 236, DIVISION GEORGE

Dear Mrs. Bosch

Your letter dated 15 July 2022 and our subsequent reply dated 25 July 2022 refers.

The Directorate hereby confirms that, notwithstanding the fact that the owners obtained an approval (Consent no 56487) in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) as contemplated by Section 24(1)(g)(i) of the Land Use Planning By-Law for George Municipality, 2015 (LUPB), it may not grant your request to exempt the subdivision of the Remainder of the Farm Brakfontein 236, Division George in terms of Section 24(1)(g) of the LUPB for the following reasons:

1. Section 24(1)(g) of the LUPB states as follows:

"24. (1) The subdivision or consolidation of land does not require the approval of the Municipality in the following cases:

(g) the exclusive utilisation of land for agricultural purposes if the utilisation—

- (i) requires approval in terms of legislation regulating the subdivision of agricultural land; and***
- (ii) does not lead to urban expansion.***

2. According to Section 24(1)(g) of the LUPB, the intension of the subdivision should exclusively be to utilise the property for agricultural purposes.
3. The proposed portions as shown on the diagram attached to the Act 70 of 1970 approval, is not intended to be used exclusively for agricultural purposes for the following reasons:
 - (a) "Agriculture" is described in the George Integrated Zoning Scheme Bylaw, 2017 (GIZSB) as follows: ***"means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, intensive horticulture; intensive animal farming; a riding school or natural veld, and—***
 - (a) includes... (iii) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a dwelling house, ...;***

Thus, for the property to be used for exclusively for agriculture, particularly for the erection of a dwelling house, the intention must be for farming activities to take place thereon.

Portions A and B are located in a critical biodiversity area, has steep slopes and several other environmental constraints, including the presence of protected coastal forest which must be conserved and thus, cannot be used for agricultural purposes. To conserve the natural assets of the property well as to allow for the erection of a dwelling house thereon, the property would need to be rezoned to Open Space Zone III.

- (b) Alternatively, due to the size of Portions A and B, being 2,47ha and 1,11ha respectively, these portions would constitute smallholding, which the primary land use under Agriculture Zone II. The GIZSB describes "Smallholdings" as follows: *"means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place."*

The GIZBS also describes the objective of Agriculture Zone II as follows: *"is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permitted within an acknowledged, demarcated urban area"*.

It is apparent from the discussions held with Dr van Breda and Jan Vrolijk that the intent is not to use the property for farming, but primarily to erect a dwelling house thereon, though past interaction with Mr Vrolijk indicated that further development was potential being considered.

- (c) The middle remainder portion between the western and eastern portions cannot be used for "Agriculture" and its sole intension is to cut off the public or proclaimed street which constitutes almost the entire portion. "Public Street" is not a permitted land use under "Agriculture" and thus, the portion will need to be rezoned to Transport Zone II for "public street".
4. Several pre-application meetings were held with Jan Vrolijk with regards to the subdivision and development options on Portions A and B for land uses which constitute urban development purposes. As is noted in the objective of Agriculture Zone I, smallholdings should only be permitted in urban areas. This is reiterated in the WC Rural Guidelines which describe smallholdings as an urban use and requires that new smallholdings only be permitted inside the urban edge.

Thus, the intension of the application is to allow for urban expansion as contemplated by Section 24(1)(g)(ii) of the LUPB.

5. Jan Vrolijk also was advised during the pre-application meetings that discussed development alternatives on Portions A and B, that an application for rezoning and subdivision in terms of Section 15(2) of the LUPB must be submitted to consider the further development of these portions for urban purposes. The environmental and access constraints to these properties were also emphasized. In accordance with points 3(a) to (c) above, it is evident that to accommodate the 3 proposed portions, all three portions will require new zonings allocated to it.

6. In this regard, Section 24(2) of the LUPB states as follows:

"24.(2) An owner of land or his or her agent must obtain a certificate from the Municipality that certifies in writing that the subdivision or consolidation is exempted from the application of section 15, and sections 20 to 23 in the case of a subdivision, or sections 15, 31 and 32 in the case of a consolidation."

7. Section 24(2) specifically requires the municipality to certify that the subdivision is exempted from an application in terms of Section 15 of the LUPB.



8. I alert you to Section 20(2) of the LUPB which states as follows:

"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 subdivisinal area."

9. The LUPB defines a "subdivisinal area" as follows:

"subdivisinal area" means an overlay zone that permits subdivision for the purposes of a subdivision application involving a change of zoning;

10. As stated, new zonings must be allocated to the 3 portions (the remainder portion must be rezoned to Transport Zone II and the other 2 proposed portions must be rezoned to Open Space Zone III or Agriculture Zone II), to enable the proposed subdivision. The subject property can thus, not be permitted without first rezoning it in terms of Section 15(2)(a) of the LUPB to a Subdivisinal Area.

CONCLUSION

Section 24(1)(g) of the LUPB, provides 3 criteria that must be met before a subdivision exemption can be granted and an exemption certificate may be issued in terms of Section 24(2) thereof. The request submitted only complies with one (1) of these requirements and not the other two (2). Further, the municipality cannot provide an exemption certificate contrary to Section 24(2) of the LUPB. Thus, the municipality may not issue the exemption certificate.

Kind Regards,



pp.

CLINTON PETERSEN

ACTING DEPUTY DIRECTOR: PLANNING AND ENVIRONMENT



ANNEXURE “Q”: PRE-APPLICATION DATED 23 APRIL 2025

GEORGE MUNICIPALITY



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: **Re/236/26**

Purpose of consultation: **Proposed subdivision and rezoning of a portion of the Remainder of Farm Brakfontein 236.**

Brief proposal: **The proposal is discussed in detail on page 2.**

Property(ies) description: **Portion 26 of the Remainder of Farm Brakfontein 236**

Date: **23 April 2025**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Naudica Swanepoel	George Municipality	044 801 9137	nswanepoel@george.gov.za
	Martin Botha	George Municipality	044 801 9191	pmbbotha@george.gov.za
Pre-applicant	Jan Vrolijk	Jan Vrolijk Town Planner / Stadsbeplanner	044 873 3011 082 464 7871	janvrolijk@vodamail.co.za

Documentation provided for discussion:

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

Signed pre-application dated 20 April 2023

Signed pre-application dated 22 May 2023

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
-----	-----------

Comprehensive overview of proposal:

A pre-application whereby it was proposed to subdivide a portion from the Remainder of Portion 26 of the Farm Brakfontein 236 and to rezone the subdivided portion to a Subdivisional Area and to subdivide it thereafter into 2 Open Space Zone III erven and 1 Transport Zone II erf was submitted to the George Municipality on 12 April 2023 and 12 May 2023.

The pre-application of 12 April 2023 was considered by the George Municipality and the signed pre-application dated 20 April 2023 with the municipal comments is attached hereto. The pre-application of 12 May 2023 was considered by the George Municipality and the signed pre-application dated 22 May 2023 with the municipal comments is also attached hereto.

An application in terms of

- **Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 to subdivide the figure ABCDEFGHIJ curved line 62,97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236.**
- **Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 to rezone the figure ABCDEFGHIJ curved line 62,97m above the high water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236 form Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf.**
- **Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 to subdivide the Subdivisional Area into**
 - **a Portion A with a size approximately 2,47 hectares,**
 - **a Portion B with a size of approximately 1,11 hectares, and**
 - **a Road Remainder with a size of 1,02 hectares**

was subsequently uploaded on the Municipal Land Use Portal on 17 April 2025. A Post email was received on 22 April 2025 indicating that the pre-application attached to the land use application is outdated, hence this pre-application dated 23 April 2025

The Municipality's comments on the pre-application dated 23 April 2025 will as such be appreciated.

PART B: APPLICATION PROCESS

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

SUBMISSION

Draft By-Law on Municipal Land Use Planning

(Workflow)

Types of applications that can be submitted in terms of Section 15 (2)

- (a) Rezoning of land
- (b) Permanent departure
- (c) Temporary departure
- (d) Subdivision of land
- (e) Consolidation of land
- (f) Amendment, suspension or removal of restrictive conditions
- (g) Permission required in terms of the zoning scheme
- (h) Amendment, deletion or imposition of condition in respect of an approval
- (i) Extension of validity period of an approval
- (j) Approval of an overlay zone
- (k) Phasing, amendment or cancellation of a subdivision plan of part thereof
- (l) Permission required in terms of condition of approval
- (m) Determination of zoning
- (n) Closure of public place or part thereof
- (o) Consent use
- (p) Occasional use

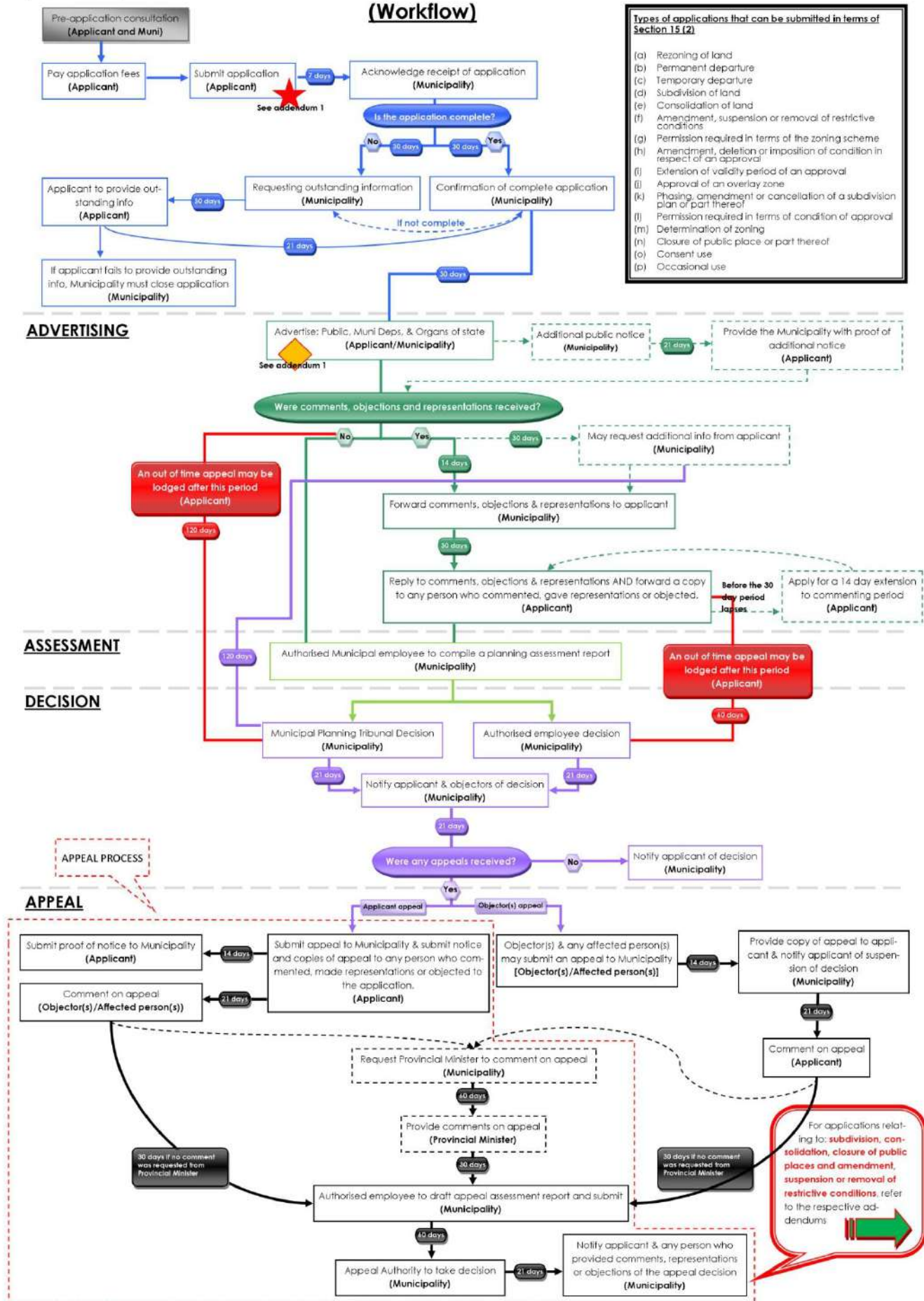
ADVERTISING

ASSESSMENT

DECISION

APPEAL PROCESS

APPEAL



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

Tick if relevant		What land use planning applications are required?	Application fees payable
✓	2(a)	a rezoning of land;	R10 710
	2(b)	a permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
✓	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R10 240
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	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):			TBC following submission of application

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

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?			George Spatial Development Framework, 2023 (GSDF) and the Herolds Bay Local Spatial Development Framework, 2015	Motivate in application (site specific circumstances must be motivated for deviation)
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)]			x	Submit Conveyancer's Certificate
Any other Municipal by-law that may be relevant to application? (If yes, specify)			N/a	N/a
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? Agricultural Zone I What is the proposed zoning of the property? Open Space Zone III and Transport Zone II Does the proposal fall within the provisions/parameters of the zoning scheme? Yes				

Are additional applications required to deviate from the zoning scheme? (if yes, specify) No	
--	--

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			X	Motivate in application
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?			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 / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		No		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?	Yes		Already obtained	National Department of Agriculture, Forestry and Fisheries (DAFF)
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?			To be determined	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)			To be determined	National Department of Environmental Affairs (DEA) & DEA&DP

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		No		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)?			To be determined	South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		No		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		No		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		No		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		No		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		No		Transnet
Is the property subject to a land / restitution claims?		No		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?	Yes			SANParks / CapeNature
Is the property subject to any existing mineral rights?		No		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)		No		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:
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?			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
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

Town Planning:

The attached documents were discussed at a meeting held on 25 April 2025.

- The application must be motivated in terms of the required legislation and policies (i.e. SPLUMA, LUPA, Western Cape PSDF, George MSDF, etc.).
- The site is located / forms part of an environmental corridor with threatened vegetation types which should preferably not be disturbed.
- Please determine which listed activities of the National Environmental Management Act are triggered. Comment from the Department of Environmental Affairs and Development Planning will be required.
- Comments will have to be obtained from the National Department of Forestry, Fisheries and the Environment.
- Specialist studies (visual, heritage, botanical, and geotechnical) need to be submitted with this application to determine which portions, if any, of the sites are developable.
- Please first obtain environmental input to determine the unit footprints on the site prior to the submission of the application.
- Development is not supported on slopes steeper than 1:4.
- Site specific circumstances for the deviation from the Municipal Spatial Development Framework should be motivated for this application.
- A stormwater management plan must be submitted.
- Motivate how the proposal will comply with the objective of the proposed zoning.
- Access is a concern – please indicate and motivate.
- Indicate the following on the site plan:
 - Areas with slopes steeper than 1:4.
 - Critical biodiversity areas.
 - Waterbodies and associated 32m buffer zones (rivers, dams, wetlands etc.).
 - Clear unit footprints.
 - Contours.
 - Flood lines.
 - Erosion risk lines.
 - Driveway, access and other road elements.
 - Etc.

CES:

Access: Submit a Traffic Impact Statement in support of the proposed access, including associated structural engineering reports.

PART F: SUMMARY / WAY FORWARD

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

OFFICIAL: _Martin Botha _____

PRE-APPLICANT: **Jan Vrolijk**



SIGNED: _____

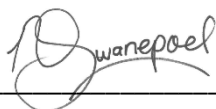
DATE: 02/05/2025 _____



SIGNED: _____

DATE: **23 April 2025**

OFFICIAL: Naudica Swanepoel



SIGNED: _____

DATE: 5 May 2025 _____

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

ANNEXURE "R": SECTION 40 LETTER

APPLICATION REFERENCE: 4006583

INTERNAL REFERENCE: 3660375

DATE: 2025-11-03

APPLICANT NAME: Jan Vrolijk

EMAIL ADDRESS: janvrolijk@jvtownplanner.co.za

In terms of the Protection of Personal Information Act (POPIA) all correspondence will be communicated directly and only to the applicant as stated above. No information will be given to any third party and/or landowner (if the landowner is not the applicant).

LETTER (1) IN TERMS OF SECTION 40 OF LUP BY-LAW, 2023

- 1. APPLICATION IN TERMS OF SECTION 15(2)(A) OF THE LAND USE PLANNING BY-LAW FOR THE GEORGE MUNICIPALITY, 2023 TO REZONE THE FIGURE ABCDEFGHIJ CURVED LINE 62,97M ABOVE THE HIGH WATER MARK KLMNOPQRSTU EXCLUDING THE FIGURE VWXY (ERF 116 HEROLDS BAY) REPRESENTING APPROXIMATELY 4,6 HECTARES FROM THE REMAINDER FARM BRAKFORTEIN NO 236 FORM AGRICULTURE ZONE I TO A SUBDIVISIONAL AREA CONSISTING OF 2 OPEN SPACE ZONE III ERVEN AND A TRANSPORT ZONE II ERF.**
- 2. APPLICATION IN TERMS OF SECTION 15(2)(D) OF THE LAND USE PLANNING BY-LAW FOR THE GEORGE MUNICIPALITY, 2023 TO SUBDIVIDE THE SUBDIVISIONAL AREA INTO A**
 - **PORTION A WITH A SIZE APPROXIMATELY 2,47 HECTARES,**
 - **PORTION B WITH A SIZE OF APPROXIMATELY 1,11 HECTARES, AND**
 - **ROAD REMAINDER WITH A SIZE OF 1,02 HECTARES.**

PROPERTY: ERF Re/236

Application for:

- Rezoning
- Subdivision

The above-mentioned application(s) submitted per email dated **2025-04-17** do not comply with Section 38 of the Land Use Planning By-law for George Municipality, 2023 and is deemed to be incomplete.

The following is outstanding and/or needs to be amended:

Please provide the following:

- Traffic Impact Statement
- Structural Engineering Reports
- Visual, Heritage and geotechnical Studies
- Stormwater Master Plan
- Please include a complete site layout plan depicting elements per the pre application

All enquiries follow ups and documentation submissions need to be directed to the relevant case officer as marked below. The relevant Town Planner **Amelia Lombard**, should be copied in the e-mail: alombard@george.gov.za as well as the relevant Senior Town Planners, Naudica Swanepoel (even erf numbers) nswanepoel@george.gov.za or Ilane Huyser (uneven erf numbers) ihuyser@george.gov.za.

General Town Planning Comments

As outlined in the pre-application requirements, proof must be provided demonstrating that the proposed portions of the property are developable. Please submit the necessary documentation per the pre-application so that we can evaluate the feasibility and sustainability of the proposed development.

The relevant case officer for this project is:

Primrose Nako email: pnako@george.gov.za

Please amend the application accordingly and upload the amended application/supporting document on the Portal within 14 days from the date of letter and notify the relevant Town Planner and Case Officer per email. A request for extension may be submitted to the relevant Town Planner as well as the Senior Town Planner for consideration.

Should the application/supporting documents not be uploaded within 14 days, or an extension be granted, the application will be closed in terms of Section 41(3) read with 41(4) of the Land Use Planning By-law for George Municipality, 2023.

Yours faithfully



Amelia Lombard
Town Planner
Planning and Development

**ANNEXURE “S”: LETTER FROM DEPARTMENT OF ENVIRONMENTAL AFFAIRS
DATED 26 JUNE 2023**

REFERENCE: 16/3/3/6/1/D2/19/0147/23

DATE OF ISSUE: 26 June 2023

The Managing Director

SUMMER SIXTEEN (PTY) LTD

HEROLDS BAY

6615

Attention: Mr. Abel Bezuidenhout

E-mail: abel.bezt@gmail.com

Dear Sir

ACKNOWLEDGMENT AND COMMENT ON THE CHECKLIST FOR THE DETERMINATION OF THE APPLICABILITY OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2014 (AS AMENDED) TO THE PROPOSED SUBDIVISION AND REZONING OF A PORTION OF THE REMAINDER OF THE FARM BRAKFORTEIN NO. 236, HEROLDS BAY

1. The applicability checklist (Ref: GEO802/01) for the abovementioned proposal dated 26 May 2023, compiled on your behalf by Mr. Francois Byleveld of Cape EAPrac, as received by this Department on 26 May 2023, refers.
2. This letter serves as acknowledgement of the document on 26 May 2023.
3. This Directorate has reviewed the information in the checklist and provides the following comment:

3.1. The proposal

From the information in the checklist, it is understood that *Summer Sixteen (Pty Ltd)* ("the proponent") is proposing to subdivide the far eastern portion of the Remainder of the Farm Brakfontein No. 236 (ca. 35.34ha) in Herold's Bay ("the property") and to further subdivide this eastern portion into Portion A (ca. 2.47ha), Portion B (ca. 1.1ha) and a Road Portion (ca. 1.02ha). According to the checklist, the new subdivided portions of land are located outside the urban edge of Herold's Bay and are zoned *Agriculture Zone I*. Furthermore, it is understood that the proposed subdivided Portion A and Portion B will be rezoned to Open Space Zone III and Road Portion to Transport Zone II. The proponent intends to sell Portion A and Portion B or consolidate them with existing residential erven.

According to the information in support of the proposed subdivision, consent in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970 has been obtained from the National Department of Agriculture, Land Reform and Rural Development (Ref: 2022_01_0071) dated 16 March 2022.

3.2. Relevant considerations:

■ Vegetation

According to the relevant GIS dataset The ecosystem on the subject area has been mapped as Garden Route Granite Fynbos. The Revised National List of Ecosystems that are threatened and in need of protection (Government Notice No. 2747 of 18 November 2022), which was gazetted and came into effect on 18 November 2022, lists the ecosystem threat status as *Critically Endangered (CR)*.

Furthermore, relevant aerial imagery suggests that no vegetation clearing and / or disturbance of topsoil has occurred in the preceding ten-year period. This is corroborated by the information provided in the checklist. Therefore, the vegetation on the proposed subdivided portions conform to the definition of indigenous vegetation which is defined as “*vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years*”.

The Western Cape Biodiversity Spatial Plan 2017 identifies these portions of land as a Critical Biodiversity Area (CBA). These are areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. Reasons why this land is part of the CBA is for coastal resource and watercourse protection. The objective is to maintain the land in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.

■ Topography/Landform:

According to the relevant GIS datasets the slope on the property is steeper than 1:4 with a slope classification of more than 30% across the proposed subdivision portions. This is supported by the information contained in the checklist. In general, this Department does not support the development on slopes of 1:4 (25%) or steeper.

■ Interim urban edge / urban area

According to the information in the document and corroborated by the George Municipality's GIS Viewer, the eastern portion of the Remainder of the Farm Brakfontein No. 236 is zoned *Agriculture Zone I*. In accordance with this Department's NEMA EIA Circular 1 of 2012, and the information contained within the documentation, the property is regarded to fall outside the “interim urban edge” as adopted on 5 March 2012. For the purpose of the Environmental Impact Assessment Regulations, 2014 (as amended), the property is regarded to fall outside the *urban area*.

Furthermore, the available information indicates that the property (and proposed subdivisions) is located outside the urban edge of Herold's Bay.

■ Spatial context and land-use rights:

It is noted that the proposed subdivision will create a portions of land (i.e Portion A and Portion B) that will only have direct access to existing infrastructure or services from the Rooidraai Road. The portions of land will be rezoned which will assign new land uses and land-use rights.

It is acknowledged that the proposed subdivision and rezoning of the portion of land to Transport Zone II (Public Street) will make provision for the existing Rooidraai Road; however, it is noted that the subdivision area or proposed street parcel will not be aligned to the road reserve. It is also noted that provision is also made for the temporary use of the land unit for other purposes as may be approved by the Municipality.

According to the George Integrated Zoning Scheme By-Law, land that is zoned Open Space Zone III is regarded as a nature conservation area. the land use description: “*nature conservation area*” means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, such as the fauna and flora and includes a dwelling house on a property zoned solely Open Space Zone III; but does not include tourist facilities, tourist accommodation or agriculture. The development parameters for nature conservation area include amongst other that one dwelling house is allowed if no dwelling house exists on another portion of the land unit if the full extent of the land unit is zoned Open Space III, and that **a site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.** The latter information has not been provided; however, the proposed subdivision will create a portions of land upon which a new dwelling, services and internal roads may be established.

4. *Applicability of the Environmental Impact Assessment Regulations, 2014 (as amended)*

This Directorate has determined that the proposed subdivision will provide for the establishment of new or additional rights not provided for in the original decision. This Directorate has a reasonable belief that these additional rights (*inter alia* the construction of structures, buildings such as a dwelling house or residential building and associated infrastructure with a development footprint of 300m² or more) will result in the physical implementation of activities listed in terms of the Environmental Impact Assessment Regulations Listing Notice(s) of 2014 (refer to GN No. R.983 and R.985 of 04 December 2014) as promulgated under Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”).

Please be advised that written authorisation is therefore required from the relevant competent authority (as defined in GN No R.982 of 4 December 2014, as amended), prior to the undertaking of any activity associated with the implementation of the new or additional rights associated with the proposed subdivision.

The view is held that it is the responsibility of the current landowner proposing the proposed subdivision to obtain such environmental authorisation. This view is supported by the principles set out in Section 2 of the NEMA.

5. In addition to the above, the Department provides the following comment:

5.1. *Need and desirability of the proposed subdivision*

According to the information in the checklist the current zoning is Agriculture Zone I. Furthermore, it is understood that the subdivided portions A & B will be rezoned to Open Space Zone III. According to the zoning scheme by-law the objective of this zoning is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. According to the checklist, *Open Space Zone III* zoning permits the development of a primary dwelling. However, this is contradicted in the zoning scheme by-law which indicates that the primary use is for "nature conservation area". Furthermore, a primary dwelling is not listed as a consent use on this type of zoning. Therefore, this Department is of the considered opinion that a primary dwelling is not permitted in terms of the zoning scheme by-law.

It is understood that the current owner, *Summer Sixteen (Pty) Ltd*, does not intend to develop the proposed subdivisions but intends to sell the subdivisions or consolidate the proposed subdivisions with existing residential erven. Notwithstanding the landowner's intent, it has not been demonstrated (i.e. site development plan) that the proposed subdivision (if approved) will not require the physical implementation of listed activities associated with the additional/new land-use rights. Furthermore, it remains unclear how the proposed portions of land zoned Open Space III would be consolidated with existing private erven as no site development plan is provided. This proposal does not address whether the development of a residual dwelling will be excluded.

Therefore, the need and desirability of the proposed subdivision and rezoning has not been adequately demonstrated in the checklist.

5.2. *General duty of care toward the environment*

Please be advised of your general duty of care toward the environment, as required in terms of section 28 of NEMA, namely:

"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment".

Given the environmental aspects associated with the property, it is reasonably suspected that the proposed subdivision of the land may cause significant degradation of the environment.

6. In light of the above, this Department cannot support the proposed subdivision and rezoning of the Remainder of the Farm Brakfontein No. 236 until the gaps in information have been addressed and the required environmental authorisation obtained (where necessary).

Aside from the above, the rezoning of the proposed subdivided portions of land (i.e. Portion A and Portion B) to Open Space Zone III could promote positive outcomes for the conservation of the landscape and biodiversity related features of the proposed subdivided portions; however, this could only be supported if no further development is allowed on the proposed subdivisions.

7. Please be advised that in terms of Regulation 48(1)(a) of the EIA Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014, as amended), that it is an offence to provide incorrect or misleading information in any form, including any document submitted in terms of the Regulations to a competent authority or omits information that may have an influence on the outcome of a decision of a competent authority.
8. Please note that a listed activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA") for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
9. Notwithstanding the content of this letter, the proponent must comply with any other statutory requirements that may be applicable.
10. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
11. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

Francois Naudé Digitally signed by Francois Naudé
pp_____ Date: 2023.06.26 13:44:56 +02'00'

HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/6/1/D2/19/0147/23

Copied to:

Cape EA-Prac:

George Municipality: Directorate: Planning and Development

E-mail: louise@cape-eaprac.co.za |

francois@cape-eaprac.co.za

E-mail: cpetersen@george.gov.za

ANNEXURE "T": 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	Summer Sixteen (Pty) Ltd Registration Number 2015/031093/07		
Address	P O Box 151, Excelsior		
	Free State	Postal code	9760
E-mail	abel.bezt@gmail.com		
Tel	N/a	Fax	N/a
Cell	083 309 8733		

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

Property Description [Erf / Erven / Portion(s) and Farm number(s), allotment area.]	A portion of the Remainder the Farm Brakrivier No 236
--	---

Physical Address	To the north of Herolds Bay Lower and to the south Herolds Bay Extensions 1 and 2										
GPS Coordinates					Town/City		George				
Current Zoning	Agricultural Zone I			Extent		6,61 hectares		Are there existing buildings?		Y	N
Current Land Use	Vacant										
Title Deed number & date	T5208/2017										
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).								
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).								
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?								
Has the Municipality already decided on the application(s)?	Y	N	If yes, list reference number(s)?								
Any existing unauthorized buildings and/or land use on the subject property(ies)?					Y	N	If yes, is this application to legalize the building / land use?			Y	N
Are there any pending court case / order relating to the subject property(ies)?					Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N
PART D: PRE-APPLICATION CONSULTATION											
Has there been any pre-application consultation?			Y	N	If Yes, please complete the information below and attach the minutes.						
Official's name	I Huyser M Botha N Swanepoel		Reference number		Collab no. #1907947		Date of consultation		25 June 2021 20 April 2023 12 May 2023 25 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: FIRNZAJJ
VAT Registration Nr: 4630193664
E-MAIL: msbrits@george.gov.za
***Payment reference:** Erven ____, George/Wilderness/Hoekwil...

PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the figure ABCDEFGHIJ curved line 62,97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236.
- Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 to rezone the figure ABCDEFGHIJ curved line 62,97m above the high water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4,6 hectares from the Remainder Farm Brakfontein No 236 form Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf.
- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the Subdivisional Area into
 - a Portion A with a size approximately 2,47 hectares,
 - a Portion B with a size of approximately 1,11 hectares, and
 - a Road Remainder with a size of 1,02 hectares.

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) (strikethrough irrelevant)	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes	Y	N	N/A	Required number of documentation copies 2 copies
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes	Y	N	N/A	Other (specify)

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

Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)	Y	N/A	Specific Environmental Management Act(s) (SEMA)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)			(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental -- Management: Air Quality Act, 2004 (Act 39 of 2004),
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008),
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)			National Environmental Management: Waste Act, 2008 (Act 59 of 2008),
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	Y	N/A	(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	Y	N/A	Other (specify)

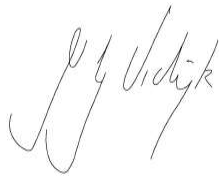
Y	N	<i>If required, do you want to follow an integrated application procedure in terms of section 44(1) of the Land-Use Planning By-law for George Municipality?</i>
---	----------	--

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:

3 July 2025

Full name:

Johannes George Vrolijk

Professional capacity:

Professional Town Planner

SACPLAN Reg. Nr:

A/1386/2010

ANNEXURE "U": TITLE DEED

1069
263

Lionel Murray Schwormstedt & Louw
2nd Floor - 42 Burg Street,
CAPE TOWN, 8001

*Supremacy to the Registrar
Lyette Willem*

Prepared by me

Sara Scheiner

CONVEYANCER
SARA MALCA SCHEINER

Fee endorsement	
Amount	Office fee
Purchase price/Value R. <u>4700 000</u>	R. <u>214 000</u>
Mortgage capital R.	R.
Reason for exemption C.A. section ... Act ...	Exempt i.e.

T 000005200 / 2017

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

SARA MALCA SCHEINER

a duly admitted conveyancer, appeared before me, Registrar of Deeds at CAPE TOWN, she being duly authorised thereto by a Power of Attorney signed at Cape Town on 12th January, 2017, by

180 DEGREES PROPERTY PROPRIETARY LIMITED
Registration Number 2005/028849/07

DATA / VERITY
21 FEB 2017
NGONGWANA PENITENTIARY

which said Power of Attorney, duly witnessed in accordance with law, was this day exhibited to me;

180 DEGREES PROPERTY PROPRIETARY LIMITED
FOR ENDORSEMENTS SEE PAGE 10 OF 10 ET SEC

And the said Appearer declared that whereas her said Principal had on 12th October 2016, truly and legally sold the undermentioned property by private treaty to the undermentioned transferee, that therefore she, in her capacity aforesaid, did by these presents cede, assign and transfer to and on behalf of

GWMD INVESTMENTS PROPRIETARY LIMITED
Registration Number 2015/031093/07

its Successors in Title or assigns, in full and free property

1. **REMAINDER OF THE FARM BRAKFONTein NO. 236,** *Restant 10, 3108 ha*
in the Municipality and Division of George, Western Cape Province

830 IN EXTENT 933,9330 (nine hundred and thirty three comma nine three three nil)
Hectares

FIRST transferred by Amended Deed of Grant dated 5th July, 1904 (George Quitrents Freeholds Volume 14, number 14) with diagram number 24/1904 annexed thereto and held by Deed of Transfer No. T5041/2006;

- A. SUBJECT to the conditions contained in Deed of Transfer Number 8873 dated 20th September, 1905, and Deed of Transfer Number 326 dated 23rd January, 1911;
- B. SUBJECT further to the conditions of a notarial deed annexed to Deeds of Transfer Number 8873 dated 20th September, 1905, and Number 326 dated 23rd January, 1911, as referred to in the endorsement dated 13th May, 1913, endorsed on the said Deeds of Transfer Number 8873 dated 20th September, 1905, and Number 326 dated 23rd January, 1911, which endorsement reads as follows:

"By a Deed of 15th March 1913 the right to construct a certain 30' road over this property has been granted to the Divisional Council of George subject to conditions as will more fully appear on reference to the copy annexed thereto."

- C. SUBJECT further to the terms and conditions of a Deed of Grant marked "A" annexed to the said Deed of Transfer Number 8873 dated 20th September, 1905, referring, inter alia, to certain rights and rights of way.

Sum

D. THE portion of the property hereby transferred, together with the portions transferred in terms of paragraphs 6 and 7 in Deed of Transfer T8655/1954, upon which a portion of the town Herolds Bay is situated, remains subject to the stipulations of the Town Ordinance No. 13/1927 without any infringement being made to the rights of the owners of properties and of other persons on the public spaces forming part thereof.

E. SUBJECT further to the provisions of the endorsement dated 13th June, 1975, on Deed of Transfer Number T8655/1954, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31 (6) VAN WET 47 VAN 1937
(SOOS GEWYSIG)

Gedeeltes van die eiendom hierin vermeld groot $\pm 0,8$ ha is onteien deur die Republiek van Suid-Afrika kragtens Artikel 8(1)(a) van Wet van Nasionale Paaie Wet 54/1971. Vide onteieningskennisgewing Nr. N10/3/1/038/18 dd 6/6/75 gelaseer as onteienings caveat Ex 790/75 planne in tweevoud gelaseer hiermee."

F. SUBJECT further to the provisions of the endorsement dated 7th March, 1977, on Deed of Transfer Number T8655/1954, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET 47 VAN 1937
(SOOS GEWYSIG)

Gedeeltes van die eiendom hierin vermeld groot $\pm 1,65$ ha is onteien deur die Republiek van Suid-Afrika kragtens Artikel 8(1)(a) van Wet van Nasionale Paaie Wet 54/1971. Vide onteieningskennisgewing Nr. N10/3/1/38/18 dd 21/2/77 gelaseer as onteienings caveat Ex 88/77 planne in tweevoud gelaseer hiermee."

G. SUBJECT further to the provisions of the endorsement dated 10th June, 1983, on Deed of Transfer Number T8655/1954, which endorsement reads as follows:

"Kragtens Akte van Transport Nr. T20382/83 is die Restant van Brakfontein nr. 35 hieronder gehou onderhewig aan:

- (a) 'n reg van weg 6 m wyd, die noordelike grens waarvan aangedui word deur letters E F G H J K L op kaart Nr. 6255/82 aan gesegde Transport geheg.
- (b) 'n Serwituut van rioolpypleiding 4 m wyd, die middellyn waarvan aangedui word deur letters M N O P op kaart nr. 6255/82 ten gunste van Ged 35 van Brakfontein nr. 35 groot = 1,5589 Ha wat deur gesegde Transport oorgedra word."

- H. SUBJECT further to the provisions of the endorsement dated 30th April, 1987, on Deed of Transfer Number. T8655/1954, which endorsement reads as follows:

"By Notarial Deed of Servitude No. K270/87S dated 2nd April, 1987 the within property is subject to a servitude access road 6 metres wide, the northern boundary of the said servitude being depicted by the line ABCDEFGHJKL on servitude diagram SG 3085/86 thereunto annexed in favour of Remainder Portion 10 of the farm Brakfontein No. 236, in the local area of Herolds Bay, Division of George meas 8,1230 ha, held by Deed of Transfer No T27985/1973, together with certain conditions as will more fully appear from the said Notarial Deed."

- I. SUBJECT further to the provisions of the endorsement dated ... on Deed of Transfer No. 8655/1954, which endorsement reads as follows:

"EXPROPRIATION BY Western Cape Province of a portion of farm 236, division George, MEASURING APPROXIMATELY $\pm 1,6420$ HA in terms of Expropriation Notice No. ES 56/2003."

2. **REMAINDER OF PORTION 1 OF FARM BRAKFontein 236,**
in the Municipality and Division of George, Western Cape Province

IN EXTENT 158,0221 (one hundred and fifty eight comma nil two two one) Hectares

FIRST transferred by Deed of Transfer No. T8870 dated 20th September, 1905, with diagram annexed thereto and held by Deed of Transfer No. T5041/2006;

- A. SUBJECT to the conditions contained in Deed of Transfer Number 5807 dated 30th June, 1906;
- B. SUBJECT further to the provisions of the endorsement dated 13th June, 1975, on Deed of Transfer Number T8655/1954, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31 (6) VAN WET 47 VAN 1937
(SOOS GEWYSIG)

Gedeeltes van die eiendom hierin vermeld groot $\pm 2,7$ ha is onteien deur die Republiek van Suid-Afrika kragtens Artikel 8(1)(a) van Wet van Nasionale Paaie Wet 54/1971. Vide onteieningskennisgewing Nr. N10/3/1/038/18 dd 6/6/75 gelaseer as onteienings caveat Ex 790/75 planne in tweevoud gelaseer hiermee."

- C. SUBJECT further to the provisions of the endorsement dated 7th March, 1977, on Deed of Transfer number T8655/1954, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET 47 VAN 1937
(SOOS GEWYSIG)

Gedeeltes van die eiendom hierin vermeld groot ± 1600 vierkant meter is onteien deur die Republiek van Suid-Afrika kragtens Artikel 8(1)(a) van Wet van Nasionale Paaie Wet 54/1971. Vide onteieningskennisgewing Nr. N10/3/1/38/18 dd 21/2/77 gelaseer as onteienings caveat Ex 88/77 planne in tweevoud gelaseer hiermee."

3. **REMAINDER OF THE FARM BRAKFontein COAST NO. 237,**
In the Municipality and Division of George, Western Cape Province

Relevant 10, 755pha

IN EXTENT 35,3455 (thirty five comma three four five five) Hectares

By 1998

FIRST transferred by Deed of Grant dated 24th November, 1927, (George Quitrents Freeholds volume 15, number 18) with diagram no. B1131/1926 annexed thereto and held by Deed of Transfer No. T5041/2006

- A. SUBJECT to the following conditions contained in said Deed of Grant dated 24th November, 1927 (George Quitrents Freeholds volume 15, number 18):

"1.

2. That any existing rights of the public over the land hereby granted shall not be interfered with.

NOT SUBJECT to condition A.1. contained in said Deed of Grant dated 24th November, 1927 (George Quitrents Freeholds volume 15, number 18) by virtue of Section 53 of the Mining Titles Registration Amendment Act No. 24/2003

- B. THE portion of the property hereby transferred, together with the portions transferred in terms of paragraphs 6 and 7 in Deed of Transfer T8655/1954, upon which a portion of the town Herolds Bay is situated, remains subject to the stipulations of the Town Ordinance No. 13/1927 without any infringement being made to the rights of the owners of properties and of other persons on the public spaces forming part thereon.

Don

4. **PORTION 14 (a portion of Portion 3) OF FARM BRAKFORTEIN NO. 236,**
in the Municipality and Division of George, Western Cape Province

IN EXTENT 44,5303 (forty four comma five three nil three) Hectares

FIRST transferred by Deed of Partition Transfer Number T21924/1968 with diagram
L.G. Number 9350/1964 relating thereto and held by Deed of Transfer No.
T51388/2006;

SUBJECT to the conditions referred to in Deed of Transfer Number T20145/1964;

5. **THE FARM NUMBER 349**

in the Municipality and Division of George, Western Cape Province

IN EXTENT 146,9520 (one hundred and forty six comma nine five two nil) Hectares

1/2001
FIRST registered by Certificate of Consolidated Title Number T93254/2003 with
diagram L.G. number 4242/2002 annexed thereto and held by Deed of Transfer
Number T57287/2006;

- I. AS REGARDS the figure depicted by the letters a,K,L,M,N, curved line 45,72
metres from middle of railway line P,Q,R,S,T,U,V excluding the figure
W,X,Y,Z, curved line 9,16 metres from middle of railway line A1,B1,C1 curved
line 9,13 metres from the middle of the railway line L,M curved line 7,68
metres from middle of railway line D1,E1,F1 curved line 10,86 metres from
railway line G1,H1,J1,K1 on diagram L.G. No. 4242/2002 annexed to
Certificate of Consolidated Title Nr. T93254/2003

- A. SUBJECT to the conditions referred to in Deed of Transfer No.
T20145/1964;

- II. AS REGARDS the figure depicted by the letters A,B,C,D,E,F,G,H,J curved
line 30,48 metres from middle of railway line Ka on diagram L.G. 4242/2002
annexed to Certificate of Consolidated Title No. T93254/2003

- A. SUBJECT to the conditions referred to in Deed of Transfer No.
T20145/1964;

B. SUBJECT further to the following conditions contained in Certificate of Consolidated Title No. T44396/1982 imposed and enforceable by the National Transport Commission in terms of the provisions of Section 12 of Act 54 of 1971, as amended, which reads as follows:

- "1. Die grond mag nie sonder die skriftelike goedkeuring van die Kommissie verder onderverdeel word nie.
2. Met die uitsondering van bestaande geboue, soos op ongenommerde plan aangedui mag nie meer as een woonhuis, tesame met sodanige buitegeboue as wat gewoonlik in verband daarmee nodig is, sonder die skriftelike goedkeuring van die Kommissie op die grond opgerig word nie.
3. Die grond mag slegs vir woon- en landboudoeleindes gebruik word en geen winkel, besighewid of nywerheid hoegenaamd mag sonder die skriftelike goedkeuring van die Kommissie daarop geopen of gedryf word nie.
4. Met die uitsondering van bestaande bouwerke mag geen bouwerk of enigiets anders hoegenaamd sonder die skriftelike goedkeuring van die Kommissie binne 'n afstand van 60 meter, gemeet vanaf die Nasionale Padreserwegrens, opgerig word nie."

C. ENTITLED as contained in Certificate of Consolidated Title No. T93254/2003 to a water servitude over Portion 1 of the Farm Nr. 293, in extent 23,6529 (twenty three comma six five two nine) hectares, held by Deed of Transfer No. T93253/2003 which servitude comprises of the right to draw water from the upper dam on Portion 1 of the Farm No. 293, which dam borders the northern boundary, as indicated by the line CDE on Diagram L.G. No. 4241/2002. The owner and his successors in title of the Remainder of the Farm No. 293 shall have reasonable access to the said dam and shall be liable for the maintenance of the dam as well as the installation of any water pipes from the dam.

6. PORTION 1 OF THE FARM NO. 293,

In the Municipality and Division of George, Western Cape province

IN EXTENT 23,6529 (twenty three comma six five two nine) Hectares

[Handwritten signature]

FIRST transferred by Deed of Transfer No. T93253/2003 with diagram L.G. number 4241/2002 annexed thereto and held by Deed of Transfer No. T63703/2007;

- I. Regarding the figure C,D,E, on Diagram LG No. 4241/2002 (the figure C,D,E, on diagram No. 1868/1981) SUBJECT to the conditions referred to in Deed of Transfer No. T44395/1982;
- II. Regarding the figure A,B,C,E,F,G,H,J,K,L on Diagram LG No. 4241/2002 (the figure A,B,C,E,F,H,J,K,L,M on diagram No. 1868/1981) SUBJECT to the conditions referred to in Deed of Transfer No. T20145/1964;
- III. REGARDING the whole of the property

A. SUBJECT to the following conditions contained in Certificate of Consolidated Title No. 44396/1982 imposed and enforceable by the National Transport Commission in terms of the provisions of Section 12 of Act 54 of 1971, as amended, which reads as follows:

- "1. Die grond mag nie sonder die skriftelike goedkeuring van die Kommissie verder onderverdeel word nie.
2. Met die uitsondering van bestaande geboue, soos op ongenommerde plan aangedui mag nie meer as een woonhuis, tesame met sodanige buitegeboue as wat gewoonlik in verband daarmee nodig is, sonder die skriftelike goedkeuring van die Kommissie op die grond opgerig word nie.
3. Die grond mag slegs vir woon- en landboudoeleindes gebruik word en geen winkel, besighewid of nywerheid hoegenaamd mag sonder die skriftelike goedkeuring van die Kommissie daarop geopen of gedryf word nie.
4. Met die uitsondering van bestaande bouwerke mag geen bouwerk of enigiets anders hoegenaamd sonder die skriftelike goedkeuring van die Kommissie binne 'n afstand van 60 meter, gemeet vanaf die Nasionale Padreserwegrens, opgerig word nie."

B. SUBJECT by virtue of Notarial Deed of Servitude No. K274/83S dated 2/3/1983 and registered on 05/06/1983 to a perpetual water pipe line servitude 3 metres wide as well as a water pipe line servitude area as indicated by the line *abcdefgh* and *jkmnpq* and the figure *rstuvGwxy* on Servitude Diagram L.G. No. 207/82 annexed to said Notarial Deed in favour of the division of Outeniqua, with certain additional rights as will more fully appear from said Notarial Deed.

Ans

- C. SUBJECT to a water servitude in favour of the remainder of the Farm No. 293 Measuring 99,8801 (ninety nine comma eight eight nil one) hectares, held by Certificate of Consolidated title No. T44396/1982, which servitude embraces the right to ladle water out of the top dam on Portion 1 of the Farm No. 293, which dam is adjacent to the north boundary, as indicated by the line CDE on diagram L.G. No. 4241/2002. The owner and his successors in title of the remainder of the Farm No. 293 will be allowed reasonable access to the said dam and will be liable for the maintenance of the dam as well as the construction of any water pipes from the dam.

WHEREFORE the said Appearer, renouncing all right and title which the said Transferor Company heretofore had to the premises, did in consequence also acknowledge the said Transferor Company to be entirely dispossessed of and disentitled to the same, and that by virtue of these presents, the said Transferee Company, 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 R47 000 000,00 (Forty Seven Million Rand) excluding Value Added Tax in the sum of NIL total consideration paid by the transferee to the transferor being the amount of R47 000 000,00 (Forty Seven Million Rand).

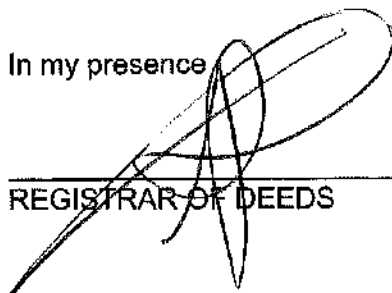
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar Of Deeds at CAPE TOWN
on 7th February 2014



q.q. her Principal

In my presence



REGISTRAR OF DEEDS

T5208/2017

1.D. 8930 of AG 47/1937

DIE NAAM VAN DIE	THE NAME OF THE
<i>Life ree</i>	
IS VERANDER NA	HAS BEEN CHANGED TO
<i>Summer Sixteen (Pty) Ltd.</i>	
BC 000028091/201	<i>Engelbrecht</i>
30 MAY 2017	REGISTRATEUR/REGISTRAR

ERF 1573 = 425 m² (PARA 3)

GETRANSPORTEER AAN	TRANSPORTED TO
PREVIL PROPERTIES	PTY LTD
RESTANT/REMAINDER	= 35,303 Ha
000027088/2021	<i>WMM</i>
01 JUN 2021	REGISTRATEUR/REGISTRAR

11/12/2021 KYN BLADEN
 11/12/2021 KYN BLADEN

Q

-11-

PARA 1

ENDORSEMENT

BY VIRTUE OF NOTARIAL DEED DATED
10 JUNE 2022 NO. K 000000621/2022

THE WITHINMENTIONED PROPERTY IS ^{ENTITLED} ~~TO~~
TO INSTALLATION OF WATERPIES AND Q
PIPELINING ^{OVER} ~~FAVOUR~~ OF REMAINDER Q
OF PTN 8 OF THE FARM BRAKFONTEIN
NO. 236 = 43,5646 HA.

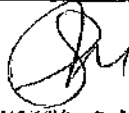
AS WILL MORE FULLY APPEAR FROM
SAID NOTARIAL DEED.

DEED OFFICE
CAPE TOWN

18 AUG 2022


REGISTRAR OF
DEEDS

Para 1

Condition 9 on page 3.	
GEWYSIG KRAGTENS ART. 4 (1) VAN WET 47 VAN 1937 OM TE LÊES	AMENDED IN TERMS OF SECTION 4 (1) (D) OF ACT 47 OF 1937 TO READ
#	
BC 000024752 / 2024	 REGISTRAR/REGISTRAR
2024-05-28	

"Kragtens Akte van Transport Nr. T20382/1983 is die Restant van die plaas Brakfontein Nr. 326 hieronder gehou onderhewig aan:

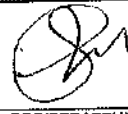
- (a) 'n reg van weg 6 m wyd, die noordelike grens waarvan aangedui word deur letters E F G H J K L op Kaart Nr. 6265/1982 aan gesegde Transportakte geheg;
- (b) 'n Serwituut van rioolpypleiding 4 m wyd, die middellyn waarvan aangedui word deur die letters M N O P op Kaart Nr. 6265/1982 aan gesegde Transportakte geheg.

ten gunste van Ged 35 van Brakfontein Nr. 236, groot = 1,5589 ha wat deur gesegde Transportakte oorgedra word"



REGISTRAR OF DEEDS
CAPE TOWN

ANNEXURE TO T 5208/2017

CERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN IN RESPECT OF 1. <u>Portion 46 (A portion of portion 1) OF THE FARM BRAKFontein NO. 236 =Measuring 69, 6770ha (IRO PARA NO. 2)</u> 2. <u>Portion 40 OF THE FARM BRAKFontein NO. 236 =Measuring 62, 2330ha (IRO PARA NO. 1)</u> REMAINDER <u>PARA NO. 2: 871,7000 H</u> <u>PARA NO. 1: 588,3451 H</u>	
T 000032284 / 2024 2024-05-28	 REGISTRATEUR/REGISTRAR

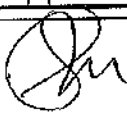
CERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN IN RESPECT OF 1. <u>Portion 47 (A portion of portion 1) OF THE FARM BRAKFontein NO. 236 =Measuring 63,5210ha (IRO PARA NO. 2)</u> 2. <u>Portion 41 OF THE FARM BRAKFontein NO. 236 =Measuring 112, 5268ha (IRO PARA NO. 1)</u> 3. <u>Portion 1 OF THE FARM NO.349 =Measuring 111, 0644ha (IRO PARA NO. 5)</u> REMAINDER <u>PARA NO. 2: 94,5011 H</u> <u>PARA NO. 1: 759,1732 H</u> <u>PARA NO. 5: 35,8876 H</u>	
T 000032286 / 2024 2024-05-28	 REGISTRATEUR/REGISTRAR

FOR FURTHER ENDORSEMENT SEE PAGE 14

ANNEXURE TO T 5208/2017

para 6.

CERTIFIKAAT VAN VERENIGDE TITEL UITGEREIK CERTIFICATE OF CONSOLIDATION TITLE ISSUED	
NOU BEKEND AS NOW KNOWN AS: <u>THE FARM SKIMMELKRANS NO. 385</u> <u>measuring 310,7651 Hectares</u>	
T 000032287 / 2024	 REGISTRATEUR/REGISTRAR
2024-05-28	

CERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN IN RESPECT OF 1. <u>Portion 43 OF THE FARM BRAKFontein NO. 236</u> <u>=Measuring 285,3654ha (IRO PARA NO. 1)</u>	
2. <u>Portion 96 OF THE FARM BRAKFontein COAST</u> <u>NO. 237 =Measuring 24,6199ha (IRO PARA NO. 3)</u>	
REMAINDER <u>PARA NO. 1: 473,8078 H</u> <u>PARA NO. 3: 10,7236 H</u>	
T 000032288 / 2024	 REGISTRATEUR/REGISTRAR
2024-05-28	

CERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN IN RESPECT OF 1. <u>Portion 42 OF THE FARM BRAKFontein NO. 236</u> <u>=Measuring 281,4839ha (IRO PARA NO. 1)</u>	
2. <u>Portion 45 OF THE FARM BRAKFontein NO. 236</u> <u>=Measuring 5,9077ha (IRO PARA NO. 1)</u>	
REMAINDER <u>PARA NO. 1: 192,3239 H</u> <u>PARA NO. 1: 186,4162 H</u>	
T 000032290 / 2024	 REGISTRATEUR/REGISTRAR
2024-05-28	

VIR ENDOSSEMENTE KYK BLADSY 15
FOR ENDORSEMENTS SEE PAGE

ANNEXURE TO T 5208/2017

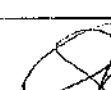
Para 2, 4 and 5

SERTIFIKAAT VAN VERENIGDE TITEL UITGEREIK CERTIFICATE OF CONSOLIDATION TITLE ISSUED	
IN RESPECT OF: 1. R/E PTN 1 OF THE FARM BRAKFONTein NO. 236 2. <u>Portion 14 (A PTN OF PTN 3) OF THE FARM BRAKFONTein NO. 236</u> 3. R/E OF THE FARM NO. 349	
NOW KNOWN AS: <u>THE FARM BRAKKEFONTein NO. 387</u> <u>measuring 394,1502 Hectares</u>	
T 000032291 / 2024	 REGISTRATEUR/REGISTRAR
2024-05-28	

Para 1

SERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN IN RESPECT OF 1. <u>Portion 44 OF THE FARM BRAKFONTein NO. 236</u> <u>=Measuring 115, 4669ha (IRO PARA NO. 1)</u>	
REMAINDER <u>70, 9493 H</u>	
T 000032292 / 2024	 REGISTRATEUR/REGISTRAR
2024-05-28	

Para 1

SERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN IN RESPECT OF 1 <u>Portion 48 OF THE FARM BRAKFONTein NO. 236</u> <u>=Measuring 56, 6325ha (IRO PARA NO. 1)</u>	
REMAINDER <u>14, 3168 H</u>	
T 000032293 / 2024	 REGISTRATEUR/REGISTRAR
2024-05-28	

for end see pg. 16

-16-

T 9208/2017

BY VIRTUE OF NOTARIAL DEED DATED 20th March 2025

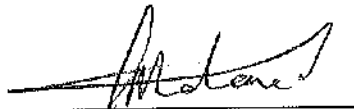
No. K 000001884 / 2025

The within mentioned property is entitled to a General terms
Servitude Right of Way over

THE FARM VRIJ HEERLIJKHEID NO. 386 IN THE MUNICIPALITY
AND DIVISION OF GEORGE, WESTERN CAPE PROVINCE

IN EXTENT 309,9853 (THREE HUNDRED AND NINE COMMA NINE
EIGHT FIVE THREE) Hectares

As will more fully appear from said Notarial Deed.



Registrar of Deeds
Western Cape at Cape Town

ANNEXURE “V”: POWER OF ATTORNEY

POWER OF ATTORNEY

I, the undersigned

Abel Jacobus Bezuidenhoudt

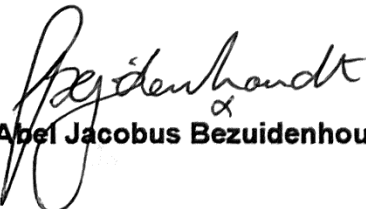
as the authorized Director of

Summer Sixteen (Pty) Ltd Registration Number 2015/031093/07

do hereby appoint Jan Vrolijk Town Planner/Stadsbeplanner to prepare, sign and submit the following application to the George Municipality

- an application in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the figure ABCDEFGHIJ curved line 62.97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236.
- an application in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 to rezone the figure ABCDEFGHIJ curved line 62.97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236 form Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf.
- an application in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the Subdivisional Area into
 - a Portion A with a size approximately 2.47 hectare,
 - a Portion B with a size of approximately 1.11 hectare, and
 - a Road Remainder with a size of 1.02 hectare.

Signed at George on 23 March 2023.



Abel Jacobus Bezuidenhoudt

ANNEXURE “W”: COMPANY DOCUMENT



This report is compiled exclusively from the very latest data directly supplied to WinDeed by the Companies and Intellectual Property Commission (CIPC).

Any personal information obtained from this search will only be used as per the Terms and Conditions agreed to and in accordance with applicable data protection laws including the Protection of Personal Information Act, 2013 (POPI), and shall not be used for marketing purposes.

SEARCH CRITERIA

Search Date	2021/09/27 15:11	Registration Number	201503109307
Reference	-	Information Source	COMPANIES AND INTELLECTUAL PROPERTY COMMISSION
Report Print Date	2021/09/27 15:12		

COMPANY SUMMARY

Name	SUMMER SIXTEEN	Status	IN BUSINESS
Registration Number	2015/031093/07	Registration Date	2015/02/02

DIRECTORS AND OTHER SUMMARY (4)

ACTIVE

Name	ID/Reg. Number	Type	Status
BEZUIDENHOUDT, ABEL JACOBUS	7008045263080	DIRECTOR	ACTIVE
MEYER, MICHAEL ARNOLDUS	5501215060080	DIRECTOR	ACTIVE

INACTIVE

Name	ID/Reg. Number	Type	Status
JORDAAN, LEON	6805235004088	DIRECTOR	RESIGNED
ROSELT, JOSEPH MARTIENS	9103225261083	DIRECTOR	RESIGNED

AUDITOR SUMMARY (2)

DE JAGER AND KIE
DE JAGER ANDRIES JOHANNES

COMPANY INFORMATION

Enterprise Name	SUMMER SIXTEEN	Status	IN BUSINESS
Registration Number	2015/031093/07	Enterprise Type	PRIVATE COMPANY
Tax Number	9862847150	Business Start Date	2015/02/02
Short Name	-	Registration Date	2015/02/02
Translated Name	-	Financial Year End	2
Old Registration Number	-	Financial Effective Date	2015/02/02
Conv. Enterprise Number	B2008125142	CK Date Received	-

DISCLAIMER

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. Lexis Convey will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the Lexis Convey End User Licence Agreement (EULA). LexisNexis Risk Management (Pty) Ltd is a registered credit bureau (NCRCB26).

Region	NORTHERN CAPE	CK Date	-
Country	-	Date of Type	2015/02/02
Country of Origin	-		
Issued Shares	-		
Issued Capital	-		
Authorized Shares	10 000 000		
Authorized Capital	-		
Industry Code	-		
Industry	-		
Principal Business	DEVELOPMENT AND LEASE OF LAND		
Registered Address	GROENHOEK FARM EXCELSIOR EXCELSIOR FREE STATE 9760	Postal Address	P O BOX 151 EXCELSIOR EXCELSIOR FREE STATE 9760

DIRECTORS AND OTHER (4)			
BEZUIDENHOUDT, ABEL JACOBUS			1 of 4 Directors
Name	ABEL JACOBUS	Status	ACTIVE
Surname	BEZUIDENHOUDT	Type	DIRECTOR
Initials	A	Appointment Date	2016/10/07
ID/Passport Number	7008045263080	Resignation Date	-
Date of Birth	1970/08/04	Member Size (%)	-
Profession	-	Member Contribution (R)	-
Country of Residence	SOUTH AFRICA		
Residential Address	1 SIR GEORGE GREY STREET PARKWES BLOEMFONTEIN FREE STATE 9301		
Postal Address	PO BOX 151 EXCELSIOR EXCELSIOR FREE STATE 9760		
JORDAAN, LEON			2 of 4 Directors
Name	LEON	Status	RESIGNED
Surname	JORDAAN	Type	DIRECTOR
Initials	L	Appointment Date	2015/02/02
ID/Passport Number	6805235004088	Resignation Date	2016/10/07
Date of Birth	1968/05/23	Member Size (%)	-
Profession	-	Member Contribution (R)	-
Country of Residence	SOUTH AFRICA		

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Residential Address	46 DS VAN JAARVELD STREET KURUMAN KURUMAN FREE STATE 8460		
Postal Address	P O BOX 1897 KURUMAN KURUMAN FREE STATE 8460		
MEYER, MICHAEL ARNOLDUS		3 of 4 Directors	
Name	MICHAEL ARNOLDUS	Status	ACTIVE
Surname	MEYER	Type	DIRECTOR
Initials	M A	Appointment Date	2016/10/07
ID/Passport Number	5501215060080	Resignation Date	-
Date of Birth	1955/01/21	Member Size (%)	-
Profession	-	Member Contribution (R)	-
Country of Residence	-		
Residential Address	6 KINGSHAVEN OTTO DU PLESSIS DRIVE BIG BAY WESTERN CAPE 7441		
Postal Address	P O BOX 337 BLOUBERGSTRAND BLOUBERGSTRAND WESTERN CAPE 7441		
ROSELT, JOSEPH MARTIENS		4 of 4 Directors	
Name	JOSEPH MARTIENS	Status	RESIGNED
Surname	ROSELT	Type	DIRECTOR
Initials	J	Appointment Date	2015/02/02
ID/Passport Number	9103225261083	Resignation Date	2016/10/07
Date of Birth	1991/03/22	Member Size (%)	-
Profession	-	Member Contribution (R)	-
Country of Residence	SOUTH AFRICA		
Residential Address	23 LOUBSER STREET KURUMAN KURUMAN FREE STATE 8460		
Postal Address	P O BOX 555 KURUMAN KURUMAN FREE STATE 8460		

DISCLAIMER

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SECRETARY COMPANIES AND CCS

No secretary companies and CCS to display

COMPANY SECRETARY NATURAL PERSONS

No company secretary natural persons to display

BOTH DIRECTOR / OFFICERS

No both director / officers to display

ALTERNATIVE DIRECTORS

No alternative directors to display

OFFICERS

No officers to display

LOCAL MANAGERS

No local managers to display

TRUSTS

No trusts to display

AUDITORS (2)**DE JAGER AND KIE**

1 of 2 Auditors

Profession Code	AUDITORS REGISTERED IN TERMS OF THE PROVISIONS OF THE AUDITING PROFESSION ACT,2005	Postal address	POSBUS 100865 BRANDHOF 9324
Profession Number	951463	Status	CURRENT
Registration entry date	2016/09/20	Profession	AUDITOR
Expiry date	-	Start date	2016/09/20
Reference number	-	End date	-
Fine letter	-	CM31 completed	-
Business address	-	CM31 received	2016/09/20

DE JAGER ANDRIES JOHANNES

2 of 2 Auditors

Profession Code	AUDITORS REGISTERED IN TERMS OF THE PROVISIONS OF THE AUDITING PROFESSION ACT,2005	Postal address	-
Profession Number	368741	Status	CURRENT
Registration entry date	2016/09/20	Profession	DESIGNATED AUDITOR (NATURAL PERSON)

DISCLAIMER

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Expiry date	-	Start date	2016/09/20
Reference number	-	End date	-
Fine letter	-	CM31 completed	-
Business address	P O BOX 100865 BRANDHOF	CM31 received	2016/09/20

CAPITAL INFORMATION (1)				
Type	No of Shares	Parri Value	Capital Amount (R)	Capital Premium
AUTHORIZED ORDINARY	1 000	1	-	-

HISTORY (16)	
Effective Date	Change Type
2021/02/02	CO/CC ANNUAL RETURN (COMPANY / CLOSE CORPORATION AR FILING - WEB SERVICES : REF NO. : 5340591095)
2020/02/13	CO/CC ANNUAL RETURN (COMPANY / CLOSE CORPORATION AR FILING - WEB SERVICES : REF NO. : 5228445941)
2019/02/20	CO/CC ANNUAL RETURN (COMPANY / CLOSE CORPORATION AR FILING - WEB SERVICES : REF NO. : 5165197559)
2018/02/06	CO/CC ANNUAL RETURN (COMPANY / CLOSE CORPORATION AR FILING - WEB SERVICES : REF NO. : 5102727173)
2017/08/03	DIRECTOR/MEMBER/SECRETARY/TRUST/BOTH DIRECTOR AND OFFICER (DIRECTOR ABEL JACOBUS BEZUIDENHOUDT DETAILS WAS CHANGED)
2017/08/03	DIRECTOR/MEMBER/SECRETARY/TRUST/BOTH DIRECTOR AND OFFICER (DIRECTOR MICHAEL ARNOLDUS MEYER WAS ADDED)
2017/04/19	CO/CC ANNUAL RETURN (COMPANY / CLOSE CORPORATION AR FILING - WEB SERVICES : REF NO. : 568931467)
2017/03/08	REGISTERED ADDRESS CHANGE (GROENHOEK FARM EXCELSIOR EXCELSIOR FREE STATE9760)
2017/01/26	NAME CHANGE (GWMD INVESTMENT)
2016/10/18	NATURE OF BUSINESS CHANGE (SIC CODE) (01)
2016/10/14	DIRECTOR/MEMBER/SECRETARY/TRUST/BOTH DIRECTOR AND OFFICER

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	(DIRECTOR JOSEPH MARTIENS ROSELT DETAILS WAS CHANGED)
2016/10/14	DIRECTOR/MEMBER/SECRETARY/TRUST/BOTH DIRECTOR AND OFFICER
	(DIRECTOR LEON JORDAAN DETAILS WAS CHANGED)
2016/10/14	DIRECTOR/MEMBER/SECRETARY/TRUST/BOTH DIRECTOR AND OFFICER
	(DIRECTOR ABEL JACOBUS BEZUIDENHOUDT WAS ADDED)
2016/09/29	REGISTERED ADDRESS CHANGE
	(71 MCHARDY LAAN BRANDWAG BLOEMFONTEIN FREE STATE9301)
2016/09/20	AUDITOR/ACC OFFICER CHANGE
	(NOTICE OF CHANGE OF AUDITORS DE JAGER ANDRIES JOHANNES APPOINTED.)
2016/09/20	AUDITOR/ACC OFFICER CHANGE
	(NOTICE OF CHANGE OF AUDITORS DE JAGER AND KIE APPOINTED.)

DISCLAIMER

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ANNEXURE "X": COMPANY RESOLUTION

**RESOLUTION PASSED AT THE MEETING OF THE DIRECTORS OF SUMMER SIXTEEN (PTY) LTD
REGISTRATION NUMBER 2015/031093/07 ON 23 MARCH 2023 REGARDING THE
SUBDIVISION OF THE REMAINDER OF THE FARM BRAKFORTEIN NO 236, DISTRICT GEORGE.**

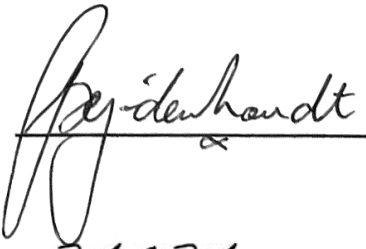
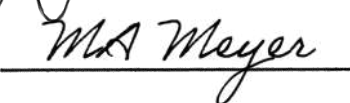
RESOLVED THAT:

1. Abel Jacobus Bezuidenhoudt, in his capacity as Director of the "Company" be authorized to appoint Jan Vrolijk Town Planner/Stadsbeplanner to prepare, sign and submit the following application to the George Municipality
 - an application in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the figure ABCDEFGHIJ curved line 62.97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236.
 - an application in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 to rezone the figure ABCDEFGHIJ curved line 62.97m above the high-water mark KLMNOPQRSTU excluding the figure VWXY (Erf 116 Herolds Bay) representing approximately 4.6 hectare from the Remainder Farm Brakfontein No 236 form Agriculture Zone I to a Subdivisional Area consisting of 2 Open Space Zone III erven and a Transport Zone II erf.
 - an application in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2015 to subdivide the Subdivisional Area into
 - a Portion A with a size approximately 2.47 hectare,
 - a Portion B with a size of approximately 1.11 hectare, and
 - a Road Remainder with a size of 1.02 hectare.
2. Abel Jacobus Bezuidenhoudt, in his capacity as Director of the "Company" be authorized to sign any documents on behalf of the "Company" which need to accompany the application to be prepared by Jan Vrolijk Town Planner/Stadsbeplanner.

Signed at George on 23 March 2023

Abel Jacobus Bezuidenhoudt

Michael Arnoldus Meyer

ANNEXURE “Y”: CONVEYANCER CERTIFICATE

CONVEYANCER'S CERTIFICATE

I, the undersigned

WILLEM MUNRO LUTTIG

a Conveyancer practising at the firm RAUBENHEIMERS INCORPORATED in GEORGE and duly admitted as such in the High Court of South Africa hereby certify as follows:

I. PROPERTY AND OWNER

REMAINDER OF THE FARM BRAKFORTEIN NO. 236, GEORGE in the Municipality and Division of George, Western Cape Province

In Extent : 933,9330 (nine three three comma nine three three nil) hectares, is held by SUMMER SIXTEEN (PTY) LTD registration number 2015/031093/07, by virtue of Deed of Transfer Number T5208/2017 ("the property").

II. DEEDS OFFICE RECORDS

Diagram SG No. 24/1904 has been framed in respect of the property and is attached to amended Deed of Grant dated 5 July 1904 (George Quitrents Volume 14, number 14).

III. RESTRICTIVE CONDITIONS

The property is according to the deed of transfer subject to the following onerous conditions:

- A. None.
- B. None.
- C. None.
- D. None.
- E. None.
- F. None.
- G. None.
- H. None.
- I. None.

IV. **ZONING**

According to my information the property is situated within the George Integrated Zoning Scheme of which George Municipality is the controlling authority in terms of the Land Use Planning Act of 2014 (Section 39(4)).

Provided that the buildings and use of the property comply with the planning by-laws I am of the opinion that there are no conditions contained in Deed of Transfer No. T5208/2017 that prohibit the improvement of the property or the subdivision thereof.

V. **CAPE TOWN DEEDS OFFICE**

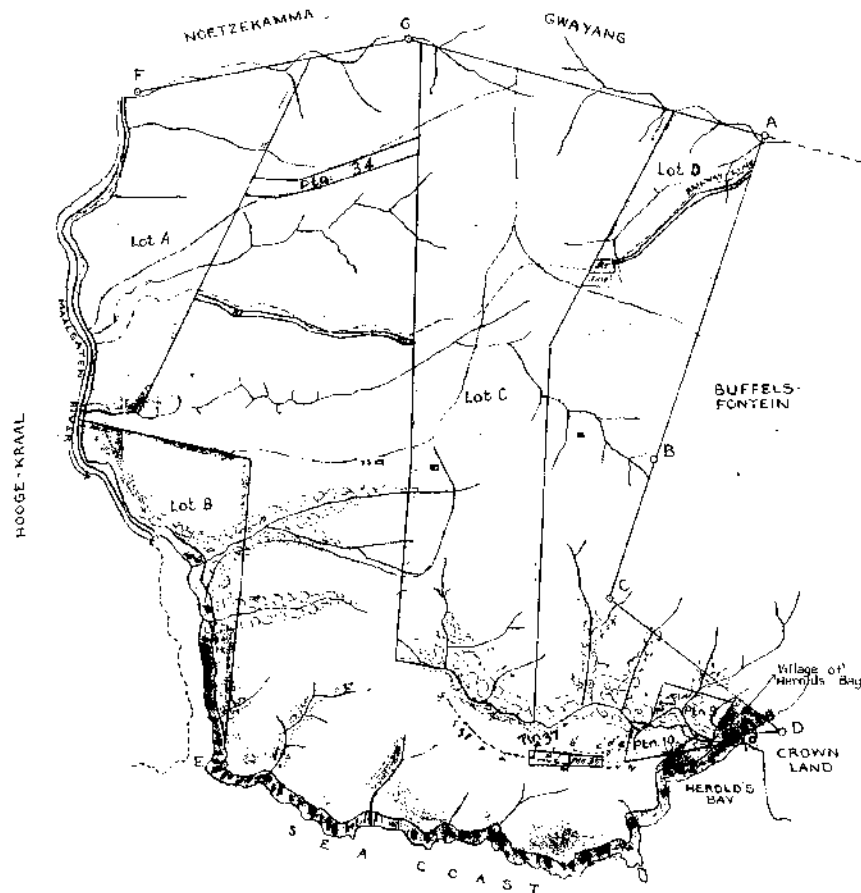
This certificate only refers to conditions contained in Deed of Transfer T5208/2017 as access to the Cape Town Deeds Office is currently limited and further searches beyond the pivot deed are not possible.

DATED at GEORGE on 21 October 2022


CONVEYANCER

ANNEXURE “Z”: SURVEYOR GENERAL DIAGRAM

No. 24/1904.
The numerical data of this diagram are sufficiently consistent.
(Sgt.) M.C. Vos.
Examiner.



SIDES		ANGLES		CO-ORDINATES	
C. Roads		o' "		y	x
AB	578.24	A	86.48. 0	- 52.58	- 286.87
BC	249.05	B	180.46. 20	- 470.22	+ 113.04
CD	372.35	C	250.43. 10	- 652.41	+ 282.85
DE	254.54	D	40.57. 0	- 981.99	+ 109.57
EF	1154.70	E	93.27. 50	- 635.00	+ 998.80
FG	468.95	F	34.20. 30	+ 464.10	+ 644.80
GA	625.13	G	152.57. 10	+ 354.53	+ 188.83
Rect. Area Fig.		A.B.C.D.E.F.G. = 1675 Morgen 391 Square Roads.			

THE FARM *Brakfontein* No. 236
GEORGE

The annexed Figure "A.B.C.D.d. curved line 200 feet above high-water mark of middle of Maalgaten River F.G." represents 1973 Morgen of land, being the farm BRAKFontein situated in the Fieldcourtsey of Outeniqua-Land in the Division of George.

Bounded Nud. by the Farms Noetzekamma & Gwayang

Ewd. by the Remaining Extent of the Farm Buffels-Fontein

Swd. from D to d by Crown Land & from d to E by the sea-coast at a distance of 200 ft. from high-water mark

Wwd. from E to e by a curved line at a distance of 200 ft.

from high-water mark & from f to E by the middle of the Maalgaten River.

Framed from actual survey for Amended Title under Act 2 of 1879

By me,

(Sgd.) D.W. Ballot.
Govt. Surveyor.
June 1902.

Title Geo.Q.14-14

5.7.1904

Sht. 41 1Bb

17.3.1966

GS/JW