

PORTIONS OF THE FARM HOOG EKRAAL NO 238 & PORTIONS OF THE FARM BUFFELSDRIFT NO 227, GEORGE

(HOOGELAND COASTAL FARMSTEADS)

PROPOSED CONSOLIDATION; REZONING & SUBDIVISION



CLIENT: ATTWOOD PROPERTY DEVELOPMENTS(PTY)LTD
PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



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SECTION A :

BACKGROUND

1. BACKGROUND

Lagoonbay Lifestyle Estate(Pty)Ltd owns several portions of the Farm Hoogekraal No 238, and 2 portions of the Farm Buffelsdrift No 227, in the Division and Municipality of George. The Applicant envisages including some of the neighbouring farms, and developing a farming estate. The application area consists of 32 portions of the Farm Hoogekraal No 238, and 2 portions of the Farm Buffelsdrift No 227, in the Division and Municipality of George. The "Application Area" is shown in the figure below:



FIGURE 1: THE APPLICATION AREA

The Application Area is located to the north and south of the N2 National Road, west of the Maalgate River, north of the ocean and east of Morrison Road (Main Road 348 to Glentana).

1.1. Background to the Application Area

Several portions of the Hoogekraal farms were previously part of a land development application, known as "Lagoon Bay Lifestyle Estate", consisting of two 18-hole golf courses; 895 single residential houses; 320 single and fractional title lodges; 150 single and fractional title apartments; a hotel, wellness centre, spa and clubhouse precinct; a commercial area; conference centre and private nature reserve. The land development application included applications for structure plan amendment, rezoning and subdivision. The then Minister for Local Government, Environmental Affairs and Development Planning of the Western Cape (the Minister), Ms Tasneem Essop deferred a decision on an application for the amendment of the George and Environs Urban Structure Plan from agriculture/forestry to township development. During this time the former urban structure plans were repealed, and a decision on the structure plan amendment was never made.

The George Municipality approved an application for the rezoning and subdivision of the development application, but the Western Cape Minister of Local Government, Environmental Affairs and Development Planning refused the rezoning and subdivision application.

Then, during a Supreme Court of Appeal Judgement of during March 2013, it was confirmed that the George Municipality was "... *the competent authority to consider and determine the applicant's application for rezoning and subdivision in respect of the proposed Lagoon Bay development and its decision to approve that application on 17 July 2010 is confirmed...*" A copy of this judgement is attached **ANNEXURE A**. This application was however never concluded.

Then, during September 2021, the National Department of Agriculture approved the consolidation and subdivision of the application area in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), to create 205 farms with sizes between 2 ha and 60 ha. This approval is still valid, and a copy of this decision is attached as **ANNEXURE B**.

Several families currently reside on several of the farm portions that are included in the application area. These families were formerly employed as bona fide farm workers on the farms that form part of the application area and acquired permanent tenure rights to reside on the farms, in terms of the Extension of Security of Tenure Act 62 of 1997. There are 110 families, and after several workshops with these settlers, they have confirmed that they wish to remain on the Hoogekraal Farms and not relocate to the George or Mossel Bay urban settlements.

Attwood Property Developments(Pty)Ltd acquired the rights to lodge land development applications for the development of a farming settlement, and the settlers with tenure rights have agreed to relocate to a new farming settlement in this area, but not to an urban settlement.

Attwood Property Developments(Pty)Ltd envisages developing a rural agricultural farmsteads development and a rural village where the settlers with valid ESTA tenure rights can be accommodated.

This report serves as the Motivation Report for the application for rezoning and subdivision of 32 portions of the Farm Hoogekraal No 238, and 2 portions of the Farm Buffelsdrift No 227, in the Division and Municipality of George.

1.2. Pre-Application Consultation

The prescribed pre-application consultation did take place with George Municipality on 18 August 2025. A copy of the minutes of the pre-application consultation meeting, is attached as **ANNEXURE C**.

The table below contains a summary of the key points raised during the pre-application consultation:

Pre-Application Input	Application's Response
(i) The cumulative impact on the rural area, should the precedent be set of creating small land parcels for rural land for estate living purposes, as proposed, must be considered, addressed and motivated.	<i>No precedent to be set. Refer Par 22</i>
(ii) Explain which type of agricultural activity will take place / not be allowed on the Agricultural portions.	<i>Refer Par 5.1; 12.5; 24.</i>
(iii) Powers of Attorney must be provided for each property.	<i>Refer ANNEXURE D</i>
(iv) Stormwater management must be addressed.	<i>Refer Par 7.3</i>
(v) Should the development be fenced, please consider the existing rural character of the area. A buffer area and landscaping are proposed.	<i>Noted. Fencing will be address in the Architectural Design Guidelines. Refer ANNEXURE L.</i>
(vi) To submit an application in terms of Section 53 of LUPA	<i>Noted.</i>
(vii) The report and layout which forms part of the WULA (water use license) should be submitted with the application. The report should consider and incorporate recommendations.	<i>Report not available yet. Will be provided in due course.</i>

Pre-Application Input	Application's Response
(viii) Confirm how the farms to the north and the south of the N2 will connect/link/be integrated (or if not, what is the intention with the area north of the N2).	<i>Refer Par 5.1.1 & Plan 11</i>
(ix) The proposed group housing site should form part of the master HOA, the latter will be responsible for maintenance and services for the entire development (which included the existing residential village.	<i>Noted and agreed. Refer Par 5.9.</i>
(x) The submissions must illustrate the basis on which existing residents and workers will be removed from the land and how future land use management will be applied. The WC Rural Development Guidelines (2019) must be used in the determination of the number, function and size of units, specifically for ownership allocation.	<i>Refer Par 5.4 and Par 14.3</i>
(xi) It is advised that the existing informal residence should be incorporated into the development, employment opportunities to be created through the development.	<i>Refer Par 27.</i>
(xii) The application must consider the parameters of the George Integrated Zoning Scheme By-law, 2023 (Zoning Scheme) as well as the objective as presented for the chosen zonings, and whether the proposal complies therewith. Indicate how the objective of the chosen zoning is achieved by the proposal.	<i>Refer Par 5.4.</i>
(xiii) Motivate the size of the equestrian facility (which is considered relatively small), consider parking requirements (e.g. for events) and placement thereof in relation to the proposed use.	<i>Refer Par 5.3</i>
(xiv) Access must be comprehensively motivated and indicated. The development of private roads are preferred instead of servitude roads.	<i>Refer Par 5.7; Par 9.1 & Par 9.2</i> <i>All private roads within development, but owners of abutting farms that require access through the development will have right of way servitudes.</i>

Pre-Application Input	Application's Response
(xv) The applicant must motivate and explain how the roads will be maintained and managed.	<i>Refer Par 5.7</i>
(xvi) A Traffic Impact Assessment will be required.	<i>Noted. Refer ANNEXURE P</i>
(xvii) The ecological functioning of the area as a whole could be severely affected by the subdivisions and proposed use. The protection of the natural systems (ecological infrastructure/ connected networks) must be illustrated to the satisfaction of the relevant environmental authorities.	<i>Refer Par 5.2.</i>
(xviii) Provide a Heritage Impact Assessment Study and/or the outcome from HWC.	<i>Refer Par 25; and ANNEXURE T; ANNEXURE U</i>
(xix) Protection of natural areas must be reflected in the zoning and sustainable management of these areas must be illustrated	<i>Refer Par 5.2.</i>

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners have been appointed by the various land owners of the application area, being **Attwood Property Developments(Pty)Ltd** (previously **Lagoonbay Lifestyle Estate(Pty)Ltd**); **Pelgrimskraal Trust**; **Pierre Johan Du Toit** ; **Botha Mentone Eduan Trustees**; **Marilyn Goosen** and **ND Rendeals Twenty CC**), to prepare and submit the required application documentation (refer to **ANNEXURE D** for Power of Attorneys & Company Resolutions and **ANNEXURE E**: for the Application Form) for:

- (i) The Subdivision of Portion 66 of the Farm Hoogekraal No 238, Division George, into two portions: (Portion A = ± 4,7737 ha) and a Remainder, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, as shown on plan reference "Pr2470F238Ptn66Sub01" attached as "Plan 7" to this report.
- (ii) The Consolidation of Portion A of Portion 66 of the Farm Hoogekraal No 238, Division George, with Portion 178 of the Farm Hoogekraal No 238, Division George, in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality, as shown on plan reference "Pr2470F238Ptn66Sub01" attached as "Plan 7" to this report.

- (iii) The Subdivision of Rem of Portion 82 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = $\pm 11,87\text{ha}$ & Rem Ptn 82 = $8,15\text{ha}$, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, as shown on plan reference Pr24/70 "F238Plan8subPtn82;42&5" attached as "Plan 9" to this report.
- (iv) The Subdivision of Portion 42 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = $\pm 4,37\text{ha}$ & Rem Ptn 42 = $\pm 2,36\text{ha}$, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, as shown on plan reference Pr24/70 "F238Plan8subPtn82;42&5" attached as "Plan 9" to this report.
- (v) The Subdivision of Portion 5 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = $\pm 11,26\text{ha}$ & Rem Ptn 5 = of $\pm 2,36\text{ha}$ & $8,60\text{ha}$ (split remainder), as shown on plan reference Pr24/70 "F238Plan8subPtn82;42&5" attached as "Plan 9" to this report.
- (vi) The Consolidation of the following farms (north of the N2 National Road), in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality, as shown on Plan No "Pr24/70 F238Plan9consol", attached as "Plan 10" to this report..
 - (a) Ptn A of Portion 5 of the Farm Hoogekraal No 238, Division George;
 - (b) Ptn A of Portion 42 of the Farm Hoogekraal No 238, Division George;
 - (c) Ptn A of Remainder of Portion 82 of the Farm Hoogekraal No 238, Division George;
 - (d) Portion 77 of the Farm Hoogekraal No 238, Division George;
 - (e) Portion 5 of the Farm Buffelsdrift No 227, Division George;
 - (f) Portion 9 of the Farm Buffelsdrift No 227, Division George
- (vii) The rezoning of the consolidated farms (North of the N2 National Road) from "Agriculture Zone I" to a "Subdivisional Area" consisting of 5 x farms and a public street, in terms of Section 15(2)(a) of the Land-Use Planning By-Law for George Municipality, 2023.
- (viii) The subdivision of the consolidated farm north of the N2 National Road into the following Portions, in terms of section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, 2023, as shown on Plan No "Pr24/70 F238Plan12layout_north", attached as "Plan 11" to this report:
 - (i) 5 x "Agriculture Zone I" properties;
 - (ii) 1 x Transport Zone II property
- (ix) The Subdivision of Portion 85 of the Farm Hoogekraal No 238 George, into 3x Portions: Ptn A = $\pm 2527\text{m}^2$; Ptn B = $\pm 671\text{m}^2$ & Rem Ptn 85, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, as shown on Plan No "Pr2470-F238Ptn88Plan8", attached as Plan 8" to this report.
- (x) The Subdivision of Portion 88 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = 5218m^2 & Rem Ptn 88, in terms of Section 15(2)(d) of the Land

Use Planning Bylaw for George Municipality, as shown on Plan No "Pr2470-F238Ptn88Plan8", attached as Plan 8" to this report.

- (xi) The Subdivision of Portion 65 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = $\pm 3074\text{m}^2$ & Rem Ptn 65, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, as shown on Plan No "Pr2470-F238Ptn88Plan8", attached as Plan 8" to this report.
- (xii) The Consolidation of the following farms, in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality, as shown on Plan No "Pr2470-F238Ptn88Plan8", attached as Plan 8" to this report:
 - (a) Ptn A of Portion 85 of the Farm Hoogekraal No 238, George with Portion 72 of the Farm Hoogekraal No 238.
 - (b) Ptn B of Portion 85 of the Farm Hoogekraal No 238, George with Remainder of Portion 88 of the Farm Hoogekraal No 238.
 - (c) Ptn A of Portion 88 of the Farm Hoogekraal No 238 George, with Portion 85 of the Farm Hoogekraal No 238.
 - (d) Ptn A of Portion 65 of the Farm Hoogekraal No 238 George, with Portion 168 of the Farm Hoogekraal No 238.
- (xiii) The Consolidation of the following farms, in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality, as shown on Plan No "Pr24/70 Plan 13-Consol", attached as "Plan 13" to this report.
 - (a) Rem of Farm Hoogekraal No 238, Division George;
 - (b) Rem of Portion 5 of the Farm Hoogekraal No 238, Division George;
 - (c) Portion B of Portion 42 of the Farm Hoogekraal No 238, Division George;
 - (d) Portion 23 of the Farm Hoogekraal No 238, Division George;
 - (e) Portion 76 of the Farm Hoogekraal No 238, Division George;
 - (f) Portion 75 of the Farm Hoogekraal No 238, Division George;
 - (g) Remainder of Portion 88 of the Farm Hoogekraal No 238, Division George;
 - (h) Portion 74 of the Farm Hoogekraal No 238, Division George;
 - (i) Portion 160 of the Farm Hoogekraal No 238, Division George;
 - (j) Portion 148 Farm Hoogekraal No 238, Division George;
 - (k) Remainder of Portion 64 of the Farm Hoogekraal No 238, Division George;
 - (l) Remainder of Portion 90 of the Farm Hoogekraal No 238, Division George
 - (m) Portion 72 of the Farm Hoogekraal No 238, Division George
 - (n) Portion 41 of the Farm Hoogekraal No 238, Division George
 - (o) Portion 52 of the Farm Hoogekraal No 238, Division George

- (p) Portion 79 of the Farm Hoogekraal No 238, Division George;
- (q) Remainder of Portion 179 of the Farm Hoogekraal No 238, Division George
- (r) Remainder of Portion 65 of the Farm Hoogekraal No 238, Division
- (s) Portion 180 of the Farm Hoogekraal No 238, Division George;
- (t) Portion 19 of the Farm Hoogekraal No 238, Division George;
- (u) Remainder of Portion 66 of the Farm Hoogekraal No 238, Division George;
- (v) Portion 102 of the Farm Hoogekraal No 238, Division George;
- (w) Portion 17 of the Farm Hoogekraal No 238, Division George;
- (x) Remainder of Portion 6 of the Farm Hoogekraal No 238, Division George
- (y) Remainder of Portion 67 of the Farm Hoogekraal No 238, Division George
- (z) Remainder of Portion 68 of the Farm Hoogekraal No 238, Division George;
- (aa) Portion 18 of the Farm Hoogekraal No 238, Division George;
- (bb) Portion 69 of the Farm Hoogekraal No 238, Division George;
- (cc) Portion 70 of the Farm Hoogekraal No 238, Division George;
- (xiv) The rezoning of the consolidated farms south of the N2 National Road, (listed in Par (xii) above), from "Agriculture Zone I" and Business Zone III" to a "Subdivisional Area" consisting of 31 x small farms; 32 x properties with a split zoning between Agriculture & Nature Conservation Area; 1x group housing erf; 1x Utility Service erf, 1x Place of instruction erf; 10x private open space erven; 19x Nature Conservation Area erven; 15x private street erven; and a public street, in terms of Section 15(2)(a) of the Land-Use Planning By-Law for George Municipality, 2023.
- (xv) The subdivision of the consolidated Farm south of the N2 National Road into the following Portions, Plan No "Pr24/70 F238Layout07", attached as "Plan 12" to this report, in terms of section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, 2023:
 - (iii) 31 x "Agriculture Zone I" properties;
 - (iv) 32 x properties with a split zoning between "Agriculture Zone I" & "Open Space Zone III"
 - (v) 1 x "General Residential Zone II" property;
 - (vi) 1 x "Utility Zone" property;
 - (vii) 1 x "Community Zone I" property;
 - (viii) 10 x "Open Space Zone II" properties;
 - (ix) 19 x "Open Space Zone III" properties;

- (x) 15 x "Transport Zone III" properties;
- (xi) 1x "Transport Zone II" property; and
- (xvi) A consent use to allow existing cemeteries on the new proposed Portions 86 and 93; in terms of Section 15(2)(o) of the Land-Use Planning By-Law for George Municipality, 2023;
- (xvii) Application for the removal of restrictive Conditions:
 - (a) Conditions 1(I)(b)(i); 3(III); 4(B)(I); 11(A) from Title Deed No T 76531/2007;
 - (b) Condition 1(c) in Title Deed T 66591/2008;
 - (c) Condition (c) in Title Deed No T 4069/2010;
 - (d) Condition (3) in Title Deed No T 93890/2003,
 - (e) Condition B(1) in Title Deed No T 87304/2007,
 - (f) Condition 1(B) in Title Deed No T 12590/2010,
 - (g) Condition B(1) in in Title Deed No T 19705/2008,
 - (h) Condition B in Title Deed No T 87303/2007;
 - (i) Condition (1)(B)(1) in Title Deed No T 15622/2009;
 - (j) Conditions (13)(B)(1), (13)(B)(3) & (13)(B)(4) in Title Deed No T 76531/2007;
 - (k) Conditions 2(B)(a); 2(C) & 3(1)(c) in Title Deed No T 12590/2010
 - (l) Condition A(c) in Title Deed No T 64056/2003;
 - (m) Condition (2)(B) in Title Deed No T 45002/2003,
 - (n) Conditions 1(B)(1) & 2(B)(1) in Title Deed No T 28396/2008
 - (o) Condition B(1) in Title Deed No T 45790/2005in terms of Section 15(2)(f) of the of the Land-Use Planning By-Law for George Municipality, 2023.

In order to obtain the desired development rights on the application area, additional approvals are required, such as:

- Approval for the Subdivision of Agricultural Land in terms of Act 70 of 1970, to amend the existing approval for the subdivision into 205 units (application submitted to the National Department of Agriculture);
- Environmental Authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998). It should be noted that Hilland Environmental has been appointed to facilitate the Environmental Authorisation process, and a copy of the Draft Basic Environmental Assessment, is attached as **ANNEXURE X**.
- Approval in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999).
- Approval in terms of Section 53(2) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);

- Approval in terms of the Roads Ordinance, 1976, for the deproclamation of a portion of OP6844; OP6847; OP6848; OP6846; OP6843 & OP6842.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

Copies of the Title Deeds which includes all the information outlined below are contained in **ANNEXURE F**. The Surveyor General Diagrams (SG 9156/1995) for the application area is contained in **ANNEXURE G**. Copies of Conveyancer's Certificates, are attached as **ANNEXURE H**.

It is important to note that according to the Title Deeds, the properties are still registered in the name of **Lagoonbay Lifestyle Estate(Pty)Ltd**. However, the company name was changed to **Attwood Property Developments(Pty)Ltd**. A copy of the CIPC document for **Attwood Property Developments(Pty)Ltd** is attached as **ANNEXURE I**, and this document confirms the name change on 26 November 2024.

The properties owned by **Attwood Property Developments(Pty)Ltd** is bonded by Rand Merchant Bank, and a copy of the Bond Holder's written permission for this application, is attached as **ANNEXURE J**.

Further to the above, it should be noted that the owner of Portion 148 of the Farm No 238, is Marilyn Goosen. Her husband passed, and during 2007 ABSA confirmed that the property has been transferred to M Goosen. A copy of this correspondence from ABSA is attached as **ANNEXURE Y**.

The table below includes a summary of all the properties that form part of the application area, and the relevant title deed information for these properties, as contained within the relevant title deeds.

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
1. Remainder of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	46,4954	SG 30/1886	T 76531/2007	Subject to a pipeline Servitude	Y	Obtained
2. Portion 5 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	29,5737	SG 595/1886	T76531/2007	<ul style="list-style-type: none"> Condition 11(A): Subject to a right of way servitude, which is now a Proclaimed road, that will be deproclaimed. Application is made for the removal of this restrictive condition. Refer Par 6.9. 	Y	Obtained
3. Remainder of Portion 6 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	58,1224	SG 1616/1896	T 76531/2007	<ul style="list-style-type: none"> Condition 3(III): Subject to a right of way servitude, which is now a Proclaimed road, that will be deproclaimed. Application is made for the removal of this restrictive condition. Refer Par 6.9 	Y	Obtained
4. Portion 17 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	23,9249	SG 1022/1908	T 76531/2007	<ul style="list-style-type: none"> Condition 4(B)(I): all roads have to be free and open for use, this road is now a Proclaimed road, that will be deproclaimed. Application is made for the removal of this restrictive condition. Refer Par 6.9 	Y	Obtained
5. Portion 18 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	6,6304	SG 6590/1958	T 76531/2007	None	Y	Obtained

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
6. Portion 19 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	2,2535	SG 6589/1958	T 76531/2007	<ul style="list-style-type: none"> Condition 1(I)(b)(i): all roads have to be free and open for use... these roads are now Proclaimed roads, that will be deproclaimed. Application is made for the removal of this restrictive condition. Refer Par 6.9 	Y	Obtained
7. Portion 23 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	8,5653	SG 1612/1919	T 76531/2007	None	Y	Obtained
8. Portion 41 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	31,263	SG 4506/1925	T 76531/2007	None	Y	Obtained
9. Portion 42 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	6,9674	SG 4505/1925	T 76531/2007	None	Y	Obtained
10. Portion 52 of the Farm Hoogekraal No 238, Division George	Pelgrimskraal Trust No 452/99	50,4855	A3609/1924	T 70603/1999	<ul style="list-style-type: none"> Conditions B(I) & B(II): relating to roads that have to be available for public use. These roads are now Proclaimed roads, that will be deproclaimed. Application is made for the removal of this restrictive condition. Refer Par 6.9 Subject to a water pipeline servitude. This servitude is accommodated in the 	Y	N/A

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
					layout on the proposed new Portions 16; 17 and 133.		
11. Remainder of Portion 64 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	10,3716	SG 8374/1947	T 66591/2008	<ul style="list-style-type: none"> Condition 1(c): Subject to a 12 feet servitude right of way. Application is made for the removal of this restrictive condition. Refer Par 6.9. 	Y	Obtained
12. Remainder of Portion 65 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	9,0611	SG 8375/1947	T 12589/2010	<ul style="list-style-type: none"> Condition A(c): Subject to a 3,78m servitude right of way. Application is made for the removal of this restrictive condition. Refer Par 6.9. Dat die gedeelte van die "Cemetery" aangewys op die bovermedle Kaart van gesegde Gedeelte 65 hierdeur getranspoteer sal bly as 'n begrafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van Hooge Kraal en hul opvolgers in titel met reg van toegang oor gesegde Gedeelte 65. 	Y	Obtained
13. Portion 66 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	15,6191	SG 8376/1947	T 4069/2010	<ul style="list-style-type: none"> Notarially Tied with Ptn 70 & 75. Condition (c) - Subject to a 3,66 metre servitude right of way. Application is made for the removal of this restrictive condition. Refer Par 6.9. 	Y	Obtained

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
14. Remainder of Portion 67 of the Farm Hoogekraal No 238, Division George	Pierre Johan Du Toit	18,7278	SG 8377/1947	T 93890/2003	<ul style="list-style-type: none"> Notarially Tied with Ptn 70 & 75. Condition (3) - Subject to a 3,78 metre servitude right of way. Application is made for the removal of this restrictive condition. Refer Par 6.9. Dat die gedeelte van die "CEMETERY" aangewys op die kaart van Gedeelte 65 aan DANIEL ANDRIES BOTHA getransporteer op 19 Desember 1954, No. 20999 sal bly as 'n begrafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van Hooge Kraal en hul opvolgers in titel met reg van toegang oor gesegde Gedeelte 65; Dat die fontein gemerk op, en die dam aangewys in blou op die lyn F E van die Kaart van gesegde Gedeelte 67 sl wees vir die gebruik van die eienaars van gesegde Gedeelte 67 en van Gedeelte 68 van Lot 3 van HOOGE KRAAL aan JOHANNES HENDRIKUS BOTHA getransporteer op 19 Desember 1952 (No, 20997) en hul opvolgers in titel. 	Y	N/A

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
15. Remainder of Portion 68 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	18,0155	SG 8378/1947	T 83694/2007	<ul style="list-style-type: none"> Entitled to a right of way servitude Dat die gedeelte van die "CEMETERY" aangewys op die kaart van Gedeelte 65 aan DANIEL ANDRIES BOTHA getransporteer op 19 Desember 1954, No. 20999 sal bly as 'n begrafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van Hooge Kraal en hul opvolgers in titel met reg van toegang oor gesegde Gedeelte 65; Dat die pad 6,30 meter wyd gemerk in geelbruin op die lyn B C en op die Westelike kant van die bakens C en a van die Kaart van gesegde Gedeelte 68 os 'n serwituut pad vir die gebruik van die eienaar van Gedeelte 69 aan die boedel van wyle MARTHINUS CHRISTOFFEL BOTHA en ADAM JOHANNES BOTHA getransporteer op 19 Desember 1952, Nr 20995, en hul opvolgers in titel. 	Y	Obtained
16. Portion 69 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	31,5989	SG 8379/1947	T 20836/2008	None	Y	Obtained

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
17. Portion 70 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	42,1196	SG 8380/1947	T 87304/2007	<ul style="list-style-type: none"> Subject to a Notarial Tie with Portion 75 Condition B(1) relating to access to roads. Notarial Tie with Portions 5; 23; 102; 19; 18; 6; 17; 41; 42; 68; 77; 79 & Remainder of Hoogekraal No 238 and Portions 5; 9 of the Farm Buffelsdrift No 227. 	Y	Obtained
18. Portion 72 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	1,3619	SG 8382/1947	T 12590/2010	<ul style="list-style-type: none"> Condition 1(B) relating to access to roads. 	Y	Obtained
19. Portion 74 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	6,3038	SG 8384/1947	T 19705/2008	<ul style="list-style-type: none"> Condition B(1) relating to access to roads. 	Y	Obtained
20. Portion 75 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	20,9442	SG 8385/1947	T 87303/2007	<ul style="list-style-type: none"> Subject to a Notarial Tie with Portion 70 Notarial Tie with Portions 5; 23; 102; 19; 18; 6; 17; 41; 42; 68; 77; 79 & Remainder of Hoogekraal No 238 and Portions 5; 9 of the Farm Buffelsdrift No 227. Condition B relating to access to roads. 	Y	Obtained

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
21. Portion 76 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	6,8181	SG 8386/1947	T 15622/2009	<ul style="list-style-type: none"> Condition (1)(B)(1) relating to access to roads. Condition 1(C) – relating to a permission required from the National Minister of Agriculture 	Y	Obtained
22. Portion 79 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	10,8128	SG 8389/1947	T 76531/2007	<ul style="list-style-type: none"> Condition (13)(B)(1) relating to access to roads. Condition (13)(B)(3) relating to access to roads. Condition (13)(B)(4) relating to access to roads. 	Y	Obtained
23. Remainder of Portion 85 of the Farm Hoogekraal No 238, Division George	Mentone Eduan Botha	1,7131	SG 7323-1949	T 64110/2011	<ul style="list-style-type: none"> Condition (B)2 – access to walls of dwelling on Portion 168. Condition (B)3 – 9;45m right of way access 	Y	N/A
24. Portion 88 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	24,3209	SG 1605/1961	T 12590/2010	<ul style="list-style-type: none"> Condition 2(B)(a) – subject to a 12 feet right of way servitude. Condition 2(C) – subject to 3,78m right of way access Condition 2(D) – relating to a right to the cemetery on Portion 65. 	Y	Obtained
25. Remainder of Portion 90 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	3.6465	SG 1607/61	T 12590/2010	<ul style="list-style-type: none"> Condition 3(1)(c) – subject to 3,78m right of way access Condition 3(1)(d) – relating to a right to the cemetery on Portion 65. 	Y	Obtained

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
26. Portion 102 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	24,1751	SG 10494/1970	T 74367/2007	<ul style="list-style-type: none"> Condition (B)(1) relating to a right to use access to roads. Condition (B)(3) relating to a right to use access to roads. Condition (B)(4) relating to a right to use access to roads. 	Y	Obtained
27. Portion 148 Farm Hoogekraal No 238, Division George	Marilyn Goosen	0,7984	SG 8223/1992	T 64056/2003	<ul style="list-style-type: none"> Condition A(c) – subject to a right of way servitude, 12 feet wide. Condition B – relating to a right to the cemetery on Portion 65. 	Y	N/A
28. Portion 160 of the Farm Hoogekraal No 238, Division George	Rendeals Twenty CC	15,1417	SG 2092/2002	T 45002/2003	<ul style="list-style-type: none"> Condition (2)(B) relating to a 10m wide right of way servitude. Lifelong Habitio right for Gert Petrus van Zijl and/or Wilhelmina Elizabeth Van Zijl; Subject to activities that may not take place without the written permission of the applicable Roads Authority 	Y	N/A

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
29. Remainder of Portion 168 of the Farm Hoogekraal No 238, Division George	Mentone Eduan Botha	3,3744	SG 3695-2002	T96924/2002	<ul style="list-style-type: none"> Condition 1(B)(1) relating to a right to access roads; Condition 2(B)(1) relating to a right to access roads; Condition 1(B)(2) – owner of Portion 85 has access to walls of dwelling on Portion 168 Condition 2(B)(4) – owner of Portion 85 has a 9,45m wide right of way over Portion 168. 	Y	N/A
30. Remainder of Portion 178 of the Farm Hoogekraal No 238, Division George	Pierre Johan Du Toit	15,4717	SG 4492/2004	T 14895/2013	<ul style="list-style-type: none"> Conditions I(d); II(d); III(d); IV(d) and V(d) relate to the right to use the cemetery on Portion 65. 	Y	N/A
31. Remainder of Portion 179 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	13,9646	SG 679/2005	T 28396/2008	<ul style="list-style-type: none"> Condition 1(B)(1) relating to a right to access roads; Condition 2(B)(1) relating to a right to access roads; Notarially tied with Portions 70 and 75 of the Farm No 238. 	Y	Obtained
32. Portion 180 of the Farm Hoogekraal No 238, Division George	Lagoonbay Lifestyle Estate(Pty)Ltd	4,1673	SG 680/2005	T 45790/2005	<ul style="list-style-type: none"> Condition B(1) relating to a right to access roads; Condition C relating to conditions in favour of SANRAL (no new access without SANRAL permission & a 5m building line). 	Y	Obtained

Property	Owner	Size (ha)	SG Diagram	Title Deed	Title Deed Restrictions	Conveyancer Certificate	Bond Consent
33. Remainder of Portion 5 of the Farm Buffelsdrift No 227, GEO	Lagoonbay Lifestyle Estate(Pty)Ltd	23,0978	SG 1638/1896	T 76531/2007	<ul style="list-style-type: none"> Notarial Tie with Portions 70 & 75 of Hoogekraal No 238 and Portion 9 of the Farm Buffelsdrift No 227. 	Y	Obtained
34. Ptn 9 of the Farm Buffelsdrift No 227, GEO	Lagoonbay Lifestyle Estate(Pty)Ltd	88,6511	SG 4501/1925	T 76531/2007	<ul style="list-style-type: none"> No, subject to Servitude K333/2008S Notarial Tie with Portions 70 & 75 of Hoogekraal No 238 and Portion 5 of the Farm Buffelsdrift No 227. Subject to SANRAL expropriation 	Y	Obtained

SECTION B :

DEVELOPMENT PROPOSAL

4. DEVELOPMENT PRINCIPLES

The following development principles were taken into consideration during the formulation of the design concept:

- Ensure secure ownership in a residential “on-the-farm” village for settlers with established tenure rights;
- Re-organising of farm boundaries to establish boutique farms of ± 5 ha and larger;
- Protection of environmentally sensitive resources, taking into consideration environmentally sensitive areas and steep slopes.
- Low-impact development, protecting the Rural Character
- Sustainable Infrastructure such as on-site wastewater treatment, rainwater harvesting, and renewable energy, to minimise environmental footprint and infrastructure costs.
- Sustainability and Stewardship: Every design decision must prioritize environmental responsibility, including renewable energy, water management, low-impact materials, and biodiversity preservation.

5. THE DEVELOPMENT PROPOSAL

Hoogeland is a ± 530 -hectare rural development located just outside Glentana along the Garden Route, bordered by the Maalgate River and the Indian Ocean. This unique setting offers an exceptional balance between rural living, agricultural productivity, and environmental conservation. Designed as a low-impact, high-quality rural environment, Hoogeland celebrates the harmony between cultivated farmland, natural ecosystems, and coastal landscapes — creating a living environment that is both functional and inspirational.

The application area straddles the N2 National Road and consists of 34 cadastral units, that have varying property sizes from 0,7984 ha to 42 ha. The development proposal is to reorganise the farm boundaries to develop an agricultural settlement, consisting of small farms of ± 5 ha and larger, together with communal equestrian facilities such as a polo field, stables, paddocks, dressage rings and riding trails. The farms north of the N2 National Road will be reduced from six (6x) cadastral units to five (5x), and the proposed agricultural farms south of the N2 National Road will consist of 82 small farms, of which 31 x will have an agricultural zoning; 32 will have a split zoning between agriculture and conservation and 19 x will have a conservation zoning.

Approximately 110 families who obtained confirmed permanent tenure rights on the farms (*in terms of the Extension of Security of Tenure Act 62 of 1997*), remain scattered in small nodes across the application area. These families agreed to be resettled together in a new rural village on the application area, as they refuse to be relocated to the urban settlements of George or Mossel Bay.

One of the farms (Remainder of Portion 66 of the Farm Hoogekraal No 238), bisects Morrison Road (MR 348) that forms the western boundary of the application area. This farm will be subdivided along the boundary of Morrison Road, and the subdivided portion on the western part of Morrison Road will be consolidated with the abutting Portion 178 of the Farm Hoogekraal No 238.

Currently, there are existing graves that straddle Portions 85 and 168 of the Farm Hoogekraal No 238. Communal farm boundaries will be amended between Portions 72; 85; 88 & 168 of the Farm Hoogekraal No 238, to ensure that the existing graves will be on Portion 168. After the boundaries have been amended, Portions 85 & 168 will not be part of the application area.

The N2 National Road bisects three of the farms that form part of the application area (i.e. Portions 5; 42 & 82 of the Farm Hoogekraal No 238). These farms will be subdivided into two portions (north and south of the N2 National Road). Thereafter, all farms north of the N2 National Road will be consolidated and re-subdivided, and all farms south of the N2 National Road will be consolidated to form one consolidated application area. The consolidated application area will then be rezoned to a "Subdivisional Area", and subdivided into the various properties that will form part of the development. These include:

5.1. Agricultural Properties

A total of 87 x farms is proposed. Eighty-one (82 x) of these farms will be south of the N2 National Road, and part of a Homeowners Association. Five (5x) of these farms will be located to the north of the N2 National Road, and not be part of the proposed HOA.

5.1.1. Farms North of the N2 National Road

The proposed five (5x) farms north of the N2 National Road will not be part of a Home Owners' Association, and will be utilised for more extensive agricultural purposes. The farms north of the N2 National Road will be reduced from six (6x) cadastral units to five (5x), and all 5x farms will obtain vehicular access off the existing Minor Road 6847. The Application area North of the N2 National Road measures ± 149.6136 Hectares Figure 2 shows the layout of the proposed new farms:



FIGURE 2: FARMS NORTH OF N2 NATIONAL ROAD

5.1.2. Farms South of the N2 National Road

A total of 82 farms is proposed South of the N2 National Road. These will consist of 31x agricultural properties; 32 farms with a split zoning between agriculture and conservation, and 19x conservation farms. These farms will be part of a Homeowners Association. The Application area South of the N2 National Road measures ± 531.7620 Hectares. The figure below shows the layout of the proposed new agricultural farms:



FIGURE 3: PROPOSED AGRICULTURAL FARMS SOUTH OF N2 NATIONAL ROAD

Some of the proposed new farms are bisected by water courses and aquatic buffer areas. The aquatic buffers were identified by an Aquatic Specialist, and the farms that are bisected

by the identified 35m wide aquatic buffers, will have a split zoning between "Agriculture" and "Conservation".

The proposed agricultural area south of the N2 National Road covers an area of $\pm$ 450 ha. This 450 ha include farms that will be zoned for Nature Conservation Area purposes. All farms to the south of the N2 National Road, will be included in the Hoogeland Coastal Farmsteads development, and the Hoogeland Coastal Farmsteads HOA. The split between the Agricultural and conservation zoning of the farms south of the N2 National Road.

<u>Zoning</u>	<u>Conservation</u>	<u>Agriculture</u>
Agricultural Zoning	0	166,3598 ha
Conservation	105,0447 ha	0
Split Zoning	74,9023 ha	99,5032 ha
	179.947 ha	265.863 ha

Allowed agricultural activities on these agricultural properties include orchards, vegetable gardens, grazing paddocks.

5.2. Nature Conservation Areas

Farms where more than 50% of the area have been identified as environmentally sensitive, will be zoned as "Open Space Zone III" (Nature Conservation Area) with only a demarcated footprint of 2000m² to allow the construction of a dwelling house and associated infrastructure. The remaining area of the property, that doesn't form part of the demarcated 2000m² footprint, will be preserved as natural landscape, with trails or low-impact amenities designed to minimise ecological disturbance.

According to the George Zoning Scheme Bylaw, the objective of a Nature Conservation Area *"...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, natural area, wetlands and the coastline..."*

The figure below shows the demarcated "Nature Conservation Area" properties (full conservation and conservation split zoned areas) within the proposed Hoogeland Coastal Farmsteads:



FIGURE 4: NATURE CONSERVATION AREAS

5.3. Private Open Spaces

Several private open spaces are proposed. These private open spaces include communal recreation facilities such as equestrian facilities, stables, arenas, clubhouses, etc. designed to complement the development's rural aesthetic. The private open spaces are used as follows:

- | | | | |
|----------|-----------------------------|----------|--------------------------|
| ▪ Erf 86 | Communal farming & cemetery | ▪ Erf 91 | Access to Maalgate River |
| ▪ Erf 87 | conservation | ▪ Erf 90 | dam |
| ▪ Erf 88 | equestrian | ▪ Erf 93 | graves |
| ▪ Erf 89 | equestrian | ▪ Erf 94 | dam |
| ▪ Erf 92 | dam | ▪ Erf 95 | paddocks |

The Equestrian Facility will be a private Equestrian facility, available for the use of residents and members of the HOA. The polo field and equestrian infrastructure, act as shared amenities and social anchors within the development — uniting the community through shared values of sustainability, stewardship, and connection to the land. The figure below shows the layout of the Equestrian facility and polo fields.



FIGURE 5: PROPOSED EQUESTRIAN FACILITY

Figure 6 below shows the locality of the proposed private open spaces within the proposed Hoogeland Farmstead:



FIGURE 6: PRIVATE OPEN SPACES

The proposed Private Open Spaces also include trail networks that connect properties. Equestrian paths will be designed to minimize soil compaction, erosion, and runoff.

Existing graveyards are accommodated on private open spaces (Portions 86 & 93), and other open spaces contain dams that will be utilised for irrigation for agricultural purposes.

Figure 7 below shows some of the existing graves on the application area:



FIGURE 7: EXISTING GRAVES ON PROPOSED PORTION 93

5.4. Hoogeland Farming Village (Group Housing)

The proposed residential village will consist of 110 residential units that will only be available for those beneficiaries with established tenure rights on the application area. This property is located between the N2 National Road and the railway line. The proposal is to create a sustainable village with recreational facilities, communal food gardens and a community hall. Beneficiaries will receive a constructed house, and ownership will be via sectional title. The developer will approach the Department of Land Reform for assistance with subsidies to construct these homes. Figure 8 below shows the layout of the proposed farming village.

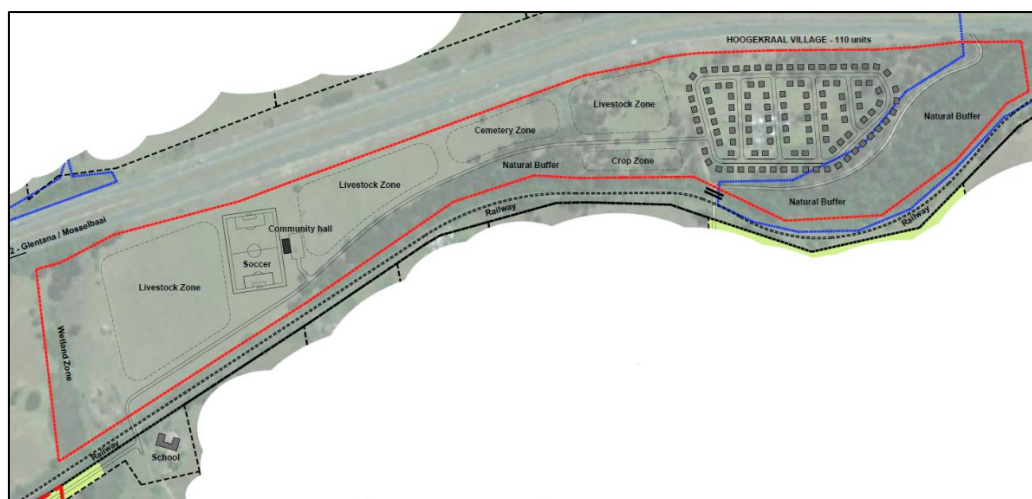


FIGURE 8: PROPOSED FARMING VILLAGE

The George Municipality's Zoning Scheme Bylaw defines an "Agri-Village" as:

*"...a private settlement of restricted size established and managed by a legal institution, including ancillary private utility services that is situated within an agricultural area and where **residence is restricted to bona fide agricultural-workers** and their dependents of the farms involved in the development. Security of tenure does not include right of ownership but may include a Trust, Communal Property Association or Sectional Title. The development of agri-villages represents a partnership between farmer, agricultural worker and state..."*

Ideally, the village would have been an agri-village, but since not all residents are bona fide farm workers, the farming village does not qualify to be regarded as an "Agri-Village" as per the definition of the George Municipality's Zoning Scheme Bylaw. For this reason, it was decided to treat the farming village as a sectional title "group housing" development.

The proposed group housing side that will accommodate 110 sectional title units will be 6,4078 ha in extent, and the density of this unit calculates to a density of 17 units per ha.

This residential village will have its own package plant to treat waste water, and the package plant will be managed and maintained by the HOA.

The farming village will be developed first, and beneficiaries will first be relocated to the Farming Village, before the Hoogeland Coastal Farmsteads will be developed and occupied.

5.5. Utility Services

It is proposed that a sewer treatment package plant be construction to receive and treat sewage emanating from the Residential Village. Sewage will be treated to General Limits to allow for the re-use of the Treated Sewage Effluent for irrigation within the development.

The sewer package plant will be located to the east of the proposed Residential Village (lower lying area) to allow a gravity fed sewer reticulation system to convey sewage to the package plant.

Erf 84 is 4240m² in extent and proposed as the “utility services” site that will accommodate the package plant for wastewater treatment to the east of the farming village. The figure below shows the proposed locality of the package plant:



FIGURE 9: POSITION OF PROPOSED PACKAGE PLANT FOR WASTE WATER TREATMENT

5.6. Place of Instruction

The Hoogekraal Primary School is an existing school that is located on Portion 10 of the Farm No 238. The existing school will be retained and accommodated on Portion 83, and will be 6650m² in extent.



FIGURE 10: EXISTING HOOGEKRAAL PRIMARY SCHOOL ON PORTION 83 (CURRENTLY PORTION 88/238)

5.7. Access and Roads

Morrison Road (MR 348) forms the western boundary of the application area. The 32m wide road reserve of MR 348 that covers the application area, is subdivided as a "public road" and also OP 6847 that runs through the farms north of the N2 National Road. Hence, two public roads are provided within the overall application area.

Access to the proposed coastal farmstead development will be off Main Road 348 (roughly at kilometres 12,9, 14,2 and 15,2) to the existing minor roads.

The coastal farmstead development will have two primary access points: one south of the N2 to serve the ±82 farm units and a services entrance between the main access and the N2 National Road. Although the 110 agri-village units will access through the identified service entrance, as a worst-case scenario, a single combined access point (i.e. Development Access 1) was analysed, for the southern farm units and the agri-residential village sharing a single access.

The proposed private roads will be constructed by the developer and maintained by a Homeowners Association that will be installed. There will be 15 private roads, and these cover an area of ± 21,5 ha. Road reserves will either be planted with horticultural crops or mowed and baled.

All roads in the application area will be private streets. Street names will follow an equestrian theme, and the following street names are proposed for the proposed development. The Street Name Plan, showing the positions of the street names below, is attached as Plan 14 to this report.

- | | |
|------------------------|----------------------|
| 1. Hoogeland Boulevard | 8. Palomino Street |
| 2. Sotogrande Way | 9. Friesian Close |
| 3. Meadow Lane | 10. Azure Drive |
| 4. Village Way | 11. Andalusian Close |
| 5. Appaloosa Lane | 12. Lusitano Close |
| 6. Palomino Street | 13. Percheron Close |
| 7. Canter Close | 14. Clydesdale Close |

Some of the new subdivided farm portions south of the N2 National Road will obtain access via new, private right of way servitudes. These proposed servitudes are indicated on the layout plan, and include:

- Access to proposed Portion 82, via proposed Portion 12;
- Access to proposed Portion 21, via proposed Portion 19;
- Access to Portion 187 of Farm No 238, via proposed Portion 35;
- Access to proposed Portion 39, via proposed Portions 38 & 40;

- Access to proposed Portion 44, via proposed Portion 43;
- Access to the eastern portion of proposed Portion 57, via proposed Portion 56;

The registration of these right of way access servitudes are exempted from a formal subdivision application.

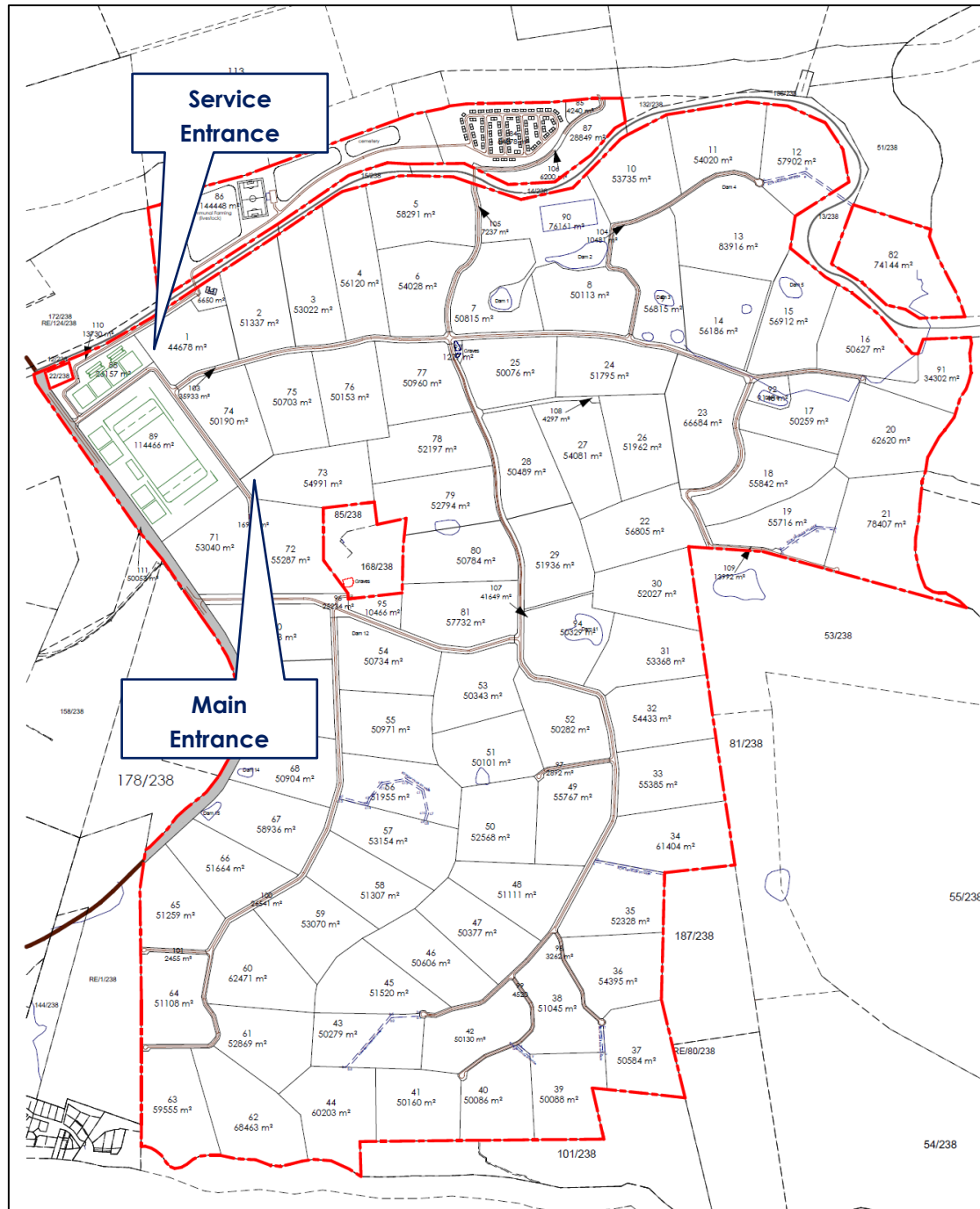


FIGURE 11: PROPOSED PUBLIC AND PRIVATE ROADS

The access positions and layout of the proposed private roads within the coastal farmstead development is shown in the figure above:

All roads in the application area within the proposed farmsteads will be private roads. There are existing proclaimed roads that will be deproclaimed, closed and retained as private streets. These proclaimed roads are:

- a portion of OP 6847;
- OP 6848;
- OP 6844;
- OP 6847;
- OP 6846;
- OP 6843 and
- OP 6842.

Preliminary discussions with the Provincial Roads Authority confirmed that as long as no landowner's right to access is affected, and right of way servitudes are registered, there is in principle, no objection to the proposed de-proclamation of these roads. Refer to **ANNEXURE K** for a copy of this correspondence.

All properties that are located outside the application area, that obtain access via the application area, from roads that will be deproclaimed, will obtain access through the development with new right of way accesses. These include:

- 22/238
- 53/238;
- 54/238;
- 55/238;
- RE/80/238;
- RE/81/238;
- 101/238;
- 187/238;

As Morrison Road and Main Road are under the jurisdiction of the Western Cape Government, all access spacing will comply with the Western Cape Access Management Guidelines (2020), to be confirmed during the detailed design phase of the internal road network for the development area.

The locality of the proclaimed roads that is proposed for deproclamation is shown in the figure below:



FIGURE 12: PROCLAIMED ROADS TO BE DEPROCLAIMED

An existing railway line runs through the application area. The railway line runs in an east/west direction through the application area, and will form the northern boundary of the proposed farm steads. The proposed rural village will be located to the north of the railway line, and an existing railway crossing exists at a point near the communal boundary of Portion 23 and Portion 5 of the Farm Hoogekraal No 238. The coordinates of this crossing are at 34°1'31.93" S and 22°19'55.64" E. The figure below shows the existing railway crossing that will be retained.



FIGURE 13: EXISTING RAILWAY CROSSING AT PORTIONS 23 & 5 OF THE FARM HOOGEKRAAL NO 238

Another railway crossing exists to the north of the Hoogekraal Primary School on Portion 64 of the Farm Hoogekraal No 238. The coordinates of this crossing are at 34°1'41.75" S and 22°19'23.98" E. This existing railway crossing will be retained and will be the access to the proposed new Hoogekraal Farming Village.

5.8. Architectural Design Guidelines

Nuvorm Architects and Urban Designers was appointed to prepare Urban Design Guidelines for Hoogeland Coastal Farmsteads and Hoogeland Farming Village. A copy of these guidelines is attached as **ANNEXURE L**.

5.9. Governance and Management Structure

The proposed Development comprises an Agri component and a Village component within one coordinated land-use framework. Both components are structured to function as a unified development entity, served and governed by a single Master Owners' Association (MOA) established in terms of the municipal by-law. The intention is to secure long-term governance certainty, sustainable maintenance, integrated service delivery and uniform development standards across the entire Development.

The Village component will be registered as a sectional title scheme. A body corporate will be created as required under the Sectional Titles Schemes Management Act. The functions and powers of the body corporate will be assigned to the MOA and all management and control functions relating to services, maintenance standards, architectural compliance and infrastructure oversight will be transferred to the MOA.

Village unit owners will not contribute levies to the MOA. Instead, government grants and subsidies applicable to the Village will be used first and any shortfall will be funded by the MOA. This cross-support model ensures that the Village is maintained to prescribed standards and remains aligned with the Agri component in appearance, environmental quality and service performance. It avoids the risk of decline in the Village and secures consistent living conditions across the Development.

The MOA will approve all building and alteration plans, enforce architectural and environmental rules, control infrastructure standards and oversee on-site compliance.

This coordinated governance approach protects the development investment, supports responsible land-use planning and ensures that the Village remains fully functional and well-maintained. It also provides the municipality with assurance that the Development will remain orderly, financially sustainable and environmentally responsible over time. A copy of the draft management structure is attached as **ANNEXURE M**

6. STATUTORY SPECIFICATIONS

The statutory specifications of the land development application include the following:

6.1. Subdivision and Consolidation: Portions 66 & 178

One of the farms (Remainder of Portion 66 of the Farm Hoogekraal No 238), bisects Morrison Road (MR 348) that forms the western boundary of the application area. This farm will be subdivided along the boundary of Morrison Road, and the subdivided portion on the western part of Morrison Road will be consolidated with the abutting Portion 178 of the Farm Hoogekraal No 238.

The proposed subdivision and consolidation are shown in is shown in Figure 14 below, and attached as Plan 7:

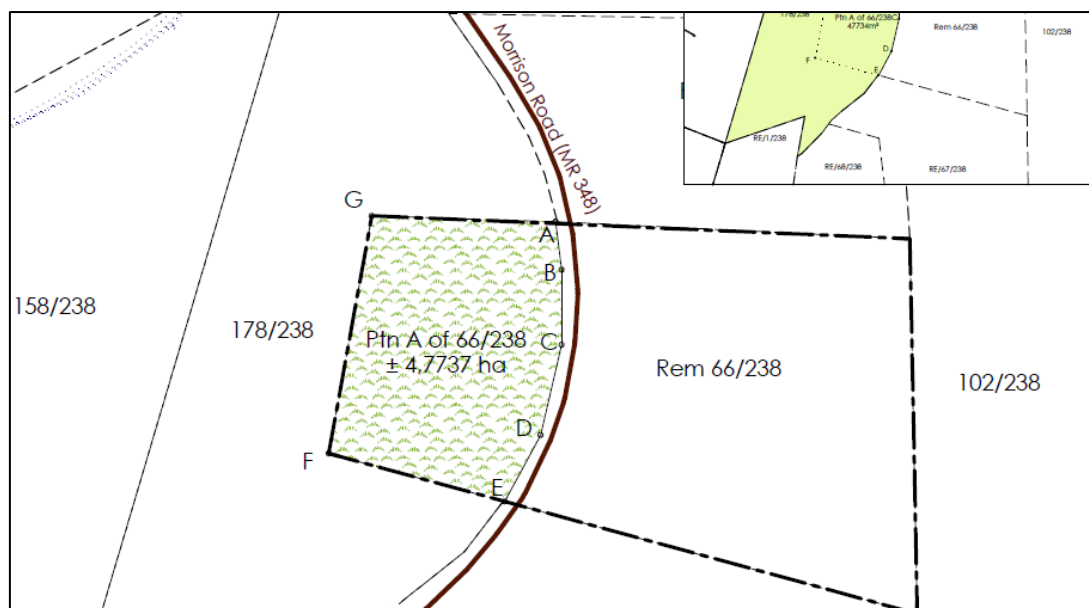


FIGURE 14: PROPOSED SUBDIVISION AND CONSOLIDATION OF PORTION 66 OF FARM NO 238

Portion 66 of the Farm Hoogekraal No 238, Division George, will be subdivided into two portions: (Portion A = $\pm 4,7737$ ha) and a Remainder, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, and simultaneously, Portion A of Portion 66 of the Farm Hoogekraal No 238, Division George, with Portion 178 of the Farm Hoogekraal No 238, Division George, in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality.

6.2. Subdivision and Consolidation: Portions 65; 72; 85; 88 & 168

There are existing graves that straddle Portions 65 and 168 of the Farm Hoogekraal No 238. Portions 85 and 168 will not form part of the coastal farmstead development, but the owners agreed to amend the common property boundaries to ensure that the existing graves are all located on Portion 168, that will not be part of the HOA. In order to ensure that Portions 85 and 168 are more or less the same size than before the boundary amendments, a Portion of Portion 88 will be subdivided off and consolidated with Portion 85. Portion 85 will be subdivided into three (3x) portions, and Portion A of Portion 85 will be consolidated with Portion 72 to the north, and Portion B of Portion 85 will be consolidated with Portion 88 to the west.

The proposed amended boundaries between Portions 65; 72; 85; 88 & 168 of the Farm Hoogekraal no 238 is shown in Figure 15 below, and attached as Plan 8.

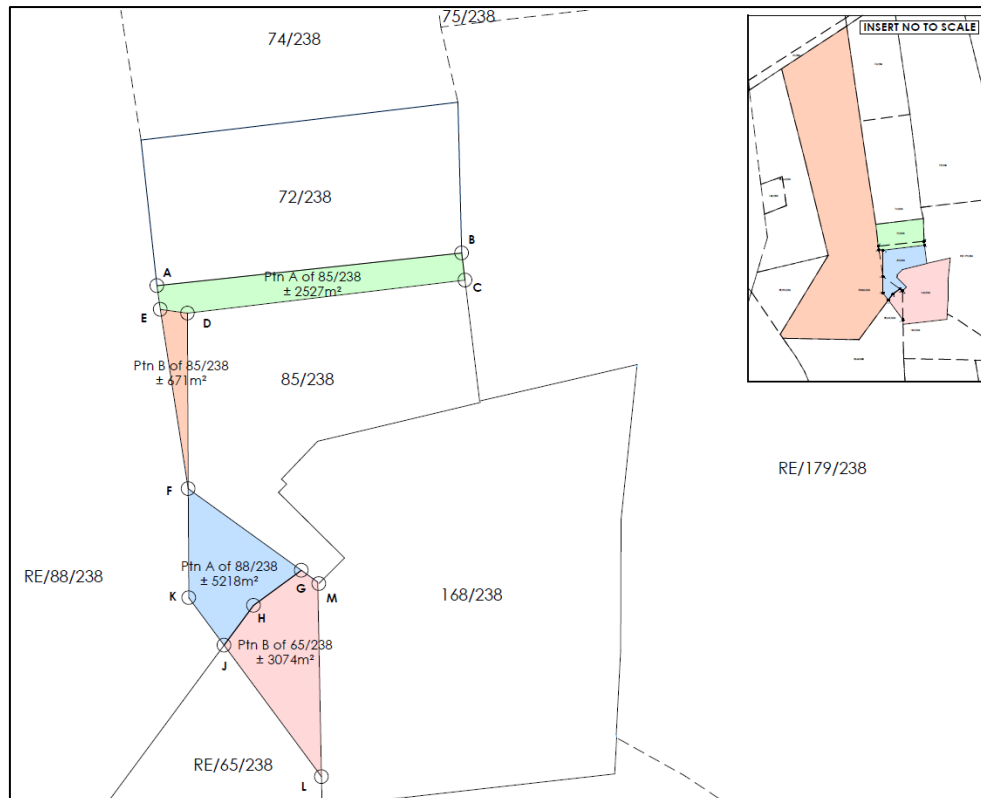


FIGURE 15: PROPOSED SUBDIVISION AND CONSOLIDATION OF PORTIONS 72; 85; 88 & 168

6.3. Subdivision and Consolidation: Portions 5; 42 & 82

The N2 National Road bisects Portions 5; 42 and 82 of the Farm Hoogekraal No 238. The farms north of the N2 National Road will not be part of the Hoogeland Coastal Farmsteads development, and therefore these farms have to be subdivided in accordance with the N2 National Road alignment. The farms to the north of the N2 will be consolidated and the farms of the south on the N2 National Road will be consolidated. Figure 16 below shows the proposed subdivisions.

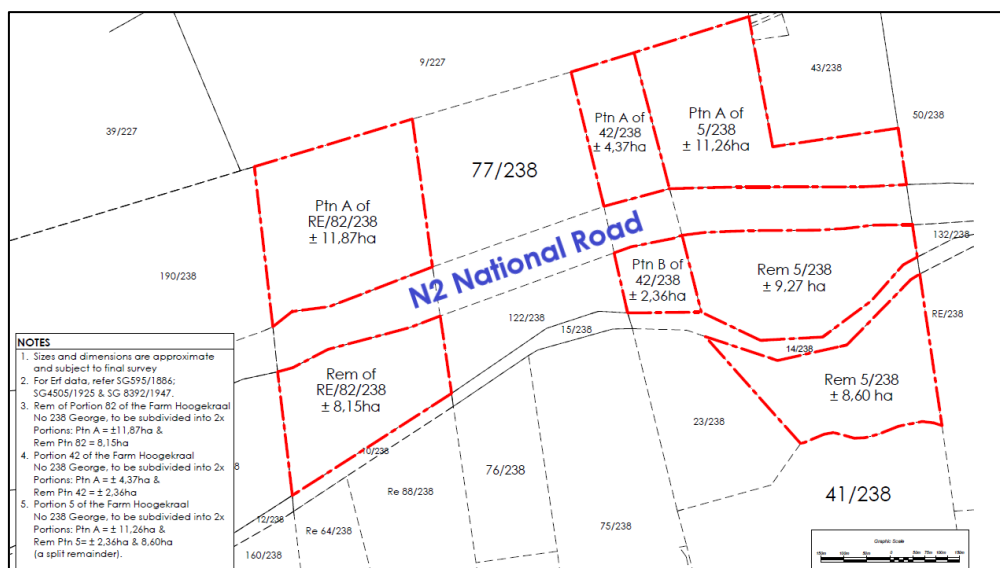


FIGURE 16: PROPOSED SUBDIVISION AND CONSOLIDATION OF PORTIONS 5; 42 & 82

Figure 17 below shows the proposed consolidation of the farms north of the N2 National Road.

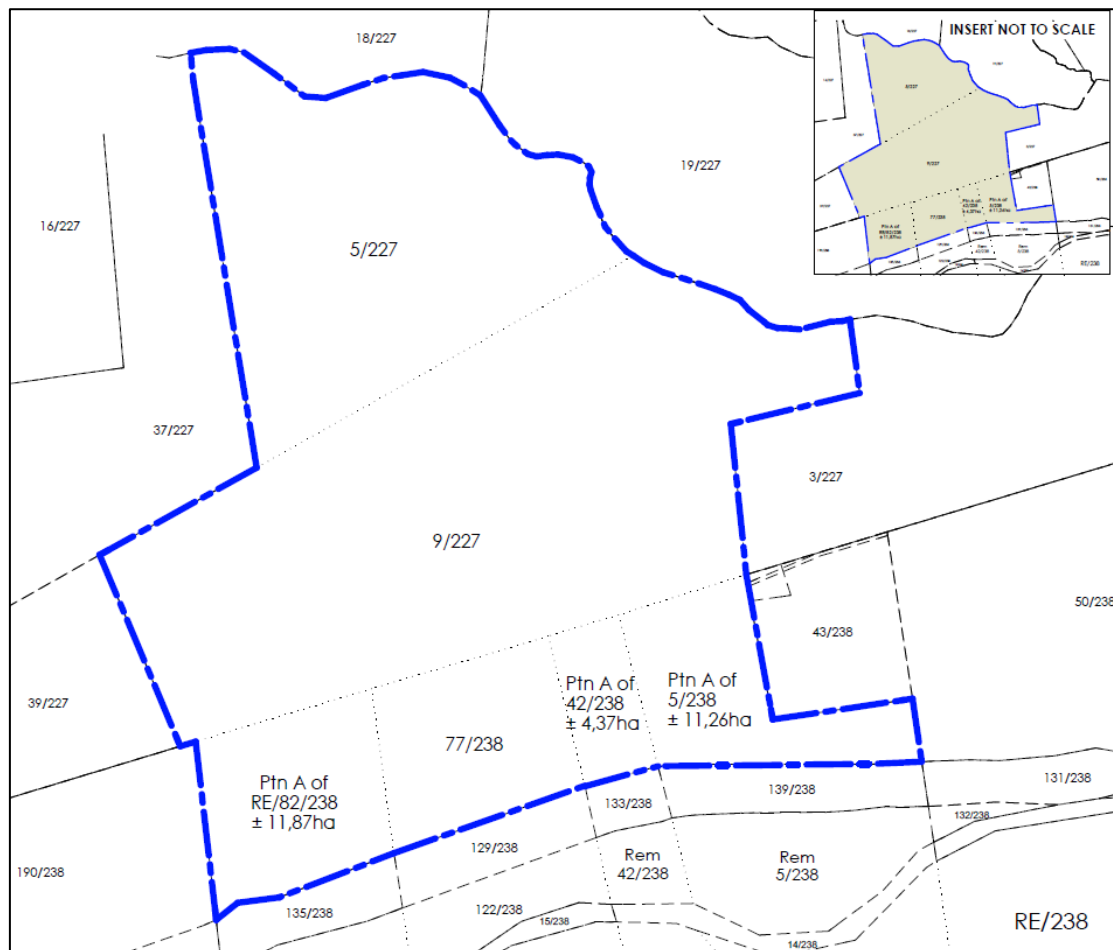


FIGURE 17: PROPOSED CONSOLIDATION OF PORTIONS 5 & 9 OF FARM 227 & PORTIONS A OF 82; 42 & 5 OF FARM 238

6.4. Consolidation of all Farms South of the N2 National Road

The 34 land parcels south of the N2 National Road, will form the application area for the "Hoogeland Coastal Farmsteads". These portions will be consolidated into one property, to create a consolidated farm of ± 534.4599 ha. Application for this consolidation is made in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality.

The consolidation plan is attached as Plan 13. The proposed consolidation is shown in the figure below:

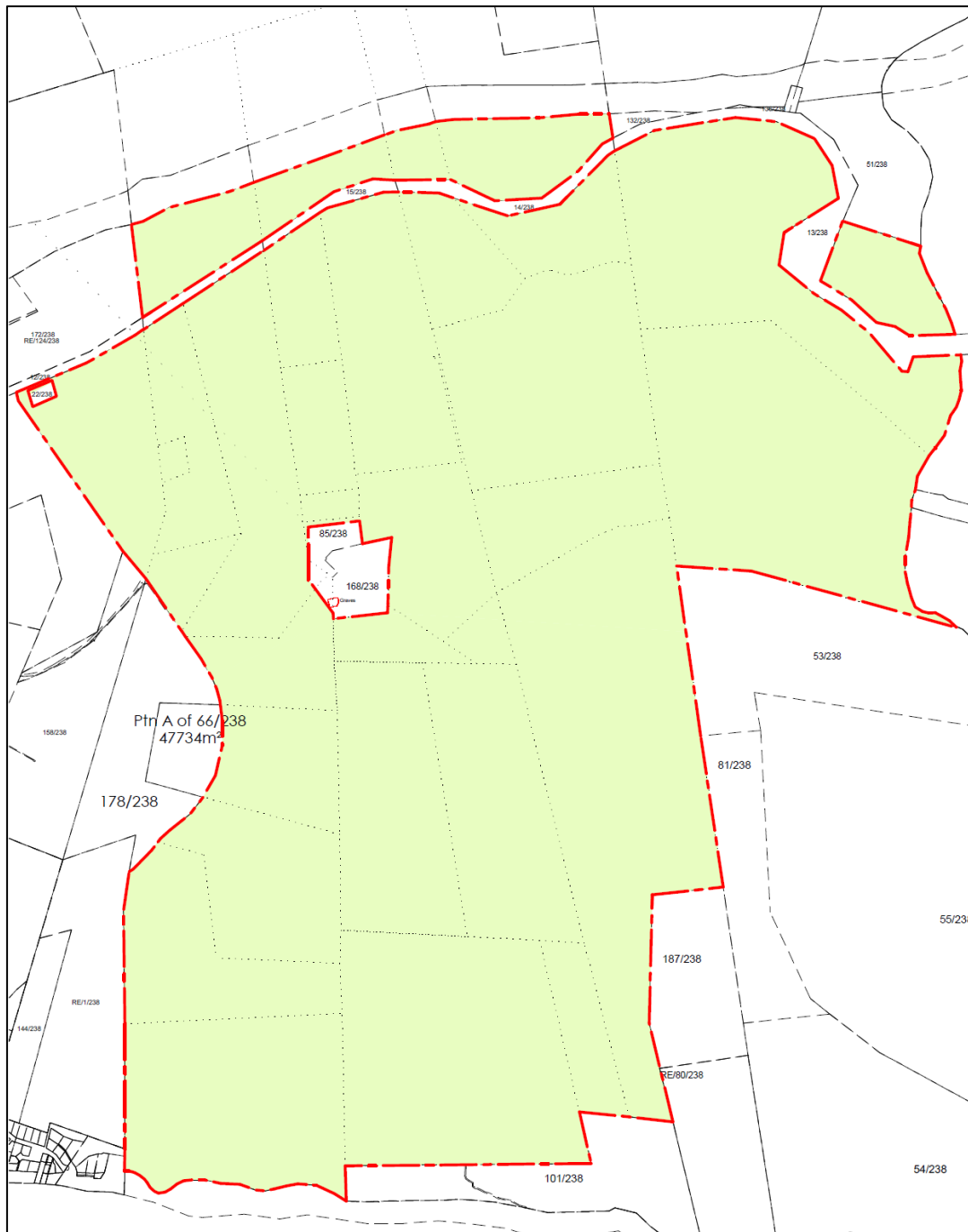


FIGURE 18: PROPOSED CONSOLIDATION ALL FARMS SOUTH OF THE N2 NATIONAL ROAD

6.5. Rezoning to Subdivisional Area

The George Zoning Scheme Bylaw states that a subdivisional area overlay (SAO) zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-law. The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout, which will be determined when an actual application for subdivision is approved.

Application is therefore made for the rezoning of the consolidated Farm from "Agriculture Zone I" and "Business Zone III" to a "Subdivisional Area" overlay zone, consisting of 63 x small farms (31 x agriculture and 32x split zoning between agriculture and conservation); 1x group housing erf; 1x Utility Service erf, 1x Place of instruction erf; 10x private open space erven; 19x Nature Conservation Area farms; 15x private street erven; and a public street, in terms of Section 15(2)(a) from the Land-Use Planning By-Law for George Municipality, 2023.

6.6. Proposed Subdivision North of the N2 National Road

The consolidated farm north of the N2 National Road will be subdivided into six (6x) cadastral units, and all 5x farms will obtain vehicular access off the existing Minor Road 6847.

The proposal is to subdivide the subdivisional area north of the N2 National Road into 6x portions, as per Plan 11: Layout Plan.

Application is therefore made for the subdivision of the Consolidated farm north of the N2 National Road, in terms of Section 15(2)(d) Land Use Planning Bylaw for George Municipality, 2023, into following Portions, as shown on Plan No "Pr24/70 F238Plan11layout_north", attached as "Plan 11" to this report:

- 5 x "Agriculture Zone I" properties;
- 1 x Transport Zone II property

6.7. Proposed Subdivision South of the N2 National Road

The proposal is to subdivide the subdivisional area south of the N2 National Road into 111 x portions, as per Plan 12: Layout Plan07. Application is made for the subdivision of the Consolidated farm, in terms of Section 15(2)(d) Land Use Planning Bylaw for George Municipality, 2023, into the following land uses as indicated on the layout plan Pr24/70 F238Layout07;

- 31 x "Agriculture Zone I" properties;
- 32 x properties with a split zoning between "Agriculture Zone I" & "Open Space Zone III"
- 1 x "General Residential Zone II" property;
- 1 x "Utility Zone" property;
- 1 x "Community Zone I" property;
- 10 x "Open Space Zone II" properties;
- 19 x "Open Space Zone III" properties;
- 15 x "Transport Zone III" properties;
- 1x "Transport Zone II" property;

6.8. Consent Use

In order to allow the existing cemeteries on the application area, application is made for a consent use on proposed Portions 86 & 93; in terms of Section 15(2)(o) of the Land-Use Planning By-Law for George Municipality, 2023, to allow existing cemeteries.

6.9. Removal of Restrictive Title Deed Conditions

Condition 1(I)(b)(i) in Title Deed No **T76531/2007** states that: "... *That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective Transferees and their successors in title...*" This road is now one of the proclaimed Minor Roads (OP 6846), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition 3(III) in Title Deed No **T76531/2007** states that: "... *Kragtens No. Akte No. 643/1958 gedateer 29/7/1958 is die Restant van Gedeelte van Perseel 5 van die Plaas Hoogekraal – 67.8579 morge hieronder gehou (para 2) (a) ONDERHEWIG aan 'n 20 voet wye reg van weg gemerk j.k.l.m. op Kaart No. 11946/48 van die hierna vermelde Gedeelte 84 ten Gunste van Gedeeltes 83 and 84 van die plaas Hooge Kraal hede getranspoteer kragtens Transportakte No. 15445/1958 en (b) GEREGTIG op 'n serwitut pad 20 voet wyd oor gesegde Gedeelte 83 en 84 en gemerk m.n. en o.n. onderskeidelik op Kaart No.'s 11945/48 en 11946/48 daaraan, soos meer volledig sal blyk uit verwysing na gesegde Not. Akte...*" This road is now one of the proclaimed Minor Roads (OP 6844), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition 4(B)(I) in Title Deed No **T76531/2007** states that: "... *all road shown on the Diagram of the respective portions and properties are to remain free and open for the use of the respective transferees and their successors in title...*" This road is now one of the proclaimed Minor Roads (OP 6843), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition 11(A) in Title Deed No **T76531/2007** states that: "... *That F.H.B Botha and his successors in title as the registered owner of the properties known respectively as (a) Platklip and (b) remaining extent of portion Buffelsdrift, transferred on this day No. 6327 shall have a right of way by the existing road over the and hereby transferred, as indicated on the Diagram of the said land.....*" This road is now one of the proclaimed Minor Roads (OP 6847), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition B(I) in Title Deed **T70603/1999** states that: "... *Die paaie aangetekend op al die kaarte van die van die restant van die gesegde plaas HOOGEKRAAL hede aan bogemelde mede-eienaars getranspoteer, en die pad gemerk "KOENS RUG PAD" op die originele Kaart van gesegde plaas HOOGEKRAAL toegeken aan R.O. Scott en andere op 26ste Junie 1886 (George Erfpagte Boekdeel 13 nr. 8) en lopende deur die Spoorweg Hekkie*

en deur die grenslyn soos getoon op die Kaart van Lot 6 hede aan Daniel Cornelius Terblanche getranspoteer nr. 10934 (en daarop gemerk "Servituut Pad"), die na die eiendom van al die gesegde mede-eienaars gaan sal bly en die wydte daarvan sal ag tree wees, maar by die draaie waar die pad afdraai uit die grootpad op Lot nr. 8 hede aan Marthinus Christoffel Barnard getranspoteer nr. 10936 na die resterende gedeelte van gesegde plaas HOOGEKRAAL hede aan Gilbert Francis Stewart Nortier getranspoteer te word en op Lot nr 10 hierby aan Theunis Johannes Barnard getranspoteer na Lot nr. 11 hede aan James Izaak Barnard getranspoteer te word sal daar 'n wydte gegee word sodat daar gedraai kan word met 'n span trekgoed. Hierdie paaie sal bly as trekp pad en rypad, en sal wees vir die wederkerige gebruik van bogenoemde eienaars, hulle families, diensknegte, agente, erfgename, en die opvolgers in titel..." This road is now one of the proclaimed Minor Roads (OP 6844), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition B(II) in Title Deed T70603/1999 states that: "...*Die gesegde James Izaak Barnard as eienaar van Lot 11, hede aan hom getranspoteer te word, Theunis Johannes Barnard as eienaar van Lot nr. 10 hierby getranspoteer en te gesamentlike Boedel van wyle Christian Jacobus Barnard en nablywende eggenote Maria Magdalena Barnard (gebore Kuyler) vroer Barnard en nou getroud sonder gemeenskap van goedere met James Izaak Barnard se eienaar van Lot nr. 9 hede aan gesegde Boedel getranspoteer nr. 10937 respektiewelik, en hulle opvolgers in titel sal die gebruik hê van die suiping aangetekend op Kaart van Lot nr. 8 hede aan gesegde Marthinus Christoffel Barnard getranspoteer nr. 10936 en wel in die GROOT BRAK KLOOF, vir hulle vee met reg van toegang en terug gang daarheen...*" This road is now one of the proclaimed Minor Roads (OP 6844), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition 2(B) in Title Deed No T 779/1999 states that: "... *Die paaie aangetekend op al die kaarte van die van die dele van die restant van gesegde plaas HOOGEKRAAL hede aan bogenoemde mede-eienaars getranspoteer, en die pad gemerk "KOENS RUG PAD" op die originele Kaart van gesegde plaas HOOGEKRAAL toegeken aan R.O. Scott en andere op 26ste Junie 1886 (George Erfpagte Boekdeel 13 nr. 8), en lopende deur die Spoorweg Hekkie en langs die grenslyn soos getoon op die Kaart van Lot 6 hede aan Daniel Cornelius Terblanche getranspoteer nr. 10934 (en daarop gemerk "Serwituut Pad"), die na die eiendom van al die gesegde mede-eienaars gaan sal bly en die wydte daarvan sal ag tree wees, maar by die draaie waar die pad afdraai uit die grootpad op Lot 8 hede aan Marthinus Christoffel Barnard getranspoteer No. 10936 na die resterende gedeelte van gesegde plaas HOOGEKRAAL hierby aan Gilbert Francis Stewart Nortier getranspoteer en op Lot No. 10 hede aan Theunis Johannes Barnard getranspoteer NO. 10938 na Lot No 11 hede aan James Izaak Barnard getranspoteer No. 10939 sal daar 'n wydte gegee word sodat daar gedraai sal word met 'n span trekgoed. Hierdie paaie sal bly as trekp pad en rypad, en sal wees vir die wederkerige gebruik van bogenoemde eienaars, hulle families, diensknegte, agente, erfgename, en die opvolgers in titel..."* This road is now one of the proclaimed Minor Roads (OP 6844), that will be deproclaimed as part of this development

application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition 1(c) in Title Deed T 66591/2008 of Portion 64, states that: "...*Aan die serwituut wat betref 'n 12 voet reg van weg ten opsigte waarvan die volgende verwysing op 12 Maart 1909 geëndosseer is op bogenoemde Grondbrief as volg...*" *The land under this Title Deed if subject to the Deed of Agreement dated 21st November, 1908 of which copy is attached...*" This road is now one of the proclaimed Minor Roads (OP 6844), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition A(c) of Title Deed No T12589/2010 states that: "...To a servitude of right of way 3,78 metres..." This road is now one of the proclaimed Minor Roads (OP 6843), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition (c) in Title Deed No T 4069/2010 states that: "...*a 3,66 metre servitude right of way reference to which appears from an endorsement dated 12 March 1909...*" This road is now one of the proclaimed Minor Roads (OP 6842), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition (3) in Title Deed No T 4069/2010 states that: "...*onderhewig aan die 3,78 meter serwituut reg van weg waarna verwys word in die aantekening gedateer 12 Maart 1909 op voormelde Grondbrief...*" This road is now one of the proclaimed Minor Roads (OP 6842), that will be deproclaimed as part of this development application, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition B(1) in Title Deed No T87304/2007 states that: "...That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective Transferees and their successors in title..." These roads relate to the proclaimed roads that will be deproclaimed, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition 1(B) in Title Deed No T 12590/2010 states that: "...*That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective Transferees and their successors in title...*" These roads relate to the proclaimed roads that will be deproclaimed, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition B(1) in Title Deed No T19705/2008 states that: "...*That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective Transferees and their successors in title...*" These roads relate to the proclaimed roads that will be deproclaimed, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition B in Title Deed No T87303/2007 states that: *"...That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective Transferees and their successors in title..."* These roads relate to the proclaimed roads that will be deproclaimed, and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition (1)(B)(1) in Title Deed No T15622/2009 states that: *"...That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective Transferees and their successors in title..."* These roads relate to the proclaimed roads that will be deproclaimed (OP6844), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition (13)(B)(1) in Title Deed No T76531/2007 states that: *"...That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective Transferees and their successors in title..."* These roads relate to the proclaimed roads that will be deproclaimed (OP6844), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition (13)(B)(3) in Title Deed No T76531/2007 states that: *"...the owners of Lot A4, C4 and the said Lot 5, and their successors in title, shall give the owner of Lot B4 a road for the driving of stock (Jaagd pad) from a point on the road known as "Guano gat" road to a point on the "Maalgaten" road, upon the special condition that should the owner of Lot B4 at any time make use of the road shown on the diagrams of Lots B4, A4, and the remaining extent of Lot 4, as running through the respective properties between the point where it crosses the boundary between Lot 3 of Hoogekraal and the remaining extent of Lot 4, and the point where it crosses the southern boundary of Lot A4 then the said road for livestock shall be closed..."*

Condition (13)(B)(4) in Title Deed No T76531/2007 states that: *"...the owner of the remaining extent of Lot 4 shall give the respective Transferees and their successors in title a road 30 feet wide from the common beacon between Lot 3 and Lot 4 at or near the gate of the "Guano gat" road to a point to a point where it again joins the "Guano Gat" road on Lot B4...."*

Condition 2(B) in Title Deed No T12816/1994 states that: *"...Die paaie aangetekend op al die kaarte van die van die restant van die gesegde plaas HOOGEKRAAL hede aan bogemelde mede-eienaars getranspoteer, en die pad gemerk "KOENS RUG PAD" op die originele Kaart van gesegde plaas HOOGEKRAAL toegeken aan R.O. Scott en andere op 26ste Junie 1886 (George Erfpak Boekdeel 13 nr. 8) en lopende deur die Spoorweg Hekkie en deur die grenslyn soos getoon op die Kaart van Lot 6 hede aan Daniel Cornelius Terblanche getranspoteer nr. 10934 (en daarop gemerk "Servituut Pad"), die na die eiendomme van al die gesegde mede-eienaars gaan sal bly en die wydte daarvan sal ag tree wees, maar by die draaie waar die pad afdraai uit die grootpad op Lot nr. 8 hede aan Marthinus Christoffel Barnard getranspoteer nr. 10936 na die resterende gedeelte van gesegde plaas HOOGEKRAAL hede aan Gilbert Francis Stewart Nortier getranspoteer te word en op Lot nr 10 hierby aan Theunis Johannes Barnard getranspoteer na Lot nr. 11 hede aan James Izaak Barnard getranspoteer te word sal daar 'n wydte gegee word sodat*

daar gedraai kan word met 'n span trekgoed. Hierdie paaie sal bly as trekkpad en rypad, en sal wees vir die wederkerige gebruik kan bogenoemde eienaars, hulle families, diensknegte, agente, erfgename, en die opvolgers in titel..." These roads relate to the proclaimed roads that will be deproclaimed (OP6844), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition B(4) in **Title Deed No T64110/2011** states that: "...That the owner of the remaining extent of Lot 4 shall give the respective Transferees and their successors in title a road 9,45 metres wide from the common beacon between Lot 3 and Lot 4 at or near the gate of the "Guano gat" road to a point to a point where it again joins the "Guano Gat" road on Lot B4..." These roads relate to the proclaimed roads that will be deproclaimed (OP6843), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Conditions 2(B)(a) & and **Condition 2(C)** in **Title Deed No T12590/2010** relate to a 12-foot right of way servitude and a 3,78m right of way access, respectively. These roads relate to the proclaimed roads that will be deproclaimed (OP6843 & OP 6844), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition 3(1)(c) in **Title Deed No T12590/2010** relates to a 3,78m right of way access. This road relates to the proclaimed road that will be deproclaimed (OP6843), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition A(c) in **Title Deed No T64056/2003** relates to a 12 feet wide right of way servitude. This road relates to the proclaimed road that will be deproclaimed (OP6844), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition (2)(B) in **Title Deed No T45002/2003** relates to a 10m wide right of way servitude. This road relates to the proclaimed road that will be deproclaimed (OP6844), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners.

Condition 2(B)(4) in **Title Deed No T96924/2002** relates to a 9.45m wide right of way servitude over Portion 168. This condition becomes redundant, as the property will have access from all internal roads in the development.

Conditions 1(B)(1) & 2(B)(1) in **Title Deed No T96924/2002** relates to right of way servitudes on roads that are now proclaimed roads that will be deproclaimed, and that will be replaced by private roads, and right of way servitudes for the affected surrounding landowners.

Condition 1(B)(1) & Condition 2(B)(1) in **Title Deed No T28396/2008** relating to a right to, and subject to access roads. These roads relate to the proclaimed roads that will be deproclaimed (OP6843 & 6846), and that will be replaced by a private road, and right of way servitudes for the affected surrounding landowners

Condition B(1) in **Title Deed No T45790/2005** relates to a right to access roads. These roads will be deproclaimed (OP6843), and will be replaced by a private road, and right of way servitudes for the affected surrounding landowners outside the proposed farmstead development.

SECTION C :

ENGINEERING AND INFRASTRUCTURE SERVICES

7. CIVIL SERVICES

EDS Structural, Civil and Transportation Engineers was appointed to investigate the provision of civil services and to prepare a civil services report for this proposed development. A copy of this report is attached as **ANNEXURE N**. This report concluded the following:

7.1. Water Supply

The application area has existing water extraction rights, and a process to verify the extraction rights for each farm that form part of the application area, is underway.

The existing farms have a combined annual water allocation of approximately 1,88 million M³/year, for agricultural use, inclusive for households. Potable water will be purified by the property owners' association to be equitably redistributed to all properties at a rate of 2 kl/u/d. Individual properties can store water in tanks on site for peak use. Irrigation water will be distributed untreated through a separate system to all the cultivated fields, vineyards, orchards, and watering points for agricultural use. Wastewater will be treated on site on each of the new farms south of the N2 through conservancy tanks connected to treatment systems which are owned and operated privately on site by each owner.

7.1.1. Proposed water abstraction, treatment and distribution

Existing water abstraction facilities from the Maalgate River is available on site in line with the Existing Lawful Use water rights on site. It is proposed that these facilities be utilised to abstract water from the Maalgate river to a central dam. Water will be pumped from the holding dam to a central water treatment and distribution point that will be located in the northern portion of the site just to the south of the existing railway line.

It is proposed that a buffer tank be installed at this location from where water will be undergo a filtration process as a first treatment process. Water to be supplied to the residential village will subsequently purified to potable water standards and supplied to the residential village via a proposed pump station.

Filtered water will be supplied from this location to each of the 5 ha farms via a newly constructed pump station. The bulk reticulation to each of the farms will follow the proposed roads and erf connections will be provided to each farm.

It is proposed that a minimum allocation of 7 kL per day will be provided to each farm. It will be a requirement to provide a storage tank of at least 10 kL for the storage of water. Each farm will be responsible for its own treatment of filtered water to potable standards for the water supplying the house.

Water for irrigation purposes can be distributed directly from each farm's storage tank to the required areas.

7.1.2. Post Development Water Demand

The following minimum demands are estimated for the proposed farming development:

Description	Zoning	Water demand (kL/unit)	Amount	AADD (kL/day)	Peak flow (ℓ/s)
5 ha farm portion	Agricultural	7.0	81	567	n/a
Residential Village*	General Res Zone I	0.6	110	66	2.29
Total			185	783	n/a

FIGURE 19: MINIMUM POST DEVELOPMENT WATER DEMAND

7.2. Sanitation

7.2.1. Existing Sewer Drainage

There is currently no formal sewer drainage system on the application area. It is expected that each of the existing dwellings on site is service by individual septic tank and French drain systems.

7.2.2. Sewage treatment for Residential Village

It is proposed that a sewer treatment package plant be construction to receive and treat sewage emanating from the Residential Village. Sewage will be treated to General Limits to allow for the re-use of the Treated Sewage Effluent for irrigation within the development.

Treated Sewage Effluent will be discharged into a newly constructed reservoir from where it will be distributed for irrigation of general areas under the management of the Home Owner's Association.

The sewer package plant will be located to the east of the proposed Residential Village (lower lying area) to allow a gravity fed sewer reticulation system to convey sewage to the package plant. The locality of the proposed package plant is shown in Figure 9, under Par 5.5 of this report.

The Home Owners Association will be responsible for the operations and maintenance of the sewage package plant.

Regular quality monitoring will be conducted to ensure that Treated Sewage Effluent conforms to the required quality standards.

7.2.3. Sewage treatment for 5 ha farms

It is proposed that each 5 ha farm will be responsible for its own sewage treatment on site. It is proposed that the treatment be done via a septic tank and bio-filtration by means of an artificial wetland for additional treatment.

7.3. Storm Water Management

7.3.1. Existing Storm Water Drainage

The existing stormwater on the Application Site consists only of local stormwater crossings of District Roads. There is also a series of drainage lines and dams on the farm that conveys the majority of the stormwater to the south (the ocean) and the east (the Maalgate River). Smaller portions of the site drains towards Morrison Road in the west and towards the N2 in the via existing culvert structures beneath the railway line just to the south of the N2. This water also ultimately drains towards the Maalgate River in the east.

7.3.2. Storm Water Management

The stormwater on site is currently discharged to into the Indian Ocean. The northern catchments are discharged via culvert structures beneath the Transnet railway line to the north from where it is conveyed via an earth channel to the Maalgate River and ultimately into the ocean.

Catchments located in the north-eastern portion of the site discharges via culvert structures beneath the Transnet railway line and directly into the Maalgate River and ultimately into the ocean.

The proposed development will utilise the existing internal topography resulting in catchment delineations remaining the same post development. Low water crossings will be constructed on the roads to allow for stormwater to continue with overland flow to existing defined drainage lines.

Although there may be a slight increase in stormwater runoff (less than 10%) due to the proposed sub-division and rezoning, the functioning of the stormwater system will remain as is.

7.3.3. Estimated Existing and Post-development stormwater runoff

The development does not constitute any significant increase in stormwater runoff as the majority of the application site remains farmland (Agricultural I).

There are approximately 110 families currently living on the proposed application site. These 110 families will be relocated to a village situate between the railway line and the N2 freeway. The existing structures will be demolished to create the proposed 5 ha farms. Each 5 ha farm will be limited to a footprint of hardened surface of 2000 m². This constitutes only 4% of the area to be impacted by the development.

The implementation of rainwater harvesting for irrigation purposes will assist in reducing stormwater runoff from the roofs of future farmhouses and mitigate the 4% increase in hardened surfaces. There is a series of dams on site will also assist with acting as a buffer to reduce peak flows that will be discharged from the site.

The residential village portion of the site comprises of a land area of approximately 4 ha. This is very low density and a runoff coefficient of 0.45 is expected resulting in some additional runoff from the site. Stormwater from this area will be discharged to the north- and south-east to a natural drainage line that ultimately discharges into the Maalgate River.

7.3.4. Railway line culvert crossing capacities

There are several existing culvert crossings beneath the Transnet railway line that intersects the site. The table below indicates the 2 and 20 year return period runoffs and the corresponding capacity of the culvert at the discharge locations:

Rail crossings	Catchments contributing	Area (m ²)	Q ₂ (m ³ /s)	Q ₂₀ (m ³ /s)	Culvert size	Culvert Slope (%)	Culvert Capacity (m ³ /s)
1	A1	433 974	1,273	2,879	1200 x 900 mm box culvert	1,5	3,012
2	A2	116 510	0,342	0,773	600 mm Ø pipe	2	0,919
3	A3	32 683	0,096	0,217	525 mm Ø pipe	5,3	1,048
4	A4	41 637	0,122	0,276	525 mm Ø pipe	4	0,910
5	A5	81 061	0,238	0,538	1200 x 1200 mm box culvert	7,4	9,727
6	B1	771 627	2,263	5,118	2 x 600 mm Ø pipes	1,4	1,078
7	B2	94 261	0,276	0,625	600 mm Ø pipe	6,7	1,682
8	B3	43 302	0,127	0,287	750 x 600 mm box culvert	6	2,778

FIGURE 20: RAILWAY CROSSING CULVERT CAPACITIES

From the table above it can be seen that there is adequate capacity in the culvert crossings to convey stormwater beneath the railway line to the drainage channel parallel to the N2 National Road.

7.3.5. Stormwater Management and Site Interventions

The proposed consolidation, rezoning and sub-division will result in a minor increase in stormwater runoff (less than 10%). To alleviate the slight increase the following measures will be implemented:

- Development footprint of hardened surfaces will be limited to 2000 m² per 5 ha farm. This is only 4% of each farm
- Rainwater harvesting will be implemented at all new dwellings
- Increased farming activities and irrigation will result in more water being abstracted from the existing dams on site. There will therefore be additional attenuation capacity in the dams on site further decreasing the total runoff from the site.
- Low water crossings on new roads will be constructed to ensure that the stormwater system will continue to operate in a sustainable manner.

7.4. Conclusions and Recommendations

The Civil Services investigation concluded that:

- (i) There are no existing water and sanitation services on site.
- (ii) The application area has ample water extraction rights, and these extraction rights, will be reallocated between all the new farms.
- (iii) A package plant will be installed to service the residential farming village, and each 5ha farm will be providing their own on-site sewage treatment.
- (iv) There are existing roads and adequate stormwater infrastructure in the precinct to the application area.

8. ELECTRICAL SERVICES

Neil Lyners & Associates (Pty)Ltd Consulting Electrical Engineers was appointed to investigate the provision of electrical services and to prepare an electrical services report for this application. A copy of this report is attached as **ANNEXURE O**. This report concluded that:

8.1. Electrical Load Estimate

The anticipated electrical load for this total development is **2919.2 kVA**.

8.2. Existing Electrical Capacity

The specific area to be developed falls into the electricity supply area of Eskom, and bulk services will therefore be provided from the nearest Eskom network with adequate capacity. There are existing overhead lines on the site, which feed existing connections.

8.3. Bulk Electrical Services Details

The medium voltage network will be upgraded to provide a connection point near the boundary of each farm in the development. The medium voltage network will consist of overhead lines and transformers.

The existing overhead 11kV lines across the development, which cannot be re-used will be removed.

8.4. Internal Electrical Services Details

Internal low voltage services will be done for the residential units, the polo club and school. All owners of farms will have to apply for a low voltage connection at Eskom.

9. TRAFFIC IMPACT ASSESSMENT

EDS Structural, Civil and Transportation Engineers was appointed to conduct a Traffic Impact Assessment for the proposed development on the application area. A copy of this Traffic Impact Assessment is attached as **ANNEXURE P** to this report.

The "South African Traffic Impact and Site Traffic Assessment Manual" (TMH 16 Version 1.0 of August 2012) was used to define the extent of the study area. In line with the manual, analyses are required for both the base year and a five-year horizon year. This Traffic Impact Assessment concluded that:

9.1. Existing Access and Road Network

The application area is located south of the N2 National Road, a Class 1 roadway under jurisdiction of SANRAL. Morrison Road and Main Road (Western Cape Government Main Road MR00348), a Class 2 road, traverses to the west of the development site and is under the jurisdiction of Western Cape Government as Approving Authority and George Municipality as Roads Authority.

9.2. Future Access and Road Network

There are currently no planned external road network changes or upgrades expected to impact the proposed development. The final alignment of internal roads will be determined during the geometric roadway design process as part of the detailed Site Development Plan.

The development will have a single primary access point south of the N2 to serve the ±81 farms. Although the agri-village units will access through the identified service entrance, as a worst-case scenario, a single combined access point (i.e. Development Access) was analysed for the southern farm units and the agri-residential village sharing a single access.

As Morrison Road and Main Road are under the jurisdiction of the Western Cape Government, all access spacing will comply with the Western Cape Access Management Guidelines (2020), to be confirmed during the detailed design phase of the internal road network for the development area. However, dedicated turning lanes will be provided at both access intersections.

9.3. Trip Generation

The existing development consists of 31 farm positions which all have rights for a single residential house with the 80 households informally settled across the properties. It should be noted that the existing internal agri-residential village units represent the relocation of existing residents and therefore new trips are only associated with the additional 30 new agri-residential village residential units. Vehicle ownership among these residents is expected to remain very low, as the occupants comprise local farm workers and their families, whose employment and daily activities are largely located within or near the development area. In addition, it was reported that the employment rate for these residents is very low, further reducing the likelihood of regular private vehicle use for commuting. The trip adjustment factor for very low vehicle ownership for these units have therefore been applied accordingly.

The net effect of the development traffic impact is therefore 50 additional single dwelling units on development area.

The "South African Trip Data Manual" (TMH 17, Version 1.01, 2013 "South African Trip Data Manual) provides trip generation rates for dwelling units under the category of Single

Dwelling Units (Land Use 210) - which best describes the existing and intended development of the Hoogekraal Country Estate.

Other existing on-site uses include a small kiosk (Hoogekraal Superette), an informal preparatory school, and a cemetery. The school and cemetery will remain as part of the agri-residential village, while the Hoogekraal Superette is anticipated to cease operation once the new development is implemented. These activities are reflected in the background traffic volumes on Morrison Road and adjacent terminals. Although the superette's removal could justify a deduction in trips from the net new trips generated by the proposed development, a conservative approach was followed, and no deductions were made. This allows flexibility for potential future land uses within the development. The superette, with an approximate GLA of 385 m², is estimated to generate around 27 daily trips during the PM Peak based on an ITE rate of 7 trips per 100 m² for small retail developments – which is also very low.

The proposed development will introduce new recreational facilities, including a polo field, show-jumping arena, horse trails, and communal spaces. These facilities are expected to generate only occasional traffic peaks associated with events (e.g., polo matches), typically over weekends when residential trip generation is lowest. Other proposed uses, such as horse paddocks and small-scale farming (e.g., microgreens, mushrooms, beekeeping), are primarily for residents' private use and will not contribute to external traffic. Similar recreational activities already exist in the surrounding area; therefore, the proposed facilities are not expected to result in any notable change in traffic patterns once the Hoogekraal Country Estate is developed.

9.4. Intersection Traffic Analysis

The following intersections were included in the traffic analysis:

9.4.1. N2 Northern Terminal

The traffic operation conditions for all three analysis scenarios indicate that the intersection will be able to accommodate the existing and expected traffic volumes for all the analysis scenarios and therefore no upgrades to this intersection are required to accommodate the future traffic demand for the background traffic volumes or the development traffic.

9.4.2. N2 Southern Terminal

The traffic operation conditions for all three analysis scenarios indicate that the intersection will be able to accommodate the existing and expected traffic volumes for all the analysis scenarios and therefore no upgrades to this intersection are required to accommodate the future traffic demand for the background traffic volumes or the development traffic.

9.4.3. Development Access / Morrison Road

The intersection of Morrison Road and the Development Access will operate as a side road stop-controlled intersection for the Development Access. The major traffic

movement along Morrison Road will remain free flowing, with a **30m dedicated turning right turn lane** proposed.

The traffic operation conditions for all three analysis scenarios indicate the that the intersection will be able to accommodate the existing and expected traffic volumes for all the analysis scenarios and therefore no upgrades to this intersection are required to accommodate the future traffic demand for the background traffic volumes or the development traffic.



FIGURE 21: MORRISON ROAD / DEVELOPMENT ACCESS - SCHEMATIC LAYOUT OF CURRENT AND PROPOSED GEOMETRY

9.5. Non-Motorised and Public Transport

Limited public transport is available in the area. It can be expected that mini-bus taxi services will operate a limited service along Morrison Road from the N2 to Glentana. Provision should be made for public transport drop-off facilities downstream of the main access to the development in both directions. The drop off facilities should include paved areas for waiting as well as bus shelters.

9.6. Conclusion

The Traffic Impact Assessment concluded that:

- (i) The proposed development consists of 81 upmarket residential erven and formal housing for 110 low-income residents to be retained on the development site within the agri-residential village. The latter have very low vehicle ownership and very low employment rates.
- (ii) The existing development consists of 31 farm positions which all have rights for a single residential house, the 110 households informally settled across the properties.
- (iii) The additional peak hour vehicular trip generation of the proposed development is estimated to be 59 trips during the morning and afternoon peak hours respectively. This is insignificant from a traffic engineering perspective.
- (iv) Access to the development is via a side road stop-controlled access to the development on Morrison Road. A second side-road stop-controlled service entrance is provided to the development on Morrison Road.
- (v) The analysis indicates that the intersections can accommodate the expected traffic demand **without upgrades** and with side road stop control.
- (vi) It is recommended that dedicated right and left turn lanes with lengths of 60m excluding taper length be provided at the development accesses on Morrison Road (along Morrison Road) and Main Road (Along Main Road), as well as the service entrance, to reduce friction along the road and to improve traffic safety at the respective accesses (i.e. Development Access 1, Development Access 2 and Service Entrance).
- (vii) It is also recommended that dedicated **right turn lanes with a length of 30m** be provided at the development accesses on Morrison Road (along Morrison Road), as well as the service entrance along Morrison Road, to reduce friction along the road and to improve traffic safety at the respective accesses (i.e. Development Access and Service Entrance).

SECTION D :

CONTEXTUAL INFORMANTS

10. LOCALITY

The application area (Hoogeland Coastal Farmsteads) is located south east of the N2 National Road Intersection with Main Road MR00348 (the off-ramp to Glentana), at approximately the N2-7 9,8W mark on the N2 National Road. The application area is bordered by the Maalgate River to the East, Morrison Road to the west, the N2 National road, and the Indian Ocean to the south.

The application area is located on the south western border of George Municipality, and near the municipal area of Mossel Bay Municipality. The Glentana seaside village (Mossel Bay Municipal area) is located to the west of the application area.

The entrance to the application area is $\pm 600\text{m}$ south of the N2 National Road and the GPS co-ordinates for the entrance are at 34.031883°S and 22.319656°E . The locality of the application area is shown in the figure below:



FIGURE 22: LOCALITY

11. CURRENT LAND USE AND ZONING

11.1. Land Use

The farms to the north of the N2 National Road are vacant.

The farms to the south of the N2 National Road are used for grazing, fallow lands, rural residential, informal settlement, and the Hoogekraal Primary School that is located on Portion 88 of the Farm Hoogekraal No 238.



FIGURE 23: EXISTING GRAZING AREAS



FIGURE 24: EXISTING NEIGHBOURHOOD SHOP

11.2. Zoning

According to the George Zoning Map, the application area has a split zoning between "Agriculture Zone I" and "Business Zone III" on Portion 148 of the Farm Hoogekraal No 238. The figure below is an extract of the George Zoning Map:

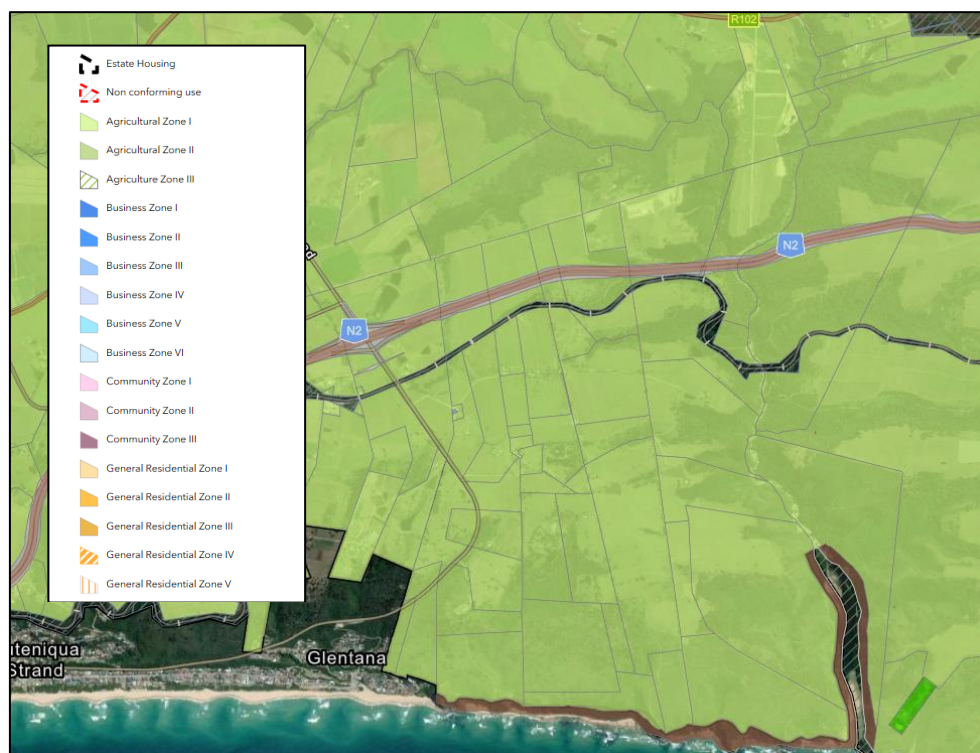


FIGURE 25: GEORGE INTEGRATED ZONING SCHEME BYLAW (2023)

12. SITE CHARACTERISTICS

Hilland Environmental is the appointed Environmental Assessment Practitioners (EAP's) for the development project, and will be facilitating the applications for Environmental Authorisation. As part of this process, a Biodiversity Sensitivity Report and Aquatic Sensitivity was prepared, and copies of these reports are attached as **ANNEXURE R** to this report. A copy of Hilland Environmental's Basic Assessment Report is attached as **ANNEXURE X** to this report.

12.1. Topography

The application area (north and south of the N2 National Road) covers a large area of ± 800 ha. The topography of the application area exhibits a distinct north-south gradient. The northern portion of the area is characterised by relatively flat terrain, with gentle undulations and minimal elevation change. As one moves southward, the landscape becomes increasingly varied, with a progressive increase in slope. The southern extent of the area features significantly steeper terrain, culminating in a series of prominent cliffs or escarpments, which mark a dramatic change in elevation. This variation creates a clear topographical transition from flat lowlands in the north to rugged, elevated terrain in the south.

The highest part of the application area is at $\pm 200\text{m}$ above MSL and drops to $\pm 25\text{m}$ above MSL. The figure below shows the Slope Classification (%) of the application area (north & south).

From the images below, it is clear that there are some steep slopes that are too steep for development, on the application this area and given the large size of the properties each will still have a developable footprint some smaller than others.

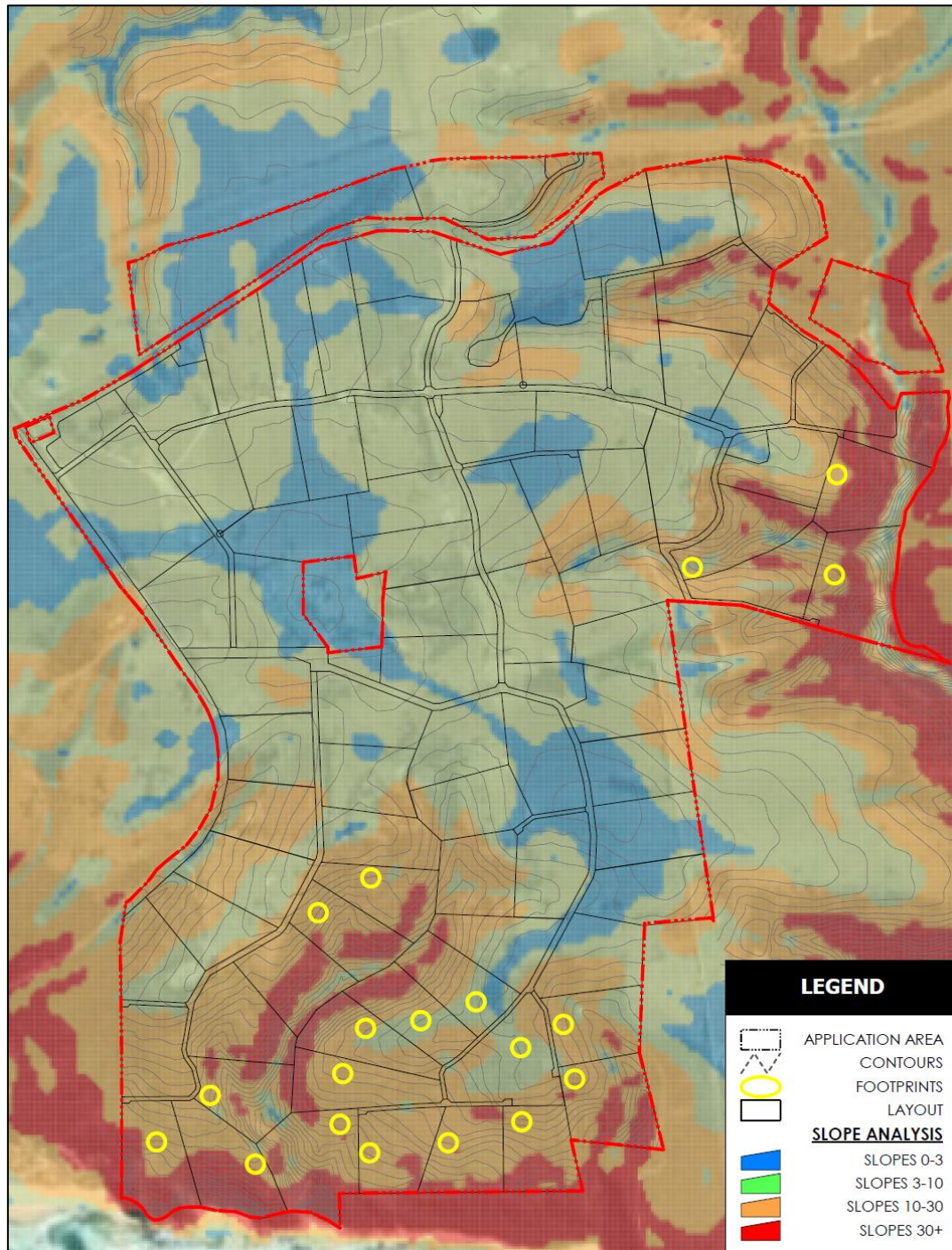


FIGURE 26: SLOPE ANALYSIS FOR THE APPLICATION AREA

12.2. Biodiversity Informants

Plant Species, Animal Species, and Terrestrial Biodiversity baseline study and site sensitivity analysis was conducted by **BioCensus (Pty)Ltd**. A copy of this report is attached as **ANNEXURE Q**. Three (3x) themes were investigated:

- Terrestrial Biodiversity Theme
- Terrestrial Plant Species Theme
- Terrestrial Animal Species Theme

The Terrestrial concluded that:

- (i) The site was flagged as having MEDIUM sensitivity with respect to the Terrestrial Plant Species Theme.
- (ii) The site inspection and desktop research ascertains that the site sensitivity is MEDIUM/
- (iii) The site was flagged as having MEDIUM sensitivity with respect to the Terrestrial Animal Species Theme.
- (iv) The site consists of a mosaic of natural habitat and historically cultivated areas, including some areas where cultivation was abandoned and have recovered to a secondary habitat state.
- (v) The site was flagged as having VERY HIGH sensitivity with respect to the Terrestrial Biodiversity Theme. The site inspection and desktop research confirms this sensitivity for all areas that are in a natural state, as well as areas that meet the legal definition for "natural".

Adjust development layout to avoid very high sensitivity CBAs and known habitat of threatened species. A layout taking these into account will allow for maintaining the ecological integrity and reducing landscape interference overall.

The layout was informed by the aquatic buffers, and hence the introduction of the "split zonings" to protect the environmentally sensitive areas on the small, 5 ha farms. It is the considered opinion that the layout is well informed by the demarcated sensitive biodiversity areas.

12.3. Drainage / Aquatic Resources

An Aquatic Sensitivity investigation was conducted by **Upstream Consulting**. A copy of this report is attached as **ANNEXURE R** to this motivation report.

The primary objective of this study was to characterise the spatial extent, ecological condition, hydrogeomorphic classification, and sensitivity of aquatic ecosystems within the study area to inform environmental planning and future land-use decision-making. The assessment combined desktop GIS-based analysis with rapid field verification conducted on 17 April 2026, supported by national biodiversity, hydrological, and conservation datasets.

Despite their degraded condition, the aquatic systems continue to perform important residual ecological functions, including flow attenuation, sediment transport regulation, and connectivity between inland and coastal environments. Their role in maintaining downstream hydrological integrity and supporting catchment-scale processes remains relevant, particularly within the Maalgate River system and associated coastal discharge zones.

Given the sensitivity and functional importance of remaining aquatic features, a precautionary management approach is recommended. This includes the implementation of conservative buffer zones (provisionally **35 m for general watercourses and 42 m for the Maalgate River riparian zone**), control of invasive alien vegetation, restriction of livestock access to sensitive areas, and protection of remaining wetland and riparian habitats. The figure below, shows the application area with the demarcated aquatic buffers, and an indication of how the demarcated buffers are accommodated as split zoned conservation areas, and how the residential footprints / demarcated positions of the new farm houses will avoid the demarcated aquatic buffers.



FIGURE 27: DEMARCATED AQUATIC BUFFERS AND CONSERVATION AREAS

12.4. Improvements

All the subject properties north of the N2 are currently vacant with no buildings on it.

The application area south of the N2 consist of various buildings and structures, including agriculture homesteads with outbuildings, the Hoogekraal Primary School, the Hoogekraal Superette and numerous informal settlements. There are also 2 grave sites on the application area. Other improvements include the access roads that transgress the application area.



FIGURE 28: HOOGEKRAAL SUPERETTE



FIGURE 29: HOOGEKRAAL PRIMARY SCHOOL



FIGURE 30: INFORMAL SETTLEMENTS



FIGURE 31: EXISTING GRAVEYARDS ON THE APPLICATION AREA

12.5. Agricultural Potential

An Agricultural Impact investigation was conducted by Gert Malan Soil Scientist. A copy of this report is attached as **ANNEXURE S**. This assessment concluded that:

- According to the land capability assessment done by B Schloms & J Lambrechts the site is not financially suitable for perennial or annual crop production on a commercial scale. This is in part due to the **limiting soil potential** and available irrigation water.
- The proposed subdivision will market plots of roughly 5ha agriculture land to be kept in agriculture production. Although marketed for lifestyle farming, the agriculture output is not subject to the financial feasibility of the plot.
- The soils of the application area has a High Potential for Permanent Crops - Avocado, Macadamia, Wine Grapes.
- Proposed Agricultural Activities: Grazing / Planted Pastures (**Dryland -59%**) - Horses (Breeding, Stabling etc.); Cattle (Meat); Sheep (Meat); Winter grains for baling (Oats) - Although supplemental feeding might be required for large stock animals, other small holdings might produce and supply neighbouring plots;
- Potential for Permanent Crops (**Supplemental Irrigation 40%**) - Protea and Fynbos cut flower production; Wine grape production (Micro winery); Blueberry production; Kiwi (low chill unit requirement); Avocado & Macadamia (Subtropical); Vegetable gardening (Village + Plots) - With an average annual rainfall of 600mm only supplemental irrigation will be needed in the dryer summer months.
- Most vegetable production in the George area is done on shallow duplex soils, which is abundant on this property. This might also be the activity that is mostly practised by landowners for own use.
- Given the development is approved, a substantial number of unskilled labour will be employed for aforementioned activities and grounds keeping. The

agricultural diversity will increase as each plot decides their own agriculture activity. It's important to realise no commercial farmer will be able to develop several separate small (<2ha) plots of high value crops (niche crops) due to the logistical constraints, however this is highly possible on a life style farming concept.

Further to this, **Multi-Purpose Business Solutions**, conducted an Agriculture Viability Analysis and Socio-economic Cost-Benefit Assessment for the proposed Hoogeland Coastal Farmsteads Development. A copy of this assessment is attached as **ANNEXURE W** to this report. From an Agricultural Perspective, this report concluded that:

- Pastures for grazing were, and to some extent still are, the historical farming enterprise of the Hoogekraal Farms. However, cattle grazing and feed production are declining in favour of higher-value crops such as avocado and macadamia. According to Malan (2026), these two crops could be considered for cultivation on 41,8% of the soils on the Hoogekraal Farms (all else being equal);
- The agricultural viability of avocados and macadamia nuts is assessed over a 25-year period. The financial viability analyses indicate that, given the assumptions, avocado and macadamia production will be under pressure to achieve acceptable profit levels if scale cannot be achieved.
- The financial analysis confirms that the inherent agricultural viability of farming on the Hoogekraal land is limited by constrained irrigation capacity (supplemental water requirements), rising input costs, and other external factors, including foreign exchange fluctuations, given that large portions of the harvest are exported. Even assuming maximum historical land use for dryland pasture and livestock, the projected returns are insufficient to meet the definition of an economically viable and sustainable agricultural operation, with a negative NPV and a sub-optimal IRR over 25 years.
- If one assumes that only 25 ha of avocado and 23 ha of macadamia orchards are possible, irrespective of the profitability of the farming enterprise, it would still be possible to reconfigure the remaining agricultural portion (excluding the conservation portion), resulting in a net 285 ha available for reconfiguration based on the avocado footprint and 287 ha based on the macadamia footprint. If the net 290 ha (net of the avocado footprint) and 292 ha (net of the macadamia footprint) are divided by 5 ha (the average envisaged size of the small-scale farming units), the envisaged number of 57 units would still be achieved (all else being equal). This may imply that avocado or macadamia orchards of up to 25 ha could still be included in the proposed reconfiguration of the property without reducing the number of small-scale agricultural units. As mentioned, a "co-operative"/out-grower model could be considered, with orchards located on the most suitable small-scale farms (soil and access to water), while the rest maintain dryland pastures and/or low-intensity vegetables or fruit trees for their own use.

Hence, even though the application area does not have high potential for viable and productive commercial farming, the agricultural character can be retained, and there is potential for subsistence farming and food production on the proposed 5ha small farms.

12.6. Heritage Resources

Jenna Lavin was appointed to prepare a Specialist Archaeology Assessment of the application area. A copy of this report is attached as **ANNEXURE T** to this report. This specialist assessment concluded that despite the findings of Kaplan (2005), the field assessment did not identify any stone age artefacts within the area proposed for development. The field assessment did record a number of graded resources including burial grounds, some structures of contextual value and a number of ruins. Importantly, the field assessment confirmed that, due to its high levels of historic significance, the Hoogekraal Farm werf precinct is the key heritage resource within the project area. It is important to note that, while the historic Hoogekraal Farm werf precinct is located within the project area, it is excluded from the proposed development.

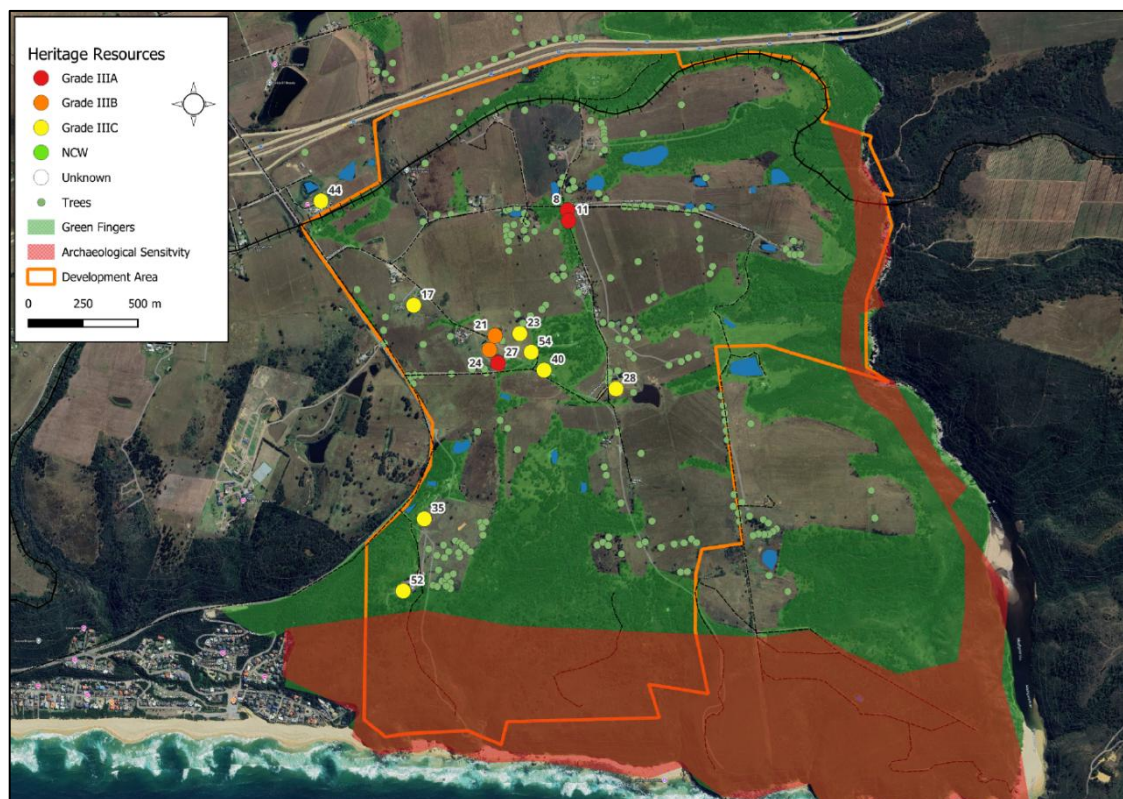


FIGURE 32: SIGNIFICANT HERITAGE RESOURCES AND AREAS OF HERITAGE SENSITIVITY

The overall archaeological sensitivity of the area proposed for development is therefore LOW except for the areas mapped as having VERY HIGH archaeological sensitivity. The areas mapped as "Very High" is shown in the figure above.

The locality of the identified conservation worthy buildings, and an indication of how those buildings will be accommodated within the proposed layout of the farms, is shown in the

figure below. It is clear that all conservation worthy buildings are accommodated within the layout.



FIGURE 33: LOCALITY OF CONSERVATION WORTHY BUILDINGS ON THE APPLICATION AREA

This Archaeological Assessment concluded that this proposed coastal farmstead development is supported from an archaeological perspective as it is not anticipated that the proposed will negatively impact on significant archaeological resources. This support is subject to certain conditions as listed in the Archaeological Impact Assessment.

Artefactual Heritage Consulting then conducted a **Heritage Impact Assessment** in terms of section 38(8) of the NHRA, and a copy of this HIA is attached as **ANNEXURE U** to this report. Based on the outcomes of this HIA, it was concluded that the proposed coastal farmstead development is supported from a heritage perspective as it is not anticipated that the proposed will negatively impact on significant heritage resources on condition that:

- (i) The Hoogekraal Farm Werf precinct is excluded from the development activities and is not impacted by the project;
- (ii) The recommendations included in the VIA are implemented and adhered to
- (iii) The structures graded IIIC in Table 2 are retained. Any alterations to these structures will require a permit application to HWC in terms of section 34 of the NHRA on a case-by-case basis
- (iv) The areas of high archaeological sensitivity are not impacted by any construction activities. Any construction activities within these areas must be subject to monitoring by an archaeologist.
- (v) The current informal cemetery (Site 8 and 11) is formalised through the erection of a fence, with access to the cemetery guaranteed throughout the life of the project.
- (vi) Should the development proceed, it is recommended that a thorough survey of the sea-cut caves in the cliffs be undertaken in order to determine their scientific value and in order to inform a Conservation Management Plan to ensure the appropriate management of these resources for the life of the project should it be deemed necessary.
- (vii) Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

From the AIA and the HIA, it can be concluded that the proposed development has not anticipated negative impacts on any Heritage Resources.

13. CHARACTER OF THE AREA

The area surrounding the large application area is predominantly rural in character, with land primarily utilised for agricultural purposes, including both cultivated lands and natural grazing areas. The settlement pattern is dispersed, consisting mainly of large agricultural holdings and farmsteads, consistent with a low-density, agricultural landscape. Refer to Plan 6 for a land use plan indicating the character of the surrounding area.

The N2 National Road traverses the northern portion of the application area, enhancing regional accessibility and connectivity. While this introduces some movement and access benefits, it does not detract from the predominantly rural land use character.

The George Airport is located approximately 6 km from the site, providing regional transport infrastructure; however, it has not yet had a significant impact on the immediate land use patterns, which remain largely agricultural and undeveloped. Glentana Residential area is located south west of the application area.

The newly proclaimed Herolds Bay Nature Reserve is located to the east of the application area, east of the Maalgate Estuary. The proposed conservation zoned farms on the eastern side of the application area, will form connectivity with this new nature reserve.



FIGURE 34: EXTENT OF NEW HEROLDS BAY NATURE RESERVE

Overall, the surrounding area retains a strong rural and agricultural identity, with limited urban development. The proposed subdivision and amendment of farm boundaries are in keeping with the existing rural context and are unlikely to alter the prevailing character of the area.

SECTION E :

SPATIAL PLANNING POLICIES

14. EXISTING SPATIAL PLANNING POLICY FRAMEWORKS

This section will discuss the applicable policy frameworks that have an influence on any development proposal on the application area. These include:

14.1. National Development Plan

The National Development Plan aims to eliminate poverty and reduce inequality by 2030. South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society.

The National Development Plan recognises that education, training and innovation are central to South Africa's long-term development. These are core elements in eliminating poverty and reducing inequality, and the foundations of an equal society. Education empowers people to define their identity, take control of their lives, raise healthy families, take part confidently in developing a just society, and play an effective role in the politics and governance of their communities.

The National Development Plan is a broad strategic framework. It sets out a coherent and holistic approach to confronting poverty and inequality based on the six focused, interlinked priorities summarised below:

- Building Safer Communities;
- Environmental Sustainability;
- Faster and inclusive economic rural and urban economic growth;
- Economic infrastructure;
- Promoting Health;
- Transforming human settlements and urban space economy.

The National development plan is divided into 15 chapters which outlines the objectives and actions necessary to achieve the overall vision for South Africa by 2030: The following policies have been identified have a bearing on the proposed development.

NDP Chapter 3: Economy and Employment

The following economic development policies are proposed that focus on removing the most pressing constraints on growth, investment and job creation, including energy generation and distribution and urban planning. These policies include the following:

- Promote Private Investment- Private Investment is linked with improved condition as a result of policy certainty, infrastructure delivery, and efficiency of public services which will improve quality of labour in surrounding areas.

- **Improve** spatial dynamics and **rural employment**- Encourage development close to rural townships. Rural economies will be activated through stimulation of agriculture and tourism investment.
- Establish economic and growth clusters – firm decisions need to be taken on sectors which could serve as platforms to launch new growth trajectories.
- Establish Tourism Clusters- Increase number of tourists entering the country and increase the average amount of money spent in regional economy.
- South Africa can do more to develop regions as international tourist destination by empowering the broader diversity and range of tourism destinations.

Objectives for Employment and Growth are listed in the figure below:

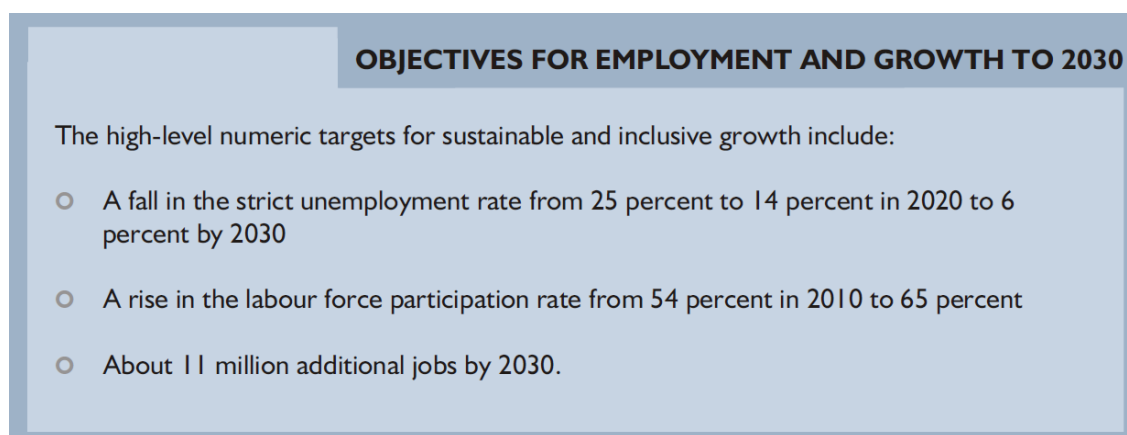


FIGURE 35: NDP CHAPTER 3 – OBJECTIVES FOR EMPLOYMENT AND GROWTH

The proposed development of the Hoogeland Coastal Farmsteads will create new and additional employment opportunities for the existing, unemployed settlers on the application area, thereby adhering to these objectives.

The New Growth Path and this NDP are complementary in the effort to **lower costs in the economy**, especially as high costs contribute towards limiting employment growth and increase hardship for poor households.

In addition to lowering the cost of living for the poor, the vision and plan for the economy has central elements:

- (i) Creating an environment for sustainable employment and economic growth: -
 - a. The most urgent examples include: energy generation and distribution; urban **planning approval processes**; **water supply** and waste-water management; the logistics platform; telecommunications; and licensing for water, minerals and **environmental permits**. Regulatory certainty and institutional reforms will draw forth competitive outcomes in network industries;
 - b. **Human development** is an **essential** part of inclusive growth. Lower living costs (through targeted microeconomic reforms in transport, telecommunications, food and spatial planning), better-quality public services

(especially in health and education) and a more comprehensive social security net will reduce pressure on households, particularly for low-income groups with limited earnings from work.

- (ii) Promoting employment in **labour absorbing industries**: -
 - a. A large percentage of the **jobs will be created** in **domestic-oriented activities** and in the services sector. Some 90 percent of jobs will be created in small and expanding firms.
 - b. **Economic participation in rural areas will rise from 29 percent to 40 percent** as a result of **reformed land tenure, support to farmers**, expanded social services, **higher agricultural output**, mining social investment and tourism.
- (iii) Spatial dynamics and rural employment:-
 - a. It is possible to **raise employment in rural areas** through a **rural development strategy that raises agricultural output; provides basic services; supports small farmers; broadens land ownership**; and invests in water, transport and other network infrastructure. A well-implemented strategy to **boost agricultural output could create up to 1 million jobs by 2030**.
- (iv) Raising the rate of investment:-
 - a. A **labour-absorbing growth path** will rely on improved infrastructure and network services that **support traditional industries**, such as mining and **agriculture**, and newer dynamic industries and associated linkage;
- (v) Stimulating domestically oriented activity:-
 - a. Most **new employment** will arise in domestically oriented activities, where global competition is less intense and there is high labour component. Examples include housing construction, retail, personal services such as hairdressing or cleaning, and business services such as office cleaning or repair. The **environment for small-scale agricultural producers will also be improved**.

Rural economies will be activated through the stimulation of small-scale agriculture; tourism, including the creative and cultural industry; and mining investments and related spin-offs. Public-sector procurement will also be leveraged to stimulate local activity. Much will depend on strengthening local institutions, the flow of infrastructure funding, equitable social service provision, and addressing land tenure reform and regulation in respect of water and mining. The mining charter needs revision to improve the approach to community investment.

Agro-Industrial Cluster for economic development:

- The agro cluster encompasses farming activities, downstream processing of foodstuffs and beverages, and upstream suppliers of inputs into food manufacturing (such as packaging, containers and preservatives) and into farming (such as fertiliser, seed and capital equipment). The sector favours large commercial farms, and vertically integrated agro-processing. This constrains entry and expansion of small farmers and manufacturers.
- The falling share of agriculture employment is not unusual in a development process, but is so in the context of a large labour surplus. Agriculture is still one of the most labour-intensive goods-production sectors, with substantial employment linkages. Resources are not being used sensibly, which requires urgent attention because this sector is one of the few remaining goods producers with strong direct and indirect economic and employment links to the rural poor.
- The neglect of agriculture speaks to the neglect of rural communities. The contraction in formal employment in agriculture is not a recent phenomenon. In 1971, there were 1.8 million people employed. This dropped to 1.2 million in 1995, and, dramatically, to just over 600 000 today (or 900 000, if food and beverage processing and fishing are included). The number of hectares under cultivation has fallen since 1974, and hectares under 5 irrigation have not expanded since the early 1990's.
- Without major policy improvements, the agriculture sector could continue to shed employment, mostly due to land consolidation and technical change. Of the range of possible employment outcomes in agriculture discussed here, the most optimistic scenario shows that about 1 million direct and indirect jobs can be created. The future depends on whether the country can develop land to produce labour absorbing crops. **An additional million opportunities might be created in micro and semi-subsistence farming.**

NDP Chapter 6: Agriculture – Rural Development Strategy

A new, different rural development strategy should focus on:

- Agricultural development based on **successful land reform, employment creation** and strong environmental safeguards. To achieve this, **irrigated agriculture and dry-land production should be expanded, with emphasis on smallholder farmers where possible.** To this end, established agricultural industries must be enabling partners.
- In areas with greater economic potential, industries such as **agro-processing, tourism**, fisheries (in coastal areas) and **small enterprise development** should be developed with market support. Special focus to enhance skills and capabilities of rural women entrepreneurs with **access to land and finance.**
- It is possible to **reverse the decline in the agriculture sector, promote food production** and **raise rural income** and **employment.**

- **Small-scale, labour intensive agriculture** includes industries such as **macadamias, pecan nuts**, rooibos tea, **olives**, figs, **cherries** and **berries**. Roughly 80 000 jobs could be created in these smaller, labour-intensive industries. Smaller or niche industries are attractive because economies of scale, which are found in the big established industries, may not be present.

Conclusion:

It can be concluded that the NDP acknowledges the importance of small scale farming, subsistence farming and land reform to stimulate economic development in the rural areas. It is the considered opinion that the proposal to re-organise farm boundaries by creating new, small scale farms and permanent land ownership for beneficiaries, are consistent with the NDP and that the proposed Hoogeland Coastal Farmsteads development is highly consistent with the rural development strategies of the National Development Plan.

14.2. Western Cape Provincial SDF (2014)

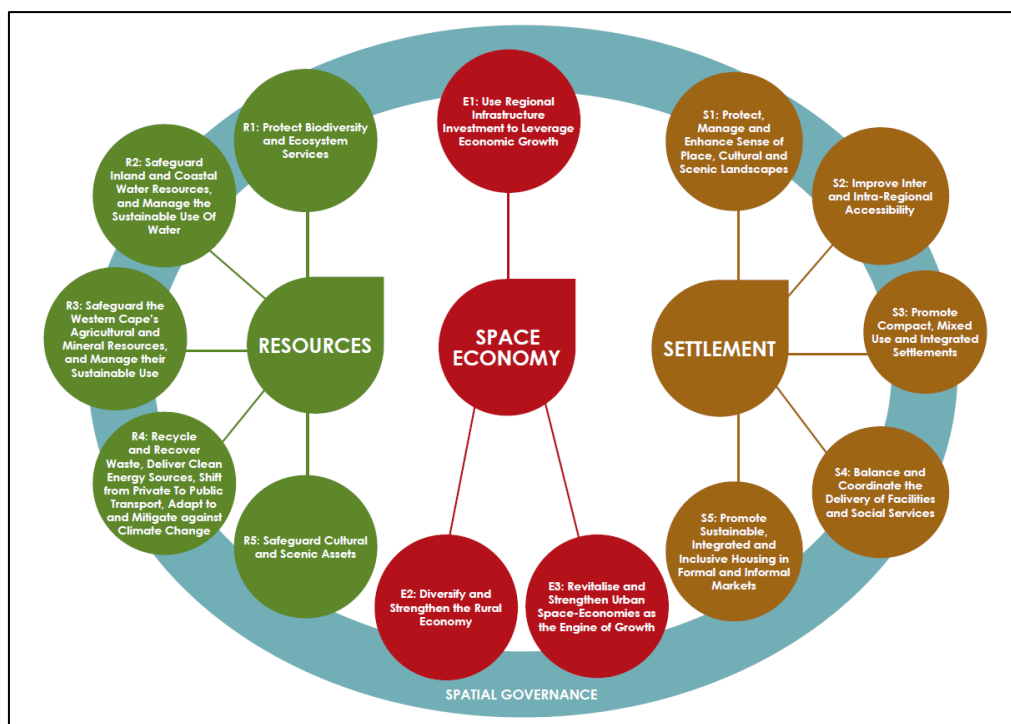
The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

The proposed development compliments the SDF spatial goals that aim to take the Western Cape on a path towards:

- Greater productivity, competitiveness and opportunities within the spatial economy;
- More inclusive development in the urban areas;
- Strengthening resilience and sustainable development.

However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.



POLICY R2: SAFEGUARD INLAND AND COASTAL WATER RESOURCES, AND MANAGE THE SUSTAINABLE USE OF WATER INLAND WATER

Policy Statement	Development's Response
1. Given current water deficits, which will be accentuated by climate change, 'water wise' planning and design approach in the Western Cape's built environment.	<ul style="list-style-type: none"> Rainwater harvesting will be compulsory for all dwellings on all farms, also for the farming village. The proposal will be consistent with this policy.
4. Adopt an overarching approach to water demand management – maximise efficiencies, optimise storage capacity and ground water extraction, explore desalination in the absence of alternatives	<ul style="list-style-type: none"> The farms have existing water extraction rights, and all farm houses will harvest rain water. Existing dams are accommodated on private open spaces, to ensure that the water can be utilised for irrigation for the communal areas and landscaping.
5. Protect and rehabilitate river systems and high yielding groundwater recharge areas, particularly in areas of intensive land use.	<ul style="list-style-type: none"> Existing river corridors and corridors with remaining natural areas have been identified and will be protected from development and rehabilitated. The proposal is consistent with this policy.
14. Development along the coast, lakes, rivers and dams must not compromise <u>ecological integrity, tourism potential and landscape character</u> . Development should be <u>contained within a limited footprint</u> , preferably <u>within or adjacent to existing</u>	<ul style="list-style-type: none"> As mentioned, the proposed farmstead development will retain the rural and agricultural sense of place of the area, and the prescribed limited development footprints for farmsteads will ensure the sense of place.

Policy Statement	Development's Response
<u>settlements</u> , and the required ecological buffers and setbacks must be adhered to. <u>Ensure public access to aquatic assets</u> , and acknowledge the importance of coastlines in contributing to the <u>sense of place</u> .	<ul style="list-style-type: none"> The protection of identified water courses and aquatic buffers and ecological buffers, will protect and ensure the ecological integrity of the site.

POLICY R3: SAFEGUARD THE WESTERN CAPE'S AGRICULTURAL AND MINERAL RESOURCES, AND MANAGE THEIR SUSTAINABLE USE

Policy Statement	Development's Response
1. Record unique and high potential agricultural land (as currently being mapped by the Provincial Department of Agriculture) in municipal SDFs, demarcate urban edges to protect these assets, and adopt and apply policies to protect this resource (especially in areas where raw water is available).	<ul style="list-style-type: none"> According to the Agricultural Report (ANNEXURE S), the application area is not financially suitable for perennial or annual crop production on a commercial scale. This is in part due to the limiting soil potential and available irrigation water. The proposed subdivision will market plots of roughly 5ha agriculture land to be kept in agriculture production. Although marketed for lifestyle farming, the agriculture output is not subject to the financial feasibility of the plot. The soils of the application area has a High Potential for Permanent Crops - Avocado, Macadamia, Wine Grapes. Since the proposed development will enhance agricultural activities on farms that are currently not used for agricultural purposes, the proposal is regarded as consistent with this policy statement.
3. Reconcile ecosystem requirements with conflicting land development pressures through proactive spatial planning, and application of a land use management system that <u>safeguards biodiversity, protects resources and opens up opportunities for improved livelihoods and jobs</u> .	<ul style="list-style-type: none"> The proposal will enhance the agricultural activities on the land, it will protect the identified ecological corridors and aquatic buffers, whilst also providing upgraded and permanent residence and ownership for beneficiaries that currently squat on the application area in informal structures. The additional agricultural activities will also open opportunities for permanent employment and improved livelihoods. The proposal is therefore regarded as being consistent with this policy statement.

Policy Statement	Development's Response
4. Use transformed areas first for new farming and mining ventures	<ul style="list-style-type: none"> <i>This is indeed the case. The transformed areas will be used for agricultural activities and the natural areas will be protected from development and agricultural activities and used and managed as nature conservation areas. The proposal is therefore regarded as being consistent with this policy statement.</i>

POLICY R4: RECYCLE AND RECOVER WASTE, DELIVER CLEAN SOURCES OF ENERGY TO URBAN CONSUMERS, SHIFT FROM PRIVATE TO PUBLIC TRANSPORT, AND ADAPT TO AND MITIGATE AGAINST CLIMATE CHANGE

Policy Statement	Development's Response
3. Provide low income areas with access to electricity and/or off grid renewable energy sources, and systematically upgrade informal settlements.	<ul style="list-style-type: none"> <i>The farmsteads and the farming village will connect to Eskom power, but will be augmented with off-grid, renewable energy such as solar energy, etc.</i>
5. Avoid developing new residential areas in proximity to agricultural areas that utilise crop spraying.	<ul style="list-style-type: none"> <i>No crop spraying will be allowed on the farms. The residential village is to accommodate farm workers and residents that already live on the application area.</i>
11. Mainstream water conservation and demand management in settlement making and upgrading.	<ul style="list-style-type: none"> <i>Rain water harvesting will be implemented at all residential dwellings – the farms and the residential village.</i>
14. Protect agricultural land that holds long term food security value from urban encroachment.	<ul style="list-style-type: none"> <i>The proposed farmsteads development, will result in more and better agricultural activities that are currently taking place on the application area – refer to the Agricultural report attached as ANNEXURE S.</i>
16. Encourage and support renewable energy generation at scale.	<ul style="list-style-type: none"> <i>The farmsteads and the farming village will connect to Eskom power, but will be augmented with off-grid, renewable energy such as solar energy, etc.</i>

POLICY R5: SAFEGUARD CULTURAL AND SCENIC ASSETS

Policy Statement	Development's Response
2. Protect heritage and scenic assets from inappropriate development and land use change.	<ul style="list-style-type: none"> <i>This is exactly what is proposed – refer to Par 12.6 of this motivation report.</i>
5. Priority focus areas proposed for conservation or protection include: <ul style="list-style-type: none"> a. Rural landscapes of scenic and cultural significance situated on major urban edges and under increasing development pressure, e.g. Cape Winelands b. Undeveloped coastal landscapes under major development pressure 	<ul style="list-style-type: none"> <i>This rural landscape will remain a rural landscape. Currently, there are 36 farms of various sizes and 9 pockets of informal settlements on the application area south of the N2 National Road. The rural landscape of the application area is already characterised by several farmsteads, and informal settlements.</i> <i>The proposed development will enhance the agricultural character, replace the informal settlements with one farming village, and organised, architecturally pleasing farm steads. The proposal will therefore support the scenic assets, and it is the considered opinion that this proposal is consistent with this policy statement of the Western Cape PSDF.</i> <i>It should be noted that according to the Western Cape Province's Heritage and Scenic Resources: Inventory and Policy Framework for the Western Cape, May 2013, Version 4, the application area was not earmarked as one of the Provincial or Regional Scenic Assets.</i>

POLICY E2: DIVERSIFY AND STRENGTHEN THE RURAL ECONOMY

Policy Statement	Development's Response
4. Compatible and sustainable rural activities (i.e. activities that are <u>appropriate in a rural context</u> , <u>generate positive socio-economic returns</u> , and <u>do not compromise the environment</u> or ability of the municipality to deliver on its mandate) and of an appropriate scale and form <u>can be accommodated outside the urban edge</u> (except in bona fide wilderness areas).	<ul style="list-style-type: none"> <i>The proposed farm stead development with a farming village, will indeed create jobs, secure and formalise housing for the poor that have established settlement rights on the farms, and the design was informed by the sensitive environmental informants – the proposal is therefore regarded as being consistent with this policy statement of the WCPSPDF.</i> <i>The introduction of small, lifestyle-orientated agricultural holdings directly supports job creation in equine care,</i>

Policy Statement	Development's Response
	<i>vineyard cultivation, farm maintenance, landscaping, hospitality, etc. Local supply chain benefits (feed suppliers, farriers, veterinary services) - This strengthens local agricultural clusters, which is specifically encouraged where agriculture is specialised and value-adding rather than bulk commodity-based</i>
9. The principles contained in the Gazetted Provincial Farm Worker Settlement Policy are endorsed (see Box 8), but amendments may be warranted following decisions taken in terms of FARE's recommendations. It remains Provincial policy to accommodate those seeking off-farm settlement in the nearest town or village as part of the state-assisted housing programme.	<ul style="list-style-type: none"> ▪ <i>The beneficiaries have, on more than one occasion confirmed, that their preference is to remain on the Hoogekraal farms and not to settle in a nearby urban settlement.</i> ▪ <i>Where possible, the beneficiaries will be employed as farm workers, or in communal food gardens, etc.</i>
12. Where there is a combination of land suitable for agriculture and raw water available in proximity to settlements, this strategic Provincial asset should be safeguarded for agricultural purposes.	<ul style="list-style-type: none"> ▪ <i>The application area has existing water extraction rights, and this water rights will be used for the farms, and redistributed between the farms, and the residential farming village.</i> ▪ <i>The predominant use will remain agriculture, and safeguard the land for small scale agricultural purposes.</i>
14. Land targeted for new commercial ventures (e.g. farming, fishing, eco-tourism, etc.) should have the same resource attributes as existing commercial ventures, and be in proximity to markets, facilities and transport.	<ul style="list-style-type: none"> ▪ <i>The application area is very accessible, as it is a mere 9km from the George airport, abutting the N2 National Road, and less than 20km from George. The application area is therefore near transport infrastructure and near the markets.</i>

Planning Implication:

It is the considered opinion that since the proposed development is the establishment of small scale farming units, and securing residential rights for farm workers and beneficiaries with established tenure rights on the farm / application area, the proposal is regarded as being consistent with the WCPSDF.

The proposal will enhance the agricultural activities on the application area, will protect the rural character and scenic assets, whilst providing security of tenure for 110 beneficiaries.

The establishment of the farming village that accommodate farm workers and beneficiaries with permanent tenure rights, might be, to an extent, inconsistent with the PSDF (i.e.

establishment of a new settlement outside the urban edge), the site specific circumstances for this specific farming village is motivated in Par 16 of this motivation report.

14.3. Western Cape Provincial Rural Development Guidelines

The Western Cape Land Use Planning: Rural Areas Guideline was approved by Provincial Minister on 3 March 2019 and forms part of the roll-out of the PSDF; the objectives of the Rural Areas Guideline are to:

- To promote sustainable development in **appropriate rural locations** throughout the Western Cape and ensure that the poor share in the **growth of the rural economy**.
- Safeguard priority biodiversity areas and the functionality of the Province's life-supporting **ecological infrastructure and ecosystem services** (i.e. environmental goods and services).
- To maintain the integrity, authenticity, and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural **landscapes, and natural resources**.
- To assist Western Cape municipalities to **plan and manage** their rural areas more effectively and to inform the principles of their zoning schemes and spatial development frameworks in a proactive manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate **beyond the current built-up areas**, suitable locations where it could take place, and the **desirable form and scale** of such development.
- Be viewed as a gender mainstreaming tool that will move the Western Cape further along the trajectory towards the achievement of equality, particularly the youth and gender equality imperatives in rural land use planning.

Guidelines for Respective Land Uses

Development in a rural area should not:

- have a significant negative impact on biodiversity, ecological system services or the coastal environment;
- lead to the loss or alienation of agricultural land or has a cumulative impact thereupon;
- compromise existing or potential farming activities;
- compromise the current and future possible use of mineral resources;
- be inconsistent with the cultural and scenic landscape within which it is situated;
- lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;
- impose real costs or risks to the municipality delivering on their mandate; and

- infringe on the authenticity of the rural landscape.

The Western Cape Government's approach to managing development pressures for rural land uses is placed under the following categories:



FIGURE 36: WCG RURAL LAND USE CATEGORIES

The proposed land uses would be categorised as:

- Conservation;
- Agriculture;
- Land Reform, and
- Rural Accommodation

14.3.1. Conservation

Objectives:

- Protect and conserve important terrestrial, aquatic (rivers, wetlands and estuaries) and marine habitats, as identified through a Systematic Biodiversity Planning or similar conservation planning process;
- Protect the scenic qualities of the Western Cape's cultural and natural landscapes;
- Protect the Western Cape's rural 'sense of place' and structures of heritage and archaeological significance, and ensure that new development respects cultural landscapes and sites.

According to the policy guidelines, these conservation outcomes can be achieved by rezoning land to appropriate conservation zones, and this is exactly what is being proposed by this application.

Guidelines for Implementation:

Buildings and infrastructure associated with conservation should be limited to structures such as environmental or tourist facilities, tourist accommodation, utility services and in the case of privately owned conservation areas one homestead/owner's dwelling, and this is exactly what is being proposed by this application.

14.3.2. Agriculture

Objectives:

- Protect agriculture as the primary land use in the rural landscape.
- Restrict the fragmentation of agricultural landscapes and promote consolidation, except small-scale farming enterprises for land reform purpose.
- Protect, maintain and enhance viable agricultural units and encourage sustainable farming practices.
- Provide for small-scale farming and facilitate land, and agrarian, reform.
- Improve the economic viability of farms through the intensification and diversification of agricultural production and improve enterprise opportunities within the food system.
- Improved food resource management (availability of food/food security) and an inclusive food economy (assistance to access to food).

Guidelines for Implementation:

- Development proposals should be more food sensitive and support interventions related to Food Assistance, Food Safety, Resource Management and an Inclusive Food Economy (Western Cape Household Food and Nutrition Security Strategy, 2016).
- Farm buildings and associated structures should be clustered within the farmstead precinct.
- Buildings accommodating land uses ancillary to or associated with agriculture (e.g. guest house), should be located within the farmstead precinct, preferably using existing structures. Where new buildings are erected these should be on previously disturbed footprints within, or adjacent, to the farm homestead and not on cultivated land and should include appropriate buffers.
- All buildings and structures, including pack sheds, netting and tunnels form part of the rural landscape and proposals should be sensitive to tourism routes, with due consideration of colour schemes and design elements.
- Buildings accommodating land uses ancillary to or associated with agriculture, should not detract from the functionality and integrity of farming practices and landscapes and be of an appropriate scale and form.

- The establishment of additional dwelling units must avoid negative impact on river systems and should therefore not be permitted below the 1:100 flood line or within 100m of a riverbank.
- Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken.

14.3.3. Land Reform

Land reform is a broad all-encompassing term that in the South African context allows for land restitution; land redistribution and tenure reform.

Objectives:

- Tenure security: Providing opportunities for the settlement (housing) of rural dwellers in a sustainable manner that are compatible with unique Western Cape circumstances. Non-viable and uncontrolled settlement formation/urbanisation in rural areas are not supported.
- To guard against inappropriate land development proposed under the guise of land reform.

Guidelines for Implementation:

- No new settlement should be permitted in the rural landscape except for agri-villages as defined in the Province of the Western Cape: Policy for the Settlement of Farm Workers, September 2000 where residents' tenure is protected by a lease or notarial deed of servitude; or
- Occupiers (agri workers and rural dwellers) have a right of residence "on the farm" in terms of the Extension of Security of Tenure Act, 1997 (Act 62 of 1997) known as ESTA.
- The WCG approach is to prevent settlement encroachment into agricultural areas and to channel settlement development into existing settlements where there are better employment opportunities and where infrastructure, social and community services and facilities can be provided.
- The establishment of new settlements can only be justified in exceptional cases (i.e. when there are compelling reasons not to use existing settlements). Each case will need to be carefully evaluated on its merits.
- The option of "off-the-farm" settlement of agri workers to provide tenure security in agri-villages or in new settlements, should only be considered when the short and long term financial, environmental and social sustainability of a project can be ensured, and existing settlements are too far away to commute to.

14.3.4. Rural Accommodation

Towards integrated rural development and sustainable settlements in the Western Cape, new housing development beyond the current extent of urban development needs to be curtailed.

The WCG approach is to prevent further development of extensive residential lifestyle properties (i.e. smallholdings) in the rural landscape. New smallholdings can be established on suitable land on the urban fringe. Accommodation in the rural areas cater for:

- Tourist Accommodation, including resorts and nature reserves;
- Agri-worker housing

Other than the abovementioned opportunities and types of accommodation, no other residential development or accommodation units are allowed in the rural landscape. The following accommodation types should be avoided at all cost:

- Multiple residences of owners of farms, nature reserves or resorts where the owner is an entity with more than one shareholder;
- Alienable units.
- Urban sprawl into the rural landscape, including linear coastal development.
- New settlements.

The option of "off-the-farm" settlement of agri workers to provide tenure security in agri-villages or in new settlements should only be considered when the short and long term financial, environmental and social sustainability of a project can be ensured and existing settlements are too far away to commute to.

The settlement of agri workers must contribute to sustainable community, rural and agricultural development.

14.3.5. Assessment of rural Applications

In assessing proposed developments in rural areas, the following criteria should be applied:

Assessment Criteria	Application's Response
(i) Environmental authorisation	<ul style="list-style-type: none"> ▪ <i>NEMA Environmental Authorisation process underway – consistent with this criterium.</i>
(ii) Compatibility with land use activities suitable in the WCBSP category it is situated in.	<ul style="list-style-type: none"> ▪ <i>The proposal is earmarked for agricultural purposes, and the proposal is to develop farms of 5ha and more.</i> ▪ <i>Small scale farming activities and conservation activities as identified in the Agricultural Report – consistent with this criterium.</i> ▪ <i>The proposed residential farming village is to accommodate farm workers and</i>

Assessment Criteria	Application's Response
	<i>former workers that have already established tenure rights on the farms. This proposal will provide formalised housing in a village, near the existing school consistent with this criterium.</i>
(iii) Does not alienate unique or high value agricultural land, or compromise existing farming activities.	<ul style="list-style-type: none"> As stated in the agricultural report, the proposed farmstead development will enhance the agricultural activities on the farm.
(iv) Does not compromise the current or future possible use of mineral resources.	<ul style="list-style-type: none"> No impact on mineral activities.
(v) Is compatible with the cultural and scenic landscapes within which the development is proposed.	<ul style="list-style-type: none"> According to the Western Cape Province's Heritage and Scenic Resources: Inventory and Policy Framework for the Western Cape, May 2013, Version 4, the application area was not earmarked as one of the Provincial or Regional Scenic Assets.
(vi) Does not lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks.	<ul style="list-style-type: none"> The proposed farmsteads will be serviced with Eskom power, renewable energy, own water extraction rights, and own waste water treatment on each farmstead. A package plant is proposed for the proposed residential village, hence no need to connect to any municipal networks - consistent with this criterium.
(vii) Does not impose real costs or risks to the municipality delivering on its mandate.	<ul style="list-style-type: none"> Refer to motivation above – proposed development will be off-grid, and no need to connect to municipal infrastructure networks.
(viii) Does not infringe on the authenticity of rural landscapes.	<ul style="list-style-type: none"> The rural landscape will be maintained.
(ix) Due consideration of any coastal management/set-back lines and zone risks.	<ul style="list-style-type: none"> Significantly set back / above the coastal zone – no risk that the application area will be affected by sea level rise.
(x) When there is a land use application further information on the architectural design must be provided, for the purposes of the heritage and visual assessments.	<ul style="list-style-type: none"> Architectural Guidelines are proposed, and a draft statement is attached as ANNEXURE L.

Planning Implication:

The proposal is generally consistent with the rural development guidelines, except for the fact that the beneficiaries that will be accommodated in the rural farming village, are not all bona fide agricultural workers. They all, however, have established tenure rights in terms of ESTA and wish not to be relocated to an urban area.

The proposed farmsteads are consistent with this policy as it is not small holdings or rural residential units (<4ha), but small farms of 5 ha and more, that will enhance the agricultural production and conservation outcomes on the application area.

The proposal meets the assessment criteria for subdivisions in the rural area. the proposal is therefore regarded as being generally consistent with the Provincial Rural Development Guidelines.

14.4. George Municipal SDF (2023)

The George Municipal Spatial Development Framework (SDF) was approved by George Municipal Council during 2023. The SDF is therefore the primary spatial tool for guiding development within the municipal area. The SDF is the spatial manifestation of the municipal development agenda. The spatial perspective provides the development context for the SDF with a planning Vision, Mission and Guiding Principles.

The figure below is an extract from the George SDF, indicating the composite SDF, for the greater George Area. The application area is earmarked as a "high potential agricultural area", even though the Agricultural Compliance statement that was prepared for this application (refer **ANNEXURE S**), confirmed that the application area has limited agricultural potential. Since the proposal is to still use the majority of the application area for agricultural purposes (small scale farming), the proposal can be regarded as being consistent with the George SDF.



FIGURE 37: EXTRACT GEORGE SDF

The George SDF makes the following policy statements:

Policy reference	Policy Statement	Application's response
B2: PG b: Agriculture areas to be protected	<p>The WC Rural Development guidelines apply.</p> <p>iii. Subdivision of farmland into non-viable agricultural units is not supported.</p> <p>iv. Subdivision of areas to create small holdings outside designated areas in the LSDF's/MSF) is not supported.</p> <p>v. Agri-processing and suitable supplementary economic uses are noted in the Zoning Bylaw and select (consent/departure) additional used evaluated on merit.</p> <p>vi. Management of ecological infrastructure/ functioning and water security important in agriculture areas.</p> <p>vii. Alternative (green/intensive) farming to be promoted.</p> <p>viii. Permanent accommodation for farm workers must preferably be provided in existing urban areas (consolidation) supported by transportation subsidised by the employers to lessen vulnerability of farmworker families.</p> <p>ix. Temporary farmworker accommodation may be supplied for convenience, as per the WC Rural Guidelines. Rural access planning is a provincial function.</p> <p>x. The visual impact of farming activity on the rural/natural landscape to be determined and evaluated in the evaluation of building- /rights applications.</p>	<ul style="list-style-type: none"> Refer to Par 14.3 where the development application's consistency with the Provincial Rural Development Guidelines was motivated.
E1: PG d: Protection of the natural environment in farming and forestry areas	<p>Spatial elements related to environmental protections and ecological network connectivity to be considered, including the CML, priority natural areas, coastal protection zone, continuous CBA and ESA (<i>See Spatial Elements: Priority Natural areas, Environmental Corridors (Green Links) and Hydrological features and buffers, Open Space System, Steep slope, Coastal Protection zone, CBA, ESA</i>)</p> <p>ii. Setbacks to protect the ecological value of included or adjacent ecological/environmental areas or systems to be illustrated.</p>	<ul style="list-style-type: none"> The layout design was informed by environmentally sensitive areas: avoid steep slopes, avoid sensitive botanical areas, and avoid river buffers.

Policy reference	Policy Statement	Application's response
	<p>iii. Hydrological systems and related buffers to be identified and confirmed with environmental authorities. Estuaries, Wetlands, drainage networks and peatlands, amongst other environmental features and their ecological function to be considered.</p> <p>iv. Fire- and other disaster risk management) to be managed on site, with due consideration to the built environment v. Environmental management plans and/or Biodiversity Stewardship agreements to be concluded, if required by environmental authorities, on properties affected by any CBD/ESA</p> <p>vi. Proclaimed natural areas only to be used for forestry/agriculture if required permissions from relevant environmental authorities. SANParks supports the 40m buffer to all primary rivers in George Municipality and a 32m buffer to all other rivers/streams/hydrological features. New agriculture activity should not be supported in river banks and historic transgressions should be rectified</p>	
George Growth	<ul style="list-style-type: none"> An agri-village is a privately established and managed settlement situated on private land within a farming area and exclusively accommodates the local agri- worker community. The only circumstances under which an agri-village should be considered include the following: <ul style="list-style-type: none"> in a farming area where there is a concentration of agri workers due to the type of agricultural activities and that has a substantial demand for "off-the-farm" settlement. areas where there are no established settlements within practical commuting distance (approximately 30km) and a municipality that has no feasible means of establishing and managing a new town. Considering the substantial managerial and financial resources required to establish and maintain small settlements, and their potential negative impact on the environment and due to the relatively short distance between settlements in the Western 	<ul style="list-style-type: none"> <i>The proposed residential farming village is to accommodate farm workers and former workers that have already established tenure rights on the farms. This proposal will provide formalised housing in a village, near the existing school consistent with this criterium.</i>

Policy reference	Policy Statement	Application's response
	Cape, the establishment of agri-villages or new settlements as "off the-farm" options both have limited applicability in the Western Cape.	
3.1.1.4 Rural: Agriculture and Natural areas	The principle that, although legally registered as a farm portion, not all properties can be used for extensive farming/rural living purposes, as defined in the Rural Development Guidelines, must be considered in approval of rezoning's/consents, departures. The protection of certain environmental areas cannot be compromised. The worth of the natural area, as an asset to George, must be conserved. The current threat is "death by a thousand cuts", given the number of subdivision/alternative use/new access applications submitted	<ul style="list-style-type: none"> ▪ <i>The layout design was informed by environmentally sensitive areas: avoid steep slopes, avoid sensitive botanical areas, and avoid river buffers.</i>

Planning Implication:

Section 19(2) of the Western Cape Land Use Planning Act states: "...If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan..."

The application area is earmarked for agricultural purposes, and the development proposal is mainly for agricultural and conservation purposes. The residential village is to formalise the tenure rights of beneficiaries that are already on the farm, and not creating a 'new' rural settlement, as the beneficiaries already reside on the application area.

*The development proposal on the application area is therefore regarded as **being consistent** with the approved **George Municipal SDF**.*

14.5. Garden Route District Municipality Spatial Development Framework (November 2025)

The long-term vision for Garden Route District Municipality is to be:

"a leading, enabling and inclusive district, characterised by equitable, sustainable development, high quality of life and equal opportunities for all"

The Spatial Development Framework vision is "...Garden Route, the leading, enabling and inclusive district, characterised by equitable sustainable development, high quality of life, and equal opportunities for all..."

Hence, the Spatial Development Framework for the Garden Route District seeks to:

- ❖ Fully utilise the environment within the district to promote economic growth and sustainability.
- ❖ Invest in the systematic and pragmatic role of engineering and movement infrastructure.
- ❖ Enhance the development potential of existing nodal points through proposals for developing industry specific economic clusters in line with the district space economy.
- ❖ Mitigate existing and potential future land use and environmental conflict(s) between human settlement expansion, agriculture and tourism.

The objectives (and related actions) which have a spatial implication on the Built Environment of the GRDM, including Spatial Targeting, the Movement Network, Human Settlements, Infrastructure, and Economic Development, include:

Objective 1: Facilitate the protection, sustainable management, and restoration of the GRDM natural environmental resources and implement climate change adaptation measures.

Objective 2: Enhance spatial efficiency and support spatial targeting in the GRDM by defining a range of nodes around which to align growth, consolidate infrastructure investment and economic development.

Objective 3: Facilitate development of a comprehensive multi-model movement network and optimise equitable and inclusive regional accessibility.

Objective 4: Facilitate the establishment of sustainable human settlements in all identified urban nodes and providing accessible social facilities for resilient and equitable development.

Objective 5: Align district infrastructure maintenance and construction programmes with spatial development directives.

Objective 6: To enhance the District's economic development by strengthening the tourism industry and expanding agriculture and other economic opportunities, while prioritising environmental sustainability and resource conservation.

- Agriculture, finance and business services also contribute to economic activity, although at substantially lower levels
- Agriculture, finance and business services also contribute to economic activity, although at substantially lower levels.
- The full tourism value chain / offerings should be optimized to ensure continuous growth in the sector. The ease of accessing tourist activities (e.g. accommodation, activities, merchandise) should be streamlined to maintain the marketability of the district

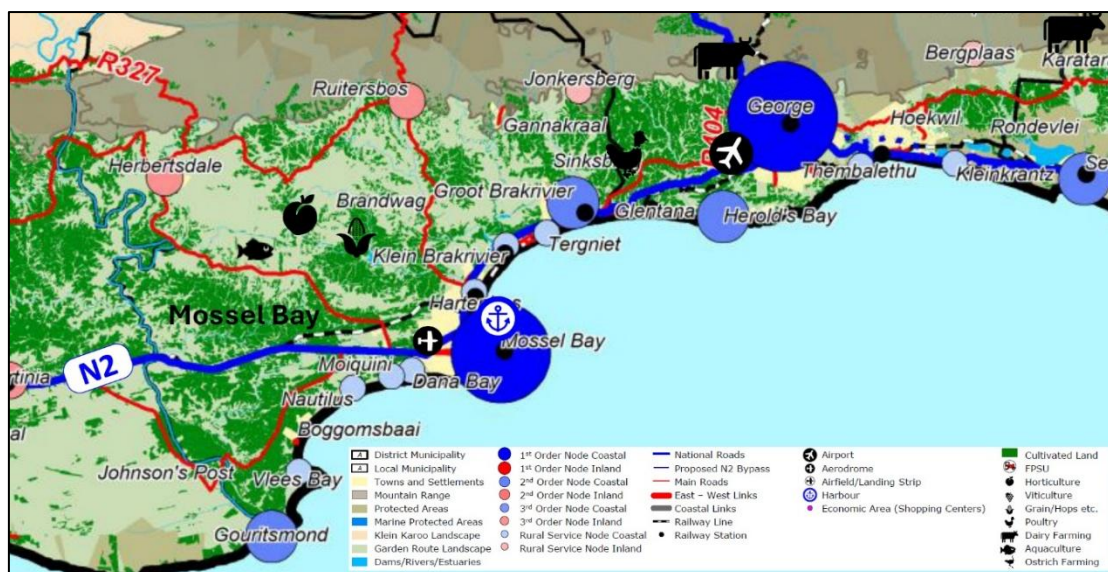


FIGURE 38: GARDEN ROUTE COMPOSITE SDF – GEORGE-MOSSEL BAY

The Garden Route SDF states that the agriculture sector is one of the most important employers in the Garden Route District Municipal Area; however, employment in the agriculture sector is declining (4.9%) (Garden Route District Municipality, 2017a, 2017b). Overall, employment in the agriculture, forestry and fisheries sector accounted for approximately 5.64%.

The Garden Route SDF focus on nodal development, and states that one of the key to the success of nodal development is rooted in the principle of focused and deliberate government investment spending to ensure that certain priority areas develop to provide an extensive range of community facilities, and in the case of rural areas, **becoming the spatial focal points of agriculturally driven LED interventions and land reform initiatives.**

Since the proposal focuses on the nodal resettlement of the existing farm workers with settlement rights in terms of ESTA, and since the proposed farmstead development will create and enhance viable farming opportunities and employment opportunities for the existing settlers within the farmstead, the proposal can be regarded as being consistent with the 2025 Garden Route District SDF.

14.6. George Integrated Development Plan (2022-2027)

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



FIGURE 39: GEORGE IDP: VISION, MISSION & VALUES

The George IDP identified five strategic objectives for the Municipal Area. These agreed-upon strategic objectives are:



FIGURE 40: GEORGE MUN. STRATEGIC OBJECTIVES

The application area is located within Ward 23 of the George Municipality. None of the identified ward-based needs and priorities has a direct bearing or any reference to the proposed development on the subject property.



FIGURE 41: GEORGE MUNICIPALITY WARDS

The George IDP identified the following economic opportunities for George:

- The promotion of intensive agriculture practices, agri-processing and small farmer development.
- Enhance resilience in the land use management system to provide and enabling environment for agricultural and economic development.
- Significant uptake of industrial lands an indication of demand and points to the possible increase in job opportunities.
- The agglomeration of tertiary uses in well-located positions not only facilitates economic sustainability and coordinated infrastructure planning, but also benefits the majority of the users. A system of nodes, precincts, corridors and specialized activity areas guide the coordinated allocation of area for economic activity.
- The role of George as an administrative centre (government offices, regional business locality) must be supported.
- George is identified as a Regional Development Anchor in the Provincial Development Framework is an opportunity to attract investment (public and private).

Planning Implication:

The IDP is a municipal planning tool to integrate municipal planning and allocates municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. The proposal will provide new and additional economic growth prospects.

The proposed land development application will not directly contribute to any of the Ward-based issues/priorities but is important to note that the proposal does not contradict any of them or the desired outcome for this ward.

SECTION F :

MOTIVATION

15. ASSESSMENT OF APPLICATIONS

15.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The Spatial Planning and Land Use Management Act (SPLUMA) came into effect on 1 September 2014. One of the main objectives of this act is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

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

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

15.2. Land Use Planning Bylaw for George Municipality, 2023

George Municipality adopted its new Land Use Planning By-law and it came into effect on 21 April 2023. All land use applications are now being processed and assessed in terms of this by-law. This by-law states that the following aspects will be considered when the decision are made:

Criteria	Reference in Report
The impact of the proposed land development on municipal engineering services .	Par. 7 & 8
The integrated development plan , including the municipal spatial development framework.	Par.14.6
The applicable spatial development frameworks adopted by the Municipality.	Par. 14.4
The applicable structure plans .	Par 14

Criteria	Reference in Report
The applicable policies of the Municipality that guide decision-making .	Par. 15.2
The provincial spatial development framework .	Par. 14.2
Where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework.	Par. 14.5
The policies, principles and the planning and development norms and criteria set by the national and provincial government.	Par. 14.1 & 15.1
The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act. Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act .	Par.29
Applicable provisions of the zoning scheme .	Par. 5.4
any restrictive condition applicable to the land concerned	N/A

16. SITE SPECIFIC CIRCUMSTANCES

As mentioned in Par 14.2; 14.3 & 14.4; the development proposal is generally consistent with all spatial planning policies.

Section 22(2) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), states that "... a *Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if **site-specific circumstances justify a departure** from the provisions of such municipal spatial development framework...*"

The Development represents a **singular opportunity to resolve a long-standing socio-economic and constitutional dilemma within a lawful and sustainable land-use framework**. The development integrates the Agricultural and Village components into one coordinated system that simultaneously addresses informal rural occupation, agricultural productivity, and municipal service obligations. The circumstances giving rise to this application are exceptional and justify approval under section 22(2) of the SPLUMA, as they constitute site-specific conditions that cannot readily be replicated elsewhere.

If the current situation remains unchanged, the consequences would be severe:

- i. The absence of formal infrastructure and services will continue to cause the progressive deterioration of living conditions. Waste disposal and informal sanitation already pose a threat to health, safety, polluting and degradation to the environment. The environmental degradation will intensify over time.
- ii. Without structured intervention, informal occupation will expand and densify. This will lead to greater encroachment on productive agricultural land and create conflict between occupiers and landowners, further undermining rural stability.
- iii. The municipality will remain responsible for addressing the needs of informal settlements located on private farms, without the budget or statutory framework to

sustain such intervention. This will impose an increasing administrative and financial burden on municipal resources.

- iv. The residents themselves will remain without lawful tenure or realistic opportunities for adequate housing. The absence of legal ownership perpetuates social exclusion and vulnerability, contrary to the constitutional obligation to progressively realise access to land, housing and basic services.

The “no-go” alternative therefore implies continued deterioration of both the physical and social environment. It will frustrate the objectives of national and provincial planning policy promoting integrated human settlements and sustainable land use.

This development proposal does present a unique situation and unique circumstances that justifies the approval of this application. These include:

- The application area south of the N2 National Road, currently consists of 36 farms (title deeds) and 9x “pockets” of informal settlements. Between these informal settlements, there are 110 families that have established tenure rights in terms of ESTA, but these people live in but they live in dire conditions, without access to basic services.
- There is an existing approval from the National Department of Agriculture (refer **ANNEXURE B**), to create 205 small holdings on the application area, hence the principle to create smaller farms on the application area, have already been approved by the National Department of Agriculture;
- The proposed development directly addresses the existing social and housing challenges through a private-public cooperative model consistent with the principles of spatial justice, efficiency and sustainability set out in SPLUMA. The development formalises existing informal occupation, provides lawful security of tenure, installs full municipal-standard infrastructure at private cost, and establishes a single governance structure under a Master Owners’ Association (MOA).
- The proposal provides a structured and lawful land use arrangement in a situation where informal residential occupation already exists and where the current agricultural use is underutilised.
- Other site specific reasons include:

16.1. Addressing Spatial Justice and Human Settlements:

- i. **Formal Housing Provision:** The core justification is the upgrade and de-densification of an existing informal settlement by providing new, formal housing to the current residents. This directly addresses historical spatial inequalities and improves living conditions, which are key objectives of planning legislation in South Africa and the Western Cape.
- ii. The most significant feature of this proposal is the **transformation of tenure** from precarious occupation under the Extension of Security of Tenure Act, 1997 (ESTA), to registered ownership under the Sectional Titles Act. This is a fundamental qualitative change.

- a) Tenure under ESTA is limited to occupation rights that depend on the continued consent or ownership of the landowner. Such rights are temporary and defensive in nature. They provide protection against eviction but do not create property ownership or enable economic advancement.
 - b) By contrast, sectional title ownership creates real, registrable rights in property. Each residential unit in the Village component will be registered in the Deeds Registry in the name of a qualifying beneficiary, conferring full ownership. This elevates vulnerable occupiers from mere occupants to property owners with enforceable rights under South African property law.
 - c) Ownership of a sectional title unit provides beneficiaries with the ability to prove ownership through a title deed, transfer property to heirs and participate in governance through the MOA. This **transition converts legal vulnerability into economic empowerment** and creates intergenerational stability.
- iii. The difference between ESTA protection and registered ownership is material and must be properly understood. ESTA provides minimal security comparable to a temporary occupational licence, whereas registered ownership provides full legal title recognised in the Deeds Registry. It is this shift—from dependence to ownership—that brings the beneficiaries into the mainstream of property ownership and fulfils the constitutional promise of equitable access to land and housing.
 - iv. There are already long-standing informal or semi-formal settlers living on the farms, meaning the land is not vacant, untouched, or purely agricultural. Regularisation of these households through formal housing, addresses tenure security, which is a core SPLUMA principle. The establishment proposed farming village avoids relocation costs, potential social disruption, and conflict. Converts a current land-use challenge into a planned, lawful, dignified settlement form.
 - v. **Security of Tenure and Services:** Formalising the housing situation provides residents with security of tenure and access to essential services (water, sanitation, electricity), which is a significant public interest benefit that can outweigh the general policy of containing urban sprawl.

16.2. Economic and Agricultural Benefits

- i. **Job Creation and Economic Opportunities:** The proposed farmsteads development (e.g., horse studs, grape farming) would create new, low-skilled and potentially specialized jobs, which is a vital consideration in rural development and employment creation.
- ii. **Productive Agricultural Use:** The plan involves converting the land into active agricultural use. The Western Cape Department of Agriculture supports the continuation of rural and semi-agricultural land uses, and

protecting or better utilising available arable land is a high priority in the region. This aligns with provincial goals for agricultural land preservation and food security.

- iii. The proposed farmsteads development turns a currently unmanaged rural site, consisting of 36 title deeds, into a regulated landscape with enforceable **environmental controls**.

16.3. Integrated and Sustainable Development

- iv. **Containment of Urban Sprawl (in a unique way):** The SDFs generally aim to contain urban development within a defined urban edge to prevent fragmentation of the rural landscape and protect high-potential agricultural land. In this unique case, the proposal is not for a typical low-density residential estate (which is often discouraged outside the urban edge), but for a development with a significant agricultural component.
- v. The Proposal Results in an **Improved Land Use Pattern** - the existing farms are currently underutilised and unproductive. The redevelopment introduces viable agricultural activities (stud farms, boutique vineyards, equestrian operations) that are: Compatible with the rural character; low-impact and typically economically sustainable
- vi. **Addressing the "Rural Residential" Challenge:** Smallholdings often struggle with "irregular land uses" or become "dormitory suburbs" without genuine agricultural activity. The proposed development, with genuine, upmarket agricultural activities, is a site-specific solution that avoids this common pitfall and can be argued to be a more sustainable form of rural land use.
- vii. The site already accommodates permanent residents with legal tenure protection under ESTA. Thus, the land is not pristine agricultural land, nor is the proposal introducing new settlement — instead, it is formalising and upgrading an existing rural residential community.
- viii. The proposal formalises and upgrades living conditions for residents who already have established land tenure rights (e.g., ESTA or generational labour tenancy). The alternative—relocation—would be:
 - More costly and socially disruptive.
 - Potentially contrary to Constitutional and ESTA protections.
 - The project becomes a model of inclusive rural land reform within a private development context.
- ix. **Social Facilities:** In this case, there is already a school (Hoogekraal Primary School), on the application area, and the school will be retained. There is already existing social services that exist where the informal settlers have established themselves.
- x. **Private-Public Cooperation:** The ability to leverage private sector investment to solve a significant public housing issue (*informal settlements*)

and achieve economic objectives can be a strong, rational basis for a deviation, as it builds long-term cooperation between social partners around a coherent sustainable development strategy.

A development decision may depart from the provisions of a Spatial Development Framework (SDF) if **site-specific circumstances rationally justify the departure**. This unique situation on the Hoogekraal Farms presented offers a strong combination of socio-economic and site-specific justifications that could support such a deviation.

The Development is a legally, socially and spatially exceptional intervention. It transforms precarious occupation into ownership, restores dignity to vulnerable residents, and achieves constitutional and policy objectives through private initiative and integrated management. It constitutes a site-specific departure justified under section 22(2) of SPLUMA and will not set a precedent. The approval of this application will achieve a sustainable and inclusive outcome that corrects years of neglect and fulfils the constitutional principles of justice, equality and human dignity.

17. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Par. 14** of this report, the development proposal is generally consistent with the relevant spatial planning policies for the following reasons:

- (1) The proposal supports the PSDF principle of “efficient land use” and “enhancement of rural economies”, because the introduction of small, lifestyle-orientated agricultural holdings directly supports:
 - Job creation in equine care, vineyard cultivation, farm maintenance, landscaping, hospitality, etc.
 - Local supply chain benefits (feed suppliers, farriers, veterinary services);
 - This strengthens local agricultural clusters, which is specifically encouraged where agriculture is specialised and value-adding rather than bulk commodity-based.
 - The proposal supports niche, high-value rural production.
- (2) The farming village proposal is a **social benefit** and **Security of Tenure** is a **key Public Interest** outcome.
- (3) The proposal formalises and upgrades living conditions for residents who already have established land tenure rights (e.g., ESTA or generational labour tenancy).
- (4) The redevelopment of the farming homesteads will improve Conservation and Environmental Management. The development proposal will:
 - Demarcate and protect environmentally sensitive areas;
 - Remove informal encroachments into wetlands, rivers, or biodiversity areas;
 - This development proposal will turn a currently unmanaged rural site into a regulated landscape with enforceable environmental controls. It

supports the PSDF's policy of rural landscape protection and ecosystem services maintenance.

18. NO IMPACT ON MUNICIPAL INFRASTRUCTURE SERVICES

As discussed in Paragraphs 7 and 8, the development proposal will have no impact on municipal infrastructure services, for the following reasons:

- (1) The existing farms have a combined annual water allocation of approximately 1,88 million M³/year, for agricultural use, inclusive for households. Potable water will be purified by the property owners' association to be equitably redistributed to all properties at a rate of 2 kl/u/d. No water provision is required from George Municipality. Currently, George Municipality has to transport water to the informal settlers.
- (2) Individual properties can store water in tanks on site for peak use. Irrigation water will be distributed untreated through a separate system to all the cultivated fields, vineyards, orchards, and watering points for agricultural use.
- (3) Waste water will be treated on site on each of the new farms south of the N2 through conservancy tanks connected to treatment systems which are owned and operated privately on site by each owner.
- (4) It is proposed that a sewer treatment package plant be construction to receive and treat sewage emanating from the Residential Village. Sewage will be treated to General Limits to allow for the re-use of the Treated Sewage Effluent for irrigation within the development.
- (5) Treated Sewage Effluent will be discharged into a newly constructed reservoir from where it will be distributed for irrigation of general areas under the management of the Home Owner's Association.
- (6) Electricity services will be provided directly from Eskom, and also from renewable energy (i.e. a hybrid supply). No electrical services will be required from George Municipality.

From the above it is clear that the no new service burden will be placed on George Municipality, and therefore the proposal supports fiscal sustainability for George Municipality.

19. ACCESSIBILITY OF THE APPLICATION AREA

The application area is located south of the N2 National Road, a Class 1 roadway under jurisdiction of SANRAL. Morrison Road and Main Road (Western Cape Government Main Road MR00348), a Class 2 road, traverses to the west of the development site and is under the jurisdiction of Western Cape Government as Approving Authority and George Municipality as Roads Authority.

Access to the proposed coastal farmstead development will be off Main Road 348 (roughly at kilometres 12,9, 14,2 and 15,2) to the existing minor roads.

The development will have two primary access points: one north of the N2 to serve the ±20 farm units located there, and one south of the N2 to serve the ±103 farm units. Although the 110 agri-village units will access through the identified service entrance, as a worst-case scenario, a single combined access point (i.e. Development Access 1) was analysed, for the southern farm units and the agri-residential village sharing a single access.

All roads in the application area within the proposed farmsteads will be private roads. There are existing proclaimed roads that will be deproclaimed, closed and retained as private streets. Preliminary discussions with the Provincial Roads Authority confirmed that as long as no land owner's right to access is affected, and right of way servitudes are registered, there is in principle, no objection to the proposed de-proclamation of these roads.

The intersection of Morrison Road and the Development Access will operate as a sideroad stop-controlled intersection for the Development Access, with a dedicated turning lane for the left turners from the development onto Morrison Road. The major traffic movement along Morrison Road will remain free flowing, with dedicated turning lanes (left and right turn lanes) proposed Development Access / Main Road.

It is therefore clear that the application area is well located, and that ample access exist and that ample access can be provided for the proposed development.

20. LAND REFORM AND SECURITY OF TENURE FOR THE POOR

The application area currently accommodates a number of long-term residents (110 families) who hold rights in terms of the Extension of Security of Tenure Act (Act 62 of 1997). These households have lived on the property for many years, forming a socially cohesive, recognised rural community. Existing infrastructure is basic and informal, and living conditions are below acceptable standards of human dignity. These families cannot be accommodated in one of the existing urban settlements in George, as there are currently, approximately twenty thousand people on the municipality's housing waiting list. This means that realistically, these families will not be able to receive formalised subsidised housing within at least the next 20 years (*if the municipality is able to deliver 1000 subsidised houses per annum*).

The proposed development will formalise housing for existing residents and improves tenure + living conditions of the 110 families with ESTA rights, that already resides scattered over several farms on the application area.

The farming village proposal is a social benefit and Security of Tenure is a key Public Interest outcome. The proposal formalises and upgrades living conditions for residents who already have established land tenure rights (e.g., ESTA or generational labour tenancy).

21. NO IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

The area surrounding the large application area is predominantly rural in character, with land primarily utilised for agricultural purposes, including both cultivated lands and natural grazing areas. The settlement pattern is dispersed, consisting mainly of large agricultural holdings and farmsteads, consistent with a low-density, agricultural landscape.

The proposed organised farmsteads of ± 5 ha each, with clear delineation of the environmentally sensitive areas, will not impact on the rural character of the area.

The potential new agricultural activities that will take place, will enhance the rural and agricultural character of the area, and the formalisation of the dispersed informal settlements, will enhance the rural and agricultural character of the area, and the sense of place.

22. NO UNDESIRABLE PRECEDENT

Concerns have been expressed during the pre-application consultation process, that an undesirable precedent will be created, and that the proposed farmstead development will result in the fragmentation of other rural areas in the George Municipal area.

The fact that the application area already contains 110 families with established ESTA rights, and that the proposal will result in the formalisation of housing for these beneficiaries, at the cost of the developer, is a unique, non-replicable situation based on:

- Social justice outcomes
- Specific economic and environmental management model
- Improved agricultural production, and a decreased in the number of farms that have already been approved by the National Department of Agriculture (i.e. decrease from 205 farms to 123 farms).

The circumstances of this application are unique. The informal settlements on privately owned farms arose from social injustice. The occupiers have long-standing tenure rights under ESTA but have been left in conditions of neglect, with no access to formalised services or lawful mechanisms to improve their situation. The proposed development provides a lawful and practical remedy to this impasse.

The proposal achieves this transformation without reliance on public funding. The developer will install and maintain infrastructure through the MOA, assuming obligations that ordinarily rest on the municipality. The municipality and its taxpayers' benefit from a formal, serviced and managed settlement without incurring the cost of service delivery, while also discharging its constitutional responsibilities.

The convergence of facts in this case—the presence of long-established ESTA occupiers, the consent of landowners, the availability of land suitable for structured agricultural redevelopment, and the willingness of a private developer to fund infrastructure and assume management obligations—creates a situation that is circumstantially and legally unique.

Because of its unique character, this proposal will not set a precedent. It does not represent a general deviation from planning policy but rather a site-specific resolution of an entrenched social and land-use problem. The combination of historical occupation, social vulnerability, private investment and cooperative governance cannot easily be repeated elsewhere.

The proposed reorganisation of the farms into smaller productive agricultural units and the consolidation of existing informal settlement into a formal village has cumulative impacts that are

predominantly **positive**, including improved social stability, increased agricultural productivity, enhanced environmental management, and strengthened rural economic networks. Potential adverse impacts such as landscape change, infrastructure demand, and water resource pressure can be effectively mitigated through design controls, enforceable management guidelines, and appropriate environmental authorisations. The net cumulative effect is a transition from **unregulated and underutilised land** to a **planned, economically and socially resilient rural landscape**.

23. NO IMPACT ON EXISTING RIGHTS

The farms in the surrounding area have a right to farm, and a right to access. The proposed farmstead development and farming village development will ensure an enhanced rural and agricultural character.

All farms in this area that currently receive access via the proclaimed minor roads, will be granted a right of way servitude through the proposed farmstead development. The implication being that the surrounding property owners will benefit from improved access to their properties.

Additional farming activities will result in additional surveillance, and improved rural safety and security, hence no impact on any established rights.

24. INSIGNIFICANT IMPACT ON AGRICULTURAL POTENTIAL OF THE LAND

As discussed in Par 12.5 of this report, the entire potential development footprint is considered to be on the threshold for needing to be conserved as agricultural production land because it is suitable as irrigated pastures but has limitations that make it unsuitable as viable cropland. Productive agricultural activity on the farms has declined, and parts of the land are underutilised and degraded.

The proposed farmsteads support viable, specialised agricultural uses, which will:-

- Create employment,
- Support value-adding agricultural chains (veterinary, feed, wine industry, equine rehabilitation, farriery, etc.),
- Strengthen George's agri-tourism and equestrian cluster identity.
- Improves agricultural productivity, rather than reducing it.

The overall negative agricultural impact of the development (*loss of future agricultural production potential*) is assessed as being of **low significance and acceptable**.

25. NO IMPACT ON HERITAGE RESOURCES

As discussed in Par 12.6 of this report, some conservation worthy buildings exist on the application area. Where possible, these buildings will be retained, and the proposed development will have no negative impact on any heritage resources.

The proposal will however require an authorisation from Heritage Western Cape, and this process is underway. The Heritage Impact Assessment was submitted to Heritage Western Cape. The Record of Decision from Heritage Western Cape will be provided in due course.

26. LOW VISUAL IMPACT

Square One Landscape Architects was appointed to conduct a Visual Impact Assessment (VIA) for the proposed Coastal Farmstead development. A copy of this VIA is attached as **ANNEXURE V**.

This Visual Statement describes the potential visual impacts associated with the proposed Farm Estate development on Portions of the Farms Hoogekraal No 238 and Buffelsdrift No 227, near Glentana in the George Municipality. The project site is bounded by the N2 National Road to the north and steep coastal escarpments descending to the Indian Ocean to the south. The surrounding land use is a transitional rural-coastal landscape characterized by undulating agricultural fields, deeply incised river valleys, and dense coastal thicket.

Based on the visual analysis and evaluation of the receiving environment, the proposed agricultural and eco-estate development is anticipated to carry a Low overall visual impact, provided the strict architectural and landscaping guidelines are enforced. The property occupies a highly sensitive geographic transition zone and a complex cultural landscape. However, the proposal's intentional shift away from the previously approved, high-density Lagoon Bay golf resort model to a low-density settlement of 5-hectare farms significantly reduces the baseline visual intrusion.

To ensure the development successfully integrates with the sensitive coastal-plateau landscape and mitigates potential visual intrusion along public scenic routes, the following **mitigation measures are recommended** in the VIA:

- ❖ **Landscape and Vegetation Integration (N2 Green Buffer):** A comprehensive landscape intervention must be implemented along the northern boundary to create a dense green buffer between the N2 highway and the Hoogeland Farming Village. Planting must utilize locally indigenous, non-invasive screening species (explicitly avoiding plants that produce fleshy berries or present a choking/toxicity hazard to local communities and children). Furthermore, strict tree and fynbos protection zones must be enforced across the Eco Properties to retain the existing natural screening capacity.
- ❖ **Architectural Articulation and Materiality:** Buildings must strictly adhere to the proposed contemporary agricultural vernacular. Exterior facades should utilize a recessive, earthy colour palette (such as muted greens, browns, charcoals, or warm greys). Natural, textured materials (like timber and stone) and non-reflective finishes for roof sheeting and extensive glazing must be prioritized to break up structural mass and prevent daytime glare across the plateau.

- ❖ **Lighting and Glare Reduction:** Exterior lighting across both the private farms and the communal Hoogeland Farming Village must adhere to "dark sky" principles. Luminaires should be low-level, downward-directed, and shielded to prevent light spill and night-time visual intrusion into the surrounding rural landscape and sensitive coastal ecosystems.
- ❖ **Boundary and Earthworks Treatments:** To minimize earthworks and visual scarring, buildings and roads must follow natural contours. Solid, monolithic boundary walls must be avoided; instead, visually permeable fencing (such as timber rail or wire) softened by indigenous hedging should be utilized to maintain the open, agricultural character of the site.

The Visual Impact Assessment report concluded that after ground-truthing the site and assessing the development against spatial policies and the receiving environment, the baseline visual impact is anticipated to be minimal due to the low-density, agriculturally sympathetic design principles. The primary visual risks pertain to the N2 highway interface at the Hoogeland Farming Village, as well as the potential alteration of the visual setting surrounding highly sensitive heritage resources, namely the historic Hoogekraal Farm Werf Precinct and the localized burial grounds.

With the successful implementation of the recommended mitigation measures, specifically the establishment of a robust green buffer along the N2, the preservation of existing vegetation around the informal cemeteries, and the strict adherence to low-scale architectural guidelines and spatial setbacks around the historic werf precinct, the development will comfortably recede into the existing landscape fabric. As such, the overall visual impact is concluded to be Low

27. POSITIVE SOCIO-ECONOMIC IMPACTS

Multi-Purpose Business Solutions, conducted an Agriculture Viability Analysis and Socio-economic Cost-Benefit Assessment for the proposed Hoogeland Coastal Farmsteads Development. A copy of this assessment is attached as **ANNEXURE W** to this report.

Several socio-economic impacts of the proposed reconfiguration were identified. Positive impacts include providing housing and amenities for 110 farm workers with tenure rights and increasing agricultural production of high-value crops such as avocados and macadamias (pending water availability). The project would benefit the George Municipality by maintaining employment among existing contractors and triggering successive rounds of spending, thereby generating income for the local economy. An estimated **R3,3 billion in capital investment** could contribute **R2,6 billion (net of import leakage) to the Western Cape's GGP** during construction, with the George economy as a significant beneficiary. The project could sustain approximately **11 430 direct, indirect, and induced employment opportunities**.

An estimated **R2 billion in operational income could generate R2,5 billion** (net of import leakage) in nominal terms over 25 years for the Western Cape economy's GGP. It could also **create 6 462 direct, indirect, and induced employment opportunities over 25 years**, with salaries that could boost the economic income by R1 080,2 million over 25 years, or roughly R43,2 million per year.

The assessment indicates that the socio-economic benefits of the proposed Reconfiguration outweigh any potential socio-economic drawbacks as mentioned above. As a result, no fatal socio-economic flaws have been identified or are expected for the proposed reconfiguration of the Hoogeland Farmstead development.

The Hoogeland Farmsteads development and Hoogeland Farming Village development will have significant positive socio-economic impacts.

The proposal will have significant socio-economic benefits during the construction phase, but also during the operational phase of the development.

The developers have already started to, in conjunction with the Africa Skills Training College in George, started to establish community vegetable and food gardens. These food gardens are some of the agricultural initiatives that have been implemented, but that that can be expanded during the operational phase of the development. These gardens are established in the area where the Hoogeland Farming Village will be created. The figures below show the newly established food gardens.



FIGURE 42: NEWLY ESTABLISHED FOOD GARDENS

The biggest socio-economic benefit of this project is the **transformation of tenure** from precarious occupation under the Extension of Security of Tenure Act, 1997 (ESTA), to registered ownership under the Sectional Titles Act. 110 poor, marginalised families will receive serviced houses - this is a fundamental qualitative change.

The proposed Hoogeland Farming Village will consolidate informal pockets of informal housing, into one, serviced, dignified residential village, with access to water, sanitation, energy, waste management, and social facilities such as a creche, community hall, training hub, and a school.

The proposed development results in direct job creation during construction and long-term employment linked to ongoing agricultural, equestrian, environmental stewardship, and maintenance operations. The relocation of ESTA-holders into a formalised residential village on the farm, allows for structured skills development, enterprise incubation, improved access to services, enhanced livelihoods, tenure security, and reduced social vulnerability. The project supports an inclusive rural economy consistent with SPLUMA principles of spatial justice, spatial resilience, and efficiency.

27.1. Socio-economic cost-benefit analysis

Multi-Purpose Business Solutions, conducted a Socio-economic cost-benefit analysis, based on three (3x) scenarios:

- ❖ **Scenario 1:** A reconfiguration of 529 ha to represent 57 small-scale farming units and 24 conservation parcels, as opposed to 257,0 ha of dryland pasture and livestock production.
- ❖ **Scenario 2:** A reconfiguration of 529 ha to represent 57 small-scale farming units and 24 conservation parcels as opposed to 25 ha of potential avocado orchards (constrained due to irrigation requirements).
- ❖ **Scenario 3:** A reconfiguration of 529 ha to represent 57 small-scale farming units and 24 conservation parcels as opposed to 23 ha of potential macadamia farming (constrained due to irrigation requirements).

The Figure below presents the net benefit on the Macroeconomic impact approach. On the Micro cost-benefit approach, the comparable current net cost is minus R2 539,4 million (Scenario 1), minus R2 545,7 million (Scenario 2), and minus R2 550,3 million (Scenario 3), reflecting that the capital expenditure is not recovered from recurring operations income alone in any of the three scenarios:

(R 'million)	Scenario 1	Scenario 2	Scenario 3
Nominal net benefit/(cost)	R2 182,9	R2 154,8	R2 085,3
Nominal net benefit/(cost) p.a.	R87,3	R86,2	R83,4
Current net benefit/(cost) (Macroeconomic impact approach)	R213,1	R205,3	R200,4
Current net benefit/(cost) (Micro approach)	(R2 539,4)	(R2 545,7)	(R2 550,3)
Current net benefit/(cost) p.a.	R8,5	R8,2	R8,0

Note: Scenario 1, Reconfiguration Proposal replaces 257 ha of dryland pasture and livestock
 Scenario 2, Reconfiguration Proposal replaces 25 ha of avocado orchards
 Scenario 3, Reconfiguration Proposal replaces 23 ha of macadamia orchards

FIGURE 43: COMPARISON OF NET BENEFIT/(COST) IN CURRENT AND NOMINAL TERMS FOR EACH SCENARIO OVER 25 YEARS AND ON AVERAGE PER ANNUM

The net benefit on the Macroeconomic impact approach. On the Micro cost-benefit approach, the comparable current net cost is minus R2 539,4 million (Scenario 1), minus R2 545,7 million (Scenario 2), and minus R2 550,3 million (Scenario 3), reflecting that the

capital expenditure is not recovered from recurring operations income alone in any of the three scenarios.

Other socio-economic benefits of this project include:

27.2. Employment opportunities during the construction phase

Employment opportunities that will be created during the construction phase of this development project, include:

- i. Construction work: Bricklaying, plastering, paving, roofing;
- ii. Site clearing and alien clearing;

27.3. Skills development opportunities during the construction phase

Skills development opportunities during the construction phase include:

- i. Training to use small scale construction equipment (e.g. compact loaders, brush cutters, compacting, etc.)
- ii. Training in Health and Safety
- iii. Basic firefighting skills;
- iv. The local residents that are already on the application area, can be involved in these activities and they will benefit from these skills development initiatives.

27.4. Employment opportunities during the operational phase

Employment opportunities during the operational phase of the development include complementary value chain jobs such as:

- i. Equine stabling, stud farms & grooming;
- ii. Stable hands, paddock care, feed management
- iii. Animal handling, breeding assistance
- iv. Viticulture or boutique fruit/berry production
- v. Planting, pruning, harvesting
- vi. Landscape and land rehabilitation teams
- vii. Alien clearing, erosion prevention
- viii. Composting / green waste processing hub
- ix. Sorting, bio-mulch prep
- x. Cleaning, Gardening,

27.5. Employment related to small-scale farms and conservation properties

The Reconfiguration Proposal entails 82 small-scale farming units of which 31 are pure agriculture; 32x will be a split between agriculture and conservation, and 19 will be no agriculture and only conservation parcels. Given the nature of the properties and the dwellings' high-end focus, the following scenarios could unfold. The study assumed a mix between Family-Focused and Fully Staffed, as per the guidance below, and applied an average of three staff per household (main dwelling) across agricultural smallholdings and conservation properties, and also assume that one person will be employed to maintain the farm manager's dwelling on the agricultural properties. The staffing complement for the agricultural properties is as follows: main farm dwellings (171) and farm managers' houses, resulting in a total of 229 direct employment equivalents. For the conservation units, 72 direct employment equivalents are envisaged, with a total permanent employment complement of 301 associated with the dwellings on the small-scale farming units and conservation properties once all the dwellings are built and occupied.

27.6. Employment related to Conservation Lifestyle areas

The conservation area (excluding the dwelling), which is assumed to have trails and low-impact amenities, would require regular upkeep using a lean staffing model. For these purposes, the following guidance is used:

- ❖ A full-time, dedicated conservation worker for a 4,8-ha conservation property is rarely required unless the land is heavily infested with alien invasive plants (AIPs). Most conservation lifestyle areas of this scale operate effectively with one permanent general worker (or a half-time staff member) who manages both the conservation area and general property maintenance.
- ❖ Seasonal and specialised employment is required for alien clearing (annual/biannual), which requires a specialised contractor team (typically 4 - 8 people) for 2 - 5 days, once or twice a year, to perform intensive hacking or spraying. Trail Reconstruction (post-rainy season) may be required due to the climate, and heavy rains can cause erosion on slopes in the Garden Route. A seasonal team may be needed for one week per year to repair drainage bars and re-surface trail sections. A permanent worker could maintain firebreak preparation. However, the initial clearing of a 4,8-ha perimeter often requires a "blitz" effort over 2 - 3 days involving a team of 3 - 4 people to ensure the area is compliant before the peak fire season.

Based on annual employment, using the number of person-days (see below) as a guide and 21,67 workdays per month, the staff requirement is three persons (rounded). Annually, the staff requirement is less than one. **For the 24 conservation properties envisaged, the guidance specifies a staff requirement of 72.**

27.7. Skills development opportunities during the operational phase

Skills development opportunities during the operational phase of the development include:

- i. Gardening (community food gardens)
- ii. Cooking and meal planning from community food gardens
- iii. Basic agricultural production skills
- iv. Livestock and equine care
- v. Permaculture and regenerative agricultural techniques
- vi. Invasive alien clearing skills development
- vii. Community Construction Leadership development.

27.8. Micro-enterprise development opportunities

Micro-enterprise development opportunities as a result of this development includes:

- i. Landscaping and garden services
- ii. Equine Grooming and paddock management services
- iii. Agri-caretaker and farm housesitting services
- iv. Maintenance Teams (fencing; irrigation; pump maintenance);
- v. Crafts, woodworking and stable equipment repairs
- vi. Invasive alien clearing opportunities for small businesses
- vii. Native seed propagation nursery, employing local women and youth

27.9. Key Socio-Economic Outcomes

The key Socio-Economic Outcomes of this development project, include:

- i. the transformation of tenure from precarious occupation under the Extension of Security of Tenure Act, 1997 (ESTA), to registered ownership under the Sectional Titles Act.
- ii. Increased Skills base amongst formerly marginalised rural residents;
- iii. Enhanced lifetime earning potential through artisan trade pathways
- iv. Strengthened local SMME's and contractor base
- v. Reduced dependence on external labour in future development phases
- vi. Tangible generational upliftment and rural economic stabilisation.

From the above it is clear, that the proposed Hoogeland Coastal Farmstead and Hoogeland Farming Village development will have significant beneficial short term and long term socio-economic benefits.

28. DESIRABILITY

The following key considerations must be taken into account to determine the desirability of the proposed land use.

Key Considerations	Key Questions to Ask	Proposal's Response
Economic impact	Positive or Negative impact on neighbourhood / settlement?	<p>(i) <i>As mentioned in Par 27, the proposal will have significant positive economic impacts during the construction as well as operational phase. These include job creation, Micro-enterprise development opportunities for new businesses;</i></p> <p>(ii) <i>Strengthened local SMME's and contractor base.</i></p> <p>(iii) <i>Reduced dependence on external labour in future development phases;</i></p> <p>(iv) <i>Tangible generational upliftment and rural economic stabilisation.</i></p>
Social impact	Greater social justice, equity of access to opportunity	<p>(i) <i>As mentioned in Par 16.1 of this report, the single most significant social impact of this proposal is that it directly addresses the existing social and housing challenges through a private-public cooperative model consistent with the principles of spatial justice, efficiency and sustainability set out in SPLUMA.</i></p> <p>(ii) <i>The development formalises existing informal occupation, provides lawful security of tenure, installs full municipal-standard infrastructure at private cost, and establishes a single governance structure under a Master Owners' Association (MOA).</i></p> <p>(iii) <i>the upgrade and de-densification of an existing informal settlement by providing new, formal housing to the current residents. This directly addresses historical spatial inequalities and improves living conditions, which are key</i></p>

Key Considerations	Key Questions to Ask	Proposal's Response
		<p><i>objectives of planning legislation in South Africa and the Western Cape.</i></p> <p>(iv) <i>the transformation of tenure from precarious occupation under the Extension of Security of Tenure Act, 1997 (ESTA), to registered ownership under the Sectional Titles Act. This is a fundamental qualitative change.</i></p> <p>(v) <i>This transition converts legal vulnerability into economic empowerment and creates intergenerational stability.</i></p> <p>(vi) <i>Formalising the housing situation provides residents with security of tenure and access to essential services (water, sanitation, electricity), which is a significant public interest benefit that can outweigh the general policy of containing urban sprawl.</i></p> <p>(vii) <i>Skills development in skills such as: Gardening (community food gardens); Cooking and meal planning from community food gardens; Basic agricultural production skills; Livestock and equine care; Permaculture and regenerative agricultural techniques; Invasive alien clearing skills development & Community Construction Leadership development.</i></p>
Scale of capital investment	> capital investment - > positive impact	<p>(i) <i>Significant private capital investment in the George Municipal area, and in specific the direct area. This include:</i></p> <p>a. <i>±R250 Mil on infrastructure;</i></p> <p>b. <i>± R70 Mil for the Farming Village;</i></p> <p>c. <i>± R15 Mil for 82x farm steads = R1,23 bn.</i></p>

Key Considerations	Key Questions to Ask	Proposal's Response
Compatibility with surrounding land uses		<p>(i) <i>As mentioned in Par 13, the area surrounding the large application area is predominantly rural in character, with land primarily utilised for agricultural purposes.</i></p> <p>(ii) <i>Glentana Residential area is located south west of the application area, meaning that the application area can be regarded as being in the "urban periphery" from Glentana / Mossel Bay Municipality.</i></p> <p>(iii) <i>The proposed coastal farmstead development, is in keeping with the existing rural context and are unlikely to alter the prevailing character of the area, as agricultural activities will remain, and be enhanced on the application area.</i></p>
Impact on external engineering services	How much must the developer contribute to municipal costs incurred?	<p>(i) <i>No impact whatsoever. Application area has water extraction rights, no need to connect to municipal sanitation networks.</i></p> <p>(ii) <i>Proposed development will connect to existing Eskom networks, and will be augmented with renewable energy.</i></p> <p>(iii) <i>Existing road infrastructure, the developer will upgrade the intersection to the access of the application area.</i></p> <p>(iv) <i>Privately funded services and infrastructure maintenance.</i></p>
Impact on safety, health & well-being of the surrounding community		<p>(i) <i>Improved job creation and formalised housing, will result in an upgrading of the safety and security of the area.</i></p> <p>(ii) <i>Additional farms, controlled by a HOA and Master HOA, will result in better control of the rural area, and improved safety and security.</i></p> <p>(iii) <i>Increased agricultural activities on the farmsteads, will result in a better developed rural area.</i></p>

Key Considerations	Key Questions to Ask	Proposal's Response
		(iv) <i>Moves from ad-hoc informal settlement, to structured rural land use.</i>
Impact on heritage		<p>(i) <i>No impact on heritage. Where required, the identified heritage buildings will be retained.</i></p> <p>(ii) <i>Grave sites will be surveyed and respected in perpetuity.</i></p>
Impact on the biophysical environment	<p>Are there negative impacts?</p> <p>Are they adequately mitigated?</p>	<p>(i) <i>Environmental informants guided the design of the development proposal: steep slopes, aquatic buffers, and sensitive biodiversity areas have been avoided.</i></p> <p>(ii) <i>The environmentally sensitive farmsteads will have a "Nature Conservation Area" zoning.</i></p> <p>(iii) <i>The proposal will result in identified CBA areas being mostly restored through alien vegetation removal and biodiversity management. Only minimal disturbance in these areas is proposed and will be assessed by the specialists.</i></p> <p>(iv) <i>The proposal will protect sensitive areas and introduce active land stewardship.</i></p>
Traffic impacts, parking access, other transport considerations	Support for densification & functional public transport system?	<p>(i) <i>Insignificant traffic impacts.</i></p> <p>(ii) <i>The net effect of the development traffic impact is 122 additional single dwelling units on development area.</i></p> <p>(iii) <i>Provision will be made for public transport drop-off facilities downstream of the main access to the development in both directions.</i></p>
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		<p>(i) <i>Reduces social fragmentation currently caused by dispersed informal settlements.</i></p> <p>(ii) <i>The proposed farming village directly addresses historical spatial inequalities and improves living conditions for the poor.</i></p>

Key Considerations	Key Questions to Ask	Proposal's Response
Timing – need to densify or protect urban edges	The best option for the site at this point?	(i) <i>Providing secure tenure on the farm reduces likelihood that these households would later require subsidised urban housing. This reduces municipal housing pressure over time.</i>
Cumulative impacts	Unacceptable cumulative impacts?	(i) <i>Only positive impacts. No negative impact on any of the surrounding property owners.</i> (ii) <i>Limited, unique context prevents inappropriate replication.</i> (iii) <i>The move from scattered informal dwellings to a planned rural village strengthens social cohesion and improves long-term stability and dignity.</i> (iv) <i>Unproductive or semi-abandoned farmland shifts towards niche agriculture (stud breeding, boutique vineyards, heritage crops) and value added services.</i>
Opportunity costs	Any unacceptable opportunity costs?	(v) <i>Private investment</i> (vi) <i>No municipal funding required</i>
Alignment with SDF's		(vii) <i>Consistent with applicable SDF's. Refer to Par. 14</i>

It can, therefore, be concluded that the proposal is regarded as desirable.

29. REMOVAL OF TITLE DEED RESTRICTIONS

The application to remove restrictive title deed conditions from the deeds all relate to the cancellation of historical right of way servitudes that were imposed prior to the proclamation of the various Minor District Roads that exist on the application area. Since these conditions were imposed, the public roads were proclaimed, and the proposal now is to deproclaim these public roads, and to develop private roads, and register right of way servitudes for affected properties. The nett effect will be that these affected landowners that are not within the application area, will have better road access, on newly constructed private roads, to their farms.

According to Section 33(4) of the George Municipality's By-law on Municipal Land Use Planning, the municipality must have regard to the following, when considering the removal, suspension or amendment of restrictive title deed conditions:

a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person, as the owner of a dominant tenement.

Response:

The rights that are enjoyed by these conditions are in favour of the public. The rights are access but not on well-maintained roads. The proposal to deproclaim the Minor Roads, develop new private roads and grant new right of way servitudes to affected land owners, will improve the value of all properties within this precinct.

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

Response:

The holder of the rights is the entire community of this area that use these roads. The personal benefits for the holders are access on these roads, not necessarily well-maintained roads. It will be more beneficial to drive on new, well-maintained, private roads.

c) The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is amended, suspended, or removed.

Response:

The personal benefit which accrues to the person seeking to remove the condition will allow the developers to deproclaim the current, badly maintained roads, and to redevelop new, private roads. This will improve mobility and accessibility for the proposed development, whilst no landowner will be deprived of any access.

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

Response:

There are no social benefits to maintaining these conditions and maintaining the existing, badly maintained public roads, compared to driving on new, well-maintained private roads. These conditions were imposed before the roads were proclaimed as Minor Roads.

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

Response:

The social benefit will be for the residents of the proposed farmstead development, as well as the surrounding landowners that will have access to these roads via new right of way servitudes, to be able to drive on new, well-maintained roads.

f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

Response:

The beneficiaries of these rights are the roads users within the application area, their visitors and the owners of the surrounding properties that must make use of these roads for access and their visitors. All road users will still have access via newly constructed and well-maintained private roads, and no one's access will be negatively affected. Hence, the access rights of the affected properties will not be affected, it will be improved.

g) Whether the removal would be in the public interest.

Response:

The existing public gravel roads are poorly maintained, eroded, or in disrepair. This reduces safety, particularly in wet conditions, and restricts emergency and service access. The construction of new, engineered roads increases safety for all users and ensures reliable access year-round. This aligns with SPLUMA's principle of safe and efficient settlement patterns.

*The District Municipality is currently responsible for maintaining the gravel road but does not have the operational budget to maintain them effectively. Transferring maintenance responsibility to private landowners, reduces municipal expenditure, ensures roads are maintained to a consistent standard, and reflects **fiscal sustainability**, a key SPLUMA requirement. Therefore, it can be argued that the removal of these conditions that relate to the cancellation of public right of way servitudes, and replaced by new private roads with secured access, **is in the public interest**.*

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

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

Section 59 of this Act prescribe the Land Use Planning Principles that are applicable to all land development in the Province. These are summarised in the tables below. The tables below aim to summarise how the proposed development on the application area complies with these planning principles:

30.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Comply	<i>Existing occupants with ESTA Rights, will not be able to acquire formalised homes and ownership on the property, without having to relocate to other areas.</i>
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Not applicable	<i>This policy is not applicable to the application area. Not a Spatial Development Framework or Policy.</i>
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	<i>This policy is not applicable to the application area.</i>
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	Not applicable	<i>This policy is not applicable to the application area.</i>
Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.	Not applicable	<i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for George Municipality, 2023.</i>
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	Comply	<i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for George Municipality, 2023.</i>

Criteria	Compliance	Planning Implication
The right of owners to develop land in accordance with current use rights should be recognised.	Comply	<p>(i) <i>The current land use rights on the application area is "agriculture". The proposal is to retain the agricultural rights, just in more efficient and smaller portions.</i></p> <p>(ii) <i>The existing informal settlers have established rights to remain on the application area, in terms of ESTA. The proposed farming village, will secure these rights, but accommodate these beneficiaries in an ordered and structured manner.</i></p>

30.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;	Comply	<p>(i) <i>The proposed development promotes spatial efficiency rather than dispersal because it consolidates all existing informal and dispersed dwellings into one planned rural village. This results in a compact settlement form, rather than the current scattered and inefficient pattern of occupation across the farm portions.</i></p> <p>(ii) <i>The proposal does not create an unfunded or open-ended service liability for the municipality, because internal services and roads provided and managed by farm owners and a homeowners' association, and Ongoing operation and maintenance is carried by residents and farm owners, not the municipality.</i></p>
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	Comply	<p>(i) <i>As discussed in Par 12.5 of this report, the entire potential development footprint is considered to be on the threshold for needing to be conserved as agricultural production land because it is suitable as irrigated pastures but has limitations that make it unsuitable as viable cropland. Productive agricultural activity on the farms has declined, and parts of the land are underutilised and degraded.</i></p>

Criteria	Compliance	Planning Implication
		(ii) <i>The proposed farmsteads support viable, specialised agricultural uses, which will improve agricultural productivity, rather than reducing it, and support value-adding agricultural chains (veterinary, feed, wine industry, equine rehabilitation, farriery, etc.)</i>
Uphold consistency of land use measures in accordance with environmental management instruments.	Comply	<p>(i) <i>The proposal has been designed to align with and support existing environmental management instruments;</i></p> <p>(ii) <i>Prior to layout planning, the site's wetlands, drainage lines, steep slopes, and conservation-priority habitat were identified and spatially confirmed. This ensures land use change does not conflict with ecological support systems mapped in existing environmental management tools</i></p> <p>(iii) <i>The proposed farmsteads are specifically for agricultural and equestrian activities, which are compatible with the environmental character of the area</i></p>
Promote and stimulate the effective and equitable functioning of land markets.	Comply	(i) <i>Converts Informal Occupation into Recognised and Transferable Rights: - Currently, long-term ESTA occupiers have secure home rights but no formal property tenure, which means They cannot use their rights as collateral, they cannot really improve their dwellings, and the land they live on has no market visibility or economic mobility. By formalising the residential village and issuing legally recognised tenure arrangements, the proposal allows poor and marginalised households to access state housing support, microfinance, or household investment. This proposal is a direct contribution to a more equitable land market, where lower-income rural residents gain meaningful land value and protection.</i>

Criteria	Compliance	Planning Implication
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Comply	<p>(i) The developer will develop and install infrastructure costs, and the HOA and farmstead owners will maintain the infrastructure. No burden on the local authority.</p> <p>(ii) There is already an school on the application area, and the developer is developing social programs such as community food gardens, and skills transfer of beneficiaries that already reside on the application area.</p> <p>(iii) The proposed farming village will have a community hall, communal food gardens, and communal sport and recreational facilities. Hence limited current and future costs for any authority.</p> <p>(iv) Uses existing settlement pattern and shared service systems effectively</p>
Promote land development in locations that are sustainable and limit urban sprawl.	Comply	<p>(i) The proposed development promotes spatial efficiency rather than dispersal because it consolidates all existing informal and dispersed dwellings into one planned rural village. This results in a compact settlement form, rather than the current scattered and inefficient pattern of occupation across the farm portions.</p>
Result in communities that are viable.	Comply	<p>(i) The proposed development will result in viable communities, because the current beneficiaries will have access to well built homes with infrastructure, and will have employment opportunities with skills development.</p> <p>(ii) The proposed farmsteads support viable, specialised agricultural uses, which will improve agricultural productivity, rather than reducing it, and support value-adding agricultural chains (veterinary, feed, wine industry, equine rehabilitation, farriery, etc.)</p>
Strive to ensure that the basic needs of all citizens are met in an affordable way.	Comply	<p>(i) Secures tenure and upgrades living conditions of long-term occupiers;</p> <p>(ii) The Master HOA will subsidise the levies and maintenance costs of services for the farming village, hence the affordability of the farming village was ensured.</p>

Criteria	Compliance	Planning Implication
The sustained protection of the environment should be ensured.	Comply	<p>(i) <i>Formal planned development allows for Identification and protection of wetlands & riparian buffers, Alien vegetation control & Managed grazing practices. This represents an environmental gain over the current unmanaged condition;</i></p> <p>(ii) <i>The proposal has been designed to align with and support existing environmental management instruments;</i></p> <p>(iii) <i>Prior to layout planning, the site's wetlands, drainage lines, steep slopes, and conservation-priority habitat were identified and spatially confirmed. This ensures land use change does not conflict with ecological support systems mapped in existing environmental management tools.</i></p>

30.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	Comply	<p>(i) Land as a resource: <i>Turning unproductive large farms into productive 5ha smallholdings with agriculture and equestrian activities;</i></p> <p>(ii) Infrastructure as a resource: <i>Concentrating residential services in one village minimises duplicated roads, water, and sanitation systems;</i></p> <p>(iii) Agricultural resources: <i>Supports niche high-value crops and equine activities compatible with local climate and soil;</i></p> <p>(iv) Environmental resources: <i>Protects ecologically sensitive areas while rehabilitating degraded sections;</i></p> <p>(v) Social and human capital: <i>Leverages existing resident knowledge and labour for productive use</i></p>
Integrated cities and towns should be developed.	Not Applicable	
Policy, administrative practice and legislation should promote speedy land development.	Not Applicable	

30.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	Comply	<p>(i) <i>The proposal strengthens spatial resilience by Diversifying rural economic activities, introducing equestrian, viticulture, and niche agriculture enterprises;</i></p> <p>(ii) <i>Improving social resilience through secure housing and tenure;</i></p> <p>(iii) <i>Maintaining ecological buffers and rehabilitating degraded landscapes;</i></p> <p>(iv) <i>The development enhances the area's capacity to adapt to economic, social, and environmental changes.</i></p>

30.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government should ensure an integrated approach to land use planning.	Applicable to George Municipality	<p>This principle has no direct bearing on the application; however, the George Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</p> <p>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</p>
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice		

Criteria	Compliance	Planning Implication
relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

31. CONCLUSION

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

- (i) The Subdivision of Portion 66 of the Farm Hoogekraal No 238, Division George, into two portions: (Portion A = ± 4,7737 ha) and a Remainder, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality.
- (ii) The Consolidation of Portion A of Portion 66 of the Farm Hoogekraal No 238, Division George, with Portion 178 of the Farm Hoogekraal No 238, Division George, in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality.

- (iii) The Subdivision of Rem of Portion 82 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = $\pm 11,87\text{ha}$ & Rem Ptn 82 = $8,15\text{ha}$, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality.
- (iv) The Subdivision of Portion 42 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = $\pm 4,37\text{ha}$ & Rem Ptn 42 = $\pm 2,36\text{ha}$, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality.
- (v) The Subdivision of Portion 5 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = $\pm 11,26\text{ha}$ & Rem Ptn 5 = of $\pm 2,36\text{ha}$ & $8,60\text{ha}$ (split remainder).
- (vi) The Consolidation of the following farms (north of the N2 National Road), in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality.
 - (a) Ptn A of Portion 5 of the Farm Hoogekraal No 238, Division George;
 - (b) Ptn A of Portion 42 of the Farm Hoogekraal No 238, Division George;
 - (c) Ptn A of Remainder of Portion 82 of the Farm Hoogekraal No 238, Division George;
 - (d) Portion 77 of the Farm Hoogekraal No 238, Division George;
 - (e) Portion 5 of the Farm Buffelsdrift No 227, Division George;
 - (f) Portion 9 of the Farm Buffelsdrift No 227, Division George
- (vii) The rezoning of the consolidated farms (North of the N2 National Road) from "Agriculture Zone I" to a "Subdivisional Area" consisting of 5 x farms and a public street, in terms of Section 15(2)(a) of the Land-Use Planning By-Law for George Municipality, 2023.
- (viii) The Subdivision of Portion 85 of the Farm Hoogekraal No 238 George, into 3x Portions: Ptn A = $\pm 2527\text{m}^2$; Ptn B = $\pm 671\text{m}^2$ & Rem Ptn 85, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality.
- (ix) The Subdivision of Portion 88 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = 5218m^2 & Rem Ptn 88, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality.
- (x) The Subdivision of Portion 65 of the Farm Hoogekraal No 238 George, into 2x Portions: Ptn A = $\pm 3074\text{m}^2$ & Rem Ptn 65, in terms of Section 15(2)(d) of the Land Use Planning Bylaw for George Municipality.
- (xi) The Consolidation of the following farms, in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality:
 - (a) Ptn A of Portion 85 of the Farm Hoogekraal No 238, George with Portion 72 of the Farm Hoogekraal No 238.
 - (b) Ptn B of Portion 85 of the Farm Hoogekraal No 238, George with Remainder of Portion 88 of the Farm Hoogekraal No 238.
 - (c) Ptn A of Portion 88 of the Farm Hoogekraal No 238 George, with Portion 85 of the Farm Hoogekraal No 238.

- (d) Ptn A of Portion 65 of the Farm Hoogekraal No 238 George, with Portion 168 of the Farm Hoogekraal No 238.
- (xii) The Consolidation of the following farms, in terms of Section 15(2)(e) of the Land Use Planning Bylaw for George Municipality.
 - (a) Rem of Farm Hoogekraal No 238, Division George;
 - (b) Rem of Portion 5 of the Farm Hoogekraal No 238, Division George;
 - (c) Portion B of Portion 42 of the Farm Hoogekraal No 238, Division George;
 - (d) Portion 23 of the Farm Hoogekraal No 238, Division George;
 - (e) Portion 76 of the Farm Hoogekraal No 238, Division George;
 - (f) Portion 75 of the Farm Hoogekraal No 238, Division George;
 - (g) Remainder of Portion 88 of the Farm Hoogekraal No 238, Division George;
 - (h) Portion 74 of the Farm Hoogekraal No 238, Division George;
 - (i) Portion 160 of the Farm Hoogekraal No 238, Division George;
 - (j) Portion 148 Farm Hoogekraal No 238, Division George;
 - (k) Remainder of Portion 64 of the Farm Hoogekraal No 238, Division George;
 - (l) Remainder of Portion 90 of the Farm Hoogekraal No 238, Division George
 - (m) Portion 72 of the Farm Hoogekraal No 238, Division George
 - (n) Portion 41 of the Farm Hoogekraal No 238, Division George
 - (o) Portion 52 of the Farm Hoogekraal No 238, Division George
 - (p) Portion 79 of the Farm Hoogekraal No 238, Division George;
 - (q) Remainder of Portion 179 of the Farm Hoogekraal No 238, Division George
 - (r) Remainder of Portion 65 of the Farm Hoogekraal No 238, Division
 - (s) Portion 180 of the Farm Hoogekraal No 238, Division George;
 - (t) Portion 19 of the Farm Hoogekraal No 238, Division George;
 - (u) Remainder of Portion 66 of the Farm Hoogekraal No 238, Division George;
 - (v) Portion 102 of the Farm Hoogekraal No 238, Division George;
 - (w) Portion 17 of the Farm Hoogekraal No 238, Division George;
 - (x) Remainder of Portion 6 of the Farm Hoogekraal No 238, Division George
 - (y) Remainder of Portion 67 of the Farm Hoogekraal No 238, Division George

- (z) Remainder of Portion 68 of the Farm Hoogekraal No 238, Division George;
- (aa) Portion 18 of the Farm Hoogekraal No 238, Division George;
- (bb) Portion 69 of the Farm Hoogekraal No 238, Division George;
- (cc) Portion 70 of the Farm Hoogekraal No 238, Division George;
- (xiii) The rezoning of the consolidated farms south of the N2 National Road, (listed in Par (xii) above), from "Agriculture Zone I" and Business Zone III" to a "Subdivisional Area" consisting of 31 x small farms; 32 x properties with a split zoning between Agriculture & Nature Conservation Area; 1x group housing erf; 1x Utility Service erf, 1x Place of instruction erf; 10x private open space erven; 19x Nature Conservation Area erven; 15x private street erven; and a public street, in terms of Section 15(2)(a) of the Land-Use Planning By-Law for George Municipality, 2023.
- (xiv) The subdivision of the consolidated Farm into the Portions, in terms of section 15(2)(d) of the Land Use Planning Bylaw for George Municipality, 2023:
 - (i) 31 x "Agriculture Zone I" properties;
 - (ii) 32 x properties with a split zoning between "Agriculture Zone I" & "Open Space Zone III"
 - (iii) 1 x "General Residential Zone II" property;
 - (iv) 1 x "Utility Zone" property;
 - (v) 1 x "Community Zone I" property;
 - (vi) 10 x "Open Space Zone II" properties;
 - (vii) 19 x "Open Space Zone III" properties;
 - (viii) 15 x "Transport Zone III" properties;
 - (ix) 1x "Transport Zone II" property; and
- (xv) A consent use to allow existing cemeteries on the new Portions 86 and 93; in terms of Section 15(2)(o) of the Land-Use Planning By-Law for George Municipality, 2023;
- (xvi) Application for the removal of restrictive Conditions:
 - (a) Conditions 1(I)(b)(i); 3(III); 4(B)(I); 11(A) from Title Deed No T 76531/2007;
 - (b) Condition 1(c) in Title Deed T 66591/2008;
 - (c) Condition (c) in Title Deed No T 4069/2010;
 - (d) Condition (3) in Title Deed No T 93890/2003,
 - (e) Condition B(1) in Title Deed No T 87304/2007,
 - (f) Condition 1(B) in Title Deed No T 12590/2010,
 - (g) Condition B(1) in in Title Deed No T 19705/2008,
 - (h) Condition B in Title Deed No T 87303/2007;

- (i) Condition (1)(B)(1) in Title Deed No T 15622/2009;
- (j) Conditions (13)(B)(1), (13)(B)(3) & (13)(B)(4) in Title Deed No T 76531/2007;
- (k) Conditions 2(B)(a); 2(C) & 3(1)(c) in Title Deed No T 12590/2010
- (l) Condition A(c) in Title Deed No T 64056/2003;
- (m) Condition (2)(B) in Title Deed No T 45002/2003,
- (n) Conditions 1(B)(1) & 2(B)(1) in Title Deed No T 28396/2008
- (o) Condition B(1) in Title Deed No T 45790/2005

in terms of Section 15(2)(f) of the of the Land-Use Planning By-Law for George Municipality, 2023.

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

Marika Vreken Urban and Environmental Planners
September 2026

ANNEXURE A:

Supreme Court of Appeal Judgement



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

JUDGMENT

Reportable
Case no: 320/12

In the matter between:

LAGOONBAY LIFESTYLE ESTATE (PTY) LTD

Appellant

and

**THE MINISTER FOR LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT
PLANNING OF THE WESTERN CAPE**

First Respondent

THE GEORGE MUNICIPALITY

Second Respondent

**CAPE WINDLASS ENVIRONMENTAL ACTION
GROUP AND 24 OTHERS**

Third Respondent

Neutral citation: *Lagoonbay Lifestyle Estate (Pty) Ltd v The Minister for Local Government, Environmental Affairs and Development Planning of the Western Cape & others (320/12) [2013] ZASCA 13 (15 March 2013)*

Bench: **NUGENT, PONNAN, TSHIQI and MAJIEDT JJA and
SALDULKER AJA**

Heard: **25 FEBRUARY 2013**

Delivered: **15 MARCH 2013**

Summary: **Land use – regulation of - regional structure plan and zoning and subdivision – applications to amend.**

ORDER

On appeal from: Western Cape High Court (Cape Town) (Griesel J sitting as court of first instance):

1. The appeal is upheld with costs, such costs to include those consequent upon the employment of two counsel to be paid jointly and severally by the respondents.
2. The order of the court below dismissing the application with costs is set aside and in its stead is substituted the following:
 - ‘(a) It is declared that the purported decision by the first respondent dated 28 April 2011 refusing the applicant's application for rezoning and subdivision in respect of the proposed Lagoonbay development is unlawful and is accordingly set aside.
 - (b) It is declared that the second respondent is the competent authority to consider and determine the applicant's application for rezoning and subdivision in respect of the proposed Lagoonbay development and its decision to approve that application on 17 July 2010 is confirmed.
 - (c) The applicant's application for the amendment of the George and Environs Urban Structure Plan from agriculture/forestry to township development in respect of the farm Hoogekraal 238 is remitted to the first respondent for reconsideration.
 - (d) The respondents are ordered to pay the costs of the application jointly and severally such costs to include those of two counsel.’

JUDGMENT

PONNAN JA (NUGENT, PONNAN, TSHIQI and MAJIEDT JJA and SALDULKER AJA concurring):

[1] At the heart of the dispute in this matter is a proposed development on the farm Hoogekraal 238, which is situated within the George Municipality in the Southern Cape. The development, which is being promoted by the appellant, the Lagoonbay Lifestyle Estate (Pty) Ltd (Lagoonbay), envisages a gated community spanning some 655 hectares. It includes: two 18-hole golf courses; 895 single residential houses; 320 single and fractional title lodges; 150 single and fractional title apartments; a hotel, wellness centre, spa and clubhouse precinct; a commercial area; conference centre and private nature reserve. It is by all accounts a fairly ambitious and expensive project - R5 billion is its projected cost.

[2] Given its vast scale as also the fact that the land on which the proposed development is to be undertaken is zoned 'agriculture/forestry', Lagoonbay had to secure approval for the project in four different phases. The first related to an amendment of the George and Environs Urban Structure Plan (1982) (the structure plan) in terms of s 4(7) of the Land Use and Planning Ordinance 15 of 1985 (LUPO). The second - to an environmental impact assessment process (EIA) in terms of the Environment Conservation Act 73 of 1989 (ECA) and the National Environmental Management Act 107 of 1998 (NEMA). The third - to the rezoning and subdivision of the property in terms of ss 16(1) and 25(1) of LUPO. And, the fourth and final phase - to the approval of building plans under the National Building Regulations and Building

Standards Act 103 of 1977. For the purposes of this appeal only the first and third phases are relevant.

[3] On 17 July 2007 and in response to an application by Lagoonbay for an amendment to the structure plan the then Minister for Local Government, Environmental Affairs and Development Planning of the Western Cape (the Minister), Ms Tasneem Essop, wrote to the municipal manager of the George Municipality:

- '1. The Competent Authority for the administration of [LUPO] has decided that the application for the amendment of the Urban Structure Plan, from "Agriculture / Forestry" to "Township Development", on the combined properties known as Hoogekraal 238 in order to allow for a development be approved in terms of section 4(7) [LUPO] subject to the following conditions:
 - 1.1 The applicant must investigate the viability of alternative land-uses which should take into account a triple-bottom line approach, i.e. a principle that must be considered in a balanced manner and within a regional context.
 - 1.2 The current development proposal as it stands should not be regarded as approved. The details of a possible development alternative on the land in question as well as the detail and extent should be resolved during the integrated environment process and planning processes.
 - 1.3 The associated future zoning application in respect of the land concerned shall be subject to approval by the Provincial Government as the location and impact of the proposed development constitutes "Regional and Provincial Planning."

[4] On 14 June 2010 the Council of the George Municipality adopted the following resolution:

"That the rezoning and subdivision of portion of Hoogekraal no. 238, George (Lagoon Bay Lifestyle Estate) be approved subject to the conclusion of a detailed services agreement and as per the conditions laid down by the administration."

...

In terms of condition 1.3 of the letter of approval dated 17 July 2007 regarding the amendment of the Regional Structure Plan received from the Department of Environmental Affairs and Development Planning, the rezoning application in respect of the land concerned is subject to approval by the Provincial Government.'

[5] That decision was communicated to the current Minister, Mr Anton Bredell, who after having considered the matter, wrote to Lagoonbay on 28 April 2011:

- '1. Your application dated 4 August 2009, referred to me (in terms of condition 1.3 of the approval of the George and Environs Urban Structure Plan, from "Agriculture/Forestry" to "Township Development", dated 17 July 2007), by the George Municipality on 14 July 2010, refers.
- 2. I, as the Competent authority for the administration of [LUPO], have decided that the applications for:
 - 2.1 the subdivision of Portions . . . of the Farm Hoogekraal No. 238, George, **be refused**, in terms of section 25 of [LUPO];
 - 2.2 the rezoning of the consolidated project site consisting of Portions . . . of Hoogekraal . . . George, from "Agricultural Zone 1" to "Subdivisional Area" to allow the following land uses:
 . . .
be refused, in terms of section 16 of [LUPO]; and
 - 2.3 the subdivision of the consolidated project site into . . . **be refused**, in terms of section 25 of [LUPO].'

[6] Aggrieved by that decision of the Minister, Lagoonbay launched an application in the Cape High Court. It cited the Minister as the first respondent, the George Municipality as the second and the Cape Windlass Environmental Action Group, an environmental organisation committed to the protection of the environmental integrity of the Garden Route (also known as the Cape Windlass) and the rural character of the high plateau between George and Mossel Bay, as the third. To the extent here relevant the Notice of Motion read:

- '3. It is declared that the decision by the First Respondent dated 28 April 2011, in terms of which Applicant's application for the rezoning and subdivision relating to the proposed Lagoon Bay development, was refused, is constitutionally unlawful and a nullity;

. . .

5. It is declared that the decision taken by the Second Respondent on 17 July 2010, in terms of which the Applicant's application for the rezoning and subdivision in respect of the proposed Lagoon Bay development, was approved, was a decision taken by the correct designated functionary and constitutes the required approval under the Land Use Planning Ordinance, 15 of 1985, as read with the Constitution.'

That application failed before Griesel J, who dismissed it with costs including those of two counsel, but granted leave to Lagoonbay to appeal to this court.

[7] As Nugent JA observed in *Johannesburg Municipality v Gauteng Development Tribunal & Others* 2010 (2) SA 554 (SCA) para 15: 'The Constitution establishes government at three levels. At national level, legislative authority vests in Parliament and executive authority vests in the President (who exercises it together with other members of the Cabinet). At provincial level, legislative authority vests in the provincial legislatures and executive authority vests in the provincial Premiers (who exercise that authority together with other members of the executive councils). At local level, government comprises municipalities, which must be established for the whole of the territory of the Republic, and the legislative and executive authority of a municipality vests in its municipal council.'

[8] What occupies our attention in this case is the interrelationship between the second and third of those three spheres of government. South Africa consists of wall-to-wall municipalities. Municipalities make up regions. And regions, in turn, constitute provinces. A use right in relation to land is a right to utilise that land in accordance with a category of directions setting out the purpose for which the land may be used. The authority to regulate the use of land within a municipal area is conferred upon a municipality, whilst the authority to regulate the use of land within a particular region is a provincial competence. Different considerations will obviously weigh with each in the exercise of those powers. Decisions as to the uses that a municipality will allow will necessarily be influenced by local considerations including its capacity to provide the necessary infrastructure and services within the constraints of its budget (*Johannesburg*

Municipality para 9). Regional planning, on the other hand, is informed by broader interests and objectives. In terms of LUPO, the principal tools for the regulation of land use is through the introduction and enforcement of structure plans at a regional level and zoning schemes at a municipal level. The general purpose of a structure plan is to lay down guidelines for the future spatial development of the area to which it relates in such a way as will most effectively promote the order of the area and the general welfare of the community concerned (s 5). And the general purpose of a zoning scheme is to determine use rights and to provide for control over use rights and over the utilisation of the land in the area of jurisdiction of a local authority (s 11). Thus while a comprehensive land-use regime calls for integrated and coordinated interaction on the part of provincial and municipal government, it goes without saying that the one may not usurp the powers of the other.

[9] Here there is no attack on the structure plan. Nor on the Minister's powers to amend it. Lagoonbay's case is that the Minister's decision constituted a final approval of its application to amend the structure plan. I cannot agree. It seems to me that had the Minister not been satisfied with Lagoonbay's application, it would have been open to her to have refused the amendment. Instead she chose to defer her decision. I cannot comprehend why she was not entitled to say: 'I will not amend the structure plan until I know exactly what is envisaged', or 'I will let you have a provisional approval subject to the relevant officials in my department being satisfied as to what the final development will look like'. For, I daresay, she could hardly have approved the amendment whilst being indifferent to what the development would in due course look like. The logical corollary of that is that she reserved for herself the right to say no after she had been apprised of the detail. It is thus plain that, properly construed, what the Minister did, did not amount to an unconditional approval of Lagoonbay's application.

[10] The Minister's approval was subject to what I, for convenience, shall refer to as three conditions. Those are set out in paragraphs 1.1 to 1.3 of her letter of 17 July 2007 to the George Municipality. Only the third, which provides 'the associated future zoning application in respect of the land concerned shall be subject to approval by the

Provincial Government . . .', merits consideration. Zoning, as I have endeavoured to illustrate, was a municipal competence. The rezoning application was thus a matter for the George Municipality, not provincial government. It follows that the Minister usurped for herself and her departmental officials a power that had been reserved for the George Municipality. Accordingly, the condition upon which the Minister's approval was dependent was incapable of fulfilment. And, in consequence, her final decision, which had been deferred, has become impossible of performance. It follows that the structure plan remains unamended and the application for its amendment falls to be considered afresh by the provincial authorities. The upshot of all of this is that the development cannot go ahead until such time as the Minister approves the application to amend the structure plan.

[11] That leaves the rezoning application: The George Municipality resolved to approve Lagoonbay's rezoning and subdivision application. That decision has not been assailed. The municipality thereafter and in the erroneous belief that that application was subject to approval by the provincial government as per condition 1.3 of the Minister's letter of approval, referred it to the present incumbent of that office, Mr Bredell, who, without an appreciation that his predecessor had misconceived her powers, proceeded to deal with the matter. That he lacked the authority to do, for it was a matter that was reserved for the administration of the municipality (*Johannesburg Municipality* para 30). It must follow that his decision in that regard cannot stand and it accordingly falls to be set aside.

[12] In the result the appeal succeeds and it is upheld with costs, such costs to include those consequent upon the employment of two counsel to be paid jointly and severally by the respondents. The order of the court below dismissing the application is set aside and in its stead is substituted the following:

'(a) It is declared that the purported decision by the first respondent dated 28 April 2011 refusing the applicant's application for rezoning and subdivision in respect of the proposed Lagoonbay development is unlawful and is accordingly set aside.

- (b) It is declared that the second respondent is the competent authority to consider and determine the applicant's application for rezoning and subdivision in respect of the proposed Lagoonbay development and its decision to approve that application on 17 July 2010 is confirmed.
- (c) The applicant's application for the amendment of the George and Environs Urban Structure Plan from agriculture/forestry to township development in respect of the farm Hoogekraal 238 is remitted to the first respondent for reconsideration.
- (d) The respondents are ordered to pay the costs of the application jointly and severally such costs to include those of two counsel.'

V M PONNAN
JUDGE OF APPEAL

APPEARANCES:

For Appellant:

M C Maritz (with him H J de Waal)

Instructed by:

Werksmans Attorneys, Cape Town

Phatsoane Henney Attorneys, Bloemfontein

For First Respondent:

S Rosenberg SC (with him D Borgstrom)

Instructed by:

The State Attorney, Cape Town

The State Attorney, Bloemfontein

For Third Respondent:

I D Potgieter (with him E v d Horst (Ms))

Instructed by:

Chennels Albertyn, Rondebosch

Honey Attorneys Bloemfontein

ANNEXURE B:

National Dept Agriculture SALA Approval 2021



**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 Use and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938
Enquiries: Helpdesk Ref: 2021_08_0019

Lagoon Bay Lifestyle Estate
P.O. Box 1300
GEORGE
6530

Attention: Dupree Lombaard

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT,
1970: SUBDIVISION OF SEVERAL PORTIONS OF THE FARM HOOGEKRAAL NO. 238 AND
FARM BUFFELSDRIFT NO. 227, DIVISION GEORGE, WESTERN CAPE PROVINCE**

Your e-mail dated 28 May 2021 refers.

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

Consent No. **55912**, issued in terms of section 4 of the Act, is enclosed in duplicate.

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).

It is trusted that you will find the decision in order.

Yours faithfully

MS TS CHIPETA

**CHIEF DIRECTOR: NATURAL RESOURCES AND DISASTER MANAGEMENT
DELEGATE OF THE MINISTER**

DATE 10/09/2021

CC: The Surveyor-General Private Bag X 9028 **CAPE TOWN** 8000
CC: Land Use and Soil Management P.O.Box 380 **BELLVILLE** 7535
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 **ELSENBURG** 7607



**agriculture, land reform
& rural development**

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

VERW/REF.

2021_06_0019

TOESTEMMING

*KRAGTENS DIE WET OP DIE ONDERVERDELING
VAN LANDBOUGGROND, 1970*

CONSENT

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

55912

By virtue of the powers delegated to me by the Minister of Agriculture, Forestry and Fisheries 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

- 1.1 REMAINDER, IN EXTENT 46, 4954 HECTARES;
- 1.2 REMAINDER OF PORTION 5, IN EXTENT 29, 5737 HECTARES;
- 1.3 REMAINDER OF PORTION 6 (PORTION OF PORTION 5), IN EXTENT 58, 1224 HECTARES;
- 1.4 REMAINDER OF PORTION 17 (PORTION OF PORTION 4), IN EXTENT 23, 9249 HECTARES;
- 1.5 REMAINDER OF PORTION 18 (PORTION OF PORTION 4), IN EXTENT 6, 6304 HECTARES;
- 1.6 REMAINDER OF PORTION 19 (PORTION OF PORTION 4), IN EXTENT 2, 2535 HECTARES;
- 1.7 PORTION 23 (PORTION OF PORTION 5-BEGINSEL), IN EXTENT 8, 5653 HECTARES;
- 1.8 PORTION 41 (PORTION OF PORTION 4-KUYLERS HOOP), IN EXTENT 31, 2635 HECTARES;
- 1.9 REMAINDER OF PORTION 42 (PORTION OF PORTION 5-DIE KAMP), IN EXTENT 6, 9674 HECTARES;
- 1.10 REMAINDER OF PORTION 64 (PORTION OF PORTION 1), IN EXTENT 10, 3716 HECTARES;
- 1.11 PORTION 66 (PORTION OF PORTION 1), IN EXTENT 15, 6191 HECTARES;
- 1.12 REMAINDER OF PORTION 68 (PORTION OF PORTION 1), IN EXTENT 18, 0155 HECTARES;
- 1.13 PORTION 69 (PORTION OF PORTION 1), IN EXTENT 31, 5989 HECTARES;
- 1.14 REMAINDER OF PORTION 70 (PORTION OF PORTION 4), IN EXTENT 42, 1196 HECTARES;
- 1.15 PORTION 74 (PORTION OF PORTION 4), IN EXTENT 6, 3038 HECTARES;
- 1.16 PORTION 75 (PORTION OF PORTION 4), IN EXTENT 20, 9442 HECTARES;
- 1.17 PORTION 76 (PORTION OF PORTION 4), IN EXTENT 6, 8181 HECTARES;
- 1.18 REMAINDER OF PORTION 77 (PORTION OF PORTION 4), IN EXTENT 11, 8030 HECTARES;
- 1.19 PORTION 79 (PORTION OF PORTION 6), IN EXTENT 10, 8128 HECTARES;
- 1.20 REMAINDER OF PORTION 82 (PORTION OF PORTION 1), IN EXTENT 20, 1689 HECTARES;
- 1.21 PORTION 102 (PORTION OF PORTION 17), IN EXTENT 24, 1751 HECTARES;
- 1.22 PORTION 122 (PORTION OF PORTION 77), IN EXTENT 4, 9356 HECTARES;
- 1.23 REMAINDER OF PORTION 179, IN EXTENT 13, 9646 HECTARES;

- 1.24 PORTION 180 (PORTION OF PORTION 179), IN EXTENT 4, 1673 HECTARES;
- 1.25 PORTION 65 (PORTION OF PORTION 1), IN EXTENT 8, 8194 HECTARES;
- 1.26 PORTION 88 (PORTION OF PORTION 1), IN EXTENT 21, 334 HECTARES;
- 1.27 PORTION 90 (PORTION OF PORTION 1), IN EXTENT 3, 6466 HECTARES;
- 1.28 PORTION 72 (PORTION OF PORTION 1), IN EXTENT 1, 3619 HECTARES, ALL OF THE FARM HOOGE KRAAL NO. 238;
- 1.29 REMAINDER OF PORTION 5 (PORTION OF PORTION 3), IN EXTENT 23, 0978 HECTARES; AND
- 1.30 REMAINDER OF PORTION 9 (PORTION OF PORTION 3-CONCORDIA), IN EXTENT 88, 6511 HECTARES, BOTH OF THE FARM BUFFELS DRIFT NO. 227,
- 1.31 A PORTION OF PORTION 80(PORTION OF PORTION 6), MEASURING APPROXIMATELY 12 HECTARES;
- 1.32 REMAINDER OF PORTION 67(PORTION OF PORTION 1), IN EXTENT 16,7976 HECTARES;
- 1.33 PORTION 52, IN EXTENT 50,4855 HECTARES;
- 1.34 PORTION 81(PORTION OF PORTION 54), IN EXTENT 12,8480 HECTARES;
- 1.35 PORTION 55, IN EXTENT 96,7881 HECTARES;
- 1.36 PORTION 53, IN EXTENT 30,6924 HECTARES; AND
- 1.37 PORTION 160, IN EXTENT 15,1417 HECTARES, ALL OF THE FARM HOOGE KRAAL NO 238, DIVISION GEORGE, WESTERN CAPE PROVINCE

PARAGRAPH 2: CONSENT GRANTED

After consolidation the subdivision of the above-mentioned agricultural land into two-hundred and five (206) portions of which 205 the portions (two-hundred and five) ranges between 2,0 hectares and 68,0 hectares respectively and one (1) portion is measuring 10,21 hectares represented by the figures marked Ptn 1 to 205 and Remainder as shown on the sketch plan which is attached to this Consent.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

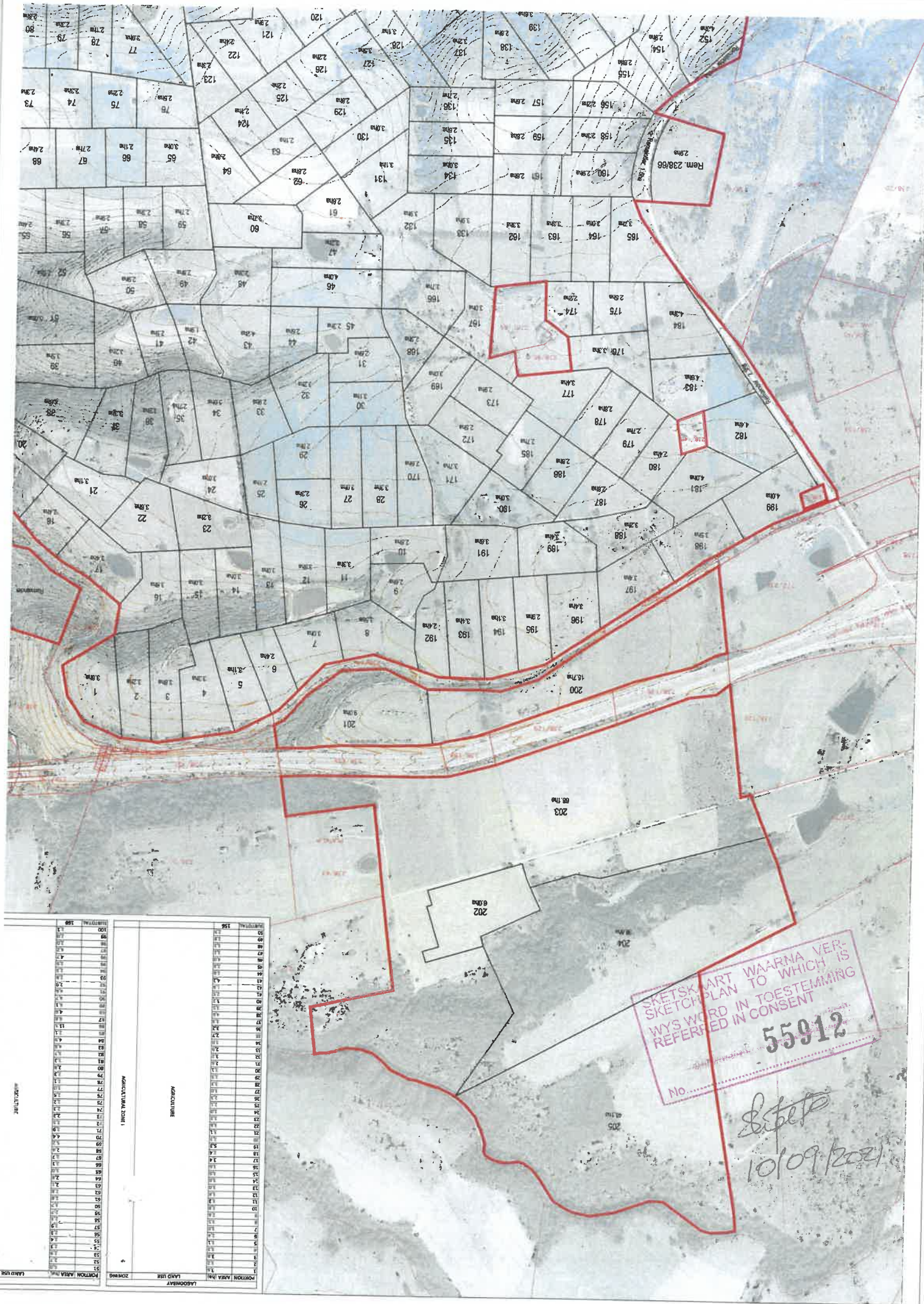
- 3.1 The proposed subdivided portions 202 to 204 measuring approximately 110,7 hectares in total extent would be transferred to a black owned entity for land reform purposes.
- 3.2 This consent does not exempt the property from the provisions of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.
- 3.2 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.3 This consent is valid for 5 years from date of this grant. Should it not be registered within the timeframe, a new complete application must be lodged which will be considered on its own merits.

PARAGRAPH 4: WITHDRAWAL OF PREVIOUS CONSENT

This consent supersedes consent No. 52007 of 2017-01-26.

10/09/2021
DATE


MS TS CHIPETA
CHIEF DIRECTOR: NATURAL RESOURCES AND
DISASTER MANAGEMENT:
DELEGATE OF THE MINISTER



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**agriculture, land reform
& rural development**

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

VERW/REF.

2021_06_0019

TOESTEMMING

**KRAGTENS DIE WET OP DIE ONDERVERDELING
VAN LANDBOUGGROND, 1970**

55912

CONSENT

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

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- 1.14 REMAINDER OF PORTION 70 (PORTION OF PORTION 4), IN EXTENT 42, 1196 HECTARES;
- 1.15 PORTION 74 (PORTION OF PORTION 4), IN EXTENT 6, 3038 HECTARES;
- 1.16 PORTION 75 (PORTION OF PORTION 4), IN EXTENT 20, 9442 HECTARES;
- 1.17 PORTION 76 (PORTION OF PORTION 4), IN EXTENT 6, 8181 HECTARES;
- 1.18 REMAINDER OF PORTION 77 (PORTION OF PORTION 4), IN EXTENT 11, 8030 HECTARES;
- 1.19 PORTION 79 (PORTION OF PORTION 6), IN EXTENT 10, 8128 HECTARES;
- 1.20 REMAINDER OF PORTION 82 (PORTION OF PORTION 1), IN EXTENT 20, 1689 HECTARES;
- 1.21 PORTION 102 (PORTION OF PORTION 17), IN EXTENT 24, 1751 HECTARES;
- 1.22 PORTION 122 (PORTION OF PORTION 77), IN EXTENT 4, 9356 HECTARES;
- 1.23 REMAINDER OF PORTION 179, IN EXTENT 13, 9646 HECTARES;

- 1.24 PORTION 180 (PORTION OF PORTION 179), IN EXTENT 4, 1673 HECTARES;
- 1.25 PORTION 65 (PORTION OF PORTION 1), IN EXTENT 8, 8194 HECTARES;
- 1.26 PORTION 88 (PORTION OF PORTION 1), IN EXTENT 21, 334 HECTARES;
- 1.27 PORTION 90 (PORTION OF PORTION 1), IN EXTENT 3, 6466 HECTARES;
- 1.28 PORTION 72 (PORTION OF PORTION 1), IN EXTENT 1, 3619 HECTARES, ALL OF THE FARM HOOGE KRAAL NO. 238;
- 1.29 REMAINDER OF PORTION 5 (PORTION OF PORTION 3), IN EXTENT 23, 0978 HECTARES; AND
- 1.30 REMAINDER OF PORTION 9 (PORTION OF PORTION 3-CONCORDIA), IN EXTENT 88, 6511 HECTARES, BOTH OF THE FARM BUFFELS DRIFT NO. 227,
- 1.31 A PORTION OF PORTION 80(PORTION OF PORTION 6), MEASURING APPROXIMATELY 12 HECTARES;
- 1.32 REMAINDER OF PORTION 67(PORTION OF PORTION 1), IN EXTENT 16,7976 HECTARES;
- 1.33 PORTION 52, IN EXTENT 50,4855 HECTARES;
- 1.34 PORTION 81(PORTION OF PORTION 54), IN EXTENT 12,8480 HECTARES;
- 1.35 PORTION 55, IN EXTENT 96,7881 HECTARES;
- 1.36 PORTION 53, IN EXTENT 30,6924 HECTARES; AND
- 1.37 PORTION 160, IN EXTENT 15,1417 HECTARES, ALL OF THE FARM HOOGE KRAAL NO 238, DIVISION GEORGE, WESTERN CAPE PROVINCE

PARAGRAPH 2: CONSENT GRANTED

After consolidation the subdivision of the above-mentioned agricultural land into two-hundred and five (206) portions of which 205 the portions (two-hundred and five) ranges between 2,0 hectares and 68,0 hectares respectively and one (1) portion is measuring 10,21 hectares represented by the figures marked Ptn 1 to 205 and Remainder as shown on the sketch plan which is attached to this Consent.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

- 3.1 The proposed subdivided portions 202 to 204 measuring approximately 110,7 hectares in total extent would be transferred to a black owned entity for land reform purposes.
- 3.2 This consent does not exempt the property from the provisions 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.
- 3.2 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.3 This consent is valid for 5 years from date of this grant. Should it not be registered within the timeframe, a new complete application must be lodged which will be considered on its own merits.

PARAGRAPH 4: WITHDRAWAL OF PREVIOUS CONSENT

This consent supersedes consent No. 52007 of 2017-01-26.

10/09/2021
DATE


MS TS CHIPETA
CHIEF DIRECTOR: NATURAL RESOURCES AND
DISASTER MANAGEMENT:
DELEGATE OF THE MINISTER



ANNEXURE C:

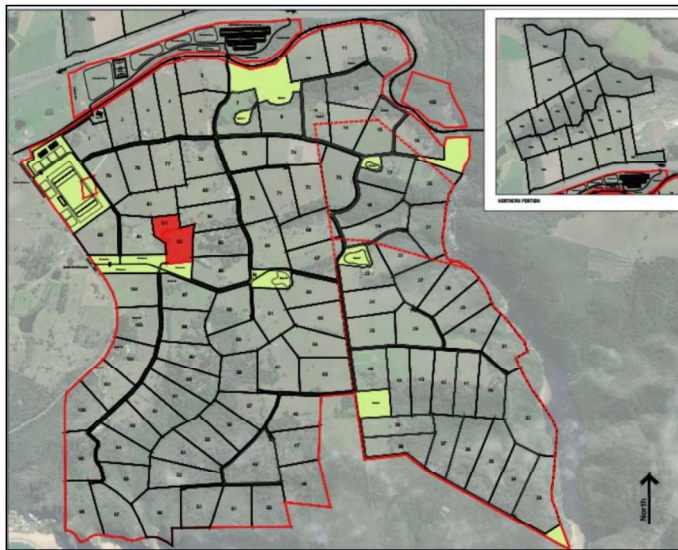
Pre-Application Consultation Minutes

		Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)				
Y	N	Other (specify)		Y	N	Required number of documentation copies

PART E: DISCUSSION

Town & Spatial Planning:

The plan below and attached documents were discussed in the pre-application meeting dated 20 August 2025.



General

- The cumulative impact on the rural area, should the precedent be set of creating small land parcels for rural land for estate living purposes, as proposed, must be considered, addressed and motivated.
- Explain which type of agricultural activity will take place / not be allowed on the Agricultural portions.
- Powers of Attorney must be provided for each property.
- Stormwater management must be addressed in the motivation report (specifically the impact of same on the environment).
- Solar infrastructure, if provided, must comply with the required statutory legislation.
- Should the development be fenced, please consider the existing rural character of the area. A buffer area and landscaping are proposed.
- To submit an application in terms of Section 53 of LUPA, if required. Address the aforementioned in the motivation report (confirmation from DEADP required).
- The report and layout which forms part of the WULA (water use license) should be submitted with the application. The report should consider and incorporate recommendations.
- It is advised to consult with the Department of Agriculture (Provincial and National), DEADP and Cape Nature, SANRAL and the Western Cape Department of Infrastructure prior to the submission of the application to consider all relevant inputs and streamline the application process.

- An updated approval/consent will be required in terms of the Subdivision of Agricultural Land Act No. 70 of 1970 (if the developer deviates from the existing consent).
- An approval from ESKOM will be required (can form part of the public participation process).
- An approval from Transnet may be required for the crossing of the railway line.
- An approval from SANRAL will be required (Act 7 of 1998) (can form part of the public participation process).
- An approval from the Provincial Department of Infrastructure: Road Use Management will be required (Act No 21/1940) (can form part of the public participation process. Their approval will need to be submitted before a decision can be taken).
- Confirm how the farms to the north and the south of the N2 will connect/link/be integrated (or if not, what is the intention with the area north of the N2).
- A site layout plan must be submitted, indicating the following information, at a minimum:
 - Proposed unit footprints with building lines.
 - Productive agricultural areas.
 - Steep slopes (areas steeper than 1:4).
 - Water bodies and associated 32m buffer zones (rivers, dams, wetlands, etc.).
 - Critical Biodiversity Areas.
 - Position of package plant(s).
 - Road reserves and areas thereof.
 - Existing engineering services (electrical lines, waterpipes, sewer lines etc.)
 - Location of grave site / cemetery.
 - Servitudes (services and roads) where applicable.
 - Zonings and land uses.
 - Environmental buffer areas.
- The public participation process in terms of the National Environmental Management Act may be considered sufficient for the PPP for the land use application. The NEMA application must reflect the land use proposal as applied for and notices must indicate that it will also serve to comply with the PPP requirements of the Planning By-law. In such instance, all notices and notifications, documents used during this process, objections and comments received, and the applicant's response thereto, must be forwarded to the Municipality.
- An application must be included in terms of Section 44(1) of the Planning Bylaw to permit the above.
- Mossel Bay Municipality must be included as an IAP and form part of the public participation process.

Proposed “Group housing” for the existing residential village

- The pre-application proposes a group housing zoning for the residential village. Note estate housing or an agri-village may also be considered.
- The proposed group housing site should form part of the master HOA, the latter will be responsible for maintenance and services for the entire development (which included the existing residential village).
- The submissions must illustrate the basis on which existing residents and workers will be removed from the land and how future land use management will be applied. The WC Rural Development Guidelines (2019) must be used in the determination of the number, function and size of units, specifically for ownership allocation.
- It is advised that the existing informal residence should be incorporated into the development, employment opportunities to be created through the development.

Planning policy

- The proposal’s alignment with the Western Cape Rural Development Guidelines and the George Municipal Spatial Development Framework, 2023 (MSDF) must be addressed. If not in line, site (application) specific circumstances must be motivated.
- Note that nodal formation is not supported in terms of the MSDF.
- Please address the Coastal Management Act and its requirements.
- Please address any requirements in terms of addressing OSCA regulations.

Zoning

- The application must consider the parameters of the George Integrated Zoning Scheme By-law, 2023 (Zoning Scheme) as well as the objective as presented for the chosen zonings, and whether the proposal complies therewith. Indicate how the objective of the chosen zoning is achieved by the proposal.
- The properties bordering the Maalgate and coast may present challenges for agriculture. In this regard, it should be considered to rezone the said areas for nature conservation purposes as proposed (i.e. Open Space Zone III) or to impose environmental setback lines where required.
- Building line departures, if required, must be comprehensively motivated in the application.
- Motivate the size of the equestrian facility (which is considered relatively small), consider parking requirements (e.g. for events) and placement thereof in relation to the proposed use.

Access & Roads

- Access must be comprehensively motivated and indicated. The development of private roads are preferred instead of servitude roads.
- Approvals must be obtained from the relevant road authority.
- The applicant must motivate and explain how the roads will be maintained and managed.

- A Traffic Impact Assessment will be required.

Environmental & Heritage

- The ecological functioning of the area as a whole could be severely affected by the subdivisions and proposed use. The protection of the natural systems (ecological infrastructure/ connected networks) must be illustrated to the satisfaction of the relevant environmental authorities.
- The required environmental studies (the final studies and reports submitted with the NEMA application) must be submitted with the land use application. Note that the subject property is located within an OSCAE area and all additional process in terms of the environment should be considered.
 - Provide an archaeological study.
 - Provide a Freshwater Study / Aquatic Report.
 - Provide a Botanical Report
 - Visual Impact study
- Provide a Heritage Impact Assessment Study and/or the outcome from HWC.
- Protection of natural areas must be reflected in the zoning and sustainable management of these areas must be illustrated.
- Rainwater catchment for each household will also be required.
- Integrated environmental consideration is recommended (to link neighbouring properties / green areas / green corridor).

Homeowners' Association

- The entire development must be managed by a Master Homeowners Association who will take responsibility for the development in its entirety (which include the existing residential village).
- Please note that additional information may be requested in terms of Section 42(1) of the Land Use Planning Bylaw for George Municipality, 2023.
- If possible, submit architectural renderings or guidelines for the development / buildings / houses in the development should be provided.

ETS:

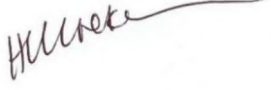
Eskom supply area.

CES:

- It is advised that the applicant contact the Directorate Civil Engineering Services for discussion, specifically with regards to the provision of infrastructure services.
- Address the concerns in terms of the provision of services should the MHOA fail to function.

PART F: SUMMARY / WAY FORWARD

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

OFFICIAL:		PRE-APPLICANT:	Marike Vreken
	Amelia Lombard		(FULL NAME)
SIGNED:		SIGNED:	
DATE:	11.09.2025	DATE:	2025-08-18
OFFICIAL:	Clinton Petersen		
SIGNED:			
DATE:	12-09-2025		

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

ANNEXURE D:

Power of Attorneys & Company Resolutions

SPECIAL POWER OF ATTORNEY

I/We PIERRE JOHAN DU TOIT & HELENA DU TOIT

_____ the undersigned,

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

**CONSOLIDATION WITH PTN A OF PORTION 66 OF OF THE FARM HOOGE KRAAL NO.
238, DIVISION GEORGE**

on

REMAINDER PORTION 178 OF THE FARM HOOGE KRAAL NO. 238, DIVISION GEORGE

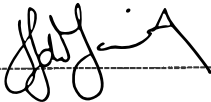
In addition to apply for such amendments of any zoning schemes / structure plans /
Removal of Title Deed Restrictions as may be deemed necessary and to make other
necessary application and further to represent *me/us at any inquiry in relation to the
abovementioned matters and generally do whatever may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

Signed at George, WC on this 15 day of March 2025

SIGNED:



SIGNED:



SIGNED:

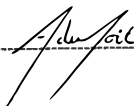
In the presence of the undersigned witnesses:

AS WITNESSES:

1.



2.



SPECIAL POWER OF ATTORNEY

I/We PIERRE JOHAN DU TOIT (ID 5108285078081)

_____ the undersigned,

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

CONSOLIDATION; REZONING AND SUBDIVISION

on

**PORTION 67 OF THE FARM HOOGE KRAAL NO 238, MUNICIPALITY &
DIVISION OF GEORGE**

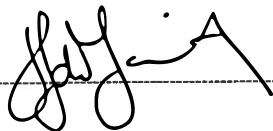
In addition to apply for such amendments of any zoning schemes / structure plans / Removal of Title Deed Restrictions as may be deemed necessary and to make other necessary application and further to represent *me/us at any inquiry in relation to the abovementioned matters and generally do whatever may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

Signed at George, WC on this 15 day of March 2025

SIGNED:



SIGNED:



SIGNED:

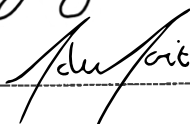
In the presence of the undersigned witnesses:

AS WITNESSES:

1.



2.



APPENDIX A: LANDOWNER'S CONSENT FORM

Note: Where the applicant is not the landowner, in terms of Regulation 39 of the EIA Regulations, consent must be obtained from the landowner or person in control of the land that the proposed activity/ies may be undertaken on the land in question. The landowner's consent must be obtained when an application will be made to amend a valid Environmental Authorisation for the change of ownership or transfer of rights and obligations.

CONTACT INFORMATION:

Name of landowner / Person in control of the land:	Pierre johan du Toit		
Company / Trading name: State Department or Organ of State:			
Contact numbers:	Tel. +27(0)	Cell: +27(0)	82 33 75 758
E-mail:	Pierre@LoerieLodge.co.za		
Postal address:	13 Steenbras . Glentana, George	Code:	6535

CONSENT:

1. I/we the undersigned

Pierre Johan du Toit and Heleen du Toit

(insert the name/s of the owner/s of the land or person/s in control of the land)

of identity number/ company registration number

5108285078081 | 5207180090082

(insert the owner/s ID number/s or the registration number of the legal entity)

am / are the registered owner/s of the property or the lawful person/persons in control of the land

Porion 66 of Hoge kraal 238

(insert description of the property/ properties and title deed numbers)

located at:

Farm Hoge kraal, Above Glentana

(insert the physical address and a brief description of the location of the property)

2. I / we hereby give consent to the Applicant,

Pierre Johan du Toit and Heleen du Toit

(insert the name/s of the Applicant / legal entity applying)

of identity number/registration number

5108285078081 | 5207180090082

(insert the owner/s ID number/s or the registration number of the legal entity)

to undertake the following activity(ies) on the land:

Consolidatin and Subdivision of the farm

(insert a brief description of the project and identified activity(ies) in question that will be applied for)

Signature of Landowner / authorised representative

15 March 2026

Date:

Note: If you are an authorised representative or person in control of the land, a certified copy of the resolution or power of attorney must be attached

PELGRIMSKRAAL TRUST (No 452/99)

RESOLUTION

Resolution passed at the meeting of the Trustees held in Durbanville on the 14 day of March 2026.

Resolved that **David Charles Gibson** in his capacity as **Trustee of the Pelgrimskraal Trust**, be and is hereby authorized to do whatever may be necessary to give effect to this resolution and to enter into and to sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Trust with such modification as he in his sole discretion shall deem fit, his signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

DESCRIPTION OF PROPERTY:

**PORTION 52 OF THE FARM HOOGE KRAAL NO 238, MUNICIPALITY &
DIVISION OF GEORGE**

NATURE OF APPLICATION:

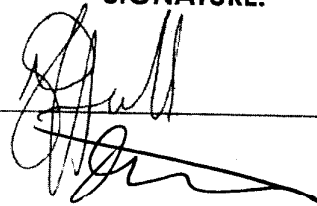
CONSOLIDATION; REZONING AND SUBDIVISION

SIGNATURE OF TRUSTEES:

NAME:

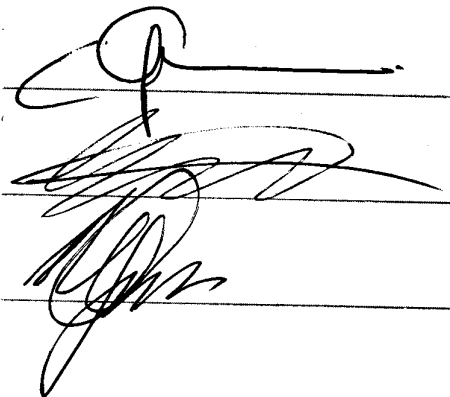
SIGNATURE:

Nicolette Hall



DAVID GIBSON

CHARLOTTE GIBSON



Sareth Gibson

Neal Gibson

ANNEXURE B

**POWER OF ATTORNEY - FOR PURPOSES OF OBTAINING DEVELOPMENT
RIGHTS**

mita
A handwritten signature in black ink, appearing to be 'mita' followed by a stylized flourish.

SPECIAL POWER OF ATTORNEY

I, David Charles Gibson, ID number 5011155050083, in my capacity as Trustee of Pelgrimskraal Trust IT 452/99, duly authorised thereto in terms of the Resolution of the Trust dated 7 January 2026,

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

CONSOLIDATION; REZONING AND SUBDIVISION

on

**PORTION 52 OF THE FARM HOOGE KRAAL NO 238, MUNICIPALITY &
DIVISION OF GEORGE**

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

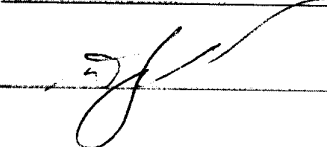
If the authorised agents fail to obtain the necessary approvals for the consolidation, rezoning and subdivision as set out above by no later than 18 (eighteen) months from date of signature hereof, or if ATTWOOD PROPERTY DEVELOPMENTS PROPRIETARY LIMITED reject the approvals thus obtained, this power of attorney shall forthwith terminate.

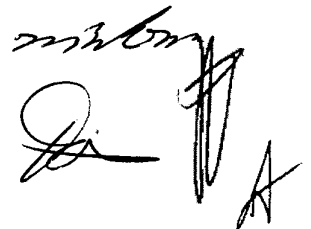
Signed at Durbanville on this 17 day of March 2025

SIGNED: 

In the presence of the undersigned witnesses:

AS WITNESSES:

1. 
2. 



APPENDIX A: LANDOWNER'S CONSENT FORM

Note: Where the applicant is not the landowner, in terms of Regulation 39 of the EIA Regulations, consent must be obtained from the landowner or person in control of the land that the proposed activity/ies may be undertaken on the land in question. The landowner's consent must be obtained when an application will be made to amend a valid Environmental Authorisation for the change of ownership or transfer of rights and obligations.

CONTACT INFORMATION:

Name of landowner / Person in control of the land:	David Charles Gibson		
Company / Trading name: State Department or Organ of State:	Pelgrimskraal Trust IT 452/99		
Contact numbers:	Tel. +27(0)	Cell: +27(0)82 856 4829	
E-mail:	pelgrimskraal@hotmail.com		
Postal address:	19 Uitsig singel, Durbanville	Code: 7550	

CONSENT:

1. I/we the undersigned

David Charles Gibson

(insert the name/s of the owner/s of the land or person/s in control of the land)

of identity number/ company registration number

5011155050083

(insert the owner/s ID number/s or the registration number of the legal entity)

am / are the registered owner/s of the property or the lawful person/persons in control of the land

Portion 52 of the Farm Hoogekraal 238, George

(insert description of the property/ properties and title deed numbers)

located at:

The Farm Hoogekraal located South of the N2 and West of the Maalgate river in the Glentana region, George municipal area

(insert the physical address and a brief description of the location of the property)

2. I / we hereby give consent to the Applicant,

Attwood Property Developments (Pty) Ltd

(insert the name/s of the Applicant / legal entity applying)

of identity number/registration number

2001/002460/07

(insert the owner/s ID number/s or the registration number of the legal entity)

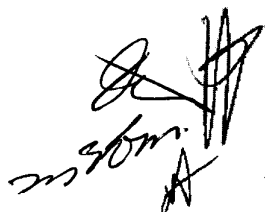
to undertake the following activity(ies) on the land:

Consolidation and subdivision of the land as well as any NEMA and EIA associated processes

(insert a brief description of the project and identified activity(ies) in question that will be applied for)


Signature of Landowner / authorised representative

17/03/2026
Date:



BESLUIT VAN TRUSTEES VAN DIE PELRIMSKRAAL TRUST (IT 452/1999)

OP 'N VERGADERING VAN TRUSTEES GEHOU TE DURBANVILLE

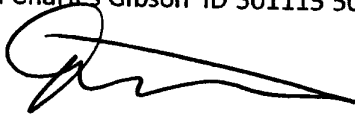
OP 7 JANUARIE 2026.

DIT WORD EENPARIG BESLUIT:

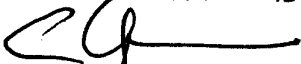
1. Dat die Trust die onroerende eiendom bekend as
Gedeelte 52 van die Plaas Hoogekraal No. 238, Afdeling George, Provinsie Wes Kaap,
te koop aanbied aan belangstellende kopers vir 'n verkoopprijs van R 15 000 000 (Vyftien Miljoen Rand), of meer, op sodanige terme en voorwaardes soos besluit deur die ondergemelde trustee in sy hoedanigheid as behoorlik gemagtigde Trustee van die Trust.
2. Dat DAVID CHARLES GIBSON hiermee gemagtig word om alle onderhandelinge te voer met betrekking tot die verkoop van die voormelde eiendom en alle ooreenkomste, koopkontrakte en transportdokumentasie te onderteken namens die Trust.

GESERTIFISEER DEUR ALLE TRUSTEES

David Charles Gibson ID 501115 5050 083



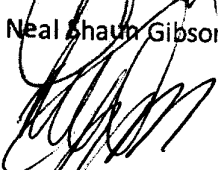
Charlotte Gibson ID 511005 0056 086



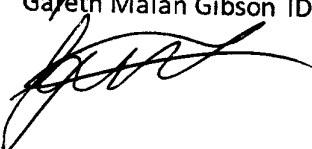
Nicolette Hall ID 831002 0024 084



Neal Shaun Gibson ID 850816 5012 083



Gareth Malan Gibson ID 871124 5209 089



[REDACTED]

I/We Marthinus Daniel Botha

DAVID FC ESTERHUYSEN

the undersigned,

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

CONSOLIDATION; REZONING AND SUBDIVISION

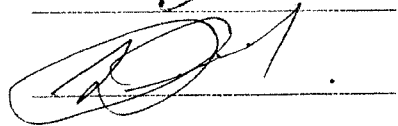
on

PORTION 85 OF THE FARM HOOGE KRAAL NO. 238, DIVISION GEORGE

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

Signed at George on this 23 day of October 2025

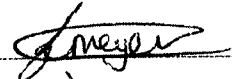
SIGNED: 

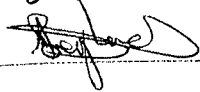
SIGNED: 

SIGNED: _____

In the presence of the undersigned witnesses:

AS WITNESSES:

1. 

2. 

BOTHA MENTONE EDUAN-TRUSTEES

(Name of Company, Partnership, Trust or Close Corporation)

RESOLUTION

Resolution passed at the meeting of the Shareholders/ Partners/ Trustees/ Members held in George on the 23 day of October 2025.

Resolved that Marthinus Botha in his capacity as Trustee, be and is hereby authorized to do whatever may be necessary to give effect to this resolution and to enter into and to sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Company/ Partnership/ Trust/ Close Corporation with such modification as he/ she in his/ her sole discretion shall deem fit, his/ her signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

DESCRIPTION OF PROPERTY:

PORTION 85 OF THE FARM HOOGE KRAAL NO. 238, DIVISION GEORGE

NATURE OF APPLICATION:

CONSOLIDATION; REZONING AND SUBDIVISION

SIGNATURE OF SHAREHOLDERS/ PARTNERS/ TRUSTEES/ MEMBERS:

NAME:

Marthinus Daniel Botha
David F.C Esterhuyzen

SIGNATURE:




SPECIAL POWER OF ATTORNEY

I/We MARILYN GOOSEN (I.D. 5304160053089)

_____ the undersigned,

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

CONSOLIDATION; REZONING AND SUBDIVISION

on

PORTION 148 OF THE FARM HOOGE KRAAL NO 238, MUNICIPALITY &
DIVISION OF GEORGE

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

Signed at George on this 17 day of September 2025

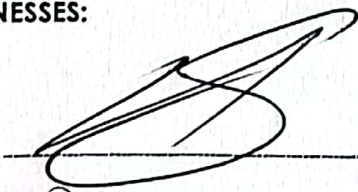
SIGNED: M Goosen

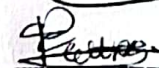
SIGNED: _____

SIGNED: _____

In the presence of the undersigned witnesses:

AS WITNESSES:

1. 

2. 

ATTWOOD PROPERTY DEVELOPMENTS PROPRIETARY LIMITED

(Registration Number: 2001/022460/07)

(the "Company")

**WRITTEN RESOLUTIONS OF THE DIRECTORS IN TERMS OF SECTION 74 OF THE COMPANIES ACT,
NO. 71 OF 2008 ("THE ACT")**

BACKGROUND

The Company is the owner of various properties in the George Municipality area, which the Company intends to develop into a luxury agricultural residential estate.

Atterbury Property (Pty) Ltd (registration number: 1998/014055/07) and Geelhoutboom Estates (Pty) Ltd (registration number: 2004/009498/07) is the "Developer" in terms of the Company's shareholders agreement, and is responsible for undertaking the development, which includes additional land acquisitions, land occupier relocation, town planning, services and infrastructure, as well as marketing and selling of land titles.

1. DISCLOSURE OF PERSONAL FINANCIAL INTERESTS

The requirements of s75(5) of the Act provides that if a "director" (as defined in s75(1)(a) of the Act) has a "personal financial interest" (as defined in s1 of the Act) or knows that a "related person" (as contemplated in sections 2 and 75(1)(b) of the Act) has a "personal financial interest" in a matter under consideration by the Board, such director is required to disclose any such interest and to recuse himself/herself from the consideration thereof.

- a. The Board, for the purposes of making and confirming the expected disclosures and for the purposes of exercising any vote in respect of the resolutions contemplated herein, have confirmed that they may also be directors and/or shareholders of other entities which constitute related persons to him/her and that the entry into any agreements relating to this resolution by such other entities may result in such director and/or such other entities having a personal financial interest in the matters considered in these resolutions.
- b. By their signature hereof, each director of the Company confirms that he/she has fully disclosed any personal financial interest to the extent applicable.

2. NOTICE AND WRITTEN CONSENT

Each director of the Company, for the purposes of exercising any vote in respect of the resolutions contemplated herein, by her/his signature confirms that:

- a. He/She has received due and proper notice in terms of the matters to be decided in terms hereof, as contemplated in s74(1) of the Act; and
- b. He/She provides his/her written consent in respect of the resolutions contained herein, such that the written consent of all the directors entitled to vote on the resolutions shall adopt the resolutions as if voted on at a meeting of the Board, as envisaged in s74 of the Act.

The board of directors of the company hereby adopt by written consent, given in person or by electronic communication, the following resolutions in terms of section 74 of the Act:

1. RESOLUTION 1:

1.1. The Company is hereby authorized to do the following:

- 1.1.1. to apply for approval of building plans in terms of section 4 of the National Building Regulation and Building Standards Act 1977 (hereinafter referred to as the "NBRBSA");
- 1.1.2. to apply for approval envisaged in terms of section 7(6) of the NBRBSA to commence with construction without approved building plans and for a further extension of the duration of such approval after initial procurement thereof;
- 1.1.3. to lodge an appeal against the decision of the Local Authority in respect of building plans submitted to the Review Board in terms of Section 9 of the NBRBSA;
- 1.1.4. apply for the connection of any engineering services as may be required by the Local Authority or any other Authority for purposes of the approval of any of the applications referred to in paragraphs 1 and 2;
- 1.1.5. apply for any consent or approval which may be deemed necessary by the relevant Authority to obtain temporary or permanent occupancy of any buildings erected by the Company on the property as is envisaged in terms of Section 14 or Section 14A of the NBRBSA;
- 1.1.6. if required, lodge an Internal Appeal in terms of Section 62 of the Local Government: Municipal Systems Act 2000, in respect of any decision of a Local Authority granted in respect of any Applications referred to in paragraphs 1 and 2 of this Resolution and or approach a competent Court with an application for urgent interim, mandatory or any other relief considered appropriate to procure the reasonable and expeditious processing of the Applications envisaged in paragraphs 1 and 2 of this Resolution and the review, set aside or correct any such decisions of the Authorities mentioned;
- 1.1.7. to enter into any agreement relating to the construction of infrastructure, a building or structures or the appointment of contractors or professional team in execution of procured land use rights in respect of any portion of the property or erf established on such property;

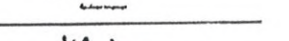
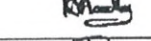
- 1.1.8. lodge/pursues any applications which is necessary in terms of the National Heritage Resources Act (Act 25 of 1999) and the National Environmental Management Act (Act 107 of 1998;
 - 1.1.9. applications for a demolition permit to demolish buildings;
 - 1.1.10. to withdraw and/or amend any applications, request an extension of time, if required and do whatever shall further be requisite in terms of any applicable Town Planning or other legislation, up to and including the promulgation of the required zoning rights;
 - 1.1.11. to make any necessary applications to permit Site Development Plans and Building Plans for the Property to be Approved;
 - 1.1.12. in addition to apply for the Local Authority's Consent to the approval of Site Development Plans and Building Plans and to make any other necessary applications and further to represent me at any inquiry in relation to the abovementioned matters and generally whatever may be necessary or desirable to procure the consent of the Local Authority.
- 1.2. That the Company, if necessary and if required, procure representation and participation in any hearings which may be arranged for purposes of consideration of such Applications by any authorised Tribunal or Authority, lodge or oppose any Appeal in terms of any applicable and prevailing legislation to any duly authorised Appeal authority or statutory body with the necessary authority and jurisdiction, and if required and if necessary, launch or oppose any High Court Application in respect of the outcome of the abovementioned Applications or Appeal and to pursue same to finality.

2. RESOLUTION 2: AUTHORITY

- 2.1. That any one of the directors of the of the Company with the power of delegation, substitution and ratification, or Gerrit Johannes van den Berg (Identity number: 821003 5222 08 9) ("Van den Berg"), hereby be authorized, with the power of delegation, substitution and ratification, to appoint any consultants and/or attorneys for purposes of the lodgement, pursuance, continuation and finalization of the aforementioned Applications, and/or any and all related processes, to sign all documents and statements, depose to any affidavits on behalf of the Company and to attend and participate in any proceedings and hearings in that regard before any statutory body (including any appeal body), with the necessary jurisdiction and authority, in order to give effect to all the Resolutions taken by the Company hereby by means of this Company Resolution including but not limited to Resolutions 1 to 3.
- 2.2. That any one of the directors of the Company with the power of delegation, substitution and ratification or Van den Berg or Marie-Jean Koster (Identity number: 901101 0234 08 4) ("Koster"), further be authorised to sign all documents relating to land occupier relocation, which shall include but not be limited to lease agreements with land occupiers for the leasing of houses or cattle grazing on the properties.

3. RESOLUTION 3: RATIFICATION

RESOLVED THAT to the extent that anything referred to in the resolutions above has been done prior to the date of this resolution then the relevant such action (and the relevant director's or Van den Berg's or Koster's conduct in this regard) is hereby unconditionally and irrevocably ratified and approved.

Name	Vote: Yes/No	Signature	Date
R Winsauer	Yes		15/08/25
K Moodley	Yes		15/08/25
LLS van der Watt	Yes		26/08/2025
L Bester	Yes		20/08/2025

In their capacities as the directors of the Company.

SPECIAL POWER OF ATTORNEY

I/We GERZIT JOHANNES VAN DEN BERG

the undersigned,

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

CONSOLIDATION; REZONING AND SUBDIVISION

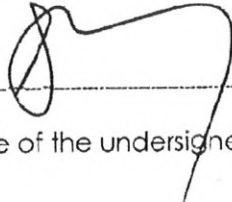
on

**REMAINDER OF THE FARM HOOGEKRAAL NO 238, DIVISION GEORGE, AND
PORTIONS 5; 6; 17; 18; 19; 23; 41; 42; 64; 65; 66; 68; 69; 70; 72; 74; 75; 76;
79; 88; 90; 102; 179; 180 OF THE FARM HOOGEKRAAL NO 238, DIVISION
GEORGE, AND PORTIONS 5 & 9 PTN 9 OF THE FARM BUFFELSDRIFT NO 227,
DIVISION GEORGE**

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

Signed at Stellenbosch on this 20th day of November 2025

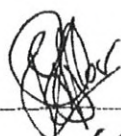
SIGNED:



In the presence of the undersigned witnesses:

AS WITNESSES:

1.



2.



BOTHA MENTONE EDUAN-TRUSTEES

(Name of Company, Partnership, Trust or Close Corporation)

RESOLUTION

Resolution passed at the meeting of the Shareholders/ Partners/ Trustees/ Members held in George on the 23 day of October 2025.

Resolved that Marthinus Botha in his capacity as Trustee, be and is hereby authorized to do whatever may be necessary to give effect to this resolution and to enter into and to sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Company/ Partnership/ Trust/ Close Corporation with such modification as he/ she in his/ her sole discretion shall deem fit, his/ her signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

DESCRIPTION OF PROPERTY:

PORTION 168 OF THE FARM HOOGE KRAAL NO. 238, DIVISION GEORGE

NATURE OF APPLICATION:

CONSOLIDATION; REZONING AND SUBDIVISION

SIGNATURE OF SHAREHOLDERS/ PARTNERS/ TRUSTEES/ MEMBERS:

NAME:

Marthinus Daniel Botha

SIGNATURE:



DAVID F.C. BEEKHUYSEN



I/We Marthinus Daniel Botha

the undersigned,

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

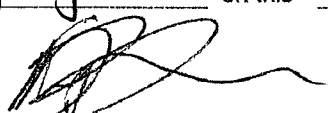
CONSOLIDATION; REZONING AND SUBDIVISION

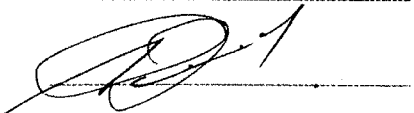
on

PORTION 168 OF THE FARM HOOGE KRAAL NO. 238, DIVISION GEORGE

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

Signed at George on this 23 day of October 2025

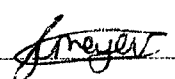
SIGNED: 

SIGNED: 

SIGNED: _____

In the presence of the undersigned witnesses:

AS WITNESSES:

1. 

2. _____

RENDEALS TWENTY CC

(Name of Company, Partnership, Trust or Close Corporation)

RESOLUTION

Resolution passed at the meeting of the Shareholders/ Partners/ Trustees/ Members held in Kimberley on the 18th day of November 2025.

Resolved that G.P. van Zijl in his capacity as member, be and is hereby authorized to do whatever may be necessary to give effect to this resolution and to enter into and to sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Company/ Partnership/ Trust/ Close Corporation with such modification as he/ she in his/ her sole discretion shall deem fit, his/ her signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

DESCRIPTION OF PROPERTY:

**PORTION 160 OF THE FARM HOOGE KRAAL NO 238, MUNICIPALITY &
DIVISION OF GEORGE**

NATURE OF APPLICATION:

CONSOLIDATION; REZONING AND SUBDIVISION

SIGNATURE OF SHAREHOLDERS/ PARTNERS/ TRUSTEES/ MEMBERS:

NAME:

G.P. van Zijl

SIGNATURE:



SPECIAL POWER OF ATTORNEY

I/We Gert Petrus van Zijl

the undersigned,

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

CONSOLIDATION; REZONING AND SUBDIVISION

on

**PORTION 160 OF THE FARM HOOGE KRAAL NO 238, MUNICIPALITY &
DIVISION OF GEORGE**

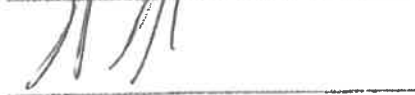
In addition to apply for such amendments of any zoning schemes / structure plans /
Removal of Title Deed Restrictions as may be deemed necessary and to make other
necessary application and further to represent *me/us at any inquiry in relation to the
abovementioned matters and generally do whatever may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

Signed at Kimberley on this 19 day of November 2025

SIGNED:



SIGNED:



SIGNED:



In the presence of the undersigned witnesses:

AS WITNESSES:

1.



2.



ANNEXURE E:

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)	Marike		
Surname	Vreken		
SACPLAN Reg No. (if applicable)	Pr. Pln A/1101/1999		
Company name (if applicable)	Marike Vreken Town Planners CC		
Postal Address	P.O. Box 2180		
	Knysna	Postal Code	6570
Email	info@vreken.co.za / marike@vreken.co.za		
Tel	044-382-0420	Fax	
Cell	082-927-5310		

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

Registered owner	Various Owners: Attwood Property Developments(Pty)Ltd; Pelgrimskraal Trust No 452/99; Pierre Johan Du Toit; Mentone Eduan Botha; Marilyn Goosen; Rendeals Twenty CC;		
Address	Gerrit van den Berg		
		Postal code	
E-mail	gerrit@atterbury.co.za		
Tel		Fax	
Cell	+27 84 470 3205		

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

Property Description [Erf / Erven / Portion(s) and Farm number(s), allotment area.]	Remainder of the Farm Hoogekraal No 238, and Portions 5; 6; 17; 18; 19; 23; 41; 42; 52; 64; 65; 66; 67; 68; 69; 70; 72; 74; 75; 76; 79; 85; 88; 90; 102; 148; 160; 168; 178; 179 & 180 of the Farm Hoogekraal No 238; Division George, and Remainder of Portion 5 of the Farm Buffelsdrift No 227, and Portion 9 of the Farm Buffelsdrift No 227, George.					
Physical Address	1. The entrance to the development area south of the N2 National Road, is ± 600m south of the N2 National Road; 2. The entrance to the farms north of the N2 National Road, is Minor Road 6847, of which the intersection with MR 348 is ± 350m north of the N2 National Road;					
GPS Coordinates	34.031883°S and 22.319656°E		Town/City	Hoogekraal Rural		
Current Zoning	"Agriculture Zone I" and split zoning between "Business Zone III"	Extent	Total Application Area is ±681.3756 ha	Are there existing buildings?	Y	N
Current Land Use	Agriculture					
Title Deed number & date	Various, refer Par 3 of the motivation report					
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).	Various, refer Par 6.6 of the motivation report		
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).	Various, refer Par 3 and Par 6.6 of the motivation report		
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?	Rand Merchant Bank		
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.
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Official's name	<i>Martin Botha</i> <i>Naudica Swanepoel</i>	Reference number	3617775	Date of consultation	18 August 2025
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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:

See attached Motivation report

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

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	<ul style="list-style-type: none"> Provisional Inputs on Road Deproclamation Architectural Design Guidelines Organisational Structure of the Development Site Sensitivity Verification Report Agricultural Impact Statement Visual Impact Statement Heritage Report – Built Environment

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

N	N	National Heritage Resources Act, 1999 (Act 25 of 1999)		Y	N/A	Specific Environmental Management Act(s) (SEMA)
N	N	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),
N	N	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008),
N	N	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)				

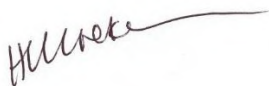
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
N	N	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	N/A	Other (specify)
N	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	If required, do you want to follow an integrated application procedure in terms of section 44(1) of the Land-Use Planning By-law for George Municipality?				

SECTION I: DECLARATION

I hereby wish to confirm the following:

1. *That the information contained in this application form and accompanying documentation is complete and correct.*
2. *The Municipality has not already decided on the application.*
3. *I'm aware that it is an offense in terms of section 86(1)(d) to supply particulars, information or answers in an application, knowing it to be false, incorrect or misleading or not believing them to be correct.*
4. *I am properly authorized to make this application on behalf of the owner and (where applicable) copies of such full relevant Powers of Attorney/Consent are attached hereto.*
5. *I have been appointed to submit this application on behalf of the owner and it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to me as the authorised agent and the owner will regularly consult with the agent in this regard (where applicable).*
6. *That this submission includes all necessary land use planning applications required to enable the development proposed herein.*
7. *I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/amendment/suspension forms part of this submission.*
8. *I am aware of the status of the existing bulk services and infrastructure in the subject area and that I am liable for any possible development charges which may be payable as a result of the proposed development.*
9. *I acknowledge that in terms of the Protection of Personal Information Act (POPIA) all correspondence will be communicated directly and only to myself (the applicant). No information will be given to any third party and/or landowner (if the landowner is not the applicant). I herewith take responsibility to convey all correspondence to the relevant parties.*

Applicant's signature:



Date:

2026-09-03

Full name:

Hendrika Maria Vreken

Professional capacity:

Town Planner

SACPLAN Reg. Nr:

Pr. Pln A/1101/1999

ANNEXURE F:

Copies of Title Deeds

14

1522

Eléne

VANDERSTRAAL

CAPE TOWN

Tel: 419-1021 (021) 434 0070

Prepared by me

Conveyancer

FUAD DE VRIES

FEE

R.....

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

T 000083694 / 2007

JOHN VAN BREDA LOUW

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

5

Conveyancer, appeared before me, Registrar of Deeds at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her and signed at HEIDELBERG, Western Cape on 2 OCTOBER 2007 by

FREDA HENDRINA MARNEWICK (formerly PECORARO)

Identity number 181124 0002 08 8

Unmarried

DATA / VERIFY

20 NOV 2007

LARNEYE

DATA / CAPTURE

15 NOV 2007

VAN WYK Z

T 83694/2007

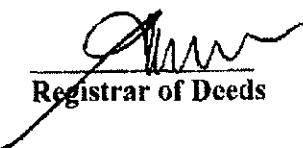
By virtue of notarial deed of tie agreement K 000333 / 08 dated the 12 February 2008 the within mentioned properties is notariallly tied to

Portion 75 (a portion of portion 4) of the farm Hooe Kraal 238 in the municipality and division George, Province of the Western Cape measuring 20.9942ha held under T 87303/2007

Remaining extent of portion 70(a portion of portion 4)of the farm Hoogekraal 238 in the municipality and division George, Province of the Western Cape measuring 42.1196 Ha held under T 87304/2007

None of the properties shall be consolidated ,subdivided or transferred without the written consent of Firstrand Bank .

As will more fully appear from the said notarial deed


Registrar of Deeds

14.03.08

Deeds Office Cape Town

AND the Appearer thus authorised declared that

WHEREAS the hereinafter mentioned property was truly and legally sold to the hereinafter mentioned transferee/s on 26 JULY 2007;

NOW THEREFORE he the said Appearer in his capacity aforesaid, did by these presents cede and transfer in full and free property to and on behalf of:

LAGOONBAY LIFESTYLE ESTATE (PROPRIETARY) LIMITED

NO 2001/022460/07

Their Successors in Title, Administrators or Assigns:

**REMAINDER OF PORTION 68 (PORTION OF PORTION 1) OF THE FARM HOOGE KRAAL
NO 238, IN THE MUNICIPALITY GEORGE, DIVISION GEORGE,
PROVINCE OF THE WESTERN CAPE**

IN EXTENT: 18,0155 (EIGHTEEN comma ZERO ONE FIVE FIVE) Hectares

FIRST TRANSFERRED by Deed of Partition No T20997/1952 with a Diagram No 8378/1947 annexed thereto and held by Deed of Transfer No T23206/1974.

SUBJECT:

- (a) To the conditions referred to in Deed of Transfer No 20993 dated 19th December 1952.
- (b) To the following condition contained in Deed of Grant dated 13th October 1908 (George Quitrents Volume 14 No 23) :-

"Subject to all such duties and regulations as either are already, or shall in future be, established respecting lands granted on similar tenure."

- (c) To the Servitude which concerns a 3,78 metres right of way referred to in the endorsement dated 12th March 1909 on said Deed of Grant dated 13th October 1908 (George Quitrents volume 14 No 23, namely) :-

"The land held under this Title Deed is subject to the Deed of Agreement dated 21st November 1908 of which copy is attached"

- (d) To the following special condition contained in said Deed of Partition Transfer dated 19th December 1952, No 20997

Dat die pad 6,30 meter wyd gemerk in geelbruin op die lyn B C en op die Westelike kant van die bakens C en a van die Kaart van gesegde Gedeelte 68 is 'n serwituut pad vir die gebruik van die eienaar van Gedeelte 69 aan die boedel van wyle MARTHINUS CHRISTOFFEL BOTHA en ADAM JOHANNES BOTHA getranspoteer op 19 Desember 1952, Nr 20995, en hul opvolgers in titel.

- (e) SUBJECT AND ENTITLED to the benefit of the further following special conditions contained in said Deed of Partition Transfer dated 19th December 1952, No 20997, namely :-

- (i) Dat die gedeelte van die "CEMETERY", aangewys op die Kaart van Gedeelte 65 aan DANIEL ANDRIES BOTHA getranspoteer op 19 Desember 1952, nr 20999 sal bly as 'n begraafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van HOOGE KRAAL en hul opvolgers in titel, met reg van toegang daarna oor gesegde Gedeelte 65.
- (ii) Dat die fontein gemerk op, en die dam aangewys in blou op die lyn F E van die Kaart van Gedeelte 67 aan ADRIAN JOHANNES BOTHA getranspoteer op 19 Desember 1952 nr 20996 sal wees vir die gebruik van die eienaars van gesegde Gedeeltes 67 en 68 van Lot 3 van HOOGE KRAAL en hul opvolgers in titel.
- (iii) Dat die fontein en dam aangewys in blou op punt a op die Kaart van gesegde Gedeelte 68 is vir die gebruik van die eienaars van gesegde Gedeelte 68 en van Gedeelte 69 aan die boedel van wyle MARTHINUS CHRISTOFFEL BOTHA en ADAM JOHANNES BOTHA getranspoteer op 19 Desember 1952 Nr 20995 en hul opvolgers in titel.

WHEREFORE the Appearer, renouncing all the right the said transferor heretofore had to the premises, did, in consequence also acknowledge him/her/them/it to be entirely dispossessed of and disentitled to the same; and that by virtue of these presents, the said transferee, her heirs, executors, administrators or assigns, now and henceforth shall be entitled thereto conformably to local custom, the State however reserving its rights; and finally acknowledging the whole of purchase money amounting to the sum of **R6 710 000-00 (SIX MILLION SEVEN HUNDRED AND TEN THOUSAND RAND)** to have been satisfactorily paid or secured.

IN witness whereof I, the said Registrar, together with the appearer q.q. have signed this deed 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

18 October 2007.

q.q.

In my presence,


REGISTRAR OF DEEDS

8

15-2
Eléne 22
Groenewald

Kruger Haycock and Associates Inc
Cathedral Square 7
(021) 434 8876 Cathedralstraat
Postbus 879

George
6530

FEE

R.1000.-00

1-19
8

Opgestel deur my

TRANSPORTBESORGER
KRUGER HW

TRANSPORTAKTE

T000076531/2007

HIERBY WORD BEKEND GEMAAK DAT

FARANAAZ JACOBS

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

10

voor my verskyn het, REGISTRATEUR VAN AKTES, te KAAPSTAD, hy die genoemde
komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom verleen deur

Die Trusteers indertyd van OUPLAAS TRUST
Nr. IT4793/95

geteken te George op 19 Julie 2007

DATA / VERIFY
02 NOV 2007
VAN WYK Z

PENNY
2007-10-25
GARTNER

En genoemde Komparant het verklaar dat sy prinsipaal, op 28 Junie 2007, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

LAGOONBAY LIFESTYLE ESTATE (PROPRIETARY) LIMITED
Nr. 2001/022460/07

diese Opvolgers in titel of Regverkrygendes in volkome en vrye eiendom,

1.

RESTANT VAN GEDEELTE 19 (GEDEELTE VAN GEDEELTE 4) VAN DIE
PLAAS HOOGE KRAAL NR. 238 .
IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-
KAAP;

GROOT 2,2535 (TWEË KOMMA TWEË VYF DRIË VYF) Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 1940/1909 met 'n
Vervangingskaart Nr. 6589/58 wat daarop betrekking het en gehou kragtens
Transportakte Nr. T95550/1996

I. ONDERHEWIG aan en geregtig op die voordeel van:-

(a) Die voorwaardes waarna verwys word in gemelde Transportakte
No. 24203 gedateer 22 Oktober, 1948.

(b) Die volgende voorwaardes vervat in Aanhangsel "A" aan
Transportakte No. 1040 gedateer 8 April 1909, naamlik:-

"(1) That all Roads shown on the diagram of the respective
portions and properties are to remain free and open for use
of the respective transferees and their successors in title.

(3) That the owners of Lots A4, C4 and the said Lot 5, and their
successors in title shall give the owner of Lot B4 a road for
the driving of stock (Jaagd Pad) from a point on the road
known as the "Guano gat" road to a point on the
"Maalgaten" road, upon the special condition that should
the owner of Lot B4 at any time make use of the road
shown on the diagrams of Lots B4, A4 and the remaining
extent of Lot 4, as running through the respective properties
between the point where it crosses the boundary between
Lot 3 of Hoogekraal and the remaining extent of Lot 4, and
the point where it crosses the southern boundary of Lot A4
then the said Road for live stock shall be closed.

(4) That the owner of the remaining extent of Lot 4 shall give
the respective transferees and their successors in title a
road 30 feet wide from the common beacon between Lot 3
and Lot 4 at or near the gate on the "Guano gat" road to a
point where it again joins the "Guano gat" road on Lot B4.

(c)

2. RESTANT VAN GEDEELTE 18 (GEDEELTE VAN GEDEELTE 4) VAN DIE PLAAS HOOG KRAAL NR 238 IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 6,6304 (SES KOMMA SES DRIE NUL VIER) Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 1940/1909 met 'n Vervangingskaart Nr. 6590/58 wat daarop betrekking het en gehou kragtens Transportakte Nr. T95550/1996

- I. ONDERHEWIG aan en geregtig op die voordeel van:-

- (a) Die voorwaardes waarna verwys word in gemelde Transportakte No. 24203/1948.
- (b) Die voorwaardes vervat in Aanhangel "A" aan Transportakte No. 1940 gedateer 8 April 1909 watter voorwaardes lui soos volledig uiteengesit in Paragraaf 1. (b) hierbo.
- (c)

3. RESTANT VAN GEDEELTE 6 (GEDEELTE VAN GEDEELTE 5) VAN DIE PLAAS HOOG KRAAL NR 238 IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 58,1224 (AGT EN VYFTIG KOMMA EEN TWEE TWEE VIER) Hektaar

AANVANKLIK OORGEDRA kragtens Transportaktes Nrs. T 7838 en 7839 beide gedateer 20 November 1896, een met 'n kaart wat daarop betrekking het en gehou kragtens Transportakte Nr. T95550/1996

- I. ONDERHEWIG aan en geregtig op die voordeel van:-

- (a) Die voorwaardes waarna verwys word in gemelde Transportakte No. 24203/1948.
- (b) Die voorwaardes No.'s 1, 3 en 4 vervat in Aanhangel "A" aan Transportakte No. 1942 gedateer 8 April 1909 en wat lui soos volledig uiteengesit in Paragraaf 1. (b) hierbo.

- II.

- III. ONDERHEWIG AAN en GEREGTIG op die term van serwituutendossement gedateer 27 Oktober 1958 betreffende 'n reg van weg en serwituutpad teen gemelde Transportakte No. 24203/1948, watter endossement soos volg lui:-

"Kragtens Not. Akte No. 643/1958 gedateer 29/7/1958 is die Restant van Gedeelte van Perseel 5 van die Plaas Hoogekraal - 67.8579 morge hieronder gehou (Para 2) (a) ONDERHEWIG aan 'n 20 voet wye reg van weg gemerk j.k.l.m. op Kaart No. 11946/48 van die hiernavermelde Gedeelte 84 ten gunste van Gedeeltes 83 en 84 van die plaas Hoogekraal hede getransporeer kragtens Transportakte No. 15445/1958 en (b) GEREGTIG op 'n serwituut pad 20 voet wyd oor gesegde Gedeelte 83 en 84 en gemerk m.n. en o.n. onderskeidelik op Kaart No.'s 11945/48 en 11946/48 daaraan, soos meer volledig sal blyk uit verwysing na gesegde Not. Akte."

4. DIE RESTANT VAN GEDEELTE 17 ('N GEDEELTE VAN GEDEELTE 4) VAN
DIE PLAAS HOOGE KRAAL NR. 238
IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-
KAAP;

GROOT 23,9249 (DRIE EN TWINTIG KOMMA NEGE TWEE VIER NEGE)
Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 1939/1909 met kaart
daarby aangeheg en gehou kragtens Transportakte Nr. T98448/1996

- A. ONDERHEWIG aan en GEREKTIG op die voordeel van die voorwaardes
waarna verwys word in Transportakte gedateer 23 November 1936 Nr.
11666.
- B. ONDERHEWIG VERDER aan en GEREKTIG op die voordeel van die
voorwaardes vervat in Aanhangsel A geheg aan genoemde Transportakte
gedateer 8 April 1909 Nr. 1939, naamlik:-
- "1. That all roads shown on the Diagram of the respective
portions and properties are to remain free and open for the
use of the respective transferees and their successors in title.
 3. That the owners of Lots A4, C4 and the said Lot 5, and their
successors in title, shall give the owner of Lot B4 a road for
the driving of stock (Jaagd pad) from a point on the road
known as the "Guano gat" road to a point on the "Maalgaten"
road, upon the special condition that should the owner of Lot
B4 at any time make use of the road shown on the diagrams of
Lots B4, A4, and the remaining extent of Lot 4, as running
through the respective properties between the point where it
crosses the boundary between Lot 3 of Hoogekraal and the
remaining extent of Lot 4, and the point where it crosses the
southern boundary of Lot A4, the said road for livestock shall
be closed.
 4. That the owner of the remaining extent of Lot 4 shall give the
respective Transferees and their successors in title a road 30
feet wide from the common beacon between Lot 3 and Lot 4 at
or near the gate on the "Guano gat" road to a point where it
again joins the "Guano gat" road on Lot B4."
- B. VERDER ONDERHEWIG op 'n serwituut reg van weg 10 (tien) meter wyd
oor die eiendom beskryf as:
SEKER stuk opgehefde erfpaggrond, geleë in die Afdeling van George,
synde die Gedeelte 102 ('n gedeelte van gedeelte 17) van die plaas
HOOGE KRAAL No. 238;

GROOT: 24,1751 (Vier en Twintig komma Een Sewe Vyf Een) Hektaar;

GEHOU deur David Willem Pieter Botbyl (Gebore op 23 Januarie 1938) en
Willem Colman Botbyl (gebore op 16 November 1957) minderjarige,

KRAGTENS Verdelingstransportakte hede gedateer No. T13195/77

Die noordelike grens van welke serwituut aangedui word deur die lyn B x
op Kaart No. 10494/70 geheg aan Verdelingstransportakte No. 13195/77.

5. DIE RESTANT VAN GEDEELTE 77 ('N GEDEELTE VAN GEDEELTE 4) VAN DIE PLAAS HOOG KRAAL NR. 238 IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 11,8030 (ELF KOMMA AGT NUL DRIE NUL) Hektaar

AANVANKLIK OORGEDRA kragtens Verdelingstransportakte Nr. 3586/1953 met kaart nommer 8387/1947 aangeheg en gehou kragtens Transportakte Nr. T96448/1996

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Verdelingstransportakte No. 3586/1953.
- B. ONDERHEWIG VERDER aan en geregtig op die volgende spesiale voorwaarde bevat in Aanhangsel "A" van Transportakte No. 1941/1909 en wat as volg lees:

"1. That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective transferees and their successors in title."

Gesegde "Transferees and their successors in title" synde Marthinus Christoffel Barnard, George Frederick Kuyler en David Hercules Kuyler en hulle opvolgers in titel.

6. DIE RESTANT VAN DIE PLAAS HOOG KRAAL NR. 238 IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 46,4954 (SES EN VEERTIG KOMMA VIER NEGE VYF VIER) Hektaar

AANVANKLIK OORGEDRA kragtens Grondbrief (George Erfpagte Boekdeel 13 NO. 8) gedateer 26 Junie 1886 met 'n kaart aangeheg en gehou kragtens Transportakte Nr. T96448/1996

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No. 10940 gedateer 31 Desember 1930.
- B. ONDERHEWIG AAN en GEREGTIG op die voordeel van die volgende voorwaarde in die genoemde Transportakte No. 10940/1930 vermeld, naamlik:-

"Die paaie aangetekend op al die Kaarte van die dele van die restant van gesegde plaas HOOGEKRAAL hede aan die bogenoemde mede-eienaars getransporteer, en die pad gemerk "KOENS RUG PAD" op die originele Kaart van gesegde plaas HOOGEKRAAL toegeken aan R.O. Scott en andere op die 26ste Junie 1886 (George Erfpagte Boekdeel 13 No. 8), en lopende deur die Spoorweg Hekke en langs die grenslyn soos getoon op die Kaart van Lot 6 hede aan Daniel Cornelius Terblance getransporteer No. 10934 (en daarop gemerk "Serwituut Pad"), die na die eiendomme van al die gesegde mede-eienaars gaan sal bly, en die wydte daarvan sal ag tree wees, maar by die draaie waar die pad afdraai uit die groot pad op Lot 8 hede aan Marthinus Christoffel Barnard getransporteer No. 10936 na die resterende gedeelte van gesegde plaas HOOGEKRAAL hierby aan Gilbert Francis Stewart Nortier getransporteer en op Lot No. 10 hede aan Theunis Johannes Bernard getransporteer NO. 10938 na Lot No. 11 hede aan James Izack Bernard getransporteer No. 10939 sal daar

'n wydte gegee word so dat daar gedraai sal word met 'n span trekgoed. Hierdie paale sal bly as trekkpad en rympad, en sal wees vir die wederkerige gebruik van die bogenoemde elenaars, hulle families, diensknegte, agente, erfgename, en opvolgers in titel."

- C. ONDERHEWIG AAN en GERECHTIG tot voordele onder die terme van die serwituut waarna verwys in die endossement gedateer 1 April 1969 op die Transportakte No. 17824 gedateer 29 Oktober 1954 welke endossement soos volg lui:-

"Kragtens Not. Akte No. 125/69 gedateer 21.9.68 is die restant van die plaas "Hooge Kraal" groot 46,4954 ha. Hieronder gehou onderhewig aan 'n pyplyn serwituut met sekere bykomende regte ten gunste van Lot 8 van "Hooge Kraal" groot 50,4855 ha. Gehou onder T18508/66 gedateer 7.9.66 en geregtig op reg om op bepaalde tye water uit gesegde pyplyn te neem by 2 bepaalde punte op gesegde Lot 8 onderhewig aan sekere voorwaardes, soos meer volledig sal blyk uit gesegde Not. Akte met Kaart 6174/66 daaraan geheg."

7. DIE RESTANT VAN GEDEELTE 5 (GEDEELTE VAN GEDEELTE 3) VAN DIE PLAAS BUFFELS DRIFT NR. 227
IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 23,0978 (DRIE EN TWINTIG KOMMA NUL NEGE SEWE AGT) Hektaar

AANVANKLIK OORGEDRA kragtens Transportaktes Nos. T 7835/1896 en T 7836/1896 met 'n kaart wat daarop betrekking het en gehou kragtens Transportakte Nr. T96448/1996

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No. T 3506/1930.

8. GEDEELTE 23 (BEGINSEL)('N GEDEELTE VAN GEDEELTE 5) VAN DIE PLAAS HOOGE KRAAL NR. 238
IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 8,5653 (AGT KOMMA VYF SES VYF DRIE) Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 12885/1919 met kaart Nr. 1612/1919 wat daarop betrekking het en gehou kragtens Transportakte Nr. T96448/1996

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportaktes Nr. 7840 gedateer 20 November 1896 en Nr. 1501 gedateer 1 Maart 1898.

9. GEDEELTE 9 (CONCORDIA)('N GEDEELTE VAN GEDEELTE 3) VAN DIE PLAAS BUFFELS DRIFT NR. 227
IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 88,6511 (AGT EN TAGTIG KOMMA SES VYF EEN EEN) Hektaar

AANVANKLIK OORGEDRA kragtens Verdelingstransportakte Nr. T 6326/1926 met 'n kaart Nr. A4501/1925 daaraan geheg en gehou kragtens Transportakte Nr. T96448/1996

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No. 7837 gedateer 20 November 1896.
- B. ONDERHEWIG VERDER aan die bepalings van die Endossement gedateer 26 Maart 1975 aangebring op Verdelingstransporakte No. 6326 gedateer 30 Junie 1926, welke endossement soos volg lui:-

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

'n Gedeelte van die eiendom hierinvermeld grootte +- 6,8 ha., is onteien deur die Republiek van Suid-Afrika kragtens Art. 8 (1) (a) Wet 54/1971 vide onteieningskennisgewing No. N10/3/1/038/10 d.d. 14,3,1975 geliasseer as onteienings caveat Ex. 434/1975 planne in tweevoud gellasseer hiermee."

- C. ONDERHEWIG VERDER aan die bepalings van die endossement gedateer 16 Junie 1975 aangebring op Verdelingstransportakte No. 6326 gedateer 30 Junie 1926, welke endossement soos volg lui:-

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

'n Gedeelte van die eiendom hierin vermeld groot +- 0,5ha, is onteien deur die Republiek van Suid-Afrika kragtens Art. 8 (1)(a) van Wet op Nasionale Paaie 54/1971 vide onteieningskennisgewing No. N10/3/1/038/10 d.d. 6.6.75 geliasseer as onteienings caveat Ex. 791/1975 planne in tweevoud gellasseer hiermee."

10. DIE RESTANT VAN GEDEELTE 42 (DIE KAMP) ('N GEDEELTE VAN GEDEELTE 5) VAN DIE PLAAS HOOGE KRAAL NR. 238 IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 6,9674 (SES KOMMA NEGE SES SEWE VIER) Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 6321/1926 met 'n kaart daaraan geheg en gehou kragtens Transportakte Nr. T96448/1996

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No. 6318 gedateer 30 Junie 1926.

11. DIE RESTANT VAN GEDEELTE 5 VAN DIE PLAAS HOOGE KRAAL NR. 238 IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 29,5737 (NEGE EN TWINTIG KOMMA VYF SEWE DRIE SEWE) Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. 327 gedateer 26 September 1887 met 'n kaart daaraan geheg en gehou kragtens Transportakte Nr. T96448/1996

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No. 6318 gedateer 30 Junie 1926.
- B. ONDERHEWIG VERDER aan die voorwaarde vervat in Transportakte No. 6328 gedateer 30 Junie 1926, naamlik:-

"That F.H.B. Botha and his successors in title as the registered owner of the properties known respectively as (a) Platklip and (b) remaining extent of portion of Buffelsdrift, transferred this day No. 6327 shall have a right of way by the existing road over the land hereby transferred, as indicated on the Diagram of the said land."

12. GEDEELTE 41 (KUYLERS HOOP) (GEDEELTE VAN GEDEELTE 5) VAN DIE PLAAS HOOG KRAAL NR. 238
IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 31,2635 (EEN EN DERTIG KOMMA TWEE SES DRIE VYF) Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 6317/1926 met kaart wat daarop betrekking het en gehou kragtens Transportakte Nr. T97340/1996

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte 1501 gedateer 1 Maart 1898.

13. GEDEELTE 79 ('N GEDEELTE VAN GEDEELTE 6) VAN DIE PLAAS HOOG KRAAL NR. 238
IN DIE MUNISIPALITEIT EN AFDELING VAN GEORGE, PROVINSIE WES-KAAP;

GROOT 10,8128 (TIEN KOMMA AGT EEN TWEE AGT) Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 24202/1948 met kaart 8389/47 wat daarop betrekking het en gehou kragtens Transportakte Nr. T97340/1996

ONDERHEWIG AAN en GEREGTIG op die voordeel van:

- A. Die voorwaardes waarna verwys word in Transportakte 24202 gedateer 22 Oktober 1948.

- B. die volgende voorwaardes vervat in Aanhangsel "A" tot Transportakte 1940 gedateer 8 April 1909, naamlik:-

- "1. That all roads shown on the diagrams of the respective portions and properties are to remain free and open for the use of the respective transferees and their successors in title.
3. That the owners of Lot A4, C4 and the said Lot 5, and their successors in title, shall give the owner of Lot B4 a road for the driving of stock (Jaagd pad) from a point on the road known as the "Guano gat" road to a point on the "Maalgaten" road upon the special condition that should the owner of Lot B4 at any time make use of the road shown on the diagrams of Lots B4, A4, and the remaining extent of Lot 4, as running through the respective properties between the point where it crosses the boundary between Lot 3 of Hoogekraal and the remaining extent of Lot 4, and the point where it crosses the southern boundary of Lot A4, the said road for livestock shall be closed.
4. That the owner of the remaining extent of Lot 4 shall give the respective transferees and their successors in title a road 9,45 metres wide from the common beacon between Lot 3 and Lot 4 at or near the gate on the "Guano gat" road to a point where it again joins the "Guano gat" road on Lot B4."

WESHALWE die komparant afstand doen van al die regte en titel wat

Die Trustees indertyd van OUPLAAS TRUST Nr. IT4793/95

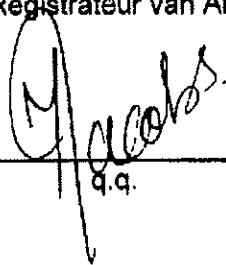
voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat hulle geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

**LAGOONBAY LIFESTYLE ESTATE (PROPRIETARY) LIMITED Nr.
2001/022460/07**

diese Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken dit dat die verkoopprijs die bedrag van **R19 550 000,00 (Negentien Miljoen Vyf Honderd en Vyftig Duisend Rand)** beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die Registrateur van Aktes te Kaapstad
op 21 September 2007



G.G.

In my teenwoordigheid



REGISTRATEUR VAN AKTES

T 76531/2007

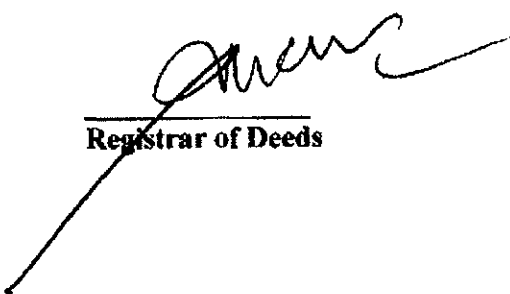
By virtue of notarial deed of the agreement K 000333/08 dated the 12 February 2008 the within mentioned properties is notariially tied to

Portion 75 (a portion of portion 4) of the farm Hooe Kraal 238 in the municipality and division George, Province of the Western Cape measuring 20.9942ha held under T 87303/2007

Remaining extent of portion 70(a portion of portion 4)of the farm Hoogekraal 238 in the municipality and division George, Province of the Western Cape measuring 42.1196 Ha held under T 87304/2007

None of the properties shall be consolidated ,subdivided or transferred without the written consent of Firstrand Bank .

As will more fully appear from the said notarial deed



Registrar of Deeds

Deeds Office Cape Town

2 93
MILLERS INC
BEACON HOUSE
123 MEADE STREET
GEORGE
6530



Prepared by me

CONVEYANCER
Snyman T

VERBOD MORTGAGED	
VIR FOR R 5 000 000,00	
000062253 / 2005	 REGISTRAR / REGISTRAR
10 JUN 2005	

T 000045790 / 2005

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT
MARILIZE HUGO

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said
appearer being duly authorised thereto by a Power of Attorney which said Power
of Attorney was signed at GEORGE on 12 APRIL 2005 granted to him by

MYTHRIL INVESTMENTS CC
No. 2002/049823/23



And the Appearer declared that his said principal had, on 17 December 2004, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

LAGOONBAY LIFESTYLE ESTATE (PROPRIETARY) LIMITED
No. 2001/022460/07

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

PORTION 180 (PORTION OF PORTION 179) OF THE FARM HOOGE
KRAAL NO 238
IN THE MUNICIPALITY AND
DIVISION GEORGE
WESTERN CAPE PROVINCE;

IN EXTENT 4,1673 (FOUR COMMA ONE SIX SEVEN THREE)
HECTARES

AS WILL MORE FULLY APPEAR on Diagram No SG 680/2005 and held by
Certificate of Consolidated Title No T 45789/05

A. SUBJECT to the conditions as will more fully appear from Deed of
Transfer No T 3578/1953;

B. SUBJECT FURTHER ABND ENTITLED to the following special
conditions more fully set out in paragraph "A" in Deed of Transfer No
T1941/1909 dated 8 April 1909 namely:

"1. That all roads shown on the diagrams of the respective portions
and properties are to remain free and open for the use of the
respective Transferees and their successors in title.

4. That the owner of the remaining extent of Lot 4 shall give the
respective Transferees and their successors in title a road 9,45
metres wide from the common beacon between Lot 3 and Lot 4 at
or near the gate of the "Guano gat" road to a point where it again
joins the "Guano Gat" road on Lot 8."

The said "Transferees and their successors in title "being
Marthinus Christoffel Barnard, George Frederick Kuyler and David
Hercules Kuyler and their successors in title."

C. **SUBJECT** to the following conditions imposed by and in favour of the
South African National Roads Agency Limited upon approval in terms of
Section 11 of The Advertising on Roads and Ribbons Act, 1340 (Act 21 of
1940) in terms of Portion 180 (a Portion of Portion 179) of the farm Hooge
Kraal No 238, namely:

- "1. Dat geen nuwe toegange geskep word of bestaande toegange
gewysig word sonder die toestemming van die beheerde owerheid
nie.
2. Dat die 5 (VYF) meter boulyn ingevolge Artikel 17 van
Ordonnansie 19/1976 gehandhaaf word."

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

MYTHRIL INVESTMENTS CC
No. 2002/049823/23

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

LAGOONBAY LIFESTYLE ESTATE (PROPRIETARY) LIMITED
No. 2001/022460/07

or 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 R6 840 000,00 (SIX MILLION EIGHT HUNDRED AND FORTY THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town on 10 June 2005



q.q.

In my presence



REGISTRAR OF DEEDS

Post Fed 179 > K487/2008

1221

Kruger Haycock and Associates Inc
7 Cathedral Square
Cathedral Street
P O Box 879
George
6530

Prepared by me

CONVEYANCER
KRUGER HW

FEE

R. 10000

FOR FURTHER END SEE PAGE 5

T 000028396 / 2008

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

FARANJZ JACOB

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at GEORGE on 20 March 2008 granted to him by

MYTHRIL INVESTMENTS (PTY) LIMITED
No. 2008/005485/07

DATA / VERIFY

12 MAY 2008

GONCALVES B

DATA / CAPTURE

05 MAY 2008

BABLOW M

And the appearer declared that his said principal had, on 20 March 2008, truly and legally sold by Private Treaty, and that he, the said Apper, in his capacity aforesaid, did, by virtue of these presents, cede and transfer, and on behalf of:

LAGOONBAY LIFESTYLE ESTATE (PTY) LIMITED
No. 2001/022460/07

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

REMAINDER PORTION 179 OF THE FARM MOOGE KRAAL NO. 238
IN THE MUNICIPALITY AND DIVISION OF GEORGE
PROVINCE OF THE WESTERN CAPE.

IN EXTENT 13,9646 (THIRTEEN CO. NA NINE SIX FOUR SIX) HECTARES

FIRST REGISTERED and S. I. HELD by Certificate of Consolidated Title
No. T 45789/2005 with Diagram S. No. 679/2005 relating thereto.

1. AS REGARDS the figure A B S M N p Q R on Diagram No. SG 679/2005
annexed to Certificate of Consolidated Title No. T45789/2005:

- A. SUBJECT to the conditions referred to in Deed of Transfer No.
T3583/1953.
- B. SUBJECT and ENTITLED to the benefits under special conditions
contained in Annexure A of Deed of Transfer no. T1941/1909 dated 8
April 1909, namely:
- "(1) That all roads shown on the diagram of the respective portion
and properties are to remain free and open for the use of the
respective transferees and their successors in title.
- The said Transferees and their successors in title being Marthinus
Christoffel Barnard, George Frederick Kuyler, and David Hercules
Kuyler and their successors in title."

- II. AS REGARDS the figure L S C D y x J K on Diagram No. SG. 679/2005
annexed to Certificate of Consolidated Title No. T45789/2005:

SUBJECT AND ENTITLED to the benefits of:

- A. The conditions referred to in Deed of Transfer no. T1940/1909.
- B. The following conditions contained in Annexure "A" to the said Deed of
Transfer No. T1940/1909, namely:
- "(1) That all roads shown on the diagrams of the respective portions
and properties are to remain free and open for the use of the
respective transferees and their successors in title.

- (2) That the walls of the house, which form the boundaries between Lot A4 and the remaining extent of Lot 4, shall remain as party walls and the owners of the said Lot A4 and the remaining extent of Lot 4, and their successors in title shall have the right of access on the respective properties for the purpose of repairing the said walls.
- (3) That the owners of Lot A4, C4 and the said Lot 5, and their successors in title, shall give the owner of Lot B4 a road for the driving of stock (Jaagd pad) from a point on the road known as "Guano gat" road to a point on the "Maalgaten" road, upon the special condition that should the owner of Lot B4 at any time make use of the road shown on the diagrams of Lots B4, A4, and the remaining extent of Lot 4, as running through the respective properties between the point where it crosses the boundary between Lot B4 of Hoogekraal and the remaining extent of Lot 4, and the point where it crosses the southern boundary of Lot A4, and the point where it crosses the southern boundary of Lot A4, then the said road for live stock shall be closed.
- (4) That the owner of the remaining extent of Lot 4 shall give the respective transferees and their successors in title a road 9,45 metres wide from the common beacon between Lot 3 and Lot 4 at or near the gate on the "Guano gat" road to a point where it again joins the "Guano gat" road on Lot B4.



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

MYTHRIL INVESTMENTS (PTY) LIMITED
No. 2008/005485/07

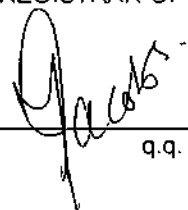
heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

LAGOONBAY LIFESTYLE ESTATE (PTY) LIMITED
No. 2001/022460/07

or 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 R14 500 000,00 (FOURTEEN MILLION FIVE HUNDRED THOUSAND RAND)

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on 24 April 2008



q.q.

In my presence



REGISTRAR OF DEEDS

5

ENDORSEMENT

T28396/2008

By Notarial Tie Agreement No. K 7/2008S the within property is Notarially tied to:

1. Portion 75 (Portion of Portion 4) of the farm HOOGE KRAAL No 238
In Extent: 20,9442 Hectares
Held by Deed of Transfer No. T87303/2007
2. Remainder of Portion 70 (Portion of Portion 4) of the farm HOOGE KRAAL No 238
In Extent: 42,1196 Hectares
Held by Deed of Transfer No. T87304/2007

To the effect that none of the above Notarial Tied properties shall be consolidated, subdivided or transferred without the written consent of FirstRand Bank first being obtained.

2008-04-24
Deeds Office
Cape Town


REGISTRAR OF DEEDS

A. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE

(a) Gelyktydiges met ander registrasiekantore/deeltitels: Simult with other registries/sectional titles:

	Kode	Firma/Firm	Eiendom/Property	Kantoor/Office
1				
2				
3				
4				

(b) Kliënt afskrifte van aktes permanent in Aktekantoor geliasseer:
Client copies of deed filed permanently in Deeds office:

Aard en nommer van akte Nature and number of deed	Cover No. Omslag Nr.	Parawe van Ondersoekers Initials of Examiners

(c) Notas/Notes:

RCE expires 20/3/2013

B. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE.

DATA / CAPTURED Interdiktte nagesien deur Interdicts checked by 28 FANT WENDEW		Opmerkings Remarks	Paraaf Initials
Datum Date	(1) Dorp goedgekeur (geproklameer) Township approved (proclaimed)		
	(2) Begiftingingserwe Endowment erven		
	(3) Begiftinging Endowment		
	(4) Voorwaardes Conditions		
	(5) Mikro Micro		
	(6) Algemene Plan General Plan		
	(7) Titelakte Title Deed		
	(8) Verbande teen dorpsitel Bonds against township title		
	(10) Datum nagesien Date checked		

Kantoor instuksies/Office instructions:

Seksie/Section:

321NORTON ROSE
TEL. (021) 405 1200
REF: Rex

UITVOERING/EXECUTION

Datum van indiening/Date of lodgement

Ref No./Verw. Nr.

GW1/16

NORTON ROSE

LODGED

08 MAR 2013

INGEDIEN

A. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE

LODGED
24 JAN 2013
INGEDIEN

25 MAR

	Ondersoekers/Examiners	Kamers/ Rooms	Skakeling/Linking	Reject/ Verwerp	Passeer/Pass
1	A. LEE	1179	41		
2	E. NDLOVU	-12-32			
3					

B. VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE.

Aard van Akte/ Nature of Deed:

Transfer
Van Loggerenberg
t.g.v./i.f.o.
DEB Trading**T000014895/2013**

Skakeling/Linking	Titelaktes, ens. binne/Title deeds, etc. within
41	

GELYKTYDIGES/SIMULS

No. in stel/batch	Kode Code	Name van Partye/Names of Parties	Naam van Firma/Names of Firm	Firma/ Firm No.
1	T	Van Loggerenberg/DEB Trading	Norton Rose	321
2	BC	" 1 RMB	Elene Gochwald	1522
3	BC	Pro Minerals 1 RMB	" "	1522
4	K	Pro Minerals DEB	Norton Rose	321
5				
6				
7				
8				
9				
10				

HANDED IN FOR EXECUTION

EXAMINER'S NOTES INSIDE

28 MAR 2013

CAPE TOWN

HANDED IN FOR EXECUTION

REGISTRASIE VERSOEK DEUR:
REGISTRATION REQUESTED BY:
DATUM:
DATE:

080005425774

Fee endorsement		
	Amount	Office fee
Market price/Value	R 2 000 000,00	R 850,00
Mortgage capital Amount	R	R
Reason for exemption	Exempt i.e. o Cat. section Act	

Prepared by me

Elizabeth Johanna McCaul

CONVEYANCER

ELIZABETH JOHANNA MCCAUL

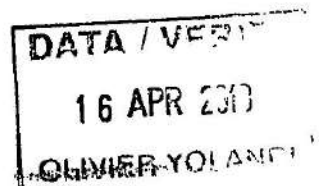


T000014895 / 2013

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

MARMINA JEANETTE JANSE VAN RENSBURG



appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney signed at GEORGE on 31 OCTOBER 2012 and granted to him by

The Trustees of VAN LOGGERENBERG TRUST
Registration Number IT231/2000

And the appearer declared that his principal had, on 20 August 2012, truly and legally sold, the undermentioned property by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of :

PIERRE JOHAN DU TOIT
Identity Number 510828 5078 08 1
and
HELENA DU TOIT
Identity Number 520718 0090 08 2
Married in community of property to each other

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

PORTION 178 OF THE FARM HOOGE KRAAL NO 238
IN THE MUNICIPALITY AND ADMINISTRATIVE DISTRICT OF GEORGE
PROVINCE OF THE WESTERN CAPE

IN EXTENT 15,4717 (FIFTEEN COMMA FOUR SEVEN ONE SEVEN)
HECTARES

FIRST registered and still held by Certificate of Consolidated Title Number
T75967/2005 with diagram SG Number 4492/2004 annexed thereto

I **REGARDING** the figure marked x t v w on annexed Diagram SG No.
4492/2004

(a) Subject to the conditions referred to in Deed of Transfer No. T20993/1952.

(b) Subject to the following conditions contained in Deed of Grant dated 13
October 1908 (George Quintrents Volume No. 23), namely:

"Subject to all such duties and regulations as either are already or shall in
future be established respecting lands granted on similar tenure."

(c)

(d) Subject to the following special condition contained in Deed of Transfer No.
T20998/1952:-

"Dat die gedeelte van die "Cemetery" aangewys op die Kaart van Gedeelte 65
aan Daniel Andries Botha getranspoteer op hierdie dag Nr. 20999 sal bly as 'n
begraafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van
Hooge Kraal en hul opvolgers in title, met reg van toegang daarna oor gesegde
Gedeelte 65."

II REGARDING the figure A x w R S on the annexed Diagram SG No. 4492/2004

- (a) Subject to the conditions referred to in Deed of Transfer No. T10382/1953.
- (b) Subject to the following conditions contained in Deed of Grant dated 13 October 1908 (George Quitrents Volume No. 23), namely:
- "Subject to all such duties and regulations as either are already or shall in future be established respecting lands granted on similar tenure."
- (c)
- (d) Subject to the following special condition contained in Deed of Transfer No. T20998/1952:-

"Dat die gedeelte van die "Cemetery" aangewys op die Kaart van Gedeelte 65 aan Daniel Andries Botha getranspoteer op hierdie dag Nr. 20999 sal bly as 'n begrafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van Hooge Kraal en hul opvolgers in title, met reg van toegang daarna oor gesegde Gedeelte 65."

III REGARDING the figure t u v on the annexed Diagram SG No. 4492/2004.

- A. SUBJECT to the conditions referred to in Deed of Transfer No. T20993 dated 19 December 1952.
- B. SUBJECT FURTHER to the following condition contained in Deed of Grant dated 13 October 1908 (George Quitrents Volume 14 No. 23), namely:
- "Subject to all such duties and regulations as either are already or shall in future be established respecting lands granted on similar tenure."
- C.
- D. SUBJECT FURTHER to the following special conditions contained in Deed of Partition Transfer No. T21000 dated 19 December 1952, which reads as follows:-

"Dat die gedeelte van die "Cemetery" aangewys op die Kaart van Gedeelte 65 aan Daniel Andries Botha getranspoteer op hierdie dag Nr. 20999 sal bly as 'n begrafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van Hooge Kraal en hul opvolgers in title, met reg van toegang daarna oor gesegde Gedeelte 65."

IV REGARDING the figure w u B C D E F on the annexed Diagram SG No. 4492/2004.

A. SUBJECT:

- a. to the conditions more fully set out in Deed of Transfer No. 9758 dated the 15th May 1967;
- b. to the following condition contained in Deed of Grant dated the 13th October 1908 (George Register Book 14 No. 23), namely:

"Subject to all such duties and regulations as either are already or shall in future be established respecting lands granted on similar tenure."

c.

B. SUBJECT TO AND ENTITLED to the right of:

- a. the following special conditions as will more fully appear from Deed of Partition transfer No. 20999/1952, namely:

"Dat die gedeelte van die "Cemetery" aangewys op die bovermelde Kaart van Gesegde 65 hierdeur getranspoteer sal bly as 'n begrafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van Hooge Kraal en hul opvolgers in titel, met reg van toegang oor gesegde Gedeelte 65."

V. REGARDING the figure G H J K L M R on the annexed Diagram S.G. No. 4492/2004.

1. SUBJECT to the conditions referred to in Deed of Transfer No. T20993 dated 19 December 1952.

2. SUBJECT to the following conditions contained in Deed of Grant dated 13 October 1908 (George Quintrents Volume 14 No. 23), namely:

"Subject to all such duties and regulations as either are already, or shall in future be, established respecting Lands granted on similar tenure."

3.

4. SUBJECT and ENTITLED to the benefits of the following conditions contained in said Deed of Transfer No. T20995/1952:

- (i) Dat die gedeelte van die "CEMETERY", aangewys op die kaart van Gedeelte 65 aan DANIEL ANDRIES BOTHA getranspoteer op 19 Desember 1954, No. 20999 sal bly as 'n begrafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van HOOGE KRAAL en hul opvolgers in titel, met reg van toegang daarna oor gesegde Gedeelte 65.

- (ii) Dat die fontein gemerk op, en die dam aangewys in blou op die lyn F E van, die Kaart van gesegde Gedeelte 67 sal wees vir die gebruik van die eienaars van gesegde Gedeelte 67 en van Gedeelte 68 en Lot 3 van HOOGE KRAAL aan JOHANNES HENDRIKUS BOTHA getranspoteer op 19 Desember 1952 (No. 20997) en hul opvolgers in titel.

VI REGARDING the figure R M N P Q on the annexed Diagram S.G. No. 4492/2004

1. SUBJECT:

- (a) To the conditions referred to in Deed of Transfer No. 20993 dated 19th December 1952.
- (b) To the following condition contained in Deed of Grant dated 13th October 1908 (George Quitrents Volume 14 No. 23):-

"Subject to all such duties and regulations as either are already, or shall in future be, established respecting lands granted on similar tenure."

- (c) SUBJECT AND ENTITLED to the benefit of the further following special conditions contained in said Deed of Partition Transfer dated 19th December 1952, No 20997, namely:-

- (i) Dat die gedeelte van die "CEMETERY", aangewys op die Kaart van Gedeelte 65 aan DANIEL ANDRIES BOTHA getranspoteer op 19 Desember 1952, No 20999 sal bly as 'n begraafplaas vir die eienaars van al die Gedeeltes van gesegde Lot 3 van HOOGE KRAAL en hul opvolgers in titel, met reg van toegang daarna oor gesegde Gedeelte 65.
- (ii) Dat die fontein gemerk op, en die dam aangewys in blou op die lyn F E van die Kaart van Gedeelte 67 aan ADRIAN JOHANNES BOTHA getranspoteer op 19 Desember 1952 No. 20996 sal wees vir die gebruik van die eienaars van gesegde Gedeeltes 67 en 68 van Lot 3 van HOOGE KRAAL en hul opvolgers in titel.
- (iii) Dat die fontein en dam aangewys in blou op punt a op die Kaart van gesegde Gedeelte 68 is vir die gebruik van die eienaars van gesegde Gedeelte 68 en van Gedeelte 69 aan die boedel van wyle MARTHINUS CHRISTOFFEL BOTHA en ADAM JOHANNES BOTHA getranspoteer op 19 Desember 1952, No. 209985 en hul opvolgers in titel.

VII By Notarial deed K911/05S dated 6 May 2005 the within property is entitled to a perpetual servitude right of way, 10 metres wide, the south eastern boundary of which servitude is represented by the line AB on diagram SG 4493/2004 annexed to the abovementioned notarial deed over portion 158 of the Farm Hooqe Kraal No. 238, held by Deed of Transfer No T 45000/2003.

As will more full appear from said Notarial Deed registered on 20 September 2005.

WHEREFORE the appearer, renouncing all the right and title the said

The Trustees of VAN LOGGERENBERG TRUST

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

PIERRE JOHAN DU TOIT and HELENA DU TOIT, Married to each other as aforesaid

their heirs, executors, administrators or assigns, now are and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R2 000 000.00 (Two 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 2 April 2013



Signature of appearer q.q.

In my presence



Registrar of Deeds

Prepared by me

CONVEYANCER
ELIZABETH JOHANNA MCCAUL

POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

JACOBUS IGNATIUS VAN LOGGERENBERG

Duly authorised by a resolution of the trustees of
VAN LOGGERENBERG TRUST

Registration Number IT231/2000

Which trustees are duly authorised by virtue of Letters of Authority
issued by the Master of the High Court of South Africa Western Cape
High Court, Cape Town on 26 March 2004

do hereby nominate, constitute and appoint

HARMINA JEANETTE JANSE VAN RENSBURG and / or **ELIZABETH
JOHANNA MC CAUL** and / or **WERNER DE WAAL** and / or **MICHELLE
YVONNE DU PLESSIS** and / or **DIANE FRANCIS CANTERBURY**

with the power of substitution to be my true and lawful attorney and agent in my
name, place and stead to appear before the Registrar of Deeds at Cape Town, or
any other competent official in the Republic of South Africa

And then and there to declare that I did on 20 August 2012 sell by Private Treaty
to

PIERRE JOHAN DU TOIT

Identity Number 510828 5078 08 1

and

HELENA DU TOIT

Identity Number 520718 0090 08 2

Married in community of property to each other

for the sum of R2 000 000.00 (Two Million Rand)

the following property

PORTION 178 OF THE FARM HOOGE KRAAL NO 238
IN THE MUNICIPALITY AND ADMINISTRATIVE DISTRICT OF GEORGE
PROVINCE OF THE WESTERN CAPE

IN EXTENT 15,4717 (FIFTEEN COMMA FOUR SEVEN ONE SEVEN)
HECTARES

HELD BY CERTIFICATE OF CONSOLIDATED TITLE T75967/2005

And further cede and transfer the said property to the said Transferees; to renounce all the right, title and interest which I heretofore had in and to the said properties, to free the said property from all encumbrances and hypothecations according to law, to draw, sign and pass the necessary acts and deeds, or other instruments and documents and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as I might or could do if personally present and acting therein, hereby ratifying, allowing and confirming all and whatsoever my attorney or agent shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at GEORGE on 31 October 2012 in the presence of the undersigned witnesses.

As Witnesses:

1.

2.

JACOBUS IGNATIUS VAN
LOGGERENBERG
in my capacity as Trustee of
VAN LOGGERENBERG TRUST

SARS

RECEIPT

TRANSFER DUTY

TD2

Receipt or exemption certificate

Transfer Duty Act, 1949

Part 2

Our Reference : 2469211

Receipt Number : SARSEF 0021662202

Details of seller(s) or transferor(s)

Full name: VAN LOGGERENBERG TRUST
 Identity/Trust/CC/Company Number: 0000000231/2000 Income tax reference number: 000002231372141
 If you are a VAT Vendor, state your VAT Registration Number: NO 0000000000 If you are not registered for Income Tax, state your annual income from all sources: R 0.00

Details of purchaser(s) / Transferee(s)

Full name: PIERRE JOHAN DU TOIT
 Identity/Trust/CC/Company Number: 005108285078081 Income tax reference number: 000000506004100
 If you are a VAT Vendor, state your VAT Registration Number: NO 0000000000 If you are not registered for Income Tax, state your annual income from all sources: R 0.00
 Marital Status: IN COMMUNITY
 Spouse name:
 Marital Notes:
 For further Transferees, see ADDENDUM (A)

Property Details (As per Deeds registry)

Description of Property (as per deeds registry): PORTION 178 OF THE FARM HOOGE KRAAL NO 2 38 IN THE MUNICIPALITY AND ADMINISTRATIVE DISTRICT OF GEORGE PROVINCE OF THE WESTERN CAPE IN EXTENT 15 4717 (FIFTEEN COMMA FOUR SEVEN ONE SEVEN) HECTARES
 Nature of property: If improved indicate: RUSLYN ESTATES, GLENTANA, GEORGE
 Postal Code: 6530

Details of purchase transaction

Acquisition Date: 20 AUG 2012 Bought By: PRIVATE TREATY
 Consideration: R 2000000.00 Any other consideration payable: R 0.00
 Total Consideration: R 2000000.00 Fair Value: R 0.00

Calculation of Duty and interest payable

Transfer duty payable on: R 2000000.00 being fair value: NO
 Natural person %: 0.00 % on R 600000.00 = R 0.00
 1.00 % 3.00 % on R 400000.00 = R 12000.00
 Non natural person %: 5.00 % on R 500000.00 = R 25000.00
 0.00 % 8.00 % on R 500000.00 = R 40000.00
 Sub total: R 77000.00
 Penalty / Interest: R 0.00
 Total Paid: R 77000.00

Declaration by Conveyancer

I/We LOREN GILES

ELIZABETH JOHANNA McCAUL

hereby certify that this is a true copy of the transfer duty receipt / exemption certificate, drawn from the SARS web-site (e-filing only)

Signature

Date: ddmm/yyyy

5 December 2012

Addendum (A) - Details of purchaser(s) / Transferee(s)

Full name:	H E L E N A D U T O I T	
Identity/Trust/CC/Company Number	0 0 5 2 0 7 1 8 0 0 9 0 0 8 2	Income tax reference number
If you are a VAT Vendor, state your VAT Registration Number	N O 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 5 0 6 0 0 4 1 0 0
Marital Status	I N C O M M U N I T Y	
Spouse name		
Marital Notes		



GEORGE LOCAL MUNICIPALITY

CLEARANCE CERTIFICATE FOR MUNICIPAL SERVICES, SURCHARGES ON FEES, PROPERTY RATES,
OTHER MUNICIPAL TAXES, LEVIES, DUTIES ON TRANSFER OF PROPERTY

Authority is hereby granted in terms of section 118 of
the Local Government Municipal Systems Act, 2000 (32 of 2000),
for the registration of the transfer of the property/ies mentioned herein.

Certificate Nr: 226516

Date: 27-March-13

Valid Until: 26-May-13

Conveyancer Ref Nr: G4596A

Transfer From: VAN LOGGERENBERG TRUST

Id. Nr: IT231/2000

Transfer to: PIERRE JOHAN DU TOIT
HELENA DU TOIT

Id. Nr: 5108285078081
5207180090082

Erf/Farm
Portion: 238

Township
/Farm: HOOGE KRAAL

Council: GEORGE

Declaration By Conveyancer:

I, HARMINA JEANETTE JANSE VAN RENSBURG acting on behalf of

GEORGE WHITEHEAD INCORPORATED

hereby certify that this is a true copy of the rates clearance
certificate drawn from the LAW Website

Signature: [Signature]

Date: 28.3.2013

Mr MM Cupido

for: Executive Director
Financial Director

Legal Information: This document originates from a LAW Website. All use and reliance on the information contained in this document is
subject to the terms contained in the LAW Website Terms and Conditions, available at www.lawactive.co.za.

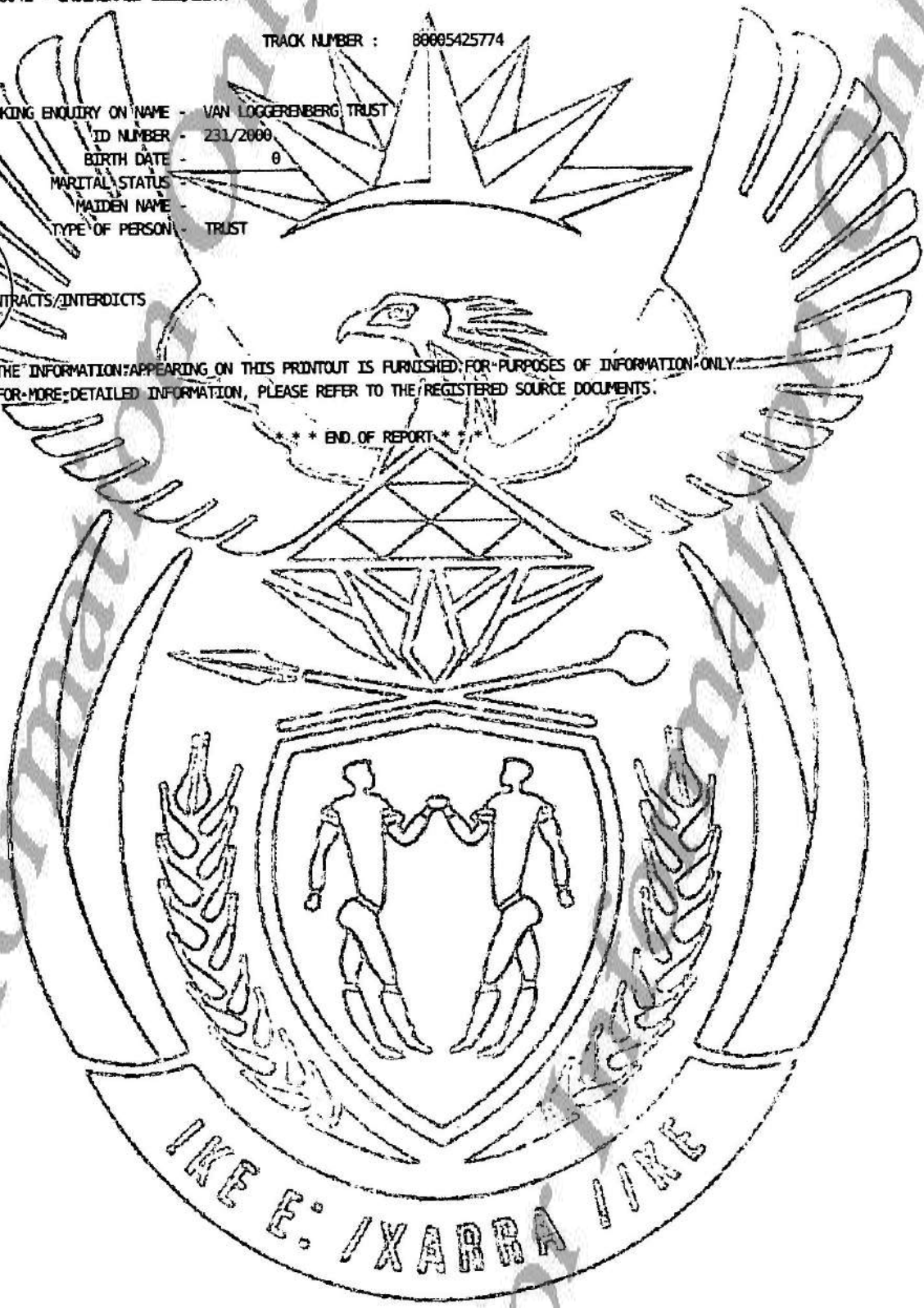
TRACK NUMBER : 88695425774

BLACK-BOOKING ENQUIRY ON NAME - VAN LOGGERENBERG TRUST
ID NUMBER - 231/2000
BIRTH DATE - 0
MARITAL STATUS -
MAIDEN NAME -
TYPE OF PERSON - TRUST

PERSON HAS NO CONTRACTS/INTERDICTIONS

** PLEASE NOTE: THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

** END OF REPORT **



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PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN
PREPARED BY : DRS08041 - GROENWALD ELIZABETH

DATE : 20130308 TIME : 11:14:44.0 PAGE : 1

TRACK NUMBER : 88005425774

PROPERTY DETAILS PRINT FOR PORTION 178
FARM NO 238
REG DIV GEORGE RD

PROVINCE WESTERN CAPE
PREV DESCRIPTION T75967/2005
EXTENT 15.4717 H
CLEARANCE OUTENIQUA DC
FARM NAME HOOGE KRAAL

ORIGIN REASON ORIGIN PROPERTY
CONSOLIDATE FROM REG DIV GEORGE RD , FARM NAME HOOGE KRAAL , FARM NO 238 , PRTN 173
CONSOLIDATE FROM REG DIV GEORGE RD , FARM NAME HOOGE KRAAL , FARM NO 238 , PRTN 174
CONSOLIDATE FROM REG DIV GEORGE RD , FARM NAME HOOGE KRAAL , FARM NO 238 , PRTN 175
CONSOLIDATE FROM REG DIV GEORGE RD , FARM NAME HOOGE KRAAL , FARM NO 238 , PRTN 176
CONSOLIDATE FROM REG DIV GEORGE RD , FARM NAME HOOGE KRAAL , FARM NO 238 , PRTN 177

NO INTERDICTS

DOCUMENTS
B23287/2008
K911/2005S

HOLDER & SHARE
FIRSTRAND BANK LTD

AMOUNT
R5000000.00

O/P/A

SCAN/MICRO REF
20080429122906
2005 2251 1768

MDD
0487
0920

OWNER DETAILS

FULL NAME & SHARE
VAN LOGGERENBERG TRUST

PURCH DATE AMOUNT/REASON O/P/A IDENTITY
231/2008
CCT

TITLE DEED
T75967/2005

MDD
0920

MICROFILM REF
20080429122137

* O/P/A - 0 - MULTIPLE OWNER (P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

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*** END OF REPORT ***

!KE E: /XARRA /KE

6. Q

① THE ~~SEVENTH~~ EVIDENCE RE-
L 911/20055, TO BE BROUGHT FORWARD IN
DEED, REDEEM DEED TO INCLUDE THIS
CONDITION.

[Signature]
A. LEE

[Signature]
ELIZABETH JOHANNA MCCAUL

Room 1179

2013-03-13

② watch RLC Expires on
22. March 2013.

[Signature]
A. LEE 1179

2013-03-28