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PROPOSED SUBDIVISION FOR R HUNT-DAVIS:

BOVEN LANGE VALLEY 189/89, GEORGE MUNICIPALITY & DIVISION



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PROPOSED SUBDIVISION: BOVEN LANGE VALLEY 189/89, GEORGE MUNICIPALITY & DIVISION

1. BACKGROUND INFORMATION

The registered owner of Boven Lange Valley 189/89 wishes to subdivide the property, creating two properties similar to what is found in this area. This area was demarcated as a *Rural Occupation* area with the former *Knysna-Wilderness-Plettenberg Bay Regional Structure Plan*.

An outbuilding was constructed on the property in 2018 and the construction of the primary dwelling was completed now at the end of 2020.

Marlize de Bruyn Planning was appointed to address the requirements for the land use application in terms of the George Municipality: Land Use Planning By-law (2015) with the required power of attorney attached hereto as **Annexure 1**.

1.1 APPLICATION

This land use application for Boven Lange Valley 189/89 entails the following:

- Subdivision of Boven Lange Valley 189/89 in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) in a Portion A (±3.0058ha) and Remainder (±3.6720ha).

1.2 PROPERTY DETAILS

Boven Lange Valley 189/89 is registered to *Robin Timothy Hunt-Davis* with a copy of the title deed (T26303/2018) attached hereto as **Annexure 2**. The property is 6.6778ha in extent and zoned Agriculture Zone I. No bond is registered for the property and a conveyancer's certificate confirming that no restrictive conditions are included, is attached with the title deed.

The SG diagram for the property is attached hereto as **Annexure 3** with the extent also shown as 6.6778ha. Details regarding access is discussed in Paragraph 4.1.1.4.

2. CONTEXTUAL INFORMANTS

2.1 LOCALITY

Boven Lange Valley 189/89 is located between Kleinkrantz and Sedgfield and south of the N2-route. The area is known as Pinedew and Paradise Ridge. The proclaimed reserve of the 'future N2-route' is located ±430m to the north and the current N2-route almost 900m to the north. The property overlooks the Indian Ocean over the southern boundary. The Pinedew/Paradise Ridge area is characterised by rural occupation, guest accommodation, tourist facilities as well as paragliding. The coastal area south of the property is part of the Garden Route National Park.

A locality plan is attached hereto as **Annexure 4**.

2.2 ZONING & LAND USE

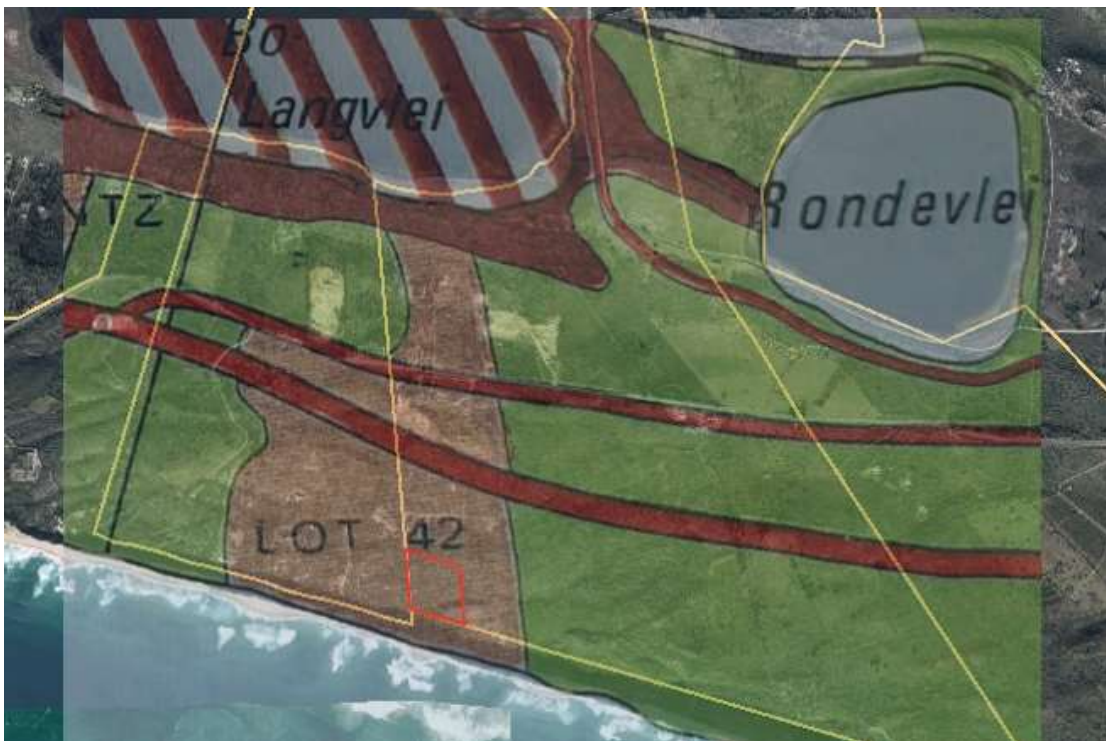
Boven Lange Valley 189/89 is zoned Agriculture Zone I in terms of the George Integrated Zoning Scheme By-law with rooikrans trees being harvested and a few beehives. Following the proposed subdivision, the zoning and use will not change.

This subdivision application was discussed with the responsible official at the Western Cape Department of Agriculture at Elsenburg. It was concluded that the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) (SALA) does not apply. Confirmation will however have to be provided to the Surveyor-General via the *Department of Environmental Affairs & Development Planning - Regulatory Planning Advisory Services*. This will be discussed with the Department when this land use application is referred to them for comment.

In terms of the former *Knysna-Wilderness-Plettenberg Bay Regional Structure Plan*, Boven Lange Valley 189/89 was located in an area demarcated as *Rural Occupation*. For areas not demarcated as *Agriculture*, the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) (SALA) did not apply with this previous structure plan. Circular 18/2017 states that the former Department of Agriculture, Forestry & Fisheries (now Department of Agriculture, Land Reform & Rural Development) obtained the opinion and advice from Senior Council: *legislation and administrative action is not intended to operate with retrospective effect or in such a manner as to interfere with existing rights and liberties. Section 12 of the Interpretation Act, 1957 (Act 33 of 1957) determines that where enabling legislation is repealed, the repeal does not affect the legal consequence as a result of administrative action taken before the legislation was repealed.*

As discussed in Circular 18/2017 the withdrawal of former guide plans (such as the *Knysna-Wilderness-Plettenberg Bay Regional Structure Plan*) did not affect the exemption of certain areas from the provisions of the SALA. These areas remain exempt. Therefore, the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) does not apply to the area where the subject property is located. The circular is attached hereto as **Annexure 5**.

Below is an extract from the former *Knysna-Wilderness-Plettenberg Bay Regional Structure Plan* as an overlay over an aerial photo indicating the location of the subject property.



2.3 CHARACTER OF THE PROPERTY & THE AREA

The Boven Lange Valley-area is characterised by its undulating topography, a mix of indigenous and alien / invasive vegetation, limited agricultural activities, sand mines, dwelling houses, guest houses, etc. Boven Lange Valley 189/89 was vacant (except for small outbuilding which was removed) until about 2 years ago when the new owner started to develop the property. An outbuilding and dwelling house is now found on the property similar to what is found in the area. Although the properties here are zoned Agriculture Zone I, poor soils and lack of water (e.g. rivers), limits agricultural potential.

Following this land use application, the character of the property and area will not change. The properties north and west of Boven Lange Valley 189/89 is on average 3ha in extent. The properties to the west were created in the early 1950's. The properties to the north were created following consolidation and re-subdivision of a few properties in accordance with the *Rural Occupation*-demarcation which was owned by the same person. It is our understanding that this person did not own Boven Lange Valley 189/89. It is our deduction that if this previous owner had access to Boven Lange Valley 189/89, it would have been subdivided in two portions as proposed now in 1999 already.

The proposed subdivision follows the pattern of subdivision already found in the areater area as seen on the extract below. Further east the properties become bigger.



3. DEVELOPMENT PROPOSAL

It is proposed to subdivide Boven Lange Valley 189/89 in a Portion A ($\pm 3.0058\text{ha}$) and Remainder ($\pm 3.6720\text{ha}$). Access will be from the same point via the servitude through the Pinedew area from the west. A servitude right of way, 5.0m wide is to be registered along the northern boundary of the proposed Remainder to provide access to the proposed Portion A. The subdivision plan is attached hereto as **Annexure 6**.

The two structures on the proposed Remainder comply with the 30m building line. New construction on the proposed Portion A can also comply with the building lines. The image below (provided by land surveyor on latest GoogleEarth photo) shows a possible position of a dwelling on the proposed Portion A. Such dwelling can be moved towards the north as well. A position further south will not be advisable as the property falls into a lower lying area. Photos to follow shows amongst other parts of Boven Lange Valley 189/89, also this depression.

A site development plan is attached hereto as **Annexure 7**.



The first photo on the following page was taken from where the 5.0m servitude approximately meets the proposed Portion A. To the right (east) is the dwelling found on Boven Lange Valley 189/106 and to the left (west) is the dwelling found on Boven Lange Valley 189/108. Boven Lange Valley 189/107 is located in between these two properties and are still vacant. The distance between structures is $\pm 200 - 300\text{m}$.



Primary dwelling of Boven Lange Valley 189/89 as seen from just within the proposed Portion A:



View from south east on proposed Portion A with the existing outbuilding on the proposed Remainder just visible:



View over the lower lying area – depression – close to the southern boundary of the proposed Portion A from the north to the south. Photo taken from a possible position for dwelling.



View over the depression as seen from the west approximately where the new property boundary will be.



View from the approximate position of the new boundary towards the primary dwelling of the proposed Remainder.



View from the south west on the proposed Remainder over the proposed Portion A with a possible position for a dwelling behind the line on the edge of the depression.



View from the south approximately where the new boundary is proposed with the primary dwelling of the Remainder visible. No new fencing is proposed along the new boundary – only around the dwelling as seen with the existing dwelling.



4. CONSIDERATION OF THE APPLICATION

4.1 STATUTORY INFORMANTS

The criteria for the consideration of land use applications as per the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), the Western Cape Land Use Planning Act, (Act 3 of 2014) (LUPA) and the George Municipality: By-law on Municipal Land Use Planning (2015) builds on each other. SPLUMA introduced legislative and procedural changes to the management of land use planning in South Africa. The Western Cape Province followed with LUPA and thereafter George Municipality with the Municipal Land Use Planning By-law (2015). What is relevant to this land use application is discussed in the paragraphs to follow.

4.1.1 SPATIAL PLANNING & LAND USE MANAGEMENT ACT, 2013 (SPLUMA)

Section 7 of this Act sets out the five development principles that are applicable to spatial planning, land development and land use management and section 42 of SPLUMA then refers to the factors that must be considered by a municipal tribunal when considering a land use planning application, which include but are not limited to:

- Five SPLUMA development principles;
- Public interest;
- Constitutional transformation;
- Respective rights and obligations of all those affected;
- State and impact of engineering services, social infrastructure and open space requirements;
- Compliance with environmental legislation.

4.1.1.1 Five development principles

The five development principles of SPLUMA, namely spatial justice, spatial sustainability, efficiency, spatial resilience and good administration are not all directly relevant to this land use application.

Spatial justice as described in Section 7(a) of SPLUMA is not relevant to this land use application.

Spatial sustainability as described in Section 7(b) of SPLUMA is relevant as this proposed subdivision will not have any impact on the on the fiscal, institutional and administrative means of the Republic.

Prime and unique agricultural land is not affected by this land use application.

Environmental matters are not relevant as no clearing of vegetation or any potentially 'listed' activities applies to this subdivision. When construction takes place on the proposed Portion A, it will first require an OSCAE-permit which follows a specific process which includes public participation.

The effective and equitable functioning of land markets is not negatively affected by this land use application.

It is stated that all current and future costs to all parties for the provision of infrastructure and social services in land developments must be considered. This is not relevant with this subdivision application.

It is further stated in this section of SPLUMA that land development in locations that are sustainable and that limits urban sprawl, must be promoted. This land use does not have an impact on the urban edge and does not lead to urban expansion. No substantial or negative impact is expected for the surrounding rural community as the distance between structures remain 200 – 300m.

Efficiency as described in Section 7(c) of SPLUMA is supported. Land development should optimise the use of existing resources and infrastructure. The existing access to the property will provide access to both portions. The property owners provide in their own water needs (rainwater harvesting) and ESKOM provides electricity or solar power is used.

The last aspect in this section of SPLUMA states that development application procedures must be efficient and streamlined and timeframes must be adhered to by all parties. As clearly stated, this applies to the authorities, the applicant and all interested and affected parties included in the process.

Spatial resilience as described in Section 7(d) of SPLUMA is not fully relevant to this land use application.

Good Administration as described in Section 7(e) of SPLUMA indicates the responsibilities of all involved in any land use matter.

The paragraphs above show that the land use application for Boven Lange Valley 189/89 supports the relevant development principles of SPLUMA.

4.1.1.2 Status of spatial development frameworks

Section 22(1) & (2) of SPLUMA states the following:

22. (1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.

(2) Subject to section 42, 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.

In the preparation of this land use application all relevant legislation, spatial frameworks and guidelines were considered - it is unpacked in the paragraphs of this motivation report in relation to the proposal for Boven Lange Valley 189/89. Considering the character of the area where the property is located, its zoning and the emphasis of the spatial frameworks and guidelines on other matters, we found no conflict. In our opinion, the proposed subdivision is consistent with the legislation, spatial frameworks and guidelines.

To further support this statement, we do address site specific considerations to further motivate the approval of this land use application for subdivision. Section 22 (2) of SPLUMA (see extract above) does provide for a Municipal Planning Tribunal (or any other authority that makes land development decisions) to depart from the provision of a municipal spatial development framework if site-specific considerations justify such departure.

The following is a list of factors that can be regarded as site-specific considerations for the proposed subdivision of Boven Lange Valley 189/89:

- The property was included in a *rural occupation* area of the former Knysna – Wilderness-Plettenberg Bay Regional Structure Plan (Guide Plan) where the minimum subdivision size was 3ha. All properties surrounding this property are also located in this *rural occupation* area. The bordering properties to the north and east was subdivided to ± 3 ha in 1999. The area to the west was already subdivided to an average size of ± 4 ha in the early 1950's. The latter probably played a role in the compilation of the former Knysna – Wilderness-Plettenberg Bay Regional Structure Plan (Guide Plan) around 1990.
- Circular 18/2017 states that the former Department of Agriculture, Forestry & Fisheries (now Department of Agriculture, Land Reform & Rural Development) obtained the opinion and advice from Senior Council: *legislation and administrative action is not intended to operate with retrospective effect or in such a manner as to interfere with existing rights and liberties. Section 12 of the Interpretation Act, 1957 (Act 33 of 1957) determines that where enabling legislation is repealed, the repeal does not affect the legal consequence as a result of administrative action taken before the legislation was repealed.* The legal consequence is that subdivision was supported by the relevant authorities in this *rural occupation* area.
- As discussed in Circular 18/2017 the withdrawal of former guide plans (such as the *Knysna-Wilderness-Plettenberg Bay Regional Structure Plan*) did not affect the exemption of certain areas from the provisions of the SALA. These areas remain exempt. Therefore, the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) does not apply to the area where the subject property is located.
- The same subdivision pattern is followed which dominates in this area. Therefore, this proposed subdivision does not fragment this rural area.
- The rural residential density remains low and the properties are not visible from a scenic route.
- Due to the dominant subdivision size and pattern found in the Pinedew / Paradise Ridge area, it has the character of a small holding area whether demarcated as such or not in the GMSDF.
- No departures from development parameters are needed.
- The proposed subdivision of Boven Lange Valley 189/89 has no impact on the urban edge and does not result in urban expansion/urban sprawl.
- This land use application has no impact on municipal service provision. No municipal water, sewage removal or electricity is provided. The later is provided by ESKOM in this area.
- This proposed subdivision will place no financial pressure on the Municipality.
- The subject property is indicated to be a degraded critical biodiversity area (CBA 2) and is therefore a Core 2 SPC. The vegetation is indicated to be *Southern Cape Dune Fynbos* (2016 vulnerable) with no water courses or wetlands identified. No endangered vegetation or environmental features will be negatively affected with no new fences proposed except around structures.
- The guidelines for Core 2 SPC's have therefore limited relevance to Boven Lange Valley 189/89.
- Climate change adaptation and climate change mitigation strategies are increasingly standard in especially new constructions and also especially in the rural areas.

- This property and the surrounding area are not a productive agricultural area and land reform is not relevant.
- The proposed subdivision of Boven Lange Valley 189/89 does not detract from the goals, objectives and principles of the relevant legislation, spatial frameworks and guidelines.

4.1.1.3 Public Interest

Public interest is one of many factors the local authority must consider when deciding on a land use application. The public interest of this land use application is regarded as limited as it follows what is already found in the area. The distance between dwellings on neighbouring properties also remain between 200 – 300m. Access follows an existing route with minimum impact on property owners in the area. Being a rural community, the presence of more people should support safety matters.

4.1.1.4 Municipal Engineering Services & Access

No municipal engineering services are provided to this property. The property owner provides in his needs regarding these services. The same applies to all property owners in this area.

Access from the N2-route via a servitude road as shown on the aerial image below. The road marked in a black dash line is indicated on the Surveyor-General's General Plan 869. From this point a servitude area right of way over Boven Lange Valley 189/108 in favour of the subject property is being addressed at present in terms of Section 24(1)(f)(iv) of the Municipality's planning by-law. GP 869, the servitude area right of way and the court order in this regard, is attached hereto as **Annexure 8**.



4.1.1.5 Environmental Considerations

For the construction of the outbuilding and primary dwelling, OSCAE-permits were applied for and issued by the Municipality. For these permit applications, the property was assessed from a vegetation perspective (Cape Vegetation Surveys – Mr. Benjamin Walton) and found to contain vulnerable *Southern Cape Dune Fynbos* and also pockets of endangered *Western Cape Milkwood Forest*. The property was found to be heavily invested with *Rooikrans* and some *Manatoka*.

Considering the *Biodiversity Spatial Plan*, Boven Lange Valley 189/89 is demarcated as a Critical Biodiversity Area 2 (degraded) and it abuts a protected area to the south – a section of the Garden Route National Park.

The owner has been cutting *Rooikrans* for the past two years which reduces negative impacts on ecological processes. The biodiversity of the property has therefore been improving. The property owner is also a member of the *Kleinkrantz Fire Management Unit (Southern Cape Fire Protection Association)*.

Considering the character of the property and the ecological improvement which is steadily taking place, the receiving environment of the proposed subdivision and a new dwelling, will not negatively impact on the environmental integrity of the property.

4.1.2 WESTERN CAPE LAND USE PLANNING ACT, 2014 (LUPA)

LUPA requires that local municipalities consider the following when deciding on land use applications:

- *Applicable spatial development frameworks;*
- *Applicable structure plans;*

The applicable spatial development frameworks are discussed in Paragraph 4.2 of this motivation report.

- *Land use planning principles referred to in Chapter VI (Section 59) which is an expansion of the five development principles of SPLUMA;*

Spatial justice, spatial sustainability, efficiency, good administration and spatial resilience is discussed in Paragraph 4.1.1.1.

It is stated in this Section of LUPA that the Provincial Minister may prescribe further land use planning principles. None has been published to our knowledge.

Section 59(2) does provide broader guidance on what should be considered with regards to **spatial sustainability** which is not addressed in Paragraph 4.1.1.1 above.

➤ *For the sustained protection of the environment the following must be considered:*

- (i) natural habitat, ecological corridors and areas with high biodiversity importance;
- (ii) the provincial heritage and tourism resources;
- (iii) areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high water table and landscapes and natural features of cultural significance; and
- (iv) the economic potential of the relevant area or region.

The status of the natural environment of Boven Lange Valley 189/89 is discussed throughout this report. The area is identified as a CBA2 and Core 2 SPC with a natural environment that is improving under the watch of the property owner.

Provincial heritage and tourism resources cannot be negatively impacted on by the proposed subdivision as the proposal does not trigger requirements in terms of the National Heritage Resources Act, 1999 and is located away from tourism resources. A few guest accommodation establishments are found in the area and paragliding takes place in the greater area.

Boven Lange Valley 189/89 has undulating slopes which is not negatively impacted on by this proposal. The depression on the southern side of the proposed Portion A directs where construction should take place. It also protects the southern boundary of the property after which the land starts to slope down steep towards the ocean below. This is all outside the boundaries of the property. No wetlands are found here, the water table is not relevant. The landscapes and natural features also inform the development proposal. No specific matters relating to cultural significance was identified.

The economic potential of the relevant area is found in limited tourism opportunities (guest accommodation, paragliding, 4x4). It is primarily a rural occupation area. The proposed subdivision cannot negatively impact on the economic potential of the area – it can only create limited employment opportunities during construction and through the maintenance of the property afterwards (e.g. environmental management).

- *Climate change adaptation and climate change mitigation strategies should be developed and considered in land use planning;*

As stated elsewhere in this motivation report, properties in this area are responsible for their own services – water and sewage disposal and if a property owner chooses, ESKOM can provide electricity. More and more property owners choose to use solar power. This is a mitigation strategy.

The environmental status of Boven Lange Valley 189/89 is also slowly improving as the current property owner is doing what is possible to systematically remove invasive alien plant species.

- *The provision and conservation of, and the management of the demand for, energy should be considered in land use planning;*

See foregoing paragraph.

- *The safe utilisation of land should be ensured by taking into consideration factors such as sea-level rise, storm surges, flooding, fire hazards and geological formations;*

Boven Lange Valley 189/89 is located high above the ocean and beach below. The existing primary dwelling is located 30m away from the southern boundary of the property. The proposed new primary dwelling for Portion A will be more than 100m from the southern boundary. The properties should therefore not be affected by sea-level rise and storm surges.

As no rivers or streams are located here, flooding is not expected to be an issue. Fire hazards is a reality in the Southern Cape. Therefore, the property owner is a member of the fire protection agency and is systematically removing invasive alien vegetation. The steep slope down towards the Indian Ocean is a geological formation. As the existing primary dwelling and proposed new primary dwelling is placed well away from the edge, no negative impacts on this formation and other way around is expected.

- *The illegal occupation of land should be discouraged with due recognition of informal land development practices;*

This is not relevant to this land use application for Boven Lange Valley 189/89.

- *Development should be principle-driven and should prioritise long-term social, economic and environmental benefits over short-term benefits.*

This principle can be regarded as partly applicable. The proposal brings another family to the rural area which adds to safety and provides more financial opportunity to maintain the natural environment. Limited employment opportunities are created. An informal community located to the west can benefit from activities in their surrounding areas.

- *Desirability of the proposed land use;*

This is discussed in Paragraph 4.3 of this motivation report.

- *Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.*

The Western Cape Land Use Planning Guidelines: Rural Areas March (2019) is discussed in Paragraph 4.1.2.1 to follow.

Section 10

Section 10(1) of the LUPA regulations (as amended 2019) provides detail on land development that requires provincial approval. Section 10(1)(b) states the following regarding development that requires provincial approval:

(b) proposed land development that utilises an area of five hectares or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that involves urban development or urban expansion, including residential, resort, business, industrial and community development, utility services or transport uses, but excluding agricultural land uses or land development ordinarily associated with agricultural use such as agricultural storing and packing facilities, agricultural industries or accommodation for bona fide agricultural workers;

Boven Lange Valley 189/89 is zoned Agriculture Zone I but has not in recent decades been cultivated or irrigated according to information available. This land use application will also not lead to urban expansion. No LUPA-approval is therefore necessary for this land use application.

Consistency & Compliance

Section 19 of LUPA states the following:

19. (1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.

(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development 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.

(3) *If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.*

Considering the aim of this land use application for Boven Lange Valley 189/89 and how it relates to the goals, objectives and principles of the relevant legislation, spatial frameworks and guidelines, we found the proposal to be consistent with the provisions of these documents which includes the George Municipal Spatial Development Framework (GMSDF) – see Paragraph 4.2.2. Site specific considerations are however also included in Paragraph 4.1.1.2 above.

4.1.2.1 Western Cape Land Use Planning Guidelines: Rural Areas (2019)

According to Circular 11/2019 the Land Use Planning Guidelines: Rural Areas (referred to as Rural Areas Guideline further) is not a rural development strategy – it provides support to the development and implementation of spatial plans and also the management of land development outside urban areas. A key principle of the Rural Areas Guideline *is to promote smart growth by containing urban sprawl*. It is stated that an individual application should be assessed on how it contributes or detracts from achieving the overall goals of the Rural Areas Guideline and not limit consideration to a single aspect thereof.

It is important to note that the Rural Areas Guideline *is not mandatory or binding and is not enforced*. *Elasticity in understanding and interpretation* is allowed providing a *degree of discretion* in the motivation, evaluation and decision regarding applications in the rural areas.

A decision maker (e.g. authorised official or tribunal or appeal authority) can reach a decision which deviates from the Rural Areas Guideline. The deviation must of course be justified with reasons. Even if a proposal is inconsistent with broadly applicable concepts, it can be approved if it does not undermine the main goals and objectives of this guideline document. Deviations is then also taken with caution considering the risk of negative cumulative impacts with further applications.

Consistency with the Rural Areas Guideline is therefore not the only consideration for land use applications in the rural areas. It is subsequently stated in the Circular that the purpose of the guideline *is to strengthen the rural economy*. We should not compromise the asset the rural landscape brings to the Western Cape.

As concluded in Paragraph 4.1.1.5 Boven Lange Valley 189/89 is a CBA 2 and therefore in the Core 2 SPC. The rural areas guideline provides specific guidelines on land use and activities in the Core 2 SPC. The table to follow lists the activities that can take place in Core 2 SPC and then how it is relevant to Boven Lange Valley 189/89:

Guidelines for the Core 2 SPC's	Relevance to Boven Lange Valley 189/89
It is stated that Core 2 areas is in a degraded condition which should be rehabilitated with only low impact, biodiversity-sensitive land uses. Core 2 includes ESA – ecological support areas – which is not needed to reach biodiversity targets – it does play an important role in the ecological functioning of CBA's.	As found with previous OSCAE-permit applications, the property was degraded but its biodiversity state is improving. The guidelines provided for Core 2 SPC's, is primarily directed at development that attracts visitors. Tourist related development is not the aim of this land use application. The guidelines for Core 2 SPC's have therefore limited relevance to Boven Lange Valley 189/89.

What kinds of activities?	
Land uses that are least harmful to biodiversity; allowing for limited increase in scale of development in less sensitive areas provided that ecological processes are not disrupted.	To create another property does represent a limited increase in the scale of development. Sufficient space is available for the construction of a new dwelling with the best spot identified following a future OSCAE-permit application.
Biodiversity offsets in exchange for biodiversity loss should only be considered as a last resort.	Not applicable.
Guidance for existing agricultural activities in Core 2 areas.	Not applicable.
Nor further extension of intensive or extensive agriculture is promoted.	Not applicable.
Non-consumptive low impact eco-tourism activities such as recreation and tourism (e.g. hiking trails, bird and game watching, and visitor overnight accommodation).	Not applicable.
Linear infrastructure installations such as roads, rail, pipelines, canals and powerlines. Other utilities may also be permissible in certain situations and should be approved subject to restrictive conditions or parameters.	Not applicable.
Non-place bound industry with low-moderate impact and rural businesses such as small scale value adding enterprises for tourism or consumptive uses (e.g. hunting).	Not applicable.
Wherever possible, structures associated with activities in Core Areas should preferably be located in neighbouring Buffer areas.	Not applicable. A new property with a new dwelling which will be positioned within the relevant building lines with the minimum impact on the natural environment.
Detailed site-level mapping of habitat conditions should inform the placement of essential buildings or structures in Core Areas.	This will be addressed through an OSCAE-permit application addressing the relevant activities to be triggered.
Where structures associated with biodiversity-compatible activities are located in Core Areas, these should preferably be located on disturbed footprints.	Not applicable. But a new dwelling will probably be positioned in an area previous affected by invasive alien vegetation.
Appropriate form & scale	
Where buildings and structures in Core Areas are justifiable, environmentally sensitive and sustainable construction principles should be applied to ensure that development is in harmony with the character of the surrounding landscape and to ensure the maintenance of its natural qualities.	Will be followed for new structures for the new property to be created. People choosing to live in areas such as Pinedew / Paradise Ridge is in general environmentally conscious.
The aesthetic qualities of the receiving environment must be the factor determining the appropriate scale and form of the proposed development.	Structures in accordance with the zoning by-law parameters will support the receiving environment.
Good management practices, with small low-density footprints, appropriate technology and design concepts should be encouraged (e.g. Enviro-loos, temporary structures, green architecture and use of natural resources).	Especially in the rural area where municipal services are not provided, green practices is standard.

Temporary structures are preferred (e.g. wooden structures, tents, raised boardwalks and/or tree canopy structures), with units carefully dispersed or clustered to achieve least impact. The use of porous materials and innovative eco-friendly design concepts are encouraged.	Not applicable.
Stringent management programs for resource harvesting informed by determination of carrying capacity and a management plan to ensure appropriate harvesting techniques and volumes.	Not applicable.
Any development, including harvesting is subject to environmental risk assessment considerations, e.g. fire.	Not applicable.
Land uses not supported in Core 2	
Any form of mining or prospecting	Not applicable.
Large scale cultivation	Not applicable.
Urban and industrial development	Not applicable.

The Rural Areas Guideline provides guidance for **managing rural land use change**. A subdivision is a form of land use change and in this instance in the rural area. The National Environmental Management Act, 1998 (NEMA) determines that development should be socially, environmentally and economically sustainable with the Land Use Planning Act, 2014 (LUPA) building on the development principles of the Spatial Planning & Land Use Management Act, 2013 (SPLUMA). These 5 development principles, namely spatial justice, sustainability, efficiency, spatial resilience and good administration, is addressed in Paragraph 4.1.1.1. No conflict between these principles and the proposal for Boven Lange Valley 189/89 was found.

The Rural Areas Guideline gives effect to the principles of NEMA, LUPA and SPLUMA and responds to climate change and food security. A further 15 principles underpinning the Rural Areas Guideline are listed. Those that could be regarded as relevant to this proposal for Boven Lange Valley 189/89 is as follows:

- *The land development principles of the PSDF: spatial justice; sustainability & resilience; spatial efficiency; Accessibility; Quality & Liveability.*

The proposal is not in conflict with these principles as shown later with the discussion on the PSDF.

- *Consider historical land use to guide future land use, especially with regard to future contribution of land to national food security.*

We do not see the reference to food security as relevant but considering the historical land use to guide future land use can be brought in parallel to the former Knysna-Wilderness- Plettenberg Bay Regional Structure Plan (Guide Plan) and the properties demarcation then for rural occupation with a minimum subdivision size of 3ha. The importance of these aspects is discussed extensively earlier in this motivation report – especially regarding Circular 18/2017: *legislation and administrative action is not intended to operate with retrospective effect or in such a manner as to interfere with existing rights and liberties.*

- *All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness.*

New structures for the proposed Portion A will comply with the relevant development parameters. As shown earlier in this motivation report the development proposal does not create something which is not sensitive to the character of the rural landscape. It will fit the subdivision pattern which distinguish this area of Pinedew / Paradise Ridge from the areas further away.

Subsequently, what development in the rural areas should not be, is described. The proposal for Boven Lange Valley 189/89 will not have a negative impact on any of these factors which also informs Policy E3 of the GMSDF discussed in Paragraph 4.2.2 to follow:

- *should not have a significant negative impact on biodiversity, ecological system services or the coastal environment;*
- *should not lead to the loss or alienation of agricultural land or has a cumulative impact there upon;*
- *should not compromise existing or potential farming activities;*
- *should not compromise the current and future possible use of mineral resources;*
- *should not be inconsistent with the cultural and scenic landscape within which it is situated;*
- *should not lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;*
- *should not impose real costs or risks to the municipality delivering on their mandate;*
and
- *should not infringe on the authenticity of the rural landscape.*

The following matters as referred to in the Rural Areas Guideline relating to subdivision is not applicable to Boven Lange Valley 189/89:

- *Subdivision in the rural area is prohibited when referring to productive and valuable agricultural land and Core I SPC's. The Rural Areas Guideline states that subdivision of land for agricultural purposes in the urban fringe should be monitored. The subject property is not used for commercial agricultural purposes and is not located in the urban fringe.*
- *The subdivision of agricultural land in the rural landscape for individual title to provide security of tenure to agri workers and rural dwellers are not supported. New residential nodes in the rural landscape must be prevented due to municipal efficiency and opportunity costs to deliver services to scattered small nodes versus providing the same services in a central urban area. This is not relevant to Boven Lange Valley 189/89*
- *The subdivision of agricultural land to accommodate industrial activities should be discouraged and only used as a last resort so as not to fragment the agricultural landscape.*
- *Before subdivision is considered, all other options to fund and provide security for loans' and financing, e.g. long term lease agreements, shareholding in the land holding entity or title deed restrictions should be investigated before subdivision is granted.*
- *The subdivision of agricultural land to accommodate community facilities or institutions should be discouraged and lease agreements are preferred so that the buildings can be re-used for agricultural activities if the service is discontinued.*
- *No subdivision of agricultural land will be allowed to accommodate the establishment of any installation, facility or supporting infrastructure or access routes in any form or for any purpose unless the application adheres to the norms and standards for approval of the subdivision of agricultural land.*

Chapter 8 of the Rural Areas Guideline addresses agriculture – the foundation of the Western Cape's rural economy. The fragmentation of the farming landscapes is to be prevented and the economic viability of farming is to be improved. The objectives for agriculture are as follows with the relevance to this land use application for Boven Lange Valley 189/89 indicated:

Agriculture: Objectives	Relevance to Boven Lange Valley 189/89
Protect agriculture as the primary land use in the rural landscape.	No impact as the subject property is not located in a productive agricultural area.
Restrict the fragmentation of agricultural landscapes and promote consolidation, except small-scale farming enterprises for land reform purpose.	No impact as the subject property is not located in an agricultural landscape. It is located in a rural occupation area, demarcated as such historically. Now demarcated as agricultural although it is not a viable agricultural area. It follows the current subdivision pattern – can therefore not fragment the landscape.
Protect, maintain and enhance viable agricultural units and encourage sustainable farming practices.	Not applicable.
Provide for small-scale farming and facilitate land, and agrarian, reform.	Not applicable.
Improve the economic viability of farms through the intensification and diversification of agricultural production and improve enterprise opportunities within the food system.	Not applicable.
Improved food resource management (availability of food/food security) and an inclusive food economy (assistance to access to food).	Not applicable.
Sustainable land management is to be tested and monitored based on the principles described in Chapter 5.	Chapter 5 addresses sustainable farming. Not applicable.

Chapter 16 of the Rural Areas Guideline addresses urban development. It is stated that the approach to urban development in the Western Cape is *to channel settlement development pressures into the current footprint of the Western Cape's city, towns, villages and hamlets. Only in exceptional cases should new settlements of appropriate scale and compatibility be considered within the rural landscape.* The proposal for Boven Lange Valley 189/89 is not urban development and it will not create a new settlement.

Chapter 16 addressed urban areas and small holdings. Boven Lange Valley 189/89 is not an urban area. The section discussing urban areas, states that subdivision or alienation of properties for residential purposes in the rural areas is not permitted. As a residential property will not be created – the zoning and land use remains the same – Agriculture Zone I with limited agricultural activities due to the lack of good soils and water.

Chapter 16 also addresses small holdings as mentioned in the foregoing paragraph. This section is focused on the implementation of new small holding areas. The subdivision of Boven Lange Valley 189/89 in a Portion A and Remainder does not create a new small holding area. As shown the property was located in a small holding area with the former Knysna-Wilderness-Plettenberg Bay Regional Structure Plan (Guide Plan). It is an area with a historic small holding character and subdivision pattern as discussed.

Concluding

Considering the context of agriculture, conservation, urban areas and new small holding areas as discussed in the Rural Areas Guideline, we found no conflict between this land use application and the guidelines. The subdivision of Boven Lange Valley 189/89 does not undermine the main goals and objectives of the Western Cape Land Use Planning Guidelines: Rural Areas (2019).

4.1.3 GEORGE MUNICIPALITY: LAND USE PLANNING BY-LAW, 2015

The general criteria for the consideration of applications in terms of this By-law are included in Section 65 which, inter alia, includes:

- Desirability of the proposed utilisation of land;
- Impact of the proposed land development on municipal engineering services;
- Integrated development plan, including the municipal spatial development framework, the applicable local spatial development framework and/or local structure plans;
- Relevant municipal policies;
- Western Cape Provincial Spatial Development Framework;
- Section 42 of SPLUMA (public interest, constitutionality);
- Land use planning principles transposed from LUPA; and
- Provisions of the applicable zoning scheme.

The above is addressed in the paragraphs of this motivation report as relevant.

4.1.4 GEORGE INTEGRATED ZONING SCHEME BY-LAW, 2017 (GIZS)

Boven Lange Valley 189/89 is zoned Agriculture Zone I (agriculture) in terms of the George Integrated Zoning Scheme By-law (GIZS) (2017). The use and zoning of the property will not change following the approval of this application for subdivision. The relevant development parameters will be complied with.

The objective for Agriculture Zone I is:

The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide rural communities in more remote areas with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.

The proposal for Boven Lange Valley 189/89 is not in conflict with the above as it is not a productive farm. It cannot have a negative impact on the primary agricultural resource which it and the surrounding area does not have.

4.2 SPATIAL PLANNING INFORMANTS**4.2.1 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) (2014)**

The PSDF aims to restructure the urban and rural landscape of the Western Cape to offer socio-economic opportunities for all. The focus is strong on the communities dependent on the agricultural economy and also land reform. In addressing the vulnerability of farm workers, it is stated that rural livelihoods and income opportunities should be diversified. Due to the nature of the area where Boven Lange Valley 189/89 is located, this should not be relevant.

The PSDF discusses the distinct settlement patterns and typologies that developed in the Western Cape over time in response to environmental conditions, historic patterns of subdivision and built forms. This subdivision proposed for Boven Lange Valley 189/89 follows such a historic subdivision pattern as discussed in especially Paragraph 2.2 and 2.3 of this motivation report.

Biodiversity and the health of our ecosystem is a resource of our Province. The same applies to the landscape and scenic assets. Considering the information shared through this motivation report, it was found that the biodiversity of the subject property is improving and the proposal, due to the locality of the property and the character of the area cannot have a negative impact on the landscape and scenic value of the area.

Since the implementation of the PSDF, the Rural Areas Guideline has been updated and published. It considers the CBA information and also climate change and corridor information.

This motivation report shows that this proposal does not detract from the biodiversity and ecological functioning of the area. Valuable agricultural resources – as emphasized in the PSDF – is not negatively affected by this proposal for Boven Lange Valley 189/89.

Guiding principles

The guiding principles for the PSDF is spatial justice, sustainability & resilience, spatial efficiency, accessibility, quality & liveability.

Regarding sustainability the proposal for the subject property does not involve impacts on high potential agricultural land and it will not compromise ecosystems.

Regarding spatial efficiency, the proposal will not lead to urban sprawl.

Accessibility is not regarded as applicable due to the location of the property and the fact that municipal services is not required – it is not available in this area.

Regarding quality & liveability, the Pinedew / Paradise Ridge area is characterised as a rural occupation / rural living area with limited agricultural activities. The environmental quality of the area is improved through the systematic removal of invasive alien vegetation.

Landscape & Scenic assets

The PSDF discusses scenic landscapes of high significance which is under threat and must be protected such as:

- *Rural landscapes of scenic and cultural significance situated in close proximity to mayor urban development pressure, e.g. Cape Winelands.*
- *Undeveloped coastal landscapes under major development pressure.*
- *Landscapes under pressure for large scale infrastructural developments such as wind farms, solar energy facilities, transmission lines and shale gas development in the Central Karoo.*
- *Historic mountain passes and 'poorts' vulnerable to falling into disrepair, or alternatively inappropriate repairs and upgrading (e.g. Swartberg Pass).*
- *Loss of scenic qualities of wilderness landscapes.*

From the above, all that could be regarded as applicable is the reference to undeveloped coastal landscapes. This proposal for Boven Lange Valley 189/89 is however not negatively impacting on the coastal landscape. The current primary dwelling and position of a proposed new primary dwelling on Portion A, is not visible from the coastal area down below. The properties here are located away from general public view, scenic routes, etc.

The area is not affected by unstructured urbanisation and commercial agriculture.

This land use application for the subdivision of Boven Lange Valley 189/89 in a Portion A and Remainder is found to not hold a negative impact on the landscape and scenic quality of where it is located.

Rural space-economy

The rural space-economy is based on the following:

- Agriculture, forestry & mining;
- Agrarian transformation, rural development and land reform;
- Tourism

The proposal for the subject property cannot have an impact on any of the three points above as it is not part of the aim of the application. No public funds, services are required by this application. It places no burden on authorities. The proposal will however create limited employment opportunities.

Concluding

We identified no conflict between the proposal for Boven Lange Valley 189/89 and the PSDF.

4.2.2 GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (GMSDF) (2019)

Boven Lange Valley 189/89 is not addressed specifically in the GMSDF. It is located in the rural area of the eastern section of the George municipal area and outside an urban edge. The GMSDF refers to the Wilderness – Lakes – Hoekwil Local Spatial Development Framework (WLH LSDF) in which study area the subject properties are located.

Policy E of the GMSDF addresses the *safeguarding of the municipality's farming and forestry areas as productive landscapes, equal in value to urban land*. It then states the following:

Agriculture plays a significant role in the George municipality and Garden Route municipality more broadly. It provides opportunities to increase un- or low skilled employment and grow products for local and international markets and for beneficiation in the manufacturing sector. It also contributes to the GDP, provides food security or a "bread basket" in close proximity to major settlements and is a base for tourism activities (Laskey, 2013:60). Protecting and promoting the agricultural economy is therefore a priority for the George Municipality and the Garden Route District Municipality.

The **policy guidelines for Policy E** are:

a) *Support efforts to rejuvenate the agricultural economy based on the assets and resources of the region. Some of these resources include the forest, hops, fruit, livestock, flowers, honeybush and sustainable fynbos harvesting.*

b) *Significant rural and agricultural areas to be managed as such in the Greater George Area are understood to be as follows:*

Table 11: Significant Rural Places in the Greater George Area

Significant Rural Places in the Greater George Area	
Olifantsrivier Valley:	
- Rooiloop	Railway siding
- Snyberg	Railway Station
- Barandas	Railway Station
- Toorwater	Railway Station
- Nietgenaamd	Church/ Convent

Rooirivier	Agri-area
Kammanassierivier Valley	Agri-area
Eseljacht	Agri-area
Ongelegen	Agri-area
Molenrivier	Agri-area
Eensaamheid	Agri-area
Geelhoutboom	Agri-area
Hoogekraal	Agri-area
Sinksabrug	Agri-area
Waboomskraal	Agri-area

Boven Lange Valley 189/89 is not located in an identified significant rural place according to the table above.

The policies emanating from Policy E, **namely Policy E1, E2 and E3** is shown in the table to follow and discussed in relation to Boven Lange Valley 189/89.

Policy E1: Promote rural development that enhances the agricultural economy, its value chain into the broader economy and rural livelihoods as crucial to growing and balancing the urban-rural municipal space economy.	
Policy guidelines:	Relevance to Boven Lange Valley 189/89
a) Support the Department of Rural Development and Land Reform (DRD&LR) in their initiatives to open-up new livelihood and business opportunities in the agricultural, fishing, forestry, tourism and conservation sectors as part of the roll-out of land, agrarian and marine reform programmes.	Not relevant
b) Where relevant, align investment planning to support the establishment of the George city area & Haarlem as Farmer Production Support Units (FPSU) within the Eden Agri-Park as identified by the Eden Rural Development Plan (2017); The FPSU is a rural outreach unit connected with the Agri-Hub (Oudtshoorn). • The FPSU does primary collection, some storage, processing for the local market and extension services including mechanisation • The RDP endorses key commodities and identifies FPSU infrastructure and support services to be included in each FPSU	Not relevant
c) Protect and support the strengthening of current agricultural and forestry activities, and support the introduction of new production technologies and crops (e.g. bio-fuels) in response to climate change.	Not relevant – the subject property is not a current agricultural and forestry area and not suited to become such an area.
d) Prioritise public landholdings immediately to the south of Thembaletu and the urban edge for small scale farming and food production for the communities of the George city area, alternatively for land uses that are consistent with, and will generate employment within the rural / agricultural economy. This land should not be converted to urban housing land.	Not relevant

e) All areas of agricultural potential must be protected and enhanced.	Not relevant. Boven Lange Valley 189/89 has not in recent decades been used for agricultural purposes (we cannot comment on e.g. before 1980). The area north of the Lakes is a productive, intensive agricultural area.
f) Conversion of irrigated, arable land is not supported.	Not relevant
g) Development directed at ensuring water security for the agricultural sector should be a priority.	Not relevant
h) Development directed at job creation for the inhabitants of the area should be a priority provided that this is rooted in the rural / agricultural economy or activities suitable within this context; i.e. they reinforce the sector and do not compete with it or compete for the same resources with it.	Not relevant
i) Sustainable farming methods and disaster risk management measures must be implemented in order to protect important agricultural land, resources and employment that may be lost through flooding, water shortage and wildfires.	Not relevant, but the property owner is a member of the local fire protection agency.

Policy E1 does not apply to the proposal for Boven Lange Valley 189/89.

Policy E2: The subdivision of rural land into small holdings is not supported	
Policy guidelines:	Relevance to Boven Lange Valley 189/89
a) Existing Smallholding areas will be managed in terms of the relevant Local Area Spatial Development Framework.	Noted. Boven Lange Valley 189/89 is not located in a current small holding area and the zoning is not Agriculture Zone II (small holding). The application is also not to change the zoning of the property.
b) All properties outside of the urban edge are deemed as agricultural properties whose subdivision is subject to the Department of Agriculture's regulations, the Western Cape Government's Rural Development Guidelines, this Spatial Development Framework and desirability in terms of rural context and character.	In accordance with Circular 18/2017, Boven Lange Valley 189/89 is not subject to SALA. See Paragraph 2.2 above. The rural guidelines and the GMSDF is discussed in the motivation report in relation to this land use application. Rural context and character are also discussed.

Boven Lange Valley 189/89 is located in a historic small holding area and is zoned Agriculture Zone I. The Subdivision of Agricultural Land Act, 1970 (SALA) does not apply to the property. It is not located in a productive rural area. The Pinedew / Paradise Ridge area has a distinct small holding character. The proposal follows the existing subdivision pattern. The implementation of the requested subdivision cannot change the character of the area.

Therefore, this land use application is found not to be in conflict with **Policy E2**.

Policy E3: Manage rural land use in terms of the Western Cape Government's rural development guidelines and the Spatial Planning Categories (SPC) identified therein

It is stated that the rural component of the greater George area is delineated into Spatial Planning Categories (SPC's). SPC's are not development proposals and do not confer or take away development rights. It is based on CBA's – Critical Biodiversity Areas. The SPC's are a tool used to assess the suitability of alternative rural land uses in different SPC's together with appropriate location, form and scale of these activities.

The quality of Map 17 in the GMSDF is poor. It cannot be used to identify Boven Lange Valley 189/89. Therefore, we consulted the CBA-map of the Garden Route Biodiversity Sector Plan. With a cadastral overlay, it seems that Boven Lange Valley 189/89 is located in a border area between an ESA – ecological support area and a CBA – Critical Biodiversity Area. From investigations done by Cape Vegetation Surveys (Mr. Benjamin Walton) for the subject property, it was identified to be CBA2.



Table 12 of the GMSDF then aligns the CBA map categories with the Spatial Planning Categories. Boven Lange Valley 189/89 is identified as CBA2 in terms of the CBA map and Core 2 in terms of the Spatial Planning Category.

Table 12: Alignment of CBA Map Categories with Spatial Planning Categories (Western Cape Rural Land Use Guidelines Discussion Document, 2017)

CBA Map Category	Protected Areas	Critical Biodiversity Area 1 (Terrestrial/ Aquatic)	Critical Biodiversity Area 2 (Degraded)	Ecological Support Area 1 (Terrestrial/ Aquatic)	Ecological Support Area 2	Other Natural Areas (Natural to Near-natural / Degraded)	No Natural Remaining
Spatial Planning Category ↓	PA	CBA 1	CBA 2	ESA 1	ESA 2	ONA	NNR
CORE 1	•	•					
CORE 2			•	•			
BUFFER 1					•	•	
BUFFER 2						•	
AGRICULTURE							•
SETTLEMENT							•

Policy guidelines:	Relevance to Boven Lange Valley 189/89
<p>a) In line with Western Cape Government's guidelines for rural land use development, new investment in rural areas should not:</p> <ul style="list-style-type: none"> i. Have significant impact on biodiversity; ii. Alienate or compromise unique or high value agricultural land; iii. Compromise existing farming activities; iv. Compromise the current and future use of mineral resources; v. Be inconsistent with cultural and scenic landscapes within which it is situated; vi. Involve extensions to the municipality's reticulation networks; vii. Impose real costs or risks to the municipality delivering on their mandate; and viii. Infringe on the authenticity of the rural landscape and heritage assets. 	<ul style="list-style-type: none"> i. The biodiversity of the subject property is improving. i. Unique or high value agricultural land is not affected. ii. No existing farming activities are compromised. iii. The current and future use of mineral resources is not compromised. iv. The proposed subdivision is consistent with the cultural and scenic landscapes within which it is situated as it follows the same pattern. v. No municipal reticulation networks are needed or close. vi. As almost no municipal services are provided, the proposed subdivision imposes no real costs or risks to the municipality to deliver on their mandate. vii. As the same subdivision pattern is followed and as the subject property is surrounded by the same subdivision pattern and similar extents, it cannot infringe on the authenticity of the rural landscape and heritage assets. The property is also located out of general view.
b) New rural settlement outside of existing settlements is not supported. However, circumstances under which a settlement could be consolidated to achieve greater sustainability may be considered with certain criteria	This is not relevant to the proposal for Boven Lange Valley 189/89
c) Fragmentation of the agricultural landscape must be avoided	The proposed subdivision of Boven Lange 189/89 will not fragment the agricultural landscape as it will follow the pattern of the surrounding rural landscape.
d) Rural development and activities should be managed so as to take cognisance of and respect cultural landscapes and heritage resources and seek ways to acknowledge and celebrate these. Refer to Map 27 for an indication of the landscapes in the Greater George Area.	Not relevant

Considering **Policy E3**, no conflict with the proposal for Boven Lange Valley 189/89 was found. The biodiversity of the area is improving, agriculture is not negatively impacted on and fragmentation of the area is not taking place as the existing subdivision pattern is followed.

Concluding

Considering Policy E of the GMSDF, Boven Lange Valley 189/89 does not impact negatively on the agricultural economy and is not located in a significant agricultural area. The rural context and character of the Pinedew / Paradise Ridge area will not be altered.

The GMSDF does not specifically refer to the land use application submitted for Boven Lange Valley 189/89 but the proposal is found to not be in conflict with the designation of the property in this spatial framework. Therefore, the proposal is found to be consistent with the GMSDF as referred to in Section 19(2) of LUPA.

4.2.2 WILDERNESS – LAKES – HOEKWIL – LOCAL SPATIAL DEVELOPMENT FRAMEWORK (WLH LSDF) (2015)

Boven Lange Valley 189/89 is demarcated as 'agriculture' in the WLH LSDF. This demarcation will not change due to the proposed subdivision. The WLH LSDF refers to the Rural Areas Guideline which was still in draft at the time of the compilation and implementation of this spatial plan. It states the following is the base for the approach towards agricultural land:

- *Promote consolidation of farming landscapes and prevent their fragmentation;*
- *Provide for land and agrarian reform;*
- *Improve the viability of farming by diversification of the farm economy;*
- *Promote sustainable farming practices.*
- *Promote protection of indigenous vegetation on agricultural land in the study area.*
- *Promote conservancies, and particularly identify and protect significant natural corridors (fauna and flora).*
- *Be mindful of the effects of farming practices on the protected lakes area (drainage and water pollution).*

As Boven Lange Valley 189/89 is not a productive farm or located in a productive farming area, the above is not directly relevant to the proposal. As stated earlier, this land use application cannot fragment the landscape as the existing pattern of subdivision is followed. The indigenous vegetation (and fauna) found on the property is protected and supported through the removal of invasive alien vegetation. The property is located more than 1.5km south of the Lakes area and cannot impact negatively on this area.

The WLH LSDF acknowledges that most of the agricultural areas are found on the plateau north of the Lakes area where crops are irrigated, and timber plantations are found.

All properties are designated agriculture except those which are protected areas, residential/urban areas and remaining small holding areas. It is then also acknowledged that all properties cannot be used for agricultural purposes as it includes fynbos and forests.

Proposals & Policy Guidelines

The WLH LSDF provides the following proposals & policy guidelines for areas designated as agriculture in its study area:

Proposal & Policy	Relevance to Boven Lange Valley 189/89
Agriculture must be protected as the dominant land use in the rural landscape;	This land use application cannot have a negative impact on agriculture as shown in this motivation report.
Restrict further fragmentation of agricultural landscapes and promote their consolidation;	This subdivision follows the current subdivision pattern and therefore does not fragment the 'agricultural' landscape.
Maintain viable agricultural units and encourage sustainable farming practices;	Not applicable
Provide for small scale farming and facilitate land and agrarian reform;	Not applicable
Sensibly accommodate nuisance and space extensive agricultural enterprises and ancillary on-farm activities (e.g. sand mines, feedlots, sawmills, etc.);	Not applicable
Improve the economic viability of farms through intensification, diversification and "value adding" of land use on farms.	Not applicable

Careful management of water courses to avoid contamination of Lakes system.	Not applicable
Protection of sensitive vegetation and removal of alien vegetation on farmland.	This is relevant to Boven Lange Valley 189/89. The proposed subdivision will not create new fences and the total developed area remain minimal.

The WLH LSDF provides guidelines for development applications on agricultural land. Regarding subdivision it is stated that the guidelines for farm subdivisions of the Department of Agriculture: Western Cape should be applied ("*Guidelines for the Subdivision of Agricultural Land in the Western Cape*"). These guidelines provide detail regarding optimum unit sizes, water requirements and livestock carrying capacity. Subdivision of farms smaller than the recommended optimum unit sizes are not desirable and is discouraged. It is also stated that no further small holdings should be created outside of areas indicated for this purpose.

Boven Lange Valley 189/89 is excluded from the definition of 'agricultural land' as it was demarcated for rural occupation purposes in the former Knysna-Wilderness-Plettenberg Bay Regional Structure Plan (Guide Plan) as discussed in Paragraph 2.3 of this motivation report. The Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) (SALA) therefore does not apply as already discussed. The guidelines for the subdivision of farms mentioned in the foregoing paragraph therefore do not apply.

Regarding the reference in the WLH LSDF that further small holdings should not be created outside the areas indicated for this purpose. The subject property is not zoned as Agriculture Zone II – small holding and located in a former small holding area of which the status is acknowledged through Circular 18/2017. Existing small holding areas are not to be expanded. Boven Lange Valley, located in a former small holding area, is surrounded by properties of a similar extent and is not located outside this former small holding area.

Considering landscape character, the character of the greater Wilderness area is probably one of the main form giving elements in the area together with the lakes, mountain backdrops and the ocean. It is stated that the landscape character and view sheds along tourism routes *must be protected by appropriate guidelines and even regulations to ensure that this landscape and visual resource is protected for the generation to come*. Considering the location of Boven Lange Valley 189/89 and the position high above the Indian Ocean, this land use application cannot negatively impact on the landscape where it is located as well as view sheds.

The proposed subdivision of Boven Lange Valley 189/89:

- will not be visually obtrusive / create something that is visually obtrusive;
- can use materials and colours that blend with the landscape with new construction;
- is positioned close to the existing primary dwelling on the proposed Remainder and is therefore grouped;
- does not interfere with the skyline, landmarks, major views & vistas;
- should not result in light, noise or effluent pollution;
- will not result in excessive water consumption with rain water harvesting critical for properties in this area as no municipal services is provided;
- can with new construction respond to the style found in the area;
- prescribes where a new dwelling on the proposed Portion A cannot be placed due to a large depression located along the southern section of the property;
- will not have a visual impact on the N2-route.

It can also be concluded from this motivation report that more than ample developable area is available on the proposed Portion A. Firescaping principles can be applied with new construction, minimizing the need for vast fire breaks.

Proposed construction areas has suitable slopes and no portion of the property is within 32m of a watercourse. The proposed construction area closest to the southern boundary of the property, is more than 100m from the Indian Ocean. Indigenous vegetation will not be negatively affected with a firebreak with the implementation of firescaping (landscaping with the correct locally indigenous vegetation). No section of the subject property is within 100m of a scenic route. It is however within 100m from the coast which forms part of the Garden Route National Park.

Considering the above paragraphs with the remainder of this motivation report as background, we found no conflict between this land use application and the WLH LSDF.

5.1 NEED & DESIRABILITY

Need and desirability is the balancing of various factors. **Need** depends on the nature of a development proposal and is based on the principle of sustainability. This motivation report has shown that the proposed subdivision of Boven Lange Valley 189/89 will not change the zoning, use or character of the area.

Desirability from a planning perspective is defined as the degree of acceptability of a proposed development on a property. The relevant factors include the physical characteristics of the property, existing planning in the area, character of the area, the locality and accessibility of the property as well as the provision of services. Another important consideration is the economic or financial impact which is only positive in this instance.

Physical characteristics of the properties

This proposed Portion A has suitable positions for construction with suitable topography without negatively impacting on vegetation. The property is still invested to a large extent with alien vegetation. With an OSCAE-permit application the chosen position for a new structure(s) will be shown.

Existing planning in the area

As indicated earlier in this motivation report, this land use application was found not to be in conflict with the George Municipal Spatial Development Framework (GMSDF) or the Wilderness – Lakes – Hoekwil LSDF.

Character of the area

As discussed earlier in this motivation report, the proposed subdivision of Boven Lange Valley 189/89 has no impact on the character of the area.

Provision of services

No municipal engineering services are provided to the property.

Economic impact

This proposed subdivision of the subject property cannot have a negative economic impact and will create limited employment opportunities.

Direct impact on surrounding properties

No neighbour will be overshadowed or overlooked. The distance between structures will be a minimum of 60m between Portion A and the Remainder and 200m – 300m to structures on abutting properties.

It is our view that the need and desirability of the proposed subdivision of Boven Lange Valley 189/89 showed no negative impacts.

6. CONCLUDING

From this motivation report, it is our opinion that the proposed subdivision of Boven Lange Valley 189/89 in a Portion A and Remainder is consistent with all relevant considerations as prescribed by the planning legislation, spatial frameworks and guidelines. Site specific considerations as provided for in Section 22 of SPLUMA, are however also included in this motivation report. It does not create conflict with the overall spatial objectives for the area.

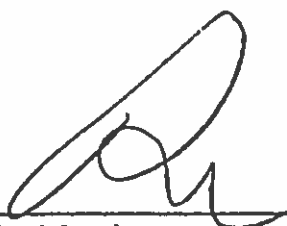
The completed municipal application form is attached hereto as **Annexure 9**.



MARLIZE DE BRUYN Pr. Pln

POWER OF ATTORNEY


I, **Robin Timothy Hunt-Davis (5806205133080)**, the registered owner of **Boven Lange Valley 189/89, George Municipality and Division, Western Cape Province**, hereby instruct **Marlize de Bruyn** of *Marlize de Bruyn Planning* to submit the land use application (subdivision) for the property in terms of Section 15(2) of the Land Use Planning By-law.




RT Hunt-Davis

Date 28/1/21

Witnesses:

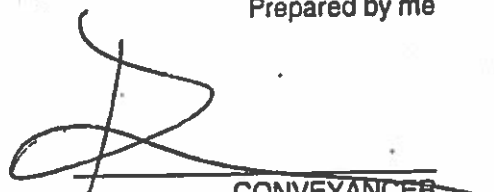
1.  _____

2.  _____

RND T.D.

ADAMS & ADAMS
Lynnwood Bridge
4 Daventry Street
Lynnwood Manor
Pretoria

Prepared by me


CONVEYANCER
MAPUTLA DONALD MOKGEHLE

Fee enforcement		Office fee
Purchase Price/Value	Amount	R1522,00
2 900 000,00		
Mortgage capital Amount		
Reason for exemption	Section	
	ALL	

DATA / CAPTURE
07 JUN 2018
DIPONTSENG LEEUW

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

REUBEN CHARLES SHARER

T 000026303 / 2018

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

NAJOR CC
Registration number: 1987/001272/23

DATA / VERIFY
07 JUN 2018
WENRY FANTI

which said Power of Attorney was signed at PRETORIA on 7 May 2018

Lexis® Convey 18.4.3.3

And the appearer declared that his/her said principal had, on 6 April 2018, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

ROBIN TIMOTHY HUNT-DAVIS
Identity Number 580620 5133 080
Married out of community of property

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

PORTION 89 OF FARM BOVEN LANGE VALLEY 189
SITUATE IN MUNICIPALITY AND DIVISION OF GEORGE
PROVINCE OF THE WESTERN CAPE

IN EXTENT 6,6778 (SIX COMMA SIX SEVEN SEVEN EIGHT) Hectares

FIRST Transferred and still held by Deed of Transfer T16064/1984 with diagram no 8827/83 relating thereto

- A. **SUBJECT to the condition referred to in Certificate of Amended Title dated 19 October 1916 (George Quitrents Volume 15 No. 12), Deeds of Transfer nos. 10522/1943, 8171/1923, 5927/1953, 14652/1962, 2213/1918, 20132/1966.**
- B. **SUBJECT FURTHER to and entitled to the conditions in respect of water rights and rights of way insofar as they are applicable, contained in annexure A to Deeds of Transfer nos. 2207, 2211 and 2214 all dated 18 March 1918, being an extract from an Agreement of Partition dated 31 May 1912.**

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

NAJOR CC

Registration number: 1987/001272/23

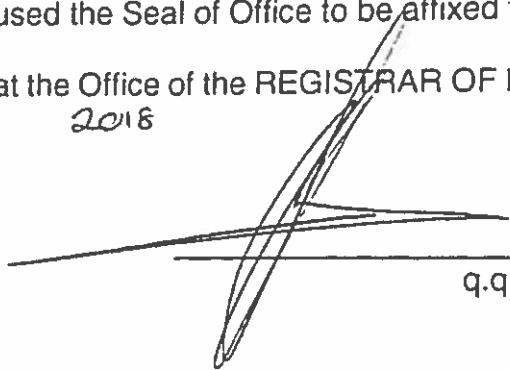
heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

ROBIN TIMOTHY HUNT-DAVIS, Married as aforesaid

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 900 000,00 (TWO MILLION NINE 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 6th JUNE 2018



q.q.

In my presence



REGISTRAR OF DEEDS

CONVEYANCER CERTIFICATE

I, the undersigned

TERTIA LIZETTE KRIEL

a practicing Attorney and Conveyancer at Cape Town hereby certify that:

**PORTION 89 OF FARM BOVEN LANGE VALLEY 189
IN THE MUNICIPALITY AND DIVISION OF GEORGE
WESTERN CAPE PROVINCE**

**EXTENT: 6,6778 (Six Comma Six Seven Seven Eight) Hectares
HELD BY Deed of Transfer number T26303/2018**

Is registered in the name of:

ROBIN TIMOTHY HUNT-DAVIS


Identity number 580620 5133 080

Married out of community of property

A proper search has been conducted in the Deeds Registry Cape Town and the following has been found:

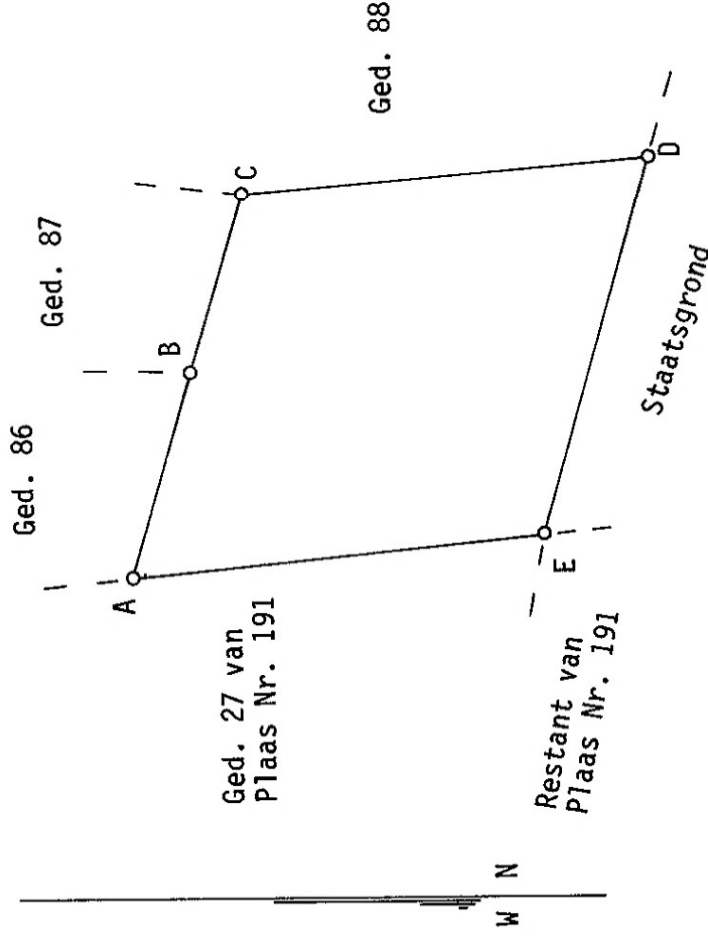
1. Deed of Transfer number **T26303/2018** contains the current conditions applicable to the property.
2. I have perused the following Deeds of Transfer T26303/2018, T2207/1918, T2211/1918, T2214/1918 and pivot deeds George Quitrents No 12, T10522/1943, T8171/1923, T5927/1953, T14652/1962, T2213/1918 and T20132/1966. I have also perused Deeds of Transfer T10029/1931, T10519/1943 and T2208/1918 behind the pivot deeds.
3. I have found no conditions pertaining to subdivision in the said deeds.

SIGNED at CAPE TOWN on 22 FEBRUARY 2021



CONVEYANCER
T L KRIEL

SYE		RIGTINGS -HOEKE	KOÖRDINATE		L.G. Nr.
Meter			Y	Stelsel Lo 23 ⁰ X	
AB	140,3	Konstante 286 57 00 287 02 30 355 20 10 106 15 20 174 51 10	±	0,0	8827-83 Goedgekeur <i>Denier</i> Landmeter-generaal 1983-12-09
BC	123,5		A	+ 28 927,7	
CD	271,8		B	+ 28 793,5	
DE	260,0		C	+ 28 675,4	
EA	276,3		D	+ 28 653,3	
			E	+ 28 902,9	
		Berg 14	Δ	+ 38 455,57	
		Knys 31	Δ	+ 31 442,81	
				+ 61 120,07	

BakensA,B,C,D
E150 mm x 150 mm betonbaken
Ingeplante klip

Skaal: 1 : 5 000

Die figuur A B C D E

stel voor 6,6778 Hektaar

Gedeelte 89 van die plaas Boven Lange Valley Nr. 189
grond, synde

geleë in die

Administratiewe Distrik George

Provinsie Kaap die Goele Hoop

Opgemeet in Junie 1974 - Desember 1981 en
deur my, Augustus - Oktober 1983

Hierdie kaart is gehëg aan

Nr.

1/1A
16064/84

gedateer

t.g.v.

Die oorspronklike kaart is.

Nr. 1180/1916 gehëg aan
Transport/Grondbrief

Nr. Geo. Q. 15. 12

Lêer Nr. Geor. 189.

M.S. Nr. E 2479/83

Komp. AL-2AB (3595)

en Baken E gevestig
Grens EA erken

Registrateur van Aktes

LOCALITY PLAN



Drawing: Annexure 4
December 2020
Project 301/G20

**PROPOSED SUBDIVISION FOR R HUNT-DAVIS:
BOVEN LANGE VALLEY 189/89,
GEORGE MUNICIPALITY & DIVISION**

For scale refer to figured dimensions. Measurements always to be checked by Professional Land Surveyor.

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CIRCULAR EADP 0018/2017

**TO ALL MAYORS, MUNICIPAL MANAGERS, MUNICIPAL PLANNING HEADS, THE REGISTRAR OF DEEDS
(CAPE TOWN), SOUTH AFRICAN GEOMATICS INSTITUTE (WESTERN CAPE BRANCH)**

SUBJECT: WITHDRAWAL OF GUIDE PLANS AND EXEMPTIONS OF ACT 70 OF 1970

Dear Sir/Madam,

The purpose of this circular is to provide additional clarity regarding the effect of the withdrawal and amendment of the Urban and Regional structure plans (former guide plans) in terms of the Physical Planning Act, 1991 (Act 125 of 1991), (PPA) and the Western Cape Land Use Planning Ordinance, 1985 (LUPO) on the applicability of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), (SALA). Recent advice from Senior Counsel resulted in an improved understanding of the matter necessitating a need to revisit the provincial position as stated in Circular 14/2012 and to provide additional clarity to the Surveyor-General when dealing with subdivision approvals of agricultural land.

1. Withdrawal of Urban and Regional Structure Plans and previous provincial position.

On 4 July 2012 the Minister responsible for Planning withdrew all remaining urban and regional structure plans in terms of the PPA, excluding the Knysna Wilderness Plettenberg Bay Guide Plan, which was declared unconstitutional. In Circular 14/2012, par. 4.5 it was communicated that *"...Under the urban or regional structure plans areas earmarked for purposes other than agriculture were excluded from the definition of "agricultural land" and therefore were exempted from the provisions of the Act 70 of 1970. This exemption no longer applies with the withdrawal of these plans and approvals in terms of Act 70 of 1970 will again be required for newly created land portions in areas defined as "agricultural land" in terms of Act 70 of 1970."*

This stems from Section 27(1)(d) of the PPA which determined that land in the area to which a former guide plan applied, other than land which is agricultural land as defined in section 1 of the SALA, and which in terms of the relevant plan may be used for agricultural purposes only, shall be excluded from the provisions of the SALA.

Whilst this exemption from the SALA was a well-established practice and implemented effectively, some confusion has emerged since the withdrawal of the former guide plans in 2012 and the repeal of the PPA.

2. Revised position on the effect of withdrawal of Urban and Regional Structure Plans.

The Department of Agriculture, Forestry and Fisheries obtained the opinion and advice from Senior Counsel in this regard as a result of ongoing interpretational issues. The opinion states that notwithstanding the withdrawal of the former guide plans or the repeal of the PPA, legislation and administrative action is not intended to operate with retrospective effect or in such a manner as to interfere with existing rights and liberties. Section 12 of the Interpretation Act, 1957 (Act 33 of 1957) determines that where enabling legislation is repealed, the repeal does not affect the legal consequences as a result of administrative action taken before the legislation was repealed.

This means that the withdrawal of the former guide plans as well as the subsequent repeal of the PPA was not intended to have retrospective consequences or to change the status quo in respect of the exemption of certain areas from the provisions of SALA. The withdrawal of the former guide plans and the repeal of the PPA did therefore not affect the exemption of certain areas from the provisions of SALA. Areas that were exempted from the provisions of SALA prior to the withdrawal of the former guide plans and the repeal of the PPA, therefore remain exempted from SALA.

The advice provided in Circular 14/2012 (par 4.5) is herewith amended and replaced with the following: -

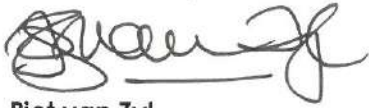
"Cognisance should also be taken of the implications of the withdrawal of the urban or regional structure plans on areas subject to the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970). Under the urban or regional structure plans areas earmarked for purposes other than agriculture were excluded from the definition of "agricultural land" and therefore were exempted from the provisions of the Act 70 of 1970. These areas remain exempted from the provisions of Act 70 of 1970, until such time as the repeal of Act 70 of 1970 is implemented or the Act amended."

3. Implications of the above mentioned advice:

- a) The definition of agricultural land in terms of SALA remains unchanged.
- b) The exemptions in terms of SALA remains unchanged.
- c) As long as SALA remains in place, areas previously excluded from the provisions of SALA due to the designations in former guide plans in terms of the PPA, remain excluded from the provisions of SALA subsequent to the withdrawal of the guide plans and the repeal of the PPA. These exclusions also include ad-hoc Ministerial amendments to former guide plans where the designation e.g. from agriculture/forestry was amended to township development.
- d) The new planning dispensation of the Municipal Systems Act, 2000 (MSA), the Spatial Planning and Land Use Management Act, 2013, the Western Cape Land Use Planning Act, 2014 or the various By-laws on Municipal Land Use Planning does not effect the above.
- e) The MSA and the Spatial Development Frameworks do not regulate/address/effect any exemptions from SALA.
- f) The Surveyor General, Registrar of Deeds, municipalities and land surveyors are advised that where a SALA approval of a subdivision is submitted, it must be accompanied by a certification by the municipality that it is exempted from municipal approval or be accompanied by a municipal approval of the subdivision in terms of the relevant municipality's by-law on land use planning.
- g) The Surveyor-General and the Registrar of Deeds be advised that where only a municipal approval of a subdivision of agricultural land is submitted, that it be checked if it is not also in an area where an approval in terms of SALA is also required.

If any further assistance is required regarding the contents of this circular, please direct such request to **Theo Rebel** (021-483 8375)/ theo.rebel@westerncape.gov.za or **Kobus Munro** (021-483 4796)/ kobus.munro@westerncape.gov.za

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Piet van Zyl', with a stylized flourish at the end.

Piet van Zyl
Head of Department
Environmental Affairs and Development Planning

Date: 31.08.2017

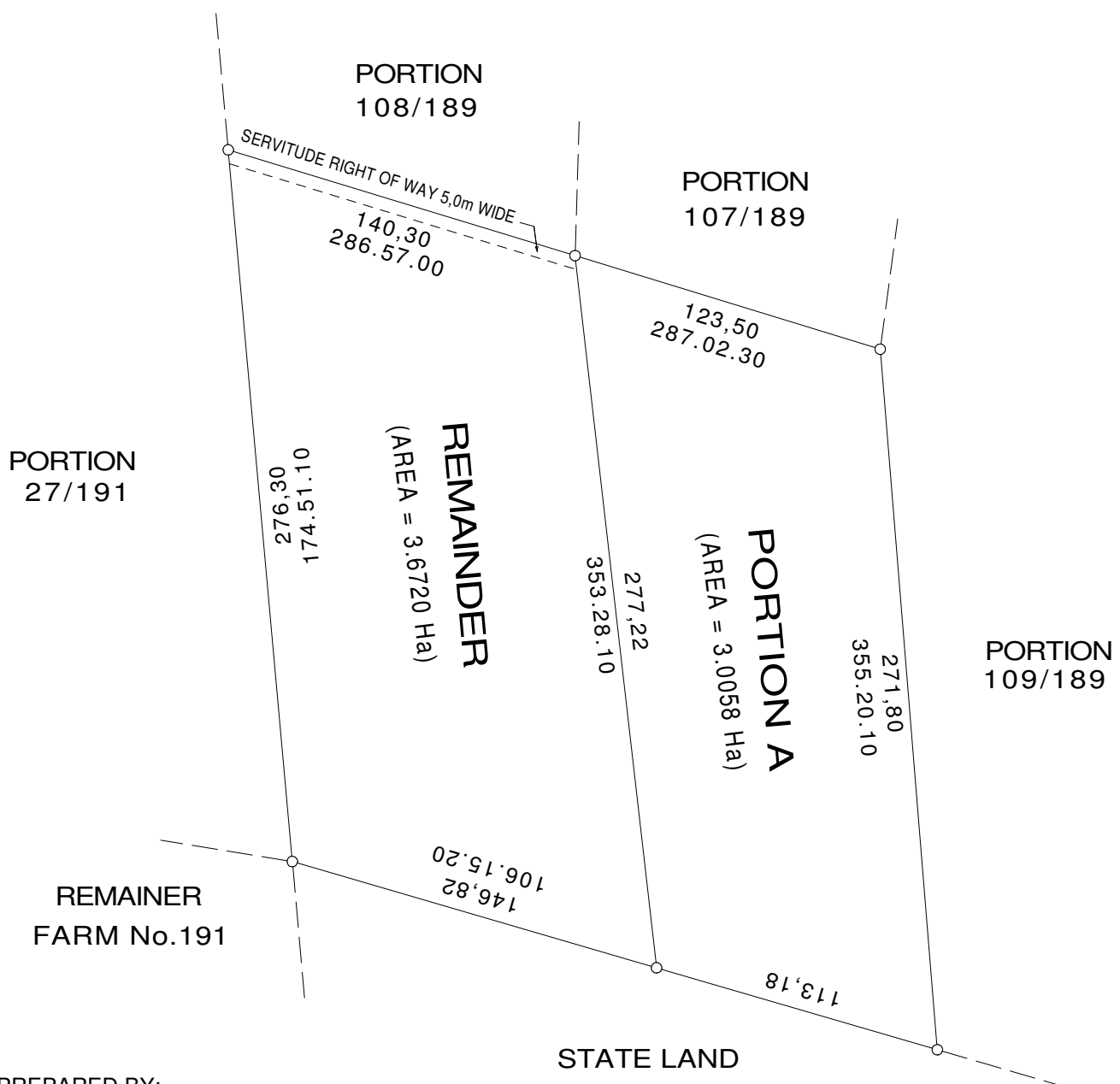
PROPOSED SUBDIVISION OF PORTION 89
OF THE FARM BOVEN LANGE VALLEY No.189

SITUATE IN THE
MUNICIPALITY & ADMINISTRATIVE DISTRICT GEORGE

NOTE:
ALL BUILDING LINES ARE 30m

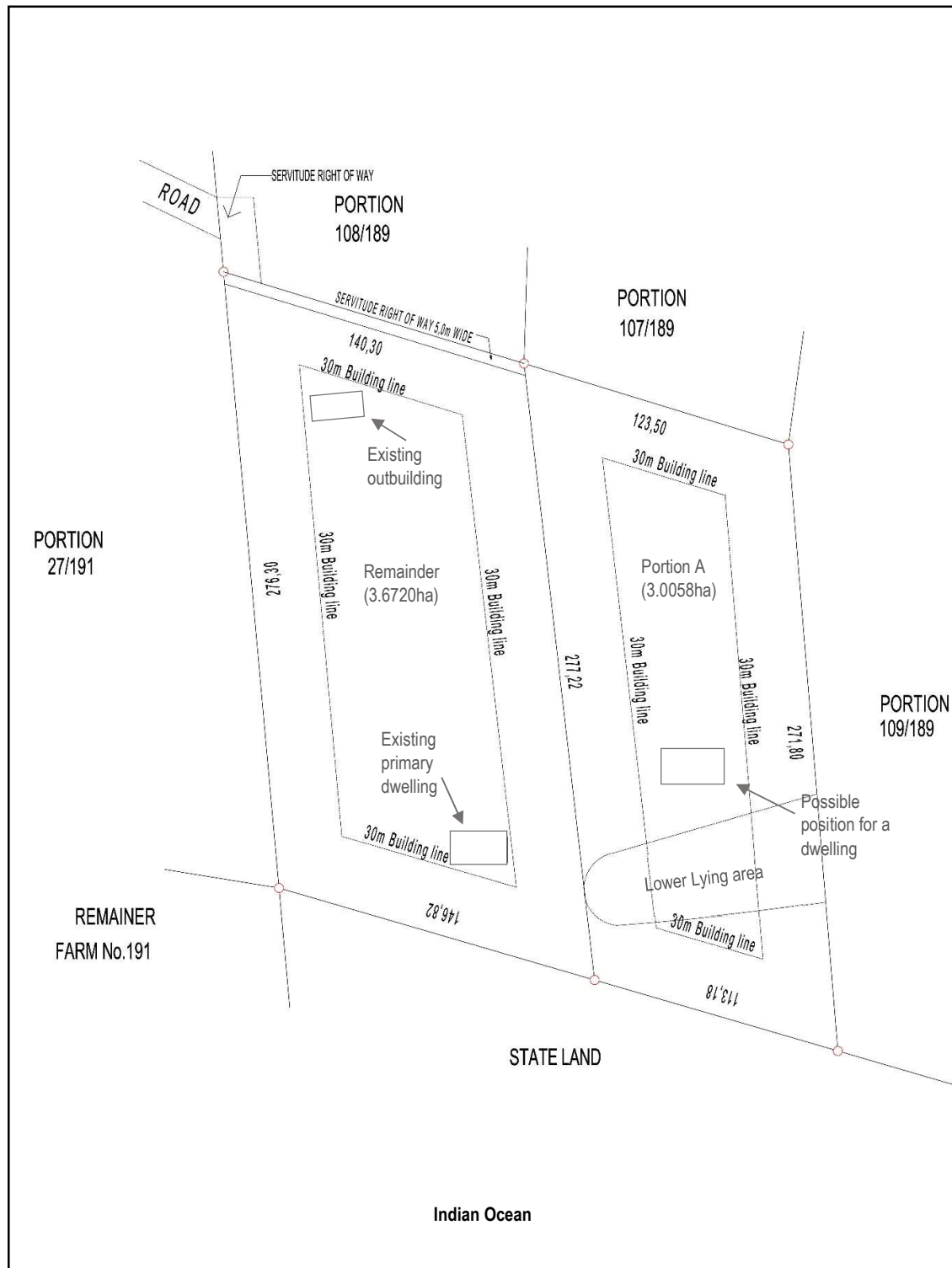


SCALE 1:2500



PREPARED BY:
BEKKER & HOUTERMAN
LAND SURVEYORS
GEORGE
MOB: 0829787802

SITE DEVELOPMENT PLAN



Drawing: Annexure 7
December 2020
Project 301/G20

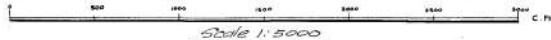
**PROPOSED SUBDIVISION FOR R HUNT-DAVIS:
BOVEN LANGE VALLEY 189/89,
GEORGE MUNICIPALITY & DIVISION**

For scale refer to figured dimensions. Measurements
always to be checked by Professional Land Surveyor.

Copyright ©

Division of George - Province Cape of Good Hope

Vide Diagram No 26/1958 annexed to D/s Geo R 14-8



Description of Beacons:

- Z¹ = Planted stone 6" x 5" x 10" above ground.
- Z² = Planted stone 45" x 20" x 6" x 15" above ground.
- N² = Planted stone 36" x 9" x 5" x 15" above ground.
- O² = Planted stone 39" x 9" x 6" x 15" above ground.
- P² = Planted stone 28" x 15" x 4" x 15" above ground.
- Q² = Planted stone 45" x 9" x 6" x 15" above ground.
- R² = Planted stone 45" x 10" x 5" x 15" above ground.
- S² = Planted stone 37" x 8" x 8" x 15" above ground.
- T² = Planted stone 46" x 7" x 5" x 15" above ground.
- U² = Planted stone 46" x 7" x 4" x 15" above ground.
- All other beacons = Concrete pillars 3' x 6" x 12" x 12" above ground.

NOTE.

All lots are subject to conditions in terms of Act 21/1940.
Condition A 1, 2, & 3 apply to all lots.
Condition B 1 - 7 apply to lots 8 to 13.
Condition C 1 applies to Remainder.
For copy of Conditions see p. 20 of File 5, 70/5.

Note: T 1962, 22.2, 12.1, 9/1953.

The beacons of each portion represented on this plan are in accordance with regulation and have been placed under my supervision.

Surveyed in June 1950 by me

R. S. Jumbhton

Land surveyor.

Co-ordinates of Beacons North side of National Road

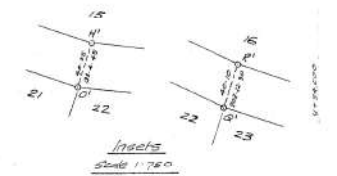
Beacon	N	E
N ²	95872.5	11942.2
O ²	94666.7	12280.6
P ²	93999.8	12612.4
Q ²	93418.7	12999.3
R ²	93192.5	12983.4
S ²	93030.6	13024.2
T ²	92776.0	13057.7
U ²	92127.4	13143.1

Sides	Feet	Angles or Direction	Co-ordinates	System 1923
1202	785.3	296.0 40	4 + 94141.2	12712.8
1203	742.2	296.2 10	8 + 93515.8	13019.8
1204	648.1	296.16 30	12 + 93602.6	13519.7
1205	241.9	296.23 40	16 + 94698.9	13181.3
1206	167.0	284.8 40	20 + 94492.4	12995.5
1207	256.8	277.28 50	24 + 94212.5	12830.1
1208	654.2	277.80 00	28 + 94711.0	13224.4
1209	3681.7	264.81 10	32 + 94609.1	13601.0
1210	4818.1	108.24 30	36 + 94161.4	12720.4
1211	3491.8	196.24 40	40 + 94509.8	13224.6
1212			44 + 93987.2	14042.6
1213			48 + 94140.8	13059.2
1214			52 + 93293.1	13127.9
1215			56 + 93118.1	13128.4
1216			60 + 93411.2	14121.0
1217			64 + 93047.6	13175.5
1218			68 + 92688.5	13221.9
1219			72 + 92994.7	14329.9
1220			76 + 92907.2	13269.3
1221			80 + 92113.5	13297.9
1222			84 + 92453.9	14509.9
1223			88 + 91990.4	14464.1
1224			92 + 92159.7	14607.7
1225			96 + 92577.2	14463.8
1226			100 + 91886.6	15315.8
1227			104 + 92494.4	15613.5
1228			108 + 94451.8	13970.1
1229			112 + 94242.0	14185.3
1230			116 + 94211.4	14295.7
1231			120 + 94308.5	14448.0
1232			124 + 93578.3	14601.0
1233			128 + 93743.7	15187.9
1234			132 + 93680.3	16350.7
1235			136 + 94026.2	16239.3
1236			140 + 94429.5	16162.2
1237			144 + 94315.0	16046.0
1238			148 + 95201.5	15974.0
1239			152 + 95719.7	15840.3
1240			156 + 96474.3	15643.2
1241			160 + 96118.9	14449.4
1242			164 + 96447.4	14025.7
1243			168 + 96368.7	15288.6

Areas

Portion	Morgen	Dgm. No	HECTARES	D/T
7	5.9283	8042/52	0.4996	1960/2536
8	5.9942	8043/52	5.1343	1963/2724
9	5.7028	8044/52	4.9532	
10	5.5084	8045/52	4.7182	
11	5.5905	8046/52	4.7129	
12	5.8071	8047/52	5.0587	
13	5.6206	8048/52	4.8143	
14	5.3475	8049/52	4.5803	1963/2077
15	5.7440	8050/52	4.9200	1963/2077
16	5.3909	8051/52	4.676	1963/2077
17	5.3981	8052/52	4.6237	1963/2077
18	5.3981	8053/52	4.6237	1970/2040
19	5.0246	8054/52	4.3036	1954/2015
20	5.0228	8055/52	4.3622	1953/2015
21	5.1125	8056/52	4.3791	1953/2015
22	5.0969	8057/52	4.3657	1953/2015
23	4.8868	8058/52	4.1857	1954/2015
24	4.8573	8059/52	4.1604	1953/2015
25	4.9422	8060/52	4.2331	1953/2015
26	4.9211	8061/52	4.2151	1953/2015
27	4.5308	8062/52	3.6807	1953/2015
43			4.4776	
62			2524/2014	0.0433
63			2525/2014	0.1405

ENDORSEMENTS				
NO.	AMENDMENT	ADDITION	AUTHORITY	DATE
1	Creation of an additional form portion	Portion 43 vide Diagram No. 18/2064	Local Authority Consent R/S 19/43 Date 2000-05-31 File 19/43	
2	Creation of two additional form portions	Portion 62 and 63 vide Diagram No. 2552/2014 and 2553/2014 respectively	Local Authority Consent R/S 19/43 Date 2000-05-31 File 19/43	



G.B. File No 6/2015
G.R. No E 268/50
Dgm. Sh. AL-2A 8
George Div. Sheet

SERVITUDE OVER PORTION 108
OF THE FARM BOVEN LANGE VALLEY No.189

SITUATE IN THE
MUNICIPALITY AND ADMINISTRATIVE DISTRICT GEORGE

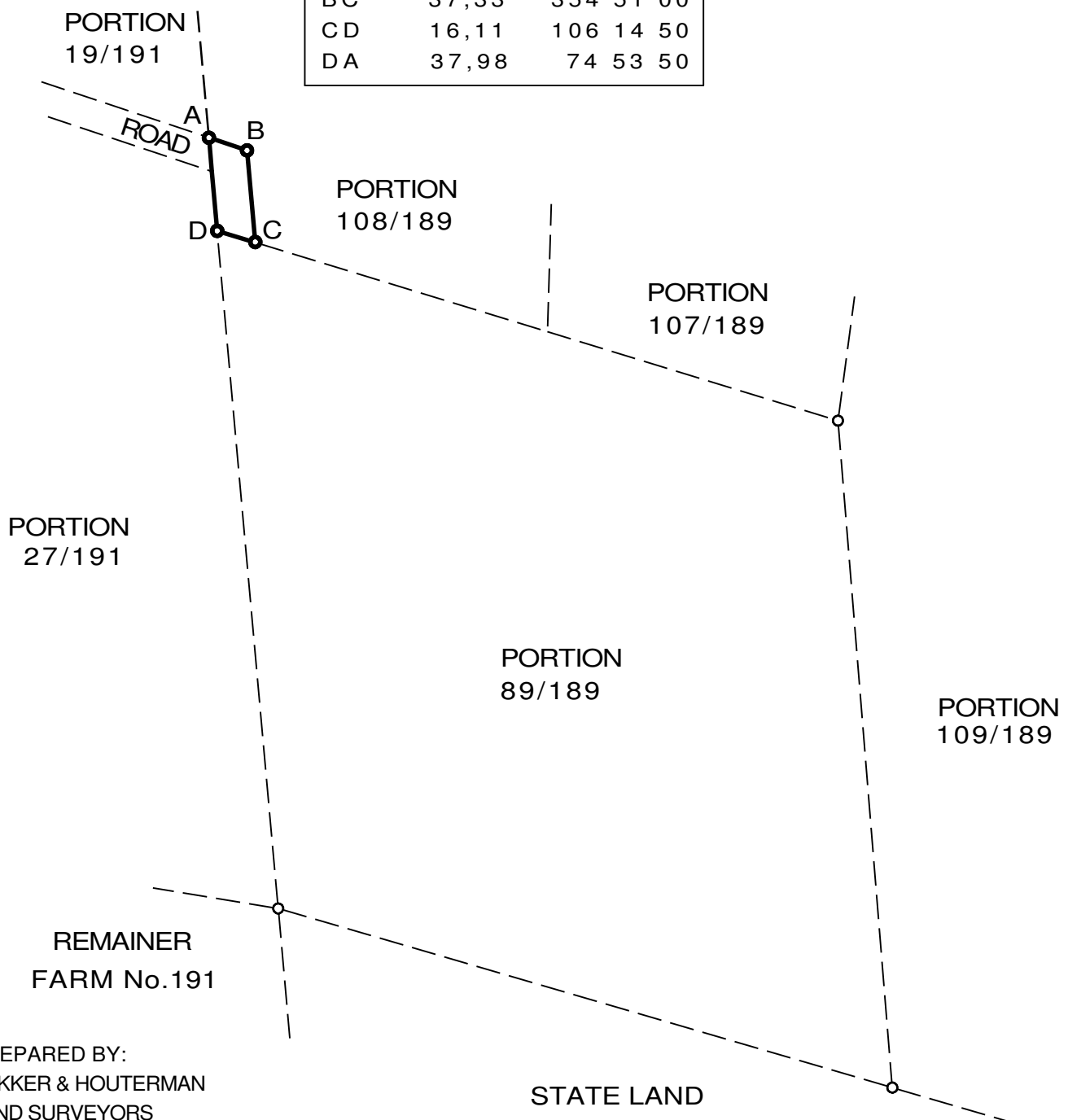
NOTE

The figure ABCD represents
a servitude area Right of Way



SCALE 1:2500

DATA		
SIDES	DISTANCE	DIRECTION
AB	16,33	288 24 50
BC	37,33	354 51 00
CD	16,11	106 14 50
DA	37,98	74 53 50



PREPARED BY:
BEKKER & HOUTERMAN
LAND SURVEYORS
GEORGE
MOB: 0829787802

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Before the Honourable Judge Wille

CAPE TOWN: WEDNESDAY 12 AUGUST 2020

CASE NO.

8819 /2019

11 X 11
12/08/2021
[Signature]

In the matter between:

Robin Timothy Hunt-Davis

Applicant

and

The Liquidators of Prescor 131 CC (In Liquidation)

First Respondent

M & F Properties (Pty) Ltd

Second Respondent

The Trustees for the time being Of The Deux Lux Mea Trust

Third Respondent

Francois Jordaan

Fourth Respondent

Hendrikus Johannes Van Der Hoven

Fifth Respondent

Nicolaas Johannes Brummer

Sixth Respondent

David Robert Shipley

Seventh Respondent

Deborah Sharon Shipley

Eighth Respondent

Matthew Nowell Kearns

Ninth Respondent

Abraham Meyer

Tenth Respondent

The Boven Lange Valley Nature Estate Property Owners Association

Eleventh Respondent

Standard Bank of South Africa Limited

Twelfth Respondent

Absa Bank Limited

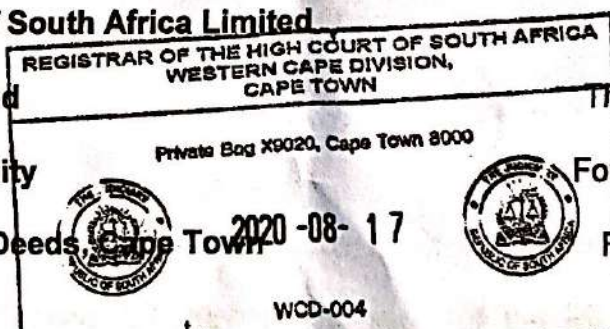
Thirteenth Respondent

George Municipality

Fourteenth Respondent

The Registrar of Deeds, Cape Town

Fifteenth Respondent



WCD-004

By agreement between the parties, the following order is made:

1. The Sixth Respondent, in his capacity as the registered owner of Portion 108 (a portion of Portion 102) of the Farm Boven Lange Valley No. 189, in the Municipality and Division of George, Province of the Western Cape, in extent 3, 0315 hectares, held by Title Deed of Transfer No. T89465/2004 ("Portion 108") shall sign such documents and take such steps as required in order for the Applicant to register a servitude right of way, 15 meters wide, from the point at which the northern boundary of the Pine Dew Road (Remainder of Farm 191) meets the boundary of Portion 108 and running south-eastwards along the southwestern boundary of Portion 108 to the boundary between Portion 108 and Portion 89 of Boven Lange Valley Farm No. 189 ("Portion 89") ("the right of way servitude").

2. The Applicant will instruct Ms Ann Coetzee of Raubenheimers Attorneys in George to take the steps required to register the right of way servitude at his cost.

3. The Applicant will be permitted, at his own cost, to erect a new driveway access gate immediately to the south of the current driveway access gate between the Pine Dew Road and Portion 108 along the boundary between Portion 108 and Portion 27 of Farm 191.

4. Applicant shall, at his expense, erect a 1.2 metre high diamond mesh fence along the eastern boundary of the servitude right of way, commencing from a point in line with the southern boundary of the Pine Dew

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	Private Bag X10020, Cape Town 8000	2020-08-17	WCD-004	REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN
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Road and running southwards to the boundary between Portion 108 and Portion 89.

5. The Applicant will pay a contribution towards the legal costs of the Respondents in the sum of R100 000.00 in full and final settlement of their claim for costs in respect of this application within 3 business days from the date on which this order is granted.

BY ORDER OF THE COURT


COURT REGISTRAR

Hayes Inc.
Box 687
Cape Town

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	
Private Bag X9020, Cape Town 8000	
	2020-08-17
WCD-004	
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	

GEORGE MUNICIPALITY



APPLICATION FORM FOR APPLICATION SUBMITTED IN TERMS OF THE LAND-USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY

NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Marlize		
Surname	De Bruyn		
SACPLAN Reg No. (if applicable)	A/1477/2011		
Company name (if applicable)	Marlize de Bruyn Planning		
Postal Address	PO BOX 2359		
	GEORGE	Postal Code	6530
Email	marlize@mdbplanning.co.za		
Tel	-	Fax	-
		Cell	0766 340 150

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

Registered owner	R Hunt-Davis		
Address	Portion 89 of Farm 189		
	Boven Lange Valley, Wilderness	Postal code	6529
E-mail	rhuntDavis@mweb.co.za		
Tel		Fax	-
		Cell	0825541928

PART C: PROPERTY DETAILS (in accordance with Title Deed)									
Property Description [Erf / Erven / Portion(s) and Farm number(s), allotment area.]	BOVEN LANGE VALLEY 189/89, GEORGE MUNICIPALITY AND DISTRICT								
Physical Address	Boven Lange Valley, Pinedew								
GPS Coordinates	-34.010 22.687			Town/City		Wilderness			
Current Zoning	Agriculture Zone I		Extent	6.6778ha		Are there existing buildings?		Y	N
Current Land Use	Rural Residential								
Title Deed number & date	T26303/2018								
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).						
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).						
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?						
Has the Municipality already decided on the application(s)?	Y	N	If yes, list reference number(s)?						
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use?				Y	N	
Are there any pending court case / order relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?				Y	N	
PART D: PRE-APPLICATION CONSULTATION									
Has there been any pre-application consultation?	Y	N	If Yes, please complete the information below and attach the minutes.						
Official's name			Reference number				Date of consultation		
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: **ABSA**

Branch no.: **632005**

Account no.: **01022220981**

Type: **Cheque**

Swift Code: **ABSAZAJCPE-SORTCODE 632005**

VAT Registration Nr: **4630193664**

E-MAIL: ronel@george.org.za

***Payment reference:** GRG.....or Erf nr:

PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

- **Subdivision of Boven Lange Valley 189/89 in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) in a Portion A (±3.0058ha) and Remainder (±3.6720ha).**

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

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

Is the following compulsory information attached?

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

Minimum and additional requirements:

Y	N	N/A	Conveyancer's Certificate	Y	N	N/A	Land Use Plan / Zoning plan
Y	N	N/A	Proposed Subdivision Plan (including street names and numbers)	Y	N	N/A	Phasing Plan
Y	N	N/A	Consolidation Plan	Y	N	N/A	Copy of original approval letter (if applicable)
Y	N	N/A	Site Development Plan	Y	N	N/A	Landscaping / Tree Plan
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Copy of Environmental Impact	Y	N	N/A	1 : 50 / 1:100 Flood line

			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)				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
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes	Y	N	N/A	Other specify)

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

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

Applicant's signature: _____



Date: _____

December 2020

Full name: _____

MARLIZE DE BRUYN

Professional capacity: _____

PROFESSIONAL PLANNER

SACPLAN Reg. Nr: _____

A/1477/2011

FOR OFFICE USE ONLY

Date received: _____

Received by: _____

Receipt number: _____

Date application
complete _____

ANNEXURES

Please do not submit these Annexure exemplars with the application form.

Annexure A: Exemplar of locality plan (consult guidelines for precise requirements)

Annexure B: Application submission checklist

Annexure C: Exemplar of typical layout plan (consult guidelines for precise requirements)

Annexure D: Examples of required documents