

SWAN LAKE ECO ESTATE

SITUATED ON

Remainder of the Farm Swan Lake 755

Aston Bay

TOWN PLANNING REPORT



VPM PLANNING

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2/20/2019



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1. INTRODUCTION

VPM Planning has been appointed by Cape EAPrac Environmental Consultants to prepare a Town Planning Report to support the Environmental Impact Assessment (EIA) Report to be submitted for the extension of the environmental authorisation in terms of the National Environmental Management Act, 1998 (NEMA) in respect of listed activities that have been triggered by the planned development on the Remainder of Farm 755.

The purpose of this document is to report on the existing land use rights and constraints on the property and to assess the need and desirability of the project in terms of the planning policies and principles contained in National, Provincial and Municipal Spatial Development Frameworks applicable to the area.

2. BACKGROUND

The planning of the development of the Swan Lake Estate has commenced as far back as 2004 when the original Land Use Planning Ordinance application for rezoning and subdivision was submitted to the Kouga Municipality.

At the time, a simultaneous application was also made to the Department of Economic Development and Environmental Affairs for environmental authorisation in terms of the (then) Environmental Conservation Act (73 of 1989). The Record of Decision (ROD) was issued in March 2009.

The Kouga Council approved the Subdivision and Rezoning of the Remainder of the Farm Swanlake No 755, Aston Bay, in July 2009. The application involved the subdivision of the farm into 7 portions and the rezoning of the subdivided portions in accordance with Plan Nr JEF/4026/08 (attached as Diagram 3). The letter of approval is attached as “Annexure A”.

A further subdivision of the remainder occurred at the same time but under a different approval. Erven 1579 and 1580 was subdivided off the remainder and separate S.G. diagrams were created in accordance with a referenced Section 25 of LUPO approval (see “Annexure D”). The approved diagrams are attached. The diagrams have however not been registered. For practical purposes, these two cadastral entities have been excluded from the amended development plan. When the land owner wants to develop this land, new planning and environmental applications will be submitted.

One of the conditions of the approval requires that a detailed Site Development Plan be submitted. A detailed site development plan was prepared by IDC consultants (see Diagram 4) but, as far as we can ascertain, this plan was never submitted for further municipal approval. It is the intention to submit a formal subdivision application in terms of the new Kouga Spatial Planning and Land Use Management By-law once the necessary environmental authorisations have been confirmed.

3. PROPERTY INFORMATION

3.1 LOCALITY

The property is situated in the Kouga Municipality, directly north-west of the Aston Bay township. (See Diagram 1: Locality Plan). The property can be access thought Dolphin Drive which forms part of the existing Aston Bay road network.

3.2 PROPERTY DESCRIPTION

Title Deed Description:	Remainder of the Farm No. 755, in the Kouga Municipality and Administrative District of Humansdorp, Easter Cape Province
21 Digit code	C03400000000075500000
Title Deed Number:	T 7271/1990 old Deed, a new Title Deed nr will be available soon
S.G. Diagram Nr:	11149/71
Title Deed Restrictions:	None relevant to this application
Property Size:	±39.5 ha (development area 38.2ha) -excl. erven 1580 &1579
Property Owner:	Arctismart Property Limited 2017/087939/07
Bonds:	None
Zoning:	Sub-divisional Area
Land Use	Vacant

PRIMARY RIGHTS

The primary rights of the property are confirmed as “Sub-divisional Area” that allows subdivision into

154 residential units or
±4 units per ha

CONDITIONS OF APPROVAL

3.3 ZONING

The Remainder (which forms the subject of this report) measures ±38.2ha and obtained a "Subdivision Area" zoning with a residential density of 154 units or ±4 units per ha according to the approved Subdivision Plan (JEF/4026/08 dated May 2009). This subdivision and zoning was confirmed with the registration of the subdivided portions in 2010.



Fig 1. Abstract from the Kouga Zoning Scheme indicating the “sub-divisional area” zoning

Furthermore, in August 2016 a legal opinion was obtained from Advocate R G Buchanan Sc confirming that the zoning of the land is still valid as sufficient “utilisation” of the properties has occurred to prevent any “lapsing” of approvals already granted (see Annexure B). In a letter dated 20 September 2016, the Kouga Municipality provided a written confirmation of agreement of the views expressed in the said legal opinion (See Annexure C).

3.3 CONDITIONS OF APPROVAL

The subdivision of the Remainder of the Farm 755 was approved in accordance with an endorsed Subdivision Plan (JEF/4026/08 dated May 2009- Diagram 3 attached). This plan indicates the Zoning of the Remainder to be “Subdivisional Area” with a residential density of 4 units per ha. The number of units has also been stipulated as 154.

The Zoning is subject to conditions of approval as set out in Council resolution 09/06/WTP9 par iii) a – n

Condition of approval	Status
a) That the subdivision be in accordance with Diagram JEF/4026/08 dated May 2009;	SG Diagrams were prepared and registered in accordance with this plan. See Annexure D
b) The applicant shall immediately after the Surveyor General approves the subdivision diagrams, submit copies of the diagram to Council;	This has been done in 2009, see Annexure D
c) That a detailed SDP indicating all structures, entrances, services and an engineering report regarding the requirements for the provision of water, sewerage, electricity, storm water and parking, be submitted for council for approval;	This has not been done as this layout will be subject to the ROD that has now lapsed. An engineer has been appointed to prepare the Engineering Report.
d) That no deviation of the approved SDP be allowed or reflected in the building plans submitted for approval	Noted, this is applicable to implementation phase.
e) That Service agreement with regard to bulk services fees be entered with Council and signed by all parties and that bulk service fees be paid in full prior to submission of building plans	Engineers have been appointed to deal with this matter.
f) That bulk service fee payable will be determined in accordance with the financial budget of the year in which it is paid.	Noted
g) That the Section 8 Zoning Scheme Regulations be applicable.	Noted
Condition h) – l) relate to provision of services and will be dealt with in the service report;	These conditions will have to be addressed in an Engineering Report and detailed Engineering designs that will follow.
m) that the applicant complies with the conditions as stipulated by the Roads Department;	We were unable to obtain any such prior conditions. The new layout will be circulated to the relevant department for further input.

n) That the applicant complies with conditions as stipulated by the DEDEA contained in their record of Decision dated 30 March 2009;	Conditions that have a direct impact on the land use and layout of the development is discussed in more detail in par 5.2.3
o) That the applicant complies with conditions stipulated by the Department of Agriculture;	We were unable to obtain any such prior conditions. Since the property is no longer zoned for agricultural purposes, further comment from this department is not required.
p) That in the event of the Council requiring an electrical or any other service servitude, the developer will accede to the registration of such servitudes without compensation;	The requirements for service servitudes will be addressed on the submission of the final subdivision plan, in correlation with the detailed engineering services plan.

4. PROPOSAL

Density

3 units per ha

The planned development will consist of a residential development consisting of 35 residential “footprint units” of 400m² in size with a limited development area of 250m² (as approved in the ROD) and 84 normal residential erven, as indicated on the revised Layout plan RE/755 rev 10. Previously the ROD approved 122 of these stands. The density of the development calculates to 3 units per ha, which is lower than the maximum density of 4 units per ha.

Access

The development consists of 2 distinct nodes, each with its own access from the exiting abutting road network. These access point has been assessed by the project engineers in terms of safe sight distances. The internal road network has been amended to minimise roads where possible. Access roads in the sensitive areas will only be 3m wide and will be designed in such a way as to avoid any sensitive vegetation. Road width in the normal residential section will be limited to 6m which will also include other engineering services.

Footprints

All the residential footprints and services have been places in such a way as to not encroach onto the no-go areas that was establish during the previous environmental assessments. As a result, most of the development footprint is limited to the north eastern and south western portions of the site, leaving the rest of the property as a large intact natural area that will be protected as formal conservation area. This nodal approach will minimize habitat fragmentation and will maintain landscape connections and ecological processes.

Furthermore, additional vegetation assessment was done by Dr David J Mc Donald in September 2017 and the layout was further amended to avoid any areas of special concern and protected species as identified on site.

The flood line was also re-evaluated by IXengineers and the footprints were removed from area near the flood line.

Services

Infrastructure provision will be reported on by the Project Engineer. When the application was approved in 2009, the Municipality did at the time confirm that bulk services would be available.

5. NEED & DESIRABILITY OF THE PROPOSED UTILISATION OF LAND

The **need for and desirability** of a development proposal forms a **key component** of any **development application**. The Environmental Impact Assessment Regulations, 2014 states that when considering an application, the competent authority must have regard, the need for and desirability of the undertaking of the proposed activity.

5.1 THE NEED FOR A RESIDENTIAL DEVELOPMENT

5.1.1 ESTIMATE POPULATION GROWTH

The Socio-economic profile of the Kouga Municipality provides a clear indication of human needs and demands on service delivery, housing, land and development.

According to the Kouga Spatial Development Framework (2015), population growth rates for Kouga Local Municipality is one of the highest in the Eastern Cape, with Humansdorp and Jeffreys Bay, showing the highest growth. The population has grown exponentially over the last 20 years and the Municipality is regarded as one of the major growth points and catalysts for population influx. It is anticipated that the population will grow at approximately 3.2% per annum with an estimated 2021 population of approximately 137 981. At this rate, households will increase to 39 423, or additional 11 768 households before 2021.

Population growth estimates are one of the key principles for future land identification, urban edge delineation, service provision and land use planning. The Kouga SDF has taken the future population growth into account and have earmarked certain areas for future residential extension. While most of housing need is admittedly in the low-income category, extension for middle and high-income housing areas has also been made available as part of an integrated strategy to attract people with high skill levels, increase the rates base, promote local economic development and to ensure a variety of housing types.

5.1.2 ECONOMIC GROWTH

One of the main aims of the Kouga SDF is to promote economic development and proactive planning to ensure economic growth. According to the SDF, the construction industry dominated employment in the secondary sector, representing an average of 66.8 %. To boost economic growth and attract private investment, the Municipality has identified certain areas for development that will not only encourage employment in the construction sector but will also create the spin off benefits of a growing upper middleclass population that will increase the spending patterns in the local economy.

5.2 THE DESIRABILITY OF THE SITE FOR A RESIDENTIAL DEVELOPMENT

5.2.1 EXISTING RIGHTS

The planned development is in line with the primary zoning rights granted and it can therefore be argued that the desirability of the land use and density has already been considered and confirmed. Presently, the desirability considerations should therefore focus in the layout itself, as the land use rights have already been established through the SDF and the Zoning of the land.

The scale of the current proposal has been significantly reduced. The amended proposal comprises of 119 residential opportunities and the granted zoning rights allows for 154 units. The prescribed density is 4 units per ha and the development density currently calculates to approximately 3.

5.2.2 BIO -PHYSICAL SITE CONDITIONS

In this context, desirability relates to design of the development in relation to spite specific conditions. The biophysical site characteristics and surrounding land uses plays a role in this regard.

The site is relatively sensitive as it contains pockets of indigenous vegetation and flood lines. The property measures ±38.2ha , and as indicated on the Development footprint plan, more than 75% of the property, has been earmarked for conservation purposes. The planned development responds well to the bio-physical site conditions and does not encroach onto areas of very high sensitivity, which include protected vegetation and areas below the flood line or areas that has been identified as no-go areas. The

amended layout complies with all the conditions set out in the original Environmental Authorisation and Rezoning approval.

Presently the site is not maintained and appear to be a no-mans land used for illegal dumping and hiding place for criminals. The land in its present form is a security risk for the adjacent neighbourhood and, being adjacent to the existing urban fabric, vulnerable to illegal occupation.

The proposal to develop the land is desirable in the sense that a formal conservation status will be granted and that the residential component will ensure an ongoing rehabilitation and enjoyment of the natural area.

5.2.3 SURROUNDING AREA

The Remainder of Farm 755 is situated directly adjacent to an existing residential area, allowing easy access to roads and service. The Aston Bay area to the south east is a low density residential character. To the north the farm borders on the undeveloped phases of the Jubilee Estate that was planned to include a golf course and retirement village. To the east and west the remainder of the farm is surrounded by undeveloped farm portions that also obtained a " Sub-divisional - Area" zoning and which are also earmarked for future urban expansion, as indicated on the Kouga Spatial Development Framework 2015.

5.2.4 COMPLIANCE WITH THE CONDITIONS OF APPROVAL SET OUT BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS

One of the Rezoning Conditions of approval is that a detailed Site Development plan be submitted and that this plan comply with the Conditions of the environmental approval. The desirability of the project can be measured against compliance with these conditions.

The record of decision that was issued in March 2009 relates to all 7 portions that formed the Remainder of Farm 755. This application only relates to the Remaining portion as indicated on the Subdivision Plan.

The ROD stipulates a density of 35 development footprints and 122 erven for this portion. It is further state that the conditions contained in the ROD will change the number and position of the different type of units.

Par 8.2 of the ROD set out specific conditions to establishment (inclusive of layout and design) of the residential units and infrastructure.

CONDITIONS 8.2.2.1

No development inclusive of services on areas indicated as being of very high sensitivity;

Vegetation Sensitivity Map

CONDITIONS 8.2.2.2

No erven are to be in high sensitive areas, but the 400m² footprint stands can be considered in these areas;

CONDITIONS 8.2.2.3

Placement of free standing units in high sensitivity areas should be done in such a way that length of access roads is minimised.

Condition 8.2.2. requires an amended layout plan to provide for among others the following:

The vegetation sensitivity is depicted on a map that was included in the “Addendum Environmental Report to the final scoping report of November 2007”. As indicated on the extract of this map (see Figure 2 below), the areas of very high sensitivity (purple) does not occur on the remainder.



Fig. 2 Vegetation sensitivity map used in the Environmental Report approved by the DEDEA.

In the original layout submitted with the Final Scoping Report several of the erven encroached onto the Highly sensitive area (red on the map), although all erven were placed outside the “No Go” areas as stipulated on the Scoping Report. The layout was amended to exclude all residential erven from the high sensitive areas. There are 35 x 400m² footprint stand in the high sensitive area.

The length and width of access road has been minimised as far as possible.

CONDITION
8.2.2.4

No other infrastructure inclusive of playparks to be located in high sensitive areas

Roads will have a limited width of 3m in this area and will include service infrastructure and no other infrastructure has been planned outside the areas as indicated on the maps. There are 2 service stands within the development footprint outside the sensitive area.

CONDITIONS
8.2.2.7

Indicate exact location of free standing footprints must be indicated, inclusive of coordinates

The footprints have been placed and coordinates are available and will be indicated on the final approved layout plan. Minor deviations may occur on site to ensure the absolute minimum disturbance of sensitive vegetation.

CONDITIONS
8.2.2.8

Indicate exact location of other components e.g. roads and services

Roads and services are indicated on the Engineering drawings

CONDITIONS
8.2.2.9

No Infringement of the development into the ecological zone

The ecological zone is indicated on the Layout Plan and the development does not encroach onto this area.

CONDITIONS
8.2.3 & 8.2.4

Individual Free-standing footprints to be restricted to a total footprint of 400m² with development footprint inclusive of decks, paved areas and swimming pools to be limited to 250m².

The footprint sizes are indicated on the amended Layout Plan and should also be included in the Architectural Design Guideline that will form part of the Home Owners Association Rules. The Design Guidelines will have to be approved by the municipality and will form part of the subdivision application.

CONDITIONS 8.2.5

Height restriction of buildings to be 5m above NGL

The building restriction must be included in the Architectural Design Guideline that will form part of the Home Owners Association Rules.

CONDITIONS 8.2.6

Roads in “high sensitive area” to be limited to a width of 3m with pull off bays at intervals

Roads in this area will be 3m in width. Exact position of pull off bays have not been determined and must be designed in more detail as part of the detailed engineering services plan.

CONDITIONS 8.2.13

All open space to be rezoned to “Private Open Space III”.

All open spaces will be zoned “Private Open Space III” and the residential component will be zoned “Residential 1” in terms of the provisions of the Jeffreys Bay Zoning Scheme Regulations.

5.3 CONSIDERATION OF APPLICABLE FORWARD PLANNING DOCUMENTS

Another test of desirability of a project is to measure it against the broader strategic context described in all relevant Spatial Development Frameworks on Local, Municipal, District, Regional, Provincial and National level. In this regard, the application can be evaluated against the Kouga Spatial Development Framework (SDF2015), the Saartjie Baartman Regional Spatial Development Framework, the Eastern Cape Provincial Spatial Development Framework 2015 and the National Development Plan 2030.

5.3.1 NATIONAL DEVELOPMENT PLAN (NDP 2030)

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

Growth and jobs, education and skills, and a capable and developmental state are the main aims of this document.

South Africa is mandated by this Act to be a developmental state. In this light, it will be difficult for any decision-making body to deny any form of economic activity unless there are substantial negative environmental impacts that cannot be mitigated.

The proposal is in line with the aims of the National Development Plan and the country's mandate to be a developmental state.

5.3.2 EASTERN CAPE PROVINCIAL GROWTH DEVELOPMENT PLAN (PDP 2030)

The PDP's strategy draws extensively on the NDP and is also developmental in nature. Elements of the PDP Strategy include:

- The need to increase the overall rate of investment (both public and private).
- Economic infrastructure as a foundation for economic development.
- The need for public investment in infrastructure to “crowd in” private investment. New infrastructure should promote private-sector efficiency and reduce costs. New infrastructure projects should be carefully selected to ensure this.

- An emphasis on partnerships to develop high-potential economic sectors.

The PDP identified seven sectors with high potential for development:

- Agriculture (including forestry and fisheries), particularly intensive and irrigated horticulture.³⁴
- Mining and energy, particularly hydrocarbons (Algoa Bay offshore resources and Karoo shale-gas).
- **Construction** related to large infrastructure, new property developments and the upgrading of human settlements.
- Manufacturing, particularly diversification from automotive into maritime and new-generation products.
- **Tourism, including eco-tourism**, heritage, conferences and sports.
- The social economy, including public works and asset-based community development.
- Knowledge-based services, including R&D, professional services and business services

The Cacadu region has been identified as having a high potential in the tourism/property developments. It has potential as a primary trading hub, with Jeffreys Bay as a growth node.

The PDP acknowledges that a small and slow-growing private sector with low levels of fixed investment has been identified as one of the factors that have contributed to high unemployment in the province, and many of the strategies contained in the document aim to encourage private investment, among others in property development.

The PDP contains Strategic Actions to achieve the identified objectives objectives

Strategic action 1.5.3 specifically deals with promoting grow and develop the construction industry (Pg 78). The strategy is to ensure that the present infrastructure pipeline is properly planned and implemented and to **create enabling conditions for property development** and building a skills base.

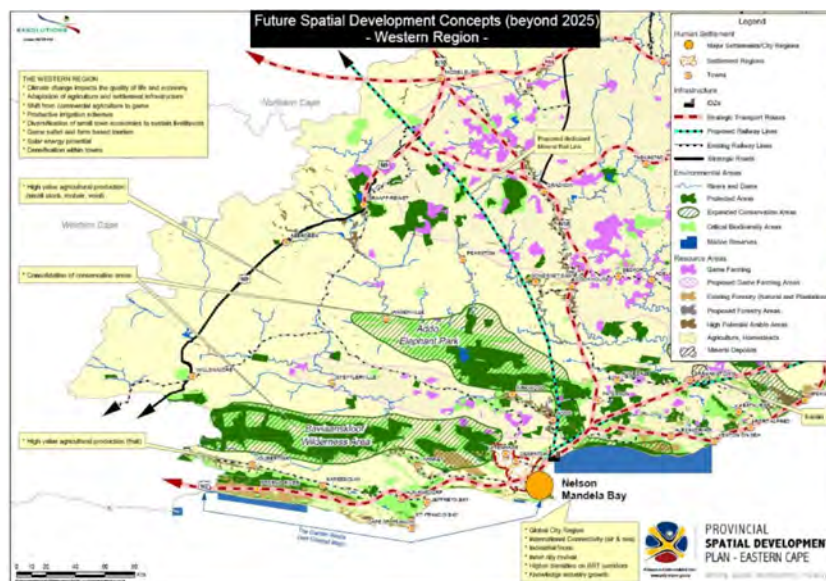
Strategic action 1.5.5 deals with promoting growth and development in the tourism industrysing competitive advantages to grow volume and value of eco-tourism, heritage and sports tourism and improving access infrastructure and build stronger local tourism networks.

The proposal is in line with the am and vision of the Provincial Development Plan. Jeffreys Bay has been identified as growth node with strong potential in the tourism/property development sector.

5.3.4 EASTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT PLAN

The single most important guideline for Municipal land use management and Municipal land use planning is the Provincial Spatial Development Plan (PSDP) for the Eastern Cape. The Plan provides a development vision for the Eastern Cape Province and intends to achieve the following:

- Provision of a co-ordinating provincial spatial framework to direct public sector investment towards a common vision and set of objectives.
- Provision of a broad policy framework to give direction to all other development agencies in the Province regarding the priorities of government.
- Enable public investment programmes to be more efficient.
- Opportunities to create an environment within which communities and the private sector can operate more effectively to achieve sustainable economic growth in the Province.
- Protection of the natural environmental systems.
- Efficient use of resources at Provincial Level.
- Prevention of duplication of effort by different departments and spheres of government.
- Enable District Municipalities and Local Authorities to work within a broad policy framework when preparing and updating Integrated Development Plans (IDP's) and Spatial Development Framework Plans (SDF's).



The PSDP supports the various programmes of the PGDP by providing spatial guidelines to achieve co-ordinated investment of public resources and to achieve the greatest impact possible in agreed shared impact areas.

5.3.3 COMPATIBILITY WITH SAHRA BAARTMAN SPATIAL DEVELOPMENT FRAMEWORK 2013

The Kouga Local Municipality is situated in the Eastern Province and is one of 9 Local Municipalities located within the Sarah Baartman District Municipal area. The District Spatial plan gives guidance to the Local Municipalities to ensure an integration of spatial plans.

The objectives of this spatial plan are:

- The accommodation of the biodiversity resource area footprint and guidelines as set out in the ECPSDF in the Local Municipal SDF's.
- Efficient and integrated spatial development of infrastructure and transport systems.
- A diverse and growing economy supported by sustainably utilised natural resources.
- Managed development of compact and sustainable human settlements with appropriate infrastructure

Jeffreys bay is identified as a primary node in the region. This node reflects a larger urban area with strong administrative financial and residential functions and components. Infrastructure is relatively well developed with supporting social facilities and amenities. Future growth and investment should generally be prioritized in this node, based on growth potential and potential to support local economic development.

The Kouga SDF is aligned with the District Spatial Development Plan.

5.3.4 COMPATIBILITY WITH KOUGA SPATIAL DEVELOPMENT FRAMEWORK (2015)

The Kouga Spatial Development Framework (KSDF) is the most significant Spatial Development Frame that needs to be consulted before any decision about land use is made. The Kouga Spatial Development Framework (KSDF) aims to formulate spatially based policy guidelines whereby changes, needs and growth in the region can be managed to the benefit of the whole community. The SDF guide and inform all decisions of the Municipality relating to use, development and planning of land, within a balanced assessment of need and to provide adequately for social and economic demands within a growing economy and population and is aligned with provincial growth and development initiatives.

The subject property is situated in within the urban edge of Jeffreys bay, in an area that has been earmarked for low density residential development. The previously approved SDF's of 2005 and 2009 also earmarked the area for similar development densities.

The Eastern Cape Biodiversity Plan 2007 earmarks the area as a CBA2 (Terrestrial Critical Biodiversity Area), and for that reason specific development parameters have been assigned to this specific area (identified as area 9)

Development Parameters prescribed for this area include the following:

- Low density residential (10 units per hectare).
- Subject to environmental parameters and low density eco estate or resort based environmental guidelines.
- Environmental impact assessment processes applicable.

The proposal has a low density residential character and will be managed as an eco-estate, with more than 75% zoned for conservation purposes. The development has been subject to an environmental application and received a positive ROD in 2009 and the proposed layout plan has been amended to accommodate all the conditions laid down by the Department.

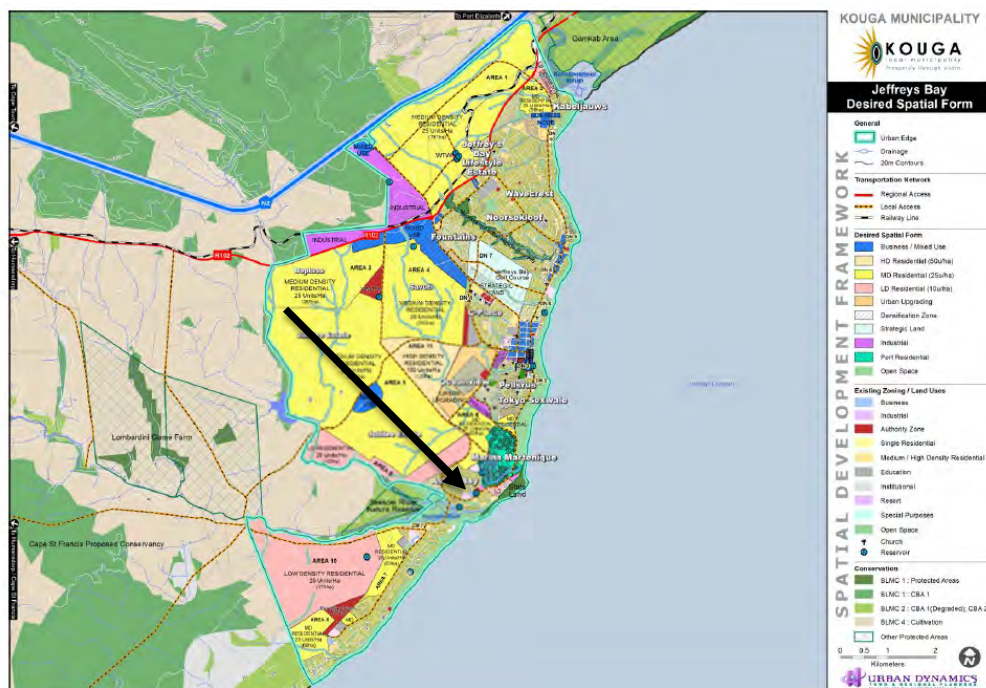


Figure 77 : Jeffreys Bay Desired Spatial Form

Figure 3: Extract from the Jeffrey's Bay SDF



Figure 4: Extract from the Aston bay area

The Proposal is in line with the provisions of the Kouga Spatial Development Framework

6. SUMMARY

ZONING: The zoning the property is zoned “Sub-divisional Area” which allow for the further subdivision of the land, subject to certain conditions. The planned development is aligned with the maximum development density of 4 units per ha as set out in the zoning approval.

ZONING APPROVALS: The zoning of the property is subject to a density restriction of 4 units per ha and the proposal complies with this restriction.

TITLE DEED RESTRICTIONS: There are no restrictions or servitudes in the title deed that prevents the further subdivision of the property.

COMPATIBILITY WITH THE KOUGA SPATIAL DEVELOPMENT FRAMEWORK: The property falls within the Urban Edge and is earmarked for low density residential development (10 units per ha).

COMPATIBILITY WITH THE PROVISIONS OF THE ROD: The development proposal has been altered to comply with the conditions of approval of the ROD that has subsequently lapsed.

Diagram 2 : Aerial Photo

SWAN LAKE ECO ESTATE

SITUATED ON THE REMAINDER OF THE FARM SWANLAKE NO 755
in the Kouga Municipality and Administrative Region of Humansdorp

Legend

- Property Boundary of the Remainder of Farm 755
- High sensitivity vegetation as depicted on Fig. 4.2 of the "Addendum Environmental Report"
- Ecological Zone as depicted on Fig. 6.3 of the "Addendum Environmental Report"
- 1: 100 year Flood line
- No - go Area

400m² footprints with 250m² development area x 35
minimum 500m² Residential erven x 84(122 previously approved)

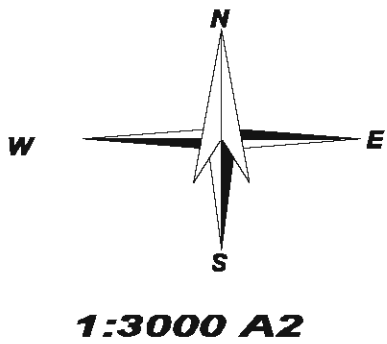
- Service sites x 2
- Service Servitudes
- 3m wide access roads with passing lanes
- 6m wide access roads

ERF		ERF		ERF		ERF	
NUMBER	SQUARE METRES	NUMBER	SQUARE METRES	NUMBER	SQUARE METRES	NUMBER	SQUARE METRES
1	546	31	604	61	608		
2	539	32	660	62	692		
3	547	33	776	63	715		
4	564	34	668	64	618		
5	567	35	620	65	614		
6	540	36	613	66	787		
7	540	37	654	67	700		
8	540	38	650	68	634		
9	540	39	677	69	563		
10	540	40	635	70	514		
11	665	41	661	71	542		
12	539	42	712	72	582		
13	587	43	748	73	795		
14	602	44	660	74	596		
15	583	45	758	75	1123		
16	563	46	853	76	684		
17	607	47	758	77	686		
18	619	48	539	78	769		
19	639	49	638	79	668		
20	753	50	719	80	604		
21	760	51	649	81	626		
22	742	52	602	82	626		
23	597	53	618	83	626		
24	539	54	623	84	624		
25	664	55	659	85	745		
26	570	56	615				
27	629	57	556				
28	594	58	615				
29	638	59	618				
30	560	60	617				

ERF		ERF		ERF		ERF	
NUMBER	SQUARE METRES	NUMBER	SQUARE METRES	NUMBER	SQUARE METRES	NUMBER	SQUARE METRES
1	546	31	604	61	608		
2	539	32	660	62	692		
3	547	33	776	63	715		
4	564	34	668	64	618		
5	567	35	620	65	614		
6	540	36	613	66	787		
7	540	37	654	67	700		
8	540	38	650	68	634		
9	540	39	677	69	563		
10	540	40	635	70	514		
11	665	41	661	71	542		
12	539	42	712	72	582		
13	587	43	748	73	795		
14	602	44	660	74	596		
15	583	45	758	75	1123		
16	563	46	853	76	684		
17	607	47	758	77	686		
18	619	48	539	78	769		
19	639	49	638	79	668		
20	753	50	719	80	604		
21	760	51	649	81	626		
22	742	52	602	82	626		
23	597	53	618	83	626		
24	539	54	623	84	624		
25	664	55	659	85	745		
26	570	56	615				
27	629	57	556				
28	594	58	615				
29	638	59	618				
30	560	60	617				

NOTES:
Sizes and dimensions are approximate
and subject to final survey.
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AMENDED SITE DEVELOPMENT PLAN IN ACCORDANCE WITH CONDITIONS CONTAINED IN RDP ECOM/172/04 ISSUED BY THE EASTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS,
DATED 31 MARCH 2003



RE/755 SWANLAKE

DRAWN BY : LIZEMARIE BOTHA

DRW NR:RE/755/AM/rev8

DATE: 1 October 2018

project:
**Proposed Subdivision & Rezoning
 of Remainder of the Farm Swan
 Lake 755 Aston Bay
 (Jeffreys Bay)**



PROPOSED SUBDIVISIONAL AREA DENSITIES

PTN	AREA HA	UNITS	ZONING	RESIDENTIAL DENSITY
1	16.35	139	SUBDIVISIONAL AREA	8.5 UNITS/HA
2	9.12	-	AGRICULTURE	-
3	0.46	-	AGRICULTURE	-
4	22.13	A 30	SUBDIVISIONAL AREA	A 1.4 UNITS/HA
	4.21	B 16		B 4.0 UNITS/HA
5	9.34	56	SUBDIVISIONAL AREA	6.5 UNITS/HA
6	1.88	-	PUBLIC ROAD	-
REM	38.56	152	SUBDIVISIONAL AREA	4.0 UNITS/HA



- legend / key notes
- Subject Areas
 - Old Jeffrey's Bay Municipal Boundary
 - Subdivisional Area

Subdivision	Proposed Zoning	Area
 Portion 1	Subdivisional Area	16.35Ha
 Portion 2	Agriculture	9.12Ha
 Portion 3	Agriculture	0.46Ha
 Portion 4	Subdivisional Area	26.34Ha
 Portion 5	Subdivisional Area	9.34Ha
 Portion 6	Public Road	1.88Ha
 Remainder	Subdivisional Area	38.56Ha
Total		102.05Ha

- Notes:
- Permitted number of units for subdivisional areas determined in terms of the RoD for portions 1, 4, 5 & remainder.
 - Confirm Public Road for Portion 6.
 - Retain existing zoning for portions 2 & 3.

drawn by A. Human	date June 2009	designed by A. Rousseau	date June 2009
scale Not to Scale			

client:
Buchner Trust

service provider:



METROPLAN
 TOWN AND REGIONAL PLANNERS
 P.O. Box 12313, Centraal, 6006 - 7 Upper Dickens Street, Centraal,
 Port Elizabeth, 6001 - Tel: +27 (041) 373-1843
 Fax: +27 (041) 373-1838 E-mail: plan@metroplan.co.za

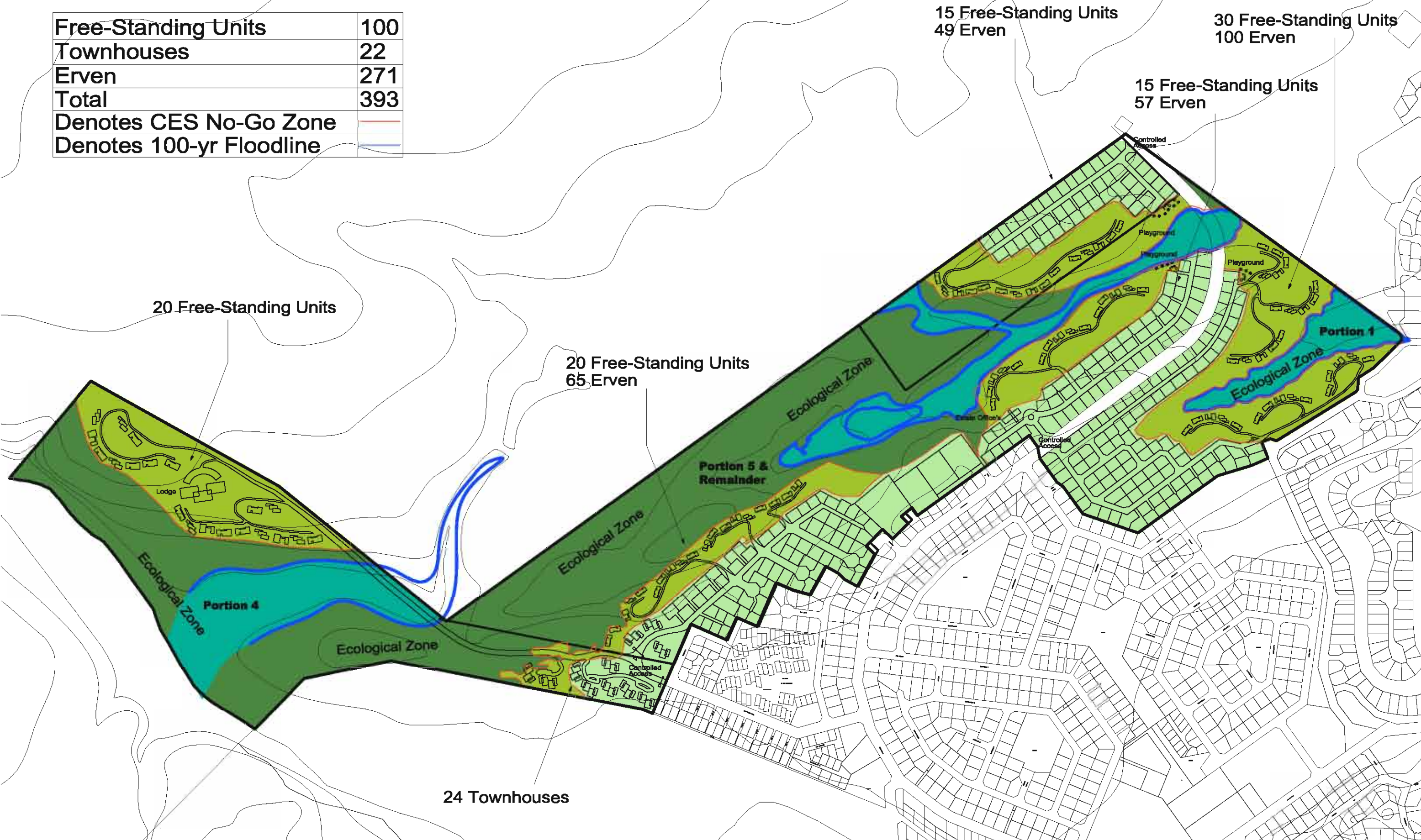
drawing title:
**Proposed Subdivision &
 Subdivisional Area Density**

drawing number
JEF/4026/08

revision no.
4



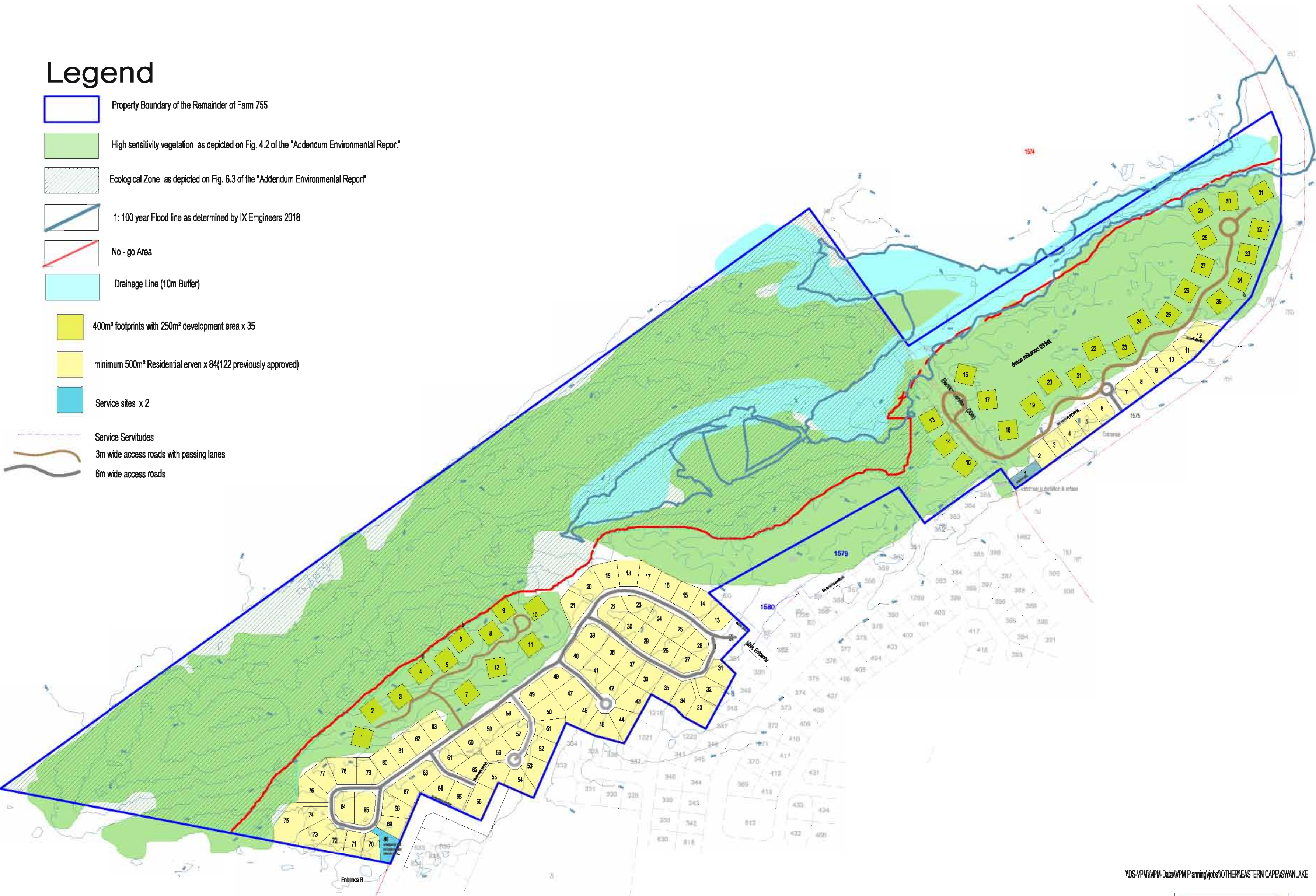
Free-Standing Units	100
Townhouses	22
Erven	271
Total	393
Denotes CES No-Go Zone	
Denotes 100-yr Floodline	



Buchner Trust - Unit Layout

Legend

- Property Boundary of the Remainder of Farm 755
- High sensitivity vegetation as depicted on Fig. 4.2 of the "Addendum Environmental Report"
- Ecological Zone as depicted on Fig. 6.3 of the "Addendum Environmental Report"
- 1: 100 year Flood line as determined by IX Emgineers 2018
- No - go Area
- Drainage Line (10m Buffer)
- 400m² footprints with 250m² development area x 35
- minimum 500m² Residential erven x 84(122 previously approved)
- Service sites x 2
- Service Servitudes
- 3m wide access roads with passing lanes
- 6m wide access roads



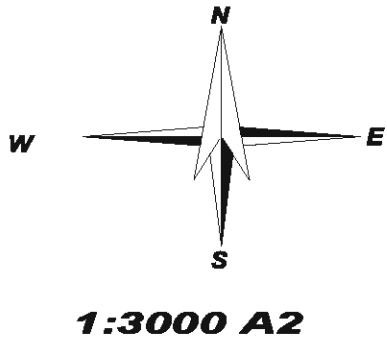
SWAN LAKE ECO ESTATE

SITUATED ON THE REMAINDER OF THE FARM SWANLAKE NO 755
in the Kouga Municipality and Adiministrative Region of Humansdorp

ERF NUMBER	SQUARE METRES	ERF NUMBER	SQUARE METRES	ERF NUMBER	SQUARE METRES
2	546	31	604	61	608
3	539	32	660	62	692
4	547	33	776	63	715
5	564	34	668	64	618
6	567	35	620	65	614
7	540	36	613	66	767
8	540	37	654	67	700
9	540	38	650	68	634
10	540	39	677	69	563
11	665	40	635	70	514
12	539	41	661	71	542
13	587	42	712	72	582
14	602	43	748	73	795
15	583	44	660	74	596
16	563	45	758	75	1123
17	607	46	853	76	684
18	619	47	758	77	686
19	639	48	539	78	769
20	753	49	638	79	668
21	760	50	719	80	604
22	742	51	649	81	626
23	597	52	602	82	626
24	539	53	618	83	626
25	664	54	623	84	624
26	570	55	659	85	745
27	629	56	615	Service sites	
28	594	57	556		
29	638	58	615	1	535
30	560	59	618	86	600
		60	617		

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AMENDED SITE DEVELOPMENT PLAN IN ACCORDANCE WITH CONDITIONS CONTAINED IN ROD E008M/172-04 ISSUED BY THE EASTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS,
DATED 31 MARCH 2008







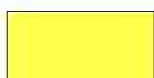
RE/755 SWANLAKE

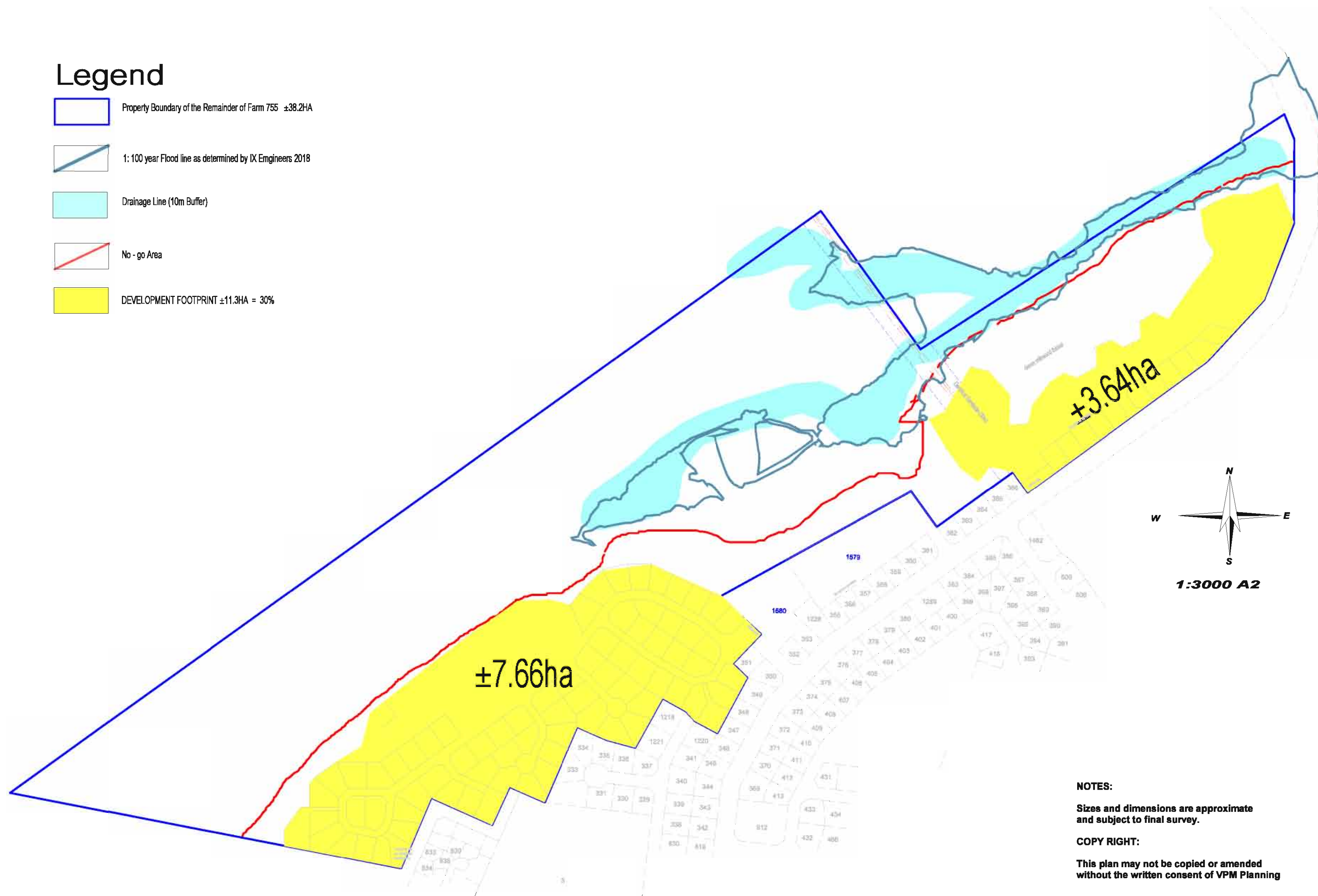
DRAWN BY : LIZEMARIE BOTHA

DRW NR:RE/755/AM/rev10

DATE: 15 February 2019

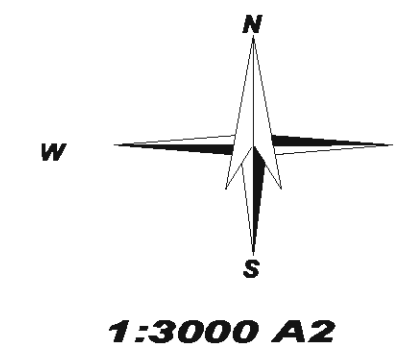
Legend

-  Property Boundary of the Remainder of Farm 755 ±38.2HA
-  1: 100 year Flood line as determined by IX Engineers 2018
-  Drainage Line (10m Buffer)
-  No - go Area
-  DEVELOPMENT FOOTPRINT ±11.3HA = 30%



SWAN LAKE ECO ESTATE

SITUATED ON THE REMAINDER OF THE FARM SWANLAKE NO 755
in the Kouga Municipality and Adiministrative Region of Humansdorp



NOTES:

Sizes and dimensions are approximate
and subject to final survey.

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Diagram 6 Development Footprint



RE/755 SWANLAKE

DRAWN BY : LIZEMARIE BOTHA

DRW NR:RE/755/AM/rev10

DATE: 15 February 2019



KOUGA
local municipality
Prosperity through vision

Jeffreys Bay
Laarjie
Thomhill

PO Box 21
Jeffreys Bay
6330

Tel: 042 293 1111
Fax: 042 293 1114

Humansdorp

PO Box 26
Humansdorp
6300

Tel: 042 295 1111
Fax: 042 291 0567

St Francis Bay
Cape St Francis
Oyster Bay

PO Box 137
St Francis Bay
6312

Tel: 042 294 0309
Fax: 042 294 0108

Hankey

PO Box 3
Hankey
6350

Tel: 042 284 0302
Fax: 042 284 0259

Patensie

PO Box 129
Patensie
6335

Tel: 042 283 0257
Fax: 042 283 0563

Ref nr: EVDM/sg/R755

21 July 2009

Metroplan
Town and Regional Planners
PO Box 12313
CENTRAHIL
6006

Sir

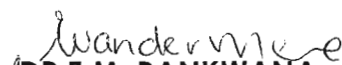
**APPLICATION FOR SUBDIVISION AND REZONING : REMAINDER OF THE FARM
SWANLAKE NO. 755, HUMANSDORP**

I refer to your application dated September 2004.

Attached please find a copy of Council Resolution 09/06/WTP9 dated 8 July 2009 whereby the above-mentioned application was approved subject to the conditions as contained in the said Resolution.

Attached endorsed diagrams.

Yours faithfully


DR E.M. RANKWANA
MUNICIPAL MANAGER

Refer : E. van der Merwe (042-2002279)

**09/06/WTP9 APPLICATION FOR THE SUBDIVISION AND REZONING OF THE
REMAINDER OF THE FARM SWANLAKE NO 755, HUMANSDORP (R755)**

Resolved: (8 July 2009)

- i) That the application for the subdivision of the Remainder of the Farm Swanlake no 755, division of Humansdorp, into seven portions be approved in terms of Section 25 of Ordinance 15 of 1985.
- ii) That the application for the rezoning of the subdivided portions in accordance with diagram JEF/4026/08 dated May 2009 in terms of Section 17 and read in conjunction with Section 22 of the land Use Planning Ordinance, 1985 be approved as follows:

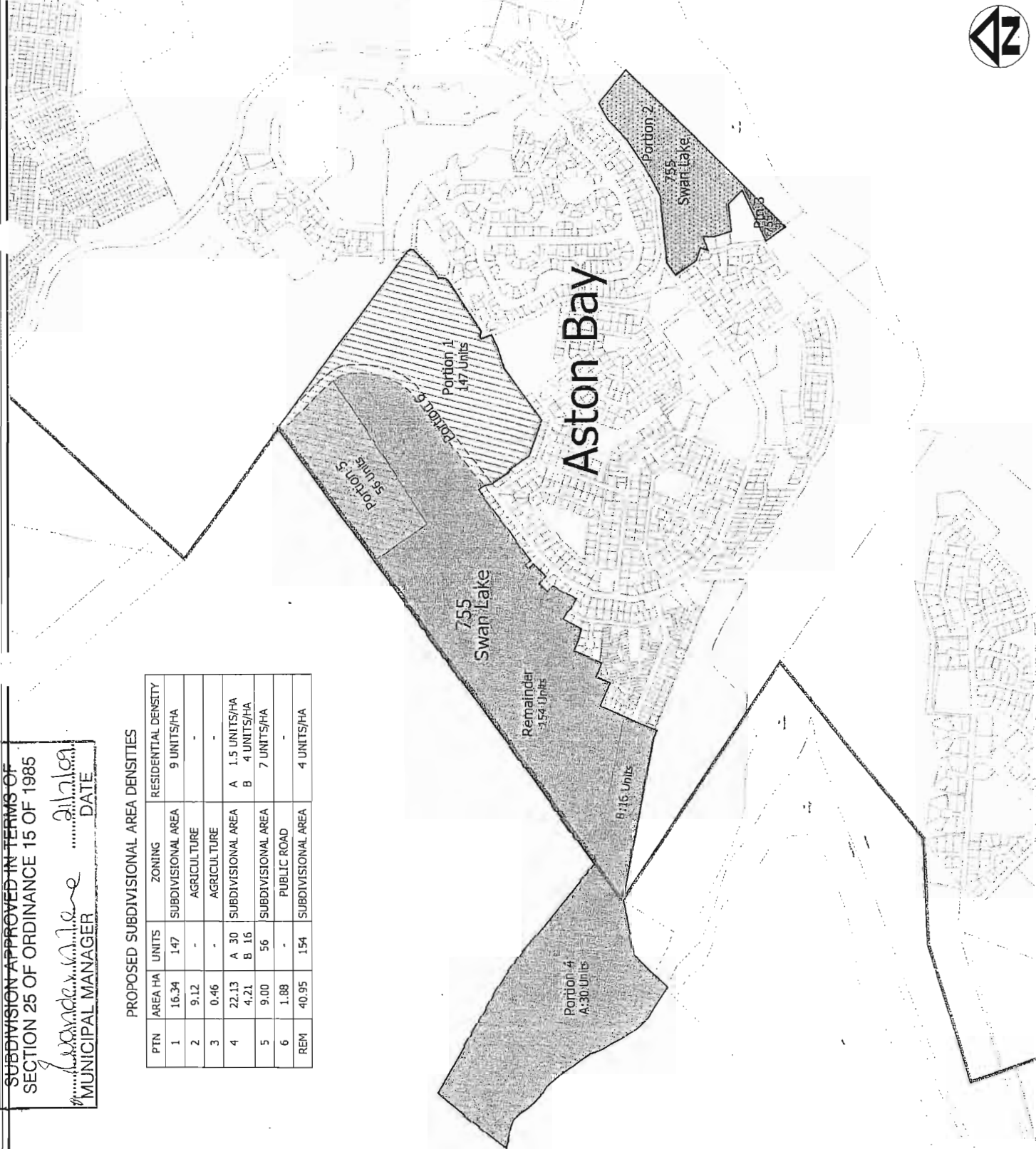
PORTION	AREA (ha)	ZONING
1	16.34	Subdivisional area
2	9.12	Agriculture 1
3	0.46	Agriculture 1
4	26.34	Subdivisional area
5	9.0	Subdivisional area
6	1.88	Transport Zone II
Remainder	40.95	Subdivisional area

- iii) That the applications as mentioned in paragraphs (i) and (ii) above be approved subject to the following Section 42 conditions:
 - a) That the subdivision be in accordance with diagram Jef/4026/08 dated May 2009.
 - b) The applicant shall immediately after the Surveyor General approves the subdivision diagram, submit a copy of the diagrams to the Council.
 - c) That a detailed Site Development Plan (SDP) indicating all structures, entrances, services and an engineering report regarding the requirements for the provision of water, sewerage, electricity, stormwater and parking, be submitted to Council for approval.
 - d) That no deviation from the approved SDP be allowed or reflected within the building plans submitted for approval.
 - e) That a services agreement with regard to bulk services fees be entered into with Council and signed by all parties and that all bulk services fees be paid in full prior to the submission of building plans.

- f) That bulk services fees payable be determined in accordance with the financial budget of the year in which it is paid;
- g) That the Section 8 Zoning Scheme Regulations be applicable.
- h) That the owner be responsible for the installation of electrical services according to the standard guidelines for electrification of townships as approved by Council;
- i) That the owner provides proper storm water drainage to comply with the requirements of the Council;
- j) That the owner be responsible for all cost (that may escalate) in respect of services, services connections and augmentation / services contribution fees as determined by the Council;
- k) That the various rates and levies to be paid by the owner/developer in future, be determined by the Council in terms of relevant legislation and policies as determined by the Council;
- l) That all engineering services comply with the requirements of the Council;
- m) That the applicant / developer comply with the conditions as stipulated by the Department of Roads;
- l) That the applicant / developer comply with the conditions as stipulated by the Department Economic Development & Environmental Affairs as contained in their Record of Decision no EC08/M/141-06 dated 30 March 2009;
- m) That the applicant / developer comply with the conditions as stipulated by the Department of Agriculture.
- n) That in the event of the Council requiring an electrical or any other services servitudes, the developer will accede to the registration of such servitude without compensation.

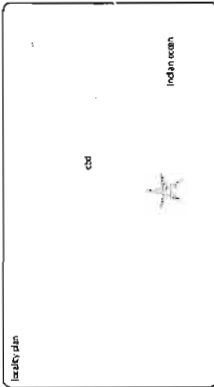
PROPOSED SUBDIVISIONAL AREA DENSITIES

PTN	AREA HA	UNITS	ZONING	RESIDENTIAL DENSITY
1	16.34	147	SUBDIVISIONAL AREA	9 UNITS/HA
2	9.12	-	AGRICULTURE	-
3	0.46	-	AGRICULTURE	-
4	22.13 4.21	A 30 B 16	SUBDIVISIONAL AREA	A 1.5 UNITS/HA B 4 UNITS/HA
5	9.00	56	SUBDIVISIONAL AREA	7 UNITS/HA
6	1.88	-	PUBLIC ROAD	-
REM	40.95	154	SUBDIVISIONAL AREA	4 UNITS/HA



project

Proposed Subdivision & Rezoning of Remainder of the Farm Swan Lake 755 Aston Bay (Jeffreys Bay)



Subject Areas

Old Jeffrey's Bay Municipal Boundary

Subdivisional Area

Subdivision	Proposed Zoning	Area
Portion 1	Subdivisional Area	16.34Ha
Portion 2	Agriculture	9.12Ha
Portion 3	Agriculture	0.46Ha
Portion 4	Subdivisional Area	22.13Ha
Portion 5	Subdivisional Area	4.21Ha
Portion 6	Subdivisional Area	9.00Ha
Remainder	Public Road	1.88Ha
	Subdivisional Area	40.95Ha
Total		104.09Ha

Notes:

- Permitted number of units for subdivisional areas determined in terms of the RoD for portions 1, 4, 5 & remainder.
- Confirm Public Road for Portion 6.
- Retain existing zoning for portions 2 & 3.

drawn by

A. Human

date

May 2009

designed by

A. Rousseau

date

May 2009

scale

Not to Scale

client

Buchner Trust

service provider

METROPLAN

TOWN AND REGIONAL PLANNERS

P.O. Box 12313, Centurion, 4004 - 7 Upper Deckers Street, Centurion

Port Elizabeth, 6001 - Tel: +27 (0)11 373-1843

Fax: +27 (0)11 373-1838 E-mail: metroplan.co.za

drawing title

Proposed Subdivision & Subdivisional Area Density

drawing number

JEF/4026/08

revision no.

2

Tel: 041-813 1755 (Direct)
Tel: 041-811 6000 (Switchboard)
Fax: 041-5852818
Cell: 082 652 5410
Email: buchanan@aerosat.co.za

R G BUCHANAN SC

The Club
12 Bird Street
Central
PORT ELIZABETH
6001

IN RE:

BUCHNER GROUP OF COMPANIES / KOUGA MUNICIPALITY

O P I N I O N

1. The Buchner Group of Companies applied for and were granted rezoning and subdivisional approvals in respect of the following developments:
 - 1.1. The Fountains Industrial Park.
 - 1.2. A retirement village.
 - 1.3. The Swan Lake Development.
2. During 2014 applications were made on behalf of the Buchner Group for the extension of the aforesaid zoning and subdivisional rights, in respect of all three developments, in terms of Section 16(1) of the Land

Use Planning Ordinance (LUPO), as read together with Section 22 of LUPO.

3. The Kouga Municipality granted such extensions in respect of all three developments.
4. Section 16(2) of LUPO is to the following effect:

"(2)(a) A rezoning in respect of which the application has been granted by virtue of the provisions of subsection (1) shall lapse –

(i) if the land concerned is not, within a period of two years after the date on which the application for rezoning was granted, utilised as permitted in terms of the zoning granted by the said rezoning;

(ii) where it has been so granted for the purposes of section 22, if a relevant application for subdivision in accordance with the rezoning concerned is not made in terms of Section 24 within a period of two years after the date on which the application for rezoning was granted; or

(iii) *where such application for subdivision was indeed so made, but the subdivision concerned or part thereof is not confirmed,*

Unless either the Administrator or, if authorised thereto by the provisions of the structure plan concerned the council extends the said period of two years, which extension may be granted at any stage."

5. The "lapsing" of a rezoning and subdivisional approval does not and cannot occur where the land concerned is *"utilised as permitted in terms of the zoning granted by the said rezoning"*.

6. In the **Waenhuiskrans** the High Court held as follows:

"[138] It follows that the mere intention on the part of the owner to conduct a particular activity on any land, or to use it for any purpose, is incapable of constituting the use thereof for the purposes of its zoning. It is only when the intention manifests in some outwardly visible manifestation on the property that one can determine what it is being used for."

7. *Prima facie* it seems to me that the aforesaid test is perhaps overstated.

8. In the ***Waenhuiskrans*** case the Court relied upon the earlier decision by Thring J in ***Hangklip Environmental Action Group v MEC Environmental Affairs*** 2007(6) SA 65 (C) at 72. That case was however concerned, not with Section 16 of LUPO but with Section 14 thereof and also the Court in that case had regard to the definition of a utilisation in Section 1 of LUPO which is to the following effect:

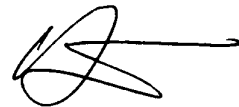
" 'Utilisation', in relation to land, means the use of land for a purpose or the improvement of land, and 'utilise' has a corresponding meaning."

9. It would seem therefore that what is envisaged is that the land must be "used" for a purpose or the improvement thereof.
10. With respect it does not seem to me that "*improvements*" can or should be limited to some "*outwardly visible manifestation on the property*".
11. The improvement of property can surely and should surely include steps taken to enhance the value of the land and to take advantage of the rezoning and subdivision, for example, by the approval of subdivisional plans and diagrams, the approval of bulk services, the obtaining of environmental authorisations and the like.
12. In the present instance I have been advised that, in respect of all three developments, significant and important steps had been taken in order

to facilitate the actual and eventual construction of buildings on the respective sites.

13. Thus, for example, general plans have been approved, servitudes granted in favour of the Municipality in certain cases (albeit that such servitudes are still to be registered) and, in respect of the industrial park, a reservoir has been built and sewerage connections have been established.
14. Furthermore important and far reaching environmental authorisations have been obtained by way of the granting of appropriate Records of Decisions (ROD's) having regard to the nature of the developments ultimately to be erected on the relevant sites. This is particularly the case with regard to Swan Lake where sensitive areas are clearly demarcated and excluded from development in accordance with the ROD which has been obtained in respect of that particular site. In respect of Swan Lake a section of the property has been sold off to a third party and transfer has been effected.
15. With regard to the retirement village I have also been advised that servitudes in favour of the Municipality have been approved and bulk services are available.

16. The overall purpose of providing for the lapse in the "*lapsing*" of rezonings and subdivisions where land is not "*utilised*" within the defined period seems clear.
17. Municipalities do not wish developers simply to obtain approvals and then to take no steps to develop the properties.
18. The actual development and "*utilisation*" of properties in respect of which rezoning and subdivisions have been approved is however, almost inevitably, a process which takes time and certainly usually longer than two years.
19. In my view it could never have been the intention of the legislature to provide for a "*lapsing*" when the developer has taken significant, important, and costly steps to facilitate the ultimate conclusion of the development, albeit that buildings may not yet be erected on site. After all the actual erection of buildings, offices, shops etc is inevitably dependent upon market forces prevailing at any particular time.
20. Having regard to what is set out above, I am of the view that sufficient "*utilisation*" of the properties has occurred to prevent any "*lapsing*" of approvals already granted.



R G BUCHANAN, S C

**Chambers
Port Elizabeth
19th August 2016**

No: evb/R1/335

20 September 2016

C.W. Malan Attorneys
15 Oosterland Street
JEFFREYS BAY
6330

ATTENTION : MR. GJ DE SWARDT

Sir

BUCHNER PROPERTY INVESTMENTS GARDEN ROUTE (PTY) LTD
REZONING RIGHTS IN RESPECT OF PROPERTIES IN THE FOUNTAINS DEVELOPMENT AND
ASTON BAY AREA

Your letter dated 15th September 2016 herewith bears reference.

Herewith confirmation of agreement with the views expressed in the Opinion of Advocate Buchanan SC regarding the validity of the development rights on the abovementioned properties.

Yours Faithfully



V. FELTON

DIRECTOR: INFRASTRUCTURE, PLANNING & DEVELOPMENT

Refer: Elsa van Biljon 042-200 8502

E-mail address: evbiljon@kouga.gov.za

11149/71

SYE Meter	RIGTINGS -HOEKE	KOORDINATE			
		Y	Stelsel	Lo. 25°	X
AB	1 446,4	Konstante	0,0	+3 700 000,0	
BC	1 548,8	305 50 19	A	+ 8 491,2	+ 71 201,2
CD	1 173,7	44 37 50	B	+ 7 318,6	+ 72 048,1
DE	452,9	124 06 55	C	+ 8 406,7	+ 73 150,3
EF	89,8	275 34 10	D	+ 9 378,4	+ 72 492,0
FG	485,0	176 22 50	E	+ 8 927,7	+ 72 536,0
GH	473,5	112 07 30	F	+ 8 933,4	+ 72 446,4
HJ	164,4	100 54 40	G	+ 9 382,7	+ 72 263,8
JK	47,2	78 24 50	H	+ 9 847,6	+ 72 174,1
KL	659,9	44 55 04	J	+10 008,8	+ 72 207,2
LM	118,1	138 29 50	K	+10 042,1	+ 72 240,6
MN	397,3	220 30 00	L	+10 479,4	+ 71 746,4
NO	398,8	299 10 50	M	+10 402,7	+ 71 656,6
OA	1 543,4	308 53 10	N	+10 055,8	+ 71 850,3
		234 21 02	O	+ 9 745,3	+ 72 100,7
Dd		304 06 55			
Ee		356 22 50			
Kk		44 55 04			
Ll		40 30 00			
	Jeffreysbaai A	A 95		+ 7 901,0	+ 72 469,3

1. Figuur A a E F G H J k Middel van Klein Zeekoerivier
l M N O A synde die plaas ZEEKOERIVIERMOND Nr. 696
Kaart 3737/69 T/A 1970 . 336 . 16794
2. Figuur a B C d hoogwatermerk linkeroewer Klein Zeekoerivier
e E a synde Gedeelte 54 van die plaas ESTATE KLEIN ZEEKOE
RIVER Nr. 335 Kaart 8206/68 T/A 1969 . 576 . 28792

Beskrywing van Bakens:-

- A, 19 mm. x 760 mm. Gegalvaniseerde ysterpyp
in klipstapel.
B, 19 mm. x 1520 mm. Ysterpyp in sand.
C, Swaar spoorstaaf wat 910 mm. uitsteek.
E, F, G, J, K, 20 mm. Ronde ysterpen in klipstapel.
L, M, N, O,
H, Ingeplante klip \pm 610 mm. hoog.

A B C d hoogwatermerk linkeroewer Klein Zeekoerivier

Die figuur e E F G H J K middel van Klein Zeekoerivier l M N O A

stel voor 258,3585 Hektaar

grond, synde

die plaas SWAN LAKE Nr. 755 en bevat die eiendomme soos hierbo aangehaal.

• gedeeltelik

geleë in die Munisipaliteit Jeffreysbaai en in die Administratiewe Distrik

HUMANSDORP

Provinsie Kaap die Goeie Hoop.

Opgeleë in Saamgestel in Mei 1971

deur my,

[Handwritten Signature]
Landmeter

Hierdie kaart is gehag aan

SVF 24003/72

No.

gedateer

t.g.v.

Registrateur van Aktes

Die oorspronklike kaart is.

Soos hierbo aangehaal

No. — gehag aan

Transport/Grondbrief

No.

Lêer No. S.14103/5

M.S. No. Saamgestel

Komp. AN - 2BD

SIEN KEERSY VIR

LINDS-TOEGENOMME

Bakery en Grense

B. C. D. gevestig

KANTOOR AFSKRIF

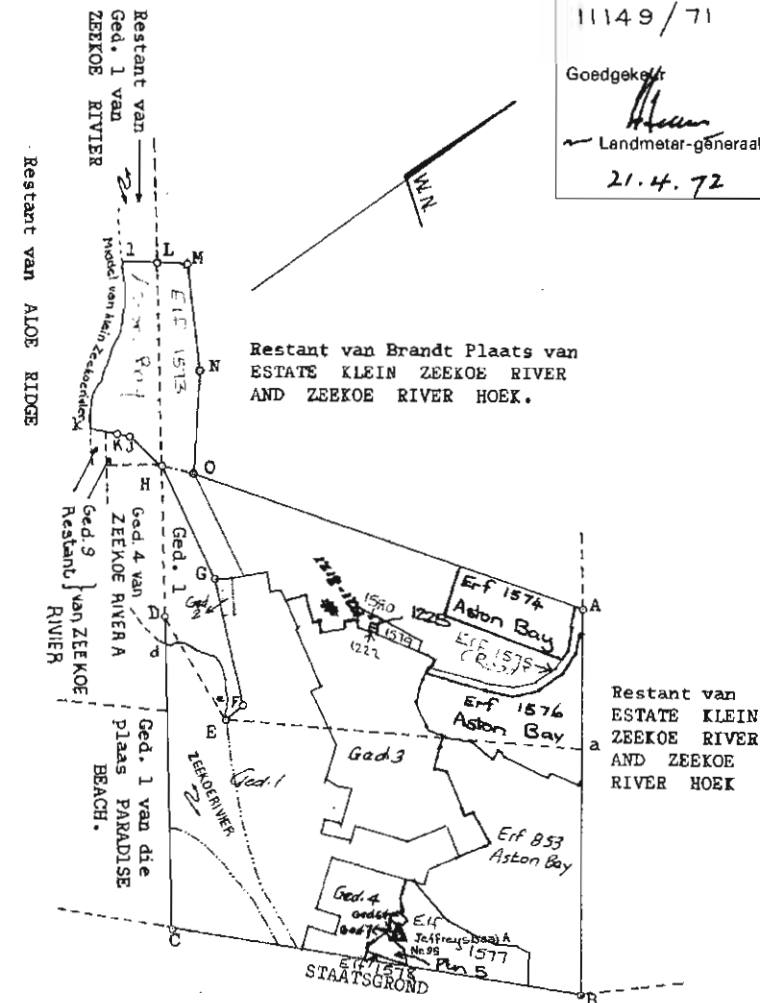
L.G. No.

11149/71

Goedgekeurd

Landmeter-generaal

21.4.72



- * Die Figuur ABCd hoogwatermerk linkeroewer Klein Zeekoerivier.
eEFGHO is geleë in die Munisipaliteit Jeffreysbaai.

Skaal: 1:20 000

OP HIERDIE KAART GEDOEN

OP HIER

MEET- STUKKE	KAAT	ARTENO.	DEPAR- FEER	RESTART
E 200/97	6915/97	218 855m	855m	MdB
"	6916/97	"	"	"
"	6917/97	801m ²	801m ²	MdB
"	6918/97	855m ²	855m ²	MdB
E 218/98	206/998	"	"	"
E 2313/02	5083/02	149m ²	149m ²	"
E 2126/09	5139/09	ERF 1225 ASTON BAY	ERF 1225 ASTON BAY	"
"	5140/09	"	1574	"
"	5141/09	"	1575	"
"	5142/09	"	1576	"
"	5143/09	"	1577	"
"	5144/09	"	1578	"
"	5145/09	"	1579	"
"	5146/09	"	1580	"

DIE VOLGENDE AFTREKKING IS VAN HIERDIE KAART GEDOEN.				
Op- stukke	Op- stukke	Op- stukke	Op- stukke	Op- stukke
E 2869/71	11148/71	Ged. 1	79 1003	24004/72
E 2870/71	7734/75	Ged. 3	34, 0765	21880/76
E 2140/75	7735/75	" 2	74 1003	21880/76
"	7736/75	" 4	8, 1076	21880/76
E 37/84	106/86	" 5	1, 1587	21880/76
"	107/86	" 6	1586	21880/76
"	108/86	" 7	1738	21880/76
E 2839/89	8380/89	ERF 853 ASTON BAY	36, 5065 Hz	72726/90

CW MALAN JEFFREYS BAY INC
15 OOSTERLAND STREET
JEFFREYS BAY
6330

Prepared by me

CONVEYANCER
ADAM JACOBUS BOSHOF

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

appeared before me, REGISTRAR OF DEEDS at KING WILLIAM'S TOWN, the said
appearer being duly authorised thereto by a Power of Attorney granted to him by

1. **The Trustees for the time being of
LORRAINE MARTHA PATERSON TRUST
Registration Number IT6553/1975**
2. **The Trustees for the time being of
G GLENNY BUCHNER TRUST
IT6554/1975**
3. **The Trustees for the time being of
G OSWALD BUCHNER TRUST
IT6555/1975**

which said Power of Attorney was signed at JOHANNESBURG on 22 February 2018.

And the appearer declared that his said principal had, on 7 June 2017, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

ARCTISMART PROPRIETARY LIMITED
Registration Number 2017/087939/07

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

REMAINDER OF FARM SWAN LAKE 755
IN THE AREA OF THE KOUGA MUNICIPALITY
DIVISION HUMANSDORP
PROVINCE EASTERN CAPE

IN EXTENT 39,4955 (THIRTY NINE COMMA FOUR NINE FIVE FIVE)
Hectares

FIRST TRANSFERRED by Certificate of Consolidated Title Number T24003/1972CTN with Diagram SG Number 11149/1971 relating thereto and HELD by Deed of Transfer Number T72727/1990CTN.

- A. In so far as concerns the land represented by the Remainder of the figure A a E F G H and the figure L M N O H on the said diagram Number 11149/1971:

SUBJECT to the conditions referred to in Deeds of Transfer Numbers T28793/1969CTN and T16793/1970CTN.

- B. In so far as concerns the land represented by the figure L H J K middle of the Klein Zeekoe River 1 on the said diagram Number 11149/1971:

SUBJECT to the conditions referred to in Deeds of Transfer Number T3114/1911CTN.

- C. In so far as concerns the land represented by the Remainder of the figure a B C d High Water Mark left bank of Klein Zeekoe River e E a on the said diagram Number 11149/1971:

SUBJECT to the conditions referred to in Certificate of Consolidated Title Number T24003/1972CTN.

- D. **SUBJECT** to a servitude right of way in terms of Notarial Deed Number K1235/2003CTN, which reads as follows:

"Die binnegemelde eiendom is onderhewig aan 'n serwituut reg van weg; drie meter wyd, aangrensend aan die Noord Westelike kant van Erwe 352 en 354 plus 'n vyftien meter wye strook, aangrensend aan die Suid Westelike kant van Erf 1226, soos aangedui deur die figuur AabL op die aangehegte Serwituut Diagram Nommer 5084/2002 ten gunste van Erf 1226 Aston Bay, in die Kouga Plaaslike Munisipalitet , Afdeling van Humansdorp, Provinsie Oos-Kaap, groot 930m² gehou kragtens Transportakte T115260/2003CTN.

Met verdere bykomende regte, soos meer volledig sal blyk uit die voormelde notariële akte."

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

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 IT6555/1975

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

ARCTISMART PROPRIETARY LIMITED
Registration Number 2017/087939/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 754 385,96 (ONE MILLION SEVEN HUNDRED AND FIFTY FOUR THOUSAND THREE HUNDRED AND EIGHTY FIVE RAND AND NINETY SIX CENTS) .

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 KING WILLIAM'S TOWN on

q.q.

In my presence

REGISTRAR OF DEEDS