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| Ref. | Date | Description |
|------|----------|----------------------|
| A | 29/08/19 | Municipal submission |

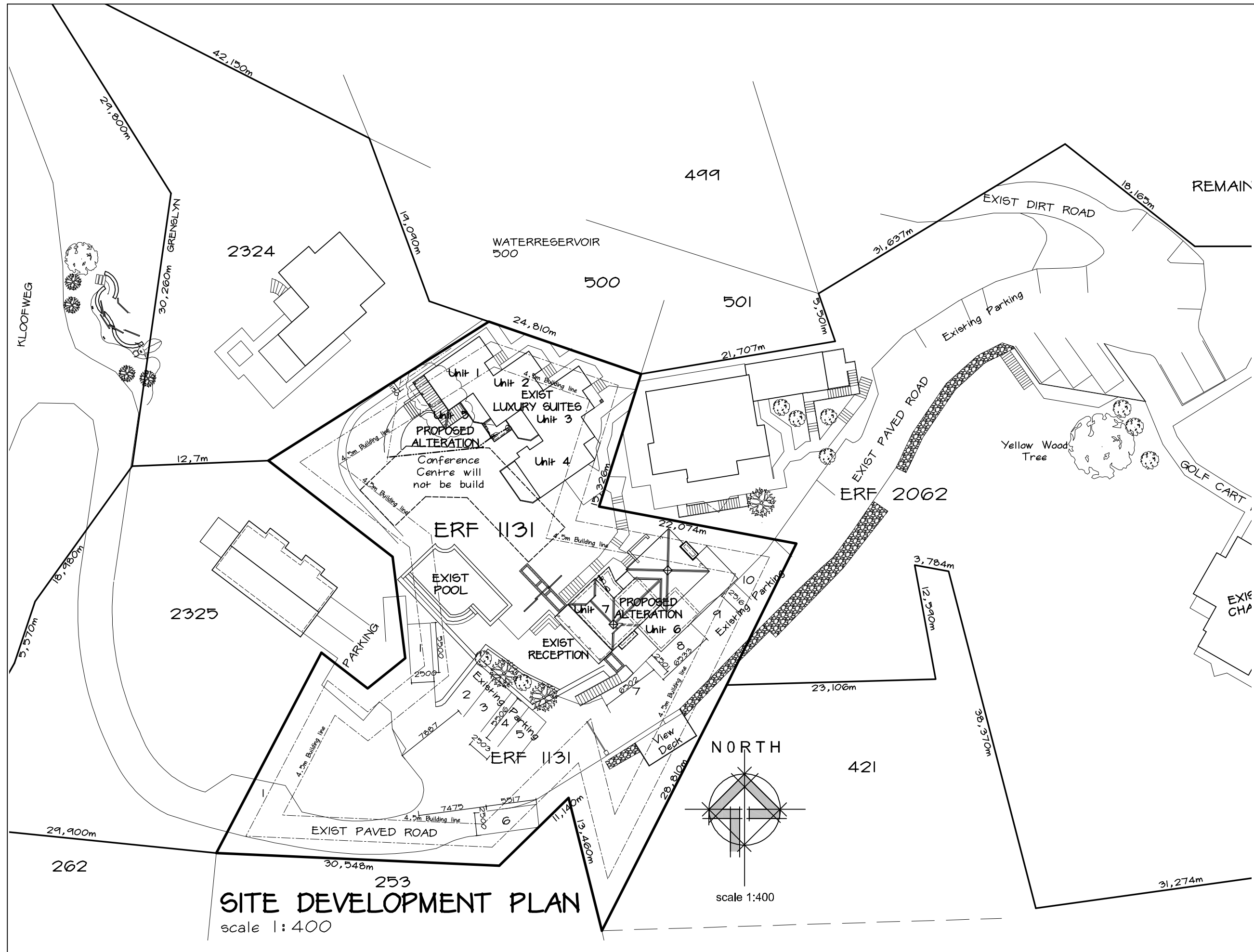


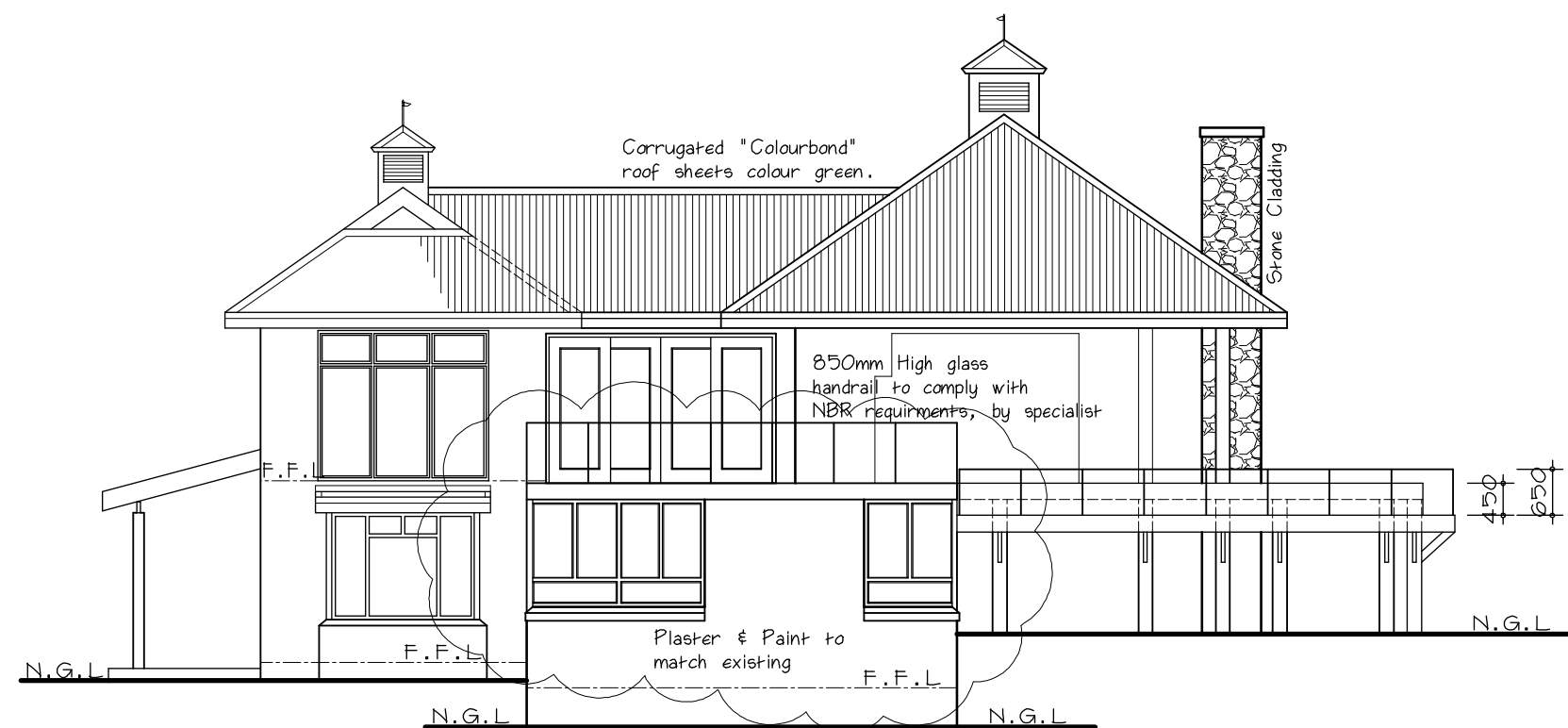
Client: **BOARDWALK RESORTS (PTY) LTD**

Project:
PROPOSED ALTERATIONS ON ERF 1131, WILDERNESS.

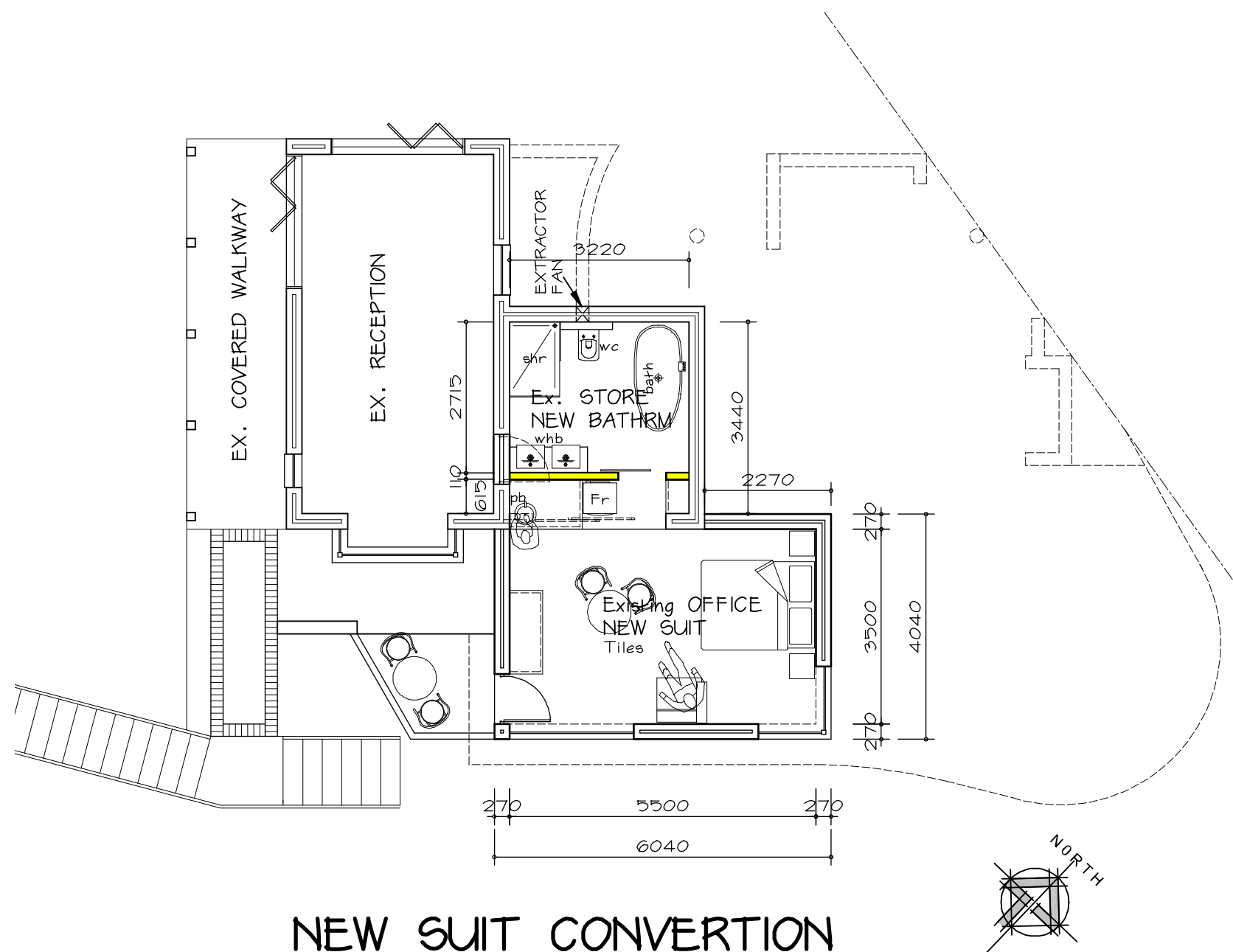
SITE DEVELOPMENT PLAN

| | | |
|--------|----------------|----------|
| Scale: | 1:100 1:150 | 100 A |
| Date: | August 2019 | |
| Drg: | boardwalk_dwg2 | |





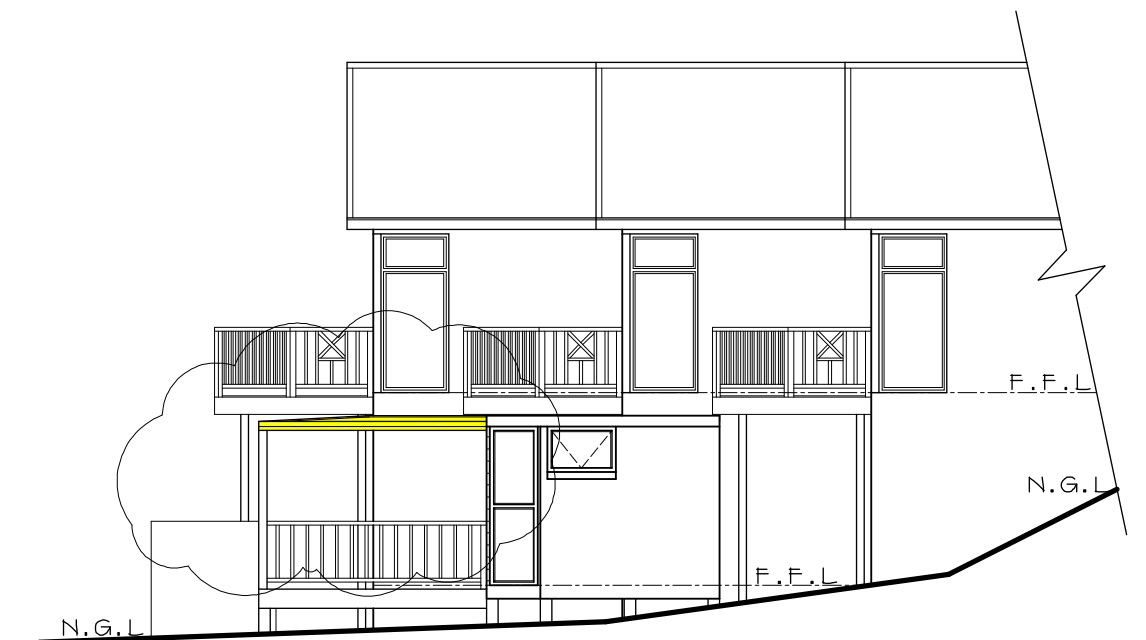
SOUTH-EAST ELEVATION
scale 1:100



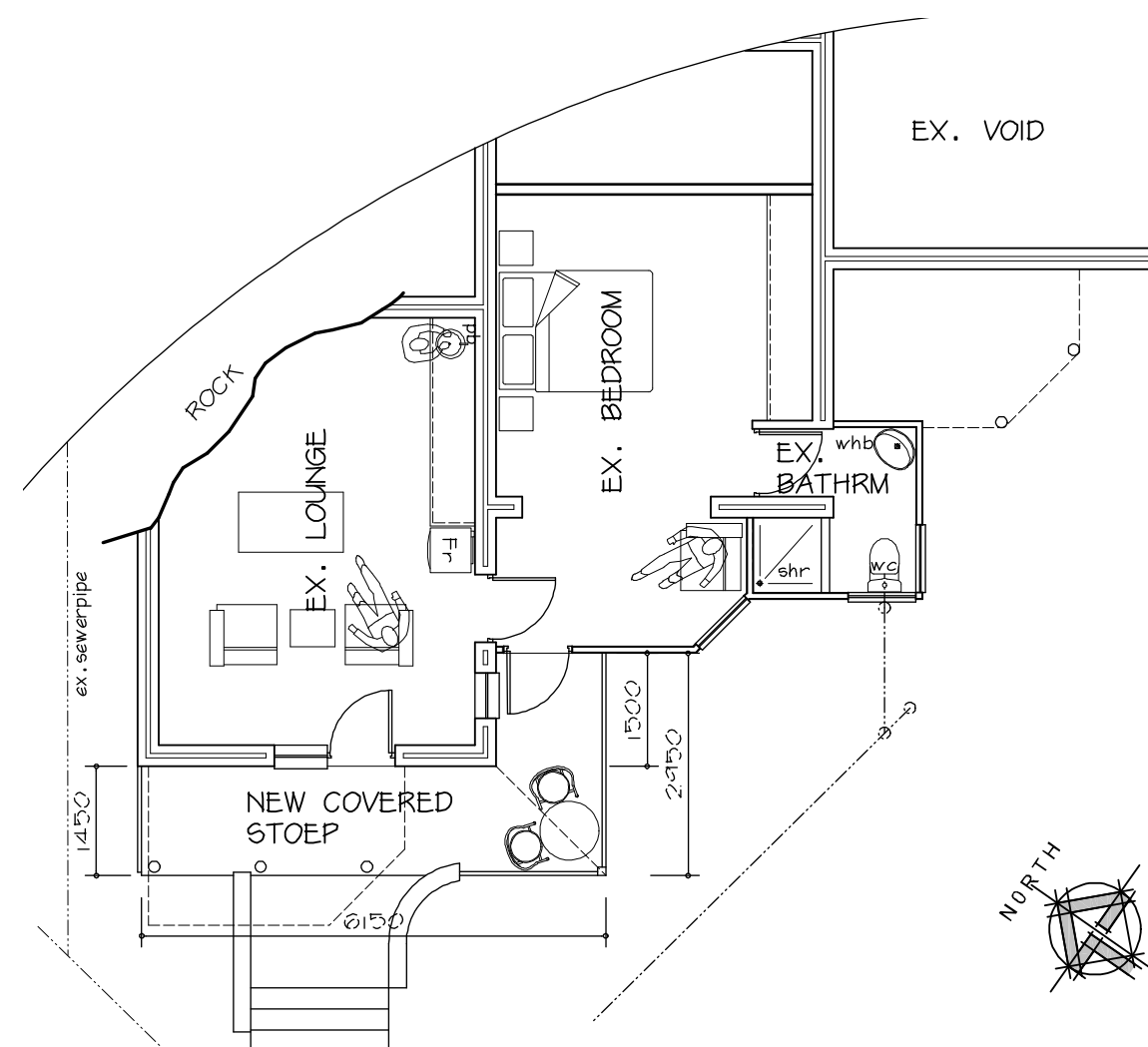
**NEW SUIT CONVERSION
GROUND FLOOR PLAN**
scale 1:100



SOUTH-WEST ELEVATION
scale 1:100



SOUTH-EAST ELEVATION
scale 1:100



GROUND FLOOR PLAN
scale 1:100

Areas:
Area of Erf: 2222m²
Area of Ex. Buildings: 363m²

New Areas:
Adds to Covered Stoep: 11m²

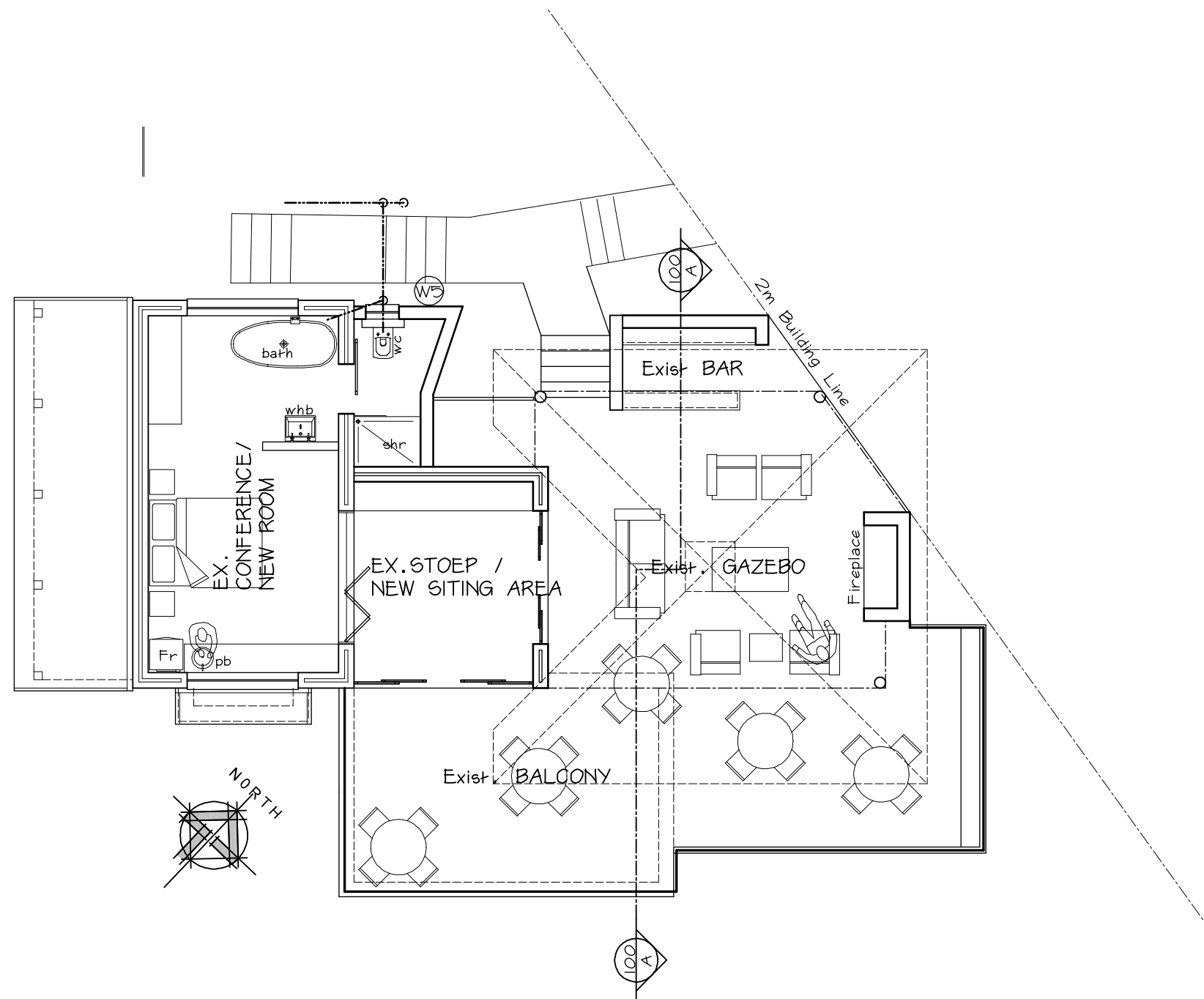
Total Area : 374m²

| General notes: | Ref. | Date | Description |
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| | |
|----------|---|
| Client: | BOARDWALK RESORTS (PTY) LTD |
| Project: | PROPOSED ALTERATIONS ON ERF 1131, WILDERNESS. |
| | GROUND FLOOR PLAN & ELEVATIONS. |

| | | |
|--------|------------------|----------|
| Scale: | 1:25/1:100/1:200 | 101 A |
| Date: | 29 August 2019 | |
| Dwg: | boardwalk_dwg2 | |

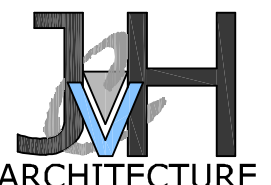




NEW SUIT (Exist. Conference room) FIRST FLOOR PLAN scale 1:100

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| Ref. | Date | Description |
|------|----------|----------------------|
| A | 23/05/16 | Municipal Submission |



ND ARCHITECTURE - SACAP reg: PrSArchT
Tel: 044 873 3680 - 082 375 3026
mail: jcvh@telkomsa.net


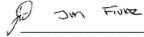
JACQUES van HEERDEN
87A Victoria Street
George 6530

Client:
**BOARDWALK RESORTS
(PTY) LTD**

Project:
**PROPOSED ADDITIONS
ON ERF 1131,
WILDERNESS.**

**GROUND FLOOR PLAN,
ELEVATIONS & SECTION.**

| | | |
|--------|----------------|----------|
| Scale: | 1:100 | 200 A |
| Date: | October 2019 | |
| Drg: | boardwalk_dwg2 | |

| CES Development Charges Calculator | | | | Version 3.00 | | June 2020 | |
|--|-------------|-------------------|-------------|-----------------------|--------------------|--------------------|---------------|
|  | | | | Erf Number | 1131 | | |
| | | | | Allotment area | Wilderness | | |
| | | | | Water & Sewer System | George System | | |
| | | | | Road network | Coastal resorts | | |
| | | | | Elec DCs Area/Region | Wilderness Network | | |
| | | | | Elec Link Network | LV | | |
| | | | | Elec Development Type | Normal | | |
| | | | | Developer/Owner | - | | |
| | | | | Erf Size (ha) | - | | |
| | | | | Date (YYYY/MM/DD) | 2022-05-24 | | |
| Current Financial Year | 2021/2022 | | | | | | |
| Collaborator Application Reference | 1710763 | | | | | | |
| Code | Land Use | | Unit | Total Existing Right | | Total New Right | |
| ACCOMMODATION ESTABLISHMENTS | | | | m² Erf | FAR | m² GLA | m² Erf |
| | Guest House | | room | | | 3 | 6 |
| Is the development located within Public Transport (PT1) zone? | | | | Please select | | | |
| | | | | Yes | | | |
| Calculation of bulk engineering services component of Development Charge | | | | | | | |
| Service | Units | Additional Demand | Unit Cost | Amount | VAT | Total | |
| Roads | trips/day | 9,00 | R 1 037,50 | R 9 337,46 | R 1 400,62 | R 10 738,07 | |
| Sewerage | kl/day | 0,84 | R 43 481,05 | R 36 524,08 | R 5 478,61 | R 42 002,69 | |
| Water | kl/day | 0,90 | R 36 320,84 | R 32 688,75 | R 4 903,31 | R 37 592,07 | |
| Total bulk engineering services component of Development Charge payable | | | | R 78 550,29 | R 11 782,54 | R 90 332,84 | |
| Link engineering services component of Development Charge | | | | | | | |
| Total Development Charge Payable | | | | | | | |
| City of George | | | | Developer/Owner | | | |
| Calculated (CES): JM Fivaz | | | | | | | |
| Signature :  | | | | | | | |
| Date : May 24, 2022 | | | | | | | |
| NOTE : In relation to the increase pursuant to section 66(5B)(b) of the Planning By-Law (as amended) in line with the consumer price index published by Statistic South Africa) using the date of approval as the base month | | | | | | | |
| Notes: | | | | | | | |
| Departmental Notes: | | | | | | | |

For the internal use of Finance only

| Service | Financial codeUKey number | Total |
|-------------|---------------------------|--------------------|
| Roads | 20160623 020158 | R 10 738,07 |
| Sewerage | 20160623 018776 | R 42 002,69 |
| Water | 20160623 021593 | R 37 592,07 |
| Electricity | 20160623 021336 | R 0,00 |
| Transfers | 20160623 019267 | R 0,00 |
| | | R 90 332,84 |



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PROPOSED REZONING & DEPARTURE FOR JUNE DESIGN & MARKETING CONSULTANTS CC

**REMAINDER ERF 1131, KLOOF STREET, WILDERNESS,
GEORGE MUNICIPALITY AND DIVISION**



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Annexures

1. Letter of approval dated 18 September 2006
2. Power of Attorney with supporting documents
3. Copy of Title Deed & Notarial Servitudes
4. Bond Holder's Consent
5. Copy of SG diagrams
6. Conveyancer's Certificate
7. Locality Plan
8. Site Plan, draft building plans & elevations
9. Pre-application consultation
10. Application form

PROPOSED REZONING & DEPARTURE: REMAINDER ERF 1131, KLOOF STREET, WILDERNESS, GEORGE MUNICIPALITY & DIVISION

1. BACKGROUND INFORMATION

Remainder Erf 1131, Wilderness is a General Residential Zone V-property (guest lodge) located in Wilderness overlooking the Village of Wilderness and Touw River area. The property is development with approval for 3 guest rooms and a conference facility (see letter of approval dated 18 September 2006 attached hereto as **Annexure 1**). It is important to note that this property is operated as *Boardwalk Lodge*, a 4-star accommodation establishment together with the abutting Erf 2062, Wilderness. The owner of Remainder Erf 1131, Wilderness wish to expand on the current guest accommodation offering by re-using existing structures. No new structures are proposed.

The *Boardwalk Lodge* is described by building analyst Jonathan Kingwill as follows: *Boardwalk Resort, situated within the indigenous coastal forest, is a prime example of appropriate tourism development in the Garden Route. The timber structures allow for the least possible impact to the forest floor. The 'minimal disturbance' policy that was followed during planning and construction, has allowed for natural regrowth of existing plant life. This, together with the indigenous species that were planted on the disturbed areas, constitutes the rehabilitation efforts to restore the forest back to its original condition.*

Marlize de Bruyn Planning was appointed by the property owner, *June Design & Marketing Consultants BK* to prepare and facilitate a land use application necessary for the development proposal as discussed in the paragraphs to follow.

A copy of the power of attorney is attached as **Annexure 2** with supporting documentation.

2. APPLICATION

This land use application for Remainder Erf 1131, Wilderness entails the following:

- Rezoning in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-Law, 2015 from General Residential Zone V (limited to 3 guest rooms and conference facility) to General Residential Zone V (7 guest rooms);
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law, 2015 for the following:
 - Relaxation of western side building line from 4.5m to 1.0m for a new covered stoep;
 - That the manager of the guest lodge does not live on the property (Development parameter (k)(aa));
 - That the guest suites include self-catering facilities (Development parameter (k)(ee)).

3. PROPERTY DETAILS & LOCALITY

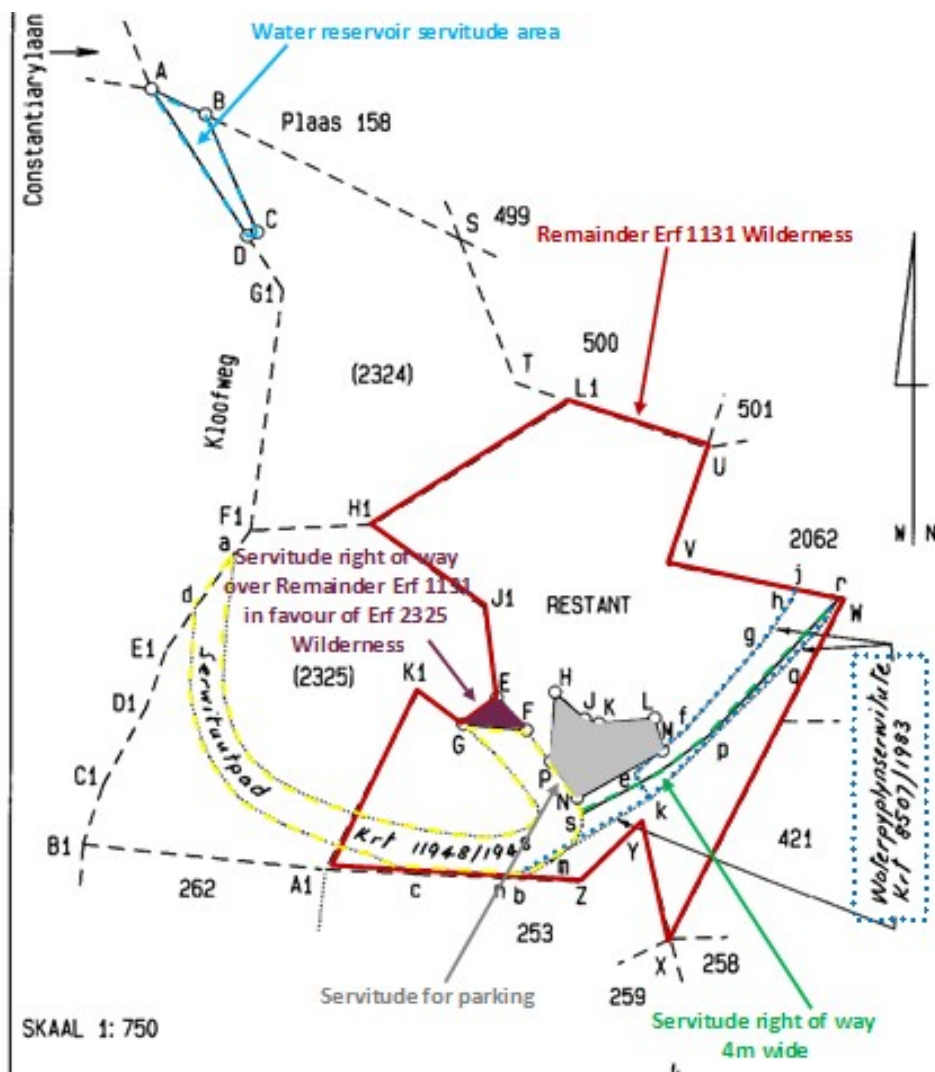
Title Deed

Remainder Erf 1131, Wilderness, measures 2210m² and is registered to *June Design & Marketing Consultants BK*. A copy of the title deed (T64462/08) is attached as **Annexure 3** and a bond is registered for the property. The bond holder's consent is attached hereto as **Annexure 4**.

A conveyancer's certificate confirming that no restrictive conditions exist in the title deed is pertaining to the use of the property is attached hereto as **Annexure 5**. The conveyancer inspected all deeds, also behind the pivot deed, and concluded that no restrictions were found considering what the property is used for and the expansion of this use – the aim of this land use application. It was mentioned in the pre-application consultation that the conveyancer's certificate must confirm if there are any restrictive conditions in the title deed with specific reference to the restriction on 'business/trade', the servitudes, etc. If there was any, the conveyancer would have addressed it accordingly.

Surveyor-General Diagram & Servitudes

A copy of the relevant SG Diagrams is attached hereto as **Annexure 6**. It describes all relevant servitudes clearly together with the endorsements on the rear of the diagrams. For more clarity and as requested during the pre-application consultation, the servitudes are marked in colour on the extract of SG 1088/2001.



The servitude road marked in yellow provides access to Remainder Erf 1131, and Erf 2325, Wilderness (as well as properties abutting to the east and north). It was extended by the triangular shaped servitude right of way (grape colour) when Erf 1131 Wilderness was subdivided during 2001 (to create Remainder Erf 1131, Erf 2325 and 2324, Wilderness) to ensure access to Erf 2325, Wilderness.

The servitude road marked in green is 4.0m wide and provides access over the abutting Erf 2062, Wilderness towards Remainder Erf 499, Wilderness where a municipal water reservoir is located. This servitude is then also used by those parking on Remainder Erf 1131, Wilderness to go and turn on Erf 2062, Wilderness if they so wish / when needed. This servitude extends over Erf 2062, Wilderness as indicated on the SG diagram included with **Annexure 6**.

Paragraph IX of the title deed for Erf 1131, Wilderness is as follows:

IX. By Notarial Deed of Servitude No. K435/2002 S, dated 11 January 2002, the within mentioned property is subject to:

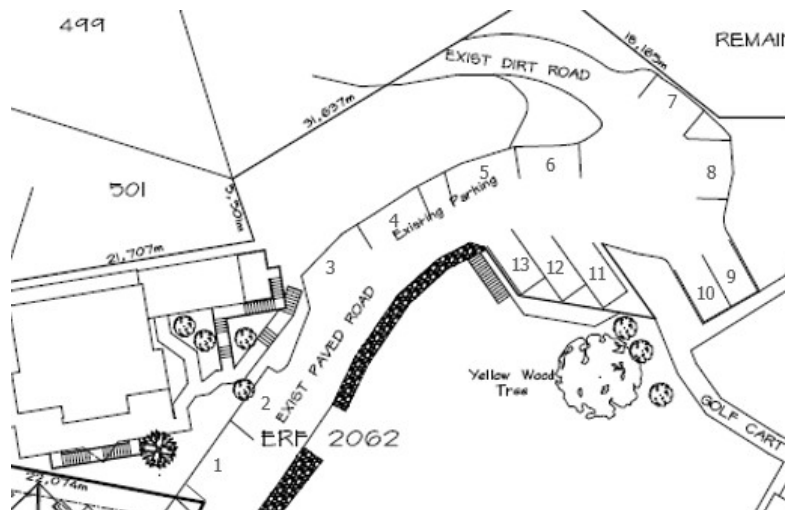
1. a servitude of right of way, for a private road, 4m wide, the middle line of which is indicated by the curved line r s on servitude diagram S.G. No 1088/2001;
2. a parking area servitude, which servitude is indicated by the figure HJKLMNP on servitude diagram S.G. No 1088/2001

in favour of Erf 2062 Wilderness, measuring 7658 square metres and held by Deed of Transfer T87282/1008, together with ancillary rights.

As will more fully appear from the said notarial deed.

The mentioned notarial deed – K435/2002S – is attached with the title deed in **Annexure 3**. The mentioned 4m wide private road in IX(1) indicated by curved line rs is marked in green on the extract of SG1088/2001 on the previous page. The parking servitude mentioned in IX(2) is the parking area marked in grey on the extract on the previous page. This servitude and the parking area servitude is in favour of the abutting Erf 2062, Wilderness. Notarial deed K435/2002S describes the detail of the agreement between the two properties and addresses the two reasons for this notarial deed, namely to obtain access over Remainder Erf 1131, Wilderness to Erf 2062, Wilderness and for Erf 2062, Wilderness to have a parking area on Remainder Erf 1131, Wilderness. Erf 2062, Wilderness no longer requires the parking area indicated and protected through the notarial deed. Only the servitude for access is still needed. The owner is in process to have the parking area servitude cancelled. The required proof will be provided to the Town Planning Section in due course. The reason why the parking area servitude is no longer needed is because Erf 2062, Wilderness has ample parking for its own use.

Erf 2062, Wilderness has 7 chalets and a 3-bedroom guest house. In terms of the current zoning by-law (although the land use for Erf 2062, Wilderness was approved in terms of the former Section 7 Wilderness Zoning Scheme Regulations where the parking requirements were less) 13 parking bays are required which is existing. With the former zoning scheme, only 12 bays would have been required. Below is an extract showing the 13 parking bays found on Erf 2062, Wilderness.



Paragraph X of the title deed for Erf 1131, Wilderness is as follows

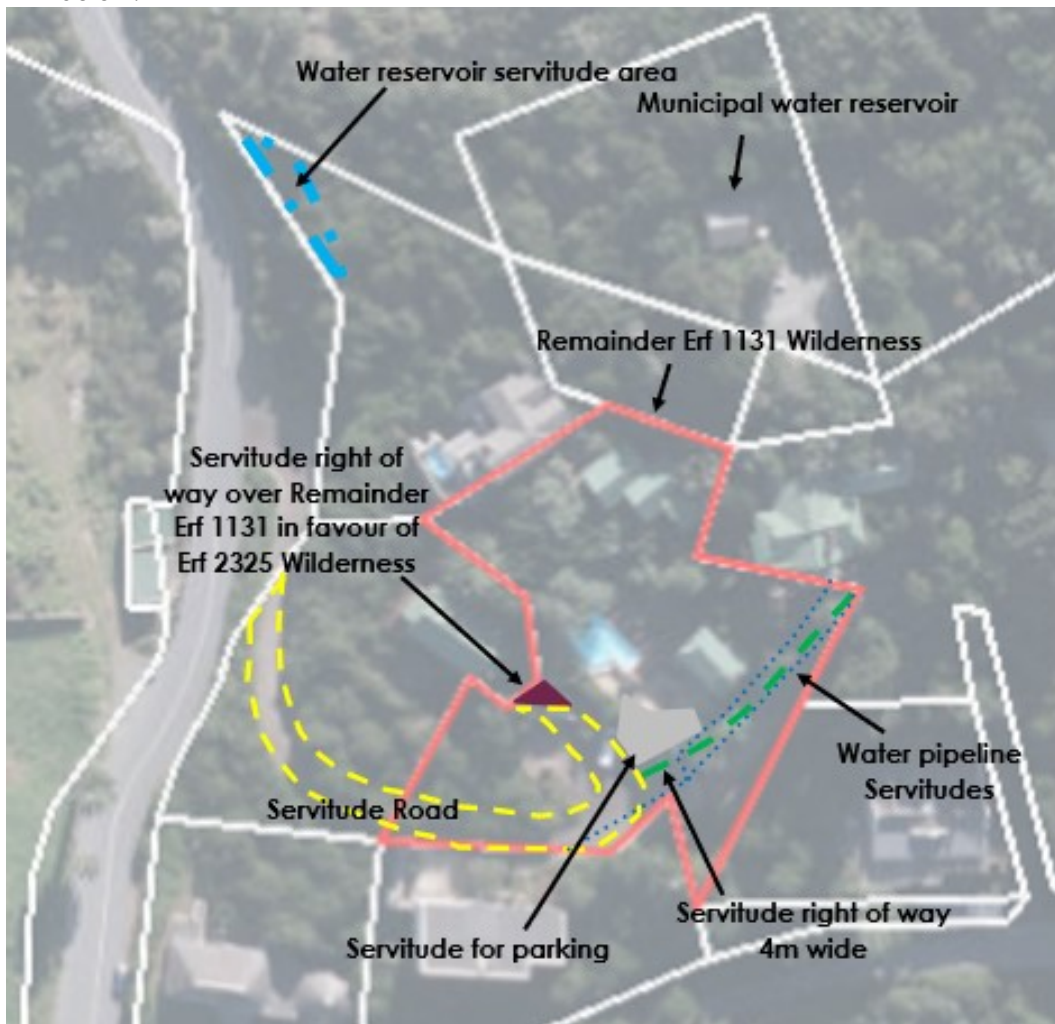
- X. By Notarial Deed of Servitude No. K436/2007S, dated 11 January 2002, the within mentioned property is subject to a servitude of right of way, for a private road, which road is indicated by the figure E F G on servitude diagram S.G. No 1088/2001, in favour of Erf 2325 Wilderness, measuring 1355 square metres and held by Deed of Transfer T39291/2002, subject to further ancillary rights

As will more fully appear from the said notarial deed.

The mentioned notarial deed – K436/2007S – is attached with the title deed in **Annexure 3**. The mentioned servitude right of way for a private road indicated as figure EFG is the grape colour triangle marked on the extract of SG 1088/2001 on p. 3 of this report. It is described in the last paragraph of p. 3 – it is an extension of the servitude road marked in yellow provides which was created when Erf 1131 Wilderness was subdivided during 2001 (to create Remainder Erf 1131, Erf 2325 and 2324, Wilderness) to ensure access to Erf 2325, Wilderness. This land use application for Remainder Erf 1131, Wilderness has no impact on this servitude.

The servitude marked in blue is for water pipeline servitudes 1.5m and 2.0m wide respectively.

These servitudes indicated in colour above and discussed, are translated on the aerial image below.



Locality

Remainder Erf 1131, Wilderness is located above the Village of Wilderness and overlooks the Touw River to the east. Kloof Street provides access to the servitude road, also known as Young Terrace, which services this section of Wilderness. The servitude road also gives access to the Municipality to reach the water reservoir located just north east of the subject property. Therefore, a water pipeline servitude is also in the access servitude area. A locality plan attached as **Annexure 7**.

4. LAND USE PROPOSAL

The letter of approval dated 18 September 2006 granted approval for 3 guest rooms and a conference facility. The guest rooms were developed and the reception building but not the conference facility. Recently building plans for a fourth guest room was approved and constructed accordingly. The owner wishes to offer 7 guest suites with a self-catering facility in each.

Below the original 3 guest suites space is available to be used as a guest suite. At present this area is used as an office and storeroom. Part of the reception area is to be converted for another guest suite. Then above the reception is a board room / office with a partly open deck and braai area. It is proposed to make this space also into a guest suite but with the option to use the braai area separately by other guests if the opportunity presents itself.

Most suites will have a self-catering facility consisting of the basics (prep-bowl, fridge, microwave). Ample parking is available within the boundaries of the property. The site plan showing the various structures as well as the parking arrangement that has been used successfully for many years, is attached hereto as **Annexure 8**.

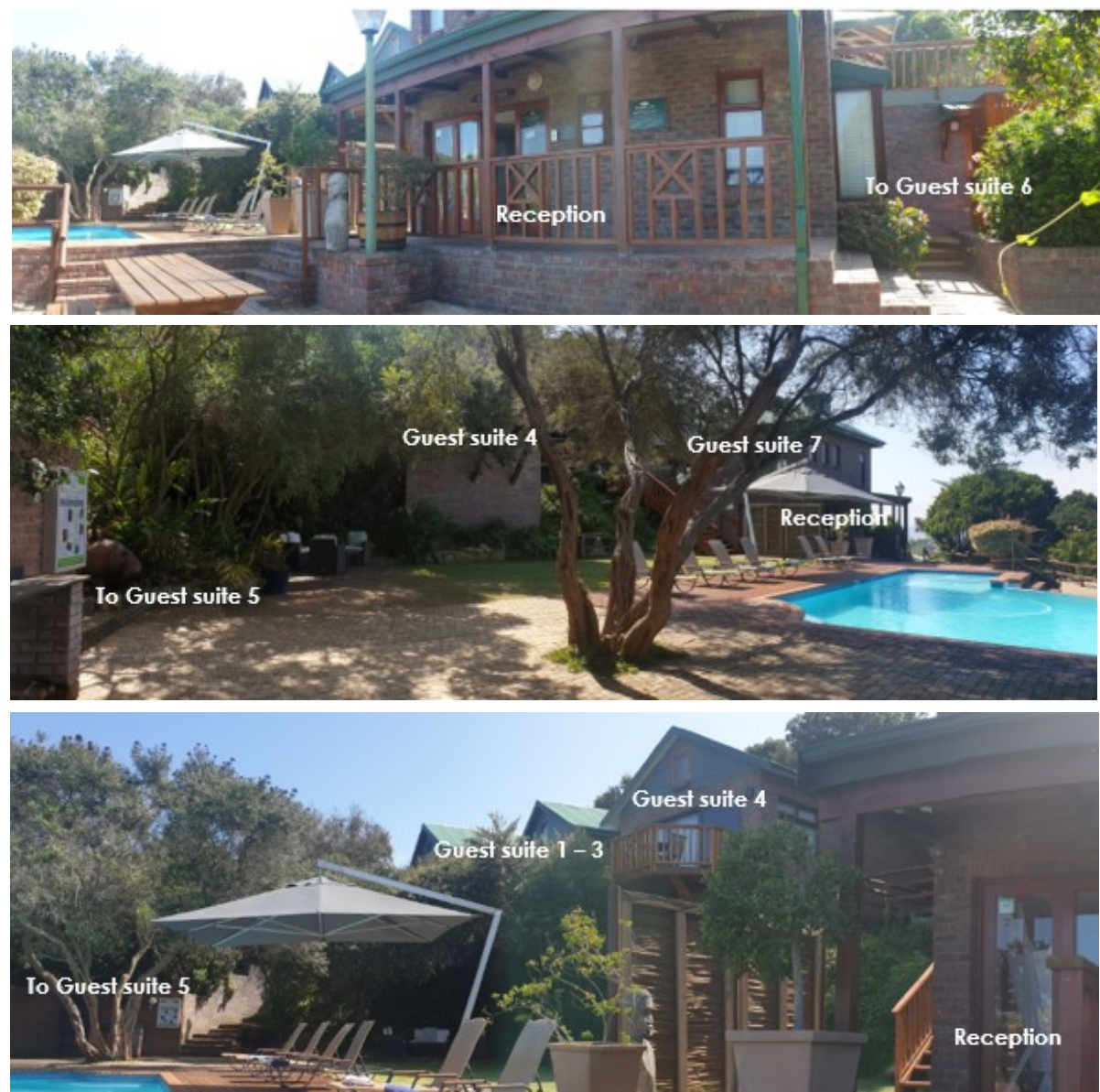
The aerial image below indicates where the existing guest suites are located and where the proposed suites are to be found.



The image on the following page is an older angled photo also showing where the suites are located and to be located.



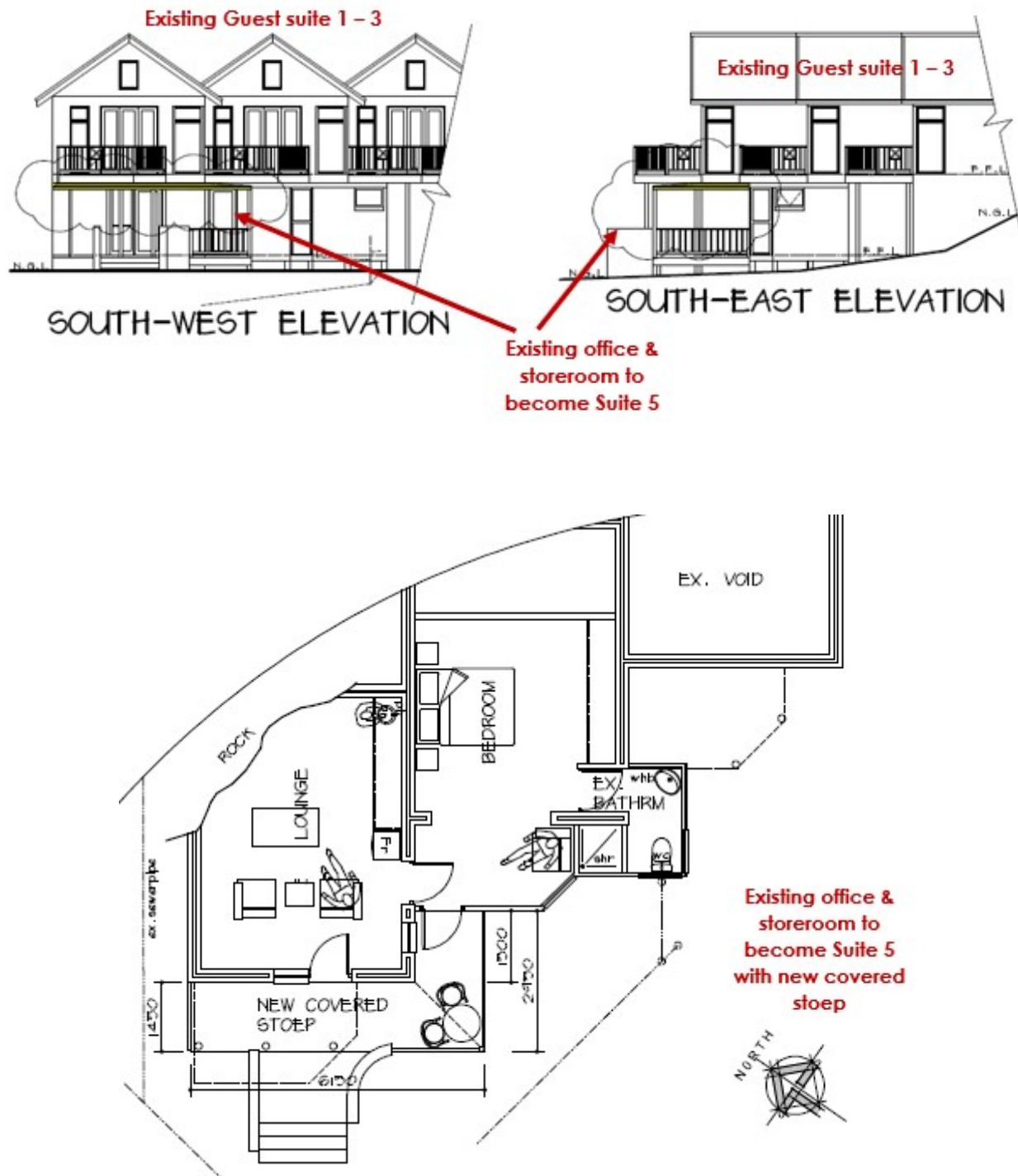
The following series of 6 photos shows the property from various angles.



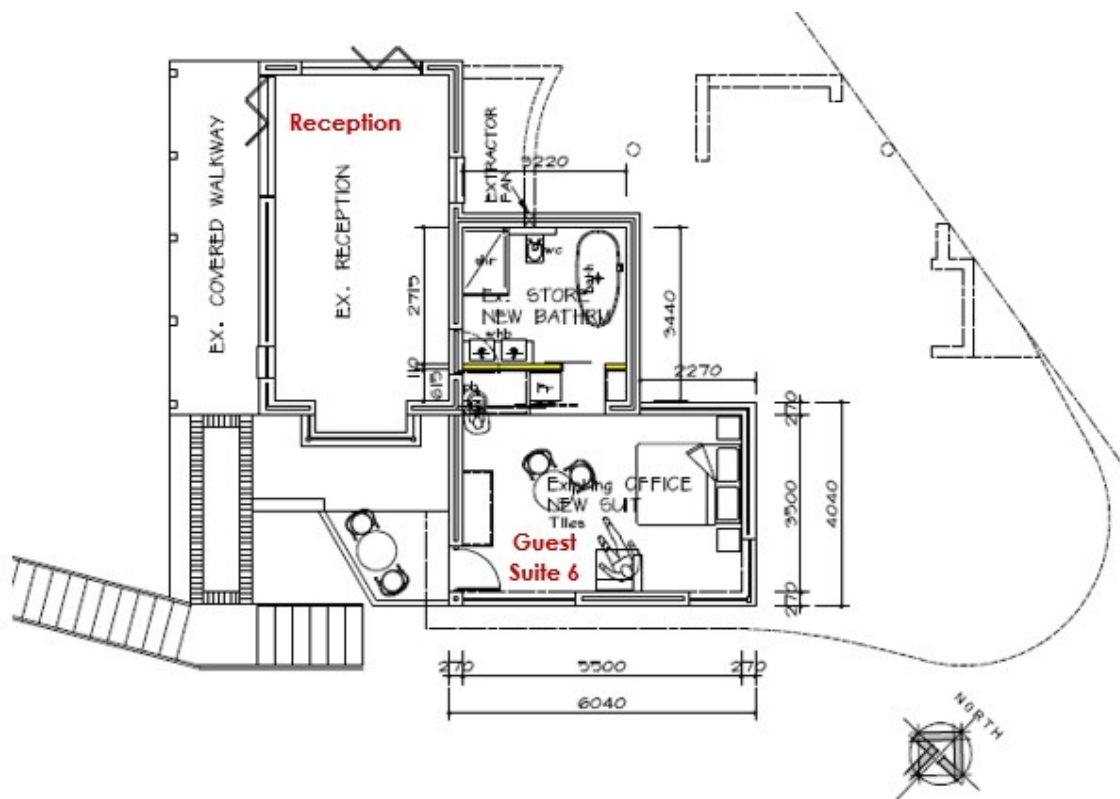
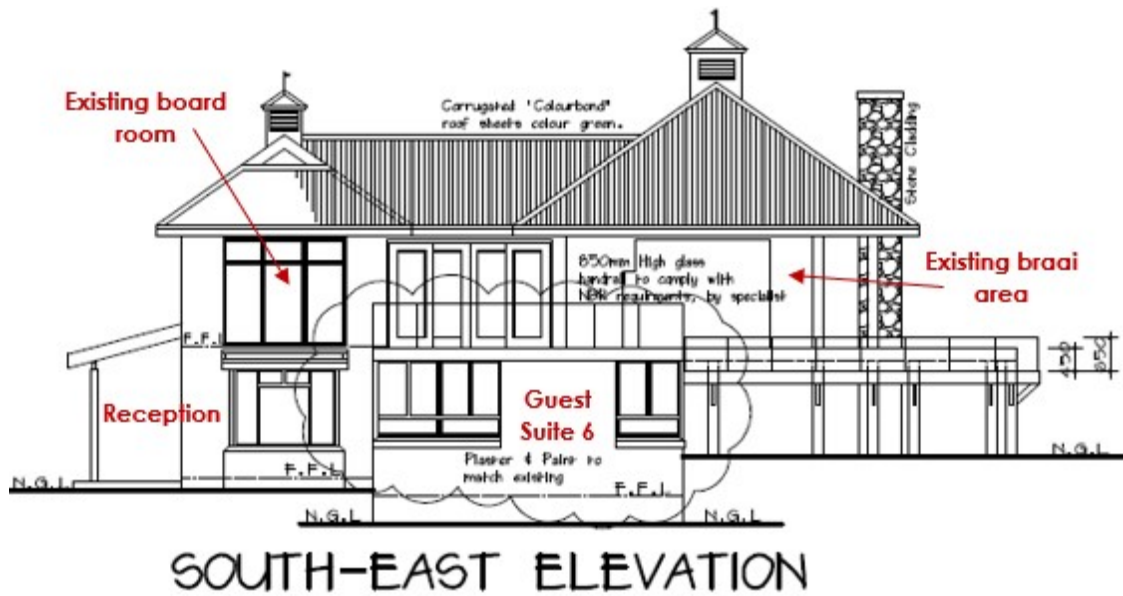


The site plan attached hereto as **Annexure 8** also includes the draft building plans for the alterations proposed and the total of 11m² new covered area.

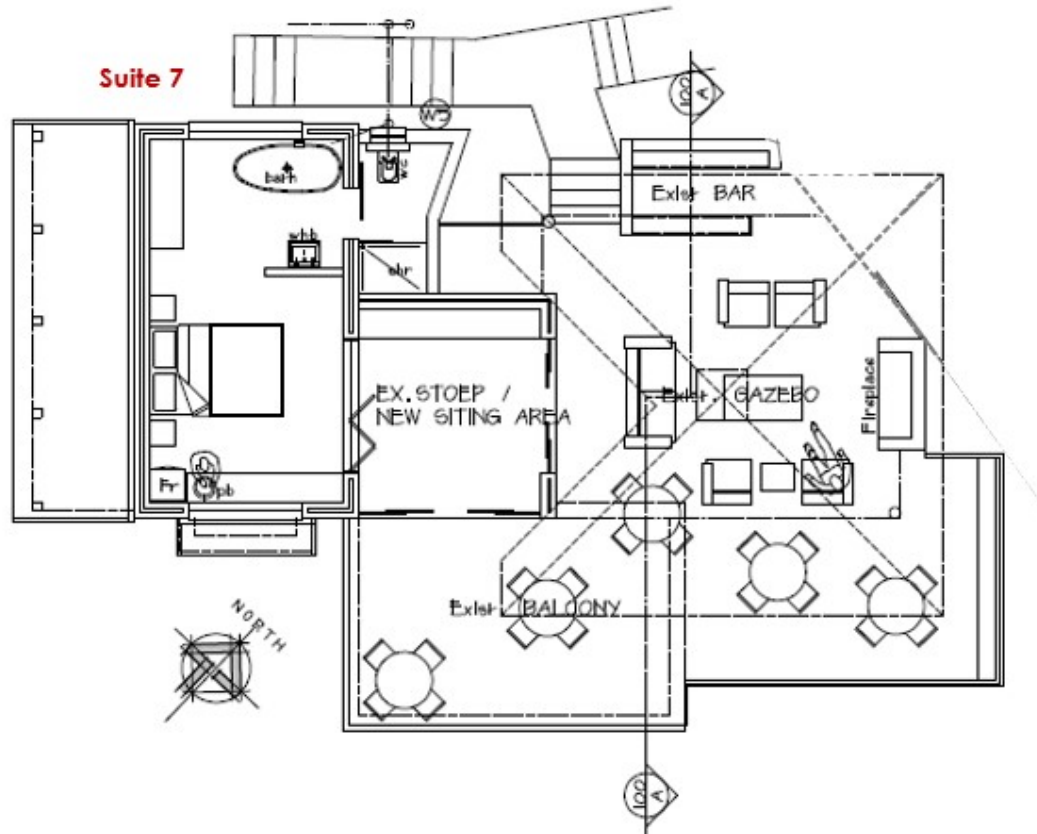
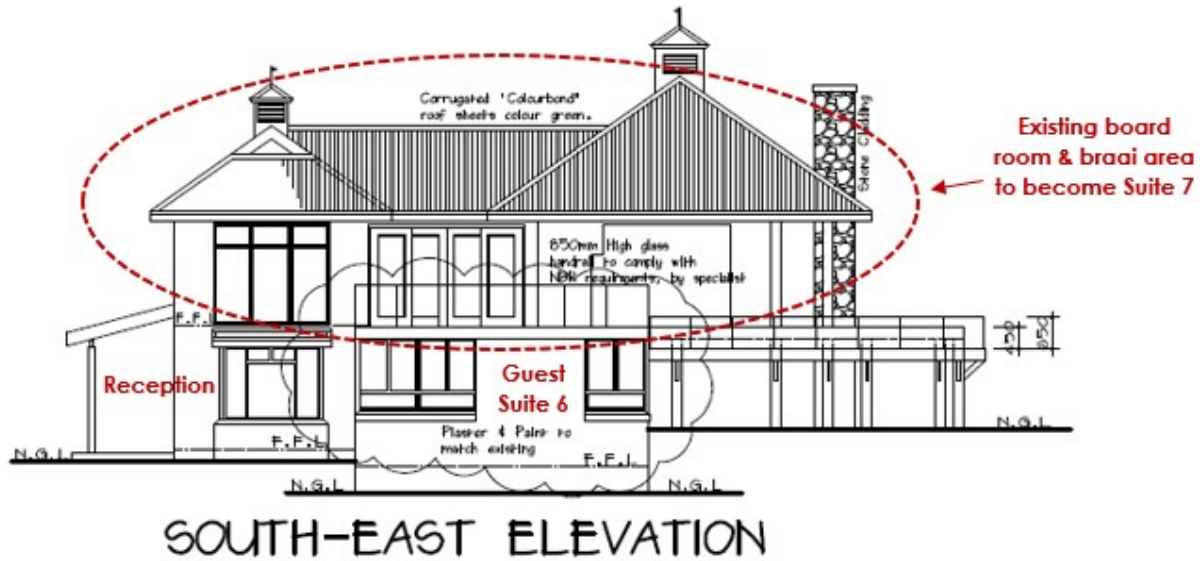
For guest suite 5 located below suites 1 – 3, 11m² will be added – a covered stoep. This new covered stoep is in fact an expansion of an existing deck above with an existing stoep below. Here follows an extract of the attached draft building plans showing what is proposed for this suite.



The 6th guest suite is a conversion of a section of the reception area. Below is an extract of the attached draft building plans showing what is proposed for this suite.



The 7th guest suite is a conversion of the board room and braai area above the reception. Below is an extract of the attached draft building plans showing what is proposed for this suite. As stated earlier in this motivation report, depending on need, the braai area can be used by other guests as well.



5. CONSIDERATION OF THE APPLICATION

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) introduced legislative and procedural changes to the management of land use planning in South Africa. The Western Cape Province followed with the Land Use Planning Act (Act 3 of 2014) and thereafter George Municipality with the Municipal Land Use Planning By-law (2015).

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

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

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

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59) which is an expansion of the five development principles of SPLUMA;
- Desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

Section 19(1) and (2) of LUPA refers to **consistency** and **compliance** of a land use proposal regarding spatial development frameworks or structure plans. Considering the aim of this land use application for Remainder Erf 1131, Wilderness, it was found to be consistent with the George Municipal Spatial Development Framework (GMSDF) as well as the Wilderness-Lakes-Hoekwil Local Spatial Development Framework (WLH LSDF) as discussed later in this motivation report.

George Municipality: By-law on Municipal Land Use Planning (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.

5.1 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 an existing guest accommodation facility is to be used to its full potential, using existing structures and services, and possibly making the necessary capital contribution to the Municipality for the provision of such services.

Using what is available to its maximum potential within the urban edge is a form of densification associated with any urban area.

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

Environmental matters are relevant as far as additional areas are not to be cleared and existing structures are re-used.

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. Remainder Erf 1131, Wilderness is an existing guest accommodation property within the urban edge of Wilderness to be further developed in accordance with its zoning. The departures requested is for the position of the relevant existing structure and to provide for self-catering accommodation as discussed in this motivation report.

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. As stated, Remainder Erf 1131, Wilderness is an existing guest accommodation property within the urban edge of Wilderness. The aim of this land use application to maximise its accommodation potential, is the opposite of urban sprawl.

This development proposal should not impact negatively impact on the community of Wilderness as existing structures are used to expand an existing establishment. These aspects are further addressed in other relevant sections of this motivation report (e.g. public interest and desirability).

Efficiency as described in Section 7(c) of SPLUMA is supported. This development proposal for Remainder Erf 1131, Wilderness will optimise the use of the existing resources and infrastructure available to an existing property in an existing urban area.

This proposal cannot have a negative impact regarding financial, social, economic or environmental considerations for the relevant authorities. This is shown in this motivation report.

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 Remainder Erf 1131, Wilderness supports the relevant development principles of SPLUMA.

5.2 Public Interest

The public interest of this land use application for Remainder Erf 1131, Wilderness is limited as it is part of an existing guest accommodation establishment and will be re-using existing structures. *The Boardwalk Lodge* is a successful guest accommodation establishment which has been part of Wilderness for more than 20 years.

Re-using what is available on the property cannot have a detrimental impact on the community of Wilderness. Using existing structures is environmentally responsible and therefore reflects the environmental character Wilderness is known for.

5.3 Municipal Engineering Services

The municipal engineering services provided to this property (e.g. water and electricity) will be expanded as required and services contributions will probably be payable.

The existing access will continue to be used and also the existing parking provision. According to the zoning by-law 10 parking bays is needed and are provided as such (see **Annexure 8** – site plan). The various servitudes as shown on the SG diagram (**Annexure 6**) and as discussed in Paragraph 3 above, ensures access to the properties here and also shows the water pipeline servitude. This servitude road does provide access for the Municipality to the water reservoir just north of the subject property. This will not change.

5.4 Environmental Legislation

Remainder Erf 1131, Wilderness is included in the Outeniqua Sensitive Coastal Area Extension Regulations (OSCAE). As existing structures are to be used, it is not expected that an OSCAE-permit will be required.

It is our understanding that no other environmental regulations apply.

5.5 George Municipal Spatial Development Framework (GMSDF) (2019)

Remainder Erf 1131, Wilderness is not addressed specifically in the GMSDF. It is indicated to be located in the area of a specific spatial plan for the greater Wilderness area. No conflict was found between the GMSDF and the proposed rezoning of Remainder Erf 1131, Wilderness together with the requested departures. Tourism is an important sector of our economy supported by the GMSDF. Therefore, this application is consistent with the GMSDF as required in terms of Section 19 of the Land Use Planning Act, 2014 (LUPA).

5.6 Wilderness - Lakes - Hoekwil Local Spatial Development Framework (WLH LSDF) (2015)

Wilderness is demarcated as an urban area in the WLH LSDF and the subject property is located within the urban edge of Wilderness. This property was rezoned for guest accommodation purposes in 2006 and is appropriately zoned as General Residential Zone V – guest lodge in terms of the George Integrated Zoning Scheme By-law (2017).

It is stated in the WLH LSDF that guest houses, bed & breakfast establishments, self-catering accommodation and even lodging are all compatible uses on single residential properties and are encourage in general to accommodate more tourist in our area. These facilities should not detract however in any way from the amenity and character of the residential area of Wilderness.

The guest accommodation found on Remainder Erf 1131, Wilderness is operated as part of The Boardwalk Lodge, an established guest accommodation facility with a long and successful track record in Wilderness. The property is not zoned for single residential purposes but was zoned as such until the 2006-rezoning. This establishment shows the character of Wilderness.

It is further stated that the development parameters applicable to tourist accommodation establishments should not be relaxed. Here it is important to remember that all structures are existing and the proposed addition of 11m² is to create a covered stoep.

No conflict between the development proposal for Remainder Erf 11316, Wilderness and the WLH LSDF was found.

5.7 George Integrated Zoning Scheme By-law (GIZS) (2017)

Remainder Erf 1131, Wilderness is zoned General Residential Zone V (guest lodge) in terms of the George Integrated Zoning Scheme By-law (GIZS) (2017). All structures are existing with only alterations and minor additions necessary to make this proposal a reality. The zoning of the property remains the same although it is again a rezoning. The latter is to address how the 2006-approval was worded.

The letter of approval dated 18 September 2006 states in the introductory paragraph that the property was rezoned to General Residential Zone for 3 guest rooms and a conference facility. As stated, the proposal is to re-use existing structures to accommodate a total of 7 guest rooms or suites and to no longer develop the conference facility. It can be said that the property owner is 'giving up' the conference facility for additional guest rooms in existing structures. For the conference facility new construction would have been required.

The departure for the relaxation of the north western side building line (bordering onto Erf 2324, Wilderness) is for a new covered stoep which is an expansion of an existing deck above with an existing stoep below. The structures are therefore already located closer to the boundary than the 4.5m building line indicated in the development parameters applicable to guest lodge.

The following two development parameters requested to be departed from is development parameter (k)(aa) and (k)(ee). Development parameter (k)(aa) states that the manager of the lodge must live on the property. The manager does not live on the property – never has. As stated, the guest accommodation of this property is operated together with the guest accommodation on the abutting Erf 2062, Wilderness. The facility is operated in such a manner that it is not necessary for the manager to live on Remainder Erf 1131, Wilderness.

Then the second development parameter from which a departure is requested, is development parameter (k)(ee). This development parameter states that guest rooms may not be converted to, or used as, separate self-catering dwelling units. The nature of this four-star accommodation establishment calls for guest suites to provide self-catering facilities if the visitors chooses to use it. It is only used for convenience especially by guests that stay longer than a day or two. This is a guest lodge with separate rooms and breakfast is available at the abutting Erf 2062, Wilderness and of course there are many restaurants in the Village below, within easy walking distance. Therefore, a departure from this development parameter is included with this land use application.

All other relevant development parameters are adhered to. It should be kept in mind that all structures are existing.

As stated, sufficient existing parking is available. The GIZS determines that 1 parking bay must be provided per bedroom, 2 parking bays for the owner's home / manager's flat and 1 bay for visitors / employees. The 7 guest bedrooms therefore has a parking bay each. Although the manager does not live on site, 2 parking bays are available and also a parking bay for visitors / employees.

The rezoning and departures requested does not impact negatively on the character of the area and supports what is offered.

5.8 Need & Desirability

Need and desirability is the balancing of various factors. **Need** depends on the nature of a development proposal and will therefore not be the same for a e.g. a new primary dwelling house or the need for an industrial development. In this development proposal for Remainder Erf 1131, Wilderness need can primarily be addressed as the need to expand an existing guest accommodation establishment.

Any business needs to re-position itself from time to time and adapt to changing needs of the customers / clients it serves. In the same way the tourism industry changes over time. Guest accommodation establishments have seen many changes of the past decades. As with any business, also tourism businesses have to adapt from time to time.

Especially considering how the tourism industry has been affected during 2020, resilience is critical.

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 property

The physical characteristics of the property formed the development that has taken place here over the past almost 20 years. As shown in this motivation report, the structures forming the subject of this land use application, is existing.

Existing planning in the area

As indicated earlier in this motivation report, this land use application is not in conflict with any relevant spatial plan applicable to Remainder Erf 1131, Wilderness.

Character of the area

Erf 1131, Wilderness is located in an urban area characterised by natural vegetation and steep slopes with views over the Village of Wilderness. The proposal supports and compliments what is found in the area as well as the general principles expected for development here.

Provision of services

As mentioned earlier in this report municipal engineering services are provided to this property with no negative impact expected.

Economic impact

This development proposal cannot have a negative economic impact as the use of an existing, successful guest accommodation facility will be maximised with what is already found on the property. Further it can be stated that the Municipality can only benefit economically from this proposal.

Direct impact on surrounding properties

No neighbour will be overshadowed or overlooked as existing structures are to be used. The building line encroachments requested is minimal as discussed due to the position of the existing structures.

It is our view that the need and desirability of this development proposal for Remainder Erf 1131, Wilderness showed no obvious negative impacts.

5.9 Pre-application consultation

The following was discussed during the pre-application consultation attached hereto as **Annexure 9**:

Department: Civil Engineering Services

- *Parking to be provided in terms of GIZS 2017. PT1 will not be supported, as the bus services is not currently operational;*
- *Parking to be provided on site. Parking dimension to be indicated on plan.*

The required parking as required by the GIZS for 'normal area' are provided as discussed earlier in this motivation report and is indicated as required in the site plan attached hereto as **Annexure 8**.

Department: Electrotechnical Services

- *A separate Electrical Supply will have to be installed for Erf 1131. The property's electrical supply must be separated from Erf 2062's electrical supply. The developer must appoint an electrical engineer to ensure that the bulk electrical supply to the property will be sufficient for the additional units.*

This will be addressed during construction following the approval of building plans.

Town Planning Section

- *The limitation of the 3 guest rooms is not only stipulated in the conditions of approval but in the decision as well (2006 approval letter). Thus, you cannot apply for the amendment of condition of approval. Need to apply for the Rezoning of the property from "General Residential Zone V" limited to 3 guest rooms and conference facility to "General Residential Zone V".*

Noted and addressed accordingly.

- *Departure will be required to allow for self-catering guest rooms. The self-catering rooms will be limited.*

Noted and addressed accordingly.

- *All the servitudes and accesses need to be illustrated on the property and explained in the report. Confirm if all the right of way servitudes is registered on the property.*

Paragraph 3 of this motivation report together with the attached Surveyor-General Diagrams (**Annexure 6**) shows and discuss the servitudes registered over this property. The registered servitudes are marked in different colours in Paragraph 3 on an extract of the SG diagram and on an aerial photo for easy reference.

- *The conveyance certificate to confirm if there are any restrictive conditions in the title deed with specific reference to the restriction on "Businesses/trade" the servitudes etc.*

As stated in Paragraph 3 of this motivation report, a conveyancer's certificate confirming that no restrictive conditions exist in the title deed pertaining to the use of the property is attached as **Annexure 5**. The conveyancer inspected all deeds, also behind the pivot deed, and concluded that no restrictions were found considering what the property is used for and the expansion of this use. If there were any restrictions as discussed in the pre-application consultation, the qualified conveyancer would have addressed it accordingly.

- *Sufficient parking and maneuvering space to be illustrated and provided on site alternately the property would need to be tied notarial.*

As discussed in Paragraph 5.7 and shown on the attached site plan (**Annexure 8**), ample parking is available with sufficient manoeuvring space.

6. CONCLUSION

Following the foregoing paragraphs, it is our opinion that the proposed rezoning and departures for Remainder Erf 1131, Wilderness as listed in Paragraph 2 and discussed in this motivation report, is consistent with the overall spatial objectives for the area and that the proposal may therefore be supported. No conflict was identified with any relevant consideration.

The completed land use application form is as **Annexure 10** to this motivation report.



MARLIZE DE BRUYN Pr. Pln

GEORGE MUNICIPALITY



LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

PLEASE NOTE:

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

PART A: PARTICULARS

Reference number: **Rem Erf 1131 Wilderness**

Purpose of consultation: To submit land use application

Brief proposal: **Amendment of approval**

Property(ies) description: Rem Erf 1131 Wilderness

Date: **22 January 2020**

Attendees:

[illegible]

Documentation provided for discussion:

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

Copy of title deed, previous approval, site plan, aerial image

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

| | |
|-----|----|
| YES | NO |
|-----|----|

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

Comprehensive overview of proposal:

Rem Erf 1131 Wilderness is zoned General Residential Zone V (guest house with 3 guest rooms and a conference facility. The 3 guest rooms have been developed but the conference facility has not yet been developed. The owner now decided not to develop the latter at all. He wishes to use what is existing on the property to provide a total of 7 guest suites. The approval dated 18 September 2006 therefore needs to be amended.

Were the 3 guest rooms are provided, a fourth has been added (with building plan approval). Space is available underneath the western side of the 3 guest rooms (approved as office and storeroom) that is to be converted into a guest suite. Then adjacent to the reception, another suite can be provided in space underneath the board room above.

Then the board room with an adjacent patio is to be converted into another guest suite.

The guest suites are to provide self-catering facilities. A departure from the relevant development parameters will be needed.

Considering the GIZS, it seems that 10 parking bays are to be provided, which is found there at present.

PART C: QUESTIONNAIRES

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

| Tick if relevant | | What land use planning applications are required? | Application fees payable |
|--------------------------------|-------------|--|--------------------------------|
| √ | 2(a) | a rezoning of land; | R1680.00 |
| | 2(b) | A rezoning to subdivisinal area; | R |
| | 2(c) | a temporary departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis; | R |
| √ | 2(d) | a permanent departure from the development parameters of the zoning scheme; | R1360.00 |
| | 2(e) | a subdivision of land that is not exempted in terms of section 25, including the registration of a servitude or lease agreement; | R |
| | 2(f) | an amendment, suspension or removal of restrictive conditions in respect of a land unit; | R |
| | 2(g) | an amendment, deletion or imposition of conditions in respect of an existing approval; | R |
| | 2(h) | an extension of the validity period of an approval; | R |
| | 2(i) | a consent use in terms of the relevant zoning scheme regulations; | R |
| | 2(j) | Amendment / cancellation of a general plan; | R |
| | 2(k) | a phasing, amendment or cancellation of a plan of subdivision or a part thereof; | R |
| | 2(l) | a contravention levy; | R |
| | 2(m) | A determination of a zoning; | R |
| | 2(n) | A closure of a public place or part thereof; | R |
| | 2(o) | an occasional use of land; | R |
| Tick if relevant | | What prescribed notice and advertisement procedures will be required? | Advertising fees payable |
| Y | N | Serving of notices (i.e. registered letters etc.) | R |
| Y | N | Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.) | R |
| Y | N | Additional publication of notices (i.e. Site notice, public meeting, local radio, website, letters of consent etc.) | R |
| Y | N | Placing of final notice (i.e. Provincial Gazette etc.) | R |
| TOTAL APPLICATION FEE*: | | | R 3 040.00 VAT excluded |

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

SECTION B:

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

| QUESTIONS REGARDING PLANNING POLICY CONTEXT | YES | NO | TO BE DETERMINED | COMMENT |
|---|----------|----|---------------------|-------------------------|
| Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans? | X | | | |
| Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)] | | | X | To be determined |
| Any other Municipal by-law that may be relevant to application? (If yes, specify) | | | X | |
| Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? <u> GIZS by-law </u> What is the current zoning of the property? <u> GRZ V </u> What is the proposed zoning of the property? <u> GRZ V </u> Does the proposal fall within the provisions/parameters of the zoning scheme? <u> No </u> Are additional applications required to deviate from the zoning scheme? (if yes, specify) <u> Yes </u> | | | | |

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

| | | | | |
|-----------------|--|--|--|--|
| document/plans? | | | | |
|-----------------|--|--|--|--|

SECTION C:

CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

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

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

**SECTION D:
SERVICE REQUIREMENTS**

| DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES? | YES | NO | TO BE DETERMINED | OBTAIN COMMENT FROM: (list internal department) |
|---|-----|----|------------------|--|
| Electricity supply: | | | X | Directorate: Electro-technical Services |
| Water supply: | | | X | Directorate: Civil Engineering Services |
| Sewerage and waste water: | | | X | Directorate: Civil Engineering Services |
| Storm water: | | | X | Directorate: Civil Engineering Services |
| Road network: | | | X | Directorate: Civil Engineering Services |
| Telecommunication services: | | | X | |
| Other services required? Please specify. | | | X | Refuse removal |

| | | | | |
|----------------------|--|--|----------|--|
| Development charges: | | | X | |
| | | | | |

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

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

PART E: DISCUSSION

CES: Parking to be provided in terms of GIZS 2017. PT1 will not be supported, as the bus services is not currently operation

Parking to be provided on site. Parking dimension to be indicated on plan.

ETS: A separate Electrical Supply will have to be installed for Erf 1131. The property's electrical supply must be separated from Erf 2062's electrical supply. The developer must appoint an electrical engineer to ensure that the bulk electrical supply to the property will be sufficient for the additional units.

TP: The limitation of the 3 guest rooms is not only stipulated in the conditions of approval but in the decision as well (2006 approval letter). Thus you cannot apply for the amendment of condition of approval. Need to apply for the Rezoning of the property from "General Residential Zone V" limited to 3 guest rooms and conference facility to "General Residential Zone V".

Departure will be required to allow for self-catering guest rooms. The self-catering rooms will be limited.

All the servitudes and accesses need to be illustrated on the property and explained in the report.

Confirm if all the right of way servitudes are registered on the property.

The conveyance certificate to confirm if there is any restrictive conditions in the title deed with specific reference to the restriction on "Businesses/trade" the servitudes etc.

Sufficient parking and manoeuvring space to be illustrated and provided on site alternately the property would need to be tied notarialy.

PART F: SUMMARY / WAY FORWARD

Please refer to above comments. Application can be submitted for consideration.

OFFICIAL: __Ilane Huyser__

PRE-APPLICANT: Marlize de Bruyn



SIGNED: _____

DATE: 2020/05/20



SIGNED: _____

DATE: 20 January 2020

12 Jan S. de Villiers en Smit
12 Jan S. de Villiers und Smit


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H/v Willem Botha & Caleystraat 310
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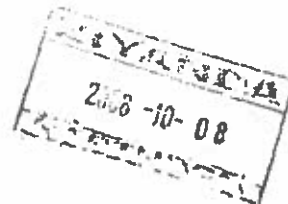
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TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

WAYNE OWEN RAPHELS

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

THE BOARDWALK RESORTS (EIENDOMS) BEPERK
Nr. 2003/015554/07

DATA / VERIFY

09 OCT 2008

geteken te PRETORIA op 22 Augustus 2008

En genoemde Komparant het verklaar dat sy prinsipaal, op 24 Julie 2008, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

JUNE DESIGN AND MARKETING CONSULTANTS-BK
Nr. 1995/044183/23

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

RESTANT VAN ERF 1131 WILDERNESS, geleë in die Munisipaliteit en Afdeling van George, Provinsie Wes-Kaap

GROOT 2210 (TWEEDUISEND TWEEHONDERD EN TIEN) Vierkante Meter

AANVANKLIK GEREGISTREER kragtens Sertifikaat van Gekonsolideerde Titel No T31206/1982 met Diagram No 3482/82 wat daarop betrekking het en gehou kragtens Akte van Transport T97719/1998

- I. INSOFAR as the figure letterd A z O on said Diagram No 3482/82 is concerned:
- A. SUBJECT to the conditions referred to in Deed of Transfer No T5794/1935.
- B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No T26/1925 imposed for the benefit of all Purchasers and their successors in title of portion of the property held by the Wilderness (1921) Limited under Deed of Transfer No. T2059/1923 and of the said The Wilderness (1921) Limited and its successors in title to the remainder of the said property under which conditions the terms "Seller" and "Purchaser" shall be deemed to include the successors in title of the said Seller to the remainder of the freehold land and now called Wilderness Estate (Lot 497, Lot H) Barbiers Kraal, and of the "The Park" part of the said Wilderness Estate in the Division of George, and the heirs, executors, administrators or assigns of the Transferee under the said Deed of Transfer No T26/1925, namely:
- "3. All buildings erected on this lot shall be built of brick, stone or concrete and the ground plan showing the relation of the position of such buildings to the boundaries of the said lot, as well as the elevation plans of such buildings shall be submitted to the Seller for its approval in writing before any buildings are commenced.
4. All walls, fences or hedges or like structures abutting upon any road or pathway shall be of a type approved of by the Seller. The Seller shall not be liable to contribute to the costs of any party or dividing fence, or wall, nor to the cost of repair thereof, but it may call upon the Purchaser to enclose the said Lot. This provision eliminating any contribution by the Seller to the costs of repair of any party or dividing fence or wall shall not extend to any adjoining lot which the Seller may sell or dispose of subsequent to the date hereof, and the Purchaser of such lot adjoining the lot hereby sold shall in all respects be subject to the laws governing contributions to such party or dividing fences or walls. The Purchaser agrees to observe

uniformity in respect of fencing line for all fences that may abut on to any road, pathway, open space, or property of the Seller and to maintain all boundary fences of the said lot in good order and repair. No Purchaser shall be entitled to erect any corrugated iron fence or screen upon his lot without the leave of the Seller.

5. The Purchaser of any lot having to frontage on either "The Park" or any other open space or reserve, shall be obliged to plant and maintain at a suitable height, such live hedge and/or such trees or shrubs as shall be prescribed by the Seller to suitably green any premises situate on such lot.

- C. SUBJECT FURTHER to the terms of the Order of the Water Court referred to in the following endorsement dated 7 January 1972, on Deed of Transfer No T5794/1935:-

"The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District, Cape) dated 26/5/71 as will more fully appear on reference to the copy of the said Order, Serv. 15/72 hereto."

- II. INSOFAR as the figure lettered z B C p q r s t F G H J K L M N O P on the said Diagram No. 3482/82 is concerned:-

- A. SUBJECT to the conditions referred to in Certificate of Consolidated Title No. T13628/1949.

- B. SUBJECT FURTHER

- (a) Insofar as the figure A B C o p J K L M N on Diagram No. 11947/48 is concerned, to the special condition No. 3 contained in Deed of Transfer No. T26/1925 - insofar as the same may not have lapsed by operation of law in consequence of merger - imposed for the benefit of all the Purchasers and their successors in title or portion of the property held by The Wilderness (1921) Limited under Deed of Transfer No. T2059/1923 and of The Wilderness (1921) Limited and its successors in title to the remainder of the said property, which condition reads as follows:-

- "3. All buildings erected on this lot be built of brick, stone or concrete and the ground plan showing the relation of the position of such buildings to the boundaries of the said lot as well as the elevation plan of such buildings, shall be submitted to the Seller for its approval in writing before any buildings are commenced."

The terms "Seller" and "Purchaser" in this condition shall be deemed to include the successors of The Wilderness (1921) Limited to the remainder of the freehold land now called Wilderness Estate in the Division of George, and heirs, executors, administrators or assign of the then Transferee, which said figure referred to in B(a) above includes the figure z B C D W U K L M N O on the annexed diagram No 3482/92.

- (b) Insofar the figure D.E.r.o on the said Diagram No 11947/48 is concerned to the special condition No 3 is concerned, to the special condition No 3 contained in Deed of Transfer No T1588/1927 - insofar as the same may have lapsed by operation of law in consequence of merger - Imposed for the benefit of all the

Purchasers and their successors in title or portions of the property held by The Wilderness (1921) Limited under Deed of Transfer No. T2059/1923, and of the Wilderness (1921) and its successors in title, to the remainder of the said property, which condition is fully set out in Paragraph B(a)3 above, which said figure is shown on the annexed Diagram No 3482/82 as E F Y W.

- (c) As far as the figure o.r.F. on the said Diagram No 11947/48 is concerned, to the special condition No 3 contained in Deed of Transfer No T852/1925 – insofar as the same may not have lapsed by operation of law in consequence of merger – imposed for the benefit of all the Purchasers and their successors in title of portions of the property held by The Wilderness (1921) Limited under Deed of Transfer No. T2059/1923, and of The Wilderness (1921) Limited and its successors in title to the remainder of the said property, which condition is fully set out in Paragraph B(a)3 above, which said figure is shown on the annexed Diagram No 3482/82 as W.Y.G.

- C. SUBJECT FURTHER to the terms of the endorsement dated 17 August 1949, on the said Certificate of Consolidated Title No T.13628/1949 which reads as follows:-

"Remainder

Registration of Servitude

By Notarial Deed No. 345 dated 20 July 1949 the remainder of the property conveyed hereby is subject to a servitude road marked G.K.L.M.N.O on Diagram 11948/48 annexed to Deed of Transfer No. T13629/49 and by the figure s t u v w x on the annexed Diagram No. 11947/1948 in favour of the Genral Public as will more fully appear on reference to the said Notarial Deed".

The figure E.T.u.v.w.x. represents the servitude road on Diagram No 6498/74 annexed to Deed of Transfer No T.37010/1975

- D. SUBJECT FURTHER to the terms of the Order of the Water Court referred to in the following endorsement dated 7 January 1972, on the said Certificate of Consolidated Title No 13628/1949 namely:-

"The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District, Cape) dated 26/5/71 as will more fully appear on reference to the copy of the said Order, Serv. 15/72."

- III. INsofar as the figure lettered C D E t s r q p on the said Diagram No 3482/82 is concerned:-

SUBJECT to the conditions referred to in Deed of Transfer No. T11076/1958.

- IV. INsofar as the figure letterd C D E W r q v p on the said diagram No 3482/82 is concerned:-

SUBJECT to the special condition No 3 contained in Deed of Transfer No T26/1925 imposed for the benefit of all the purchasers and their successors in title of portions of the property held by the then Sellers (Wilderness) (1921) (Limited) under Deed of Transfer No T2059/1923, and of the said Seller and its successors in title to the remainder of the said property, which condition reads as follows:-

- "3. All buildings erected on this lot shall be built of brick, stone or concrete and the ground plan showing the relation of the position of such buildings to the boundaries of the said lot as well as the elevation plans of such buildings, shall be submitted to the Seller for his approval in writing before any buildings are commenced.

The terms "Seller and Purchaser" in these conditions shall be deemed to include the successors in title of the then Seller to the remainder of the freehold land now called Wilderness Estate (Lot 497 Lot H) Barblers Kraal, and of the Park, part of the said Wilderness Estate in the Division of George, and heirs, executors, administrators or assigns of the then transferee.

- V. INSOFAR as the figure lettered E t s x w on the said Diagram No 3482/82 is concerned:-

SUBJECT to the special condition No 3 contained in Deed of Transfer No T1588/1927 imposed for the benefit of all the purchasers and their successors in title of portions of the property held by the then Sellers (WILDERNESS) (1921) (Limited) under Deed of Transfer No. T2059/1923, and of the said Seller and its successors in title to the remainder of the said property, which condition if fully set out at the end of component IV above.

- VI. INSOFAR as the figure lettered w x r on the said Diagram No 3482/82 is concerned:-

A. SUBJECT to the special condition No. 3 contained in Deed of Transfer No T852/1925 - imposed for the benefit for all the purchasers and their successors in title of portions of the property held by the then Sellers (Wilderness) (1921) (Limited) under Deed of Transfer No. T2059/1923, and of the said Seller and its successors in title to the remainder of the said property, which condition if fully set out at the end of component IV above.

B. SUBJECT FURTHER to the following special conditions No's 2-9 imposed for the benefit of all purchasers and their successors in title of portions of the properties held by the said Wilderness (1921) Limited under the said Deed of Transfer No. T2059/1923, Certificates of Registered Title No's 4119/1932, 4120/1932, 4121/1932 and 4122/1932, Certificates of Consolidated Title No's 4125/1932, 4126/1932 and 4127/1932 and Certificate of Amended Title 8355/1929, and for the benefit of the said Wilderness (1921) (Limited), and its successors in title to the remainder of the said properties No 3 of which reads as set out in component IV above, the remaining conditions 2, 4 to 9 inclusive being:-

- "2. No trade or business or any description shall be carried on, on this lot without the written permission of the seller first had and obtained.

4. All walls, fences or hedges, or like structures, abutting upon any road or pathway, shall be of a type approved of by the Seller. The Seller shall not be liable to contribute to the cost of any party or dividing fence, or wall, nor to the costs of repair thereof, but it may call upon the purchaser to enclose the said Lot. This provision eliminating any contribution by the Seller to the cost of repair of any party or dividing fence or wall shall not extend to the any adjoining lot which the Seller may sell or dispose of subsequent to the date hereof, and the Purchaser of such lot adjoining the Lot hereby sold, shall in all respects be subject to the laws governing contributions to such party or dividing fences or walls. The Purchaser agrees to observe uniformity in respect of fencing line for all fences but may abut on to any road, pathway, open space or property of the Seller, and to maintain all boundary

fences of the said lot in good repair and order. No purchaser shall be entitled to erect any corrugated iron fence or screen upon this lot without the leave of the Seller.

5. The Seller retains the right and power to enforce the observance of proper sanitation and cleanliness upon this lot as well as the right to construct, use and maintain across this lot any pipe line for water leading, sewerage or drainage.

The purchaser binds himself to all such regulations as the Seller may hereafter prescribe in regard to matters of public health and sanitation and the use of all roads, paths, open spaces and the remainder of Seller's Estate at the Wilderness.

6. Seller retains ownership and control of all roads, streets, paths, avenues, lanes, open spaces or reserves, as shown on the plan of the estate, as well as the right in its discretion to alter, close, deviate, or otherwise deal with any such road, streets, paths, avenues, lanes, open spaces or reserves.
7. The purchaser of any lot having a frantage on either "The Park" or any other open space or reserve, shall be obliged to plant, and maintain at a suitable height, such live hedge and/or such trees or shrubs as shall be prescribed by the Seller suitably to screen and premises situate on such lot.
8. In respect of any lot situate in blocks A B D F G L and M upon the sea front, purchasers shall not cut down or otherwise destroy the natural bush growth on the sea front and so endanger any plot to erosion by the sea or to shifting sands. Seller reserves the right to prescribe the level at which all buildings shall be placed on such lots or any of them, and if called upon to do so by the Seller purchasers shall be obliged to plant and maintain suitable turn on any clear or open portions of such lots to guard against shifting sands.
9. The purchaser agrees to be bound not to clear, or destroy the trees and bush on the said Lot, without first consulting the Seller, whose consent to such clearing or destroying shall be necessary, but shall not unreasonably interfere with the Purchaser's full use and enjoyment of the said Lot.

The terms "Seller" and "Purchaser" in these conditions shall be deemed to include the successors in title of the said Seller to the remainder of the Freehold land now called Wilderness Estate (Lot 497 Lot H) Barbiers Kraal of the properties held under Certificate of Registered Consolidated and Amended title hereinbefore mentioned and of "the Park" part of the said Wilderness Estate in the Division of George, and the heirs, executors, administrators or assigns of the Purchaser of the property hereby transferred.

SUBJECT FURTHER to the terms of the following endorsement dated 7 January 1972, on the said Deed of Transfer NO T34345/1969, reading as follows:

"Registration of Servitude:

The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District Cape) dated 26 May 1971, as will more fully appear on reference to the copy of the said Order annexed hereto Serv. 15/72."

- VII. INSOFAR as the whole of the Consolidated Property is concerned.

SUBJECT to the terms of the endorsement dated 10 April 1984, on Certificate of Consolidated Title No T31206/1982, which reads as follows:

"By virtue of notarial agreement of servitude dated 23 February 1984 No K306/1984 S the registered owner of the within property has granted to the Division of Outeniqua the right to construct and maintain over Erf 1131 two main water pipelines along a route illustrated on diagram 8507/83 annexed to the said notarial deed, together with ancillary rights.

As will more fully appear from the said notarial deed."

- VIII. By Notarial Deed of Servitude K434/2003 S, dated 11 January 2002, the within mentioned property is subject to a servitude in respect of a water reservoir on a servitude area which is depicted by the figure ABCD on servitude diagram S.G. No 1088/2001 annexed thereto in favour of the Municipality of George, together with ancillary rights.

As will more fully appear from the said notarial deed.

- IX. By Notarial Deed of Servitude No. K435/2002 S, dated 11 January 2002, the within mentioned property is subject to:

1. a servitude of right of way, for a private road, 4m wide, the middle line of which is indicated by the curved line r s on servitude diagram S.G. No 1088/2001;
2. a parking area servitude, which servitude is indicated by the figure HJKLMNP on servitude diagram S.G. No 1088/2001

in favour of Erf 2062 Wilderness, measuring 7658 square metres and held by Deed of Transfer T87282/1008, together with ancillary rights.

As will more fully appear from the said notarial deed.

- X. By Notarial Deed of Servitude No. K436/2007S, dated 11 January 2002, the within mentioned property is subject to a servitude of right of way, for a private road, which road is indicated by the figure E F G on servitude diagram S.G. No 1088/2001, in favour of Erf 2325 Wilderness, measuring 1355 square metres and held by Deed of Transfer T39291/2002, subject to further ancillary rights

As will more fully appear from the said notarial deed.

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

THE BOARDWALK RESORTS (EIENDOMS) BEPERK
Nr. 2003/015554/07

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

JUNE DESIGN AND MARKETING CONSULTANTS BK
Nr. 1995/044183/23

diese Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken dit dat die verkoopprijs die bedrag van R1 600 000,00 (Een Miljoen Ses Honderd Duisend Rand) beloop.

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

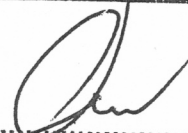
ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te Kaapstad op 06 Oktober 2008

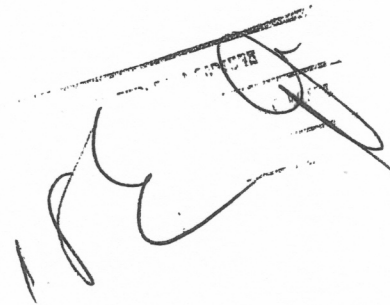
In my teenwoordigheid

REGISTRATEUR VAN AKTES

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| SEGLREG DUTY | R..... |
| FOOI FEE | R..... 95.00 |

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| REGISTRATEUR/REGISTRAR |
| 2002-05-21 |



K 435/2002S

PROTOCOL NO. 422

NOTARIAL DEED OF SERVITUDE

BE IT HEREBY MADE KNOWN:

THAT on this 11th day of JANUARY 2002, before me, **WILLEM MUNRO LUTTIG**, Notary Public, practising at GEORGE, Western Cape Province, personally came and appeared

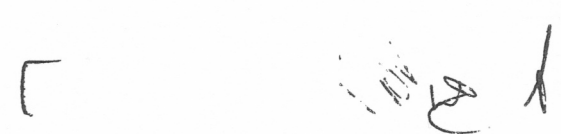
- I. IZANDRI CAVELL GRIESSEL she being duly authorised thereto by a Power of Attorney granted to her at CENTURION on this 28TH day of AUGUST 2001 by:

Willem Christiaan Boshoff in his capacity as a member of

THE BOARDWALK RESORTS CC
Registration Number CK1994/033369/23

he being duly authorised thereto by a resolution of the members dated 17 JULY 2001

(hereinafter referred to as the "Servient Owner")



being the registered owner of the land described as:

**REMAINDER OF ERF 1131 WILDERNESS, IN THE MUNICIPALITY AND, DIVISION OF
GEORGE, WESTERN CAPE PROVINCE**

**IN EXTENT: 4 760 (FOUR THOUSAND SEVEN HUNDRED AND SIXTY) SQUARE
METRES**

HELD BY DEED OF TRANSFER NO T.97719/1998

(which land is hereinafter referred to as the "Servient tenement")

and

- II. IZANDRI CAVELL GRIESSEL, she being duly authorised thereto by a Power of Attorney granted to her at CENTURION on 28 AUGUST 2001 by:

WILLEM CHRISTIAAN BOSHOF

Identity Number 620604 5147 08 6

Married out of community of property

(hereinafter referred to as the "Dominant Owner")

being the registered owner of the property described as:

**ERF 2062 WILDERNESS, IN THE MUNICIPALITY AND DIVISION OF GEORGE,
WESTERN CAPE PROVINCE**

IN EXTENT: 7 658 (seven thousand six hundred and fifty eight) SQUARE METRES

HELD BY DEED OF TRANSFER NO T. 87282/1997

which said Powers of Attorney have this day been exhibited to me and now remain filed in my Protocol.

AND the Appearer declared that:

1. WHEREAS the Dominant Owner, as owner of the Dominant Tenement, requires a right of way for a private road over the Servient Tenement to enable him to gain access to a servitude road which runs accross the Servient Tenement; and

2. WHEREAS the Dominant Owner, as owner of the Dominant Tenement, requires a parking servitude area on the Servient Tenement; and

WHEREAS the Servient Owner, as owner of the Servient Tenement, has agreed to grant the Dominant Owner such right of way and parking servitude on the terms and conditions hereinafter set out;

NOW THEREFORE the Appearer declared that the Servient Owner, as owner of the Servient Tenement, hereby gives and grants to the Dominant Owner, his heirs, executors, successors in title and assigns as owner of Erf 2062 Wilderness, in extent 7 658 (seven thousand six hundred and fifty eight) square metres, held by Deed of Transfer no T.87282/1997:

- (i). A Notarial Servitude of right of way 4 (four) metres wide over Remainder of erf 1131, Wilderness, in extent 4 760 (four thousand seven hundred and sixty) square metres, for a private road 4 (four) metres wide, the middle line which is indicated by the curved line r s on Servitude Diagram 1088/2001, annexed to Notarial Deed of Servitude no K. /2002.
- (ii). A parking area servitude on Remainder of erf 1131, Wilderness, in extent 4 760 (four thousand seven hundred and sixty) square metres, which servitude is indicated by the figure H J K L M N P on Servitude Diagram 1088/2001, annexed to Notarial Deed of Servitude no K. /2002.

On the following conditions:

- (a) The Dominant Owner, heirs, executors, successors in title and assigns shall have the use of the private access road for the sole purpose of securing access to the Dominant Tenement and the use of the parking servitude described above.
- (b) That no compensation or consideration shall pass between the parties hereto in respect of the granting of the rights mentioned herein and the value of the said servitude is agreed upon by the parties for transfer duty purposes to amount to R100.00.
- (c) The servitude of right of way and the parking servitude will be for the use only of the owner, heirs, executors, successors in title and assigns to Erf 2062 Wilderness and any tenants who may occupy buildings erected thereon including their invitees.

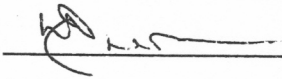
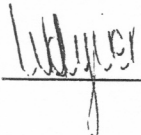
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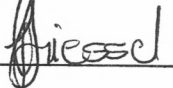
- (d) The owner, heirs, executors, successors in title and assigns to Erf 2062 Wilderness agree not to allow the general public vehicular access to the Dominant Tenement via the servitude right of way and that no public thoroughfare to the Dominant Tenement shall be established.
- (e) Maintenance of the right of way and the parking servitude shall be the joint responsibility of the Dominant and Servient Owners proportionally according to the use to which the right of way and parking servitude is put by the respective parties provided however that the Dominant Owner shall be responsible for making good or compensating the Servient Owner for any damage done to the Servient Tenement outside the area of the servitude right of way and parking servitude caused during any process of maintenance by the Dominant Owner, his contractors and his or their employees and servants.
- (f) This notarial deed shall be registered against the title deed of the Servient Tenement and in favour of the title deed of the Dominant Tenement. The costs of this agreement and the registration thereof as aforesaid, including the cost of the servitude diagram shall be paid by the Dominant Owner.

AND the Appearer, on behalf of the Dominant Owner hereby accepts, insofar as necessary, the benefits of these servitudes subject to terms and conditions aforementioned.

THUS DONE and EXECUTED by the Appearer before me, the Notary Public, on the date aforementioned at GEORGE in the presence of the undersigned witnesses.

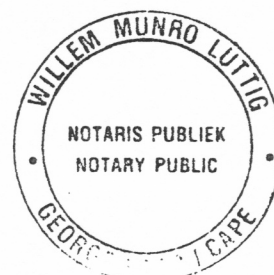
AS WITNESSES:

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 q.q.

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QUOD ATTESTOR


 NOTARY PUBLIC



52

SOUTH AFRICAN REVENUE SERVICE

Rev 684

TRANSFER DUTY — FORM B
DECLARATION BY PURCHASER

PART I

TRANSFEROR (Seller)

THE BOARDWALK RESORTS CC Registration Number CK1994/033369/23

TRANSFeree (Purchaser)

WILLEM CHRISTIAAN BOSHOF, Identity number 620604 5147 08 6

DESCRIPTION OF PROPERTY

SEE ATTACHED NOTARIAL DEED OF SERVITUDE

 Postal Code of district in which property is situated

Date of transaction: 11 January 2002

Consideration: R100.00

TRANSFER DUTY PAID BY: RAUBENHEIMERS INC (Ref:ICG/W15040)

Postal address: 60 Cathedral Street, George, 6529

FOR OFFICIAL USE

Transfer duty paid on R 100.00 Being Fair Value

Act under which duty charged 40/49/95 amended

Steel defacing stamp of
Office of issue

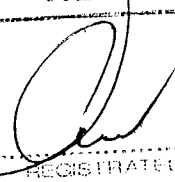
Receiver of Revenue

CASH REGISTER RECEIPT

3595

52

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| SEELREG DUTY | R..... |
| FOOI FEE | P..... 9500 |

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| REGISTRAR/REGISTRAR |
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PROTOCOL NO. 420

NOTARIAL DEED OF SERVITUDE OF RIGHT OF WAY

BE IT HEREBY MADE KNOWN:

THAT on this 11th day of JANUARY 2002, before me,
WILLEM MUNRO LUTTIG Notary Public, practising at GEORGE, Western Cape Province,
personally came and appeared

- I. IZANDRI CAVELL GRIESSEL she being duly authorised thereto by a Power of Attorney granted to her at CENTURION on this 28th day of AUGUST 2001 by:

Willem Christiaan Boshoff in his capacity as a member of

THE BOARDWALK RESORTS CC
Registration Number CK1994/033369/23

he being duly authorised thereto by a resolution of the members dated 17 JULY 2001

(hereinafter referred to as the "Servient Owner")



being the registered owner of the land described as:

**REMAINDER OF ERF 1131 WILDERNESS, IN THE MUNICIPALITY AND DIVISION OF
GEORGE, WESTERN CAPE PROVINCE**

**IN EXTENT: 3 405 (three thousand four hundred and five) SQUARE METRES
HELD BY DEED OF TRANSFER NO T.97719/1998**

(which land is hereinafter referred to as the "Servient tenement")

and

II. IZANDRI CAVELL GRIESSEL, she being duly authorised thereto by a Power of Attorney granted to her at CENTURION on 20 NOVEMBER 2001 by:

Anna Petronella Glas in her capacity as a member of

BROKERS HOLIDAY ACCOMMODATION CC

Registration Number CK1992/026636/23

She being duly authorised thereto by a resolution of the members dated 25 MAY 2001

(hereinafter referred to as the "Dominant Owner")

being the registered owner of the property described as:

**ERF 2325 WILDERNESS, IN THE MUNICIPALITY AND DIVISION OF GEORGE,
WESTERN CAPE PROVINCE**

**IN EXTENT: 1 355 (ONE THOUSAND THREE HUNDRED AND FIFTY FIVE) SQUARE
METRES**

HELD BY DEED OF TRANSFER NO T. 39291 ⁽⁶⁾ /2002

which said Powers of Attorney have this day been exhibited to me and now remain filed in my Protocol.

AND the Appearer declared that:



/HEREAS the Dominant Owner, as owner of the Dominant Tenement, requires a right of way for a private road over the Servient Tenement to enable her to gain access to a public road which is crossing the Servient Tenement; and

WHEREAS the Servient Owner, as owner of the Servient Tenement, is desirous to grant the Dominant Owner such right of way on the terms and conditions hereinafter set out;

NOW THEREFORE the Appearer declared that the Servient Owner, as owner of the Servient Tenement, hereby gives and grants to the Dominant Owner, successors in title and assigns as owner of Erf 2325 Wilderness, in extent 1 355 (one thousand three hundred and fifty five) square metres, held by Deed of Transfer no T. 39291 6 /2002:

- (i) A Notarial Servitude of right of way over Remainder of erf 1131, Wilderness, in extent 3 405 (three thousand four hundred and five) square metres, for a private road, which road is indicated by the figure E F G on Servitude Diagram 1088/2001, annexed to Notarial Deed of Servitude no K. 434 L /2002.5

On the following conditions:

- (a) The Dominant Owner, its successors in title and assigns shall have the use of the area of the private access road described above for the sole purpose of securing access to the Dominant Tenement.
- (b) The servitude of right of way will be for the use only of the owner, its successors in title and assigns to Erf 2325 Wilderness and any tenants who may occupy buildings erected thereon including their invitees.
- (c) The owner, its successors in title and assigns to Erf 2325 Wilderness agree not to allow the general public vehicular access to the Dominant Tenement via the servitude right of way and that no public thoroughfare to the Dominant Tenement shall be established.
- (d) Maintenance of the right of way shall be the joint responsibility of the Dominant and Servient Owners proportionally according to the use to which the right of way is put by the respective parties provided however that the Dominant Owner shall be responsible for making good or compensating the Servient Owner for any damage done to the Servient Tenement outside the area of the servitude right of way caused

Handwritten signature and initials.


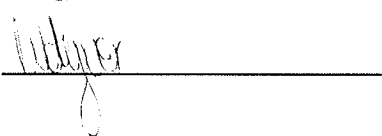
during any process of maintenance by the Dominant Owner, his contractors and his or their employees and servants.

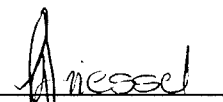
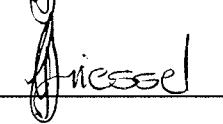
- (e) This notarial deed shall be registered against the title deed of the Servient Tenement and in favour of the title deed of the Dominant Tenement. The costs of this agreement and the registration thereof as aforesaid, including the cost of the servitude diagram shall be paid by the Dominant Owner.
- (f) That no compensation or consideration shall pass between the parties hereto in respect of the granting of the rights mentioned herein and the value of the said servitude is agreed upon by the parties for transfer duty purposes to amount to R100.00.

AND the Appearer, on behalf of the Dominant Owner hereby accepts, insofar as necessary, the benefits of this servitude subject to terms and conditions aforementioned.

THUS DONE and EXECUTED by the Appearer before me, the Notary Public, on the date aforementioned at GEORGE in the presence of the undersigned witnesses.

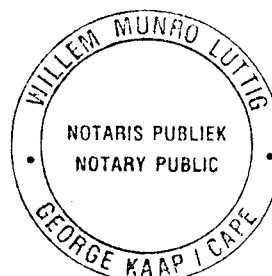
AS WITNESSES:

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QUOD ATTESTOR


 NOTARY PUBLIC



52

SOUTH AFRICAN REVENUE SERVICE

Rev 684

3

TRANSFER DUTY — FORM B
DECLARATION BY PURCHASER

PART I

EROR (Seller)
HE BOARDWALK RESORTS CC Registration Number CK1994/033369/23

RANSFEREE (Purchaser)
BROKERS HOLIDAY ACCOMMODATION CC, Registration number CK1992/026636/23

DESCRIPTION OF PROPERTY

SEE ATTACHED NOTARIAL DEED OF SERVITUDE

Postal Code of district in which property is situated

Date of transaction: 11 January 2002

Consideration: R100.00

TRANSFER DUTY PAID BY: RAUBENHEIMERS INC (Ref:ICG/W15040)

Postal address: 60 Cathedral Street, George, 6529

FOR OFFICIAL USE

Transfer duty paid on R 100.00

Being Fair Value

Act under which duty charged

40/49 (as amended)

Steel defacing stamp of
Office of issue

Receiver of Revenue

CASH REGISTER RECEIPT

3589



Home Loans
Sales and Service Enablement

9 Lothbury Road
Auckland Park, 2092
Private Bag 72007
Cresta, 2118
South Africa

T 0860 111 007
Swift address: ABSAZAJJ
absa.co.za

13.03.2020

Private/Confidential

ILSE PRETORIUS ATTORNEYS
PO BOX 19
WILDERNESS
6560

Your Ref: B229-2020

REQUEST RECEIVED FOR: SPECIAL CONSENT

Borrower(s)' name: JUNE DESIGN AND MARKETING CONSULTANTS CC
Mortgage loan account number: 8071658593
Property description: R/E OF ERF 1131 WILDERNESS

We refer to the above account and agree to the consent to expand the accommodation facility by utilizing the existing structures, on the above-mentioned property.

Yours faithfully

A handwritten signature in black ink, appearing to read "N Wahl".

Property Control
Our ref: Nadine Wahl
Tel: 011 846 5471

3482/82

| SIDES Metres | | ANGLES OF DIRECTION | CO-ORDINATES System | |
|-----------------|-------|------------------------|------------------------|---|
| | | | Y | X |
| AB | 42,15 | 30.45.50 | A | |
| BC | 19,09 | 137.17.40 | B | |
| CD | 24,90 | 229.52.10 | C | |
| DE | 15,27 | 91.30.10 | D | |
| EF | 22,05 | 276.52. 0 | E | |
| FG | 47,56 | 74. 0. 0 | F | |
| GH | 15,03 | 40.43. 0 | G | |
| HJ | 10,65 | 300.19.40 | H | |
| JK | 31,12 | 132.58.50 | J | |
| KL | 29,91 | 176.48.50 | K | |
| LM | 19,20 | 77.44.40 | L | |
| MN | 25,38 | 163.17.10 | M | |
| NO | 30,26 | 207.18.40 | N | |
| QA | 29,80 | 220.31.20 | O | |

- Figure A.B.C.p.q.r.s.t.F.G.H.J.K.L.M.N.O. representing Erf 530, Wilderness
Vide Diagram No. 6499/74 Cert. of Con. Title 37010/75
- Figure C.D.E.t.s.q.p. representing Erf 252, Wilderness.
Vide Diagram No. 11948/48 D/T 1949. 273. 13629

The figure A.B.C.D.E.F.G.H.J.K.L.M.N.O.

represents 4 779 square metres of land, being

Erf 1131 Wilderness and comprises the properties specified above.

situate in the Local Area of Wilderness

Administrative District

of George
Compiled
Surveyed in April 1982

Province of Cape of Good Hope.

by me,

Survey

Land Surveyor

This diagram is annexed to

CCT.
No. 31206/82
dated
i.f.o.

The original diagram is are
as quoted above

No. annexed-to

Transfer/Grant

No.

File No. S/8692/2

S.R. No. Compiled

Comp. BL-8CC/241 (1765)

Gen. Plan W71c (3560)

Registrar of Deeds

FOR ENDORSEMENTS
SEE BACK OF DIAGRAM

Annexure G OFFICE COPY

S.G. No.

3482/82

Approved

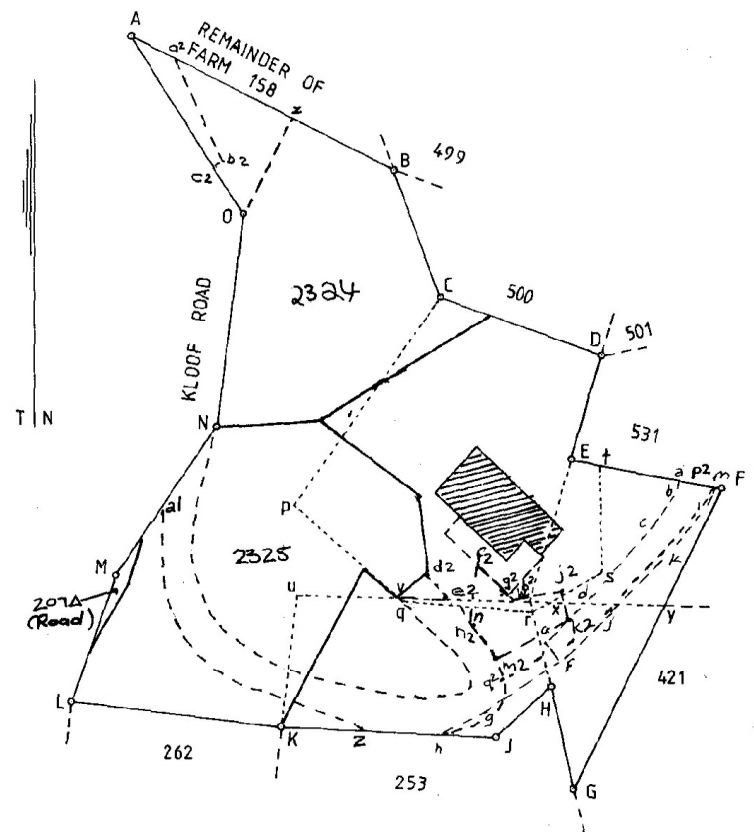
K. J. J.

Surveyor-General

1982-05-27

Beacons

C.D.E. are pieces of iron fencing standard



Servitude Note

The figure N q n h z a l represents a servitude road
vide Dgm No 11948/1948 D/T 1949- -13629

Scale: 1 : 750

| SERVITUUT/LEIGHOLD AREAS | | | | |
|--------------------------|-------------|--|---------------------|-----------|
| SURVEY RECORD | DIAGRAM NO. | DESCRIPTION | USED | INITIALED |
| E 2389/83 | 8507/83 | Die lynk abdel en fgh 1 m stel voor die middellyn van h waterpylyn servituut 1m wyd an die lyn fgh stel voor die middellyn van h water pylyn servituut 2m wyd. | MS K. 306/ Bb | |
| E 416/2000 | 1089/2001 | Die figuur A02.652 stel h servituut water reservoier voor die figuur d2.e2.1 stel h servituut reg van weg voor die figuur F2.92.42/2.k2 m2 m2 stel servituut parkering voor die kromlyn d2.92 stel die middellyn van h Am wye servituut reg van weg voor | | |

| THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM | | | | | |
|--|-------------|-------------|--------------------|------------|---------|
| SURVEY RECORD | DIAGRAM NO. | SUBDIVISION | AREA HA./SQ. M. | TRANS. NO. | REMARKS |
| E 627/97 | 1578/97 | EF 2074 | 19m ² | 39290/2002 | |
| E 416/2001 | 1089/2001 | ERF 2326 | 1195m ² | 39292/02 | WV |
| E 416/2001 | 1090/2001 | ERF 2325 | 1355m ² | 39291/2002 | WV |

| SYE Meter | | RIGTINGS -HOEKE | KOÖRDINATE Y Stelsel W623 X | | |
|--------------|-------|--------------------|--------------------------------|-------------|---------------|
| | | Konstante | + | 0,00 | +3 700 000,00 |
| AB | 7,43 | 296 10 10 | A | + 39 106,01 | + 62 760,51 |
| BC | 15,95 | 336 09 20 | B | + 39 099,34 | + 62 763,79 |
| CD | 1,33 | 67 24 40 | C | + 39 092,89 | + 62 778,37 |
| DA | 21,88 | 147 05 10 | D | + 39 094,12 | + 62 778,88 |
| EF | 5,49 | 318 08 20 | E | + 39 063,38 | + 62 836,19 |
| FG | 7,80 | 95 08 00 | F | + 39 059,72 | + 62 840,28 |
| GE | 5,32 | 230 26 10 | G | + 39 067,49 | + 62 839,58 |
| HJ | 5,05 | 313 15 30 | H | + 39 056,25 | + 62 835,46 |
| JK | 1,82 | 287 08 20 | J | + 39 052,57 | + 62 838,92 |
| KL | 6,88 | 264 11 20 | K | + 39 050,84 | + 62 839,46 |
| LM | 4,18 | 346 34 10 | L | + 39 043,99 | + 62 838,76 |
| MN | 12,00 | 60 36 30 | M | + 39 043,02 | + 62 842,83 |
| NP | 5,59 | 144 08 20 | N | + 39 053,48 | + 62 848,72 |
| PH | 8,75 | 183 16 20 | P | + 39 056,75 | + 62 844,19 |
| | | Δ (447) LAKES | + | 36 562,42 | + 63 257,00 |
| | | Δ (445) WILDERNESS | + | 40 016,88 | + 62 603,27 |

NOT A:

Die figuur A S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1
Restant Erf 1131. WILDERNESS

1. Die figuur a c f b e d stel voor n serwituupad
Sien Kaart No 14948/1948 Transportakte No.1949-13629

2. Die lyne j h g f e k en k p q r stel voor die middellyn van n waterpyp-
lyn serwituut i meter wyd en die lyn k m n stel voor die middellyn van n
waterpyplyn serwituut 2 meter wyd
Sien Kaart No. 9507/1983

13. Die figuur A B C D stel voor n waterreservoir serwituut gebied

24. Die figuur EFG stel voor n serwituut van reg van weg

335. Die figuur H J K L M N P stel voor n serwituut van parking

4b. Die kromlyn r s stel voor die middellyn van n serwituit van reg van weg 4 meter wyd soos aangetoon

geleë" in die Munisipaliteit en

Administratiewe Distrik George Provinsie van die Wes Kaap

Opzameet in Maart 1982-Januarie 2001

deur my

A. LOUW (PLS0356) Professionele Landmeter

Hierdie kaart is geheg aan

DIE OORSPRONKLIKE KAAFT IS

Leër Nr. S/8692/2

K434/2002^s

M.S. Nr. E416/2001

gedateer

TRANSPORT

KOMP.BL-8CC/Z41 (1765)

t.q.v.

NR. 1982/31206

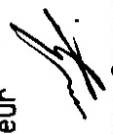
Registrateur van Aktes

SECRET

L.G. Nr.

1088/2001

Goedgekeur



Landmeter-Generaal

2001.03.15

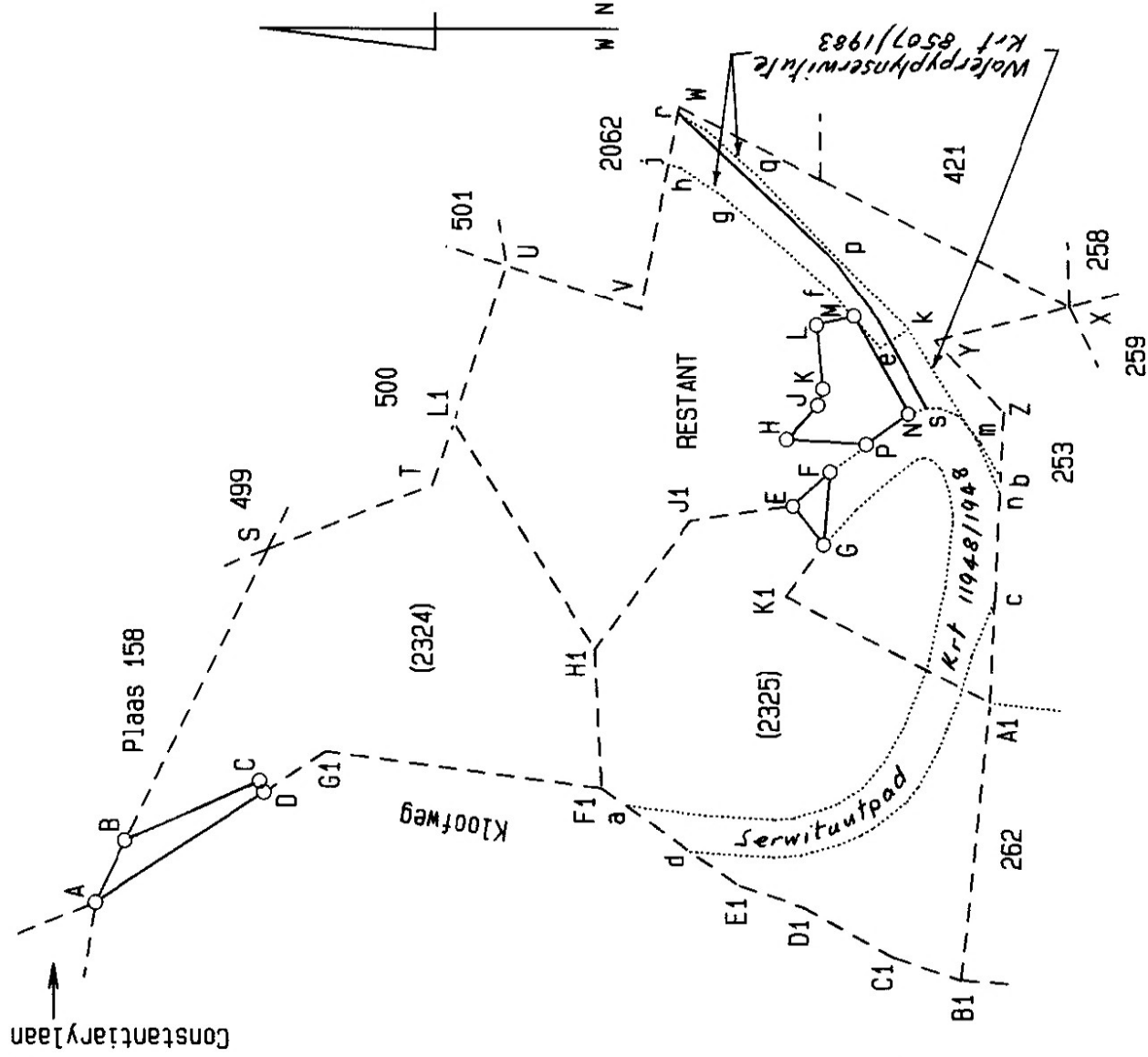
Bladsy 2 van 2 Bladsye

Nota:

Die figuur A S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 stel voor Restant Erf 1131, WILDERNESS geleë in die Munisipaliteit en Administratiewe Distrik George

BAKENBESKRYWING:

Alle bakens is 12mm ysterpen



| SYE Meter | RIGTINGS -HOEKE | Y | KOORDINATE | |
|--------------|--------------------|---|-------------|----------------|
| | | | Stelsel | Lo 23° X |
| | Konstante | | 0,00 | + 3 700 000,00 |
| AB | 1,40 | A | + 38 978,66 | + 62 526,86 |
| BC | 5,65 | B | + 38 978,97 | + 62 528,22 |
| CD | 15,13 | C | + 38 982,10 | + 62 532,92 |
| DE | 8,44 | D | + 38 991,93 | + 62 544,42 |
| EF | 3,64 | E | + 38 998,25 | + 62 550,01 |
| FG | 14,00 | F | + 38 996,19 | + 62 553,01 |
| GH | 6,27 | G | + 39 008,06 | + 62 560,43 |
| | | H | + 39 013,78 | + 62 562,99 |
| FJ | 9,44 | J | + 38 989,57 | + 62 546,28 |
| JK | 13,91 | K | + 38 979,74 | + 62 536,44 |
| KL | 7,24 | L | + 38 974,96 | + 62 531,00 |
| LM | 3,58 | M | + 38 973,20 | + 62 527,88 |
| MN | 0,70 | N | + 38 972,51 | + 62 528,01 |
| HO | 22,45 | O | + 39 036,21 | + 62 561,99 |
| | ▲ Knys 32 | | + 33 944,40 | + 63 411,29 |
| | ▲ Knys 34 | | + 37 341,14 | + 62 089,46 |

Die figuur stel voor die middellyn van 'n waterpyplyn serwituut 1 meter wyd en die lyn F G H stel voor die middellyn van 'n waterpyplyn serwituut 2 meter wyd oor Erf 1131, Wilderness.
geleë in die Plaaslike gebied van Wilderness Administratiewe Distrik George Provinsie Kaap die Goeie Hoop.

Opgemeet in Maart 1982 - Oktober 1983
deur my,

Landmeter

Landmeter

Hierdie kaart is geheg aan
Serwituutakte

No. K.306/1984
gedateer
t.g.v.

Registrateur van Aktes

Die oorspronklike kaart is.

No. 3482/82
geheg aan
Transport-Grondboek
No. 1982-625-31206

Lêer No. S/8692/2

M.S. No. E 2389/83

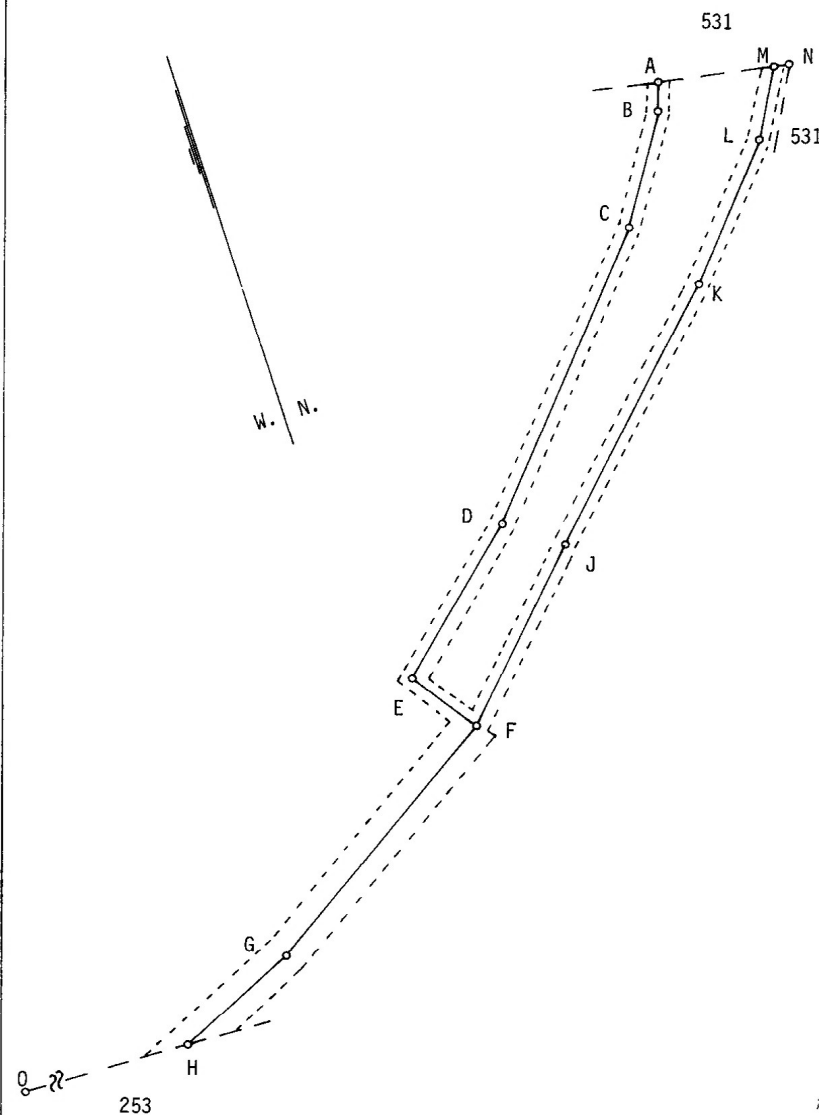
Komp.BL-8CC/Z41 (1765)

Gen. Plan W71C (3560)

Bakens

A,B,C,D,E,F,G,H,J,K,L,M,N
0

16 mm ysterpen
Ingeplante ysterpaal



Skaal: 1 : 250

CONEYANCER'S CERTIFICATE

IN TERMS OF SECTION 38(1)(n) OF THE GEORGE MUNICIPALITY: LAND USE PLANNING BY LAW

APPLICATION DETAILS:

[Description of Land Development Application with specific reference to –

Date of Application: April 2020

Applicable Subsection/s: (b) & (h)

in terms of Section 15(2) of the Bylaw]

I the undersigned,

ILSE PRETORIUS WITH IDENTITY NUMBER 760206 0025 083

a duly qualified and admitted Conveyancer, practicing at:

**ILSE PRETORIUS ATTORNEY, CONVEYANCER AND NOTARY WITH BUSINESS
ADDRESS AT MILKWOOD VILLAGE, 2352 BEACON ROAD, WILDERNESS**

do hereby certify as follows:

1. I have perused the following Title Deed/s and conducted a search behind the pivot of the said title deed/s at the Deeds Office, Cape Town:

T64462/2008

In respect of:

REMAINDER OF ERF 1131 WILDERNESS

IN THE MUNICIPALITY AND DIVISION OF GEORGE

WESTERN CAPE PROVINCE,

IN EXTENT 2210 (TWO THOUSAND TWO HUNDRED AND TEN) SQUARE METERS

IS HELD BY DEED OF TRANSFER NUMBER T64462/2008

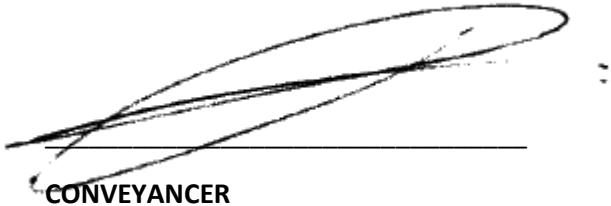
REGISTERED in the name of: **JUNE DESIGN AND MARKETING CONSULTANTS CC**

REGISTRATION/ IDENTITY NUMBER: **REGISTRATION NUMBER 1995/044183/23**

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke and a small upward flick.

2. I have appraised myself with the details of the abovementioned Land Development Application
3. The abovementioned Title Deed/s contains no conditions restricting the contemplated Land Uses in terms of the abovementioned Land Development Application.

SIGNED at WILDERNESS on this 08th day of MARCH 2020



CONVEYANCER



Wilderness Ratepayers and Residents Association

PO Box 10 Wilderness Western Cape South Africa 6560

admin@wrra.co.za www.wrra.co.za

Established 1971

Manager: Town Planning
George Municipality
PO Box 19
George 6530

26 August 2020

Attention: Clinton Peterson
cc: Ilane Huyser, Jeanne Fourie, Marisa Arries, Marlize de Bruyn

Re. Erf 1131, Kloof Street. Wilderness (Boardwalk)
Rezoning for 3 guest rooms to 5 guest rooms
Departure: building line relaxation, manager not resident, suites to be self-catering.

1. Town Planning is well aware of another unrelated, but very recent application for a similar departure – that the manager does not live on the property. There are reasons why the Zoning By-law related to guest lodge states that the owner must live in a guest lodge. If Town Planning wishes to ignore the By-laws on this issue, it must do so knowing full well that it will be adding to the exceptions it has already made, and consequently making it easier and easier for others to ignore this and other rules.
2. We make a similar point regarding the development parameter that states “guest rooms may not be converted to, or used as, separate self-catering dwelling units.” If Town Planning grants this use, it will, again, be adding to the exceptions it makes, thus negating the intent of the regulations.
3. Regarding the conveyancer’s certificate, please confirm that the conveyancer was explicitly asked to look for restrictions on trade, servitudes, etc. and didn’t find any. As written, the application simply says the conveyancer would have addressed such issues.
4. Adequate manoeuvrability of vehicles at the parking area is not evident. Please explain and confirm.

Regards,

Miller

John Miller
Portfolio: Development Diligence

JJ CALLANAN

BA BSc BSc (Med) (Hons)

PO Box 545,

2050 Num Num Crescent

Wilderness

Constantia Kloof

6560

Wilderness, 6560

Tel:

(044) 877 1744

e-mail address:

jjcallanan@telkomsa.net

3-9-2020

For attention: Municipal Manager

**PROPOSED REZONING & DEPARTURE: REMAINDER ERF 1131, KLOOF STREET, WILDERNESS,
GEORGE MUNICIPALITY & DIVISION**

Preamble:

It is evident from the Marlize De Bruyn Planning documentation relating to this application that Remainder Erf 1131 and the adjoining Erf 2062 are operated in conjunction with each other as the Boardwalk Lodge. I am therefore of the opinion that the documents should also have been forwarded to the properties located on the southern side of the lower entrance of Num Num Crescent, Constantia Kloof, for comment, as, albeit separated by a narrow greenbelt, they neighbour the Boardwalk Lodge. Although this was not done I have however received a copy of the application from WaLEAF, and based on my perusal of the documentation have decided to respond in my own right.

Definition: The George Integrated Zoning Scheme By-Law defines a **dwelling unit** as *“a self-contained, inter-leading group of roomsused for the accommodation and housing of one family with not more than one kitchen”*.

Comments:

1. **Holistic approach:** Although it is not clear from the documentation available exactly how the 2 sections of the Boardwalk interface with each other in the course of the day to day operation of the business, my perusal of the submission from Ms De Bruyn however confirms that the Remainder Erf 1131 together with the adjoining Erf 2062 is operated as a single business, namely the Boardwalk Lodge. Based on this I am therefore of the opinion that one needs to adopt a holistic approach in formulating a response to the application relating to the Remainder Erf 1131.

2. **George Integrated Zoning Scheme By-Law: Development parameters: Clause k) General: ee) (page 73) Guest rooms may not be converted to, or used as, separate self-catering dwelling units:**
 - a) **Erf 2062:** Adopting a holistic approach, I would firstly like to discuss the departure requesting the re-development of the existing accommodation on Erf 1131 into self-catering units. Erf 2062 currently has 7 free standing self-catering units and 3 B & B units housed in a single dwelling. In this context, I also submitted an OSCAE permit response on behalf of the Constantia Kloof Conservancy last year relating to an application from the Boardwalk to construct a further free standing self-contained chalet to the east of the existing 7 units. According to Ms De Bruyn Erf 2062 is currently zoned **General Residential Zone V**. Cognisance is taken of the fact that Erf 2062 was developed under the old **Wilderness Town Planning Scheme Regulations**. In Table B.2 of the above-mentioned regulations under **General Residential Zone** reference is made to **Guest Houses** with 5 to 16 guest rooms. No provision is made for self-catering accommodation units in free-standing separate dwellings, as currently found on Erf 2062, so it would appear that this was a departure from the regulations then in force. The same criterion would apply to the number of dwellings built on the plot. So it would appear that Erf 2062 is not in compliance with the old **Wilderness Town Planning Scheme Regulations** firstly in having 7 self-contained accommodation units and secondly in having 8 separate dwelling units on a single erf.
 - b) **Erf 1131:** In brief, the Remainder Erf 1131, currently zoned **General Residential Zone V**, presently has 3 guest rooms and an administration / reception area plus storage facility. The owner of Remainder Erf 1131, Wilderness now wishes to expand on the current guest accommodation by re-using existing structures to create 7 self-contained units. The Boardwalk Lodge at present has 7 self-contained units and 6 B & B guest rooms giving 13 accommodation units in total available on Erven 1131 & 2062 for short term rental to tourists. Approval of the application for Erf 1131 will in effect mean that the business will then have 14 self-contained units plus 3 guest rooms, i.e. 17 accommodation units in total. I don't believe this is in keeping with the current **General Residential Zone V** status of both properties concerned. One questions therefore whether the Boardwalk in its entirety should not be zoned **Resort Zone (RZ)**. The description of Tourist Accommodation found on page 103 of the **George Integrated Zoning Scheme By-Law** supports this namely, *"tourist accommodation means a harmoniously development used for holiday and recreational purposes..... that- a) Consists of a single enterprise that provides overnight accommodation by means of short term rental or time sharing only"*. However a **Resort Zone (RZ)** is *"normally applicable to tourist developments outside established built-up areas"*. As Ms De Bruyn acknowledges in her documentation, the Boardwalk Lodge *"is located within the urban area of Wilderness"*. A zoning as a tourist resort therefore would present a problem.
3. **The number of separate dwelling units permitted on Erf 1131:** An important issue that Ms De Bruyn does not address is the number of dwelling units permitted on Erf 1131. **Schedule 2** of the **George Integrated Zoning Scheme By-Law** document on page 98 states *"a second dwelling may only be erected in a use zone where provision has been made*

in column 2 of the table set out in Schedule 1 for a second dwelling unit as a consent use;” The Table in Schedule 1 lists Guest lodge as the primary use and Backpacker lodge and restaurant as consent uses. It is my understanding that a self-contained unit constitutes a second dwelling and as such the application for 7 self-contained units on erf 1131 is not permissible in terms of the By-law.

4. **Provision of meals:** Ms De Bruyn, glosses over the problem that breakfast should be available on site for guests in accommodation units as catered for under **General Residential Zone V**. As stated in the Table in Schedule 1 (**General Residential Zone V**) *“the objective of this zone is to provide temporary residence for transient guests in an appropriately scaled establishment where lodging and meals are provided”*. She glibly side-steps this problem by stating that the guests in the new self-catering units can either visit a restaurant in the village or make use of facilities on the adjacent Erf 2062. Regarding the first option, in my experience when travelling, breakfast at a B & B is usually fast and efficient and certainly doesn’t waste time in travelling into the village, looking for parking, and waiting to be served in a restaurant. May I also tactfully suggest that many elderly guests would find walking down the steep slope from the Boardwalk into the village and back again problematic. Regarding the second option, there are currently 3 B & B guest room units located on Erf 2062. Presumably this facility is therefore geared to cater for the occupants of 3 rooms and not 10 rooms, unless it is also expanded to cater for the greater volumes of guests.
5. **In summary**, Erf 2062 of the Boardwalk Lodge already does not comply with the applicable by-law regulations regarding;
- a) The type of accommodation unit available (self-contained unit).
 - b) The number of free standing dwelling units located on the property.

I therefore believe that this existing deviation from the applicable by-laws should not be construed as grounds for permitting a further transgression of these by-laws, but should rather act as a contraindication for granting this current application for further relaxations. In light of the above discussion points I also question the validity of Ms De Bruyn’s statement *“Erf 1131, Wilderness is located in an urban area characterised by natural vegetation and steep slopes with views over the Village of Wilderness. The proposal supports and compliments what is found in the area as well as the general principles expected for development here”*. As already elucidated above, this development is not in keeping with the **General Residential Zone V** zoning:

George Integrated Zoning Scheme By-Law Clause: Development parameters: Clause k) General: ee) (page 73) Guest rooms may not be converted to, or used as, separate self-catering dwelling units.

In conclusion, I am opposed to relaxation of the applicable by-law relating to self-contained units.

George Integrated Zoning Scheme By-Law: Development parameters: Clause k) General (aa) (page 72)

6. The manager of the guest lodge must live on the property.

The second area where a relaxation of the applicable by-law is requested deals with the requirement that the owner or manager resides on site. Ms De Bruyn in her submission states that ***“The manager does not live on the property – never has”*** and ***“The facility is operated in such a manner that it is not necessary for the manager to live on Remainder Erf 1131, Wilderness”***. It is not clear whether this statement encompasses only Erf 1131 or refers to the adjoining Erf 2062 as well. Notwithstanding Ms De Bruyn’s glossing over the fact that the Boardwalk is already in breach of the relevant by-law regarding Erf 1131, I am of the opinion that failure to have the owner / manager living on site constitutes a very serious problem. A pivotal reason for requiring management on site at all times, especially after hours, is to control any potentially rowdy and disruptive behaviour by occupants that could well constitute a severe nuisance to other guests and neighbouring properties. In this context, I can speak from first-hand experience, as I live next door to an illegal 4 bedroomed air B & B establishment where the owner does not live on site. Although the occupants of the rooms are usually quiet, there have been occasions when things have got out of hand with the occupants holding a raucous party with blaring music continuing into the early hours of the morning. By way of example, my opposite neighbour fairly recently contacted the police about the noise levels from a party in said establishment that continued well past midnight.

In conclusion, I am once again opposed to the relaxation of this by-law

7. Relaxation of building restriction line:

The third area where a departure is requested is the relaxation of the side border building line from 4.5m to 1m. This constitutes a huge 80% reduction in the relevant building line restriction.

I am therefore not in favour of this proposal.

8. General comments:

a) Local Spatial Development Framework: Wilderness - Lakes – Hoekwil (WLH LSDF) document:

Ms De Bruyn states that ***“No conflict between the development proposal for Remainder Erf 1131, Wilderness and the WLH LSDF was found”***. The Local Spatial Development Framework: Wilderness - Lakes – Hoekwil (WLH LSDF) document she refers to in support of this application, while being supportive of tourism, most certainly is not in favour of wholesale relaxation of relevant By-laws to achieve this objective. Indeed on Page 8 of the WLH LSDF document under point 2.2 it is stated ***“An attitude of allowing small departures from the vision to protect the special landscape character of Wilderness, over time will destroy the area as well. The area consists of so many small properties with so many opportunities for small departures that this could also have devastating consequences for the area over time. (The so-called death by a thousand cuts)”***.

b) Needs of the owners:

Ms De Bruyn also refers to the needs of the owners of the Boardwalk to create additional accommodation. I would suggest that if necessary the existing structures can be

converted into guest rooms to provide this need. This could be done within the parameters of the applicable By-laws.

c) Creation of a precedent:

There has been a proliferation of tourist accommodation in Wilderness over the years and while this can be seen as a positive development, I believe that it is essential that it is well controlled. Allowing the proposed request will create a nasty precedent that many other tourist businesses might well seek to emulate. It is my contention that should relaxations such as this be approved Wilderness will lose the very characteristics that make it attractive to tourists in the first instance. Unfortunately, a number of illegal developments have already crept in. By way of example, I made mention above of the fact that there is an illegal B & B business operating next door to me. There is also a guesthouse on Waterside Road operating a coffee shop. One wonders if this has Municipal approval.

d) Maintaining the integrity of the George Integrated Zoning Scheme By-Laws:

It took a long time and a great deal of hard work to formulate and complete the current version of the **George Integrated Zoning Scheme By-Laws**. These regulations have been carefully crafted with input from relevant parties and should therefore not be relaxed at the drop of a hat for every individual wanting to push the boundaries. After all what is the purpose of having a set of regulations such as this if one allows them to be broken at will. It would however appear that some property owners are perfectly happy to wilfully disregard relevant by-laws, in the knowledge that they will get away with merely paying a fine to achieve their ultimate ends.

9. Conclusion: I am not in favour of rezoning or any relaxation of:

- i) The applicable by-laws
- ii) The building restriction lines



JJ Callanan

John Callanan

From: Connie Finnemore <conniefinnemore@gmail.com>
Sent: Thursday, 03 September 2020 10:35
To: John Callanan
Subject: Objection to proposed rezoning and departure : remainder erf 1131 Wilderness

For attention: Municipal manager

1) I, Constance Finnemore , am the owner of erf 421, Whites road, Wilderness, and am an immediate adjoining neighbour of The Boardwalk Lodge, erf 1131.

2) I wish to place on record that I have not received any documentation relating to this application from Marlize de Bruyn planning.

3) I hereby support the letter of objection submitted by Mr J.J. Callanan and have asked him to register my objection and non support of the departures applied for by The Boardwalk Lodge.

I am in agreement with all the points raised in his notice of objection.

Yours faithfully
Mrs Constance Finnemore
Erf 421
Whites Road
Wilderness

1A Upper Kloof street
Gardens
Cape Town
8001
Sent from my iPhone

2007 Constantia Drive, Wilderness
September 1 2020

Attention: Municipal Manager

Proposed re-zoning Erf 1131 and adjoining Erf 2062 as detailed in
attached document submitted by Mr. J Callanan.

I am in agreement with Mr. Callanan's document and I am not in favour
of any relaxation of by-laws and/or building restriction lines.

John MacNab 

C.B. MUSTO

B. Com LL. B H. Dip Tax Law (Wits)

P O Box 903
WILDERNESS
6560

2048 Num - Num Crescent
Constantia Kloof
WILDERNESS
6560

Tel: (044)877-0861
Fax: 086 558 3394
Mobile: 084 433 7120

E-mail address: brian.musto@gmail.com

Your ref: Objection Remainder Erf 1131 Wilderness

2nd September 2020

The Municipal Manager
George

Dear Sir

**RE: PROPOSED REZONING & DEPARTURE: REMAINDER ERF 1131
WILDERNESS**

We refer to the above application submitted to yourselves on behalf of the owner of Erf 1131 Wilderness.

We further confirm that Mrs. JE Musto, is the registered owner of Erf 2048 Wilderness which is situate in Num-Num Crescent, Constantia Kloof, which adjoins the greenbelt on the southern side of Num-Num Crescent, and is in close proximity to Erf 1131.

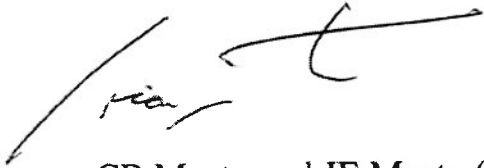
We both reside in our home at Erf 2048 Num-Num Crescent, Wilderness and consider ourselves to be neighbours of Erf 1131 and hence interested and affected parties in relation to any rezonings or departures of neighbouring properties, including Erf 1131 Wilderness.

We have read the letter of objection to the rezoning and departure application sought by Erf 1131 addressed to yourself by Mr. JJ Callanan of Erf 2050 Wilderness and agree fully with its contents.

Accordingly, we too object on the same grounds as contained in Mr. JJ Callanan's said letter confirming that we:

1. oppose rezoning, and
2. are not in favour of relaxation of any applicable Municipal by-laws or the relaxation of the building restriction lines.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CB Musto', with a long horizontal stroke extending to the right.A handwritten signature in black ink, appearing to be 'JE Musto', written in a cursive style.

CB Musto and JE Musto (Mrs.)

Erf 2051 Num Num Crescent,

Constantia Kloof,

Wilderness

3-9-2020

Attention: Municipal Manager

I hereby confirm that I am the owner of Erf 2051 Num Num Crescent, Wilderness and indicate that I am in agreement with the contents of Mr. JJ Callanan's submission regarding the proposed rezoning and departure requested for the Remainder Erf 1131, Wilderness.

I accordingly confirm that I am opposed to

- i) Rezoning of Erf 1131
- ii) Relaxation of any Municipal By-laws or relaxation of building restriction lines in relation to Erf 1131.

Yours sincerely

CJ Saaiman

A handwritten signature in black ink, appearing to read 'Saaiman', is written over a horizontal line. The signature is stylized with a large, looping initial 'S'.



Ref.: 231/G20

Municipal Ref.: Rem Erf 1131 Wilderness

21 October 2020

**The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530**

For attention: Mr Clinton Petersen

By e-mail

**COMMENTS RECEIVED:
PROPOSED REZONING & DEPARTURE: REMAINDER ERF 1131, KLOOF STREET, WILDERNESS,
GEORGE MUNICIPALITY & DIVISION**

1. The abovementioned matter refers.
2. Following the public participation period, the following comments were received:
 - Wilderness Ratepayers & Residents Association (WRRRA) (26 August 2020)
 - Wilderness & Lakes Environmental Action Forum (WALEAF) (3 September 2020)
 - South African National Parks (SANParks) (18 August 2020)
 - JJ Callanan – 3 September 2020
 - C Finnemore – 3 September 2020
 - J MacNab – 1 September 2020
 - CB Musto – 2 September 2020
 - CJ Saaiman – 3 September 2020

In the paragraphs to follow we include the comments received with our reply thereto.

3. **Wilderness Ratepayers & Residents Association (WRRRA) (comment)**
- 3.1 *Town Planning is well aware of another unrelated, but very recent application for a similar departure – that the manager does not live on the property. There are reasons why the Zoning By-law related to guest lodge states that the owner must live in a guest lodge. If Town Planning wishes to ignore the By-laws on this issue, it must do so knowing full well that it will be adding to the exceptions it has already made, and consequently making it easier and easier for others to ignore this and other rules.*

The George Integrated Zoning Scheme By-law states that the manager must live on the property – it does not state the owner. The night manager is on duty during the night and the 'head' manager during the day, although the latter is almost always on standby. They work in shifts to ensure that management is present at all times when there are guests.

This arrangement works well for this guest accommodation establishment and does not negatively impact on the quality of service provided to guests. The nature of the establishment – how it has been operated for many, many years and how it has always been configured does not make a separate dwelling/flat for a manager necessary.

A manager is always available for guests. This is not a matter of ignoring the by-law. It is a matter of finding what works effectively for a business. It does not create conflict with the SPLUMA-development principles.

The owner lives in the Kraaibosch-area at present – just around the corner – and will move to Wilderness in the coming year.

- 3.2 *We make a similar point regarding the development parameter that states “guest rooms may not be converted to, or used as, separate self-catering dwelling units.” If Town Planning grants this use, it will, again, be adding to the exceptions it makes, thus negating the intent of the regulations.*

Guest accommodation establishments must adapt to the needs of tourists – what the market expects. The Tourism Section of the Municipality will be able to confirm this fact. Some guest accommodation establishments provide self-catering accommodation and some only rooms. Due to the nature of this establishment and a fragmented design due to the topography, it lends itself to self-catering accommodation. Tourism is an important economic sector for Wilderness and the greater George. The nature of this guest lodge and how it provides guest accommodation is not found to be in conflict with the aims of the zoning or the Wilderness-Lakes-Hoekwil LSDF.

- 3.3 *Regarding the conveyancer's certificate, please confirm that the conveyancer was explicitly asked to look for restrictions on trade, servitudes, etc. and didn't find any. As written, the application simply says the conveyancer would have addressed such issues.*

The conveyancer's certificate was issued by a qualified professional with extensive experience in this field who knows what the nature of the land use application is.

This opinion of the WRRRA is noted.

- 3.4 *Adequate manoeuvrability of vehicles at the parking area is not evident. Please explain and confirm.*

With the submission of the land use application these aspects have already been checked by the Town Planning Section. Adequate manoeuvrability is possible and shown.

4. **Wilderness & Lakes Environmental Action Forum (WALEAF) (no objection)**

- 4.1 *WALEAF states that as there are no environmental issues associated with this application, no objection is submitted.*

WALEAF however feels that as the two properties, Rem Erf 1131 and Erf 2062 Wilderness are operated together as one business, they should perhaps be notarially linked or consolidated.

The two properties do not have the same owner and operation agreements could change at any time. Consolidation is therefore not relevant in this instance.

The two properties are no longer operated by the same operator. This changed in recent months. *Peak Management* is the operator for Erf 2062, Wilderness and *Boardwalk Leisure Portfolio* manages Erf 1131, Wilderness.

5. **South African National Parks (SANParks) (no objection)**

- 5.1 *SANParks has no objection to the application as biodiversity conservation or landscape scale connectivity will not be affected negatively as no new infrastructure will be inserted. The remaining natural areas are kept natural without any additional transformation.*

SANParks's support is noted.

6. **JJ Callannan (objection) (Erf 2050, Num-Num Crescent, Constantia Kloof, Wilderness)**

- 6.1 *Mr Callannan states that as Rem Erf 1131 and Erf 2062, Wilderness is operated together and therefore public participation should be wider.*

Noted. As mentioned in paragraph 4.1 above the ownership of the properties are not the same and the operation is also no longer done by the same operator.

- 6.2 *Holistic approach – as Rem Erf 1131 and Erf 2062 Wilderness is operated as one establishment.*

Noted. See comment in 6.1 above.

- 6.3 *Extract from the George Integrated Zoning Scheme By-law – p. 73: Guest rooms may not be converted to, or used as, separate self-catering units:*

- 6.3.1 *Comment relating to the abutting Erf 2062, Wilderness is provided.*

This is not relevant to this land use application. The George Municipality: Land Use Planning By-law, 2015 is clear that irrelevant considerations cannot be taken into account with a land use application.

For information: The use/development of Erf 2062, Wilderness was approved in terms of the former Wilderness Zoning Scheme Regulations. It was zoned as General Residential Zone and changed to General Residential Zone V with the transition to the new George Integrated Zoning Scheme By-law.

- 6.3.2 *The proposal for Remainder Erf 1131, Wilderness is added to what is found on Erf 2062, Wilderness. It is stated by Mr. Callannan that he believes that this is not in keeping with the current General Residential Zone V status of both properties concerned. He suggests that that both properties should be rezoned to Resort Zone.*

Again, it must be stated that Erf 2062, Wilderness is not the subject of this land use application. Mr. Callannan seems not to be truly familiar with the George Integrated Zoning Scheme By-law. General Residential Zone V – guest lodge is the appropriate zoning for Remainder Erf 1131, Wilderness. Resort Zone I is not appropriate. It should also be noted that Erf 2062, Wilderness is a sectional title scheme with 11 owners. It is operated strictly according to all relevant approvals and the body corporate is managed by MRN Property Management.

- 6.4 *Number of separate dwelling units permitted on Rem Erf 1131: it is stated that the number of dwelling units permitted on Erf 1131 is not addressed in the application. An extract from the zoning by-law (p.98) which states 'that a second dwelling unit may only be erected in a use zone where provision has been made in column 2 of the table set out in Schedule 1 for a second dwelling units as a consent use'. Mr. Callanan states that it is his understanding that a self-contained units constitutes a second dwelling unit and as such the application for 7 self-contained units on Erf 1131 is not permissible.*

The application submitted for Remainder Erf 1131, Wilderness includes a departure to accommodate self-catering units. It is not an application for self-contained units.

A dwelling unit is a self-contained, inter-leading group of rooms as indicated by Mr. Callannan. The land use description for a guest lodge however does not describe it as a dwelling unit or a dwelling house. A guest lodge is described in the zoning by-law as 'an appropriately scaled establishment which provides temporary residence and meals for transient guests lodging and meals are provided'. Meals are provided on request and 'basics' are provided in each room's fridge. Guests in Wilderness enjoy the Village atmosphere and eat at the different restaurants. There is a synergy between the guest accommodation establishments and restaurants. They support each other to the benefit of all. A communal area for meals is not a prerequisite in the by-law.

A guest lodge therefore does not have to comply with the definition for dwelling unit and dwelling house. A guest house is however described as a dwelling house. A guest lodge and a guest house are not the same.

- 6.5 *Provision of meals: Breakfast should be available on site for guests in accommodation units as catered for under General Residential Zone V – the objective of this zone is to provide temporary residence for transient guest in an appropriately scaled establishment where lodging and meals are provided'. The land use application states that guests of Rem Erf 1131 Wilderness can visit a restaurant or use the facilities found on Erf 2062 Wilderness. Mr. Callannan then from his own experience says that guests do not want to waste time to go to the Village, look for parking and wait to be served in a restaurant.*

Breakfast is not specified in the regulations pertaining to General Residential Zone V. Reference is made regarding 'meals'. The 'basics' are provided to guests in their rooms in the fridges provided such as yoghurt, muesli, rusks. The extent of meals is not defined in the zoning by-law.

Wilderness is normally a place where people come to rest and enjoy the town and surrounding environment. The restaurants have always been very popular. Only a few guests might be rushing from time to time. This is however not the rule. Mr. Callanan has been a resident in Constantia Kloof, Wilderness for many years and it is not expected that he frequently stays over in guest accommodation establishments of Wilderness.

There is a symbiotic relationship between all the guest accommodation establishments in Wilderness and the restaurants primarily found in the Village. The character of the Village is part of the experience for people visiting Wilderness.

Guest houses in cities and big towns such as George is expected to be place where people visiting for business purposes might be rushing about, but not Wilderness.

- 6.6 *In summary: Erf 2062 does not comply with the applicable by-law regarding the type of accommodation and the number of free-standing dwelling units located on the property. Mr. Callannan does not agree with the statement from the land use application (character of the area p.17): Erf 1131, Wilderness is located in an urban area characterised by natural vegetation and steep slopes with views over the Village of Wilderness. The proposal supports and compliments what is found in the area as well as the general principles expected for development here. He states that the development is not in keeping with the General Residential Zone V-zoning. In conclusion, Mr. Callannan is opposed to the relaxation of the applicable by-law relating to self-contained units.*

Erf 2062, Wilderness is not the subject of this land use application. The opinion and interpretation are unfounded.

Mr. Callannan's disagreement with the description of the character of the area is noted as well as his interpretation of zoning.

We again note that reference is made to self-contained and not self-catering.

- 6.7 *The manager of the guest lodge must live on the property. This is a very serious problem for Mr. Callannan. It is stated that a pivotal reason for requiring management on site at all times, especially after hours, is to control any potentially rowdy and disruptive behaviour by occupants that could well constitute a severe nuisance to other guest and neighbouring properties. Mr. Callannan then uses his neighbours as an example – alleged unauthorised guest house where the owner does not live on site.*

A guest accommodation establishment will never do something to scare away their own guests. As mentioned in paragraph 3.1 a manager is always on duty. The night manager needs to be awake at night for the guests.

We cannot comment on other guest accommodation establishments. Any residential property can sometime create rowdy and disruptive behaviour. It is not exclusively found in guest accommodation establishments.

- 6.8 *Relaxation of building restriction line: The relaxation of the side border building line from 4.5m to 1, constitutes a huge 80% reduction in the relevant building line restriction. Therefore, Mr. Callannan is not in favour of this proposal.*

This building line relaxation is for the use of an existing structure for guest accommodation purposes. The structure (storeroom) is already 1.0m from the relevant boundary. The structure cannot be moved.

- 6.9 General comments:

- 6.9.1 *Local Spatial Development Framework – WLH LSDF. Mr. Callannan does not agree with the statement in the land use application that no conflict between the development proposal for Remainder Erf 1131 Wilderness and the WLH LSDF was found.*

Mr. Callannan's comment is noted.

- 6.9.2 *Needs of the owners: Reference is made to the need to create additional accommodation. Mr. Callannan suggests that if necessary existing structures can be converted into guest rooms to provide this need. This could be done within the parameters of the applicable by-laws.*

The motivation report for this land use application makes it clear that existing structures are to be used – exactly what Mr. Callannan suggests. The reasons for the departures are also provided.

Not only will the property owner make use of existing structures but considering sensible development on Remainder Erf 1131, Wilderness, it was decided not to complete the approved conference building. For the property owner this will be an overdevelopment of the property that could have a negative impact on its character. The property has approval for more development - more footprint – but focus is on using the existing footprint the maximum potential it holds.

- 6.9.3 *Creation of a precedent: There has been a proliferation of tourist accommodation in Wilderness over the years which can be seen as a positive development, but control is essential. To allow this proposal will create a nasty precedent. Wilderness will lose the very characteristics that make it attractive to tourists in the first instance.*

Noted. To state that utilising existing structures and footprint will create a 'nasty precedent' does not make sense. More and more construction versus using existing structures cannot be a negative precedent. Utilising what we have effectively and sustainably reflects some of the development principles of SPLUMA.

Guest accommodation establishments must adapt to the expectations of the tourism market and what tourism/hospitality requirements are. If guest accommodation establishments do not keep up, Wilderness could lose tourists to towns in abutting coastal municipalities.

- 6.9.4 *Maintaining the integrity of the George Integrated Zoning Scheme By-law: It stated that it took a long time and a great deal of hard word to formulate and complete the current version of the GIZS. It was carefully crafted and should not be relaxed for every individual wanting to push the boundaries.*

A zoning by-law is a reactive document and due to many factors, every property cannot fit into a perfect box. The Municipality is preparing to amend the zoning by-law in future – we do not know what will be proposed to be amended. A neighbouring Municipality already amended (updated) their zoning by-law.

If zoning by-laws did not have to be re-considered from time to time, we would probably still be using the 1984 Wilderness Zoning Scheme Regulations.

If 'pushing boundaries' was out of the question, the zoning and planning by-laws would not have provided for departures.

- 6.10 In conclusion, Mr. Callannan is opposed to the relaxation of the applicable by-law relating to self-contained units.

Noted and addressed in the foregoing paragraphs.

7. **C. Finnemore (Erf 421, Wilderness) (objection)**

- 7.1 *It is stated that Mrs Finnemore received no documentation regarding the land use application. On request from the Town Planning Section of the Municipality, the information was e-mailed to Mrs. Finnemore.*

- 7.2 *Mrs. Finnemore states that the letter of objection by Mr. JJ Callannan is supported.*

Noted.

8. **J. MacNab (Erf 2007, Constantia Drive, Constantia Kloof, Wilderness) (objection)**

- 8.1 *Mr. MacNab states that he is in agreement with the objection by Mr. JJ Calannan.*

Noted

9. **CB & JE Musto (Erf 2048 Num-Num Crescent, Constantia Kloof, Wilderness) (objection)**

- 9.1 *Mr. & Mrs Musto objects on the same grounds as contained in Mr. JJ Callanan's letter.*

Noted

10. **CJ Saaiman (Erf 2051, Num-Num Crescent, Constantia Kloof, Wilderness)**

- 10.1 *Mr. Saaiman states that he is in agreement with the objection by Mr. JJ Calannan*

Noted

11. **Concluding**

As stated in our motivation report and touched on in this reply to comments received, any business needs to re-position itself from time to time and adapt to changing needs of the customers / clients it serves. In the same way the tourism industry changes over time. Guest accommodation establishments have seen many changes of the past decades. As with any business, also tourism businesses have to adapt from time to time. Especially considering how the tourism industry has been affected during 2020, resilience is critical.

Therefore, the joint operation of Remainder Erf 1131, Wilderness and Erf 2062, Wilderness has changed since the submission of the land use application.

The owner of Remainder Erf 1131, Wilderness is giving up development rights in favour of utilising space that is already available. In any guest accommodation establishment, in any business for that matter, economy of scale is critical for success.

Not everyone that is not involved in the tourism industry, understands the tourism industry. The owner of Remainder Erf 1131, Wilderness has 30 years of experience in this industry. He has been involved in the tourism industry of Wilderness for more than 20 years.

Especially considering how the tourism industry has been affected during 2020 due to the Covid-19 Pandemic which has decimated the tourism/hospitality industry. It is necessary for each of the tourism products to be flexible, adapt and change its business model in order survive the unique challenges of this industry.

The success of business operations and guest requirements in this instance is based on economy of scale and tourism market trends for both domestic and international tourists.

Yours Faithfully



MARLIZE DE BRUYN Pr. Pln.

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Ref.: 231/G20

Municipal Ref.: Rem Erf 1131 Wilderness

20 April 2022

**The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530**

For attention: Mr Clinton Petersen

By e-mail

**SECTION 52 AMENDMENT: PROPOSED REZONING & DEPARTURE:
REMAINDER ERF 1131, KLOOF STREET, WILDERNESS, GEORGE MUNICIPALITY & DIVISION**

1. The above application and follow ups via e-mail messages refer.
2. The aim of the land use application for Remainder Erf 1131 Wilderness is to expand the current guest accommodation offering by re-using existing structures. No new structures are proposed. This establishment like any other guest accommodation facility needs to stay in sync with the ever-changing tourism industry. The was discussed in our motivation report and also the reply to the comments received.
3. The property owner has been contemplating the development proposal as conveyed in the land use application. The proposal was submitted as follows with the amendments proposed as shown below:
 - Rezoning in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-Law, 2015 from General Residential Zone V (limited to 3 guest rooms and conference facility) to General Residential Zone V (~~7 guest rooms~~) (5 guest suites and 1 manager's suite);
 - Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law, 2015 for the following:
 - ~~Relaxation of western side building line from 4.5m to 1.0m for a new covered stoep;~~
 - ~~That the manager of the guest lodge does not live on the property (Development parameter (k)(aa));~~
 - That the guest suites include self-catering facilities (Development parameter (k)(ee)).

In terms of **Section 52** of the George Municipality: Land Use Planning By-Law, 2015 we hereby amend the land use application for Remainder Erf 1131 Wilderness to read as follows:

- *Rezoning in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-Law, 2015 from General Residential Zone V (limited to 3 guest rooms and conference facility) to General Residential Zone V (5 guest suites and 1 manager's suite);*
- *Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law, 2015 so that the guest suites include self-catering facilities (Development parameter (k)(ee)).*

4. The proposed guest suite 5 located below the original 3 guest suites is used as an office and storeroom. It will continue to be used as such and not changed to a guest suite. Therefore, the permanent departure for the building line relaxation for the proposed covered stoep will no longer be needed.
5. A proposed guest suite at the reception building will now be used as the manager's suite. Therefore, it is no longer necessary to obtain approval for permanent departure from development parameter (k)(aa) as the manager will be living on the property.
6. The need and reasons for self – catering facilities remain as discussed in the motivation report.
7. As stated in the motivation report 1 parking bay must be provided per guest room, 2 parking bays for the owner's home/manager's flat and 1 bay for visitors / employees. The changes made to this land use application in terms of Section 52 of the planning by-law now requires a total of 8 parking bays with 10 provided. More than ample parking is therefore available within the boundaries of the property.
8. Considering the comments received during the public participation process, the amendment to the application addresses many of the concerns raised.
9. It is trusted that this land use application can be finalised without further delay.

Yours Faithfully



MARLIZE DE BRUYN Pr. Pln.

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