

- Subdivision of Erf 352 Hoekwil in a Portion A (±1.4535ha) & Remainder Erf 352 Hoekwil (±3.0137ha) in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015);
- Subdivision of Erf 373 Hoekwil in a Portion B (±2.4070ha) & Remainder Erf 373 Hoekwil (±3.0471ha) in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015);
- Consolidation of Portion A & B in terms of Section 15(2)(e) of the George Municipality: Land Use Planning By-law (2015) to create Portion C (±3.8605ha).




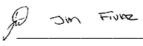
Drawing: Annexure 7  
December 2020  
Project 289/G20

PROPOSED SUBDIVISION, CONSOLIDATION, CONSENT USE, DEPARTURE & REMOVAL OF RESTRICTIVE CONDITIONS  
FOR CULIMBRA RENTALS CC & EA PHILP:  
ERVEN 352 & 373, SILVER RIVIER ROAD, HOEKWIL, WILDERNESS HEIGHTS,  
GEORGE MUNICIPALITY & DIVISION

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


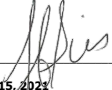
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# Annexure B - DC Calculation\_Erven 352 and 373 Hoekwil

| CES Development Charges Calculator   |                                    |                   |             | Version 3.00              |                          | June 2020       |        |
|--|------------------------------------|-------------------|-------------|---------------------------|--------------------------|-----------------|--------|
|   |                                    |                   |             | Erf Number                | 352 & 373                |                 |        |
|  |                                    |                   |             | Allotment area            | Hoekwil                  |                 |        |
|  |                                    |                   |             | Water & Sewer System      | George System            |                 |        |
|  |                                    |                   |             | Road network              | Towns and settlements    |                 |        |
|  |                                    |                   |             | Elec DCs Area/Region      | Wilderness Network       |                 |        |
|  |                                    |                   |             | Elec Link Network         | LV                       |                 |        |
|  |                                    |                   |             | Elec Development Type     | Normal                   |                 |        |
|  |                                    |                   |             | Developer/Owner           | Culimbra Rental & pty It |                 |        |
|  |                                    |                   |             | Erf Size (ha)             | 10                       |                 |        |
|  |                                    |                   |             | Date (YYYY/MM/DD)         | 2021-11-13               |                 |        |
| Current Financial Year   | 2021/2022                          |                   |             |                           |                          |                 |        |
| Collaborator Application Reference   | 2076988                            |                   |             |                           |                          |                 |        |
| Code   | Land Use                           |                   | Unit        | Total Existing Right      |                          | Total New Right |        |
| <b>RESIDENTIAL</b>   |                                    |                   |             |                           |                          |                 |        |
|  | Single Res > 1000m² Erf (Upmarket) |                   | unit        |                           | 2                        |                 | 3      |
|  | Second/Additional Dwelling         |                   | unit        |                           | 1                        |                 | 1      |
| <b>GENERAL BUSINESS</b>  |                                    |                   |             |                           |                          |                 |        |
|  |                                    |                   |             | m² Erf                    | FAR                      | m² GLA          | m² Erf |
|  |                                    |                   |             |                           |                          |                 |        |
| Is the development located within Public Transport (PT1) zone?   |                                    |                   |             | Please select             |                          |                 |        |
|  |                                    |                   |             | No                        |                          |                 |        |
| <b>Calculation of bulk engineering services component of Development Charge</b>  |                                    |                   |             |                           |                          |                 |        |
| Service  | Units                              | Additional Demand | Unit Cost   | Amount                    | VAT                      | Total           |        |
| Roads  | trips/day                          | 4,00              | R 2 224,67  | R 8 898,68                | R 1 334,80               | R 10 233,48     |        |
| Sewerage   | kl/day                             | 0,61              | R 43 481,05 | R 26 523,44               | R 3 978,52               | R 30 501,96     |        |
| Water  | kl/day                             | 1,00              | R 36 320,84 | R 36 320,84               | R 5 448,13               | R 41 768,96     |        |
| Total bulk engineering services component of Development Charge payable  |                                    |                   |             | R 71 742,95               | R 17 459,44              | R 82 504,39     |        |
| <b>Link engineering services component of Development Charge</b>   |                                    |                   |             |                           |                          |                 |        |
| <b>Total Development Charge Payable</b>  |                                    |                   |             |                           |                          |                 |        |
| City of George   |                                    |                   |             | Developer/Owner           |                          |                 |        |
| Calculated (CES): JM Fivaz   |                                    |                   |             | Calculated (ETS): C Spies |                          |                 |        |
| Signature :   |                                    |                   |             | Signature : _____         |                          |                 |        |
| Date : November 13, 2021   |                                    |                   |             | Date: November 13, 2021   |                          |                 |        |
| 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 code | Key number | Total               |
|-------------|----------------|------------|---------------------|
| Roads       | 20160623       | 020158     | R 10 233,48         |
| Sewerage    | 20160623       | 018776     | R 30 501,96         |
| Water       | 20160623       | 021593     | R 41 768,96         |
| Electricity | 20160623       | 021336     | R 51 351,31         |
| Transfers   | 20160623       | 019267     | R 0,00              |
|             |                |            | <b>R 133 855,70</b> |

| Development Charges Calculator   |                                    |                   |            | Version 1.00                       |                          | 2021/11/08      |       |
|--|------------------------------------|-------------------|------------|------------------------------------|--------------------------|-----------------|-------|
|   |                                    |                   |            | Erf Number                         | 325 373                  |                 |       |
|  |                                    |                   |            | Allotment area                     | Hoekwil                  |                 |       |
|  |                                    |                   |            | Elec DCs Area/Region               | Wilderness Network       |                 |       |
|  |                                    |                   |            | Elec Link Network                  | MV                       |                 |       |
|  |                                    |                   |            | Elec Development Type              | Normal                   |                 |       |
|  |                                    |                   |            | Developer/Owner                    | Culimbra Rental & pty It |                 |       |
|  |                                    |                   |            | Erf Size (ha)                      | 0                        |                 |       |
|  |                                    |                   |            | Date (YYYY/MM/DD)                  | 2021-11-15               |                 |       |
|  |                                    |                   |            | Current Financial Year             | 2021/2022                |                 |       |
|  |                                    |                   |            | Collaborator Application Reference | 2078495                  |                 |       |
| Code   | Land Use                           |                   | Unit       | Total Existing Right               |                          | Total New Right |       |
| <b>RESIDENTIAL</b>   |                                    |                   |            |                                    |                          |                 |       |
|  |                                    |                   | Units      |                                    | Units                    |                 | Units |
|  | Single Res > 1000m² Erf (Upmarket) |                   | unit       |                                    |                          | 2               | 3     |
|  | Second/Additional Dwelling         |                   | unit       |                                    |                          | 1               | 1     |
| Is the development located within Public Transport (PT1) zone?   |                                    |                   |            | Please select                      |                          |                 |       |
|  |                                    |                   |            | Yes                                |                          |                 |       |
| <b>Calculation of bulk engineering services component of Development Charge</b>  |                                    |                   |            |                                    |                          |                 |       |
| Service  | Units                              | Additional Demand | Unit Cost  | Amount                             | VAT                      | Total           |       |
| Electricity  | KVA                                | 5,78              | R 1 529,25 | R 8 838,46                         | R 1 325,77               | R 10 164,23     |       |
| Total bulk engineering services component of Development Charge payable  |                                    |                   |            | R 8 838,46                         | R 1 325,77               | R 10 164,23     |       |
| <b>Link engineering services component of Development Charge</b>   |                                    |                   |            |                                    |                          |                 |       |
| <b>Total Development Charge Payable</b>  |                                    |                   |            |                                    |                          |                 |       |
| City of George<br>Calculated (ETS): C Spies<br>Signature : <br>Date : November 15, 2021   |                                    |                   |            |                                    |                          |                 |       |
| 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 |                                    |                   |            |                                    |                          |                 |       |
| <b>Notes:</b>  |                                    |                   |            |                                    |                          |                 |       |
| Departmental Notes:  |                                    |                   |            |                                    |                          |                 |       |

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| Service     | Financial codeUKey number | Total       |
|-------------|---------------------------|-------------|
| Electricity | 20160623 021336           | R 10 164,23 |
|             |                           | R 10 164,23 |

## LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

Documentation provided for discussion:

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

**Copy of title deed, draft plans**

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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:

**The following is proposed for Erven 352 and 373 Hoekwil, located in Wilderness Heights:**

- Subdivision of Erf 352 Hoekwil in a Portion A ( $\pm 1.4535\text{ha}$ ) & Remainder Erf 352 Hoekwil ( $\pm 3.0137\text{ha}$ );
- Subdivision of Erf 373 Hoekwil in a Portion B ( $\pm 2.4070\text{ha}$ ) & Remainder Erf 373 Hoekwil ( $\pm 3.0471\text{ha}$ );
- Consolidation of Portion A & B to create Portion C ( $\pm 3.8605\text{ha}$ );

**At the same time consent use for a second dwelling unit is included for Remainder Erf 373 Hoekwil. We cannot find an approval for the existing second dwelling unit and the title deed still includes a restrictive condition.**

**A building line relaxation is included for the proposed new boundary between Remainder Erf 373 Hoekwil and Portion C for the second dwelling unit.**

**Simultaneously, the restrictive condition in each title deed regarding number of dwelling units, is to be removed.**

**The property was surveyed to consider topography and also an environmental assessment was done.**

**All relevant aspects of the WLH LSDF were considered and no conflict was identified.**

**PART C: QUESTIONNAIRES**

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

| Tick if relevant               |      | What land use planning applications are required?   | Application fees payable         |
|--------------------------------|------|---|----------------------------------|
|                                | 2(a) | a rezoning of land;   | R                                |
|                                | 2(b) | A rezoning to subdivisional area;   | R                                |
|                                | 2(c) | a temporary departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;                     | R                                |
| x                              | 2(d) | <b>a permanent departure from the development parameters of the zoning scheme;</b>  | R 650.00                         |
| x                              | 2(e) | <b>a subdivision of land that is not exempted in terms of section 25, including the registration of a servitude or lease agreement;</b> | R 880.00                         |
| x                              | 2(f) | <b>an amendment, suspension or removal of restrictive conditions in respect of a land unit;</b>   | R 790.00                         |
|                                | 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                                |
| x                              | 2(i) | <b>a consent use in terms of the relevant zoning scheme regulations;</b>  | R 910.00                         |
|                                | 2(j) | Amendment / cancellation of a general plan;   | R                                |
| x                              |      | Consolidation   | R 720.00                         |
|                                | 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                                |
| <b>TOTAL APPLICATION FEE*:</b> |      |   | <b>R 3 950.00 (Vat excluded)</b> |

**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<br>CONTEXT   | YES      | NO       | TO BE<br>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?   | <b>X</b> |          |                     |         |
| 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)]   | <b>X</b> |          |                     |         |
| Any other Municipal by-law that may be relevant to application? (If yes, specify)  |          | <b>X</b> |                     |         |
| <b>Zoning Scheme Regulation considerations:</b><br>Which zoning scheme regulations apply to this site?<br>_____ <b>GIZS by-law</b> _____<br>What is the current zoning of the property?<br>_____ <b>AZII</b> _____<br>What is the proposed zoning of the property?<br>_____ <b>AZII</b> _____<br>Does the proposal fall within the provisions/parameters of the zoning scheme?<br>_____ <b>No</b> _____<br>Are additional applications required to deviate from the zoning scheme? (if yes, specify)<br>_____ <b>Yes</b> _____ |          |          |                     |         |

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

|   |  |  |  |  |
|---|--|--|--|--|
| yes, is the proposal in line with the document/plans? |  |  |  |  |
|---|--|--|--|--|

**SECTION C:**

**CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE**

| <b>QUESTIONS REGARDING CONSENT / COMMENT REQUIRED</b>  | <b>YES</b> | <b>NO</b> | <b>TO BE DETERMINED</b> | <b>OBTAIN APPROVAL / CONSENT / COMMENT FROM:</b>  |
|--|------------|-----------|-------------------------|---|
| Is/was the property(ies) utilised for agricultural purposes?   |            | <b>X</b>  |                         | Western Cape Provincial Department of Agriculture   |
| Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?  |            | <b>X</b>  |                         | 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)?  |            |           | <b>X</b>                | Western Cape Provincial Department of Environmental Affairs & Development Planning <b>(DEA&amp;DP)</b>        |
| Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)?<br>(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)<br><del>(strikethrough irrelevant)</del> |            | <b>X</b>  |                         | 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)?   |            | <b>X</b>  |                         | 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)?  |            | <b>X</b>  |                         | South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)                                 |
| Will the proposal have an impact on any National or Provincial roads?  |            | <b>X</b>  |                         | National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial |



| QUESTIONS REGARDING CONSENT / COMMENT REQUIRED   | YES | NO | TO BE DETERMINED | OBTAIN APPROVAL / CONSENT / COMMENT FROM:  |
|--|-----|----|------------------|--|
|  |     |    |                  | Department of Transport and Public Works (DTPW)  |
| Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations  |     | 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?<br>( <del>strikethrough irrelevant</del> ) |     | 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:<br>(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) /<br>Heritage Impact Assessment (HIA) /<br>Traffic Impact Assessment (TIA) /<br>Traffic Impact Statement (TIS) /<br>Major Hazard Impact Assessment (MHIA) /<br>Environmental Authorisation (EA) /<br>Record of Decision (ROD) /<br>( <del>strikethrough irrelevant</del> ) | 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:

- Access will remain via the exiting servitude which must re-registered on the exiting new consolidated portions.

ETS:

- Standard subdivision conditions will apply. Developer must install a separate electrical supply for each portion. All cost for the developer.

Town Planning:

- Comments from, inter alia, Eskom, DEA&DP, WALEAF, Cape Nature, SANPARKS will be required;
- Need to illustrate and show the Eskom servitude on the plans;
- Location of the proposed structure etc. to be sensitive to the natural environment. Will need to appoint an environmentalist in this regard, as the property is also located in an OSCAE area.
- Accesses to all the respective portions to be clearly indicated and explained.

- Please refer to the Title Deeds and SG Diagrams: All servitudes to be illustrated and addressed;

#### PART F: SUMMARY / WAY FORWARD

Refer to comments in Part E.

OFFICIAL: \_Ilane Huyser\_\_\_\_\_

PRE-APPLICANT: \_\_\_\_\_**Marlize de Bruyn**\_\_\_\_\_



SIGNED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

DATE: \_2021.01.21\_\_\_\_\_

DATE: \_\_\_\_\_**18 January 2021**\_\_\_\_\_

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



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**PROPOSED SUBDIVISION, CONSOLIDATION, CONSENT USE, DEPARTURE &  
REMOVAL OF RESTRICTIVE CONDITIONS  
FOR CULIMBRA RENTALS PTY LTD & EA PHILP**

**ERVEN 352 & 373, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS,  
GEORGE MUNICIPALITY & DIVISION**



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## **Annexures**

- 1. Power of Attorneys**
- 2. Copy of Title Deeds**
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- 4. Copy of Surveyor-General Diagrams**
- 5. Locality plan**
- 6. Subdivision & Consolidation Plan**
- 7. Terrestrial Biodiversity Specialist Environmental Report**
- 8. Application form**

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## **PROPOSED SUBDIVISION, CONSOLIDATION, CONSENT USE, DEPARTURE & REMOVAL OF RESTRICTIVE CONDITIONS: ERVEN 352 & 373, HOEKWIL, SILVER RIVER ROAD, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION**

### **1. BACKGROUND INFORMATION**

Erf 352 Hoekwil is a vacant property located in almost the most northern corner of Wilderness Heights. Erf 373 Hoekwil is a developed property in Wilderness Heights with a primary dwelling unit and second dwelling unit. Less than a quarter of the property is used while the remainder of the property is primarily covered in black wattle trees and some pine trees. It is proposed to take a portion of Erf 352 Hoekwil and a portion of Erf 373 Hoekwil and consolidate these two portions to create a new property. The two properties will become three properties. The zoning of the properties, Agriculture Zone II, will not change.

*Marlize de Bruyn Planning* was appointed to address the land use requirements so that a new property can be created leaving two remainders. The power of attorneys is attached as **Annexure 1** to this report.

### **1.1 APPLICATION**

This land use application for Erven 352 & 373 Hoekwil (Wilderness Heights) entails the following:

- Subdivision of Erf 352 Hoekwil in a Portion A ( $\pm 1.4535\text{ha}$ ) & Remainder Erf 352 Hoekwil ( $\pm 3.0137\text{ha}$ ) in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015);
- Subdivision of Erf 373 Hoekwil in a Portion B ( $\pm 2.4070\text{ha}$ ) & Remainder Erf 373 Hoekwil ( $\pm 3.0471\text{ha}$ ) in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015);
- Consolidation of Portion A & B in terms of Section 15(2)(e) of the George Municipality: Land Use Planning By-law (2015) to create Portion C ( $\pm 3.8605\text{ha}$ );
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit ( $150\text{m}^2$ ) for Remainder Erf 373 Hoekwil;
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for the following:
  - relaxation of the western side boundary building line of the proposed Remainder Erf 373 Hoekwil from  $20.0\text{m}$  to  $10.0\text{m}$  for the existing second dwelling unit;
  - increase in size of the existing second dwelling unit from  $150\text{m}^2$  to  $156\text{m}^2$ .
- Removal of the following restrictive title conditions in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015):
 

|                 |             |           |
|-----------------|-------------|-----------|
| Erf 352 Hoekwil | T51140/2011 | Par. F(b) |
| Erf 373 Hoekwil | T2993/2013  | Par. G(b) |



## 1.2 PROPERTY DETAILS

### Title deeds

Erf 352 Hoekwil (Wilderness Heights) is registered to *Culimbra Rentals Pty Ltd* (T51140/2011; 4.4675ha) and Erf 373 Hoekwil is registered to *Elizabeth Ann Philp* (T2993/2013; 5.4555ha). A copy of the title deeds is attached hereto as **Annexure 2**. (*Culimbra Rentals Pty Ltd* changed from a cc to a Pty Ltd during 2015. See CIPC-extract attached with **Annexure 1**.)

Conveyancer's Certificates are attached hereto as **Annexure 3**. It confirms no restrictive conditions except for the paragraph in each title deed to be removed as discussed in this land use application and shown in Paragraph 1.1 above. A bond is registered for each property with the bond holder's consents attached as **Annexure 4**.

### Erf 352 Hoekwil

This title deed does state that the property may only be used for residential and agricultural purposes. Only one dwelling unit is also allowed according to the title deed. To align the title deed and the George Integrated Zoning Scheme By-law, it is proposed to remove paragraph F(b) from T51140/2011.

### Erf 373 Hoekwil

This title deed also states that this property may only be used for residential and agricultural purposes and also limits the number of dwelling units to one. The latter, paragraph G(b), must be removed from the title deed of Erf 373 Hoekwil as a second dwelling unit of 156m<sup>2</sup> does exist on the property. Reference is also made to an ESKOM-servitude over the property which is indicated on the plans attached to this land use application.

The same restriction regarding the number of dwelling units in both title deeds are to be removed although it is a requirement for only Erf 373 Hoekwil at present. When a new title deed is created for Portion C, conditions from previous deeds are transferred. Having the restriction removed from the one and not from the other, could create unnecessary conflict regarding the Deeds Registry Act.

### Surveyor General

The Surveyor-General's diagrams for Erf 352 and Erf 373 Hoekwil are attached hereto as **Annexure 5**. Regarding Erf 352 Hoekwil, the SG diagram indicates where Silver Rivier Road ends at this property.

For Erf 373 Hoekwil, the SG diagram indicates the right of way servitude cutting through the property almost perfectly through its centre. This servitude right of way provides access to Erf 351 Hoekwil located further west. The SG diagram also shows the ESKOM servitude close to the northern boundary of this property. There is also an access over Erf 373 Hoekwil to the western section of this ESKOM servitude running over Erf 351 Hoekwil. The image to the right is an extract from CapeFarmMapper indicating the ESKOM servitude.





## 2. CONTEXTUAL INFORMANTS

### 2.1 LOCALITY

Erven 352 & 373 Hoekwil are located in the north western corner of Wilderness Heights. It overlooks the Outeniqua Mountains to the north with the Seven Passes Road also located to the north with the Silver River towards the west. Silver River Street ends at Erf 352 and Erf 373 Hoekwil with a servitude providing access to the property located to the west.

Wilderness Heights is a small holding area where people live who prefer a rural lifestyle. Limited agricultural activities are found except for Kiewietsvlei who produces vegetables commercially. Another commercial farm is located just north of Wilderness Heights and the Seven Passes Road.

Silver Rivier Street links with Heights Road from where access is obtained to the Seven Passes Road or the N2-route approximately 3.5km to the south.

A locality plan is attached hereto as **Annexure 6**.

### 2.2 ZONING & LAND USE

Erven 352 & 373 Hoekwil are zoned Agriculture Zone II – small holding in terms of the George Integrated Zoning Scheme By-law (GIZS). The zoning will not change following this land use application – the newly created property will also be zoned Agriculture Zone II. A small holding is described in the zoning by-law as *an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place*.

### 2.3 CHARACTER OF THE PROPERTIES & THE AREA

Erven 352 & 373 Hoekwil are located in the Wilderness Heights small holding area. Some properties have large open areas, some are covered in alien vegetation and some have indigenous vegetation. The subject properties are primarily covered in alien vegetation (black wattle trees, pine trees) with indigenous forest along the northern boundary of Erf 352 and the southern boundary of Erf 373 Hoekwil. The existing indigenous vegetation will not be impacted on. The alien vegetation will be systematically removed. This will give the indigenous vegetation the support it needs to strengthen and grow back. Indigenous vegetation is part of the character of the greater Wilderness area with the Outeniqua Mountains as backdrop.

Creating two properties of 3ha each and a third of ±3.8ha is in keeping with the subdivision character of Wilderness Heights. The properties will remain residential small holdings and not change from the dominant land use found in the area.

## 3. DEVELOPMENT PROPOSAL

The owner of Erf 352 Hoekwil proposes to purchase a portion of Erf 373 Hoekwil. A new property is to be created as indicated in Paragraph 1.1 of this motivation report. Erf 352 Hoekwil has a small dam located centrally. Just east of this dam towards the entrance from Silver River Street, a suitable area for the construction of a dwelling is located. The remainder of this property towards the north and west becomes steep. This suitable position on Erf 352 Hoekwil is where construction of a dwelling will probably take place whether this property is subdivided or not.

Erf 373 Hoekwil is divided in two distinct portions due to the servitude right of way cutting through the property. The north eastern corner of the property has a level topography where the primary and second dwelling unit is located. The western section of the property north of the servitude road is covered in black wattle trees with the north western corner having a steep topography as the property starts to slope downwards to the Silver River. The southern portion of Erf 373 Hoekwil is covered in a mix of alien vegetation and indigenous forests.

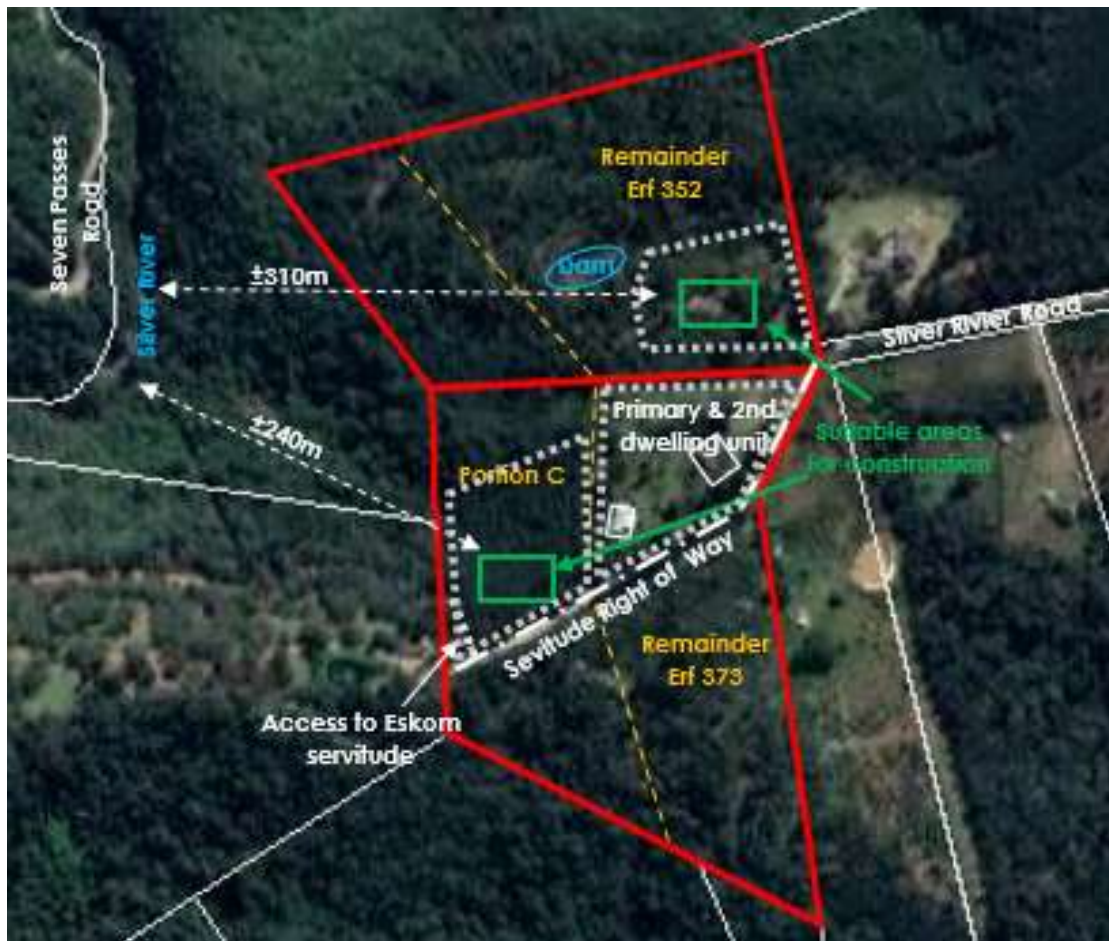
The proposed subdivision and consolidation will create Remainder Erf 352 Hoekwil with a suitable construction area (slope 1:2) on a 3ha property. This portion of the property is closer to the access from Silver Rivier Road and will not impact on the indigenous forest located on the northern side of the property. This construction position is where a dwelling should be constructed whether this land use application is implemented or not.

Remainder Erf 373 Hoekwil will retain the area where the two dwellings are located with a section south of the servitude road. Access will remain from the servitude as at present.

These development sites described above, is indicated on the subdivision & consolidation plan attached hereto as **Annexure 6**.

The proposed new property – Portion C – will utilise an area covered in black wattle trees with a suitable topography (slope 1:28) to construct a dwelling. Building lines will also be complied with. Systematically the alien vegetation will be removed. A botanist has already assessed the area – to be discussed later in this report. Access will be from the servitude as at present.

The aerial image below indicates the proposal for Erven 352 & 373 Hoekwil:





The subdivision & consolidation plan is attached hereto as **Annexure 7**.

The photos to follow shows the area of Erven 352 & 373 Hoekwil. No design for new dwellings is available yet. It will conform to the parameters of the George Integrated zoning scheme by-law which includes building lines as shown in **Annexure 7**. The construction areas have limited visibility from public roads, if any.

The first photo is a portion of the proposed Portion C where a dwelling is proposed to be constructed. It shows the black wattles that has taken over the property with the suitable slope for construction. This location is also between the ESKOM servitude to the north and the servitude road to the south.



The following photo shows Silver River Street leading towards the subject properties with the ESKOM line on the left (south) and a municipal line on the right (north).





The photo below shows where the ESKOM servitude cuts across Erf 373 Hoekwil with the access to Erf 352 Hoekwil to the right



The two photos to follow is the primary and second dwelling unit of Erf 373 Hoekwil as seen from the servitude road.





The photo below is from the western end of the servitude road cutting through Erf 373 Hoekwil. The gate on the left leads to the ESKOM servitude for when maintenance is needed.



A botanist, Mr. Benjamin Walton visited the properties and confirmed the infestation of alien vegetation. His report is attached hereto as **Annexure 8** and will be discussed in more detail later in this motivation report.

A principle to be implemented for the proposed dwellings is firescaping. It refers specifically to landscaping in ways that will reduce the probability of fire catching and spreading through the firescaped area (e.g. a garden). The image below is from [www.gardenrouterebuild.co.za](http://www.gardenrouterebuild.co.za) providing guidance to the residents of the Southern Cape.



Considering the 30m radius around a dwelling or firescaping, approximately 3500m<sup>2</sup> is necessary for this purpose. The aerial image below – an expansion of the image provided on page 5 earlier in this report – shows that an area of  $\pm 7000\text{m}^2$  is available on each property (Remainder Erf 352, Remainder Erf 373 and Portion C) – more than what is required for firescaping. Less area can therefore be used for this purpose. A hectare is comfortably available on each property, but it is not advisable to have such a large area cleared. It is not environmentally sound considering the need to enhance the natural vegetation found in our area which supports the character and sense of place of the greater Wilderness area. Implementing solutions such as firescaping will have the desired environmental outcome.



## 4. CONSIDERATION OF THE APPLICATION

### 4.1 STATUTORY INFORMANTS

The criteria for the consideration of land use applications as per the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SLPUMA), the Western Cape Land Use Planning Act, (Act 3 of 2014) (LUPA) and the George Municipality: By-law on Municipal Land Use Planning

(2015) builds on each other. SLPUMA introduced legislative and procedural changes to the management of land use planning in South Africa. The Western Cape Province followed with LUPA and thereafter George Municipality with the Municipal Land Use Planning By-law (2015). What is relevant to this land use application is discussed in the paragraphs to follow.

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

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

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

##### **4.1.1.1 Five development principles**

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

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

Spatial sustainability as described in Section 7(b) of SPLUMA is relevant as far as the natural environment will benefit from the removal and control of alien vegetation.

Prime and unique agricultural land is not affected by this land use application. The subject properties are small holdings located in the small holding area of Wilderness Heights.

Environmental matters are relevant as discussed in Paragraph 4.1.1.4 of this report. The protection and enhancement of the environmental characteristics of Erven 352 & 373 Hoekwil together with the proposed Portion C are important aspects of the proposal.

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. Infrastructure costs will be borne by the property owners. The Municipality will also gain another ratepayer.

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. Wilderness Heights is a small holding area outside of the George and Wilderness urban edges. The proposal for the subject erven therefore has no negative impact relating to urban sprawl.

No negative impacts are expected on surrounding properties.



Efficiency as described in Section 7(c) of SPLUMA is supported. Existing small holding properties are used to its potential considering the character of the area as well as the natural environment.

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. 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 Erven 352 & 373 Hoekwil supports the relevant development principles of SPLUMA.

#### **4.1.1.2 Public Interest**

Public interest is one of many factors the local authority must consider when deciding on a land use application. The public interest of this land use application is limited as its location is remote and on the edge of Wilderness Heights. Erf 352 Hoekwil is vacant at present and the location of a dwelling is not different now from what it will be following this land use application. The proposed Remainder Erf 373 Hoekwil is already developed in a suitable location.

The proposed Portion C of  $\pm 3.8$ ha presents a suitable location for a dwelling house which will be  $\pm 30$ m from the second dwelling unit found on the proposed Remainder Erf 373 Hoekwil. No other neighbour further away could be negatively impacted on by this proposal.

The area should benefit as black wattles will be removed and controlled. It reduces spreading to other properties in Wilderness Heights. Three property owners over  $\pm 9.8$ ha can better protect our natural environment than only two property owners.

No negative impact regarding public interest is therefore expected.

#### **4.1.1.3 Municipal Engineering Services & Access**

The municipal engineering services provided to the area will be expanded as necessary and services contributions paid. Access is existing from Silver River Street and the servitude road as discussed earlier in this report.

#### **4.1.1.4 Environmental Considerations**

Erven 352 & 373 Hoekwil is included in the Outeniqua Sensitive Coastal Area Extension (OSCAE). For the removal of any vegetation – also alien vegetation – a permit must be obtained from the Municipality. This will follow the successful completion of this land use application.

The properties are not indicated as critical biodiversity areas (CBA) – parts are indicated as ecological support areas (ESA). A non-perennial stream is also indicated to start almost 20m within the boundary of Erf 373 Hoekwil – the portion proposed to become Portion C. This non-perennial stream drains to the Silver River located to the west. This is addressed in more detail in the *Terrestrial Biodiversity Specialist Environmental Report* (botanical assessment) (**Annexure 8**) and as relevant from a spatial planning perspective in Paragraph 4.2.1 to follow.



*Terrestrial Biodiversity Specialist Environmental Report*

The botanical assessment done by Mr. Benjamin Walton is attached hereto as **Annexure 8**. The vegetation status and sensitivity at the properties are described as *highly degraded fynbos habitat (Shale Fynbos of Low Terrestrial Biodiversity Sensitivity) to ecotonal forest habitat (Southern Cape Afrotemperate Forest of Low Terrestrial Biodiversity Sensitivity) with a Low to Medium Plant Species Sensitivity*. The botanist found that the construction of a dwelling unit on the proposed Portion C in severely degraded habitat will not cause unnecessary damage to the receiving environment.

Mr. Walton also states that ESA's (ecological support areas) should be maintained in a functional, near-natural stated. Some habitat loss in ESA's is acceptable provided that the underlying biodiversity objectives and ecological functioning are not compromised. The ESA on Erf 352 and 373 Hoekwil was verified on site and vegetation was found to be *disturbed and heavily degraded based on the infestation of invasive alien species (IAS) and assumed previous clearing activities*. Black wattle and pine trees are found to cause damage to the ecosystem functioning of the forest that should be thriving here.

A watercourse was identified at the lower western extent of Erf 373 Hoekwil – on the portion to become Portion C. This is described as a secondary ESA (ecological support area) and corresponds with the non-perennial stream mentioned on the previous page of this motivation report. Rehabilitation and restoration of the properties following this land use application, will reduce the negative impacts created by invasive alien vegetation.

It is concluded that the *proposed realignment of property boundaries and development footprint will have a minimal impact on biodiversity and ecological connectivity. The receiving environment at the study area is highly degraded and of Low Terrestrial Biodiversity Sensitivity; and more than 32 metres from any watercourse and more than 20 metres from the edge of true closed canopy forest.*

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

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

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

The applicable spatial development frameworks are discussed in Paragraph 4.2 of this motivation report. The land use planning principles expands on the five development principles of SPLUMA which is discussed in foregoing paragraphs and desirability of the proposed land use is addressed in Paragraph 4.3 to follow.

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 Erven 352 & 373 Hoekwil, no conflict was found with the George Municipal Spatial Development Framework (GMSDF) – see Paragraph 4.2.1.

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

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

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

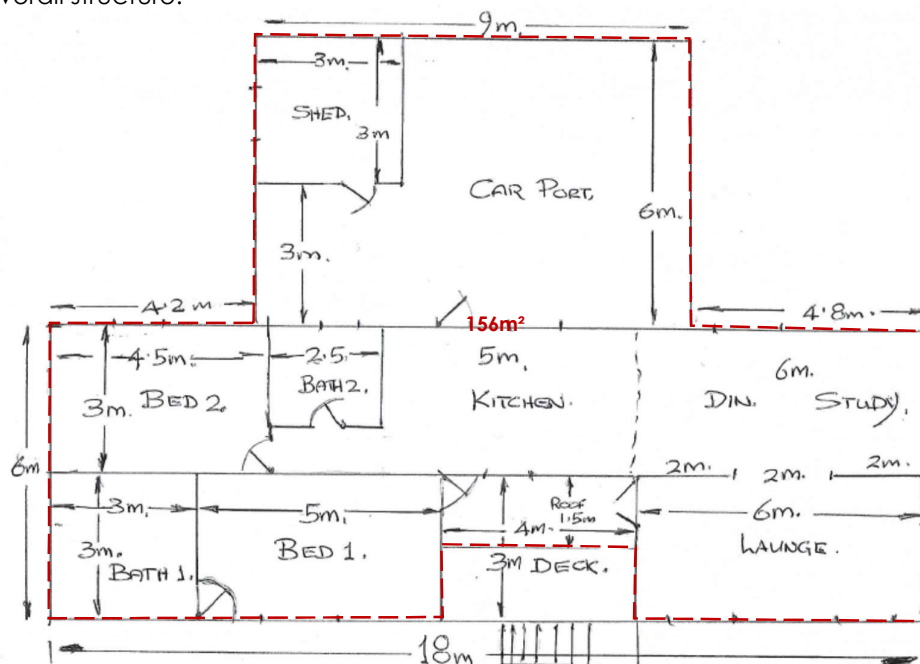
The above is addressed elsewhere in this motivation report as relevant.

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

Erven 352 & 373 Hoekwil is zoned Agriculture Zone II (small holding) in terms of the George Integrated Zoning Scheme By-law (GIZS) (2017). The use and zoning of the properties will not change following the approval of this land use application. The same will also apply to the proposed Portion C to be created.

The proposed Remainder Erf 373 Hoekwil has a primary dwelling and a second dwelling unit which is addressed with this land use application (no record for the approval of this 156m<sup>2</sup> second dwelling unit could be found). The principle of second dwelling units is generally accepted with the GIZS providing for second dwelling units up to 60m<sup>2</sup> as a primary land use right.

Second dwelling units is however limited to 150m<sup>2</sup>. The structure is however 156m<sup>2</sup>. Therefore, a departure from the relevant development parameter is requested through this land use application. Below is the floor plan of the second dwelling unit. According to the property owner it was a Plett Mobile Home (18m x 3m) to which a carport and store was added and then a lounge, deck, bedroom and bathroom. The 6m<sup>2</sup> greater than the 150m<sup>2</sup> is due to the partly covered deck. Internally, the structure is 150m<sup>2</sup>. The 6m<sup>2</sup> covered deck is negligible considering the overall structure.



The new boundary between Portion C and Remainder Erf 373 Hoekwil was positioned considering vegetation, topography and a distance of more than 30m between the existing second dwelling unit and the development area for the proposed dwelling for Portion C. Therefore, a building line relaxation is included with this application. Both property owners agree with this building line of 10m from the Remainder Erf 373 Hoekwil to Portion C. All other relevant development parameters will be complied with.

This land use application creating a new property and simultaneously addressing the title deeds, does not create conflict with the objective for small holdings as contained in the zoning by-law or the land use description for small holding.

## **4.2 SPATIAL PLANNING INFORMANTS**

### **4.2.1 GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (GMSDF) (2019)**

Erven 352 & 373 Hoekwil is not addressed specifically in the GMSDF. It is located in the small holding area of Wilderness Heights. The GMSDF refers to the Wilderness – Lakes – Hoekwil Local Spatial Development Framework (WLH LSDF) (2015) in which study area the subject property is located.

Considering that a non-perennial stream is found on a small section of the proposed Portion C, it can be stated that Policy D4 of the GMSDF should be addressed. This policy states that *watercourses must be managed so that they remain in a natural state or their present ecological status is improved or at least does not deteriorate.*

The Western Cape Land Use Planning Guidelines: Rural Areas (2019) was also assessed with no conflict identified as the small holding area will not expand and with second dwelling units being an associated land use.

This motivation report shows that no negative impact pertaining to this policy was found. Consider especially the *Terrestrial Biodiversity Specialist Environmental Report* and Paragraph 4.2.2 to follow. Considering principles relating to small holdings and second dwelling units and the discussion to follow regarding the WLH LSDF, this land use application is found to be consistent with the GMSDF as required in terms of Section 19 of the Land Use Planning Act, 2014 (LUPA).

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

Wilderness Heights is demarcated as a small holding area in the WLH LSDF. This demarcation is not affected by this land use application for Erven 352 & 373 Hoekwil. Small holdings are stated *to play a major role in defining the character of the study area and is probably one of the main form giving elements in the area together with the lakes, mountain backdrops and the ocean.* The WLH LSDF aims to protect the *character and ambience* of the small holding areas. It supports the overall landscape character.

Regarding landscape character and view sheds along tourism routes, it is stated that it *must be protected by appropriate guidelines and even regulations to ensure that this landscape and visual resource is protected for the generation to come.* Considering the location of the subject erven and the detail of the proposal as discussed in this motivation report, the landscape character of the section of Wilderness Heights where the erven are located, cannot be negatively impacted on. The properties are located at the end for a cul de sac and not visible from the Seven Passes Road located to the north due to vegetation and especially the topography.

The image below (Google StreetView) is directly north of Erf 352 Hoekwil. It is clear that the construction area for the proposed Remainder Erf 352 Hoekwil (the closest development area to the Seven Passes Road here) cannot be visible to the general public. There is also a height difference of at least 75m.



This land use application for Erven 352 & 373 Hoekwil will not expand the small holding area of Wilderness Heights. It is stated that the minimum subdivision size is 3.0ha and that the subdivision of small holdings is not automatic to this minimum. If a subdivision will have a detrimental impact on the landscape character, it should not be permitted. It is clear from this motivation report that the proposed subdivision and consolidation of Erven 352 & 373 Hoekwil cannot have a detrimental impact on the landscape character of the area.

A new structure for the proposed Remainder Erf 352 Hoekwil does not have an impact on visually sensitive areas and tourism routes. The same applies to the proposed Portion C.

Guiding principles are also provided in the WLH LSDF which must be taken into account during the evaluation of the desirability of a proposed subdivision. It is discussed in the table to follow:

|  |  |
|--|--|
| <p>i. The proposed subdivided plot must have an existing developable area of 1 hectares, which area does not include:</p> <ul style="list-style-type: none"><li>□ Areas with slopes steeper than 1:4;</li><li>□ Areas within 32 metres of a bank of a river or water body;</li><li>□ Areas within 10 metres of indigenous forest and conservation worthy fynbos areas (10m is the required firebreak around the dwelling);</li><li>□ Areas within 100 metres from a scenic route and 100 metres of a nature reserve;</li></ul> | <p><b>Proposed Remainder Erf 352, Remainder Erf 373 &amp; Portion C:</b></p> <ul style="list-style-type: none"><li>• Developable area of 1ha available on each property but not advisable to clear such a large area;</li><li>• The area proposed for dwellings has a suitable slope not steeper than 1:4;</li><li>• The areas identified for a possible dwellings is not within 32m of a bank of a river or a water body;</li><li>• Indigenous forest is more than 10m away with ample firebreak considering firescaping;</li><li>• Erven 352 &amp; 373 Hoekwil is more than 100m from a scenic route and a nature reserve.</li></ul> |
|--|--|

|   |  |
|---|--|
| ii. The proposed subdivision should not be allowed if the buildings cannot be constructed within the development parameters prescribed in terms of the applicable zoning scheme.  | Development areas for Remainder Erf 352 & Portion C complies with the relevant development parameters of the zoning by-law. The building line relaxation for the proposed Remainder Erf 373 Hoekwil considers the position of the existing second dwelling unit and what suits the affected property owners. |
| iii. If the slope faces a tourism corridor which could have negative impacts on the view shed along such corridor, a biodiversity offset must be established by positioning dwelling units in such a way that it minimises this impact. | Not applicable.  |

This land use application for Erven 352 & 373 Hoekwil cannot have a negative impact on the character of the greater Wilderness or its sense of place. It is secluded and located away from the view of tourism routes, the urban areas, the Touw River, the Garden Route National Park.

We found no conflict between this land use application for Erven 352 & 373 Hoekwil and the WLH LSDF.

#### 4.3 REMOVAL OF RESTRICTIVE CONDITIONS

As stated in Paragraph 1.2 of this motivation report it is necessary to remove Par. F(b) from Title deed T51140/2011 for Erf 352 Hoekwil and also Par. G(b) from Title deed T2993/2013 for Erf 373 Hoekwil. These two paragraphs restricts the number of dwelling units on each property to one.

Erf 373 Hoekwil has a primary and second dwelling unit. The restrictive title condition should therefore be removed. This is not in conflict with the zoning by-law as discussed earlier in this motivation report.

At the same time the restrictive condition is also removed from the title deed for Erf 352 Hoekwil. This will align the title deeds with the zoning by-law and prevent confusion with the registration of the proposed Portion C – as title deed restrictions is transferred from a title deed to title deed. Portion C is created from a portion of Erf 352 & 373 Hoekwil and therefore conflicting title deed restrictions should not be transferred.

Section 33 (5) of the George Municipality: Land Use Planning By-law states the following:

*(5) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:*

- (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;*
- (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;*
- (c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;*
- (d) the social benefit of the restrictive condition remaining in place in its existing form;*

- (e) the social benefit of the removal, suspension or amendment of the restrictive condition; and*
- (f) whether the removal, suspension or amendment of the restrictive condition will completely remove rights enjoyed by the beneficiary or only some of those rights.*

The removal of the paragraphs from the two title deeds as shown in this motivation report will not have a negative impact regarding financial or other value of the rights for any person. The existing second dwelling unit on the proposed Remainder Erf 373 Hoekwil can be legalized without having negative impacts on the property or the area.

Keeping the title deed restrictions will not have any social benefit.

Therefore, no reason for refusal of the removal of the restrictive title conditions could be found.

#### 4.4 NEED & DESIRABILITY

Need and desirability is the balancing of various factors. **Need** depends on the nature of a development proposal and is based on the principle of sustainability. This motivation report has shown that the proposed subdivision, consolidation, consent use and departure together with the removal of restrictive title conditions can have a positive impact on the natural environment. This is discussed in detail in this report and supported by the botanical assessment attached hereto as **Annexure 8**.

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

##### **Physical characteristics of the properties**

The physical characteristics of Erven 352 & 373 Hoekwil does not create conflict for the proposed subdivision and consolidation. New dwellings can be constructed on suitable slopes with existing structures also located on an almost level area.

##### **Existing planning in the area**

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

##### **Character of the area**

As discussed earlier in this motivation report, the development proposal for Erven 352 & 373 Hoekwil cannot impact negatively on the character of the area.

##### **Provision of services**

Municipal engineering services will be expanded as necessary.

##### **Economic impact**

This proposed development subdivision and consolidation as described for Erven 352 & 373 Hoekwil will create a new ratepayer for the Municipality and create new opportunities for employment creation even if it is limited and not all continuous.

**Direct impact on surrounding properties**

No neighbour will be overshadowed or overlooked especially considering topography, vegetation and building lines. A building line relaxation is requested for the existing second dwelling unit of the proposed Remainder Erf 373 Hoekwil – both property owners are fully aware of the possible impact and also that there will be more than 30m between the second dwelling unit and a new dwelling for Portion C.

It is our view that the need and desirability of the proposal for Erven 352 & 373 Hoekwil, showed no negative impacts.

**4.5 PRE-APPLICATION CONSULTATION**

The pre-application consultation is attached hereto as **Annexure 9** with the minutes discussed in the paragraphs to follow:

**CES – Civil Engineering Services:**

- *Access will remain via the exiting servitude which must re-registered on the exiting new consolidated portions.*

Noted, and to be addressed by the Professional Land Surveyor.

**ETS – Electrotechnical Services:**

- *Standard subdivision conditions will apply. Developer must install a separate electrical supply for each portion. All cost for the developer.*

Noted.

**Town Planning:**

- *Comments from, inter alia, Eskom, DEA&DP, WALEAF, Cape Nature, SANPARKS will be required;*

Noted and part of process.

- *Need to illustrate and show the Eskom servitude on the plans;*

Noted and done accordingly.

- *Location of the proposed structure etc. to be sensitive to the natural environment. Will need to appoint an environmentalist in this regard, as the property is also located in an OSCAE area.*

Noted. Botanical assessment (**Annexure 8**) attached.

- *Accesses to all the respective portions to be clearly indicated and explained.*

Indicated and discussed in especially Paragraph 3 of the motivation report.

- *Please refer to the Title Deeds and SG Diagrams: All servitudes to be illustrated and addressed;*

Noted and done accordingly.

## 5. CONCLUDING

From this motivation report, it is our opinion that the proposed land use application for Erven 352 & 373 Hoekwil is consistent with all relevant considerations as prescribed by the planning legislation. It does not create conflict with the overall spatial objectives for the area.

The completed municipal application form is attached hereto as **Annexure 10**.



**MARLIZE DE BRUYN Pr. Pln**

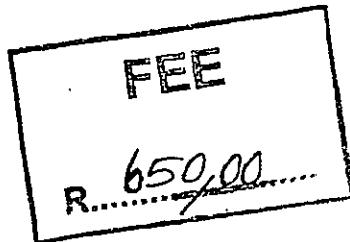


Annexure E - Title Deed and Conveyancer Certificate\_Erven 352 and 373 Hoekwil

VAN TONDER INC  
P.O. BOX 1536  
GEORGE  
6530

Prepared by me

*B. van Tonder*  
CONVEYANCER  
VAN TONDER B



|                         |  |
|-------------------------|--|
| VERBIND MORTGAGED       |  |
| VIR FOR R. 5 000 000,00 |  |
| B 000027053 / 2011      | <i>[Signature]</i><br>REGISTRATEUR/REGISTRAR |
| 15 SEP 2011             |  |

DEED OF TRANSFER

T 00051140 / 2011

BE IT HEREBY MADE KNOWN THAT

IANINE FOUCHÉ

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said Appearer being duly authorised thereto by a Power of Attorney, which said Power of Attorney was signed at GEORGE on 11 AUGUST 2011 granted to him by

1. ARTHUR RAYMOND PIETERSE  
Identity Number: 380407 5068 08 2  
Married out of community of property
2. GAIL ANN PIETERSE  
Identity Number: 470826 0067 08 1  
Married out of community of property

DATA / CAPTURE  
04 OCT 2011  
L. B. G. N. T. O. M. R. I.

DATA / VERIFY  
27 OCT 2011  
L. B. N. E. Y. A. H.

GhostConvey 13.4.2.4

And the Appearer declared that his said principal had, on 1 AUGUST 2011, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**CULIMBRA RENTALS C C**  
**Registration Number: 1999/057380/23**

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

**ERF 352 HOEKWIL,**  
**IN THE MUNICIPALITY AND DIVISION OF GEORGE,**  
**WESTERN CAPE PROVINCE;**

**IN EXTENT: 4,4675 (FOUR COMMA FOUR SIX SEVEN FIVE) Hectares**

**FIRST TRANSFERRED by Deed of Transfer No. 19654/1962 with Diagram No. 3012/1961 relating thereto, AND HELD by Deed of Transfer No. T34776/1993.**

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. 19654/1962.
- B. **SUBJECT FURTHER** to the following special conditions mentioned in an endorsement dated 22 April 1907 on Deed of Transfer No. 4632/1905 which reads as follows:

"By Deeds of Transfer No. 2955 and 2956 – April, 1907, certain water and other rights have been conceded in favour of the land thereby conveyed as will more fully appear on reference to the said Deed of Transfer."

- C. **SUBJECT FURTHER** to the following special conditions contained in the annexure to Deed of Transfer No. 14200/1920 which reads as follows:

EXTRACT with Power of Attorney dated at Johannesburg, 14 September 1920, to pass transfer from the Wilderness Estate Co. Ltd. hereinafter called the "Transferor" to the Kerkraad of the Dutch Reformed Church at George hereinafter called the "Transferee"

- (a) The properties hereby transferred shall be subject to all conditions, restrictions, reservations and servitudes mentioned or referred to in or endorsed upon the said Deed of Transfer No. 4632 or any prior title or otherwise registered in the Deeds Office and in particular to the conditions and servitudes as set out in certain two Deeds of Transfer Nos. 2955 and 2956 dated 16<sup>th</sup> April, 1907, and in Deed of Transfer passed on the 21<sup>st</sup>

*GhostConvey 13.4.2.4*

February 1918, to the George Forest Timber Company Ltd., and the properties hereby transferred shall be subject to the further condition that the transferor shall be entitled to take from the Silver River or any of its tributaries and the Kaaiman's river at any point on the properties hereby transferred, such quantity of water as the transferor may be entitled to or may obtain under the Irrigation and Conservation of Waters Act 1912, with the right to lead such waters across the properties hereby transferred, and for that purpose to lay and maintain such pipes as may be necessary and in the event of the Transferor having or acquiring the right to take water from any river or stream above the ground hereby transferred, then the Transferor shall be entitled to a right of way over the properties hereby transferred for such water, with the right to lay pipes over the property hereby transferred and for the purpose of laying and maintaining the pipes and exercising the other rights in this clause mentioned the Transferor shall have the right to ingress and egress to and from the properties hereby transferred, with the right to lead such waters across the properties hereby transferred, and for that purpose to lay and maintain such pipes as may be necessary in the event of the Transferor having or acquiring the right to take water from any river or stream above the ground hereby transferred, then the Transferor shall be entitled to a right of way over the properties hereby transferred for such water, with the right to lay pipes over the property hereby transferred and for the purpose of laying and maintaining the pipes and exercising the other rights in this clause mentioned the Transferor shall have the right to ingress and egress to and from the properties hereby transferred with the right to make such excavations and do and perform such other works as may be necessary to conduct such water to any part of the Transferor's property, including the said land marked No. 497 called Barbiers Kraal, and these conditions are hereby registered as a servitude against the properties hereby transferred.

- (b) The Transferor and all persons now or at any time hereafter holding title from or through the Transferor or any portion of the land marked 497 called Barbiers Kraal, in extent 828 morgen, as well as persons at any time frequenting the seaside resort known as the Wilderness shall have full and undisturbed right of way on foot and by means of vehicles over the properties hereby transferred to and from any portion of the said land marked 497 and the said Seaside Resort by the present public roads on the ground hereby transferred and also by a road constructed and made by the Transferor and which has not yet been declared a public road, and by such public roads as may hereafter be constructed and/or declared public roads by any competent authority, and the Transferee shall in so far as and to the extent that the same passes through the properties hereby transferred keep in good order and repair the said road constructed by the Transferor, provided that such repairs shall not extend to gravelling, the Transferor on its part undertaking to keep the said road in good repair over the extent that the said road passed through its property."

- D. **SUBJECT FURTHER** to an agreement for the accumulation and use of water in terms of Act No. 13/1941, and endorsement dated 18 December 1951, which appears on Deed of Transfer No. 14200/1920, which reads as follows:

"By No. Deed No 689/51 dated 14 March 1951 certain agreement relating to the conservation and use of water in terms of Act No. 13/41 have been entered into between the owners of the several properties held by para. 2 hereof and Consolidated Title 6957/43 and by T.7987/42 and 20436/47, subject to conditions, as will more fully appear on reference to the said Not. Deed, a copy of which is annexed hereto."

- E. **SUBJECT FURTHER** to the following uniform conditions imposed by the Minister contained in Certificate of Uniform Title No. 144771/1961 subject to the following right which is reserved in favour of the State:

- "(1) .....
- (2) Die reg om grond te neem en materiaal te verkry en te verwyder vir die bou en herstel van openbare paaie."

**NOT SUBJECT** to condition E(1) on page 3 of Deed of Transfer No. T34776/1993, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.

- F. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. 19654/1962, imposed by the Administrator of the Province Cape of Good Hope when approving subdivision in terms of Section 196 of Ordinance No. 15/1952, as amended, of the farm WILDERNISHOOGTE, which can be amended or mollified by him:

- (a) Dit mag net vir woon- en landbou-doeleindes gebruik word.
- (b) Geen geboue uitgesonder een woning vir gebruik deur 'n enkele familie tesame met die buite-geboue wat gewoonlik nodig is om in verband daarmee gebruik te word, mag op hierdie grond opgerig word nie.

- G. **SUBJECT FURTHER** to the Servitude of Water apportionment refer to in the Endorsement dated 7 January 1972 on Deed of Transfer No. T1480/1969, 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 said Order annexed to Servitude Nr 15/72, date 7 January 1972.

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

1. **ARTHUR RAYMOND PIETERSE, Married as aforesaid**
2. **GAIL ANN PIETERSE, Married as aforesaid**

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

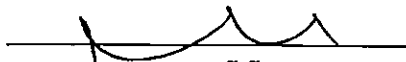
**CULIMBRA RENTALS C C**  
**Registration Number: 1999/057380/23**

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 450 000,00 (ONE MILLION FOUR HUNDRED AND FIFTY THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

15 SEP 2011 2011.

  
q.q.

In my presence

  
REGISTRAR OF DEEDS

  
GhostConvey 13.4.24

293

MILLERS INC.  
BEACON HOUSE  
123 MEADE STREET  
GEORGE  
6530

Prepared by me

*M Goldie*  
CONVEYANCER  
Goldie M

| Fee endorsement         |               |            |
|-------------------------|---------------|------------|
|                         | Amount        | Office fee |
| Purchase price/Value    | R 240 000,00  | R 350,00   |
| Mortgage capital Amount | R             | R          |
| Reason for exemption    | Exempt i.e. o |            |
| Off                     | section       | Act        |

ARTIKEL 57 WET 47 VAN 1937 SECTION 57 ACT 47 OF 1937  
**VERBIND MORTGAGED**  
 101158/2005  
 VIR 1500 000,00  
 BC 2538/2013  
 2013-01-28  
 REGISTRATEUR/REGISTRAR

DATE 31 JAN 2013  
 AGENSIE FONDS

T 000002993/2013

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

SAREL VAN DEN BERG

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at GEORGE on 20 DECEMBER 2012 granted to him by

The Trustees for the time being of  
**MAC BETH TRUST**  
 Registration Number T1840/1993

DATA / VERIFY  
 01 FEB 2013  
 OLIVIER YOLANI

And the appearer declared that the Transferee acquired the hereinafter mentioned property on 20 December 2012, in terms of Paragraph 51A of the Eighth Schedule to the Income Tax Act 1962, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**ELIZABETH ANN PHILP**  
**Identity Number 590926 0103 08 7**  
**Married out of community of property**

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

ERF 373 HOEKWIL  
IN THE MUNICIPALITY AND DIVISION OF GEORGE, PROVINCE OF THE  
WESTERN CAPE;

IN EXTENT: 5,4555 (FIVE COMMA FOUR FIVE FIVE FIVE) Hectares;

FIRST TRANSFERRED by Deed of Transfer No. 17593/1967 with Diagram No. 3032/61 annexed thereto and held by Deed of Transfer No. T 17010/94.

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T 17593/1967

B. **SUBJECT FURTHER** to the following special conditions referred to in the endorsement dated 22<sup>nd</sup> April 1907 on Deed of Transfer No. 4632/1905, namely:

"By Deeds of Transfer No. 2955 and 2956 – April, 1907, certain water and other rights have been conceded in favour of the land thereby conveyed as will more fully appear on reference to the said Deeds of Transfer."

C. **SUBJECT FURTHER** to the following special conditions contained in the annexure to Deed of Transfer No. 14200/1920, which reads as follow:-

EXTRACT from Power of Attorney dated at Johannesburg, 14 September 1920, to pass transfer from Wilderness Estate Co. Ltd. hereinafter called the "Transferor" to the Kerkraad of the Dutch Reformed Church at George hereinafter called the "Transferee"

*MO*

*Ar*

(a) The properties hereby transferred shall be subject to all conditions, restrictions, reservations and servitudes mentioned or referred to in or endorsed upon the said Deed of Transfer No. 4632/1905 or any prior title or otherwise registered in the Deeds Office and in particular to the conditions and servitudes set out of certain two Deeds of Transfer No.'s 2955/1907 and 2956/1907, and in Deed of Transfer passed on 21<sup>st</sup> February 1918, to the George Forest Timber Company Ltd., and the properties hereby transferred shall be subject to the further condition that the transferor shall be entitled to take from the Silver River or any of its tributaries and Kaaiman's River at any point on the properties hereby transferred, such quantity of water as the transferor may be entitled to or may obtain under the Irrigation and conservation of Waters Act 1912, with the right to lead such waters across the properties hereby transferred, and for that purpose to lay and maintain such pipes as may be necessary and in the event of the Transferor having or acquiring the right to take water from any river or stream above the ground hereby transferred, then the Transferor shall be entitled to a right of way over the properties hereby transferred for such water, with the right to lay pipes over the property hereby transferred and for the purpose of laying and maintaining the pipes and exercising the rights in this clause mentioned the Transferor shall have the right to ingress and egress to and from the properties hereby transferred, with the right to make such excavations and do and perform such other works as may be necessary to conduct such water to any part of the Transferor's property, including the said land marked No. 497 called Barbiers Kraal, and these conditions are hereby registered as a servitude against the properties hereby transferred.

(b) The Transferor and all persons now or at any time hereafter holding title from or through the Transferor or any portion of the land marked 497 called Barbiers Kraal, in extent 828 morgen, as well as persons at any time frequenting the seaside resort known as the Wilderness shall have full and undisturbed right of way on foot and by means of vehicles over the properties hereby transferred to and from any portion of the said land marked 497 and the said Seaside Resort by the present public roads on the ground hereby transferred and also by a road constructed and made by the Transferor and which has not yet been declared a public road, and by such public roads as may hereafter be constructed and /or declared public roads by any competent authority, and the Transferee shall insofar as and to the extent that the same passes through the properties hereby transferred keep in good order and repair the said road constructed by the Transferor, provided that such repairs shall not extend to gravelling, the Transferor on its part undertaking to keep the said road in good repair over the extent that the said road passed through its property."

**D. SUBJECT FURTHER** to an agreement with regard to the storage and use of water in terms of Act No. 13/1941, in respect of which an endorsement dated 18<sup>th</sup> December 1951 appears on Deed of Transfer No. 14200/1920, reading as follows:-

"By Not. Deed No. 689/51 dated 14 March 1951 certain agreement relating to the conservation and use of water in terms of Act No. 13/41 have been entered into between the owners of the several properties held by para. 2 hereof and Consolidated Title 6957/43 and by T. 7987/42 and 20436/47, subject to conditions as will more fully appear on reference to the said Not. Deed, a copy of which is annexed hereto."

*MO*



E. **NOT SUBJECT** to Clause E (1), page 4 of Deed of Transfer No. T 17010/1994, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.

2. Die reg om grond te neem en materiaal te verkry en te verwyder vir die bou en herstel van openbare paaie.

F. **SUBJECT FURTHER** as contained in the Deed of Transfer No. 17593/1967 to a 6,30 metre servitude right of way shown by the figure ABfgbd on the said Diagram No. 3032/61 as contained in the Notarial Deed of Servitude No.377/1962 and referred to in the endorsement dated 7<sup>th</sup> July 1962 on the said Certificate of Uniform Title No. 14471/1961 which reads as follows:-

"Kragtens Notariële Akte Nr.377/62 gedateer 19 Mei 1962 en hede geregistreer is die plaas Wildernishoogte groot 1429.1922 morge gehou hieronder onderhewig aan Serwituutreg tot paaie en regte van weg aangedui op Serwituutkaart Nr.1180/1962 weggeleë as (Commonage Plan No.121) geskep ten gunste van die Algemene publiek soos meer teen volle sal blyk uit voormelde Notariële Akte en Serwituutkaart weggeleë onder (Commonage Plans No.121).

G. **SUBJECT FURTHER** to the following conditions contained in Deed of transfer No.17593/1967, imposed by Administrator of the Province of the Cape of Good Hope on Sub-division in terms of Section 196 of Ordinance No.15/1952, as amended, on the Farm WILDERNISHOOGTE, which conditions may be modified or amended by the Administrator, namely :-

(a) Dit mag net vir woon – en landboudoelendes gebruik word.

(b) Geen geboue uitgesonder een woning vir gebruik deur 'n enkele familie tesame met buitegeboue wat gewoonlik nodig is om in verband daarmee gebruik te word, mag op hierdie grond opgerig word nie.

H. **SUBJECT FURTHER** to the terms of the following Endorsement dated 31<sup>st</sup> August 1976 on the said Deed of Transfer No. 17594/1976, namely:-

"Kragtens Notariële Akte Nr. K. 846/1976S is die binnevermelde eiendom onderhewig aan die reg ten gunste van die Elektrisiteitsvoorsieningskommissie om elektrisiteit daaroor te lei, tesame met bykomende regte, en onderhewig aan voorwaardes soos vollediger sal blyk uit gesegde Akte (en Kaart), afskrif waarvan hieraan geheg is."

I. **SUBJECT FURTHER** to the terms of the Endorsement dated 7<sup>th</sup> January 1972 on the said Deed of Transfer No. 17594/ 1967, reading as follows:-

"Registrasie van Serwituut

Die binnegemelde grond is onderhewig aan 'n serwituut met betrekking tot verdeling van water in terme van 'n bevel van die Waterhof (Waterhof distrik Kaap) gedateer 26/5/1971, soos meer volledig sal blyk uit gemelde bevel, waarvan afskrif geheg is aan Serw.15/72."

MG

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

**The Trustees for the time being of MAC BETH TRUST**  
**Registration Number T1840/1993**

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

**ELIZABETH ANN PHILP, Married as aforesaid**

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the deemed value of the property to be the sum of R240 000,00 (TWO HUNDRED AND FORTY THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

28 January

2013.

In my presence

REGISTRAR OF DEEDS

q.q.

MG



# **AE REYNOLDS**

## **ATTORNEYS**

☎ 044 050 4500 ☎ 079 866 1587 ☎ (044) 050 4455 ✉ ansie@aerlaw.co.za

📮 Posbus 505, George Docex 11 📍 7B Multi Purpose Sentrum, Meadestraat, George, 6529

OUR REF/ ONS VERW  
AE REYNOLDS

YOUR REF/OUR REF

DATE /DATUM  
17 August 2020

### **CONVEYANCER'S CERTIFICATE**

I, the undersigned

**ANNA ELIZABETH REYNOLDS**

A duly qualified and admitted Conveyancer, practising at: AE Reynolds Inc, 7B Multi Purpose Centre, Meade Street, George

Do hereby certify as follows:

I have perused the following title deed:

Deed of Transfer T51140/2011

in respect of:

ERF 352 HOEKWIL IN THE MUNICIPALITY AND DIVISION OF GEORGE, PROVINCE  
WESTERN CAPE

IN EXTENT: 4, 4675 (FOUR comma FOUR SIX SEVEN FIVE) HECTARE

REGISTERED IN THE NAME OF:

CULIMBRA RENTALS PROPRIETARY LIMITED  
REGISTRATION NUMBER: 2015/344489/07

1. I have appraised myself with the details of the abovementioned application,
2. The abovementioned title deed, except for Paragraph F(b) which is proposed to be removed to align the title deed and the zoning by-law, the title deed includes no restrictive conditions pertaining to the proposed subdivision and consolidation.

CONVEYANCER

**ANNA ELIZABETH REYNOLDS**  
Nr 7B Multi Purpose Sentrum  
Meadestraat, George  
Commissioner of Oaths / Kommissaris van Ede  
Practising Attorney / Praktiserende Prokureur  
R.S.A



# **AE REYNOLDS**

## **ATTORNEYS**

☎ 044 050 4500 📠 079 866 1587 📞 (044) 050 4455 ✉ ansie@aerlaw.co.za

📮 Posbus 505, George Docex 11 📍 7B Multi Purpose Sentrum, Meadestraat, George, 6529

OUR REF/ ONS VERW  
AE REYNOLDS

YOUR REF/OUR REF

DATE /DATUM  
17 August 2020

### **CONVEYANCER'S CERTIFICATE**

I, the undersigned

**ANNA ELIZABETH REYNOLDS**

A duly qualified and admitted Conveyancer, practising at: AE Reynolds Inc, 7B Multi Purpose Centre, Meade Street, George

Do hereby certify as follows:

I have perused the following title deed:

Deed of Transfer T2993/2013

in respect of:

ERF 373 HOEKWIL IN THE MUNICIPALITY AND DIVISION OF GEORGE, PROVINCE  
WESTERN CAPE

IN EXTENT: 5,4555 (FIVE comma FOUR FIVE FIVE FIVE) HECTARE

REGISTERED IN THE NAME OF:

ELIZABETH ANN PHILP

IDENTITY NUMBER: 590926 0103 08 7

MARRIED OUT OF COMMUNITY OF PROPERTY

1. I have appraised myself with the details of the abovementioned application,
2. The abovementioned title deed, except for Paragraph G(b) which must be removed for a second dwelling unit, the title deed includes no restrictive conditions pertaining to the proposed subdivision and consolidation.

CONVEYANCER

**ANNA ELIZABETH REYNOLDS**

Nr 7B Multi Purpose Sentrum

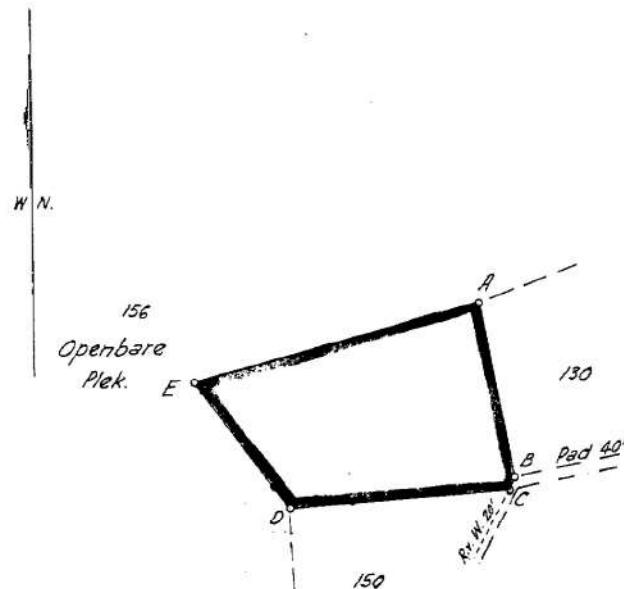
Meadestraat, George

Commissioner of Oaths / Kommissaris van Ede  
Practising Attorney / Praktiserende Prokureur  
R.S.A

# Annexure F - SG Diagram\_Erven 352 and 373 Hoekwi

## Beskrywing van Bakens.

A.B.C.D.E .....  $\frac{3}{4}$ " x 3' ronde ysterpen.



| SVE<br>Kaapse Voet | RIGTINGS-<br>HOEKE | STELSEL L <sup>o</sup> 23 <sup>o</sup><br>KO-ORDINATE |              |
|--------------------|--------------------|---|--------------|
|                    |                    | y   | x            |
|                    | Konstant           | +80000.00   | +11900000.00 |
| AB                 | 572.78             | 349.03.40   |              |
| BC                 | 43.69              | 20.52.40  |              |
| CD                 | 715.71             | 86.10.30  |              |
| DE                 | 510.14             | 142.56.50   |              |
| EA                 | 959.85             | 255.17.10   |              |

Nr. 3512/51

Goedgekeur.

*H. van Waas*

Landmeter-Generaal.

14. 6. 1958

|   |
|---|
| ERF 352 Hoekwil                               |
| Gedeelte... 129... (.....)                    |
| (in gedeelte van Gedeelte.....) van d'e plaas |
| WILDERNISHOOGTE Nr. 157                       |
| GEORGE  |

Skaal 1:5000

Die figuur ABCDE

stel voor 5.2158 Morgen

grond, synde

Gedeelte 129

van die plaas

WILDERNISHOOGTE

geleë in die Afdeling George, Provinsie Kaap die Goeie Hoop

Opgemeeit in Desember 1958 deur my H. van Waas

Landmeter.

Hierdie kaart is

T/A. 19654/62

Die oorspronklike kaart is  
Nr. 4904/59 geheg aan

Lter Nr. S/4924

M.S. Nr. E. 1051/59

Alg. Plan 1730LD

BL-8CC

**S C**

Registrateur van Aktes.

Grade Vel BL-8CC

Beskrywing van Bakens.

Alle Bakens .....  $\frac{3}{4}$ " x 3' ronde ysterpen.

| BYE<br>Kaapse Voet | RIJTINGS-<br>HOEKE | STELSEL L <sup>o</sup> 23 <sup>o</sup><br>KO-ORDINATE |              |
|--------------------|--------------------|---|--------------|
|                    |                    | y   | x            |
|                    | Konstant           | +80000.00   | +11900000.00 |
| AB                 | 265.73             |   |              |
| BC                 | 825.49             |   |              |
| CD                 | 796.21             |   |              |
| DE                 | 647.96             |   |              |
| EA                 | 738.92             |   |              |
| Ad                 | 23.21              |   |              |
| Bf                 | 695.23             |   |              |
| fd                 | 96.16              |   |              |
|                    |                    |   |              |

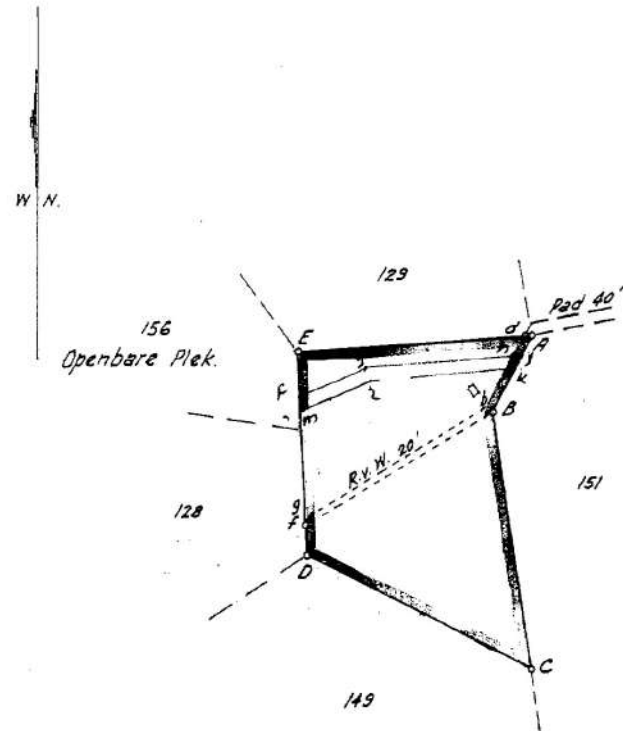
Nr. 3032/61

Goedgekeur.

*H. van Waart*

Landmeter-Generaal.

14. 6. 1951



Die figuur ABFGbd stel 'n <sup>Sernituit</sup> 20 vt. Reg van Weg voor  
Sien kaart 1180/1962

**ERF 379 Hoekwil**

Gedeelte 150 (.....)

(Ingeval van C... van die plaas)

Wildernishoogte N. 157

**GEORGE**

Skaal 1: 5000

Die figuur ABCDE

stel voor 6.3693 Morge

grond, synde

Gedeelte 150

van die plaas

**WILDERNISHOOGTE**

geleë in die Afdeling George Provinsie Kaap die Goeie Hoop

Opgemeet in Desember 1958 deur my H. van Waart

Landmeter.

Hierdie kaart is

*T/O 1754/51*

Die oorspronklike kaart is  
Nr. 4904/59 geheg aan

Lêer Nr. S/4924  
M.S. Nr. E. 1051/59  
Alg. Plan 1730LD  
DL-800  
Grade Vel BL-800D

**SC**

Registrateur van Aktes.

FOR ENDORSEMENTS  
SEE BACK OF DIAGRAM



**Western Cape  
Government**

Department of Environmental Affairs and Development Planning

**Gavin Benjamin**

Development Management (Region 3)

Gavin.benjamin@westerncape.gov.za | Tel: 044 814 2010

**REFERENCE NUMBER:** 15/3/2/12/BG1  
**ENQUIRIES:** Gavin Benjamin  
**DATE OF ISSUE:** 8 December 2021

The Municipal Manager

George Municipality

P O Box 19

**GEORGE**

6530

**Attention:** Municipal Manager

**Email:** [mhwelman@george.gov.za](mailto:mhwelman@george.gov.za)

Dear Sir/Madam

**GEORGE MUNICIPALITY: PROPOSED SUBDIVISION, CONSOLIDATION, CONSENT USE, DEPARTURE & REMOVAL OF TITLE CONDITIONS: ERVEN 352 & 373, HOEKWIL**

1. The request for comment, dated 15<sup>th</sup> November 2021, on the application for proposed subdivision, consolidation, consent use, departure and removal of restrictive title conditions of Erven 352 & 373, Hoekwil in terms of Sections 15(2)(d), (e), (o), (b) & (f) of the George Municipality: By Law on Municipal Land Use Planning (2015), refers.
2. The application entails the following:
  - 2.1 Subdivision of Erf 352 into Portion A (1.4535 ha) & Remainder Erf 352 (3.0137 ha);
  - 2.2 Subdivision of Erf 373 into Portion B (2.4070 ha) & Remainder Erf 373 (3.0471 ha);
  - 2.3 Consolidation of Portion A & B to create Portion C (3.8605 ha);
  - 2.4 Consent use for a second dwelling unit (150m<sup>2</sup>) for Remainder Erf 373;
  - 2.5 Departure for relaxation of the western side boundary building line of the proposed Remainder Erf 373 from 20m to 10m for the existing second dwelling unit and increase in size of the existing second dwelling unit from 150m<sup>2</sup> to 156m<sup>2</sup>; and
  - 2.6 Removal of some restrictive title conditions.



3. The subject properties are within Hoekwil for which there is a Local SDF (WLHLSDF, 2015). In this plan the subdivision of smallholdings is allowed provided that the property size is not smaller than 3ha, and that it complies with all development parameters as set out in the LSDF for the area. It is noted that by consolidating the smaller subdivided portions the new property will also be more than 3ha.
4. Based on the available information, this Department has no objection to the proposal in terms of a Provincial Regulatory Land Use Planning point of view.

**Gavin  
Benjamin**

Digitally signed by Gavin  
Benjamin  
Date: 2021.12.09  
09:46:12 +02'00'

**MR. GAVIN BENJAMIN**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)**

**WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 09 December 2021

Copy to:

Marlize de Bruyn Planning

Email: [marlize@mdbplanning.co.za](mailto:marlize@mdbplanning.co.za)



P O Box 791  
6560 WILDERNESS  
Email : [waleaf@langvlei.co.za](mailto:waleaf@langvlei.co.za)  
2021-12-08

The Municipal Manager  
George Municipality  
GEORGE

Dear Sirs,

**APPLICATION FOR PROPOSED SUBDIVISION, CONSOLIDATION, CONSENT USE, DEPARTURE & REMOVAL OF RESTRICTIVE CONDITIONS: ERVEN 352 & 373, HOEKWIL, SILVER RIVER ROAD, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION**

We refer to this application for the following :

- Subdivision of Erf 352 Hoekwil in a Portion A ( $\pm 1.4535\text{ha}$ ) & Remainder Erf 352 Hoekwil ( $\pm 3.0137\text{ha}$ ) in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015);
- Subdivision of Erf 373 Hoekwil in a Portion B ( $\pm 2.4070\text{ha}$ ) & Remainder Erf 373 Hoekwil ( $\pm 3.0471\text{ha}$ ) in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015);
- Consolidation of Portion A & B in terms of Section 15(2)(e) of the George Municipality: Land Use Planning By-law (2015) to create Portion C ( $\pm 3.8605\text{ha}$ );
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit ( $150\text{m}^2$ ) for Remainder Erf 373 Hoekwil;
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for the following:
  - relaxation of the western side boundary building line of the proposed Remainder Erf 373 Hoekwil from 20.0m to 10.0m for the existing second dwelling unit;
  - increase in size of the existing second dwelling unit from  $150\text{m}^2$  to  $156\text{m}^2$ .
- Removal of the following restrictive title conditions in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015):

|                 |             |           |
|-----------------|-------------|-----------|
| Erf 352 Hoekwil | T51140/2011 | Par. F(b) |
| Erf 373 Hoekwil | T2993/2013  | Par. G(b) |

Erf 352 Hoekwil is registered to Culimbra Rentals Pty Ltd\* and is 4,4675ha in extent.

Erf 373 Hoekwil is registered to Elizabeth Ann Philp and is 5,4555ha in extent.

\*We understand that Mr Schwartz is the sole shareholder of this company, and is also the sole shareholder of another company which owns the adjoining erf 351 directly to the east of erf 352.

Even though we are not in favour of developments such as this one close to urban edges, we have **no objection** to :

- A. Subdivision of erf 352
- B. Subdivision of erf 373
- C. Consolidation of Portions A and B to create Portion C
- D. Consent use for a second dwelling unit on erf 373
- E. Departure for the relaxation of the western side boundary building line of the proposed Remainder Erf 373 Hoekwil from 20m to 10m for the existing second dwelling unit;
- F. Departure to increase in size of the existing second dwelling unit from 150m<sup>2</sup> to 156m<sup>2</sup>.
- G. Removal of the restrictive title conditions

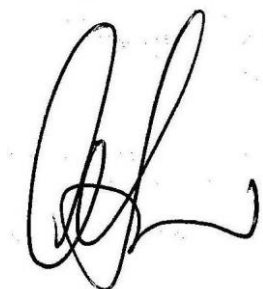
We do **object** to the large tracts of invasive alien vegetation presently growing on these 2 properties. A management plan must be implemented to ensure that the invasive alien vegetation is systematically removed. As per the National Environmental Management: Biodiversity Act (Act no. 10 of 2014) landowners are legally obligated to clear listed alien and invasive species from their properties. A specific final date by which time all alien invasives would have been removed from this property must be decided upon and enforced by the municipality.

Should the municipality subsequently approve of this application, Waleaf would like to see the following points included in the approval documents :

1. It is recommended that if any security fencing is to be erected, that it be limited within and adjacent to the development footprint, to allow for movement and passage of wildlife between neighbouring properties and the undeveloped areas of this property. In this way connectivity is maintained for biodiversity.
2. At the site meeting on the adjoining erf 351 which we attended on 2021-12-03, we understood from the conversations amongst those attending the site visit and Mr Schwartz, that he, via various companies, owns erven 351 and 352, and will also probably become the owner of Portion C\*, being the new erf created from the subdivision and consolidation of erven 352 and 373, should such application for subdivision and consolidation be successful. As stated in the application documents with respect to the subdivision of erf 351 *"the property owner wishes to create an area with no fences between the proposed portions where communal interests (such as access, services and architecture) will be addressed through a homeowners' association (HOA to be established in terms of Section 29 of the planning by-law)"*, we recommend that erf 352 and Portion C\* to the east of erf 351 be included in this proposed Home Owners Association on erf 351.

\*Portion C is the new proposed erf being created from the subdivision and consolidation of erven 352 and 373.

Yours faithfully,



Secretary, for WALEAF



## Wilderness Ratepayers and Residents Association

PO Box 10 Wilderness Western Cape South Africa 6560

[admin@wrra.co.za](mailto:admin@wrra.co.za) [www.wrra.co.za](http://www.wrra.co.za)

Established 1971

Manager: Town Planning  
George Municipality  
PO Box 19  
George 6530

12 December 2021

Attention: Ilane Huyser  
cc: Marina Welman, Marlize de Bruyn

Re. Erf 352 and 373 Silver River Road  
Subdivisions, consolidation, second dwelling, building line relaxation, size increase,  
removal of title restrictions

### **AND**

Erf 351 Silver River Road  
Removal of title restrictions, rezoning Ag I to Business II, Residential V and rezoning  
from Residential V and Resort Zone to Ag II, subdivision into five portions, consent  
use for second dwellings on each portion, departures for second dwelling size,  
relaxation of four boundaries.

These two applications move the three erven forward toward a single development of about 25 hectares. Erf 373 from one application shares a boundary of about 250 metres with erf 351 of the other application, while erf 352 from one application has the same owner as erf 351 in the other application. Taken together, they are proposing major changes to the existing land use on all three erven.

Unfortunately, neither application makes any reference to the other so we find it impossible to analyse the entire project as a whole. Until a comprehensive presentation of what the final property changes would be, we are unable to comment.

Regards,

*J Miller*

---

John Miller  
Development Diligence

Michael Leggatt

Box 654

Wilderness

6560

11 December 2021

Micheal.leggatt@gmail.com

To whom it concerns,

**Re: PROPOSED SUBDIVISION, CONSOLIDATION, CONSENT USE, DEPARTURE & REMOVAL OF RESTRICTIVE CONDITIONS FOR CULIMBRA RENTALS PTY LTD & EA PHILP ERVEN 352 & 373, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION**

I own and live on erf 372, directly to the South of Erf 373.

In principle I **OBJECT** to this application.

- Neither ERF 373 nor ERF 352 are subdivisible in their own right.
- Erf 373 is infested with invasive aliens and even though the property has been in the same hands for many years, little or no effort has been made to clear or rehabilitate the property
- There is probably a reason that no approvals could be found for the existing second dwelling and the fact that the said restriction has not been removed from the title deed. This dwelling has been in existence for at least ten years (probably more like fifteen) and the authorities should consider the financial implications of this, and the loss of income on the municipal coffers, when considering how to respond.
- The proposed portions A and B (proposed portion C) are extremely fragmented (topographically, vegetatively, as well as by a major electrical servitude and servitude road). The proposed portion C does not form a cohesive land unit. As such, in my opinion, this is clearly a **FORCED** proposal, rather than a 'natural' one.

- Contrary to the application stating that there is a motivation report, I could find **no motivation** other than the fact the owner of ERF 352, to the North (who is coincidentally also the owner of ERF 351 (to the West) (which currently has a subdivision proposal into 5 portions) wishes to purchase proposed portion B (2.4 ha).

I **OBJECT** to this application for the above reasons as well as the following:

Neither the application for ERF 351 nor this application clarify the fact that this proposal would link two properties **owned by the same individual** and that he is in the process of applying to subdivide and develop the property to the West (ERF 351) to its maximum potential.

As there is **no motivation** from the owner of ERF 352 as to why he wishes to purchase this parcel of land, one is forced to draw one's own conclusions from the information that can be garnered in the application itself.

- His intention is **NOT** to consolidate it with Erf 352, but rather to create a separate subdivision with rights to a primary dwelling and second dwelling, thus allowing for maximum development rights on the proposed three portions.
- As the owner of Erf 352 already owns two significant parcels of land, why he would want another (with rights to two more dwellings) is **neither clarified nor motivated** in this application.
- I reiterate my **OBJECTION** to this application on the grounds that it appears (at face value) (due to a lack of motivation) to be little more than an attempt at 'forcing' a subdivision that has little value other than financial.
- If the intention of this application is to link Erf 351 to Erf 352 and in so doing create an 'extended' estate (with one entrance at the position of the current gate on Erf 352) ( as inferred by statements such as that the existing road dissecting erf 373 is a servitude right of way (to erf 351) and that Silver River Road technically ends at, or near, the existing gate of erf 352. )(And verbally confirmed at a site visit on ERF 351) then I submit that this intention should have formed the motivation to this application as it is the only justifiable reason I can see (without the benefit of proper motivation) for such a sub-division.

In principle I **object** to this application due to the **lack of motivation** and the fact that although the same consultant was employed by both parties, the consultant fails to clearly identify the fact that the individual intending to buy the proposed subdivision owns both Erf 351 and 352 (A missed opportunity?) and that there is an intention for significant development on Erf 351.

Had the consultant been **clearer on that fact** and highlighted/clarified the intention as to whether (**or not**) he (the owner of Erf 352 and 351) intends to link portion C and Remainder Erf 352 to the existing proposal on Erf 351, then one would have been in a better position to consider the merit of this application.

**As it stands, the real intention is obfuscated by the lack of motivation and information and I object as the application (as it stands) has little or no merit, neither on the ground, nor on paper.**

**Furthermore, I feel the question of subdivisions of this nature (where neither property (being under 6ha) is ordinarily subdivisible in its own right.) needs to be considered carefully as this approval could well be used to motivate other similar applications in the area.**

I feel that it is of utmost importance to recognize that the two proposals (if approved) will create the rights for extensive development (by a single entity) with potentially significant associated impacts (particularly visual, traffic, and ecological and social landscapes) and I feel these impacts need to be more thoroughly examined **before** any approvals are considered. Council would do well to mitigate this by ensuring a more extensive investigation (Basic assessment?) into cumulative impacts and to delay any decision until the culmination of that process and the verification (or clearer motivation) (on paper) as to the intent.

Sincerely

Mike Leggatt

0727524597





**Re: proposed rezoning, subdivision and consolidation of erf 352 and 373 Silver River Street Wilderness Heights Hoekwil.**

Saney &lt;saneystar@gmail.com&gt;

Mon 2021/12/13 08:57

To: Marina Welman &lt;Mhwelman@george.gov.za&gt;

Cc: marlize@mdbplanning.co.za &lt;marlize@mdbplanning.co.za&gt;

TO WHOM IT MAY CONCERN.

As a resident of Silver River Street I wish to object to the development planned for the end of our street, not only for the dramatic increase in traffic on the narrow dirt road that this will engender during the preparation and building, but the loss of 'sense of place' that we currently enjoy in this neighbourhood.

Another concern of the residents of Silver River St is that we have not been notified of the proposed changes and development that may take place in our immediate vicinity that will impact on us, negatively.

Regards,  
T.J.Martin  
355 Silver River St  
Wilderness Heights  
[saneystar@gmail.com](mailto:saneystar@gmail.com)  
0847934722.

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Ref.: 289/G20  
Municipal Ref.: 20767988

The Municipal Manager  
George Municipality  
PO Box 19  
GEORGE  
6530

4 March 2022

For attention: Mr Clinton Petersen

By E-mail

**REPLY TO COMMENTS RECEIVED: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, SUBDIVISION, CONSENT USE & DEPARTURES: ERVEN 352 & 373 HOEKWIL, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION**

1. Our two letters dated 7 February 2022 refer.
2. It came to our attention on 21 February 2022 that **2 objections** were received, namely:
  - TJ Martin (Erf 355 Silver River Street, Hoekwil, Wilderness Heights)
  - M Leggatt (Erf 372, Erica Street, Hoekwil, Wilderness Heights)

We comment on these two objections in the paragraphs to follow.

3. **TJ Martin (Erf 355 Silver River Street, Hoekwil, Wilderness Heights)**

- 3.1 *As a resident of Silver River Street I wish to object to the development planned for the end of our street, not only for the dramatic increase in traffic on the narrow dirt road that this will engender during the preparation and building, but the loss of 'sense of place' that we currently enjoy in this neighbourhood.*

*Another concern of the residents of Silver River St is that we have not been notified of the proposed changes and development that may take place in our immediate vicinity that will impact on us, negatively.*

The objector's comment regarding a dramatic increase in traffic is noted. The trip generation of the development proposal for Erven 352 & 373 Hoekwil is negligible.

The objector's concerns regarding not being notified regarding changes and development in the area is noted. Public participation is wide with various forms.

4. **M Leggatt (Erf 372, Erica Street, Hoekwil, Wilderness Heights)**

- 4.1 *The objector states that Erf 352 & 373 is not subdivisible in their own right.*

This statement is correct as Erf 352 Hoekwil is 4.4675ha in extent and Erf 373 Hoekwil is 5.4555ha in extent. Each property must be at least 6ha in extent to be able to subdivide to the minimum size of 3ha and comply with the provisions listed in the Wilderness Lakes Hoekwil Local Spatial Development Framework (WLH LSDF).

Therefore, this land use application proposes to create 3 small holdings, complying with the minimum size and the provisions of the WLH LSDF as described in the motivation report. A departure for a building line relaxation is part of the application for an existing structure as described and motivated in the motivation report.

- 4.2 *Erf 373 is infested with invasive aliens and even though the property has been in the same hands for many years, little or no effort has been made to clear or rehabilitate the property.*

Noted.

- 4.3 *There is probably a reason that no approvals could be found for the existing second dwelling and the fact that the said restriction has not been removed from the title deed. This dwelling has been in existence for at least ten years (probably more like fifteen) and the authorities should consider the financial implications of this, and the loss of income on the municipal coffers, when considering how to respond.*

Noted.

- 4.4 *The proposed portions A and B (proposed portion C) are extremely fragmented topographically, vegetatively, as well as by a major electrical servitude and servitude road). The proposed portion C does not form a cohesive land unit. As such, in my opinion, this is clearly a FORCED proposal, rather than a 'natural' one.*

The objector's opinion is noted. The proposed Portion C shows that a dwelling unit can be constructed in a suitable position while complying with building lines. This is not the only property in Wilderness Heights with a fragmented topography, varying vegetation and servitudes. Even the objector's property is not monotonous regarding topography and vegetation. The average width of the proposed Portion C is  $\pm 100\text{m}$  which compares with similar width and narrower properties in the area when considering aerial images for the area with cadastral boundaries.

- 4.5 *Contrary to the application stating that there is a motivation report, I could find **no motivation** other than the fact the owner of ERF 352, to the North (who is coincidentally also the owner of ERF 351 (to the West) (which currently has a subdivision proposal into 5 portions) wishes to purchase proposed portion B (2.4 ha).*

The objector's opinion is noted. This land use application creates the opportunity for a small holding within an existing small holding area. As discussed, small holding areas are not to expand. Therefore, the opportunities that exist and complies with the relevant considerations, should be used.

- 4.6 *Neither the application for ERF 351 nor this application clarify the fact that this proposal would link two properties owned by the same individual and that he is in the process of applying to subdivide and develop the property to the West (ERF 351) to its maximum potential.*

Noted. Ownership is in part relevant to a land use application. Land use however deals with a property or properties. Ownership varies – can change at any point in time.

- 4.7 *His intention is NOT to consolidate it with Erf 352, but rather to create a separate subdivision with rights to a primary dwelling and second dwelling, thus allowing for maximum development rights on the proposed three portions.*

As stated and discussed in the motivation report, Wilderness Heights is a small holding area with the opportunity to create small holdings within the existing small holding area.

The objector himself will be able to create 2 – 3 small holding from his  $\pm 10\text{ha}$  as the property will comply with the provisions contained in the WLH LSDF. The objector already created one new small holding (Erf 1591) from his property during 2019 which complied with the provisions of the WLH LSDF (2015).

The intention of any resident wishing to subdivide in Wilderness Heights would be to create a small holding for themselves, for family, for friends, or someone else seeking a rural lifestyle.

- 4.8 *As the owner of Erf 352 already owns two significant parcels of land, why he would want another (with rights to two more dwellings) is neither clarified nor motivated in this application.*

How would how much land a person owns be relevant to a land use application. Is this a consideration in the relevant legislation?

- 4.9 *I reiterate my OBJECTION to this application on the grounds that it appears (at face value) (due to a lack of motivation) to be little more than an attempt at 'forcing' a subdivision that has little value other than financial.*

The objector's opinion is noted. We already commented on assumed forced subdivision. No person, not even the objector, will spend money on a subdivision, if it costs them money. Is financial value as suggested by the objector a relevant consideration? SPLUMA states that spatial planning and land use management systems must promote and stimulate the effective and equitable functioning of land markets. This proposal does not have a negative impact on the functioning of land markets. Over time, the need for small holdings increase because there will always be people seeking a rural lifestyle. According to our current legislation and guidelines, existing small holding areas may not expand and no new small holding areas are to be created. If need for small holdings increase and no new small holdings are created, the value of the existing small holdings will increase making it more and more only affordable to a select few. This is the basic economic principle of supply & demand. Land should be reasonably accessible to all income groups, not only for a few due to great demand and no supply.

- 4.10 *If the intention of this application is to link Erf 351 to Erf 352 and in so doing create an 'extended' estate (with one entrance at the position of the current gate on Erf 352) ( as inferred by statements such as that the existing road dissecting erf 373 is a servitude right of way (to erf 351) and that Silver River Road technically ends at, or near, the existing gate of erf 352. )(And verbally confirmed at a site visit on ERF 351) then I submit that this intention should have formed the motivation to this application as it is the only justifiable reason I can see (without the benefit of proper motivation) for such a sub-division.*

The objector states that creating an estate is the only justifiable reason for such subdivision. Again, as stated in the motivation report, the proposal complies with the provisions of the WLH LSDF within an existing small holding area. A new opportunity is created within the existing small holding area of Wilderness Heights.

The only reason for referring to an estate by the objector would be because some properties have communal interests. This is primarily access. As servitude roads provide access to several property owners, they are jointly responsible for the maintenance of their access. Sometimes a notarial deed provides detail on how shared responsibilities are to be addressed and sometimes it is done with a homeowner's association.

It should be noted that following the successful completion of this land use application Remainder Erf 373 will have access from the servitude road and Portion C. Remainder Erf 352 will still enjoy access from Silver River road as at present.

We are aware of at least two multiple subdivisions of 2 erven in Wilderness Heights abutting each other which has a homeowners' association addressing communal interest.

- 4.11 *In principle I object to this application due to the lack of motivation and the fact that although the same consultant was employed by both parties, the consultant fails to clearly identify the fact that the individual intending to buy the proposed subdivision owns both Erf 351 and 352 (A missed opportunity?) and that there is an intention for significant development on Erf 351. Had the consultant been clearer on that fact and highlighted/clarified the intention as to whether (or not) he (the owner of Erf 352 and 351) intends to link portion C and Remainder Erf*

352 to the existing proposal on Erf 351, then one would have been in a better position to consider the merit of this application.

As it stands, the real intention is obfuscated by the lack of motivation and information and I object as the application (as it stands) has little or no merit, neither on the ground, nor on paper.

The objector's comment is noted. There are opportunities to develop within the existing small holding area, which complies with the relevant considerations. If facts and intentions are unclear to the objector, it is noted.

4.12 Furthermore, I feel the question of subdivisions of this nature (where neither property (being under 6ha) is ordinarily subdivisible in its own right.) needs to be considered carefully as this approval could well be used to motivate other similar applications in the area.

Noted and addressed earlier in this reply.

4.13 I feel that it is of utmost importance to recognize that the two proposals (if approved) will create the rights for extensive development (by a single entity) with potentially significant associated impacts (particularly visual, traffic, and ecological and social landscapes) and I feel these impacts need to be more thoroughly examined before any approvals are considered. Council would do well to mitigate this by ensuring a more extensive investigation (Basic assessment?) into cumulative impacts and to delay any decision until the culmination of that process and the verification (or clearer motivation) (on paper) as to the intent.

The objector's opinion is noted.

### **Concluding**

5. The comments received during the public participation process for the land use application as proposed for Erven 352 & 373 Hoekwil are discussed over two letters dated 7 February 2022 and 4 March 2022 (this letter).
6. It is trusted that this land use application for Erven 352 & 373 Hoekwil can now be concluded successfully.

Yours Faithfully



**MARLIZE DE BRUYN Pr. Pln.**

E:\Mdb\Projects\2021\289\_G20\Erven 352 & 373 Hoekwil\_GM\_PPP reply to comments received\_4 March 2022.docx