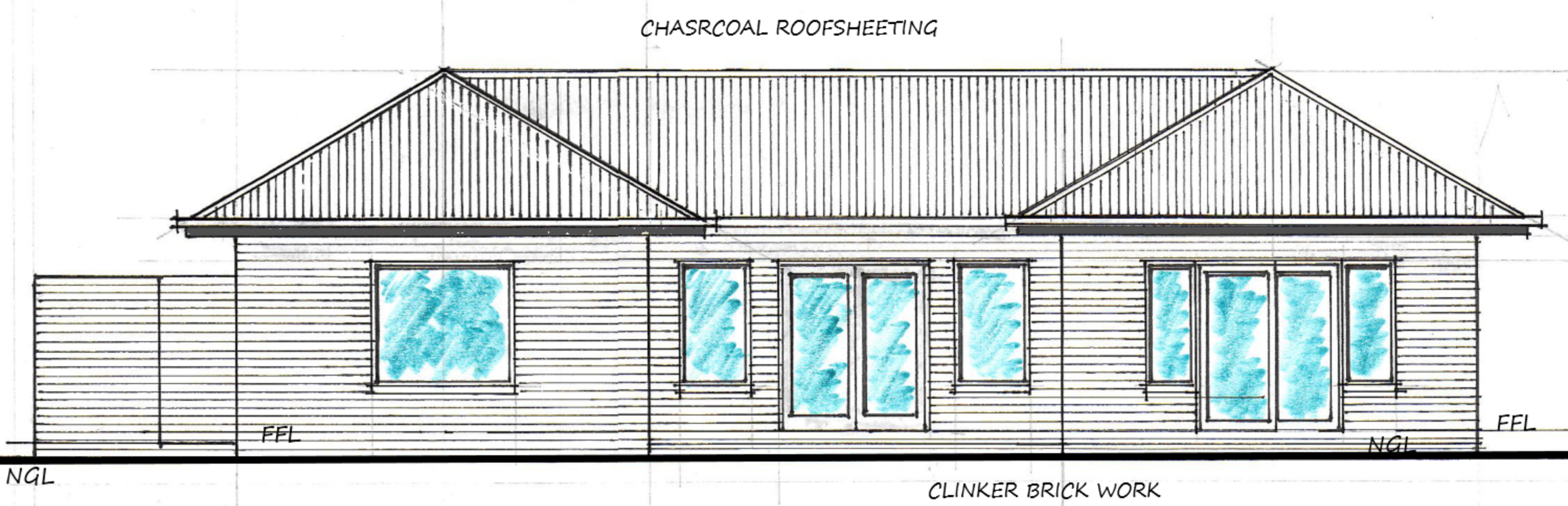
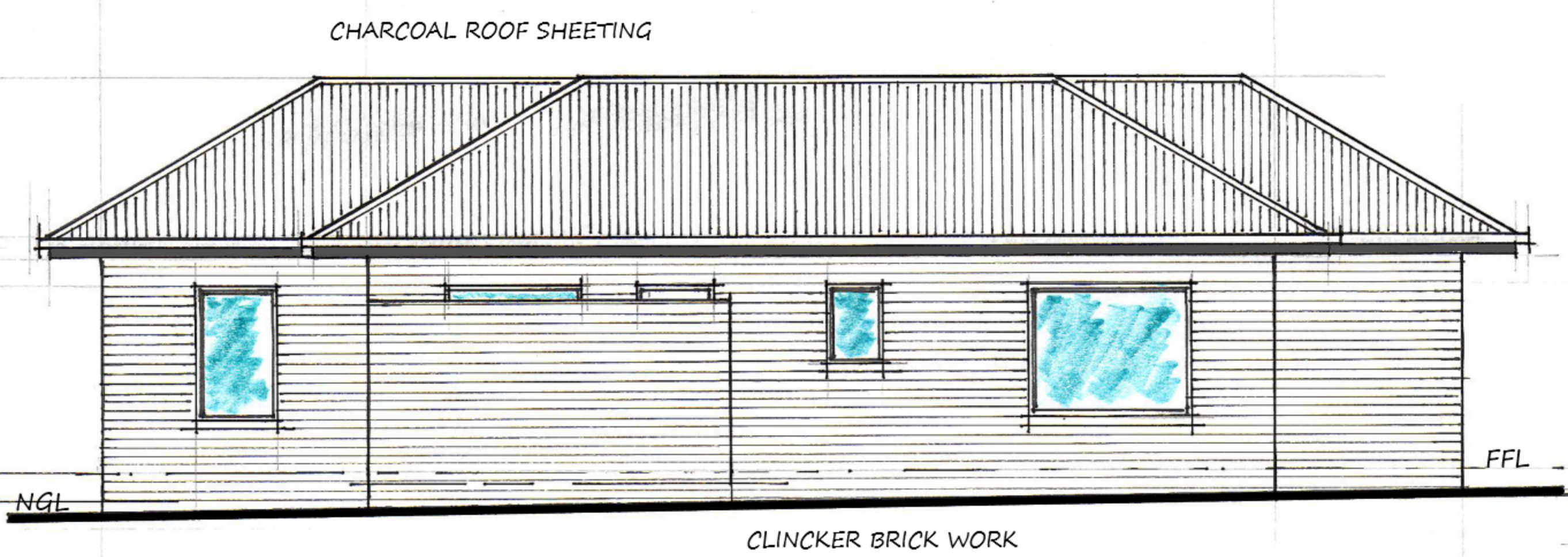


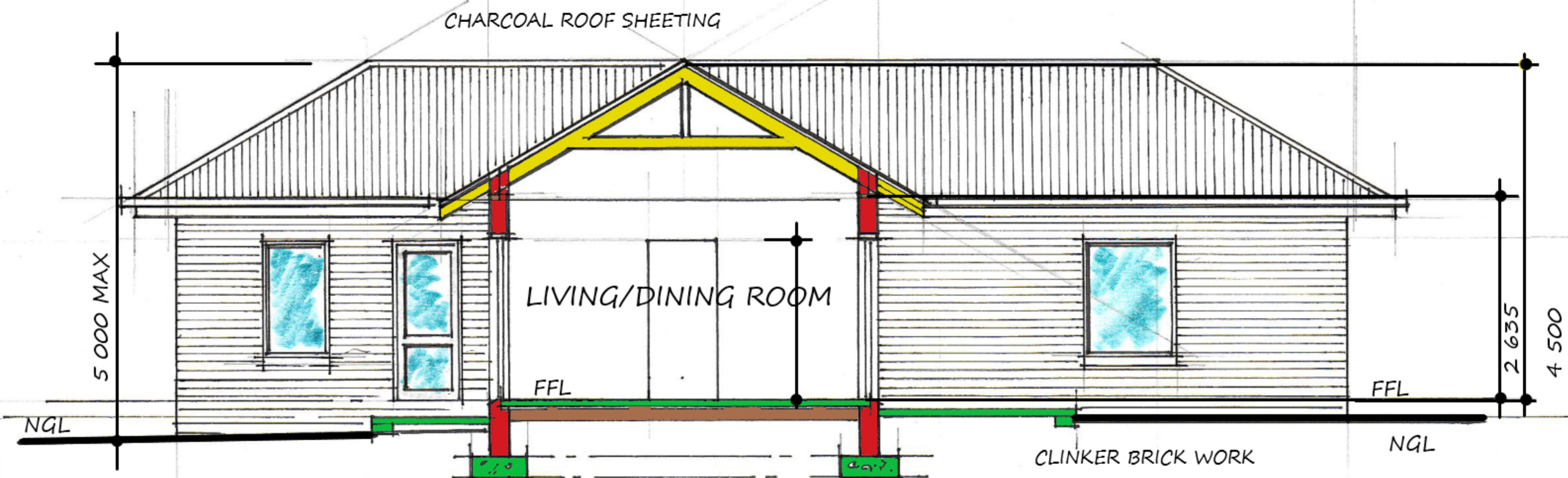
Annexure A: Site and Building Plans



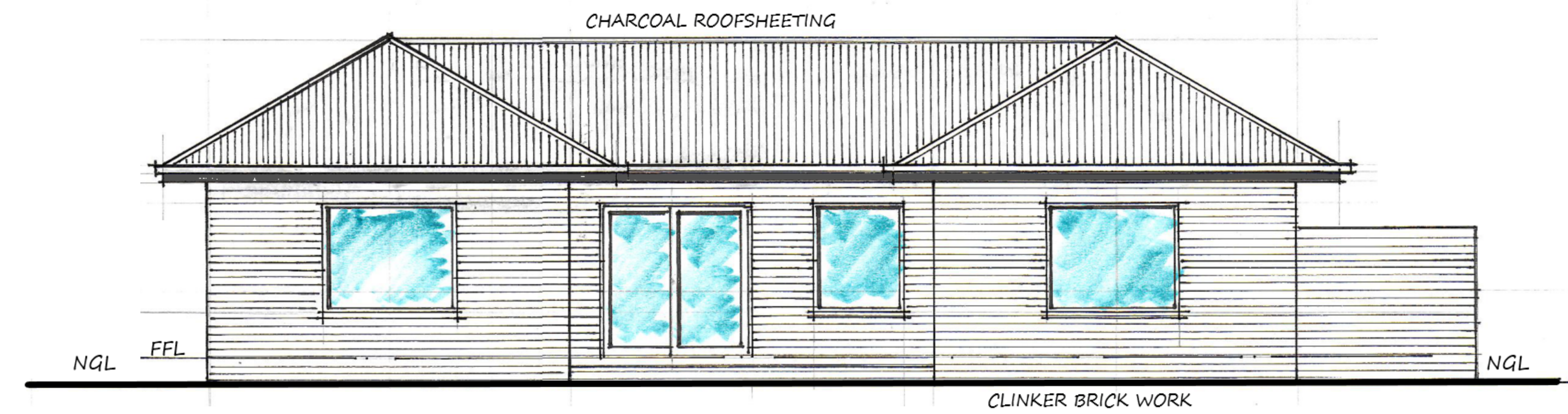
O North Elevation
SCALE 1:100



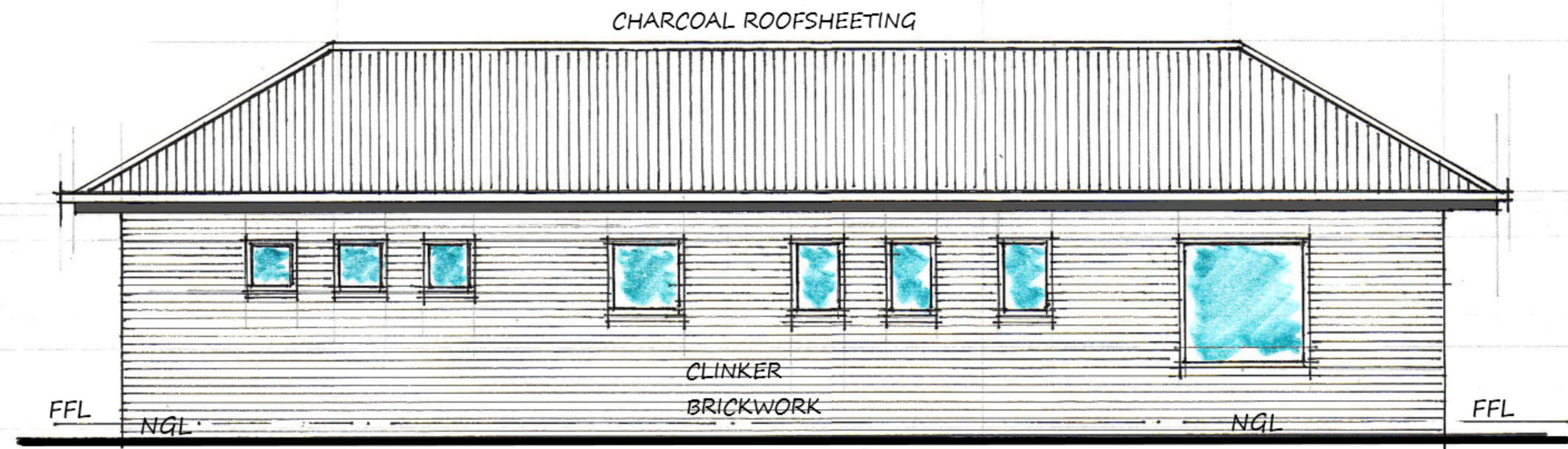
O East Elevation
SCALE 1:100



O Section A-A
SCALE 1:100



O SOUTH ELEVATION
SCALE 1:100



O West Elevation
SCALE 1:100

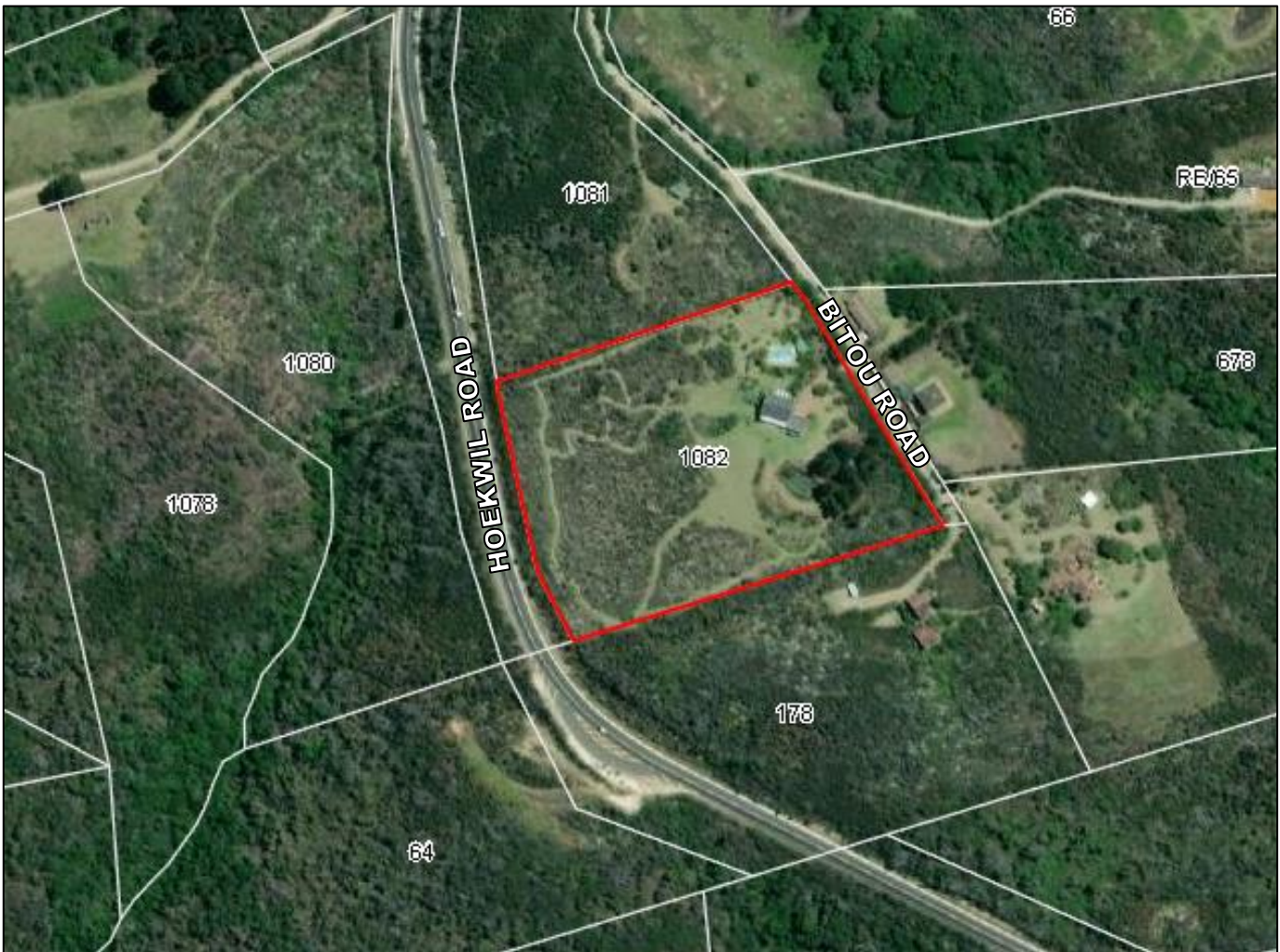
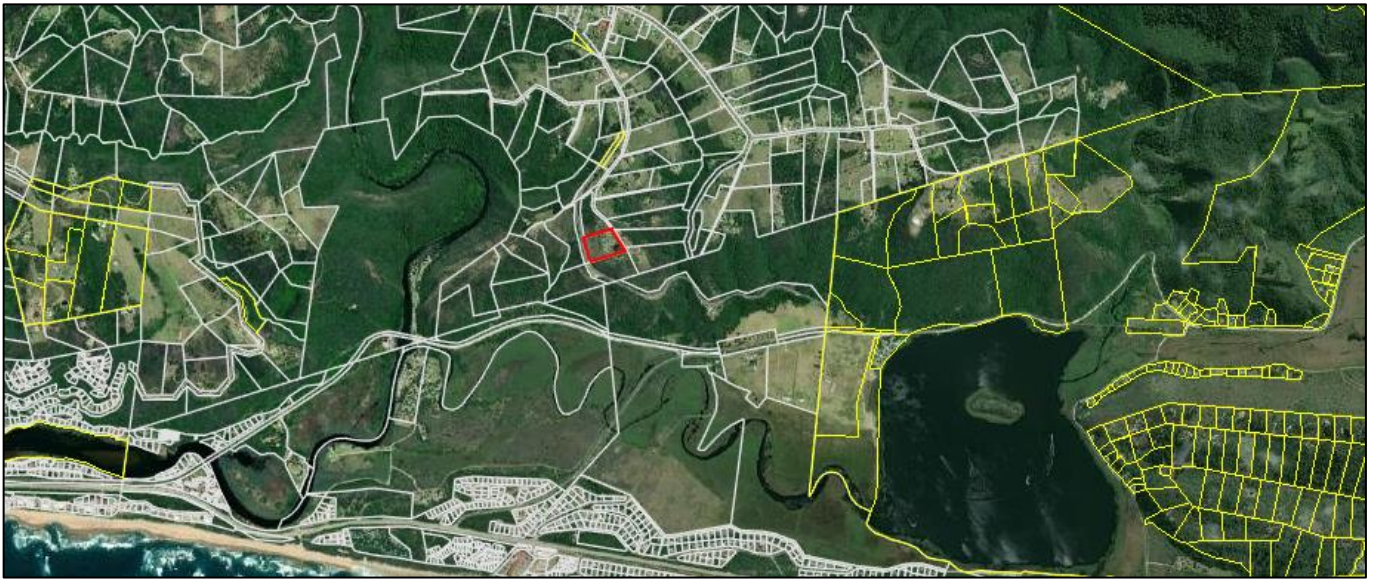


O Floor Plan
SCALE 1:100



O Site Plan
SCALE 1:1 000

LOCALITY PLAN



PROPOSED REMOVAL OF RESTRICTIVE CONDITION, CONSENT USE & PERMANENT DEPARTURE FOR LS. JENKINS
ERF 723 HOEKWIL, GEORGE MUNICIPALITY & DIVISION

Drawing: Annexure 5
 Project 4348/ G22

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

Copyright ©

Afgetrek van Plan 1789LD

	SYE Kaapse Voet	RIGTINGS- HOEKE
AB	725.91	251.27.10
BC	33.48	321.46.50
CD	411.41	328.16.50
DE	1151.39	72.30.30
EA	520.97	199.23.10
AB	20.00	71.27.10
EE	5.00	252.30.30

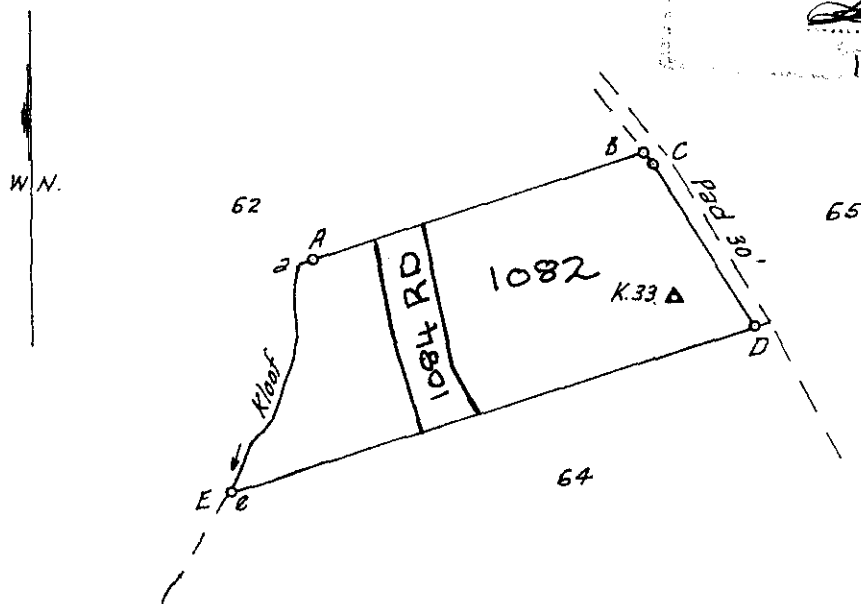
Nr. 3752/61

Goedgekeur.

Stuure
Landmeter-Generaal.
19. 6. 1961

Beskrywing van Bakens:

ABCDE

 $\frac{3}{4}$ " Ysterpen

Rem. ERF 1080 (CCT 16403/07)
19/03/2007

Gedeelte 63

(in gedeelte van Gedeelte) van die plaas

Olifantshoogte Nr. 160

GEORGE

ERF 63 Hoekwil

Skaal 1:5000

3,8852ha

Die figuur ABCDE middel van kloof a

stel voor

4.5360 Morge

grond synde

Gedeelte 63

van die plaas

OLIFANTSHOOGTEgeleë in die Afdeling George, Provinsie Kaap die Goeie Hoop.Opgemeet in Julie 1956 — Desember 1959 deur my

R. J. Barry
Landmeter.

Hierdie kaart is geheg aan

T/A 11507/65

VO/232

Die oorspronklike kaart is

Nr. 5009/60 geheg aan

TITEL NR. 1963. 20225

L.G. Lëer Nr. S/4924

Meetstukke Nr. E. 1091/60

Alg. Plan 1789LD

Gradevel BL-8CC D)

BL-8CD

FOR ENDORSEMENTS
SEE BACK OF DGM.

Registrateur van Aktes

B & S.P.C.T.-A7188

63

160/63

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMR.
893/2006	2271/2006	Erf 1082	2,369 ^{ha}	16398/07	PND	1,5162 ^{ha}
893/2006	4599/2006	Erf 1084	4223 ^{m2}	16400/07		1,0939 ^{ha}

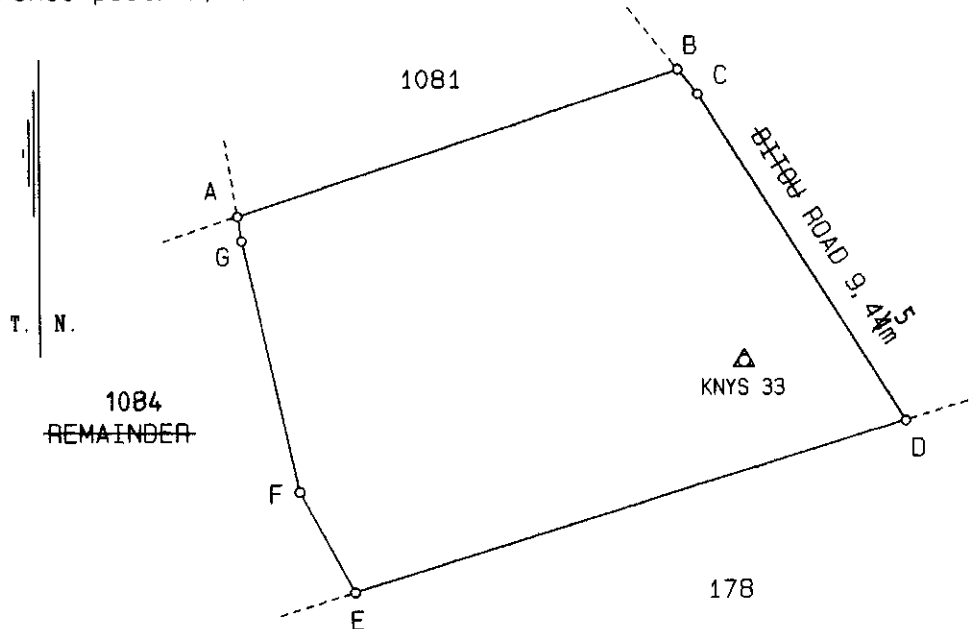
	SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES			S.G. No. 2271/2006 Approved <i>Shan Blang</i> 2006-07-17 for Surveyor-General
			Y	System	WG 23	X
		Constant		+0, 00		+3700000, 00
AB	153, 40	251 26 40	A	+35301, 44		+61854, 97
BC	10, 61	321 41 10	B	+35156, 02		+61806, 16
CD	129, 57	328 17 10	C	+35149, 44		+61814, 48
DE	190, 65	72 31 10	D	+35081, 33		+61924, 71
EF	38, 44	151 48 00	E	+35263, 17		+61981, 97
FG	86, 99	167 32 10	F	+35281, 34		+61948, 10
GA	8, 30	170 46 40	G	+35300, 11		+61863, 16
Knys 33 No 230			Δ	+35134, 57		+61904, 40
Knys 32 New No 452			Δ	+33988, 32		+63707, 81

BEACONS:

16mm iron peg: A, E

20mm iron peg: B, C, D

Fence post: F, G



Scale 1: 2500

The figure A B C D E F G
represents 2,3690 hectares of land, being

ERF 1082 PORTION OF ERF 63 HOEKWIL

situate in the Municipality of George
Administrative District of George
Province of Western Cape
Surveyed in February and March 2006 by me.

G S SAVAGE (PLS 0543)
Professional Land Surveyor.

This diagram is annexed to No. <u>116398/2007</u> dated i.f.o.	The original diagram is No. 3752/1961 annexed to Transfer/Grant No. 1965.232.11507	File No. <u>S/4924Geo.160v3</u> S.R. No. <u>893/2006</u> Comp BL-8CCD (4139) LPI C0270005
Registrar of Deeds		

FOR ENDORSEMENTS
SEE C.O.D. OF D.M.

Erf 1082 Hoekwil

S

5858/61

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA. DEC. M.	TRANSFER NO.	INITIALED	REMR.
843/2006	2265/2006	Erf 1076	1,1504 ha	16395/07	?	1,7256 ha
895/2006	2268/2006	Erf 1079	2,3265 ha	16396/07	ND	5,3991 ha
893/2006	2270/2006	Erf 1081	2,0276 ha	16397/07	—	3,3715 ha
898/2006	2278/2006	Erf 1083	6870 m ²	16399/07	—	2,6845 ha

C

b

52
160/62

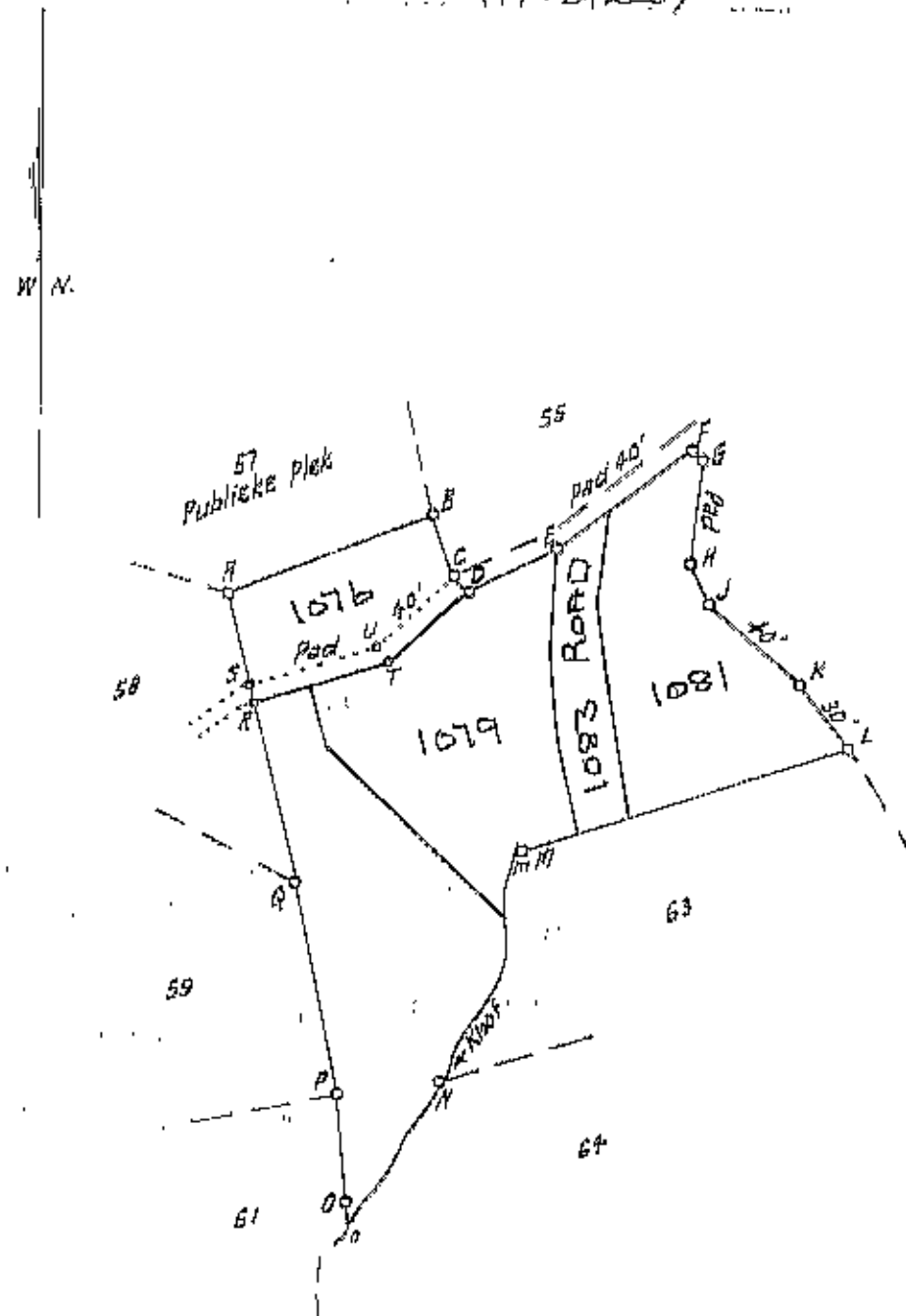
Afgetrek van Plan 1789LD

Beskriving van Bakens:

ABCDEFGHJKLMNO } 3" Ysterpen
PQRSTU

Rem. ERF. 1078 (CCT 16/02/07)

19/03/2007



SYB	Kaapse Voet	RIJTINGS- HOEK
AB	468.72	248.50.50
BC	140.78	337.23.20
CD	40.35	326.39.00
DE	209.77	284.10.10
EF	352.39	281.56.30
FG	36.77	306.00.00
GH	228.27	6.19.10
HJ	95.44	335.40.20
JK	257.39	310.45.20
KL	173.10	321.46.50
LM	725.31	71.27.10
MN	520.97	19.23.10
NO	328.25	36.04.50
OP	237.75	175.34.50
PQ	461.34	167.41.50
QR	394.79	167.22.30
RS	42.10	143.42.20
ST	202.85	167.40.50
MM	20.00	71.27.10
OO	40.00	355.34.50
DT	212.65	49.07.40
TR	288.84	71.52.20
SU	287.92	251.52.20
UC	229.88	229.07.40

Nr. 5056/61

Goedgekeur.

Landmeter-Generaal.

-3-8-1961

ERF 62 Hoekwil

Gedeelte 62
(gedeelte van Gedeelte 160) van die plaas
OLIFANTSHOOGTE
GEORGE

Skaal 1:5000

Die figuur ABCDEFGHJKLM in middel van kloof o P Q R S

stel voor 10.3620 Morgen grond, synde
Gedeelte 62 van die plaas

OLIFANTSHOOGTE

geleë in die Afdeling George, Provinsie Kaap die Goeie Hoop.

Opgemoot in Julie 1956 — December 1959 deur my

R. L. Barry
Landmeter.

Hierdie kaart is gegee 22/1

T/A No. 900/68

Vol. 18

Registateur van Aktes.

FOR ENDORSEMENTS
SEE BACK OF DGM.

Die oorspronklike kaart is

Nr. 6000/60 gegee aan

1ste LUR. 1963. 25225

Lêer Nr. S/4024

M.S. Nr. E. 1001/60

Alg. Plan 1789 LD

Gradeval BL-8CCD

BL-8CD

Cliffe Dekker Ing.
Cliffe Dekker Place
Buitengrachtstraat 11
KAAPSTAD
8001

SEELREG
DUTY R.....

FOOI
FEE R. 400.00

Opgestel deur my

TRANSPORTBESORGER
SEYFFERT MAJ

T
000016407 / 2007

TRANSPORTAKTE

HIERBY WORD BEKENDGEMAAK DAT:

~~ANTHONY JOHN NOYES PLUMMER~~

MATTHYS ANDRIES JOHANNES SEYFFERT

voor my verskyn het, Registrateur van Aktes te KAAPSTAD, hy die
genoemde komparant synde behoorlik daartoe gemagtig deur 'n Volmag
aan hom verleen deur

MARTHINA JOHANNA JENKINS

Identiteitsnommer 431012 0012 08 2
Ongetroud

DATA / CAPTURE

23 APR 2007

BARLOW M

DATA / CAPTURE

20 APR 2007

MAGAGULA Z

geteken te GEORGE op 20ste NOVEMBER 2006

En genoemde Komparant het verklaar dat sy prinsipaal het, op 31 Mei 2006, waarlik en wettiglik verkoop het, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van:

LOUIS STANDER JENKINS
 Identiteitsnommer 680725 5004 089
 Getroud buite gemeenskap van goed

Sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, in volkome en vrye eiendom:

ERF 1082 HOEKWIL, in die Munisipaliteit en Afdeling van George, Provinsie Wes-Kaap

GROOT: 2,3690 (Twee Komma Drie Ses Nege Nul) hektaar

AANVANKLIK OORGEDRA en steeds gehou kragtens Sertifikaat van Geregistreerde Titel Nr T **000016398 / 2007** met Kaart Nr L G 2271/2006 wat daarop betrekking het.

A. ONDERHEWIG aan die volgende voorwaardes waarna verwys word in Transportakte Nr T11507/1965.

B. ONDERHEWIG VERDER aan die volgende eenvormige voorwaardes bevat in gesegde Sertifikaat van Eenvormige Titel Nr 20225/1963 opgelê deur die Minister toe hy sy toestemming verleen het tot uitreiking van gesegde Sertifikaat van Eenvormige Titel, naamlik:-

(i) Behoudens die bepalings van die Wet op die Ontginning van Voorbehouden Mineralen, 1926, en van die Wet op

Edelgesteentes, 1927, soos gewysig, word alle regte op alle minerale, mineraalprodukte, mineraalolies, steenkool, onedele of edele metale of edelgesteentes op of onder die grond ten gunste van die Republiek van Suid-Afrika voorbehou. (ten opsigte waarvan Sertifikaat van Minerale Regte Nr 28 gedateer 9 Desember 1963 uitgereik is).

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

C. ONDERHEWIG aan die volgende voorwaardes bevat in voorgesegde Transportakte Nr T11507/1965, opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop by Onderverdeling ingevolge Artikel 196 van Ordonnansie Nr 15/1952 soos gewysig, van die plaas Olifantshoogte, wat deur hom verwysig of versag kan word:-

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

D. ONDERHEWIG VERDER aan die volgende voorwaardes soos uiteengesit in Sertifikaat van Geregistreerde Titel Nr T ⁶ opgelê deur die Beherende Gesag in terme van Artikel 11(6) van Wet Nr 21 van 1940 by die goedkeuring van die onderverdeling van Erwe 62 en 63 Hoekwil, naamlik:

- "1. That no new access to Main Road 352 be created or existing access be amended without the approval of the relevant authority.



2. That the boundary line of portions 2 and 3 be 12,5 from the centreline of Main Road 352.
3. That the 5m statutory building line in terms of Section 17 of Ordinance 19/1976 be applicable."

WESHALWE DIE KOMPARANT AFSTAND DOEN van al die regte en titel wat

MARTHINA JOHANNA JENKINS

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

LOUIS STANDER JENKINS

Sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hy dat die verkoopprijs die bedrag van **R700 000,00** (SEWE HONDERD DUISEND RAND) bedra.

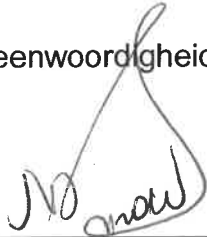
A handwritten signature in dark ink, consisting of a stylized 'S' followed by a diagonal line.

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

Onderteken, verly en met die ampseël bekragtig op die kantoor van die
Registrateur van Aktes te KAAPSTAD op 6 MAART
2007.

q.q.

In my teenwoordigheid:



REGISTRATEUR VAN AKTES



Annexure F: Conveyancer Certificate

CONVEYANCER CERTIFICATE

I, the undersigned

MADELEINE GOLDIE

Conveyancer of Millers Incorporated, Beacon House, 123 Meade Street, George hereby certify as follows:

1. That I have perused Deed of Transfer No T16407/2007 in respect of Erf 1082 HOEKWIL in the George Municipality and Division of George, Western Cape Province IN EXTENT 2,3690 hectares registered in the name of

LOUIS STANDER JENKINS

Identity number 680725 5004 089

Married out of community of property

2. There are no bonds registered on the property.
3. The property is subject to various conditions, inter alia to Condition D which reads as follows:

SUBJECT FURTHER to the following conditions in Certificate of Registered Title Nr 16398/2007 imposed in terms of section 11(6) of Act 21 of 1940 on approval of the subdivision of Erven 62 & 63 Hoekwil, namely:

1. That no new access to Main Road 352 be created or existing access be amended without the approval of the relevant authority.
2. That the boundary line of portions 2 and 3 be 12,5 from the centre of Main Road 352
3. That the 5m statutory building line in terms of Section 17 of Ordinance 19/1976 be applicable

4. To the best of my knowledge there are no restrictive conditions of title in the said Deed of Transfer which prohibit:

- Removal of restrictive condition C(b) in the title deed (T16407/2007) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015).
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit.
- Permanent departure in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) for an increase in the floor area of the second dwelling unit from 150m² to 175m².

Signed at GEORGE on this 23rd of AUGUST 2022



CONVEYANCER

MADELEINE GOLDIE

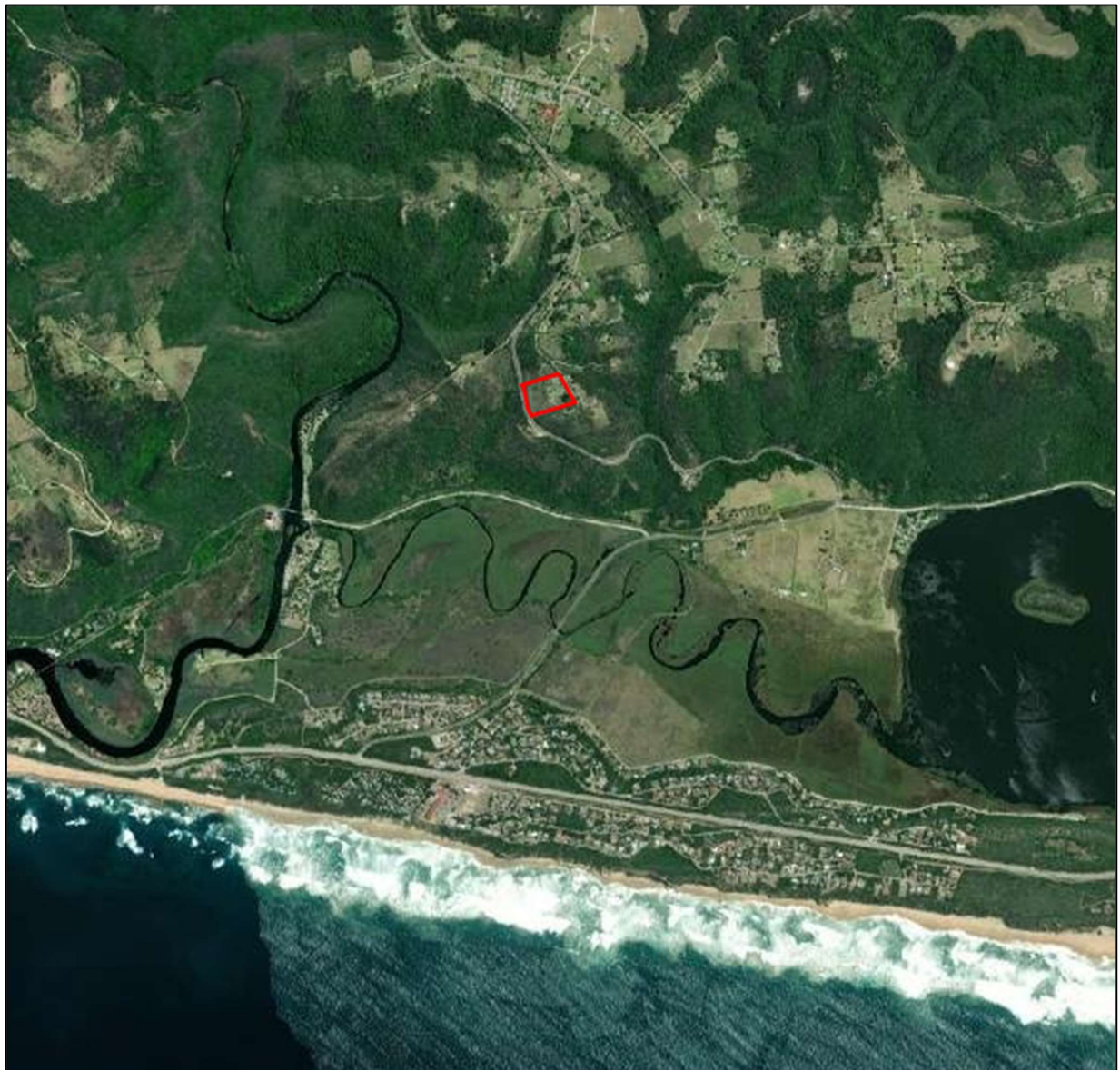


MARLIZE DE BRUYN PLANNING
Consulting Town & Regional Planning

marlize@mdbplanning.co.za | +27 766 340 150 | www.mdbplanning.co.za | PO Box 2359, George, 6530
PO Box 540, Mossel Bay 6500

**PROPOSED REMOVAL OF RESTRICTIVE CONDITION, CONSENT USE &
PERMANENT DEPARTURE FOR
LS JENKINS**

**ERF 1082, 63 BITOU ROAD, HOEKWIL
GEORGE MUNICIPALITY & DIVISION**



CONTENTS

1. BACKGROUND INFORMATION	2
1.1 APPLICATION.....	2
1.2 PROPERTY DETAILS.....	2
1.3 LOCALITY	3
1.4 ZONING & LAND USE.....	3
1.5 CHARACTER OF THE PROPERTY & AREA	4
2. DEVELOPMENT PROPOSAL	5
3. CONSIDERATION OF THE APPLICATION	7
4.1. STATUTORY INFORMANTS.....	7
4.1.1. SPATIAL PLANNING & LAND USE MANAGEMENT ACT, 2013 (SPLUMA)	7
4.1.2. WESTERN CAPE LAND USE PLANNING ACT, 2014 (LUPA)	9
4.1.3. GEORGE MUNICIPALITY: LAND USE PLANNING BY-LAW, 2015	11
4.1.4. GEORGE MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW, 2017	11
4.2. SPATIAL PLANNING INFORMANTS	11
4.2.1. WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) (2014) ..	11
4.2.3. GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (GMSDF) (2019).....	12
4.2.4. WILDERNESS – LAKES – HOEKWIL LOCAL SPATIAL DEVELOPMENT FRAMEWORK (WLH LSDF) (2015).....	13
4.3. REMOVAL OF RESTRICTIVE CONDITION	13
4.4. NEED & DESIRABILITY	14
4.5. PRE-APPLICATION CONSULTATION	15
5. CONCLUDING	16

ANNEXURES

1. Power of Attorney
2. Copy of Title Deed
3. SG Diagrams
4. Conveyancers certificate
5. Locality plan
6. Site plan
7. Building plans
8. Pre-application consultation
9. Application form

Aerial images:

<https://gis.elsenburg.com/apps/cfm/#>

<https://gis.george.gov.za/portal/apps/webappviewer/index.html?id=0283eccf869641e0a4362cb099290fca>

<https://www.google.com/earth/>

Copyright

Copyright © 2022 by Marlize de Bruyn Planning except where expressly transferred by written agreement to the Client and the Municipality. Any unauthorised reproduction, adaptation, alteration, translation, publication, distribution or dissemination (including, but not limited to, performances in public, broadcasting and causing the work to be transmitted in a diffusion service) of the whole or any part of this Document in any manner, form or medium (including, but not limited to, electronic, oral, aural, visual and tactile media) whatsoever will constitute an act of copyright infringement in terms of the Copyright Act 98 of 1978 and will make the Doer/Transgressor liable to civil action and may in certain circumstances make the Doer/Transgressor liable to criminal prosecution. All trademarks and registered trademarks mentioned in this document are the property of their respective owners. Nothing contained in this document should be construed as granting any license or right to use any trademarks without the prior written permission of Marlize de Bruyn Planning.

**PROPOSED REMOVAL OF RESTRICTIVE CONDITION, CONSENT USE &
PERMANENT DEPARTURE
ERF 1082, 63 BITOU ROAD, HOEKWIL,
GEORGE MUNICIPALITY & DIVISION**

1. BACKGROUND INFORMATION

Erf 1082 Hoekwil is developed smallholding property between Hoekwil Road and Bitou Road, about 500m south of the Touw River and about 600m north of the Serpentine River. The owner intends to develop a second dwelling unit on the property, initially to be used for visitors and family and later probably for themselves as a smaller retirement home.

Marlize de Bruyn Planning was appointed to address the land use requirements for this land use application. The power of attorney attached as **Annexure 1** to this report.

1.1 APPLICATION

This land use application for Erf 1082 Hoekwil entails the following:

- Removal of restrictive condition C(b) in the title deed (T16407/2007) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015).
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit.
- Permanent departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for an increase in the floor area of the second dwelling unit from 150m² to 175m².

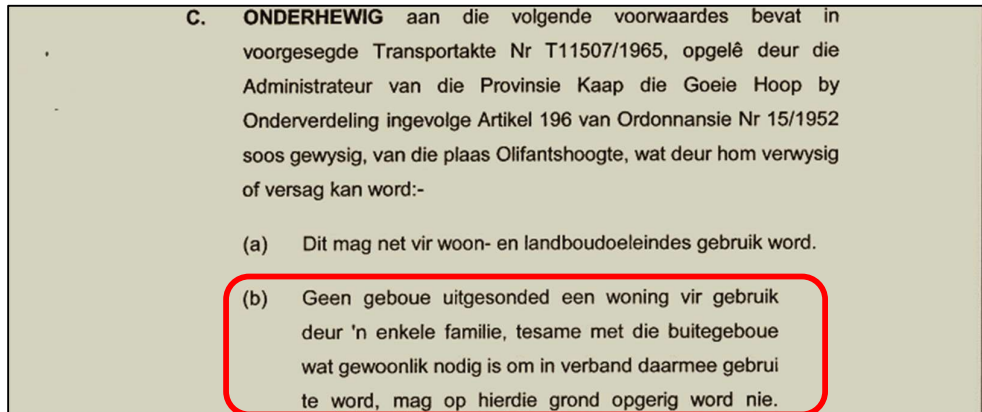
1.2 PROPERTY DETAILS

The table below includes relevant information regarding Erf 1082 Hoekwil.

Property Description:	Erf 1082 Hoekwil
Physical Address:	63 Bitou Road, Hoekwil (-33.983236, 22.619354)
Owners:	Louis Stander Jenkins
Title Deed No:	T516407/2007 (Annexure 2)
Bond Holder:	None
Extent of the property:	2.3690ha
Zoning of the property	Agricultural Zone II (Smallholding)
SG Diagram	SG 3752/61 & SG 2271/2006 (Annexure 3)

The SG diagrams attached includes the diagrams showing how Hoekwil Road, proclaimed over erven, was subdivided from the properties in this area 16 years ago. Erf 1082 Hoekwil is a portion of Erf 63 Hoekwil.

The attached Conveyancer's Certificate (**Annexure 4**) confirms that the title deed includes one restriction (Par. C(b)) that should be removed before the construction of a second dwelling on Erf 1082 Hoekwil can commence. See the relevant extract from the title deed on the following page.



Par. D of the title deed refers to conditions imposed in terms of Act 21 of 1940 when the subject property was subdivided from Erf 63 Hoekwil. These paragraphs are not affected by this land use application. The Conveyancer's Certificate however does refer to this restriction – that Erf 1082 Hoekwil is subject to it.

1.3 LOCALITY

Erf 1082 Hoekwil is a smallholding property located atop a hill about 550m north of the Serpentine River and about 500m east of the Touw River. Erf 1082 Hoekwil has a spectacular view to the south that reaches from Wilderness to Kleinkrantz. Erf 1082 Hoekwil is bounded by two roads (Hoekwil Road - west & Bitou Road - east). To the north borders Erf 1081 Hoekwil (AZII) and to the south borders Erf 178 Hoekwil (AZI). The property is located outside an urban edge.

A locality plan is attached hereto as **Annexure 5**.

1.4 ZONING & LAND USE

Erf 1082 Hoekwil is zoned Agricultural Zone II (Smallholding) in terms of the George Integrated Zoning Scheme By-law (GIZS), 2017. The dominant zoning for the area is AZII and the dominant land use in the area is smallholding and rural-residential.



Currently, Erf 1082 Hoekwil has a dwelling house on, a man-made retention pond, and a swimming pool. The land use is solely residential as the topography of the property does not allow other land uses. Access to Erf 1082 Hoekwil is from Bitou Road (gravel) road to the east. The zoning and land use will not change following this land use application.

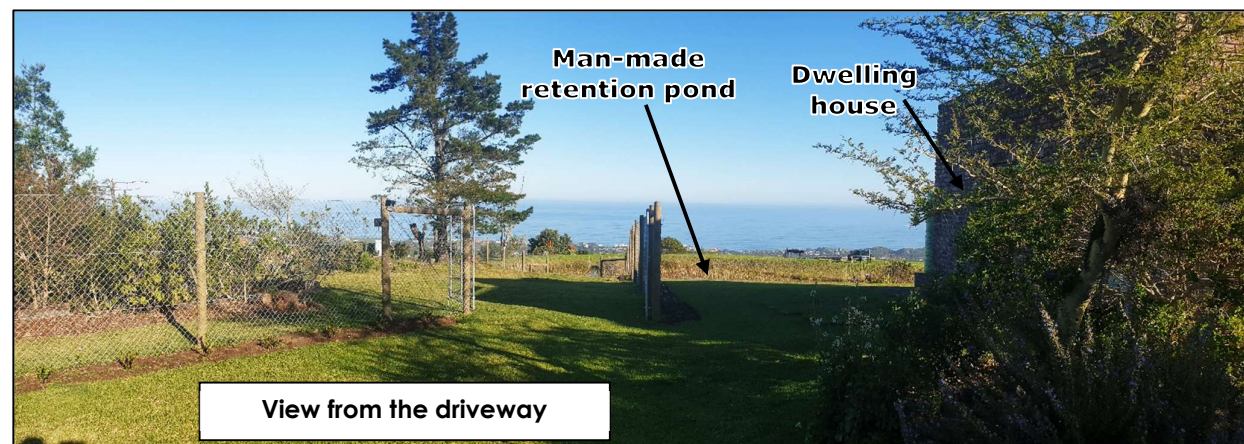
1.5 CHARACTER OF THE PROPERTY & AREA

Erf 1082 Hoekwil is 2.369ha and is one of the smaller smallholding properties in the area. The entire southwestern section of the property is very steep, and the eastern section of the property is the only developable part of the property. The property is used for residential purposes with 20m building lines on all boundaries.

The man-made retention pond on the property was constructed as an aesthetic feature and has been confirmed by environmental practitioners as such (not to be deemed as a natural water body or water course) and therefore does not require a 32m buffer.

Several pine trees and black wattle trees have been removed following recent wildfires. These trees posed a massive fire risk to the property and dwelling house. The owners have also planted several indigenous trees across their property since then. One pine tree was retained as it is inhabited by owls.

The images to follow show the character of the property.





Below is a closer view of the location proposed for the second dwelling unit with the stumps of the removed pine trees still in the ground.



2. DEVELOPMENT PROPOSAL

Erf 1082 Hoekwil is a small holding property and is used accordingly. The property is 2.3690ha and has 20m building lines on all its boundaries. Currently, there is a dwelling house on the property.

The property has an undevelopable steep southwestern section which guided the location and positioning of the second dwelling as proposed further in this paragraph.

The owner wishes to build a second dwelling unit on his property for him and his wife for the future. Until such time, the second dwelling unit will be used by family and visitors and rented out depending on specific needs. It is proposed to consist of three bedrooms, kitchen and living area.

The second dwelling unit is proposed $\pm 22\text{m}$ south of the primary dwelling and will have its own access and driveway from Bitou Road as stated as possible by the Directorate Civil Engineering Services (DCES) during the pre-application consultation (see paragraph 4.5). The access to the second dwelling unit will be $\pm 40\text{m}$ from the existing access to the dwelling house.

The title deed for Erf 1082 Hoekwil (T16407/2007) contains a restrictive condition (Par. C(b)) similar to several properties in the Hoekwil area that restricts the property to only one dwelling unit. This restrictive condition is proposed to be removed (see paragraph 4.3).

Together with the removal of a restrictive condition and consent use for a second dwelling unit, a permanent departure is requested to increase the allowable floor area of the second dwelling unit from 150m² to 175m². The indoor area of the second dwelling unit will be 150m². The remaining 25m² will be made up by the kitchen yard and small, uncovered patios where the residents can enjoy the ocean view to the south and the northern sun on the opposite side of the dwelling.

The uncovered patio surfaces are all proposed directly even with the natural ground level. The 20m building lines will be complied with.

The location where the second dwelling is proposed is already grassed with only leftover tree roots (to be removed as fire safety measure). To the east and southeast of the proposed second dwelling is a natural berm of dense vegetation that will be retained. The aerial photos still shows the pine trees which have been felled except for one of these trees.

The following overlay illustration shows the proposed location of the second dwelling on the property (2017 aerial photo).



A site plan is attached to this motivation report as **Annexure 6** and the proposed building plans are attached as **Annexure 7**.

3. CONSIDERATION OF THE APPLICATION

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, 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. STATUTORY INFORMANTS

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.

Relevant aspects not addressed earlier in this motivation report, are addressed below:

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 to this land use application:

- A second dwelling unit ensures the optimal use of an existing small holding without being in conflict with the zoning as the principle of a second dwelling unit is accepted.
- The effective and equitable functioning of land markets is not relevant for this land use application. It is stated that all current and future costs to all parties for the provision of infrastructure and social services in land developments must be considered. This is not directly relevant with this land use application. Development contributions for services will however be payable prior to the approval of building plans.
- No negative impacts are expected on surrounding properties especially considering as building lines will be complied with.

Efficiency as described in Section 7(c) of SPLUMA is supported – the new structure is proposed where the property is already disturbed and on the most level section of the property where least earthworks will be required. The property will also be used effectively in accordance with its zoning.

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 Erf 1082 Hoekwil supports the relevant development principles of SPLUMA.

4.1.1.2. Public Interest

The removal of restrictive condition C(b), consent use for a second dwelling unit, and the permanent departure of the floor area will not have any negative effect on the neighbouring properties as the structure will not be visible from the access road and isolated with a dense natural vegetation berm. The 20m building lines will also be complied with.

The area is characterised by smallholding properties with primary and second dwellings. The public interest of this land use application is therefore limited.

4.1.1.3. Municipal Engineering Services & Access

The municipal engineering services provided to this property will continue to be used as present. Development contributions for the second dwelling will be addressed prior to the approval of building plans. The current vehicular access to the property is from an unpaved public street, Bitou Road. Access to the primary dwelling will remain as it is. A new access will be created (in accordance with the zoning regulations) for the second dwelling, also from Bitou Road.

No access to the subject property is possible from Main Road 352, also known as the Hoekwil Road. This is confirmed by Paragraph D of the title deed for the property. It is also physically impossible due to the topographical difference between the developable area of the property next to Bitou Road and the Hoekwil Road located west of the property.

4.1.1.4. Environmental considerations

Erf 1082 Hoekwil does not show any environmental barriers such as CBA's, rivers and wetlands. The property has a man-made water pond (see images on the following page) which was constructed as an aesthetic feature. Following a site visit and investigation by environmental practitioners, it was established that the man-made retention pond is not located within a watercourse with no 32m buffer required.





The second dwelling is proposed on the most level section of the property where the least cutting and filling will be necessary. The section proposed is also cleared from pine trees, which is a fire hazard it was. Several alien trees have also been removed since the fires and the owners have already started planting indigenous trees across the property.

No negative impact is expected on the natural environment from this application for removal of restrictive condition, consent use for a second dwelling unit and permanent departure of floor area size.

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 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 4.4.

Section 19(1) and (2) of LUPA refers to **consistency** and **compliance** of a land use proposal regarding spatial development frameworks or structure plans.

Section 19 of LUPA states the following:

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

19(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.

19(3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.

Considering the aim of this land use application for Erf 1082 Hoekwil, no conflict was found with the George Municipal Spatial Development Framework (GMSDF).

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

The rural areas guidelines form part of the PSDF and aims to promote sustainable development in rural areas to ensure rural economic growth, to safeguard ecological infrastructure, to maintain the integrity, authenticity and accessibility of natural resources and scenic rural and coastal landscapes, and to ensure appropriate development beyond urban edges.

Second dwelling units is associated with small holdings together with the primary dwelling. These guidelines refer to a maximum floor area of 175m² for additional/second dwelling units.

- **Buildings accommodating land uses ancillary to or associated with Smallholding (e.g., guest house), should be located within the farmstead precinct, preferably using existing structures.**

The property is located within the rural area outside the urban edge and the proposed consent use will be in line with smallholding land uses.

- **Buildings accommodating land uses ancillary to or associated with Smallholding, should not detract from the functionality and integrity of farming practices and landscapes and be of an appropriate scale and form.**

The proposed land uses will not affect any agricultural practices as Erf 1082 Hoekwil is not a commercial farming property.

It is our understanding that the proposed removal of restrictive condition, consent use, and permanent departure for Erf 1082 Hoekwil is not in conflict with the Rural Areas Guidelines of the Western Cape.

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 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 MUNICIPALITY: INTEGRATED ZONING SCHEME BY-LAW, 2017

Erf 1082 Hoekwil is zoned Agricultural Zone II (Smallholding) (AZI) in terms of the George Integrated Zoning Scheme By-law (GIZS) (2017). The zoning of the property will not change following the approval of this land use application.

A second dwelling unit is a consent use for a small holding up to 150m². The second dwelling unit on Erf 1082 Hoekwil is proposed to be 175m² of which 150m² is for the second dwelling unit and the additional 25m² for the kitchen yard and open patios.

The 20m building line parameters on the property will be complied with following this land use application as well as the height restriction.

The total floor area of the existing primary dwelling and the proposed second dwelling will be less than 2% of the entire property.

4.2. SPATIAL PLANNING INFORMANTS

4.2.1. WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) (2014)

The PSDF aims to restructure the urban and rural landscape of the Western Cape to offer socio-economic opportunities for all. The focus is strong on the communities dependent on the agricultural economy and land reform. In addressing the vulnerability of farm workers, it is stated that rural livelihoods and income opportunities should be diversified. Due to the nature of the area where Erf 1082 Hoekwil is located, this should not be relevant.

The proposed land use on Erf 1082 Hoekwil will not negatively affect the rural-space economy of the Western Cape.

Guiding principles

- The guiding principles for the PSDF is spatial justice, sustainability & resilience, spatial efficiency, accessibility, quality & liveability.
- Regarding sustainability the proposal for the subject property does not involve impacts on high potential agricultural land and it will not compromise ecosystems as the property is too steep for agricultural activities and the proposed section to be developed is already grassed.
- Regarding spatial efficiency, the proposal will not lead to urban sprawl.
- Regarding quality & liveability, the Hoekwil smallholding area is characterised as a rural occupation / rural living area with limited agricultural activities.
- The environmental quality of the area is improved through the systematic removal of invasive alien vegetation and the planting of indigenous vegetation.

This application is found to not be in conflict with the PSDF.

4.2.3. GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (GMSDF) (2019)

Erf 1082 Hoekwil is not addressed specifically in the GMSDF. However, this land use application and the nature thereof is found to be consistent with the GMSDF as required in terms of Section 19 of the Land Use Planning Act, 2014 (LUPA). The land use on the property will remain rural-residential following this land use application.

Policy D of the GMSDF states the following:

Manage the use of land in the Municipal area in a manner which protects natural ecosystem functioning and values ecosystem services, respecting that these are assets that underpin the economy and settlement and their resilience.

Biodiversity of Erf 1082 Hoekwil and the area is not negatively affected by this land use application as shown in the paragraphs of this motivation report. No watercourses or wetlands are found on the property.

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

It then states the following:

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

Erf 1082 Hoekwil is not located in an identified significant rural place which could affect the agricultural economy.

The urban edges of the urban areas of the George municipal area are not impacted on by this land use application and the boundaries of the small holding area of Hoekwil will not change.

This land use application and the nature thereof is found to be consistent with the GMSDF as required in terms of Section 19 of the Land Use Planning Act, 2014 (LUPA).

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

Erf 1082 Hoekwil is demarcated as 'smallholdings' in the WLH LSDF. This demarcation will not change following the approval of this application. Smallholdings play a major role in defining the character of the 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.

The WLGLSDF states the following is the base for the approach towards smallholdings:

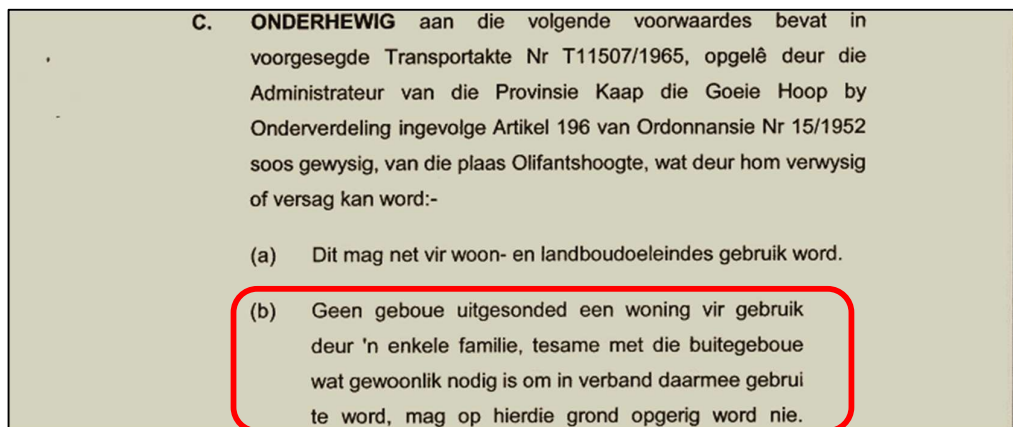
- *The main goal of the local spatial development framework as far as existing small holding precincts is concerned is to ensure that the character and ambience of these areas are protected and to ensure that the overall landscape character of the study area is retained and improved through appropriate measures.*

The second dwelling unit will not be in contrast with the character and ambience of this smallholding area. appropriate measures will be complied with to ensure the landscape character of the area is retained and improved, for example removal of alien vegetation and planting of indigenous vegetation.

We found no conflict between this land use application for Erf 1082 Hoekwil and the WLH LSDF.

4.3. REMOVAL OF RESTRICTIVE CONDITION

The title deed (T16407/2007) for Erf 1082 Hoekwil includes a restrictive title condition imposed by the former Administrator of the Cape Province in terms of the then applicable ordinance.



- Paragraph C(b) restricts the land use on the property to only one dwelling house with its outbuildings:

The George Municipality: Integrated Zoning Scheme Bylaw 2017 allows a property zoned AZII to develop a second dwelling unit up to 60m² as a primary land use right and up to 150m² following the successful completion of a consent use application. If a title deed includes a restrictive condition, it must be removed at the same time. The increase in size from 150m² to 175m² is not in conflict with the provisions of the provincial guidelines for rural areas.

The title restriction impedes the potential of the property and the potential land use rights of the owner in terms of the George Integrated Zoning Scheme Bylaw, 2017.

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 condition restricting Erf 1082 Hoekwil to one dwelling as discussed in this motivation report will not have a negative impact regarding financial or other value of the rights for any person.

Keeping the title deed restriction will not have any social benefit. Its removal will allow the owner to invest in the area's smallholding character. No reason for refusal of the removal of the restrictive title condition 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 removal of restrictive condition, consent use & permanent departure for Erf 1082 Hoekwil does not impact negatively on the character of the property, the environment, or the area. The owner intends to build a second dwelling unit of 175m² on the property to have a smaller dwelling on this property where they can live in the future.

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.

Physical characteristics of the properties

This proposal for a second dwelling on Erf 1082 Hoekwil will not have a negative effect on the physical characteristics of the property as the proposed position is level with only the stumps of pine trees remaining.

Existing planning in the area

This land use application is found to not be in conflict with the George Municipal Spatial Development Framework (GMSDF).

Character of the area

As discussed, and shown earlier in this motivation report, the proposed removal of restrictive condition, consent use, and permanent departure will have no negative effect on the character of the area.

Provision of services

Municipal engineering services are already available on the property and will continue to be used. Development contributions as needed will be addressed prior to the approval of building plans.

Economic impact

The proposed removal of restrictive condition, consent use, and permanent departure will have no negative economic impact. It holds positive economic prospects.

Direct impact on surrounding properties

No neighbour will be overshadowed or overlooked by the second dwelling as described in Paragraph 4.1.1.2.

It is our view that the need and desirability of the proposed removal of restrictive condition, consent use, and permanent departure for Erf 1082 Hoekwil, showed no negative impacts.

4.5. PRE-APPLICATION CONSULTATION

The pre-application consultation for Erf 1082 Hoekwil is attached hereto as **Annexure 8**.

Town Planning

- *The proposal (as submitted) entails applications in terms of Section 15(2)(f), Section 15(2)(o) and Section 15(2)(b) of Land Use Planning By-Law for George Municipality, 2015 for removal of title deed restrictions, Consent Use for Second dwelling and departure in terms of size of the second dwelling.*

Correct.

- *An alternative position for the proposed second dwelling unit, should be considered, without clearing of indigenous vegetation and consideration to the 32m from a watercourse (Reference to Policy D4 of the MSDF).*

Policy D4

Manage watercourses so that they remain in a natural state, or their present ecological status is improved or at least does not deteriorate.

As discussed in paragraph 4.1.4., the water feature found on Erf 1082 Hoekwil is a man-made retention pond. Following a site visit and assessment, it was confirmed that the man-made pond is not within a watercourse and that 32m buffer is not required.

An alternative position for the second dwelling unit is therefore not proposed. This position was covered in pine trees and other alien vegetation. It is level and out of view in close proximity to the primary dwelling while also complying with the building lines. An alternative position could impact on steep slopes, buildings and possibly indigenous vegetation.

Environmental

- *The dwelling house must be located 32m from the water pond (dam)*

As stated earlier, this matter was found to not be relevant following a site visit and consultation with the Western Cape Department of Environmental Affairs & Development Planning.

- *The OSCAE application should clearly show the entire development footprint, including the cleared area around the proposed second dwelling house and the access.*

The OSCAE permit is a separate matter, although relevant, and addressed in term of the Environment Conservation Act, 1989.

- *The OSCAE application report should further address the removal of roots of pine tree.*

Noted and conveyed to the responsible environmental assessment practitioner.

CES

- The second access from Bitou road may be considered.

Noted and proposed accordingly.

5. CONCLUDING

From this motivation report, it is our opinion that the proposed land use application for Erf 1082 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. It considers the neighbouring properties, the character of the area, and the current development of the property. As shown the proposed location is level, disturbed and in close proximity of the primary dwelling.

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



MARLIZE DE BRUYN Pr. Pln



REFERENCE NUMBER: 15/3/2/12/BG1

ENQUIRIES: Gavin Benjamin

DATE OF ISSUE: 3 November 2022

George Municipality
P.O. Box 19
GEORGE
6530

Attention: Mrs. Primrose Nako

Email: pnako@george.gov.za

GEORGE MUNICIPALITY: APPLICATION FOR THE REMOVAL OF RESTRICTIVE CONDITION, CONSENT USE AND PERMANENT DEPARTURE ON ERF 1082, HOEKWIL

1. The request for comment, dated 7 August 2022, in terms of section 45 of the Western Cape Land Use Planning Act, 2014 (LUPA) Act 3 of 2014, on the above application, refers.
2. This land use application for Erf 1082 Hoekwil entails the following:
 - a) Removal of restrictive condition C(b) in the title deed (T16407/2007) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015).
 - b) Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit.
 - c) Permanent departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for an increase in the floor area of the second dwelling unit from 150m² to 175m².
3. It is noted that:
 - a) The subject property is 2.3690ha in extent and zoned as Agricultural Zone II (Smallholdings) with a single residential dwelling currently developed on the property.
 - b) The owner intends to develop a second dwelling unit on the property, initially to be used for visitors and family and later probably for themselves as a smaller retirement home.
 - c) The Title deed to the property includes a restrictive condition (Par. C(b)) which currently restricts the property to the development of only one dwelling.
 - d) The intended position of the proposed second dwelling is indicated to be outside of the applicable building line and near the current public access road serving the property, with a separate access point proposed for the second dwelling and the application reports that there are no environmental barriers such as CBAs, river and/or wetlands.
4. Notwithstanding the indication by the applicant that the subject property is not impacted by any environmental barriers, it is advised that this Directorate's Environmental Impact Management Services (Region 3) be approached to determine the applicability of the NEMA EIA Regulations 2014.
5. Based on the available information, this Department has no objection, in principle, to the proposal in terms of a Provincial Regulatory Land Use Planning point of view.

**Gavin
Benjamin**

Digitally signed by Gavin
Benjamin
Date: 2022.11.03
13:48:08 +02'00'

MR. GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copy to: Marlice de Bruyn Planning – marlice@mdbplanning.co.za

Khuliso Mukhovha

From: Jeanne Fourie
Sent: Thursday, 10 November 2022 15:44
To: Primrose Nako
Cc: marlize@mdbplanning.co.za; Khuliso Mukhovha
Subject: FW: External Email > : RE: External Email > : WATER FEATURE ON ERF 1082 HOEKWIL

Afternoon Prim

Will you please upload this email as additional information to the land use application for Erf 1082 Hoekwil.

Kind regards,

Jeanne Fourie (Muller)
Pr Pln A/1429/2011
Senior Town Planner
Directorate Human Settlements, Planning and Development
044 801 9138
jfourie@george.gov.za



CONFIDENTIALITY & DISCLAIMER NOTICE The information contained in this message is confidential and is intended for the addressee(s) only. If you have received this message in error or there are any problems please notify the originator immediately. The unauthorized use, disclosure, copying or alteration of this message is strictly forbidden. George Municipality will not be liable for direct, special, indirect or consequential damages arising from alteration of this message by a third party or as a result of any malicious code or virus being passed on. If you have received this message in error, please notify the sender immediately by email, facsimile or telephone and return and/or destroy the original message.

From: Priscilla Burgoyne <Pburgoyne@george.gov.za>
Sent: Wednesday, 09 November 2022 11:22
To: Jeanne Fourie <jfourie@george.gov.za>
Subject: Fw: External Email > : RE: External Email > : WATER FEATURE ON ERF 1082 HOEKWIL

Morning there

Here is the correspondence from DEA&DP.

Kind regards
P

Priscilla Burgoyne

Environmental Control Officer

Directorate Human Settlements, Planning and Development

George Municipality

Tel: (044) 801 9156

Physical Address: 71 York Street, George | 6529

Email: pburgoyne@george.gov.za



From: Danie Swanepoel <Danie.Swanepoel@westerncape.gov.za>

Sent: 04 August 2022 16:29

To: Priscilla Burgoyne <Pburgoyne@george.gov.za>; Christo Gaigher <gaigherchristo@gmail.com>

Subject: External Email > : RE: External Email > : WATER FEATURE ON ERF 1082 HOEKWIL

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day Priscilla & Chris,

Chris, I apologise for missing your earlier email.

Activity 12 of GN No. R.983 of 4 December 2014 (as amended) (LN1) reads as follows [emphasis added]:

The development of—

(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or

(ii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs—

(a) within a watercourse;

(b) in front of a development setback; or

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —

excluding—

(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;

(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;

(dd) where such development occurs within an urban area; [

(ee) where such development occurs within existing roads, road reserves or railway line reserves; or

(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

"Watercourse" is defined as:

"(a) a river or spring;

(b) a natural channel in which water flows regularly or intermittently;

(c) a wetland, pan, lake or dam into which, or from which, water flows; and any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998); and a reference to a watercourse includes, where relevant, its bed and banks"

An off-stream dam will likely not be regarded to be a "watercourse" as defined and as such Activity 12 of LN1 will not be applicable.

Based on the information provided, I concur with your assessment of the matter below. Kindly note that Erf 1082 Hoekwil falls within the Wilderness Lakes Area and as such the national Department of Forestry, Fisheries and the Environment (DFFE) is the competent authority to consider an application in terms of the NEMA EIA Regulations for activity 12 of LN1 and/or to make a determination on the applicability of the listed activities.

Kind regards,

Danie Swanepoel

Environmental Impact Management Services: Development Management (Region 3)

Department of Environmental Affairs and Development Planning
Western Cape Government

4th Floor, York Park Building, 93 York Street, George, 6530

Cell: +27 (0)82 7847551

Email: Danie.Swanepoel@westerncape.gov.za

Website: www.westerncape.gov.za/eadp



Be 110% Green. Read from the screen.

Due to COVID-19 restrictions, we are still operating on a "work-from-home" basis.

Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 between 07:30-16:00.

From: Priscilla Burgoyne <Pburgoyne@george.gov.za>

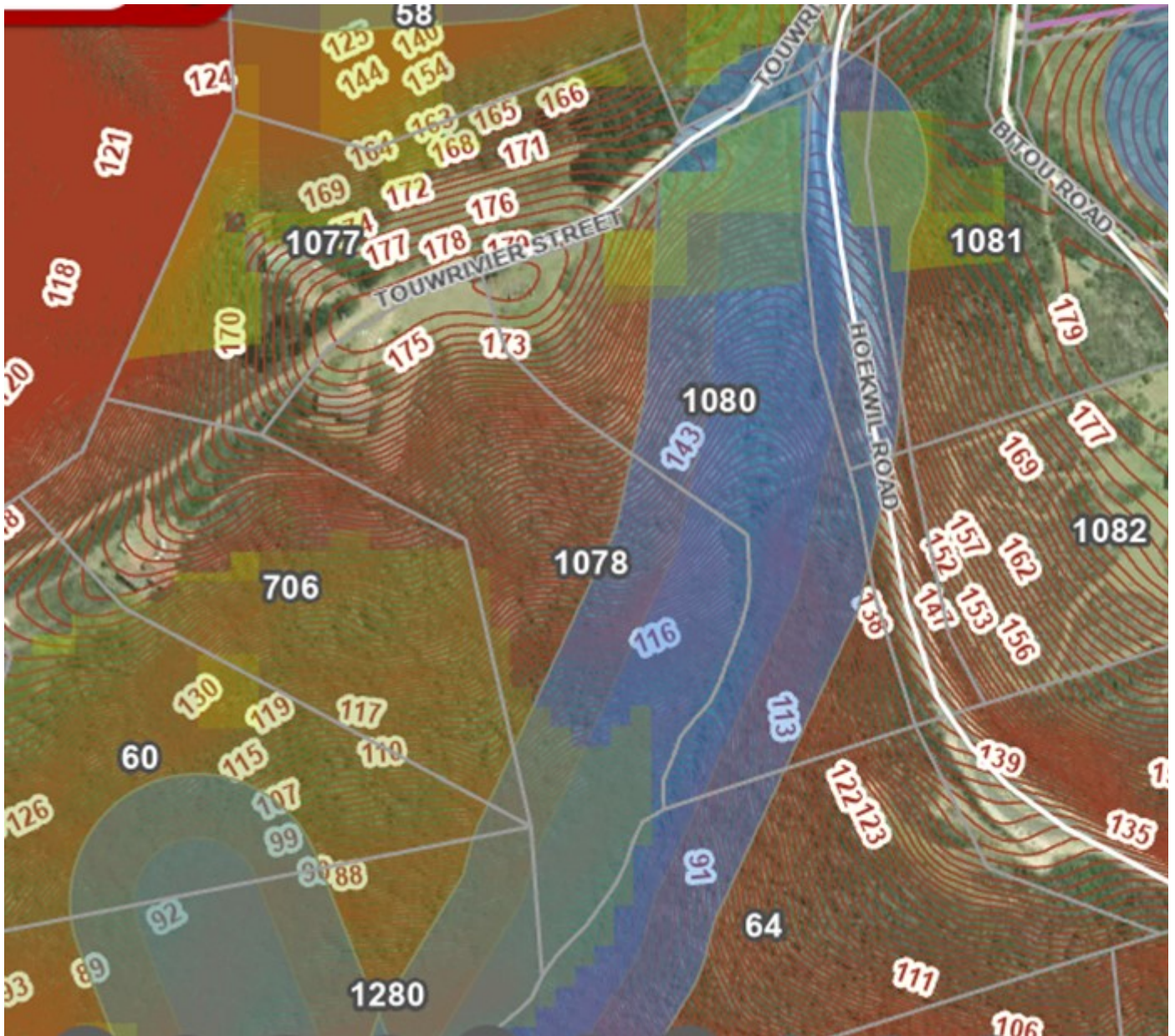
Sent: Thursday, 04 August 2022 15:26

To: Christo Gaigher <gaigherchristo@gmail.com>; Danie Swanepoel <Danie.Swanepoel@westerncape.gov.za>

Subject: Re: External Email > : WATER FEATURE ON ERF 1082 HOEKWIL

Afternoon there

We discussed this in our municipal outreach meeting today and as can be seen in the screenshot below...it is an out-of-watercourse retention pond, man-made to catch water from the roof etc. I was on site and saw the pipe from the gutters coming out in the dam.



Therefore, no buffer Zone of 32 m needed.

Kind regards
P

Priscilla Burgoyne

Environmental Control Officer

Directorate Human Settlements, Planning and Development

George Municipality

Tel: (044) 801 9156

Physical Address: 71 York Street, George | 6529

Email: pburgoyne@george.gov.za



From: Christo Gaigher <gaigherchristo@gmail.com>

Sent: 08 July 2022 11:02

To: danie.swanepoel@westerncape.gov.za <danie.swanepoel@westerncape.gov.za>; Priscilla Burgoyne <Pburgoyne@george.gov.za>

Subject: External Email > : WATER FEATURE ON ERF 1082 HOEKWIL

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Danie

Haven't contacted you for a while. Hope you are well.

I need your help again.

Please find attached a self-explanatory letter with image. As you see the Municipality has a query concerning whether the 'dam' triggers a NEMA application or not.

I have the latter opinion and believe that such an application would be a total waste of time (and money) as there is patently no possible negative impact on the environment.

SANParks as a matter of routine will be involved in both the Planning and Environmental process.

Your opinion would be greatly appreciated ...

Best wishes

Chris G

CONFIDENTIALITY & DISCLAIMER NOTICE The information contained in this message is confidential and is intended for the addressee(s) only. If you have received this message in error or there are any problems please notify the originator immediately. The unauthorized use, disclosure, copying or alteration of this message is strictly forbidden. George Municipality will not be liable for direct, special, indirect or consequential damages arising from alteration of this message by a third party or as a result of any malicious code or virus being passed on. If you have received this message in error, please notify the sender immediately by email, facsimile or telephone and return and/or destroy the original message. ***** Privacy policy George Municipality implements a privacy policy aimed at protecting visitors to our social media sites. POPIA We respect the privacy rights of everyone who uses or enquires about our services. Protecting your personal information, as defined in the Protection of Personal Information Act, Act 4 of 2013, will be respected. Personal information will only be shared for purposes of resolving customer enquiries, providing customer services or for any other legitimate purpose relating to George Municipal functions. For your reference, the POPI and PAIA Acts are available at www.gov.za/documents/acts with amendments listed on www.acts.co.za

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a

binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise. If you are not the intended recipient you may not copy or deliver this message to anyone."

P O Box 791
6560 WILDERNESS
Email : waleaf@langvlei.co.za
2022-09-19

The Municipal Manager
George Municipality
GEORGE

Dear Sirs,

PROPOSED CONSENT USE & PERMANENT DEPARTURE : ERF 1082 HOEKWIL, GEORGE MUNICIPALITY & DIVISION

We refer to this application for :

Removal of restrictive condition C(b) in the title deed (T16407/2007) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015).

Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit.

Permanent departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for an increase in the floor area of the second dwelling unit from 150m² to 175m²

We have **no objection** to a consent use for a second dwelling unit.

However we do **object** to increasing the floor area of the second dwelling unit from the legislated 150m² to 175m².

In the documents sent to us, the applicant states :

"The George Municipality: Integrated Zoning Scheme Bylaw 2017 allows a property zoned AZII to develop a second dwelling unit up to 60m² as a primary land use right and up to 150m² following the successful completion of a consent use application. The increase in size from 150m² to 175m² is not in conflict with the provisions of the provincial guidelines for rural areas."

The argument stated above is flawed, as it totally ignores what is legislated in the George Integrated Zoning Scheme By-law. The provisions of the Provincial Guidelines for Rural Area has no bearing in this case. They are merely Provincial guidelines, and as the municipality has told us on numerous occasions, guidelines are not law. In addition they are Provincial guidelines, and not George Municipality guidelines. The fact of the matter is that in terms of the George Integrated Zoning Scheme By-law a second dwelling can only be 150m² and no larger. If the municipality accepts this flawed argument and approves of this 175m² second dwelling, a serious precedent will be set, which will result in the municipality having to approve applications for larger second dwellings in the future.

Yours faithfully,



Secretary, for WALEAF

Annexure I: Response to objections



MARLIZE DE BRUYN PLANNING
Consulting Town & Regional Planning

marlize@mdbplanning.co.za | +27 766 340 150 | www.mdbplanning.co.za

PO Box 2359, George, 6530
PO Box 540, Mossel Bay 6500

Ref.: 448/G22
Municipal Ref.: 2377984

14 October 2022

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

For attention: Mr Clinton Petersen

By e-mail

REPLY TO COMMENTS RECEIVED:
PROPOSED REMOVAL OF RESTRICTIVE CONDITION, CONSENT USE, & PERMANENT
DEPARTURE FOR ERF 1082, BITOU ROAD, HOEKWIL
GEORGE MUNICIPALITY & DIVISION

1. The abovementioned matter refers.
2. Following the public participation period for the land use application submitted for Erf 1082, Hoekwil one (1) comment was received. We reply to this comment in the paragraphs to follow.
3. **Wilderness & Lakes Environmental Action Forum (WALEAF) (objection):**
 - 3.1. We have **no objection** to a consent use for a second dwelling unit.
 - 3.2. However, we **do object** to increasing the floor area of the second dwelling unit from the legislated 150m² to 175m².

In the documents sent to us, the applicant states:

"The George Municipality: Integrated Zoning Scheme Bylaw 2017 allows a property zoned AZII to develop a second dwelling unit up to 60m² as a primary land use right and up to 150m² following the successful completion of a consent use application. The increase in size from 150m² to 175m² is not in conflict with the provisions of the provincial guidelines for rural areas."

The argument stated above is flawed, as it totally ignores what is legislated in the George Integrated Zoning Scheme By-law. The provisions of the Provincial Guidelines for Rural Area have no bearing in this case. They are merely Provincial guidelines, and as the municipality has told us on numerous occasions, guidelines are not law. In addition, they are Provincial guidelines, and not George Municipality guidelines. The fact of the matter is that in terms of the George Integrated Zoning Scheme By-law a second dwelling can only be 150m² and no larger. If the municipality accepts this flawed argument and approves of this 175m² second dwelling, a serious precedent will be set, which will result in the municipality having to approve applications for larger second dwellings in the future

4. The comments above is noted. The final decision lies with the George Municipality, and it is their concern to make a decision regarding the 15m² increase of the second dwelling unit. It should

be noted that the dwelling is 150m². The additional 15m² makes provision for the yard and stoeps. This cannot make a significant difference to the appearance of the size of the dwelling.

5. We have shown in this reply to the comment received that the objection is incorrect and not based on fact.
6. It is trusted that the application for Erf 1082, Hoekwil can now be concluded successfully.

Yours Faithfully



MARLIZE DE BRUYN Pr. Pln.

E:\Mdb\Projects\2022\448-G22\Erf 1082 Hoekwil_reply to comments received.docx