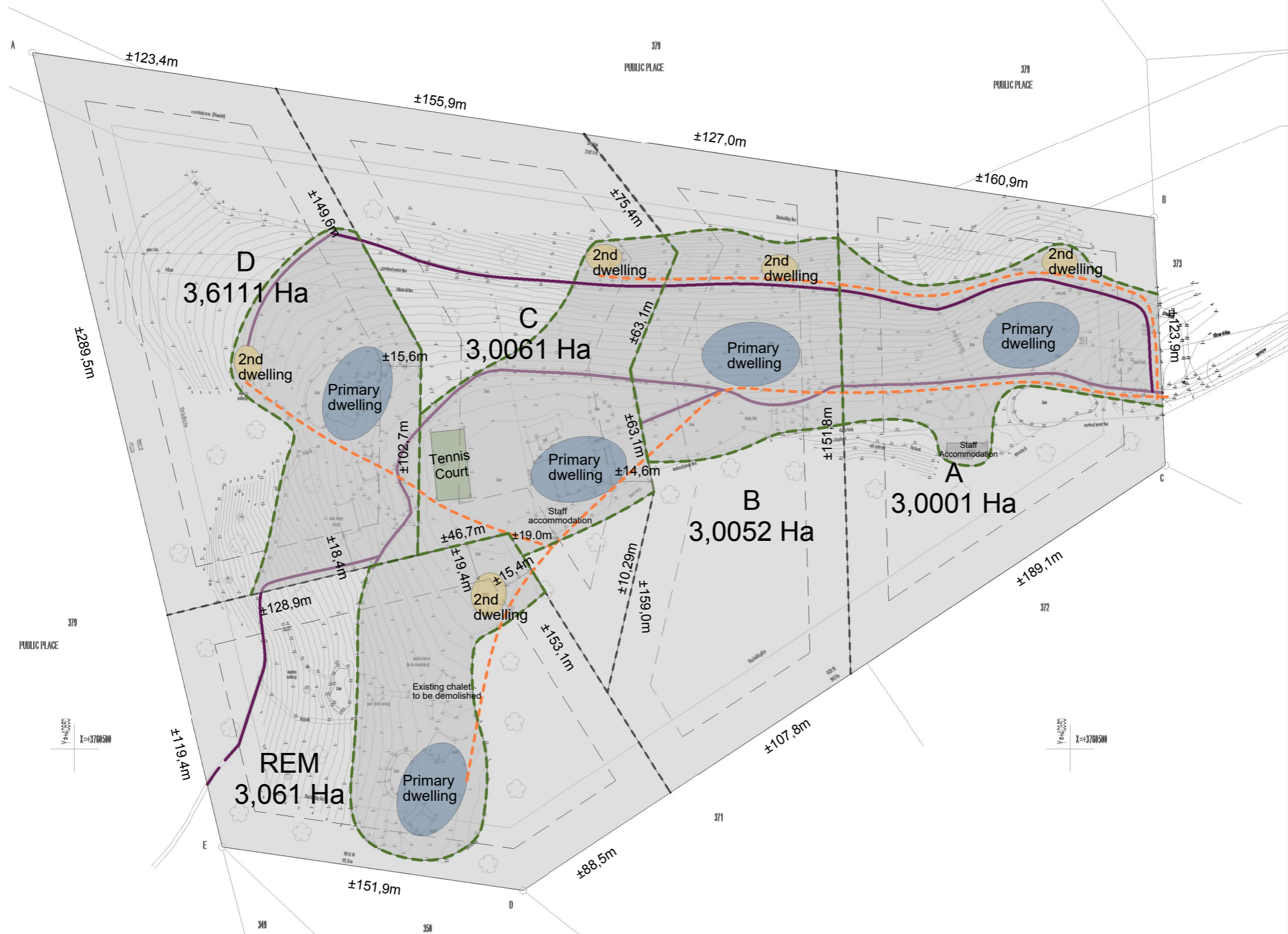


Site Plan Erf 351 Hoekwil
Scale 1:1000 (A1)



North arrow pointing up.

SCALE 1:1000 (A1)

ERF BEACONS

	Y	X	Z
A	40070.855	3700150.651	
B	40307.885	3700233.728	
C	40302.221	3700357.919	
D	40624.550	3700571.301	
E	40775.363	3700549.588	

BENCH MARK

351A	40658.249	3700328.558	181.510 (12mm IP)
351B	40339.317	3700318.949	190.095 (12mm IP)
373A	40282.184	3700317.475	194.840 (12mm IP)

SURVEY NOTE

Information from GP 1730 LD
Survey System WG 23
Levels to MSL from Trig 290
Contour int = 1.0m

LEGEND

	BENCH MARK
	CONTOUR
	PROPERTY LINE
	FENCE
	ROAD
	WATER
	BUILDING
	TREE

Surveyed: JJ Fennie
T/A: GR Survey
SAGC: Surrey S 0733
Cell: 082 447 8083
j.surrey@gmail.com
Date: Feb & Sept 2021

PROJECT

Erf 351 (15.7860 ha)
Hoekwil
District George

TITLE

Contour Plan


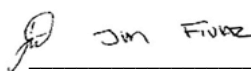
DWG NO

351

REV



1

Developable area between 1ha and 1.3ha indicated within dark green dash line per portion

CES Development Charges Calculator				Version 3.00	June 2020	
	Erf Number	351				
	Allotment area	George				
	Water & Sewer System	George System				
	Road network	George				
	Elec DCs Area/Region	George Network				
	Elec Link Network	ML/LV				
	Elec Development Type	Normal				
	Developer/Owner	Metaniaoa Rom12 2 CC				
	Erf Size (ha)	15,81				
	Date (YYYY/MM/DD)	2021-12-21				
Current Financial Year	2021/2022					
Collaborator Application Reference	2080153					
Code	Land Use		Unit	Total Existing Right	Total New Right	
RESIDENTIAL				Units	Units	
	Second/Additional Dwelling		unit		5	
	Rural Intensification / Agri-subdivisions		unit	1	5	
Is the development located within Public Transport (PT1) zone?				Please select		
				No		
Calculation of bulk engineering services component of Development Charge						
Service	Units	Additional Demand	Unit Cost	Amount	VAT	Total
Roads	trips/day	29,75	R 2 001,06	R 59 531,44	R 8 929,72	R 68 461,15
Sewerage	kl/day	4,19	R 43 481,05	R 0,00	R 0,00	R 0,00
Water	kl/day	5,84	R 36 320,84	R 211 932,09	R 31 789,81	R 243 721,90
Electricity	kVA	0,00	R 0,00	R 0,00	R 0,00	R 0,00
Transfer	application		R 350,00	R 0,00	R 0,00	R 0,00
Total bulk engineering services component of Development Charge payable				R 271 463,52	R 40 719,53	R 312 183,05
Link engineering services component of Development Charge						
Total Development Charge Payable						
City of George				Developer/Owner		
Calculated (CES):		JM Fivaz		Calculated (ETS): C Spies		
Signature :				Signature :		
Date :		December 21, 2021		Date: December 21, 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 codeUKey number	Total
Roads	20160623 020158	R 68 461,15
Sewerage	20160623 018776	R 0,00
Water	20160623 021593	R 243 721,90
Electricity	20160623 021336	R 0,00
Tranfers	20160623 019267	R 0,00
		R 312 183,05

Development Charges Calculator				Version 1.00		2022/08/15	
				Erf Number	351		
				Allotment area	Wilderness		
				Elec DCs Area/Region	Wilderness Network		
				Elec Link Network	MV		
				Elec Development Type	Normal		
				Developer/Owner	Metania Rom12 2 CC		
				Erf Size (ha)	15,81		
				Date (YYYY/MM/DD)	2022-10-28		
				Current Financial Year	2022/2023		
				Collaborator Application Reference	2080153		
Code	Land Use	Unit	Total Existing Right		Total New Right		
RESIDENTIAL							
	Second/Additional Dwelling	unit				5	
	Rural Intensification / Agri-subdivisions	unit		1		5	
	Rural / Undetermined/Agricultural	unit					
OTHERS							
				Please select			
Is the development located within Public Transport (PT1) zone?				Yes			
Calculation of bulk engineering services component of Development Charge							
Service	Units	Existing demand (ADMD)	New demand (ADMD)	Unit Cost	Amount	VAT	Total
Electricity	kVA	3,61	32,51	R 1 628,65	R 47 064,79	R 7 059,72	R 54 124,51
Total bulk engineering services component of Development Charge payable					R 47 064,79	R 7 059,72	R 54 124,51
Link engineering services component of Development Charge							
Total Development Charge Payable							
City of George Calculated (ETS):  Signature : _____ Date : October 28, 2022							
NOTE : In relation to the increase pursuant to section 66(5B)(b) of the Planning By-Law (as amended) in line with the consumer price index published by Statistic South Africa) using the date of approval as the base month							
Notes:							
Departmental Notes:							

For the internal use of Finance only

Service	Financial code\Key number	Total
Electricity	20 220 703 048 979	R 54 124,51
		R 54 124,51



Ref.: 374/G21
Municipal Ref.: 2080157

5 January 2023

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

For attention: Mr Clinton Petersen

By e-mail

<p align="center">SECTION 52 AMENDMENT: PROPOSED REMOVAL OF RESTRICTIONS, REZONING, SUBDIVISION, CONSENT USE & DEPARTURES:</p> <p align="center">ERF 351, SILVER RIVER ROAD. HOEKWIL, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION</p>
--

1. The above application and our discussion earlier today with your Mr Robert Janse van Rensburg refer.
2. Following a site visit early December 2022, another staff accommodation unit located on the proposed Portion C was discussed. It has been in existence for many years and the property owner wishes to keep it. It is indicated on the plans forming part of the land use application – it is just not labelled.
3. We now address this unfortunate oversight as an amendment to the land use application as submitted. It is regarded as a minor amendment to this land use application. This staff accommodation unit complies with building lines except for the western side boundary to be created between Portion C and the proposed Remainder Erf 351 Hoekwil. Therefore, a permanent departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) is added to this application to accommodate this existing structure.
4. In preparing this amendment, we noticed a typing error regarding Portion C & D referring to direction. It is also rectified below. This incorrect reference to a direction seems to not have been noticed before: reference was made to 'new western side boundary building line' which should be 'new eastern side boundary building line'.
5. In terms of **Section 52** of the George Municipality: Land Use Planning By-Law, 2015 we hereby amend the land use application for Erf 351 Hoekwil to read as follows:
 - Removal of restrictive title condition paragraph F(b) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015);
 - Rezoning of Erf 351 Hoekwil from Agriculture Zone I (agriculture), Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation) to Agriculture Zone II (small holding) in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015);
 - Subdivision of Erf 351 Hoekwil in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) in the following portions:
 - Portion A (±3.0001ha) (Agriculture Zone II – small holding);
 - Portion B (±3.0052ha) (Agriculture Zone II – small holding);
 - Portion C (±3.0061ha) (Agriculture Zone II – small holding);

- Portion D (±3.6111ha) (Agriculture Zone II – small holding);
- Remainder (±3.0610ha) (Agriculture Zone II – small holding)
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit for Portion A, B, C, D & Remainder;
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for the following:
 - increase in size of the second dwelling units from 150m² to 175m²;
 - relaxation of the new ~~eastern~~ western side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling;
 - relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 19.0m for the existing staff accommodation;
 - relaxation of the new ~~eastern~~ western side boundary building line of the proposed Portion D from 20.0m to 15.6m for the existing restaurant to become the primary dwelling;
 - relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding;
 - relaxation of the new northern side boundary building line of the proposed Remainder from 20.0m to 19.4m and 15.4m for the existing chalet to become a second dwelling unit.

6. It is trusted that the above will assist in the finalisation of this land use application.

Yours Faithfully



MARLIZE DE BRUYN Pr. Pln.

E:\Mdb\Projects\2021\374_G21\Erf 351 Hoekwil WH_Revision Sec 52.docx

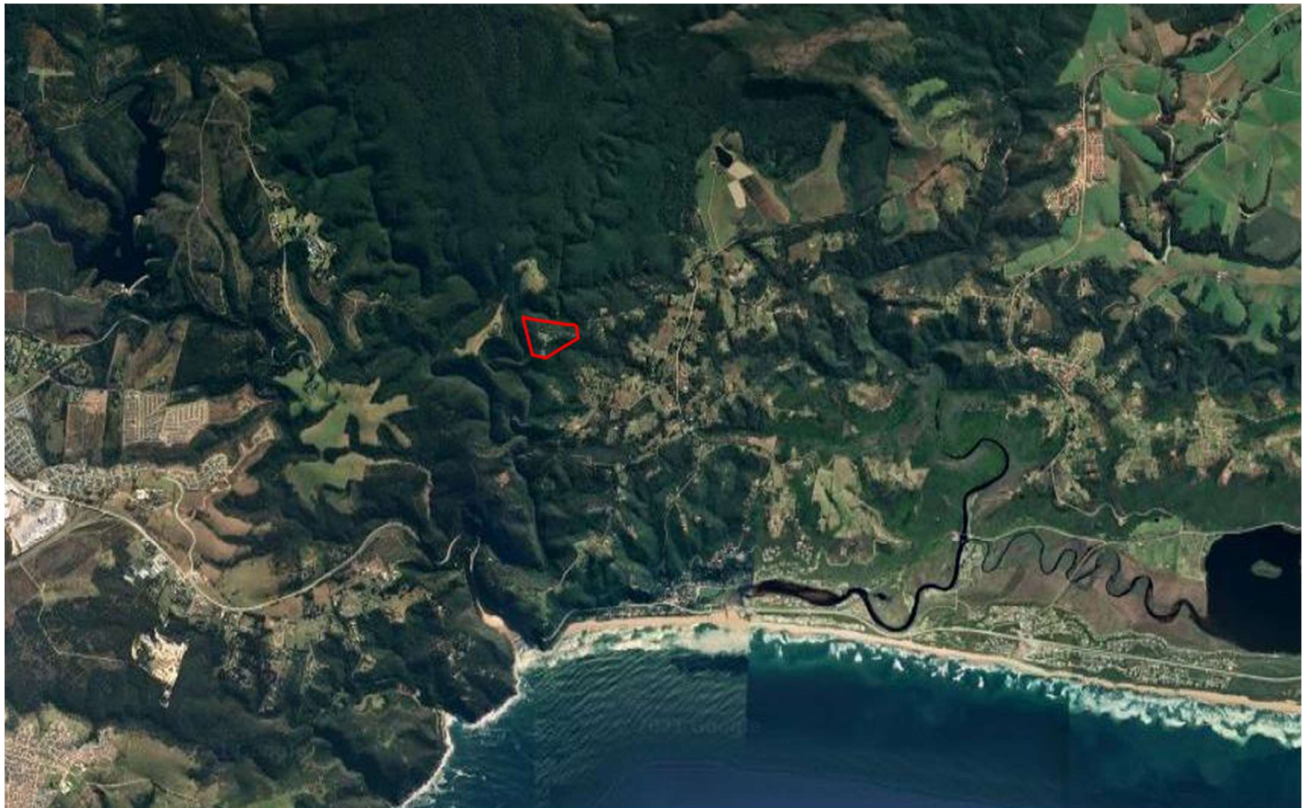


MARLIZE DE BRUYN PLANNING
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PO Box 540, Mossel Bay 6500

**PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, SUBDIVISION,
CONSENT USE & DEPARTURE
FOR METANOIA ROM12 2 CC**

**ERF 351, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS,
GEORGE MUNICIPALITY & DIVISION**



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- 2. Power of Attorney**
- 3. Copy of Title Deed**
- 4. Conveyancer's Certificate**
- 5. Bond Holder's Consent**
- 6. Copy of Surveyor-General Diagram Erf 351 Hoekwil**
- 7. Copy of Surveyor-General Diagram Erf 373 Hoekwil**
- 8. Locality plan**
- 9. Site development plan**
- 10. Subdivision Plan**
- 11. Terrestrial Biodiversity Specialist Environmental Report**
- 12. Electrical Demand**
- 13. Pre-application consultation**
- 14. Application form**

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**PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, SUBDIVISION,
CONSENT USE & DEPARTURE
ERF 351, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS,
GEORGE MUNICIPALITY & DIVISION**

1. BACKGROUND INFORMATION

Erf 351 Hoekwil is a developed property located in the most north-western corner of Wilderness Heights. It was known for almost 5 decades as *Clairewood Chalets*. The name has now changed to *Metanoia Wilderness*. The previous owner started the resort known as *Clairwood Chalets* on this property in the early 1970's. The plan dated April 1974 of what was proposed, is attached hereto as **Annexure 1**. This plan, showing a total of 4 private houses, 14 chalets, a restaurant, staff accommodation and recreation facilities were never fully developed.

Marlize de Bruyn Planning was appointed to address the land use requirements so that 5 small holdings can be created from this one property. The power of attorneys is attached as **Annexure 2** to this report.

1.1 APPLICATION

This land use application for Erf 351 Hoekwil (Wilderness Heights) entails the following:

- Removal of restrictive title condition paragraph F(b) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015);
- Rezoning of Erf 351 Hoekwil from Agriculture Zone I (agriculture), Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation) to Agriculture Zone II (small holding) in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015);
- Subdivision of Erf 351 Hoekwil in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) in the following portions:
 - Portion A (±3.0001ha) (Agriculture Zone II – small holding);
 - Portion B (±3.0052ha) (Agriculture Zone II – small holding);
 - Portion C (±3.0061ha) (Agriculture Zone II – small holding);
 - Portion D (±3.6111ha) (Agriculture Zone II – small holding);
 - Remainder (±3.0610ha) (Agriculture Zone II – small holding)
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit for Portion A, B, C, D & Remainder;
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for the following:
 - increase in size of the second dwelling units from 150m² to 175m²;
 - relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling;
 - relaxation of the new western side boundary building line of the proposed Portion D from 20.0m to 15.6m for the existing restaurant to become the primary dwelling;
 - relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding;
 - relaxation of the new northern side boundary building line of the proposed Remainder from 20.0m to 19.4m and 15.4m for the existing chalet to become a second dwelling unit.

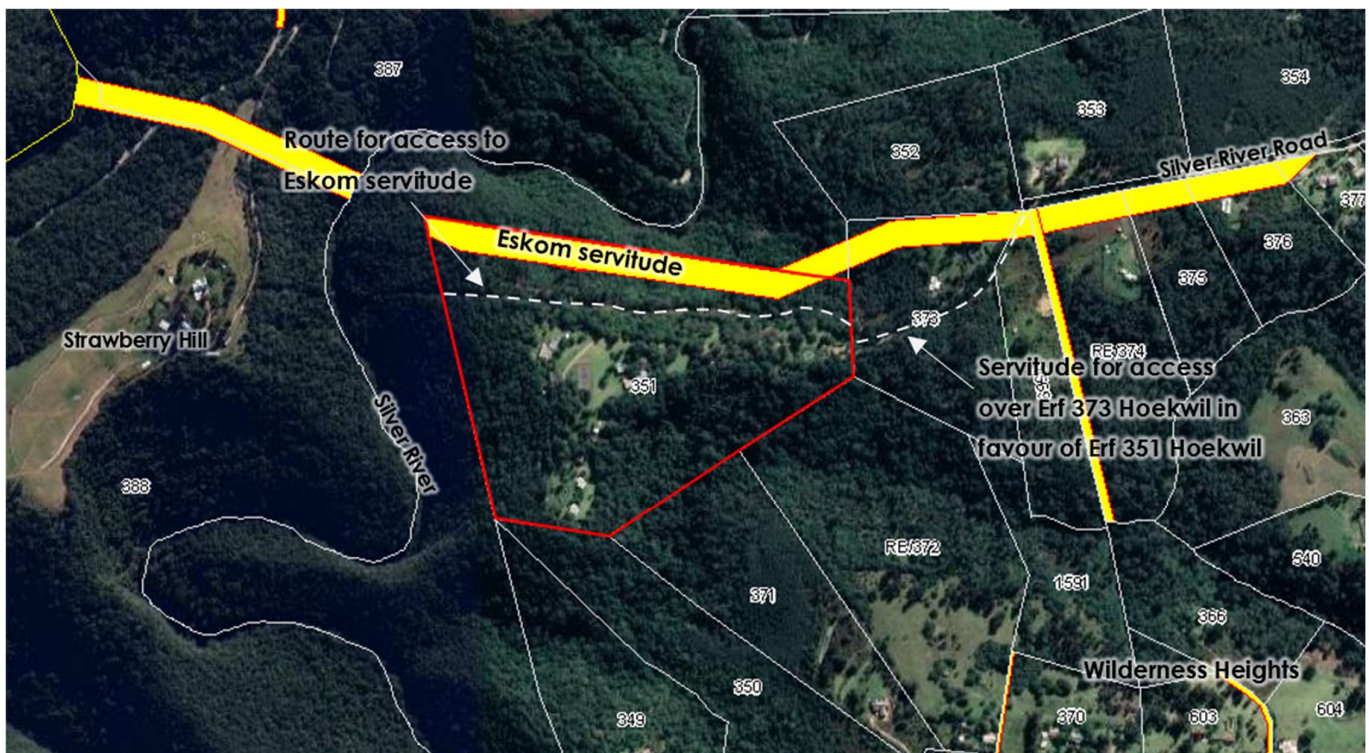
1.2 PROPERTY DETAILS

Erf 351 Hoekwil (Wilderness Heights) is registered to *Metanoia Rom12 2 CC (T9864/1974)* and measures 15.7868ha. A copy of the title deed is attached hereto as **Annexure 3** with a copy of a recent deed search. The name of the property owner has changed many times since 1974 with a few endorsements in this regard found on the attached title deed. The recent deed search confirms the ownership.

Conveyancer's Certificates are attached hereto as **Annexure 4**. It confirms no restrictive conditions except for the paragraph F(b) to be removed as discussed in this land use application – which limits the number of dwelling units to one.

A bond is registered for this property, with the bond holder's consent attached hereto as **Annexure 5**.

A copy of the SG diagram as **Annexure 6**. It shows that the property was first known as Farm Wildernishoogte 157/128 (all properties in Wilderness Heights had a farm description which was changed by the Surveyor-General to erven in the 1980's). It is important to note that the SG diagram includes reference to an electrical line servitude along the northern boundary of the subject property. ESKOM upgraded this line a few years ago and created a route on the Erf 351 Hoekwil to obtain access to this section of the line. The image below shows the position of the servitude with the route created by ESKOM for access highlighted.



Also note that Silver River Road does not end at Erf 351 Hoekwil, but at the eastern boundary of the abutting Erf 373 Hoekwil. A servitude right of way is registered over Erf 373 Hoekwil to obtain access to Erf 351 Hoekwil. The SG diagram for Erf 373 Hoekwil indicating the right of way, is attached hereto as **Annexure 7**.

2. CONTEXTUAL INFORMANTS

2.1 LOCALITY

Erf 351 Hoekwil is located in the northwestern corner of Wilderness Heights as mentioned earlier. It overlooks the Outeniqua Mountains to the north with the Seven Passes Road also located to the north with the Silver River towards the north and west. Silver River Street ends at Erf 353 Hoekwil with a servitude providing access to the subject property.

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.

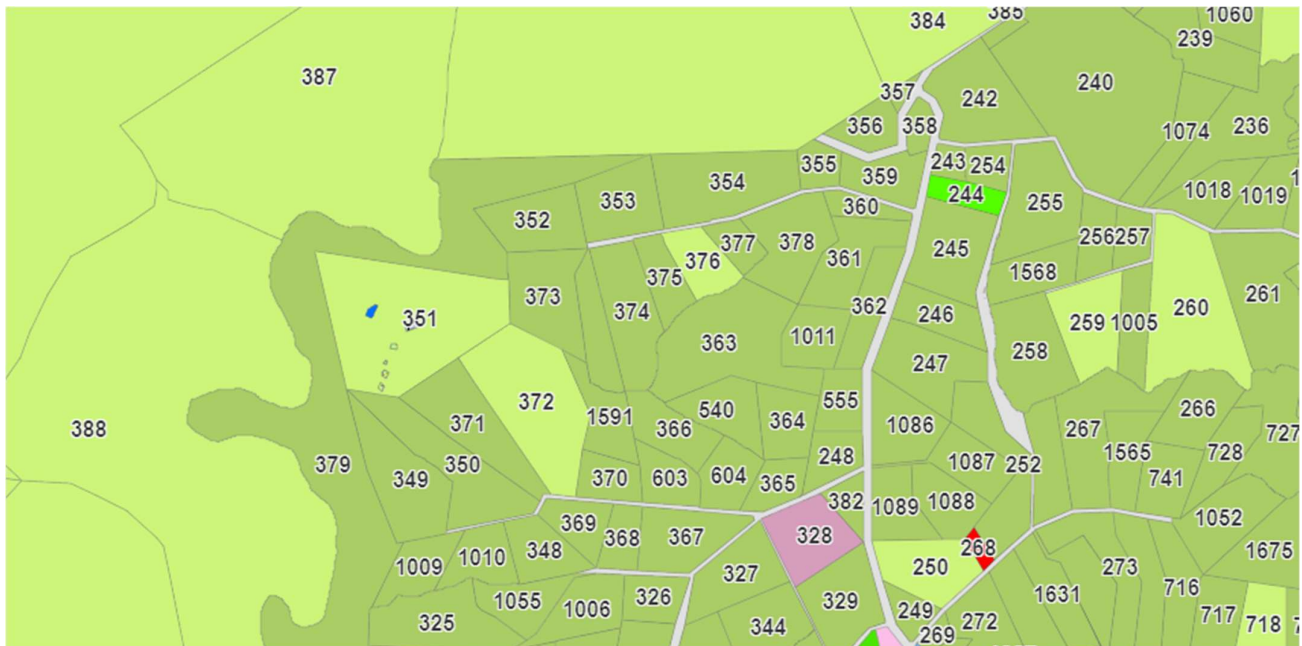
Clairewood Chalets have been a beacon in Wilderness Heights for many decades.

A locality plan is attached hereto as **Annexure 8**.

2.2 ZONING & LAND USE

Erf 351 Hoekwil is zoned Agriculture Zone I (agriculture) with spot zonings for Business Zone I, General Residential Zone V and Resort Zone as described in Paragraph 1 of this motivation report. It is proposed to rezone the property to Agriculture Zone II – small holding which is in accordance with the demarcation of the property in the Wilderness Lakes Hoekwil Local Spatial Development Framework (WLH LSDF) as discussed later in this motivation report.

Below is an extract from the Municipality's zoning viewer indicating the zoning of the property with the spot zonings and that of the surrounding area. What is interesting is that the commercial farms (*Kiewietsvlei*) are not zoned as Agriculture Zone I, but as Agriculture Zone II.



The zoning of the proposed properties is to change and also the use. At present it is used for residential and resort (including guest lodge) purposes. It is proposed that the properties to be created will only be used for residential purposes in accordance with the land use description for small holdings as indicated in the George Integrated Zoning Scheme By-law (GIZS). 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.*

The zoning plan below shows that the zoning of the proposed 5 properties will be uniform with no more spot zonings and the same as most properties in Wilderness Heights:



2.3 CHARACTER OF THE PROPERTIES & THE AREA

Erf 351 Hoekwil is 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 property is covered with alien vegetation (black wattle trees, pine trees) more towards the northern section of the property, indigenous vegetation to the west and south and a centrally grassed area with ornamental trees and gardens surrounding the dwelling house, guest lodge, chalets, swimming pool & lapa, tennis court and staff accommodation.

The existing indigenous vegetation will not be impacted on, and alien vegetation can be systematically removed. Indigenous vegetation is part of the character of the greater Wilderness area with the Outeniqua Mountains as backdrop.

Creating five properties of a minimum of 3ha each 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.

The photos to follow shows the character of the subject property.







Recreational facilities



Area around guest lodge



Area around guest lodge



3. DEVELOPMENT PROPOSAL

The owner of Erf 351 Hoekwil proposes to subdivide the property in 5 portions as listed in Paragraph 1.2 of this motivation report. The existing access routes on the property will provide access for each property. The required servitudes will be registered which will include services (water and electricity). The proposed Portion A and B is vacant at present except for the existing staff accommodation (to be retained) on Portion A. A primary and second dwelling is proposed for each.

Portion C includes the current guest lodge which is to be the primary dwelling for this portion. A swimming pool and lapa is also located here. A new second dwelling unit is proposed on the southern side of the Eskom-route. The tennis court is located on this portion which is proposed to be shared by all residents.

Portion D accommodates the restaurant which is at present used as a dwelling. This dwelling will be the primary dwelling house for this portion with a second dwelling unit proposed just west of the primary dwelling. The existing garage and outbuilding will be retained.

The Remainder accommodates the four existing chalets of which the smallest is to be demolished. The two chalets located closest to the southern boundary, is to be joined to create one dwelling – the primary dwelling house for this portion. The chalet located closer to the northern boundary of this portion is to be retained and to become the second dwelling unit.

A topographical survey was done for the property which forms the backdrop of the proposed site development plan attached hereto as **Annexure 9**. No slope, where a dwelling is proposed, is steeper than 1:4. The subdivision plan is attached as **Annexure 10**.

The photo below is the inspiration for the character of all dwellings proposed for the proposed small holdings. Existing structures will be altered to reflect this style. 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)).



A botanist, Mr. Benjamin Walton visited the property and confirmed the infestation of alien vegetation and the presence of indigenous forest. His report is attached hereto as **Annexure 11** 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 existing dwellings and the areas proposed for new construction on the proposed portions of Erf 351 Hoekwil can comply with these principles. The image on the following page is from www.gardenrouterebuild.co.za providing guidance to the residents of the Southern Cape. The existing grassed area and the existing access routes, makes this possible.



Considering the 30m radius around a dwelling or firescaping, approximately 3500m² is necessary for this purpose. The aerial image below shows that an area of between $\pm 5800\text{m}^2$ and 8900m² is available on each property – more than what is required for firescaping. Less area can therefore be used for this purpose. It is not advisable to have more cleared than what is necessary. 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, while protecting property and human life.



The second dwelling units propose for Portion A, B, C & D is in areas of alien vegetation which will be cleared and the area around it rehabilitated.

Together the property owners will maintain the area, increase indigenous vegetation through the systematic removal of alien vegetation.

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 property is used as resort within the small holding area of Wilderness Heights. Since the 1980's the area has been excluded from the provision of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).

Environmental matters are relevant as discussed in Paragraph 4.1.1.4 of this report.

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 owner and the Municipality will also gain ratepayers.

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 due to the distance between structures, the topography of the area and vegetation.

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.

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 351 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 351 Hoekwil is used as a resort at present.

The building line relaxations requested is on new internal boundaries for existing structures and will therefore not negatively affect any abutting property owner.

The greater area should benefit as black wattles will be removed and controlled. It reduces spreading to other properties in Wilderness Heights.

The resort will no longer exist. Permanent residents will now be accommodated here as found in the remainder of Wilderness Heights.

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 development contributions paid. Access is existing via a servitude right of way from Silver River Street as discussed earlier in this report.

The property has access to municipal water as used by the existing structures found on the property. As necessary, upgrades will be done.

The electricity provision to the property is also sufficient for the development proposal. See the letter by BDE Consulting Engineers attached hereto as **Annexure 12**.

Sewage disposal is at present addressed through septic tanks and soakaways. For the proposed dwellings, percolation tests will be done to determine if this practise can continue. If not, alternative measures will be put in place.

4.1.1.4 Environmental Considerations

Erf 351 Hoekwil is included in the Outeniqua Sensitive Coastal Area Extension (OSCAE). Only the most western section of the property is indicated as a Critical Biodiversity Area (CBA) with the vegetation indicated to be 'Southern Afrotemperate Forest' which is least threatened. No development is proposed in the CBA-area.



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.

Terrestrial Biodiversity Environmental Sensitivity Report

The botanical assessment done by Mr. Benjamin Walton is attached hereto as **Annexure 11**. The receiving environment is described as mostly transformed and has not been used for agricultural purposes. It is confirmed that the coastal forest is less disturbed along the western side of the property when compared to the coastal forest on the northern side which has more open space and fynbos elements.

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 Erf 351 Hoekwil, no conflict was found with the George Municipal Spatial Development Framework (GMSDF) – see Paragraph 4.2.1.

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

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

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

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

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

Erf 351 Hoekwil is a CBA 2 & ESA 1 considering these guidelines together with the *Biodiversity Spatial Plan* and therefore in the Core 2 SPC (spatial planning category). On the following page is an extract from the Rural Areas Guideline:

		WCBSP MAP CATEGORY						
		PROTECTED AREAS PA	CRITICAL BIODIVERSITY AREA 1 (TERRESTRIAL/ AQUATIC) CBA 1	CRITICAL BIODIVERSITY AREA 2 (DEGRADED) CBA 2	ECOLOGICAL SUPPORT AREA 1 (TERRESTRIAL/ AQUATIC) ESA 1	ECOLOGICAL SUPPORT AREA 2 ESA 2	OTHER NATURAL AREAS (NATURAL TO NEAR- NATURAL/ DEGRADED) ONA	NO NATURAL REMAINING NNR
SPATIAL PLANNING CATEGORY	CORE 1	●	●					
	CORE 2			●	●			
	BUFFER 1						●	
	BUFFER 2					●	●	
	AGRICULTURE							●
	SETTLEMENT							●

TABLE 1: CATEGORIES ON THE BIODIVERSITY SPATIAL PLAN MAP AND THEIR RECOMMENDED CORRESPONDING SPATIAL PLANNING CATEGORY

The rural areas guideline provides specific guidelines on land use and activities in the Core 2 SPC. The table to follow lists the activities that can take place in Core 2 SPC and then how it is relevant to Erf 351 Hoekwil:

Guidelines for the Core 2 SPC's	Relevance to Erf 351 Hoekwil
It is stated that Core 2 areas is in a degraded condition which should be rehabilitated with only low impact, biodiversity-sensitive land uses. Core 2 includes ESA – ecological support areas – which is not needed to reach biodiversity targets – it does play an important role in the ecological functioning of CBA's.	The biodiversity state is described in the terrestrial biodiversity statement (Annexure 11). The guidelines provided for Core 2 SPC's, is primarily directed at development that attracts visitors. Tourist related development is not the aim of this land use application. The property is moving away from tourist accommodation. The guidelines for Core 2 SPC's have therefore limited relevance to the proposal for the subject property.
What kinds of activities?	
Land uses that are least harmful to biodiversity; allowing for limited increase in scale of development in less sensitive areas provided that ecological processes are not disrupted.	The proposed subdivision of Erf 351 Hoekwil does represent a limited increase in the scale of development. Sufficient space is available for the dwellings proposed for each property with three of the five properties partly developed for this development proposal already. The position of dwellings are existing or in disturbed areas. The required OSCAE-permit applications will follow.
Biodiversity offsets in exchange for biodiversity loss should only be considered as a last resort.	Not applicable.
Guidance for existing agricultural activities in Core 2 areas.	Not applicable.
Nor further extension of intensive or extensive agriculture is promoted.	Not applicable.

Non-consumptive low impact eco-tourism activities such as recreation and tourism (e.g. hiking trails, bird and game watching, and visitor overnight accommodation).	Not applicable.
Linear infrastructure installations such as roads, rail, pipelines, canals and powerlines. Other utilities may also be permissible in certain situations and should be approved subject to restrictive conditions or parameters.	Not applicable.
Non-place bound industry with low-moderate impact and rural businesses such as small scale value adding enterprises for tourism or consumptive uses (e.g. hunting).	Not applicable.
Wherever possible, structures associated with activities in Core Areas should preferably be located in neighbouring Buffer areas.	Not applicable.
Detailed site-level mapping of habitat conditions should inform the placement of essential buildings or structures in Core Areas.	This will be addressed through an OSCAE-permit application addressing the relevant activities to be triggered. Also see the biodiversity terrestrial report attached hereto as Annexure 11 .
Where structures associated with biodiversity-compatible activities are located in Core Areas, these should preferably be located on disturbed footprints.	Not applicable.
Appropriate form & scale	
Where buildings and structures in Core Areas are justifiable, environmentally sensitive and sustainable construction principles should be applied to ensure that development is in harmony with the character of the surrounding landscape and to ensure the maintenance of its natural qualities.	Will be followed for new structures for the new properties to be created. People choosing to live in areas such as Wilderness Heights is in general more environmentally conscious.
The aesthetic qualities of the receiving environment must be the factor determining the appropriate scale and form of the proposed development.	Structures in accordance with the zoning by-law parameters will support the receiving environment. The building line relaxations requested is for existing structures. The increase in floor area are in accordance with the provisions of the Rural Areas Guideline.
Good management practices, with small low-density footprints, appropriate technology and design concepts should be encouraged (e.g. Enviro-loos, temporary structures, green architecture and use of natural resources).	Especially in the rural area where not all municipal services are provided, green practices are standard.
Temporary structures are preferred (e.g. wooden structures, tents, raised boardwalks and/or tree canopy structures), with units carefully dispersed or clustered to achieve least impact. The use of porous materials and innovative eco-friendly design concepts are encouraged.	Not applicable.
Stringent management programs for resource harvesting informed by determination of carrying capacity and a management plan to ensure appropriate harvesting techniques and volumes.	Not applicable.

Any development, including harvesting is subject to environmental risk assessment considerations, e.g. fire.	Not applicable.
Land uses not supported in Core 2	
Any form of mining or prospecting	Not applicable.
Large scale cultivation	Not applicable.
Urban and industrial development	Not applicable.

The Rural Areas Guideline provides guidance for **managing rural land use change**. A subdivision is a form of land use change and in this instance in a small holding area. The National Environmental Management Act, 1998 (NEMA) determines that development should be socially, environmentally and economically sustainable with the Land Use Planning Act, 2014 (LUPA) building on the development principles of the Spatial Planning & Land Use Management Act, 2013 (SPLUMA). These 5 development principles, namely spatial justice, sustainability, efficiency, spatial resilience and good administration, is addressed in Paragraph 4.1.1.1. No conflict between these principles and the proposal for Erf 351 Hoekwil was found.

The Rural Areas Guideline gives effect to the principles of NEMA, LUPA and SPLUMA and responds to climate change and food security. A further 15 principles underpinning the Rural Areas Guideline are listed. Those that could be regarded as relevant to this proposal for Erf 351 Hoekwil is as follows:

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

The proposal is not in conflict with these principles as shown in this motivation report.

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

We do not see the reference to food security as relevant. Erf 351 Hoekwil is located in a demarcated small holding area. It was also indicated as such in the former Knysna-Wilderness-Plettenberg Bay Regional Structure Plan (Guide Plan) – Wilderness Heights was demarcated for rural occupation with a minimum subdivision size of 3ha.

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

The proposal is in keeping with the Wilderness Heights character which will comply with the relevant development parameters (except for those discussed in this motivation report). The proposal fits the subdivision pattern which distinguish Wilderness Heights from the area to the north and west.

Subsequently, what development in the rural areas should not be, is described. The proposal for Erf 351 Hoekwil will not have a negative impact on any of these factors which also informs Policy E3 of the GMSDF discussed in Paragraph 4.2.1 & 4.2.2 to follow:

- *should not have a significant negative impact on biodiversity, ecological system services or the coastal environment;*
- *should not lead to the loss or alienation of agricultural land or has a cumulative impact there upon;*
- *should not compromise existing or potential farming activities;*
- *should not compromise the current and future possible use of mineral resources;*
- *should not be inconsistent with the cultural and scenic landscape within which it is situated;*

- *should not lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;*
- *should not impose real costs or risks to the municipality delivering on their mandate; and*
- *should not infringe on the authenticity of the rural landscape.*

The following matters as referred to in the Rural Areas Guideline relating to subdivision is not applicable to Erf 351 Hoekwil:

- *Subdivision in the rural area is prohibited when referring to productive and valuable agricultural land and Core I SPC's. The Rural Areas Guideline states that subdivision of land for agricultural purposes in the urban fringe should be monitored.*

The subject property is not used for commercial agricultural purposes and is not located in the urban fringe, but in a demarcated small holding area.

- *The subdivision of agricultural land in the rural landscape for individual title to provide security of tenure to agri workers and rural dwellers are not supported. New residential nodes in the rural landscape must be prevented due to municipal efficiency and opportunity costs to deliver services to scattered small nodes versus providing the same services in a central urban area.*

This is not relevant to Erf 351 Hoekwil.

- *The subdivision of agricultural land to accommodate industrial activities should be discouraged and only used as a last resort so as not to fragment the agricultural landscape.*

This is not relevant to Erf 351 Hoekwil.

- *Before subdivision is considered, all other options to fund and provide security for loans' and financing, e.g. long term lease agreements, shareholding in the land holding entity or title deed restrictions should be investigated before subdivision is granted.*

This is not relevant to Erf 351 Hoekwil

- *The subdivision of agricultural land to accommodate community facilities or institutions should be discouraged and lease agreements are preferred so that the buildings can be re-used for agricultural activities if the service is discontinued.*

This is not relevant to Erf 351 Hoekwil

- *No subdivision of agricultural land will be allowed to accommodate the establishment of any installation, facility or supporting infrastructure or access routes in any form or for any purpose unless the application adheres to the norms and standards for approval of the subdivision of agricultural land.*

This is not relevant to Erf 351 Hoekwil

Chapter 16 of the Rural Areas Guideline addresses small holding. This section is focused on the implementation of new small holding areas. The subdivision of Erf 351 Hoekwil in 5 does not create a new small holding area. The subject property is located in an existing small holding area. It is an area with a historic small holding character and subdivision pattern as discussed.

Rural accommodation is discussed in Chapter 10 of the Rural Areas Guideline. It states that one homestead (the owner's dwelling – primary dwelling), a second dwelling unit and a guest house is appropriate. Please note that guest houses are not proposed for the development of Erf 351 Hoekwil.

The zoning by-law does distinguish between second dwelling units (Agriculture Zone II) and additional dwellings units (Agriculture Zone I). The Rural Areas Guideline only defines additional dwelling units. The direction to align second dwelling units and additional dwelling units for the rural area is followed. Therefore, the departure for an increase to 175m² for the proposed second dwelling units is in line with the Rural Areas Guideline.

The Rural Areas Guideline describes small holdings as larger residential properties which can be used for limited agriculture but *primarily serve as a place of residence for people who seek a rural lifestyle*. The latter is the aim of this land use application for Erf 351 Hoekwil. We therefore found no conflict between this proposal and the Western Cape Land Use Planning Guidelines: Rural Areas.

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)

Erf 351 Hoekwil is zoned Agriculture Zone I (agriculture) with spot zonings for Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation). As indicated in Paragraph 1.1 of this motivation report, it is proposed to rezone the property to Agriculture Zone II (small holding) and then subdivide it in 5 portions with a minimum size of 3ha.

The building line on all boundaries for a property zoned Agriculture Zone II between 2.0ha and 4.0ha in extent, is 20.0m. This building line will be complied with except for the existing structures as provided for in Paragraph 1.1. The boundaries between the properties and in relation to existing structures was determined by the physical characteristics of the property, existing features and to ensure compliance with the minimum property size in the small holding area.

This land use application includes consent use for a second dwelling unit for each portion. The principle of second dwelling units is generally accepted with the GIZS providing for second dwelling units up to 60m² as a primary land use right. All possible land use matters for Erf 351 Hoekwil is addressed simultaneously. An increase in the floor area of the second dwelling units from 150m² to 175m² is requested simultaneously as this aligns the proposal with the *Western Cape Land Use Planning Guidelines: Rural Areas (2019)*.

This floor area includes everything under roof with no exclusions as provided for in some cases in the zoning by-law. Considering the extent of each property, less than 5% of each will be covered by structures. All other relevant development parameters will be complied with.

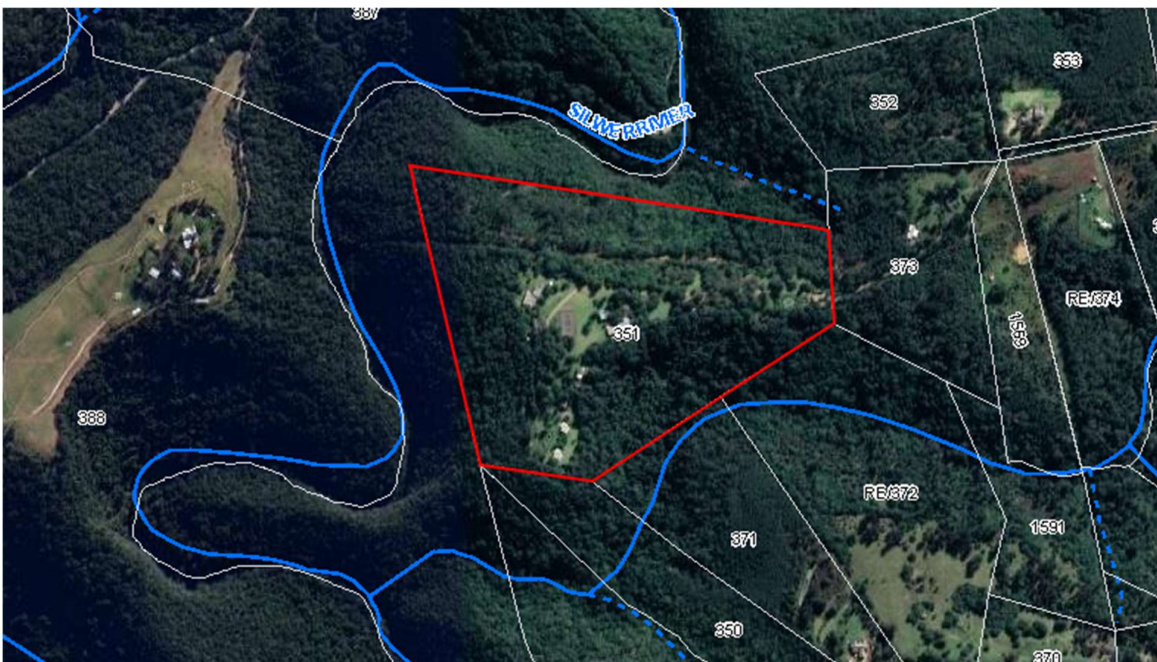
This land use application creating new properties within the small holding area of Wilderness Heights and simultaneously addressing the title deed, does not create conflict with the objective for small holdings as contained in the zoning by-law or the land use description for small holding.

4.2 SPATIAL PLANNING INFORMANTS

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

Erf 351 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.

No watercourse / stream is found on Erf 351 Hoekwil. The Silver River is however located north and west of the property with a tributary of the Silver River located south of the property. The aerial image below shows these watercourses / streams.



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 is discussed in more detail in Paragraph 4.1.2.1 earlier in this report.

Policy E of the GMSDF is relevant to Erf 351 Hoekwil. It states:

Safeguard the municipality's farming and forestry areas as productive landscapes, equal in value to urban land.

Of further relevance is **Policy E2** which states the following:

The subdivision of rural land into small holdings is not supported.

The guidelines for this policy, then states:

- a) Existing Smallholding areas will be managed in terms of the relevant Local Area Spatial Development Framework.
- b) All properties outside of the urban edge are deemed as agricultural properties whose subdivision is subject to the Department of Agriculture's regulations, the Western Cape Government's Rural Development Guidelines, this Spatial Development Framework and desirability in terms of rural context and character.

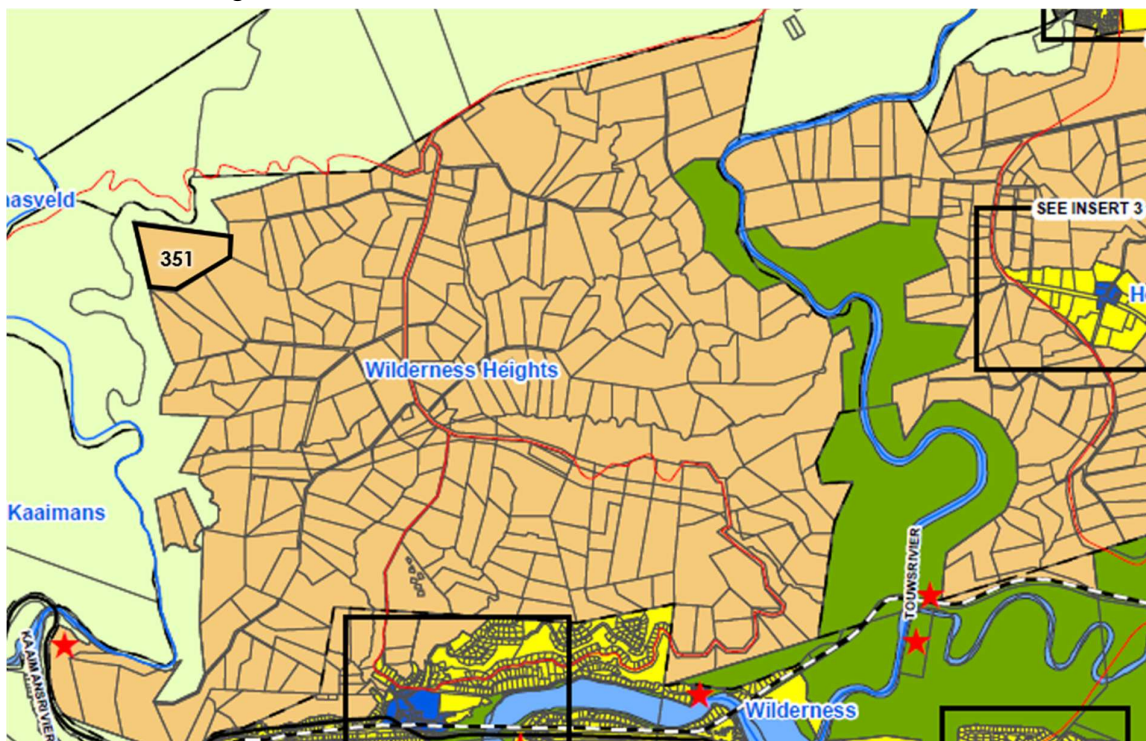
As Erf 351 Hoekwil is located in an existing small holding area, it is managed in terms of the Wilderness Lakes Hoekwil Local Spatial Development Framework (WLH LSDF). See Paragraph 4.2.2 to follow.

This motivation report shows that no negative impact pertaining to the GMSDF 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)

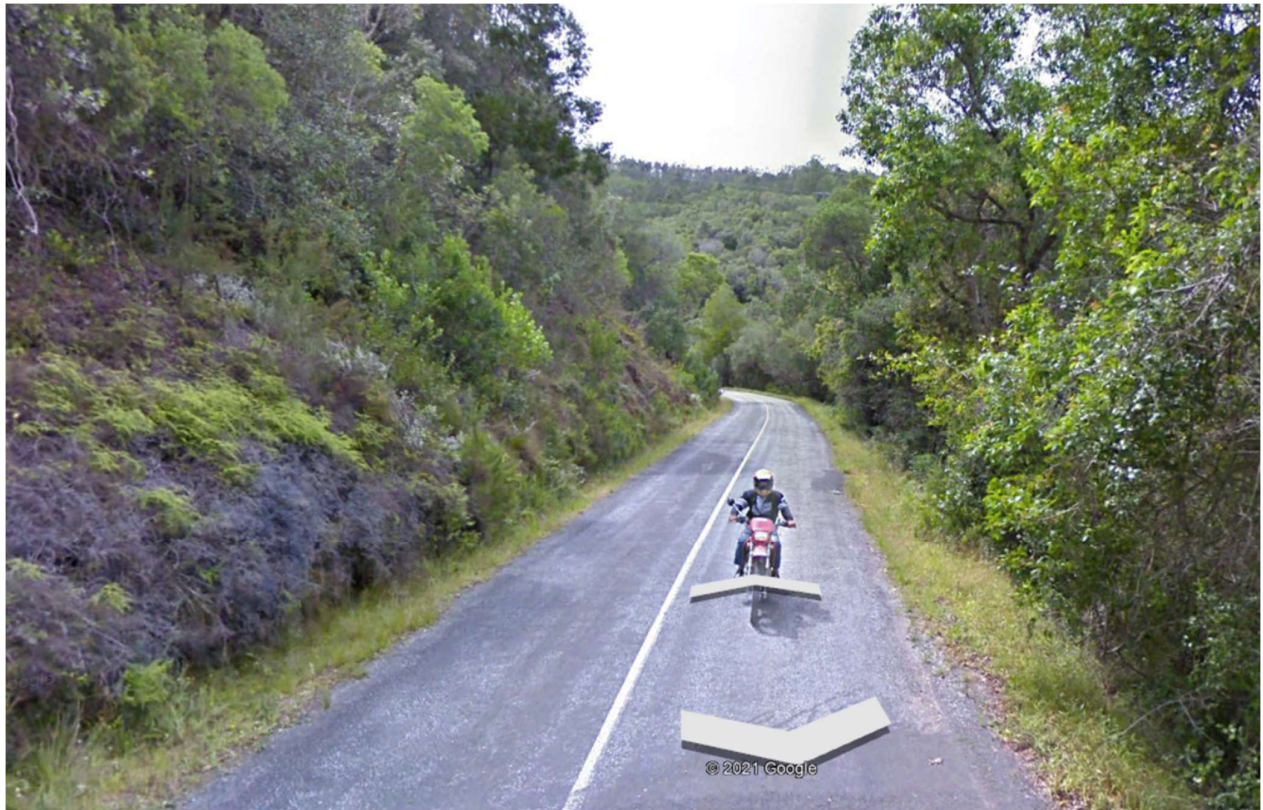
Wilderness Heights is demarcated as a small holding area in the WLH LSDF. This demarcation is not affected by this land use application for Erf 351 Hoekwil. Small holdings are stated to play a major role in defining the character of the study area and is probably one of the main form giving elements 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.

Below is an extract from WLH LSDF showing the location of Erf 351 Hoekwil and its demarcation as a small holding:



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 property and the detail of the proposal as discussed in this motivation report, the landscape character of the section of Wilderness Heights where the proposed erven are located, cannot be negatively impacted on. Erf 351 Hoekwil is 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 351 Hoekwil. The proposal for this property cannot be visible to the general public. There is also a height difference of at least 75m.



This land use application for Erf 351 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 of Erf 351 Hoekwil cannot have a detrimental impact on the landscape character of the area.

The proposed new dwellings cannot have an impact on visually sensitive areas and tourism routes. The topography, height differences and vegetation screens Erf 351 Hoekwil from the surrounding properties and public spaces.

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"> □ Areas with slopes steeper than 1:4; □ Areas within 32 metres of a bank of a river or water body; □ Areas within 10 metres of indigenous forest and conservation worthy fynbos areas (10m is the required firebreak around the dwelling); □ Areas within 100 metres from a scenic route and 100 metres of a nature reserve; 	<p>Proposal for Erf 351 Hoekwil:</p> <ul style="list-style-type: none"> • Developable area of 1ha available on each property but not advisable to clear such a large area; • The area proposed for dwellings has a suitable slope not steeper than 1:4; • The areas identified for a possible dwellings is not within 32m of a bank of a river or a water body; • Indigenous forest is more than 10m away with ample firebreak considering firescaping; • Erf 351 Hoekwil is at least 100m from a scenic route and a nature reserve.
<p>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.</p>	<p>Development parameters for new structures will be complied with. Relaxation is only requested for existing structures.</p>
<p>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.</p>	<p>Not applicable.</p>

This land use application for Erf 351 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 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 T9864/1974 for Erf 351 Hoekwil. This two paragraph restricts the number of dwelling units on property to one. The subject property already has more than one dwelling unit due to the resort and guest lodge. Removing this paragraph will ensure that it is not transferred to the title deeds for the new properties.

Removing this restriction, is not in conflict with the zoning by-law as discussed earlier in this motivation report.

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 paragraph from the title deed as shown in this motivation report will not have a negative impact regarding financial or other value of the rights for any person. It will maximise the potential of each property in accordance with the zoning requested and what the zoning by-law makes possible.

Keeping the title deed restrictions will not have any social benefit. Many similar applications have been approved for Wilderness Heights over the past decades without a detrimental impact on the area. 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 11**.

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 Erf 351 Hoekwil does not create conflict for the proposed subdivisions. 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 Erf 351 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 of Erf 351 Hoekwil will create new ratepayers 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. Building line relaxations are requested for existing structures and no fencing is proposed along the new property boundaries.

It is our view that the need and desirability of the proposal for Erf 351 Hoekwil, showed no negative impacts.

4.5 PRE-APPLICATION CONSULTATION

The pre-application consultation is attached hereto as **Annexure 13** with the minutes discussed in the paragraphs to follow:

CES – Civil Engineering Services:

- *Access remains as indicated. Sufficient access over proposed portion will have to be provided via suitable servitudes over the portion concern.*

Noted and addressed accordingly.

- *Currently no sewer network is available within the area, and the owner will have to provide a conservancy tank, or alternative approved sewer disposal method, at the Developer/owner's cost. The Developer/owner is to appoint a private contractor, at own expense, to service the tank, and the disposal of the content is to be via an approved disposal method. The installation of a septic tank may be considered if the required percolation tests are within the accepted norms.*

Noted and addressed accordingly.

- *Water supply is limited to the exiting capacity available and the Developer/owner will be required to implement required upgrades at the Developer/owner cost. Any bulk upgrades, which is in excess of the normal need, can be played off against the applicable DC payable.*

Noted and addressed accordingly.

ETS – Electrotechnical Services:

- *Electricity connection to each small holding portion. Engineering report required on demand of Electricity.*

See **Annexure 12**.

Town Planning:

- *To address the LSDF*
 - *Plan illustrating that the respective portions have a buildable area of 1ha (or more).*
 - *Subdivisions not smaller than 3ha;*

See discussion in Paragraph 3 regarding firescaping and aerial image indicating developable area. It is not environmentally responsible to have more than 1ha open per property. The firescaping principles have been accepted with previous application(s).

- To address the MSDF – also policy D4

There are not watercourses traversing the property. See Paragraph 4.2.1.

- OSCAE area – to show all environmental sensitive areas and buffer areas;

See Paragraph 4.1.1.4

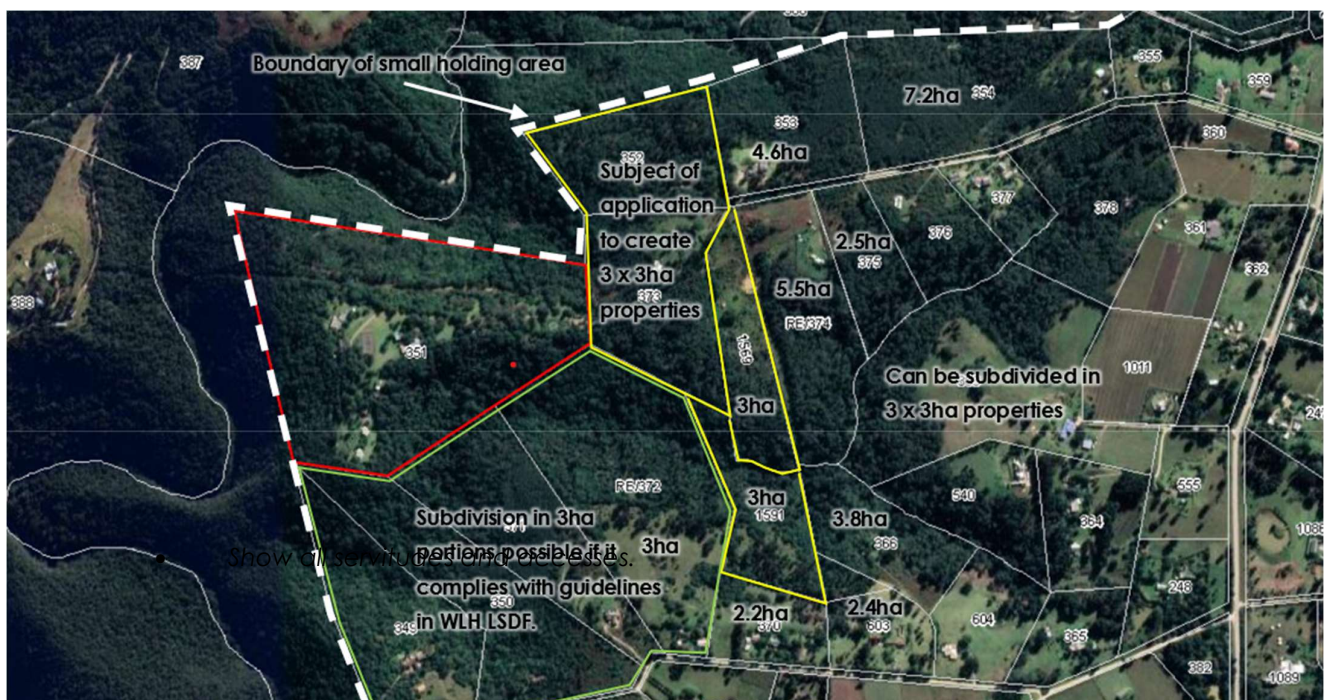
- Visual impact

Due to the location of the property, its physical characteristics, topography and vegetation, the proposal has no visual impact on surrounding properties. See Paragraph 4.2.2.

- Note that the surrounding subdivided portions is 5ha plus – need to motivate that proposed subdivision also in context to the surrounding farm portions.

Erf 351 Hoekwil is located in a small holding area which will not be expanded. No conflict with the Western Cape Land Use Planning Guidelines: Rural Areas (2019) were identified. The entire Wilderness Heights is made up of small holdings of varying sizes which is determined by how the properties were originally subdivided in the 1950's / 1960's and how subsequent subdivision took place over the past ±60 years. It cannot be stated that this part of Wilderness Heights shows properties of xha and that area properties of yha.

The aerial image below shows what is the situation in this corner of Wilderness Heights. It is clear that there is no definite size-pattern. It is also important to remember that this is a defined small holding area. It will not be expanded. The relevant considerations (such as the Western Cape Land Use Planning Guidelines: Rural Areas (2019)) does not provide for the expansion of small holding areas or the establishment of new small holding areas. Therefore, existing small holding areas should be allowed to develop to its maximum potential. There are limited opportunities for those who seek a rural lifestyle – the aim and objective of small holdings. The area outside the small holding area is not to be considered with the small holding area as it is not addressed in the same way through e.g. the Western Cape Land Use Planning Guidelines: Rural Areas (2019).



- *Show all servitudes and accesses.*

Noted and done accordingly.

Concluding

Note that the required process in terms of the National Heritage Resources Act is being followed at present. The relevant documents will be provided to the Municipality as soon as it is available.

5. CONCLUDING

From this motivation report, it is our opinion that the proposed land use application for Erf 351 Hoekwil as described in the foregoing paragraphs 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 14**.



MARLIZE DE BRUYN Pr. Pln



Planning and Development
E-mail: town.planning.application@george.gov.za
Tel: +27 (0)44 801 9477

LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

PLEASE NOTE:

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

PART A: PARTICULARS

Reference number: Collab no. 2000282

Purpose of consultation: _____ **To discuss proposed land use application** _____

Brief proposal: _____ **Rezoning from AZI to AZII** _____

Property(ies) description: _____ **Erf 351 Hoekwil, Wilderness Heights** _____

Date: _____ **8 September 2021** _____

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilane Huyser	George Municipality	044 801 9550	ihuyser@george.gov.za
Pre-applicant	Marlize de Bruyn	Marlize de Bruyn Planning	0766340150	marlize@mdbplanning.co.za

Documentation provided for discussion:

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

____ **Copy of title deed, locality, aerial image, draft subdivision** _____

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

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

YES	NO
-----	----

Comprehensive overview of proposal:

Erf 351 Hoekwil is located in the small holding area of Wilderness Heights (see WLH LSDF) and is zoned AZI with spot zonings for BZII, GRZV and RZ. It is proposed to subdivide this 15.7868ha property in 5 small holdings of not smaller than 3ha each. The property will have to be rezoned from AZI, BZII, GRZV and RZ to AZII for this purpose. The existing internal access road and services (water, electricity) will be protected through servitudes to ensure services and access for each property. See draft plan on site survey attached.

The 2 existing RZ-units in the southwestern corner of the property (proposed Portion 5) will become one structure and the primary dwelling for the property. A small chalet will be demolished and the 4th existing chalet will become the 2nd dwelling unit for this property.

The existing dwelling (zoned BZII) on the proposed Portion 4 will become the primary dwelling for this portion with a 2nd dwelling unit to be added.

The original primary dwelling for the resort zoned as GRZV on the proposed Portion 3 will become the primary dwelling for this central portion. A swimming pool is located here and a tennis court.

The next proposed Portion 2 is vacant.

The proposed Portion 1 at the entrance to the property only has 2 staff accommodation units at present which will remain.

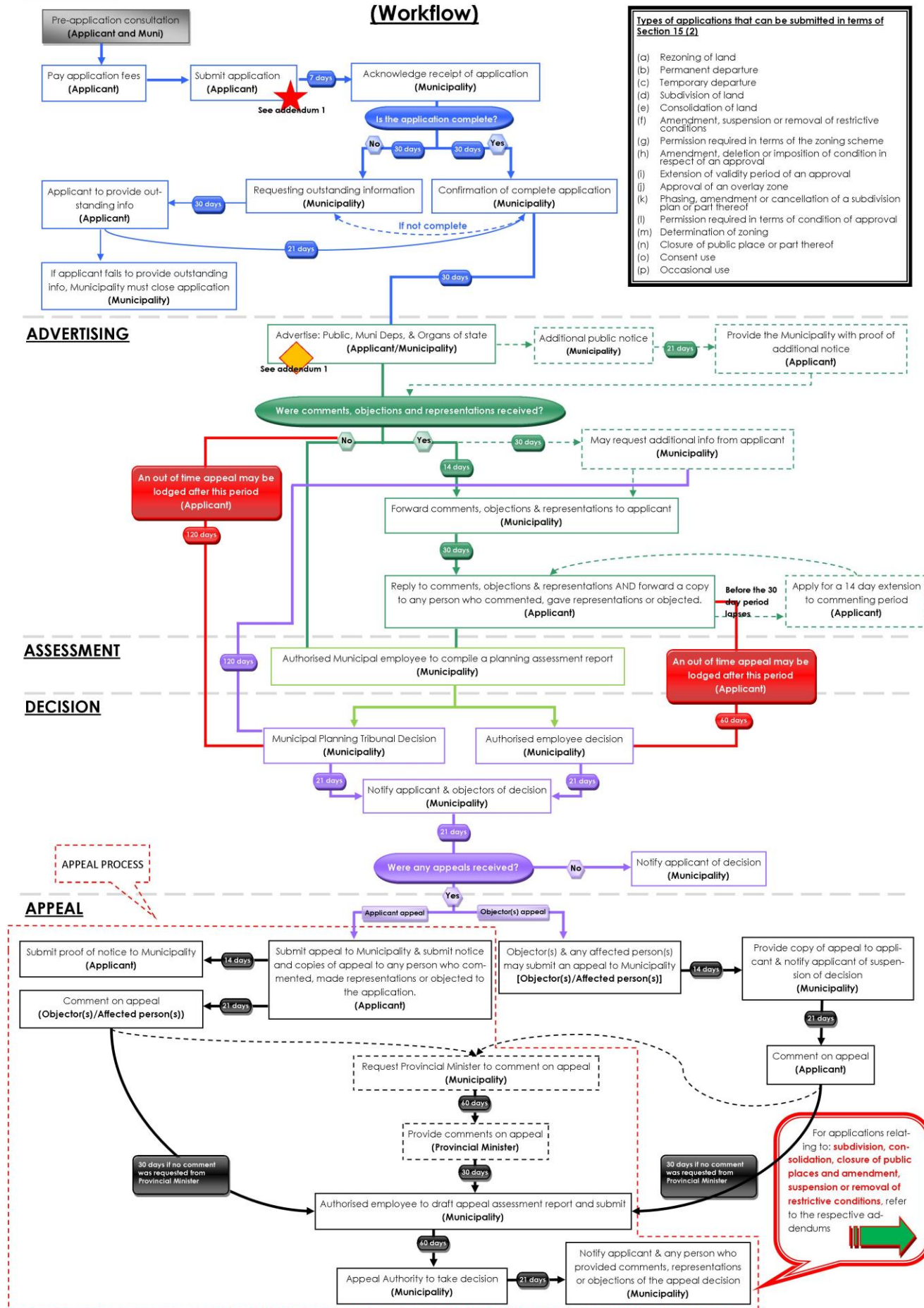
Building lines might have to be addressed for one or two existing structures. The topography of the property creates a suitable slope for new construction with ample grassed areas.

Restrictive conditions were identified in the current title deed.

(WILL FULLY APPLY ONLY ONCE LUPA REGULATIONS ARE IN FORCE)

Draft By-Law on Municipal Land Use Planning

Types of applications that can be submitted in terms of Section 15 (2)



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 permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
✓	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme;	R
	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(l)	a permission required in terms of a condition of approval;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
	2(o)	a consent use contemplated in the zoning scheme;	R
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a home owner's association;	R
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	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,	R

		letters of consent etc.)	
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE* (VAT excluded):			To be confirmed

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

SECTION B:

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

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

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

SECTION C:

CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

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

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial 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
Will the proposal require comments from DEFF?			X	Department of Environment, Forestry and Fishery
Is the property subject to any existing mineral rights?		X		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on? (strikethrough irrelevant)		X		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

SECTION D:

SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	TO BE DETERMINED	OBTAIN COMMENT FROM: (list internal department)
Electricity supply:			X	Directorate: Electro-technical Services
Water supply:			X	Directorate: Civil

				Engineering Services
Sewerage and waste water:			X	Directorate: Civil Engineering Services
Stormwater:			X	Directorate: Civil Engineering Services
Road network:			X	Directorate: Civil Engineering Services
Telecommunication services:			X	
Other services required? Please specify.			X	
Development charges:			X	

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

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

PART E: DISCUSSION

CES:

- Access remains as indicated. Sufficient access over proposed portion will have to be provided via suitable servitudes over the portion concern.
- Currently no sewer network is available within the area, and the owner will have to provide a conservancy tank, or alternative approved sewer disposal method, at the Developer/owner's cost. The Developer/owner is to appoint a private contractor, at own expense, to service the tank, and the disposal of the content is to be via an approved disposal method. The installation of a septic tank may be considered if the required percolation tests are within the accepted norms.
- Water supply is limited to the exiting capacity available and the Developer/owner will be required to implement required upgrades at the Developer/owner cost. Any bulk upgrades, which is in excess of the normal need, can be played off against the applicable DC payable.

Electricity:

- Electricity connection to each small holding portion. Engineering report required on demand of Electricity.

Town Planning:

- To address the LSDF
 - Plan illustrating that the respective portions have a buildable area of 1ha (or more).
 - Subdivisions not smaller than 3ha;
- To address the MSDF – also policy D4
- OSCAE area – to show all environmental sensitive areas and buffer areas;
- Visual impact
- Not that the surrounding subdivided portions is 5ha plus – need to motivate that proposed subdivision also in context to the surrounding farm portions.
- Show all servitudes and accesses.

PART F: SUMMARY / WAY FORWARD

Refer to the comments in Part E.

OFFICIAL: ___Ilane Huyser_____

PRE-APPLICANT: _____**Marlize de Bruyn**_____

(FULL NAME)

(FULL NAME)



SIGNED: _____

SIGNED: _____

DATE: _____2021.09.2021_____

DATE: _____**8 September 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.*

Deeds Office Property

HOEKWIL, 351, 0, CAPE TOWN

Lexis® WinDeed



This report is compiled exclusively from the very latest data directly supplied to WinDeed by the Deeds Office.

Any personal information obtained from this search will only be used as per the Terms and Conditions agreed to and in accordance with applicable data protection laws including the Protection of Personal Information Act, 2013 (POPIA) and shall not be used for marketing purposes.

SEARCH CRITERIA

Search Date	2021/10/08 08:05	Erf Number	351
Reference	-	Portion Number	-
Report Print Date	2021/10/08 08:47	Township Remaining Extent	NO
Township	HOEKWIL	Search Source	Deeds Office
Deeds Office	Cape Town		

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T19653/1962
Township	HOEKWIL	Local Authority	OUTENIQUA DC
Erf Number	351	Province	WESTERN CAPE
Portion Number	0	Remaining Extent	NO
Registration Division	GEORGE RD	Extent	15,7868HAUNKNOWN
Previous Description	FMLY GE RD 157/128	LPI Code	-

OWNER INFORMATION (1)

METANOIA ROM12 2 C C		Owner 1 of 1	
Company Type	-	Document	T9864/1974
Registration Number	200510239323	Microfilm / Scanned Date	-
Name	METANOIA ROM12 2 C C	Purchase Price (R)	-
Multiple Owners	NO	Purchase Date	-
Multiple Properties	NO	Registration Date	1974/04/09
Share (%)	-		

ENDORSEMENTS (3)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B20392/2021	INVESTEC BANK LTD	4 600 000	-
2	K409/1978S	-	-	-
3	VA107/2021	METANOIA ROM12 2 C C	-	-

DISCLAIMER

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HISTORIC DOCUMENTS (7)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B47876/1980	-	-	2005 250 2 :24:04
2	B39383/1991	STANDARD BANK	40 000	2005 250 2 :24:07
3	B81846/1991	STANDARD BANK	100 000	2005 250 2 :24:10
4	B113250/2005	-	-	-
5	B74018/2007	-	-	-
6	T9864/1974	CLAIREWOOD CHALETS PTY LTD	Unknown	-
7	T9864/1974	CLAIREWOOD CHALETS C C	Unknown	-

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11

9.11.74
T 9864 1974

DEED OF TRANSFER

Prepared by me,

Conveyancer.

Be it hereby made known

THAT CASPER HENDRIK VAN ZYL appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, he, the said Appearer, being duly authorised thereto by a Power of Attorney dated the 8th day of February 1974 and signed at George granted to him by

WILLEM BARTHOLOMEUS SNYMAN
(born on the 6 August 1930)

White | Group

which power witnessed in accordance with law was this day exhibited to me and the appearer declared that his principal had truly and legally sold on 25 January 1974 and that he the appearer did by these presents cede and transfer in full and free property to and on behalf of:-

CLAIREWOOD /

BLADSY/PAGE 7
ENDOSSEMENT OP
ENDORSEMENT ON T 9864/1974

EIENDOM/PROPERTY Portion 128 of
the Farm Wildernishoogte
No. 157. Div. of George

dated 12/1/1977.

By Notarial Deed No. K 409 of 1978, the property
held hereunder is subject to a right favour of Electricity
Supply Commission
to convey electricity thereover, together with ancillary rights, and
subject to conditions, as will more fully appear from reference to the
said Notarial Deed (and Diagram), gross thereof is annexed hereto.

Deeds Registry
Cape Town
20-05-1978
Asst. Registrar of Deeds

DIE ONDERSKRYFTE
THE LAND DESCRIBED HEREIN
IS HERETOEGEEN EN MOET IN DIE TOEKOMS OESKRYFTE WORD AS
IS REGISTERED AS, AND MUST IN FUTURE BE DESCRIBED AS
Portion 128 of the farm
Wildernishoogte No 157

ARTKANTOOR,
DEEDS REGISTRY,
KAAPSTAD
CAPE TOWN

26-05-1978
HOOF REGISTRAR/CHIEF REGISTRATION OFFICER

CLAIREWOOD CHALETS (PROPRIETARY) LIMITED

No. 73/14911

- White Group -

or assigns:-

CERTAIN land situate in the Local Area of Wildernishoogte Division of George being Portion 128 of the farm WILDERNISHOOGTE;

MEASURING: 15,7868 (Fifteen comma Seven Eight Six Eight) hectares;

EXTENDING as the deed of transfer dated 28 December 1962 no. 19653 with a diagram no. 3011/61 annexed made in favour of S.D. Theron and subsequent deeds of transfer the last whereof dated 16 July 1973 no. 18340 made in favour of the appearer's principal, will more fully point out;

A. SUBJECT to the conditions referred to in Certificate of Uniform Title dated 17 October 1961 no. 14471;

B. SUBJECT FURTHER to the terms of the endorsement dated 22 April 1907 on deed of transfer dated 22 May 1905 no. 4632 which endorsement 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 Deeds of Transfer".

C. SUBJECT FURTHER to the following special conditions contained in the annexure to deed of transfer dated 6 October 1920 no. 14200:-

"EXTRACT from 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 /

8
BLADSY/PAGE
ENDOSSEMENT OP
ENDORSEMENT ON T 9864/1974
EIENDOM/PROPERTY Portion 128
of the farm wildernishoogte
No. 157. Division George.

BC 88878728/1980
GEKANSELEER
CANCELLED
REGISTRATEUR/REGISTRAR
21 OCT 2005

47876 1/1980
VERBIND
MORTGAGED
vir R 30000,00.
for P.R. Bk. Fol.
P.R. Bk. Fol.
Aktekantoor,
Deeds Office,
Kaapstad.
Cape Town.

B 39383191/19
VERBIND/MORTGAGED
vir R 40 000,00
for R.
Aktekantoor
Deeds Office
KAAPSTAD/CAPE TOWN
Asst-registrateur/Asst. Registrar
21 OCT 2005
17 06 91

DIE GROND HIERIN BESKRYWE IS HERNOMMER EN
THE LAND DESCRIBED HEREIN HAS BEEN RENUM-
MERED AND MUST IN FUTURE BE DESCRIBED AS:
Erf 351 Hoekwil
AKTEKANTOOR
DEEDS REGISTRY
KAAPSTAD
CAPE TOWN
17 06 91
REGISTRATEUR VAN AKTES
REGISTRAR OF DEEDS

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE 9

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 set out in certain two Deeds of Transfer Nos. 2955 and 2956 dated 16th April, 1907, and in Deed of Transfer passed on the 21st 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 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 time hereafter holding title from or through the Transferor of any portion of land marked 497 called Barbiers Kraal, in extent 709,2085 hectares 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

9.

BO 000078730 / 2005	
GEKANSLEDE CANCELLED	
1846/91	19 11 91
VERBIND MORTGAGED	
21 OCT 2005	VIR for R 100 000, 00
Akteskantoor, Deeds Office, Kaapstad, Cape Town.	

II

VERBIND MORTGAGED	
VIR FOR R 7000 000, 00	
B 000113250 / 2005	
21 OCT 2005	REGISTRATEUR/REGISTRAR

I

ENDOSSEMENT KRAGTENS ARTIKEL 27 (7) VAN WET 69 VAN 1984	ENDORSEMENT BY VIRTUE OF SECTION 27 (7) OF ACT 69 OF 1984
BINNEGEMELDE MAATSKAPPY IS OMGEWIP IN 'N BE- SLOTE KORPORASIE EN STAAN NOU BEKEND AS	WIT-OMMENTIONED Transfree COMPANY HAS BEEN CONVERTED INTO A CLOSE CORPORATION AND IS NOW KNOWN AS
Claire wood Chalets CC.	
NO. 2005/102393/23.	
BC 000078727 / 2005	
21 OCT 2005	REGISTRATEUR/REGISTRAR

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 storage and use of water in terms of Act No. 13/41 in respect whereof an endorsement dated 18 December 1951 appears on said deed of transfer dated 5 October 1920 no. 14200 reading as follows:-

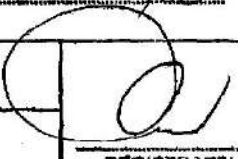
"By Not. Deed No. 689/51 dated 14 March 1951 certain agreement relating to the conservation and use of water in terms of Act. No. 13/41 have been entered into between the owners of the several properties held by para. 2 hereof and Consolidated Title 6957/43 and T.7987/42 and 20436/47, subject to conditions, 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 contained in said Certificate of Uniform Title dated 17 October 1961 no. 14471 imposed by the Minister, subject to the following right reserved in favour of the State:-

(1) "Behoudens die bepalinge 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 No. 7 gedateer 17 Oktober 1961 uitgereik is).

(2) Die reg om grond te neem en materiaal te

verkry /

VERBIND		MORTGAGED	
VIR FOR R		3 900 000,00	
B	074018/07		
2007-08-06			
		REGISTRATEUR/REGISTRAR	

For Information Only

verkry en te verwyder vir die bou en herstel van openbare paaië.

F. SUBJECT FURTHER to the following conditions contained in said deed of transfer dated 28 December 1962 no. 19653 imposed by the Administrator of the Cape Province in terms of Section 196 of Ordinance no. 15/1952 as amended, when approving the subdivision of the farm Wildernishoogte which conditions may be amended or modified by him:

- (a) "Dit mag net vir woon- en landboudoeleindes 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."

G. SUBJECT FURTHER to the terms of the endorsement dated 7 January 1972 on said deed of transfer dated 28 December 1962 no. 19653 which endorsement reads 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 nommer Kaap) gedateer 26 Mei 1971 soos meer volledig sal blyk uit gemelde bevel vide waterhof bevel serwituut nommer 15/72".

WHEREFORE /

WHEREFORE the Appearer, renouncing all the Right and Title the said

WILLEM BARTHOLOMEUS SNYMAN

heretofore had to the Premises did, in consequence also acknowledge the said

WILLEM BARTHOLOMEUS SNYMAN

to be entirely dispossessed of, and disentitled to the same; and that by virtue of these Presents
the said

CLAIREWOOD CHALETS (PROPRIETARY) LIMITED

or assigns now is and henceforth
shall be entitled thereto conformably to local custom, State, however, reserving its rights, and finally
acknowledging the purchase price amounting to the sum of
R18 000,00 (Eighteen Thousand Rand) to have been duly paid
or secured and transfer duty to have been paid thereon.

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 this 9th day of the month of April
in the Year of Our Lord One Thousand Nine Hundred and Seventy Four (1974)

In my presence,

g.g.

Registrar of Deeds,

C.B. 1071/14

Registered in the Register of Farms George.

Book

Folio

186

vvvv.

Clerk in Charge.

S. Westhuizen

Beskrywing van Bakens.

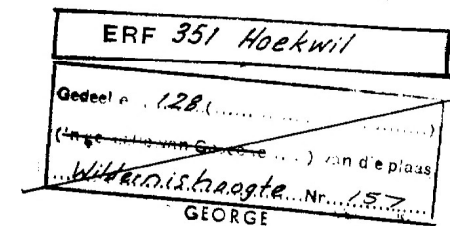
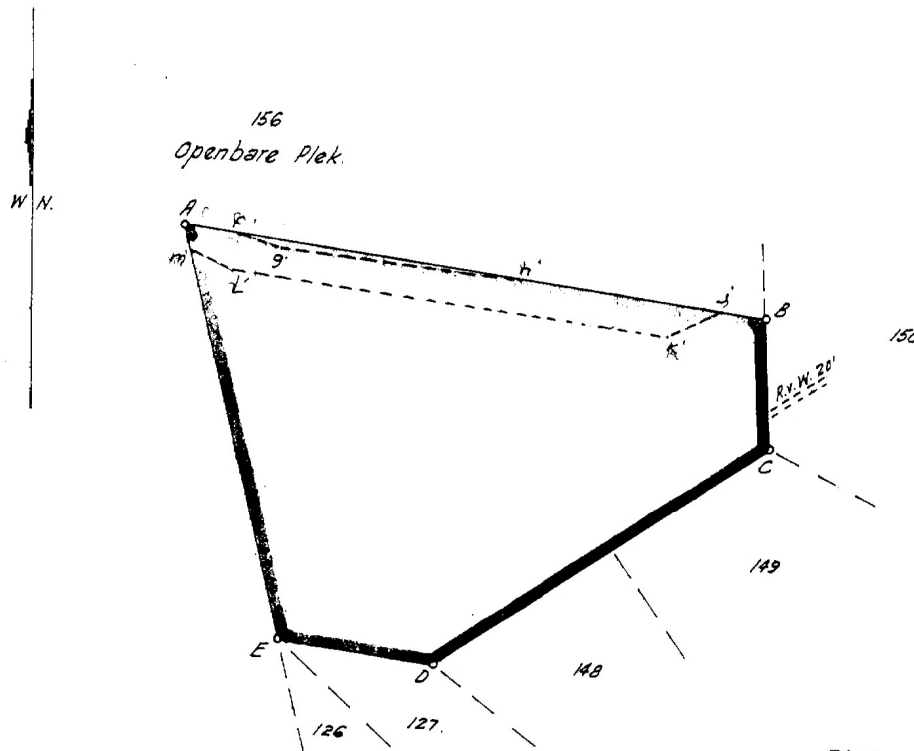
B.C.D.E. $\frac{3}{4}$ " x 3' ronde ysterpen.
A... $\frac{3}{4}$ " x 3' ronde ysterpen onder klipstapel.

SYE Kaapse Voet	RIGTINGS- HOEKE	STELSEL L ^o 23 ^o KO-ORDINATE	
		y	x
	Konstant	+80000.00	+11900000.00
AB	1807.40	278.23.40	
BC	394.86	357.23.20	
CD	1227.91	56.29.10	
DE	483.95	98.13.10	
EA	1302.89	166.32.20	

Nr. 3011/61 Annexure F

Goedgekeur.

H. van Waas
Landmeter-Generaal.
14. 6. 1961



Skaal 1:5000

Die figuur ABCDE

stel voor 18.4311 Nerge

Gedeelte 128

grond, synde

van die plaas

WILDERNISHOOGTE

geleë in die Afdeling George Provinsie Kaap die Goeie Hoop

Opgemeet in Desember 1958 deur my H. van Waas

Landmeter.

Hierdie kaart is

T/A 19653/62

Die oorspronklike kaart is
Nr. 4904/59 geheg aan

Lêer Nr. S/4924
M.S. Nr. E. 1051/59
Alg. Plan 1730LD
BL-800-
Grade Vel. 21-8000

S C



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 T9864/1974

in respect of:

ERF 351 HOEKWIL IN THE MUNICIPALITY AND DIVISION OF GEORGE, PROVINCE WESTERN CAPE

IN EXTENT: 15,7868 (FIFTEEN comma SEVEN EIGHT SIX EIGHT) HECTARE

REGISTERED IN THE NAME OF:

METANOIA ROM12 2CC

REGISTRATION NUMBER: 2005/102393/23

1. I have appraised myself with the details of the abovementioned application,
2. The abovementioned title deeds contains no conditions restricting the contemplated
 - (a) Removal of the restrictive title condition contained in paragraph F(b) of Deed of Transfer T9864/1974 in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-Law (2015);
 - (b) Rezoning of Erf 351 Hoekwil from Agriculture Zone 1 (agriculture), Business Zone II (Shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation) to Agriculture Zone II (small holding) in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-Law (2015);
 - (c) Subdivision of Erf 351 Hoekwil in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-Law (2015) in the following portions:
 - Portion A (±3.0001ha) (Agriculture Zone II – small holding);
 - Portion B (±3.0052ha) (Agriculture Zone II – small holding);

- Portion C (± 3.0061 ha) (Agriculture Zone II – small holding);
 - Portion D (± 3.6111 ha) (Agriculture Zone II – small holding);
 - Remainder (± 3.0610 ha) (Agriculture Zone II – small holding)
3. Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-Law (2015) for a second dwelling unit for Portion A,B,C,D & Remainder;
4. Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law (2015) for the following:
- Increase in the size of the second dwelling units from 150m^2 to 175m^2
 - Relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling.
 - Relaxation of the new western side boundary building line of the proposed Portion D from 20.0m to 15.6m for the existing restaurant to become the primary dwelling.
 - Relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding
 - Relaxation of the new northern side boundary line of the proposed remainder from 20.0m to 19.4m and 15.4 for the existing chalet to become a second dwelling unit.

CONVEYANCER

ANNA ELIZABETH REYNOLDS

Nr 7B Multi Purpose Sentrum

Meadestraat, George

Commissioner of Oaths / Kommissaris van Ede

Practising Attorney / Praktiserende Prokureur

R.S.A

**TERRESTRIAL BIODIVERSITY
ENVIRONMENTAL SENSITIVITY REPORT
ERF 351 SILVER RIVER ROAD
WILDERNESS HEIGHTS
GEORGE MUNICIPAL AREA**

DEA&DP REFERENCE:16/3/3/6/7/1/D2/55/0062/21



View of the property

Benjamin Walton for Cape Vegetation Surveys

o.b.o. Gerrit Schwartz for Metanoia Rom 12:2

September 2021

STATEMENT OF INDEPENDENCE

I, Benjamin Alan Walton, trading as “Cape Vegetation Surveys”, in terms of section 33 of the NEMA, 1998 (Act No. 107 of 1998), as amended, hereby declare that I provide services as an independent botanical specialist and receive remuneration for services rendered for expressing a factual account of the baseline environment. I have no financial or other vested interest in the project. Botanical information contained in the report may not be copied without the authors consent.

An abridged Curriculum Vitae:

Benjamin Alan Walton

Experience: Cape Vegetation Surveys: Consulting Botanist 2017-2020

Western Cape Nature Conservation Board (CapeNature), Scientist: Land Use Advisor 2010-2017;

Department of Environmental Affairs and Development Planning, Principal Environmental Officer (George) 2008-2010;

Cape Vegetation Surveys: Consulting Botanist (Cape Town) 2006-2008;

Qualification: M.Sc. Forestry (Conservation Ecology), Stellenbosch University, 2001- 2006;

B.Sc. Botany, University of Cape Town, 1986-1989.

BENJAMIN WALTON

*Consulting Ecologist for Eden & Central Karoo Districts
B.Sc. (Bot.), M.Sc. Forestry (Cons. Ecol.)*

*phytofundi@gmail.com
081 499 1678
Wilderness*



(1) Introduction and Terms of Reference

The terms of reference is to conduct a vegetation survey to confirm the vegetation unit and conservation status at the property; and describe the vegetation and sensitivity, with reference to the fynbos forum ecosystems and NEMA specialist guidelines. This is to inform the environmental impact (botanical & terrestrial sensitivity) of activities within Moderately Protected Southern Cape Afrotemperate Forest (FOz 1:13) habitat; and identify risks, suggest mitigation and make recommendations for implementation. The sensitivity of the study area (see Fig. 1) at the end of Silver River Road in Wilderness Heights is described in context of the remaining natural habitat, current resort land use and suitability of development.

Checklist of minimum requirements for reporting:

1 Scope of assessment - screening tool

The DFEE screening report generated for an expansion of a resort at Erf 351 at Wilderness Heights for “transformation of land - indigenous vegetation” identified, *inter alia*, that a terrestrial biodiversity assessment be undertaken based on the Very High Terrestrial Biodiversity Sensitivity of the area; with a Medium Relative Plant Species Sensitivity. This report complies with the minimum requirements for terrestrial biodiversity assessments¹.

2 Site sensitivity verification and minimum content requirements

The current land use and site sensitivity was ascertained to confirm and / or refute the findings of the screening tool report.

2.1. The site verification was undertaken by the author as a specialist.

¹ Government Gazette No. 43110, GN No. 320 (2020) National Environmental Management Act, 1998 (Act No. 107 of 1998) Procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of section 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for environmental authorization..

2.2. The site area was analyzed using desktop satellite imagery (Google Earth and Cape Farm Mapper), and geo-referenced biodiversity informants viewed and verified in Quantum GIS (QGIS) prior to and following preliminary investigations.

2.3.a. The current land use at the property is for resort accommodation on transformed land surrounded by natural areas containing remnant Fynbos and Forest vegetation of varying ecological sensitivity. This report describes the vegetation status and sensitivity occurring within the verified forest habitat within the study area of Medium to High Terrestrial Biodiversity Sensitivity with a Medium Plant Species Sensitivity. Thus an impact on biodiversity is expected to occur.

2.3.b. The report contains a description of the vegetation and sensitivity with photographic evidence to confirm the findings in the form of a photo album. Photographs were taken at the various micro-sites for resort unit development.

3 Specialist assessment and minimum report content requirements

A Terrestrial Biodiversity Assessment for vegetation of Medium to High Sensitivity with Medium Plant Species Sensitivity is contained in this report.

Verification and assessment of the sensitivity of the receiving environment was conducted by surveys on foot in June 2021 and July 2021 where plant species were observed and recorded and select waypoints were taken with a GPS. The waypoints were used as a reference to orientate with vegetation patterning and boundaries of the study area and property.

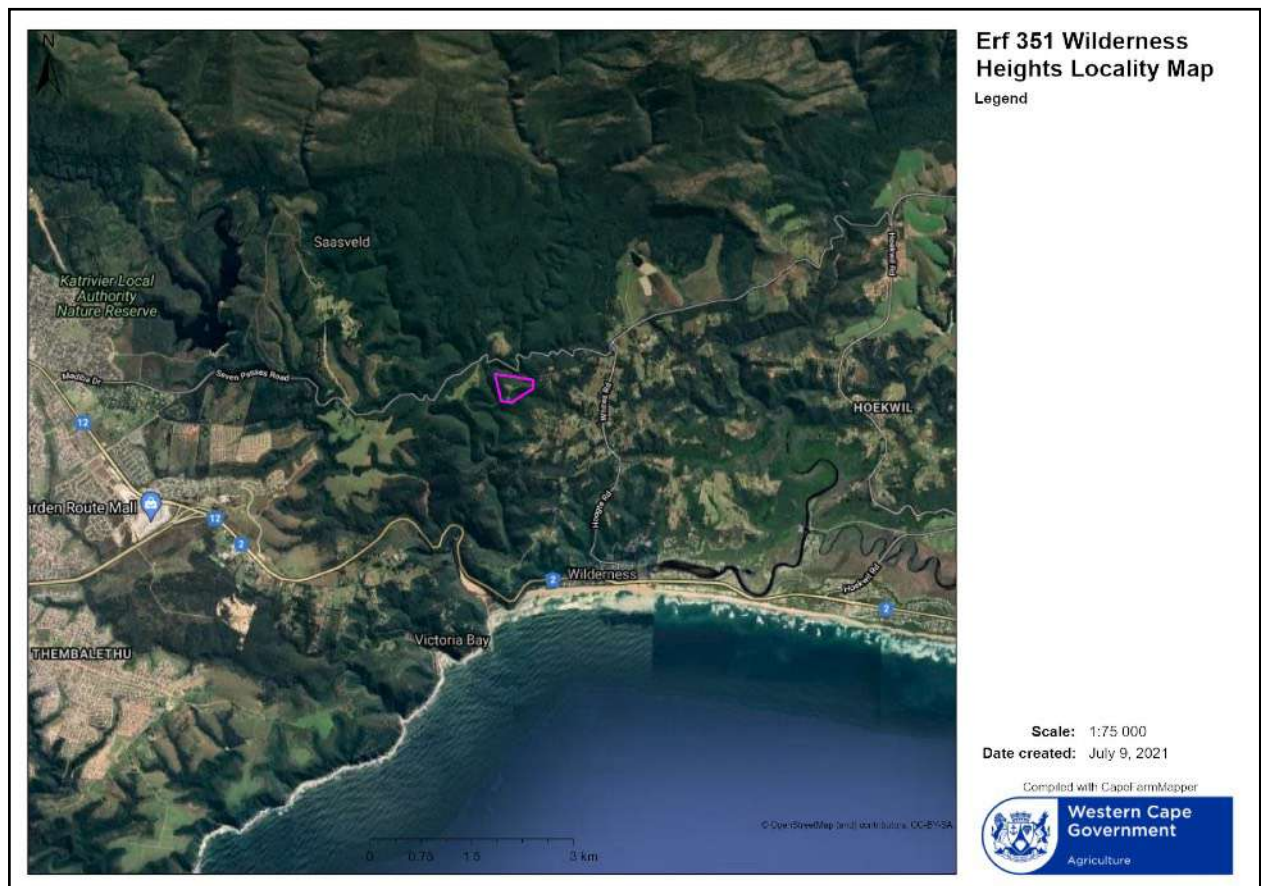


Figure 1: Showing the locality of Erf 351 situated in Wilderness Heights (image courtesy of Cape Farm Mapper).

(2) The property and description of propose development

Erf 351 (15.83739 ha) is primarily zoned Resort Zone I and located in Wilderness Heights along Silver River Road, and is hereinafter referred to as the “property” (see Figs. 1 & 2). The proposed development, as per the Site Development Plan, entails the construction of:

- Thirteen (13) new chalets of approximately 120.97 m² in size (A1-A13);
- Two (2) existing chalets to be renovated (B1 and B2);
- A managers house to be renovated (C1 P);
- The expansion of the workers accommodation (D);
- The renovation of the Main House (E1);

- The renovation of the Main House Garage (E2);
- A new Resort Parking Bay for Chalets (F1);
- The renovation of the Guest Lodge (G1);
- The renovation of the Lapa adjacent to the existing swimming pool (H1).

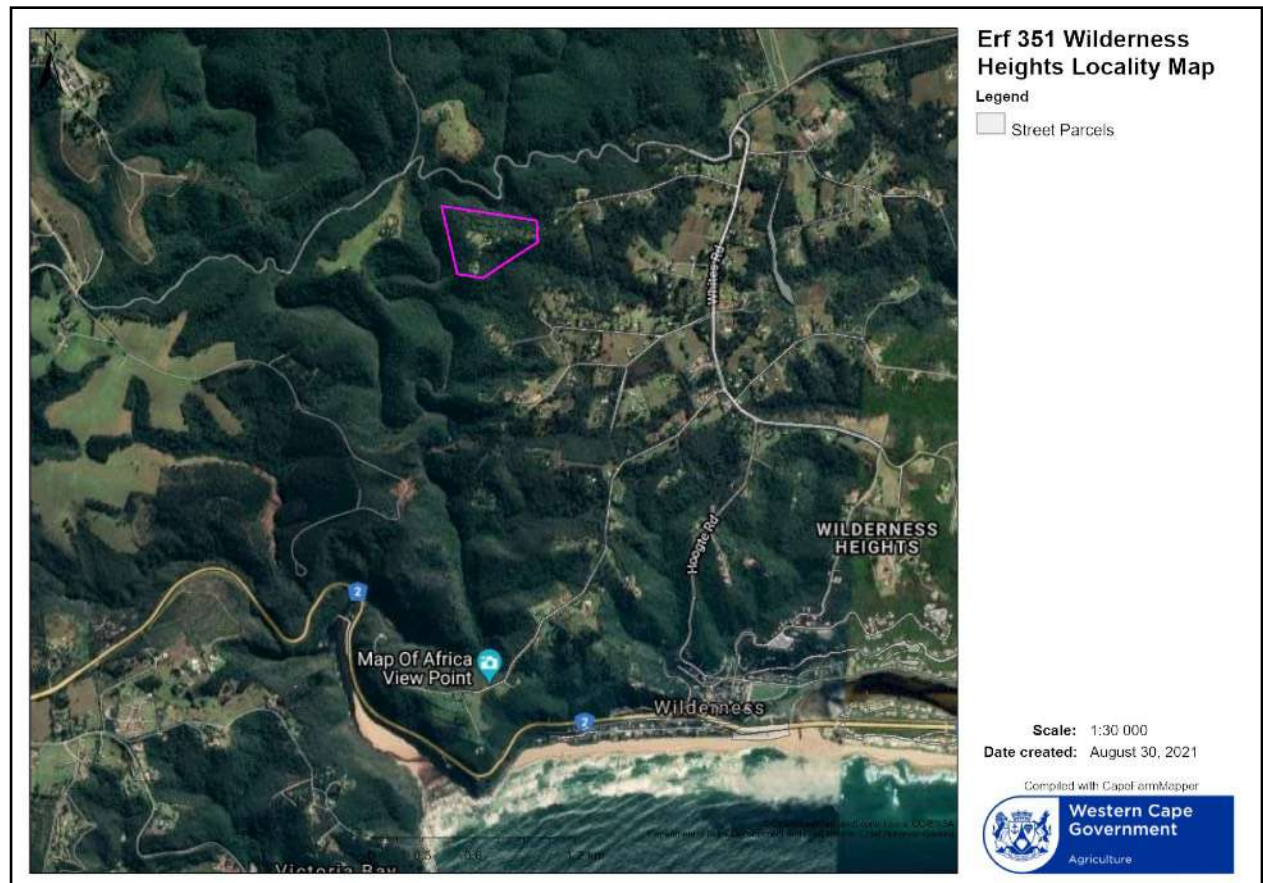


Figure 2: Showing the locality of Erf 351 situated in Wilderness Heights and accessed via Heights Road and then Silver River Road in Wilderness (image courtesy of Cape Farm Mapper).

The property has been used for resort purposes since the original rezoning to accommodate it, and thus the receiving environment is mostly transformed and has not been utilized for agricultural purposes since then (see Fig. 3). Prior to resort use the receiving environment was transformed and cleared for agricultural use as pasturelands.

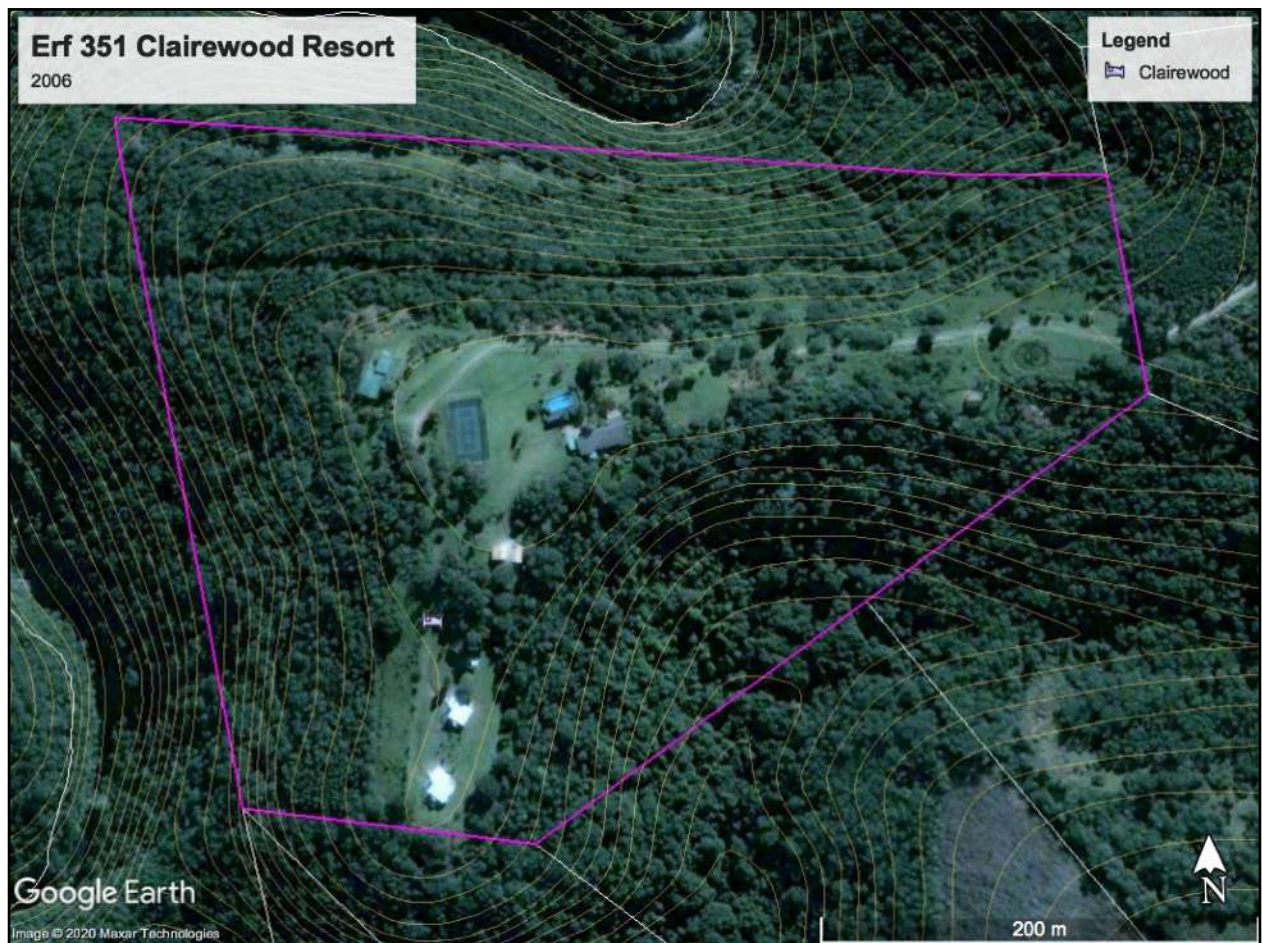


Figure 3: Showing the existing resort layout (image courtesy of Google Earth ca. 2006).

The property is situated atop a hilltop plateau in Wilderness Heights and is mostly obscured from surrounding viewpoints. Only one neighbour is visible from the same elevation - being the Strawberry Hill farm. The property has moderate to steep slopes flanking the more level plateau area sloping predominantly south, west and northwards.

The proposed chalet development footprints are proposed to be situated in a row of six (6) at the northern extent along the servitude road; with three (3) parallel to them higher upslope on lawned areas; and another row of four (4) chalets aligned along the western extent of the property. Two of the existing chalets are proposed to be renovated and the third one demolished. The expansion of the staff

accommodation and renovation of the managers house and lodge will occur on and around the lawned areas.

(3) Assessment and reporting of impacts on terrestrial biodiversity

Baseline description of the site with the following features

- (3)(1) The ecological processes affecting a forest type ecosystem are largely dependant on aspect, soil patterning and fire frequency, which may be affected in part by loss of habitat due to transformation. Closed canopy forest dynamics are determined by various factors operating within forest such as: natural disturbances from organisms; gap dynamics caused by tree fall; debris and litter fall; closed nutrient cycling (minimal leaching of nutrients); specific fruit and seed types (attracting frugivores and other avifauna); regeneration processes and interactions with animals. Fire does not usually contribute to ecosystem dynamics as forests are resilient to fire based on the vegetation structure and spatial partitioning of fuel load and physiochemical properties of fuel with low fat content and high moisture of the leaf materials. The edges of forest may be susceptible to fire ingress, especially where disturbed or where fuel ladders penetrate forest; and can occur in 1:100 year fire intervals.
- (3)(2) Primary ecological functioning and processes that operate within the site are characteristic of natural forest, as a haven for pollinators, avifauna and small and large mammals.
- (3)(3) 2.3.3. The activity may slightly alter some connectivity of vegetation and wildlife refuge and movement corridors.
- (3)(4) 2.3.4. The property is within significant terrestrial landscape features of Very High Sensitivity namely Forest and a Strategic Water Source Area (SWSA) and Fish Support Area FEPA.

(4) Freshwater Ecosystem Priority Areas (FEPAs)

“Description of significant terrestrial landscape features like SWSAs, FEPAs”.

This report concerns the terrestrial biodiversity features of the property; and does not purport to document the fine-scale aquatic features at the property. The area is indicated by the screening tool as having a Very High Relative Aquatic Biodiversity theme, as a Strategic Water Source Area (SWSA) and Fish Support Area FEPA.

Measures should therefore be implemented to prevent erosion and increased storm water runoff and pollutants from impacting on land, groundwater and surface watercourses.

THE BIODIVERSITY IMPORTANCE OF THE SITE AND SURROUNDING RECEIVING ENVIRONMENT²

(5) Vegetation description

According to the updated Vegetation Map of South Africa, Lesotho & Swaziland the main mapped vegetation unit occurring within the study area (see Fig. 3) is Southern Cape Afrotemperate Forest (FOz 1:I3), part of the Afrotemperate Forest Biome occurring on sheltered seaward slopes, plateaux and coastal scarps along the Southern Cape.

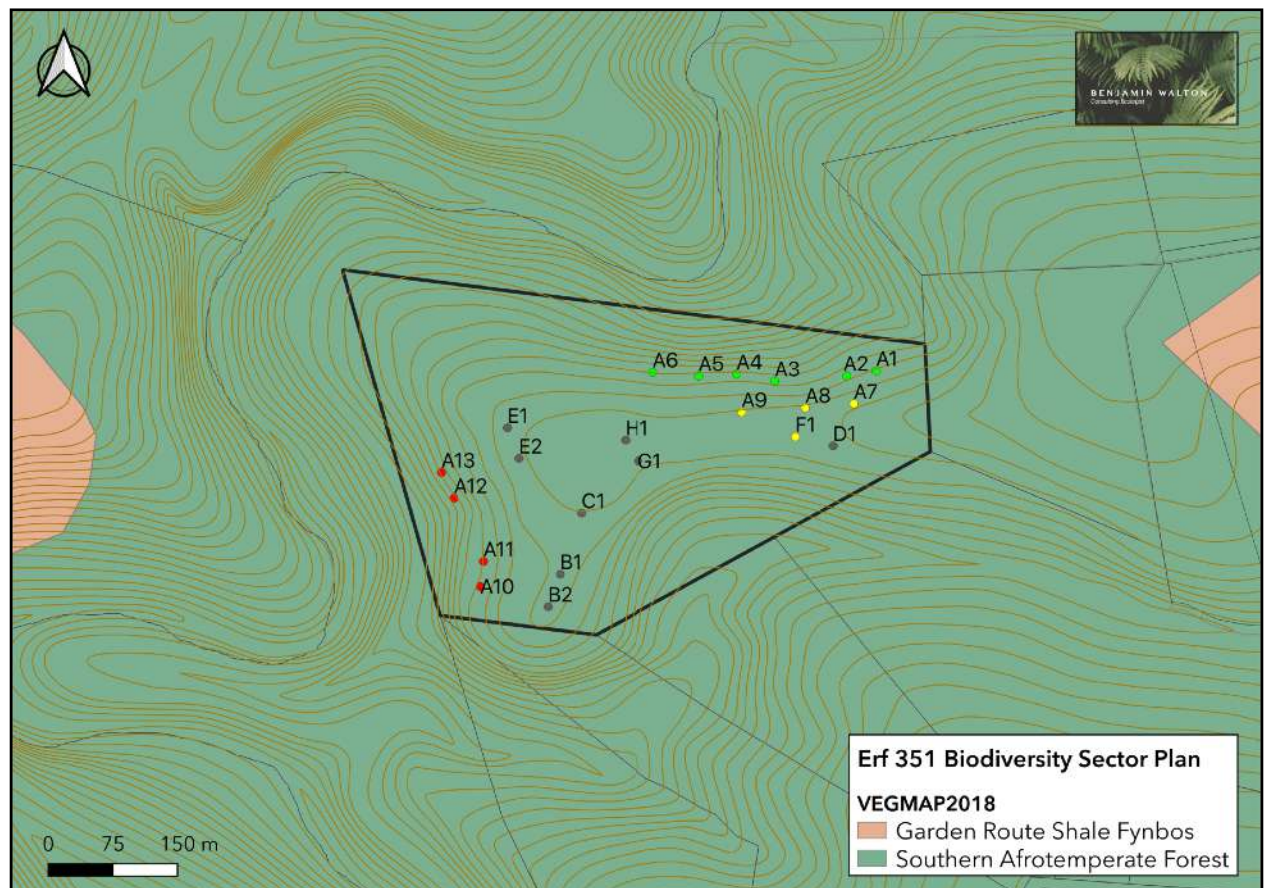


Figure 3: The property in context of the national vegetation units within Southern Cape Afrotemperate Forest.

² As prescribed by the minimum requirements for reporting of terrestrial biodiversity and ecosystems on site a description is provided: a) main vegetation types; b) threatened ecosystems and local habitat types; c) ecological connectivity, fragmentation, ecological processes and fine-scale habitats; d) species, distribution, important habitats and movement patterns identified"

These tall and multilayered Afrotemperate Forests are dominated by *Afrocarpus falcatus* and *Podocarpus latifolius* (Yellowwoods), *Ocotea bullata*, *Olea capensis* subsp. *macrocarpa*, *Pterocelastrus tricuspidatus* and *Platylophus trifoliatus*, amongst others. Where the habitats are scree-slopes and deep-gorges along watercourses, the forest is dominated by *Cunonia capensis*, *Heeria argentea*, *Metrosideros angustifolia*, *Podocarpus elongatus* and *Rapanea melanophloeos*. The herb layers and understory of shrubs are well developed in moist and wet habitats.

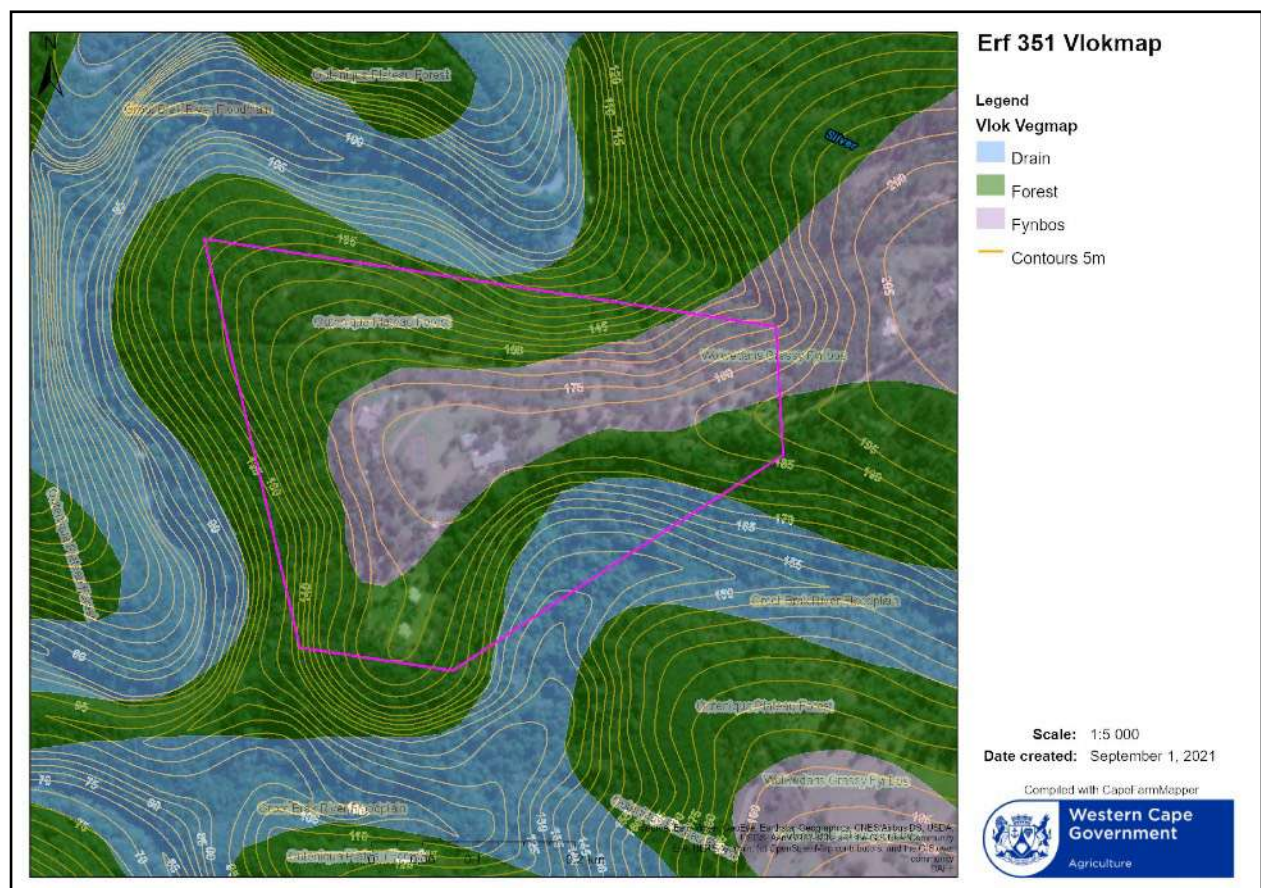


Figure 4: The study area in context of the fine-scale vegetation map for the Garden Route, within *Wolwedans Grassy Fynbos* surrounded by *Oudeniqua Plateau Forest* and dissected by *Groot Brak River & Floodplain*.

The composite fine-scale Vegetation Map for the Garden Route (Vlokmap) delineated broad habitat types with associated vegetation variants, here as: *Wolwedans Grassy Fynbos* at the plateau; fringed by *Outeniqua Plateau Forest*; and dissected by *Groot Brak River & Floodplain* (see Fig. 4); broadly corresponding with the baseline habitats occurring on site.

Based on site surveying the study area contains plant species representative of Coastal Forest ecosystems, with some fynbos elements and disturbed vegetation at the northern extent; aside from the lawned areas. The screening tool mapped the study area as having a Very High Terrestrial Biodiversity Sensitivity and Medium Relative Plant Species sensitivity. It is the opinion of the author that based on the representative plant species the study area contains vegetation with a Medium Relative Plant Species Sensitivity and is of Medium Terrestrial Biodiversity Sensitivity.

The Coastal Forest is less disturbed along the western extent of the property compared with the Coastal Forest at the northern extent, the latter of which has more open spaces and contains fynbos elements. The near-natural Coastal Forest is in various states of succession where gaps form from windblown trees; and currently dominated by an undergrowth of climbers, herbs, shrubs and resprouting trees. Forest here, where present, is attributed to have a Moderate Terrestrial Biodiversity Sensitivity Regionally.

The topsoil has an ample layer of detritus and organic material; and soils here are highly erodible and vulnerable to construction impacts, path installation and excavation activities; and require great care during construction related activities.

THE BIODIVERSITY IMPORTANCE OF THE AREA IN CONTEXT OF THE LANDSCAPE PERSPECTIVE

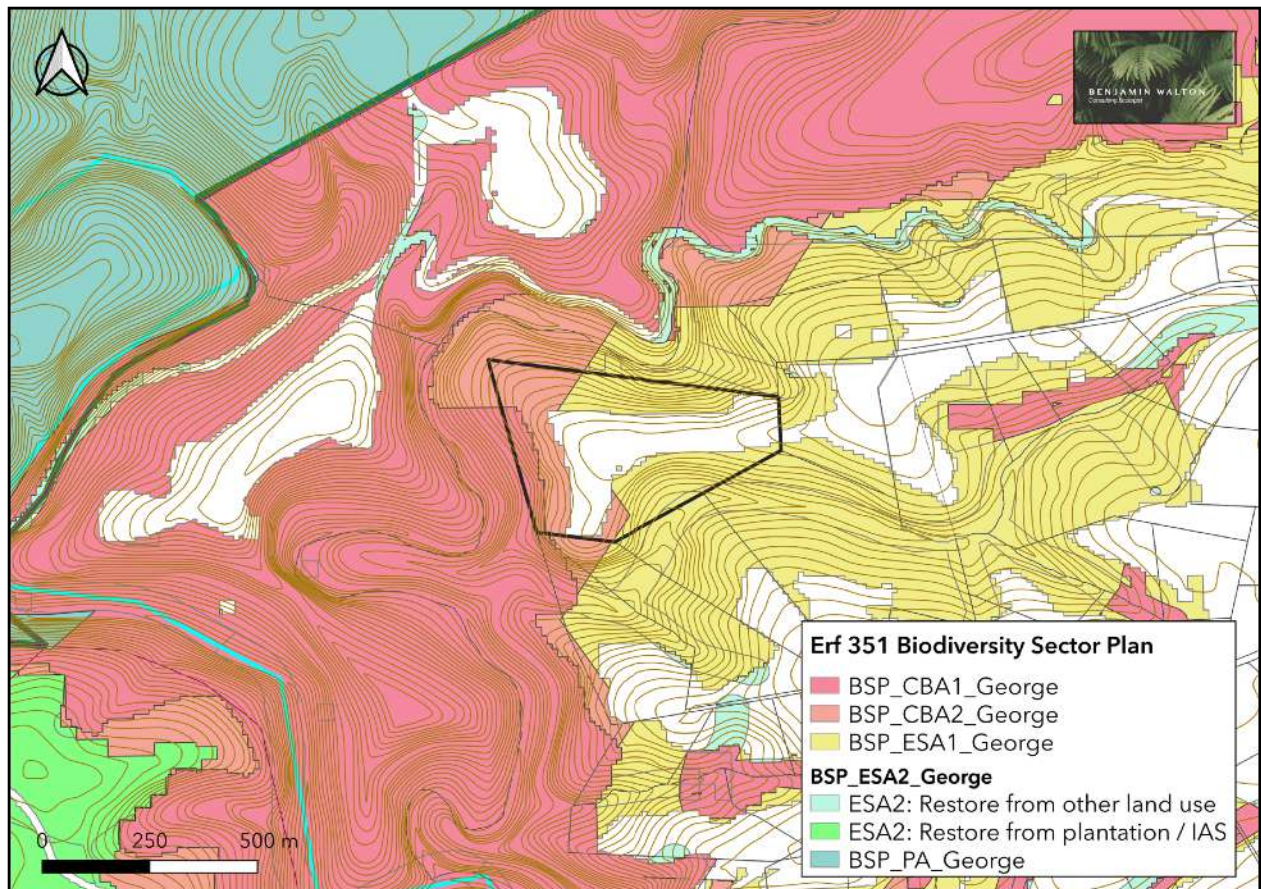


Figure 5: The property in context of the Biodiversity Spatial Plan, 2017, partially within a Critical Biodiversity Area.

(6) The Biodiversity Spatial Plan³

The property overlooks the forested Silver River valley area of Wilderness and is outside of the Wilderness Protected Environment (previously the National Lakes Area), buffered around the proclaimed Wilderness National Park managed by SANParks. The property is within the Garden Route Environmental Management Framework area corresponding with the Protected Areas, Forest and Lakes Areas.

³ <http://bgis.sanbi.org/Projects/Detail/194>

Erf 351 abuts Erf 379 (Open Space) at the western and northern extent of the property, and abuts private property along the eastern and southern extents. The Biodiversity Spatial Plan has identified important remaining biodiverse sites across the Province and indicates that some of the receiving environments are within sensitive areas being Critical Biodiversity Areas (CBA 1& CBA 2) and Ecological Support Areas (see Figs. 5 & 6) based on the following specific geographic features:

- (6)(1) Bontebok Extended Distribution Range;
- (6)(2) Indigenous Forest Type;
- (6)(3) Water source protection- Kaaimans;
- (6)(4) Watercourse protection- South Eastern Coastal Belt.

The specific geographic features mentioned above pertain to the regional importance of the varied landscape and associated sources and watercourses, wetlands, forest vegetation and their protection. The habitat at the plateau is an important area connecting the upland to the lowland water resource areas. The property is also a vital area of connectivity for pollinators, avifauna and small and large mammals.

The prescribed conservation management objectives for CBAs:

Primary Critical Biodiversity Areas are areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.

The prescribed management objective for these sensitive areas, as well as in terms of the Duty of Care principle (section 28 of the NEMA), is to maintain the habitat in a natural or near-natural condition, and prevent further loss of habitat. Where degraded- those areas should be rehabilitated; and only low-impact, biodiversity-sensitive land uses are appropriate.

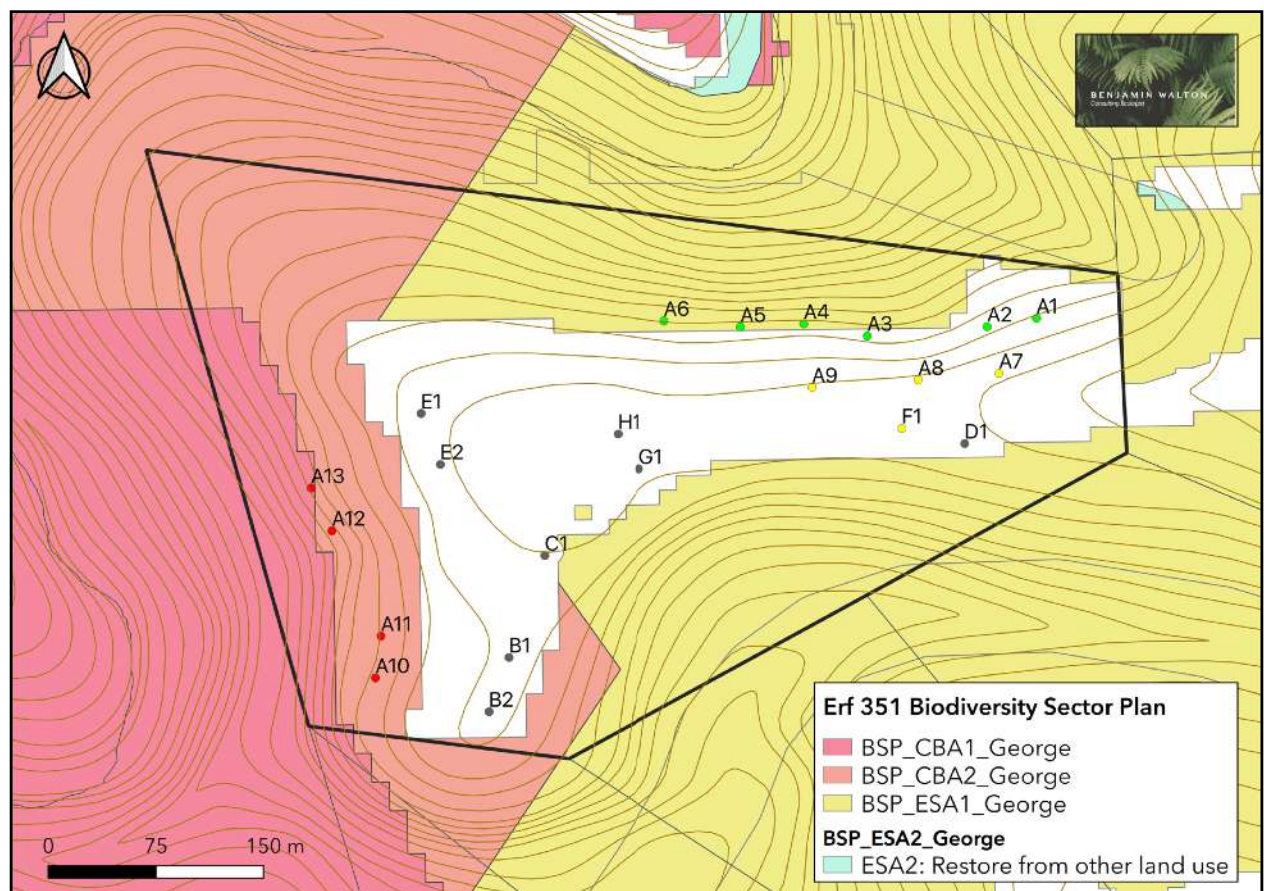


Figure 6: The receiving environment partially within sensitive areas.

The prescribed conservation management objectives for ESAs: are

Primary ESAs (ESA 1) are areas that are not essential for meeting biodiversity targets, however they are important for supporting the functioning of Protected Areas or CBAs, and are often vital for ecosystem service delivery.

Thus primary ESAs should be maintained in a functional, near-natural state, and occur here at the northern extent below the servitude road where 6 chalets are proposed for installation (see Fig. 7). Some habitat loss is acceptable, provided the underlying biodiversity objectives and ecological functioning of the area is not compromised.



Figure 7: showing the proposed layout of chalets and associated infrastructure.

(7) Site inspection identification and findings of assessment

Assessment and reporting of impacts on terrestrial biodiversity⁴

(7)(1) The study area is partially within a terrestrial Critical Biodiversity Area (CBA) at the western extent and Ecological Support Area (ESA) at the northern extent.

(7)(1)(1) The reasons why it's a CBA are: Bontebok Extended Distribution Range; Indigenous Forest Type; Water source protection- Kaaimans; and Watercourse protection- South Eastern Coastal Belt.

(7)(1)(2) The proposed activity may be inconsistent with CBA management objectives.

(7)(1)(3) The proposed activity will not impact on overall species composition and vegetation structure of vegetation of Medium Terrestrial Biodiversity Sensitivity.

(7)(1)(4) The impact will not elevate the ecosystem threat status of the remaining extent of Southern Cape Afrotemperate Forest.

(7)(1)(5) The impact on forest subtypes is unknown.

(7)(1)(6) The impact on overall species and ecosystem diversity of the site is of low to medium intensity.

(7)(1)(7) The impact on threat status of species of special concern is unknown based on the plant species observed.

(7)(2) The study area is not a Protected Area.

(7)(2)(1) Ecological services within and across the site may be slightly impacted by the activity.

(7)(2)(2) The activity may have a low impact on ecological processes and ESA functionality.

⁴ Government Gazette No. 43110, GN No. 320 (2020) National Environmental Management Act, 1998 (Act No. 107 of 1998) Procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of section 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for environmental authorization..

- (7)(2)(3) The proposed activity will most likely not reduce ecological connectivity at the surrounding areas.
- (7)(3) The proposal is within an Environmental Management Framework area.
- (7)(4) The property is within 1 kilometre of the Garden Route National Park managed by SANParks.
- (7)(5) The property is within a Strategic Water Source Area.
- (7)(6) The property is within a Fish Support Area Freshwater Ecosystem Priority Area.
- (7)(7) The proposal may have an impact on the ecological integrity of some indigenous forest elements at the property.

SITE SENSITIVITY VERIFICATION

(8) Baseline description of biodiversity and ecosystem condition

Based on a preliminary site meeting held on the 18th of September 2020 and ground surveying conducted on the 10th of June 2021 and the 5th of July 2021, the property is situated atop a level plateau area sloping downwards on all sides. The study area where development is proposed contains Coastal Forest at the western and northern extents and otherwise consists of lawned areas (see Figs. 8, 9 and 10). The western dipping slopes are moderate to steep and 4 chalets are proposed to be installed there in sensitive forest mapped as a secondary CBA 2. The northern extent of the property also has moderate to steep dipping slopes north of the servitude road where an array of six chalets are proposed to be installed within a primary ESA.



Figure 8: Showing the servitude at the northern extent where chalets are proposed to be installed on the lower side within a primary ESA.

Three other chalets are positioned on lawn facing north above the servitude road and three existing chalets are to be renovated; outside of sensitive areas. Some fynbos elements occur on north-facing slopes near the servitude road area.

Coastal Forest plant community:

The community of plants occurring within the study area at the western and northern extents are representative of dry Coastal Forest at upper elevations then abutting onto more mesic Coastal Forest elements lower down, where less disturbed. The community of forest species at the study area is composed of: *Allophylus decipiens*; *Buddleja saligna* (False Olive); *Canthium inerme* (Turkey Berry); *Capparis sepiaria* var. *citrifolia* (climber); *Carissa bispinosa*; *Cynanchum ellipticum* (Monkey Rope); *Diospyros dichrophylla*; *Diospyros whyteana* (Bladder Nut); *Elaeodendron croceum* (Forest Saffron); *Euclea daphnoides*; *Grewia occidentalis* (Kruisbessie); *Gymnosporia buxifolia* (Common Spike-thorn); *Gymnosporia nemorosa* (White Forest Spike-thorn); *Halleria lucida* (Tree Fuschia); *Lauridia tetragona*; *Nuxia floribunda* (Forest Elder); *Olea capensis* ssp. *macrocarpa* (Black Ironwood); *Olea europea* ssp. *africana* (Wild Olive); *Pittosporum viridiflorum* (Cheesewood); *Podocarpus latifolius*; *Rapanea melanophloeos* (Cape Beech); *Rhamnus prinoides* (Blinkblaar); *Rhoicissus tomentosa* (climber); *Scutia myrtina* (Cat Thorn); *Searsia chirindensis* (Bostaaibos); *Searsia lucida* (Blinktaaibos); *Secamone alpinii* (climber); *Senecio deltoideus* (climber); *Senecio quinquelobus* (climber); *Sideroxylon inerme* subsp. *inerme* (White Milkwood); *Solanum giganteum* (Giant Bitter-Apple); *Solanum mauritianum* (Bugweed); *Trimeria grandifolia* (Wild Mulberry) and *Vepris lanceolata*.

Appendix 1 has a table listing which plant species occur at each proposed micro-site for the chalet installations.



Figure 9: Showing the pathway along the western extent where chalets are proposed to be installed.

Invasive Alien Species and weeds:

Some Invasive Alien Species occur within the study area in moderate densities, namely: *Acacia mearnsii* (Black Wattle); *Acacia melanoxylon* (Blackwood); *Solanum mauritianum* (Bugweed); and weedy *Verbena bonariensis* (Purpletop Vervain). These species need to be prevented from spreading at the property. Bugweed (with yellow berries) looks very similar to the indigenous thorny-stemmed *Solanum giganteum* (Giant Bitter-Apple) with red berries.

(9) Assessment of Impact

The study area according to the Biodiversity Sector Plan is mapped as sensitive for having the following features: Bontebok Extended

Distribution Range; Indigenous Forest Type; Water source protection-Kaaimans; and Watercourse protection- South Eastern Coastal Belt as a Strategic Water Source.

From a Botanical perspective the condition of the Coastal Forest at the receiving environment is of **Medium Terrestrial Biodiversity Sensitivity** at the northern extent and of **High Terrestrial Biodiversity Sensitivity** at the western extent; all with a **Medium Plant Species Sensitivity**.

Thus the proposed development partially within natural forest or disturbed near-natural forest vegetation of **Medium to High Terrestrial Biodiversity Sensitivity**, and transforming the habitat, is a negative impact for local habitat functioning and positive impact for tourism.

The **impact is site specific** in extent to the study area and surrounding adjacent environment. However the activities will have impacts on land and watercourses downstream if erosion is unmanaged.

The **duration** of the impact is permanent should the chalets and associated infrastructure be installed although their individual footprints are small. With mitigation and partial rehabilitation around each micro-site the impact will be of a medium term with vegetation succession.

The impact is of **medium intensity** (forest) on biodiversity as a small amount of pattern and process will be altered or lost by construction of the resort infrastructure.

The impact on pristine forest is **probable** in part for the western extent at the study area.

The impact on forest habitat and effect on biodiversity, predicted with a **High** level of confidence in the assessment, is of **low significance**.



Figure 10: Showing the proposed microsite for the installation of a chalet on lawn at the northern extent.

The impact of the installation of chalets at various micro-sites and associated infrastructure like access tracks, pathways or raised boardwalks and service lines disperse the development footprint over the Forest or lawned terrain with potential for erosion; which has significant associated risks.

OPTIONS AND RECOMMENDATIONS FOR MANAGEMENT

(10) Environmental Risks - Increased potential for stormwater erosion of land and steep slopes

As the terrain and soils are highly erodible the excavated areas will exacerbate erosion by stormwater runoff; especially on slopes greater than 1:4; thus requiring mitigation and careful installation. Storm water from the upper slopes and footpaths should be carefully managed to avoid erosion of the soft substrates lower down; and further erosion at the micro-sites. Excess runoff must be managed to avoid erosion of the receiving environment.



Figure 11: Showing an existing raised boardwalk and viewpoint at the property.

It is recommended especially for the western extent that the chalets are either built close to the existing footpaths and are linked via a raised boardwalk (see Fig. 11); to prevent “path creep” and reduce compaction of the forest floor.

(11) Further Mitigation and Rehabilitation Guidelines

- (11)(1) As the entire property is generally sensitive the applicant must conduct activities carefully and reuse or relocate as much plant material as is practical prior to rehabilitation.
- (11)(2) An ECO must oversee the rescue and relocation of plant material and initial rehabilitation activities; and thereafter conduct follow up inspections.
- (11)(3) Utilize plant material and debris to halt wind and water erosion at the micro-sites.
- (11)(4) Ensure drainage and runoff is managed to prevent erosion and soil loss during the operational lifespan of the activities.
- (11)(5) Prevent the spread of Invasive Alien Species from entering or dispersing from the property.

Conclusion

To conclude Figure 6 shows that the receiving environment is partially within sensitive areas, and is a representation of the sensitivity of the property. The western extent within a Critical Biodiversity Area (CBA 1 & CBA 2) is the most sensitive part of the receiving environment based on more healthy and representative forest flora. The northern extent of the property is less sensitive and occurs within an Ecological Support Area (ESA 1), with partly degraded forest flora infested with Invasive Alien Species.

Development within the ESA 1 will have less environmental impact than development within the CBAs. With mitigation and careful placement of units the impacts can be minimized.

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BDE CONSULTING ENGINEERS / RAADGEWENDE INGENIEURS

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RAADGEWENDE INGENIEURS . ELEKTRIES . MEGANIES . TELEKOMMUNIKASIE . TELEMETRIE . INSTRUMENTASIE . ELEKTRONIES

Our Ref. / Ons verw:
From / Van:

GRG 389
Danie de Vries

Date /Datum:
Cell/ Sel:

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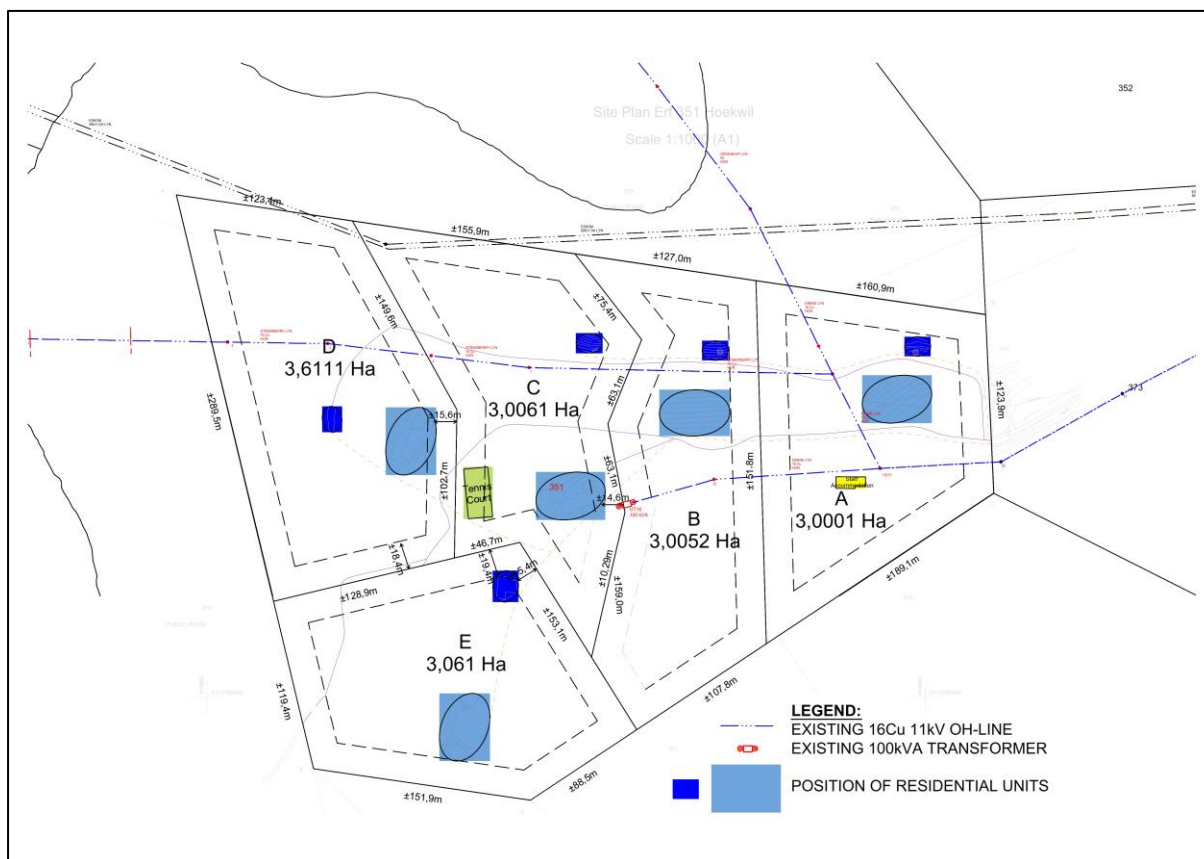
Marlize de Bruyn Planning
PO Box 2359
George, 6530

RE: SUBDIVISION OF ERF 351 WILDERNESS HEIGHTS: ELECTRICITY DEMAND

The impact on the George Municipal electricity demand because of the subdivision of Erf 351 has reference.

1. INTRODUCTION

The existing farm has a 100kVA transformer supplied from a 16 mm²Cu 11kV municipal overhead powerline:



2. EXPECTED ELECTRICITY

The expected after diversity maximum demand for the envisaged 10 residential units will not exceed the existing 100kVA capacity available to Erf 351.

This allows for ±10kVA maximum demand per residential unit without any diversity considered.

3. CONNECTIONS

The existing 16 mm² Cu 11kV power line crossing the properties and the position of the 100kVA transformer, enable easy establishment of connections for each subdivision as required by the Municipality.

Yours faithfully



D.J. de Vries PrEng.

On behalf of **BDE CONSULTING ENGINEERS**

Our Ref: HM/ GARDEN ROUTE/ GEORGE/ WILDERNESS HEIGHTS/ HOEKWIL/ ERF 351
Case No: 22031003NK0314E
Enquiries: Natalie Kendrick
E-mail: natalie.kendrick@westerncape.gov.za
Tel: 021 483 5959



Stefan de Kock
gerrit@investgold.co.za; perceptionplanning@gmail.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED REZONING & SUBDIVISION ON ERF 351, WILDERNESS HEIGHTS, HOEKWIL, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 22031003NK0314E

The matter above has reference.

Heritage Western Cape is in receipt of additional information for the above matter received. This matter was discussed at the Heritage Officers meeting held on 23rd of March 2022.

You are hereby notified that, since there is no reason to believe that the proposed rezoning and subdivision on Erf 351, Wilderness Heights, Hoekwil, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

.....
 Colette Scheermeyer
Deputy Director



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**BACKGROUND INFORMATION DOCUMENT TO NOTICE OF INTENT TO DEVELOP (NID) IN TERMS OF
SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999)**

**PROPOSED REDEVELOPMENT OF ERF 351, HOEKWIL (WILDERNESS HEIGHTS), GEORGE DISTRICT AND
MUNICIPALITY**



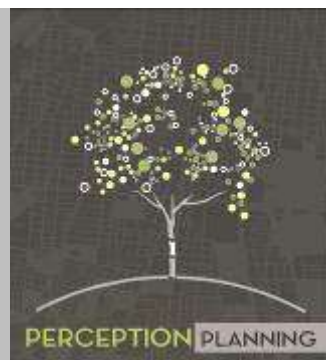
On behalf of: Metanoia Rom 12 2 CC

March 2022

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PERCEPTION Planning

URBAN & REGIONAL PLANNING- ENVIRONMENTAL PLANNING- HERITAGE IMPACT ASSESSMENT- URBAN DESIGN

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7. Extract 1936 aerial imagery
8. Extract 1957 aerial imagery
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REFERENCES and ACKNOWLEDGEMENTS

1. Cape Town Archives
2. George Municipal Spatial Development Framework, 2019
3. Kathleen Schulz, Southern Cape Historian
4. National Geo-Spatial Information, Department of Rural Development and Land Reform, Mowbray
5. Surveyor General Office
6. Proposed Removal of Restrictive Conditions, Rezoning, Subdivision, Consent Use & Departure for Metanoia Rom12 2 CC: Erf 351, Silver River Road, Hoekwil, Wilderness Heights, George Municipality & Division, Marlize de Bruyn Planning, 2021
7. George Municipal Spatial Development Framework, George Municipality, 29 May 2019

ABBREVIATIONS

1. CFM – Cape Farm Mapper (<https://gis.elensburg.com/apps/cfm/>)
2. DEA – National Department of Environmental Affairs
3. GM GIS – George Municipality GIS Viewer
4. GMSDF - George Municipal Spatial Development Framework, 2019
5. HIA – Heritage Impact Assessment
6. HWC – Heritage Western Cape
7. NGSI – National Geo-Spatial Information, Department of Rural Development and Land Reform, Mowbray
8. NHRA - National Heritage Resources Act, 1999 (Act 25 of 1999)
9. PHS – Provincial Heritage Site
10. SAHRIS – South African Heritage Resources Information System
11. WLHLSDF – Wilderness Lakes Hoekwil Local Spatial Development Framework, 2015

COVER: Collage of contextual images of the study area and its direct environs (Author)

1. INTRODUCTION

PERCEPTION Planning was appointed by Gerrit Schwartz (SA ID 7401045132084) holding proxy for Metanoia Rom 12 2 CC (being the registered landowner) to submit to Heritage Western Cape (HWC) a Notice of Intent to Develop (NID) in terms of Section 38(1) of the National Heritage Resources Act, 1999 (Act 25 of 1999) with relation to construction of a dam on the subject property as outlined in further detail in this report. The Power of Attorney, Mandate, Title Deed and S.G Diagram are attached as part of **Annexure 1**.

The cadastral land unit subject to this application is as follows:

- Erf 351, Hoekwil (Wilderness Heights), measuring 15.7868 ha, registered to Metanoia Rom 12 2 CC, held under Title Deed No. T9864/1974, situated within the George District and jurisdiction of George Municipality, Western Cape.

2. BRIEF DESCRIPTION OF STUDY AREA

The subject property ($\pm 15,78$ ha in extent) is situated ± 10 km east of the George historic town centre, $\pm 2,6$ km southeast of the Nelson Mandela University (Saasveld Campus), $\pm 3,1$ km northwest of the Wilderness village centre and $\pm 5,3$ km west of the rural village Hoekwil. Vehicular access to the property is from a servitude right of way off the western end of Silver River Road and again off Whites Road, Wilderness Heights. (**Figures 1,2**)

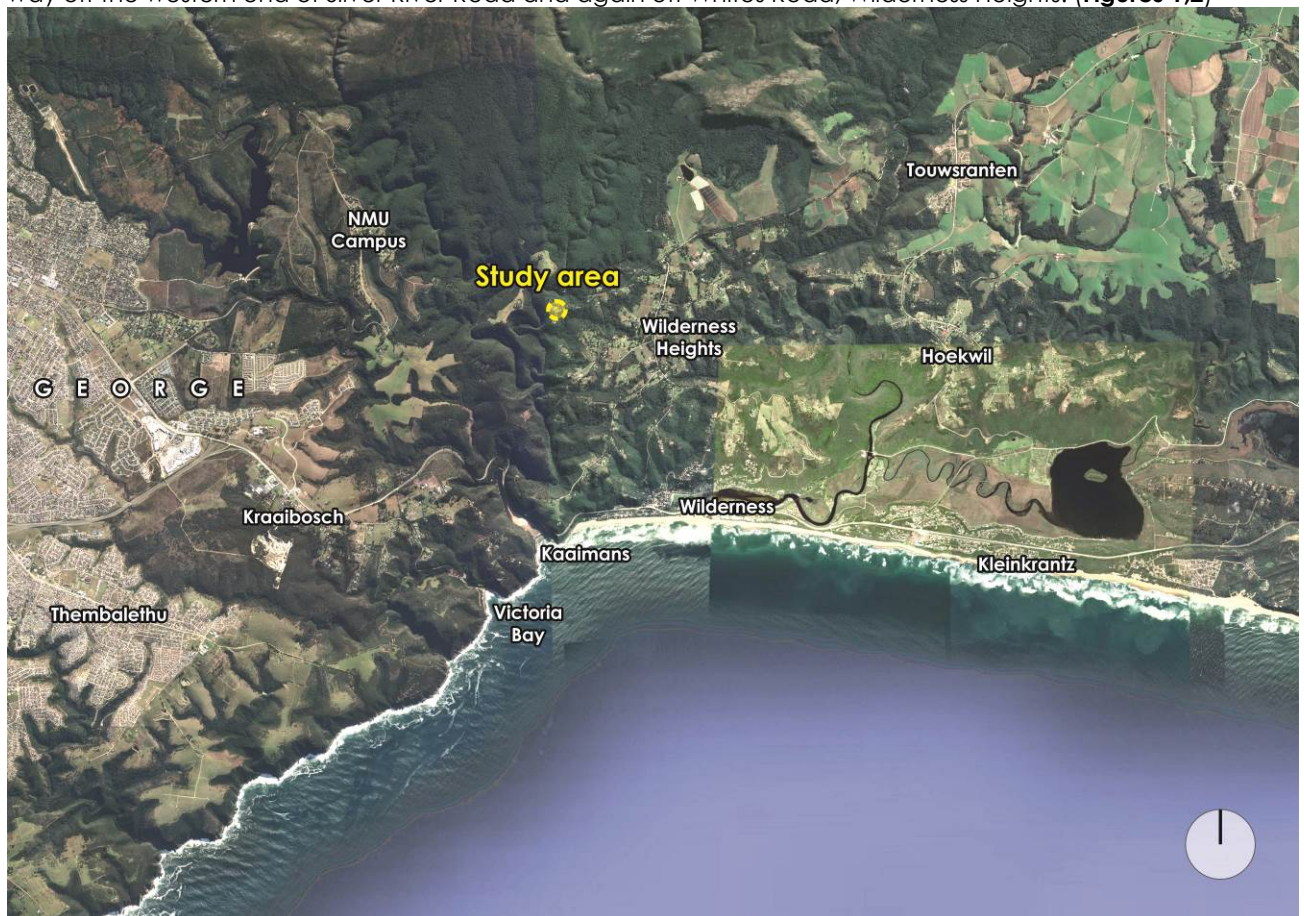


Figure 1: Study area location within context of surrounding rural landscape (GoogleEarth®, 2021, as edited)

The property is located along the northeast periphery of Wilderness Heights, a smallholding area characterised by land uses such as rural occupation, tourism facilities and small-scale agriculture and forming part of an undulating plateau set between the foothills of the Outeniqua mountain range to the north and lower-lying coastal belt to the south.

Erf 351 itself forms part of a headland together with adjoining forested slopes extending northward and eastward to meet the Silver River gorge.

During field work undertaken on 2nd March 2022, which included a foot survey across cleared, developed portions across the property, it was found that steeper slopes on the property are mostly overgrown by indigenous Afromontane Forest while higher-lying areas have been developed. Existing development on the property include a main dwelling, tourism cottages, recreational facilities, staff accommodation and related buildings associated with a partly developed resort originally approved during 1974. Existing buildings, internal

access roads and infrastructure thus mostly follow the natural ridgelines across the property. Substantial lawned areas surround existing development. **(Figure 3)**



Figure 2: Property location within context of surrounding rural landscape (CFM, 2020 as edited)



Figure 3: Property boundaries in relation to existing land use within its direct proximity (CFM, 2020 as edited)

An Eskom servitude (registered 1961) follows the northern property boundary. Along some sections the alignment of the actual powerline deviates from the servitude alignment. As shown (Figure 3) an access road across Erf 351 was also constructed to enable access to the Eskom servitude (de Bruyn, 2021:3).

The historic George – Knysna Road, a PHS¹ (also known as the “Seven Passes Road”) follows the contours of the forested slopes across the Silver River gorge, directly north of Erf 351. At its closest point, the road is approximately 100m north of the Erf 351 cadastral boundary. However due to the forested landscape character, intervisibility between the road and developed areas of the property did not seem possible.

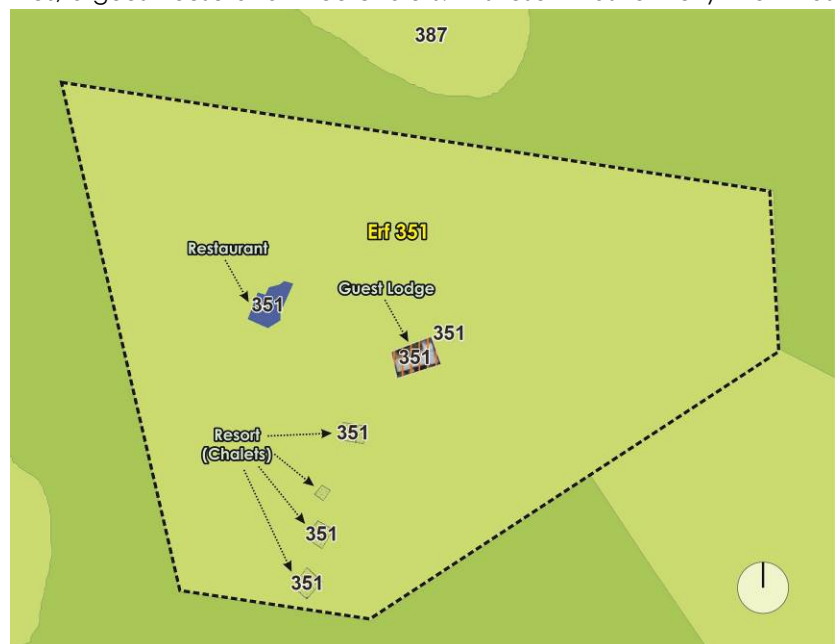
No structures older than 60 years/ of cultural significance, ruins or gravesites were noted during fieldwork. Photographs of the property and its environs are attached as **Annexure 2**.

3. PROPOSED DEVELOPMENT

According to the planning report the previous landowner obtained permission for the development of a resort on the property during 1974, comprising 4 private houses, 14 chalets, a restaurant, staff accommodation and recreation facilities though these rights were never fully implemented. A subsequent site plan, approved by the then Outeniqua Division Council on 15th November 1988 (**Annexure 3**) made provision for, inter alia, a private home, stables, recreational facilities, a guesthouse and three chalets. This resort was formerly known as “Clairewood Chalets”. According to the George Integrated Zoning Scheme the property is currently zoned Agriculture Zone I (agriculture) with spot zonings for Business Zone I, General Residential Zone V and Resort Zone² as illustrated in **Figure 4**.

The current proposal is for subdivision of Erf 351, Wilderness Heights so as to create five smallholdings, each measuring 3ha of more and with an additional dwelling measuring 175m² in extent. Copies of the proposed subdivision plan and Site Development Plan are attached to this report as part of **Annexure 4**.

Figure 4: Extract from George Zoning Scheme showing current zonings applicable to Erf 351, Wilderness Heights (GM, 2022 as edited)



The land use planning application, as submitted to George Municipality, entails the following components:

- Removal of restrictive title condition paragraph F(b) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015);
- Rezoning of Erf 351 Hoekwil from Agriculture Zone I (agriculture), Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation) to Agriculture Zone II (small holding) in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015);
- Subdivision of Erf 351 Hoekwil in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) in the following portions:
 - Portion A (±3.0001ha) (Agriculture Zone II – small holding);
 - Portion B (±3.0052ha) (Agriculture Zone II – small holding);
 - Portion C (±3.0061ha) (Agriculture Zone II – small holding);
 - Portion D (±3.6111ha) (Agriculture Zone II – small holding);
 - Remainder (±3.0610ha) (Agriculture Zone II – small holding)
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning Bylaw (2015) for a second dwelling unit for Portion A, B, C, D & Remainder;
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning Bylaw (2015) for the following:
 - Increase in size of the second dwelling units from 150m² to 175m²;
 - Relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling;
 - Relaxation of the new western side boundary building line of the proposed Portion D from 20.0m to 15.6m for the existing restaurant to become the primary dwelling;

¹ SAHRA File 9/2/030/0034, Declared 4th December 1981

² GM GIS Viewer accessed 8th March 2022

- Relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding;
- Relaxation of the new northern side boundary building line of the proposed Remainder from 20.0m to 19.4m and 15.4m for the existing chalet to become a second dwelling unit.

4. SPATIAL PLANNING CONTEXT

George Municipal Spatial Development Framework, 2019 (GMSDF)

The subject property is not addressed in any detail in the MSDF though the following spatial policy guidelines are considered relevant to this proposal:

Policy E: "Safeguard the municipality's farming and forestry areas as productive landscapes, equal in value to urban land"
(GM, 2019: 87)

Policy E2: "The subdivision of rural land into small holdings is not supported. However, MSDF guidelines pertaining to this policy include the following:

a) Existing Smallholding areas will be managed in terms of the relevant Local Area Spatial Development Framework.

b) All properties outside of the urban edge are deemed as agricultural properties whose subdivision is subject to the Department of Agriculture's regulations, the Western Cape Government's Rural Development Guidelines, this Spatial Development Framework, and desirability in terms of rural context and character."
(GM, 2019: 92)

Erf 351, Wilderness Heights is situated within an existing smallholding area and therefore is subject to the spatial policy principles and guidelines outlined in the Wilderness Lakes Hoekwil Local Spatial Development Framework (WLHLSDF).

Wilderness Lakes Hoekwil Local Spatial Development Framework, 2015 (WLHLSDF)

The WLHLSDF shows the subject property as being part of an existing "Smallholding Area" (Figure 5).



Figure 5: Extract from WLHLSDF: Spatial Proposals (GM, 2015, from MdB Planning, 2021:22)

The following is a summary of guidelines relevant to development within Smallholding Areas:

- 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.
- Secondly the approach is to prevent further development of smallholdings or extensive residential lifestyle properties in the rural landscape.

- No further extensions to the demarcated smallholding areas should be considered.
- No land outside of the smallholding outer boundaries may be subdivided to form new smallholdings or agricultural
- portions that are smaller than the minimum viable agricultural units prescribed by Department of Agriculture, Western Cape.
- Subdivision of small holdings inside the demarcated small holding areas should not be granted automatically; it is also subject to the overarching guidelines that protect the special landscape character of Wilderness and should be
- refused if it does not comply with these guidelines.
- Guidelines for Development Applications for Smallholdings (WLHLSDF, 2015: iii)

"Within the smallholding outer boundaries, smallholdings may be subdivided but may not be smaller than 3 ha, provided that if the newly created smallholdings will have a detrimental effect on the landscape character of the study area as described in section 4.2, the further subdivision of the small holdings should not be permitted, even if it complies with the minimum size of 3 ha. If for instance the subdivision of a property will result in new structures in the visually sensitive areas along any of the tourism routes, the application should be refused or mitigation measures should be considered to ensure that structures, including associated infrastructure such as roads and electricity lines, comply with the provisions of paragraph 4.2.3(b)." (WLHLSDF, 2015: 27)

Acceptability of the proposal within the context of the above planning related spatial policies and guidelines will be considered by George Municipality.

5. BASIC HISTORIC BACKGROUND

Historical background research focussed on relevant primary sources obtained in the George Museum Archives, Cape Town Archives, Deeds Office and Surveyor General's Office as well as research formerly undertaken by local historians Kathleen Schulz and Lynne Thompson.

5.1 Early colonial context

A woodcutters' outpost was established in Outeniqualand in 1777, on the approximate site on which George was established in 1811³. The purpose for establishing a government post was two-fold, one to monitor the illegal trafficking of wood resources from the district, and secondly to supply a regulated quantity of wood to the Cape for building purposes. By the year 1782, 15 government employees, were stationed at the post⁴. The exact position of the post house settlement has not yet been established, but the manager of the woodcutters' post, Sebastian Fend was granted land named Brakkefontein now known as the area Glenwood in 1816 once his government position became obsolete.⁵ The sites of these early farmsteads have not been identified.

Early traveller accounts state that the wagon road leading from George Town to the Kaaimans River crossing then known as Kaaimansgat, ran along the ridge of the Klein Zwart and Kaaimans Rivers (approximate location of historic George – Knysna (Saasveld) road). It would appear that many informal woodcutter allotments were situated along this route. Many of these homes seem to have been destroyed during c. 1801 by invaders from the Eastern Cape as testified by early traveller W Paravicini di Capelli when he travelled the route in 1803. *"Departing from the Outeniqua Post, we saw on our way through the forest many farms plundered, burnt or completely destroyed..... By noon we halted at the burnt-out farmhouse of a certain Hertz Grunstadt In the afternoon we crossed the deep drift of the Trakadakouw (Kaaimansgat)".*

5.2 Early establishment of Wilderness Heights

From a colonial perspective the smallholding area "Wilderness Heights" was established on "Lot 13" of the early farm Upper Barbierskraal 156. Said "Lot 13", being a portion of Crown Land measuring 1,172 morgen 410 square roods ($\pm 1,045$ ha) was surveyed in 1878 at which time it was renamed Erf 383, Hoekwil⁶. The property incorporated the remaining portion of the early farm Upper Barbierskraal 156 directly north of "Farm 158", framed in 1852, being a portion of Crown Land measuring 828 morgen⁷ (± 207 ha), was granted by quitrent to Adrian V. Berg on 13th March 1852⁸. The village of Wilderness was later established on Farm 158 c. 1919.

The subject property, Erf 351, Wilderness Heights, Hoekwil (formerly named Portion 129 of Wilderness Heights 157) was surveyed in 1958⁹. The location of Erf 351 in relation to the early farm Upper Barbierskraal 156, as reflected on 1880-1890 mapping for the coastal landscape between George and the village of Wilderness is

³ Cape Town National Archives (CTNA) C 155 Resolutions of Political Raad: 8.7.1777, pp. 279 – 283

⁴ Kaapse Archiefstukken - Pg 449; Kathleen Jeffreys. Pub. Cape Times Beperkt 1931

⁵ Cape Town Deeds Office (CTDO) George Quitrents 1/1816 measuring 15 morgen 406 sq rds.

⁶ SG Diagram 758/1878

⁷ SG Diagram 1324/1852

⁸ Geo.F.12.7

⁹ SG Diagram 3011/61

shown in **Figure 6**. The map also shows the alignment of coastal as well as “inland” routes, often traversing dense forest and steep, difficult terrain such as the notorious Kaaimans crossing.

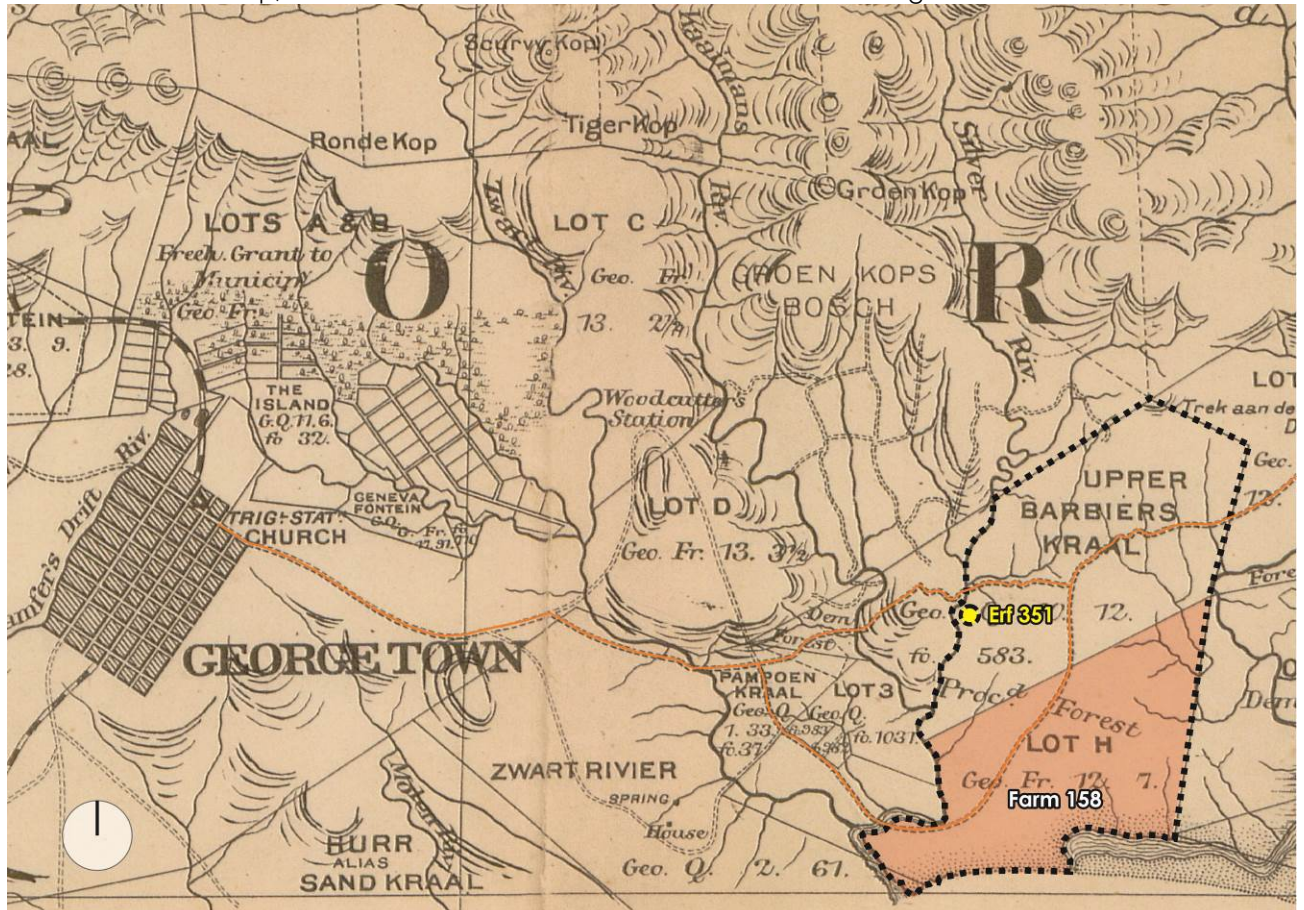


Figure 6: Location of Erf 351, Wilderness Heights in relation to the early farm Upper Barbierskraal 156 as transposed onto 1880-1890 SG Mapping for the coastal area east of George (Sources: NGSi, SGO, as edited)

Basic historical background research did not identify or highlight significant heritage-related aspects or themes pertaining to the farm. It is not clear whether further detailed archival research would provide insight into former use and/or understanding of heritage-related themes pertaining to the property.

5. HERITAGE RESOURCES AND ISSUES

The historic road between George and Knysna (also known as the “Seven Passes Road”) was formally declared as a National Monument on 4th December 1981 and has, through promulgation of the NHRA in 1999, become a Provincial Heritage Site. The PHS is described as follows in said declaration:

“That portion of the old main road between George and Knysna (No. 355) which stretches from a point directly opposite the turn-off to the Saasveld College on the property Saasveld 149 to the intersection with the main road from Hoekwil and Wilderness (No. 352), including the bridges over the Kaaimans, Silver and Touw Rivers, a total distance of about eleven [kilometers].”
(SAHRA File 9/2/030/0034)

At its closest point, the northern cadastral boundary to Erf 351 (Wilderness Heights) is ±100m of the PHS alignment as it follows the south-facing slopes of the Silver River gorge north of the property (see Figure 3). During field work the likelihood of intervisibility between the proposed development and the historic road seemed low, primarily due to the occurrence of dense (mainly) indigenous vegetation along the road. The occurrence of a substantial Eskom transmission line along the northern property boundary should also be considered.

Analysis of early (1936 and 1957) aerial photography was useful in the identification of traditional (i.e. Pre-Modern) land use patterns and therefore informing our understanding of the cultural landscape context of the study area and its direct environs.

Flight survey 114 of 1936 (Figure 7):

This earliest available aerial image confirms the long-standing pattern of agriculture/ cultivation along the plateau now known as the Wilderness Heights smallholding area. While the resolution of the particular image is

not sufficient to allow for detailed analysis of early land use the occurrence of agricultural fields, set within a lush indigenous forest setting is evident.

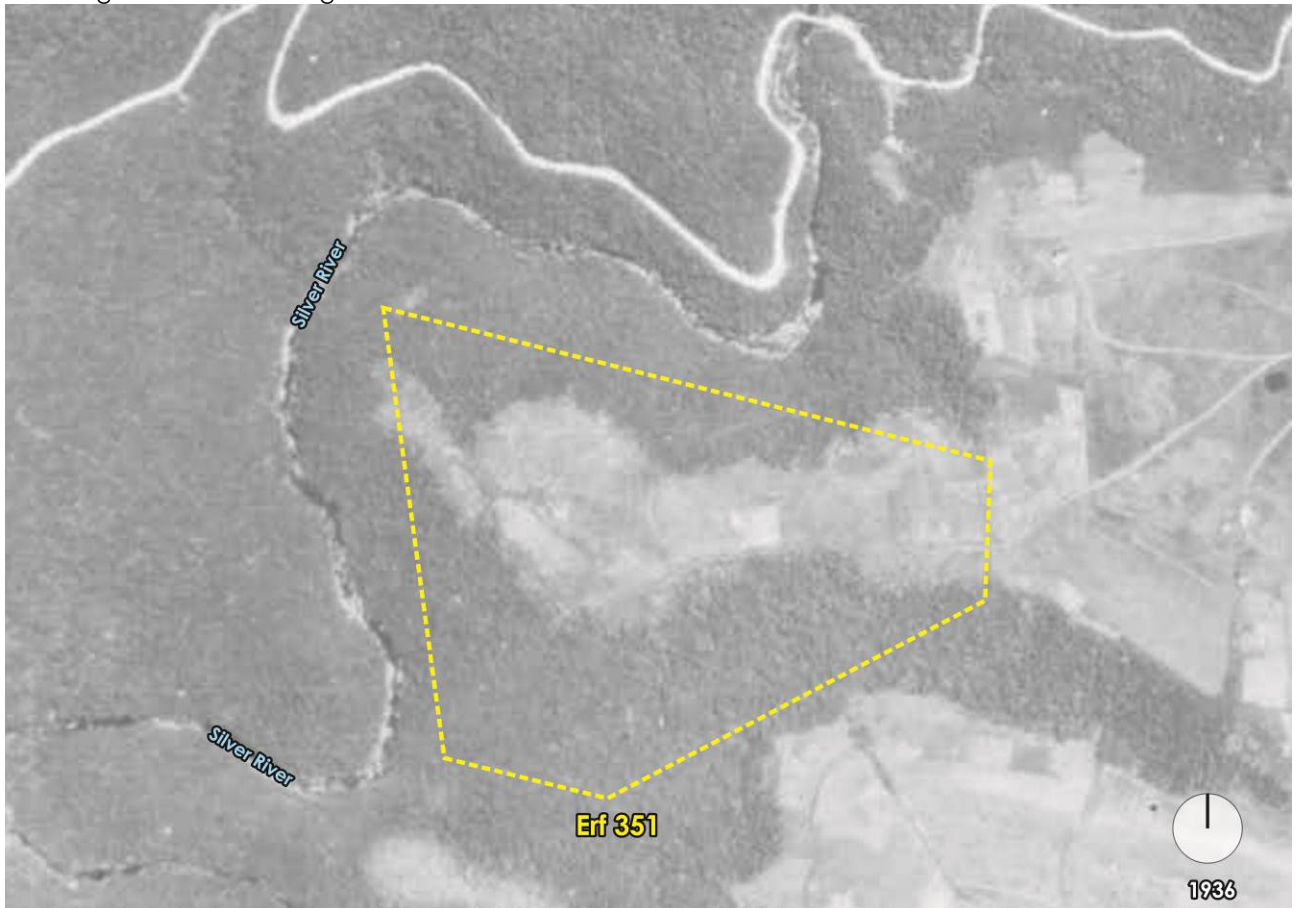


Figure 7: Approx. location of Erf 351 within context of traditional landscape patterns prevalent during 1936 (Flight 114, Flight Strip 7, Image 18483, NGSI as edited)

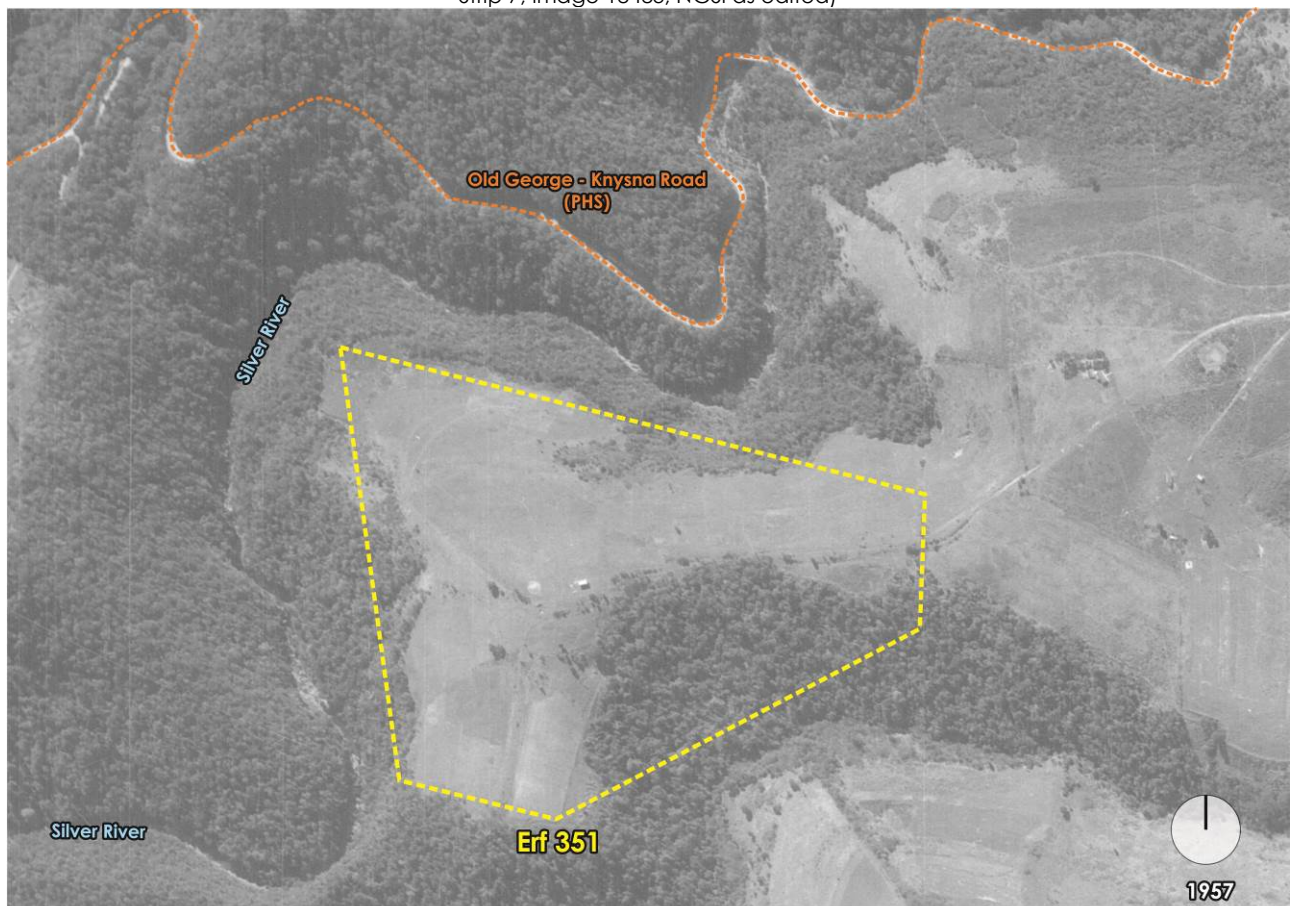


Figure 8: Approx. location of Erf 351 within context of traditional landscape patterns prevalent during 1957 (Flight 403, Flight Strip 7, Image 3263, NGSI as edited)

Flight survey 403 of 1957 (Figure 8):

This higher definition image shows a substantial portion of the property cleared for the purposes of agriculture/ cultivation thus reducing considerably the overall percentage of forest cover when compared with the percentage of forest coverage evident during 1936. It appears that clearing of indigenous forests/ cultivated fields extended beyond the cadastral boundaries as formally surveyed the following year. The access route leading to the property seem to follow the same alignment as the current Silver River Road/ servitude right of way. At least one modest structure (possibly an agricultural outbuilding or labourer's cottage) is evident roughly within the centre of the property.

From recent aerial imagery it is therefore evident that the percentage of forest cover on the property recovered significantly since use of the property for extensive agriculture during the 1950's. No structures or ruins older than 60 years, gravesites or any other structure considered of cultural significance were noted during field work.

According to the SAHRIS Paleo-sensitivity mapping¹⁰ the property is located within an area marked Blue, described as being of low paleo-sensitivity, and states that “no paleontological studies are required however a protocol for finds is required” (**Figure 9**).

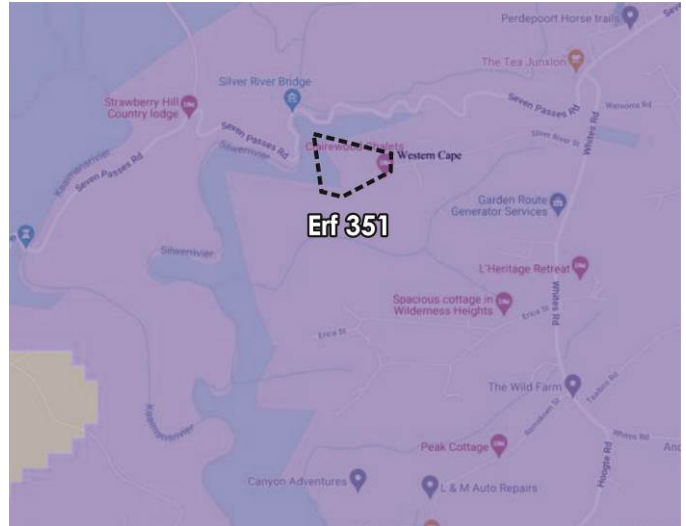


Figure 9: Paleo-sensitivity within the proximity of the proposed dam site (SAHRIS, 2022 as edited)

From information provided it would appear that new development associated with the proposal would be sited on former cultivated fields evident in the 1957 aerial image. Given said former land use the possibility that earthworks associated with the proposal would unearth archaeological occurrences within an undisturbed (archaeological) context is therefore likely to be low.

The relevant planning authority would need to consider the proposal within the context of spatial planning related policies and guidelines pertinent to the land use planning application.

7. RECOMMENDATION

That Heritage Western Cape decide whether, based on the assessment above, the proposal would impact on any heritage resource of cultural significance and consequently whether further heritage-related studies would be warranted in this instance.

PERCEPTION Planning

11th March 2022



STEFAN DE KOCK

Hons: TRP(SA) EIA Mamt(IRL) Pr Pln PHP

¹⁰ <https://sahris.sahra.org.za/map/palaeo>, accessed 9th March 2022

PHOTO KEY DIAGRAM





Photo 1: North-facing view of Silver River Road turnoff from White's Road .



Photo 2: Entrance onto the property.



Photo 3: Sylvan character along main access road onto the property.



Photo 4: Guesthouse complex and attendant garden.



Photo 5: Units forming part of main guesthouse building.



Photo 6,7,8 (left to right): North-facing view towards Outeniqua mnts/ Gardens/ Staff accommodation.



Photo 9,10,11 (left to right): Timber store room in forest/ Staff accommodation/ Nursery in forest.



Photo 12: West-facing view of main dwelling together with outbuildings to the left.



Photo 13: Lawned areas under indigenous trees adjoining individual guest cottages.



Photo 14,15,16: Individual guest cottages.



Figure 17: Two guest cottages set next to small dam.



Figure 18: West-facing elevation of main dwelling.



Figures 19, 20: West-facing and East-facing views along Eskom access road (MdB Planning, 2021)

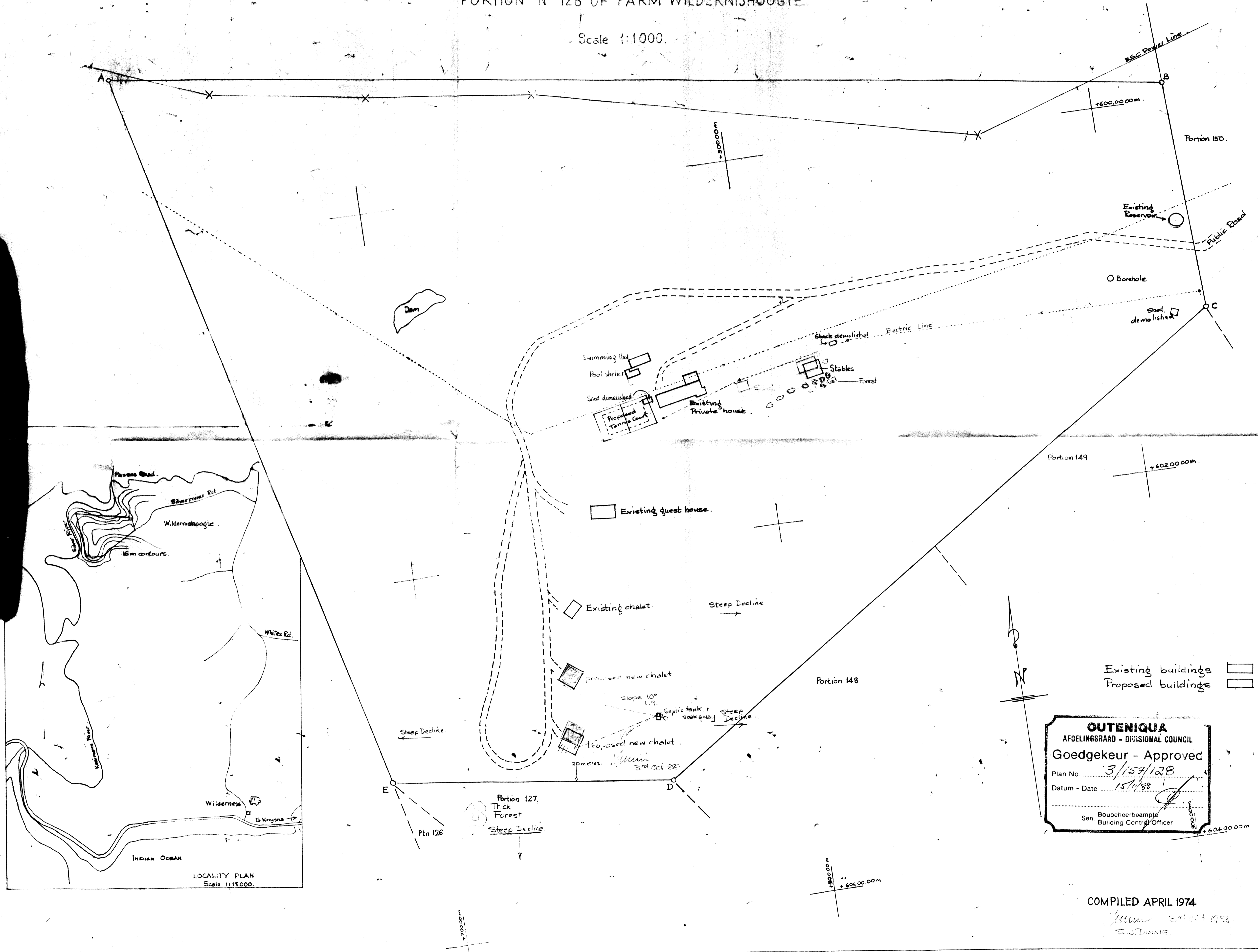


Figure 21: Swimming pool, tennis court and recreational area.

PROPOSED LAYOUT OF CLAIREWOOD CHALET'S HOLIDAY RESORT

PORTION N° 128 OF FARM WILDERNISHOOGTE

Scale 1:1000.



Existing buildings

Proposed buildings

OUTENIQUA
AFDELINGSRAAD - DIVISIONAL COUNCIL

Goedgekeur - Approved

Plan No. 3/157/28

Datum - Date 15/4/88

Sen. Boubheerbeempe
Building Control Officer

[Signature]

COMPILED APRIL 1974

3rd Oct 1988.
S.J. Dinnie.



LANDSCAPE EAST – CONSERVATION INTELLIGENCE MANAGEMENT UNIT

postal Private Bag X6546, George, 6530
physical 4th Floor, York Park Building, York Street, George 6530
website www.capenature.co.za
enquiries Megan Simons
telephone +27 87 087 3060 fax +27 44 802 5313
email msimons@capenature.co.za
reference LE14/2/6/1/6/2/ERF351_LUPA_wilderness
date 27 January 2022

George Municipality
 71 York Street
 George,
 6530

Attention: Marina Welman
 By email: mwelman@george.gov.za

Dear: Ms Marina Welman

PROPOSED REMOVAL OF RESTRICTIONS, REZONING, SUBDIVISION, CONSENT USE AND DEPARTURE ON ERF 351, HOEKWIL, SILVER RIVER ROAD, WILDERNESS HEIGHTS, GEORGE LOCAL MUNICIPALITY, WESTERN CAPE.

CapeNature would like to thank you for the opportunity to review the above application. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:

According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *et.al.* 2017)¹ the erf has Critical Biodiversity Areas (CBA 1: Forest; CBA 2: Forest) and Ecological Support Areas (ESA 1: Terrestrial and Aquatic). The erf does not have any aquatic habitat but is surrounded by perennial river. Furthermore, the erf is within the National Strategic Water Source Area for surface water for the Outeniqua region and serves as a water source protection for the South Eastern Coastal Belt.

Mucina and Rutherford² and the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *et.al.* 2017) listed the vegetation and Least Concerned Southern Cape Afrotemperate Forest. The vegetation and threat status will remain the same in the draft ecosystem threat listings for the updated 2018 National Biodiversity Assessment (Skowno *et al.* 2018)³.

CapeNature reminds the applicant to obtain comments from the Department of Forestry, Fisheries and Environment (DFFE) if any Indigenous Forest or listed protected tree⁴ species

¹ Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. 2017. The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: CapeNature.

² Mucina, L. & Rutherford, M. C. (EDS) 2006. The Vegetation of South Africa, Lesotho and Swaziland. Strelitzia 19. South African National Biodiversity Institute, Pretoria. (revised 2012)

³ Skowno, A. L., Poole, C. J., Raimondo, D. C., Sink, K. J., Van Deventer, H., Van Niekerk, L., Harris, L. R., Smith-Adao, L. B., Tolley, K. A., Zengeya, T. A., Foden, W. B., Midgley, G. F. and Driver, A. 2019. National Biodiversity Assessment 2018: The status of South Africa's ecosystems and biodiversity. Synthesis Report. Pretoria, South Africa. 214 pp.

⁴ Notice of the List of Protected Tree Species under the National Forest Act, 1998 (Act No. 84 of 1998)

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

will be disturbed for future developments on the erf. CapeNature will not object to the findings/recommendations as DFFE is a custodian of forestry resources in South Africa.

Kindly note that any indigenous vegetation that requires removal should be rescued and used for rehabilitation purposes. CapeNature would like to reiterate that all endangered species or protected species listed in Schedules 3 and 4 respectively, in terms of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may not be picked or removed without the relevant permit, which must be obtained from CapeNature. This is also to ensure that rescued plant material is accounted for and used in the rehabilitation or relocation process.

For this reason, a rehabilitation plan can be drafted by a qualified specialist to outline the ecological functioning of the rescued plants and their success, mitigation of plant species that will be removed and to provide details regarding their location. The specialist should determine a suitable location before search-and-rescue is undertaken. The season should also be considered to give the plants an adequate chance to re-establish.

The rehabilitation plan must have a monitoring programme to determine if the protection measures are achieving their objectives and to report on the success and challenges. These monitoring reports should be submitted to CapeNature to determine the success

CapeNature would like to remind the landowner that in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) ("CARA"), landowners must prevent the spread of alien invasive plants on the property. The level of alien infestation is therefore not seen as reducing the sensitivity of a site, nor is the subsequent removal of alien vegetation from a property regarded as a mitigation measure due to this being a legal requirement. Infestation by alien plants does not necessarily mean that an area is not important for biodiversity as some vegetation types are particularly prone to invasive alien infestation but may recover when cleared of alien vegetation.

In addition to CARA, in terms of the Alien and Invasive Species Regulations, NEM: BA, 2014, specific alien plant species are either prohibited or listed as requiring a permit; aside from restricted activities concerning, *inter alia*, their spread, and should be removed.

The landowner must be conscious of the NEM:BA Alien and Invasive Species List⁵ and Alien and Invasive Species Regulations⁶ should not garden or rehabilitate with listed alien plants.

Strictly adhere to stormwater management control measures to avoid any negative impacts such as erosion or flooding. These measures include ensuring all stormwater outlets have diffuse flow, multiple if steep or frequent, and permeable pavements areas, rainwater harvesting from roofs. Thus, all stormwater runoff within the development area must be managed in a manner as to minimise or prevent erosion (where possible). Areas that are susceptible to erosion must be protected by installing the necessary temporary or permanent structures.

Firewise landscaping should also be included and assessed as part of the development footprint to reduce the risk of fire (de Villiers *et al.* (2016)⁷.

⁵ National Environmental Management: Biodiversity Act 2004 (Act No. 10 of 2004). Alien and Invasive Species Lists, 2016. Government Gazette no. 864

⁶ Government Gazette No. 37885, GN No. R. 598 (2014) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) Alien and Invasive Species Regulations, 2014

⁷ De Villiers C.C., Driver A., Clark B., Euston-Brown D.I.W., Day E.G., Job N., Helme N.A., Holmes P.M., Brownlie S. and A.B. Rebelo (2016). Ecosystem Guidelines for Environmental Assessment in the Western Cape, Edition 2. Fynbos Forum, Cape Town.

The impact on the indigenous vegetation must be minimal and undisturbed areas should remain intact, especially the CBA to the west of the property. The impacts on sensitive habitats must be considered and suitable mitigation measures must be proposed and implemented.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Megan Simons', with a stylized flourish extending to the right.

Megan Simons
For: Manager (Landscape Conservation Intelligence)

REFERENCE: 16/3/3/6/1/D2/55/0202/21

DATE OF ISSUE: 20 December 2021

The Municipal Manager
George Municipality
PO Box 19

GEORGE

6530

Attention: Ms. Marina Welman

Tel: (044) 801 9416

E-mail: mhwelman@george.gov.za

Dear Madam

COMMENT ON AN APPLICATION FOR LAND DEVELOPMENT: PROPOSED REMOVAL OF RESTRICTIONS, REZONING, SUBDIVISION, CONSENT USE & DEPARTURE: ERF 351 HOEKWIL, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS

1. The information regarding the abovementioned matter, submitted to the Department on 15 November 2021, refers.
2. In accordance with Section 50 and 51 of the George Municipality: Land Use Planning By-Law (2015), the environmental impact management services ("EIMS") component of the Directorate: Development Management (Region 3) (hereinafter referred to as "this Directorate") provides the following comment on the proposed development.
3. It is understood that the application entails:
 - the removal of a restrictive title condition in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-Law (2015);
 - the rezoning of Erf 351 from Agriculture Zone I, Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation) to Agriculture Zone II (small holding) in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015);
 - Subdivision of Erf 351 Hoekwil in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) into the following portions:
 - Portion A (±3.0001ha) (Agriculture Zone II – small holding);
 - Portion B (±3.0052ha) (Agriculture Zone II – small holding);
 - Portion C (±3.0061ha) (Agriculture Zone II – small holding);
 - Portion D (±3.6111ha) (Agriculture Zone II – small holding);
 - Remainder (±3.0610ha) (Agriculture Zone II – small holding);

- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning Bylaw (2015) for a second dwelling unit for Portion A, B, C, D & Remainder;
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning Bylaw (2015) for the following:
 - increase in size of the second dwelling units from 150m² to 175m²;
 - relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling;
 - relaxation of the new western side boundary building line of the proposed Portion from 20.0m to 15.6m for the existing restaurant to become the primary dwelling;
 - relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding;
 - relaxation of the new northern side boundary building line of the proposed Remainder from 20.0m to 19.4m and 15.4m for the existing chalet to become a second dwelling unit.

It is understood that the application will allow the applicant to expand an existing resort (Clairewood Metanoia) on Erf 351, Wilderness.

4. Please be advised that a Notice of Intent to submit an application for environmental authorisation for the proposed expansion of the existing Metanoia resort on Erf 351, Wilderness (Ref: 16/3/3/6/7/1/D2/55/0062/21) was submitted to this Department on 20 April 2021.
5. In light of Point 4 above, the application for the proposed removal of restrictions, rezoning, subdivision, consent use & departure on Erf 351, Hoekwil can therefore not be supported until such time environmental authorisation has been granted by this Department.
6. Please note that the activity may not commence prior to an environmental authorisation being granted by this Department.
7. Notwithstanding the content of this letter, the proponent must comply with any other statutory requirements that may be applicable to the undertaking of the proposed development.
8. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully

**Gavin
Benjamin**

Digitally signed by Gavin
Benjamin
Date: 2021.12.20 10:49:56
+02'00'

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Reference: 16/3/3/6/1/D2/55/0202/21

Copied to:

Town planner: Marlize de Bruyn Planning

E-mail: marlize@mdbplanning.co.za



REFERENCE NUMBER: 15/3/2/12/BG1
ENQUIRIES: Gavin Benjamin
DATE OF ISSUE: 9 December 2021

The Municipal Manager

George Municipality

P O Box 19

GEORGE

6530

Attention: Municipal Manager

Email: mhwelman@george.gov.za

Dear Sir/Madam

GEORGE MUNICIPALITY: PROPOSED SUBDIVISION, REZONING, CONSENT USE, DEPARTURE & REMOVAL OF TITLE CONDITIONS: ERF 351, HOEKWIL

1. The request for comment, dated 16th 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)(a), (d), (o), (b) & (f) of the George Municipality: By Law on Municipal Land Use Planning (2015), refers.
2. The application entails the following:
 - 2.1 Removal of restrictive title condition F(b);
 - 2.2 Rezoning of Erf 351 from Agriculture Zone I, Business Zone II, General Residential Zone V & Resort Zone to Agriculture Zone II (small holding);
 - 2.3 Subdivision of Erf 351 into Portion A (3ha), Portion B (3ha), Portion C (3 ha), Portion D (3.61ha) and Remainder (3.06ha), all Agriculture Zone II – small holding;
 - 2.4 Consent use for a second dwelling unit for Portion A, B, C, D and Remainder; and
 - 2.5 Departures for increase in size of second dwelling units from 150m² to 175m² as well as relaxation of several building lines for existing buildings.

3. The Western Cape Land Use Planning Guidelines: Rural Areas (2019) states that the subdivision of rural land into small holdings is not supported, however, it also states that existing small holding areas will be managed in terms of the relevant Local Area Spatial Development Framework. The WLHLSDF, 2015 includes Erf 351 as being located within the Small Holdings area and it is managed by the local SDF.
4. As this property falls within the demarcated small holdings area the subdivision could be considered acceptable in this instance.
5. 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 12:33:43
+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

P O Box 791
6560 WILDERNESS
Email : waleaf@langvlei.co.za
2021-12-07

The Municipal Manager
George Municipality
GEORGE

Dear Sirs,

APPLICATION FOR PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, SUBDIVISION, CONSENT USE & DEPARTURE : ERF 351, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION

We refer to this application for the following :

- Removal of restrictive title condition paragraph F(b) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015);
- Rezoning of Erf 351 Hoekwil from Agriculture Zone I (agriculture), Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation) to Agriculture Zone II (small holding) in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015);
- Subdivision of Erf 351 Hoekwil in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) in the following portions:
 - Portion A (±3.0001ha) (Agriculture Zone II – small holding);
 - Portion B (±3.0052ha) (Agriculture Zone II – small holding);
 - Portion C (±3.0061ha) (Agriculture Zone II – small holding);
 - Portion D (±3.6111ha) (Agriculture Zone II – small holding);
 - Remainder (±3.0610ha) (Agriculture Zone II – small holding)
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit for Portion A, B, C, D & Remainder;
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for the following:
 - increase in size of the second dwelling units from 150m² to 175m²;
 - relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling;
 - relaxation of the new western side boundary building line of the proposed Portion D from 20.0m to 15.6m for the existing restaurant to become the primary dwelling;
 - relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding;
 - relaxation of the new northern side boundary building line of the proposed Remainder from 20.0m to 19.4m and 15.4m for the existing chalet to become a second dwelling unit.

This property is 15.7868ha in size, and is currently zoned as follows :

Agriculture Zone I (agriculture), Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation : 16 units).

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

- A. Removal of restrictive title condition
- B. Rezoning of Erf 351 Hoekwil to Agriculture Zone II (small holdings)
- C. Subdivision of Erf 351 Hoekwil into 5 portions
- D. Consent use for a second dwelling unit for Portion A, B, C, D & Remainder
- E. Departure for the relaxation of building lines for the existing buildings on the property.

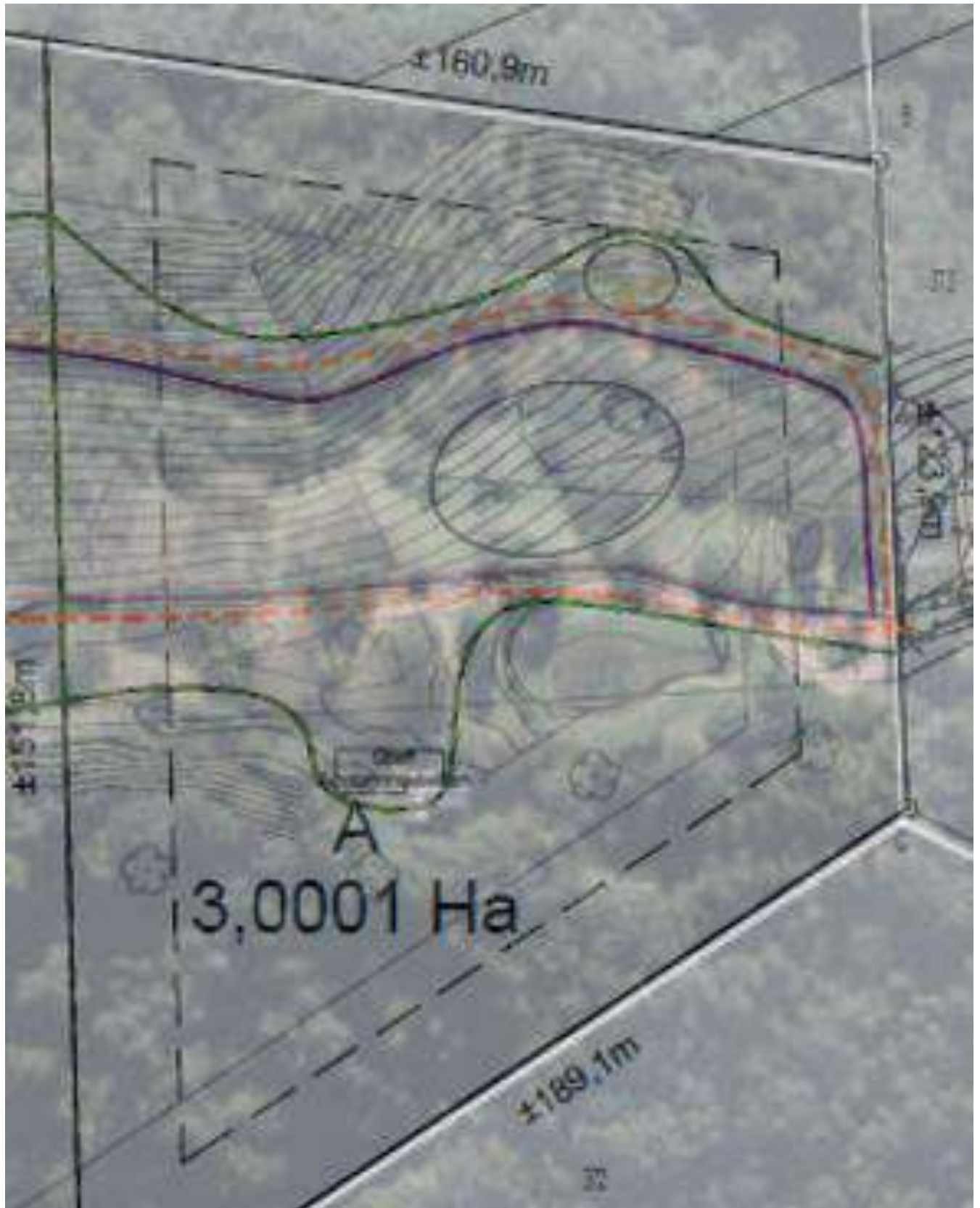
We do **object** to the following :

1. Departure to increase the size of the second dwelling units from 150m² to 175m² (see a. below)
2. The proposed positions of the second dwellings on portions A, B, C, and D (see b. below)
3. The hectares of invasive alien vegetation presently growing on the property. 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.
 - a. As the maximum size of second dwellings is legislated in the George Integrated Zoning Scheme By-law, and as no motivation has submitted to increase the floor area, we see no reason why the floor area needs to be increased from 150m² to 175m². The municipality must decline this proposed departure.
 - b. As per the site plan below, we object to proposed positions of the second dwellings on portions A, B, C, and D.



PROPOSED POSITION OF SECOND DWELLING ON PORTION A

The proposed position of the second dwelling on Portion A (see small ellipse on site plan below) is situated in a forested area, which has some invasive alien vegetation growing in amongst the natural vegetation. We feel that the invasive aliens can be removed and the area rehabilitated. The proposed second dwelling can be positioned elsewhere on Portion A, where no vegetation will be affected : perhaps on the lawn to the west of the proposed position of the primary dwelling (large ellipse).



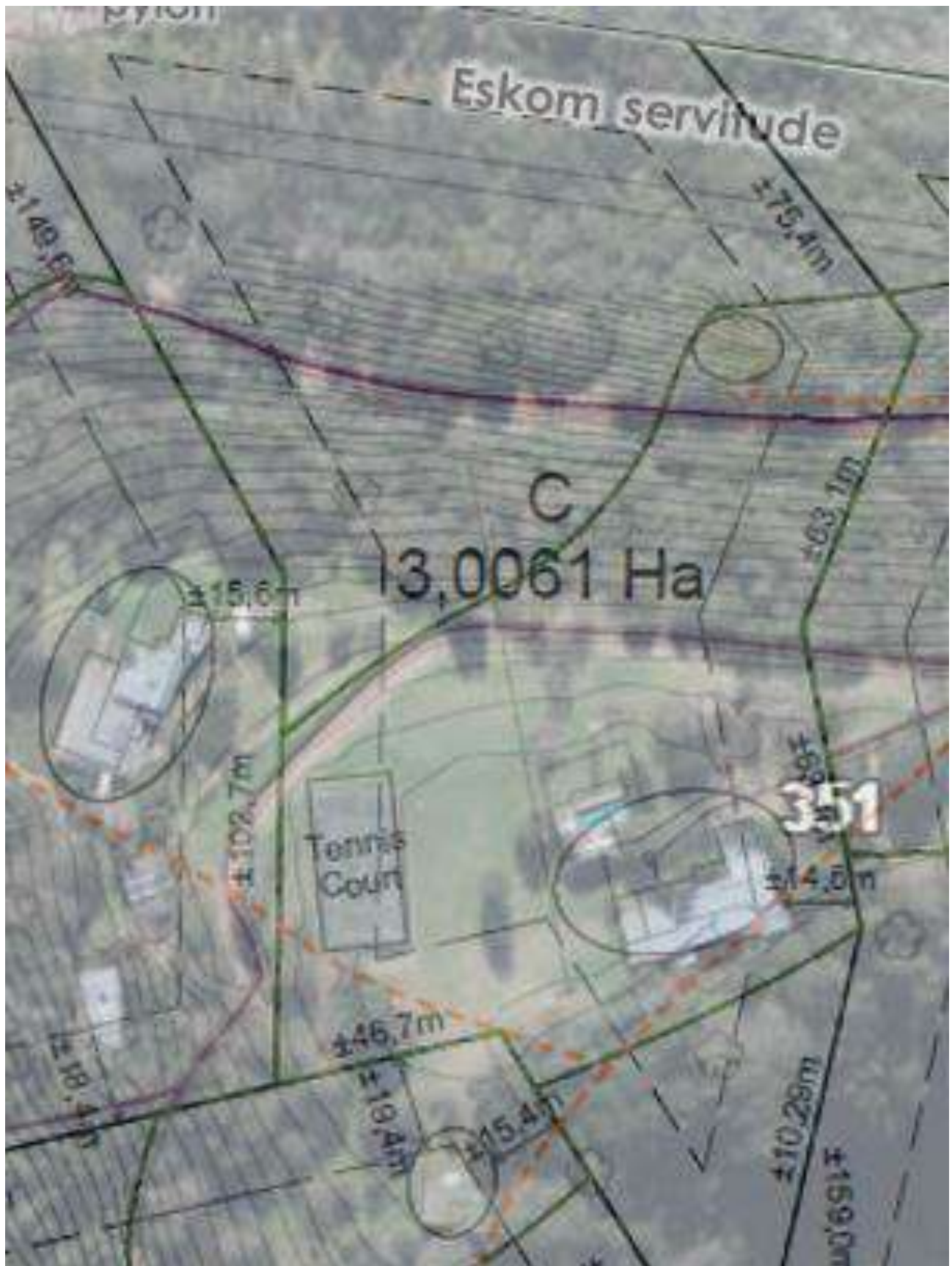
PROPOSED POSITION OF SECOND DWELLING ON PORTION B

The proposed position of the second dwelling on Portion B (see small ellipse on site plan below) is situated in a forested area, which has some invasive alien vegetation growing in amongst the natural vegetation. We feel that the invasive aliens can be removed and the area rehabilitated. The proposed second dwelling can be positioned elsewhere on Portion B, where no vegetation will be affected : perhaps on the lawn to the south-west of the proposed position of the primary dwelling (large ellipse).



PROPOSED POSITION OF SECOND DWELLING ON PORTION C

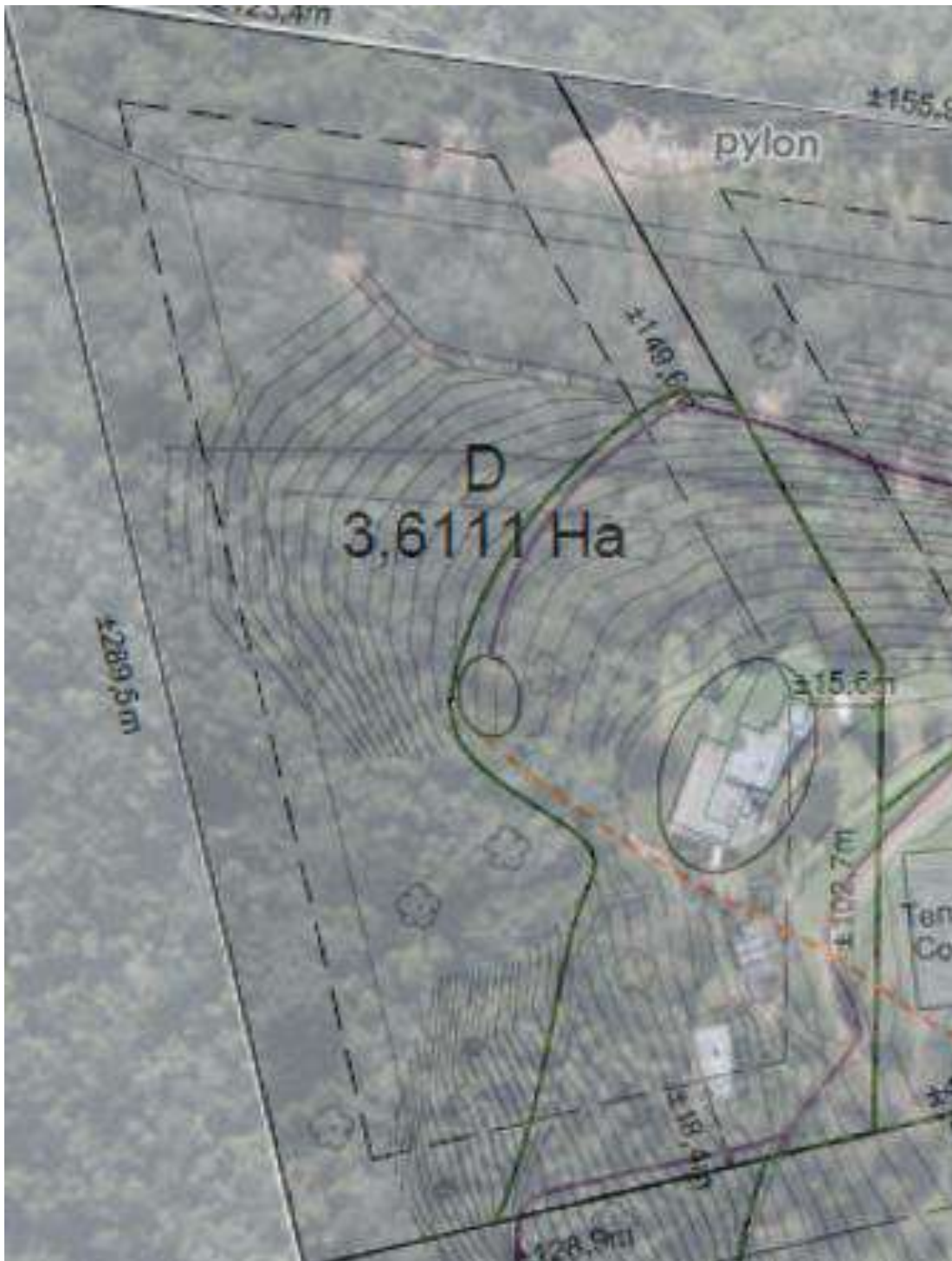
The proposed position of the second dwelling on Portion C (see small ellipse on site plan below) is situated in a forested area, which has some invasive alien vegetation growing in amongst the natural vegetation. We feel that the invasive aliens can be removed and the area rehabilitated. The proposed second dwelling can be positioned elsewhere on Portion C, where no vegetation will be affected.



PROPOSED POSITION OF SECOND DWELLING ON PORTION D

The proposed position of the second dwelling on Portion D (see small ellipse on site plan below) is situated in a heavily forested area*, most of which is indigenous. As this proposed site contains very little invasive alien vegetation, the proposed second dwelling must be positioned elsewhere on Portion D, where no indigenous vegetation will be affected.

*We notice with concern that clearing of the site for the proposed second dwelling on Portion D has already commenced, **without an OSCAE permit** being issued.



If the municipality decides to approve this application, despite the serious objections which we have regarding certain aspects of this application, Waleaf would expect 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. As *“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 the properties to the east of erf 351 which are also currently being subjected to a subdivision and consolidation process (erven 352 and 373), be included in this proposed Home Owners Association on erf 351. At a site meeting on 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, through one of his companies, also owns erf 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.
3. We notice with concern that pockets of indigenous forest which are situated close to the current development footprints are quite sterile, due to the fact that all the forest litter is regularly being removed, and has been replaced by grass. If these pockets of indigenous forest are to survive, the grass should be removed, and seeds need to germinate naturally amongst the forest litter.
4. We noticed a large number of mature black wattle and black wood trees which have been encouraged to grow in the vast expanse of lawns. As it is an offence in terms of the National Environmental Management: Biodiversity Act (Act no. 10 of 2014) to have these trees on one’s property, these alien trees must be removed, and replaced with local indigenous trees and bushes.

Yours faithfully,

A handwritten signature in black ink, appearing to be a stylized 'A' or 'B' followed by a flourish.

Secretary,
for WALEAF

Melissa Dalton
P O Box 617
Wilderness
6560
13 December 2021
melissa@solien.co.za

Re: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, SUBDIVISION, CONSENT USE & DEPARTURE ERF 351, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION.

To whom it may concern

I have been residing in Erica Road, Wilderness Heights since 2004. Before I purchased property and settled down in Erica Road, I put in an offer on Erf 351 in 2004, having done a thorough examination of the property itself prior to submitting an offer. I had a good opportunity to view this piece of property 16 years ago and I am aware of the dwellings, outbuildings, chalets, etc. that existed on this property prior to the sale to the existing owner, as well as a good idea of the condition of the existing endemic forest at the time. I revisited this site on Friday 3rd December 2021 between 11h00 and 12h45 for a site meeting with the landowner and Marilize de Bruyn.

As an I&AP residing in Wilderness Heights, I am objecting to this application in general and specifically.

I object to ALL of the following applications:

- Removal of restrictive title condition paragraph F(b) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-law (2015);
- Rezoning of Erf 351 Hoekwil from Agriculture Zone I (agriculture), Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation) to Agriculture Zone II (small holding) in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015);
- Subdivision of Erf 351 Hoekwil in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) in the following portions:
 - Portion A (±3.0001ha) (Agriculture Zone II – small holding);
 - Portion B (±3.0052ha) (Agriculture Zone II – small holding);
 - Portion C (±3.0061ha) (Agriculture Zone II – small holding);
 - Portion D (±3.6111ha) (Agriculture Zone II – small holding);
 - Remainder (±3.0610ha) (Agriculture Zone II – small holding)
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law (2015) for a second dwelling unit for Portion A, B, C, D & Remainder;
- Departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-law (2015) for the following:
 - increase in size of the second dwelling units from 150m² to 175m²;
 - relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling;
 - relaxation of the new western side boundary building line of the proposed Portion D from 20.0m to 15.6m for the existing restaurant to become the primary dwelling;
 - relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding;
 - relaxation of the new northern side boundary building line of the proposed Remainder from 20.0m to 19.4m and 15.4m for the existing chalet to become a second dwelling unit.

1. **REMOVAL OF RESTRICTIVE TITLE CONDITION:** Agriculture Zone I (agriculture), Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation : 16 units).

1. Objection 1: There is no clear or apparent motivation as to why the restrictive Resort Zoning conditions should be removed for the intended development being proposed. A lack of a strong motivation for approval is required, not a simple request in an application. Restrictive title conditions are put in place for a reason ... in order to manage and RESTRICT building and development on a piece of land to avoid densification and the environmental degradation thereof; restrictive conditions over a piece of property should not summarily be approved of simple because it has been applied for but should be accompanied with a strong motivation.

Objection 2: There is no motivation put forward as to why the resort zoning as it stands with its approved 16 units should not be exercised as is, if further development of the property is being requested. The previous landowners partially exercised the resort zoning rights – apparent in the existence of the chalets, a swimming pool, a venue and a tennis court - at the time of the transfer into the current landowner's name. There are great benefits in keeping the current status as a resort zone, particularly in light of Local Government's focus on promoting and attracting tourists to the area. A number of facilities to do so i) were in place at the time of transfer of ownership (as in the case of the venue which is currently the primary dwelling) and b) some facilities continue to be in place – swimming pool and extended lapa, tennis court).

Status quo and MSDF review

- **Status Quo: Trends and updated data**
- Significant demand for division of small holdings and applications for second dwellings
- Rural residential vs small scale agriculture tension
- No extension of the urban boundaries allowed since the 2019 review and MSDF process and updates were concluded
- Numerous applications for tourist accommodation/-facilities
- Many OSCAE applications - challenges
- Garden Route National Park Framework Plan and buffer area data available
- Confirmation layers for Critical Biodiversity Areas received
- River-courses, ridgelines and steep gradient areas confirmed
- Coastal Management Lines (existing and proposed) incorporated

**** Source: L Waring, Director:PlanningandDevelopment (8 december 2021 Powerpoint Presentation, WRRRA AGM at the Wilderness Hotel)**

It was stated in the above presentation held at the WRRRA AGM, that there are numerous applications for tourist accommodation. Here is an opportunity to maintain the status quo of the property, particularly in light of GM's focus on developments for TOURISTS and not residents.

Moreover, it was also stated in the WRRRA AGM meeting that due to the special character and function of WILDERNESS HEIGHTS that this area is NOT EARMARKED FOR SUBSTANTIAL GROWTH, DENSIFICATION OR **RESIDENTIAL** expansion! See below.

Human Settlements Plan

- **Touwsrante, Wilderness Heights:**
- These settlements fulfil an agri-service and/or tourism function and are typically characterised by community functions and a state of permanence (i.e. settled populations)
- Due to their special character and function, these areas are not earmarked for substantial growth, densification or residential expansion
- Mostly small permanent residential settlements that meet local convenience needs with basic social facilities for the surrounding rural communities)
- Touwsrante extension to be confirmed in the HSP. An extension to the nodal area (supportive urban facilities) possibly required.

**** Source: L Waring, Director:PlanningandDevelopment (8 december 2021 Powerpoint Presentation, WRRRA AGM at the Wilderness Hotel)**

Recommendation 1: In this instance the owner should be able to exercise his rights to developing ONLY the maximum number of units permitted in the resort Zoning Conditions, and preferably not as a residential estate and in the the already cleared and open and available spaces.

Recommendation 2: the legislated number of new dwellings still permissible should be developed with green-building principles in mind that have significantly lowered environmental impact on the area specifically and the region in general.

2. REZONING OF ERF 351 HOEKWIL TO AGRICULTURE ZONE II (SMALL HOLDINGS)

Objection 1: I am objecting in general to the deviation from the current Resort Zoning Conditions and therefore I object to the division of the property into small holdings.

Objection 2: There is no motivation from the owner as to the need to divide his property into small holdings – it appears that the motivation is the perceived financial benefits that will come

with approval, sale and development of these small holdings as part of an intended larger Private RESIDENTIAL Estate governed as a HomeOwners Association.

Status quo and MSDF review

- **Status Quo: Trends and updated data**
- Significant demand for division of small holdings and applications for second dwellings
- Rural residential vs small scale agriculture tension
- No extension of the urban boundaries allowed since the 2019 review and MSDF process and updates were concluded
- Numerous applications for tourist accommodation/-facilities
- Many OSCAE applications - challenges
- Garden Route National Park Framework Plan and buffer area data available
- Confirmation layers for Critical Biodiversity Areas received
- River-courses, ridgelines and steep gradient areas confirmed
- Coastal Management Lines (existing and proposed) incorporated

**** Source: L Waring, Director:PlanningandDevelopment (8 december 2021 Powerpoint Presentation, WRRR AGM at the Wilderness Hotel)**

There is SIGNIFICANT demand for small holdings and applications for second dwellings. *This is a concern. Are all of the applications for subdivisions going to be approved?*

In order to adhere to the goals of the Human Settlement Plan, subdivisions and requests for second dwellings need to be highly motivated to avoid densification in the Greater Wilderness Area, and even then so, not approve every one that is submitted. This specific application for Erf 351 should be rejected as it is based in Wilderness Heights and it is calling for the erection and expansion of dwellings and structures that supports densification in the area.

The rezoning to Agricultural Zone 2 will allow for smaller holdings which will provide landowners the rights for to their maximum capacity and significantly increase the densification of the erf as well as the environmental footprint of this 15 hectares of land.

Objection 4: the proposed rezoning and development would effectively be run as a Home Owners Association and access restricted to a limited group of private residences. Understandably the landowner has the right to exercise privacy on his property. He also has the right to not exercise the current conditions of the Resort Zoning Conditions to maintain this privacy and not further develop the property as a resort. However, following this line of thought only undermines any motivation to uphold his privacy around him by not exercising the Resort Zoning option since he is requesting 5 x subdivisions with an additional second dwelling and accompanying occupants for each portion.

3. SUBDIVISION OF ERF 351 HOEKWIL INTO 5 PORTIONS – PORTION A, B, C, D and REMAINDER

Objection 1: I object to the overall deviation from the current Resort Zoning Conditions that were partially or fully exercised on transfer of property into the current landowners name as per above.

Objection 2: The current title consent lends itself for developing tourism opportunities which is the focus of local government. If approved, these five portions will be 3 hectares each, sold and

developed as part of a Private Residential Estate (under the umbrella of a HomeOwnership Association) and developed to the maximum capacity permissible.

Recommendation 1: This site is beautifully placed/situated for tourists to enjoy the many attractions of the Greater Wilderness area – in light of local governments agenda to approve more resorts in the area to attract tourists, this is a good opportunity to retain and develop this property in its current zoning status as a Resort since many open spaces have already been cleared.

Recommendation 2: Town Planning recognised the value of the Resort Zoning many years ago, and that value has only increased. If any further development should occur in terms of this property, it should be as a Resort Zone with strong green building principles in mind.

Objection 4: the topography of the area only realistically lends itself to 3 or a maximum of 4 subdivisions with the maximum development on each 3 hectare portion is being requested as per their request for the consent use for a second dwelling unit for PORTION A, B, C, D & REMAINDER.

4. CONSENT USE FOR A SECOND DWELLING UNIT FOR PORTION A, B, C, D & REMAINDER

Objection 1: I am objecting to deviation from the Resort Zoning as a whole and subsequently to the approval of the development of a second dwelling on each of the 5 small holdings.

Objection 2: The topography of the area ONLY realistically lends itself to 3 or a maximum of 4 subdivisions that can hold a second dwelling; The current topography and natural existing (unprotected and shrinking) endemic forest that should be protected does not lend itself well to the construction of 10 plus dwellings.

Recommendation 1: A massive clearing of aliens and non-indigenous trees and the rehabilitation of the surrounding forest should be the number one priority before any further departures or deviations from the existing zoning conditions be considered.**

Objection 3: I have **MORAL objection** to having units built in positions that are not only forests of indigenous pockets (albeit highly infested and unprotected) but in a fire hazard zone that is infested with wattle and blackwood. The property as it currently stands is a massive fire risk as it is. The natural forest around these proposed new dwellings is highly infested with wattle and blackwood and the management of this problem (in a high fire risk zone) appears to be unchecked and unmanaged. The remaining natural endemic forest, surrounding the existing developments, would in itself have provided a form of a firebreaker around the property and between properties had it been protected and maintained as a thriving forest.

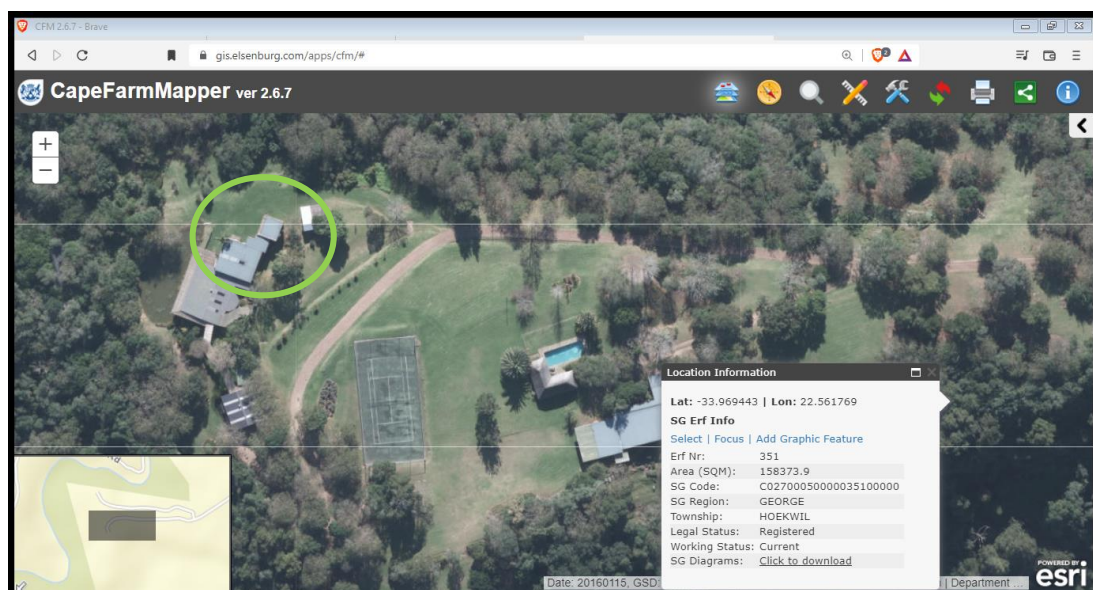
Recommendation 1: Any development approved in a fire hazard zone heavily invaded with alien trees (non-indigenous wattle and blackwood) without a massive rehabilitation effort prior to such development taking place or without it being a condition of approval has great MORAL implications for me. Very little to no alien control has been done and there is no AICP in place. This was asked and confirmed in the site visit. *My question? Who would be deemed responsible for the loss of human and animal and plant life should a fire break out (in a hot berg Wind Zone with extreme weather patterns and kilometres of invasive wattles)? Insurance*

companies would be hard pressed to pay out for losses claimed if consent was given to build without the radical clearing of these invasive trees without protective measures in place around these dwellings. An AICP did not appear to be in place and this was confirmed by the owner himself at the meeting when questioned on it. *If Town Planning approves any development without conditions of clearance and rehabilitation prior to development as a protective measure, how do residents/guests/tourists protect themselves against a pending fire, particularly if there are no fire protection measures in place to secure the safety of the residents who reside there or are guests there? And who are responsible for claims that may arise out of any fire outbreak on or around the property?*

Objection 4: In the event the above is approved, I object to the positioning of the proposed dwellings. The positions are in pockets of natural endemic forest (albeit highly invaded and shrinking as a result of unchecked growth). The positions of the second dwellings proposed are on undeveloped unprotected areas of endemic forest patches (that appear to have shrunk since my first visit almost 20 years ago and that are sterile a result of the presence of wattle and blackwood). The sizes of these invasive trees have grown to are a clear indication of how long the problem has gone unchecked and unattended.

Objection 5: I object to the motivation on the positioning of the dwellings is based on the fact that the position is in wattle infested areas of the natural endemic forest. Clearing invasive trees to build a second dwelling is not a valid reason to build in the proposed positions. As it is an offence in terms of the National Environmental Management: Biodiversity Act (Act no. 10 of 2004), these alien trees must be removed, and replaced with local indigenous trees and bushes. Notwithstanding the fact that a) there is enough cleared land on the property as it I to accommodate more development - which could easily be done if the Resort Zoning was kept in place, and b) Clearing invasive species on a property is geared to eliminating the fire hazard and assisting the restoration of the endemic forest.

Objection 6: the owner appears to have already deviated away from the resort zoning conditions towards a private residence. See photo below. *Has this alternation and extension been approved of by Town Planning and OSCA permits granted?*



Recommendation 1: Currently there are six fully equipped dwellings on the property which allows for another 10 more dwellings in terms of the current resort zoning rights. If the landowner exercises the rights to develop to the maximum allowed (not recommended capacity) I would recommend they be situated in the open spaces/ grassed areas with greenbuilding practices and techniques in mind. I noted on the site visit that where land has been excavated and cleared for lawn and open spaces the food tunnel, no visible attempt has been made to replace “removed” forest.

Recommendation 2: Remove the sterile and non indigenous landscaping and implement indigenous landscaping techniques around the property to restore biodiversity to the area.

Recommendation 3: landowner to clear the forest areas infested with wattles and blackwoods on his property. This should be a condition of approval in / agreed upon prior to any approval or the consent given for the more dwellings to be developed on the property.

Objection 6: to the higher than average environmental, social and community impact through the building and construction phase of this application. The footprint of each new building them in the construction phase – traffic, heavy vehicles up heights road. This specific site is not located off the N2. It is located in a position that does not lend itself to heavy vehicles transporting tonnes of building materials to site.

Objection 7: to the environmental footprint and running costs of each dwelling upon occupancy and the maintenance footprint of the Estate on an annual basis. Particularly if this is run as a closed access, private estate under the umbrella of a Home Owners Association where maintenance and ongoing upkeep provide jobs but have a large energy water and waste footprint.

Recommendation 1: reduce the high level maintenance technologies (leafblowers and lawnmowers) and integrating renewable energy, water and waste management principles into the designs with indigenous gardenscapes and low maintenance landscaping practices and to reduce noise pollution for our wildlife.

Recommendation 2: Architectural design and building materials should be made apparent from the start. A photograph of the Aesthetic design intended is not sufficient evidence to show that a lowered environmental footprint will be adhered to.

Recommendation 3: Since this does not to appear to be an environmentally sensitive development and no current indication to build with a low environmental footprint – the building design needs to be made transparent.

Recommendation 4: There is no consideration of the installation of waste management practices with the expansion of this property. The landfills in George and Mosselbay are currently a massive problem and consideration needs to be made around waste management practices in the designs of these dwellings. **

Recommendation 5: No water management considerations appear to be in place or planned into the designs to better motivate their application. Rain tanks can be implemented to reduce the environmental footprint around watering the landscaped gardens and forest areas in times of drought. Wattles consume high amounts of water which are not only a threat to the indigenous forest but to the water-cycle in the area as a whole. **

Recommendation 6: No consideration of renewable energy around the property attempt to consider supply energy other than that supplied by Eskom. The need for more energy, water and waste management will be heightened with further development and there is no consideration of these in the building design. If development should be approved in whatever form, it is recommended that the landowners/property owners should invest part of the building budget to grid-tied or off grid and in so doing reducing the pressure on the already stressed energy supply.

5. DEPARTURE FOR THE RELAXATION OF BUILDING LINES FOR THE EXISTING BUILDINGS ON THE PROPERTY.

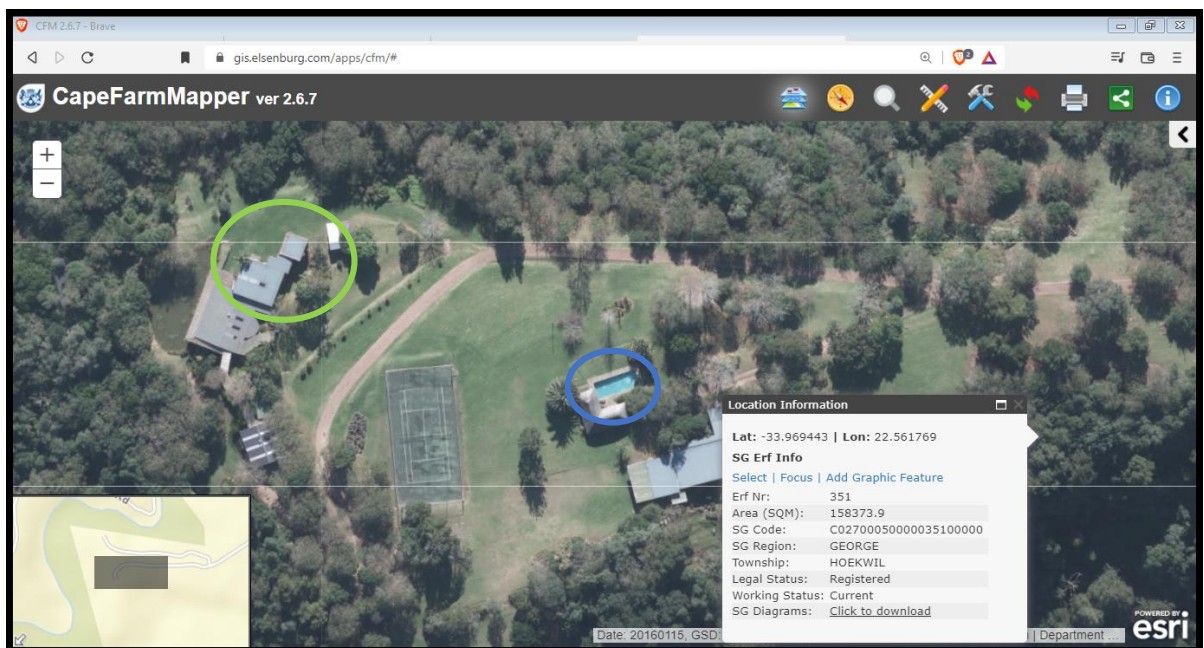
Objection 1: I am objecting to the entire development proposal and consequently do not approve of the relaxation of building lines on the property.

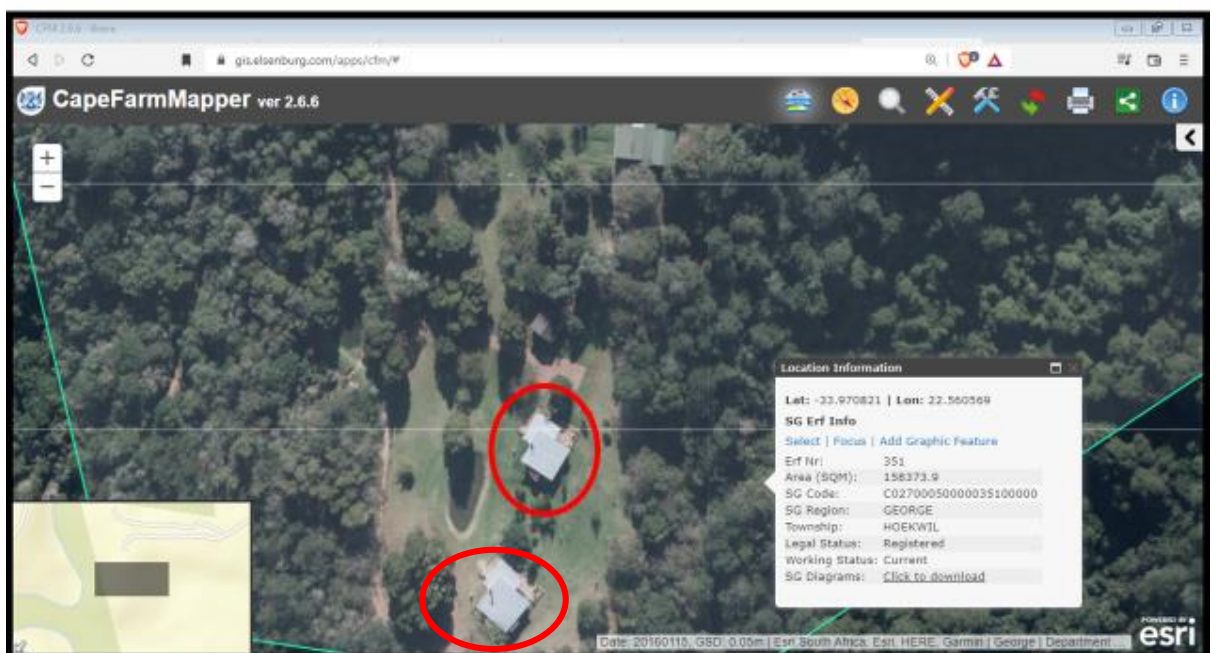
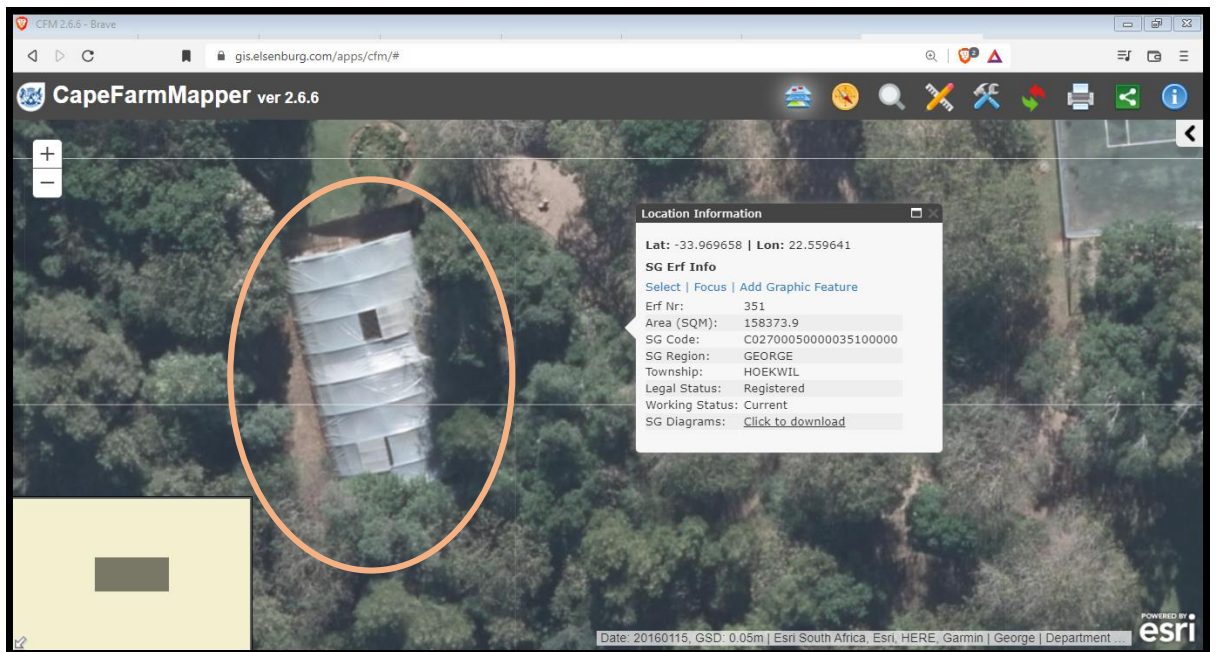
This departure for relaxation of building lines is applicable only if the sub divisions are approved and I am objecting to the rezoning to Agricultural Zone II and the apportioning into 5 smallholdings.

If the Resort Zoning conditions remain, there would be no need to approve this a relaxation.

Objection 2: There appears to be no apparent motivation as to why any of the dwellings, which were in impeccable condition and well maintained, should be upgraded and/or extended or altered (other than to possibly fit into the Architectural Aesthetics of the intended Home Owners Association) and would simply unnecessarily increase the footprint of the existing buildings.

Objection 3: upgrades to some of the existing dwellings since ownership was taken appear to already have taken place. *Were there OSCA permits provided for the “food tunnel, the upgrade and expansion of the Resort Conference Venue (currently the primary dwelling and residing place of the owner), the lapa area around the pool?*





These are depicted in the photos above:

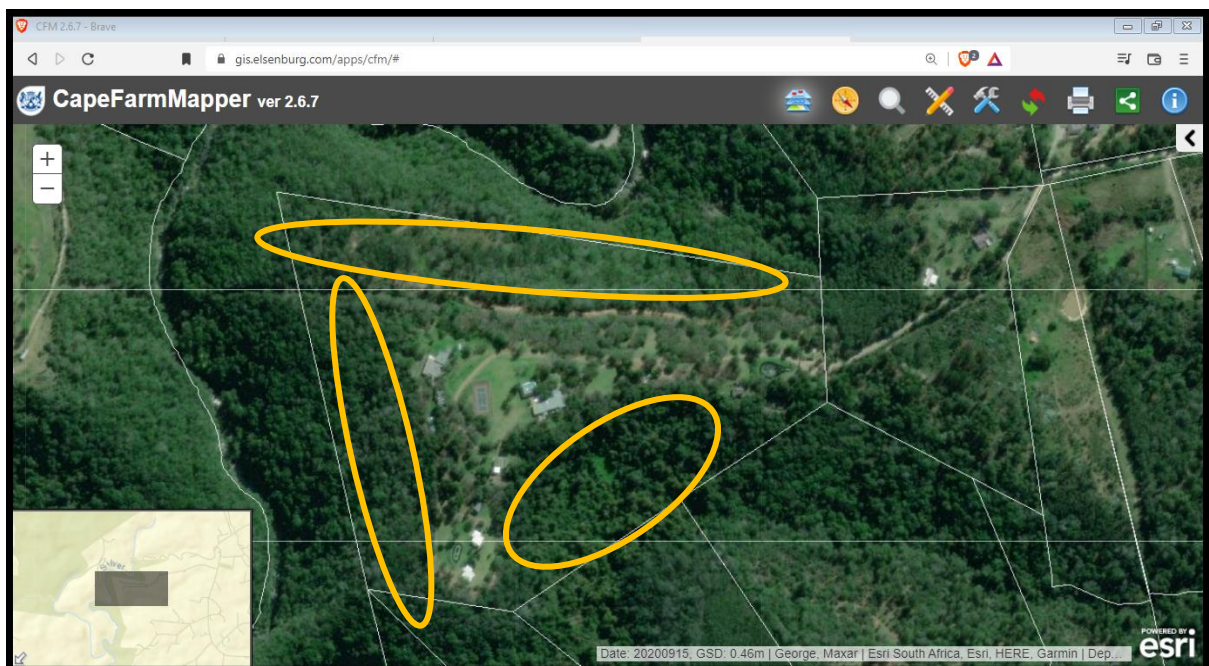
1 = conversion of the conference type venue into a private dwelling with the extension to it (depicted in the green ring); 2 = extension of the lapa (depicted in the blue ring above); 3 = excavation and erection of a grow tunnel (depicted in orange above); 4 = some renovations and extensions to the existing chalets (depicted in the red rings)

I noticed with concern that clearing of the site for the proposed second dwelling on Portion D has commenced without an **OSCAE permit** being issued to do so.

Objection 4: Departure to increase the size of the second dwelling units from 150m² to 175m². As the maximum size of second dwellings is legislated in the George Integrated Zoning Scheme By-law, and as no motivation has submitted to increase the floor area, we see no reason why the floor area needs to be increased from 150m² to 175m². This will set a precedent that will effect have very little benefit for the Garden Route endemic forest patches going forward.

GENERAL COMMENTS:

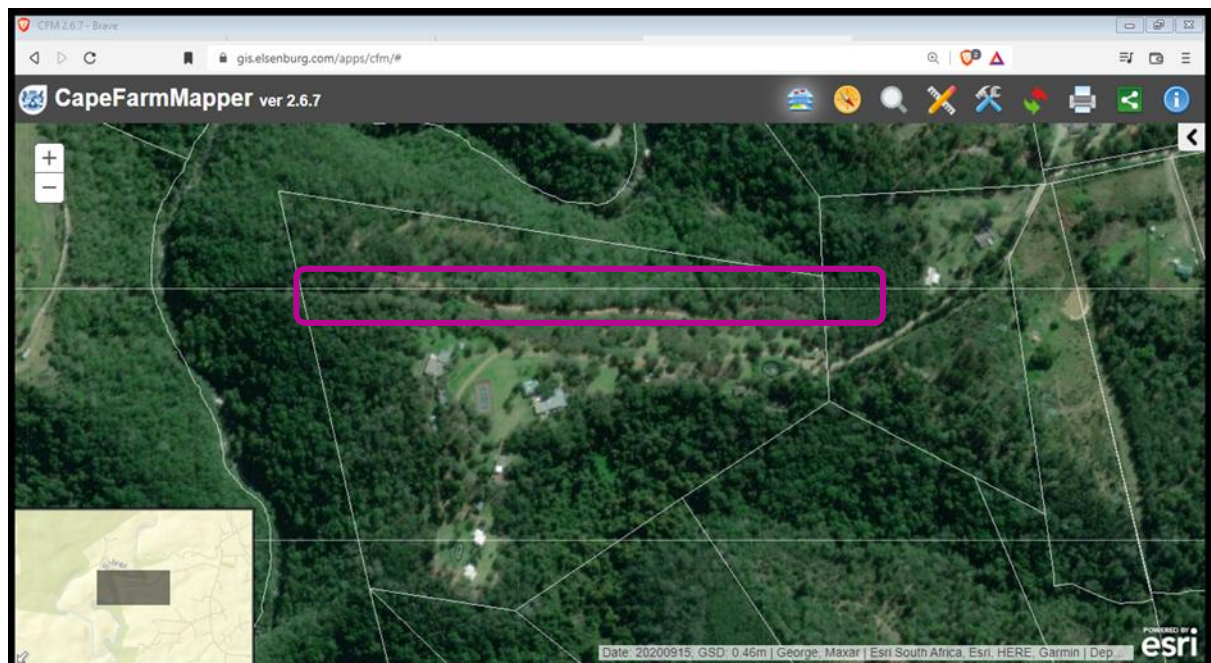
1. I object to the apparent ease of approval of applications for departure and deviation which appears to be the common case with the Town Planning Department with little or no motivation given or apparent consideration for our natural environment and the indigenous forest biome in which these approvals are regularly and commonly taking place.
The OVERALL Lack of Strong Motivation on behalf of landowners to themselves motivate the deviations from existing conditions for their erven is observed and comes with little or no regard for our wildlife, biodiversity and the afro-montane forest biome.
2. The increase in heavy loaded trucks, particularly w.r.t the specific location of this erf is concerning. Especially in terms of its location and nature of the single narrow access road ...
Recommendation 1: that some form of traffic assessment should be submitted with the application considering both the traffic and nature thereof through the building and construction phase .. Height and Tonnage restrictions are already in place and as it stands, the large trucks that are permitted are still a cause for concern for road and public safety. **
3. Since a fairly significant amount of land appears to have been cleared since taking ownership in 2005 – and space created to accommodate lawns, dams, renovated existing buildings, etc. The percentage of endemic forest vs cleared land is under question, as is the percentage of healthy vs struggling/shrinking forest.



Recommendation 1: I recommend that an assessment of land cleared vs remaining endemic forest prior to any approval of positioning and erection of any dwelling outside of the already cleared and open spaced areas on the property.

Recommendation 2: Should these open and cultivated lawned spaces not be used for the additional dwellings, then my recommendation is that a significant proportion of the lawn be removed and the local indigenous flora be restored and allowed to flourish.

4. There is a servitude road that was cleared in the endemic forest patch north of the proposed second dwellings (as per attached photos). It was indicated that Eskom was given right of a servitude to gain access to their pylons, although it was mentioned in the site meeting that Eskom no longer use it. This cleared servitude should also be taken into consideration in the amount of LAND THAT HAS BEEN CLEARED to date. *Was an OSCA permit (on behalf of the owner in favour of ESKOM) submitted and was it approved?* The intention is to revamp this as a road/driveway (a type of ring road) to give cars access to the proposed second dwellings.



Recommendation 1: Ideally this road should be rehabilitated to its natural forest biome if Eskom does not indeed use the servitude running through this property. A letter stating that Eskom still require consent to use the servitude if no rehabilitation of the servitude does occur should be attached to this application and an OSCA permit submitted for the environmental impact around this servitude. If it is developed as a driveway or access road, then the removed forest needs to be replaced elsewhere on erf 351.

5. Light pollution and NOISE pollution increase in both the building and occupancy stage. Time lines for the building process are not clear a nor defined and neighbours AND WILDLIFE are effectively subject to the construction noises which reverberates across the valley for an indeterminable amount or unspecified amount of time.

Recommendation 1: Light sensitivity and motion lighting should be taken into consideration around the property to keep the light pollution to a minimum. No flood lights should be permitted.

6. Overall Lack of investment in the natural fauna and flora - It appears from observations on my site visit that the owner is motivated to invest a lot of money into the man-made aspect of the property (renovations to dwellings and structures), is in fact willing to break down a R1 000 000 home (his approximation of the cost of the dwelling given to me verbally on site) for the sake of subdivision approval, yet there is very little evidence that time and money has been invested in a) the natural afro-montane forest biome and b) clearing the infestation of non-indigenous trees and c) the elimination of the fire hazard his property poses, not to the residents alone, but to the surrounding properties.

I am available on 084 490 8876 or melissa@solien.co.za for any queries i.r.o the above.

Sincerely

A handwritten signature in dark ink, appearing to read 'Dalton', with a horizontal line drawn underneath it.

Melissa Dalton

650528 0174 089

084 490 8876

Michael Leggatt

Box 654

Wilderness

6560

11 December 2021

Micheal.leggatt@gmail.com

To whom it concerns,

Re: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, SUBDIVISION, CONSENT USE & DEPARTURE ERF 351, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION.

I live on Erf 372, abutting Erf 351 on their south-Eastern boundary.

This application raises some interesting questions as the proposal seeks to subdivide the property into roughly 3ha portions while simultaneously retaining some type of control over what happens on each portion. In other words, the 3ha portions will not be fully autonomous. The application also indicates to some extent what will happen to existing structures on the property and an impression is given that there is an **intention to develop** the individual properties in a singular style which indicates that an **estate of sorts** is to be created.

Page 3 of the application makes **clear reference** to the fact that there is a servitude right of way across the neighbouring property to the East (erf 373) and that in fact Silver River Road ends on the Eastern boundary of Erf 373.

Erf 373 is currently the subject of its own subdivision, and it should be noted that Erf 352 (to the North of 373)(and forming part of Erf 373's application) and Erf 351 are both owned by the same person (although under different company names). In the subdivision application of Erf 373 it is stated that the owner of Erf 352 wishes to purchase the subdivided portion C (proposed) which would then mean that Erf 351 and 352 would be connected by portion C and thus form a continuous strip of land of roughly 21ha and would potentially allow for an 'internal' road that could connect the said properties and make the existing servitude (across 373) redundant.

This is not stated in either application nor is it made adequately clear, but is rather inferred by both applications highlighting the fact that Silver River Road ends at the Eastern boundary of Erf 373.

I believe it to be important that the applicant states whether or not this is in fact the intention as it has relevance to the application as well as potential impacts, and raises the question of whether a Basic Assessment or EIA is necessary in order to fully understand the impacts on the receiving environment.

TOPOGRAPHY AND INDIGENOUS VEGETATION:

Of concern to me is that it is not clearly indicated in the application where there are slopes steeper than 1:4 and where indigenous forest and /or conservation worthy Fynbos is situated. This may have relevance to the amount of developable land.

INVASIVE ALIEN SPECIES:

It should also be noted that the property has been in the same hands for the past fifteen or more years and that, in my opinion, **very little effort has been made to eradicate or control the Invasive species on the property.** Given their prevalence on the North-Western section of the property, I feel it is impossible to fully establish the visual impacts associated with this proposal from the Seven Passes Road...It must be noted that this road is a considerable tourist attraction in the area.

Further to this point, these highly combustible invasive species are situated in the worst possible position on the property as far as a fire danger is concerned, as fires are most often fanned by strong North-Westerly winds.

For both of the above reasons, I feel that the eradication of Invasives needs to be a priority and must happen regardless of whether or not this application is approved.

I **STRONGLY DISAGREE** with the following extract from the application:

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 11

This property should be rehabilitated regardless of whether this application is approved or not and clearing aliens cannot be used as motivation for development!

VISUAL IMPACTS:

The application actually downplays any potential visual impacts, but without the benefit of knowing the exact details behind the application (or a specialist's report) I believe it is impossible to make such a claim. The property is visible from the Seven Passes Road and it should be noted that the proposed style of dwelling unit as put forth in the application appears, in part, to be at least two (if not three) stories high...The photo is somewhat misleading as the high Conifers (Pines?) behind the dwelling appear to dwarf the unit itself... (This would not be the case on this property as the indigenous trees around the various proposed building platforms are not as high).

Further to this point, a height restriction will need to be implemented to ensure that visual impacts are mitigated.

By extension...:

- All dwellings/buildings on the plateau should be restricted to single story
- All dwellings on slopes should be 'stepped' in order to avoid large vertical facades.
- Large expanses of glass should be recessed.
- Light pollution must be kept to a minimum and no spotlights should be allowed.

(Apparently the property owner stated at a site meeting that all dwelling units would be single story, but this is not stated in the application or in writing.)

I believe a more thorough Visual Impact Assessment is necessary and a robust attempt at clearing aliens would help determine or define more accurately the actual visual outcomes from the tourist route to the North. (Including light pollution)(Note) and that it is not possible to determine visual impacts without more information...making obsolete or redundant the comment that 'The proposed new dwellings cannot have an impact on visually sensitive areas and tourism routes'.

PUBLIC INTEREST:

I strongly disagree with the statement that the proposal will have 'no negative impact regarding public interest.' If this application is approved it will have consequences for many of the inhabitants living along Silver River road. Especially during the construction phase. Even more so if the proposed subdivision and consolidation of Erf 373 is approved. The possibility exists for renovations, alterations and new builds on 14 units as well as associated infrastructure etc. Surely it can be agreed that this will affect many, if not most, property owners on Silver River Road.

A **Traffic Assessment**, both during the construction phase and after should also form part of the application as well as addressing the question of whether or not Silver River road itself is adequate to deal with a change of this nature.

If upgrades to Silver River Road are necessary in order to accommodate this application, then at whose expense will it be and what will the scope of the upgrades be? The road is very narrow in portions and construction vehicles may struggle to pass each other.

NOISE POLLUTION:

Due to its extensive lawns, this property is already associated with extensive noise pollution. Apart from the various lawn cutting machines, there is a very loud leaf blower that can go on for 8 hours a day, three days a week. A sound that is very difficult to tolerate. (There are various battery-operated models available.) It will be interesting to know what the future plans regarding this aspect of the proposal are.

Regardless of the noise associated with the gardening, the application makes no mention of the noise pollution associated with the development phase, nor with the extensive clearing...again it must be noted we are considering an application that may result in **extensive development and alien vegetation removal**.

GENERAL:

It should also be noted that the type of development **does not align in any way with the existing social landscape**. The application creates, or introduces, a sense of **social exclusion or isolation** that is not present in this form in this area.

While I am not opposed to subdivisions that are within the legal norms, I feel that **this application needs more thorough examination** as it can lead to significant social, visual and environmental change in the area. It has the potential to **fundamentally change the social profile** (gentrification) and by extension, the character of the area.

Does the activity trigger any sort of heritage assessment?

What about staff/labour? Will they be sourced locally or brought into the area? It must be noted that we have an expanding situation at the informal settlement that is being compounded by property owners not employing locals while simultaneously housing foreign nationals illegally in the settlement.

IN SUMMARY:

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

The application contains **no clear motivation.**

At a recent WRRRA meeting, Lauren Warring stated that there are ‘numerous applications for tourist facilities/accommodation.’ No reasons are given as to why the owner wishes to change the land-use from a functioning tourist facility to a more permanent residential development.

The application down-plays potential impacts while simultaneously not giving enough information to make a properly informed decision. As it is neither a straight-forward subdivision nor being punted as an estate it becomes very difficult to pin-point exactly what may or may not happen on the property (and adjacent properties) and as such it is extremely difficult to comment.

I call on the consultant to **clarify this point** and whether or not it is the applicant’s intention to link Erf 351 to erf 352 using the proposed portion C from the proposed subdivision of Erf 373. (And create a new road from the existing gate of Erf 352, across portion C and into Erf 351.)

It is my understanding that the owner of Erf 351 stated at a site-meeting that the intention **is** ultimately to link the properties and, it should be noted that this would mean he would (in some way) have control over 7 out of the 8 properties that might potentially be created.

Further to these points is the that the proposal essentially denotes **a new type of development paradigm** in the area which should come under more intense scrutiny (than a straight-forward town-planning application) from the public as well the decision-makers (and neighbours).

What is clear is that the potential exists for significant environmental, social, traffic, (during and post construction phase) and visual change.

When considered in isolation (ie without the adjacent application), I feel the property (topography, vegetation etc) lends itself to **FOUR** rather than five subdivisions. This would also negate the need for building line relaxations and the end result would have a less 'clustered' appearance, and visual impacts can be mitigated by height and footprint restrictions.

When considered in conjunction with the adjacent application, (ERF 373) (which somehow seems to be implied but not stated by both applications) then I feel that **no decision** should be considered without a proper EIA or Basic Assessment (that is extended to all residents in Silver River Road) in order to establish the scope of potential impacts. (Duty of Care).

The fact is that the result on the receiving environment remains the same in many respects if both applications are approved and, as such **I OBJECT on the basis of obfuscation and/or a lack of clarity or certainty as to the exact extent and/or intention behind the application as well as on the receiving environment. This application needs to be assessed from a collective perspective and the impacts considered as cumulative rather than individual.**

If it is the intention that ERF 351, 352 and portion B (C) of erf 373 are to be developed as an estate of sorts, (as they may all belong to the same individual for a period of time) then I submit that these applications **should be refused** and resubmitted as **a single application** that states as much and can be considered as such.

Under the heading of Need and Desirability, the consultant states '*the proposed subdivision, consolidation (? Sic), consent use.*'

I feel it would have been in everyone's best interest, (including the applicant's) for the consultant to have explained the link between these properties and that there was **a missed opportunity to have clarified the applicant's intention (either way).**

I submit that as the application for Erf 351 and 373 were submitted simultaneously and have a key role-player in common, they cannot be considered independently as this will lead to undesirable incremental decision-making.

Regardless of the intention behind these applications, I think 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 and council would do well to mitigate this by ensuring a more thorough **investigation into intent** as well as cumulative impacts and to delay any decision until the culmination of that process.

Sincerely

Mike Leggatt

0727524597

Riccardo Moretti
Erf 371 Wilderness
Tuesday, 07 December 2021

REF: **2080157**

Att: Administrative Officer

Re: DEPARTURE: ERF 351 HOEKWIL, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS,

Objection

Historically George and more so Wilderness has been known for its beauty and tranquillity, much has changed over time and George as a city has grown, some good and some for the worse, take for instance the horrendous development of the Kraaibosch area, where once we had smallholdings, we now see literally hundreds of roof tops designed with nothing but profit in mind, no longer will you see the bushbuck or the porcupine or the bushpigs in those areas. The town has replaced that with houses and cars. The municipality of George needs to consider the future of the Wilderness area and how they see it either being protected or being part of an urban sprawl.

ERF 351 as noted in the application for subdivision is just over 15 hectares and is one of the outer lying ERFs. Each of these erf's on the outer perimeter of Wilderness are larger than the inner properties... why this is so I am not sure, was it to protect the area from urban sprawl?

Wilderness has been known for its beauty and tranquillity as I mentioned

In response to the land use application of ERF 351, I have the following objections

Visual Impact,

My property looks directly onto Erf 351, my views of George peak the mountains and the forests are un-hindered by Erf 351 besides a small roof of one of the chalets, which is mostly surrounded by trees. It is this chalet that will be joined to the next chalet to form "one dwelling" the primary dwelling, **that is my major objection.**

The current chalet is small single story and fits into the forest.

The Remainder accommodates the four existing chalets of which the smallest is to be demolished. The two chalets located closest to the southern boundary, is to be joined to create one dwelling – the primary dwelling house for this portion. The chalet located closer to the northern boundary of this portion is to be retained and to become the second dwelling unit.

Figure 1 Quote Page 10 of application

There are no plans for the primary dwelling on the portion "Remainder" shown in the application.

The application of 351 land usage does mention the "joining" of the 2 southern most chalets on page 10 of the motivation, followed by an artist's impression of what the future buildings will be.

The future building shows proposed 3 story buildings, to which I **vehemently** object to. This proposed building would devalue my property as it would impact on both my existing view, privacy and sense of place. The size of this house would be completely out of character of the houses of wilderness, and would almost fall into a boutique hotel category not a house.

I would be looking directly into another house, not just a roof but a 3-story building (see artists impression on page 10), the current roof of the chalet already sticks out **above** the treeline.

I feel no development should be done on the section named “remainder” portion, and all dwellings on this section to remain intact.

If the application was to be approved, the proposed merge of the two chalets on the “Remainder” Portion should be strictly limited to a single-story building, and all other buildings should be single story, as any taller than the chalet at the moment would impact my views.

I wish to note that on the 13 August 2015 my application for my relaxation building boundary lines was approved for my house with a number of restrictions (ERF 371). I wish to point out namely point 3 of the approval which stipulated.

(Sent from Me M Welman to Delpan Erf 371 via registered post)

3. Die hoogte van enige gedeelte van 'n gebou wat die 30m boulyn oorskry, word beperk tot 'n hoogte van 6m en alle ander geboue word beperk tot 'n hoogte van 8m. Hierdie hoogte sal loodreg gemeet word vanaf die laagste punt van die beboude grondvlak en /of die afgewerkte grondvlak, wat ookal meer beperkend is, tot die nok van die dak.

The same height and building restrictions should be applicable to my neighbour as what was applied to me. (as stipulated in point 3),

I feel that if the application for land development were to be approved that the same height restrictions that were applicable to me are applied to ERF 351's application.

Keeping to a single-story building for the buildings and keeping the natural forest will mask any buildings from ruining my view and devaluing my property.

Further more

I'd like to mention points 5 and 6 of my building restrictions

5. Die primêre wooneenheid moet 'n natuurlike of “aardse” kleur geverf word, indien 'n “gepleisterde baksteen” of “handi-plank” struktuur oorweeg word.
6. Die dakke van die primêre wooneenheid en buitegeboue moet in 'n kleur wees wat in harmonie met die natuurlike omgewing is, geverf word - donker groen, donker bruin, grys, swart, ens.

A single story will also allow me to keep my privacy, and the roof colour should have the same restrictions as what I was subjected to, i.e., dark green, dark brown, grey or black as in point 6.

The artist impression I'd like to highlight shows towering pine trees behind the proposed houses, which do not exist, my house and the property of ERF 372 will look onto these houses, the application makes it look like nobody will be affected. Hence my above objection.

Noise

Currently as things stand ERF 351 generates by far the most amount of noise in the area.

The vast expanses of grass means that lawn mowers are constantly in operation, whilst that is ongoing even worse is the leaf blower that literally operates 3 days a week, it destroys the serenity of the area, and is an annoyance to all the other neighbours, whilst currently the people of Wilderness heights are considerate, ERF 351 is not, they have been asked to reduce the noise and quite frankly don't care and continue as if they are the only ones living in the area.

Parties and large groups...this past Saturday 2021/11/27 at 1:26am I was kept awake by party goers, and on Friday 19th November 2021, was another group of people who disrupted the area.

We are each entitled to a little bit of noise, be it people's dogs or mowing the lawn, but by subdividing ERF 351 into the absolute minimum size plots and building the greatest number of permitted dwellings will increase this noise by a factor of 5.

With the ongoing load shedding, the number of generators would increase 5-fold and potentially more, if like the application of 351 mentions the sharing of services will they share 1 generator for all the subdivisions?...

If the land owner of 351 were to have permanent residents and not casual party goers or Air-BnB customers every day, this may reduce the noise factor, and moving to electric/battery operated leaf blowers would certainly help.

Home owners Association

I find it weird, that whilst there's a tennis court and swimming pool and a croquet court, the applicant then goes to request for a relaxation of building boundary lines.

The application shows that this is no ordinary sub-division with the introduction of a Home owners association

If there was an intention to sell off a portion of the land to make a profit (to a non-connected individual) or to hand over a portion of the small holding to a family member one could understand this, but to subdivide and then still ask for a relaxation of building lines, the intention is pretty clear.

Night Light Pollution

Recently Bill and Diane Turner sold the iconic Wilderness property known as Strawberry Hill (ERF 388) the new owners put up flood lighting, NMMU also put-up additional street lights which shine right into the Wilderness heights residents (They by the way should be controlled just like everyone else in the area with regards to night lights).

With new buildings I'm concerned about the light pollution, of this application. Light from a single ERF and 1 dwelling is not so bad... this application is asking for 10 dwellings.

With my building I was restricted in two points with regards to outside lights (point 11 and 12), and I feel this should be a restriction applied to all Wilderness residents.

~~Van die Departement van Waterreë en Bosbou.~~

11. Alle eksterne beligting moet tot die minimum beperk word en georiënteer word om afwaarts te skyn. Geen sproei beligte moet aangebring word nie.
12. Pale wat gebruik word vir die beligting van enige paadjies of paaie binne die ontwikkeling of enige oop ruimte area nie meer as 1m hoog sal wees nie.

Nature

Wilderness is known for its beauty, it would be an absolute shame that its beauty is used by property developers to chop each erf into its minimum sizes and then to develop the maximum number of dwellings on each property... all for the sake of making money, as I feel this current land use application is attempting to do.

I urge you to look seriously into this application and protect the Wilderness, protect the tranquillity, protect the views.

Conclusion

Consideration should be taken to not divide the property into the minimum sizes and build the maximum number of houses with home owners etc. (City planners need to decide if this is the future of Wilderness)

Keep "remainder" portion as is, the application will then be unlikely to affect me (erf 371) or my neighbour to my right ERF 372.

Building heights to be limited to 6 meters as was the ruling applied to me where I feel precedent was set.

In terms of the noise factor, if there are permanent residents and not weekly party goers or nightly Air-BnB people potentially this will help curb the noise (and traffic), and a simple move to electric leaf blowers will go a very long way to appease the people of wilderness heights.

External Lights to be controlled and limited and no floodlighting.

There is potential in this application for good, with the return to Agricultural and bringing back a portion of the area from the direction of residential and commercial zoning. Having permanent residents will potentially reduce the noise, and strict control on the building heights the views of wilderness can be kept intact.



Sustainability Forum

Green Economy, Good Governance
Social & Ecological Wellbeing

Statement No:	SFGRGM0017
Regarding:	ERF351 Wilderness Subdivision
Submission Date:	10Dec2021

*The following statement reflects a non-binding opinion from the Sustainability Forum.
(Non-Profit Company Registration No: 2019/524632/08)*

The proposed development has the potential to result in a NEGATIVE development precedent in a visually sensitive area of Wilderness.

The proposed subdivision could result in a significant local change to the Wilderness landscape character from the development of multiple large dwellings on a topographically prominent location. This subdivision could also set a precedent for further subdivision and clearing of vegetation in the Wilderness area. As the adjacent property Erf 352 on the eastern boundary of Erf351m, is also subject to a proposed subdivision, the cumulative effects of multiple dwellings clustered on the top of these prominent properties needs to be carefully considered to not create a negative development precedent in sensitive landscape locations (see Figure 1 depicting the views as seen from the Seven Passes Road).

The following generic mitigations could be incorporated

1. Provide restrictions to the siting and heights of the proposed dwellings such that visual intrusion is limited.
 - a. 30m setbacks from steep slope areas.
 - b. Height restrictions limited to 6.5m (stepped back with the terrain).
 - c. Strategic trees placed near the dwellings such that 30% of the dwelling face are screened by suitable fire-resistant vegetation.
2. If there is insufficient space for a suitable development site, without resulting in loss of indigenous vegetation, or infringement into the 20m non-development buffer from adjacent property, the subdivisions of these properties should not be authorised.
3. Fencing needs to be restricted/ animal movement friendly and non visually intrusive and should not result in visual degradation from linear cuttings through the vegetation.
4. Firescaping should include suitable fire-resistant trees such that the area immediately around the dwellings does not become another expanse of large lawns, resulting in a loss of Wilderness sense of place

5. Alien vegetation should be removed and REPLACED with suitable indigenous trees (in accordance a fire-resistant landscaping plan) such that Wilderness can still one day in the future be referred to a 'Wilderness'.
6. Light spillage from the multiple dwellings is also likely to result in a change to the local sense of place. Does this align with the Wilderness landscape character?
7. The multiple dwellings will result in an increase in vehicles accessing the property. This access road is very narrow. Does this meet traffic requirements, and can emergency vehicles (fire) access the site along this currently very narrow road?

The following generic proposal are suggested to ensure that future developments do not result in a significant loss of landscape character.

1. Where more than 3 subdivisions are proposed per property per year, an EIA should be implemented to address the cumulative impacts, including a Visual Impact Assessment/ Statement to ensure that the collective landscape changes are adequately addressed (if located in a visually sensitive location).
2. Compliance with all local municipal by-laws (including the removal of alien invasive vegetation/ firescape rehabilitation plan/ legal status for all dwellings on the property) PRIOR to the submission of any further property amendments/ subdivisions. The proposal is that GM provide a Compliance Certificate which property owners must obtain prior to further development.

Given that, in terms of the current by-laws of 3Ha subdivisions, 2 dwellings would be allowed for each of the 5 subdivisions, the combined development is that 10 dwellings would be located on the top of the property in a small area (excluding steep slopes). It is our recommendation that the combined development footprint be considered as a single entity (which they are environmentally), and that an EIA is undertaken to fully understand the social, environmental, and cumulative impacts that could take place. The visual and landscape impacts would also need to be better understood in terms of this type of development setting a precedent for further multiple subdivisions in Wilderness.

Please note that this comment does not imply a support or opposition to the proposed application but raises professionally informed issues that would need to be considered in order to ensure that this development can be defined as 'sustainable' within the peri-urban landscape context.

Kind regards,
Sustainability Forum



Figure 1. View of the property skyline as seen from the Seven Passes Road.

Re: proposed rezoning, subdivision and development of erf 351 Silver River Street Wilderness Heights Hoekwil.

Saney <saneystar@gmail.com>

Mon 2021/12/13 09:14

To: Marina Welman <Mhwelman@george.gov.za>

Cc: marlize@mdbplanning.co.za <marlize@mdbplanning.co.za>

To whom it concerns:

I must object in the strongest terms to the subdivision and development of erf 351 in Silver River St Wilderness Heights, the clearing and subsequent building and occupation of those buildings, will escalate the traffic on our narrow dirt road to an unacceptable degree.

Other concerns are the loss of 'sense of place' in our neighbourhood, by this development, environmental and visual impacts on the surrounding area, and the setting of a precedent for future development.

Regards

T.J.Martin

355 Silver River St

Wilderness Heights

saneystar@gmail.com

0847934722.

On Mon, 13 Dec 2021, 08:57 Saney, <saneystar@gmail.com> wrote:

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

0847934722.

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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



322 Erica St.
Wilderness Heights
Wilderness, 6560
Email: touwriver@gmail.com

14 December 2021

To: Marina Welman

Re: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, SUBDIVISION, CONSENT USE & DEPARTURE ERF 351, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION.

We are writing to endorse the comments and recommendations submitted by our fellow committee member, Melissa Dalton.

As the Touw River Conservancy, our concerns are reflected in this submission.

The continual relaxing of bylaws and zoning restrictions is becoming extremely detrimental to the environment of the area we call Wilderness.

In general approval of applications like these is in danger of destroying the biodiversity of the area, the attraction to visitors and disruption of the peace and tranquillity which Wilderness is known for.

Furthermore, the impact on the wildlife (fauna and flora) of more and more development is of great concern with so much of the pristine indigenous forest and fynbos being encroached upon. We must remember that we are part of a UNESCO biosphere. This needs to be taken into consideration with each new building development and rezoning application. It would be a tragedy if our UNESCO status was withdrawn because of unchecked development and destruction of the environment.

Thank you for the consideration of this submission

Kind regards

Simon Jamieson

Chairman of the TRC



Wilderness Ratepayers and Residents Association

PO Box 10 Wilderness Western Cape South Africa 6560

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

Established 1971

Manager: Town Planning
George Municipality
PO Box 19
George 6530

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



Ref.: 315/G21
Municipal Ref.: 1918368

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

31 January 2022

For attention: Mr Clinton Petersen

By E-mail

**REPLY TO COMMENTS RECEIVED: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, SUBDIVISION, CONSENT USE & PERMANENT DEPARTURES:
 ERF 351, SILVER RIVER ROAD, HOEKWIL, WILDERNESS HEIGHTS, GEORGE MUNICIPALITY & DIVISION**

1. The abovementioned matter refers.
2. Following the public participation period, 11 comments & objections (copies attached) were received, namely:
 - Western Cape Government: DEA & DP – Regulatory Planning Advisory Services
 - Western Cape Government: DEA & DP – Environmental Impact Management Service
 - CapeNature
 - Wilderness & Lakes Environmental Action Forum (WALEAF)
 - Wilderness Ratepayers & Residents Association (WRRRA)
 - Sustainability Forum (SF)
 - Touw Rivier Conservancy (TRC)
 - M Leggatt (Remainder Erf 372 Hoekwil, Wilderness Heights)
 - M Dalton (Erf 322 Hoekwil, Wilderness Heights)
 - R Moretti (Erf 371 Hoekwil, Wilderness Heights)
 - TJ Martin (Erf 355 Hoekwil, Wilderness Heights)

No comments were received from SANParks

3. Western Cape Government: DEA & DP – Regulatory Planning Advisory Services:

- 3.1 *The Western Cape Land Use Planning Guidelines: Rural Areas (2019) states that the subdivision of rural land into small holdings is not supported, however, it also states that existing small holding areas will be managed in terms of the relevant Local Area Spatial Development Framework. The WLHLSDF, 2015 includes Erf 351 as being located within the Small Holdings area and it is managed by the local SDF.*

Agreed. Erf 351 Hoekwil is located in the small holding area, Wilderness Heights.

- 3.2 *As this property falls within the demarcated small holdings area the subdivision could be considered acceptable in this instance.*

Agreed.

- 3.3 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.

Support by the Provincial Planning Department is appreciated.

4. Western Cape Government: DEA & DP – Environmental Impact Management Service

- 4.1 The Department refers to an environmental authorisation application which is not related to the land use application under consideration. The application for environmental authorisation was for a different proposal which is no longer pursued and to be withdrawn.

5. CapeNature (comment)

- 5.1 CapeNature does not object to the proposal. It is stated that the property has CBA's, ESA's, no aquatic habitat and is surrounded by a perennial river. The vegetation is also identified as least threatened Southern Afrotemperate Forest.

Noted. If a permit in terms of the Forest Act is required at any stage, it will be applied for from the Department of Forestry, Fisheries & Environment (DFFE) as it applies to any property owner requiring such permit.

6. Wilderness & Lakes Environmental Action Forum (WALEAF) (part objection)

- 6.1 WALEAF does not object to the following:

- A. Removal of restrictive title condition
- B. Rezoning of Erf 351 Hoekwil to Agriculture Zone II (small holdings)
- C. Subdivision of Erf 351 Hoekwil into 5 portions
- D. Consent use for a second dwelling unit for Portion A, B, C, D & Remainder
- E. Departure for the relaxation of building lines for the existing buildings on the property.

WALEAF does object to the following:

- 1. Departure to increase the size of the second dwelling units from 150m² to 175m²;
- 2. The proposed positions of the second dwellings on portions A, B, C, and D;
- 3. The hectares of invasive alien vegetation presently growing on the property.

- 6.2 Position of second dwelling unit on Portion A: It is stated that this second dwelling unit is situated in a forested area with some invasive alien vegetation growing amongst the natural vegetation. WALEAF feels the invasive aliens should be removed and the area rehabilitated. It could be positioned on the lawn area of the proposed primary dwelling.

The position of the second dwelling unit on Portion A was chosen for primarily 2 reasons: due to the presence of invasive alien vegetation to be removed and very importantly the presence of the access road created by ESKOM on the property. The proposed second dwelling unit will have easy access from the ESKOM-road. The reasons for the position chosen are based on site information and not feelings.

- 6.3 Position of second dwelling unit on Portion B: It is stated that this second dwelling is situated in a forested area with some invasive alien vegetation growing amongst the natural vegetation. WALEAF feels the invasive aliens should be removed and the area rehabilitated. It could be positioned on the lawn area of the proposed primary dwelling

Our comments in Paragraph 6.2 above applies.

- 6.4 *Position of second dwelling unit on Portion C: It is stated that this second dwelling is situated in a forested area with some invasive alien vegetation growing amongst the natural vegetation. WALEAF feels the invasive aliens should be removed and the area rehabilitated. It could be positioned elsewhere on Portion C where no vegetation will be affected.*

Our comments in Paragraph 6.2 above applies.

- 6.5 *Position of second dwelling unit on Portion D: It is stated that this second dwelling is situated in a heavily forested area, most of which is indigenous. The site contains very little invasive alien vegetation. The second dwelling should be positioned elsewhere where no indigenous vegetation will be affected.*

This site was chosen due to a gentle topography, the presence of alien vegetation and easy access. The reasons for the position chosen are based on site information and not feelings.

- 6.6 *In spite of objections against certain aspects of this land use application for Erf 351 Hoekwil, WALEAF suggest some points to be included in 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.

As stated in our motivation report no fencing between the newly created properties are proposed. Fencing only exist at the entrance to the property for obvious security reasons.

2. As "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 the properties to the east of erf 351 which are also currently being subjected to a subdivision and consolidation process (erven 352 and 373), be included in this proposed Home Owners Association on erf 351. At a site meeting on 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, through one of his companies, also owns erf 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.

Noted

3. We notice with concern that pockets of indigenous forest which are situated close to the current development footprints are quite sterile, due to the fact that all the forest litter is regularly being removed, and has been replaced by grass. If these pockets of indigenous forest are to survive, the grass should be removed, and seeds need to germinate naturally amongst the forest litter.

Noted

4. We noticed a large number of mature black wattle and black wood trees which have been encouraged to grow in the vast expanse of lawns. As it is an offence in terms of the National Environmental Management: Biodiversity Act (Act no. 10 of 2014) to have these trees on one's property, these alien trees must be removed, and replaced with local indigenous trees and bushes.

Noted

7. **Wilderness Ratepayers & Residents Association (WRRRA) (comment)**

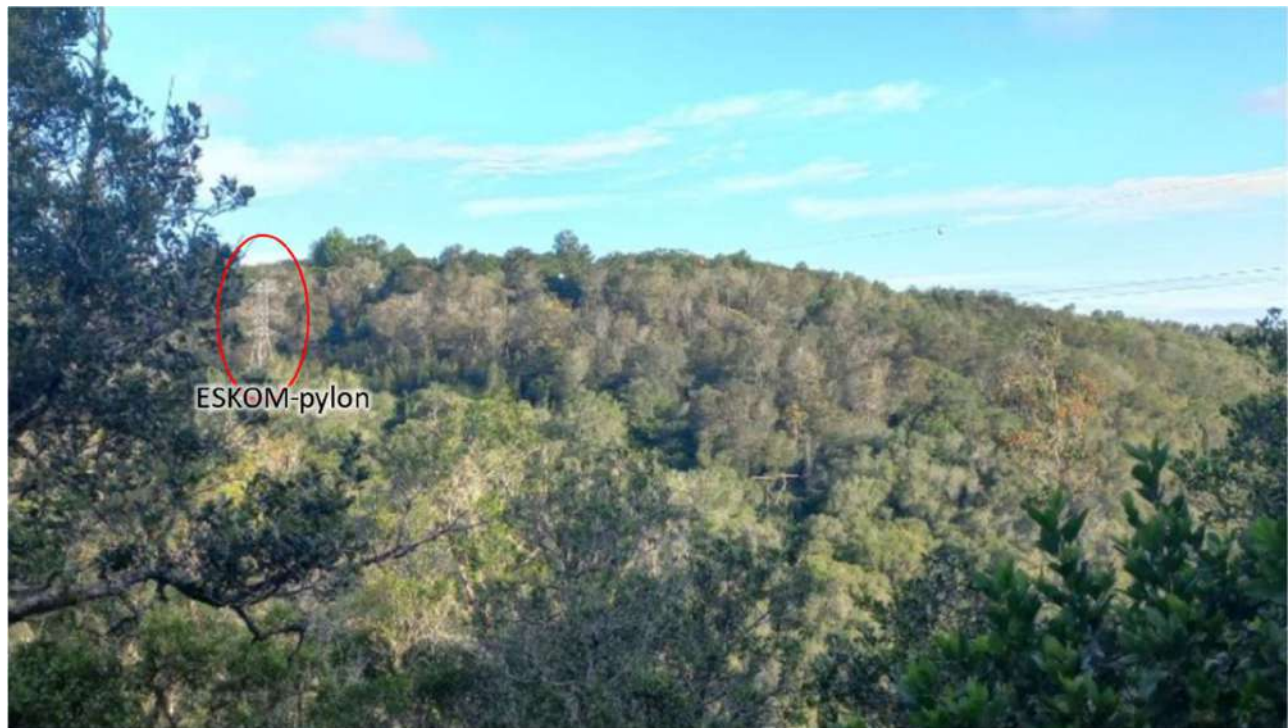
- 7.1 *The WRRRA refers to another application for the abutting Erven 352 & 373 Hoekwil and as each application does not refer to the other, they find it impossible to analyse the entire project as whole.*

The principles and considerations of the two land use applications are similar but the ownership is different and therefore separated. The comment is noted.

8. **Sustainability Forum (SF) (comment)**

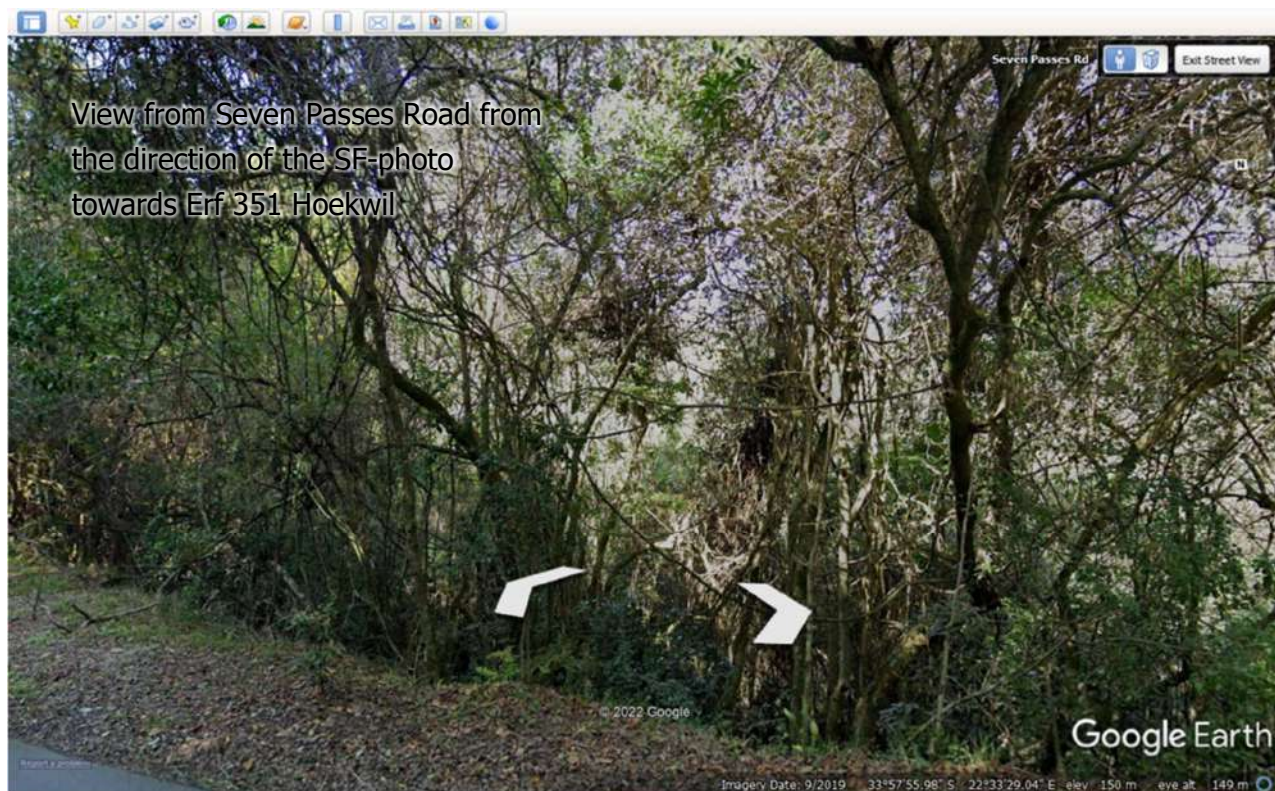
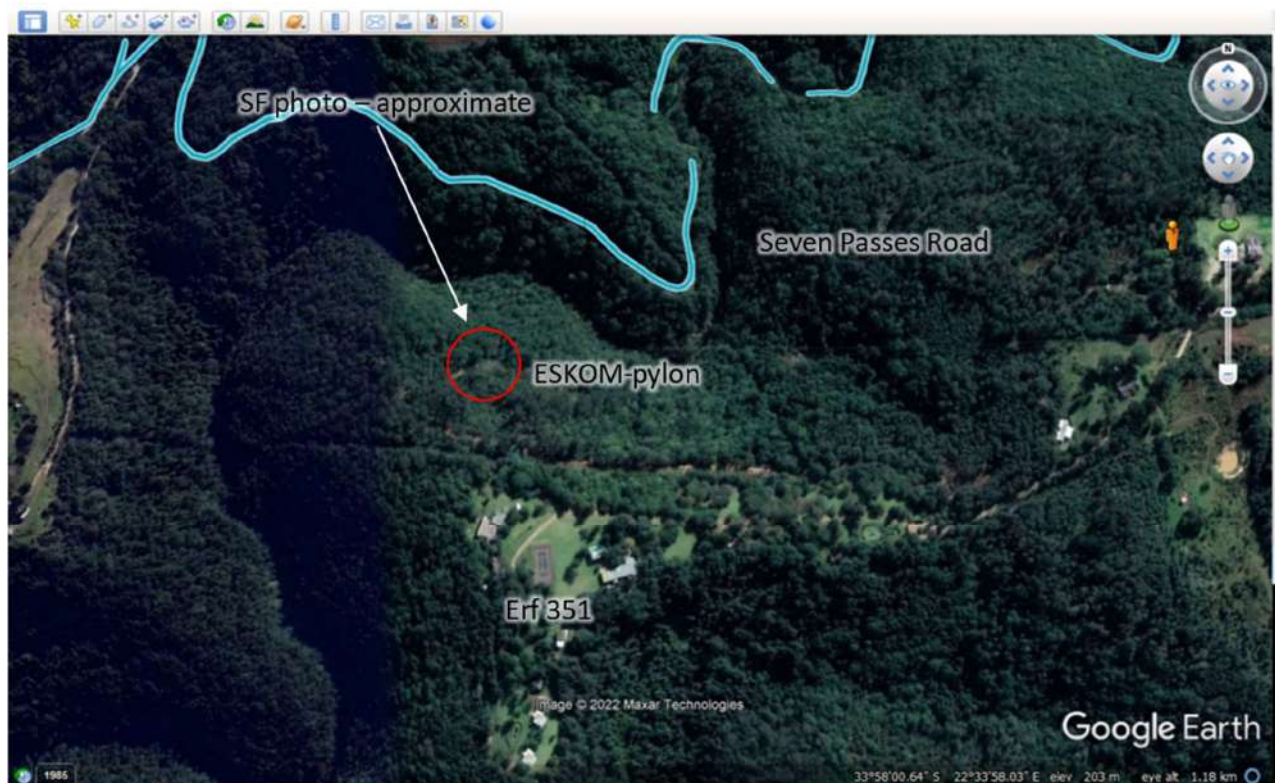
- 8.1 *The SF states that the proposed development has the potential to result in a negative development precedent in a visually sensitive area of Wilderness. The landscape character can be changed with multiple large dwellings on a topographically prominent location. It can set a precedent for further subdivision and clearing of vegetation. With a similar application for the abutting Erven 352 & 373 Hoekwil the cumulative effects of multiple dwellings clustered on top of these prominent properties. A photo stated to be taken from the Seven Passes Road is included to show the sensitive landscape character.*

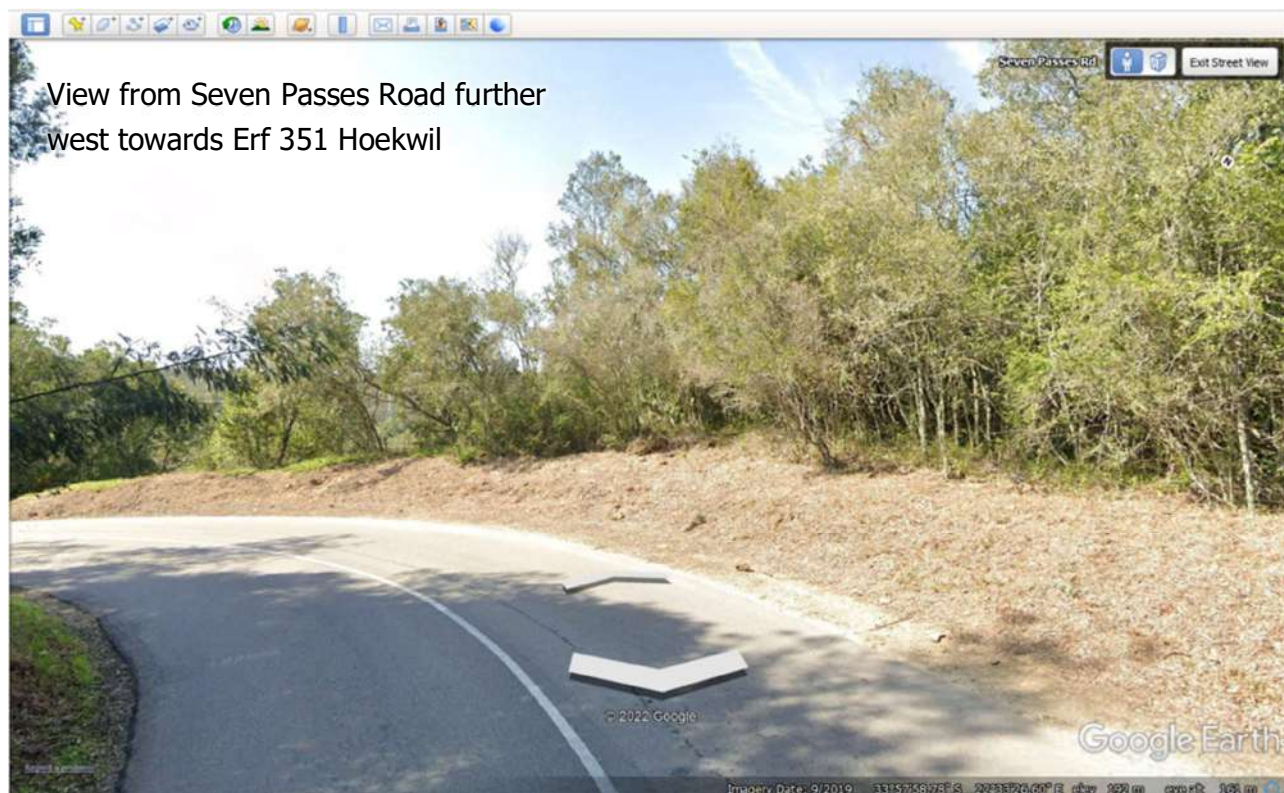
We discussed the landscape character in detail in the land use application. Due to distance, topography and vegetation, the proposed dwellings cannot be visible from the Seven Passes Road. The photo included in the comment from the SF (included below) was taken from a higher level, not from the Seven Passes Road. We have marked the ESKOM-pylon on the photo provided.



When traveling along the Seven Passes Road for as far as it is located north of Erf 351 Hoekwil, only the vegetation is visible. If a drone is used or if the properties north of the Seven Passes road are visited or if the mountain is climbed, then the top areas of Erf 351 Hoekwil will be visible.

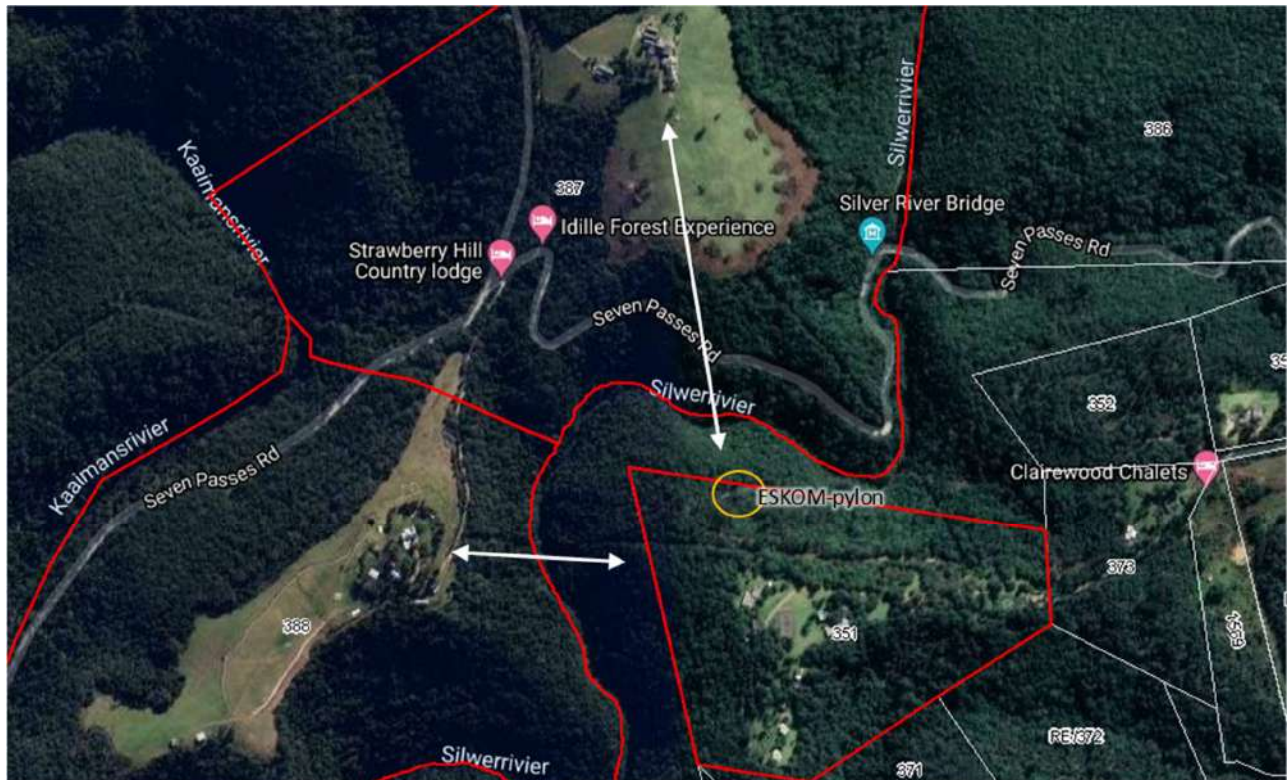
The photos to follow was taken from Google Earth with the ESKOM-pylon as reference point. We have taken a GoogleEarth Streetview image from the approximate are where the provided photo was taken. A second snip from GoogleEarth Streetview was taken further west and a third one further east.





If the entire area was flat and Erf 351 Hoekwil rose above the area like Masada, the impact would have been different, and the proposed dwellings might have been visible. When visiting the property and the area, it is very clear that Erf 351 Hoekwil is not located in a visual prominent location.

The property owners located to the north (Idille – Erf 387 Hoekwil) and the west (Strawberry Hill – Erf 388 Hoekwil) can see the structures on Erf 351 Hoekwil just like Erf 351 Hoekwil can see the structures on these neighbouring properties. See image below (CFM) showing the neighbouring properties in relation to Erf 351 Hoekwil.



8.2 Generic mitigation measures are proposed to be incorporated.

1. Provide restrictions to the siting and heights of the proposed dwellings such that visual intrusion is limited.
 - a. 30m setbacks from steep slope areas.
 - b. Height restrictions limited to 6.5m (stepped back with the terrain).
 - c. Strategic trees placed near the dwellings such that 30% of the dwelling face are screened by suitable fire-resistant vegetation.

Following our comment in Paragraph 8.1 the proposed subdivision complies with the provisions of the Wilderness-Lakes-Hoekwil Local Spatial Development Framework (WLH LSDF) which includes that it is located more than 100m from a scenic route or a 100m from a nature reserve.

The subject property is not visible from the Seven Passes Road. The property is covered in trees and not all cleared like some properties in the area.

To apply generic mitigation measures does not make sense after visiting the property and the area.

If all structures are moved to the small level central strip of Erf 351 Hoekwil, it could become prominent and ruin the landscape character. The small holding area of Wilderness Heights is not characterised by dwellings clustered all together on level areas.

- 8.3 *If there is insufficient space for a suitable development site, without resulting in loss of indigenous vegetation, or infringement into the 20m non-development buffer from adjacent property, the subdivisions of these properties should not be authorised.*

As stated in our motivation report, no indigenous vegetation is to be removed. Positions for dwellings were chosen accordingly.

- 8.4 *Fencing needs to be restricted/ animal movement friendly and non visually intrusive and should not result in visual degradation from linear cuttings through the vegetation.*

As stated in our motivation report no fencing between the newly created properties are proposed. Fencing only exist at the entrance to the property for obvious security reasons.

- 8.5 *Firescaping should include suitable fire-resistant trees such that the area immediately around the dwellings does not become another expanse of large lawns, resulting in a loss of Wilderness sense of place*

We fully agree with this statement. Firescaping requires the minimum clearing. Wilderness Heights will be lost if all properties had to have a cleared area of e.g. 1ha.

- 8.6 *Alien vegetation should be removed and REPLACED with suitable indigenous trees (in accordance a fire-resistant landscaping plan) such that Wilderness can still one day in the future be referred to a 'Wilderness'.*

Noted and agreed

- 8.7 *Light spillage from the multiple dwellings is also likely to result in a change to the local sense of place. Does this align with the Wilderness landscape character?*

This will of course be controlled with suitable downward lighting.

- 8.8 *The multiple dwellings will result in an increase in vehicles accessing the property. This access road is very narrow. Does this meet traffic requirements, and can emergency vehicles (fire) access the site along this currently very narrow road?*

The trip generation is negligible for this proposal. Silver River Road is a standard $\pm 13\text{m}$ wide reserve public road.

- 8.9 *The SF makes general proposal to ensure that future developments do not result in a significant loss of landscape character:*

1. Where more than 3 subdivisions are proposed per property per year, an EIA should be implemented to address the cumulative impacts, including a Visual Impact Assessment/ Statement to ensure that the collective landscape changes are adequately addressed (if located in a visually sensitive location).

This should be addressed with the National Department for the Environment to amend the NEMA-legislation.

2. Compliance with all local municipal by-laws (including the removal of alien invasive vegetation/ firescape rehabilitation plan/ legal status for all dwellings on the property) PRIOR to the submission of any further property amendments/ subdivisions. The proposal is that GM provide a Compliance Certificate which property owners must obtain prior to further development.

Noted

- 8.10 *Given that, in terms of the current by-laws of 3Ha subdivisions, 2 dwellings would be allowed for each of the 5 subdivisions, the combined development is that 10 dwellings would be located on the top of the property in a small area (excluding steep slopes). It is our recommendation that the combined development footprint be considered as a single entity (which they are environmentally), and that an EIA is undertaken to fully understand the social, environmental, and cumulative impacts that could take place. The visual and landscape impacts would also need to be better understood in terms of this type of development setting a precedent for further multiple subdivisions in Wilderness.*

Noted.

- 8.11 *Please note that this comment does not imply a support or opposition to the proposed application but raises professionally informed issues that would need to be considered in order to ensure that this development can be defined as 'sustainable' within the peri-urban landscape context.*

Noted

9. **Touw River Conservancy (TRC) (objection)**

- 9.1 *The comments by Melissa Dalton are endorsed (see Par. 11 to follow). The continual relaxing of bylaws and zoning restrictions is becoming extremely detrimental to the environment of the area we call Wilderness. In general approval of applications like these is in danger of destroying the biodiversity of the area, the attraction to visitors and disruption of the peace and tranquillity which Wilderness is known for. Furthermore, the impact on the wildlife (fauna and flora) of more and more development is of great concern with so much of the pristine indigenous forest and fynbos being encroached upon. We must remember that we are part of a UNESCO biosphere. This needs to be taken into consideration with each new building development and rezoning application. It would be a tragedy if our UNESCO status was withdrawn because of unchecked development and destruction of the environment.*

The comment is noted. Legislation provides for land use applications with the proposal submitted not creating conflict with the relevant spatial plans and guidelines as discussed in our motivation report.

10. **M. Leggatt (Erf 372 Hoekwil, Wilderness Heights) (objection)**

- 10.1 *This application raises some interesting questions as the proposal seeks to subdivide the property into roughly 3ha portions while simultaneously retaining some type of control over what happens on each portion. In other words, the 3ha portions will not be fully autonomous. The application also indicates to some extent what will happen to existing structures on the property and an impression is given that there is an intention to develop the individual properties in a singular style which indicates that an estate of sorts is to be created.*

As stated earlier the 'control' will be through a homeowners' association to address common interests. A singular style will protect the character of the properties. This should be regarded as benefit for the entire Wilderness Heights with no inappropriate structures often seen in small holding areas.

It should be noted that this is not the only HOA for properties in Wilderness Heights. A HOA also in place for the subdivisions of Erf 277 Hoekwil located at the end of Taibos Road. About 7 properties were created here also with common interests managed by a HOA.

- 10.2 *Page 3 of the application makes clear reference to the fact that there is a servitude right of way across the neighbouring property to the East (erf 373) and that in fact Silver River Road ends on the Eastern boundary of Erf 373.*

Erf 373 is currently the subject of its own subdivision, and it should be noted that Erf 352 (to the North of 373) (and forming part of Erf 373's application) and Erf 351 are both owned by the same person (although under different company names). In the subdivision application of Erf 373 it is stated that the owner of Erf 352 wishes to purchase the subdivided portion C (proposed) which would then mean that Erf 351 and 352 would be connected by portion C and thus form a continuous strip of land of roughly 21ha and would potentially allow for an 'internal' road that could connect the said properties and make the existing servitude (across 373) redundant.

This is not stated in either application nor is it made adequately clear, but is rather inferred by both applications highlighting the fact that Silver River Road ends at the Eastern boundary of Erf 373.

I believe it to be important that the applicant states whether or not this is in fact the intention as it has relevance to the application as well as potential impacts, and raises the question of whether a Basic Assessment or EIA is necessary in order to fully understand the impacts on the receiving environment.

Noted. Silver River Road does end at Erf 373 Hoekwil. As stated earlier in this letter, similar servitude roads are found in Wilderness Heights, some longer than the servitude road currently linking the subject property and Silver River Road. Below is a snip from CapeFarmMapper with the servitude layer selected. Some are services servitudes (such as for ESKOM), but it shows that there are many servitudes throughout Wilderness Heights (note that these are probably not all servitudes registered for Wilderness Heights properties).



10.3 *Topography and indigenous vegetation: Of concern to me is that it is not clearly indicated in the application where there are slopes steeper than 1:4 and where indigenous forest and /or conservation worthy Fynbos is situated. This may have relevance to the amount of developable land.*

The slope has been taken into account with this development proposal.

10.4 *Invasive alien species: It should also be noted that the property has been in the same hands for the past fifteen or more years and that, in my opinion, very little effort has been made to eradicate or control the Invasive species on the property. Given their prevalence on the North-Western section of the property, I feel it is impossible to fully establish the visual impacts associated with this proposal from the Seven Passes Road...It must be noted that this road is a considerable tourist attraction in the area.*

Further to this point, these highly combustible invasive species are situated in the worst possible position on the property as far as a fire danger is concerned, as fires are most often fanned by strong North-Westerly winds.

For both of the above reasons, I feel that the eradication of Invasives needs to be a priority and must happen regardless of whether or not this application is approved.

Noted and to be addressed. The matter regarding visuals from the Seven Passes Road is addressed extensively in the motivation report and in Paragraph 8 of this letter.

10.5 *The objector strongly disagrees with par. 4.4 of the motivation report. This property should be rehabilitated regardless of whether this application is approved or not and clearing aliens cannot be used as motivation for development!*

The opinion of the objector is noted.

10.6 *Visual impact: The application actually downplays any potential visual impacts, but without the benefit of knowing the exact details behind the application (or a specialist's report) I believe it is impossible to make such a claim. The property is visible from the Seven Passes Road and it should be noted that the proposed style of dwelling unit as put forth in the application appears, in part, to be at least two (if not three) stories high...The photo is somewhat misleading as the high Conifers (Pines?) behind the dwelling appear to dwarf the unit itself... (This would not be the case on this property as the indigenous trees around the various proposed building platforms are not as high).*

Further to this point, a height restriction will need to be implemented to ensure that visual impacts are mitigated.

The matters relating to visual impact is discussed in Par. 8 of this letter. The image included in the motivation report is just an image to show the inspiration for the character of the proposed dwellings. The zoning by-law do include development parameters pertaining to height.

By extension...:

- *All dwellings/buildings on the plateau should be restricted to single story*
- *All dwellings on slopes should be 'stepped' in order to avoid large vertical facades.*
- *Large expanses of glass should be recessed.*
- *Light pollution must be kept to a minimum and no spotlights should be allowed.*

(Apparently the property owner stated at a site meeting that all dwelling units would be single story, but this is not stated in the application or in writing.)

We appreciate the objector's suggestions on how the structures should be designed.

I believe a more thorough Visual Impact Assessment is necessary and a robust attempt at clearing aliens would help determine or define more accurately the actual visual outcomes from the tourist route to the North. (Including light pollution)(Note) and that it is not possible to determine visual impacts without more information...making obsolete or redundant the comment that 'The proposed new dwellings cannot have an impact on visually sensitive areas and tourism routes'.

Noted.

- 10.7 *Public Interest: I strongly disagree with the statement that the proposal will have 'no negative impact regarding public interest.' If this application is approved it will have consequences for many of the inhabitants living along Silver River road. Especially during the construction phase. Even more so if the proposed subdivision and consolidation of Erf 373 is approved. The possibility exists for renovations, alterations and new builds on 14 units as well as associated infrastructure etc. Surely it can be agreed that this will affect many, if not most, property owners on Silver River Road.*

A Traffic Assessment, both during the construction phase and after should also form part of the application as well as addressing the question of whether or not Silver River road itself is adequate to deal with a change of this nature.

If upgrades to Silver River Road are necessary in order to accommodate this application, then at whose expense will it be and what will the scope of the upgrades be? The road is very narrow in portions and construction vehicles may struggle to pass each other.

Public interest varies from the perspective viewed. Luckily construction is always limited although it can be stated that any property owner can at any point in time do renovations/construction meaning that along a street there could always be construction activities. Nobody can be prevented from maintaining their property.

As stated, the trip generation for this proposal does not warrant a TIA. All streets in Wilderness Heights are dirt roads (except for Heights Road of course). Some streets provide access to more residences than what Silver River Street does. The presence of the servitude road should also be kept in mind – which is not a municipal responsibility.

- 10.8 *Noise pollution: Due to its extensive lawns, this property is already associated with extensive noise pollution. Apart from the various lawn cutting machines, there is a very loud leaf blower that can go on for 8 hours a day, three days a week. A sound that is very difficult to tolerate. (There are various battery-operated models available.) It will be interesting to know what the future plans regarding this aspect of the proposal are.*

Regardless of the noise associated with the gardening, the application makes no mention of the noise pollution associated with the development phase, nor with the extensive clearing...again it must be noted we are considering an application that may result in extensive development and alien vegetation removal.

Noted. If alien vegetation is to be removed and monitored, there will be noise.

- 10.9 *General: It should also be noted that the type of development does not align in any way with the existing social landscape. The application creates, or introduces, a sense of social exclusion or isolation that is not present in this form in this area.*

While I am not opposed to subdivisions that are within the legal norms, I feel that this application needs more thorough examination as it can lead to significant social, visual and environmental change in the area. It has the potential to fundamentally change the social profile (gentrification) and by extension, the character of the area.

Does the activity trigger any sort of heritage assessment?

What about staff/labour? Will they be sourced locally or brought into the area? It must be noted that we have an expanding situation at the informal settlement that is being compounded by property owners not employing locals while simultaneously housing foreign nationals illegally in the settlement.

Noted. We cannot agree that this proposal will change the social landscape. As stated, similar development patterns already exist in Wilderness Heights. We appreciate that the objector is not opposed to subdivision within legal norms as he himself has followed this route with more potential remaining.

An application in terms of the National Heritage Resources Act (1999) is to be followed.

Regarding staff: the property has live in staff, some of which worked for the previous owner who lived on the property since 1974 and some staff have been living on the property for almost 20 years. There is no intention to remove the staff from the property

10.10 *Summary: The application contains no clear motivation. At a recent WRRRA meeting, Lauren Warring stated that there are 'numerous applications for tourist facilities/accommodation.' No reasons are given as to why the owner wishes to change the land-use from a functioning tourist facility to a more permanent residential development.*

The application down-plays potential impacts while simultaneously not giving enough information to make a properly informed decision. As it is neither a straight-forward subdivision nor being punted as an estate it becomes very difficult to pin-point exactly what may or may not happen on the property (and adjacent properties) and as such it is extremely difficult to comment.

I call on the consultant to clarify this point and whether or not it is the applicant's intention to link Erf 351 to erf 352 using the proposed portion C from the proposed subdivision of Erf 373. (And create a new road from the existing gate of Erf 352, across portion C and into Erf 351.)

It is my understanding that the owner of Erf 351 stated at a site-meeting that the intention is ultimately to link the properties and, it should be noted that this would mean he would (in some way) have control over 7 out of the 8 properties that might potentially be created.

Further to these points is the that the proposal essentially denotes a new type of development paradigm in the area which should come under more intense scrutiny (than a straight-forward town-planning application) from the public as well the decision-makers (and neighbours).

A resort has more negative impact than permanent residents as indicated in e.g the objection discussed in Paragraph 12 to follow.

Silver River Road ends at Erf 353, 352 & 373 with a servitude road over Erf 373 in favour of Erf 351 Hoekwil. This servitude road is not the responsibility of the municipality but only those in terms of who's favour it is registered. If the status is to change, the relevant changes will have to be made in the title deeds and SG diagrams which will most likely have to be endorsed by the Municipality prior to registration.

If the subdivision of Erf 351 Hoekwil is to be 'linked' with abutting subdivisions, it can only be done with a HOA for which the constitution is approved by the Municipality.

This proposal cannot be described as a new development paradigm as a proposed HOA will not be the first for Wilderness Height. There could be more than what we are aware of. It is also not the only section of Wilderness Heights which obtains access via servitude road.

What is clear is that the potential exists for significant environmental, social, traffic, (during and post construction phase) and visual change.

When considered in isolation (ie without the adjacent application), I feel the property (topography, vegetation etc) lends itself to FOUR rather than five subdivisions. This would also negate the need for building line relaxations and the end result would have a less 'clustered' appearance, and visual impacts can be mitigated by height and footprint restrictions.

When considered in conjunction with the adjacent application, (ERF 373) (which somehow seems to be implied but not stated by both applications) then I feel that no decision should be considered without a proper EIA or Basic Assessment (that is extended to all residents in Silver River Road) in order to establish the scope of potential impacts. (Duty of Care). The fact is that the result on the receiving environment remains the same in many respects if both applications are approved and, as such I OBJECT on the basis of obfuscation and/or a lack of clarity or certainty as to the exact extent and/or intention behind the application as well as on the receiving environment. This application needs to be assessed from a collective perspective and the impacts considered as cumulative rather than individual.

If it is the intention that ERF 351, 352 and portion B (C) of erf 373 are to be developed as an estate of sorts, (as they may all belong to the same individual for a period of time) then I submit that these applications should be refused and resubmitted as a single application that states as much and can be considered as such.

Under the heading of Need and Desirability, the consultant states 'the proposed subdivision, consolidation (? Sic), consent use.'

I feel it would have been in everyone's best interest, (including the applicant's) for the consultant to have explained the link between these properties and that there was a missed opportunity to have clarified the applicant's intention (either way).

I submit that as the application for Erf 351 and 373 were submitted simultaneously and have a key role-player in common, they cannot be considered independently as this will lead to undesirable incremental decision-making.

Regardless of the intention behind these applications, I think 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 and council would do well to mitigate this by ensuring a more thorough **investigation into intent** as well as cumulative impacts and to delay any decision until the culmination of that process.

It can be stated that the land use application for Erf 351 is not considered in isolation. The land use application for Erven 352 & 373 Hoekwil is also now on the table. The application for the latter has a different background and different ownership than the one for Erf 351 Hoekwil. When considering land use applications, officials also look at the bigger area in any event. Every land use application should be considered with its own merit but while keeping the bigger picture in mind.

We re-iterate that this proposal is not the first of its kind for Wilderness Heights.

11. M. Dalton (Erf 322 Hoekwil, Wilderness Heights) (objection)

Removal of restrictions

- 11.1 Objection 1: There is no clear or apparent motivation as to why the restrictive Resort Zoning conditions should be removed for the intended development being proposed. A lack of a strong motivation for approval is required, not a simple request in an application. Restrictive title conditions are put in place for a reason ... in order to manage and RESTRICT building and development on a piece of land to avoid densification and the environmental degradation thereof; restrictive conditions over a piece of property should not summarily be approved of simple because it has been applied for but should be accompanied with a strong motivation.

Erf 351 Hoekwil has various zonings as discussed in our motivation report. The history of the property dating back to 1974 has resulted in multiple dwellings which is in conflict with the title deed. When reading the motivation report and understanding what is found on the property and what is written in the title deed, the restriction must be removed.

- 11.2 *Objection 2: There is no motivation put forward as to why the resort zoning as it stands with its approved 16 units should not be exercised as is, if further development of the property is being requested. The previous landowners partially exercised the resort zoning rights – apparent in the existence of the chalets, a swimming pool, a venue and a tennis court - at the time of the transfer into the current landowner's name. There are great benefits in keeping the current status as a resort zone, particularly in light of Local Government's focus on promoting and attracting tourists to the area. A number of facilities to do so i) were in place at the time of transfer of ownership (as in the case of the venue which is currently the primary dwelling) and b) some facilities continue to be in place – swimming pool and extended lapa, tennis court).*

It was stated in the above presentation held at the WRRRA AGM, that there are numerous applications for tourist accommodation. Here is an opportunity to maintain the status quo of the property, particularly in light of GM's focus on developments for TOURISTS and not residents.

Moreover, it was also stated in the WRRRA AGM meeting that due to the special character and function of WILDERNESS HEIGHTS that this area is NOT EARMARKED FOR SUBSTANTIAL GROWTH, DENSIFICATION OR RESIDENTIAL expansion!

Recommendation 1: In this instance the owner should be able to exercise his rights to developing ONLY the maximum number of units permitted in the resort Zoning Conditions, and preferably not as a residential estate and in the the already cleared and open and available spaces.

Recommendation 2: the legislated number of new dwellings still permissible should be developed with green-building principles in mind that have significantly lowered environmental impact on the area specifically and the region in general.

We note this point of objection. Providing 10 dwellings (5 primary and 5 second dwelling units) is less than more resort units which should be beneficial to the environment and the landscape character of the greater Wilderness Heights.

As discussed in our motivation report and as acknowledged by Western Cape Government: DEA & DP – Regulatory Planning Advisory Services Erf 351 Hoekwil falls within the demarcated small holdings area and the subdivision can be acceptable.

The reference by the objector that the area is *not earmarked for substantial growth, densification or residential* refers to the Human Settlements Plan relating to the informal settlements of Wilderness Heights and also at Touwsrante. It does not refer to land use applications possible for small holdings.

The objector's recommendations are noted.

Rezoning

- 11.3 *Objection 1: I am objecting in general to the deviation from the current Resort Zoning Conditions and therefore I object to the division of the property into small holdings.*

Noted

- 11.4 *Objection 2: There is no motivation from the owner as to the need to divide his property into small holdings – it appears that the motivation is the perceived financial benefits that will come with approval, sale and development of these small holdings as part of an intended larger Private RESIDENTIAL Estate governed as a HomeOwners Association.*

The objector's perception is noted. The aim of a Homeowner's Association is to address common interests and a standard procedure. As discussed throughout the motivation report there is an opportunity to create small holdings which complies with the provisions of the WLH LSDF. The small holding area of Wilderness Heights is limited in extent and the GMSDF together with the Western Cape

Rural Guidelines makes it clear that small holding areas should not be expanded. Therefore, we have to use the available opportunities that complies within the existing small holding areas.

- 11.5 *There is SIGNIFICANT demand for small holdings and applications for second dwellings. This is a concern. Are all of the applications for subdivisions going to be approved?*
In order to adhere to the goals of the Human Settlement Plan, subdivisions and requests for second dwellings need to be hugely motivated to avoid densification in the Greater Wilderness Area, and even then so, not approve every one that is submitted. This specific application for Erf 351 should be rejected as it is based in Wilderness Heights and it is calling for the erection and expansion of dwellings and structures that supports densification in the area.
The rezoning to Agricultural Zone 2 will allow for smaller holdings which will provide landowners the rights for to their maximum capacity and significantly increase the densification of the erf as well as the environmental footprint of this 15 hectares of land.

If a land use application complies with the relevant considerations, then it should be approved. That is the aim of the various spatial plans and regulations – to provide the information to make an informed decision whether to apply for a land use application or not.

This land use application could be called a form of densification, but as stated one paragraph up, small holding areas are not to expand – we need to use what we have to address the need of those who seek a rural lifestyle.

As Erf 351 Hoekwil is located within the boundaries of Wilderness Heights, a small holding area, the zoning of Agriculture Zone II is the more appropriate zoning.

- 11.6 *Objection 4: the proposed rezoning and development would effectively be run as a Home Owners Association and access restricted to a limited group of private residences. Understandably the landowner has the right to exercise privacy on his property. He also has the right to not exercise the current conditions of the Resort Zoning Conditions to maintain this privacy and not further develop the property as a resort. However, following this line of thought only undermines any motivation to uphold his privacy around him by not exercising the Resort Zoning option since he is requesting 5 x subdivisions with an additional second dwelling and accompanying occupants for each portion.*

Noted. The relevance of restricted access is not understood. If a public road is to be created through the property, it will add to the maintenance burden of the Municipality. The HOA will be responsible for communal interests such as maintenance of the internal road. Why this is regarded as a problem for the objector is unclear. Many sections of servitude roads are found throughout Wilderness Heights for which the property owners using it, takes responsibility without a formal HOA. Also the objector's property is serviced by a servitude road stretching for almost 1km from the end of the public road.

Subdivision

- 11.7 *Objection 1: I object to the overall deviation from the current Resort Zoning Conditions that were partially or fully exercised on transfer of property into the current landowners name as per above.*

Noted

- 11.8 *Objection 2: The current title consent lends itself for developing tourism opportunities which is the focus of local government. If approved, these five portions will be 3 hectares each, sold and developed as part of a Private Residential Estate (under the umbrella of a HomeOwnership Association) and developed to the maximum capacity permissible.*

Noted. The current use of the property is in conflict with the title deed since at least 1974.

Recommendation 1: This site is beautifully placed/situated for tourists to enjoy the many attractions of the Greater Wilderness area – in light of local governments agenda to approve more resorts in the area to attract tourists, this is a good opportunity to retain and develop this

property in its current zoning status as a Resort since many open spaces have already been cleared.

Recommendation 2: Town Planning recognised the value of the Resort Zoning many years ago, and that value has only increased. If any further development should occur in terms of this property, it should be as a Resort Zone with strong green building principles in mind.

The recommendations are noted.

- 11.9 (no objection 3) *Objection 4: the topography of the area only realistically lends itself to 3 or a maximum of 4 subdivisions with the maximum development on each 3 hectare portion is being requested as per their request for the consent use for a second dwelling unit for PORTION A, B, C, D & REMAINDER.*

Noted

Consent use

- 11.10 *Objection 1: I am objecting to deviation from the Resort Zoning as a whole and subsequently to the approval of the development of a second dwelling on each of the 5 small holdings.*

Noted

- 11.11 *Objection 2: The topography of the area ONLY realistically lends itself to 3 or a maximum of 4 subdivisions that can hold a second dwelling; The current topography and natural existing (unprotected and shrinking) endemic forest that should be protected does not lend itself well to the construction of 10 plus dwellings.*

Noted. The primary and additional dwellings with its positions area addressed in the motivation report.

Recommendation 1: A massive clearing of aliens and non-indigenous trees and the rehabilitation of the surrounding forest should be the number one priority before any further departures or deviations from the existing zoning conditions be considered.

Recommendation noted. This is to be done in a responsible manner over time. Only sections of the property are affected by invasive alien vegetation.

- 11.12 *Objection 3: I have MORAL objection to having units built in positions that are not only forests of indigenous pockets (albeit highly infested and unprotected) but in a fire hazard zone that is infested with wattle and blackwood. The property as it currently stands is a massive fire risk as it is. The natural forest around these proposed new dwellings is highly infested with wattle and blackwood and the management of this problem (in a high fire risk zone) appears to be unchecked and unmanaged. The remaining natural endemic forest, surrounding the existing developments, would in itself have provided a form of a firebreaker around the property and between properties had it been protected and maintained as a thriving forest.*

Noted.

Recommendation 1: Any development approved in a fire hazard zone heavily invaded with alien trees (non-indigenous wattle and blackwood) without a massive rehabilitation effort prior to such development taking place or without it being a condition of approval has great MORAL implications for me. Very little to no alien control has been done and there is no AICP in place. This was asked and confirmed in the site visit. My question? Who would be deemed responsible for the loss of human and animal and plant life should a fire break out (in a hot berg Wind Zone with extreme weather patterns and kilometres of invasive wattles)? Insurance companies would be hard pressed to pay out for losses claimed if consent was given to build without the radical clearing of these invasive trees without protective measures in place around these dwellings. An AICP did not appear to be in place and this was confirmed by the owner himself

at the meeting when questioned on it. If Town Planning approves any development without conditions of clearance and rehabilitation prior to development as a protective measure, how do residents/guests/tourists protect themselves against a pending fire, particularly if there are no fire protection measures in place to secure the safety of the residents who reside there or are guests there? And who are responsible for claims that may arise out of any fire outbreak on or around the property?

Noted. As stated, invasive alien species are to be removed in a responsible manner.

11.13 Objection 4: In the event the above is approved, I object to the positioning of the proposed dwellings. The positions are in pockets of natural endemic forest (albeit highly invaded and shrinking as a result of unchecked growth. The positions of the second dwellings proposed are on undeveloped unprotected areas of endemic forest patches (that appear to have shrunk since my first visit almost 20 years ago and that are sterile a result of the presence of wattle and blackwood. The sizes of these invasive trees have grown to are a clear indication of how long the problem has gone unchecked and unattended.

The position of dwellings were chosen in areas where invasive alien vegetation are found or in grassed areas as stated in our motivation report.

11.14 Objection 5: I object to the motivation on the positioning of the dwellings is based on the fact that the position is in wattle infested areas of the natural endemic forest. Clearing invasive trees to build a second dwelling is not a valid reason to build in the proposed positions. As it is an offence in terms of the National Environmental Management: Biodiversity Act (Act no. 10 of 2004), these alien trees must be removed, and replaced with local indigenous trees and bushes. Notwithstanding the fact that a) there is enough cleared land on the property as it I to accommodate more development - which could easily be done if the Resort Zoning was kept in place, and b) Clearing invasive species on a property is geared to eliminating the fire hazard and assisting the restoration of the endemic forest.

Noted.

11.15 Objection 6: the owner appears to have already deviated away from the resort zoning conditions towards a private residence. See photo below. Has this alternation and extension been approved of by Town Planning and OSCA permits granted?

Noted.

Recommendation 1: Currently there are six fully equipped dwellings on the property which allows for another 10 more dwellings in terms of the current resort zoning rights. If the landowner exercises the rights to develop to the maximum allowed (not recommended capacity) I would recommend they be situated in the open spaces/ grassed areas with greenbuilding practices and techniques in mind. I noted on the site visit that where land has been excavated and cleared for lawn and open spaces the food tunnel, no visible attempt has been made to replace "removed" forest.

The detail regarding the proposed primary dwellings and second dwelling units which includes the re-use of existing structures, are fully discussed in the motivation report.

Recommendation 2: Remove the sterile and non indigenous landscaping and implement indigenous landscaping techniques around the property to restore biodiversity to the area.

Recommendation 3: landowner to clear the forest areas infested with wattles and blackwoods on his property. This should be a condition of approval in / agreed upon prior to any approval or the consent given for the more dwellings to be developed on the property.

Noted. Such conditions are standard.

- 11.16 (2nd objection 6) *Objection 6: to the higher than average environmental, social and community impact through the building and construction phase of this application. The footprint of each new building them in the construction phase – traffic, heavy vehicles up heights road. This specific site is not located off the N2. It is located in a position that does not lend itself to heavy vehicles transporting tonnes of building materials to site.*

Noted

- 11.17 *Objection 7: to the environmental footprint and running costs of each dwelling upon occupancy and the maintenance footprint of the Estate on an annual basis. Particularly if this is run as a closed access, private estate under the umbrella of a Home Owners Association where maintenance and ongoing upkeep provide jobs but have a large energy water and waste footprint.*

Noted. Would the same not apply to any dwelling constructed on a property? There is always cost to maintain a property whether separate or part of a HOA.

Recommendation 1: reduce the high level maintenance technologies (leafblowers and lawnmowers) and integrating renewable energy, water and waste management principles into the designs with indigenous gardenscapes and low maintenance landscaping practices and to reduce noise pollution for our wildlife.

Recommendation 2: Architectural design and building materials should be made apparent from the start. A photograph of the Aesthetic design intended is not sufficient evidence to show that a lowered environmental footprint will be adhered to.

Recommendation 3: Since this does not to appear to be an environmentally sensitive development and no current indication to build with a low environmental footprint – the building design needs to be made transparent.

Recommendation 4: There is no consideration of the installation of waste management practices with the expansion of this property. The landfills in George and Mosselbay are currently a massive problem and consideration needs to be made around waste management practices in the designs of these dwellings.

Recommendation 5: No water management considerations appear to be in place or planned into the designs to better motivate their application. Rain tanks can be implemented to reduce the environmental footprint around watering the landscaped gardens and forest areas in times of drought. Wattles consume high amounts of water which are not only a threat to the indigenous forest but to the water-cycle in the area as a whole.

Recommendation 6: No consideration of renewable energy around the property attempt to consider supply energy other than that supplied by Eskom. The need for more energy, water and waste management will be heightened with further development and there is no consideration of these in the building design. If development should be approved in whatever form, it is recommended that the landowners/property owners should invest part of the building budget to grid-tied or off grid and in so doing reducing the pressure on the already stressed energy supply.

The recommendation of the objector is noted. Most of what the objector thinks are being ignored are part of the conditions of approval and implementation.

Departure

- 11.18 *Objection 1: I am objecting to the entire development proposal and consequently do not approve of the relaxation of building lines on the property.
This departure for relaxation of building lines is applicable only if the sub divisions are approved and I am objecting to the rezoning to Agricultural Zone II and the apportioning into 5 smallholdings.*

If the Resort Zoning conditions remain, there would be no need to approve this a relaxation.

Noted

- 11.19 *Objection 2: There appears to be no apparent motivation as to why any of the dwellings, which were in impeccable condition and well maintained, should be upgraded and/or extended or altered (other than to possibly fit into the Architectural Aesthetics of the intended Home Owners Association) and would simply unnecessarily increase the footprint of the existing buildings.*

Noted

- 11.20 *Objection 3: upgrades to some of the existing dwellings since ownership was taken appear to already have taken place. Were there OSCA permits provided for the "food tunnel, the upgrade and expansion of the Resort Conference Venue (currently the primary dwelling and residing place of the owner), the lapa area around the pool?*

Noted

- 11.21 *Objection 4: Departure to increase the size of the second dwelling units from 150m² to 175m². As the maximum size of second dwellings is legislated in the George Integrated Zoning Scheme By-law, and as no motivation has submitted to increase the floor area, we see no reason why the floor area needs to be increased from 150m² to 175m². This will set a precedent that will affect have very little benefit for the Garden Route endemic forest patches going forward.*

As stated in our motivation report the increase in the floor area of the second dwelling units from 150m² to 175m² aligns the proposal with the Western Cape Land Use Planning Guidelines: Rural Areas (2019). Similar departures have been considered and approved.

General

- 11.22 *I object to the apparent ease of approval of applications for departure and deviation which appears to be the common case with the Town Planning Department with little or no motivation given or apparent consideration for our natural environment and the indigenous forest biome in which these approvals are regularly and commonly taking place. The OVERALL Lack of Strong Motivation on behalf of landowners to themselves motivate the deviations from existing conditions for their erven is observed and comes with little or no regard for our wildlife, biodiversity and the afro-montane forest biome.*

The objector's opinion is noted. If the reports by the Town Planning Section is read by the general public, they will know that no land use decision is taken easily.

- 11.23 *The increase in heavy loaded trucks, particularly w.r.t the specific location of this erf is concerning. Especially in terms of its location and nature of the single narrow access road ... Recommendation 1: that some form of traffic assessment should be submitted with the application considering both the traffic and nature thereof through the building and construction phase .. Height and Tonnage restrictions are already in place and as it stands, the large trucks that are permitted are still a cause for concern for road and public safety.*

Noted. The trip generation of this land use application is negligible.

- 11.24 *Since a fairly significant amount of land appears to have been cleared since taking ownership in 2005 – and space created to accommodate lawns, dams, renovated existing buildings, etc. The percentage of endemic forest vs cleared land is under question, as is the percentage of healthy vs struggling/shrinking forest.*

The objector's perceptions are noted.

Recommendation 1: I recommend that an assessment of land cleared vs remaining endemic forest prior to any approval of positioning and erection of any dwelling outside of the already cleared and open spaced areas on the property.

Recommendation 2: Should these open and cultivated lawned spaces not be used for the additional dwellings, then my recommendation is that a significant proportion of the lawn be removed, and the local indigenous flora be restored and allowed to flourish.

Noted.

- 11.25 *There is a servitude road that was cleared in the endemic forest patch north of the proposed second dwellings (as per attached photos). It was indicated that Eskom was given right of a servitude to gain access to their pylons, although it was mentioned in the site meeting that Eskom no longer use it. This cleared servitude should also be taken into consideration in the amount of LAND THAT HAS BEEN CLEARED to date. Was an OSCA permit (on behalf of the owner in favour of ESKOM) submitted and was it approved? The intention is to revamp this as a road/driveway (a type of ring road) to give cars access to the proposed second dwellings.*

The objector should know that laws don't necessarily apply to government institutions the same as it applies to those who follow process. Those who follow process are slaughtered while focus should be on those who do not follow process.

Recommendation 1: Ideally this road should be rehabilitated to its natural forest biome if Eskom does not indeed use the servitude running through this property. A letter stating that Eskom still require consent to use the servitude if no rehabilitation of the servitude does occur should be attached to this application and an OSCA permit submitted for the environmental impact around this servitude. If it is developed as a driveway or access road, then the removed forest needs to be replaced elsewhere on erf 351.

Noted.

- 11.26 *Light pollution and NOISE pollution increase in both the building and occupancy stage. Time lines for the building process are not clear a nor defined and neighbours AND WILDLIFE are effectively subject to the construction noises which reverberates across the valley for an indeterminable amount or unspecified amount of time.*

Recommendation 1: Light sensitivity and motion lighting should be taken into consideration around the property to keep the light pollution to a minimum. No flood lights should be permitted.

This will be addressed through the conditions of approval.

- 11.27 *Overall Lack of investment in the natural fauna and flora - It appears from observations on my site visit that the owner is motivated to invest a lot of money into the man-made aspect of the property (renovations to dwellings and structures), is in fact willing to break down a R1 000 000 home (his approximation of the cost of the dwelling given to me verbally on site) for the sake of subdivision approval, yet there is very little evidence that time and money has been invested in a) the natural afro-montane forest biome and b) clearing the infestation of non-indigenous trees and c) the elimination of the fire hazard his property poses, not to the residents alone, but to the surrounding properties.*

The objector's perceptions are noted.

12. **R Moretti (Erf 371 Hoekwil, Wilderness Heights) (objection)**

- 12.1 My property looks directly onto Erf 351, my views of George peak the mountains and the forests are un-hindered by Erf 351 besides a small roof of one of the chalets, which is mostly surrounded by trees. It is this chalet that will be joined to the next chalet to form "one dwelling" the primary dwelling, that is my major objection. The current chalet is small single story and fits into the forest. There are no plans for the primary dwelling on the portion "Remainder" shown in the application.

The application of 351 land usage does mention the "joining" of the 2 southern most chalets on page 10 of the motivation, followed by an artist's impression of what the future buildings will be.

The future building shows proposed 3 story buildings, to which I vehemently object to. This proposed building would devalue my property as it would impact on both my existing view, privacy and sense of place. The size of this house would be completely out of character of the houses of wilderness, and would almost fall into a boutique hotel category not a house. I would be looking directly into another house, not just a roof but a 3-story building (see artists impression on page 10), the current roof of the chalet already sticks out above the treeline.

I feel no development should be done on the section named "remainder" portion, and all dwellings on this section to remain intact.

If the application was to be approved, the proposed merge of the two chalets on the "Remainder" Portion should be strictly limited to a single-story building, and all other buildings should be single story, as any taller than the chalet at the moment would impact my views. I wish to note that on the 13 August 2015 my application for my relaxation building boundary lines was approved for my house with a number of restrictions (ERF 371). I wish to point out namely point 3 of the approval which stipulated.

3. Die hoogte van enige gedeelte van 'n gebou wat die 30m boulyn oorskry, word beperk tot 'n hoogte van 6m en alle ander geboue word beperk tot 'n hoogte van 8m. Hierdie hoogte sal loodreg gemeet word vanaf die laagste punt van die beboude grondvlak en /of die afgewerkte grondvlak, wat ookal meer beperkend is, tot die nok van die dak.

The same height and building restrictions should be applicable to my neighbour as what was applied to me. (as stipulated in point 3). Keeping to a single-story building for the buildings and keeping the natural forest will mask any buildings from ruining my view and devaluing my property.

The artist impression provides an indication of the inspiration for dwellings to follow. No 3 storey dwellings are possible in terms of the zoning by-law.

- 12.2 I'd like to mention points 5 and 6 of my building restrictions

5. Die primêre wooneenheid moet 'n natuurlike of "aardse" kleur geverf word, indien 'n "gepleisterde baksteen" of "handi-plank" struktuur oorweeg word.
6. Die dakke van die primêre wooneenheid en buitegeboue/e moet in 'n kleur wees wat in harmonie met die natuurlike omgewing is, geverf word - donker groen, donker bruin, grys, swart, ens.

A single story will also allow me to keep my privacy, and the roof colour should have the same restrictions as what I was subjected to, i.e., dark green, dark brown, grey or black as in point 6.

The artist impression I'd like to highlight shows towering pine trees behind the proposed houses, which do not exist, my house and the property of ERF 372 will look onto these houses, the application makes it look like nobody will be affected. Hence my above objection.

Noted.

- 12.3 *Currently as things stand ERF 351 generates by far the most amount of noise in the area. The vast expanses of grass means that lawn mowers are constantly in operation, whilst that is ongoing even worse is the leaf blower that literally operates 3 days a week, it destroys the serenity of the area, and is an annoyance to all the other neighbours, whilst currently the people of Wilderness heights are considerate, ERF 351 is not, they have been asked to reduce the noise and quite frankly don't care and continue as if they are the only ones living in the area.*

Noted. This land use application provides the opportunity to improve the quality of the area for all in different ways.

Parties and large groups...this past Saturday 2021/11/27 at 1:26am I was kept awake by party goers, and on Friday 19th November 2021, was another group of people who disrupted the area. We are each entitled to a little bit of noise, be it people's dogs or mowing the lawn, but by subdividing ERF 351 into the absolute minimum size plots and building the greatest number of permitted dwellings will increase this noise by a factor of 5. With the ongoing load shedding, the number of generators would increase 5-fold and potentially more, if like the application of 351 mentions the sharing of services will they share 1 generator for all the subdivisions?... If the land owner of 351 were to have permanent residents and not casual party goers or Air-BnB customers every day, this may reduce the noise factor, and moving to electric/battery operated leaf blowers would certainly help.

Resorts lead to different impact in an area. Another objector proposes that this resort should expand. For Mr. Moretti, this resort is a nuisance. Through this land use application, the resort will disappear with future residents seeking a rural lifestyle as Mr. Moretti found.

- 12.4 *I find it weird, that whilst there's a tennis court and swimming pool and a croquet court, the applicant then goes to request for a relaxation of building boundary lines. The application shows that this is no ordinary sub-division with the introduction of a Home owners Association. If there was an intention to sell off a portion of the land to make a profit (to a non-connected individual) or to hand over a portion of the small holding to a family member one could understand this, but to subdivide and then still ask for a relaxation of building lines, the intention is pretty clear.*

There is no croquet court – it shows however on the 1974-building plans. The relaxation is requested for existing structures. The proposed boundary lines are shown considering shape, space for new structures, access. It is not sustainable to just remove existing structures. We should use what we have and not always demolish and rebuild.

As stated in previous comment in this letter, the aim of the HOA is to address communal interest such as the access road.

- 12.5 *Recently Bill and Diane Turner sold the iconic Wilderness property known as Strawberry Hill (ERF 388) the new owners put up flood lighting, NMMU also put-up additional street lights which shine right into the Wilderness heights residents (They by the way should be controlled just like everyone else in the area with regards to night lights). With new buildings I'm concerned about the light pollution, of this application. Light from a single ERF and 1 dwelling is not so bad... this application is asking for 10 dwellings. With my building I was restricted in two points with regards to outside lights (point 11 and 12), and I feel this should be a restriction applied to all Wilderness residents.*

- 11. Alle eksteme beligting moet tot die minimum beperk word en georiënteer word om afwaarts te skyn. Geen sproei beligte moet aangebring word nie.**
12. Pale wat gebruik word vir die beligting van enige paadjies of paaie binne die ontwikkeling of enige oop ruimte area nie meer as 1m hoog sal wees nie.

Lighting problems should be taken up with the various environmental departments. With any land use application in the rural area, conditions relating to lighting is imposed.

- 1.2.6 *Wilderness is known for its beauty, it would be an absolute shame that its beauty is used by property developers to chop each erf into its minimum sizes and then to develop the maximum number of dwellings on each property... all for the sake of making money, as I feel this current land use application is attempting to do. I urge you to look seriously into this application and protect the Wilderness, protect the tranquillity, protect the views.*

The objector's perceptions are noted.

- 12.7 *Consideration should be taken to not divide the property into the minimum sizes and build the maximum number of houses with home owners etc. (City planners need to decide if this is the future of Wilderness) Keep "remainder" portion as is, the application will then be unlikely to affect me (erf 371) or my neighbour to my right ERF 372. Building heights to be limited to 6 meters as was the ruling applied to me where I feel precedent was set.
In terms of the noise factor, if there are permanent residents and not weekly party goers or nightly Air-BnB people potentially this will help curb the noise (and traffic), and a simple move to electric leaf blowers will go a very long way to appease the people of wilderness heights. External Lights to be controlled and limited and no floodlighting.
There is potential in this application for good, with the return to Agricultural and bringing back a portion of the area from the direction of residential and commercial zoning. Having permanent residents will potentially reduce the noise, and strict control on the building heights the views of wilderness can be kept intact.*

The objector's comment relating to permanent residents creating less negative impacts in relation to a resort is appreciated.

13. **TJ Martin (Erf 355 Hoekwil Wilderness Heights) (objection)**

- 13.1 *The clearing and subsequent building and occupation of those buildings, will escalate the traffic on our narrow dirt road to an unacceptable degree.*

As stated earlier, the trip generation of this land use application for Erf 351 Hoekwil is negligible.

- 13.2 *Other concerns are the loss of 'sense of place' in our neighbourhood, by this development, environmental and visual impacts on the surrounding area, and the setting of a precedent for future development.*

The concerns of this objector are addressed in the motivation report.

4. **Concluding**

- 4.1 The motivation report for this land use application shows that the proposal is consistent with the relevant consideration relevant to the greater Wilderness area. No conflict with the spatial objectives for the area were identified. This is confirmed in the comments in the paragraphs of this letter responding to the comments received.
- 4.2 it is trusted that this land use application can now be concluded successfully.

Yours Faithfully



MARITZE DE BRUYN Pr. Pln.

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