

**Menslike Nedersettings, Beplanning en Ontwikkeling**  
**Human Settlements, Planning and Development**

**Collaborator No.:** 2743067  
**Reference / Verwysing:** Erf 350, Hoekwil  
**Date / Datum:** 12 March 2024  
**Enquiries / Navrae:** Primrose Nako

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

MARLIZE DE BRUYN  
P O BOX 2359  
GEORGE  
6530

**APPLICATION FOR SUBDIVISION: ERF 350, HOEKWIL**

Your application in the above regard refers.

The Deputy Director: Planning (Authorised Official) has, under delegated authority, 4.16.18.1 of 30 June 2023 decided that the application for Subdivision, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2023), of Erf 350, Hoekwil *in accordance with Plan Number Subd02 dated August 2023* (attached as **Annexure A**), to create a Portion A ( $\pm 3,0046$ ha) and a Remainder ( $\pm 3,6280$ ha);

**BE REFUSED** in terms of Section 60 of said By-law for the following reasons:

1. All relevant information pertinent to the development proposal / application was considered and duly assessed including: the land use application documents submitted by the applicant, comments and objections received during the public participation process, the applicant's reply on the comments and objections received, relevant spatial planning documents, applicable planning law, and relevant considerations as contemplated by the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), the WC: Land Use Planning Act, 2014 (LUPA), Section 65 of the Land Use Planning Bylaw for George Municipality, 2023 (LUPB) and the George Integrated Zoning Scheme Bylaw, 2017 (GIZSB).
2. While the proposal aligns in certain respects with the PSDF (2014) MSDF (2023), LSDF (2015) and Rural Areas Guidelines, the proposal cannot be considered as it more importantly conflicts with other aspects, in particular the policies and guidelines intended to minimise or prevent significant negative impacts on the natural environment and rural landscape character. Compliance with policy in part is not sufficient as partial deviation remains a departure that must be sufficiently addressed and mitigated before support for such deviation can be granted.
3. The reasons presented by the applicant to justify the deviations presented in this proposal are not agreed with. The subdivision cannot be considered in isolation and cognisance is taken of the fact that should the subdivision be successful on the basis of the applicant's motivation, such approval and reasons will encourage similar applications on surrounding properties, with resultant significant cumulative negative impacts on the surrounding natural environment and ecological functionality/connectivity of the area.

4. Development on the site (relative to watercourses) and associated stormwater impacts, may have a negative impact on the aquatic features on the site and surrounding environment. The applicant failed to submit a Freshwater Study in this regard.
5. Achieving a conservation outcome on this property is important both in terms of the MSDF and to preserve the assets managed by SANParks. It seeks to benefit the broader landscape, particularly in terms of ecological integrity, landscape function, and connectivity. The proposed subdivision will not achieve the afore-mentioned objective, given the amount of clearance that will be required, over time, relative to the cadastral configuration.
6. Subdivisions in the Priority Natural Area may lead to unmanageable, inaccessible, fragmented areas, which will have an impact on the ecological connectivity.
7. The establishment of firebreaks may be challenging, given the irrational cadastral configuration of the proposed subdivision.
8. The applicant failed to acknowledge the limited developable area of the Remainder portion, focussing only on Portion A. Environmental constraints and building lines, severely restrict any further development of the Remainder portion.

**Notes:**

- i. *The owner is reminded of their 'duty of care' and must ensure invasive clearing is performed on a scheduled basis in accordance with a permit approved by DFFE.*

You have the right to appeal to the Appeal Authority against the decision of the Authorised Employee in terms of Section 79(2) of the Land Use Planning By-Law for George Municipality, 2023.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director: Human Settlements, Planning and Development, P O Box 19, George, 6530 or Directorate: Human Settlements, Planning and Development, 5th floor, Civic Centre, York Street, George **on or before 02 April 2024** and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. Please also note that the appeal must be e-mailed to the administrative officer mentioned above.

An appeal that is not lodged within the applicable period mentioned above or that does not comply with Section 79 of the Land Use Planning By-Law for George Municipality, 2023, will be deemed invalid in terms of Section 80 of said By-Law.

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Please also note that in terms of Section 80(14) of the Land Use Planning By-Law for George Municipality, 2023, the above decision is suspended until such time as the period for lodging an/appeal(s) has lapsed, any appeal(s) has been finalised and you have been advised accordingly.

Yours faithfully



**C. PETERSEN**

**SENIOR MANAGER: TOWN PLANNING**

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