

AGENDA

**EDEN JOINT MUNICIPAL PLANNING TRIBUNAL – GEORGE MUNICIPALITY
EDEN GEMEENSKAPLIKE MUNISIPALE BEPLANNINGSTRIBUNAAL – GEORGE
MUNISIPALITEIT**

**Office of the Municipal Manager:
Civic Centre
GEORGE
6530**

**Kantoor van die Munisipale Bestuurder:
Burgersentrum
GEORGE
6530**

Date/Datum: 10 October 2025

TO: All members of the Eden Joint Municipal Planning Tribunal

AAN: Alle lede van die Eden Gemeenskaplike Munisipale Beplanningstribunaal

Presiding Officer / Voorsittende Beampte: Hendrick Visser

Panel Members / Paneellede: Evan Jacobs
Elma Vreken

Alternative members / Alternatiewe lede: Ruan Le Roux
Dalene Carstens

Notice is given that a meeting of the Eden Joint Municipal Planning Tribunal – George Municipality will be held in George via Microsoft Teams on Tuesday, 28 October 2025 at 10:00.

Kennis geskied dat 'n vergadering van die Eden Gemeenskaplike Munisipale Beplanningstribunaal – George Munisipaliteit gehou sal word in George op Microsoft Teams op Dinsdag, 28 Oktober 2025 om 10:00.

CARL VENTER
Chairperson / Voorsitter

ITEM	AGENDA	
1	OPENING OF MEETING	
2	CONFIRMATION OF REQUIREMENTS	
3	DETERMINATION OF VESTED RIGHTS	
4	DECLARATION OF CONSTITUTED MEETING	
5	APPLICATION FOR CONVENER/ORAL HEARING/ADDITIONAL ITEMS	
6	ITEMS FOR DISCUSSION	

6. ITEMS FOR DISCUSSION

ITEM	AGENDA	PAGES
6.1	AMENDMENT OF RESTRICTIVE TITLE DEED CONDITION AND CONSENT USE ON ERF 243, WILDERNESS	3 - 249
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6.3	REZONING AND SUBDIVISION ON ERF 1641, TYOLORA	294 - 343
6.4	SUBDIVISION, CLOSURE OF A PUBLIC PLACE AND CONSOLIDATION ON ERF 3169 GEORGE, PORTION OF REMAINDER ERF 464 AND ERF 19890, GEORGE	344 - 464

LAND USE PLANNING REPORT

**APPLICATION FOR AMENDMENT OF RESTRICTIVE TITLE DEED CONDITION AND CONSENT USE
ERF 243, WILDERNESS**

Reference number	#3324354	Application submission date	20 Aug 2024	Date report finalized	11 August 2025
Delegation: 4.17.1.17 Sub delegation: LUP1.1 - AO: Category C2. B(a)_DDPT					
PART A: AUTHOR DETAILS					
First name(s)	Amelia				
Surname	Lombard				
Job title	Assistant Town Planner				
SACPLAN registration no.	A/3528/2024				
Directorate/ Department	George Municipality: Planning and Development				
Contact details	044 801 9303 alombard@george.gov.za				
PART B: APPLICANT DETAILS					
First name(s)	Henko				
Surname	Lourens				
Company name	George Municipality : Planning and Development				
SACPLAN registration no.	Pr. Pln. A/3348/2023	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	George Municipality				
PART C: PROPERTY DETAILS					
Property description (as per Title Deed)	Erf 243, Wilderness				
Physical address	Erf 243, George Road	Town/City	Wilderness		
Current zoning	Open Space Zone I & Transportation Zone II	Extent (m ² / ha)	2,3467 Ha	Are there existing buildings on the property?	Y N
Applicable Zoning Scheme	George Integrated Zoning Scheme By-Law, 2023 (hereafter referred to as "Zoning Scheme")				

Legislation	Land-use Planning By-Law for George Municipality, 2023 (hereafter referred to as "Planning By-Law");				
Current Land Use	Public park, public parking, public street and illegal outdoor dining and seating area		Title Deed number & date	T59963/1984	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	See reference to condition below.	
Any third-party conditions applicable?	Y	N	If Yes, specify	See reference to condition below.	
Any unauthorised land use/building work?	Y	N	If Yes, explain	Yes. The Girls restaurant on Erf 2081, Wilderness is using a portion of public street (Owen Grant Street) for outdoor dining and seating purposes. A Council Resolution for the lease of street portion has been obtained.(See Annexure G)	
PART D: PRE-APPLICATION CONSULTATION (ATTACH AS ANNEXURE D)					
Has pre-application consultation been undertaken?					Y N
Reference Number	#3255475	Date of consultation	14 August 2025	Official's name	I. Huyser
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)					
a. Rezoning		b. Permanent departure		c. Temporary departure	d. Subdivision
e. Consolidation		f. Amendment, suspension or deletion of restrictive conditions	X	g. Permissions required in terms of the zoning scheme	h. Amendment, deletion or additional conditions in respect of existing approval
i. Extension of validity period		j. Approval of an overlay zone		k. Amendment or cancellation of subdivision plan/GP	l. Permissions required in terms of conditions of approval
m. Determination of zoning		n. Closure of public place		o. Consent use	p. Disestablishment of a Home Owners Association
q. Rectify failure by a Home Owners Association		r. Reconstruct building of non-conforming use		Other (state)	
PART F: APPLICATION DESCRIPTION					
Consideration of the following applications applicable to Erf 243, Wilderness:					
1. Amendment, in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality, 2023, of restrictive Title Deed Condition (B) contained in Deed of Transfer T59963/1984 for Erf 243, Wilderness that reads as follows:					

SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

“The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the PARK and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.

“owners shall include:

- (a) All owners of Lots deducted from the General Plan W 71, their families and visitors (whether paying or non-paying)
- (b) The owners of lots ‘d’ and ‘dd’ and family and visitors and guests (whether paying or nonpaying).

But nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of the land or any part thereof described in:

Transfer No:	Date
2955)	16 th April 1907
2956)	
2957)	16 th April 1907
2958)	
1295)	21 st October 1918
14200)	6 th October 1920

Is not being the intention of these presents to regard the owners of these extents or any portions thereof as ‘Owners’ within the meaning of the foregoing definition, whether the same have or have not been included in the General Plan W71.”

To be amended to read as follows:

“The property shall be used for public open space and public street purposes, including such uses as may be consented to on a temporary basis in accordance with the applicable By-Laws. No camping shall be permitted. No permanent structures may be allowed on the public open space area except for play apparatus, street furniture, perimeter fencing, engineering infrastructure and architectural or landscaping features that support the intended use of the public open space.”

Note:

The original application was to remove the abovementioned condition as per the Council resolution. However, following the PPP and community engagement, the application has been revised as allowed for in terms of Section 52 of the Planning Bylaw to amend the condition as will be discussed later in the report.

2. Consent Use in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality, 2023, for ‘outdoor trading and dining’ under the ‘Transport Zone II’ (public street) zoned area measuring +/- 333m² along Owen Grant Street road reserve adjoining Erf 2081, Wilderness (in accordance with the Council Resolution dated 24 July 2024).

Notes:

1. *The subject property has a long history. The building on Erf 2081, Wilderness, was originally a dwelling house built in the 1920's that was later converted into a guesthouse (The Palms Guest House) in the early 1990s. A restaurant was approved on the property in 1998.*
2. *The property was rezoned to Business Zone in 2016 subject to certain conditions. The owners proceeded to convert the guesthouse into restaurants and shops without complying with the conditions or submitting plans.*
3. *The regularizing of the illegal land uses lead to a submission to Council to acquire a portion of the road reserve in 2021 where the Council denied the request but resolved that the owners may apply to formerly use the land for "outdoor seating for the restaurant".*
4. *It should be noted that the hedge located in the Owen Grant Street road reserve (that encloses the outdoor seating area of the restaurant) has been in existence – and used as part of the property for at least 68 years (probably longer) as evidenced by the photograph taken of Wilderness Common in 1957.*



5. *A new rezoning to Business Zone I was granted on the property in April 2023 (valid for 2 years), with an application for extension of approval submitted in March 2025. See attached Decision letter attached as Annexure H). The SDP was approved on 27 December 2023. See attached Annexure I.*
6. *In July 2024, the Council granted in principle approval to lease the said road reserve portion for "outdoor seating for the restaurant" and also resolved, among others, that the Planning Department attend to the removal of title deed restriction application.*
7. *The proposed lease was advertised twice for public comment. These comments were submitted to the Council on 25 April 2025, where a final resolution was made to lease the land for outdoor seating purposes and that the title deed condition may be amended. (see Council Resolutions attached as Annexures E & G)*
8. *Further, as can be noted from the comments and objections received with this land use application, the commentors and objectors are keenly aware of the Council's intent regarding leasing a portion of Owen Grant Street to Erf 2081, Wilderness.*
9. *The Consent Use application was not advertised with the Removal of Restrictions application (as this was to be done by the owner of Erf 2081 as per the Council resolution.*

10. However, given the recent history and the extensive PPP conducted, the Department has been requested to include said application in the report. See relevant mandate to submit application attached as Annexure K.
11. The consent will apply only for the duration of the lease, up to a maximum of 10 years, or until the lease agreement ends, whichever occurs first. Further discussion of this matter will follow later in the report.

PART G: LOCATION (Annexure A)

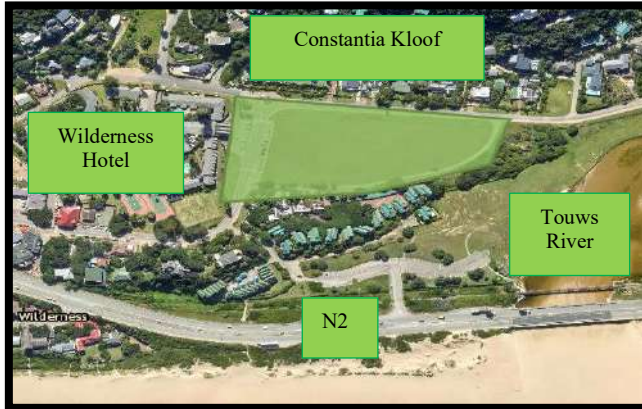


Figure 1: Locality of Erf 243, Wilderness

Erf 243, Wilderness is located on the corner of George and Waterside Streets, Figure 1 illustrates the locality of the subject property. Constantia Kloof is located to the north of the subject property while the Touws River (Garden Route national Park) lies to the east. The N2 national road is located to the south and the Wilderness Hotel is situated to the west.

The image below illustrates the proposed lease area measuring approximately 333m² to be leased for outdoor dining area. As per the notes earlier in the report, the demarcated area has been used by the owner of Erf 2081, Wilderness for at least 68 years, probably longer.



The area to the southwest of Erf 2081 (a portion of Remainder Farm Wildernishoogte 186), measuring 182m², was also leased by Council as part of its 2024 resolution, but does not form part of this application.

PART H: BACKGROUND AND HISTORY

The history of Erf 2081, Wilderness and how it is intertwined with the applications before the Tribunal, was briefly discussed earlier in the report.

Erf 243, Wilderness has a split zoning viz Open Space Zone I (originating from the title deed condition stating that it was set aside for a “park”) and Transport Zone II (due to the public streets registered over it as shown on the General Plan and SG diagrams) and is owned by the George Municipality.



Figure 2: Approximate demarcation of seating area

Figure 2 illustrates the position of the existing seating area to be leased to the restaurant on Erf 2081 Wilderness. This seating area is located within the Owen Grant Street road reserve (Transport Zone II) and does not form part of the grassed area (Open Space Zone I) known as the Wilderness Commonage. The George IZS Bylaw allows outdoor dining and seating as a Consent Use under Transport Zone II.

As stated earlier, the encroachment into the road reserve is historical.

Lease agreement for seating area:

The current outdoor seating area was established illegally by the previous owners of Erf 2081. The new owners are now attempting to regularise the encroachment by entering into a 9 year, 11 months lease agreement with the Municipality.

The Council resolved on 25 July 2024 (attached as Annexure G) that a portion of Erf 243 be leased by The Girls restaurant for outdoor seating area. Following an extensive public consultation process, an item was taken back to Council due to, inter alia, to determine a new valuation for the lease of the land, to change the name of the lessee, and to make provision for the amendment of the restrictive condition instead of it being waived (removed). An amended Council Resolution was issued on 25 April 2025 attached as Annexure E.

Use of the Wilderness Commonage for events

It is important to note that the application for the removal of the Title Condition serves another purpose. The Open Space Zone I part of Erf 243 (also known as the Wilderness Commonage) has functioned as a public park and event and community venue since at least 1997, supported by multiple Council resolutions and lease agreements. However, even though “public open space” allows for occasional uses (events) as a right on the site (subject to the necessary approvals from the Municipal Events Committee), as the title deed restriction limits its access to only certain Wilderness property owners, its use for recreational purposes, and the “park” to be freely accessible at all times (i.e., it may not be fenced off, even during events), this practice was stopped in 2023. The Municipality’s Tourism Department, however, still receives regular requests to use the property for events.

The amendment of the title deed restriction therefore not only seeks to align the use of the property with its current zonings (Open Space Zone I and Transport Zone II), and the land uses that the Wilderness community is comfortable allowing thereon, it also seeks to allow the general public access thereto and the conducting of events. Lastly, the amendment also needs to allow for the use of the public street for outdoor trading and dining (outdoor dining and seating), a consent use under Transport Zone II. It must be emphasized that there is no intention to alter the existing character, zoning or use of the park or the surrounding street network or allow additional uses on the property in future.

PART I: SUMMARY OF APPLICANTS MOTIVATION (Annexure B)

**Note: The section in italic did not form part of the original motivation report and is merely for information/clarity purposes*

Property Background

- Erf 243 is zoned Open Space Zone I (and Transport Zone II).
- The park has been used as an event venue since (at least) 1997, with supporting Council resolutions and lease agreements.
- A portion is to be leased to The Girls (formerly the Blind Pig and the Palms) restaurant for outdoor seating ($\pm 333\text{m}^2$), subject to removal of restrictions.

Ownership and Land Use

- Property owned by George Municipality (Title Deed T59963/1984).
- Current use: public open space (and public street).
- No change in zoning is proposed.

Statutory Alignment

SPLUMA (Spatial Planning and Land Use Management Act, 2013):

- Spatial Justice: Enhances tourism and community access.
- Spatial Sustainability: Long-term, proven use for events supports sustainability.
- Spatial Efficiency: Optimizes underutilized land in a key tourism node.
- Spatial Resilience: Park remains accessible to all with occasional uses.
- Good Administration: Aligned with municipal processes.

LUPA (Land Use Planning Act, 2014):

- No financial loss to others from removal (amendment) of condition.
- Public access will still be retained; no permanent fencing or closure intended.
- Benefits include economic upliftment and tourism stimulation.

**Note that the condition is being amended following the outcome of the public participation process.*

Alignment with Spatial PoliciesGeorge MSDF (2023):

- Supports activation of underutilized land.
- Encourages tourism, compact neighbourhoods, and public space activation.

Wilderness, Lakes, Hoekwil LSDF (2015):

- Area is a tourism node.
- Retains rural/natural character.
- Application is in line with spatial vision and policies.

Need and Desirability

The park has been successfully used for events for 27 years.

Proposal supports:

- Economic activity and tourism growth.
- Cultural events and community use.
- Use of land in line with existing zoning and character.

Conclusion

Removal (amendment) of title deed condition (B) is considered favourable because:

- It enables full use of zoning rights.
- Events have a historical precedent and tourism benefit.
- It does not negatively affect surrounding landowners or character.

PART J: SUMMARY OF PUBLIC PARTICIPATION									
Methods of advertising				Date published		Closing date for objections			
Press	Y	N	N/A	5 September 2024		17 July 2025			
Gazette	Y	N	N/A						
Notices	Y	N	N/A	5 September 2024		17 July 2025			
Website	Y	N	N/A	5 September 2024		17 July 2025			
Ward councillor	Y	N	N/A	5 September 2024		17 July 2025			
On-site display	Y	N	N/A	5 September 2024		5 October 2024			
Community organisation(s)	Y	N	N/A	5 September 2024		17 July 2025			
Public meeting	Y	N	N/A	3 July 2025		17 July 2025			
Third parties	Y	N	N/A						
Other	Y	N	If yes, specify	<ul style="list-style-type: none"> • WRRRA • WALEAF • SANPARKS • Constantia Kloof Conservancy 		5 September 2024		17 July 2025	
Total valid objections			24 (Annexure F)				Total invalid objections and petitions		0
Valid petition(s)			Y	N	If yes, number of signatures	113			
Community organisation(s) response			Y	N	N/A	Ward councillor response		Y	N
Total letters of support			7						
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy								Y	N
<p>Further comments/feedback on the PPP followed:</p> <p>The prescribed public participation process was conducted from 6 September to 9 October 2024. During this period, numerous comments and objections were received, and several engagements were held with the Wilderness Ratepayers and Residents Association (WRRRA) and Wilderness and Lakes Environmental Action Forum (WALEAF).</p> <p>It became evident from the feedback and enquiries, that there were significant misinterpretations and misconceptions regarding the intent of the application, and the Municipality detected hesitance regarding the removal of conditions from the title deed. Although no change in zoning is proposed, the community was placed under the impression that the restrictive conditions safeguard the property against unlawful utilization and future changes in land use rights.</p> <p>As the George Municipality is committed to transparency and good governance, the appropriate response was to revisit the proposal and enter into direct engagement with the community. As a result, the public participation process was extended and a public meeting was called to discuss the alternatives to the original proposal to remove the restrictive conditions, provide clarity regarding the intent, erase misinformation, and to develop understanding of the needs of the community as a whole.</p> <p>A public meeting was held on 3 July 2025 at 17:30 at the Fairy Knowe Hotel in Wilderness. The meeting was advertised in the George Herald on 19 June 2025, on-site notices we posted, postings at the Wilderness</p>									

Tourism Office and Spar Liquor Store, and hand-delivered notices were distributed in the Wilderness Central Business District on 20 June 2025.

The meeting was attended by approximately 125 residents and Interested and Affected Parties (IAPs), and the session was led by Mrs D. Power, Deputy Director: Development and Environmental Planning, and facilitated by Mr. C. Jacobs, the newly elected WRRRA Chairperson.

During this engagement, the Municipality informed the attendees of the facts and proposed to amend the restrictive condition instead of removing it entirely. The amended condition was (as an example) proposed to read as follows:

“No camping shall be permitted, and no permanent structures may be erected on the erf, except for ablution facilities, play apparatus, street furniture, engineering infrastructure, and architectural/landscaping features associated with the public open space use.”

The proposal was generally well received by attendees, although some concerns were raised about the inclusion of ablution facilities and other permanent structures (including fencing) on the public open space. The period for comments and objections to the application was extended until 17 July 2025, allowing attendees to respond to the revisions proposed (listed as round 2 below).

CONDONATION

Upon evaluation of the application and relevant Council resolutions, it was determined that an additional application for Consent Use for ‘outdoor trading and dining’ situated within the road reserve along Owen Grant Street should also be included.

It was reasoned that, even though the Consent Use application was not specifically advertised, the commenters and objectors to the application were keenly aware of the Municipality’s intent to lease said road portion to accommodate the restaurant on Erf 2081. The intent to lease followed its own public participation process, and thus, there has been no deception in this regard.

This view is confirmed when interrogating the objections and comments received during public participation process for the land use application.

Note:

In an email correspondence dated 9 May 2025 between the George Municipality and the previous Chair of WRRRA records no objection to the continuation of the current arrangement. In particular, the following statement was submitted in writing:

“I do not object to the status quo, i.e. the historical use of a small piece of the COMMON (Erf 243) by the adjacent restaurant. My concern has only been with the process of legalising this use. I remain willing to co-operate in achieving an outcome acceptable to the Wilderness community. I submit this in my personal capacity as a Wilderness resident and ratepayer to George Municipality for more than 20 years. I have also copied WALEAF (Mr Charles Scott), WRRRA (Dr Roy Marcus), Constantia Kloof Conservancy, and the Garden Route Ratepayers Alliance (Mr J Wessels), as these parties have engaged with GM officials on this matter and, to date, none have objected to the continuation of the status quo.”

The Municipality is therefore satisfied that the inclusion of the consent application does not constitute a material deviation, as it results in the same outcome that was always intended and understood by the public. It is therefore reiterated that at no stage were members of the public misled / deceived about the intent of the application before the Tribunal.

It should furthermore be noted that the consent use will only be allowed for a period of the lease agreement (to a maximum of 9 years and 11 months).

Accordingly, the Deputy Director: Development and Environmental Planning, in signing this report, grants a condonation under delegated authority 4.1.17.1.17 of 24 April 2025, in terms of Section 63 of the Land Use Planning By-law for George Municipality, 2023, to allow the application to proceed without the need for re-advertisement.

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION AND APPLICANT'S REPLY (ANNEXURE F)

ROUND 1: PUBLIC PARTICIPATION

OBJECTOR LIST

Objector	Property/Organization	Status
Objector 1	Charl de Kock	Objection (also forms part for round 2 of PPP)
Objector 2	AE Olsen	Objection
Objector 3	Constantia Kloof Conservancy (Jan Heyneke)	Community Representative (also forms part for round 2 of PPP)
Objector 4	David and Angela Hill	Objection (also forms part for round 2 of PPP)
Objector 5	Hannelie Jordaan	Objection
Objector 6	David Hall	Objection
Objector 7	John and Marie Callanan	Objection
Objector 8	Nicholas Cole and Liza Wigley	Objection (also forms part for round 2 of PPP)
Objector 9	STBB representing Camilla Twigg and Giles White	Objection
Objector 10	WALEAF	Community Representative (also forms part for round 2 of PPP)
Objector 11	WRRRA	Community Representative
Petion	AE Olsen	113 signatures (<i>resubmitted for round 2 of PPP</i>)

ROUND 2: PUBLIC PARTICIPATION (July 20225 after public meeting took place)

OBJECTOR LIST

Objector	Property/Organization	Status
Objector 12	Mike Leggatt	Individual
Objector 13	Andre van Niekerk (Ketterer Attorneys)	Community Representative for: Khalid Mohammed Mike Leggat Richard Kershaw Angus and Wesley Blinkhorn Charles A Scott Mel Pereira Jan Heyneken Flooris vd Walt Romy Foster von der Heyde Mike von der Heyde JM Forster Anneli Olsen D&A Financial Planning CC Charmaine Stoltz Sheree Muller Carl Lamprecht

		Carolyn and Henry Forster Heyns and Ann Stead Janine, Peter and Ryan Kaye Marie Araque Sydney Parkhouse Paul Whitelaw Renier van Kersen
Objector 14	Tim Arnot	Individual
Objector 15	Frieda Carstens	Individual
Objector 16	George Heritage Trust	Organization
Objector 17	Jo and Marian Spieth	Individual
Objector 18	Johan van der Berg	Individual
Objector 19	Derrick and Anna Olsen	Individual
Objector 20	Brian and Joan Musto	Individual
Objector 21	Natasha Mac Gillicuddy	Individual
Objector 22	Camilla Eagar	Individual
Objector 23	D Zwahlen	Individual
Objector 24	Marlize de Bruyn	Individual

Note: For ease of reference, rounds 1 and 2 of the comments and objections have been consolidated into a single table below, which includes the corresponding reply/evaluations. These will not be repeated later in the report.

Objectors	1. Noise Pollution and Number of Events	1. Reply/Evaluation of the Objection/comment
Objectors 1, 11 and 17	<ul style="list-style-type: none"> • Objection is made if more than 4 functions are held per month. • Objection is made if vehicles utilised more than 20% of the grass. • Increased noise pollution and traffic congestion will occur. • Invasion of privacy will occur. • Events should be restricted to localized and small events. • Large religious gatherings, music festivals and alcohol consumption should be prohibited. 	<ul style="list-style-type: none"> • All events will be managed in accordance with the George Municipality's Events Assistance Policy 2021. The events policy to ensure the following: <ul style="list-style-type: none"> ➤ Serve as a catalyst to achieve the Economic Growth and Tourism strategic objectives of the George Municipality as set out in the IDP. ➤ Align with the updated requirements of the Host and Service departments. ➤ Uphold the principles of the new National and Provincial Events strategy. ➤ Enable the implementation of new legislation, specifically the Safety at Sports and Recreation Events Act, 2010 (Act No. 2 of 2010). ➤ Promote co-operation and collaboration between internal and external partners and stakeholders. ➤ Promote a positive legacy linked to the hosting of events. ➤ Ensure events are managed to achieve inclusive economic development, job creation, social cohesion, and sustainable event greening goals. • The Events Assistance Policy prescribes processes to be followed by the Municipality for event support provision, commercial partnerships, event permit applications, coordination of the Municipality's events

		<p>calendar, hospitality, guest management, ticketing, event marketing and event services</p> <ul style="list-style-type: none"> The events assistance Policy aims to, <i>inter alia</i>, achieve the following: <ul style="list-style-type: none"> Facilitate enhanced social cohesion, community spirit and pride. Develop stronger united communities. Facilitate local and regional economic development. Facilitate sustainable job creation. Promote George as a responsible and green tourism destination. Increase tourism, sport, and economic stimuli. Promote co-operation and collaboration between internal and external stakeholders; and promote a positive legacy linked to the hosting of events. Ensure Event takes place in safe manner to the public complying with national laws regulations and standards. Events will be subject to availability on the Municipal Events Calendar, avoiding overlapping or oversaturation in any given area. A formal event plan will be submitted for each event, specifying parking arrangements that aim to minimize use of grass areas, in line with municipal environmental and infrastructure policies. Noise concerns are taken seriously and need to comply with the Western Cape Noise Control Regulations, 2013. It must be noted that with the removal, no additional or extraordinary events are proposed. The status quo of the park and type of events will remain in place.
	2. Land Use and Utilization of Land	2. Reply/Evaluation of the Objection/comment
Objectors 1, 2,3,4, 6,7, 8,9, 10, 11, 12, 13, 16, 17, 19, 20, 21, 22, 23 and 24	<ul style="list-style-type: none"> Erf 243 must be retained for the use of the community and for recreational purposes. No development or structures should be allowed on Erf 243. There may be an implied "right of use", and application is therefore not needed. The concern is that removal of title deed restrictions may lead to development or alternative uses, which the author opposes. The property has been used for events in the past and there is therefore no need to remove the restrictive condition. The application will destroy the sense of place in Wilderness. The Girls restaurant is not currently in compliance with their land use rights. Waterside Road is a business hub and no longer a residential area. Objection is made to the rezoning of Erf 243. Green spaces should be protected in urban areas. 	<ul style="list-style-type: none"> Erf 243 is currently zoned for public open space and public street purposes under the George Integrated Zoning Scheme, 2023 and will remain so post-amendment of the restrictive title deed condition. The intent is to retain the land for recreational use accessible to the broader community and general public, while enabling occasional events in terms of the Zoning Scheme and Events assistance Policy as well as outdoor seating and dining within the road reserve. No permanent buildings are proposed on the public open space as part of this application. The land will remain an open, green space, with only temporary structures permitted during events (e.g., fences, tents, portable amenities), and these will comply with applicable legislation and policies. While the land has been used for events since 1997 (as noted in the objector's comments), the Municipality seeks to regularize this use in a legally compliant and transparent manner.

	<ul style="list-style-type: none"> • There is no need for the application. • Adequate parking should be provided for the Girls restaurant. • No loading zones have been provided for the Girls restaurant. • The property should be subdivided, and a removal should be carried out on the portions utilised by businesses. • A new title deed condition should be imposed to protect the (public) open space. • Removal of the condition will compromise the spirit and intention behind the condition. • Objection to WRRRA applying for Adopt-a-Spot. • If the park is adopted no events may be held as stated in the Adopt-a-spot policy. • The park should remain as status quo. • The GM aims to convert the park into a profit-making entity, which is illegal. • The Zoning of the property should dictate the use. • The property has significant heritage value. • The title deed does not restrict events. • Objection to the interpretation of recreational use. • Contravening structures should be subdivided off. • The application is not in the public's interest. • Only short-term leasing should be allowed. • The property has been utilised for events and there is no evidence that the removal will improve economic development or tourism in the area • The land use is already utilised to its full potential. • The removal will allow a wide range of potential detrimental consent uses. • A heritage impact assessment be done to determine the full extent of cultural and heritage significance. • The use of the Green should be unchanged. 	<ul style="list-style-type: none"> • The amendment to the restrictive condition permits the Municipality to lawfully allow the hosting of events including the temporary closure of the park or a portion thereof (i.e. paid events) and to allow for the implementation of access control (with specific reference to the section of the condition that limits the use of the park to certain owners). • No rezoning of the land is proposed. Any material changes in land use or intensity (e.g., subdivision, rezoning) would still require a separate application, with full public participation. • The condition to be imposed in the title deed aligns with the zoning viz. public open space with additional limitations to ensure the protection of the park's character and use. • This concern regarding the Girl's land use rights is noted. The amendment of the title deed condition and the granting of the consent use will enable the owner of Erf 2081 (the Girls) to implement their rezoning approval granted in 2023. • Enforcement and compliance regarding separate erven (such as The Girls) are managed by the Municipality through its planning enforcement mechanisms and not via this application. • The Council resolution of April 2025 states that the Department must extend the time the owner of Erf 2081 requires to implement the rezoning approval, acknowledging that implementation is partly dependent on the outcome of this application. • The objectors stated that a new condition should be imposed to protect green space". The condition will be amended and thus, a new condition is not required. • The adopt- a -spot proposal is a separate application, and no such application is presently being considered. It was only mentioned in the public meeting as a 'option' should the community which to apply for it. • The need for the subdivision of the respective portions of the park is not required to accommodate the proposed future use of the property as read in the context of proposed amended condition below. • Should such a proposal be considered in future, it will be subjected to a new application process. • Similarly, other land use applications (e.g. rezonings or consent uses) will be subject to a full public participation process. • There is no intention to amend or remove the restrictive condition once this application has been finalized. However, should this be proposed in future, a new land use application process must be followed. • A HIA is not required as there is no change in zoning or use or cadastral boundaries. The status quo of the park will remain unchanged. • No change in the use of the 'Green' is proposed.
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	3. Public Participation	3. Reply/Evaluation of the Objection/comment
Objectors 3, 9, 10, 19, 23 and 24	<ul style="list-style-type: none"> A public meeting should have been held in accordance with the Municipal Systems Act. Lack of community involvement. Only obscure notices were published in the George Herald. All owners were not informed as per the Title Deed. The proposed application does not discuss an amendment of title deed conditions – therefore a new PPP should be started. The Gm should stop all applications and proposals as the general public requires a fuller understanding of the LUA process. Confusion on the dates for the Public Participation Process The application should be readvertised due to the proposed amendment. 	<ul style="list-style-type: none"> Planning legislation does not mandate a public meeting for every land use application. Instead, it sets out general principles for public participation. The Land Use Planning By-Law for George Municipality, 2023 and Land Use Planning Act (LUPA, 2014) provide the specific statutory public participation processes to follow for applications such as this one. In this case, the application for removal of restrictive conditions followed Section 45 of the George Municipal Planning By-Law, which prescribes that notices must be: <ul style="list-style-type: none"> Published in a local newspaper, Placed on-site, and Served to affected parties where applicable. No deviation from these prescribed processes occurred. The notices complied with both the Municipal By-Law and Land Use Planning Act. The Municipality cannot determine the editorial layout or location of the legal notices within the newspaper, but compliance was met as required by the By-Law. In addition to the required public participation, a public meeting was held on 3 July 2025. The proposed amendment of the restrictive title deed was then proposed as a mitigation measure and encouraged the public to supply suitable solutions. The meeting was attended by approximately 123 residents and I&AP's. A Section 52 application was submitted by the municipality at any time before approval as a result of comments or objections obtained during the public participation process.
	4. Lease Agreement and Council Resolution	4. Reply/Evaluation of the Objection/comment
Objectors 3, 4, 7, 9, 10, 11, 13, 17, 18, 20 and 24	<ul style="list-style-type: none"> Incorrect process was followed. PAIA application is needed to access the Council Resolution meeting minutes. Specific reference was not made to Erf 243, Wilderness in the Council Resolution and incorrect references to businesses were noted. The land use application and council resolution should be withdrawn. The Girls restaurant has been given preferential treatment. Validity of council resolution is questioned. Enforcement of legislation is questioned as other properties in the area also encroached onto Erf 243: all encroaching properties should undergo a lease agreement. The Council resolution is to provide cover for the illegal lease transaction. The property was not identified in the Council resolution. The Council Resolution does not include that the application may be amended. 	<ul style="list-style-type: none"> It should be noted that the content, procedure and outcome of the Council resolution with regards to the lease agreement will not be dealt with as part of this application as it is a separate process. Notwithstanding, in terms of the latest Council resolution (attached hereto) dated 24 April 2025, the Directorate now has the option to amend the said condition. This latest resolution also addresses the other issues raised regarding the previous resolution. The encroachments are being dealt with by the Municipality's compliance division, which is a separate process and has no bearing on this application.

	<ul style="list-style-type: none"> The wrong property owner is mentioned in the Council Resolution. 	
	5. Proposed Amendment of Restrictive Title Deed Condition	5. Reply/Evaluation of the Objection/comment
Objectors 1, 10, 12, 17, 18, 20 and 21	<ul style="list-style-type: none"> Support for the amendment of the existing title deed condition. Structures/buildings are not supported. Ablution Facilities are not supported. Landscaping and additional vegetation are not supported. Structures/buildings are not supported. Ablution Facilities are not supported. 	<ul style="list-style-type: none"> As a mitigation measure the Municipality proposed to amend the condition and not remove it completely. It was proposed that no permanent structures may be developed on the property with a few exceptions. No permanent ablution facilities will be allowed on the property. Landscaping forms part of all public parks. The ultimate goal is to align the restrictive condition with the land use rights permitted under the current zonings of the property, nothing more.
	6. Ownership	6. Reply/Evaluation of the Objection/comment
Objectors 4 and 9	<ul style="list-style-type: none"> Questions about the Municipality's legality to apply for a land use application on a property that they own. The Municipality is not the owner of Erf 243, Wilderness. 	<ul style="list-style-type: none"> The George Municipality is the owner of Erf 243, Wilderness as per the title deed.
	7. Fear of future planning	7. Reply/Evaluation of the Objection/comment
Objectors 10, 12, 16, 17 and 19	<ul style="list-style-type: none"> The removal of the title deed conditions may have unintended consequences in future. 	<ul style="list-style-type: none"> The zoning of the property and municipal policies will continue to regulate land use. Removal of the restrictive condition does not permit unchecked or unauthorized development. Future changes to land use or lease conditions would still be subject to public participation and Council approval.
	8. No reasons provided	8. Reply/Evaluation of the Objection/comment
Objectors 5, 14, 15 and 19	<ul style="list-style-type: none"> Objection to the proposed removal of the restrictive title deed condition. 	<ul style="list-style-type: none"> Noted

Recommendation and letters of support as received in Round 2 of the public participation process

Nr	Name	Status	Support / Recommendation	Reply/Evaluation
NA	David Lloyd	Individual	In support of the application.	Noted
NA	Louise Jacobs	Individual	In support of the application.	Noted
NA	Louise Schaap	Individual	In support of the application.	Noted
NA	Nell Marie	Individual	In support of the application.	Noted
NA	Rethea Brytenbach	Individual	In support of the application.	Noted
NA	Len Earle	Individual	In support of the application.	Noted
NA	Roxanne	Individual	In support of the application.	Noted
NA	Donald Clark	Individual	Comment (no objection or recommendation)	Noted
12.	Mike Leggatt	Individual	<p>Made a recommendation for the wording of the condition:</p> <p>"The area shown in the diagram of THE PARK shall be an open space or common for the use of all members of the</p>	Noted. See condition proposed.

			public for recreational purposes. Application can be made for short-term lease agreements (max 48 hours) for public events that may involve commerce but shall not interfere with the public's right to free access. It shall not be built upon nor shall camping be permitted thereon and the public shall have free access at all times. The registered owner (George Municipality) has the right to enforce observance of order and cleanliness."	
13.	Andre van Niekerk	Community Representative: representing member of the community as stated earlier.	<ul style="list-style-type: none"> • The lease agreement should reference the specific portion proposed to be leased. • The name of the lessee should be removed. • No structures to be allowed on the subject property. 	<ul style="list-style-type: none"> • The lease agreement does not form the subject of this application. • A revised Council resolution was given on 24 April 2025. • No permanent structures, apart from a few exceptions are proposed.
1.	C de Kock	Individual	<ul style="list-style-type: none"> • "ablution facilities" etc. mentioned take out any property improvements except the services that was alluded to. • Change the word "Public interest" to "Community interest" (add definition in title deed: where "Community" refers to, and will be represented by the officially recognised ratepayers association of Wilderness only)" • Use of the word "Event" Change to "Events as approved by the "Community" ONLY (defined in row 2). • "Occasionally" is too vague. The title deed to include a requirement that the "Community" annually develop and approve a guideline defining the nature, timing and number of events that may occur in a month or year. • Lease of land Map the 2 current areas out (Girls/ Hotel) – and allow ONLY that to be leased out in the title 	<ul style="list-style-type: none"> • Ablution was excluded. • See zoning scheme for relevant definition. • As stated in the public meeting the Ratepayers should engage with the tourism department to become a I&AP to the event applications whereby they will have more input and management over proposed events.

			deed - to secure the rest for "common" use only in future.	
20.	Brian and Joan Musto	Individual	<p><i>" ... for the use of all members of the public...for purposes of a public open space, as defined in the applicable zoning scheme..."</i></p> <p><i>No camping shall be permitted on it and no structures may be developed on the erf."</i></p> <p>You should DEFINITELY NOT add the words "except for ABLUTION FACILITIES, PLAY APPARATUS, STREET FURNITURE, ENGINEERING INFRASTRUCTURE.....LA NDSCAPING FEATURES AND ARCHITECTURAL/LANDSCAPING FEATURES, associated with the use of the public open space".</p>	Proposed condition noted.
16.	GHT	Organization	<p>Proposed wording of amended restrictive condition (B):</p> <p><i>(B) The area shown in the diagram as THE PARK shall be retained as open space or common for the use of all owners (as hereinafter defined) and members of the general public for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to, shall permit owners (as hereinafter defined) and members of the general public at all times to have free access across THE PARK and the Remaining Extent to the Touw River, situated on the remaining extent, and the sea. Owners (as hereinafter defined), save that the term shall not include their families or visitors, shall have the right to moor their boats to the banks of the river. During the progress of any building operation, any owner (as hereinafter defined), or his contractor, shall be allowed to graze his draught animals in THE PARK for such time, not exceeding two hours in any one day, as is necessary to afford them rest.</i></p>	Noted
10.	WALEAF	Community Representative	<ul style="list-style-type: none"> • We propose that the following clause be deleted: <i>"During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest."</i> • We have the view that the portion proposed to be leased could be subdivided from Erf 243 Wilderness and be allocated a new erf number. • With respect to the new subdivided portion, the current title restrictions pertaining to Erf 243 Wilderness can be deleted 	Noted. See comments above

			and replaced by new title conditions, subject to the approval of I&APs. <ul style="list-style-type: none"> An alternative is to not subdivide but reword the current title deed restrictions. Some additional clauses should be added into the Erf 243 title deed to allow for the leasing of a 333m² portion to a person/company/ trust etc. for a period of 2 years and 11 months, renewable every 2 years and 11 months. 	
PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS				
Name of Department	Date	Summary of comments	Recommendation	
Civil Engineering Services	09/09/2024	Removal of condition is supported.	In Order	
Electrotechnical Services	20/09/2024	Supported.	In Order	
Environmental Services	NA	NA	NA	
PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)				
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA? (can be elaborated further below)			Y	N
Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)			Y	N
EVALUATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION				
NO	CONSIDERATIONS (S. 33)	YES	NO	N/A
1	Has the financial or other value of the rights enjoyed by a person or entity in terms of the restrictive condition, irrespective of whether these rights are personal or vest in the person as the owner of the dominant tenement (<i>the neighbour or person in whose favour the condition is written</i>) been considered?	X		
2	Has the personal benefits which accrue to the holder of the rights (the dominant tenement) in terms of the restrictive condition been considered?	X		
3	Has the personal benefits which accrue to the person seeking the removal, suspension or amendment of the restrictive condition been considered?	X		
4	Has the social benefit of the restrictive condition remaining in place been considered?	X		
5	Has the social benefit of the restrictive condition been removed, suspended or <u>amended</u> been considered?	X		
6	Do all the restrictive conditions applied for need to be removed, suspended and/or <u>amended</u> , or do they only need to be partly removed, suspended and/or amended or not removed, suspended and/or amended to permit the proposed development?	X		

Section 39(5) of the Land Use Planning Act (LUPA 2014) states that a municipality must have regard to the principles, as listed below, when considering removing a restrictive condition. The paragraph below indicates an assessment as to how the proposal responds to the said principles.

- *39(5)(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.*

Condition (B). of the title deed for Erf 243, Wilderness is archaic nature. The conditions restrict free access for all and limit the use of the park to certain residents depicted on the general plan as stated in the condition. The condition can be noted below:

“SUBJECT FURTHER to ...: “The ... owner of THE PARK ... shall permit owners (as hereinafter defined) at all times to have free access across the PARK ... “owners shall include:

(c) All owners of Lots deducted from the General Plan W 71, their families and visitors (whether paying or non-paying)

(d) The owners of lots ‘d’ and ‘d’ and family and visitors and guests (whether paying or non-paying).

But nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of the land or any part thereof described in:

<i>Transfer No:</i>	<i>Date</i>
<i>2955)</i>	<i>16th April 1907</i>
<i>2956)</i>	
<i>2957)</i>	<i>16th April 1907</i>
<i>2958)</i>	
<i>1295)</i>	<i>21st October 1918</i>
<i>14200)</i>	<i>6th October 1920</i>

Is not being the intention of these presents to regard the owners of these extents or any portions thereof as ‘Owners’ within the meaning of the foregoing definition, whether the same have or have not been included in the General Plan W71.”

The said condition was imposed in order to regulate development within this area before a municipality existed in- and a zoning scheme being applicable to the Wilderness area. The land use is now regulated by a zoning scheme together with development parameters such as coverage and building lines. The condition furthermore poses certain restrictions upon the property, determining which property owners in the area may use the park, while the park should actually be for the enjoyment of the general public.

In order to align the use of the park with its current zoning and to ensure the protection of the park’s use a new condition is proposed. The amendment of the said conditions will not cause a financial loss to any of the property owners within the surrounding Wilderness area.

- *39(5)(b): The personal benefits which accrue to the holder of rights in terms of the respective condition.*

The rights are held by the owners of the properties as stated in the condition above. The property will continue to be used for open space and access purposes and will not unduly hinder these owners their right to use or access the property (the park). By amending the condition, other residents of Wilderness and visitors to the area will be able to enjoy and make formal use of the park (as it has

<p>been used in the past). The amendment will enable the use of the park for events which impact will be minimal.</p>				
<ul style="list-style-type: none"> 39(5)(c): <i>The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is removed, suspended or amended.</i> <p>Amending the condition will provide all members of the public with the opportunity to access the park and not only a select few. It will also allow the Municipality to authorize events in accordance with its policies and enter into short-term agreements for the use of the public street for outdoor dining purposes as has allowed for other restaurants in the Village, especially over the festive season. It should also be noted that the proposal is within reason and will not have a negative impact on the surrounding environment / or surrounding property rights. Refer to the evaluation below.</p>				
<ul style="list-style-type: none"> 39(5)(d): <i>The social benefit of the restrictive condition remaining in place in its existing form.</i> <p>There is no social benefit to retaining the restrictive title deed condition in its current form. As it stands, the restriction limits the use of a public park to the benefit of certain residents only and prohibits Municipality approved events to benefit local tourism in the area. These events are temporary (transient), meaning that the status quo of the park's daily use will remain unchanged for most of the time. Amending the condition will simply align it with the park's existing zoning and permitted use, ensuring the title deed reflects the actual role the park already plays within the community.</p>				
<ul style="list-style-type: none"> 39(5)(e): <i>The social benefit of the removal, suspension or amendment of the restrictive condition.</i> <p>The said condition is outdated, exclusionary and archaic in nature. As stated above, amending the condition will simply align it with the park's existing zoning and permitted use, ensuring the title deed reflects the actual role the park already plays within the community.</p>				
<ul style="list-style-type: none"> 39(5)(f): <i>Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i> <p>The proposed amendment of condition will not diminish any land use rights currently enjoyed by the Wilderness community, as the zoning, namely Public Open Space and Public Street, will remain unchanged. Rather, it will remove the existing limitations restricting the property's use to certain owners, thereby strengthening the protection of its use for the benefit and enjoyment of both the general public and the Wilderness community.</p>				
<p><u>(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)</u></p> <p>The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:</p>				
<p style="text-align: center;">GENERAL CONSIDERATIONS APPLICABLE TO ALL APPLICATIONS</p>				
No	Evaluation checklist	Yes	No	N/A
	Section 65			
65(a)	Does the application submitted comply with the provisions of the Land Use Planning By-law for George Municipality, 2023?	X		
65(b)	Has the motivation submitted been considered?	X		
	Were the correct procedures followed in processing the application? (see land use application process checklist)	X		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)	X		

65(c)	Have the desirability guidelines as issued by the provincial minister to utilise land for the proposed land uses been considered? (<i>not yet applicable</i>)			X
65(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (<i>s. 45 of LUPA</i>)	X		
65(e)	Have the comments received from the applicant been considered?			X
65(f)	Have investigations carried out in terms of other laws which are relevant to the application been considered?			X
65(g)	Was the application assessed by a registered town planner? (<i>see land use application process checklist</i>)	X		
65(h)	Has the impact of the proposed development on municipal engineering services been considered?	X		
65(i)	Is the application in line, consistent and/or compatible with the IDP of the Municipality?			X
	Is the application in line, consistent and/or compatible with the Municipality's SDF?	X		
65(j)	Is the application in line, consistent and/or compatible with the IDP of the district Municipality including its SDF?	X		
	Is the application in line, consistent and/or compatible with the district Municipality's SDF?			X
65(k)	Is the application in line, consistent and/or compatible with the applicable local SDF?	X		
65(l)	Is the application in line, consistent and/or compatible with the applicable policies of the Municipality that guide decision making?			X
65(m)	Is the application in line, consistent and/or compatible with the provincial SDF?			X
65(n)	Is the application in line, consistent and/or compatible with the regional SDF (<i>SPLUMA</i>) or provincial regional SDF (<i>LUPA</i>)?			X
65(o)	Is the application in line, consistent and/or compatible with the applicable policies, guidelines, standards, principles, norms, or criteria set by national and/or provincial government?			X
65(p)	Is the application in line, consistent and/or compatible with the matters referred to in Section 42 of SPLUMA?	X		
65(q)	Does the application comply with the requirements of Section 42(2) of SPLUMA, supported by the relevant environmental reports.	X		
65(r)	Is the application in line or consistent and/or compatible with the following principles as contained in Sections 7 of SPLUMA and 59 of LUPA:			
	1. The redress of spatial and other development imbalances of the past through improved access to, and use of land?			X
	2. Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			X
	3. Enable the redress of access to land by disadvantaged communities and persons?			X
	4. Support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			X
	5. Has the potential impact of the development proposal on the value of the affected land /properties been considered?	X		
	6. Has the impact of the application on the existing rights of the surrounding owners been recognised?	X		
	7. Does the application promote spatially compact, resource frugal development form?			X
	8. Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the Municipality? (<i>e.g. Infrastructure upgrades required – when, budgeted for, etc.</i>)			X
	9. Has the protection of prime, unique, and/or high potential agricultural land been considered?			X

	10.	Is the application consistent with the land use measures applicable to / contained in environmental management instruments?	X		
	11.	Does the application promote and stimulate the equitable and effective functioning of land markets?			X
	12.	Have all current and future costs to all parties for the provision of infrastructure and social services been considered?			X
	13.	Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification, and promotes a more compact urban form?			X
	14.	Will the development result in / promote the establishment of viable communities?			X
	15.	Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?	X		
	16.	Will the development sustain and/or protect natural habitats, ecological corridors, and areas of high bio-diversity importance?			X
	17.	Will the development sustain and/or protect provincial heritage and tourism resources?	X		
	18.	Will the development sustain and/or protect areas unsuitable for development including flood plains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?			X
	19.	Will the development sustain and/or protect the economic potential of the relevant area or region?	X		
	20.	Has provision been made in the development to mitigate against the potential impacts of climate change?			X
	21.	Does the development include measures to reduce consumption / conserve water and energy resources? (<i>renewable energy, energy saving, water saving, etc.</i>)			X
	*22	Does the development consider sea-level rise, flooding, storm surges, fire hazards?			X
	23	Does the development consider geological formations and topographical (soil and slope) conditions?			X
	24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			X
	25.	Benefits the long-term social, economic, and environmental priorities for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?			X
	26.	Contributes towards the optimal use of existing resources, infrastructure, agriculture, land, minerals, and/or facilities?			X
	27.	Contributes towards social, economic, institutional, and physical integration aspects of land use planning?	X		
	28.	Promotes and supports the inter-relationships between rural and urban development?			X
	29.	Promotes the availability of employment and residential opportunities in close proximity to each other or the integration thereof?			X
	30.	Promotes the establishment of a diverse combination of land uses?			X
	31.	Contributes towards the correction of distorted spatial patterns of settlements within the town / city / village?	X		
	32.	Contributes towards and / or promotes the creation of a quality and functional open spatial environment?	X		
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?			X

65(s)	Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-law)? (e.g. Definitions, land use description and development parameters)	X		
*65(t)	Is the application in conflict with any restrictive condition applicable to the land concerned?			X

Further comments.

"Public open space" is described in the Zoning Scheme is as follows:

"public open space" -

(a) means land, with or without access control –

- (i) owned by the Municipality or other organ of state.
- (ii) not leased out by the Municipality or that other authority on a long-term basis
- (iii) set aside for the public as an open space for recreation or outdoor sport and designated as public open space.

(b) includes a park, playground, public or urban square, picnic area; community garden, natural area and ancillary buildings and infrastructure, stormwater infrastructure and engineering services; and

(c) may include an occasional use.

The intention of the removal application is not only to allow for access across the subject property for the general public but to align the subject property with the current Zoning Scheme which includes occasional uses from time to time, which is evaluated/considered by the Municipal Event Committee when applied for.

"Outdoor trading and dining" is described in the Zoning Scheme is as follows:

"Outdoor trading and dining" means the regular and daily use of land in an outdoor setting for the selling of goods and food, and **includes outdoor dining and seating**, and where such activities typically takes place in the open air, and/or from temporary structures such as stalls, tents, caravans or other mobile trading units as may be permitted in terms of municipal policy / by-laws **and may also take place in permanent open structures which provide protection from the elements whilst in an open-air setting**.

Development parameters:

(a) The Municipality may require a site development plan for outdoor trading and dining.

(b) The provisions of the Municipality's policy or bylaw shall apply.

The consent use applies exclusively to a portion of the road reserve along Owen Grant Street, measuring approximately 333m², and may only be used in terms of the conditions of the lease agreement to be signed with the Municipality.

~~In~~consistency with the IDP/Various levels of SDF's/Applicable policies

The proposed application for removal of restrictive title deed condition and consent for a limited outdoor seating area is in line with the principals proclaimed in the MSDF, WHLSDF and SPLUMA. The alignment with spatial planning principals is discussed below:

SPLUMA (Act 16 of 2013): Development Principles and Decision Criteria

Section 7 list the 5 principles of SPLUMA:

- **Spatial justice & inclusion:** Improves public access to amenities in the village centre and supports walkable, low-cost experiences for residents and visitors.
- **Spatial sustainability:** Utilises existing serviced land and infrastructure; small footprint; promotes efficient use of urban land within a designated node.
- **Spatial efficiency:** Optimises an existing ground-floor frontage. No new bulk engineering services required.
- **Spatial resilience:** Enhance a diversifies local economy.

- **Good administration:** Aligns with MSDF 2023 and WLSDF. Refer also to the public participation process section above.

George Municipal Spatial Development Framework (MSDF), 2023

- The outdoor seating enhances universal access and an active frontage adjacent to Park area in Wilderness.
- Commonage (the park) and the outdoor seating area, supports the MSDF's principle of accessible, human-scaled places within existing nodes.
- Outdoor seating strengthens the visitor economy (tourism) by improving the public-realm experience in a designated tourism village without adding bulk infrastructure.
- The site lies within the Wilderness village node, activating ground-floor edges (i.e. outdoor dining area) accords with the MSDF's strategy to consolidate activity in existing nodes and along main streets.
- No encroachment into environmentally sensitive open space.

Consent does not establish any new land uses but merely authorizes the continuation of the existing seating area as per Council's Resolution.

Wilderness, Lakes, Hoekwil LSDF, 2015

- The property is within/edge of the Wilderness Village Node. The LSDF positions the node as a compact, mixed-use, tourism-oriented centre with high-quality public realm.
- The LSDF identifies the Wilderness Village Node as the primary activity hub for the settlement. Its purpose is to accommodate a mix of retail, hospitality, service and limited residential uses that support both local residents and the tourism economy. It is intended as a walkable core where visitors can park once and access restaurants, shops, the beach and the Commonage on foot.
- The LSDF emphasises the importance of maintaining the village's human scale, preserving views to the sea and mountains, and ensuring that ground-floor uses activate the street and interface with public spaces like the Commonage.
- The proposed outdoor seating keeps a human-scale with coordinated furniture/umbrellas, no permanent structures that would detract from views or small-town character.

From the above it is evident that the proposed applications comply with the principles as set out in SPLUMA.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

Outcomes of investigations/applications i.t.o other laws

N/A

Existing and proposed zoning comparisons and considerations.

The property currently has a split zoning of Open Space Zone I (public open space) and Transport Zone II (public street). No change of zoning is being considered.



The consent shall allow for the use of a limited portion of the road reserve along Own Grant Street for an open-air dining area.

The need and desirability of the proposal

The need and desirability for the proposed development has been considered in terms of the following factors:

	General considerations	YES	NO	N/A
1	Will the natural environment and/or open space systems be negatively affected?		X	
2	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		X	
3	Does the application have any negative impact on heritage resources?		X	
4	Will the character of the surrounding area be negatively affected?		X	
5	Will the architectural character of the streetscape be negatively affected?		X	
6	Will there be any negative impact on vehicle traffic and pedestrian safety?			X
7	Will there be a negative impact on traffic movement / vehicle sight distances?			X
8	Are there adequate on-site parking / loading facilities provided?			X
9	Is there adequate vehicle access / egress to the property?			X
10	Will the application result in overshadowing onto neighbours' properties?		X	
11	Will the neighbours' amenity to privacy / enjoyment of their property / views / sunlight be negatively affected?		X	
12	Will the proposal have a negative impact on scenic vistas or intrude on the skyline?		X	
13	Will the intended land use have a negative impact on adjoining uses?		X	
14	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		X	

15	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		X	
16	Will there be a negative impact on property values?		X	
17	Will adequate open space and/or recreational space be provided (for residential developments)?			X
18	Will approval of the application set a precedent?		X	

APPLICATION AND OVERVIEW

It is proposed to amend restrictive Title Deed Condition (B) contained in Deed of Transfer T59963/1984 applicable to Erf 243, Wilderness, to read as follows (broken up into its components):

- The property shall be used for public open space and public street purposes** – meaning that it is limited to the present land uses (zonings) as described in the zoning scheme.
- including such uses as may be consented to on a temporary basis in accordance with the applicable By-Laws.** This refers to a consent use (with emphasis on temporary) such as the proposed outdoor dining and seating permitted through a lease agreement and occasional uses (events) permitted through municipal policies and bylaws.
- No camping shall be permitted.** This provision is contained in the present condition and is being retained at the request of the Wilderness community.
- No permanent structures may be allowed on the public open space area** – which prevents any permanent structures typically allowed as a primary right (such as an ablution block) or structures allowed consent uses (such as environmental facilities, tourist facilities and freestanding base telecommunication stations) from being built on the public open space. This provision is included in consideration of the objections and comments received.
- except for play apparatus, street furniture, open perimeter fencing, engineering infrastructure and architectural or landscaping features that support the intended use of the public open space** – to allow for municipal infrastructure which is placed below the ground and ancillary uses that will improve the amenity and use of the space.

The evaluation confirms compliance with Section 39(5) of LUPA and Section 65 of the Planning By-Law, demonstrating that the proposed amendment of the title deed condition is both appropriate and necessary to align the property's legal status with its current zoning, intended use and contributions made by the Wilderness community.

It is important to reiterate that no development or changes are proposed for the 'park'. The existing use and status of the property will remain unchanged.

The consent use is only to allow for the use of a limited portion of the road reserve along Own Grant Street for an outdoor dining and seating area. The extent of the area shall not exceed approximately 333m² and the approval shall only remain valid for a maximum period of nine (9) years and 11 months, or until the expiration of the lease, whichever occurs first.

In this regard, it is noted that the proposed lease area has formed part of and has been used by the owner of Erf 2081, Wilderness for at least 68 years. A restaurant has been operated on Erf 2081 since 1998 and the lease area utilised, albeit illegally, for this purpose since 2016 without any issues. In fact, most of the commentators / objectors did not object to the principle of allowing the lease of the road reserve as proposed.

CONCLUSION

Thus, notwithstanding the objections received, on the balance of all considerations, the amendment as proposed cannot be deemed undesirable as contemplated in Section 65 of the Land Use Planning Bylaw, 2023 and is therefore **SUPPORTED**.

PART P: RECOMMENDATION

That, with due regard for the objections submitted against the removal of restrictions application as well as the comments received on the proposed the lease of a portion of Owen Grant Street to the owner of Erf 2081, Wilderness for outdoor dining and seating purposes, and the findings and conclusion reached in the report, the following applications applicable to Erf 243, Wilderness:

1. Amendment, in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality, 2023, of restrictive Title Deed Condition (B) contained in Deed of Transfer T59963/1984 that reads as follows:

"SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

"The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the PARK and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.

"owners shall include:

- (a) All owners of Lots deducted from the General Plan W 71, their families and visitors (whether paying or non - paying)*
- (b) The owners of lots 'd' and "dd" and family and visitors and guests (whether paying or non-paying). But nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of the land or any part thereof described in:*

<i>Transfer No:</i>	<i>Date</i>
<i>2955)</i>	<i>16th April 1907</i>
<i>2956)</i>	
<i>2957)</i>	<i>16th April 1907</i>
<i>2958)</i>	
<i>1295)</i>	<i>21st October 1918</i>
<i>14200)</i>	<i>6th October 1920</i>

Is not being the intention of these presents to regard the owners of these extents or any portions thereof as 'Owners' within the meaning of the foregoing definition, whether the same have or have not been included in the General Plan W71."

be amended to read as follows:

"The property shall be used for public open space and public street purposes, including such uses as may be consented to on a temporary basis in accordance with the applicable By-Laws. No camping shall be permitted. No permanent structures may be allowed on the public open space area except for play

apparatus, street furniture, open perimeter fencing, engineering infrastructure and architectural or landscaping features that support the intended use of the public open space."

2. Consent Use in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality, 2023, for 'outdoor trading and dining' under the 'Transport Zone II' (public street) zoned area measuring +/- 333m² along Owen Grant Street road reserve adjoining Erf 2081, Wilderness (in accordance with the Council Resolution dated 24 July 2024);

BE APPROVED in terms of Section 60 of said Planning By-Law for the following reasons:

REASONS

- (a) The condition was amended (broken down into its components below) to allow for the following:
 1. **The property shall be used for public open space and public street purposes** – meaning that it is limited to the present primary land uses stated under the respective zonings of the property – Open Space Zone I and Transport Zone II – in the zoning scheme.
 2. **including such uses as may be consented to on a temporary basis in accordance with the applicable By-Laws.** This refers to a consent use (with the emphasis on temporary) such as the outdoor dining and seating permitted through a lease agreement and occasional uses (events) permitted through municipal policies and bylaws.
 3. **No camping shall be permitted.** This provision is contained in the present condition and is being retained at the request of the Wilderness community.
 4. **No permanent structures may be allowed on the public open space area** – which prevents any permanent structures typically allowed as a primary right (such as an ablution block[s]) or structures allowed as consent uses (such as environmental facilities, tourist facilities and freestanding base telecommunication stations) from being built on the public open space. This provision is included in consideration of the objections and comments received.
 5. **except for play apparatus, street furniture, open (penetrable) perimeter fencing, engineering infrastructure and architectural or landscaping features that support the intended use of the public open space** – to allow for municipal infrastructure which is placed below the ground and ancillary uses that will improve the amenity and use of the space for the benefit of the community.
- (b) The proposed amendment will not have any significant adverse impact on surrounding neighbours' rights and amenity in terms of access to and use of the land, with no adverse impacts in terms of loss of privacy, views, and sunlight.
- (c) The park area will continue to function as public open space and serve the broader community while allowing for unencumbered public access, the construction of appropriate infrastructure and the hosting of occasional events in accordance with Council's policy and bylaws.
- (d) The proposed amendment addresses community concerns by limiting development on the park area, while ensuring alignment with the public open space zoning as per the zoning scheme.
- (e) The consent use applies exclusively to a portion of the road reserve along Owen Grant Street, measuring approximately 333m², to be leased to the Girls restaurant (Restaurant on Erf 2081, George) in accordance with the related Council resolution and the conditions of the lease agreement.
- (f) The Consent does not establish any new land use but merely authorizes the continuation of the existing seating area as per Council's Resolution.
- (g) The proposed lease area has formed part of and has been used by the owner of Erf 2081 for at least 68 years. There has been a restaurant operating from Erf 2081 since at least 1998. The current restaurants have been operating from the property and have been using the encroached area since about 2016, albeit illegally.
- (h) The use of the lease area by the owner of Erf 2081 has never been an issue and is in principle supported by most commenters / objectors to the matter.

- (i) The Consent Use (to use the portion of road reserve for outdoor dining and seating) was not specifically applied for, but in consideration of the extensive public participation processes conducted in relation thereto, it was agreed that it could be added as an application without an additional public participation process being followed.
- (j) A condonation was granted by the Deputy Director: Development and Environmental Planning in accordance with the delegation granted to her to amend the application to include the proposed Consent Use without further public participation being required.

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT

Amendment of Title Condition:

1. That in terms of the Land Use Planning By-law for the George Municipality 2023, the approval for the amendment of the title deed condition shall lapse if not implemented within a period of five (5) years from the date it comes into operation.
2. That in terms of Section 34(1) the owner/applicant must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the amendment of the condition, after the publication of a notice contemplated in Section 33(7) in the Provincial Gazette.

Consent Use:

3. That in terms of the Land Use Planning By-law for the George Municipality 2023, Consent Use shall lapse within a period of maximum nine (9) years and eleven (11) months from the date of it comes into operation or on expiration of the lease agreement, whichever comes first.
4. The Consent Use shall only be applicable to the +/- 333m² area on Own Grant Street road reserve, as shown on the plan that formed part of the lease agreement application (area currently being used for outdoor dining purposes).

PART Q: ANNEXURES

Annexure A	Locality Plan
Annexure B	Motivation Report
Annexure C	Title Deed
Annexure D	Pre App
Annexure E	Council Resolution dated 24 April 2025 and relevant plan
Annexure F	Objections and Comments
Annexure G	Council Resolution 24 July 2024
Annexure H	Erf 2081 Wilderness _ Decision letter
Annexure I	Erf 2081 Wilderness _ SDP approval
Annexure J	Email correspondence
Annexure K	Mandate _ Director of Planning and development Directorate



A.LOMBARD (A/3528/2024)
ASSISTANT PLANNER

11 August 2025
DATE

RECOMMENDED/ NOT RECOMMEND


I. HUYSER (A/1664/2013)
SENIOR TOWN PLANNER

____ **18 August 2025** ____
DATE

RECOMMENDED / NOT RECOMMENDED


CLINTON PETERSEN (B/8336/2016)
PRINCIPAL TOWN PLANNER

____ **20/08/2025** ____
DATE

Condonation is hereby granted under delegated authority 4.1.17.1.17 of 30 June 2022, in terms of Section 63 of the Land Use Planning By-law for George Municipality, 2023, to allow the consent application to proceed without the need for re-advertisement.

Reason:

1. The intention to regularize the existing use of this seating area was consistently clear and transparent from the outset.
2. The proposal was explicitly incorporated into the broader public participation process that forms part of the lease agreement procedures.
3. The Municipality is therefore satisfied that the inclusion of the consent application does not constitute a material deviation, as it results in the same outcome that was always intended and understood by the public.




DELIA POWER (Pr.Pln.A1973/2014)
DEPUTY DIRECTOR: DEVELOPMENT AND ENVIRONMENTAL PLANNING/AUTHORISED OFFICIAL

____ **06 OCTOBER 2025** ____
DATE

APPLICATION FOR CONSENT FOR AN OUTDOOR TRADING AND DINING AREA AND AMENDMENT OF RESTRICTIVE CONDITION ON ERF 243, WILDERNESS (A LOMBARD)

PAJA

NO	PROCESS CHECK	YES	NO	N/A
1.	Has this application been assessed/ evaluated by a registered town planner as required in terms of section 65 of the by-law?	X		
2.	Was the report submitted by the town planner a fair and objective reflection of the relevant information available and have all relevant information been attached to the report?	X		
3.	Did the town planner exercise due diligence in evaluating the application, is the report balanced (does not show any unfair prejudice) and were the conclusions reached reasonable and rationally linked to the relevant information available?	X		
4.	Was the town planner empowered in terms of the municipality's system of delegations to evaluate the application?	X		
5.	Was the decision maker empowered in terms of the municipality's system of delegations to decide on the application?	X		
6.	Was adequate information available for the decision maker to make a fair, reasonable and objective decision on the application?	X		
7.	If not, can it be demonstrated that the necessary attempts were made to obtain this information before the decision was taken?			X
8.	Was all the available information which impacts on the application made available to the decision maker?	X		
9.	Was all relevant information taken into account when making the decision?	X		
10.	Was all irrelevant information noted in the town planners report and reasons given as to why it should be disregarded when making the decision stated in the report?			X
11.	Was the town planner's evaluation, to the best of the decision makers knowledge, potentially influenced by an error of law?		X	
12.	Is the decision taken logical, clear, concise, and fair?	X		
13.	Can the decision be justified – i.e. rationally and reasonably linked to the information provided (critical information available) and relevant facts contained in the report?	X		
14.	Were written reasons given for the decision taken?	X		
15.	Can these reasons be reasonably and rationally linked to the relevant facts and the decision taken?	X		
16.	Were conditions of approval imposed with the decision?	X		
17.	Can these conditions be lawfully imposed as contemplated by Section 66 of the by-law?	X		
18.	Are these conditions fair and can they be reasonably and rationally linked to the development proposal submitted, the relevant facts contained in the town planners report, the decision taken and the reasons for such decision?	X		
<p>APPROVED AS RECOMMENDED/ REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  D. Power (A/19/3/2014) DEPUTY DIRECTOR: PLANNING/ AUTHORISED OFFICIAL </div> <div style="text-align: right;"> 06 OCTOBER 2025 DATE </div> </div>				



George Municipality, Esri South Africa, Esri, HERE, Garmin, Esri South Africa, Esri, HERE, Garmin, USGS

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APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN RESPECT OF Erf 243, WILDERNESS

CORNER OF GEORGE AND WATERSIDE ROAD, WILDERNESS

Contact Person

Amelia Lombard (C/9605/2022)
alombard@george.gov.za
Office Tel: 044 801 9303

HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT
GEORGE MUNICIPALITY

Date: August 2024



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1. APPLICATION

1.1 Land Use Application

Application for the Removal, in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality (2023), of restrictive title deed condition (B) contained in Title Deed T59963/1984 of Erf 243, Wilderness that reads as follows:

“SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

“The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the PARK and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.”

1.2 Background Information

The subject property is zoned for “Open Space Zone II” for public open space purposes has been utilized as an event venue since 1997, there is a track record of several council decisions and lease agreements stating that the Park could be used for events throughout the years for festivals, events, and additional parking.

Erf 243, Wilderness has therefore been used for several types of events for 27 years especially in the summer months when tourism increases.

2. PROPERTY DETAILS

2.1 Property Description

Erf 243, Wilderness is located on the corner of George and Waterside Street, Figure 1 illustrates the locality of the subject property. Constantia Kloof is located to the north of the subject property while the Touws River lies to the east.

The N2 is located to the south and the Wilderness Hotel, which occasionally utilizes the Park as additional parking, is to the west. Wilderness is characterized as a tourism node and the aim of the application is to remove the restrictive title deed conditions to utilize the property to its full potential for occasional events.



The Council Resolution dated 25 July 2024 states that a portion of the road reserve on Erf 243 (directly opposite Erf 2081) be leased to the restaurant, The Girls and the Blind Pig, for outdoor seating. As part of the Council resolution, it was decided that the restrictive title deed conditions be removed to allow the leasing of the land.

The figure (left) illustrates the proposed portion to be leased by the mentioned restaurant.

Table 1 below summarizes the property information which includes the proposed future use of the property.

Table 1: Property Description

Property and Application Information Summary	
Property	Erf 243, Wilderness
Property Diagram	SG No. 601/1922
Registered Owner	George Municipality
Applicant	George Municipality
Title Deed	T59963/1984
Extent	2.3467 ha
Zoning Scheme	George Integrated Zoning Scheme By-Law, 2023
Current Zoning	Open Space Zone I
Current Land Use	Public Open Space
Proposed Land Use	Public Open Space

2.2 Ownership and Title Deed Conditions

Ownership of Erf 243, Wilderness is registered in favor of the George Municipality by virtue of Title Deed T59963/1984.

Condition (B) in the subject title deed is restrictive and aims to be removed:

“SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

“The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness.

The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the PARK and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.”

The restrictive condition is registered in favour of the Owners (in this case the George Municipality) for the purpose of always protecting the owner's rights to free access across the park.

3. STATUTORY CONTEXT

3.1 Spatial Planning and Land Use Management Act, 2014

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" lists 5 development principles which must be applied when any development application is to be evaluated. The principles referred to are as follows:

- "Spatial justice"
- "Spatial sustainability"
- "Spatial efficiency"
- "Spatial resilience"; and
- "Good administration"

Different development principles are identified under each of the 5 abovementioned principles which must be applied when a land use application is to be evaluated. The proposed application for removal of restrictive title deed condition will subsequently be evaluated on each of the principles.

Spatial Justice

The proposed application will improve the use of the land as it is currently being underutilized. Although the restrictive title deed condition (B) aims to always protect free access across the park, using the subject property for events will increase domestic and international tourism in the area. It will also allow The Girls to use a portion of the property, as per the Council resolution for outdoor seating purposes.

Spatial Sustainability

The park has been utilized for events for the past 27 years and removing the restrictive title deed condition will contribute the tourism and economic node that is Wilderness. Community engagement and domestic tourism will ensure that the use of the park remains sustainable.

Spatial Efficiency

The proposed land development optimizes the use of existing resources and will provide an economic injection in the Wilderness node.

Spatial Resilience

The park will remain Public Open Space (to be utilized by all) with the capability to have occasional events on the park area.

Good administration

The application process will adhere to the Municipal standards.

3.2 Consistency and compliance with LUPA, 2014 (Act 3 of 2014)

Section 39(5) of the Land Use Planning Act (LUPA 2014) states that a municipality must have regard to the principles, as listed below, when considering removing a restrictive condition. The paragraphs below indicate an assessment as to how the proposal responds to the said principles.

39(5)(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.

The title deed conditions were imposed to allow for free access across the park. However, the utilization of land for the purposes of events have been allowed since 1997. There is thus a need from the community for space where events and festivals may be held. The removal of the said conditions will not cause a financial loss to any of the property owners within the Township (Wilderness) or the Municipality.

39(5)(b): The personal benefits which accrue to the holder of rights in terms of the respective condition.

Although the restrictive condition promoting free access will be removed it is not the intention to fence the park off or permanently close the park. The goal is to allow for events and activities that will boost and promote the existing tourism in the area and sustainability increase the economy of George.

39(5)(c): The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is removed, suspended, or amended.

The property owner, as well as possible future lessees of the property, will achieve personal benefits from the deletion of the title deed conditions as it will enable the development of the site to its full potential in accordance with its zoning rights.

39(5)(d): The social benefit of the restrictive condition remaining in place in its existing form.

There is no social benefit in retaining the restrictive title deed conditions, as the application is regarded as being fully consistent with the surrounding land uses and existing zoning rights.

39(5)(e): The social benefit of the removal, suspension, or amendment of the restrictive condition.

As stated above, the capital investment on the site will most likely contribute to the value and benefit the surrounding property values. By removing the title deed condition, it will enable the property owner to utilize the park to its full potential in terms of its zoning rights.

39(5)(f): Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The removal of the restrictive condition will allow the Municipality to occasionally lease out the property for the purposes of events. The right to enter the property will remain in place as the property will still be zoned as

Public Open Space, the removal will just allow the public to lease the land and possibly charge an entry fee for the limited time of the event. As previously stated, a small portion of Erf 243 will be lease to The Girls restaurant for outdoor seating as per the attached Council resolution.

3.3 George Municipal Spatial Development Framework, 2023

Although the subject property is not specifically mentioned in the MSDF (2023) it states that Wilderness is one of the most popular tourism destinations along the Garden Route, and the Municipality aims to preserve the present environment by, among other, improve tourism opportunities.

According to the MSDF 2023, more compact and diverse neighbourhoods (where people can live, work, and recreate) with better housing choice, walkable streets and accessible (usable) open spaces should be perused. The MSDF (2023) requires that developers make optimal use of strategically located vacant and underutilized land. The development proposal aligns with this aspect of the MSDF (2023) as the removal will enable the utilization of the Public Open Space area.

The application for the removal of the restrictive title deed conditions is not in conflict with the MSDF (2023).

3.4 Wilderness, Lakes, Hoekwil Local Spatial Development Framework, 2015

The WLHLSDF states that the Wilderness area is characterized as a tourism area, the subject property lies within the business node of Wilderness. The WLHLSDF further supports preservation of the natural area and the rural character of the area. The zoning will remain Public Open Space and the removal of the title deed condition will allow the park to be utilized for recreational activities and occasional uses as per the land use description stated in the Zoning Scheme.

The proposed application will not alter the character of the area and the park will always be able to revert to its original use of a public open space.

3.5 George Integrated Zoning Scheme, 2023

According to the Zoning Scheme (as highlighted below) under point (c) of the land use description a public open space may include an occasional use. By removing the restrictive title deed condition, the park can be utilized to its full potential in accordance with the Zoning Scheme.

With the removal of condition (B) of the title deed events will be permissible on the subject property. Although events will be allowed, the municipality will still evaluate the impact of each event and will be able to implement mitigations if necessary. This is done by the Tourism and Community Service Department.

See Zoning Scheme extract below:

“public open space”

Land use description: “public open space” -

- a) means land, with or without access control –*
 - i) owned by the Municipality or other organ of state;*
 - ii) not leased out by the Municipality or that other authority on a long-term basis*
 - iii) set aside for the public as an open space for recreation or outdoor sport and designated as*
 - iv) public open space;*
- b) includes a park, playground, public or urban square, picnic area; community garden, natural area and ancillary buildings and infrastructure, stormwater infrastructure and engineering services; and*
- c) may include an occasional use.*

4. NEED AND DESIRABILITY OF THE APPLICATION

As previously stated, the area can be characterized as rural residential with a focus on tourism and the natural environment. Since the park has been used for venue purposes for several years there is a need for the proposed land use in the area. The character of the area will not be negatively affected, and current economic activities will benefit from an additional ancillary use (e.g. events).

5. CONCLUSION

The removal of the title deed conditions is considered favourable given that:

- The Park has been utilized for events since 1997 (though council resolutions and lease contracts) and therefore has the potential to improve and increase tourism in the area.
- The removal of the restrictive conditions will not negatively impact the character of the area, in hindsight, it could potentially benefit the tourism node.
- The conditions restrict the property from being utilized to its full potential as per its zoning rights in terms of the George Integrated Zoning Scheme By-Law, 2023

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law in connection with the change of ownership in the land in consequence of vesting have been complied with;

NOW, THEREFORE, by virtue of the authority vested in me by the said Act, I, the Registrar of Deeds at Cape Town do, by these presents, cede and transfer in full and free property to and in favour of -

DIVISIONAL COUNCIL OF GEORGE

its successors in title or assigns:

CERTAIN freehold land situate in the Local Area of Wilderness, Division of George, being Erf No. 243, Wilderness;

MEASURING: Two decimal Three Four Six Seven (2.3467) hectares;

EXTENDING as the Deed of Transfer with Diagram No. 601/1922 annexed made in favour of The Wilderness (1921) Limited on 22nd March 1923, No. 2059, will more fully point out;

(A) SUBJECT to the conditions referred to in Deed of Transfer No. 4632 dated 22nd May 1905;

(B) SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

"The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereinafter defined) for recreation purposes.
It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit

owners ...

WHITE GROUP
BLANKE GROEP

owners (as hereinafter defined) at all times to have free access across the Park and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined or his Contractor shall be allowed to graze his draught animals in The Park for such time - not exceeding two hours in any one day - as is necessary to afford them rest."

("Owners" shall include:

- (a) All owners of Lots deducted from the General Plan W 71, their families and visitors (whether paying or non-paying).
- (b) The owner of Lots "d" and "dd" and family and visitors and guests (whether paying or non-paying).

but nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of the land or any part thereof described in :

<u>Transfers Nos:</u>	<u>Date</u>
2955)	
2956)	16th April 1907
2957)	
2958)	16th April 1907
1295)	21st October 1918
14200)	6th October 1920

it not being the intention of these presents to regard the owners of these extents or any portions thereof as "Owners" within the meaning of the foregoing definition, whether the same have or have not been included in the General Plan W 71.

WHEREFORE the said THE WILDERNESS (1921) LIMITED is entirely dispossessed of and disentitled to the said land, and that by virtue of the said vesting the said Divisional Council of George, its successors in title or assigns, now is and hereafter shall be

entitled ...

4.

entitled thereto conformably to local custom, the State,
however, reserving its rights;

IN WITNESS WHEREOF I, the said Registrar, 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 October in the Year of Our Lord, One Thousand
Nine Hundred and Seventy (1970).

N. N. N.
.....
Registrar of Deeds.

Registered in the Green Register
Book Wilderness Folio 243

velo
Clerk in Charge.

SW/RW/W.9/155

5

1287770

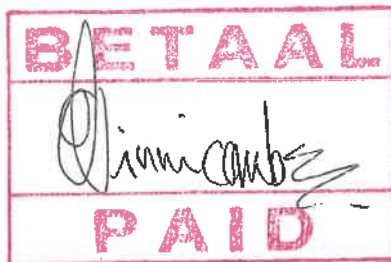
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VA 49491/2000 (5)



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of Deeds Register Regulation No. 611
die oorspronkele afgelede onder die oorspronkele van
die Registrasiekantore Regulation No. 611
Deeds Registry/Registrasiekantore
Cape Town/Kapstad
0000000811 * 2000

Pro 48/96 W.K.

ARTIKEL 16 VAN WET 47 VAN 1937 GEWIGSDEKRETE	SECTION 16 OF ACT 47 OF 1937 TRANSFERRED TO THE DEPARTMENT OF LANDS
Munisipaliteit Wildernis	
000092858/2000 0000000811 * 2000	(6)



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: **3255475**

Purpose of consultation: **To consult a Municipal town planner on their opinion on the said removal**

Brief proposal: **Removal of restrictive title deed condition**

Property(ies) description: **Erf 243, Wilderness**

Date: **14 August 2024**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilané Huyser	George Muni.	044 801 9477	ihuyser@george.gov.za
Official	Fakazile Vava	George Muni.	044 801 9477	fvava@george.gov.za
Pre-applicant	Amelia Lombard	George Muni.	044 801 9303	alombard@george.gov.za

Documentation provided for discussion:

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

Locality

Title Deed

SG Diagram

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

YES	NO
-----	----

Comprehensive overview of proposal:

The subject property has been utilized as an event venue since 1997, there is a track record of several council decisions and lease agreements stating that the Park could be used for events throughout the years for festivals, events, and additional parking.



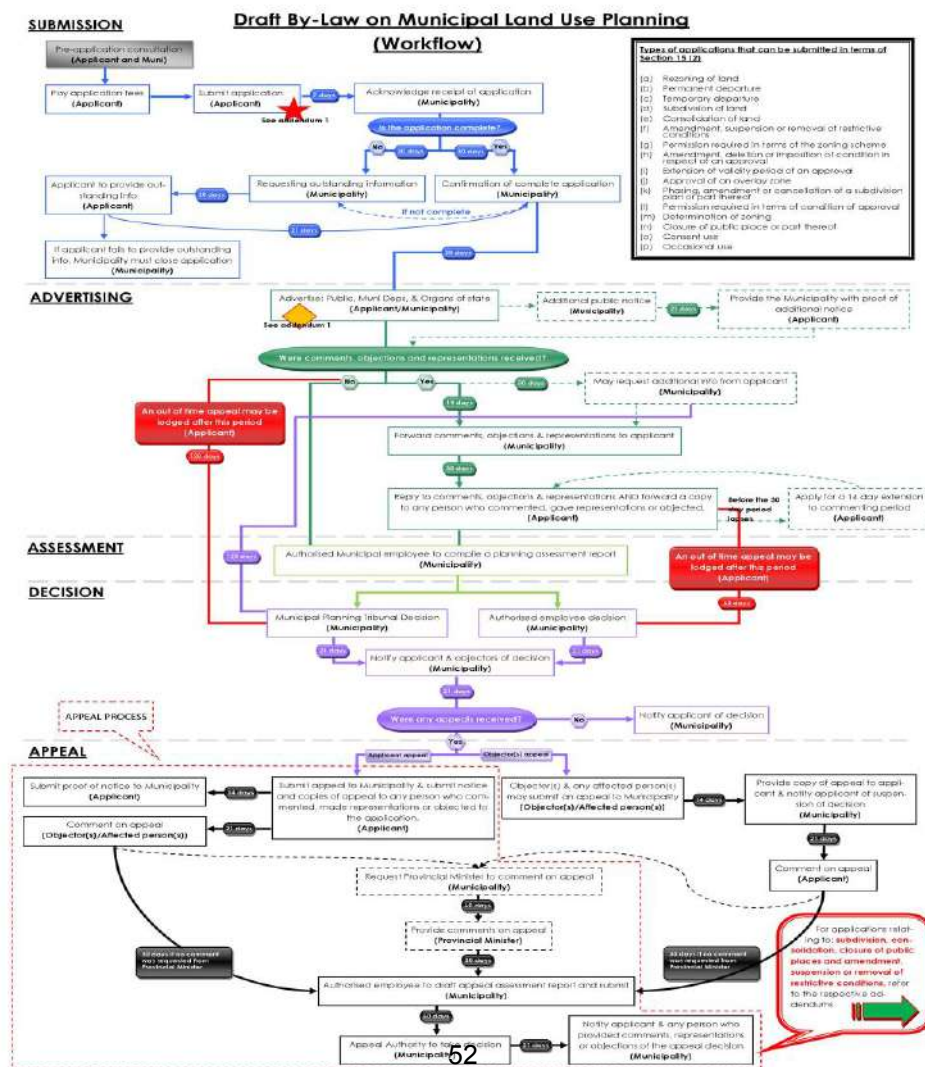
Application for the Removal, in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality (2023), of restrictive title deed condition (B) contained in Title Deed T59963/1984 of Erf 243, Wilderness that reads as follows:

“SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

“The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the PARK and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.”

PART B: APPLICATION PROCESS

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



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

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	Motivate in application
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? George Integrated Zoning Scheme By-law, 2023 What is the current zoning of the property? Open Space Zone I What is the proposed zoning of the property? Will not change Does the proposal fall within the provisions/parameters of the zoning scheme? Yes Are additional applications required to deviate from the zoning scheme? (if yes, specify) No				
QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			x	Motivate in application
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 Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
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	Homeowners' 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

Pre-application as discussed on 14 August 2023 for Removal of a restrictive title deed condition in the title deed for Erf 234, Wilderness in order to grant access for the hosting of events and other activities on the property. Applicant provided the following site layout plan for the pre-app meeting:



Town Planning comments

- Applicant to include Council Resolution with the land use application.
- Public participation in terms of the guidelines to be conducted.
- Applicant is exempt from providing a conveyancer certificate.
- No site layout plan is required, but applicant must attempt to show a conceptual representation of the area to be lease by “The Girls” and proposed parking area.

PART F: SUMMARY / WAY FORWARD

Refer to comments above.

OFFICIAL:  _____

Fakazile Vava (Town Planner)

SIGNED:  _____

Ilané Huyser (Senior Town Planner)

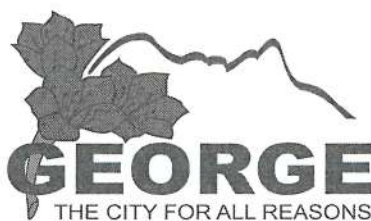
DATE: 14 August 2024 _____

PRE-APPLICANT: Amelia Lombard

SIGNED:  _____

DATE: 14 August 2024 _____

**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.*



EXTRACT FROM DRAFT MINUTES ORDINARY COUNCIL MEETING 24 APRIL 2025

8.1.4 **FINAL APPROVAL ON AN APPLICATION TO LEASE A PORTION OF THE OWEN GRANT STREET ROAD RESERVE LOCATED ON A PORTION OF ERF 243 WILDERNESS, SITUATED NEXT TO ERVEN 2081 WILDERNESS AND A PORTION OF THE GEORGE ROAD ROAD RESERVE, FOR OUTDOOR SEATING FOR THE GIRLS ON THE BEACH RESTAURANT [6.3.1]**

Proposed by Councillor Kyd and seconded by Councillor M Gultig, it was

RESOLVED

- (a) That **COUNCIL TAKE NOTE** of all the comments and input received on the proposed leasing of the portions of Erven 158/0 and 243 Wilderness;
- (b) That **COUNCIL TAKE NOTE** that no counter offers for the leasing of the portions of Erven 158/0 and 243 Wilderness were received;
- (c) That resolution b(ii) of the Council resolution taken on 24 July 2024, under it is stated that lease "*will be to the benefit of the local community*", **BE RESCINDED AND REVOKED**;
- (d) That all previous references made to the Palms Restaurant in the subject reports **BE RECTIFIED** and be referred to as the Girls Restaurant;
- (e) That condition c(ix) of the resolution taken on 24 July 2024 **BE RECTIFIED TO READ AS FOLLOW**:

"that the restrictive condition imposed in the title deed of Erf 243 Wilderness be waived/amended;"
- (f) That the objectors **BE INFORMED** that the waiving/amendment of the restrictive title deed condition will be dealt with by the tribunal and that they will be informed of the outcome;
- (g) That the objectors **BE INFORMED** that the value of the portions of Erven 1 and 243 Wilderness (515m² in extent), in terms of its current zoning, is valued below R10million on the municipal valuation roll and therefore the public participation processes stipulated in Regulation 37 and Regulation 38 of the Municipal Asset Transfer Regulations (Gazette No. 31346 – Regulation 878), which is applicable to assets with a value in excess of R10million, are not applicable;
- (h) That **FINAL APPROVAL** be granted for the leasing of the portion of the remainder of Erf 158/0 Wilderness (the George Road road reserve) and the portion of the remainder of Erf 243 Wilderness (the Owen Grant Road road reserve) the owner

RP
25/04/2025



EXTRACT FROM DRAFT MINUTES ORDINARY COUNCIL MEETING 24 APRIL 2025

of Erf 2081 Wilderness at the revised lease amount of R40.00 per m² plus VAT per month (being R20 600.00 plus VAT per month for both the portions of the road reserves) subject to the conditions approved by Council on 24 July 2024, as amended above, and further subject thereto that the lease amount be revised every three years;

- (i) That the applicant **APPOINT A SURVEYOR** to survey the lease area diagrams;
- (j) That the **LEASE AGREEMENT COMMENCE** once this final approval is granted for the leasing of the subject portions referred to above and prior to the finalisation of the removal of the restrictive condition in order to allow the owner of Erf 2081 Wilderness to expedite the building plan approvals and any applicable town planning approvals; and
- (k) that this approval is **SUBJECT THERETO**, that all administrative, technical and legal requirements are adhered to by the applicant.

Date: 25/04/2025

Manager: Committee Support (Miss R Bredenkamp)

Date: 25/04/2025

Director: Corporate Services (Mr B Ellman)



Recommendation and letters of support as received in Round 2 of the public participation process

Nr	Name	Status	Support / Recommendation
NA	David Lloyd	Individual	In support of the application.
NA	Louise Jacobs	Individual	In support of the application.
NA	Louise Schaap	Individual	In support of the application.
NA	Nell Marie	Individual	In support of the application.
NA	Rethea Brytenbach	Individual	In support of the application.
NA	Len Earle	Individual	In support of the application.
NA	Roxanne	Individual	In support of the application.
12.	Mike Leggatt	Individual	<p><i>"The area shown in the diagram of THE PARK shall be an open space or common for the use of all members of the public for recreational purposes. Application can be made for short term lease agreements (max 48 hours) for public events that may involve commerce but shall not interfere with the public's right to free access. It shall not be built upon nor shall camping be permitted thereon and the public shall have free access at all times. The registered owner (George municipality) has the right to enforce observance of order and cleanliness."</i></p> <p><i>"The area shown in the diagram of THE PARK shall be an open space or common for the use of all members of the public for recreational purposes. Application can be made for short term lease agreements (max 48 hours) for public events that may involve commerce but shall not interfere with the public's right to free access. It shall not be built upon nor shall camping be permitted thereon and the public shall have free access at all times. The registered owner (George municipality) has the right to enforce observance of order and cleanliness."</i></p>
13.	Andre van Niekerk	Community Representative: Representing member of the community as illustrated above	<p>The lease agreement should reference the specific portion proposed to be leased.</p> <p>The name of the lessee should be removed.</p> <p>No structures to be allowed on the subject property.</p>

1.	C de Kock	Individual	<p>"ablution facilities" etc. mentioned Take out any property improvements except the services that was eluded to.</p> <p>Use of the words "Public Interest" Change "Public interest" to "Community interest" (add definition in title deed: where "Community" refers to, and will be represented by the officially recognised ratepayers association of Wilderness only)"</p> <p>Use of the word "Event" Change to "Events as approved by the "Community" ONLY (defined in row 2).</p> <p>"Occasionally" is too vague. The title deed to include a requirement that the "Community" annually develop and approve a guideline defining the nature, timing and number of events that may occur in a month or year.</p> <p>Lease of land Map the 2 current areas out (Girls/Hotel) – and allow ONLY that to be leased out in the title deed - to secure the rest for "common" use only in future.</p>
20.	Brian and Joan Musto	Individual	<p><i>" ... for the use of all members of the public...for purposes of a public open space, as defined in the applicable zoning scheme...</i></p> <p><i>No camping shall be permitted on it and no structures may be developed on the erf."</i></p> <p>You should DEFINITELY NOT add the words "except for ABLUTION FACILITIES, PLAY APPARATUS, STREET FURNITURE, ENGINEERING INFRASTRUCTURE.....LANDSCAPING FEATURES AND ARCHITECTURAL/LANDSCAPING FEATURES, associated with the use of the public open space".</p>

16.	GHT	Organization	<p>Proposed wording of amended restrictive condition (B):</p> <p><i>(B) The area shown in the diagram as THE PARK shall be retained as open space or common for the use of all owners (as hereinafter defined) and members of the general public for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to, shall permit owners (as hereinafter defined) and members of the general public at all times to have free access across THE PARK and the Remaining Extent to the Touw River, situated on the remaining extent, and the sea. Owners (as hereinafter defined), save that the term shall not include their families or visitors, shall have the right to moor their boats to the banks of the river. During the progress of any building operation, any owner (as hereinafter defined), or his contractor, shall be allowed to graze his draught animals in THE PARK for such time, not exceeding two hours in any one day, as is necessary to afford them rest.</i></p>
10.	WALEAF	Community Representative	<p>We do however propose that the following clause be deleted :</p> <p><i>“During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.”</i></p> <p>We of the view that the portion proposed to be leased could be subdivided from erf 243 Wilderness, and be allocated a new erf number. With respect to the new subdivided portion, the current title restrictions pertaining to erf 243 Wilderness can be deleted and replaced by new title conditions, subject to the approval of I&Aps.</p> <p>An alternative is to not subdivide but reword the current title deed restrictions. Some additional clauses should be added into the erf 243 title deed to allow for the leasing of a 333m² portion to a person/company/ trust/etc for a period of 2 years and 11 months, renewable every 2 years and 11 months.</p>

ROUND 1: PUBLIC PARTICIPATION

OBJECTOR LIST

Objector	Property/Organization	Status
Objector 1	Charl de Kock	Objection (also forms part for round 2 of PPP)
Objector 2	AE Olsen	Objection
Objector 3	Constantia Kloof Conservancy (Jan Heyneke)	Community Representative (also forms part for round 2 of PPP)
Objector 4	David and Angela Hill	Objection (also forms part for round 2 of PPP)
Objector 5	Hannelie Jordaan	Objection
Objector 6	David Hall	Objection
Objector 7	John and Marie Callanan	Objection
Objector 8	Nicholas Cole and Liza Wigley	Objection (also forms part for round 2 of PPP)
Objector 9	STBB representing Camilla Twigg and Giles White	Objection
Objector 10	WALEAF	Community Representative (also forms part for round 2 of PPP)
Objector 11	WRRRA	Community Representative
Petion	AE Olsen	113 signatures (<i>resubmitted for round 2 of PPP</i>)

OBJECTIONS

Objectors	1. Noise Pollution and Number of Events
Objector 1, 11	<ul style="list-style-type: none"> Objection is made if more than 4 functions will be held per month. Objection is made if vehicles utilised more than 20% of the grass. Increased noise pollution and traffic congestion will occur. Invasion of privacy will occur.
	2. Land Use and Utilization of Land
Objector 1, 2,3,4, 6,7, 8,9, 10, 11	<ul style="list-style-type: none"> Erf 243 must be retained for the use of the community and for recreational purposes. No development or structures should be developed on Erf 243. There might be an implied "right of use", and application is therefore not needed. The concern is that removal of title deed restrictions may lead to development or alternative uses, which the author opposes. Land has been used for events in the past and there is therefore not a need to remove the restrictive conditions. The application will destroy the sense of place in Wilderness. The Girls restaurant is not currently in compliance with their land use rights. Waterside road is a business hub and no longer a residential area. Objection was made to the rezoning of Erf 243. Green spaces should be protected in urban areas. Objects to the need for the application. Adequate parking should be provided for the Girls restaurant. No loading zones have been provided for the Girls restaurant. The property should be subdivided, and a removal should be done on the portions utilised by businesses. A new title deed condition should be imposed to protect the open space. There is no evidence that the approval of the application will result on an increase in tourism
	3. Public Participation
Objector 3, 9, 10	<ul style="list-style-type: none"> A public meeting should have been held in accordance with the Municipal Systems Act. Lack of community involvement

	<ul style="list-style-type: none"> Only obscure notices were published in the George Herald. All owners were not informed per the Title Deed. The proposed application does not discuss an amendment of title deed conditions – therefore a new PPP should be started.
	4. Lease Agreement and Council Resolution
Objector 3, 4, 7, 9, 10, 11	<ul style="list-style-type: none"> Incorrect process was followed PAIA application is needed to access the Council Resolution meeting minutes. Specific reference was not made to Erf 243 in the Council Resolution and incorrect references to businesses were noted. The land use application and council resolution should be withdrawn. The Girls restaurant has been given preferential treatment.
	5. Proposed Amendment of Restrictive Title Deed Condition
Objector 1	<ul style="list-style-type: none"> Support for the amendment of the existing title deed condition. Structures/buildings are not supported. Ablution Facilities are not supported. Landscaping and additional vegetation is not supported.
	6. Legislation
Objector 4,9, 10, 11	<ul style="list-style-type: none"> The property has been utilised for events and there is no evidence that the removal will improve economic development or tourism in the area The land use is already utilised to its full potential.
	7. Ownership
Objector 4, 9	<ul style="list-style-type: none"> Questions the Municipalities legality to apply for a land use application on a property that they own. The Municipality is not the owner of Erf 243.
	8. No reasons provided
Objector 5	Objects to the removal of restrictive title deed conditions.

ROUND 2: PUBLIC PARTICIPATION (July 20225 after public meeting took place)

OBJECTOR LIST

Objector	Property/Organization	Status
Objector 12	Mike Leggatt	Individual
Objector 13	Andre van Niekerk (Ketterer Attorneys)	Community Representative Representing: Khalid Mohammed Mike Leggat Richard Kershaw Angus and Wesley Blinkhorn Charls A Scott Mel Pereira Jan Heyneken Flooris vd Walt Romy Foster von der Heyde Mike von der Heyde JM Forster Anneli Olsen D&A Financial Planning CC Charmaine Stoltz Sheree Muller Carl Lamprencht Carolyn and Henry Forster Heyns and Ann Stead Janine, Peter and Ryan Kaye Marie Araque

		Sydney Parkhouse Paul Whitelaw Renier van Kersen
Objector 14	Tim Arnot	Individual
Objector 15	Frieda Carstens	Individual
Objector 16	George Heritage Trust	Organization
Objector 17	Jo and Marian Spieth	Individual
Objector 18	Johan van der Berg	Individual
Objector 19	Derrick and Anna Olsen	Individual
Objector 20	Brian and Joan Musto	Individual
Objector 21	Natasha Mac Gillicuddy	Individual
Objector 22	Camilla Eagar	Individual
Objector 23	D Zwahlen	Individual
Objector 24	Marlize de Bruyn	Individual

OBJECTIONS

Objectors	9. Noise Pollution and Events
Objector 17	<ul style="list-style-type: none"> Events should be restricted to localized and small events. Large religious gatherings, music festivals and consumption of alcohol should be prohibited.
	10. Land Use and Utilization of Land
Objector 12, 13, 16, 17, 19, 20, 21, 22, 23, 24	<ul style="list-style-type: none"> Removal of the condition will compromise the spirit and intention behind the condition. Objection towards WRRRA applying for Adopt-a-Spot. If the park is adopted no events may be held as stated in the Adopt-a-spot policy. The park should remain as status quo. The GM aims to convert the park into a profit-making entity, which is illegal. The Zoning of the property should dictate the use. The property has significant heritage value. Development is not supported on Erf 243. The title deed does not restrict events. Objection to the interpretation of recreational use. Contravening structures should be subdivided off. The application is not in the public interest.
	11. Public Participation
Objector 19, 23, 24	<ul style="list-style-type: none"> The Gm should stop all applications and proposals as the general public requires a fuller understanding of the LUA process.
	12. Lease Agreement and Council Resolution
Objector 13, 17, 18, 20, 24	<ul style="list-style-type: none"> Validity of council resolution is question Enforcement of legislation is questioned as other properties in the area also encroached onto Erf 243 – all encroaching properties should undergo a lease agreement. The Council resolution is to provide cover for the illegal lease transaction. The property was not identified in the council resolution.
	13. Proposed Amendment of Restrictive Title Deed Condition
Objector 10, 12, 17, 18, 20, 21	<ul style="list-style-type: none"> Support for the amendment of the existing title deed condition. Structures/buildings are not supported. Ablution Facilities are not supported. Landscaping and additional vegetation is not supported. The council resolution does not allow for the amendment of the condition.

	<ul style="list-style-type: none"> The validity of the council resolution is questioned.
	14. Fear of Future Planning
Objector 10, 12, 16, 17, 19	<ul style="list-style-type: none"> The removal of the title deed conditions may have unintended consequences in future.
	15. No reasons provided
Objector 14, 15, 19	Objection to the proposed removal of the restrictive title deed condition.

ERF 243 - REMOVAL OF RESTRICTIVE CONDITIONS

From njj741t@iafrica.com <njj741t@iafrica.com>

Date Wed 09 Jul 2025 16:26

To Amelia Lombard <Alombard@george.gov.za>

Cc Anneli <anneli@dandagroup.co.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Dear Ms Lombard,

At the public meeting on 3 July 2025 it was obvious that all the residents were concerned of what could happen in the future.

I recomend that while changing the restrictive conditions you add that the common, as defined by the current timber fence, may not be built on and will be retained as a grassed common space.

Sincerely,

Heyns Stead.

0826808000

ERF 243, WILDERNESS

The following is written in the light of :

- 1) The document APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS on the above, dated August 2024
- 2) The public meeting concerning the above, held on 3 July, 2025 at Fairy Knowe.

I have known Wilderness since 1947 and can attest that the great majority of residents and visitors equate the “Common” or the “Green” with the grassed area bounded by Waterside Road, Owen Grant St and George Road.

I believe that this area gives a special quality to Wilderness. This is confirmed by its everyday use by the general public for a wide variety of uses, from enjoying the sunshine to training to paraglide. If this use were to be restricted, it would reduce the attractiveness of Wilderness for residents and tourists alike.

It should be readily possible to achieve most of the desired outcomes by :

- 1) Redefining THE PARK from the original deed to mean the area bounded by Waterside Road, Owen Grant St and George Road.
- 2) Applying the condition “The area shown in the diagram of THE PARK shall be an open space or common for the use of the public for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. The control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness.
- 3) Parts of erf 243 which lie outside the boundaries in 1) above, could then be dealt with separately eg. By selling or leasing to The Girls .

Erf 243 'The Common', Wilderness

From David Lloyd <lloyd@outrs.co.za>

Date Fri 04 Jul 2025 08:25

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Good day,

I was at the Public Participation meeting held at The Fairie Knowe Hotel on 3rd July 2025 and am in agreement with what George Municipality is wanting to do regarding the removal of the restrictive conditions of the Common Erf 243, Wilderness.

Regards,
David Lloyd.
083 629 8598

common erf 243/ wilderness

From Louise Jacobs <louisej27@hotmail.com>
Date Fri 04 Jul 2025 13:40
To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

To whom it may concern

I attended the Public Participation meeting at Fairy Knowe hotel on 3 July 2025.
I am very much in agreement with George Municipality's proposal in regards to the removal of the restrictions of the Common Erf 243 , Wilderness.

There is definitely enough space to make a sensible accommodation for all parties concerned.

Yours truly
Louise Schaap

Sent from [Outlook](#)

common erf 243/ wilderness

From Louise Jacobs <louisej27@hotmail.com>
Date Fri 04 Jul 2025 13:40
To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

To whom it may concern

I attended the Public Participation meeting at Fairy Knowe hotel on 3 July 2025.
I am very much in agreement with George Municipality's proposal in regards to the removal of the restrictions of the Common Erf 243 , Wilderness.

There is definitely enough space to make a sensible accommodation for all parties concerned.

Yours truly
Louise Schaap

Sent from [Outlook](#)

Beperkende voorwaardes van die Gemeenskaplike Erf 243 Wildernis

From Nell-Marie le Roux <nlr@nlrwines.co.za>

Date Fri 04 Jul 2025 11:23

To Amelia Lombard <Alombard@george.gov.za>

Cc nlr@nlrwines.co.za <nlr@nlrwines.co.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Aan wie dit mag aangaa,

Ek was gisteraand by die openbare deelnemingsvergadering wat op 3 Julie 2025 by die Fairy Knowe-hotel gehou is.

Ek stem 100% saam met George Munisipaliteit rakende die verwydering van die beperkte voorwaardes van die gemeenskaplike perseel (common) voor die Wildernis Hotel.

Groete,

Kind Regards

Nell-Marie le Roux
nlr@nlrwines.co.za
082 789 4386
www.nlrwines.co.za

Office: orders@nlrwines.co.za
044 873 5641 • 044 873 4190

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Restrictive conditions: The Common Wilderness

From Rethea Breytenbach <rets.b1@gmail.com>

Date Fri 04 Jul 2025 11:35

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

To whom it may concern,

I attended the public participation meeting held at Fairy Knowe Hotel on 03/07/205.

I am in agreement with the George Municipality to remove the restrictive conditions of the Common Erf 243 Wilderness.

--

Sincerely,

Rethea Breytenbach

Rethea Breytenbach

084 880 8866

rets.b1@gmail.com

Public Participation meeting Wilderness Common

From Leonard Earle <len@earp.co.za>

Date Mon 14 Jul 2025 20:31

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Public Meeting,

I was at the Public Participation meeting held at The Fairy Knowe hotel on 3 July 2025 and are in agreement with what the George Municipality is wanting to do regarding the removal of the restrictive conditions of the Common Erf 243 Wilderness.

Thank you

Len Earle

Sales Manager



c: [+27 82 774 3383](tel:+27827743383)

t: [+27 44 873 0443](tel:+27448730443)

e: len@earp.co.za

Restrictive conditions of the Common Erf 243 Wilderness

From Roxi <roxi@thegirls.co.za>

Date Thu 03 Jul 2025 18:52

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

To whom it may concern

I was at the Public Participation meeting held at The Fairy Knowe hotel on 3 July 2025 and am in agreement with what George Municipality is wanting to do regarding the removal of the restrictive conditions of the Common

Regards

Roxanne



George Municipality

Attention: Marisa Arries, Administrative Officer

Per Email: marries@george.gov.za

Per Email: alombard@george.gov.za

Your Ref: 3610408

Our Ref:

Date: 7 October 2024

Dear Madam

RE: APPLICATION (THE "APPLICATION") FOR PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITION (THE "RESTRICTIVE CONDITION") FOR ERF 243, GEORGE ROAD, WILDERNESS. REFERENCE: 3610408

We refer to the matter above and address you at the instance of Camilla Twigg and Giles White, the joint owners of Rose Lodge, Wilderness, at 365 Waterside Road ("our clients").

We have been instructed by our clients, in their capacity as affected owners, to write this letter in response and to formally object to the Application.

Our instructions are as set out below.

1. The Applicant and the basis of the Application

- 1.1 We note that the Applicant is George Municipality, which is making the Application in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality (2023) (the "By-Law").
- 1.2 We attach hereto a copy of Deed of Transfer No. T28772/1970. The condition referenced to is fully stated on page 2 and 3 of the aforementioned deed ("the Restrictive Condition/Condition").
- 1.3 Para 1.1 of the Application is misleading as the Restrictive Condition stated is incomplete. The full Condition goes on to define "Owners" as follows:

stbb.co.za

Commercial Law | Conveyancing | Development Law | Labour Law | Estates | Family Law | Litigation | Personal Injuries & Third Party Claims

Cape Town: 021 406 9100	Bedfordview: 011 453 0577	Blouberg: 021 521 4000	Centurion: 012 001 1546	Claremont: 021 673 4700
Durban: 031 583 8060	East London: 043 721 1234	Fourways: 010 001 2632	Helderberg: 021 850 6400	Hermanus: 028 753 0033
Noordhoek: 021 784 1580	Sandton: 011 219 6200	Tyger Valley: 021 943 3800		

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SENIOR ASSOCIATES: C Avenant | T Bozeman | D Du Plessis | H Dyssel | L Fish | J Foxcroft | C Gees | E Grobbelaar | N Harvey | M Hennig | T Jaffar | K Leach | A Levy | S Lourens | L Mace | N Maingard | B Mostert | C Mostert | O Ndungane-Gonyea | L Oosthuizen | C Robberts | C Symington | E Zibi

ASSOCIATES: L Adams | A Adonis | I Ally | A Antony | C Birch | R Botes | K Buys | S Carmichael | S Cassim | J Dreyer | M Erasmus | A Farao | C Fortune | N Galant | A Gardiner | J Goldenhuys | I Gullan | S Harris | Y Jaffar | L Jafra | I Johnson | A Magatyana | J Meltzer | E Michael | K Mokoena | C Moonsamy | E Moore | L Poxon | R Skobers | D Snyman | S Soldati | M Vermeulen | O von Ziegler-Smith

EXECUTIVE CONSULTANTS: Peter Arnot | Tim Chase | Lizelle Kilbourn | Andy McPherson | Christoff Pauw | Philip Steyn | Jonathan Steytler | June Theron

FINANCIAL MANAGER: Pierre Fourie

Smiley 8 Bata Buchanan Boyes Inc REGISTRATION NO: 1992/003316/21 VAT REG NO: 4670133877

"("Owners" shall include (a) All owners of Lots deducted from the General Plan W71, their Families and visitors (Whether paying or non-paying). But nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of land or any part thereof described in:.."

2. Comments on paragraph 1.2 (Background information) of the Application

- 2.1 Paragraph 1.2 states that the Park 'is zoned for "Open Space Zone II" for public open space purposes...'. However, table 1 on page 5 of the Application states that the **Current Zoning** is Open Space Zone 1. Please advise which is the correct zoning.
- 2.2 We note that the Park has been preserved and used "as an open space or common for use by all owners ... for recreational purposes" since 1923.
- 2.3 A core objective of public open spaces is to protect and preserve the environment.
- 2.4 Paragraph 1.2 states that the Park (as defined in the Restrictive Condition) has been utilised as an event venue since 1997 and that "there is a track record of several Council decisions and lease agreements stating that the Park could be used for events throughout the years for festivals, events, and additional parking". These activities would have been in contravention of the Restrictive Condition. The Owners opting not to enforce their rights under the Restrictive Condition at the time did not in law detract from their rights under the Restrictive Condition and especially to enforce such condition.
- 2.5 We request a response as to the legal basis on which these decisions and lease agreements have been made or entered into in light of the restrictions imposed by the Restrictive Condition on the George Municipality as holder of the property. Our clients object to the citation of the occurrence of these events as precedents supporting the Application as they do not believe there is or was any legal basis for permitting them (unless, as requested, demonstrated otherwise by George Municipality).
- 2.6 The land in question is the Common which is vacant land in front of the Hotel donated to the Municipality for use by the community and recreational activities. Our instructions are that the land has been used for this purpose for over 100 years, it being the intention that the land never be developed.

3. The stated reason for the Application in paragraph 2.1 of the Application

Paragraph 2.1 of the Application states:

"The Council Resolution dated 25 July 2024 states that a portion of the road reserve on ERF 243 ...be leased to the restaurant, The Girls and the Blind Pig, for outdoor seating. As part of the Council resolution, it was decided that the restrictive title deed conditions be removed to allow the leasing of the land".

- 3.1 The Council Resolution is stated as being attached to the Application, but it was not attached to our copy of the Application. Kindly provide us with a copy.
- 3.2 We note that there is a reference to two restaurants - The Girls and the Blind Pig. Are there two separate leases involved? We understand that the Blind Pig has closed down at this site and no longer operates. If this is correct why is it referred to in the Application?
- 3.3 We note that, as part of the Council Resolution dated 25 July 2024, it was decided that the Restrictive Condition be removed to allow for the leasing of the land. Since the Restrictive Condition has not yet been removed (since this Application is one to remove it), we assume that either the lease has not yet been granted or is subject to a condition that the Restrictive Condition be removed.
- 3.4 Please advise what the status of the above lease/s currently is / are and on what legal basis any such lease/s could have been concluded?
- 3.5 We note that the areas identified as being leased to the restaurant(s) already appear to fall within the areas used for seating by The Girls and the Blind Pig. Please advise whether this is or is not the case. If it is the case, please advise on what legal basis the Restrictive Condition is not currently being enforced by George Municipality as the registered owner of the Park and why those identified areas should not immediately be made available for free access as required under the Restrictive Condition?
- 3.6 Our clients object to the proposed removal of the Restrictive Condition.
 - 3.6.1 The mere fact that the Owners have not in the past enforced their rights in terms of the Restrictive Condition through a High Court application does not legitimize the use of the Park for purposes in contravention of the Restrictive Condition; and
 - 3.6.2 it is not clear from the Application why the granting of a lease (or leases) for outside seating at the restaurant(s) warrants the removal of the Restrictive Condition for the whole Park; and
 - 3.6.3 it was always intended that the Park be used by residents and visitors for enjoyment and recreation and not be developed.

4. **Comments on paragraph 2.2 of the Application**

Paragraph 2.2 of the Application states as follows:

"The restrictive condition is registered in favour of the Owners (in this case the George Municipality) for the purpose of always protecting the owner's (sic) right to free access across the park".

- 4.1 As stated above, the Restrictive Condition cited in the Application is incomplete and it is inaccurate to say that the Restrictive Condition is registered "in favour of" George Municipality. If the suggestion is that (because it is *in favour of* George Municipality) the Municipality has the

power to waive, amend or remove the Restrictive Condition, that suggestion is equally wrong. It is clear in the complete Condition as referred to above that the Owners are those owners of lots (erven) depicted on General Plan W 71 with SG Diagram No. 5645/1905.

- 4.2 The Restrictive Condition is one imposed in the Title Deed of the Park for the use and benefit of the Owners (as defined in the Restrictive Condition).
- 4.3 As the registered owner of the Park, George Municipality has the duties and rights in respect of the Park imposed on and granted to it under the Restrictive Condition and is obliged to enforce such rights.
- 4.4 The Restrictive Condition states that the control and management of the Park is "vested in the registered owner [George Municipality] who shall have the right to enforce observance of order and cleanliness".
- 4.5 In addition, as registered owner of the Park, George Municipality has the obligation to "permit Owners (as defined)... at all times to have free access across the Park..."
- 4.6 We submit that the control and management of the Park must mean the control and management of it in the context of and in support of the purpose of the Restrictive Condition as set out in the Restrictive Condition. Accordingly, control and management of the Park does not give the George Municipality the right to waive, amend or remove the Restrictive Condition.
- 4.7 It is therefore, for the Owners (as defined in the Restrictive Condition) to waive, amend or remove the Restrictive Condition.
- 4.8 We agree that the Restrictive Condition has the "purpose of always protecting the owner's (sic) rights to free access across the Park" as stated in paragraph 2.2 of the Application, and it is this purpose our clients wish to preserve and protect.

5. *Objections / Comments in respect of paragraph 3, 4 and 5 of the Application*

Paragraphs 3 and 4 set out statutory and regulatory laws and frameworks which are purportedly additionally relevant to and supportive of the Application.

- 5.1 Paragraph 3.1 of the Application sets out five "development principles which must be applied when any development application is to be evaluated" as set out in Section 7 of Spatial Planning and Land Use Management Act, 2013 ("SPLUMA")

- 5.1.1 We note that the Application is not an application for the removal of restrictive conditions restricting a proposed development, but rather that the purpose of the Application is to

remove the Restrictive Condition to enable outside seating at the restaurant(s), for events to take place in the Park on a commercial basis and for parking on the Park to be permitted.

5.1.2 Therefore Section 7 does not find application but rather Section 47(2)(b) of SPLUMA which provides as follows:

"A removal, amendment or suspension of a restrictive condition contemplated in subsection (1) must, in the absence of the contemplated written consent, be effected – (a) in accordance with section 25 of the Constitution and this Act; (b) with the due regard to the respective rights of all those affected, and to the public interest..."

5.2 On the premise set out in paragraph 5.1. above, we submit that the entire Paragraph 3.1 of the Application is irrelevant and as such will not be addressed in this letter.

5.3 We note that paragraph 3.2 of the Application provides for the considerations set out in Section 39(5)(a)-(f) of the Land Use Planning Act 3 of 2014 ("LUPA"). These sections are mirrored in Section 33(4)(a)-(f) of the By-Law.

5.4 In this clause 5.4. we comment on the Applicant's motivation/comments in respect of section 39 of LUPA:

5.4.1 In re Section 39(5)(a) – The Applicant's comment has failed to address the value of the right as required by Section 39(5)(a). The Applicant's comment is misguided as it deals with expected impact on the value to property owners should the Restrictive Condition be removed, instead of what value the Restrictive Condition contributes. The financial or other value of the right should be viewed from the perspective that the space has remained open and free to the Owners (as defined in the Restrictive Condition) since 1923, and that such access will remain into the future should the Restrictive Condition remain. The Applicant's comments have failed to address how the "Park" and the right of the Owners (as defined in the Restrictive Condition) in respect of the Restrictive Condition have received value away from the existence of the Park and it being subject to the Restrictive Condition.

5.4.2 In re Section 39(5)(b) – The Applicant's comment does not address the personal benefit which accrues to the holders of the right (ie the Owners). The comment speaks to the Applicant's intent not to fence or close the Park and the goal of the Applicant. These comments are irrelevant in relation to the Section.

5.4.3 Section 39(5)(c) – The Applicant's comment does address some benefit to the Applicant by the removal of the Restrictive Condition. It is however, rejected. By removing the Restrictive Condition, the Applicant could rezone the property in order to develop the property beyond its current stated intentions. It is clear, therefore, that in the event that the Application is

successful, the Applicant could further develop the Park which was never intended and contrary to the interests of the community.

5.4.4 Section 39(5)(d) – The social benefit of the Restrictive Condition is that the Park has remained a public access park for recreational purposes since 1923 and will continue as such.

5.4.5 Section 39(5)(e) – These comments are noted and rejected. “Capital investment” implies development of the Park. Development of the Park would most likely diminish surrounding property values and destroy its longstanding social benefit of recreational use and access.

5.4.6 Section 39(5)(f) – The removal of the Restrictive Condition will also remove the rights of the Owners. Any future change to the property will be subject to rezoning applications which will take into consideration comments from not only the Owners but other parties well. A rezoning application would also take into account other considerations that are beyond the narrow considerations set out in Section 39(5) where the focus is the beneficiaries of the Restrictive Condition.

5.5 In addition to our responses above, it is our submission that it is wrong to say that the Park is being underutilised. It is extensively used by many people (residents, Hotel / B&B guests, tourists) every day for recreational purposes. These include walking in and through the Park, playing informal sports, exercising dogs, having picnics, recreational activities and enjoying it as an increasingly rare open space with its views of the Wilderness hills and the Lagoon below the Park.

5.6 The Park is one of the great attractions of Wilderness for both residents and tourists in that it is in an unspoilt and protected area of great natural beauty. “Optimising” the use of the Park by removing the Restrictive Condition and permitting its use for commercial activities will destroy this unique feature that makes Wilderness what it is and has been for more than a century to both residents and tourists, and will in particular prejudice the rights of Owners which are enshrined in the Restrictive Condition.

6. Notice required in terms of Section 33(3) of the By-Law

6.1 In terms of Section 33(3)(c) of the By-Law, when dealing with an application to remove a title restriction the municipality must cause a notice of an application in terms of section 15(2)(f) to all persons mentioned in the title deed for whose benefit the restrictive.

6.2 As outlined above, the Owners as depicted on General Plan W 71 (with SG Diagram No. 5645/1905) would be the affected parties entitled to service of notice in such circumstances. Kindly provide confirmation that all the Owners have received notice.

7. Conclusion

7.1 We conclude by emphasizing that our clients strongly oppose the Application for the reasons set out above and, inter alia, the following reasons:

7.1.1 The Application has failed to adequately address the considerations set out in Section 39(5) of LUPA and mirrored in Section 33(4) of the George Municipality Planning By-Law.

7.1.2 The Application is not in the interests of the owners whose rights are protected by the Restrictive Condition.

7.2 Our clients, however, do not oppose the occasional use of the Park for events such as local fairs or vintage car displays. They would, however, wish to see those uses being granted as express and publicised permissions under the Restrictive Condition following guidelines for granting permissions for use of the Park published by the George Municipality (as the registered owner of the Park). Those guidelines should have been the subject of public debate and have the consent of the owners under the Restrictive Condition to amend the condition accordingly and not remove it in its entirety.

7.3 Should the Municipality not be able to confirm that proper notice was sent to the relevant parties, as discussed in paragraph 6 above, the Municipality should first ensure compliance in that respect before the matter can progress any further to avoid the outcome being appealed.

7.4 All our clients' rights are expressly reserved.

Yours faithfully,
STBB

ANDY McPHERSON



WZ

5
BLADSY/PAGE

ENDORSEMENT OF
ENDORSEMENT ON

1287770

ENDORSEMENT OF PROPERTY

ENDORSEMENT IN TERMS OF SECTION 16 OF ACT No. 47 OF 1937.
ENDORSING IN TERMS OF ARTIKEL 16 VAN WET No. 47 VAN 1937.
The land now to be sold has been registered in the name of
the undersigned in the name of
the undersigned with
the undersigned by
C. H. WIESE
REGISTRAR OF DEEDS.
REGISTRAR VAN AKTES.
1984-12-13

Handwritten: 1287770
1 599 63/84
C. H. WIESE
1984-12-13

law in connection with the change of ownership in the land in consequence of vesting have been complied with;

NOW, THEREFORE, by virtue of the authority vested in my by the said Act, I, the Registrar of Deeds at Cape Town do, by these presents, cede and transfer in full and free property to and in favour of -

DIVISIONAL COUNCIL OF GEORGE

its successors in title or assigns:

CERTAIN freehold land situate in the Local Area of Wilderness, Division of George, being Erf No. 243, Wilderness;

MEASURING: Two decimal Three Four Six Seven (2.3467) hectares;

EXTENDING as the Deed of Transfer with Diagram No. 601/1922 annexed made in favour of The Wilderness (1921) Limited on 22nd March 1923, No. 2059, will more fully point out;

(A) SUBJECT to the conditions referred to in Deed of Transfer No. 4632 dated 22nd May 1905;

(B) SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

"The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereinafter defined) for recreation purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit

owners ...

WHITE GROUP
BLANKE GROEP

owners (as hereinafter defined) at all times to have free access across the Park and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the terms shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined or his Contractor shall be allowed to graze his draught animals in The Park for such time - not exceeding two hours in any one day - as is necessary to afford them rest."

("Owners" shall include:

- (a) All owners of Lots deducted from the General Plan W 71, their families and visitors (whether paying or non-paying).
- (b) The owner of Lots "d" and "dd" and family and visitors and guests (whether paying or non-paying).

but nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of the land or any part thereof described in :

<u>Transfers Nos:</u>	<u>Date</u>
2955)	
2956)	16th April 1907
2957)	
2958)	16th April 1907
1295)	21st October 1918
14200)	6th October 1920

it not being the intention of these presents to regard the owners of these extents or any portions thereof as "Owners" within the meaning of the foregoing definition, whether the same have or have not been included in the General Plan W 71.

WHEREFORE the said THE WILDERNESS (1921) LIMITED is entirely dispossessed of and disentitled to the said land, and that by virtue of the said vesting the said Divisional Council of George, its successors in title or assigns, now is and hereafter shall be

entitled ...

4.

entitled thereto conformably to local custom, the State, however, reserving its rights;

IN WITNESS WHEREOF I, the said Registrar, 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 October in the Year of Our Lord, One Thousand Nine Hundred and Seventy (1970).

N. N. N.
.....
Registrar of Deeds.

Registered in the *Green* Register
Book *Wilderness* Folio *243*

velo
Clerk in Charge.

SW/RW/W.9/155

70 expts: § 9(1)(b) Act 40/49. *p*

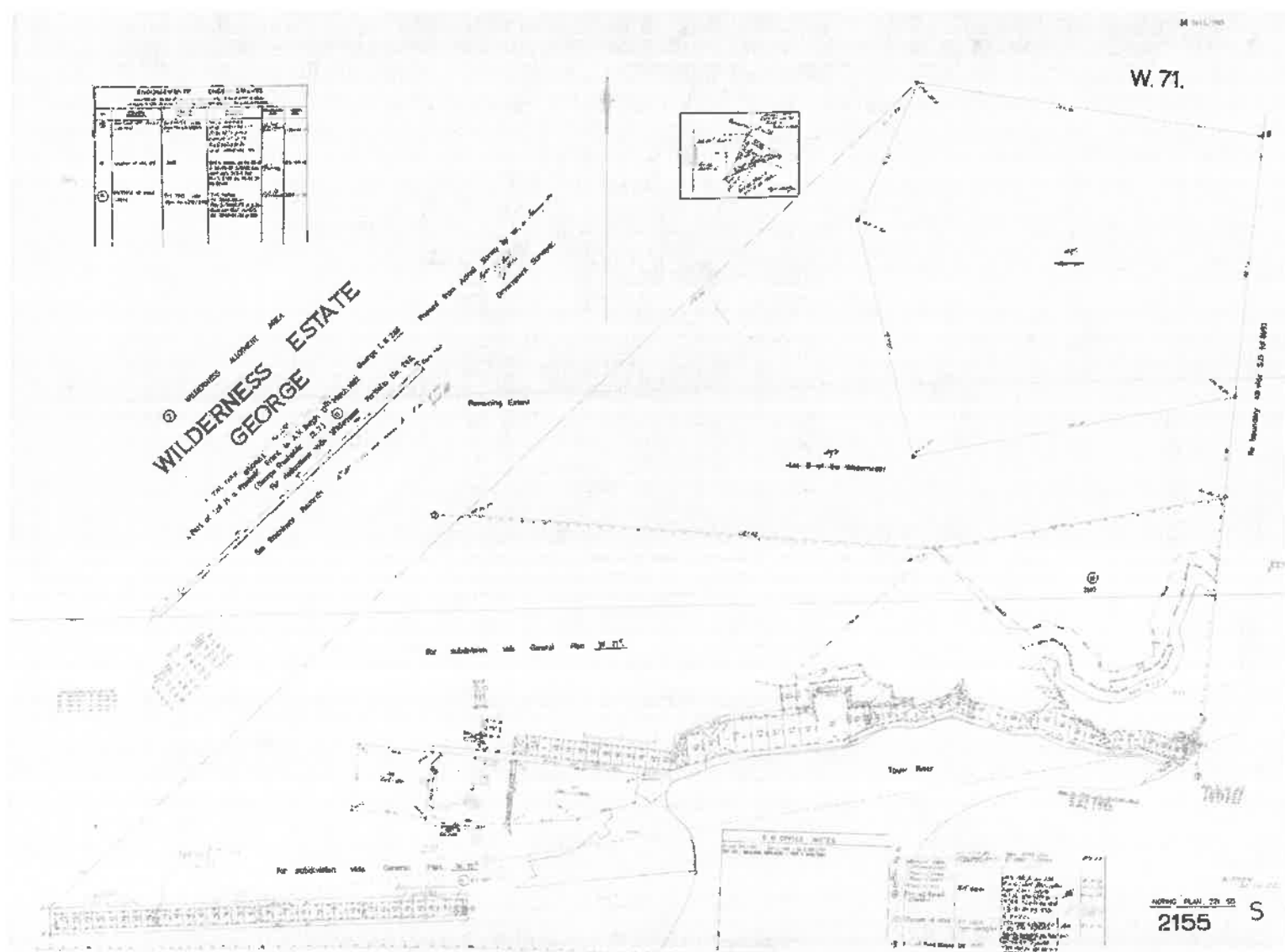
① *Minister 286 (a) (b)*

② *Reg 22*

③ *Initial, DI, at page 3.*

④ *1st page of title*

INTERCITY	DATE
INTERL	5/10/70
DATUM	
DATE	



TO: George Municipality
ATTENTION: Administrative Officer, Marissa Arries

2015 Kooboo Berry Close
Constantia Kloof
Wilderness
6560

9 October 2024

Dear Ms M Arries,

**SUBJECT: OBJECTION - GEORGE MUNICIPALITY PROPOSED REMOVAL OF
RESTRICTIVE TITLE DEED CONDITION FOR ERF 243, GEORGE ROAD, WILDERNESS
- Reference Number 3610408**

INTRODUCTION

The above notice in the George Herald refers.

Erf 243 has been and is used by both Wilderness residents and visitors for recreational purposes of various types, from walking their dogs, playing ball games and picnicking or just relaxing there. Various events have been held successfully on "The Common" (as it is locally known) over the years I have had the privilege of living in the Wilderness community. It is the "Central Park" of Wilderness and, like "Central Park" in New York, it deserves to be protected from any development that will negate its designated use by the original owners who donated it to the community.

OBJECTION

We wish to place on record our objection to the **proposed changes to the Title Deed of Erf 243** for the following reasons:

1. There has been no communication or public involvement with this Application other than this obscure notice in the George Herald for Erf 243. We question whether many residents know that this is "The Common" and, hence, would even be aware of the impending development dangers this could pose to it.
2. This Land Use Application (Application) is a result of Council accepting "*8.4.5 In principle approval on an application to lease a portion of the Owen Grant Street Road Reserve situated next to Erf 2081 Wilderness for seating for the Palms Restaurant [6.5.1]*" on 25 July 2024. In the Resolution, it is stated that "...Council **TAKE NOTE** of Regulation 36 of the Municipal Asset Transfer Regulations listed in **the report** (my emphasis)....".

We fail to see how Council Members could take note of **the report** "Application for Removal of Restrictive Title Deed Conditions in respect of Erf 243 Wilderness" when the issue date is August 2024, which is after said meeting.

"Palms Restaurant", as indicated in the Resolution, no longer exists, as it was taken over by "The Girls" some years ago.

3. Councillor Barnardt is Ward 4 Councillor and co-proposer with Councillor Lose of Resolution 8.4.5 referred to above is also the MMC, Planning and Development. No open meeting with Residents was held in respect of the Council Resolution or this Application, though I understand that a closed meeting was held with Wilderness

Residents and Ratepayers Association. To us there seems to be a conflict of interests here, unless Councillor Barnardt abstained from voting at the Council meeting.

4. Erf 243, "The Common/The Park" was left to the Wilderness Community as "...an open space or common for the use of all owners for recreational purposes.... It shall not be built upon nor shall camping be permitted thereon. Etc."

Its recreational use has been the case for many years and Council has permitted events of various forms since 1997. It is therefore unclear in the Report why Clause B of the Title Deed is restrictive when the Municipality, as the owner, seems to be exercising its right to "...observance of order and cleanliness..." of its property/asset. The only possible point being made in the report is that of the Municipality being able to lease its land for the "*The Girls and The Blind Pig, for outdoor seating.*" However the wording is such that this is open ended.

There are three points here:

- 4.1. These areas have been used by businesses for more than the eight years plus we have lived in Wilderness. Hence, there may be an implied "right of use" by the said entities anyway.
- 4.2. The seemingly open wording on "*leasing of the land*" in the report is of major concern for the future. Future Councils may use this aspect to permanently change the nature of The Common to the detriment of residents and Wilderness.
- 4.3. *The Blind Pig* no longer exists.
5. The Report refers to "*Section 7 of the Spatial Planning and Land Use Management Act*" and its five development principles. We have the following comments:
 - 5.1. "*Spatial Justice*" It is not clear why the Application will "...improve the use of the land and it is currently being underutilized".
 - 5.2. "*Spatial sustainability*" It is not clear why removal of "*the restrictive title deed condition will contribute (to) the tourism and economic node...*" when it has been and is being used for events, community engagement and domestic tourism.
 - 5.3. "*Spatial Efficiency*" The comment on "*proposed land development*" providing an "*economic injection*" is obscure and of concern. (See 4.2).
 - 5.4. "*Spatial Resilience*" As Erf 243 is currently used as described, this adds nothing to the motivation for the Application.
 - 5.5. "*Good Administration*" As a resident, we have become used to this mostly being the case with George and sincerely hope that this continues. We are, however, beginning to wonder in terms of this Application.
6. The Report further refers to various sections of the "Land Use Planning Act (2014)" with "*39(5)(e): The social benefit of the removal, suspension or amendment of the restrictive conditions*" being of particular concern as it comments on capital investment, property value and use, by the Municipality (the owner), to utilise the park to its full potential in terms of its zoning rights. Again, see 4.2.
7. Under the Report Conclusion, a similar comment is again made about "*full potential*" and our concern under 4.2 remains.

CONCLUSION

We object to this Application to change the Title Deed for Erf 243, Wilderness on the above grounds.

In addition, we wish to place on record that we feel that:

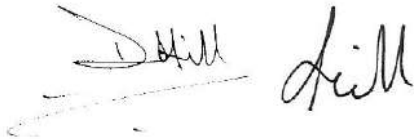
- Both Council and The Applicant are being economical and obscure with the truth in this Application and the initiating Council Resolution. Those involved appear to be less than open with the residents of Wilderness, for whatever reason.
- How can the Municipality apply to itself for a change of property rights that it owns for and on behalf of owners (as defined in the Title Deed) to whom it was originally ceded and which will or could now affect them. A case of the fox guarding the henhouse?

In order to correct this it would be appropriate for the Municipality/Council to have a meeting with residents to provide a clear and transparent rationale for what is proposed and the safe guards that would be in place to prevent any future nefarious development of Erf 243.

Our property description, address and contact details are as above and below.

We are residents of Wilderness and enjoy and utilise "The Common" and hence have an interest in its continued place in the Community.

Yours faithfully,

The image shows two handwritten signatures in black ink. The first signature, on the left, is 'David Hill' and the second, on the right, is 'Angela Hill'. Both are written in a cursive, flowing style.

David Hill & Angela Hill

Email: hilldsa@gmail.com / adhill.52@gmail.com
Mobile: 083 225 4551 / 083 609 7178

CC:

Applicant: I Huyser, ihuyser@george.gov.za

Applicant: A Lombard, alombard@george.gov.za



8 October 2024

To: GEORGE MUNICIPALITY

For the attention of:

The Executive Mayor, Ald Jackie von Brandis,

The Municipal Manager, Mr Dawie Adonis, and

The MMC Planning and Development, Cllr Marlene Barnardt

Dear Ald von Brandis, Mr Adonis and Mrs Barnardt,

OBJECTIONS AND COMMENTS on the
PROPOSED LEASE and APPLICATION FOR REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS IN RESPECT OF Erf 243,

Also more specifically Council Resolution:

8.4.5 IN PRINCIPLE APPROVAL ON AN APPLICATION TO
LEASE A PORTION OF THE OWEN GRANT STREET ROAD RESERVE
SITUATED NEXT TO ERF 2081 WILDERNESS FOR OUTDOOR
SEATING FOR THE PALMS RESTAURANT

(as extracted from Minutes of an Ordinary Council Meeting on 25 July 2024)

1. INTRODUCTION

The Constantia Kloof Conservancy (CKC) covers an area north of Whites Road in Wilderness. Many of our members overlook erf 243, Wilderness and as residents and taxpayers have a vested interest in erf 243 as there is a perception that THE PARK (as described in the title deed), is an open space or *common* for the use of all Wilderness residents for recreational purposes.

The proposed changes to the title Deed of erf 243, Wilderness, therefore directly affect the members of the CKC., as well as proposed lease(s) of portions of erf 243, Wilderness.

We have to stress that we do not insist on any change to the *status quo* in as far as outdoor seating at the Girls Restaurant, nor parking in front of the Wilderness Hotel, goes.

2. OPENING REMARKS

- We are willing to participate in any forum seeking a solution to legalise historic situations without disrupting any of the activities/practices currently on small portions of erf 243, Wilderness.
- The Council Resolution Header as copied above, in a Council Meeting Minutes document, is shockingly an attempt to obfuscate, as there is no reference to erf 243, Wilderness, the actual 'Public Place' of 2,3467 hectare, also identified as THE PARK, known to the Wilderness residents as the COMMON, of which a small portion is to be



leased, plus nowhere in the text of this RESOLUTION is there any reference to Erf 243. Furthermore, the reference to the *Palms Restaurant* is bewildering, there is a Palms Restaurant in Cape Town! But not one in Wilderness, and not surprisingly, the GM advertisement re the lease refers to *The Girls on the Square*, a name which does not appear in the Council Resolution.

- It is simply shocking to be advised by GM officials to use a PAIA request for information if we wish to receive all relevant information re these issues.
- We have limited legal knowledge re the various Acts and regulations applicable to municipalities, but to us, as laymen, it appears as if in the entire handling of the issue(s) relating to erf 243, Wilderness, there appears to be a lack of appreciation of and compliance by Councillors and officials with the applicable legislation and GM's own Regulations.

3. COMMENTS re various Acts

3.1. Municipal Systems Act 32 of 2020

We quote some headers and a few extracts as reminders of the prescriptions of this act, with the emphasis on Public Participation:

COMMUNITY PARTICIPATION (ss 16-22)

16 Development of culture of community participation

(1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, ...

(ii) councillors and staff to foster community participation; ...

17 Mechanisms, processes and procedures for community participation ...

(b) notification and public comment procedures, **when appropriate;**

(c) **public meetings** and hearings by the municipal council and other political structures and political office bearers of the municipality, **when appropriate;**

Public notice of meetings of municipal councils

19. The municipal manager of a municipality must give notice to the public, of ..

(a) ordinary meeting of the council;

Admission of public to meetings

20. (1) Meetings of a municipal council and those of its committees are open to the Public

3.1.1. Comment

To us it is clear that Council, and officials, are obliged to encourage public participation *when appropriate* -- note the wording suggests not only when strictly prescribed by law, but also very much so in a case where a COMMON area in Wilderness is the matter under review, where proper public participation would seem most appropriate.

3.2. Municipal Finance Management Act 56 of 2003:

We quote some applicable headers to which we wish to simply draw your general attention to, plus some extracts:

RESPONSIBILITIES OF MAYORS (ss 52-59)

RESPONSIBILITIES OF MUNICIPAL OFFICIALS (ss 60-79)

Supply chain management (ss 110-119)

113 Unsolicited bids



(2) If a municipality or municipal entity decides to consider an unsolicited bid received outside a normal bidding process, it may do so only in accordance with a prescribed framework.

(3) The framework must strictly regulate and limit the power of municipalities and municipal entities to approve unsolicited bids received outside their normal tendering or other bidding processes.

116 Contracts and contract management

(1) A contract or agreement procured through the supply chain management system of a municipality or municipal entity must

(a) (iii) a periodic review of the contract or agreement once every three years in the case of a contract or agreement for longer than three years; ...

3.2.1. Comment

To us it is clear that provision is made for unsolicited bids, and that long-term contracts is prescribed to have a three-year revision clause.

3.3. Asset Transfer Regulations, 2008

We quote some headers considered applicable in this instance, and extracts:

Part 1: Decision-making process for municipalities (regs 5-7)

5 Transfer or disposal of non-exempted capital assets

(5) ... regarding the valuation of capital assets, any of the following valuation methods must be applied

(b) fair market value of the asset;

6 Public participation process for municipalities

GRANTING OF RIGHTS TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSETS (regs 33-46)

33 Purpose of this Chapter

(3) The granting by a municipality or municipal entity of a right to use, control or manage a capital asset.....

(c) confers on the person to whom the right is granted ...

(ii) the power to use, control or manage the capital asset as if that person is the beneficial (but not legal) owner of the asset. In other words, where the granting of such rights do not amount to the transfer or permanent disposal of the asset, for example when a right is acquired through a leasing, letting or hiring out arrangement.

34 Granting of rights to use, control or manage municipal capital assets

35 Public participation process for granting long term rights to municipal capital assets with value in excess of R10 million

38 Public participation process for granting long term rights to municipal capital assets with value in excess of R10 million

39 Consideration of proposals to grant rights to use, control or manage municipal capital assets

The council of the parent municipality of a municipal entity must,... take into account ...

(b) the extent to which the compensation for the right to use, control or manage the capital asset ... will result in a significant economic or financial benefit for the municipality or municipal entity;

(d) any comments or representations on the proposed granting of the right received from the local community and other interested persons;

(e) any written views and recommendations on the proposed granting of the right by the National Treasury and the relevant provincial treasury;

3.3.1. Comment

3.3.1.1. We have been advised by GM officials that:



- 3.3.1.1.1. *That Council TAKE NOTE of Regulation 36 of the Municipal Asset Transfer Regulations listed in the report and CONFIRMS that the factors listed have been taken into account in considering the proposed lease;*
- 3.3.1.1.2. The lease-rental will be based on R3.08/sqm;
- 3.3.1.1.3. There is a fixed escalation in the lease for 10 years (with-out the prescribed three-yearly review);
- 3.3.1.1.4. Regulation 37(1)(a) read together with Regulation 38 is only applicable to assets with a value in excess of R10million. The value of Erf 243 Wilderness is much lower than R10million and therefore the public participation process as prescribed in Regulation 38 were not followed
- 3.3.1.2. We note the values of adjacent properties, viz Erf 2081, the very erf described in the Council Resolution, is valued at R7,78 m, and Erf 493, 0,18 ha, vacant, is valued at R5.5 m.
- 3.3.1.3. Thus, two comments arise:
- 3.3.1.3.1. Regulation 36 of the MATR states, inter alia:
- (b) the extent to which any compensation to be received for the right ... that the private sector party... will be required to make, will result in a significant economic or financial benefit to the municipality;*
- (d) any comments or representations on the proposed granting of the right received from the local community and other interested persons;*
- (e) any written views and recommendations on the proposed granting of the right by the National Treasury and the relevant provincial treasury;*
- 3.3.1.3.2. We do not find Erf 243 on the GM Valuation Roll for Wilderness, but to take its value (as recorded some-where in GM records) as below R10m simply to avoid a full public participation process, is a clear attempt to obfuscate, particularly if read with the Municipal Systems Act which promotes public participation **when appropriate**.
- 3.3.1.3.3. To propose and accept a rental of R3.08 per sqm - can you truly state that as per your Fiduciary responsibilities (FMA), and as per MATR quoted above, that this COUNCIL RESOLUTION is an act *with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs?*
- 3.3.1.4. We note that no-where is there any reference to comments/approval received from National and/or Provincial Treasury.
- 3.3.1.5. We are not aware that any comments on the proposed lease were requested from the local community prior to Council taking this Resolution, as prescribed.
- 3.3.1.6. The process followed by GM did not comply with prescriptions in law.

3.4. GM SUPPLY CHAIN MANAGEMENT (SCM) POLICY 2024/2025

We quote an extract of the section dealing with unsolicited bids:

37. UNSOLICITED BIDS

(2) The Accounting Officer may,...consider an unsolicited bid, only if –

(c) the bidder who made the bid is ...the only proposer of the concept; and (d) the reasons for not going through the normal bidding processes are found to be sound by the Accounting Officer.

(3) If the Accounting Officer decides to consider an unsolicited bid the decision must be made public in accordance with Section 21A of the Municipal Systems Act, together with -



- (a) reasons as to why the bid should not be open to other competitors.
 - (b) an explanation of the potential benefits if the unsolicited bid is accepted; and
 - (c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.
- (6) A meeting of the Adjudication Committee to consider an unsolicited bid must be open to the public.
- (10) Unsolicited bids for the purchase and/or development or renting of municipal land or fixed property of commercial value as defined in paragraph 1 of this Policy will not be considered.

In Paragraph 1:

Commercial value

in relation to the sale or leasing of land or property relates to land or property which has a commercial value and can be sold or sub-let on a stand-alone basis and excludes small pockets of land such as small alley ways, erven or annexures which are only of value in relation to the adjoining properties or structures.

3.4.1. Comment

- 3.4.1.1. It is quite apparent that the proposal to lease portion of erf 243, Wilderness, is NOT the result of a formal tender, but an unsolicited bid.
- 3.4.1.2. The unique circumstances of a situation which has by various recollections been established for more than twenty years, appears to have led to an *Unsolicited Bid* by the owners of erf 2081. Why this that has not led to a similar Unsolicited Bid by the Wilderness Hotel, is unclear.

4. IN CONCLUSION

- 4.1.1.1. In spite of requests for more background information, (for which we refuse to do a PAIA application as any information re this matter should be in the public domain), we have to base our concluding remarks on only the information available.
- 4.1.1.2. What-ever process lead to the Resolution 8.4.5 of Council on 25 July 2024, it appears not to conform to prescribed legislation and regulations.
- 4.1.1.3. **We request Council Resolution 8.4.5 of 25 July 2024 to be rescinded.**
- 4.1.1.4. We thus record our **objection** to Notice No **DRD 032/2024** and Ref No **3610408 LAND USE APPLICATION** PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION FOR ERF 243, GEORGE ROAD, WILDERNESS, and **request both to be withdrawn.**



5. PROPOSAL TO RESOLVE

5.1. We propose a new process to be started to resolve issues related to erf 243, Wilderness, which may well start with a Public Meeting i.t.o. a Public Participation Process where we suggest officials with the appropriate knowledge of the applicable legislation can lead discussions and presentations on:

5.1.1. The historical situation;

5.1.2. Proposed measures (steps) to 'legalise' the historical 'illegalities', and possible alternatives;

5.1.3. Safeguarding of THE PARK to forever be an open space or common for the use of all Wilderness residents for recreational purposes, and never to be built upon; and

5.1.4. The benefit to the Wilderness community to be derived from the income resulting from the leasing of small pockets of erf 243, Wilderness.

6. GENERAL

We repeat our earlier commitment: We are willing to participate in any forum seeking a solution to legalise historic situations without disrupting any of the activities/practices currently on small portions of erf 243, Wilderness.

For correspondence and/or enquiries re this submission, please contact Jan Heyneke at the contact details: jan@heyneke.net , cell no 0825767160, and residing at stand 2018 in Constantia Kloof, Wilderness.

Sincerely,

.....

Chairman



Management Committee
Constantia Kloof Conservancy Est 2007
ckcatwilderness@gmail.com

"Good neighbours, working together for the good of our environment"

Cc WRRRA

WALEAF

ntmnyanda@george.gov.za

marries@george.gov.za

ihuyser@george.gov.za

alombard@george.gov.za

Property Description: **Erf 243, Wilderness**
Applicant Details: **George Municipality, ihuyser@george.gov.za 0448019120 or alombard@george.gov.za 0448019303**
Nature of Application: **Removal of restrictive title deed condition to allow for restrictive access on portions of Erf 243, Wilderness**
Reference Number: **3610408**

Objection to the Proposed Removal of restrictive title deed condition

This Objection is made by the Trustees of Wilderness Milkwood's Body Corporate Association on behalf of all owners of properties at Erf 1776, Owen Grant Street. A total of 26 properties and their owners are represented in this objection.

Commented [MT1]:

Commented [MT2R1]:

Commented [DD3]: We need to seek approval from all owners in order to claim their representation?

The concerns to be raised are as follows:

Whilst all documentation for Erf 243 indicate the park area, there is also an area marked of which appears to be part of Erf 2081. This is demarcated for The Girls and Blind Pig and not actually part of Erf 243. We therefore seek clarity of what the actual application is for, and what the relaxation of the title deed conditions actually means. We note that Blind Pig appears to have closed for business this year but is still referred to in the application. Is the proposed lease now exclusively in favour of The Girls Restaurant? Or are other businesses involved?

This property was originally used for a very quiet Bed and Breakfast/Guest House called The Palms. When this property was converted to the current status, the owners at Wilderness Milkwood's objected on the basis of noise pollution and increased traffic congestion in a quiet residential area. Our objections were totally ignored and approval was given. Our concerns have since proven justified, as the restaurants do create a lot of noise and traffic, including unmanaged parking problems which is totally uncontrolled during high season periods of tourism in Wilderness. There is a very apparent lack of town planning where adequate parking should be provided for any business to operate. Parking is essential to promote Tourism

In addition, the current expansion in the demarcated area along our western boundary includes areas not currently used for restaurant seating. Is this expansion is permitted? In which case, the restaurants will be permitted to have seating within metres of, and looking directly into, residences. This will be an invasion of privacy and noise pollution throughout the evening and day.

These businesses operate in an area which is designated for people to reside, either in the hotel, or in the private homes which surround all the property. Loud music is often played and has a direct and negative impact on all the residents in the area. This in particular, is bad for Tourism as many of the tourists staying at the hotel are not able to enjoy the peace and quiet which is associated with a small town on the Garden route.

By using up extra portions of this property for additional tables at these restaurants, the access road has been considerably narrowed causing huge traffic congestion, particularly in holiday seasons where there is only enough room for one-way traffic. This is further

exacerbated by a continual stream of delivery vehicles which have also not been considered by the town planning, with no loading zones provided. The delivery trucks just add to the traffic congestion. This is also repeated when the refuse removal trucks have to collect the excessive amount of waste created by these businesses.

The issue regarding parking is highlighted by the fact that over the summer holiday season a portion of ERF 243 is cordoned off to provide parking, proving that no thought had been given to the changing of business on ERF 2081.

There is no clarity provided as to what is intended for the Erf 243 in terms of usage. It is intended to be a public area, which is used for recreation, walking of dogs etc. Whilst there is currently occasional use of the land for events such as sporting activities and church services, these do not consistently create a lot of noise and generally take place during sociable hours. They do however, adversely affect neighbouring residents because of the continued lack of thought regarding parking and traffic flow.

By relaxing the Title Deed restrictions without clarity, this land use could potentially be opened for functions which would further impact on the residents in the area, in particular loud noise, crowds and additional traffic and parking burdens.

To mitigate the current situation even further, consideration should be given to parking and the flow of traffic in Owen Grant Street and we would suggest this is made a one-way street and limited for the use of residents only, or for business such as the Veterinary Clinic which requires access because people are bringing animals to be treated. It would also be of benefit to traffic flow and improve access if the remainder of Owen Grant Street from the main gate of Wilderness Milkwood's round to Waterside Drive was paved.

361 WATERSIDE ROAD
WILDERNESS
6560
2 OCTOBER 2024

GEORGE MUNICIPALITY
PER E-MAIL: alombard@george.gov.za

Your ref: Amelia Lombard

Dear Sirs,

**APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS: ERF 243, WILDERNESS**

1. I refer to the above matter.
2. I also refer to the telephone conversation between your Ms. Lombard and Anton Jordaan on 30 September 2024.
3. Kindly note that I own a property which overlooks Erf 243, Wilderness (referred to as "the Common"), being Erf 361, Wilderness.
4. I would like to view myself as being representative of many of the adjacent owners as well as many members of the Wilderness community at large.
5. As background, note that I have been an adjacent owner of the Common, for the past 44 years and according to my knowledge the Common was donated to the George Municipality on the condition that it is not to be developed or used for any other purpose than for the community and recreation.
6. Hence, condition (B) contained in title deed 28772/1970 ("title deed").
7. It was therefore most upsetting when I learned that there are steps being taken to remove this particular condition from the title deed.
8. My immediate reaction and that of many likeminded people were, was to resist this notion, since the general attitude is that all must be done to retain the status quo, in the light of the fact that the common area immediately in front of the Wilderness Hotel, must be retained for the use of the community and for recreational purposes, of many different forms, exclusively.

9. I kindly request that you receive this letter as my official letter of objection to the removal of the condition, since in my opinion this would open the proverbial Pandoras Box for future change.
10. The grassed area in the front of the Wilderness Hotel can be viewed as the lounge area for the community of Wilderness, a concept which works very well for inhabitants and visitors alike in Europe.
11. All efforts must be made in my opinion to avoid the loss of this particular area for the benefit of the community and visitors alike.
12. In the light of the above, I therefore strongly object to the amendment of the title deed as proposed.
13. Thanking you in advance.

Yours faithfully

ANNELI OLSEN
Cell.: 072 3860440
E-mail: anneli@dandagroup.co.za

George Municipality

Attention: Marisa Arries, Administrative Officer

Per Email: marries@george.gov.za

Per Email: alombard@george.gov.za

Your Ref: 3610408

Our Ref:

Date: 7 October 2024

Dear Madam

RE: APPLICATION (THE "APPLICATION") FOR PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITION (THE "RESTRICTIVE CONDITION") FOR ERF 243, GEORGE ROAD, WILDERNESS. REFERENCE: 3610408

We refer to the matter above and address you at the instance of Camilla Twigg and Giles White, the joint owners of Rose Lodge, Wilderness, at 365 Waterside Road ("our clients").

We have been instructed by our clients, in their capacity as affected owners, to write this letter in response and to formally object to the Application.

Our instructions are as set out below.

1. The Applicant and the basis of the Application

- 1.1 We note that the Applicant is George Municipality, which is making the Application in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality (2023) (the "**By-Law**").
- 1.2 We attach hereto a copy of Deed of Transfer No. T28772/1970. The condition referenced to is fully stated on page 2 and 3 of the aforementioned deed ("the Restrictive Condition/Condition").
- 1.3 Para 1.1 of the Application is misleading as the Restrictive Condition stated is incomplete. The full Condition goes on to define "Owners" as follows:

stbb.co.za

Commercial Law | Conveyancing | Development Law | Labour Law | Estates | Family Law | Litigation | Personal Injuries & Third Party Claims

Cape Town: 021 406 9100	Bedfordview: 011 453 0577	Blouberg: 021 521 4000	Centurion: 012 001 1546	Claremont: 021 673 4700
Durban: 031 583 8060	East London: 043 721 1234	Fourways: 010 001 2632	Helderberg: 021 850 6400	Hermanus 028 753 0033
Noordhoek: 021 784 1580	Sandton: 011 219 6200	Tyger Valley: 021 943 3800		

DIRECTORS: Darren Brander (Managing) | Stoffel Ackermann | Ghislaine Barends | Martin Bey | Jacques Blignaut | Steven Borwick | Maryna Botha | Michael Bromley | Luthfeya Cassim | Annetjie Coetsee | Zane du Randt | Daniël Els | Tiaan Esterhuysen | Hanlie Ferreira | Shirne Grobler | Niel Grundlingh | Junel Hickman | Refqah Ho-Yee | Stefan Hougaard | Adam Ismail | Van Wyk Jooste | Belinda Lewis | Nicole Mentoor | Hennie Mouton | Nikhail Munsamy | Hein Nauschutz | James Phillipson | Martin Sheard | Liezl Solomon | Nicole Stevens | Lauren Sullivan | Maritze Swart | David Ogilvie Thompson | Andreas Tsangarakis | Annemarie van Vuuren | Shereen Volks | Allan White | Anneli Wiese | Madelein Williams
SENIOR ASSOCIATES: C Avenant | T Bosman | D Du Plessis | H Dyssel | L Fish | J Foxcroft | C Gees | E Grobbelaar | N Harvey | M Hennig | T Jaffar | K Leach | A Levy | S Lourens | L Mace | N Maingard | B Mostert | C Mostert | O Ndungane-Gonyea | L Oosthuizen | C Robberts | C Symington | E Zibi
ASSOCIATES: L Adams | A Adonis | I Ally | A Antony | C Birch | R Botes | K Buys | S Carmichael | S Cassim | J Dreyer | M Erasmus | A Farao | C Fortune | N Galant | A Gardiner | J Geldenhuys | I Gullan | S Harris | Y Jaffar | L Jafta | I Johnson | A Magatyana | J Meltzer | E Michael | K Mokoena | C Moonsamy | E Moore | L Poxon | R Siebers | D Snyman | S Soldati | M Vermeulen | D von Ziegler-Smith
EXECUTIVE CONSULTANTS: Peter Arnot | Tim Chase | Lizelle Kilbourn | Andy McPherson | Christoff Pauw | Philip Steyn | Jonathan Steytler | June Theron
FINANCIAL MANAGER: Pierre Fourie

"("Owners" shall include (a) All owners of Lots deducted from the General Plan W71, their Families and visitors (Whether paying or non-paying). But nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of land or any part thereof described in:..."

2. Comments on paragraph 1.2 (Background information) of the Application

- 2.1 Paragraph 1.2 states that the Park 'is zoned for "Open Space Zone II" for public open space purposes...'. However, table 1 on page 5 of the Application states that the **Current Zoning** is Open Space Zone 1. Please advise which is the correct zoning.
- 2.2 We note that the Park has been preserved and used "as an open space or common for use by all owners ... for recreational purposes" since 1923.
- 2.3 A core objective of public open spaces is to protect and preserve the environment.
- 2.4 Paragraph 1.2 states that the Park (as defined in the Restrictive Condition) has been utilised as an event venue since 1997 and that "there is a track record of several Council decisions and lease agreements stating that the Park could be used for events throughout the years for festivals, events, and additional parking". These activities would have been in contravention of the Restrictive Condition. The Owners opting not to enforce their rights under the Restrictive Condition at the time did not in law detract from their rights under the Restrictive Condition and especially to enforce such condition.
- 2.5 We request a response as to the legal basis on which these decisions and lease agreements have been made or entered into in light of the restrictions imposed by the Restrictive Condition on the George Municipality as holder of the property. Our clients object to the citation of the occurrence of these events as precedents supporting the Application as they do not believe there is or was any legal basis for permitting them (unless, as requested, demonstrated otherwise by George Municipality).
- 2.6 The land in question is the Common which is vacant land in front of the Hotel donated to the Municipality for use by the community and recreational activities. Our instructions are that the land has been used for this purpose for over 100 years, it being the intention that the land never be developed.

3. The stated reason for the Application in paragraph 2.1 of the Application

Paragraph 2.1 of the Application states:

"The Council Resolution dated 25 July 2024 states that a portion of the road reserve on ERF 243 ...be leased to the restaurant, The Girls and the Blind Pig, for outdoor seating. As part of the Council resolution, it was decided that the restrictive title deed conditions be removed to allow the leasing of the land".

- 3.1 The Council Resolution is stated as being attached to the Application, but it was not attached to our copy of the Application. Kindly provide us with a copy.
- 3.2 We note that there is a reference to two restaurants - The Girls and the Blind Pig. Are there two separate leases involved? We understand that the Blind Pig has closed down at this site and no longer operates. If this is correct why is it referred to in the Application?
- 3.3 We note that, as part of the Council Resolution dated 25 July 2024, it was decided that the Restrictive Condition be removed to allow for the leasing of the land. Since the Restrictive Condition has not yet been removed (since this Application is one to remove it), we assume that either the lease has not yet been granted or is subject to a condition that the Restrictive Condition be removed.
- 3.4 Please advise what the status of the above lease/s currently is / are and on what legal basis any such lease/s could have been concluded?
- 3.5 We note that the areas identified as being leased to the restaurant(s) already appear to fall within the areas used for seating by The Girls and the Blind Pig. Please advise whether this is or is not the case. If it is the case, please advise on what legal basis the Restrictive Condition is not currently being enforced by George Municipality as the registered owner of the Park and why those identified areas should not immediately be made available for free access as required under the Restrictive Condition?
- 3.6 Our clients object to the proposed removal of the Restrictive Condition.
 - 3.6.1 The mere fact that the Owners have not in the past enforced their rights in terms of the Restrictive Condition through a High Court application does not legitimize the use of the Park for purposes in contravention of the Restrictive Condition; and
 - 3.6.2 it is not clear from the Application why the granting of a lease (or leases) for outside seating at the restaurant(s) warrants the removal of the Restrictive Condition for the whole Park; and
 - 3.6.3 it was always intended that the Park be used by residents and visitors for enjoyment and recreation and not be developed.

4. **Comments on paragraph 2.2 of the Application**

Paragraph 2.2 of the Application states as follows:

"The restrictive condition is registered in favour of the Owners (in this case the George Municipality) for the purpose of always protecting the owner's (sic) right to free access across the park".

- 4.1 As stated above, the Restrictive Condition cited in the Application is incomplete and it is inaccurate to say that the Restrictive Condition is registered "in favour of" George Municipality. If the suggestion is that (because it is *in favour of* George Municipality) the Municipality has the

power to waive, amend or remove the Restrictive Condition, that suggestion is equally wrong. It is clear in the complete Condition as referred to above that the Owners are those owners of lots (erven) depicted on General Plan W 71 with SG Diagram No. 5645/1905.

- 4.2 The Restrictive Condition is one imposed in the Title Deed of the Park for the use and benefit of the Owners (as defined in the Restrictive Condition).
- 4.3 As the registered owner of the Park, George Municipality has the duties and rights in respect of the Park imposed on and granted to it under the Restrictive Condition and is obliged to enforce such rights.
- 4.4 The Restrictive Condition states that the control and management of the Park is "vested in the registered owner [George Municipality] who shall have the right to enforce observance of order and cleanliness".
- 4.5 In addition, as registered owner of the Park, George Municipality has the obligation to "permit Owners (as defined).... at all times to have free access across the Park..."
- 4.6 We submit that the control and management of the Park must mean the control and management of it in the context of and in support of the purpose of the Restrictive Condition as set out in the Restrictive Condition. Accordingly, control and management of the Park does not give the George Municipality the right to waive, amend or remove the Restrictive Condition.
- 4.7 It is therefore, for the Owners (as defined in the Restrictive Condition) to waive, amend or remove the Restrictive Condition.
- 4.8 We agree that the Restrictive Condition has the "purpose of always protecting the owner's (sic) rights to free access across the Park" as stated in paragraph 2.2 of the Application, and it is this purpose our clients wish to preserve and protect.

5. *Objections / Comments in respect of paragraph 3, 4 and 5 of the Application*

Paragraphs 3 and 4 set out statutory and regulatory laws and frameworks which are purportedly additionally relevant to and supportive of the Application.

- 5.1 Paragraph 3.1 of the Application sets out five "development principles which must be applied when any development application is to be evaluated" as set out in Section 7 of Spatial Planning and Land Use Management Act, 2013 ("SPLUMA")

- 5.1.1 We note that the Application is not an application for the removal of restrictive conditions restricting a proposed development, but rather that the purpose of the Application is to

remove the Restrictive Condition to enable outside seating at the restaurant(s), for events to take place in the Park on a commercial basis and for parking on the Park to be permitted.

5.1.2 Therefore Section 7 does not find application but rather Section 47(2)(b) of SPLUMA which provides as follows:

“A removal, amendment or suspension of a restrictive condition contemplated in subsection (1) must, in the absence of the contemplated written consent, be effected – (a) in accordance with section 25 of the Constitution and this Act; (b) with the due regard to the respective rights of all those affected, and to the public interest...”

5.2 On the premise set out in paragraph 5.1. above, we submit that the entire Paragraph 3.1 of the Application is irrelevant and as such will not be addressed in this letter.

5.3 We note that paragraph 3.2 of the Application provides for the considerations set out in Section 39(5)(a)-(f) of the Land Use Planning Act 3 of 2014 (“LUPA”). These sections are mirrored in Section 33(4)(a)-(f) of the By-Law.

5.4 In this clause 5.4. we comment on the Applicant’s motivation/comments in respect of section 39 of LUPA:

5.4.1 In re Section 39(5)(a) – The Applicant’s comment has failed to address the value of the right as required by Section 39(5)(a). The Applicant’s comment is misguided as it deals with expected impact on the value to property owners should the Restrictive Condition be removed, instead of what value the Restrictive Condition contributes. The financial or other value of the right should be viewed from the perspective that the space has remained open and free to the Owners (as defined in the Restrictive Condition) since 1923, and that such access will remain into the future should the Restrictive Condition remain. The Applicant’s comments have failed to address how the “Park” and the right of the Owners (as defined in the Restrictive Condition) in respect of the Restrictive Condition have received value away from the existence of the Park and it being subject to the Restrictive Condition.

5.4.2 In re Section 39(5)(b) – The Applicant’s comment does not address the personal benefit which accrues to the holders of the right (ie the Owners). The comment speaks to the Applicant’s intent not to fence or close the Park and the goal of the Applicant. These comments are irrelevant in relation to the Section.

5.4.3 Section 39(5)(c) – The Applicant’s comment does address some benefit to the Applicant by the removal of the Restrictive Condition. It is however, rejected. By removing the Restrictive Condition, the Applicant could rezone the property in order to develop the property beyond its current stated intentions. It is clear, therefore, that in the event that the Application is

successful, the Applicant could further develop the Park which was never intended and contrary to the interests of the community.

5.4.4 Section 39(5)(d) – The social benefit of the Restrictive Condition is that the Park has remained a public access park for recreational purposes since 1923 and will continue as such.

5.4.5 Section 39(5)(e) – These comments are noted and rejected. “Capital investment” implies development of the Park. Development of the Park would most likely diminish surrounding property values and destroy its longstanding social benefit of recreational use and access.

5.4.6 Section 39(5)(f) – The removal of the Restrictive Condition will also remove the rights of the Owners. Any future change to the property will be subject to rezoning applications which will take into consideration comments from not only the Owners but other parties well. A rezoning application would also take into account other considerations that are beyond the narrow considerations set out in Section 39(5) where the focus is the beneficiaries of the Restrictive Condition.

5.5 In addition to our responses above, it is our submission that it is wrong to say that the Park is being underutilised. It is extensively used by many people (residents, Hotel / B&B guests, tourists) every day for recreational purposes. These include walking in and through the Park, playing informal sports, exercising dogs, having picnics, recreational activities and enjoying it as an increasingly rare open space with its views of the Wilderness hills and the Lagoon below the Park.

5.6 The Park is one of the great attractions of Wilderness for both residents and tourists in that it is in an unspoilt and protected area of great natural beauty. "Optimising" the use of the Park by removing the Restrictive Condition and permitting its use for commercial activities will destroy this unique feature that makes Wilderness what it is and has been for more than a century to both residents and tourists, and will in particular prejudice the rights of Owners which are enshrined in the Restrictive Condition.

6. Notice required in terms of Section 33(3) of the By-Law

6.1 In terms of Section 33(3)(c) of the By-Law, when dealing with an application to remove a title restriction the municipality must cause a notice of an application in terms of section 15(2)(f) to all persons mentioned in the title deed for whose benefit the restrictive.

6.2 As outlined above, the Owners as depicted on General Plan W 71 (with SG Diagram No. 5645/1905) would be the affected parties entitled to service of notice in such circumstances. Kindly provide confirmation that all the Owners have received notice.

7. Conclusion

7.1 We conclude by emphasizing that our clients strongly oppose the Application for the reasons set out above and, inter alia, the following reasons:

7.1.1 The Application has failed to adequately address the considerations set out in Section 39(5) of LUPA and mirrored in Section 33(4) of the George Municipality Planning By-Law.

7.1.2 The Application is not in the interests of the owners whose rights are protected by the Restrictive Condition.

7.2 Our clients, however, do not oppose the occasional use of the Park for events such as local fairs or vintage car displays. They would, however, wish to see those uses being granted as express and publicised permissions under the Restrictive Condition following guidelines for granting permissions for use of the Park published by the George Municipality (as the registered owner of the Park). Those guidelines should have been the subject of public debate and have the consent of the owners under the Restrictive Condition to amend the condition accordingly and not remove it in its entirety.

7.3 Should the Municipality not be able to confirm that proper notice was sent to the relevant parties, as discussed in paragraph 6 above, the Municipality should first ensure compliance in that respect before the matter can progress any further to avoid the outcome being appealed.

7.4 All our clients' rights are expressly reserved.

Yours faithfully,
STBB

ANDY McPHERSON



B. T. SAWYER
Lodged on
23-9-1970

Two


Vir Kans. _____ Vir Gd. Affair _____
For Canc. _____ For Pt. Pmnt. _____
Vir On thef _____ Sessie _____
For Release. **WITHIN** _____ For Cession. _____
Vir Afstand _____ Vir Subst. _____
For Waiver _____ For Sustn. _____

28772

901

Release R1-25 /
+ R1-25 within -
R. P. BODINGTON

Bisset, Boehmke & McBlain,
Attorneys, Notaries & Conveyancers,
Cape Times Building,
St. George's Street,
CAPE TOWN.

Prepared by me,

Conveyancer.

DEED OF TRANSFER

By virtue of section thirty-one of the
Deeds Registries Act, 1937 (No. 47 of 1937).

BE IT HEREBY MADE KNOWN:

WHEREAS the undermentioned land, being a Public Place as defined in Section 2 of the Divisional Council Ordinance No. 15/1952 has vested in the Divisional Council of George in terms of Section 183(1) of the said Ordinance No. 15/1952, which land is at present registered in the Deeds Registry at Cape Town in the name of THE WILDERNESS (1921) LIMITED under Deed of Transfer No. 2059 dated 22nd March 1923;

AND WHEREAS a certificate has been furnished to me in terms of section thirty-one (4) of Act No. 47 of 1937, by the transferee to the effect that the provisions of any

law ...

113

law in connection with the change of ownership in the land in consequence of vesting have been complied with;

NOW, THEREFORE, by virtue of the authority vested in my by the said Act, I, the Registrar of Deeds at Cape Town do, by these presents, cede and transfer in full and free property to and in favour of -

DIVISIONAL COUNCIL OF GEORGE

its successors in title or assigns:

CERTAIN freehold land situate in the Local Area of Wilderness, Division of George, being Erf No. 243, Wilderness;

MEASURING: Two decimal Three Four Six Seven (2.3467) hectares;

EXTENDING as the Deed of Transfer with Diagram No. 601/1922 annexed made in favour of The Wilderness (1921) Limited on 22nd March 1923, No. 2059, will more fully point out;

(A) SUBJECT to the conditions referred to in Deed of Transfer No. 4632 dated 22nd May 1905;

(B) SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

"The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereinafter defined) for recreation purposes.

It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit

owners ...

WHITE GROUP
BLANKE GROEP

owners (as hereinafter defined) at all times to have free access across the Park and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the terms shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined or his Contractor shall be allowed to graze his draught animals in The Park for such time - not exceeding two hours in any one day - as is necessary to afford them rest."

("Owners" shall include:

- (a) All owners of Lots deducted from the General Plan W 71, their families and visitors (whether paying or non-paying).
- (b) The owner of Lots "d" and "dd" and family and visitors and guests (whether paying or non-paying).

but nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of the land or any part thereof described in :

<u>Transfers Nos:</u>	<u>Date</u>
2955)	
2956)	16th April 1907
2957)	
2958)	16th April 1907
1295)	21st October 1918
14200)	6th October 1920

it not being the intention of these presents to regard the owners of these extents or any portions thereof as "Owners" within the meaning of the foregoing definition, whether the same have or have not been included in the General Plan W 71.

WHEREFORE the said THE WILDERNESS (1921) LIMITED is entirely dispossessed of and disentitled to the said land, and that by virtue of the said vesting the said Divisional Council of George, its successors in title or assigns, now is and hereafter shall be

entitled ...

4.

entitled thereto conformably to local custom, the State,
however, reserving its rights;

IN WITNESS WHEREOF I, the said Registrar, 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 *October* in the Year of Our Lord, One Thousand
Nine Hundred and Seventy (1970).

N. N. N.
.....
Registrar of Deeds.

Registered in the *Green* Register
Book *wilderness* Folio *243*

W. C. L.
Clerk in Charge.

SW/RW/W.9/155

170 expts: § 9(1)(b) Act 40/49. p

① ^{main} ~~Minister~~ 286 (at) 69

② Reg 22/70

③ Initial, DI ~~for~~ at x page 3.

④ ~~Repeal~~ 1st page of Title

INTERDICT	DATE
INTERDICT	5/10/70
DATUM	
DATE	

SC 1041700

W. 71.

ENDORSEMENTS		EDGE COMMENTS	
1	See map of W. 71	See map of W. 71	See map of W. 71
2	See map of W. 71	See map of W. 71	See map of W. 71
3	See map of W. 71	See map of W. 71	See map of W. 71
4	See map of W. 71	See map of W. 71	See map of W. 71
5	See map of W. 71	See map of W. 71	See map of W. 71
6	See map of W. 71	See map of W. 71	See map of W. 71
7	See map of W. 71	See map of W. 71	See map of W. 71
8	See map of W. 71	See map of W. 71	See map of W. 71
9	See map of W. 71	See map of W. 71	See map of W. 71
10	See map of W. 71	See map of W. 71	See map of W. 71

WILDERNESS GEORGE ESTATE

WILDERNESS ALBUQUERQUE AREA
 1. THE PARK PROJECT (Type: A) began on March 1980
 2. The Park Project (Type: B) began on March 1980
 3. The Park Project (Type: C) began on March 1980
 4. The Park Project (Type: D) began on March 1980
 5. The Park Project (Type: E) began on March 1980
 6. The Park Project (Type: F) began on March 1980
 7. The Park Project (Type: G) began on March 1980
 8. The Park Project (Type: H) began on March 1980
 9. The Park Project (Type: I) began on March 1980
 10. The Park Project (Type: J) began on March 1980

Thru from Area Survey by the Bureau of
 Government Survey

Remaining Estate

For subdivision vide General Plan W. 71

For subdivision vide General Plan W. 71



Let. 8-10-100 Wilderness

Town Road

NOTING PLAN TO 50
 2155 S

P O Box 791
6560 WILDERNESS
Email : waleaf@langvlei.co.za
2024-10-23

The Municipal Manager
George Municipality
GEORGE

Dear Sirs,

APPLICATION FOR REMOVAL OF TITLE CONDITIONS : ERF 243 WILDERNESS, GEORGE MUNICIPALITY & DIVISION

We refer to the application which we discovered on your website. Is there a reason why WALEAF, an acknowledged I&AP (Interested and Affected Party), where the municipality has agreed to send us all land use applications for Wilderness and the surrounding area, and has done so for the past 10 years, was not sent this application?

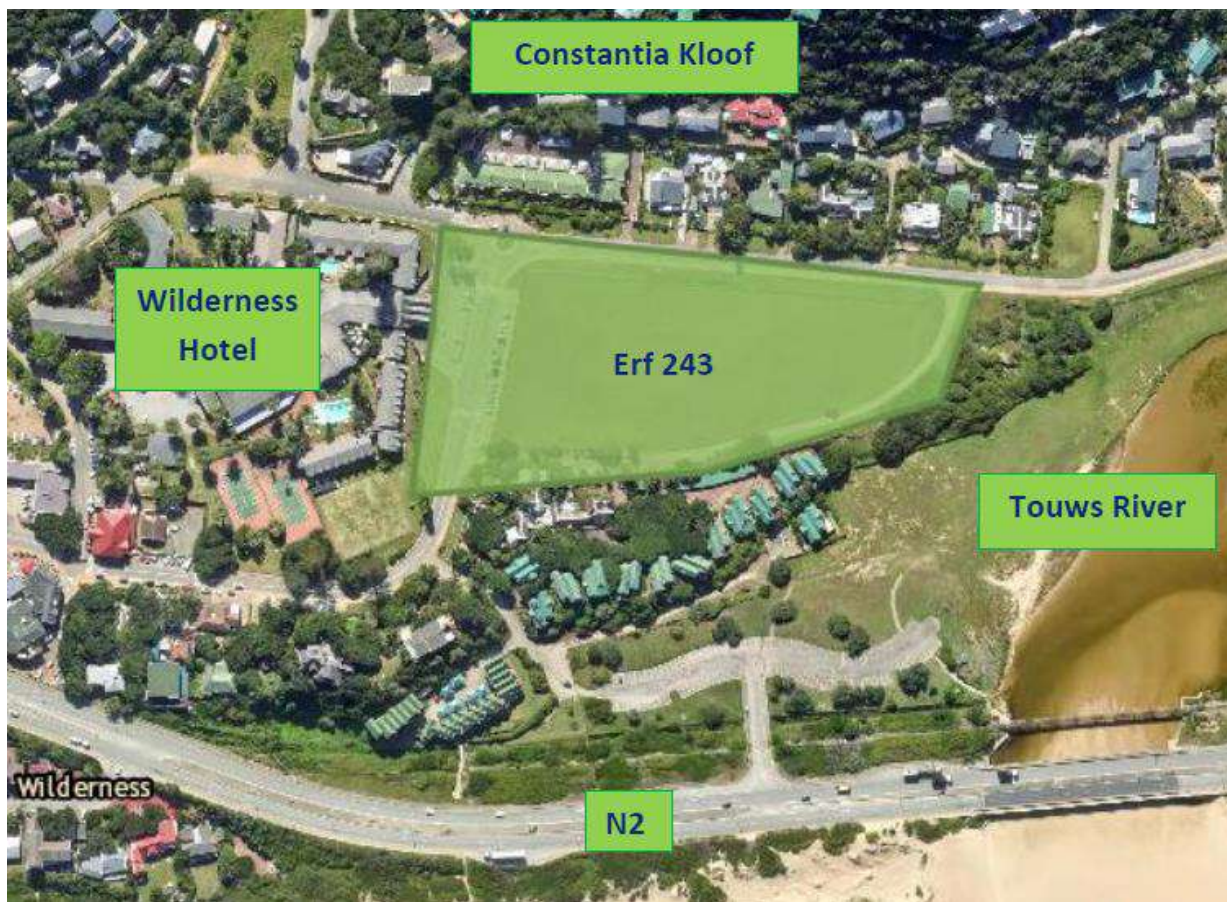
APPLICATION

Land Use Application

Application for the Removal, in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality (2023), of restrictive title deed condition (B) contained in Title Deed T59963/1984 of Erf 243, Wilderness that reads as follows:

"SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

"The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the PARK and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.""



Background Information

The subject property is zoned “Open Space Zone II” for public open space purposes, and has been utilized as an events venue since 1997. There is a track record of several council decisions and lease agreements stating that the Park could be used for events throughout the years for festivals, events, and additional parking. Erf 243 Wilderness has therefore been used for several types of events for 27 years especially in the summer months when tourism increases.

The Council Resolution dated 25 July 2024 states that a portion of the road reserve on Erf 243 (directly abutting Erf 2081) is to be leased to the owner of Erf 2081, for outdoor seating. The Council resolution was subject to the restrictive title deed conditions be waived to allow for the leasing of the land. WALEAF is totally opposed to the council resolution which was taken, as this resolution should only have been taken post a public participation process.




Proposed two portions of land which the George Municipality intends leasing to owners of erf 2081 Wilderness

With regards to the proposed removal of the restrictive title deed conditions (see above), we **object** thereto as :

1. There is no evidence that using the property for events will increase domestic and international tourism.
2. There is no proof in the statement that removing the restrictive title deed conditions will contribute to the tourism and the economic node of Wilderness.
3. Erf 243 has been used successfully for various outdoor functions for many years, without any adverse effects.
4. Events on erf 243 Wilderness were of no concern previously, and have always adhered to the Municipal standards.
5. We are of the view that the title restrictions should remain as they are, excepting the following, which we propose should be deleted :
"During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest."
6. If it is the intention to lease any portion(s) of erf 243 Wilderness to any individual, company, trust, etc, for a long period of time, then we are of the view that any portion(s) proposed to be leased should be subdivided from erf 243 Wilderness, and be allocated new erf numbers.
7. As per (6) above, with respect to the new subdivided portion(s) the current title restrictions pertaining to erf 243 Wilderness can be deleted and replaced by new title conditions, subject to the approval of I&APs.
8. The new Remainder (post subdivision) of erf 243 Wilderness, can then be used for events, as has previously been done, without having to delete/substantially alter the current title deed. The municipality can then enforce compliance of events standards and/or restrictions.

WALEAF will be submitting a separate letter with comments pertaining to the leasing of a portion of erf 243 Wilderness.

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized capital 'A' followed by a cursive 'L' and a horizontal flourish.

Secretary
WALEAF

P O Box 791
6560 WILDERNESS
Email : waleaf@langvlei.co.za
2025-07-16

The Municipal Manager
George Municipality
GEORGE

Dear Sirs,

APPLICATION FOR REMOVAL OF TITLE CONDITIONS : ERF 243 WILDERNESS, GEORGE MUNICIPALITY & DIVISION

We refer to our previous submission of 2024-10-23 regarding the application to delete the current title deed restrictions.

In this current letter we have offered an alternative to our previous suggestion to subdivide the 333m² portion from erf 243 Wilderness.

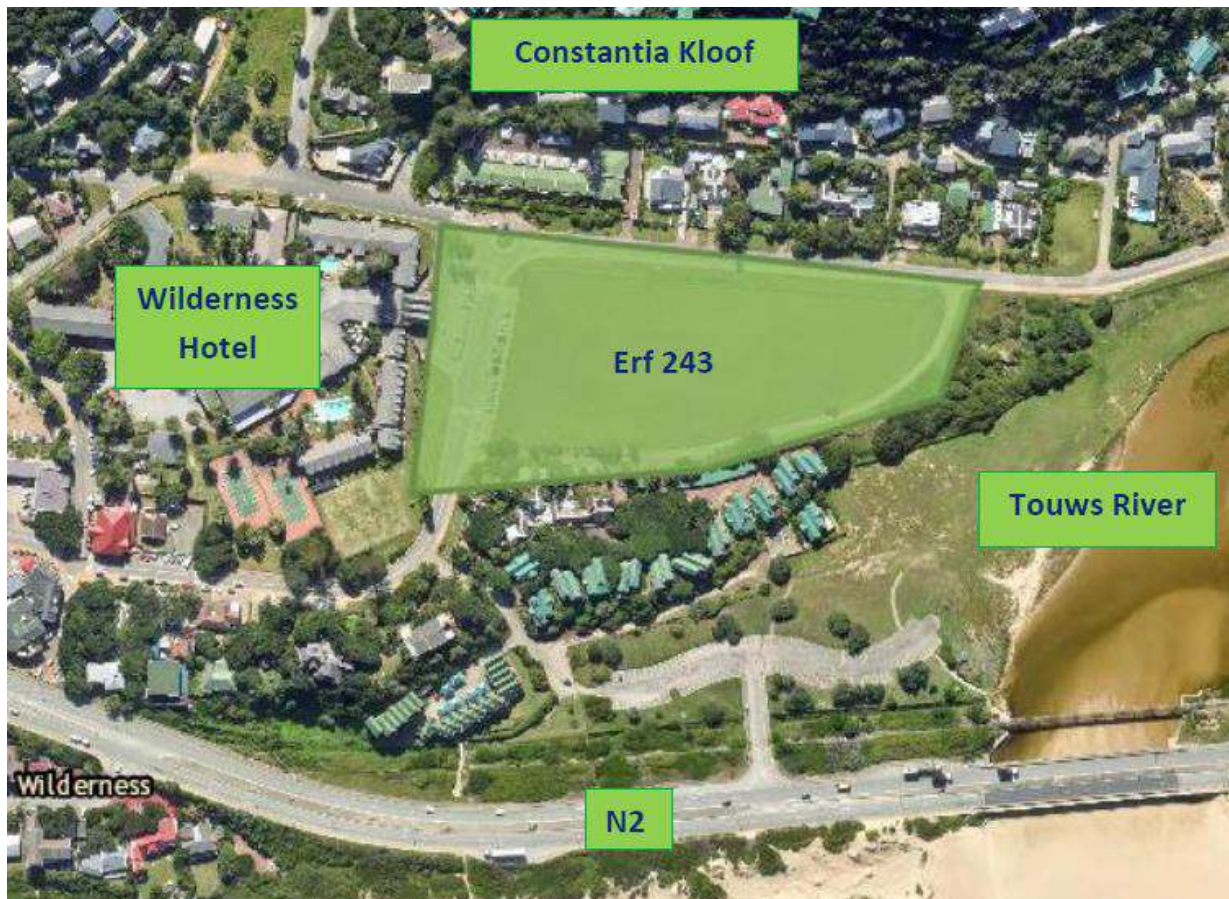
APPLICATION

Land Use Application

Application for the Removal, in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality (2023), of restrictive title deed condition (B) contained in Title Deed T59963/1984 of Erf 243, Wilderness that reads as follows:

"SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

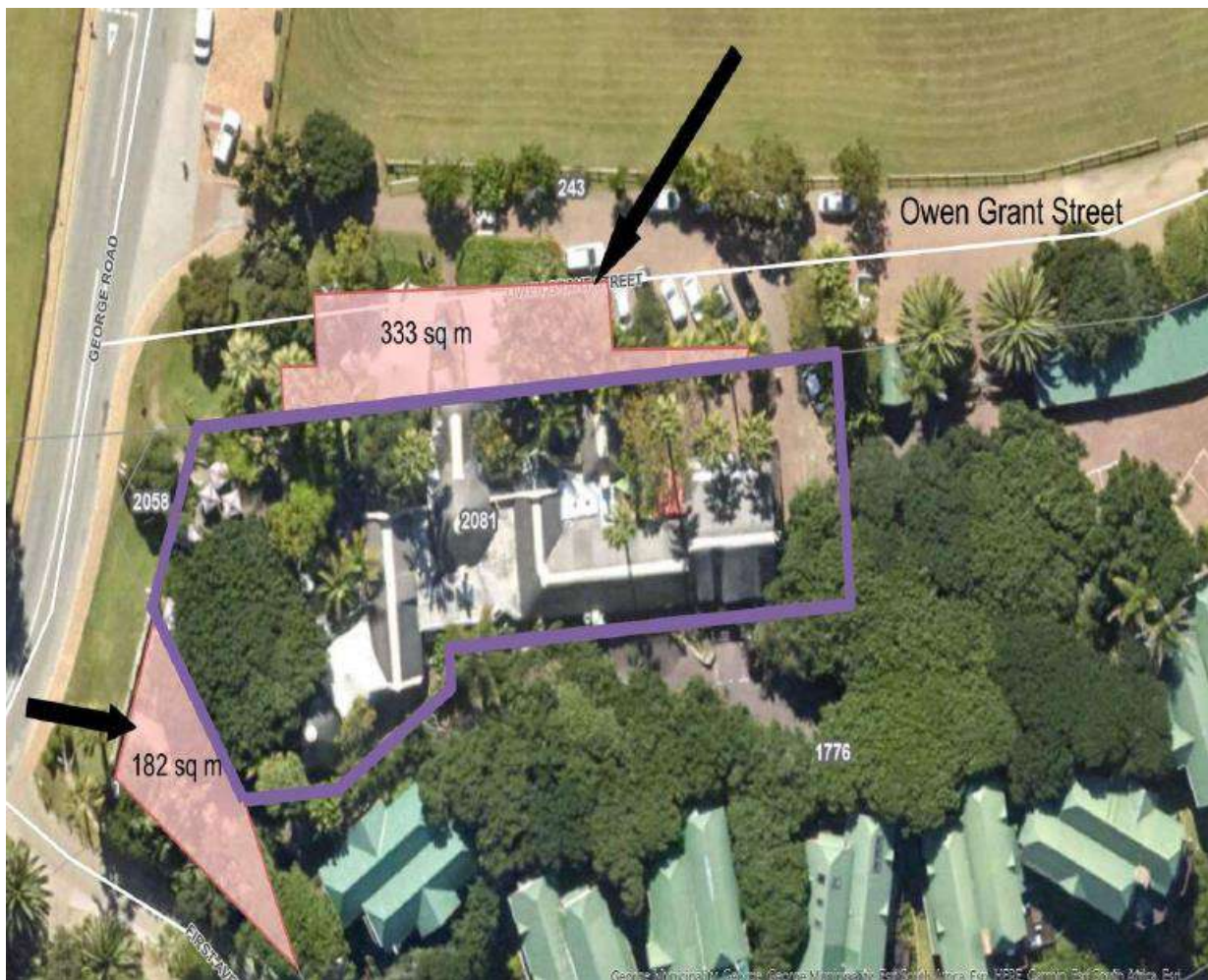
"The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the PARK and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest."



Background Information

The subject property is zoned “Open Space Zone II” for public open space purposes, and has been utilized as an events venue since 1997. There is a track record of several council decisions and lease agreements stating that the Park could be used for events throughout the years for festivals, events, and additional parking. Erf 243 Wilderness has therefore been used for several types of events for 27 years especially in the summer months when tourism increases.

The Council Resolution dated 25 July 2024 states that a portion of the road reserve on Erf 243 (directly abutting Erf 2081) is to be leased to the owner of Erf 2081, for outdoor seating. The Council resolution was subject to the restrictive title deed conditions be waived to allow for the leasing of the land. WALEAF is totally opposed to the council resolution which was taken, as this resolution should only have been taken post a public participation process.



Proposed two portions of land which the George Municipality intends leasing to owners of erf 2081 Wilderness

With regards to the proposed removal of the restrictive title deed conditions (see above), we **object** thereto as :

1. There is no evidence that using the property for events will increase domestic and international tourism.
2. There is no proof in the statement that removing the restrictive title deed conditions will contribute to the tourism and the economic node of Wilderness.
3. Erf 243 has been used successfully for various outdoor functions for many years, without any adverse effects.
4. Events on erf 243 Wilderness were of no concern previously, and have always adhered to the Municipal standards.
5. We are of the view that the title restrictions should remain restrictive and be modified where necessary. We do however propose that the following clause be deleted :

"During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest."

6. If it is the intention to lease any portion of erf 243 Wilderness to any individual, company, trust, etc, for a long period of time, then we suggest the following 2 alternatives :

- a. We of the view that the portion proposed to be leased could be subdivided from erf 243 Wilderness, and be allocated a new erf number. With respect to the new subdivided portion, the current title restrictions pertaining to erf 243 Wilderness can be deleted and replaced by new title conditions, subject to the approval of I&APs (see 8).
 - b. An alternative is to not subdivide, but reword the current title deed restrictions. Some additional clauses should be added into the erf 243 title deed to allow for the leasing of a 333m² portion to a person/company/ trust/etc for a period of 2 years and 11 months, renewable every 2 years and 11 months.
7. WALEAF feels that as this erf has such a long history of being a public park (over 100 years) that the title deed restrictions need to continue to be restrictive in nature, but modified somewhat to allow for short term events, as has been allowed by the municipality in the past, but never restricting the residents of Wilderness in any way. Additional clauses can be added to allow for the 2 year and 11 month rental of the 333m² portion, should option 6b be acceptable.
8. The current title deed restrictions should not be completely deleted, but modified (see 7 above), and, this we feel, needs to be workshopped with full public participation by the residents of Wilderness. A professional independent facilitator must be employed by the municipality to run this workshop.
9. We understand that the George Municipality proposes to delete all the restrictive title conditions pertaining to erf 243 Wilderness, using the argument that as the erf is zoned OSZI in terms of the integrated zoning scheme by-law, that the zoning will protect the property. We feel that such an argument falls flat, bearing in mind that the integrated zoning scheme by-law is regularly amended every few years, which could result in additional activities being allowed to take place on the Common which are currently not allowed. (A case in point : SRZI in 2017 allowed for only dwelling unit ; in 2023 the definition of “dwelling unit” altered, resulting in residents now automatically being allowed to construct a main dwelling unit and a second dwelling unit.)

Yours faithfully,



Secretary
WALEAF

Property Description: **Erf 243, Wilderness**

Applicant Details: **George Municipality, ihuyser@george.gov.za 0448019120 or alombard@george.gov.za 0448019303**

Nature of Application: **Removal of restrictive title deed condition to allow for restrictive access on portions of Erf 243, Wilderness**

Reference Number: **3610408**

Objection to the Proposed Removal of restrictive title deed condition

This Objection is made by the Trustees of Wilderness Milkwood's Body Corporate Association on behalf of all owners of properties at Erf 1776, Owen Grant Street. A total of 26 properties and their owners are represented in this objection.

The concerns to be raised are as follows:

Whilst all documentation for Erf 243 indicate the park area, there is also an area marked of which appears to be part of Erf 2081. This is demarcated for The Girls and Blind Pig and not actually part of Erf 243. We therefore seek clarity of what the actual application is for, and what the relaxation of the title deed conditions actually means. We note that Blind Pig appears to have closed for business this year but is still referred to in the application. Is the proposed lease now exclusively in favour of The Girls Restaurant? Or are other businesses involved?

This property was originally used for a very quiet Bed and Breakfast/Guest House called The Palms. When this property was converted to the current status, the owners at Wilderness Milkwood's objected on the basis of noise pollution and increased traffic congestion in a quiet residential area. Our objections were totally ignored and approval was given. Our concerns have since proven justified, as the restaurants do create a lot of noise and traffic, including unmanaged parking problems which is totally uncontrolled during high season periods of tourism in Wilderness. There is a very apparent lack of town planning where adequate parking should be provided for any business to operate. Parking is essential to promote Tourism

In addition, the current expansion in the demarcated area along our western boundary includes areas not currently used for restaurant seating. Is this expansion is permitted? In which case, the restaurants will be permitted to have seating within metres of, and looking directly into, residences. This will be an invasion of privacy and noise pollution throughout the evening and day.

These businesses operate in an area which is designated for people to reside, either in the hotel, or in the private homes which surround all the property. Loud music is often played and has a direct and negative impact on all the residents in the area. This in particular, is bad for Tourism as many of the tourists staying at the hotel are not able to enjoy the peace and quiet which is associated with a small town on the Garden route.

By using up extra portions of this property for additional tables at these restaurants, the access road has been considerably narrowed causing huge traffic congestion, particularly in holiday seasons where there is only enough room for one-way traffic. This is further exacerbated by a continual stream of delivery vehicles which have also not been considered

by the town planning, with no loading zones provided. The delivery trucks just add to the traffic congestion. This is also repeated when the refuse removal trucks have to collect the excessive amount of waste created by these businesses.

The issue regarding parking is highlighted by the fact that over the summer holiday season a portion of ERF 243 is cordoned off to provide parking, proving that no thought had been given to the changing of business on ERF 2081.

There is no clarity provided as to what is intended for the Erf 243 in terms of usage. It is intended to be a public area, which is used for recreation, walking of dogs etc. Whilst there is currently occasional use of the land for events such as sporting activities and church services, these do not consistently create a lot of noise and generally take place during sociable hours. They do however, adversely affect neighbouring residents because of the continued lack of thought regarding parking and traffic flow.

By relaxing the Title Deed restrictions without clarity, this land use could potentially be opened for functions which would further impact on the residents in the area, in particular loud noise, crowds and additional traffic and parking burdens.

To mitigate the current situation even further, consideration should be given to parking and the flow of traffic in Owen Grant Street and we would suggest this is made a one-way street and limited for the use of residents only, or for business such as the Veterinary Clinic which requires access because people are bringing animals to be treated. It would also be of benefit to traffic flow and improve access if the remainder of Owen Grant Street from the main gate of Wilderness Milkwood's. round to Waterside Drive was paved.



14 July 2025

To: GEORGE MUNICIPALITY

For the attention of:

The Executive Mayor, Ald Jackie von Brandis,
The Municipal Manager, Mr Godfrey Louw,
The MMC Planning and Development,
The Director - Planning and Development, Mr Mahlatse Phosa, and
Ward 4 Councillor, Cllr Marlene Barnardt.

Dear Ald von Brandis, Mr Louw, Mr Phosa and Mrs Barnardt,

**OBJECTIONS AND COMMENTS on the
APPLICATION FOR REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS IN RESPECT OF Erf 243,
with specific reference to Council Resolution 8.4.5**

(Ordinary Council Meeting on 25 July 2024)

and

Council Resolution 8.1.4

(Ordinary Council Meeting on 24 April July 2025)

1. Introduction

We refer to our correspondence of 8 October 2024 as well as numerous emails (copies available) and several meetings with GM officials re this subject. We confirm our earlier objection, as recorded in our letter of 8 October 2024, to the Council Resolution 8.4.5 of July 2024.

This letter follows on information garnered at the Public Meeting on 3 July 2025 held in Wilderness, and for which we wish to record our appreciation to Ms Delia Power and her team for arranging the meeting on this sensitive issue. As such, we wish to address specifically **clause (e) of Resolution 8.1.4 of 24 April 2025**, which reads:

- (e) That condition c(ix) of the resolution taken on 24 July 2024 **BE RECTIFIED TO READ AS FOLLOW:**

"that the restrictive condition imposed in the title deed of Erf 243 Wilderness be waived/amended;"



2. Recent history

Subsequent to this resolution of 24 April 2025, a variety of notices appeared, of which the header was consistent in that all stated: **PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION FOR ERF 243.**

The NOTICE in the George Herald of 19 June 2025 has a reference number **HS 029/2024**:

80 CALHEMTH...
Contact Email: marlene@graubenhofers.co.za
Contact Number: 044 875 2043

EMAIL

NOTICE KENNISGEWING

NOTICE NO: HS 029/2024

PUBLIC NOTICE: PROPOSED REMOVAL OF RESTRICTIVE
TITLE DEED CONDITION FOR ERF 243, WILDERNESS:
INVITATION TO PARTICIPATE

Members of the public and all interested parties are hereby invited to attend a public meeting on 3 July 2025 to discuss the application for removal of restrictive condition for Erf 243, Wilderness know as "Wilderness Comanage". A copy of the documents can be obtained from the George Municipal Website by following this link: <https://www.george.gov.za/planning-and-development-cat/land-use-applications/land-use-submissions/>

The meeting time and date are as follows:
Fairy Knowe Hotel on Thursday, 3 July 2025 at 17h30

Comments or enquiries may be submitted to Amelia Lombard at the following email address: alombard@george.gov.za or delivered, for her attention, to the Planning and Development offices at 46 Market Street, to reach the Municipality by/on 17 July 2025. All comments must include detail of your rights being affected, your name, surname, whether you represent a company/organization, and detailed contact details (including email address and/or phone/cell number).

D POWER
DEPUTY DIRECTOR: PLANNING AND DEVELOPMENT

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There is also a notice with reference number **HS 027/2024**:

NOTICE KENNISGEWING

GEORGE MUNICIPALITY

NOTICE NO: HS 027/2024

PUBLIC NOTICE: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION FOR ERF 243, WILDERNESS:
INVITATION TO PARTICIPATE

Members of the public and all interested parties are hereby invited to attend a public meeting on 3 July 2025 to discuss the application for removal of restrictive condition for Erf 243, Wilderness know as "Wilderness Comanage". A copy of the documents can be obtained from the George Municipal Website by following this link: <https://www.george.gov.za/planning-and-development-cat/land-use-applications/land-use-submissions/>

The meeting time and date are as follows:
Fairy Knowe Hotel on Thursday, 3 July 2025 at 17h30

Comments or enquiries may be submitted to Amelia Lombard at the following email address: alombard@george.gov.za or delivered, for her attention, to the Planning and Development offices at 46 Market Street, to reach the Municipality by/on 17 July 2025. All comments must include detail of your rights being affected, your name, surname, whether you represent a company/organization, and detailed contact details (including email address and/or phone/cell number).

D POWER
DEPUTY DIRECTOR: PLANNING AND DEVELOPMENT



This notice inviting comments also appeared:

NOTICE KENNISGEWING

LAND USE APPLICATION ADVERTISEMENT
GEORGE MUNICIPALITY

PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION FOR ERF 243, GEORGE ROAD, WILDERNESS

Notice is hereby given in terms of Section 45 of the George Land Use Planning By-Law, 2023 that the undermentioned application has been received on **Erf 243, Wilderness** by the George Local Municipality, Directorate: Planning and Development

Any objection(s) and/or comment(s) with full reasons therefore and how their interests are affected, should be lodged in writing via e-mail to the responsible Administrative Officer **Marisa Arries, marries@george.gov.za** or, if no email facility is available, via SMS to the cell phone number of the said Official (only provided on request) and/or to the applicant, in terms of Section 50 of the George Land Use Planning By-Law, 2023, on/ or before **17 July 2025** quoting the application erf number, your property description, physical address and full contact details (email and telephone) of the person or body submitting the objection/ comment, without which the Municipality/applicant cannot correspond with said person/body

Enquiries or requests for more information on the application may be directed to the Town Planning Department on Telephone 044 801 9477 or emailed to the responsible Administrative Officer **Marisa Arries, marries@george.gov.za** or the Applicant (details below). The application will also be available on the Municipal Website <https://www.george.gov.za/planning-and-development-cat/land-use-applications/land-use-submissions/> for 30 days. Any comments/ objection received after the above-mentioned closing date may be disregarded.

Property Description: **Erf 243, Wilderness**
Applicant Details: **George Municipality, ihuyser@george.gov.za 0448019120 or alombard@george.gov.za 0448019303**
Nature of Application: **Removal of restrictive title deed condition to allow for restrictive access on portions of Erf 243, Wilderness**
Reference Number: **3610408**

ALL INTERESTED AND AFFECTED PARTIES TO NOTE: Should you submit a comment or objection on this land use application, you give permission in terms of the Protection of Personal Information Act (POPIA) to the Municipality to make your information available to the public during this land use application process. If you do not want your private information made public, you need to indicate it in writing with your comments/objection.

3. The Application

A search on the GM website results in an application dated August 2024, with the title:

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN RESPECT OF Erf 243, WILDERNESS

This Application of November 2024, inter alia, states:

- The Application is in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality (2023), in which Section 15(2) deals with: *The owner of land or his or her agent may apply to the Municipality in terms of this Chapter and Chapter IV for the following in relation to **the development of the land** concerned.*
- The restrictive condition includes wording such as:-
 - ... *THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes...*
 - ... *It shall not be built upon ...*
 - ... *at all times to have free access across the PARK ...*

The application furthermore states:

- On page 7 it is recorded: *The property owner, as well as possible future lessees of the property, will achieve personal benefits from **the deletion of the title deed conditions** as it will enable the development of the site to its full potential... the capital investment on the site will most likely contribute to the value and benefit the surrounding property values...*



- On Page 8: *The MSDF (2023) requires that developers make optimal use of strategically located vacant and underutilized land. The development proposal aligns with this aspect of the MSDF (2023) as **the removal** will enable the utilization of the Public Open Space area.*

4. No Public Notice addressing 'amendment'

In the various recent NOTICES of June/July 2025 there is consistent reference to the REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, similar and even referencing the APPLICATION, and the invitation to the public meeting was specific: *to discuss the application for removal of restrictive condition.....*

As yet, there has been no Public Notice alluding to the possibility that GM is prepared to consider amendments to the restrictive condition as alternative (as per Council Resolution).

In preparation for the Public Meeting of 3 July 2025, we queried whether the Application of August 2024 is indeed the applicable document, and received a response from a GM official on 23 June 2025:

"..., note that the public meeting only pertains to the proposed land use application on Erf 243, Wilderness."

(Please note the wording "*proposed land use application*" which appears to confirm the Application in terms of **Section 15(2)(f) of the Land Use Planning By-Law**, as quoted above, i.e. a **development of the land**.)

During earlier meetings with GM officials, we have been lead to believe that GM does not have any development plans for erf 243.

Similarly, at the Public Meeting of 3 July 2025, it appeared that the senior official (Ms Delia Power) presenting the motivation for the GM application to remove the restrictive title deed condition, accepted that the residents present at the meeting overwhelmingly supported that the wording from the restrictive clause "***It shall not be built upon...***" must remain.

Ms Power also presented the option to amend the restrictive clause.

This was the first instance that the option to amend the restrictive clause has been raised. We are of the opinion that the verbal presentation of this option cannot serve the purpose of a Public Notice, inviting comments, as the audience of approximately one hundred people is in fact a very small percentage of the estimated more than four thousand residents and ratepayers in Wilderness.

5. Comment

Thus, we hold the view that there has been no Public Participation (opportunity to comment) on the alternative to 'amend' the restrictive clause, and regrettably although it may cause some delay, we have to request and insist on the opportunity to review and comment on a formal **Application to Amend the Restrictive Title Deed Condition**, which must include the wording of the proposed amendment.

We are of the opinion that the normal 30-day period to submit comments is applicable.

We base our comment, inter alia, on **Section 152 (1)(e) of The Constitution of the Republic of South Africa** and as quoted before, on **The Municipal Systems Act 32 of 2020** which prescribes:



COMMUNITY PARTICIPATION (ss 16-22)

16 Development of culture of community participation

(1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, ...

(ii) councillors and staff to foster community participation; ...

17 Mechanisms, processes and procedures for community participation ...

(b) notification and public comment procedures, when appropriate;

(c) public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality, when appropriate;

We are of the considered opinion that this new issue of amending the restrictive clause should be done by following due/proper process and it is only appropriate to seek public participation.

6. Closing Remark

We reiterate that we want to participate in finding an acceptable outcome, and that this comment must please not be seen as a delaying or obstructive action, but rather to ensure a better outcome, acceptable to the majority of Wilderness residents. We do not wish to disrupt any of the activities/practices currently on small portions of erf 243, Wilderness.

For correspondence and/or enquiries re this submission, please continue to use the detail of our member Jan Heyneke at his contact details: jan@heyneke.net, cell no 082 576 7160, and who is residing at stand 2018 in Constantia Kloof, Wilderness.

Sincerely,

Flooris van der Walt

Chairman



Management Committee
Constantia Kloof Conservancy Est 2007
ckcatwilderness@gmail.com

"Good neighbours, working together for the good of our environment"

Cc dpower@george.gov.za

marries@george.gov.za

ihuyser@george.gov.za

alombard@george.gov.za

WALEAF – Mr Charles Scott cascott@langvlei.co.za

Mr A van Niekerk andre@kettererlaw.co.za

jan@heyneke.net

361 WATERSIDE ROAD
WILDERNESS
6560
2 OCTOBER 2024

GEORGE MUNICIPALITY
PER E-MAIL: alombard@george.gov.za

Your ref: Amelia Lombard

Dear Sirs,

**APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS: ERF 243, WILDERNESS**

1. I refer to the above matter.
2. I also refer to the telephone conversation between your Ms. Lombard and Anton Jordaan on 30 September 2024.
3. Kindly note that I own a property which overlooks Erf 243, Wilderness (referred to as "the Common"), being Erf 361, Wilderness.
4. I would like to view myself as being representative of many of the adjacent owners as well as many members of the Wilderness community at large.
5. As background, note that I have been an adjacent owner of the Common, for the past 44 years and according to my knowledge the Common was donated to the George Municipality on the condition that it is not to be developed or used for any other purpose than for the community and recreation.
6. Hence, condition (B) contained in title deed 28772/1970 ("title deed").
7. It was therefore most upsetting when I learned that there are steps being taken to remove this particular condition from the title deed.
8. My immediate reaction and that of many likeminded people were, was to resist this notion, since the general attitude is that all must be done to retain the status quo, in the light of the fact that the common area immediately in front of the Wilderness Hotel, must be retained for the use of the community and for recreational purposes, of many different forms, exclusively.

9. I kindly request that you receive this letter as my official letter of objection to the removal of the condition, since in my opinion this would open the proverbial Pandoras Box for future change.
10. The grassed area in the front of the Wilderness Hotel can be viewed as the lounge area for the community of Wilderness, a concept which works very well for inhabitants and visitors alike in Europe.
11. All efforts must be made in my opinion to avoid the loss of this particular area for the benefit of the community and visitors alike.
12. In the light of the above, I therefore strongly object to the amendment of the title deed as proposed.
13. Thanking you in advance.

Yours faithfully

ANNELI OLSEN
Cell.: 072 3860440
E-mail: anneli@dandagroup.co.za

Re: BESWAAR: VOORGESTELDE OPHEFFING VAN BEPERKENDE TITELAKTE VOORWAARDE VAN ERF 243, GEORGE STRAAT, WILDERNIS

From Marisa Arries <Marries@george.gov.za>

Date Mon 09 Sep 2024 11:03

To Charl 001 <001charl@gmail.com>

Cc Mardorett De Kock <mardorett@gmail.com>; Amelia Lombard <Alombard@george.gov.za>

Goeiedag,

Ontvangsherkenning van u beswaar op bogenoemde eiendom.

Kind Regards

Marisa Arries

Administrative Officer: Directorate: Human Settlements, Planning and Development

Landline: +27 (044) 801-9473 / 1274

Email: marries@george.gov.za



From: Charl 001 <001charl@gmail.com>

Sent: Monday, 09 September 2024 10:36

To: Marisa Arries <Marries@george.gov.za>

Cc: Mardorett De Kock <mardorett@gmail.com>

Subject: BESWAAR: VOORGESTELDE OPHEFFING VAN BEPERKENDE TITELAKTE VOORWAARDE VAN ERF 243, GEORGE STRAAT, WILDERNIS

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

Goeie dag,

Ek verwys na ondergenoemde aangesien ons eiendom langsaan in Milkwood Appartments woon.

Ek glo die wysiging van die titelakte voorwaardes moet 'n beperking he op die aantal "funksies" wat per maand daar gehou kan word aangesien dit ook die rustigheid van die omgewing beïnvloed (wat die aansoek self se belangrik is) ..en ook dat geraas van funksies die omliggende huise van die park gaan beïnvloed. Die eienaars langs die park het juis daar gekoop omdat dit rustig is.

Ek maak dus amptelik beswaar as:

- daar meer as 4 funksies (een per naweek) in 'n maand gehou word.(Dit gaan ook die gras verniel - wat al huidiglik gebeur)
- Motors moenie meer as 20% van die gras benut nie.

Charl de Kock

MCom, SAIPA, CISA, CIA

Tel: 082 7735739





8 October 2024

To: GEORGE MUNICIPALITY

For the attention of:

The Executive Mayor, Ald Jackie von Brandis,

The Municipal Manager, Mr Dawie Adonis, and

The MMC Planning and Development, Cllr Marlene Barnardt

Dear Ald von Brandis, Mr Adonis and Mrs Barnardt,

OBJECTIONS AND COMMENTS on the
PROPOSED LEASE and APPLICATION FOR REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS IN RESPECT OF Erf 243,

Also more specifically Council Resolution:

8.4.5 IN PRINCIPLE APPROVAL ON AN APPLICATION TO
LEASE A PORTION OF THE OWEN GRANT STREET ROAD RESERVE
SITUATED NEXT TO ERF 2081 WILDERNESS FOR OUTDOOR
SEATING FOR THE PALMS RESTAURANT

(as extracted from Minutes of an Ordinary Council Meeting on 25 July 2024)

1. INTRODUCTION

The Constantia Kloof Conservancy (CKC) covers an area north of Whites Road in Wilderness. Many of our members overlook erf 243, Wilderness and as residents and taxpayers have a vested interest in erf 243 as there is a perception that THE PARK (as described in the title deed), is an open space or *common* for the use of all Wilderness residents for recreational purposes.

The proposed changes to the title Deed of erf 243, Wilderness, therefore directly affect the members of the CKC., as well as proposed lease(s) of portions of erf 243, Wilderness.

We have to stress that we do not insist on any change to the *status quo* in as far as outdoor seating at the Girls Restaurant, nor parking in front of the Wilderness Hotel, goes.

2. OPENING REMARKS

- We are willing to participate in any forum seeking a solution to legalise historic situations without disrupting any of the activities/practices currently on small portions of erf 243, Wilderness.
- The Council Resolution Header as copied above, in a Council Meeting Minutes document, is shockingly an attempt to obfuscate, as there is no reference to erf 243, Wilderness, the actual 'Public Place' of 2,3467 hectare, also identified as THE PARK, known to the Wilderness residents as the COMMON, of which a small portion is to be



leased, plus nowhere in the text of this RESOLUTION is there any reference to Erf 243. Furthermore, the reference to the *Palms Restaurant* is bewildering, there is a Palms Restaurant in Cape Town! But not one in Wilderness, and not surprisingly, the GM advertisement re the lease refers to *The Girls on the Square*, a name which does not appear in the Council Resolution.

- It is simply shocking to be advised by GM officials to use a PAIA request for information if we wish to receive all relevant information re these issues.
- We have limited legal knowledge re the various Acts and regulations applicable to municipalities, but to us, as laymen, it appears as if in the entire handling of the issue(s) relating to erf 243, Wilderness, there appears to be a lack of appreciation of and compliance by Councillors and officials with the applicable legislation and GM's own Regulations.

3. COMMENTS re various Acts

3.1. Municipal Systems Act 32 of 2020

We quote some headers and a few extracts as reminders of the prescriptions of this act, with the emphasis on Public Participation:

COMMUNITY PARTICIPATION (ss 16-22)

16 Development of culture of community participation

(1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, ...

(ii) councillors and staff to foster community participation; ...

17 Mechanisms, processes and procedures for community participation ...

(b) notification and public comment procedures, **when appropriate;**

(c) **public meetings** and hearings by the municipal council and other political structures and political office bearers of the municipality, **when appropriate;**

Public notice of meetings of municipal councils

19. The municipal manager of a municipality must give notice to the public, of ..

(a) ordinary meeting of the council;

Admission of public to meetings

20. (1) Meetings of a municipal council and those of its committees are open to the Public

3.1.1. Comment

To us it is clear that Council, and officials, are obliged to encourage public participation *when appropriate* -- note the wording suggests not only when strictly prescribed by law, but also very much so in a case where a COMMON area in Wilderness is the matter under review, where proper public participation would seem most appropriate.

3.2. Municipal Finance Management Act 56 of 2003:

We quote some applicable headers to which we wish to simply draw your general attention to, plus some extracts:

RESPONSIBILITIES OF MAYORS (ss 52-59)

RESPONSIBILITIES OF MUNICIPAL OFFICIALS (ss 60-79)

Supply chain management (ss 110-119)

113 Unsolicited bids



(2) If a municipality or municipal entity decides to consider an unsolicited bid received outside a normal bidding process, it may do so only in accordance with a prescribed framework.

(3) The framework must strictly regulate and limit the power of municipalities and municipal entities to approve unsolicited bids received outside their normal tendering or other bidding processes.

116 Contracts and contract management

(1) A contract or agreement procured through the supply chain management system of a municipality or municipal entity must

(a) (iii) a periodic review of the contract or agreement once every three years in the case of a contract or agreement for longer than three years; ...

3.2.1. Comment

To us it is clear that provision is made for unsolicited bids, and that long-term contracts is prescribed to have a three-year revision clause.

3.3. Asset Transfer Regulations, 2008

We quote some headers considered applicable in this instance, and extracts:

Part 1: Decision-making process for municipalities (regs 5-7)

5 Transfer or disposal of non-exempted capital assets

(5) ... regarding the valuation of capital assets, any of the following valuation methods must be applied

(b) fair market value of the asset;

6 Public participation process for municipalities

GRANTING OF RIGHTS TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSETS (regs 33-46)

33 Purpose of this Chapter

(3) The granting by a municipality or municipal entity of a right to use, control or manage a capital asset.....

(c) confers on the person to whom the right is granted ...

(ii) the power to use, control or manage the capital asset as if that person is the beneficial (but not legal) owner of the asset. In other words, where the granting of such rights do not amount to the transfer or permanent disposal of the asset, for example when a right is acquired through a leasing, letting or hiring out arrangement.

34 Granting of rights to use, control or manage municipal capital assets

35 Public participation process for granting long term rights to municipal capital assets with value in excess of R10 million

38 Public participation process for granting long term rights to municipal capital assets with value in excess of R10 million

39 Consideration of proposals to grant rights to use, control or manage municipal capital assets

The council of the parent municipality of a municipal entity must,... take into account ...

(b) the extent to which the compensation for the right to use, control or manage the capital asset ... will result in a significant economic or financial benefit for the municipality or municipal entity;

(d) any comments or representations on the proposed granting of the right received from the local community and other interested persons;

(e) any written views and recommendations on the proposed granting of the right by the National Treasury and the relevant provincial treasury;

3.3.1. Comment

3.3.1.1. We have been advised by GM officials that:



- 3.3.1.1.1. *That Council TAKE NOTE of Regulation 36 of the Municipal Asset Transfer Regulations listed in the report and CONFIRMS that the factors listed have been taken into account in considering the proposed lease;*
- 3.3.1.1.2. The lease-rental will be based on R3.08/sqm;
- 3.3.1.1.3. There is a fixed escalation in the lease for 10 years (with-out the prescribed three-yearly review);
- 3.3.1.1.4. Regulation 37(1)(a) read together with Regulation 38 is only applicable to assets with a value in excess of R10million. The value of Erf 243 Wilderness is much lower than R10million and therefore the public participation process as prescribed in Regulation 38 were not followed
- 3.3.1.2. We note the values of adjacent properties, viz Erf 2081, the very erf described in the Council Resolution, is valued at R7,78 m, and Erf 493, 0,18 ha, vacant, is valued at R5.5 m.
- 3.3.1.3. Thus, two comments arise:
- 3.3.1.3.1. Regulation 36 of the MATR states, inter alia:
- (b) the extent to which any compensation to be received for the right ... that the private sector party... will be required to make, will result in a significant economic or financial benefit to the municipality;*
- (d) any comments or representations on the proposed granting of the right received from the local community and other interested persons;*
- (e) any written views and recommendations on the proposed granting of the right by the National Treasury and the relevant provincial treasury;*
- 3.3.1.3.2. We do not find Erf 243 on the GM Valuation Roll for Wilderness, but to take its value (as recorded some-where in GM records) as below R10m simply to avoid a full public participation process, is a clear attempt to obfuscate, particularly if read with the Municipal Systems Act which promotes public participation **when appropriate**.
- 3.3.1.3.3. To propose and accept a rental of R3.08 per sqm - can you truly state that as per your Fiduciary responsibilities (FMA), and as per MATR quoted above, that this COUNCIL RESOLUTION is an act *with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs?*
- 3.3.1.4. We note that no-where is there any reference to comments/approval received from National and/or Provincial Treasury.
- 3.3.1.5. We are not aware that any comments on the proposed lease were requested from the local community prior to Council taking this Resolution, as prescribed.
- 3.3.1.6. The process followed by GM did not comply with prescriptions in law.

3.4. GM SUPPLY CHAIN MANAGEMENT (SCM) POLICY 2024/2025

We quote an extract of the section dealing with unsolicited bids:

37. UNSOLICITED BIDS

(2) The Accounting Officer may,...consider an unsolicited bid, only if –

(c) the bidder who made the bid is ...the only proposer of the concept; and (d) the reasons for not going through the normal bidding processes are found to be sound by the Accounting Officer.

(3) If the Accounting Officer decides to consider an unsolicited bid the decision must be made public in accordance with Section 21A of the Municipal Systems Act, together with -



- (a) reasons as to why the bid should not be open to other competitors.
 - (b) an explanation of the potential benefits if the unsolicited bid is accepted; and
 - (c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.
- (6) A meeting of the Adjudication Committee to consider an unsolicited bid must be open to the public.
- (10) Unsolicited bids for the purchase and/or development or renting of municipal land or fixed property of commercial value as defined in paragraph 1 of this Policy will not be considered.

In Paragraph 1:

Commercial value

in relation to the sale or leasing of land or property relates to land or property which has a commercial value and can be sold or sub-let on a stand-alone basis and excludes small pockets of land such as small alley ways, erven or annexures which are only of value in relation to the adjoining properties or structures.

3.4.1. Comment

- 3.4.1.1. It is quite apparent that the proposal to lease portion of erf 243, Wilderness, is NOT the result of a formal tender, but an unsolicited bid.
- 3.4.1.2. The unique circumstances of a situation which has by various recollections been established for more than twenty years, appears to have led to an *Unsolicited Bid* by the owners of erf 2081. Why this that has not led to a similar Unsolicited Bid by the Wilderness Hotel, is unclear.

4. IN CONCLUSION

- 4.1.1.1. In spite of requests for more background information, (for which we refuse to do a PAIA application as any information re this matter should be in the public domain), we have to base our concluding remarks on only the information available.
- 4.1.1.2. What-ever process lead to the Resolution 8.4.5 of Council on 25 July 2024, it appears not to conform to prescribed legislation and regulations.
- 4.1.1.3. **We request Council Resolution 8.4.5 of 25 July 2024 to be rescinded.**
- 4.1.1.4. We thus record our **objection** to Notice No **DRD 032/2024** and Ref No **3610408 LAND USE APPLICATION** PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION FOR ERF 243, GEORGE ROAD, WILDERNESS, and **request both to be withdrawn.**



5. PROPOSAL TO RESOLVE

5.1. We propose a new process to be started to resolve issues related to erf 243, Wilderness, which may well start with a Public Meeting i.t.o. a Public Participation Process where we suggest officials with the appropriate knowledge of the applicable legislation can lead discussions and presentations on:

5.1.1. The historical situation;

5.1.2. Proposed measures (steps) to 'legalise' the historical 'illegalities', and possible alternatives;

5.1.3. Safeguarding of THE PARK to forever be an open space or common for the use of all Wilderness residents for recreational purposes, and never to be built upon; and

5.1.4. The benefit to the Wilderness community to be derived from the income resulting from the leasing of small pockets of erf 243, Wilderness.

6. GENERAL

We repeat our earlier commitment: We are willing to participate in any forum seeking a solution to legalise historic situations without disrupting any of the activities/practices currently on small portions of erf 243, Wilderness.

For correspondence and/or enquiries re this submission, please contact Jan Heyneke at the contact details: jan@heyneke.net , cell no 0825767160, and residing at stand 2018 in Constantia Kloof, Wilderness.

Sincerely,

.....

Chairman



Management Committee
Constantia Kloof Conservancy Est 2007
ckcatwilderness@gmail.com

"Good neighbours, working together for the good of our environment"

Cc WRRRA

WALEAF

ntmnyanda@george.gov.za

marries@george.gov.za

ihuyser@george.gov.za

alombard@george.gov.za

TO: George Municipality
ATTENTION: Administrative Officer, Marissa Arries

2015 Kooboo Berry Close
Constantia Kloof
Wilderness
6560

9 October 2024

Dear Ms M Arries,

**SUBJECT: OBJECTION - GEORGE MUNICIPALITY PROPOSED REMOVAL OF
RESTRICTIVE TITLE DEED CONDITION FOR ERF 243, GEORGE ROAD, WILDERNESS
- Reference Number 3610408**

INTRODUCTION

The above notice in the George Herald refers.

Erf 243 has been and is used by both Wilderness residents and visitors for recreational purposes of various types, from walking their dogs, playing ball games and picnicking or just relaxing there. Various events have been held successfully on "The Common" (as it is locally known) over the years I have had the privilege of living in the Wilderness community. It is the "Central Park" of Wilderness and, like "Central Park" in New York, it deserves to be protected from any development that will negate its designated use by the original owners who donated it to the community.

OBJECTION

We wish to place on record our objection to the **proposed changes to the Title Deed of Erf 243** for the following reasons:

1. There has been no communication or public involvement with this Application other than this obscure notice in the George Herald for Erf 243. We question whether many residents know that this is "The Common" and, hence, would even be aware of the impending development dangers this could pose to it.
2. This Land Use Application (Application) is a result of Council accepting "*8.5.1 In principle approval on an application to lease a portion of the Owen Grant Street Road Reserve situated next to Erf 2081 Wilderness for seating for the Palms Restaurant [6.5.1]*" on 25 July 2024. In the Resolution, it is stated that "...Council **TAKE NOTE** of Regulation 36 of the Municipal Asset Transfer Regulations listed in **the report** (my emphasis)....".

We fail to see how Council Members could take note of **the report** "Application for Removal of Restrictive Title Deed Conditions in respect of Erf 243 Wilderness" when the issue date is August 2024, which is after said meeting.

"Palms Restaurant", as indicated in the Resolution, no longer exists, as it was taken over by "The Girls" some years ago.

3. Councillor Barnardt is Ward 4 Councillor and co-proposer with Councillor Lose of Resolution 8.5.1 referred to above is also the MMC, Planning and Development. No open meeting with Residents was held in respect of the Council Resolution or this Application, though I understand that a closed meeting was held with Wilderness

Residents and Ratepayers Association. To us there seems to be a conflict of interests here, unless Councillor Barnardt abstained from voting at the Council meeting.

4. Erf 243, "The Common/The Park" was left to the Wilderness Community as "...an open space or common for the use of all owners for recreational purposes.... It shall not be built upon nor shall camping be permitted thereon. Etc."

Its recreational use has been the case for many years and Council has permitted events of various forms since 1997. It is therefore unclear in the Report why Clause B of the Title Deed is restrictive when the Municipality, as the owner, seems to be exercising its right to "...observance of order and cleanliness..." of its property/asset. The only possible point being made in the report is that of the Municipality being able to lease its land for the "*The Girls and The Blind Pig, for outdoor seating.*" However the wording is such that this is open ended.

There are three points here:

- 4.1. These areas have been used by businesses for more than the eight years plus we have lived in Wilderness. Hence, there may be an implied "right of use" by the said entities anyway.
 - 4.2. The seemingly open wording on "*leasing of the land*" in the report is of major concern for the future. Future Councils may use this aspect to permanently change the nature of The Common to the detriment of residents and Wilderness.
 - 4.3. *The Blind Pig* no longer exists.
5. The Report refers to "*Section 7 of the Spatial Planning and Land Use Management Act*" and its five development principles. We have the following comments:
 - 5.1. "*Spatial Justice*" It is not clear why the Application will "...improve the use of the land and it is currently being underutilized".
 - 5.2. "*Spatial sustainability*" It is not clear why removal of "*the restrictive title deed condition will contribute (to) the tourism and economic node...*" when it has been and is being used for events, community engagement and domestic tourism.
 - 5.3. "*Spatial Efficiency*" The comment on "*proposed land development*" providing an "*economic injection*" is obscure and of concern. (See 4.2).
 - 5.4. "*Spatial Resilience*" As Erf 243 is currently used as described, this adds nothing to the motivation for the Application.
 - 5.5. "*Good Administration*" As a resident, we have become used to this mostly being the case with George and sincerely hope that this continues. We are, however, beginning to wonder in terms of this Application.
 6. The Report further refers to various sections of the "Land Use Planning Act (2014)" with "*39(5)(e): The social benefit of the removal, suspension or amendment of the restrictive conditions*" being of particular concern as it comments on capital investment, property value and use, by the Municipality (the owner), to utilise the park to its full potential in terms of its zoning rights. Again, see 4.2.
 7. Under the Report Conclusion, a similar comment is again made about "*full potential*" and our concern under 4.2 remains.

CONCLUSION

We object to this Application to change the Title Deed for Erf 243, Wilderness on the above grounds.

In addition, we wish to place on record that we feel that:

- Both Council and The Applicant are being economical and obscure with the truth in this Application and the initiating Council Resolution. Those involved appear to be less than open with the residents of Wilderness, for whatever reason.
- How can the Municipality apply to itself for a change of property rights that it owns for and on behalf of owners (as defined in the Title Deed) to whom it was originally ceded and which will or could now affect them. A case of the fox guarding the henhouse?

In order to correct this it would be appropriate for the Municipality/Council to have a meeting with residents to provide a clear and transparent rationale for what is proposed and the safe guards that would be in place to prevent any future nefarious development of Erf 243.

Our property description, address and contact details are as above and below.

We are residents of Wilderness and enjoy and utilise "The Common" and hence have an interest in its continued place in the Community.

Yours faithfully,

The image shows two handwritten signatures in black ink. The first signature, on the left, appears to be 'D Hill' and the second, on the right, appears to be 'A Hill'. Both are written in a cursive, somewhat stylized script.

David Hill & Angela Hill

Email: hilldsa@gmail.com / adhill.52@gmail.com
Mobile: 083 225 4551 / 083 609 7178

CC:

Applicant: I Huyser, ihuyser@george.gov.za

Applicant: A Lombard, alombard@george.gov.za

TO: George Municipality
ATTENTION: Amelia Lombard
2015 Kooboo Berry Close
Constantia Kloof
Wilderness
6560

16 July 2025

Dear Ms Lombard,

**SUBJECT: OBJECTION - GEORGE MUNICIPALITY PROPOSED REMOVAL OF
RESTRICTIVE TITLE DEED CONDITION FOR ERF 243, GEORGE ROAD, WILDERNESS
- Reference Number HS 027/2024**

INTRODUCTION

The above notice in the George Herald and other platforms, refers.

Erf 243 (*The Common*) has been and is used by both Wilderness residents and visitors for recreational purposes of various types, from walking their dogs, playing ball games and picnicking or just relaxing there. Various events have been held successfully on "The Common" (as it is locally known) over the years I have had the privilege of living in the Wilderness community. It is the "Central Park" of Wilderness and, like "Central Park" in New York, it deserves to be protected from any development that will negate its designated use by the original owners who donated it to the community.

OBJECTION

Following the meeting held at Fairy Knowe Hotel on 3 July 2025, where Ms Delia Power, George Municipality Town Planning & Development, presented the rationale of the change to those residents and ratepayers attending and the subsequent discussions with those present,

1. the following is noted, as a result:
 - 1.1. In order for the "Girl's "Restaurant" request to be legalised in terms of their current use of a portion of Erf 243, the Zoning needs to change.
 - 1.2. Erf 243 is fully under the control of George Municipality. Any changes to Zoning or use will have to follow due process in terms of the Bylaws and other regulations.
 - 1.3. WRRRA, is an Interested and Affected Party (IAP), so any event approved to use *The Common* will have to go through them before it happens. This covers concern for, say, rock concerts or similar.
 - 1.4. A mechanism for management of the park portion of *The Common* will be developed with WRRRA. Similar management has been implemented in several places in George.
 - 1.5. The term "Public Open Space" was defined at length and uses for "Recreation".
 - 1.6. Erf 243 is not currently included in George Municipality's Heritage Strategy and would need to be so. It was stated that there was NO intent to develop it in any form and illustrated with several slides.
 - 1.7. Clarity was provided as to the definition of "owners" in the Title Deed, which are, simplistically, mostly those property owners along Sands Road and Waterside Road.
 - 1.8. After the discussion, where various queries, comments and suggestions were raised, Ms Power acknowledged that an **AMENDMENT** to the Title Deed would be more appropriate, given the concerns raised, rather than **REMOVAL** of the Restrictive Conditions. This approach will be included in the George Municipality report to be submitted to the Tribunal to be held late August, Notice of the date, time and agenda is scheduled to appear from 10-12 August.

- 1.9. The approach of a suitable **AMENDMENT** was supported by many of those present rather than **REMOVAL**.

We wish to place on record our objection to the **proposed REMOVAL of Restrictive Title Deed Condition of Erf 243**,

2. As per our previous Objection of 9 October 2024:

- 2.1. Removed, as this Public presentation has provided some clarity and permitted input from the large number of people present. Responses are acknowledged, but some concerns remain.
- 2.2. This Land Use Application (Application) is a result of Council accepting "8.4.5 In principle approval on an application to lease a portion of the Owen Grant Street Road Reserve situated next to Erf 2081 Wilderness for seating for the Palms Restaurant [6.5.1]" on 25 July 2024. In the Resolution, it is stated that "...Council TAKE NOTE of Regulation 36 of the Municipal Asset Transfer Regulations listed in the report (my emphasis)....". We fail to see how Council Members could take note of the report "Application for Removal of Restrictive Title Deed Conditions in respect of Erf 243 Wilderness" when the issue date is August 2024, which is after said meeting. "Palms Restaurant", as indicated in the Resolution, no longer exists, as it was taken over by "The Girls" some years ago.
- 2.3. Councillor Barnardt is Ward 4 Councillor and co-proposer with Councillor Lose of Resolution 8.4.5 referred to above was also the MMC, Planning and Development at the time. No open meeting with Residents was held in respect of the Council Resolution or this Application, though I understand that a closed meeting was held with Wilderness Residents and Ratepayers Association. To us there seems to be a conflict of interests here, unless Councillor Barnardt abstained from voting at the Council meeting.
- 2.4. Erf 243, "The Common/The Park" was left to the Wilderness Community as "...an open space or common for the use of all owners for recreational purposes.... It shall not be built upon nor shall camping be permitted thereon, etc." The definition of "owners" in the Title Deed is noted, as per

It's recreational use has been the case for many years and Council has permitted events of various forms since 1997. It is therefore unclear in the Report why Clause B of the Title Deed is restrictive when the Municipality, as the now designated owner on behalf of the residents, seems to be exercising its right to "...observance of order and cleanliness..." of its property/asset. The only possible point being made in the report is that of the Municipality being able to lease its land for the "*The Girls and The Blind Pig, for outdoor seating.*" However the wording is such that this is open ended. There are three points here:

- 2.4.1. These areas have been used by businesses for more than the eight years plus we have lived in Wilderness. Hence, there may be an implied "right of use" by the said entities anyway.
- 2.4.2. The seemingly open wording on "*leasing of the land*" in the report is of major concern for the future. Future Councils may use this aspect to permanently change the nature of The Common to the detriment of residents and Wilderness. Item 1.2 now refers.
- 2.4.3. "*The Blind Pig*" no longer exists.
- 2.5. The Report refers to "*Section 7 of the Spatial Planning and Land Use Management Act*" and its five development principles. We have the following comments:
- 2.5.1. "*Spatial Justice*" - It is not clear why the Application will "...improve the use of the land and it is currently being underutilized".
- 2.5.2. "*Spatial sustainability*" - It is not clear why REMOVAL of "*the restrictive title deed condition will contribute (to) the tourism and economic node...*" when it has been and is being used for events, community engagement and domestic tourism.
- 2.5.3. "*Spatial Efficiency*" - The comment on "*proposed land development*" providing an "*economic injection*" is obscure and of concern. (See 4.2).

- 2.5.4. *"Spatial Resilience"* - As Erf 243 is currently used as described, this adds nothing to the motivation for the Application.
 - 2.5.5. *"Good Administration"* - As residents, we have become used to this mostly being the case with George and sincerely hope that this continues. We are, however, beginning to question it in terms of this Application.
- 2.6. The Report further refers to various sections of the "Land Use Planning Act (2014)" with *"39(5)(e): The social benefit of the removal, suspension or amendment of the restrictive conditions"* being of particular concern as it comments on capital investment, property value and use, by the Municipality (the owner), to utilise the park to its full potential in terms of its zoning rights. Again, see 4.2.
- 2.7. Under the Report Conclusion, a similar comment is again made about *"full potential"* and our concern under 2.4.2 remains.

CONCLUSION

We object to this Application for **REMOVAL** of the Restrictive Conditions of the Title Deed for Erf 243, Wilderness on the above grounds. In addition, we wish to place on record that we feel that:

- 3. Both Council and The Applicant have been economical and obscure with the truth in the original Application and the initiating Council Resolution. Those involved originally appeared to have been less than open with the residents of Wilderness, for whatever reason. However, this Public Meeting has served to improve this situation, for which we are grateful. Until such time as we see the Proposed Amendments, we reserve our right to further comment.
- 4. We still consider that the Municipality should not be able to apply to itself for a change of property rights that it owns for and on behalf of owners (as defined in the Title Deed or modified) to whom it was originally ceded and which will or could now affect them or those in a wider definition. It remains a case of the fox guarding the henhouse.

We request that Municipality/Council have future public meeting(s) with residents to provide a clear and transparent rationale for proposed amendments and safe guards that will be in place to prevent any future, nefarious development of Erf 243.

Our property description, address and contact details are as above and below.

We are residents of Wilderness and enjoy and utilise "The Common" and hence have an interest in its continued place in the Community.

Yours faithfully,

David Hill & Angela Hill

Email: hilldsa@gmail.com / adhill.52@gmail.com

Mobile: 083 225 4551 / 083 609 7178

CC:

Applicant: I Huyser, ihuyser@george.gov.za

Applicant: A Lombard, alombard@george.gov.za

Objection to removal of restrictive title deed conditions erf 243 Wilderness common

From Hall, David [drh@sun.ac.za] <drh@sun.ac.za>

Date Mon 2024/10/07 07:59

To Marisa Arries <Marries@george.gov.za>

Cc Heather Hall <heather.hall2204@gmail.com>

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

Dear Marisa Arries

As longstanding residents of Wilderness (10 Freesia Rock) we wish to object to the removal of restrictive title deed conditions erf 243 Wilderness common, for several reasons.

The Common functions as an open area for residents, tourists and visitors (often from disadvantaged communities) to relax and interact and is pivotal in community building. In many ways this space defines the Wilderness Community and must be protected.

We sincerely hope that the Municipality will not proceed with the proposed change.

Concerned regards
Prof David and Mrs Heather Hall.

The integrity and confidentiality of this email are governed by these terms. [Disclaimer](#)

Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalings bereël. [Vrywaringsklousule](#)

Fw: Beswaar teen die Ontwikkeling van erf 243

From Amelia Lombard <Alombard@george.gov.za>

Date Thu 2024/10/10 07:56

To Marisa Arries <Marries@george.gov.za>

Neem kennis.

Kind Regards/Vriendelike Groete

Amelia Lombard

C/9605/2022

Assistant Town Planner

Directorate: Human Settlements, Planning and Development

Office: 044 801 9303


Internal Ext: 1295


E-mail: alombard@george.gov.za



 71 York Street, George

 044 801 9111

 gmun@george.gov.za

 www.george.gov.za



From: Hannelie Jordaan <hannelie.jordaan@ecdodoe.gov.za>

Sent: Wednesday, 09 October 2024 20:47

To: Amelia Lombard <Alombard@george.gov.za>

Cc: Jorrie <jorrie250@gmail.com>

Subject: Beswaar teen die Ontwikkeling van erf 243

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

VIRAANDAG: AMELIA LOMBARD

Hiermee wil ek beswaar maak teen die aansoek om die beperkings op te hef op die ontwikkeling van erf 243 Wilderness.

By voorbaat dank

H. Jordaan

Eienaar van 9 Fresia Laan, Wilderness

0748881725

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Objection to the Proposed removal of Restrictive Title Deed condition for ERF 243 George Road Wilderness

14th October 2024

We have read the George Municipality's arguments for the removal of the restrictive Title Deed condition for Erf 243 and would like to comment on them.

The Wilderness Common, "The Park" is a designated Heritage Site and should therefore be left intact for the use for which it was designed, the recreation of residents.

We do not agree with the thinking that the proposed amendment would allow the Park to be more fully utilized. The Park is already utilized daily by the public and is a place where residents and visitors alike undertake a number of different activities throughout the year.

The Park has for many years hosted various events so there is no logic in saying that the removal of the restrictive Title Deed will change/improve anything.

No redevelopment of the site is required as it is a park and talk of "redevelopment" is greatly concerning.

By the wording of the proposal and the arguments of the Municipality for it, it would appear that this could just be the start of a series of changes. Remove one restriction and then the municipality can continue unrestricted with their long-term goal for the Park.

When The Girls restaurant moved to the existing property it was a planning stipulation that they had to provide sufficient parking on the property for their clients. This was never enforced by the George Municipality Planning Department. During COVID, tables were set out on the common so that the restaurant could continue trading. This concession was not offered to the other restaurants. People collecting their take away meals were allowed to drive onto the common (Park). Now after many years of the Girls enjoying free use of a section of the Park area for both seating and parking bays Council is seeking to legitimize this use. Why does the Girls Restaurant appear to receive preferential treatment when they have not complied with planning requirements? The restrictive clause in the Title Deed of Erf 243 was put in place to prevent exactly what the George Municipality is now proposing, the encroachment of business on a Heritage site. If the George Municipality is given carte blanche it will destroy the "Sense of Place" of Wilderness.

The need to accommodate the sprawl of the Girls Restaurant has led to the Municipality wanting to legitimize their use of public open space and the proposed removal of the restrictions on erf 243. This should not be considered as the Park is an integral part of Wilderness Village and any tinkering with it

will change the whole ambiance of the village. At present we as long time residents enjoy seeing the existing daily activities that take place here such as residents walking their dogs and youngsters playing games.

Over the years there has been a definite bias towards to the establishment of businesses in Wilderness. Already Waterside Road has become more of a business hub than a residential road. First a dentist, then a coffee shop was opened and more recently a fitness and a spinning centre. I wonder if these have received approval to operate and what will spring up next?

To conclude we as residents and home owners whose house overlooks the "Park" are vehemently opposed to the removal of the restrictive title deed on erf 243 for the reasons given above.

Yours faithfully



John Callanan



Marie Callanan

2050 NumNum Crescent

Constantia Kloof

Wilderness

Tel: 0826353667/0765735280

361 WATERSIDE ROAD
WILDERNESS
6560

9 OCTOBER 2024

GEORGE MUNICIPALITY
PER E-MAIL: alombard@george.gov.za

Your ref: Amelia Lombard

Dear Sirs,

**APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 243,
WILDERNESS ("the Common")**

I refer to the above matter and hereby attach a petition signed by the concerned members of the general public who regularly use and enjoy the free use of the Common.

Kindly sign acknowledgement of the petition.

Yours faithfully,



Mrs AE Olsen

*received on 09/10/24
M. Ames*

GEORGE MUNICIPALITY

HUMAN SETTLEMENT, PLANNING & DEVELOPMENT

WITH REGARDS TO ERF 243 – WILDERNESS (The Common)

Petition Against Application:

REMOVAL OF RESTRICTIVE TITLE DEED CONDITION TO ALLOW FOR RESTRICTIVE ACCESS ON PORTIONS OF ERF 243, WILDERNESS (known as "the Common"). NOTICE FROM GEORGE MUNICIPALITY ATTACHED – REFERENCE 3610408

ISSUE: The proposed removal of restrictive title deed conditions for portions of Erf 243, Wilderness, could grant the municipality/businesses the authority to significantly alter the Common/Park area located in front of the Wilderness Hotel. The amendment of the title deed could potentially lead to the removal of borders, allow for the construction of buildings and development of the open space, thereby transforming the Common/Park. This area is currently enjoyed by residents, tourists, and the surrounding community alike as an open, natural space, to host a variety of activities. The distinct character and communal atmosphere of Wilderness, which draws people to the area for holidays, daily visits, and recreation, is intimately connected to this space and the preservation thereof in its current form is vital. Any changes would undermine the unique sense of place and charm that defines Wilderness and attracts visitors.

If you oppose any changes being made to the existing structure and would like the municipality to withdraw the application in its entirety, please complete the form below and sign in full where indicated.

Name	Address	Email/Phone	Signature	Date
DERRICK OLSEN	361 WATERSIDE RD	082 4102740	[Signature]	1/10/2024
ANNA OLSEN	361 Waterside Rd	072 3860 440	[Signature]	1/10/24
Zewel Wiggill	53 Erica Str	082 450 7976	[Signature]	1/10/24
Magda Burger	Kiekiebas Guest Farm	072 893 2009	[Signature]	01/10/24
Naomi Viers	10/11/120 Seunbesse	084 412 5577	[Signature]	01/10/24
Itannelie Cordier	30 Sarel Cilliers Sedgelyd	071 886 7608	[Signature]	01/10/24
Sanette Kru	24 The Waves Sath	072 637 2322	[Signature]	01/10/24
Dawab Gounain	2117 Constantia Ave	083 251 8401	[Signature]	01/10/24
DAVID Y GELDFAIN	12 LAZAR WATERSIDE	083 468 4668	[Signature]	01/10/24
Amazougui Hadia	Lake Road 648 Wilderness	079 863 4462	[Signature]	03/10/24
Smets Yel	"	079 863 3715	[Signature]	03/10/24
Cathy Corstius	715 North Str.	084 681 9933	[Signature]	03/10/24
ELMOR WEO	682 THIRD AVE.	082 455 8165	[Signature]	03/10/24
Brian BARLETT	699 THIRD AVE	066 314 2699	[Signature]	03/10/24
Ian Summers	Beacon Rd Wilderness	083-2517417	[Signature]	03/10/24
RICHARD PRETORIUS	WILDERNESS MILKWOOD	082 452 4372	[Signature]	03/10/24
Isaac Rodriguez	644 Lohse rd	051 824 8851	[Signature]	03/10/24
Jen-Dara Glogauer	Watsonia rd, Wilderness	071 244 5852	[Signature]	03/10/24
Marius Erlank	Bergstr. 12 Vredenburg	076 470 9142	[Signature]	03/10/24
Elna Erlank	Bergstr. 12 Vredenburg	076 470 9142	[Signature]	03/10/24

GEORGE MUNICIPALITY

HUMAN SETTLEMENT, PLANNING & DEVELOPMENT

WITH REGARDS TO ERF 243 – WILDERNESS (The Common)

Petition Against Application:

REMOVAL OF RESTRICTIVE TITLE DEED CONDITION TO ALLOW FOR RESTRICTIVE ACCESS ON PORTIONS OF ERF 243, WILDERNESS (known as "the Common"). NOTICE FROM GEORGE MUNICIPALITY ATTACHED - REFERENCE 3610408

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If you oppose any changes being made to the existing structure and would like the municipality to withdraw the application in its entirety, please complete the form below and sign in full where indicated.

Name	Address	Email/Phone	Signature	Date
Stephen Olsen	62B High Street, London, N8 7NX	stephen@olsen.so		01/10/24
Giorgia Bacco	62B High Street, London, N8 7NX	giorgia.bacco@gmail.com		01/10/24
TABER ALTHAU'S	AM BOTANISCHEN GARTEN 68, 50735 COLOGNE	Taber-althaus@t-online.de		03/10/24
SAIKIA	Bachhausstr. 170	al.saskia@yahoo.de		03/10/24
Maxim Willems	694 360 Ave. Wilkes	maximwillems@proton.me		3/10/24
Nic Olsen	Pin 77/183 Fosholm, Kysen	Nico@x-dan.co.za		3/10/2024
Cara-Lu Graham	9 Tarka Close	cara_lu@gmail.com		3/10/2024
Johannes Gubler	4 Kanarie, Sedgefield	johannes.gubler@mac.com		3/10/24
Jacques Joubert	606 2nd Ave. Wilderness	j.joubert@mvb.co.za		3/10/24
James Hann	367 Katerside Rd	h.h.wilderness.co.za		3/10/24
Glen Linsay	363A Wateridge Road	info@movefitness.co.za		3/10/24
Glen Linsay	354 Krantz Lane	glenmr2203@gmail.com		03/10/24
Glen Linsay	1983 Young Terrace	glenlindsay@gmail.com		04/10/24
Anton Verdaan	1200 Frederic Ave. Wild	anton@jvwla.com		04/10/24
Anthony Burns	1 Town River Rd	anthonyburns197@gmail.com		04/10/24
JOHAN EKSTEEN	PLOT 11, ELANDSKRAAL	dot.johan.eksteen@gmail.com		04/10/24
KAREN LAMERS	326 ORICA RD, WILDER	karen.lamers@gmail.com		4/10/24
JC WATSON	0829062339	JC@RWAARCHITECTS.CO		04/10/24
SYLVIA WATSON	0822109206	sylna@rwararchitects		04/10/24
P.C. CH/ELC	0826826338	pch@botan.com		4/10/24
	2103 Fynboslot			

P10

2.

GEORGE MUNICIPALITY

HUMAN SETTLEMENT, PLANNING & DEVELOPMENT

WITH REGARDS TO ERF 243 – WILDERNESS (The Common)

Petition Against Application:

REMOVAL OF RESTRICTIVE TITLE DEED CONDITION TO ALLOW FOR RESTRICTIVE ACCESS ON PORTIONS OF ERF 243, WILDERNESS (known as "the Common"). NOTICE FROM GEORGE MUNICIPALITY ATTACHED – REFERENCE 3610408

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If you oppose any changes being made to the existing structure and would like the municipality to withdraw the application in its entirety, please complete the form below and sign in full where indicated.

Name	Address	Email/Phone	Signature	Date
Adrian Roff	686 Lake Road	roff.adrian@gmail.com	ARoff	06/10/24
Peter Kosloff	53 GOLF PARK	p.kosloff@gmail.com	PK	06/10/24
VAL KOSLOFF	"	"	val	06/10/24
P. THOMAS	191 MAURELUSO AVE	Paul@bureau.co.za	Paul	06/10/24
D. THOMAS	10 SIMONA DRIVE	david@choletsa.co.za	D	06/10/24
A ROUNNIE	19 MAURELUSO AVE	simy@bureau.co.za	simy	06/10/24
R. EVANS	683 3 rd AVE	robsonevans@gmail.com	Rob	07/10/24
M LAMMERS	726 LAKE ROAD	lammers@mweb.co.za	ML	07/10/24
J GIBBS	643 LAKE RD	JENNIFER@IARICA	J	08/10/24
K Neumann	700 3 rd Ave	0617056959	K	08/10/24
H. Remels	635 1 st Ave	0824106246	H	08/10/24
R WESSON	687 LAKE ROAD	0827878823	R	08/10/24
BDANKS	707 LAKE RD	0731406790	B	09/10/24
DAVID	707 LAKE RD	0734396289	D	09/10/24
Megan Oosthuizen	704 Lake RD	0737123679	M	09/10/24
Josua De Vos	704 Lake RD	0734631352	J	09/10/24
ROSE BARTLETT	699 3 rd Avenue	0722472729	R	09/10/24
Corline Roff	685 Lake Rd	0833682689	C	09/10/24
Antony Roff	685 Lake Rd	0805340459	A	09/10/24
Sina Malone	474 10 th Avenue	0836011458	S	09/10/24

5.

[illegible]

Fwd: Objections to removal of restrictive title deed for portion of Erf 243 Wilderness & Notice No. HSo29/2024

From Nicholas Cole <earthwoodafrica@gmail.com>

Date Wed 16 Jul 2025 14:23

To Amelia Lombard <Alombard@george.gov.za>; Marisa Arries <Marries@george.gov.za>

 1 attachment (575 KB)

Wilderness Commonage Erf243_ NS Cole.pdf;

Caution: External email. Avoid links or attachments unless sender is trusted.

PLEASE NOTE THAT THE VIEWS IN THIS EMAIL ARE MY OWN AND NOT THAT OF THE ORGANISATION I REPRESENT

Hi

Please find my original objection to the removal of restrictive title deed for portion of Erf 243 Wilderness.

In light of the meeting that was held at the Fairy Knowe hotel on Thursday 3rd July 2025 I would like to lodge my objection to any 'improvements' that might be considered on the Wilderness Common such as but not excluding;

- (i) ablution facilities,
- (ii) permanent parking areas, so paved or demarcated parking areas,
- (iii) temporary parking in season, specifically where not approved and not ringfenced to a time period.
- (iv) braai and other recreational facilities that may come under consideration.

The 'common' as it stands now **MUST** be properly demarcated and 'municipal creap' not be tolerated. One would hope that the Municipality will uphold the ethos and will of the Wilderness community.

The concept that Mr Charl Jacobs, Chairman, of Wilderness Ratepayers representing the community is misleading as currently WRRRA is broadly deemed by residence not to hold the communities interest at heart. This was echoed in his words at that meeting 'if you not a member of WRRRA you not a ratepayer in Wilderness' and that he, as in WRRRA, does not consult with the property owners of Sands Road and Waterside Drive as he stated. I am a property owner in Sands Road and for the length of time I have lived on the property (close to 18 years) WRRRA nor Mr Jacobs has never consulted or contacted us.

Further, the fact that Ms. S Burger is the 'Public Safety' representative is fascial as she is 'entwined' with Wilderness Defense Force. Owned by Mr Jacobs and other associates who develop unscrupulously in Wilderness.

I mention this as I have a deep concern that the voices of objection to developments around Wilderness are seemingly been watered down in WRRRA representation to the George Municipality. Therefore, I would like to be considered as an 'interested and effected party' in the matter of the removal of the restrictive title deed for Erf243 Wilderness or a portion thereof. So please send me what WRRRA proposes as a community 'way-forward' for this particular Erf. It was mentioned at that meeting private citizens are also allowed to observe 'tribunal' decision making' on relevant matters. Please can I also be notified of when and how one can be an observer on this specific matter.

Kind Regards
Nicholas Cole

Sent: Monday, October 7, 2024 7:32 AM

To: marries@george.gov.za <marries@george.gov.za>

Subject: Objections to removal of restrictive title deed for portion of Erf 243 Wilderness,

Dear Marissa

PLEASE NOTE THAT THE VIEWS IN THIS EMAIL ARE MY OWN AND NOT THAT OF THE ORGANISATION I REPRESENT.

Please finds attached a letter of our objection against the proposed removal of restrictive deeds for the Wilderness Common (Erf 243).

Please confirm that you have received this email and its attachment.

Regards

Nicholas Cole

Cell: 083 556 2801

Please protect our Common: Why the Removal of the Restrictive Title Deeds related to the Wilderness Common (Erf 234) Must Remain Unchanged

This letter voices our objections to the proposed removal of restrictive title deed for portion of Erf 243 Wilderness, we hope the facts, base on peer reviewed research in ecological psychology and climate change related to urban open space, below provides some background information. We sincerely hope that this will inform your decision-making. Please just be aware that your decisions and the consequences there of may impact on the well-being on both the community and our built environment.

The Wilderness Common (Erf 243-hereafter referred to as the Common) has been a central part of the community since the early 1900s. Originally known as 'the green,' it served as the main access point to the village until the opening of the N2 in 1952. Many long-term residents, now in their 80s and 90s, recall using the Common for various activities. The Common remains a focal point for the community. Today, the Common is a lively space for dog walkers, paragliders in training, yoga and Pilates practitioners, soccer practice, family picnics, worship groups, and people simply enjoying village life.

In the last 100 years the village has transformed from a small community accessed from the '7 Passes' road via Whites Road to a busy coastal town transected by a national road that forms a major through route of the Garden Route. The village has seen unscrupulous and often unregulated development over the last 20 years, maybe more. Prime examples being Constantia Kloof, Sands Road and the coastal frontage eastwards and more lately the almost inaccessible areas along Whites Road. Though development is inevitable such unprecedented development as changed the character of Wilderness, whittling away at the natural splendor of the indigenous forests, coastal flats and wetlands and the dune front. Developing the steep south facing slopes, building within the flood plain and disrupting the natural barrier of the foredunes exposes Wilderness and, its community, to climate change. The village is transforming and mostly without consideration of environmental and human health.

Studies have shown the importance of 'blue space', here in Wilderness; the lagoon, Touw River and the lakes system, and 'green space' of which parks or 'commons' are, along with indigenous forests and milkwood thickets' and reed beds. Yu et al. (2020) identified blue-green spaces important mitigators of climate change. Their research identified that blue-green space in urban areas are important regulators of urban heat islands (UHI), mitigating climate change as well as benefiting human health. Due to rapid urbanisation and climate change the UHI effect is a predominant phenomena of urban areas globally.

Open spaces, especially in urban areas, are important areas for human wellbeing (Reyes-Riveros et al. 2021) . There is a strong link between human health with sense of community. There is an equally strong link between the quality of urban open spaces, such as the common, and sense of community, cross-link that between human health and the importance of blue-green space is irrefutable (Francis et al 2012). Studies have demonstrated the link between mental health and access to, and recreating in 'the natural world', which includes urban open spaces such as the common, provide crucial social benefits (White et al. 2021). Urban open spaces facilitate ecosystem services (Pinto et al. 2022) that benefit not only local communities but also disjunct communities, such as Wilderness Heights, Hoekwil, Klienkrantz and George.

The rezoning of the common places the whole ambiance of Wilderness village at risk, this cascades into the ecological health of the villages environment, the economy of the village and, importantly, the health, physical and mental, of the community and those who travel through. Please protect 'your' village common by making a wise and informed decision for the benefit of the community not one small component of our community.

A handwritten signature in blue ink, appearing to read 'N. Cole & L. Wigley', with a stylized circular mark to the left.

Nicholas Cole and Liza Wigley

24 Sands Road, Wilderness

083 556 2801.

References

Reyes-Riveros, R., Altamirano, A., De La Barrera, F., Rozas-Vásquez, D., Vieli, L. and Meli, P., 2021. Linking public urban green spaces and human well-being: A systematic review. *Urban forestry & urban greening*, 61, p.127105.

Yu, Z., Yang, G., Zuo, S., Jørgensen, G., Koga, M. and Vejre, H., 2020. Critical review on the cooling effect of urban blue-green space: A threshold-size perspective. *Urban forestry & urban greening*, 49, p.126630.

(<https://www.sciencedirect.com/science/article/pii/S1618866719302572>)

Francis, J., Giles-Corti, B., Wood, L. and Knuiman, M., 2012. Creating sense of community: The role of public space. *Journal of environmental psychology*, 32(4), pp.401-409.

White, M.P., Elliott, L.R., Grellier, J., Economou, T., Bell, S., Bratman, G.N., Cirach, M., Gascon, M., Lima, M.L., Lõhmus, M. and Nieuwenhuijsen, M., 2021. Associations between green/blue spaces and mental health across 18 countries. *Scientific reports*, 11(1), p.8903

Pinto, L.V., Inácio, M., Ferreira, C.S.S., Ferreira, A.D. and Pereira, P., 2022. Ecosystem services and well-being dimensions related to urban green spaces—A systematic review. *Sustainable Cities and Society*, 85, p.104072.



Wilderness Ratepayers and Residents Association

PO Box 10, Wilderness, Western Cape, South Africa, 6560

info@wrra.co.za www.wrra.co.za

Established 1971

The Municipal Manager
George Municipality
GEORGE

Amelia Lombard alombard@george.gov.za
Delia Power dpower@george.gov.za
Clinton Petersen cpetersen@george.gov.za
Marlene Barnardt mviljoen@george.gov.za

2024-10-29

Dear Sir/Madam,

APPLICATION FOR REMOVAL OF TITLE CONDITIONS : ERF 243 WILDERNESS, GEORGE MUNICIPALITY & DIVISION

We refer to the application for the following :

APPLICATION

Land Use Application

Application for the Removal, in terms of Section 15(2)(f) of the Land Use Planning By-Law for George Municipality (2023), of restrictive title deed condition (B) contained in Title Deed T59963/1984 of Erf 243, Wilderness that reads as follows:

“SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

“The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereafter defined) for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the PARK and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.””

Background Information

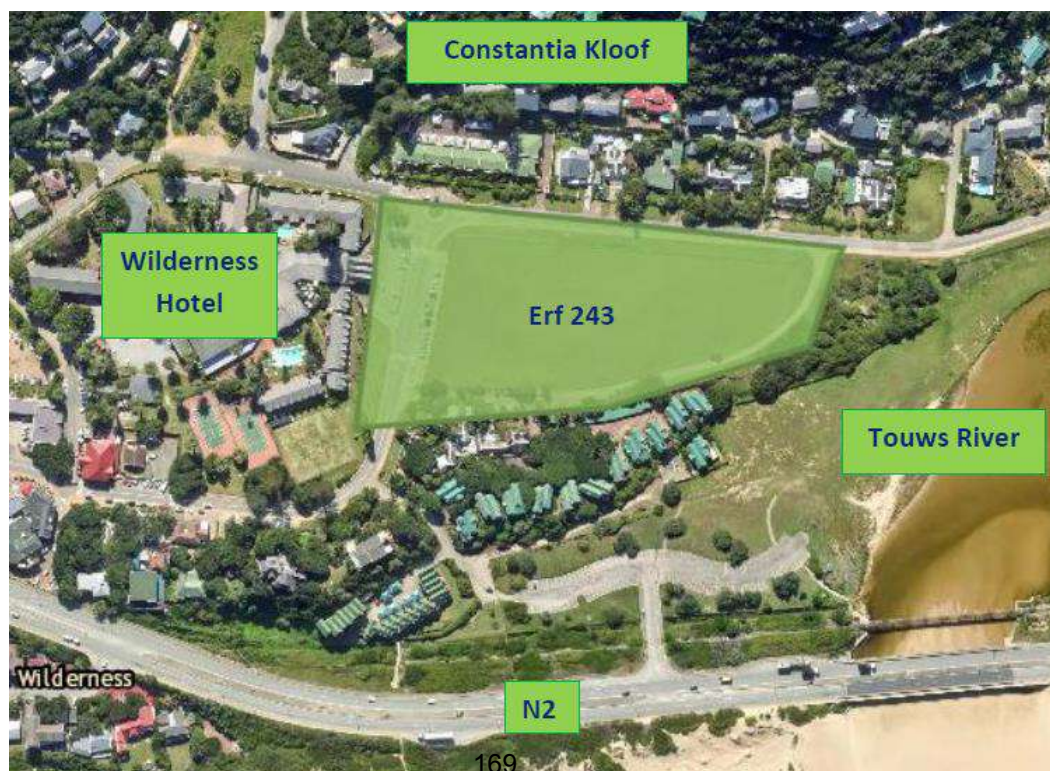
The subject property is zoned “Open Space Zone II” for public open space purposes, and has been utilized as an events venue since 1997. There is a track record of several council decisions and lease agreements stating that the Park could be used for events throughout the years for festivals, events, and additional parking. Erf 243 Wilderness has therefore been used for several types of events for 27 years especially in the summer months when tourism increases.

The Council Resolution dated 25 July 2024 states that a portion of the road reserve on Erf 243 (directly abutting Erf 2081) is to be leased to the owner of Erf 2081, for outdoor seating. The Council resolution was subject to the restrictive title deed conditions be waived to allow for the leasing of the land. WRRRA is totally opposed to the council resolution which was taken, as this resolution should only have been taken post a public participation process.

With regards to the proposed removal of the restrictive title deed conditions (see above), we object thereto as :

1. **Lack of Evidence for Tourism Impact:** No substantiation has been provided that using the property for events will boost domestic or international tourism.
2. **Economic Contribution Unproven:** There is no demonstrated connection that lifting the title restrictions will contribute to the tourism and enhancing the economic vitality of Wilderness.
3. **Successful Past Usage:** Erf 243 has been effectively used for outdoor events for many years without negative consequences, adhering to municipal standards.
4. **Historical Compliance:** Previous events held on Erf 243 have not raised concerns, indicating that current regulations are sufficient.
5. **Proposed Deletion of Specific Restriction:** WRRRA suggests that the following title restriction should be removed :
“During the progress of any building operation any owner as hereinafter defined, or his Contractor shall be allowed to graze his draught animals in THE PARK for such time – not exceeding two hours in any one day – as is necessary to afford them rest.”
All other title restrictions should remain as they are.
6. **Subdivision for Long-Term Leasing:** If portions of Erf 243 are to be leased to any individual, company, trust, etc, for a long period of time, then WRRRA advocates for subdividing these areas and assigning them new erf numbers to maintain clarity and control.
7. **New Title Conditions:** As per 6, any newly subdivided areas should have new title restrictions that reflect the intended use and be subject to input from interested and affected parties (I&APs).
8. **Retention of Current Title Restrictions:** The remainder (post subdivision) of Erf 243 should continue to serve as an events venue under the existing slightly altered title conditions, which can help ensure compliance with municipal standards.

WRRRA will be submitting a separate letter with comments pertaining to the leasing of a portion of erf 243 Wilderness.





D&A Financial Planning CC
1995/003147/23 FSP no.: 6619
Authorised Financial Services Provider
361 Waterside Road, Wilderness 6560
082 410 2740
dolsen@dandagroup.co.za

15 July 2025

The Manager
GEORGE MUNICIPALITY

Attention: Amelia Lombard

Dear Sir/Madam,

PROPOSAL TO MAKE CHANGES TO THE TITLE DEEDS OF ERF 243 WILDERNESS ("Common")

Ref: 3610408

PROPERTY OWNER – 362 WATERSIDE ROAD, WILDERNESS

We, the undersigned owners of the above property in Wilderness, hereby wish to place on record our objection to any changes proposed by the George Municipality ("GM") i.t.o the Title Deeds of Erf 243. The Common was donated to the GM and we have fond memories of enjoying this public space over many years.

Furthermore, we do not agree to the manner and approach that the GM is taking to have changes made to the Title Deeds of the Common. In our view, the GM's purpose is to convert the Common into a PROFIT MAKING ENTITY, which is illegal and not acceptable by the general public and residence of Wilderness at large.

In addition, we have recently come to understand that the main purpose of the changes is to allow for the **GM to lease out property** which forms part of the Common. Our biggest concern is what will happen to this open space in the future..... Our problem is that of mistrust and the decisions made by a few people in the GM who will probably not be around to see the results of what they had started.

We sincerely appeal to the GM to stop all applications and proposals. Surely the general public needs to have a full understanding and be informed of what is being proposed.

Please forward all correspondence to dolsen@dandagroup.co.za

Your faithfully,

Derrick Olsen
Member

Anna Olsen
Member

Members: DM Olsen B Comm, CAIB(SA) CFP, AE Olsen



VAT No. 4630193664
P.O. BOX 19 GEORGE, 6530
(044) 801-9111 086 589 6402
EMAIL: accounts@george.gov.za

Page: 1 of 1

GEORGE MUNICIPALITY Tax invoice

EMAIL

GRG 1002193310



D & A FINANCIAL PLANNING CC
362 WATERSIDE RD
WILDERNESS
6560

STATEMENT DATE	24/06/2025
TAX INVOICE NO.	12235082
ACCOUNT NO.	GRG 1002193310
RECEIPTS POSTED TILL	23/06/2025
GUARANTEE / DEPOSIT	0 / 900.00-
SUBURB	51 362 00001
VALUATION	3260000
SITE ADDRESS:	WATERSIDE ROAD
DEBTS DUE BY TENANTS	0.00
CLIENT VAT NO.	

SERVICE	OPENING BALANCE	RECEIPTS	CHARGE	INTEREST	ADJUSTMENTS	VAT	CLOSING BALANCE
	513.37	-513.37	446.41	0.00	0.00	66.96	513.37
	1,390.68	-1,390.68	882.86	0.00	0.00	132.43	1,015.29
	360.82	-360.82	313.76	0.00	0.00	47.06	360.82
	1,564.75	-1,564.75	1,564.75	0.00	0.00	0.00	1,564.75
TOTAL	3,829.62	-3,829.62	3,207.78	0.00	0.00	246.45	3,454.23

OFFICE HOURS

08H00 -15H30 MONDAY - FRIDAY
EXCLUDING PUBLIC HOLIDAYS

PAY POINTS

MUNICIPAL OFFICES: GEORGE,
UNIONDALE, HAARLEM,
POST OFFICES, PICK 'N PAY, SPAR,
PEP STORES AND EASYPAY POINTS
COUNTRYWIDE.

MESSAGE

PLEASE NOTE THAT YOUR
ACCOUNT NUMBER, MUST BE
PROVIDED AT ALL TIMES, WHEN
YOU LODGE ANY ACCOUNT QUERY,
OR REQUEST A DUPLICATE
ACCOUNT STATEMENT.

Attention all consumers

UPDATE YOUR DETAILS HERE

It is the responsibility of each and every consumer to enquire from the municipality if no account is delivered before the due date. Enquiries with regards to accounts can be made with the following options:

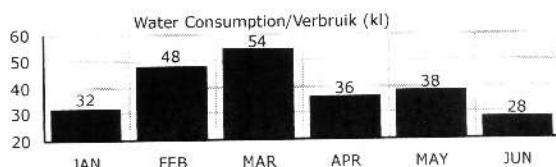
1) Email: Accounts@george.gov.za

2) Telephone: (044) 801 9111

Thank you.

TOTAL VAT	ARREAR/ADVANCE	CURRENT	PAYMENT DATE		AMOUNT DUE	
R246.45	R0.00	R3,454.23	15/07/2025		R3454.23	
	FUTURE	CURRENT	30 DAYS	60 DAYS	90 DAYS	90 DAYS +
MONTHLY	0.00	3454.23	0.00	0.00	0.00	0.00
ANNUAL	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	0.00	3454.23	0.00	0.00	0.00	0.00

Water:1402	Cons/Days N	33				
Water:1402	Basic New	1	259.52	298.45	38.93	
Water:1402	0-6 New	6	15.35	105.92	13.82	
Water:1402	6-15 New	9	18.24	188.78	24.62	
Water:1402	15-20 New	5	24.44	140.53	18.33	
Water:1402	20-30 New	8	30.61	281.61	36.73	
Elec Prepaid Basic	Domestic	04148595707	60	446.41	513.37	66.96



PAID
14/7/2025

Log & report faults, pay municipal bills, submit self-meter readings and more with the My Smart City App. Become a part of the Improvement Movement with George and My Smart City. Improve your city. Be part of the change. Download the app now!

PAYMENT DETAILS

ACCOUNT: GRG 1002193310
ACCOUNT NUMBER: 1002193310

ALLOCATION: 0118

Smart Water Meter

UniPay

My Smart City

FNB
BRANCH CODE: 210554
ACCOUNT NUMBER: 62869623150
9153 0000 0100 2193 3100

Post Office
Pick n Pay
SPAR
ACKERMANS
SHOPRITE
Checkers
Usave
unipay

Tp.	Meter No.	Previous	New Reading	Factor	Consumption	Period	Daily Aver.
W	375	8705	8733		28.000	23/04-26/05	.84

CORRESPONDENCE re OBJECTIONS & COMMENTS re REMOVAL of RESTRICTIVE TITLE DEED CONDITION on Erf 243 Wilderness

1. 7 FEBRUARY 2025

From: Delia Power <Dpower@george.gov.za>

Sent: Friday, 07 February 2025 1:18 pm

To: Kurt Paulse <kpaulse@george.gov.za>

Cc: Marlene Viljoen <mviljoen@george.gov.za>; Garfield Goetham GGOETHAM@GEORGE.GOV.ZA>;

Michelle Jordaan <mjordaan@george.gov.za>; Donald Gelderbloem

Dmgelderbloem@george.gov.za>; jan@heyneke.net; Rozain Hansen <Rhansen@george.gov.za>

Subject: FW: **OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024**

Hello Kurt,

This request related to a request for access to information related to the item tabled before Council regarding the lease of the attached portion.

The applicant is of the view that given the fact that the Council meeting is open, they are entitled to gain access to the agenda, which is not made public. The public only has insight into the decision.

We did explain that there is personal information of the applicants included in the annexures submitted and may not be released without their consent. The complainant however interprets the law differently.

Kindly arrange for a discussion with Mr Heyneke and include Donnie in the meeting.

Kind regards

DELIA POWER

Deputy Director: Planning and Environment

Directorate: Human Settlements, Planning & Development

>>>>

From: Marlene Viljoen <mviljoen@george.gov.za>

Sent: Friday, 07 February 2025 10:19

To: jan@heyneke.net; Delia Power <Dpower@george.gov.za>

Cc: Garfield Goetham <GGOETHAM@GEORGE.GOV.ZA>; Timothy Craak <tcraak@george.gov.za>;

'Roy Marcus' <roy@thecollab.co.za>; 'Charles Scott' <cascott@langvlei.co.za>; ckcatwilderness

<ckcatwilderness@gmail.com>

Subject: RE: **OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024**

Hallo Mr Heyneke & Delia

I take note of your request. I am copying in the Acting Director of Planning, Delia Power in this request. We will revert back once the request to set up a meeting has been discussed with the Legal Section.

Thanks

MARLENE

>>>>

From: jan@heyneke.net <jan@heyneke.net>

Sent: 05/02/2025 21:43

To: Marlene Viljoen <mviljoen@george.gov.za>

Cc: Garfield Goetham <GGOETHAM@GEORGE.GOV.ZA>; Timothy Craak <tcraak@george.gov.za>; 'Roy Marcus' <roy@thecollab.co.za>; 'Charles Scott' <cascott@langvlei.co.za>; ckatwilderness <ckcatwilderness@gmail.com>

Subject: RE: OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024

Dear Cllr Viljoen

Following from the meeting earlier this week, where I was once again told that I cannot have copies of documents from an 'Open' Council Meeting, I request that **you arrange a meeting for myself with your municipal legal officer(s).**

The main purpose of the requested meeting would be to:

1. Obtain a copy of the George Municipality's document submitted to the Minister, describing —
 - (a) the categories of records that are automatically available without a person having to request access in terms of the Act, including such categories available—
 - (i) for inspection in terms of legislation other than this Act;
 - (ii) for purchase or copying from George Municipality; and
 - (iii) from George Municipality free of charge; and
 - (b) how to obtain access to such records, specifically as per **Promotion of Access to Information Act. 2000**, as I find none of this information on the George Municipality's website.
2. Discuss the CKC 's letter of 8 October 2024 re this matter, in which various legal matters are raised, and to which no response has yet been received.

Kindly ensure that the legal officer(s) is/are fully informed re the background and purpose of the requested meeting.

Thanks and regards

Jan Heyneke

Wilderness

>>>>

From: Timothy Craak <tcraak@george.gov.za>

Sent: Thursday, 28 November 2024 12:38 pm

To: jan@heyneke.net

Cc: Garfield Goetham <GGOETHAM@GEORGE.GOV.ZA>; Marlene Viljoen <mviljoen@george.gov.za>

Subject: RE: OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024

Good Day Sir

You are 100% correct as our policy does not stipulate the various records available and our Legal Office is current reviewing the policy.

Kind regards and apology for any inconvenience.

Timothy Craak

Manager Records and Telecommunications

Corporate Services: Admin

2. 14 APRIL 2025

From: jan@heyneke.net <jan@heyneke.net>

Sent: Monday, 14 April 2025 1:10 pm

To: 'Sean Snyman' <ssnyman@george.gov.za>; 'ckyd@george.gov.za' <ckyd@george.gov.za>

Cc: 'Tracy Du Plooy' <Tlduplooy@george.gov.za>; 'Tamuka Jemwa' <TJemwa@george.gov.za>; 'mviljoen@george.gov.za' <mviljoen@george.gov.za>

Subject: RE: **OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024**

Dear Cllr Snyman and Cllr Kyd

I refer to the emails below, as well as some correspondence with your legal department, and others.

Again I have to state:

I do not object to the *status quo*, i.e. the historical use of a small piece of the COMMON (Erf 243) by the restaurant adjacent, only on the '*how to legalise this*', and I have verbally and in writing proposed sub-division as an alternative. I have also offered to co-operate to achieve an outcome acceptable to the Wilderness community.

I wish to raise three issues:

1. **Response to letter of 8 October 2024:** Our letter of 8 October 2024 (again attached) objecting in the first instance to the Council Resolution of 25 July 2024, has never had a formal response, in spite of a response being promised on 8 October 2024 and again on 6 November 2024.

Admittedly I have been involved in several meetings with members of George Municipality's staff, but not in any instance was a finite response given to our comments and objection as detailed in our letter of 8 October 2024. Rather, at one meeting we were told that our objections will be rejected by a Tribunal -- how such knowledge is already known, unclear.

May I request a response, please ?

2. **Public Support:** I find no evidence of general support from Wilderness residents. I am aware that the WRRRA and WALEAF objected, as well as a number of residents. Minutes of a Ward Committee meeting of 9 September 2024, at which only four committee members were present, reflects :

3. STATEMENT(S) BY CHAIRPERSON

3.1 SANRAL – ROADWORK ON N2

- Cllr. Barnardt attended a meeting with SANRAL regarding the roadwork on the N2 between Wilderness and George.
- SANRAL indicated that the current operations will stop middle December and resume January 2025.
- SANRAL appointed a resident of Wilderness (Ms. Vanessa Hau- Woon) to operate as a liaison officer between SANRAL and the residents of Wilderness. Her role will be only as a communication channel.

3.2. WILDERNESS COMMON

- The Municipality put up a notice on the Common regarding the Title Deed Restriction on the Common that needs to be removed.

There is no record of any discussion on the issue of the COMMON. Although clause 55 in the Land-use Planning By-law, viz. "*Copies of all comments and other information submitted to the Municipality must be given to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of his or her rights in terms of this section*" is not applicable to the public submitting comments, it would appear as prudent in a sensitive case like this to share such information with all who did submit comments, and in general with the residents/ratepayers of Wilderness. As mentioned, I am aware of numerous objections, and although some support for the removal of the restrictive title deed clause may exist, I am personally not aware of any.

May I request, as a matter of transparency, that copies of all comments received, are shared ?

3. **Request for information:** I still await the Agenda for the Council Meeting of 25 July 2024 and the report dealing with this matter. As now repeatedly pointed out, GM does not comply with the PAIA :

Voluntary disclosure and automatic availability of certain records

15. (1) *The information officer of a public body, referred to in paragraph (a) or (b)(i) of the definition of “public body” in section 1, must, on a periodic basis not less frequently than once each year, submit to the Minister a description of—*

(a) the categories of records of the public body that are automatically available without a person having to request access in terms of this Act, including such categories available—

(i) for inspection in terms of legislation other than this Act;

(ii) for purchase or copying from the body; and

(iii) from the body free of charge; and

(b) how to obtain access to such records.

I believe documentation associated with a Council Meeting open to the public, falls into this category, as clearly demonstrated by our leading WP city, City of CapeTown :

[https://resource.capetown.gov.za/documentcentre/Documents/Procedures,%20guidelines%20and%20regulations/PAIA Annexure B Categories of Records.pdf](https://resource.capetown.gov.za/documentcentre/Documents/Procedures,%20guidelines%20and%20regulations/PAIA%20Annexure%20B%20Categories%20of%20Records.pdf)

NOTE on page 8:

All agendas and minutes of open meetings of Council and its committees, including agendas and minutes of open meetings of the Executive Mayor and Mayoral Committee (Mayco) are published to the City's external website and are automatically accessible by members of the public.

I have been advised by members of GM personnel that I must submit an 'application' :-

Please note that in terms of the Promotion of Access to Information Act 2 of 2000, an **application** must include the following supporting documentation: etc, etc

In the PAIA Act 2 of 2000 the word “application” is defined as “means an application to a court in terms of section 78;

As previously indicated, I have no intention to go to court on such a simple matter.

May I once again request a copy of the 25 July 2024 Council Meeting Agenda including the 'report'?

Kind regards
Jan Heyneke
Wilderness
>>>>

From: jan@heyneke.net <jan@heyneke.net>

Sent: Wednesday, 27 November 2024 10:07 am

To: 'Sean Snyman' <ssnyman@george.gov.za>

Cc: 'Tracy Du Plooy' <Tduplooy@george.gov.za>; 'Tamuka Jemwa' <TJemwa@george.gov.za>;

'ckcatwilderness' <ckcatwilderness@gmail.com>; 'mviljoen@george.gov.za'

<mviljoen@george.gov.za>

Subject: RE: **OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024**

Dear Councillor Snyman

Far as I can establish, Council Meeting of 25 July 2024 was not declared a "Closed Meeting". A report which served before that specific Council meeting is thus in the public domain.

May I again request a copy of the report as per item 8.4.5 refers:

(a) That Council TAKE NOTE of Regulation 36 of the Municipal Asset Transfer Regulations

listed in the report and CONFIRMS that the factors listed have been taken into account in considering the proposed lease;

Regards from Wilderness,
Jan Heyneke
Chair



From: Tamuka Jemwa <TJemwa@george.gov.za>

Sent: Wednesday, 06 November 2024 6:40 pm

To: jan@heyneke.net; ckatwilderness <ckatwilderness@gmail.com>

Cc: Sean Snyman <ssnyman@george.gov.za>; Tracy Du Plooy <Tlduplooy@george.gov.za>

Subject: RE: **OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024**

Good day Mr. Heyneke

Your correspondence to the Speaker dated October 25, 2024, refers.

Please note that the matter is receiving the necessary attention, and a response will be forthcoming in due course.

Your patience is appreciated.

Many thanks

Kind regards **(OBO)**

Councillor Sean Snyman

Speaker George Municipality

From: jan@heyneke.net <jan@heyneke.net>

Sent: Friday, October 25, 2024 3:38:27 PM

To: Sean Snyman <ssnyman@george.gov.za>

Cc: Tracy Du Plooy <Tlduplooy@george.gov.za>; ckatwilderness <ckatwilderness@gmail.com>

Subject: FW: **OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024**

To: The Speaker, George Municipality

Dear Mr Snyman,

In the extract (attached) of the Council Meeting of 25 July 2024, item 8.4.5 refers in paragraph (a) :

(a) That Council TAKE NOTE of Regulation 36 of the Municipal Asset Transfer Regulations listed in the report and CONFIRMS that the factors listed have been taken into account in considering the proposed lease;

Requests to officials for the **report** or in fact, the full agenda (which I assume would include this report) was answered that I need to apply to get this info (PAIA). I believe this type of

information is not subject to PAIA, unless it was a Closed Council Meeting, which I believe it was not.

May I now request a copy of the report, on which the Resolution was based to in fact lease part of erf 243, although no-where mentioned in this extract titled IN PRINCIPLE APPROVAL ON AN APPLICATION TO LEASE A PORTION OF THE OWEN GRANT STREET ROAD RESERVE SITUATED NEXT TO ERF 2081 WILDERNESS FOR OUTDOOR SEATING FOR THE PALMS RESTAURANT [6.1.5]

Thanks,
Regards from Wilderness,
Jan Heyneke

3. 15 APRIL 2025

From: jan@heyneke.net <jan@heyneke.net>

Sent: Tuesday, 15 April 2025 1:37 pm

To: 'Delia Power' <Dpower@george.gov.za>; 'Chantell Kyd' <ckyd@george.gov.za>

Cc: 'Henriette Koch' <hkoch@george.gov.za>; 'Sean Snyman' <ssnyman@george.gov.za>; 'Tamuka Jemwa' <TJemwa@george.gov.za>; 'Kurt Pause' <kpause@george.gov.za>; 'Keith Meyer' <Kbmeyer@george.gov.za>; 'Donald Gelderbloem' <Dmgelderbloem@george.gov.za>; 'ILANE HUYSER' <ihuyser@george.gov.za>; 'Marlene Viljoen' <mviljoen@george.gov.za>; 'Post Collaborator' <post@george.gov.za>; 'Charles Scott' <cascott@langvlei.co.za>; 'roy@thecollab.co.za' <roy@thecollab.co.za>

Subject: RE: OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024

Good afternoon Cllr Kyd and Ms Power

I sincerely appreciate the very rapid responses received to my mail of yesterday !!

I notice the generally positive content of the responses from Ms Power, and again commit to working with all to achieve an acceptable outcome to the issues re the Wilderness COMMON.

With specific reference to item iii) in the mail below, I wish to record that myself and representatives from WRRRA and WALEAF would welcome the opportunity to attend a Tribunal Meeting where this matter is debated and considered, and will appreciate timely notification.

Kind regards
Jan Heyneke
Wilderness
>>>>

From: Delia Power <Dpower@george.gov.za>

Sent: Monday, 14 April 2025 9:36 pm

To: jan@heyneke.net; Post Collaborator <post@george.gov.za>

Cc: Henriette Koch <hkoch@george.gov.za>; Sean Snyman <ssnyman@george.gov.za>; Tamuka Jemwa <TJemwa@george.gov.za>; Chantell Kyd <ckyd@george.gov.za>; Kurt Pause <kpause@george.gov.za>; Keith Meyer <Kbmeyer@george.gov.za>; Donald Gelderbloem <Dmgelderbloem@george.gov.za>; ILANE HUYSER <ihuyser@george.gov.za>; Marlene Viljoen <mviljoen@george.gov.za>

Subject: RE: OBJECTION Erf 243, Wilderness -REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, LEASE Notification No DPD 032/2024

Good day Mr Heyneke

- i. Your proposal for subdivision has been considered and addressed in the item to the Section 80 Committee, which item will serve before Council at the end of the month.
- ii. The response to your objection in respect of the application in terms of the MATR has been tabled to Council and you will receive the response once the item is resolved.
- iii. We alluded during our initial meeting that the comments received on the removal of restrictions are dealt with in terms of the Land Use Planning bylaw. It is evident that you have access to the bylaw, which does not make provision for distribution of comments by other parties among I&AP's. Transparency is upheld and standard protocol is followed as all comments will form part of the Tribunal agenda, which will be loaded on the Municipal webpages prior to the meeting and you will be notified of the date of the meeting. Once the Tribunal has passed its decision, you will be notified of the outcome. Note that the Tribunal is a public meeting, and you may request to attend the meeting, once you are notified of the date of the meeting.
- iv. Your statement concerning the position of the Tribunal regarding your objections is not within context. You were advised that the Tribunal will only regard objections that are relevant to the application and the true intent of the application and not assumptions of what objectors perceive to be a hidden intent.
- v. Your objection to following the PAIA process is noted, however the current policy dictates. Our Legal Services department has applied amendments to the policy, which will be in force once approved by Mayco.

Kind regards

DELIA POWER

Deputy Director: Planning and Environment

Directorate: Human Settlements, Planning & Development

4. 9 MAY 2025

From: Norine Mnyanda <Ntmnyanda@george.gov.za>

Sent: Thursday, 08 May 2025 4:18 pm

To: jan@heyneke.net; ckcatwilderness <ckcatwilderness@gmail.com>

Cc: Donald Gelderbloem <Dmgelderbloem@george.gov.za>

Subject: RE: **OBJECTION ON APPLICATION TO LEASE A PORTION OF OWEN GRANT STREET ROAD RESERVE SITUATED NEXT TO ERF 243 WILDERNESS**

Good day

Attached please find a letter regarding the outcome Council's decision regarding comments/objections received pertaining to the abovementioned application.

I trust that you will find this in order.

Kind regards

Norine Mnyanda

Principal Administration Officer: Investment Properties

Human Settlements, Planning and Development

>>>>

From: jan@heyneke.net <jan@heyneke.net>

Sent: Friday, 09 May 2025 5:26 pm

To: 'Chantell Kyd' <ckyd@george.gov.za>; 'Sean Snyman' <ssnyman@george.gov.za>; 'mayor@george.gov.za' <mayor@george.gov.za>

Cc: 'ckcatwilderness' <ckcatwilderness@gmail.com>; 'Norine Mnyanda' <Ntmnyanda@george.gov.za>; 'roy@thecollab.co.za' <roy@thecollab.co.za>;

'jacques.wessels@georgerpa.co.za' <jacques.wessels@georgerpa.co.za>; 'Charles Scott'
<cascott@langvlei.co.za>

Subject: RE: OBJECTION ON APPLICATION TO LEASE A PORTION OF OWEN GRANT STREET ROAD RESERVE SITUATED NEXT TO ERF 243 WILDERNESS

Dear Mayor von Brandis, Cllr Snyman and Cllr Kyd

I refer to the Council **Resolution 8.1.4 of 24 April 2025**, and which was forwarded per mail below.

I acknowledge receipt, how-ever do not find the outcome of Council's decision in order.

In terms of the **Promotion of Access to Information Act, 2000**, Chapter 1 and more specific Chapter 2, clause **15 Voluntary disclosure and automatic availability of certain records**, I request electronic copies of the **Agenda** for the Council Meeting of **24 April 2025**, the **report** from the **Section 80 Committee** dealing with the matter of **erf 243**, Wilderness and the **independent valuation of portions of Erven 1 and 243 Wilderness** (515m² in extent).

Some comments, but reserving my right to additional comments at any stage, the following:

- 1 There is no **The Girls on the BEACH Restaurant** in Wilderness, thus still not clear which entity is referred to in the Resolution 8.4.1;
- 2 Notice No **DPD 032/2024** was published quite clearly in terms of **MATR Clause 36(d)** – “any comments or representations on the proposed granting of the right received from the local community and other interested persons;” therefor **item (b)** of the resolution is incorrect as:-
 - a. no counteroffers would be entertained , as very clearly verbally advised by a GM official, in the presence of a witness;
 - b. when detail was requested to be able make a counter-offer was requested in writing, it was responded to by a GM official:
 2. The draft or proposed Lease Agreement
The proposed lease agreement will only be finalised after all the required processes are finalised.
 3. The terms and conditions applicable to submit an offer (proposal , counter proposal)
*The Council resolution clearly states that it should be for:
"the purpose of utilising the road reserves for outdoor seating purposes for a restaurant;"
A counter proposal must therefore be submitted on how this will be achieved.*
 6. The applicable B-BBEE model which will apply to counter proposals
This will be addressed should a formal tender process is required.
 - c. There is no reference in the Resolution of full compliance with MATR 36(d) (... any comments or representations...) as I for one clearly objected:
 - 4.1.1.4. We thus record our **objection** to Notice No **DRD 032/2024** and Ref No **3610408 LAND USE APPLICATION** PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION FOR ERF 243, GEORGE ROAD, WILDERNESS, and **request both to be withdrawn.**

I am aware of other objections.

- 3 **Item (g)** of Resolution 8.1.4 is misleading, I find no reference in earlier documents to **Erf 1**, in fact Resolution **8.4.5 of 25 July 2024** makes no reference to **Erf 243**. **Erf 243** is in excess **23, 000 sq m**, thus to make reference to the value of 515 sq m is misleading in suggesting the **portions** to be leased has been separately valued, for which I find no record nor mechanism on how to value a **portion** which will be used for commercial purposes vs the zoning of erf 243. Furthermore, Regulation 37 and 38 in the MATR

makes no provision for valuations of **portions** of assets. As requested above, please supply the independent valuation of the portions referred to.

- 4 **Item (h)** is confusing as elsewhere there is reference to Erf 1, yet now there is approval for leasing portion of erf 158/0. Also this sentence does not make grammatical sense, thus not clear what was resolved .
- 5 **Item (i)** seems to indicate that there has no survey yet been done, and so raise the question: How was a valuation determined on an undefined property?
- 6 **Item (j)** refers to '*building plans*' where-as Notice No DPD 032/2024 referred to '*outdoor seating*' --- it appears that the purpose has changed.

Based on the above, I request Council Resolution 8.4.1 of 24 April 2025 to be rescinded, or at a minimum, any action by GM official re this matter be put on hold until all matters have been fully addressed and clarified.

With reference to **Item (f)** , kindly ensure that the interested parties (IAPs) be informed when the Tribunal will meet, and kindly ensure that the IAPs be invited to attend.

As before, I state:

I do not object to the status quo, i.e. the historical use of a small piece of the COMMON (Erf 243) by the restaurant adjacent, only on the 'how to legalise this', and offer to co-operate to achieve an outcome acceptable to the Wilderness community.

I submit this writing in my personal capacity as a Wilderness resident and for more than 20 years, a ratepayer to GM.

I copy WALEAF (Mr Charles Scott), WRRRA (Dr Roy Marcus) and Constantia Kloof Conservancy as we have jointly attended meetings with GM officials re this matter, and also the chair of the Garden Route Ratepayers Alliance, Mr J Wessels, as I am of the opinion that these gentlemen so far have all agreed to cooperate in seeking a satisfactory outcome, and do not object to the status quo.

Regards

Jan Heyneke

Wilderness

082 576 7160

5. 14 MAY 2025

From: jan@heyneke.net <jan@heyneke.net>

Sent: Wednesday, 14 May 2025 9:54 pm

To: 'Chantell Kyd' <ckyd@george.gov.za>; 'Sean Snyman' <ssnyman@george.gov.za>;

'mayor@george.gov.za' <mayor@george.gov.za>

Cc: 'Timothy Craak' <tcraak@george.gov.za>; 'Cynthia Boltman' <Mcboltman@george.gov.za>;

'Garfield Goetham' <GGOETHAM@GEORGE.GOV.ZA>; 'roy@thecollab.co.za' <roy@thecollab.co.za>;

'Charles Scott' <cascott@langvlei.co.za>; 'jacques.wessels@georgerpa.co.za'

<jacques.wessels@georgerpa.co.za>; 'Kurt Paulse' <kpaulse@george.gov.za>

Subject: RE: PAIA APPLICATION: JAN HEYNEKE / Council Resolution 8.1.4 of 24 April 2025

Dear Mayor von Brandis, Cllr Snyman and Cllr Kyd,

I refer to my email of 9 May 2025 re **Council Resolution 8.1.4 of 24 April 2025**, partly copied lower down.

This is my request for information:

*In terms of the **Promotion of Access to Information Act, 2000**, Chapter 1 and more specific Chapter 2, clause **15 Voluntary disclosure and automatic availability of certain records**, I request electronic copies of the **Agenda** for the Council Meeting of **24 April 2025**, the **report** from the **Section 80 Committee** dealing with the matter of **erf 243**, Wilderness and the **independent valuation of portions of Erven 1 and 243 Wilderness** (515m² in extent).*

My request was clearly in terms of the PAIA Act **Clause 15 Voluntary disclosure and automatic availability of certain records**, which reads :

(1) The information officer of a public body, referred to in paragraph (a) or (b)(i) of the definition of “public body” in section 1, must make available in the prescribed manner a description of— (a) the categories of records of the public body that are automatically available **without a person having to request access in terms of this Act**, including such categories available— (i) for inspection in terms of legislation other than this Act; (ii) for purchase or copying from the body; and (iii) from the body free of charge; and (b) how to obtain access to such records. (3) The only fee payable (if any) for access to a record referred to in subsection (1) is a prescribed fee for reproduction

I thus do not understand why I received (yet again) a mail as below.

I request again: Kindly format the requested information in electronic format. May I now add : Please “*make available in the prescribed manner a description of— (a) the categories of records of the public body that are automatically available without a person having to request access in terms of this Act,*” as I believe the ratepayers in George have the right to such basic information as prescribed in the **Promotion of Access to Information Act**.

May I remind you of another request : *With reference to **Item (f)** , kindly ensure that the interested parties (IAPs) be informed when the Tribunal will meet, and kindly ensure that the IAPs be invited to attend.*

Regards
Jan Heyneke
Wilderness

6. 29 MAY 2025

From: jan@heyneke.net <jan@heyneke.net>
Sent: Thursday, 29 May 2025 4:44 pm
To: 'Chantell Kyd' <ckyd@george.gov.za>; 'Sean Snyman' <ssnyman@george.gov.za>; 'mayor@george.gov.za' <mayor@george.gov.za>
Cc: 'roy@thecollab.co.za' <roy@thecollab.co.za>; 'Charles Scott' <cascott@langvlei.co.za>; 'jacques.wessels@georgerpa.co.za' <jacques.wessels@georgerpa.co.za>; 'Kurt Paulse' <kpaulse@george.gov.za>; 'ckcatwilderness' <ckcatwilderness@gmail.com>
Subject: Council Resolution 8.1.4 of 24 April 2025 --- Emails of 8 October 2024 and up to 9 and 14 May 2025

Dear Mayor von Brandis, Cllr Snyman and Cllr Kyd,
I regret and apologise to yet again write to you --- with-out doubt you have far more critical matters to attend to to keep George (and Wilderness) in such good shape --- and for which I thank you.

How-ever, in the opinions of the majority of Wilderness residents, as represented by WRRRA, WALEAF and CKC, the matter of the WILDERNESS COMMON (erf 243 Wilderness) is a matter which needs to be handled openly by our elected officials and the GM Administration, and this has simply not occurred.

May I request detailed responses to my earlier emails on this matter, as I have repeatedly , since last year, been advised "Please note that the matter is receiving the necessary attention, and a response will be forthcoming in due course."

Kind Regards
Jan Heyneke
Wilderness

>>>>>>>>>

7. 22 JUNE 2025

From: Amelia Lombard <Alombard@george.gov.za>
Sent: Monday, 23 June 2025 12:40 pm
To: jan@heyneke.net
Cc: Kurt Paulse <kpaulse@george.gov.za>
Subject: Re: NOTICE NO : HS 029/2024 re Erf 243 Wilderness

Good day,

Your email below refers, note that the public meeting only pertains to the proposed land use application on Erf 243, Wilderness. Also please note that an access to information application should be submitted to obtain the requested information.

Note that the lease agreement process is separate and are dealt with by different departments.

Kind Regards/Vriendelike Groete

Amelia Lombard (Pr. Pln. A/3528/2024)
Assistant Town Planner
Directorate: Planning and Development

From: jan@heyneke.net <jan@heyneke.net>
Sent: Monday, 23 June 2025 12:11
To: Amelia Lombard <Alombard@george.gov.za>
Cc: Kurt Paulse <kpaulse@george.gov.za>
Subject: NOTICE NO : HS 029/2024 re Erf 243 Wilderness

Dear Amelia,

I refer to the NOTICE/KENNISGEWING which appeared in last week's (19 June 2025) GH on page 20.

To be able to meaningfully participate in the meeting of 3 July 2025, we need the full background to this application.

The NOTICE /KENNISGEWING refers to 'documents' / 'dokumente', i.e. in the plural, but so far I have only been able to locate one document, viz. an *Application* dated August 2024 (*APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN RESPECT OF erf 243, WILDERNESS*).

This document refers to an attachment, but there is none.

May I thus request that you forward electronic copies of all relevant documents, *inter alia*:

- Any reports which deal with matters regarding erf 243 Wilderness which served before Council during 2024 and 2025.
- Council Agendas and Minutes where this matter was addressed.
- Council Resolutions re erf 243 Wilderness.
- Specifically the Council Resolution which **states** the wording (as copied here) as recorded in the *Application* :

The Council Resolution dated 25 July 2024 states that a portion of the road reserve on Erf 243 (directly opposite Erf 2081) be leased to the restaurant, The Girls and the Blind Pig, for outdoor seating. As part of the Council resolution, it was decided that the restrictive title deed conditions be removed to allow the leasing of the land.

Thanks.
Groete uit Wildernis,
Jan Heyneke

As requested in the NOTICE:
My detail : Jan Heyneke
Cell - 082 576 7160, email - jan@heyneke.net
Ratepayer resident at:
2018 Koobooberry Close
Constantia Kloof, Wilderness
Rate and taxpayer since 2005

I believe my right to participate in this matter is enshrined in the Constitution and detailed in the Municipal Systems Act, and needs no further detail.

---- End of E-mails---

NOTE: Some contact detail removed or shortened on most e-mails copied in this document, also some emblems and standard 'Warnings' removed.

As required:

My detail: Jan Heyneke

As included in the e-mail above, I believe my right to participate in this matter is enshrined in the RSA Constitution and detailed in the Municipal Systems Act.

Cell - 082 576 7160, email - jan@heyneke.net

Ratepayer resident at: 2018 Koobooberry Close, Constantia Kloof, Wilderness



12 July 2025

Restrictive conditions on Erf 243 Wilderness

From Johan van den Berg <2johanvdberg@gmail.com>

Date Fri 11 Jul 2025 14:50

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Delia

Thank you for your presentation on 3 July 2025 on the above subject.

I understand that as a municipal official, you are tasked with executing the Council's instructions. However, I fully reject the Council's decision, dressed up as a proposal, to lift the restrictions on Erf 243. All of this is just to provide cover for its illegal lease transaction.

The Common is the heart of Wilderness, and lifting the said restrictions will most certainly destroy the village's character without any tangible benefits to the community. Once the ambience and character of such a special place have been destroyed, it can never be repaired. I believe a simple amendment to the offensive and impractical clauses referring to eg. non-white persons can be achieved by a simple amendment.

The construction of any buildings or other infrastructure will destroy the appearance of the Common. It is also the only play area and informal sports field for the local youngsters.

I believe that if you are sincere in consulting with the community, then a vote should be proposed on approval of your final submission.

Regards.

Johan van den Berg
082 442 1631

Application for Removal of Restrictive Title Deed Conditions in respect of Erf 243 (Wilderness Common) Wilderness

From Jo Spieth <jo.spieth@innomet.co.za>

Date Mon 07 Jul 2025 19:33

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Good day Ms Lombard,

As a property owner and permanent resident of Wilderness and having attended the public participation meeting at the Fairy Knowe Hotel on 3 July I am compelled to submit my views on this application.

The Common is a focal point of the Wilderness Village and is a unique feature of the village 'feel and character'. It is therefore no surprise that this open grassed area is much loved by all of the residents of, and visitors to, Wilderness.

It is the fear that the removal of the Title Deed Restrictions may have unintended consequences in the future which would alter the character and tranquility of the Common forever to the detriment of residents and visitors alike. For this reason the Common must be protected for future generations and in accordance with the purpose for which the Commons was originally established.

It appears that this application has been motivated by the 'need' to rectify the transgression of the Common' boundary line by the seating area of the Girls Restaurant (which had not been picked up after the previous owners of the Girls site had in fact committed the transgression several years prior.) However, during the course of the presentation at the Fairy Knowe Hotel it was also noted that the Wilderness Hotel parking area together with the Electric Vehicle charging station in front of the hotel is also in violation of the boundary line of the Common. We therefore have to ask ourself how this is possible and whether by-laws are actually being properly enforced elsewhere? Furthermore, the proposal to lease the portion of land to the Girls for their seating area should equally apply to the Wilderness Hotel for the aforementioned area. We assume that the leases will be at market related rates and that the contents of the actual leases entered into with the lessees in question will be made public.

Judging by the many comments offered by residents at the meeting it would appear that nobody wants any form of structure such as ablutions blocks, playground equipment etc. erected on the grassed and fenced in area of the Common. The site should be left as it currently is i.e. grassed and mowed. I fully support this view. I also am of the opinion that any 'recreational events' which were mentioned must be restricted to localized and small events such as local craft markets, artists exhibitions, family picnics and activities. Large religious gatherings, music festivals and the like should be completely prohibited along with consumption of alcohol and any informal activities such as hawking.

Sincerely

Jo and Marian Spieth
1589 De Waal Drive
Wilderness Heights



George Heritage Trust
GARDEN ROUTE, SOUTH AFRICA

Contact Us
Private Bag X6568, George, 6530
thegeorgeheritagetrust@gmail.com

To: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT
GEORGE LOCAL AUTHORITY
c/o: Amelia Lombard (C/9605/2022)
alombard@george.gov.za
Office Tel: 044 801 9303

Date: 15 July 2025

**SUBJECT: OBJECTION TO THE REMOVAL OF TITLE DEED RESTRICTION ON
ERF 243 WILDERNESS (WILDERNESS COMMONAGE)**

We hereby submit a formal objection to the proposed removal of restrictive title deed condition (B) from Title Deed T59963/1984, pertaining to the property commonly known as the Wilderness Commonage.

A) HERITAGE SIGNIFICANCE

1. This public open space holds profound heritage significance, deeply embedded in the cultural and historical fabric of Wilderness.
 - 1.1. In 1772, Swedish botanist Carl Thunberg, and later in 1816, Rev. Christian Ignatius Latrobe, both journeyed through the difficult Kaaimansgat pass to reach the area east of George, now known as Wilderness. Along the way, they crossed the "TrekKentou" River, which was later renamed the Touwrvier and flows through Wilderness into the Indian Ocean.
 - 1.2. In 1877, George Bennett from Liverpool and his wife Henriëtte bought the land at the mouth of the Touwrvier, built a house, and established a farm, which they named "The Wilderness." What is now known as the Wilderness Green was originally part of the farm's cultivated land.
 - 1.3. In 1902, a syndicate led by Montagu White purchased The Wilderness. White played a key role in converting the farmhouse on The Wilderness into a guest house and built White's Road, which made the area more accessible and helped put it on the map.

- 1.4. After White's death in 1916, the property was bought in 1921 by Wilderness (1921) Ltd, led by Owen Grant who moved to the area and began developing it into a seaside resort.
 - 1.5. In 1922, the Wilderness Green, then called "The Park", was officially declared a public open space for recreation.
 - 1.6. In the 1940s, the Wilderness Green formed part of a 9-hole golf course linked to the Wilderness Hotel. Until today, the Wilderness Green continues to serve the community, hosting events, markets, religious gatherings, and recreational activities.
 - 1.7. To protect the Wilderness Green, restrictive conditions were added in the title deed of Erf 243 (Wilderness Green) in 1923. This condition specifically prohibits development and camping and preserves the area as an open and recreational space.
2. The relevant restrictive condition in the title deed has, since its declaration as an open & recreational space, served a deliberate and protective purpose, to preserve the open and communal character of the site and to prevent any, and unsympathetic, development.
 3. For nearly a century, this land has remained a vital and identifiable part of Wilderness, providing residents and visitors with visual and physical access to open space that defines the area's unique charm. The proposed removal of this restriction presents a serious threat to this legacy.
 4. While we acknowledge the practical need to regularise the unlawful infrastructure and the use of a portion of this public open space by the adjacent restaurant (The Girls) for outdoor seating, **we strongly oppose the blanket removal of the restrictive condition.**
 5. The proposed removal would allow a wide range of potentially detrimental consent uses permissible under the current zoning (Open Space Zone 1), including:
 - Construction of air and underground structures
 - Construction related with tourist facilities and informal trading
 - Construction related to urban agriculture and utility services
 - Construction related to cemeteries and environmental facilities

The blanket removal of the restrictive condition would not only enable current primary, and consent uses under Open Space Zone 1 but also any future uses permitted through zoning scheme amendments or rezoning of the property, rendering the Commonage vulnerable to irreversible development pressures.

6. Any of these, if implemented without the oversight previously ensured by the title deed condition, could irreversibly alter the character of the Commonage and erode the very values it was intended to protect.
7. We also request that a comprehensive Heritage Impact Assessment (HIA) be undertaken by a qualified heritage specialist to determine the full extent of the cultural and spatial heritage significance of the Commonage.

B) PLANNING IMPLICATIONS

1. The planning report (p.6) states that: ***The proposed land development optimizes the use of existing resources and will provide an economic injection in the Wilderness node.***

There is no development plans included in the application, yet the application mentions development.

2. The planning report (p.7) states that: 39(5)(c): ***The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is removed, suspended, or amended. The property owner, as well as possible future lessees of the property, will achieve personal benefits from the deletion of the title deed conditions as it will enable the development of the site to its full potential in accordance with its zoning rights.***

Any form of development on the Wilderness Commonage would fundamentally compromise the unique and longstanding character of Wilderness, which has been preserved for nearly a century. See ***Annexure 1*** for the established character of the Wilderness Commonage for nearly a century, at least. The Park lies at the heart of the town's cultural and environmental heritage. The proposed removal of the existing title deed restrictions would open the door to formal development on this property (not currently disclosed by the local authority), thereby eroding the very values and identity that define Wilderness.

3. The planning report (p.8) states that: ***With the removal of condition (B) of the title deed events will be permissible on the subject property. Although events will be allowed, the local authority will still evaluate the impact of each event and will be able to implement mitigations if necessary. This is done by the Tourism and Community Service Department.***

It is our understanding that the current title deed does not prohibit the hosting of events on the Wilderness Commonage. Condition (B) of the title deed specifically prohibits ***construction and camping***, while expressly permitting the use of the area as an open space for ***recreational purposes***. Local and community events and gatherings, by their nature, fall within the scope of recreational use and are therefore already permissible under the existing condition.

While the current zoning scheme may not provide a definition for "recreational use," this does not render the term meaningless or open to arbitrary interpretation. When the restrictive condition was incorporated into the title deed over a century ago, "recreational use" carried a clear and commonly understood meaning, independent of any zoning scheme of today. Zoning schemes are policy instruments that can be amended at any time, and definitions within them are subject to change at the discretion of the local authority. However, the historical context and intent behind the phrase as it appears in the title deed remain legally and interpretively significant. It cannot simply be disregarded or reinterpreted due to the present-day omission of a definition in the 2023 zoning scheme.

Using the facilitation of events as a 'motivation' for removing this critical protective condition is misleading and disingenuous. Removing or inappropriately amending this restriction would open the Park to construction possible under the zoning scheme rights (primary & consent), which is currently, and deliberately, prohibited. Such a change would pose a serious threat to the character and heritage integrity of the Wilderness Commonage. Once again, see ***Annexure 1***.

C) REQUEST TO CONSIDER AN ALTERNATIVE PROPOSAL

1. It is proposed that the local authority consider an alternative land use approach in terms of the George local authority: Land Use Planning By-law, 2023 to resolve the current discrepancies affecting the Wilderness Commonage without compromising the future preservation of the core of the Wilderness Commonage.
2. *In lieu* of a removal of restrictive condition (B) as contained in Title Deed T59963/1984, the condition can be **amended** in terms of Section 15(2)(f) of the said By-law in the title deed of the Erf 243 Wilderness (Commonage) to formalise public access without removing the broader protective intention of the original condition, specifically regarding any future development. An amendment of the condition is proposed as follows:

Proposed wording of amended restrictive condition (B):

(B) The area shown in the diagram as THE PARK shall be retained as open space or common for the use of all owners (as hereinafter defined) and members of the general public for recreational purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to, shall permit owners (as hereinafter defined) and members of the general public at all times to have free access across THE PARK and the Remaining Extent to the Touw River, situated on the remaining extent, and the sea. Owners (as hereinafter defined), save that the term shall not include their families or visitors, shall have the right to moor their boats to the banks of the river. During the progress of any building operation, any owner (as hereinafter defined), or his contractor, shall be allowed to graze his draught animals in THE PARK for such time, not exceeding two hours in any one day, as is necessary to afford them rest.

3. The remaining discrepancies (roads & restaurant) on the property can be addressed through various alternative means that would not compromise the longstanding cultural heritage of the Commonage itself.
4. For example, a **Subdivision** of Erf 243 Wilderness to separate the unlawful infrastructures from the Wilderness Commonage. Based on our understanding, the title deed for Erf 243 Wilderness does not prohibit subdivision. The property can be subdivided in terms of Section 15(2)(d) to contain the portions of the property currently functioning as public roads surrounding the Wilderness Commonage and the encroaching outdoor seating of the restaurant.
 - a) The subdivided **road portions** can then be zoned appropriately for Transport Zone II (Public Street) in terms of the George Integrated Zoning Scheme By-law, 2023 and the condition can be removed from their title deeds if necessary.
 - b) The portion subdivided for the restaurant will then subsequently have to be **closed as a public place** in terms of Section 15(2)(n) before it can be sold/leased to the property owner of Erf 2081 Wilderness.

5. The subdivided portion of the property for the restaurant (currently encroached on by the restaurant on Erf 2081) will be subject to its own land use application to authorise its use for outdoor seating and will likely have to include:
 - a) The removal of condition (B) from the new portion's title deed in terms of Section 15(2)(f).
 - b) A rezoning in terms of Section 15(2)(f) to match the existing use (and zoning) of Erf 2081 Wilderness.
 - c) A possible consolidation with Erf 2081 Wilderness in terms of Section 15(2)(e) of the By-law.
6. The portions subdivided for the existing roads can be dealt with by the local authority in the correct manner to continue and lawfully be used as public streets.
7. Ultimately, the proposal to remove the restriction (or as mentioned at the public meeting, to amend it in a way that permits any form of future construction) poses a serious threat to the cultural heritage of the Wilderness Commonage. It is therefore respectfully urged that the local authority apply its mind to consider an alternative approach: one that regularises the existing unlawful encroachments (the roads and restaurant), secures continued public access to the park, and, most importantly, preserves the heritage and cultural significance embedded in the original title deed restriction. Such reconsideration should aim to represent a balanced and reasonable solution that aligns with the local authority's stated objectives without undermining the community's clearly expressed desire to retain the Wilderness Commonage in its current form and protect it from inappropriate future development.

D) STATUTORY DUTY TO UPHOLD THE PUBLIC INTEREST

Finally, we wish to draw specific attention to Section 7 of the Planning Professions Act (2002), which collectively underscore Council's obligation to uphold, promote, and protect the public interest in all matters related to planning, as well as the first two objectives of the Code of Conduct for registered planners.

Functions of Council

7. The functions of the Council are to — 50
 - (a) regulate the planning profession so as to promote and protect the interests of 1
the public in relation to planning; 1
 - (b) register persons in terms of this Act;
 - (c) institute and enforce disciplinary action against registered persons contraven- 55
ing the provisions of this Act;
 - (d) support the functioning of disciplinary and appeal structures established under
this Act; and
 - (e) ensure and promote a high standard of education and training in the planning
sector.



CODE OF CONDUCT FOR REGISTERED PERSONS

Published under the Planning Profession Act, 2002 (Act 36 of 2002)

SCHEDULE 1

1. Objectives

The objectives of this Schedule are to ensure that Registered Persons-

- (1) apply their knowledge and skill in the interest of humanity, of the public and of the environment and ensure that our natural and cultural environment is taken into account in planning decisions;
- (2) execute their work with competence, honesty, integrity, sincerity and in accordance with generally accepted norms of professional conduct;

D) CONCLUDING

1. The proposed removal of this crucial restrictive condition would not only grant the local authority unrestricted discretion to develop the property in accordance with its current zoning but will also allow future rezoning and changes in land use to enable more commercially driven and profit-oriented developments. Such a removal represents a serious and potentially irreversible threat to the integrity, character, and long-term preservation of the Wilderness Commonage.
2. While the application presents itself as addressing seating encroachments and enabling event hosting, it appears to more likely aim to unlock zoning rights that could have lasting, irreversible consequences in the future. The reference to events and restaurant use appears to obscure broader, undisclosed development intentions. Once the protective condition is removed, there will be no mechanism to limit or manage future development at the local authority's discretion.
3. In response to the community's clear discontent with the application during the public meeting held on 3 July 2025, the local authority kept very specifically stating that "for now," no development is planned for the Commonage. However, despite direct inquiries from the community, the local authority failed to further clarify how it intends to prevent future development of the Commonage should the restriction be removed (or amended in a way that significantly weakens its original intent and power).

4. The removal of the condition appears to be in the local authority's interest and not in the interest of the public, which is directly in conflict with the Code of Conduct of a registered planner with SACPLAN and the Functions of Council as per the Planning Professions Act (2002).
5. We urge the applicant and / or the decision maker to reconsider the entirety of this land use application as to retain the longstanding restriction in the title deed of the Wilderness Commonage to ensure that no future development can take place and to ensure the long-term protection of the Commonage.
6. We request to be kept informed of all future steps in the application process and would welcome an opportunity to make oral submissions should a hearing be held.
7. Thank you for considering our objection in this critical matter.

Sincerely,



Willie John van Niekerk
Chairman: George Heritage Trust
wjvanniekerk1@gmail.com
083 282 7950



Denise Janse van Rensburg
Secretary: George Heritage Trust
Registered Professional Planner
denise@mdbplanning.co.za
067 817 3733

THE WILDERNESS GREEN

1928



1934



1936



1970



2025



18 July 2025

Unit 4
Building 1
Milkwood Village
Wilderness
RootedLivingSolutions@pm.me

**Human Settlement, Planning & Development
George Municipality**

Per Email: almbard@george.gov.za
ihuyser@george.gov.za
Kbmeyer@george.gov.za
Marries@george.gov.za

To whom it may concern

**RE: OBJECTION TO THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN RESPECT OF
ERF 243, WILDERNESS.**

After reading through the application and attending the public meeting held on the 3rd of July 2025 at the Fairy Knowe Hotel, I am hereby lodging an objection to the removal of the said title deed condition for the following reasons.

The removal of the said condition does not make sense in the alleviating of any of the said problems or bring reassurance to the positive long term communal benefit and use of the space commonly known as the Green.

As per the George Heritage Trust notice to the west of the Green it clearly states :

" Wilderness Green

Originally part of cultivated land of the old farm of 1877.

In 1922 proclaimed an open space or common for "recreational purposes". No building or camping is permitted. It once formed part of the hotel's 9-hole golf course. It is now used for community activities, markets, emergency services, religious meetings and leisure and sporting pursuits. "

This notice, clearly highlights the heritage importance of the space for the enjoyment of the community and particularly makes reference to the space being used for community activities, markets, emergency services, religious meetings and leisure and sporting pursuits.

Within a heritage perspective this area is of great significance for communal activities and enjoyment.

As per the law of prescription, the use of the space for these purposes has become the right of the community, having been used as such for over 100 years. The said title deed restriction that is proposed for removal, does not in any way conflict with this notice. It clearly states that this area is for the use of all owners for recreational purposes, it may not be built upon nor shall camping be permitted thereon. It further stated that it shall permit owners at all times to have free access across the Park.

The word "recreational" is not defined within the deed nor is it defined in the George Integrated Zoning Scheme. Therefore the common definition should be used. As per the oxford dictionary "recreational" is defined as : "Relating to recreation", & "recreation" is defined as: "enjoyable leisure activity". I cannot see or understand how any of the proposed uses are in any conflict with this definition. At the public meeting held on the 3rd of July 2025, it was said that the walking of dogs, markets and religious activities are restricted by the said clause as well as the sale of goods yet this makes absolutely no sense I cannot find or see any exclusion of these activities directly or indirectly. Yet the notice on site makes particular mention of markets and religious activities and markets imply the sale of goods. Within both references unrestraint free access is maintained.

It is noted that "owners" are defined in the title deed and it is my recommendation that the definition of Owner's be changed in the Title deed to included the entire Wilderness community as well as the public. This will ensure the fare ongoing use of the park, to accompany its intended and current community vision.

It is clearly the wish of the majority of the Wilderness community that the use of the Green is not to be changed. There is a clear concern on restricted use, even short term, along with the removal of the condition that states it shall not be built upon. This is questioning the unspoken long term plan and jeopardizes the future of the Wilderness Green.

Further, I am not in support of the proposed "Adopt A Spot" application from the Wilderness Rate Payers. This implements a monopoly over the Green where use is funneled through the Wilderness Rate Payers Organization at the detriment of unrestricted use by the community. This area is already a safe and healthy environment, well maintained and is in no way neglected. There is no need for a rehabilitation or the formal management by the Wilderness Rate Payers. Any proposed event would anyway need to go through the formal approval channels which the Wilderness Rate Payers are not exempt from.

As per the George Integrated Zoning Scheme this property is Zoned Public Open Space.

“public open space”

Land use description: “public open space” -

- (a) means land, with or without access control –
 - (i) owned by the Municipality or other organ of state;
 - (ii) not leased out by the Municipality or that other authority on a long-term basis
 - (iii) set aside for the public as an open space for recreation or outdoor sport and designated as public open space;
- (b) includes a park, playground, public or urban square, picnic area; community garden, natural area and ancillary buildings and infrastructure, stormwater infrastructure and engineering services; and
- (c) may include an occasional use.

Development parameters:

The following development parameters apply:

- (a) The Municipality may require a site development plan to be submitted for its approval.
- (b) The site development plan as approved by the Municipality constitutes the development parameters for a primary use and a consent use if the latter is applicable.

As per the development perimeters of Public Open space, this area may not be leased on a long term basis, long term being considered more than 3 months. It is questioning why this is being disregarded in respect of a portion of Erf 243 being rented to Erf 2081 (The Palms) and the Municipalities support in an instance of an un-rectified illegal land use premises.

This application is unsettling and questionable. The motive and need of such an application makes no sense and I do not see how it is addressing any needs of the community.



Camilla : Eagar



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

Marlize de Bruyn
marlize@mdbplanning.co.za
076 634 0150

Denise Janse van Rensburg
denise@mdbplanning.co.za
067 817 3733

TOWN PLANNING

DEVELOPMENT MANAGEMENT CONSULTING

Municipal Ref.: 3610408

18 July 2025

**THE MUNICIPAL MANAGER
GEORGE MUNICIPALITY
PO BOX 19
GEORGE
6530**

For attention: Mr. Clinton Petersen

By e-mail

**COMMENT:
PROPOSED REMOVAL OF RESTRICTIVE CONDITION:
ERF 243, GEORGE ROAD, WILDERNESS, GEORGE MUNICIPALITY & DIVISION**

1. The abovementioned matter refers.
2. Writer has been active as a town planner in Wilderness since mid-1997 and has seen Wilderness develop from a quiet retirement town to a vibrant coastal town with a community of all ages.
3. P.1 of T28772/1970 for Erf 243 Wilderness includes the following:

WHEREAS the undermentioned land, being a Public Place as defined in Section 2 of the Divisional Council Ordinance No. 15/1952 has vested in the Divisional Council of George in terms of Section 183(1) of the said Ordinance No. 15/1952, which land is at present registered in the Deeds Registry at Cape Town in the name of THE WILDERNESS (1921) LIMITED under Deed of Transfer No. 2059 dated 22nd March 1923;

Unfortunately, we could not locate a copy of the Divisional Council Ordinance no. 15/1952 to determine how public place was defined at that point in time. We therefore only have the definitions as defined today in the Western Cape Land Use Planning Act, 2014 (LUPA) and the George Integrated Zoning Scheme By-law (2023, amended 2024):

“public place” means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public;

4. Paragraph B in T28772/1970 is the subject of this removal of a restrictive title condition in terms of Section (15)(2(f) of the George Municipality: Land Use Planning By-law, 2023:

(B) SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 2059/1923 namely:

"The area shown in the diagram of THE PARK shall be an open space or common for the use of all owners (as this term is hereinafter defined) for recreation purposes. It shall not be built upon nor shall camping be permitted thereon. Until such time as a Local Authority existing or hereafter established shall take over THE PARK, the control and management thereof shall be vested in the registered owner of THE PARK, who shall have the right to enforce observance of order and cleanliness. The owner of THE PARK and of the remaining extent, hereinafter referred to shall permit owners (as hereinafter defined) at all times to have free access across the Park and the Remaining Extent to the Touw River, situate on the remaining extent and the sea, and owners (as hereinafter defined) save that the term shall not include their families or visitors shall have the right to moor their boats to the banks of the River. During the progress of any building operation any owner as hereinafter defined or his Contractor shall be allowed to graze his draught animals in The Park for such time - not exceeding two hours in any one day - as is necessary to afford them rest."

("Owners" shall include:

- (a) All owners of Lots deducted from the General Plan W 71, their families and visitors (whether paying or non-paying).
- (b) The owner of Lots "d" and "dd" and family and visitors and guests (whether paying or non-paying).

but nothing hereinbefore contained shall be taken as affecting, diminishing or increasing any rights of the owners of the land or any part thereof described in :

<u>Transfers Nos:</u>	<u>Date</u>
2955)	
2956)	16th April 1907
2957)	
2958)	16th April 1907
1295)	21st October 1918
14200)	6th October 1920

it not being the intention of these presents to regard the owners of these extents or any portions thereof as "Owners" within the meaning of the foregoing definition, whether the same have or have not been included in the General Plan W 71.

5. By 1923 Wilderness was a small, private settlement limited to the area seen on General Plan W71. Wilderness grew over the decades that followed and became part of a local authority/council later (date unknown to writer). By 1923 there was no local authority 'controlling' this settlement. That is the reason for the various conditions included in the title deeds of Wilderness property we all know well. With this fact as Wilderness being a 'private settlement', the reference on p. 1 of the title deed to it now being a public place as defined in the former Divisional Council Ordinance no. 15/1952 changed the limitation of use for only the owners within General Plan W71, to a public place for the entire public. We therefore cannot agree with the statement by the Municipality that the use of Erf 243 Wilderness is only for a few property owners. It changed from a private open space to a public place vesting in the then Divisional Council of George, which today is George Municipality. Ownership changed from The Wilderness (1921) Limited to the former Divisional Council of George in 1970.

6. The Wilderness (1921) Limited gave the 'rights as a private space' to be used by only a few, away through this change in ownership. See the following extract from T28772/1970:

WHEREFORE the said THE WILDERNESS (1921)
LIMITED is entirely dispossessed of and disentitled to
the said land, and that by virtue of the said vesting
the said Divisional Council of George, its successors
in title or assigns, now is and hereafter shall be
entitled thereto conformably to local custom, the State,
however, reserving its rights;

7. We are also of the opinion that it would never have been the intention of The Wilderness (1921) Limited to not provide access to the new extensions of this growing coastal town. If it was the intention to limit the use of Erf 243 Wilderness, why did they transfer this property to the then Divisional Council of George? By 1970, many new extensions have been added to what was by then known as the town, Wilderness.
8. If Erf 243 Wilderness is still a 'private space' according to T28772/1970, for only a few residents in accordance with General Plan W71, the zoning is incorrect, and those residents should request a zoning rectification. This can however not be as the Municipality states that it is now the owner of this property which is as shown on p. 1 of the title deed confirming that Erf 243 Wilderness is a public place since 1970. The title deed should be read in context, as one document, not only one part thereof. The entire title deed is relevant in this matter, not only one paragraph.
9. Section 33(4) of the George Municipality: Land Use Planning By-law (2023) must be considered when the removal of title conditions is requested:

(4) 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 all rights enjoyed by the beneficiary or only some of those rights.

The value of Erf 243 Wilderness can be seen everyday when residents of Wilderness use it for relaxation, when it is used as a public open space. We do not agree that this right is limited to only a few properties as per General Plan W71. It is unnecessary to remove this restriction but to address the Municipality's concerns, the section referring to owners can be altered to ensure that it is a public open space, as intended from the paragraph found on p. 1 of T28772/1970. Also, the reference to grazing of animals can also be removed as this is no longer relevant a century later.

In general, it is our opinion that the residents of Wilderness and the general public is not concerned that the title deed limits the use of Erf 243 Wilderness a public open space. It is only a concern raised by the Municipality without seemingly acknowledging the contents of p. 1 of the T28772/1970 as discussed earlier in this comment.

10. Considering the position of Erf 243 Wilderness with portions being public road and parking and with the 'true' public open space being fenced with a simple timber fence, the ideal would be to separate the various uses through subdivision. The cost for this proposal should be carried by the abutting property owner (Erf 2081

Wilderness) wishing to rent/purchase a portion of Erf 243 Wilderness. There is no reason why this should be a cost to the Municipality.

11. As a last thought, we are concerned about the incomplete land use application published for public participation on the Municipality's website. The documentation provided included only a short motivation report with no annexures normally expected with a land use application. The complete title deed was not included and no record of a pre-application consultation. We have never before seen such an incomplete land use application for a municipal property. The Promotion of Administrative Justice Act (PAJA), comes to mind.
12. To conclude, we trust that the title deed for Erf 243 Wilderness, T28772/1970, will be read as one document with the introduction on p. 1 as key.

Yours Faithfully



MARLIZE DE BRUYN Pr. Pln.

E:\Mdb\Projects\2025\Wilderness Commonage\Erf 243 Wilderness_comment.docx

Removal of restrictions erf 243

From friedacarstens@telkomsa.net <friedacarstens@telkomsa.net>

Date Fri 20 Jun 2025 08:59

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

This is to notify that I am totally against the removal of restrictions for erf 243.
Please use this writing as my vote on the public participation.

Kind regards
Frieda Carstens.
0827451461
friedacarstens@telkomsa.net

Get [Outlook for Android](#)

Re: Erf 243, Wilderness

From arnottim2@gmail.com <arnottim2@gmail.com>

Date Fri 20 Jun 2025 15:18

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Thank you Amelia, we will most certainly attend the meeting. Please mark us as 2 people opposed to the application. The commonage was left to the people of Wilderness for entertainment and relaxation in its entirety and not for a parking lot.

Kind regards,

Tim Arnot

On 2025/06/20 10:26, Amelia Lombard wrote:

We are having a public meeting 3 July to discuss the application, please attend if possible.

Kind Regards/Vriendelike Groete

Amelia Lombard (Pr. Pln. A/3528/2024)

Assistant Town Planner

Directorate: Planning and Development

Office: 044 801 9303

Internal Ext: 1295

E-mail: alombard@george.gov.za



From: arnottim2@gmail.com <arnottim2@gmail.com>

Sent: Friday, 20 June 2025 09:27

To: Amelia Lombard <Alombard@george.gov.za>

Subject: Re: Erf 243, Wilderness

Caution: External email. Avoid links or attachments unless sender is trusted.

Dear Amelia,

Thank you for replying to my email, I have just tried to ring you but couldn't get through.

I understood that the application was brought by The Girls to extend their parking area onto a portion of the common but it would appear that I was wrong.

Kind regards,

Tim Arnot

Tel 083 630 4124

email arnottim2@gmail.com

On 2025/06/20 08:05, Amelia Lombard wrote:

Morning Arnot,

Please find the motivation report attached as available on our website. Note the application only pertains to a restrictive title deed condition (restricting access on the property) no changes in land use or zoning is proposed. The goal of the application is to allow for **closed events** (e.g. expos or concerts).

I tried phoning to provide additional information but if required my direct contact details are below.

Kind Regards/Vriendelike Groete

Amelia Lombard (Pr. Pln. A/3528/2024)

Assistant Town Planner

Directorate: Planning and Development

Office: 044 801 9303

Internal Ext: 1295

E-mail: alombard@george.gov.za



From: Tim Arnot [<arnottim2@gmail.com>](mailto:arnottim2@gmail.com)

Sent: Thursday, 19 June 2025 16:55

To: Amelia Lombard [<Alombard@george.gov.za>](mailto:Alombard@george.gov.za)

Subject: Erf 243, Wilderness

Caution: External email. Avoid links or attachments unless sender is trusted.

Dear Amelia,

Please would you email me a copy of the restrictive condition for erf 243, Wilderness. I would like to be better informed as to what is involved prior to the meeting on the 3rd of July.

Thank you

Tim Arnot

Tel 083 630 4124

email arnottim2@gmail.com

--

This email has been checked for viruses by Avast antivirus software.

<https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.avast.com%2F&data=05%7C02%7C0e449bf50cb4445685f5efd73c4a51c4%7C0%7C0%7C638859417313635501%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMlslkFOljoIjIwFpbGlldUljoyfQ%3D%3D%7C40000%7C%7C%7C&sdata=QPO75pJJeWEjaE0NqoD7puxbYIYDYFJEgnDP8cr%2FgMA%3D&reserved=0>

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Notice HS072/2024 - regarding Erf 243 Wilderness (from the owners of Erf 2081 Wilderness)

From Donald Clark <dclark@mweb.co.za>

Date Thu 26 Jun 2025 19:14

To Amelia Lombard <Alombard@george.gov.za>

Cc Delia Power <Dpower@george.gov.za>; janvrolijk@jvtownplanner.co.za
<janvrolijk@jvtownplanner.co.za>; Donald Gelderbloem <Dmgelderbloem@george.gov.za>;
roxi@thegirls.co.za <roxi@thegirls.co.za>

 4 attachments (6 MB)

Media notice _ public Meeting 243 Wild.pdf; Wilderness Green circa 1960.jpg; Wilderness circa late '60s.JPG; Wilderness circa 1987 2.jpg;

Caution: External email. Avoid links or attachments unless sender is trusted.

Erf 2081 Wilderness – regarding removal of restrictive title deed conditions for Erf 243 Wilderness
Notice HS 027/2024

Good day Amelia,

I'm unfortunately unable to attend this important public forum on 3 July 2025 as I'm away on annual leave; but would like to state on behalf of our company the following facts & comments:

- *Erf 2081 Wilderness* is now owned by RestProp Square (Pty) Ltd
- It is RestProp Square Ltd that has applied to lease the small portion of *Erf 243 Wilderness* occupied and not the tenants previously named (ie: The Girls Restaurant, Palms Restaurant, Blind Pig, etc)
- RestProp Square Ltd is requesting to lease these portions of 'road reserve' because we believe there is historical precedent of our occupation of these portions and we were directed to do so by George Municipality whilst applying to rezone the land-use permission of our property
- We have no designs on the actual physical Wilderness Common expanse, although there is already a precedent for public parking – along Waterside Road as well as on either side of George Road
- We note there has been opposition to our leasing request because of the process undertaken but we can in no way claim responsibility for this
- We note there are questions regarding the intentions for relaxing the title deed conditions of Erf 243 Wilderness and again must state that we only wish to legally lease that which we have occupied for a long time
- We also note the objectors have stated they wish the status quo is maintained, ie: our continued use of the portions we occupy
- We again question the value of the rental requested in light of the original offer received in June 2024 – we have since queried this in writing
- Please see attached various historical photographs showing our property from different angles, I'm currently doing research to try and find historical maps of the village showing the boundary lines for the various erven in the village (as per *Wilderness 1921 (Pty) Ltd*)– does George Municipality have any historical survey maps of the village older than 1990?
- Surely Owen Grant Street (and the end of George Road) should be subdivided from *Erf 243 Wilderness* and have its own road reserve on either side which is the norm through the rest of our village?

- Further to this, it would make sense for there to be formalised parking along the south side of this particular street to help alleviate the dire parking dilemma in our village
- We believe this solution would make the leasing process we're undertaking that much easier

Thank you for taking the time to consider what we believe are pertinent comments regarding this matter; especially in light of the fact that I am submitting these after the requested cut-off date of 17 June 2025 (I'm sure this date was a typo on your notice? – see attached). Despite being away, I am available via either email or WhatsApp should you require clarity regarding this mail. I will be back in Wilderness from 13 July 2025

Kind regards,
Donald

Donald Clark

Property Manager

The Square Wilderness

1 Owen Grant St, Wilderness, 6560

mobile: (+27) 82 412-9243

email: dclark@mweb.co.za



Think before you print

PUBLIC PARTICIPATION ERF 243

From Desire' Zwahlen <desirez.joy33@gmail.com>

Date Mon 30 Jun 2025 12:11

To Marisa Arries <Marries@george.gov.za>; ILANE HUYSER <ihuyser@george.gov.za>; Amelia Lombard <Alombard@george.gov.za>

 2 attachments (495 KB)

IMG-20250627-WA0048.jpg; IMG-20250627-WA0043.jpg;

Caution: External email. Avoid links or attachments unless sender is trusted.

Good morning Ladie/Gentlemen,

As a resident of Wilderness for more than 27 years, I am obviously very concerned re the "Removal of Restrictive Conditions erf 243" and through social media - George Herald and other social media message, that a meeting is scheduled for 3rd July at Fairie Knowe Hotel, 5.30pm. Comments to be submitted by **17th July 2025**. It also makes mention of "Wilderness Comanage" which is a small coffee shop on Waterside Road. On the Title deeds of Erf 243 it is named THE PARK/COMMON!!

As far as I am aware, this also needed to be in public view by means of printed notification in FULL public view for ALL to see very clearly and partake in this "Public Participation"/Disclosure/Explanation by George Municipality as to their (GM) views on the need for this process.

However, on looking out for this printed/public notification, I did find one outside The Girls Restaurant on the "pole" that demarcates the "Common" area, only to find that the information on this is completely incorrect. This is a total untruth as the dates that appear makes mention of **9 October 2024** - **please find attached as proof.**

In my view, putting incorrect information and as a laminated enlarged copy (which is not fully visible to read especially with the sun directly behind it as well as at a level that one needs to bend down to read) out for the public to read, is not acceptable.

This is false information to the people and needs to be rectified.

I will be bringing this up at the meeting on 3rd, however I am hopeful that someone on this email will be able to clarify comments made above.

Sincerely,

D. Zwahlen

Public Participation Response Wilderness Common

From Brian Musto <brian.musto@gmail.com>

Date Mon 14 Jul 2025 12:55

To Amelia Lombard <Alombard@george.gov.za>; Delia Power <Dpower@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Dear Sir/Madam

We are residents of Wilderness.

We attended the presentation given by Ms. Delia Power at the Fairy Knowe Hotel just over a week ago.

At that event she announced that the period for objections/comments had been reopened until 17 July 2025.

Our comments are:

1. We are very pleased that GM has now, at last, made its intention clear to amend (not scrap) the special condition in the title deed of Erf. 243 to continue to allow public access to the Common. We agree the current condition is outdated and needs to be amended to bring it up to date.
2. As this was not clearly the intention from the beginning of this process, despite the Council resolution allowing this, there was much pushback from the community. This was because the Council resolution also allowed the scrapping of the condition altogether, which was the major concern.
3. While we support the amendment to the condition to allow open access to all members of the community, we do recommend that the condition as presented by Ms. Power at Fairy Knowe, be changed to align it more with the concept of a Common than with the concept of a park.

In other words, the condition should not allow the erection of any built structures nor the planting of additional vegetation eg. trees and bushes, on the Common itself, as such structures or vegetation would defeat the sense of place the Common currently enjoys and provides.

So, we oppose the building of toilet amenities etc. on the common.

If toilets are required in the area, discussions can be held with SANParks and toilets built on the adjacent SANParks property. These would serve both SANParks recreational area at the water's edge and the Common.

We do not want toilet facilities on the Common as this would compromise the enjoyment of the Common and attract undesirable elements to the Common with all the attendant security risks this imposes.

So, please amend the condition to allow full public access but do not change or qualify the restriction on building on the common.

4. We recommend that the Amended Title Deed Condition should read as follows:

" ... for the use of all members of the public...for purposes of a public open space, as defined in the applicable zoning scheme...

No camping shall be permitted on it and no structures may be developed on the erf."

You should DEFINITELY NOT add the words "except for ABLUTION FACILITIES, PLAY APPARATUS, STREET FURNITURE, ENGINEERING INFRASTRUCTURE.....LANDSCAPING FEATURES AND ARCHITECTURAL/LANDSCAPING FEATURES, associated with the use of the public open space".

Whatever is allowed on the common is determined by the zoning scheme and that scheme alone, nothingg else.

5. As the zoning scheme for the Common will be "Public Open Space" what is allowed in terms of the definition in the Zoning scheme for the Common must prevail at all times, nothing else.

I hope you will save the Common by making sure the condition is amended more or less in the manner we have proposed above..

KInd regards

Brian & Joan Musto
Erf 2048 Wilderness

OBJECTIONS with regard to ERF 243 (Known as the Commons – Wilderness). C de Kock – (have property adjacent to “Commons”)– tel 082 773 5739

Current suggested “wording” CONCERNS in the title deed (as it was understood at the Fairy Knowe meeting).	<u>OBJECTIONS</u>	Recommendation:
“ablution facilities” etc. mentioned	Do not agree that <u>any</u> fixed structures can be allowed – including ablution facilities – only temporary for an event	Take out any property improvements except the services that was eluded to.
Use of the words “Public Interest”	Definition of “Public Interest” is too wide – it can be “misused” for any function in future.	Change “Public interest” to “Community interest” (add definition in title deed: where “Community” refers to, and will be represented by the officially recognised ratepayers association of Wilderness only)”
Use of the word “Event”	Definition of “events” is too vague. Define the nature of events too.	Change to “Events as approved by the “Community” ONLY (defined in row 2).
“Occasionally” is too vague.	The people living next to the common are most affected. They want certainty on (1) Number, (2) Nature, and (3) times of events.	The title deed to include a requirement that the “Community” annually develop and approve a guideline defining the nature, timing and number of events that may occur in a month or year.
Lease of land	Map the 2 current areas out (Girls/Hotel) – and allow ONLY that to be leased out in the title deed - to secure the rest for “common” use only in future.	

Note:

- 1) **Option 2:** The ONLY reason why title deed changes are being considered is because of the lease contracts. So only update the title deed with that. Other rights then stay the same as most want it like that. It was mentioned that the title deed already refers to the events that maybe be held there (at the Fairy Knowe meeting)...and most in Wilderness are happy with those limitations as it stands today. Lets remain conservative.

Wilderness Common erf no243 Notice no: HS/029/2024

From Natasha Mac Gillicuddy <natashamacg@gmail.com>

Date Wed 16 Jul 2025 18:14

To Amelia Lombard <Alombard@george.gov.za>

Caution: External email. Avoid links or attachments unless sender is trusted.

Dear George Municipality Planning and Development,

As per the meeting held on 3 July 2025 at the Fairy Knowe Hotel, we - as permanent residents/home owner and rate payers' of Wilderness - hereby categorically state that we are opposed to any development on the Wilderness Common.

The Common is a beautiful open space and a lovely "through fare" for residents/visitors. The fact that it's majority grass, means that it is there for all to enjoy for an hour or two and then move on/through Nobody is "hogging" the spot for the whole day. With all the developments being signed off by Municipalities, we are encroaching on open areas and natural flow.

The suggestion of ablution facilities on the common is outrageous - There are facilities at the lagoon (100m further), beach areas and restaurants. Keep the Common as is and there will be no need then for ablution facilities.

Questions that need to be investigated for eg. Who is responsible for the upkeep?

how do we keep it clean and tidy?

How do you keep unwanted elements from vandalising at night/or sleeping there?

Wilderness does not need another market - the Milkwoods are already supplying in the demand, with enough space for stalls.

Landscaped gardens means upkeep and how do youngsters kick a ball around, if they constantly need to look out for plants?

The same goes for play apparatus: It takes up valuable space and is hardly used to it's fullest - Wilderness already have a few swings etc behind Spar.

In short, please keep the Wilderness Common as is for everyone to enjoy, and not just for the benefit of parties who will have financial gain from such clauses being lifted.

We hereby request that the Common stay as is.

Regards

--

Natasha Mac Gillicuddy

e-mail : natashamacg@gmail.com

mobile: 0833257137

ANNEXURE "2"

LIST OF NAMES IN SUPPORT OF THE COMMENTS AGAINST THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN RESPECT OF ERF 243, WILDERNESS

The following persons / entities has expressed their support for the comments provided:

*** Please Note:** The personal details of the persons / entities listed herein are private and may only be disclosed and may only be used for purposes of the adjudication and consideration of the relevant land use application, and in support of these comments. For security reasons, the persons / entities so listed do not consent that their personal details (as listed) may be used for any advertising or marketing purposes, or provided to any non-related / non-interested parties that is not involved with the adjudication and consideration of relevant land use application.

#	NAME	ADDRESS*	CONTACT DETAILS*
1	Andre van Niekerk (Author)	1060 Seven Passes Rd, Wilderness Heights	andre@kettererlaw.co.za 083 864 1740
2	Khalid Mohammed	306 Heights Rd, Wilderness	082 595 0002
3	Mike Leggat	Wilderness	micheal.leggat@gmail.com 072 752 4597
4	Richard Kershaw	13 Hoekwil Rd, Hoekwil	richardkershaw@mac.com 082 587 1398
5	Angus Blinkhorn	1060 Seven Passes Rd, Wilderness Heights	angus@edenss.co.za 072 7526588
6	Wesley Blinkhorn	1060 Seven Passes Rd, Wilderness Heights	071 546 6950
7	Charles A Scott	50 Bo-Langvlei Rd, Rondevlei	waleaf@langvlei.co.za
8	Mel Pereira	2100 Constantia Drive, Constantia Kloof, Wilderness	melp@absamail.co.za 083 457 3387
9	Jan Heyneke	2018 Kooboberry Close, Constatia Kloof, Wilderness	jan@heyneke.net 082 576 7160
10	Flooris vd Walt	2121 Constantia Drive, Constantia Kloof, Wilderness	vanderwalt.flooris@gmail.com 065 504 0604
11	Romy Foster von der Heyde	2038 Constantia Drive, Constantia Kloof, Wilderness	romy.foster@icloud.com 083 631 9643
12	Mike von der Heyde	2038 Constantia Drive, Constantia Kloof, Wilderness	mike@vonderheyde.co.za

13	JM Foster	10 L'Azur, Waterside Rd, Wilderness	082 695 9764
14	Anneli Olsen	361 Waterside Rd, Wilderness	anneli@dandagroup.co.za 072 386 0440
15	D&A Financial Planning CC	362 Waterside Rd, Wilderness	dolsen@dandagroup.co.a 082 410 2740
16	Charmaine Stoltz	5 Beacon Rd, Wilderness	Charmaine.bluhuman@outlook.com 083 374 5457
17	Sheree Muller	5 Beacon Rd, Wilderness	069 370 0685
18	Carl Lamprecht	5 Beacon Rd, Wilderness	carlwildernis@gmail.com 067 679 4492
19	Carolyn Foster	257 Watsonia Rd, Wilderness Heights	fossiecg@gmail.com 076 685 2055
20	Henry Foster	257 Watsonia Rd, Wilderness Heights	082 737 1886
21	Heyns Stead	326 Lower Hillside Rd, Wilderness	njj741t@iafrica.com 082 680 8000
22	Ann Stead	326 Lower Hillside Rd, Wilderness	bogiestead@hotmail.com 082 452 8263
23	Janine Kaye	10 Anchorage Lane, Wilderness	thekayes.anchorpark@gmail.com
24	Peter Kaye	10 Anchorage Lane, Wilderness	thekayes.anchorpark@gmail.com
25	Ryan Kaye	13 L'Azur, Waterside Drive, Wilderness	ryankaye14@gmail.com
26	Maria Araque	660 Third Avenue, Wilderness	mcaraque@icloud.com
27	Sydney Parkhouse	660 Third Avenue, Wilderness	083 660 6078
28	Paul Whitelaw	403 Waterside Rd, Wilderness	paul@cloveleighquesthouse.co.za
29	Renier van Kersen	403 Waterside Rd, Wilderness	spaul@cloveleighquesthouse.co.za

**COMMENTS ON ALTERNATIVE OPTIONS THAN THE REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS IN RESPECT OF ERF 243, WILDERNESS**

The following comments and /or objections are made to possible alternative options than the removal of the title deed conditions applicable to Erf 243, Wilderness:

1) **GENERAL:**

The original resolution (dated 25 July 2024) authorizing the application for removal of the title deed condition does not make provision for the amendment of the title deed condition (as identified) on Erf 243 Wilderness.

The final resolution (dated 24 April 2025), in an attempt to rectify this, only amended condition c(ix) to the approval in principle to lease the 2 portions. This condition makes provision for the title deed condition to be "waived/amended" to allow for the approved lease.

Paragraph (d) of the original resolution is still in effect and only authorizes the removal of the title deed condition.

The original resolution also only allows for the removal of the title deed condition on 2 grounds:

- a) To permit the land use (the lease agreement), and
- b) To allow for event to take place on the property.

The original and final resolution also do not identify the property on which the title deed condition is applicable and to be removed.

The Application does further does not make provision for the amendment of the title deed condition. Nowhere in the application is the amendment discussed or proposed. The application is defective regarding any proposed amendment.

The Application also only deals with the 2 stated grounds (above) for the application and does not state at all the other additional reason put forward during the public hearing on 03 July 2025, being: to remove or amend the description of "owner" in the title deed condition to allow full public access to and usage of Erf 243 Wilderness.

2) AMENDMENT OF RESOLUTIONS AND APPLICATION:

The resolutions and application, as it currently reads and stands, cannot be used for the formal application to either remove or amend the title deed condition.

The resolutions should be amended to provide for the removal and/or amendment of the title deed condition applicable on Erf 243 Wilderness on the 3 separate grounds indicated.

The Application should then also be amended allow for amendments and to include the 3rd ground and the reasons for same. This amended application should also include all the proposed amendments sought with examples thereto.

This amended application should be re-advertised for public comment and representations, or any objections, whereupon it can only then be submitted.

3) ALTERNATIVES TO REMOVAL OF TITLE DEED CONDITION:

2 potential alternatives were put forward at the public hearing, being the amendment of the title deed conditions as well as a possible adopt-a-spot memorandum of agreement with a public party/entity.

3.1 Amendment(-s) to the title deed condition:

- (i) An amendment to the title deed condition to allow the approved lease must be in a general form for the leasing (not long-term) of a specified portion of Erf 243 Wilderness (as defined, demarcated and identified in the amended condition) to an unspecified lessee, for a specified period on fair market value. It should also explicitly disallow any long-term leases (more than 3 years), disallow any subdivision of that portion so leased, only allow limited zoning as required (which will lapse on expiry of the lease), and limited development and limited erection of structures.

It cannot specify any current or future named lessee or lease agreement. If it does, then that specified lessee (or holder of right to the specified lease agreement) will obtain a personal right to that portion even if the lessee or holder of that right stops trading. It will also prevent the GM from entering into another lease agreement with a different party (not stated in the amended condition) on a different lease agreement for a different reason and different period. The title deed condition will then have to be amended every time there is a new lessee and lease agreement.

- (ii) Amendment for the holding of events can simply be done with an addition after the words "...recreational purposes..." with the words "...(*as defined hereunder*) and some limited events (*as also defined hereunder*)".

Much like the "owners" are defined in the title deed condition, similar definitions can then be inserted for what is allowed within the meaning of "recreational purposes" and "limited events". These definitions should however first be made public for comments, objections and representations to allow transparency and public feedback.

- (iii) Amendment for the allowance of the erections of structures and limited buildings on Erf 243 Wilderness should not be allowed.

To allow the erection of any structures and/or any limited buildings will only increase the maintenance responsibility (and subsequent financial obligations) for the GM, allow for the illegal occupation and vandalization of those structures and buildings, create spaces for loitering, illegal trading and other anti-social or illegal activities. The free recreational use (like dog-walking, picnicking, exercising, etc.) of the property would also be impacted quite severely and negatively as the structures and building would limit movement and access.

Furthermore, such structures and buildings would permanently scar the aesthetics of Erf 243 Wilderness, especially the iconic views therefrom and thereof, and the natural beauty of the town itself. Such views have been part and parcel of the town of Wilderness for decades and any structural development will only create an eye sore.

- (iv) Amendment of the definition of "owner" in the title deed should clearly state that Erf 243 Wilderness is an open space for the common use of all members of the public for defined "recreational purposes" (see subparagraph (ii) above) and that all members of the public shall have free access to the property at all times.

3.2 Adopt-a-Spot:

The suggestion that Erf 243 Wilderness could potentially be utilized by way of the Adopt-a-Spot Policy of the GM cannot be allowed by the policy itself, or be of any benefit to the general public of the GM.

This policy clearly, *per* section 6(c) thereof, makes this policy not applicable to:

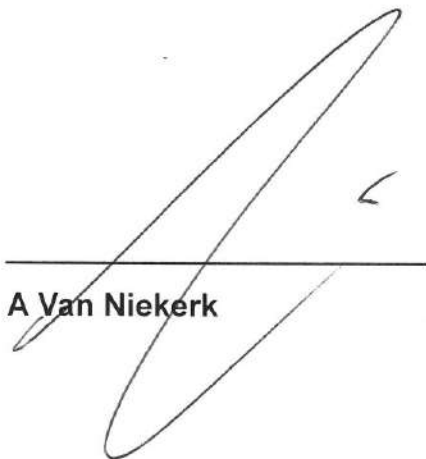
"c) the short-term or occasional use of an open space for an event;"

The policy clearly disallows the short-term and occasional usage of Erf 243 Wilderness for any event.

If Erf 243 Wilderness is to be included in an Adopt-a-Spot memorandum of agreement with any private person/entity, then Erf 243 Wilderness cannot be utilized for any occasional usages as defined by Schedule 2 of the George Integrated Zoning Scheme By-Law (2023 as amended), in clear contradiction of its zoned land-use.

Dated: 15 July 2025

Per:



A Van Niekerk

Drafted by:
Ketterer Attorneys Inc.
110 York Street
George

COPY

361 WATERSIDE ROAD
WILDERNESS
6560

9 OCTOBER 2024

GEORGE MUNICIPALITY
PER E-MAIL: alombard@george.gov.za

Your ref: Amelia Lombard

Dear Sirs,

**APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 243,
WILDERNESS ("the Common")**

I refer to the above matter and hereby attach a petition signed by the concerned members of the general public who regularly use and enjoy the free use of the Common.

Kindly sign acknowledgement of the petition.

Yours faithfully,



Mrs AE Olsen

6 pages M. Arries received
09 October
2024

* Phoned: 12/12 - Nothing yet
for 2 week in Jan 2025

GEORGE MUNICIPALITY

HUMAN SETTLEMENT, PLANNING & DEVELOPMENT

WITH REGARDS TO ERF 243 - WILDERNESS (The Common)

Petition Against Application:

REMOVAL OF RESTRICTIVE TITLE DEED CONDITION TO ALLOW FOR RESTRICTIVE ACCESS ON PORTIONS OF ERF 243, WILDERNESS (known as "the Common"). NOTICE FROM GEORGE MUNICIPALITY ATTACHED - REFERENCE 3610408

ISSUE: The proposed removal of restrictive title deed conditions for portions of Erf 243, Wilderness, could grant the municipality/businesses the authority to significantly alter the Common/Park area located in front of the Wilderness Hotel. The amendment of the title deed could potentially lead to the removal of borders, allow for the construction of buildings and development of the open space, thereby transforming the Common/Park. This area is currently enjoyed by residents, tourists, and the surrounding community alike as an open, natural space, to host a variety of activities. The distinct character and communal atmosphere of Wilderness, which draws people to the area for holidays, daily visits, and recreation, is intimately connected to this space and the preservation thereof in its current form is vital. Any changes would undermine the unique sense of place and charm that defines Wilderness and attracts visitors.

If you oppose any changes being made to the existing structure and would like the municipality to withdraw the application in its entirety, please complete the form below and sign in full where indicated.

Name	Address	Email/Phone	Signature	Date
DERRICK OLSEN	361 WATERSIDE RD	0824027440	[Signature]	1/10/2024
ANNA OLSEN	361 Waterside Rd	0723860440	[Signature]	1/10/24
Zewel Wiggill	53 Enca Str	0824507976	[Signature]	1/10/24
Magda Burger	Kiekiebas Guest Farm	0728932009	[Signature]	01/10/24
Naomi Viers	10/11/20 Seunbess	0844124577	[Signature]	01/10/24
Itannelie Corder	30 Sarel Cilliers Sedgemoor	0718867688	[Signature]	01/10/24
Sanette Kruil	24 The Waves, Sath Str	0726372322	[Signature]	01/10/24
Dawson Gounfain	2117 Constantia Ave	0832518401	[Signature]	01/10/24
DAVID Y GELDFAIN	12 LA ZUR WATERSIDE	0834684668	[Signature]	01/10/24
Amerzougui Hadie	Lake Road 642 Wilderness	079/863.44.62	[Signature]	03/10/24
Smets Yel	"	079/863.37.15	[Signature]	03/10/24
Cathy Corstius	715 North Str.	0846819933	[Signature]	03/10/24
ELMOR WEO	682 THIRD AVE	0824558165	[Signature]	03/10/24
Brian BARTLETT	699 THIRD AVE	0663142699	[Signature]	03/10/24
Ian Summris	Beacon Rd Wilderness	083-2517417	[Signature]	03/10/24
RICHARD PRETORIUS	WILDERNESS MILKMAKERS	0824524372	[Signature]	03/10/24
Isaac Rodriguez	644 Lake rd	0818248851	[Signature]	03/10/24
Jem-Dara Glogauer	Watsonia rd, Wilderness	0712445852	[Signature]	03/10/24
Marius Erlank	Bergstr. 12 Vredenburg	0764709142	[Signature]	03/10/24
Elna Erlank	Bergstr. 12 Vredenburg	0764709142	[Signature]	03/10/24

GEORGE MUNICIPALITY

HUMAN SETTLEMENT, PLANNING & DEVELOPMENT

WITH REGARDS TO ERF 243 - WILDERNESS (The Common)

Petition Against Application:

REMOVAL OF RESTRICTIVE TITLE DEED CONDITION TO ALLOW FOR RESTRICTIVE ACCESS ON PORTIONS OF ERF 243, WILDERNESS (known as "the Common"). NOTICE FROM GEORGE MUNICIPALITY ATTACHED - REFERENCE 3610408

ISSUE: The proposed removal of restrictive title deed conditions for portions of Erf 243, Wilderness, could grant the municipality/businesses the authority to significantly alter the Common/Park area located in front of the Wilderness Hotel. The amendment of the title deed could potentially lead to the removal of borders, allow for the construction of buildings and development of the open space, thereby transforming the Common/Park. This area is currently enjoyed by residents, tourists, and the surrounding community alike as an open, natural space, to host a variety of activities. The distinct character and communal atmosphere of Wilderness, which draws people to the area for holidays, daily visits, and recreation, is intimately connected to this space and the preservation thereof in its current form is vital. Any changes would undermine the unique sense of place and charm that defines Wilderness and attracts visitors.

If you oppose any changes being made to the existing structure and would like the municipality to withdraw the application in its entirety, please complete the form below and sign in full where indicated.

Name	Address	Email/Phone	Signature	Date
Stephen Olsen	62B High Street, London, N8 7NX	stephen@olsen.so		01/10/24
Giorgia Bacco	62B High Street, London, N8 7NX	giorgia.bacco@gmail.com		01/10/24
TABEA ALTHAUS	AM BOTANISCHEN GARTEN 68, 50735 COLOGNE	Tabea-althaus@t-online.de		03/10/24
SAUKIA	Bachhausstr. 130, 40600 Düsseldorf	al.saukia@yahoo.de		03/10/24
Maxim Willem	624 300 Ave. Willem	maximwillem@icloud.com		3/10/24
Nic Olsen	P.O. 77/183 Eotshak, Knysna	Nic@x-dsm.co.za		3/10/24
Carla-Lu Graham	9 Tarka Close	caraluge@gmail.com		3/10/24
Johannes Grobler	4 Kanarie, Sedgefield	johannes.grobler@nqunet.co.za		3/10/24
Jacques Joubert	606 2nd Ave. Wilderness	jacques.joubert@x-mvets.co.za		3/10/24
James Hann	367 Watercress Rd, Wilderness	jh@wilderness.w.za		3/10/24
Genevieve de la Gravi	363A Waterside Road	info@movefitness.co.za		3/10/24
Glen Liebenberg	354 Krantz Lane	glenmr.2203@gmail.com		03/10/24
Glen Lindsay	1783 Young Terrace	glen@lindsay@gmail.com		04/10/24
Anton Verdaan	1200 Fredericxw. Wild.	anton@jvwildan.co.za		04/10/24
Anthony Burns	1 Touw River Rd	anthonyburns197@gmail.com		04/10/24
JOHAN EKSTEEN	PLOT 11, ELANDSKRAAL	dot.johan-eksteen@gmail.com		04/10/24
KAREN CAHNS	326 ERICA RD, WILDER.	karen.tsan@gmail.com		4/10/24
JC WATSON	0829062339	JC@RWAARCHITECTS.CO		04/10/24
SYLVIA WATSON	0822109206	sylvia@rwaarchitects.co.za		04/10/24
P.C. CHIEG	0826826338	pch@rwaarchitects.co.za		4/10/24
	2103 Fynboslot			

Susan Chiole	2103 Fynboslot	012 119 7325	<i>[Signature]</i>	04/10/2024
R. GARTEN	695-240/1st	082 723 333	<i>[Signature]</i>	
R.K. BERRY	374 Lumberloer	079 194 2276	<i>[Signature]</i>	04/10/24
N.R. BIRD.	7 Towerskop St. George	078 1289 197	<i>[Signature]</i>	04/10/24
R. BOUZAAR	7 Towerskop St George	082 898 3037	<i>[Signature]</i>	04/10/24
<i>[Signature]</i>	1 Lumberloer	09 065 320 433	<i>[Signature]</i>	04/10/24
Camilla Juig	365, Waterside Rd	083 561 4939	<i>[Signature]</i>	4/10/24
Garnet Juig	365, Waterside Rd	083 560 4470	<i>[Signature]</i>	4/10/24
ANNE CULLEN	137 SLOTHOUSE STREET WILDERNESS	082 881 8882	<i>[Signature]</i>	04/10/2024
K. Malt	1244 Willemss	064 608 5808	<i>[Signature]</i>	4/10/24
GILES WHITE	365 Waterside Rd, wilderness	077 513 3837	<i>[Signature]</i>	4/10/24
S.M. SMIT	Groenkloof, George	072 441 1000	<i>[Signature]</i>	04/10/2024
C. Huns	Pietmyl	083 514 9202	<i>[Signature]</i>	4/10/2024
G. DEVLIN	1115 STR SEDGEFIELD	068 76 06428	<i>[Signature]</i>	4/10/2024
T. HOLTEN	3 DR MALAN SEDGEFIELD	083 212 3963	<i>[Signature]</i>	4/10/2024
R. BOWER	123 THE DUNES PLETTENBERG BAY	083 795 708	<i>[Signature]</i>	4/10/2024
J. BOWER	125 THE DUNES PLETTENBERG BAY	083 792 5708	<i>[Signature]</i>	4/10/2024
M. HOLTEN	3 DR MALAN STR	082 553 0837	<i>[Signature]</i>	4/10/24
T. Olsen	35 BARAENDIA STR	072 562 8279	<i>[Signature]</i>	4/10/24
J. FERDERKE	96 FRASER Seage	070 370 0124	<i>[Signature]</i>	4/10/24
m m chae	90 fraser st.	074 117 2483	<i>[Signature]</i>	4/10
C. Olsen	35 Baraenda St.	084 622 0368	<i>[Signature]</i>	4/10
Meg Norman	2604 Lily-Pd.	0720212475	<i>[Signature]</i>	5/10
Charles Norman	2604 Lily Pd	0828977071	<i>[Signature]</i>	5/10
S. DE REIMS	6200 Kerk St	077 350 673	<i>[Signature]</i>	5/10
T. Tans van Vuren	62a kerk street	063 298 7496	<i>[Signature]</i>	5/10
N. VAN VUUR	62A KERK STREET	078590235	<i>[Signature]</i>	5/10
G. MAYNE	15/158 WHITES RD	082 789 4122	<i>[Signature]</i>	5/10
C. Mayne	" "	092 494 8452	<i>[Signature]</i>	5/10
J. VAN DER WALT	46 UNIACTE GEDDE	083 310 9351	<i>[Signature]</i>	5/10
D. Wigley-Cole	24 Sands Road	079 223 8554	<i>[Signature]</i>	05/10
L. Theunissen	Plot 292 whites rd	076 359 0084	<i>[Signature]</i>	05/10
J. LEO	682 3rd Avenue	082 453 1724	<i>[Signature]</i>	05/10
E. GREYLING	811 7th Avenue	082 850 2224	<i>[Signature]</i>	05/10
J.C. GREYLING	811 7th Avenue	082 850 2228	<i>[Signature]</i>	05/10

[illegible]

To whom it concerns:

Re: Objection to the proposed removal of restrictive title deed conditions in respect of Erf 243, Wilderness.

I **object** to the removal of Condition (B) in the title deed of Erf 243 and feel that removal of the said condition will remove not only the words but the **spirit** behind the **intention** of the condition itself and that for that reason the condition should rather be amended.

Further to this, I **object** to the WRRRA's intention to 'adopt-a-spot' and question the timing as well as whether this well-maintained property should even be considered as a suitable candidate for such an 'adoption'. The current application, for the removal of a restrictive condition, appears to be intricately connected to a (pending?) lease agreement and the WRRRA's intention to 'adopt' the common merely compounds and exacerbates an already complicated situation, particularly as far as lease agreements are concerned.

Furthermore, as the common requires very little maintenance, other than occasional mowing, I feel it should remain in the custodianship of the municipality as stipulated in Condition (B). The proposed 'adoption' of the Common is a separate issue which, if necessary, should be considered independently and should not be a 'side act' that is entertained while the community is focused on the semantics of the title deeds of ERF 243.

Given the importance of the Erf itself, I urge the authorities to keep the proposed 'adoption' a separate issue until such time as the current application has come to a conclusion.

Erf 243 can be described as the very heart of Wilderness village. The viewshed, particularly from the West, is iconic and the Common itself has remained unchanged for decades. In short, it is a very important image of Wilderness village that people carry away when they go and one which they share with others and, in so doing, promote the natural aesthetics of this area as well as its value as a tourist destination.

With the rapid pace of development in this area, there is some comfort to be found in what remains unchanged and the knowledge that certain places are **carefully protected** for the benefit of future generations as well as for our own 'sense of place', as we come and go ourselves.

Although dated, the title deed sets out the use of the Common as an '**open space**' for the use of all owners. It seems that the intention is clear.

Given that Wilderness was much smaller at the time, with some minor adjustment, that condition could be amended to read... 'for the use of **all** members of the public.' (With this in mind, I am again weary of the greater common being placed under the custodianship of any entity other than the George Municipality.)

The condition further stipulates that the common can only be used '**for recreational purposes**.' My understanding is that the municipality has **no definition** for 'recreational purposes' and that this, in part, is an issue (to them) as they would like to allow certain 'events' on the common. As I am not sure whether the municipality has a clear **definition** of what constitutes an 'event', it is difficult to ascertain whether I would support including the word in an amended condition (b) but I do feel there must be a way of rewording the condition in order to find a solution to the current impasse without jeopardising the status quo.

Personally, I have no objection to community- based events taking place on the common, even if they involve ‘selling cooldrinks and burgers’ as long as **all** members of the community have **‘free access’**.

The renting of the common for events (or for other reasons) should not be seen as a ‘cash-cow’ by any party as this could well lead to a loss of the intrinsic value of the Common itself through overutilization.

Condition (b) stipulates that the common **‘shall not be built upon’**. I am vehemently opposed to the removal of this portion of the title deed. Removing this critical restriction could have extremely dire consequences for the future of the Common and, bearing in mind, that the intention behind condition (b) was that the common be a shared space for the community to come together, the irony of removing this particular restriction is that it will polarize the community indefinitely as they argue over what to allow and what not to.

My suggestion is that condition (b) be amended to say something along the following lines:

“The area shown in the diagram of THE PARK shall be an open space or common for the use of all members of the public for recreational purposes. Application can be made for short term lease agreements (max 48 hours) for public events that may involve commerce but shall not interfere with the public’s right to free access.

It shall not be built upon nor shall camping be permitted thereon and the public shall have free access at all times.

The registered owner (George municipality) has the right to enforce observance of order and cleanliness.’

With regard to the two portions of Erf 243 that are currently under scrutiny... as they fall slightly outside the area that is naturally defined as the common and have been absorbed into adjacent properties,(and which have been normalized through incremental encroachment) I support the idea of those portions being leased under strict conditions and that no further development of those portions be allowed, that the restrictive title be waived to allow for business to continue, and that a **realistic**, market -related financial agreement be approved which can, in part, contribute to the maintenance of the larger portion of the common.

(Nb. This does not mean that I support any applications on adjacent properties, and my sentiments relate only to finding a workable solution to this application. (Erf 243))

Nature is the intrinsic essence of Wilderness and is what draws people to this area, and while I support the municipality’s endeavour to promote tourism in the region, I am keenly aware of the dangers of ‘over-tourism.’ In other words, a scenario where tourism is used as a **Trump** card to the detriment of those members of the public who inhabit an area and have no **vested** interest in tourism.

The George Municipal area has several remarkable attributes and, if seeking to ‘increase domestic and international tourism’ is such a high priority then perhaps a more **viable alternative** would be to invest greater attention on the better utilization of the property on which the George dam is situated. The carrying capacity and potential for non-invasive ‘events’ on that property is **almost limitless** and would almost certainly have **much greater socio-economic implications for the region as a whole**.

In closing, erf 243 is prime property in Wilderness and our predecessors had the foresight to preserve it for the benefit of the community at large. We would be doing a great disservice to that vision if condition (b) were to be removed or watered down to an extent where it no longer protects the common in the spirit in which it is was intended.

It is in seeking to uphold that vision that I support an amendment of condition (b) and **strongly object** to its removal.

Sincerely,

Mike Leggatt.



AGENDA ORDINARY e-COUNCIL MEETING 25 JULY 2024

COMMENTS: DIRECTOR: CORPORATE SERVICES

N/A

COMMENTS: DIRECTOR: CIVIL ENGINEERING SERVICES

N/A

COMMENTS: DIRECTOR: ELECTRO-TECHNICAL SERVICES

N/A

COMMENTS: DIRECTOR: HUMAN SETTLEMENTS, PLANNING & DEVELOPMENT AND PROPERTIES

N/A

COMMENTS: DIRECTOR: COMMUNITY SERVICES

N/A

COMMENTS: LEGAL SERVICES

N/A

COMMENTS: OTHER

N/A

SUMMARY/OPSOMMING

N/A

Proposed by Councillor Barnardt and seconded by Councillor D Gultig, it was

RESOLVED TO RECOMMEND TO COUNCIL

- (a) That Council **TAKE NOTE** of Regulation 36 of the Municipal Asset Transfer Regulations listed in the report and **CONFIRMS** that the factors listed have been taken into account in considering the proposed lease;
- (b) That Council **GRANT IN PRINCIPLE APPROVAL** for the leasing of the portion of the Owen Grant Street road reserve ($\pm 333\text{m}^2$ in extent) and the George Street Road road reserve ($\pm 182\text{m}^2$ in extent) situated next to Erf 2081 Wilderness to the owner of Erf 2081 Wilderness for the purpose outdoor seating for the restaurant that is being operated from Erf 2081 Wilderness at a monthly gross rental amount of R1579.54 plus VAT per month with an annual escalation of 7%, for the proposed lease period of nine (9) years and eleven (11) months, and;
 - (i) That it be decided that the portion of the Owen Grant Street road reserve ($\pm 333\text{m}^2$ in extent) and the George Street Road road reserve ($\pm 182\text{m}^2$ in extent) situated next to Erf 2081 Wilderness is not required for the Municipality's own use;



AGENDA ORDINARY e-COUNCIL MEETING 25 JULY 2024

- (ii) That the lease of the property will be to the benefit of the local community;
- (iii) That the risks associated to the lease be addressed in the lease agreement;
and
- (c) That the lease agreement **BE SUBJECT TO** the following conditions, *inter alia*:
 - (i) The lease will be for a period of nine (9) years and eleven (11) months;
 - (ii) The portion of the Owen Grant Street road reserve ($\pm 333\text{m}^2$ in extent) and the George Street Road road reserve ($\pm 182\text{m}^2$ in extent) situated next to Erf 2081 Wilderness can only be utilised for the outdoor seating purposes of the restaurant;
 - (iii) The owner of Erf 2081 Wilderness will not be allowed to cede, transfer or assign the lease agreement;
 - (iv) The lessee will not be allowed to sublet the portions of the road reserves;
 - (v) That all improvements to the facility will revert back to the Municipality upon expiry or termination of the lease agreement;
 - (vi) That the Municipality be allowed to inspect the facility;
 - (vii) That the lessee will be responsible for the upgrading and maintenance of the areas to be leased;
 - (viii) That any additional capacity for electricity required will be for the account of the lessee;
 - (ix) That the restrictive condition imposed on the property in the title deed of the property be waived;
 - (x) That any town planning procedures, *inter alia*, the zoning rectification required to operate the facility, etc. must be obtained at the cost of the lessee;
 - (xi) That reasonable extension in terms of the Land Use Planning By-law be granted to the applicant to implement the conditions of the land use approvals, should it be required.
- (d) That **THE WAIVING** of the historic restrictive title deed condition be done by the Municipality to permit the land use and also to allow for events to take place on the property;
- (e) That the proposed leasing of the portion of the Owen Grant Street road reserve ($\pm 333\text{m}^2$ in extent) and the George Street Road road reserve ($\pm 182\text{m}^2$ in extent) situated next to Erf 2081 Wilderness, **BE ADVERTISED** for counter offers and for public comments and representations;
- (f) That the leasing of the land is **SUBJECT THERETO** that no comments, representatives and counter proposals are received for the leasing of the land for the purpose of utilising the road reserves for outdoor seating purposes for a restaurant;



AGENDA ORDINARY e-COUNCIL MEETING 25 JULY 2024

- (g) That this approval be considered as **FINAL APPROVAL** should no counter proposals for outdoor seating purposes for a restaurant be received; and
- (h) That this approval is **SUBJECT THERETO**, that all administrative, technical and legal requirements are adhered to by the applicant.

KUGQITYWE UKUBA KUCETYISWE IBHUNGA

- (a) Kukuba iBhunga LITHATHE INGQALELO yoMmiselo wama-36 weMimiselo yoTshintshelo lwe-Asethi kaMasipala edweliswe kwingxelo kwaye LIQINISEKISE ukuba le miba idwelisiweyo ithathelwe ingqalelo xa kuqwalaselwa uqeshiso olucetywayo;
- (b) Kukuba iBhunga LINIKEZELE NGEMVUME NGOKOMGAQO yokuqeshisa ngesiqephu sendlela egciniweyo ye-Owen Grant Street ($\pm 333\text{m}^2$ ubukhulu) kunye nendlela egciniweyo yendlela yeGeorge Street ($\pm 182\text{m}^2$ ubukhulu) ekufuphi neSiza sama-2081 eWilderness kumnini weSiza sama-2081 eWilderness ngenjongo yokuhlalisa ngaphandle kwindawo yokutyela esebenza kwiSiza sama-2081 eWilderness ngexabiso elipheleleyo lokuqesha lenyanga le-R1579.54 kunye neRhafu ngenyanga kunye nokunyuka konyaka kwe-7%, ngexesha elicetywayo lokuqesha leminyaka eli- (9) kunye neenyanga ezilishumi elinanye (11), kunye;
 - (i) Nokuba kugqitywe ekubeni isiqephu sendlela egciniweyo ye-Owen Grant Street ($\pm 333\text{m}^2$ ubukhulu) kunye nendlela egciniweyo yeNdlela iGeorge Street ($\pm 182\text{m}^2$ ubukhulu) esimi kufuphi neSiza sama-2081 eWilderness asifuneki ukuba uMasipala azisebenzisele ngokwakhe. ;
 - (ii) Ukuba uqeshiso lwepropati luya kuba luncedo kuluNtu lwekhaya;
 - (iii) Ukuba imingcipheko eyayanyaniswa nolo qeshiso isonjululwe kwisivumelwano sokuqeshisa; kwaye
- (c) Ukuba isivumelwano sengqeshiso SIXHOMEKEKE kule miqathango ilandelayo, phakathi kwezinye izinto:
 - (i) Isivumelwano soqeshiso siya kuba sesexesha leminyaka elithoba (9) kunye neenyanga ezilishumi elinanye (11);
 - (ii) Isiqephu sendlela egciniweyo ye-Owen Grant Street ($\pm 333\text{m}^2$ ubukhulu) kunye nendlela egciniweyo yeNdlela yeGeorge Street ($\pm 182\text{m}^2$ ubukhulu) esimi ecaleni kweSiza sama-2081 eWilderness singasetyenziselwa kuphela iinjongo zokuhlala ngaphandle kwendawo yokutyela;
 - (iii) Umnini weSiza sama-2081 eWilderness akayi kuvunyelwa ukuba anceme, atshintshele okanye anike isivumelwano sokuqeshisa;
 - (iv) Umqeshi akasayi kuvunyelwa ukuba aqeshise kwakhona isiqephu sendlela egciniweyo;



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- (v) Ukuba lonke uphuculo lwesakhiwo luya kubuyiselwa kuMasipala xa siphelile okanye siphelisiwe isivumelwano sokuqeshisa;
 - (vi) Ukuba uMasipala avunyelwe ukuba ali hlele iziko;
 - (vii) Ukuba umqeshi uya kuba noxanduva lokuphucula nokugcina iindawo eziza kuqeshwa;
 - (viii) Ukuba nawuphi na umthamo owongezelelweyo wombane ofunekayo uya kuba ngowetyala lomqeshi;
 - (ix) Ukuba umqathango osisithintelo obekwe kwipropati kwixwebhu ngelungelo lobumnini mhlaba urhoxiswe;
 - (x) Ukuba naziphi na iinkqubo zocwangciso lwedolophu, phakathi kwezinye izinto, ukulungiswa kocando olufunekayo ukuze kusetyenziswe eli ziko, njl.njl. mazifunyanwe ngeendleko zomqeshi;
 - (xi) ulwandiswa olufanelekileyo ngokoMthetho kaMasipala woCwangciso lokuSetyenziswa koMhlaba lunikezelwe kumfaki-sicelo ukuze aphumeze imiqathango yolwamkelo losetyenziso-mhlaba, ukuba iyimfuneko.
- (d) Ukuba UKURHOXISWA komqathango wembali kwixwebhu ngelungelo lobumnini kwenziwe nguMasipala ukuze avumele ukusetyenziswa komhlaba kunye nokuvumela ukuba kwenzeke iziganeko kwipropati;
- (e) Ukuba uqeshiso olucetywayo lwesiqephu sendlela egciniweyo ye-Owen Grant Street (emalunga nama-333m² ubukhulu) kunye nendlela egciniweyo yendlela iGeorge Street (±182m² ubukhulu) emi kufuphi neSiza sama-2081 eWilderness LUBHENGZWE malunga nezithembiso zokwenza eziphikisayo kunye nezimvo zoluNtu kunye nomelo;
- (f) Ukuba ukuqeshiswa komhlaba KUXHOMEKEKE NGOKO kukuba akukho zimvo, abameli kunye nezicelo ezichaseneyo zamkelwayo zokuqeshiswa komhlaba ngenjongo yokusebenzisa indlela egciniweyo ngeenjongo zokuhlalisa ngaphandle kwindawo yokutyela;
- (g) Ukuba olu lwamkelo luthathwe NJENGEMVUME YOKUGQIBELA kwakungabikho zindululo ziphikisayo zifunyenweyo ngeenjongo zokuhlala ngaphandle kwindawo yokutyela; kunye
- (h) Nokuba olu lwamkelo LUXHOMEKEKE NGOKO, kukuba zonke iimfuno zolawulo, zobugcisa nezomthetho zithotyelwe ngumfaki-sicelo."

ATTACHMENTS / STAWENDE DOKUMENTE

Attached

FOR CONSIDERATION

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

Collaborator No.: 2314379
Reference / Verwysing: Erf 2081, Wilderness
Date / Datum: 21 April 2023
Enquiries / Navrae: Marisa Arries

Email: janvrollijk@jvtownplanner.co.za

JV TOWN PLANNER
PO BOX 710
GEORGE
6560

**APPLICATION FOR REZONING AND DEPARTURE: ERF 2081,
OWEN GRANT STREET, WILDERNESS**

Your application in the above regard refers.

The Deputy Director: Planning (Authorised Official) has, under delegated authority, 4.1.17.1.17 of 30 June 2022 decided that, notwithstanding the objections received, the following applications applicable to Erf 2081, Wilderness:

1. Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 2081, Wilderness from "General Residential Zone V" to "Business Zone I";
2. Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 for the relaxation of the parking requirements for "Business Premises" on Erf 2081, Wilderness from 4 bays per 100m² GLA to 3 bays per 100m²;
3. Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 from Section 46(1)(c) of the George Integrated Zoning Scheme, 2017 to allow for tandem parking spaces on Erf 2081, Wilderness;
4. Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 from Section 47(3) of the George Integrated Zoning Scheme, 2017 to waive the requirement that a parking bay for the physically disabled be provided on Erf 2081 Wilderness;

BE APPROVED in terms of Section 60 of the Land Use Planning Bylaw for George Municipality, 2015 for the following reasons:

REASONS FOR DECISION:

- (i). The proposed development is deemed to be consistent with the spatial planning policies and guidelines for this area.
- (ii). Taking the location of the property into consideration and the aim of the spatial policies applicable to the area, it is considered the ideal location for a development of this nature.

- (iii). The proposed development will assist in the establishment of a resilient tourism economy in the Wilderness area by utilising existing buildings and infrastructure while protecting the environment, heritage, and character of Wilderness.
- (iv). Adequate parking, access, and manoeuvrability provisions are provided that conform to the parking requirements of PT1 areas as recommended by the Parking Relaxation Report and as supported by the Civil Engineering Department.
- (v). The proposed development will not have a negative impact on the character of the area or the streetscape from George Road or Waterside Road.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT:

General

- 1. That in terms of the provisions of the Land Use Planning By-law for the George Municipality, 2015, the approval shall lapse if not implemented within a period of two (2) years from the date thereof.
- 2. This approval shall be taken to cover only the Rezoning and Departure as applied for as indicated on the Parking Layout Plan drawn by Tertius Conradie Architects with plan no. 2022WD01 dated April 2022 attached as "Annexure A" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision.

Site Development Plan

- 3. A site development plan (SDP) for the development must be submitted to the satisfaction of the Directorate: Human Settlements, Planning and Development for consideration and approval, in accordance with the provisions of Section 23 of the George Zoning Scheme By-Law, 2017 and the conditions of approval prior to submission of building plans.
- 4. A Landscape Plan compiled by a qualified landscape architect be submitted with the Site Development plan to the satisfaction of the environmental officer consisting of all existing and proposed trees and to be removed. A list of indigenous trees/scrubs to be planted on site must be included with the landscape plan.
- 5. A bicycle parking area must be incorporated in the development as recommended by the traffic- engineer. Area to be indicated on the SDP.
- 6. Notwithstanding the general landscaping on site, that two (x2) 100L indigenous trees be planted within the development for every tree removed and one (1x) 100L indigenous tree be planted on site for every six (6) parking bays provided on site.

Implementation

- 7. The Rezoning and Departure approvals will be deemed implemented on the issuing of the occupation certificate in terms of the approved building plans.
- 8. A contravention levy of **R 153 651.05 (VAT Included) is payable** for the unlawful use of the property for business purposes and shall be payable on submission of building plans.

Notes:

- (i) A building plan be submitted for approval in accordance with the National Building Regulations (NBR).
- (ii) an application for permission to utilise this portion of Owen Grant Street Road reserve for outdoor seating for the restaurant be resubmitted for consideration by the George Municipality once the application for rezoning of Erf 2081 Wilderness from General Residential Zone V to Business Zone I and applications for departures has been successfully implemented.
- (iii) Stormwater management needs to be addressed to the satisfaction of the Civil Engineering Department in the SDP.
- (iv) The contravention levy is calculated as follows:
 - a. 643m² is used directly for purposes of business activities on the property;
 - b. The present municipal value of the property is R3 574 000.00;
 - c. The property area is 1720m².
 - d. The m² value of the property is thus, R2 077.91/m².
 - e. The contravention levy payable by the owner in accordance with the municipality's tariff list is: 10% x R2077.91 x 643m² = R133 609.61 Plus VAT (15%) = R20 041.44;
- (v) The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.

- (vi) Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Community Services.
- (vii) The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

9. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause below, with regards to the proposed development, the developer will be required to make development contribution, as follows:
10. The amounts of the development contributions are reflected on the attached calculation sheet (**Annexure B**) dated 22/07/2022 and are as follows:

Roads:	R 88 684,45 Excluding VAT
Sewer:	-
Water:	-
Total:	R 88 684,45 Excluding VAT

11. The total amount of the development charges of **R88 684.45 Excluding VAT** shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
12. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 10 above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of the building plan for a final calculation.

13. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R88 684.45 (Excluding VAT) shall be adjusted in line with the consumer price index published by Statistics South Africa up to the date when payment is made in terms of condition 11 above.
14. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made
15. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
16. Any, and all, costs directly related to the development remain the developers' responsibility
17. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 15 applies.
18. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (Condition 15 applicable)
19. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf

and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition 15 applicable)

20. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 15 applicable).
21. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
22. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
23. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
24. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
25. Municipal water is provided for potable use only. No irrigation water will be provided.
26. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption by this department at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so, required by the Dir: CES.
27. The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.
28. The development, in its entirety or in phases, is subject to confirmation by the Dir. CES of the availability of Water and Sanitation bulk treatment capacity at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the availability of such bulk capacity.
29. If required, the developer is to have a Traffic Impact Assessment (TIA) conducted by a registered traffic engineer. The terms of reference of the TIA are to be finalised with the Dir. CES together with any other approving authority, and who must also approve the TIA. All recommendations stipulated in the TIA report and as approved by the Dir. CES and/or relevant authority are to be implemented by the developer. All costs involved will be for the developer.
30. The discharge of surface stormwater is to be addressed by the developer. Condition 15 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done on line with the available stormwater master plans.
31. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
32. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
33. No private parking will be allowed in the road reserve.
34. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 15 applies.
35. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
36. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES:

37. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
38. The amounts of the development contributions are reflected on the attached calculation sheet (Annexure B) dated 17/07/2022 and are as follows:
- Electricity:** -

39. The total amount of the development charges of R0.00 Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
40. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 38 above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of the building plan for a final calculation.

41. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R0.00 Excluding VAT shall be adjusted in line with the consumer price index published by Statistics South Africa up to the date when payment is made in terms of condition 39 above.
42. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
43. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
44. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
45. Any, and all, costs directly related to the development remain the developers' responsibility.
46. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 46 applies.
47. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (Condition 43 applicable)
48. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition 43 applicable)
49. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 43 applicable)
50. Should it be required, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Municipal Manager. All expenses will be for the developer.

51. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
52. The owner shall see to it that the officials and contractors of the Municipality shall at all times have access to any portion of the development that may otherwise not be generally accessible to the general public due to security measures, including guarded entrances, electronic gates or booms. For the avoidance of doubt, it is agreed that this requirement relates to the Municipality's emergency services, entry for normal maintenance and replacement, meter reading and inspection and refuse removal. If access to the development is denied to the Municipality or a contractor appointed by the Municipality, the developer and the association will jointly and severally be liable for the full cost of the municipal infrastructure repairs and any damages the Municipality may suffer as a result thereof and will be billed for any water losses or loss in electrical sales from the system.
53. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
54. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
55. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
56. In all cases, where individual customer apply for a supply capacity exceeding that provided for in the calculation of DCs and for the developer paid, will be subject to additional DCs based on the rates applicable at the time.
57. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
58. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
59. The developer and/or an owner of an erf shall see to it that no Small Scale Embedded Generation (SSEG) are installed on an erf, any portion of an erf or the development, without prior approval from the ETS. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
60. Where DCs have been applied for a particular section of the network, but the developer is requested to install and fund a part of the section of network, such work will be credited against DCs calculated.
61. Installation of ripple relays are compulsory for all geysers with electrical elements.
62. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.
63. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the municipality.
64. In all cases, the circuit breaker capacity (pre-payment meter limit) must match the ADMD figures used for each of the various types of customers. *[For example, an ADMD of 2.17kVA equates to a 30 Amp circuit breaker. $240V \times 30A / (3diversity) / 1000 = kVA (ADMD)$]*
65. No electricity may be consumed within, or by any part of the development, without the consumption of the supply being metered and billed by a municipal meter (prepaid or credit). All cost, installation and consumption, will be for the cost of the developer. Standard application process will apply.
66. All pump stations constructed as part of this development and associated works, must be equipped with an approved and registered electrical meter. All cost, installation and consumption, will be for the cost of the developer. No electricity may be consumed without it being metered by a registered municipal electrical meter. Standard application process will apply. It will be the responsibility of the developer to install the relevant electrical meters.
67. Each new portion created must have separate electrical connection and it may not cross any other portion. Each consumer will have to enter into a separate supply agreement with the Municipality. For new consolidated erven it will be the responsibility of the owner/developer to make the necessary arrangements with the Electrotechnical Services Department to remove all the unused electrical services. All costs will be for the owner/developer.
68. The Electrotechnical Services will not be responsible for the installation, maintenance, energy consumption or any other costs related to streetlights, or other lighting, within the development or along any other private road.

69. All streetlights along municipal public roads are to be designed by a registered consulting engineer in accordance with Council specifications. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer
70. The developer will be responsible to arrange with a professional land surveyor to indicate those services traversing erven on the relevant erf's SG diagram. The ETS can insist that an electrical servitude be registered if services traverse other properties. All cost related to the above will be for the developer.
71. Neither the Developer or a property owner are allowed to distribute electricity across property boundaries.
72. All electrical infrastructure downstream of the electrical supply point, the LV breaker in the low-voltage kiosk, will remain the responsibility of the various owners/developer. The electrical network above the LV breaker will be deemed part of the George Municipality distribution network and will be transferred to the municipality at no cost, who will assume responsibility for the maintenance thereof.
73. It will not be the responsibility of the Municipality to maintain and protect any service cables installed by the developer, but not used, i.e. not being metered and not consuming electricity. Should a future owner purchase an erf within the development, the installation and connection of the service cable will be for the cost of the developer or new owner. The connection fee paid to the municipality will be solely for provision of the electrical meter and the cost associated with opening the customer account.
74. The developer will be responsible to submit an Electrical Services Report for the development for the approval by the ETS. All the required electrical upgrades required on the Municipal electrical distribution network must be listed within the Electrical Services Report and will be for the cost of the developer. The developer will have to adhere to the Electrical Services Report. However, the preliminary designs, followed by the detailed designs, will only be finalised once the site development plan is approved. Condition (41) applies.
75. A temporary municipal metered construction supply can be installed, at a cost to be determine, prior to construction to monitor electrical consumption during the construction phase. All cost, installation and consumption, will be for the cost of the developer. No electricity may be consumed without it being metered by a registered municipal electrical meter. Standard application process will apply. Temporary supplies will only be made available on full payment of the DCs for the whole development.

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 George Municipality's By-law on Municipal Land Use Planning.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director Planning and Development, P O Box 19, George, 6530 or Directorate: Planning, 5th floor, Civic Centre, York Street, George **on or before 12 May 2023** 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.

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

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

Yours faithfully



C. PETERSEN

SENIOR MANAGER: PLANNING

C:\Marisa\Decisions\Erf 3119, George (ror and departures_approved)\jvroljk.docx

- FENCE LEGEND:**
- Existing 1000mm high concrete boundary fence
 - Existing 1000mm high concrete boundary fence to top of existing wall
 - Existing 1000mm high concrete boundary fence to top of existing wall
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MUNISIPALITEIT GEORGE MUNICIPALITY

Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Law (2015) subject to the conditions contained in the covering letter.

12/4/2023

DATE
DATUM

DEPUTY DIRECTOR: PLANNING
ADJUNK DIREKTEUR: BEPLANNING

Tertius Conradie
REGISTERED ARCHITECT
1011 1011 1011



FOR INFORMATION ONLY

DATE: April 2023
BY: A. S. S. S.

PROJECT: 1011 1011 1011
DRAWING: 1011 1011 1011

1011 1011 1011

Annexure B

CES Development Charges Calculator				Version 3.00		June 2020		
		Erf Number	2081					
		Allotment area	Wilderness					
		Water & Sewer System	George System					
		Road network	Coastal resorts					
		Developer/Owner	Palm's Wilderness Guest House Pty Ltd					
		Erf Size (ha)	0,17					
		Date (YYYY/MM/DD)	2022-07-11					
		Current Financial Year	2022/2023					
		Collaborator Application Reference	2314379					
Code	Land Use	Unit	Total Existing Right			Total New Right		
ACCOMMODATION ESTABLISHMENTS								
	Guest House	room	m² Erf	FAR	m² GLA	m² Erf	FAR	m² GLA
		m² GLA	597	1,00	597			0
GENERAL BUSINESS								
	Business Centre (Park)	m² GLA			0	597	1,00	597
Is the development located within Public Transport (PT1) zone?			Please select Yes					
Calculation of bulk engineering services component of Development Charge								
Service	Units	Additional Demand	Unit Cost	Amount	VAT	Total		
Roads	trips/day	29,70	R 2 986,01	R 88 684,45	R 13 302,67	R 101 987,12		
Sewerage	l/s/day		R 0,00	R 0,00	R 0,00	R 0,00		
Water	M/day		R 0,00	R 0,00	R 0,00	R 0,00		
Total bulk engineering services component of Development Charge payable				R 88 684,45	R 13 302,67	R 101 987,12		
Link engineering services component of Development Charge								
Total Development Charge Payable								
City of George			Developer/Owner					
Calculated (CES):			JN Five					
Signature:								
Date:			July 11, 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
Roads	20160523 020158	R 101 987,12
Sewerage	20160523 018776	R 0,00
Water	20160523 021593	R 0,00
Electricity	20160523 021336	#REF!
Transfers	20160523 019267	#REF!
		#REF!

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

Collaborator No.: 2701846
Reference / Verwysing: Erf 2081, Wilderness
Date / Datum: 27 December 2023
Enquiries / Navrae: Marisa Arries

Email: janvrolijk@jvtownplanner.co.za

JAN VROLIJK TOWN PLANNER
PO BOX 710
GEORGE
6530

APPLICATION FOR SITE DEVELOPMENT PLAN: ERF 2081, WILDERNESS

Your application in the above regard refers.

The *Senior Manager: Town Planning* (Authorised Official) has, under delegated authority, 4.16.18.1 of 30 June 2023 decided that the application in terms of Section 15(2)(l) of the Land Use Planning By-Law for George Municipality, 2023 for Permission for the Site Development Plan (SDP) and Landscape Plan, Plan no. 2023/The Palms dated 13/12/2023 drawn by "Studio 19 & Longhouse Design" (1x plan) for Erf 2081, Wilderness as required in terms of conditions 3 & 4 of the approval letter dated 21 April 2023 attached as 'Annexure A'.

BE APPROVED in terms of Section 65 of said By-law for the following reasons:

REASONS FOR DECISION:

- (i). The proposed development is in accordance with the land use approval dated 21 April 2023.
- (ii). The proposed development will not have an adverse impact on the surrounding area and neighbouring properties.
- (iii). The proposed SDP meets the requirements of Section 65 of the Land Use Planning Bylaw for George Municipality, 2023.

Note:

The owners must take note of the existing electrical cables on the boundary between Erven 2081 and 1776 Wilderness. The cable must be located and protected should any excavations be done in the vicinity.

Yours faithfully



I. HUYSER

ACTING SENIOR MANAGER: TOWN PLANNING

[https://georgemun-my.sharepoint.com/personal/marries_george_gov_za/Documents/Erf 2081, George\(SDP_ approval\)jvrolijk.docx](https://georgemun-my.sharepoint.com/personal/marries_george_gov_za/Documents/Erf%2081,%20George(SDP_approval)jvrolijk.docx)



245

ILANE HUYSER

Subject: FW: OBJECTION ON APPLICATION TO LEASE A PORTION OF OWEN GRANT STREET ROAD RESERVE SITUATED NEXT TO ERF 243 WILDERNESS
Attachments: Letter J Heyneke MCCK est 2007.pdf

From: Chantell Kyd <ckyd@george.gov.za>
Sent: Wednesday, 14 May 2025 15:41
To: Delia Power <Dpower@george.gov.za>
Subject: Fw: OBJECTION ON APPLICATION TO LEASE A PORTION OF OWEN GRANT STREET ROAD RESERVE SITUATED NEXT TO ERF 243 WILDERNESS

Hi Delia

Sien asb onderstaande epos ontvang vanaf Mnr Heyneke

Groete

From: jan@heyneke.net <jan@heyneke.net>
Sent: Friday, May 9, 2025 5:26:44 pm
To: Chantell Kyd <ckyd@george.gov.za>; Sean Snyman <ssnyman@george.gov.za>; Mayor George <mayor@george.gov.za>
Cc: ckcatwilderness <ckcatwilderness@gmail.com>; Norine Mnyanda <Ntmnyanda@george.gov.za>; roy@thecollab.co.za <roy@thecollab.co.za>; jacques.wessels@georgerpa.co.za <jacques.wessels@georgerpa.co.za>; 'Charles Scott' <cascott@langvlei.co.za>
Subject: RE: OBJECTION ON APPLICATION TO LEASE A PORTION OF OWEN GRANT STREET ROAD RESERVE SITUATED NEXT TO ERF 243 WILDERNESS

Caution: This domain has no enforced DMARC policy, making it vulnerable to spoofing or phishing attempts.

Caution: External email. Avoid links or attachments unless sender is trusted.

Dear Mayor von Brandis, Cllr Snyman and Cllr Kyd
I refer to the Council **Resolution 8.1.4 of 24 April 2025**, and which was forwarded per mail below.

I acknowledge receipt, how-ever do not find the outcome of Council's decision in order.

In terms of the **Promotion of Access to Information Act, 2000**, Chapter 1 and more specific Chapter 2, clause **15 Voluntary disclosure and automatic availability of certain records**, I request electronic copies of the **Agenda** for the Council Meeting of **24 April 2025**, the **report** from the **Section 80 Committee** dealing with the matter of **erf 243**, Wilderness and the **independent valuation of portions of Erven 1 and 243 Wilderness** (515m² in extent).

Some comments, but reserving my right to additional comments at any stage, the following:

1. There is no **The Girls on the BEACH Restaurant** in Wilderness, thus still not clear which entity is referred to in the Resolution 8.4.1;

2. Notice No **DPD 032/2024** was published quite clearly in terms of **MATR Clause 36(d)** – “any comments or representations on the proposed granting of the right received from the local community and other interested persons;” therefor **item (b)** of the resolution is incorrect as:-
- no counteroffers would be entertained , as very clearly verbally advised by a GM official, in the presence of a witness;
 - when detail was requested to be able make a counter-offer was requested in writing, it was responded to by a GM official:

2. The draft or proposed Lease Agreement
The proposed lease agreement will only be finalised after all the required processes are finalised.
3. The terms and conditions applicable to submit an offer (proposal , counter proposal)
The Council resolution clearly states that it should be for:
“the purpose of utilising the road reserves for outdoor seating purposes for a restaurant;”
A counter proposal must therefore be submitted on how this will be achieved.
6. The applicable B-BBEE model which will apply to counter proposals
This will be addressed should a formal tender process is required.

(the complete correspondence available)

- There is no reference in the Resolution of full compliance with MATR 36(d) (... any comments or representations...) as I for one clearly objected:

4.1.1.4. We thus record our **objection** to Notice No **DRD 032/2024** and Ref No **3610408**
LAND USE APPLICATION PROPOSED REMOVAL OF RESTRICTIVE TITLE
DEED CONDITION FOR ERF 243, GEORGE ROAD, WILDERNESS, and **request**
both to be withdrawn.

I am aware of other objections.

- Item (g)** of Resolution 8.1.4 is misleading, I find no reference in earlier documents to **Erf 1**, in fact Resolution **8.4.5** of **25 July 2024** makes no reference to **Erf 243**. **Erf 243** is in excess **23, 000 sq m**, thus to make reference to the value of 515 sq m is misleading in suggesting the **portions** to be leased has been separately valued, for which I find no record nor mechanism on how to value a **portion** which will be used for commercial purposes vs the zoning of erf 243. Furthermore, Regulation 37 and 38 in the MATR makes no provision for valuations of **portions** of assets. As requested above, please supply the independent valuation of the portions referred to.
- Item (h)** is confusing as elsewhere there is reference to Erf 1, yet now there is approval for leasing portion of erf 158/0. Also this sentence does not make grammatical sense, thus not clear what was resolved .
- Item (i)** seems to indicate that there has no survey yet been done, and so raise the question: How was a valuation determined on an undefined property?
- Item (j)** refers to ‘*building plans*’ where-as Notice No DPD 032/2024 referred to ‘*outdoor seating*’ --- it appears that the purpose has changed.

Based on the above, I request Council Resolution 8.4.1 of 24 April 2025 to be rescinded, or at a minimum, any action by GM official re this matter be put on hold until all matters have been fully addressed and clarified.

With reference to **Item (f)** , kindly ensure that the interested parties (IAPs) be informed when the Tribunal will meet, and kindly ensure that the IAPs be invited to attend.

As before, I state:

I do not object to the status quo, i.e. the historical use of a small piece of the COMMON (Erf 243) by the restaurant adjacent, only on the ‘how to legalise this’, and offer to co-operate to achieve an outcome acceptable to the Wilderness community.

I submit this writing in my personal capacity as a Wilderness resident and for more than 20 years, a ratepayer to GM.

I copy WALEAF (Mr Charles Scott), WRRRA (Dr Roy Marcus) and Constantia Kloof Conservancy as we have jointly attended meetings with GM officials re this matter, and also the chair of the Garden Route Ratepayers

Alliance, Mr J Wessels, as I am of the opinion that these gentlemen so far have all agreed to cooperate in seeking a satisfactory outcome, and do not object to the status quo.

Regards
Jan Heyneke
Wilderness
082 576 7160

From: Norine Mnyanda <Ntmnyanda@george.gov.za>
Sent: Thursday, 08 May 2025 4:18 pm
To: jan@heyneke.net; ckcatwilderness <ckcatwilderness@gmail.com>
Cc: Donald Gelderbloem <Dmgelderbloem@george.gov.za>
Subject: RE: OBJECTION ON APPLICATION TO LEASE A PORTION OF OWEN GRANT STREET ROAD RESERVE SITUATED NEXT TO ERF 243 WILDERNESS

Good day

Attached please find a letter regarding the outcome Council's decision regarding comments/objections received pertaining to the abovementioned application.

I trust that you will find this in order.

Kind regards

Norine Mnyanda
Principal Administration Officer: Investment Properties
Human Settlements, Planning and Development

Office: 044 801 9127
Internal Ext: X1309
E-mail: ntmnyanda@george.gov.za



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LAND USE PLANNING REPORT
APPLICATION FOR SUBDIVISION ON ERF 13171, GEORGE

Reference number	3724047	Application submission date	13 June 2025	Date report finalized	15 September 2025
Delegation: 4.17.1.17 of 24 April 2025 Sub delegation: LUP1.1 - AO: Category C5 _ A(b) - MPT					
PART A: AUTHOR DETAILS					
First name(s)	Lindokuhle				
Surname	Mahlaba				
Job title	Town Planning Intern				
SACPLAN registration number	C/8385/2017				
Directorate/Department	Planning and Development				
Contact details	lmahlaba@george.gov.za or 044 801 9235				
PART B: APPLICANT DETAILS					
First name(s)	Nangamso				
Surname	Mhobo				
Company name	George Municipality				
SACPLAN registration number	C/9488/2022	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	George Municipality				
PART C: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 13171, George				
Physical address	2 Bellair Street,	Town/City	George		
Current zoning	Single Residential Zone III	Extent(m ² /ha)	516	Are there existing buildings on the properties?	Y N

Applicable Zoning Scheme	George Integrated Zoning Scheme By-law, 2023 (hereafter referred to as "Zoning Scheme")					
Legislation	<u>George Municipality's Policies and Regulations:</u> 1. Land-use Planning By-Law for George Municipality, 2023 (hereafter referred to as "Planning By-Law"); 2. George Integrated Zoning Scheme By – Law, 2023 (hereafter referred to as "Zoning Scheme"); 3. George Municipal Spatial Development Framework, 2023 (hereafter referred to as the "SDF")					
Current Land Use	Residential dwellings		Title Deed number & date	T19821/2010 Find deed slip and council resolution attached as Annexures F and G		
Any restrictive title conditions applicable?	Y	N	If yes, list condition number(s)	N/A		
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A		
Any unauthorised land use/building work?	Y	N	If Yes, explain	N/A		
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)						
Has pre-application consultation been undertaken?	Y	N				
Reference Number	N/A		Date of consultation	N/A	Official's name N/A	
Refer to the Pre Consultation Application as Annexure E.						
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)						
a. Rezoning	x	b. Permanent departure		c. Temporary departure	d. Subdivision	x
e. Consolidation		f. Amendment, suspension or deletion of restrictive conditions		g. Permissions required in terms of the zoning scheme	h. Amendment, deletion or additional conditions in respect of existing approval	
i. Extension of validity period		j. Approval of an overlay zone		k. Phasing, amendment or cancellation of subdivision plan	l. Permissions required in terms of conditions of approval	
m. Determination of zoning		n. Closure of public place		o. Consent use	p. Occasional use	
q. Establishment of Homeowners Association ^a		r. Rectify Beach of Homeowners Association		s. Reconstruct building of non-conforming use	Other	

PART F: APPLICATION DESCRIPTION

Consideration of the following applications applicable to Erf 13171, George:

- 1) Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2023 of the subdivisional area on Erf 13171, George into:
 - Portion A (+/- 221m²); and
 - Remainder portion of Erf 13171 (+/-295 m²)

PART G: LOCATION

The subject site is located on 2 Bellair street, George, in the suburb known as Borchards, Southwest of the George central hub. The property is within a serviced area. The subject property is in a low-income area bordered by Lawaaiikamp, Conville and George Industrial. The area connects to Nelson Mandela Boulevard, providing linkage to the George CBD and public transport routes, as seen in the images below.

**PART H: BACKGROUND AND HISTORY**

- Erf 13171, George is presently zoned Single Residential Zone III in terms of the George Integrated Zoning Scheme By-law, 2023.
- A council resolution dated 23 November 2008 stated the following:
 - a) "That Erf 13171 Borchards be sold by means of the open public tender process at market related upset price of 15 000 plus VAT"
 - b) That should 13171 George be subdivided successfully one Erf be allocated to Leon Kotze (Identity number 5101265105081) and Elsie Booysen (Identity number 7111040281089), on condition that the participants qualify for a subsidy.
 - c) Erf 13171, George will form part of the Infill Erven Project.
 - d) that it be noted there are no outstanding accounts in respect of Erf 13171, George.

- Erf 13171, George currently belongs to the George Municipality.
- Erf 13171, George is currently developed with two dwelling houses, each inhabited by two separate individuals.
- Transfer of the respective erven needs to take place so that each respective tenant can own their own portion of the property.
- There are no restrictive title deed conditions contained in title deed (T62625/1989) of the property.

PART I: SUMMARY OF APPLICANTS MOTIVATION

Development Proposal

The applicant seeks to formalise the existing informal subdivision by creating two legally recognized erven, thereby enabling individual ownership and secure tenure for the current occupants. The subdivision will divide the property into two portions (Portion A and the remainder) as seen in the images below.



- The subdivision will create two portions: Portion A (221m²) and the remainder (295 m²) corresponding to the existing dwellings, which will allow for potential transfer of ownership to qualifying occupants.
- The property has been informally occupied for extended periods without any formal ownership of said occupants or land use rights recorded.
- Both erven will retain their current zoning of Single Residential Zone III and will be utilised for residential purposes in line with the George Integrated Zoning Scheme By-law, 2023.
- The two residential units on Erf 13171, George will be accessed via Bellair Street. A panhandle will be registered in favour of the Remainder of Erf 13171, George to provide access to the site.
- Once Erf 13171, George is subdivided successfully one Erf be allocated to Leon Kotze (Identity number 5101265105081) and Elsie Booysen (Identity number 7111040281089), on condition that the participants qualify for a subsidy
- The proposal complies with all the SPLUMA principles, viz. spatial justice, spatial sustainability, spatial efficiency, spatial resilience and good administration.
- The proposed development will fit in with the character of the area.

Municipal engineering services and access

- Erf 13171, George is located in an already developed and serviced residential area and the existing houses already have services.
- There are no municipal services running over or near the property boundaries. The subdivision and proposed accesses therefore have no impact on municipal services.
- The subdivided properties will gain access via Bellair Street.

Character of the Area and Streetscape

- The subdivision application will not compromise the character or streetscape of the area.

Refer to the applicant's motivation report as Annexure D.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections				
Press		Y	N	N/A	08 July 2025	08 August 2025			
Gazette		Y	N	N/A					
Notices		Y	N	N/A	08 July 2025	08 August 2025			
Website		Y	N	N/A	08 July 2025	08 August 2025			
Ward councillor		Y	N	N/A	08 July 2025	08 August 2025			
On-site display		Y	N	N/A	08 July 2025	08 August 2025			
Community organisation(s)		Y	N	N/A					
Public meeting		Y	N	N/A					
Third parties		Y	N						
Other	Y	N	If yes, specify						
Total valid objections		0				Total objections petitions	invalid and	0	
Valid petition(s)		Y	N	If yes, number of signatures		N/A			
Community organisation(s) response		Y	N	N/A	Ward councillor response		Y	N	N/A
Total letters of support		None							

Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy		Y	N
PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION			
No comments or objections were received.			
PART L: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS			
Name of Department	Date	Summary of comments	
Civil Engineering Services	07/07/2025	In Order. See comments attached.	
Civil Engineering Services (traffic)	01/08/2025	To be amended. Not supported. The property has two permanent structures, the full extent of these structures need to be indicated. Building lines and panhandle dimensions not indicated.	
Electrotechnical Services	15/07/2025	In Order. DC Conditions attached.	
PART M: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)			
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA? (can be elaborated further below)		Y	N
Is the proposal consistent with the principles referred to in Chapter VI of LUPA? (can be elaborated further below)		Y	N
<u>(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)</u>			
The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:			
No	Evaluation checklist	Yes	No
	Section 65		
65(a)	Does the application submitted comply with the provisions of the Land Use Planning By-law for George Municipality, 2023?	X	
65(b)	Has the motivation submitted been considered?	X	
	Were the correct procedures followed in processing the application? (see land use application process checklist)	X	
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)		X
65(c)	Have the desirability guidelines as issued by the provincial minister to utilise land for the proposed land uses been considered? (not yet applicable)		X
65(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (s. 45 of LUPA)		X
65(e)	Have the comments received from the applicant been considered?		X
65(f)	Have investigations carried out in terms of other laws which are relevant to the application been considered?		X

65(g)	Was the application assessed by a registered town planner? (<i>see land use application process checklist</i>)	X		
65(h)	Has the impact of the proposed development on municipal engineering services been considered?	X		
65(i)	Is the application in line, consistent and/or compatible with the IDP of the Municipality?	X		
	Is the application in line, consistent and/or compatible with the Municipality's SDF?	X		
65(j)	Is the application in line, consistent and/or compatible with the IDP of the district Municipality including its SDF?			X
	Is the application in line, consistent and/or compatible with the district Municipality's SDF?			X
65(k)	Is the application in line, consistent and/or compatible with the applicable local SDF?			X
65(l)	Is the application in line, consistent and/or compatible with the applicable policies of the Municipality that guide decision making?			X
65(m)	Is the application in line, consistent and/or compatible with the provincial SDF?			X
65(n)	Is the application in line, consistent and/or compatible with the regional SDF (<i>SPLUMA</i>) or provincial regional SDF (<i>LUPA</i>)?	X		
65(o)	Is the application in line, consistent and/or compatible with the applicable policies, guidelines, standards, principles, norms, or criteria set by national and/or provincial government?			X
65(p)	Is the application in line, consistent and/or compatible with the matters referred to in Section 42 of <i>SPLUMA</i> ?	X		
65(q)	Does the application comply with the requirements of Section 42(2) of <i>SPLUMA</i> , supported by the relevant environmental reports.	X		
65(r)	Is the application in line or consistent and/or compatible with the following principles as contained in Sections 7 of <i>SPLUMA</i> and 59 of <i>LUPA</i> :			
	1. The redress of spatial and other development imbalances of the past through improved access to, and use of land?	X		
	2. Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?	X		
	3. Enable the redress of access to land by disadvantaged communities and persons?	X		
	4. Support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			X
	5. Has the potential impact of the development proposal on the value of the affected land /properties been considered?	X		
	6. Has the impact of the application on the existing rights of the surrounding owners been recognised?	X		
	7. Does the application promote spatially compact, resource frugal development form?	X		
	8. Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the Municipality? (<i>e.g. Infrastructure upgrades required – when, budgeted for, etc.</i>)	X		
	9. Has the protection of prime, unique, and/or high potential agricultural land been considered?			X
	10. Is the application consistent with the land use measures applicable to / contained in environmental management instruments?	X		
	11. Does the application promote and stimulate the equitable and effective functioning of land markets?	X		
	12. Have all current and future costs to all parties for the provision of infrastructure and social services been considered?	X		
	13. Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification, and promotes a more compact urban form?	X		
	14. Will the development result in / promote the establishment of viable communities?	X		
	15. Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?	X		
	16. Will the development sustain and/or protect natural habitats, ecological corridors, and areas of high bio-diversity importance?	X		
	17. Will the development sustain and/or protect provincial heritage and tourism resources?		X	

	18.	Will the development sustain and/or protect areas unsuitable for development including flood plains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?	X		
	19.	Will the development sustain and/or protect the economic potential of the relevant area or region?	X		
	20.	Has provision been made in the development to mitigate against the potential impacts of climate change?			X
	21.	Does the development include measures to reduce consumption / conserve water and energy resources? (<i>renewable energy, energy saving, water saving, etc.</i>)			X
	*22	Does the development consider sea-level rise, flooding, storm surges, fire hazards?			X
	23	Does the development consider geological formations and topographical (soil and slope) conditions?	X		
	24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?	X		
	25.	Benefits the long-term social, economic, and environmental priorities for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?			X
	26.	Contributes towards the optimal use of existing resources, infrastructure, agriculture, land, minerals, and/or facilities?	X		
	27.	Contributes towards social, economic, institutional, and physical integration aspects of land use planning?	X		
	28.	Promotes and supports the inter-relationships between rural and urban development?			X
	29.	Promotes the availability of employment and residential opportunities in close proximity to each other or the integration thereof?			X
	30.	Promotes the establishment of a diverse combination of land uses?	X		
	31.	Contributes towards the correction of distorted spatial patterns of settlements within the town / city / village?	X		
	32.	Contributes towards and / or promotes the creation of a quality and functional open spatial environment?	X		
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?	X		
65(s)		Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-law)? (e.g. Definitions, land use description and development parameters)	X		
*65(t)		Is the application in conflict with any restrictive condition applicable to the land concerned?		X	

Comments:

*1(s). The proposal complies with all the development parameters as prescribed in the Zoning Scheme.

Outcomes of investigations/applications i.t.o other laws

The proposal does not trigger any development activities listed in terms of the National Environmental Management Act (NEMA) or the National Heritage Resources Act (NHRA). Accordingly, no further environmental or heritage authorisations are required for this application.

Existing and proposed zoning comparisons and considerations

The current zoning of the subject property according to the George Integrated Zoning Scheme By-Law is "Single Residential Zone III". Zoning particulars of surrounding properties consist of Single Residential properties, Business Zone and a public open space zoned property to the north of the application site, as pictured in the image. The current zoning of Portion A and the remainder will be retained and will remain unchanged. The proposed zonings will not detract from the zonings in the surrounding area.



(In)consistency with the IDP/Various levels of SDF's/Applicable policies

Western Cape Provincial Spatial Development Framework (WCSDF)

The Western Cape Spatial Development Framework (WCSDF) guides growth and land use within the province and municipality. This framework emphasises the following key principles:

1. **Urban Edge Management** – Growth should be contained within defined urban edges to protect agricultural land, sensitive environmental areas, and open space.
2. **Infill and Redevelopment** – Priority is given to the efficient use of existing serviced land through infill development and the redevelopment of under-utilised areas.
3. **Compact Urban Form** – New development should support higher residential densities in well-located areas to optimise service delivery, reduce urban sprawl, and improve access to amenities and public transport.
4. **Integration and Accessibility** – Development should promote integration within existing communities and improve accessibility to social, economic, and transport infrastructure.

The proposed subdivision is consistent with guidelines set in the WCSDF as it formalises existing dwellings, creates clearly defined residential portions, and promotes a compact, well-integrated urban form within the existing settlement footprint. The existing municipal services are utilised and infrastructure, thus eliminating the need for new service extensions.

George Municipal Spatial Development Framework (MSDF) (2023)

- The MSDF actively supports and prioritizes the upgrading and formalization of tenure.
- The MSDF emphasizes the importance of formalizing land tenure to enhance security and promote sustainable development. The proposed subdivision of Erf 13171 would facilitate the legal transfer of property to qualifying occupants, thereby formalising their tenure and aligning with the GMSDF's objectives.
- The MSDF serves as the spatial representation of the municipality's IDP, which outlines long-term development goals. The subdivision supports these goals by addressing housing needs, promoting social equity, and ensuring that development is inclusive and sustainable.
- The subject property is situated in a low-income residential area where erven typically range between 230m² and 510m². The proposed subdivision will create two erven of approximately 221m² and 295m² each, consistent with the cadastral character of the area.
- The subdivision will allow for individual property ownership.

It can be concluded that the proposed development is consistent with the spatial planning development objectives for the area. The proposed development will not have a detrimental impact on the natural environment or the character of the area.

The need and desirability of the proposal

The need and desirability for the proposed development have been considered in terms of the following factors:

	General considerations	Y	N	N/A
1	Will the natural environment and/or open space systems be negatively affected?		X	
2	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		X	
3	Does the application have any negative impact on heritage resources?		X	
4	Will the character of the surrounding area be negatively affected?		X	
5	Will the architectural character of the streetscape be negatively affected?		X	
6	Will there be any negative impact on vehicle traffic and pedestrian safety?		X	
7	Will there be a negative impact on traffic movement / vehicle sight distances?		X	
8	Are there adequate on-site parking / loading facilities provided?	X		
9	Is there adequate vehicle access / egress to the property?	X		
10	Will the application result in overshadowing onto neighbours' properties?		X	
11	Will the neighbours' amenity to privacy / enjoyment of their property / views / sunlight be negatively affected?		X	
12	Will the proposal have a negative impact on scenic vistas or intrude on the skyline?		X	
13	Will the intended land use have a negative impact on adjoining uses?		X	
14	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		X	
15	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		X	
16	Will there be a negative impact on property values?		X	
17	Will adequate open space and/or recreational space be provided (for residential developments)?			X
18	Will approval of the application set a precedent?		X	

PART N: SUMMARY OF EVALUATION

a) Application overview

- Subdivision of the property to create 2x residential portions

b) Legislative Context

- The proposal is in line with National and Provincial legislation and in line with the guidelines and principles as set in the MSDF.
- The proposal actively supports and prioritizes the upgrading and formalization of tenure.

c) Character of the area

- The proposal aligns with the character of the area, as the subdivided portions are consistent with prevailing property sizes.
- The proposal will not have a negative impact on neighbouring properties' rights and amenities in terms of views, privacy and overshadowing.

d) Engineering services

- Both houses, located on the 2 respective residential erven are already connected to municipal engineering services.
- Accesses are existing and will remain unchanged.

e) Conclusion

The proposed subdivision of Erf 13171, George, represents a strategic intervention that supports spatial transformation, tenure security, and sustainable community development. The subdivision will enable the formalization of long-term residential occupation, facilitating the potential transfer of ownership to qualifying occupants and addressing a historical lack of legal tenure.

Thus, on the balance of all considerations, the proposal submitted cannot be considered to be undesirable as contemplated in Section 65 of the Land Use Planning Bylaw, 2023 and is therefore **SUPPORTED**.

PART O: RECOMMENDATION

That the following applications applicable to Erf 13171, George for:

- A. Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2023 of the Subdivisional Area on Erf 13171, George into:

- Portion A (+/- 221m²); and
- Remainder portion of Erf 13171 (+/-295 m²)

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

REASONS FOR DECISION

- i. The proposal will not have a negative impact on the surrounding built environment, neighbours' rights and amenities in terms of views, privacy and overshadowing.
- ii. The proposal will support and prioritize the upgrading and formalization of tenure.
- iii. The proposal will not have an adverse impact on the streetscape or natural environment.
- iv. The proposal aligns with the immediate character of the surrounding area.
- v. The proposal is consistent with the spatial planning development objectives and guidelines.
- vi. No negative comments or objections were received.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT

1. That in terms of the Land Use Planning By-law for the George Municipality, 2023 the approval shall lapse if not implemented within a period of five (5) years from the date it comes into operation.
2. This approval shall be taken to cover only the subdivision application as applied for and as indicated on the subdivision plan, plan no. GE13171-PSD A drawn by Bailey & LeRoux attached hereto as "**Annexure A**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision.
3. The subdivision approval will only be regarded as implemented on the submission of the approved SG Diagrams by the Surveyor General as well as the registration of at least one portion in terms of the Deeds Registries Act.

Notes:

- a. *As-built building plans must be submitted for approval on the respective erven in accordance with the National Building Regulations.*
- b. *Stormwater must be dispersed responsibly, and the stormwater management and erosion measures must be addressed on the building plans.*
- c. *All illegal structures/uses not on building plans must be demolished/converted and the fence of the property to be realigned with the property's correct cadastral boundary.*
- d. *The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.*

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

4. The conditions imposed by the Directorate Civil Engineering Services are attached as 'Annexure B' dated 07/06/2025, collaborator reference 3724047 hereto. Note, as stipulated in the attached conditions imposed by the Directorate Civil Engineering Services, the amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:

The amounts of the development contributions are reflected on the attached calculation sheet dated 30/06/2025 and are as follows:

Roads: R8 112.60

Sewer: R11 687.33

Water: R12 574.29

Total: R 32 374.23 (Excluding VAT)

5. The total amount of the development charges of **R32 374.23** (excluding VAT) shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
6. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in clause 4 above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of the subdivision plan to ascertain what information they require to provide a more accurate calculation.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES:

7. The conditions imposed by the Directorate Civil Engineering Services are attached as 'Annexure C' dated 14/07/2025, collaborator reference 3724047 hereto. Note, as stipulated in the attached conditions imposed by the Directorate Electrotechnical Services, the amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:

The amounts of the development contributions are reflected on the attached calculation sheet dated 14/07/2025 and are as follows:

Electricity: - (excluding VAT)

8. The total amount of the development charges of R0.00 (excluding VAT) shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.

9. Any amendments or additions to the approved development parameters which might lead to an increase in the proportional contribution to municipal public expenditure will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the applicant/developer consult with these departments prior to submission of the subdivision plan to ascertain what information they must provide to ensure a more accurate calculation.

PART R: ANNEXURES

Annexure A	Subdivision Plan
Annexure B	CES Development Charges
Annexure C	ETS Development Charges
Annexure D	Motivational Report
Annexure E	Title Deed
Annexure F	Council Resolution



15 /09/2025

L. Mahlaba (C/8385/2017)

Date

TOWN PLANNING INTERN

RECOMMENDED/~~Not Recommended~~

22 SEPTEMBER 2025

ILANÈ HUYSER (A/1644/2013)

Date

SENIOR TOWN PLANNER

RECOMMENDED /NOT RECOMMENDED

22 SEPTEMBER 2025


CLINTON PETERSEN (B/8336/2016)

DATE

SENIOR MANAGER: TOWN PLANNING

SUBDIVISION APPLICABLE TO ERF 13171, GEORGE (L. MAHLABA)**PAJA**

NO	PROCESS CHECK	YES	NO	N/A
1.	Has this application been assessed/ evaluated by a registered town planner as required in terms of section 65 of the by-law?	X		
2.	Was the report submitted by the town planner a fair and objective reflection of the relevant information available and have all relevant information been attached to the report?	X		
3.	Did the town planner exercise due diligence in evaluating the application, is the report balanced (does not show any unfair prejudice) and were the conclusions reached reasonable and rationally linked to the relevant information available?	X		
4.	Was the town planner empowered in terms of the municipality's system of delegations to evaluate the application?	X		
5.	Was the decision maker empowered in terms of the municipality's system of delegations to decide on the application?	X		
6.	Was adequate information available for the decision maker to make a fair, reasonable and objective decision on the application?	X		
7.	If not, can it be demonstrated that the necessary attempts were made to obtain this information before the decision was taken?			X
8.	Was all the available information which impacts on the application made available to the decision maker?	X		
9.	Was all relevant information taken into account when making the decision?	X		
10.	Was all irrelevant information noted in the town planners report and reasons given as to why it should be disregarded when making the decision stated in the report?			X
11.	Was the town planner's evaluation, to the best of the decision makers knowledge, potentially influenced by an error of law?		X	
12.	Is the decision taken logical, clear, concise, and fair?	X		
13.	Can the decision be justified – i.e. rationally and reasonably linked to the information provided (critical information available) and relevant facts contained in the report?	X		
14.	Were written reasons given for the decision taken?	X		
15.	Can these reasons be reasonably and rationally linked to the relevant facts and the decision taken?	X		
16.	Were conditions of approval imposed with the decision?	X		
17.	Can these conditions be lawfully imposed as contemplated by Section 66 of the by-law?	X		
18.	Are these conditions fair and can they be reasonably and rationally linked to the development proposal submitted, the relevant facts contained in the town planners report, the decision taken and the reasons for such decision?	X		

APPROVED IN PART AS RECOMMENDED/ REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL


D. Power (Pr.Pln.A/1973/2014)


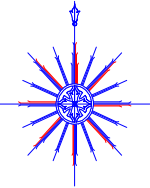
06 OCTOBER 2025**DATE****DEPUTY DIRECTOR: DEVELOPMENT AND ENVIRONMENTAL PLANNING/ AUTHORISED OFFICIAL**

AREA SCHEDULE: (square metres)	
Ptn. No.	Area
Ptn. A (g f e D)	221
Remainder (A B C e f g)	295

ANNEXURE A

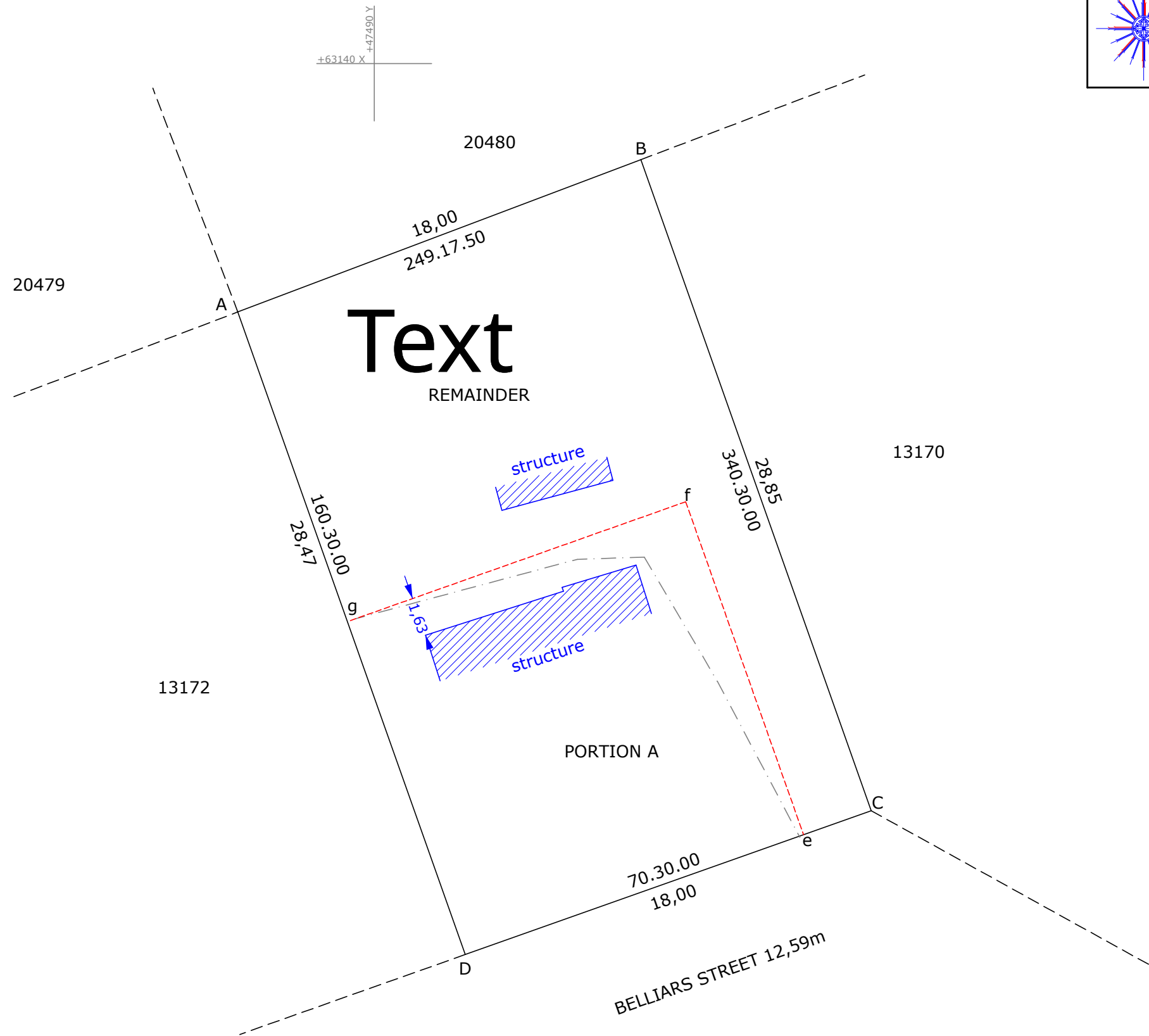
PROPOSED SUBDIVISION PLAN
ERF 13171
GEORGE

SCALE 1:200 PLAN No. GE13171-PSD A




**BAILEY &
LE ROUX**
Professional Land Surveyors
88 Meade Street, P O Box 9583
GEORGE 6530, Tel (044) 8745315

- - - - = outer edge of hedge
- - - - = proposed subdivision lines



ANNEXURE B

GEORGE DC CALCULATION MODEL		Version 1.00	31 August 2021
For Internal information use only (Not to publish)			
	Erf Number *	13171	
	Allotment area *	George	
	Water & Sewer System *	George System	
	Road network *	George	
	Developer/Owner *	George Municipality	
	Erf Size (ha) *	516,09	
	Date (YYYY/MM/DD) *	2025-06-30	
	Current Financial Year	2024/2025	
Collaborator Application Reference		3724047	

Application:

Subdivision & Depature

Service applicable	Description
Roads	Service available, access via Bellair Street (Subject to the Road master plan & access approval)
Sewer	Service available (Subject to the Sewer Master Plan, WWTW treatment & network capacity)
Water	Service available (Subject to the Water Master Plan, WTW treatment & network capacity)

Conditions

General conditions

- The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
 - The amounts of the development charges are reflected on the attached calculation sheet dated 30/06/2025 and are as follows:

Roads:	R	8 112,60	Excluding VAT (Refer to attached DC calculation sheet)
Sewer:	R	11 687,33	Excluding VAT (Refer to attached DC calculation sheet)
Water:	R	12 574,29	Excluding VAT (Refer to attached DC calculation sheet)
Total	R	32 374,23	Total Excluding VAT
 - The total amount of the development charges of R32 374,23 shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
 - Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in clause 2 above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval
- Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of the subdivision plan to ascertain what information they require to provide a more accurate calculation.*
- As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R32 374,23 shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of paragraph 3 above.
 - Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
 - All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
 - Any, and all, costs directly related to the development remain the developers' responsibility.
 - Only one connection permitted per registered erf (water and sewer connections). Condition 7 applies.
 - Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (condition 7 applicable)

- 11 Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (condition 7 applicable)
- 12 Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (condition 7 applicable)
- 13 Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
- 14 Note, the applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
- 15 Note, provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
- 16 Note, the developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
- 17 Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
- 18 The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
- 19 No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
- 20 Municipal water is provided for potable use only. No irrigation water will be provided.
- 21 A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption by this department at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so required by the Dir: CES.
- 22 The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.
- 23 Developer is to take note of an existing sewer main in the proposed development. (condition 7 applicable)
- 24 The development, in its entirety or in phases, is subject to confirmation by the Dir. CES of the availability of Water and Sanitation bulk treatment capacity at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the availability of such bulk capacity
- 25 The discharge of surface stormwater is to be addressed by the developer. Condition 7 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done on line with the available stormwater master plans.
- 26 Internal parking requirements (ie within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
- 27 Adequate parking with a hardened surface must be provided on the premises of the proposed development.
- 28 No private parking will be allowed in the road reserve. The developer will be required at own cost to install preventative measures to insure compliance.
- 29 The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
- 30 Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.
- 31 The municipality, or contractors representing George Municipality to have unrestricted access to the exiting municipal infrastructure pump stations. Developer to indicated proposed access on the development's Site Development Plan (SPD) for approval.
- 32 Minimum required off-street parking provided, must be provided in terms of the George Integrated Zoning Scheme 2023 parking requirements and vehicles must readily leave the site without reversing across the sidewalk. Alternative Parking may be supplied.
- 33 Site access to conform to the George Integrated Zoning Scheme 2023.


Singed on behalf of Dept: CES

07 Jul 25

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ANNEXURE C

GEORGE ELECTRICITY DC CALCULATION MODEL		Version 1.00	2025/06/18
For Internal information use only (Not to publish)			



Erf Number * 13171
 Allotment area * George
 Elec DCs Area/Region * George Network
 Elec Link Network * LV
 Elec Development Type * Normal
 Developer/Owner * George Municipality
 Erf Size (ha) * 0,05
 Date (YYYY/MM/DD) * 14 07 2025
 Current Financial Year 2025/2026
 Collaborator Application Reference 3724047

Application:

Development Charges

Comments:

0

Service applicable	Description
Electricity	Service available (Subject to the Electrical master plan approval)


Conditions	
General conditions	
1	The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
2	The amounts of the development contributions are reflected on the attached calculation sheet dated 14/07/2025 and are as follows: Electricity: R - Excluding VAT
3	The total amount of the development charges of R0 000, Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
4	Any amendments or additions to the approved development parameters which might lead to an increase in the proportional contribution to municipal public expenditure will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
5	As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R0 000, Excluding VAT shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of paragraph 3 above.
6	Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
7	All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with
8	Consent use approval with regards to Guest houses, School or Hotels are subject to the submission and approval of building plans, which shall include a detailed Site Development Plan (SDP), indicating proposed land use changes to the erf/erven. The SDP should, but not limited to, address all internal parking requirements (ie within the development area) , position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic.
9	Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
10	Any, and all, costs directly related to the development remain the developers' responsibility.
11	Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 7 applies.
12	Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (condition 7 applicable)
13	Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (condition 7 applicable)
14	Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (condition 7 applicable)
15	No development may take place within the 1:100 year flood line or on slopes steeper than 1:4.
16	Should it be required, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Municipal Manager. All expenses will be for the developer.
17	The developer is to adhere to the requirements of the Environmental Authorisation (EA). The onus is on the developer to provide the Dir: CES with the necessary proof of compliance with the EA.

18	Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
19	The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
20	Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
21	The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
22	Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
23	The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
24	No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
Electro Technical	
25	In all cases, where individual customer apply for a supply capacity exceeding that provided for in the calculation of DCs and for the developer paid, will be subject to additional DCs based on the rates applicable at the time.
26	Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
27	Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
28	The developer and/or an owner of an erf shall see to it that no Small Scale Embedded Generation (SSEG) are installed on an erf, any portion of an erf or the development, without prior approval from the ETS. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
29	Where DCs have been applied for a particular section of the network, but the developer is requested to install and fund a part of the section of network, such work will be credited against DCs calculated.
30	Installation of ripple relays are compulsory for all geysers with electrical elements.
31	All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.

M Gatyeni

Singed on behalf of Dept: ETS

14 Jul 25

Development Charges Calculator				Version 1.00		2025/06/18	
				Erf Number	13171		
				Allotment area	George		
				Elec DCs Area/Region	George Network		
				Elec Link Network	LV		
				Elec Development Type	Normal		
				Developer/Owner	George Municipality		
				Erf Size (ha)	0,05		
				Date (YYYY/MM/DD)	2025-07-14		
				Current Financial Year	2025/2026		
				Collaborator Application Reference	3724047		
Code	Land Use	Unit	Total Existing Right		Total New Right		
RESIDENTIAL			Units	Units	Units		
	Single Res < 350m² Erf (informal)	unit		2		2	
Is the development located within Public Transport (PT1) zone?				Please select 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	2,89	2,89	#DIV/0!	R 0,00	R 0,00	R 0,00
Total bulk engineering services component of Development Charge payable					R 0,00	R 0,00	R 0,00
Link engineering services component of Development Charge							
Total Development Charge Payable							
City of George							
Calculated (ETS):		M Gatyeni					
Signature :		_____					
Date :		July 14, 2025					
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
Electricity	20160623 021336	R 0,00
		R 0,00

ANNEXURE D

APPLICATION FOR THE **SUBDIVISION** OF ERF 13171, GEORGE

2 BELLAIR STREET, GEORGE



NANGAMSO MHOBO (C/9488/2022)

**HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT
GEORGE MUNICIPALITY**

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- Annexure A - Signed application form
- Annexure B – Deeds Search
- Annexure C – Locality Map
- Annexure D – General Plans
- Annexure E – Proposed Subdivision Plan
- Annexure F – Zoning Map
- Annexure G – Council Resolution Dated 23 November 2008

1. INTRODUCTION

1.1 Background Information

A council resolution dated 23 November 2008 stated the following:

- a) "That Erf 13171 Borchards be sold by means of the open public tender process at market related upset price of 15 000 plus VAT"
- b) That should 13171 George be subdivided successfully one Erf be allocated to Leon Kotze (Identity number 5101265105081) and Elsie Booysen (Identity number 7111040281089), on condition that the participants qualify for a subsidy.
- c) Erf 13171, George form part of the Infill Erven Project.
- d) that it be noted there are no outstanding accounts in respect of Erf 13171, George.

Thus, George municipality is submitting an application for the subdivision of Erf 13171, George into to portions, in terms of Section 15 (2)(d) of the Land Use Planning By-law for George Municipality, 2023, the two portion will be subdivided into the following:

- Portion A ($\pm 221 \text{ m}^2$)
- The Remainder of Erf 13171, George ($\pm 295 \text{ m}^2$)

The subject property, Erf 13171, George, is currently owned by the George Municipality. At present, two separate families are residing on the property. The property has been informally subdivided into two distinct portions to accommodate the independent occupation and use by each family. Therefore, this application seeks to formalise the subdivision within the property to enable the transfer of ownership of each portion to the respective occupying family. *See the subject property image below.*



Figure 1: subject property

1.2 Land Use Application

The application is to obtain the necessary land use rights in order to develop two single residential Zone III properties, on Erf 13171, George, the application is therefore made in terms of the following, as read with the George Integrated Zoning Scheme Bylaw, 2023:

1.2.1 Subdivision of Erf 13171, George in terms of Section 15 (2)(d) of the Land Use Planning By-law for George Municipality, 2023 into the following portions, namely:

- Portion A ($\pm 221 \text{ m}^2$)
- The Remainder of Erf 13171, George ($\pm 295 \text{ m}^2$). See subdivision plan below.

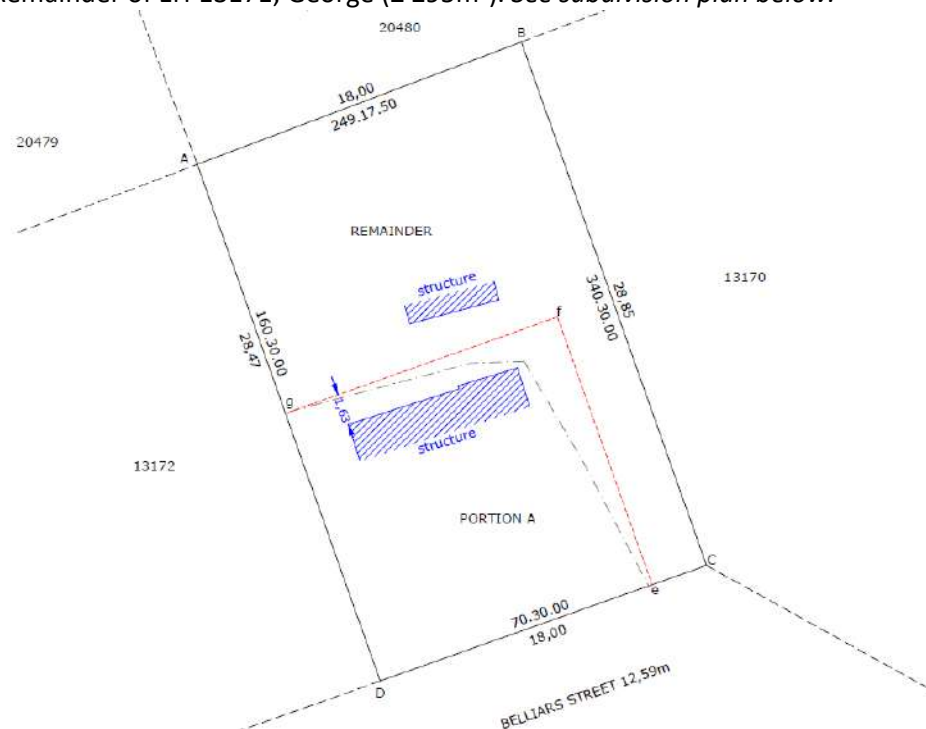


Figure 2: Subdivision plan

1.3 Purpose of this Report

This report serves as motivation to conduct an application for a subdivision of Erf 13171, George to provide ownership to the families currently occupying the property. The property will be subdivided into two portions, each portion will be transferred to the separate owners, as per the council resolution dated 23 November 2008. The intention of the George Municipality is to promote densification in residential areas; therefore, the proposed subdivision aligns with this principle.

2. PROPERTY DETAILS

2.1 Property Description

Erf 13171, George is currently developed as two separate properties by the current occupants. Therefore, a need for a formal subdivision application is required. The subject property is currently owned by George municipality, held under the title deed number T62625/1989. The deed search of the property shows no restrictive title deed conditions that may limit the proposed land use application.

Project Summary		
Objective	To obtain the necessary land use rights in order to develop two Single Residential Zone III erven and provide ownership to the relevant parties.	
Property	Erf 13171, George	
Property Diagram	Surveyor General Diagrams (12093)	
Registered Owner	George Municipality	
Applicant	George Municipality	
Title Deed	T62625/1989	
Restrictive Title Deed Condition	None	
Extent	516 m ²	
Zoning Scheme	George Integrated Zoning Scheme By-Law, 2023	
Current Zoning	Single Residential Zone III	
Proposed Development	Subdivision	
Current Land Use	Two dwelling houses	
Proposed Land Use	Residential	
NHRA Approval Required	Not applicable	
EIA Approval Required	Not applicable	

Table 1: Property Information

2.2 Brief Description of Subject Site

The subject site is located on 2 Bellair street, Georg2, in the suburb known as Bochards, Southwest of the George central hub. The property is within a serviced area. The subject property is depicted in the General Plan 12093 (See **Annexure D**). The subject property is located in a low-income area bordered by Lawaakamp, Conville and George Industrial. *See locality Map below.*



Figure 3: Locality of the property

2.3 Existing Zoning

The subject property is zoned as Single Residential Zone III in terms of the George Integrated Zoning Scheme By-law, 2023, as depicted on the GM: GIS, the site currently developed as separate properties and consists of two dwelling houses. See Google Streetview image below.



Figure 4: Erf 13171, George (subject property)

2.4 Existing Land Uses

The subject property is currently occupied by two dwelling houses, the property forms part of the residential neighbourhood in Borchards. The subject site is situated within an established neighbourhood consisting of Single Residential properties, Business Zone and a public open space zoned property to the north of the property as shown in Figure 3 below. *See figure depicting surrounding land uses as gathered from the Google maps (2023) below.*



Figure 5: Zoning as per the GIS Viewer



Figure 6: Surrounding land uses (Google maps 2023)



Figure 7: surrounding land uses

3. PROPOSED DEVELOPMENT

3.1 Application

The application submitted is for a subdivision of Erf 13171, George into two properties, namely Portion A and the Remainder of Erf 13171, George, in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-Law, 2023

3.2 Development Proposal

The subject property is 516m² in extent and will provide for affordable housing opportunities (single residential plots), by means of subdivision into two portions (Include sizes).

3.3 Access and Traffic Impact

The subject property currently obtains access from Bellair Street. The proposed accesses of both Portion A and the remainder of Erf 13171, George. Will be retained Therefore, the access to both the properties will be obtained from Bellair street. A panhandle will be registered in favour of the Remainder of Erf 13171, George to provide access to the site.

3.4 Parking

Sufficient on-site parking will be provided for each subdivided portion and will conform to the George Integrated Zoning Scheme By-law, 2023.

3.5 Municipal Engineering Services

The subject properties is located within a fully serviced precinct, with civil engineering service network available in the adjacent urban fabric. Development considered in bulk services planning.



Figure 6: serviced area

4. STATUTORY CONTEXT

4.1 Chapter 2, Section 7 of the Spatial Planning and Land Use Management Act, 2014

Development Principle	Comply (yes/no)	Reason
The principle of Spatial Justice	Yes	<ul style="list-style-type: none"> As described in the PSDF, the development aims to create inclusionary settlement with a focus on the public realm, supporting civic interaction and adequate access through the public environment, making urban opportunities accessible to all, and addresses past spatial imbalances where certain classes of society were limited to certain parts of the economy.

The principle of Spatial Sustainability	Yes	<ul style="list-style-type: none"> The application property is located within the urban edge of George, and within an established urban environment. The proposed application will allow the municipality to render a basic need to the local populace and sustainably densify the neighbourhood. The proposed development is situated in an already serviced area. The proposed development will therefore utilise the existing resources and infrastructure available whilst promoting the optimal use of the site. The proposed development will have a limited impact on the provision of infrastructure and will not require any additional social services outside the development itself.
The principle of Efficiency	Yes	<ul style="list-style-type: none"> The application is observed to minimise social and environmental impacts. It will solve housing issues within the area, hence spatial efficiency can be attained. The proposed development is situated in an already serviced area. The proposed development will therefore utilise the existing resources and infrastructure available whilst promoting the optimal use of the site.
The principle of Spatial Resilience	Yes	<ul style="list-style-type: none"> The application complies with the requirements of the George Zoning Scheme By-law, 2023. The primary land uses on the proposed portions will be in line with the proposed zonings. This land use proposal is an infill development that aims to make use of the existing pockets of land within the town centre, just at a higher residential density.
Good administration	Yes	<ul style="list-style-type: none"> The application complies with all applicable principles and frameworks. George Municipality is encouraged to process it promptly and efficiently, ensuring transparent public participation. Clear procedures should be followed to keep the public informed and empowered about the proposed development

Table 2: *Compliance with SLUMA Principles*

4.2 Consistency and compliance with LUPA, 2014 (Act 3 of 2014)

Section 19(1) and (2) of LUPA states that the following:

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

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

George Municipal Spatial Development Framework, 2023 denotes the subject area as within the urban development boundary and within a residential densification zone along a main public transport route. It is therefore the municipality's contention that, given the nature of the proposed land uses on the property that the proposed development complies with the spatial objectives outlined in the George Municipal Spatial Development Framework, 2023 and *inter alia* with the Land Use Planning Act, 2014.

4.3 Western Cape Provincial Spatial Development Framework, 2014(and Chapter 4 Amendment Feb 2021)

The Western Cape Provincial SDF is a very broad in its overview of the province, however pockets of land that are in well located areas, in the possession of state entities and that are identified as areas of high growth potential, where there is a specific need for housing – must be used for the creation of integrated and sustainable settlements forms. Projects to support, specifically, affordable and conventional housing, as opposed to facilitating only the high-end market segment, must be supported. It can therefore be stated that this proposed development complies with the Provincial SDF in terms of the following principles as set out in the document, namely:

- Spatial justice - The aim is to realise a socially just society through inclusionary settlement with a focus on the public realm, supporting civic interaction and adequate access through the public environment, making urban opportunities accessible to all, and addressing past spatial imbalances. The application provides a housing opportunity in an area where urban mixed uses are established.
- Sustainability and resilience – Land development should be spatially compact, resource-frugal, and compatible with culture and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromise ecosystems. The land use proposals on the subject property relate to the residential densities, within context, expected in a compact city. The application does not affect land delineated as land with high priority agricultural potential nor areas of environmental sensitivity.
- Spatial efficiency – This principle relates to the form of settlements and use of resources – compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and prioritisation of public transport over private car use. The proposed development adheres to all these concepts.
- Access - improving access to services, facilities, employment, training and recreation, and safe and efficient transport modes is essential to achieving the stated settlement transitions of the NDP and OneCape2040. Accessibility is also defined by convenient and dignified access to private and public spaces for people with impaired mobility. Good and equitable access systems must prioritise the pedestrian, as well as provide routes for bicycles, prams, wheelchairs and public transport. An accessible system will offer a choice of routes supporting these modes and safe connections between places and communities.

Visual access implies direct sight lines or unfolding views, signs or other visual cues, and being able to see other people - all of which help in negotiating places. The locality of the proposed development will enable an additional of two families to reside in well-located urban fabric. The design of internal roads (including NMT area) and roads linking to the adjacent network, specifically to the public transport network, will be designed to facilitate connectivity for both vehicles and people. Bellair connects to Nelson Mandela Boulevard, the link is important for integration and accessibility to and from economic nodes and to link development potential areas. The best practice approach is to facilitate maximum opportunity for connectivity. This relates to strategic development goals such as integration of communities and forward planning of land identified for growth absorption, in addition to traffic planning considerations.

- Quality and liveability - the quality of an environment directly contributes to its liveability. A quality-built environment is one that is legible, diverse, varied and unique. Legible built environments are characterised by the existence of landmarks such as notable buildings and landscaping, well-defined public spaces, as well as navigable street networks. The proposed application is legible as a residential neighbourhood.

The proposed development will add to the housing opportunities within the existing urban fabric of the George City area and thus leading towards a more compact urban form, whilst including manageable supportive sport and recreation uses. The subject property is situated within a well located area, close to amenities and along a public transport route.

4.4 George Municipal Spatial Development Framework, 2023 (MSDF)

The property is located in an area that is well developed with in the urban edge. The area that forms the subject of this application is located in partially developed urban fabric with the urban edge, in proximity to the city centre, enclosed with the area referred to in the MSDF as the 'George City Area' and is demarcated for residential purposes in terms of the MSDF.

The MSDF notes the following, in addition to the policies and strategies noted below, which apply specifically to the site:

- The site area is included in an intensification zone along Nelson Mandel Boulevard Road, which relate specifically to residential densification.

- Spatial planning considerations

The George Municipal SDF supports infill development and further intensification of residential land uses within well-located areas. The property falls within the urban edge, in an established residential area.

Policy C3 in the MSDF states that settlement patterns need to be restructured through densification of the urban areas in the George city area to reduce land consumption, deliver services and facilities to households more effectively, and establish the thresholds for a viable public transport system. The proposed subdivision/densification is thus in line with the provision as stipulated in the MSDF.

- The same principles relating to residential densification applies to all properties within this zone.

- Theme A of the George MSDF states that infrastructure and future investment should be in areas with high growth potential and promote densification, infill, and brownfield development, with accessible basic services. As noted, as the location of the development is within a zone earmarked for land use densification. The development aims to improve the housing provision in George. The area is deemed to be existing urban fabric, provided with good quality urban management to support household and economic asset building.

Therefore, the development is deemed to be in line with the spatial planning objectives of the municipality.

5. NEED AND DESIRABILITY OF THE APPLICATION

The need for the provision of affordable housing in George has been expressed in investigations. Currently, the private sector does not sufficiently address this demand—whether for single plots or higher-density units—creating a gap between government-subsidised housing and market-driven supply. High development and construction costs further complicate the issue. To address this, George Municipality aims to facilitate the development of more affordable housing by securing development rights and releasing land under specific conditions to prevent land speculation.

It is not foreseen that the proposed application will have a negative impact on the surrounding neighbours. In addition, it is not anticipated that the approval of the application will have any negative impact on the aesthetic appearance of the property from the street view, given that the existing dwelling is already constructed and fit with the residential character. The approval of the application will allow for the creation of a new residential property located within the urban edge and within an area that is already serviced by municipal engineering services.

GENERAL LAND USE INTENT:

- The proposed land use is compatible with the surrounding land uses.
- The subdivision will not result in the alteration of the land use.
- The proposed subdivision will provide opportunity for densification, thus reducing urban sprawl within the urban edge.
- The proposed land use is congruent with development intent envisaged in MSDF, with more, higher density development supported.
- The increase in density supports the viability of the public transport system, as the public transport stop is within a walking distance from property.
- There will be minimum impact posed to the existing character of the area.
- The rights of the resident community will not be adversely affected in terms of property values, privacy, views, sunlight, etc.

6. CONCLUSION

The application is considered desirable as it aims to provide housing opportunities in an area considered for densification, well-integrated into the existing urban fabric and adjacent to public transport routes.

It has been demonstrated that the application is compliant with the adjudication criteria set out in planning law and thus should be recommended for approval.



ANNEXURE E

ERF 13171, GEORGE, P:0 (CAPE TOWN)

Deeds Office Property Erf

2 Waterford Mews, Century City, Cape Town, 7441
Tel: +27 86 034 0000 - NCR Reg No: NCRCB30
Website: <https://www.searchworks.co.za>

SEARCH INFORMATION

Summary

Search Type	DEEDS OFFICE PROPERTY ERF
Search Description	ERF 13171, GEORGE, P:0 (CAPE TOWN)
Reference	LYTESSA
Date	04/06/2024

ERF INFORMATION

Summary

Deeds Office	CAPE TOWN
Property Type	ERF
Township	GEORGE
Erf Number	13171
Portion Number	0
Remainder	NO
Previous Description	PTN OF 13494-GP12093
Registration Division	GEORGE RD
Municipality	GEORGE MUN
Province	WESTERN CAPE
Diagram Deed	DU 1000/800
Size	516.0000 SQM
LPI Code	C02700020001317100000
Street Address	2 BELLAIRS STREET, GEORGE

OWNER SUMMARY

Owner Name	ID / Reg. Number	Purchase Price	Purchase Date
MUN GEORGE	-	T/T	-

OWNER INFORMATION

Owner 1 of 1

Owner Name	MUN GEORGE
ID / Reg. Number	-
Owner Type	UNKNOWN
Title Deed	T62625/1989
Purchase Date	-
Registration Date	01/11/1989
Purchase Price	T/T
Multiple Owners	NO
Multiple Properties	-
Share	-
Microfilm Reference No.	20090217 07:34:06

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ANNEXURE F

Erf 13171, Borchards

EMAIL/EPOS: wendy-ann@george.org.za

ENQUIRIES/NAVRAE: Wendy Mentor

TEL: 044 802 2025

FAX: 086 529 9825

DATUM/DATE: 26 November 2013

**MENSLIKE NEDERSETTINGS, GRONDSAKE EN BEPLANNING
HUMAN SETTLEMENTS, LAND AFFAIRS AND PLANNING**

Elsie Booysen
Erf 13171 Bellair straat
Borchards
GEORGE
6528

Geagte Mevrouw / Mejuffrou

ERF 13171, BELLAR STRAAT, BORCHARDS: VOORSIENING VAN TOILET

'n Tydelike toilet is aan u voorsien op 26 November 2013.

U aandag word daarop gevestig dat die toilet die eiendom van die George Munisipaliteit is en dat u verantwoordelik is vir die onderhoud daarvan.

Indien die eienaar 'n huis met 'n permanente toilet op die eiendom oprig, sal die Munisipaliteit die tydelike toilet verwyder en elders aanwend.

Sou u die eiendom om een of ander rede verlaat word u versoek om hierdie kantoor onmiddellik in kennis te stel sodat die struktuur verwyder kan word.

Die uwe


T BOTHA
MUNISIPALE BESTUURDER

Elsie Booysen



26. 11. 2013.

From: Willene Daries
To: Clinton Peterson
Date: 2/23/2016 12:35 PM
Subject: Re: Fwd: Raadsbesluit - Erf 13171 Borchards

Good Day Clinton

Your previous emails with Mr Cyprian Duthie with regard to the above mentioned erf refers.

Could you please provide us with a proposed subdivision plan in order for us to appoint a surveyor?

Willene Daries
Administrative Officer: Housing Administration
George Municipality
Tel: 044 801 9023
Fax: 066 521 5580

CC: Batsle Badenhorst

From: Willene Daries
To: Edwin herandien
Date: 9/4/2016 3:29 PM
Subject: Re: Fwd: Raadsbesluit - Erf 13171 Borchards

Goeie Dag Meneer

Die Raad het op 29 Julie 2015 as volg besluit:

"(a) dat die besluit geneem deur die Raad op 23 September 2008 onder item 8.9.1(b) soos hieronder aangehaal herroep word: "dat erf 13171 Borchards te koop aangebied word volgens die openbare tenderproses teen 'n insetprys van R15,000.00 plus BTW."

(b) dat, indien Erf 13171, George suksesvol onderverdeel kan word, die een erf aan Leon Kotze (Identiteitsnommer 510126 5105 081) en die ander erf aan Keith Charles Booysen (Identiteitsnommer 700407 5207 089) en Elsie Booysen (Identiteitsnommer 711104 0281 089) toegeken word, op voorwaarde dat die deelnemers vir 'n subsidie kwalifiseer;

(c) dat Erf 13171, George deel vorm van die Invulerwe-projek;

(d) dat kennis geneem word dat daar geen agterstallige diensrekening ten opsigte van Erf 13171, George is nie."

Sien asseblief aangeheg epos vanaf Clinton wat aandui dat die erf onderverdeel mag word.

Kan u asseblief aandui of ons kwotasies mag aanvra om 'n landmeter aan te stel om die onderverdeling te doen?

Willene Daries
Administrative Officer: Housing Administration
George Municipality
Tel: 044 801 9023
Fax: 086 521 5580

CC: Dorian Louw

From: Cyprian Duthie
To: Willene Daries
Date: 9/4/2015 3:02 PM
Subject: Re: Fwd: Raadsbesluit - Erf 13171 Borchards

Middag Willene

Clinton bevestig dat die eiendom onderverdeel kan word. Die erf is nie een waarmee ek voornem gewerk het nie. Jy sal toestemming by Mnr Herandien moet kry om kwotasies aan te vra om onder te verdeel. CC Dorian in want fondse is nou betrokke.

Wanneer jy toestemming het sal ek help met die landmeters.

Groete

Cyprian Duthie
Principal Administration Officer
Human Settlements, Land Affairs & Planning
George Municipality
Tel. Nr. (044) 802 2027
Fax Nr. 086 5299 925>>> Clinton Peterson 2015/09/04 02:31 nm >>>
Hi Duthie

Yes it is possible - into 2 portions. You will have to appoint a land surveyor to do this.

Regards

Clinton

Clinton Petersen
Senior Manager: Planning
ph: 044 801 9477
fax: 0860 529 9923>>> Cyprian Duthie 04/09/2015 11:24 >>>
Good morning Clinton

See attached minutes of a Human Settlements Committee meeting dated 23 April 2015.

Please advise whether the property can be subdivided or not.

Kind regards

Cyprian Duthie
Principal Administration Officer
Human Settlements, Land Affairs & Planning
George Municipality
Tel. Nr. (044) 802 2027
Fax Nr. 086 5299 925>>> Willene Daries 2015/08/07 10:31 >>>
Goeie Dag Duthie

Sien asb raadsbelsuit aangeheg.

Jammer vir die ongerief.

Willene Daries
Administrative Officer: Housing Administration
George Municipality
Tel: 044 801 9023

Fax: 086 521 5580

From: Cyprian Duthie
To: Clinton Peterson
Date: 9/4/2015 11:24 AM
Subject: Fwd: Raadsbesluit - Erf 13171 Borchards

Good morning Clinton

See attached minutes of a Human Settlements Committee meeting dated 23 April 2015.

Please advise whether the property can be subdivided or not.

Kind regards

Cyprian Duthie
Principal Administration Officer
Human Settlements, Land Affairs & Planning
George Municipality
Tel. Nr. (044) 802 2027
Fax Nr. 086 5299 925>>> Willene Daries 2015/08/07 10:31 >>>
Goele Dag Duthie

Sien asb raadsbesluit aangeheg.

Jammer vir die ongerief.

Willene Daries
Administrative Officer: Housing Administration
George Municipality
Tel: 044 801 9023
Fax: 086 521 5580

CC: Willene Daries

From: Willene Daries
To: Cyprian Duthie
Date: 9/3/2015 11:59 AM
Subject: Fwd: Erf 13171 Borchards

Goeie Dag Duthie

Sien asb my vorige epos aan u.

Volgens die Raadsbesluit moet die erf onderverdeel word en die moontlikheid moet ondersoek word of die persone deur die Infill Projek gehelp kan word.

Is dit iets wat u afdeling hanteer?

Willene Daries
Administrative Officer: Housing Administration
George Municipality
Tel: 044 801 9023
Fax: 066 521 5580

From: Willene Daries
To: Cyprian Duthie
Date: 8/6/2015 12:15 PM
Subject: Erf 13171 Borchards

Goeie Dag Duthie

Sien asseblief aangeheg die Raadsbesluit ten opsigte van bogenoemde eiendom.

Die Raad het besluit die erf onderverdeel word in twee gedeeltes en dat dit deel van die nuwe Infill erwe projek vorm.

Is dit iets wat u afdeling hanteer?

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