

**Beplanning en Ontwikkeling
Planning and Development**

Collaborator No.: 3866771
Reference / Verwysing: Erf 338, Hoekwil
Date / Datum: 24 July 2026
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APPLICATION FOR REZONING AND CONSENT USE: ERF 338 HOEKWIL

Your application in the above regard refers.

The Deputy Director: Development and Environmental Management (Authorised Official) has, under delegated authority, 4.17.3.13 of 24 April 2025 decided that the following applications applicable to a portion of Remainder Erf 338, Hoekwil:

1. **Rezoning** in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2023 of an approximately 2,7ha portion of Remainder Erf 338, Hoekwil from Agricultural Zone II (Smallholding) to Open Space Zone III (Nature Conservation Area);
2. **Consent Use** in terms of Section 15(2)(o) of the Land Use Planning By-law for George Municipality, 2023 to accommodate four tourist accommodation units within the nature conservation area portion of Remainder Erf 338, Hoekwil;

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

REASONS FOR DECISION

- (a) The Terrestrial Biodiversity Assessment Report, provided with the application, does not provide any justification to consider the conservation of the area of land proposed to be rezoned to Open Space Zone III. The owner is obligated by law to clear alien vegetation from his property.
- (b) The rehabilitation of the property is not sufficient justification to consider rezoning a portion of the property to Open Space Zone III, especially as there is already a legal responsibility under National Environmental Management: Biodiversity Act to "Duty of Care relating to Alien Species" and the Forestry Act, which compels him and other landowners to do so.
- (c) Though a portion of the subject property is indicated on maps as being located within the Critical Biodiversity Area, the area where the "tourist accommodation" units are located, is disturbed, transformed and cleared previously disturbed farmland and well outside of any significant tract of any conservation worthy land. The land around these units also hold no conservation value and there are no natural resources requiring non-statutory protection on the property.

- (d) The applicant is also opposed to entering into a Stewardship Agreement, reinforcing the view that there is no real conservation intent behind the application, but rather to use the rezoning and consent use as a mechanism to give tacit legitimacy to the activities occurring on site and also to expand these activities.
- (e) The size of the proposed conservation area is not considered to be sustainable, and conservation will not succeed if its not properly structured and managed. The owner has operated this site for several decades and in that time has subdivided and developed the site with no decisive conservation outcomes. Noting that the intent to preserve the natural environment does not rely on the zoning of the property, therefor nothing prevented the owner to implement conservation measures, which would have been evidence of the intent.
- (f) It can thus be concluded that the objective of this application was never to achieve a conservation outcome but rather used as the preferred mechanism to legitimise the existing unlawful dwelling units / land use activities on the property.
- (g) While the proposal to accommodate both agricultural activities and conservation-related land uses is acknowledged, the introduction of these two distinct zoning regimes on a single land unit will result in an overall intensity of development that exceeds what would ordinarily be anticipated for a property of this size and rural context.
- (h) The bio-physical characteristics of the subject property is no different to other properties in the area, and supporting this proposal on the basis of the above findings will likely only create an undesirable precedent for similar applications, leading to incremental intensification and fragmentation of the rural landscape, ultimately undermining the foundations of the Wilderness tourist economy.
- (i) The proposal is thus not fully aligned with the Western Cape Rural Areas Land Use Planning Guidelines, 2019, which promote the protection of rural landscapes, containment of urban sprawl, and low-impact, context-sensitive development. It is also not in line with the spatial policies and objectives of the area, specifically in relation to the achievement of conservation outcomes.
- (j) In consideration of the above, there is no justification for supporting an Open Space Zone III zoning on a portion of the subject property, especially on the portion of land where the "tourist accommodation" units are found (the reason for the application).
- (k) It stands to reason that if there is no justification for the Open Space Zone III zoning for the land around these accommodation units, by implication the units, which is a consent use under said zoning, cannot be considered.

Note:

- (i) *The owner must demolish all unlawful structures that do not comply with the provisions of the George Integrated Zoning Scheme By-law, 2023.*
- (ii) *The owner is reminded that any development of this property demands prior authorisations under environmental legislation, and the owner must also comply with the National Forest Act, 1998.*
- (iii) *The eradication and control of alien invasive vegetation on the property must comply with requirements of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) Alien and Invasive Species Regulations.*
- (iv) *The applicant is reminded of the Duty of Care in Section 28 of NEMA to prevent environmental degradation and take reasonable measures to rectify any damage caused.*

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

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director: Planning and Development, P O Box 19, George, 6530 or Directorate: Planning and Development, 46 Market Street (Old York Hostel Building), George **on or before 14 AUGUST 2026**, and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. Please also note that the appeal must be e-mailed to the administrative officer mentioned above.

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

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

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

Yours faithfully



C PETERSEN
SENIOR MANAGER: TOWN PLANNING
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