

# **WILDERNESS ERF 2003**

**(WILDERNESS SKY)**

## **SPECIALIST PLANNING REPORT FOR ENVIRONMENTAL AUTHORISATION PURPOSES**



**CLIENT:** WENTZEL CHRISTOFFEL COETZER & WESSEL PHILIPPUS WESSELS

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**SECTION A :****BACKGROUND****1. PURPOSE OF THE REPORT**

This report serves as the Specialist “Planning” inputs into the Environmental Authorisation application on Wilderness Erf 2003. The objective of this Specialist Planning Report is to provide a description of the proposed development and to “contextualize” the envisaged project within the administrative, legal and policy planning framework. These policies are not prescriptive legal requirements, but rather guidelines to inform detailed planning and design, and to be interpreted and applied at the level of an individual project.

Wilderness Erf 2003 is currently zoned “Open Space Zone III (OSZIII)” in terms of the George Integrated Zoning Scheme by Law, 2017 and is 2,8135 Ha in extent. The property is currently vacant. Access to the application area is obtained via an access servitude road that runs over Wilderness Erf 2002.

On 25 August 1994, the Wilderness Local Council approved an application for rezoning to subdivisional area for the subdivision of Wilderness Erf 1 into 3x portions (Erf 2002, 2003 & 2004) and a remainder with conditions of approval, that restricted each new property to one dwelling unit. A copy of the letter of approval of this subdivision is attached as **ANNEXURE A**.

The proposal now, is to the construction of 1x main dwelling house and to allow for 4x self-catering guest cottages (pods), a designated parking areas in the north western section of the property that also makes provision for a total of 8x vehicles. From the parking areas and the main dwelling house there will be wooden decking walkways 0.5m above the forest floor towards the pods. The remainder of the property will be preserved in its natural state.

The proposal was discussed with George Municipality at their pre-applications meeting of 02 June 2021. The minutes for this meeting as well as the completed pre-application form is attached as **ANNEXURE B**.

**Eco Route Environmental Consultancy** has been appointed to apply for Environmental Authorisation and Marike Vreken Urban and Environmental Planners have been appointed by **WENTZEL CHRISTOFFEL COETZER & WESSEL PHILIPPUS WESSELS** to apply for the required land use rights from George Municipality.

## 2. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed (TT22528/2020) which includes all the information outlined below is contained in **ANNEXURE C**. The SG Diagram (SG 7730/1995 - Erf 2003) for the application area is contained in **ANNEXURE D**. The SG Diagram (SG 7729/1995 – Erf 2002) and Servitude Diagram (SG 7410-1987 - Servitude over Hoekwil Erf 317) indicating the right of way servitudes from which the application area obtains access is contained in **ANNEXURE E & ANNEXURE F** respectively.

**TITLE DEED DESCRIPTION:** Erf 2003, Wilderness, in the Municipality and Division of George, Province of the Western Cape

**TITLE DEED NUMBER:** T22528/2020

**PROPERTY SIZE:** 2,8135 (Two Comma Eight One Three Five) Hectares

**REGISTERED OWNER(S):**

1. Wentzel Christoffel Coetzer
2. Wessel Philippus Wessels

**TITLE DEED RESTRICTIONS:** The Title Deed contains no restrictive title deed conditions that prevent the proposed development.

**SERVITUDES:**

There are no servitudes registered over this property.  
Entitled to right of way access over Hoekwill Erf 317 (12m wide)  
Entitled to right of way access over Wilderness Erf 2002

**BONDS:** There is no bond registered over the property.

**SECTION B : DEVELOPMENT PROPOSAL**

**3. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

*(Refer to ANNEXURE G: Architectural 3D representation of proposal – 'Olivier Architects')*

The proposal entails the construction of 1x main dwelling house and to allow for 4x self-catering 2-storey tree-top pods with a package plant sewer system **OR** the alternative option that allows for 5x cabins with a septic tank sewer system. The remainder of the property will be preserved, remain untouched forest and continue to be utilised for conservation purposes.

**3.1. Accommodation Units – Preferred alternative**

*(Refer to Plan 2: Site Development Plan – Preferred Alternative)*

The main dwelling will be accessed from the current servitude road in the north western corner of the property as indicated on the Site Development Plan. The sizes of the units will be as follows, and shown in the figure below:

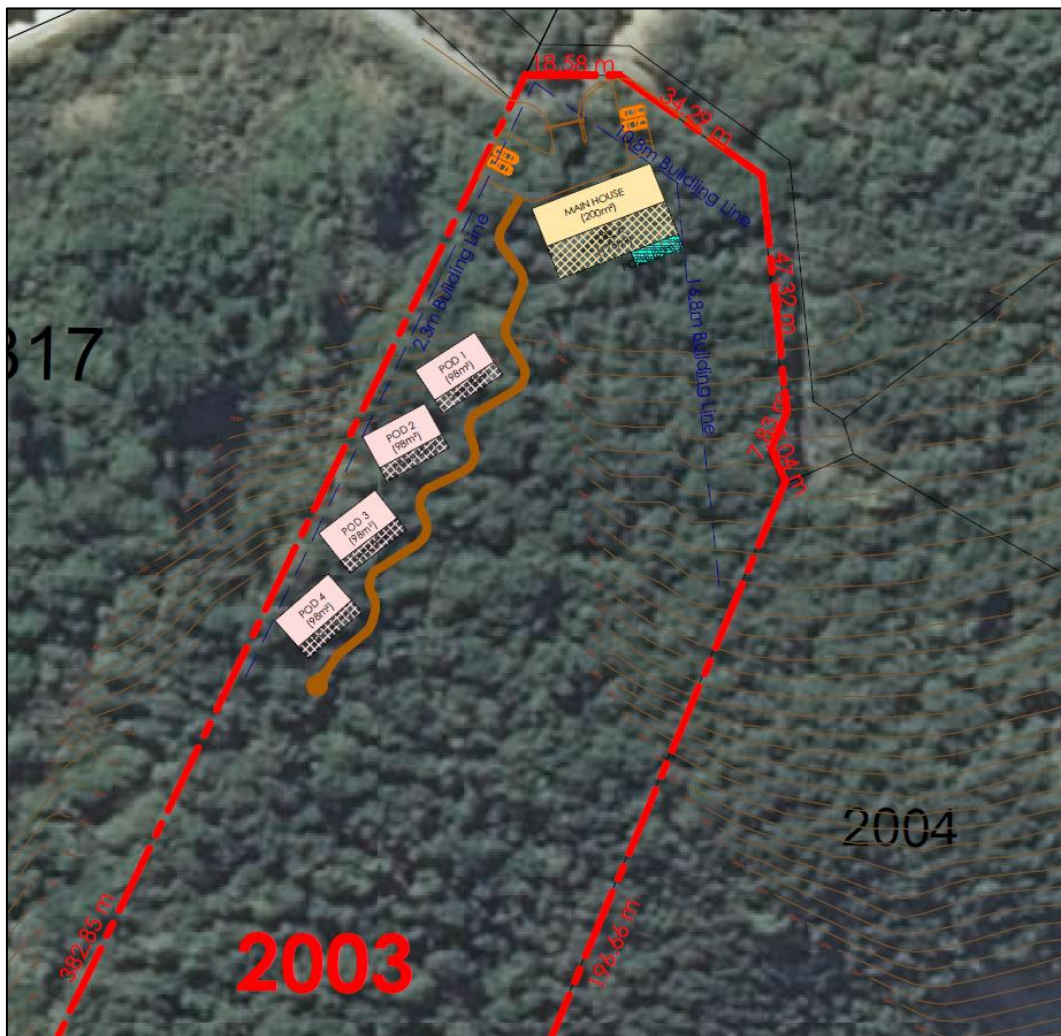


FIGURE 1: PROPOSED SDP

- New Main House (200m<sup>2</sup> + 175m<sup>2</sup> deck + 30m<sup>2</sup> pool) = 405m<sup>2</sup> total
  - 4x Pods of 98m<sup>2</sup> and each with a 42m<sup>2</sup> deck = 560m<sup>2</sup> total
  - Parking area = 337m<sup>2</sup> total
  - Raised boardwalk = 194m<sup>2</sup>
- Total Area: 1105m<sup>2</sup>**

There will be a designated parking areas in the north western section of the property that also makes provision for a total of 8x vehicles. From the parking areas and the main dwelling house, there will be wooden decking walkways 0.5m above the forest floor meandering through the trees to the pods. Please note that this will be a raised boardwalk on the stilts. The central co-ordinates for the 4x pods and the man dwelling house was pointed out by the appointed botanical specialist, which is the most suitable location for the proposed units that will require the least disturbance.

Main Dwelling House:      33°59'35.54"S, 22°33'44.70"E  
Pods:                            33°59'36.59"S, 22°33'43.73"E  
                                          33°59'37.06"S, 22°33'43.13"E  
                                          33°59'37.53"S, 22°33'43.10"E  
                                          33°59'37.85"S, 22°33'42.80"E

The ground floor of the proposed pods will consist of 2x ensuite bedrooms and a small bath deck. The first floor will consist of a lounge, bathroom, open deck, hammock net, kitchenette and a dining room.



**FIGURE 2: ARCHITECTURAL 3D REPRESENTATION**



The 4x pods will be of steel, glass, wood and be constructed on stilts about 4-5m above ground levels to be very light on the environment and have views of the ocean. The style of the pods and the main house will be modern but light to fit in with the natural environment. The maximum height for the proposed dwelling will be  $\pm 8.5\text{m}$  above NGL or as determined by the Municipality.

The proposal also entails fencing the property along the western boundary with clear-vue fencing for safety for tourists and the owners. No physical boundaries will be erected along the property boundaries as per requirements from George Municipality restricting the movement of natural fauna.

### 3.2. Visual Impact & Views

(Refer to **ANNEXURE H: Architectural Visual Impact** – ‘Olivier Architects’)



FIGURE 3: SCAFFOLDING PLACED ON SITE

In this area and strip where the planned pods are proposed the trees are much smaller because of the slope, the backdrop will have bush trees so the pods will be enclosed by trees, but the front views will be open. Scaffolding was placed on the potential locations of the pods at about 3m-4m high.



**FIGURE 4: OCEAN VIEWS FROM SCAFFOLDING AT  $\pm 4$ M HIGH**

The visual impact will be insignificant. The proposed development area is relatively well hidden. The proposed house and pods will not be seen from the "Map of Africa" road nor from the main road coming from Knysna which is blocked by a hill in front of that section.



**FIGURE 5: ARCHITECTURAL 3D REPRESENTATION OF ACTUAL VISUAL IMPACT**

Due to the small scale of the top section of the units and the fact that it is surrounded by forest, it will be very difficult to see these units. The section proposed for the development will be behind a small hill that makes it impossible to see from the road. The only area the proposed units and main dwelling will be spotted is from a section on Wilderness beach as indicated below.



FIGURE 6: VISUAL IMPACT AS VIEWED FROM WILDERNESS BEACH

### 3.3. Access & Parking

Access to Erf 2003 is obtained from the existing access servitude that runs over Hoekwil Erf 317 & the existing access servitude road that runs over Wilderness Erf 2002 as indicated on the SG diagram extracts below.

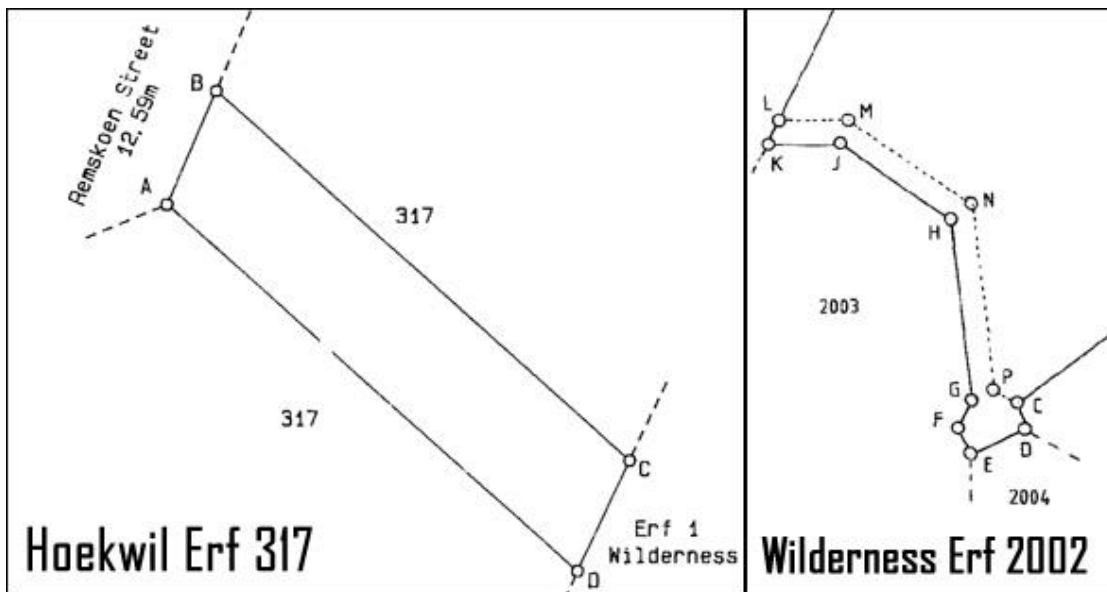


FIGURE 7: EXISTING SERVITUDES - SG DIAGRAM EXTRACTS

These access servitudes are accessed directly off the public road 'Remskoek Street' that runs along the northern boundary of Hoekwil Erf 317. This road is also the access road to the 'The Map of Africa' lookout point.



FIGURE 8: CURRENT ACCESS TO WILDERNESS ERF ERF 2003

The main dwelling house and the 4x pods will be accessed from the current servitude road in the north northern corner. There will be a designated parking areas in the north western section of the property that also makes provision for a total of 8x vehicles as indicated in the figure



FIGURE 9: PARKING AREA - SDP EXTRACT

From the parking areas and the main dwelling house, there will be wooden decking walkways 0.5m above the forest floor meandering through the trees to the pods, hence no roads will be developed on the property.

The George Integrated Zoning Scheme by Law, 2017 does not have a prescribed number of parking bays for this specific zone or proposed land use ('tourist accommodation'). The proposal makes provision for 1x parking bay per treetop cabin and as well as 4x for the main dwelling house.

### 3.4. Sewer Reticulation

Currently there is no sewer reticulation in close proximity to the site. In light of this it is proposed that a package plant is installed to accommodate the sewerage generated on site. The BEPAC 5C is a system installed partially above ground, while the Kingspan Klargestar Biodisc is installed below ground.

### 3.5. Accommodation Units – Alternative 1

*(Refer to Plan 3: Site Development Plan –Alternative 1)*

This alternative entails the construction of 1x main dwelling house and to allow for **5x self-catering 2-storey tree-top pods** and 2x designated parking areas.

The main dwelling will be accessed from the current servitude road in the north western corner of the property as indicated on the Site Development Plan (Gate #1). can be accommodated on-site adjacent to the main dwelling house. The sizes of the units will be as follow:

- New Main House (200m<sup>2</sup> + 175m<sup>2</sup> deck + 30m<sup>2</sup> pool) = 405m<sup>2</sup> total
  - **5x** Pods of 98m<sup>2</sup> and each with a 42m<sup>2</sup> deck = **700m<sup>2</sup>** total
  - Parking areas = **762m<sup>2</sup> (402m<sup>2</sup>+360m<sup>2</sup>)** total
  - Raised boardwalk = **322m<sup>2</sup>**
- Total Area: 1784m<sup>2</sup>**

There will be a designated parking area along the eastern boundary of the property that will also be accessed from the current servitude road in the north eastern corner of the property (Gate#2) and makes provision for 6x parking bays.

From the parking areas and the main dwelling house, there will be wooden decking walkways 0.5m above the forest floor meandering through the trees to the pods. The ground floor of the proposed pods will consist of 2x ensuite bedrooms and a small bath deck. The first floor will consist of a lounge, bathroom, open deck, hammock net, kitchenette, and a dining room.

Currently there is no sewer reticulation in close proximity to the site. In light of this for this alternative it is proposed that a Septic tank system is be used.

Comparison of the 2 alternatives parameters and disturbance areas are indicated in the table below.

<b>DISTURBANCE</b>	<b>PREFERRED ALTERNATIVE</b>	<b>ALTERNATIVE 1</b>
Coverage:	3.58%	3.93%
Number of parking bays:	8	10
No of units:	4x pods + 1x main dwelling house	5x pods + 1x main dwelling house
Main Dwelling & Pods total disturbance:	965m <sup>2</sup>	1105m <sup>2</sup>
Raised boardwalk(s) disturbance	194m <sup>2</sup>	322m <sup>2</sup>
Parking areas disturbance:	337m <sup>2</sup>	762m <sup>2</sup>
<b>Total disturbance:</b>	<b>1105m<sup>2</sup></b>	<b>1784m<sup>2</sup></b>

From the table above it is clear that the preferred alternative has a smaller disturbance area and BEPAC 5C sewer reticulation system is preferred.

#### **4. PRE-APPLICATION MEETING GEORGE MUNICIPALITY**

The proposal was discussed by the George Municipality Pre-application Panel at their pre-application meeting of 02 June 2021. The following points were made for the applicant to bear in mind when submitting the land use application:

##### **TOWN PLANNING:**

- Erf 2003, Wilderness was part of Erf 1 Wilderness, which was subdivided in the early 1990's. The subdivision was only considered with strict development conditions and each portion was restricted to one dwelling house. Therefore, Erf 2003 Wilderness is restricted to one dwelling house.
- The existing subdivision and rezoning was allowed with the intention that the area be mainly for conservation purposes and therefore the restrictive condition that only one dwelling house be allowed on the subdivided portions.
- A geotechnical report was also required to determine if the land is suitable for development of a dwelling house, this report dates back to 1995 and must be updated. No rocks may be removed prior to the consultation of a geotechnical engineer, because of possible landslides.
- The position of the dwelling house must be in conjunction with the conservation body (Cape Nature).
- The dwelling house should also follow the profile of the property, thus "step" and must be constructed with materials of natural colours.
- No physical boundaries between the properties will be allowed, therefore the proposed fence around the dwelling house should be determined within the environmental report (movement of natural fauna may not be restricted). This will require the amendment of condition of approval.
- An Environmental Management/Conservation plan will be required.
- The building lines and height restrictions should be determined with the main purpose of conservation.
- The old Wilderness Structure plan restricted dwelling houses in a conservation zone to single storey and maximum height of 5m.
- A visual impact assessment will be required.
- The MSDF, Wilderness Lakes and Hoekwil LSDF should be addressed as well as the Rural development guidelines.

- Parking should be in line with the GIZS.
- Detailed development parameters will be determined when more information becomes available with the main purpose of conservation of the environment.
- The history of the property should be addressed and considered with the new proposal.
- An OSCAE (Outeniqua Sensitive Area) Permit will also be required.

#### **CES:**

- Access restricted to Remskoek Road via exiting servitude over erf 2002 & 317.
- Water supply need to be verified as the current water supply is limited to a 50 mm uPVC pipe. Any cost with reference to the upgrading, as a result of the development, will be for the cost of the developer.
- Sanitation will have to be handled on site. All procurement required have to be address to the satisfaction department of CES
- SANRAL should be requested for comments as well (02/06/2021)

#### **ETS:**

- Single point of supply allowed. All cost for the bulk supply point will be for the developer. (2021-06-02)

The minutes for this meeting as well as the pre-application is attached as **ANNEXURE B**.

## **5. PROPOSED LAND DEVELOPMENT APPLICATIONS**

Wilderness Erf 2003 is currently zoned "Open Space Zone III" in terms of the George Integrated Zoning Scheme by Law, 2017.

The primary rights for properties zoned "Open Space Zone III (OSZIII)" is 'nature conservation area' meaning:

*"...the use and management of land with the objective of preserving the natural biophysical characteristics of that land, such as the fauna and flora and includes:*

- **a dwelling house** on a property zoned solely Open Space Zone III; but does not include tourist facilities, tourist accommodation or agriculture..."

To allow for the proposed tourist accommodation units, an application must be made for a **consent use** to allow for 'tourist accommodation'. The George Integrated Zoning Scheme by Law, 2017 defines a 'tourist accommodation' as:

*"...means a harmoniously designed and built holiday development, used for holiday or recreational purposes, whether in private or public ownership, that:*

- *consists of a single enterprise that provides overnight accommodation by means of short-term rental or time-sharing only.*
- *may include the provision of a camping site, caravan park, chalets or mobile home park,*
- *resort shop, private or public roads; and does not include a hotel or wellness centre..."*

As per condition 2.9 (a)(iii) of the rezoning and subdivision approval issued by the Wilderness Local Council dated 25 August 1994, Wilderness Erf 2003 is restricted to **one dwelling house** only. This restrictive condition must either be amended or deleted in terms of Section 15 (2)(h) of the George Municipality: Land Use Planning By-Law, 2015.



To allow for the proposed development, the following land development applications will be required to obtain the intended development rights:

- (i) Application for a consent use to allow for (4x) 'tourist accommodation units' on Wilderness Erf 2003 in terms of Section 15(2)(o) of George Municipality By-law on Municipal Land Use Planning (2023); and
- (ii) Application for the amendment / deletion of condition 2.9 (a)(iii) of the rezoning and subdivision approval dated 25 August 1994 to allow for (4x) additional dwelling units on Wilderness Erf 2003 in terms of Section 15(2)(h) of the George Municipality By-law on Municipal Land Use Planning (2023).

The proposed main dwelling house will comply with the definition of 'nature conservation area' and therefore no land use application is required.

Conditions shall be laid down by George Municipality with regards to development parameters, density, layout, landscaping and building design, and a layout plan shall be approved by and filed with the local authority, clearly indicating the position of all structures.

**SECTION C :****CONTEXTUAL INFORMANTS****6. LOCALITY**

*(Refer to Plan 1: Locality Plan)*

Wilderness Erf 2003 is located in Remskoek Road, Wilderness and approximately 115m from the "Map of Africa Viewpoint". The GPS coordinates for the centre of the property is 33°59'40.34"S & 22°33'43.10"E.



**FIGURE 10: LOCALITY**

**7. CURRENT LAND USE AND ZONING****7.1. Land Use**

Wilderness Erf 2003 is currently vacant and currently covered with natural forest. The vegetation variant on-site includes a mix of Southern Afro temperate forest and Goukamamma Dune thicket vegetation.



FIGURE 11: LAND USE – WILDERNESS ERF 2003

## 7.2. Zoning

Wilderness Erf 2003 is currently zoned "Open Space Zone III (OSZIII)" in terms of the George Integrated Zoning Scheme by Law, 2017.

## 8. SITE CHARACTERISTICS

### 8.1. Topography

(Refer to **ANNEXURE I: Topo-Cadastral Survey Plan – 'Africa Survey'** dated 16 January 2021)

The topography of the application area (northern section) is characterised by moderately sloping topography. The height of the application area drops from approximately 155m above Mean Sea Level (MSL) to approximately 116m above MSL in a south-eastern direction as per the Topo-Cadastral survey done by 'Africa Survey'.

The southern portion of the property has very steep slopes and was not surveyed as this portion is not suitable for development. The average slope percentage for this portion of the land is within the 30%+ category which is NOT suitable for further development.

## 9. CHARACTER OF THE AREA

(Refer to Plan 4: Land Use Plan)

The surrounding land uses are predominantly rural, with a mixture of tourist facilities, tourist accommodation, rural residential, agricultural, vacant sites. Remskoer road provides access to numerous uses in the area. The most recognizable landmark in the area is the Map of Africa Viewpoint which is located northwest of the application area. The area has retained its mainly rural character despite its diversified land uses.

Other noticeable tourist accommodation establishments in the surrounding area include:

- Greg Dale Estate RE/ Erf 319
- Swallow Farm Erf 316
- Serenity Erf 314
- Kaaimans River House Erf 1017
- Bushmans Kloof Wilderness Reserve and Wellness Retreat RE/Erf 320
- Serenity RE/Erf 314
- Kaaimanskop Erf 381
- The Loft RE/Erf 1744



FIGURE 12: SURROUNDING LAND USES

Given the proposals unique locational requirements and the variety of land uses in the immediate surrounding area, the development is ideal to be situated where it is. With plenty of well-established unique tourist accommodation facilities in the area, it can, therefore, be concluded that the proposed development will be consistent with the surrounding area.

**SECTION D :****SPATIAL PLANNING POLICIES****10. EXISTING POLICY FRAMEWORKS**

This section will discuss the applicable policy frameworks that influence any development proposal on the application area. These include:

**10.1. Western Cape Provincial SDF (2014)**

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Capes strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

The Western Cape’s agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth implies the ongoing depletion of the Province’s natural capital needs to be broken. This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called ‘decoupling’ of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts. The table below contains a summary of the key transitions promoted in the PSDF:

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service	

FIGURE 13: KEY TRANSITIONS FOR THE PSDF

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

The proposed development complements the SDF's spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development and strengthening the economy in rural areas; and
- (iii) Strengthening resilience and sustainable development.

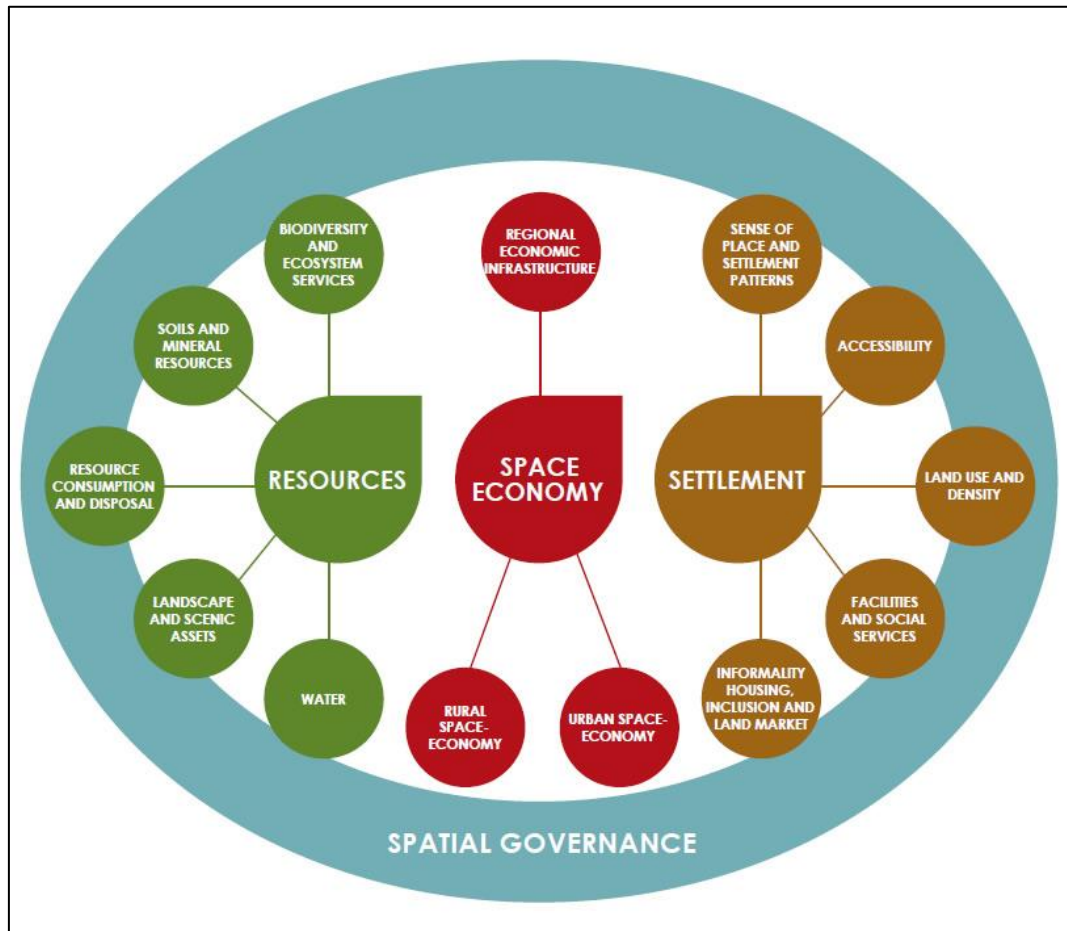


FIGURE 14: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

However, it is important to note some of the key policies laid down by the PSDF have a bearing on the proposed development.

**POLICY R1: PROTECT BIODIVERSITY AND ECOSYSTEM SERVICES**

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
<p>1. Continue to use CBA mapping to inform spatial planning and land use management decisions in the Province.</p>	<ul style="list-style-type: none"> <li>▪ <i>The entire property is a Critical Biodiversity Area as identified according to a desktop study.</i></li> <li>▪ <i>A Biodiversity Specialist (Fynbos Specialist), was appointed to conduct a Biodiversity Assessment on Wilderness Erf 2003 for the proposal. These investigations will also help determine the ideal location for the proposed units, the main dwelling and should be addressed in the EIA.</i></li> <li>▪ <i>The objective of this is to "...Maintain in a natural or near-natural state, with minimal loss of natural habitat. Degraded areas should be rehabilitated.</i></li> </ul>

## POLICY R5: SAFEGUARD CULTURAL AND SCENIC ASSETS

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
5. Priority focus areas proposed for conservation or protection include: <ol style="list-style-type: none"> <li>Rural landscapes of scenic and cultural significance situated on major urban edges and under increasing development pressure, e.g. Cape Winelands</li> <li>Undeveloped coastal landscapes under major development pressure</li> <li>Landscapes under pressure for large scale infrastructural developments such as wind farms, solar energy facilities, transmission lines and fracking, e.g. Central Karoo</li> <li>Vulnerable historic mountain passes and 'poorts'</li> </ol>	<ul style="list-style-type: none"> <li>▪ <i>We are a "rural landscape of scenic and cultural significance" –</i></li> <li>▪ <i>The proposal will comprise the preservation of indigenous vegetation and upkeep of the property ie. alien clearing. Also, the preservation of the natural forest and the design is to incorporate with the natural area. The proposed units will be on stilts to have minimal disturbance footprints. The same for the proposed walkways</i></li> </ul>

## POLICY S1: PROTECT, MANAGE AND ENHANCE SENSE OF PLACE, CULTURAL AND SCENIC LANDSCAPES

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
5. Conservation strategies, detailed place-specific guidelines and explicit development parameters must supplement urban edges to ensure the effective management of settlement and landscape quality and form.	<ul style="list-style-type: none"> <li>▪ <i>The proposed development is in line with this policy statement.</i></li> <li>▪ <i>The property is in line with its demarcation being utilised for conservation purposes outside the urban edge ensuring the effective management of settlement and landscape quality and form.</i></li> </ul>

### ***Planning Implication:***

*The application area is outside the demarcated urban edge, but the proposal is in line with the current land use rights considered conservation purposes and allows for a consent use for tourist accommodation as being applied for. The WCSDF does not set out specific guidelines for implementation but a supporting document (Western Cape Rural Development Guidelines, 2019) that is a guide to follow when implanting specific types of developments described in the paragraph below. According to this document the proposal falls within the category of conservation and rural accommodation.*

*The proposal is in line with the provisions of this spatial document and is consistent with the strategic objectives and policies as set out by the Western Cape Spatial Development Framework.*



## 10.2. Western Cape Rural Development Guidelines (2019)

The Western Cape Land Use Planning: Rural Areas Guideline as approved by Provincial Minister on 3 March 2019 and forms part of the roll-out of the PSDF; the objectives of Rural Areas Guideline are to:

- To promote sustainable development in **appropriate rural locations** throughout the Western Cape and ensure that the poor share in the **growth of the rural economy**.
- Safeguard priority biodiversity areas and the functionality of the Province's life-supporting **ecological infrastructure and ecosystem services** (i.e. environmental goods and services).
- To maintain the integrity, authenticity, and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural **landscapes, and natural resources**.
- To assist Western Cape municipalities to **plan and manage** their rural areas more effectively and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate **beyond the current built-up areas**, suitable locations where it could take place, and the **desirable form and scale** of such development.
- Be viewed as a gender mainstreaming tool that will move the Western Cape further along the trajectory towards the achievement of equality, particularly the youth and gender equality imperatives in rural land use planning.

### **GUIDELINES FOR RESPECTIVE LAND USES**

Development in a rural area should not:

- have a significant negative impact on biodiversity, ecological system services or the coastal environment;
- lead to the loss or alienation of agricultural land or has a cumulative impact thereupon;
- compromise existing or potential farming activities;
- compromise the current and future possible use of mineral resources;
- be inconsistent with the cultural and scenic landscape within which it is situated;
- lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;
- impose real costs or risks to the municipality delivering on their mandate; and
- infringe on the authenticity of the rural landscape.

The Western Cape Government approach to managing development pressures for the rural land uses is placed under the following categories:



FIGURE 15: WCG RURAL LAND USE CATEGORIES

The proposed land uses would be categorised as:

- **RURAL ACCOMMODATION**
- **CONSERVATION**

These categories are summarised as follow:

**Rural Accommodation:** Given the Western Cape's unique rural communities and landscapes, tourism offers exciting prospects to diversify and strengthen the rural economy. Accordingly, the WCG approach to Rural Accommodation is to facilitate the provision of a variety of short-term tourism accommodation across the rural landscape, that is in keeping with the local character.

Towards integrated rural development and sustainable settlements in the Western Cape, new housing development beyond the current extent of urban development needs to be curtailed. The WCG approach to Rural Accommodation is to channel pressures for residential development to existing towns, villages and hamlets. On-the-farm accommodation for Agri workers should be provided in a sustainable manner that does not compromise the functionality and integrity of farming practices.

The WCG approach is to prevent further development of extensive residential lifestyle properties (i.e. smallholdings) in the rural landscape. New smallholdings can be established on suitable land on the urban fringe.

Accommodation in the rural areas cater for:

- Tourist Accommodation, including resorts and nature reserves; and
- Agri worker housing.

Other than the abovementioned opportunities and types of accommodation, no other residential development or accommodation units are allowed in the rural landscape. The following accommodation types should be avoided at all costs:

- Multiple residences of owners of farms, nature reserves or resorts where the owner is an entity with more than one shareholder.
- Alienable units.
- Urban sprawl into the rural landscape, including linear coastal development.
- New settlements.

This policy envisages a wide range of accommodation/residential opportunities in the rural area which is summarised in the table below:

LOCATION	TYPE OF ACCOMMODATION
Farms	One homestead (owner's dwelling) Five additional dwellings Agri worker housing Guesthouse Camping sites
Resorts	Temporary Tourist accommodation Employees' accommodation
<b><u>Nature reserves</u></b>	<b><u>One homestead (Owner's dwelling)</u></b> <b><u>Accommodation for tourists</u></b> Employees' accommodation
Smallholdings (on the urban fringe)	One homestead (Owner's dwelling) Second dwelling Guesthouse
Agri-village	Accommodation for bona fide Agri workers

**Conservation:** Biodiversity, heritage and scenic resources all form part of the rural conservation agenda, both at the landscape and farm level. The WCG approach to Conservation is to formally protect priority conservation areas, establish ecological linkages across the rural landscape, and mainstream a conservation ethic into all rural activities.

The objectives for this category as per the guidelines are:

- Protect and conserve important terrestrial, aquatic (rivers, wetlands and estuaries) and marine habitats, as identified through a Systematic Biodiversity Planning or similar conservation planning process.
- Facilitate the formal protection of priority conservation areas (public and private), as well as implementing conservation management actions for CBAs and ESAs that are not formally proclaimed nature reserves.
- Towards mitigating against the impacts of climate change, to establish ecological corridors across the rural landscape.
- Protect the scenic qualities of the Western Cape's cultural and natural landscapes.

- Protect the Western Cape's rural 'sense of place' and structures of heritage and archaeological significance, and ensure that new development respects cultural landscapes and sites.

***Planning Implication:***

*The Rural Development Guidelines are guidelines to maintain the unique character of rural areas and to guide spatial planning and land use management in rural areas. define "rural" areas as "all areas outside of the physical outer edge of existing built-up areas and settlements, no matter how small", which would classify the property as being rural in nature. The intended land use on the application area **is in line** with the objectives (as outlined above). The guidelines encourage 'tourist accommodation', including resorts and nature reserves and preservation and conservation of the remainder of the property. It must be noted that these are merely guidelines for implementation.*

### **10.3. Eden Spatial Development Framework (2017)**

The Eden District Spatial Development Framework was approved in 2017 and aims to establish a strong strategic direction and vision, towards increasing levels of detail in the spatial recommendations that are directive rather than prescriptive and guiding local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration.

This vision and strategic direction identify the four key drivers of spatial change within the District. These drivers are defined in terms of spatial legacies, current challenges, future risks and prospects. The four drivers of change around which this SDF are framed are"

- Strategy 1:** The economy is the environment; a strategy founded on the principle that a sustainable economy in Eden District is an economy that is positioned for growth.
- Strategy 2:** Regional accessibility for inclusive growth; a strategy that is based on the notion that improved regional accessibility is essential to achieving inclusive growth
- Strategy 3:** Coordinated growth management for financial sustainability; a strategy informed by the realities of global fiscal austerity and the need for responsible growth management that does more with less to secure future social and economic resilience.
- Strategy 4:** Planning, budgeting and managing as one government, this strategy highlights that real intergovernmental cooperation is essential to achieving the spatial transformation goals of SPLUMA and the three spatial strategies above.

These strategies lie at the heart of this SDF and the problem statement, spatial concept, spatial proposals and implementation are organised around these directives.

The following Spatial Policy Statements & Guidelines apply to the proposed land development planning application:

<b>STRATEGY: GROWTH MANAGEMENT</b>	
<b>Policy 3.2.</b> Contain settlement sprawl	
<b>Guideline 3.2.6.</b> Manage development in rural and agricultural landscapes	<b>COMPLIANCE WITH THE LAND DEVELOPMENT APPLICATION</b>
New investment in rural areas should not: <ul style="list-style-type: none"> <li>▪ Have a significant impact on biodiversity;</li> <li>▪ Alienate unique or high-value agricultural land;</li> <li>▪ Compromise existing farming activities;</li> <li>▪ Compromise the current and future use of mineral resources;</li> <li>▪ Be inconsistent with cultural and scenic landscapes within which it is situated;</li> <li>▪ Involve extensions to the municipality's reticulation networks;</li> <li>▪ Impose real costs or risks to the municipality delivering on their mandate; and</li> <li>▪ Infringe on the authenticity of the rural landscape and heritage assets.</li> </ul>	<ul style="list-style-type: none"> <li>▪ With no significant impact on biodiversity, the proposed accommodation units will be on stilts to have minimal disturbance. The remainder of the property will be preserved, remain untouched forest and continue to be utilised for conservation purposes. Wooden decking walkways 0.5m above the forest floor meandering through the trees to the pods. No physical boundaries will be erected restricting the movement of natural fauna.</li> <li>▪ The scenic landscape will be protected and fully utilised maximising the potential of scenic views.</li> </ul>

According to the Eden SDF, Wilderness is categorised as a “**Specialised Coastal Centre**”<sup>1</sup> and the function or role of Wilderness within the Eden District is a ‘Tourism and residential node in the forest’.

**Planning Implication:**

*The Spatial document emphasises sustainable development and protecting the environment which is the economy of the unique Eden area. The proposal as outlined is in line with the Eden SDF’s function, role and vision for the town. The proposal will promote the tourism sector and the local economy whilst also providing a sought-after form of accommodation and unique conservation services and strategies.*

*The proposal has no direct link with all the strategies and the guidelines of the Eden SDF but is consistent with the overall vision of this spatial document. The proposal is however directly in line with Guideline 3.2.6. that focuses on managing the development in rural and agricultural landscapes. The proposal is in line with the provisions.*

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<sup>1</sup>“Urban centres with a special function (often tourism related), as well as a role in terms of servicing the surrounding areas and containing a mix of economic activities and services.

### 10.4. George Spatial Development Framework (2019)

The George SDF was adopted by George Municipality in 2019. This MSDF is a review of the SDF for the George Municipality adopted in 2013, drafted under the Built Environment Support Programme and re-adopted on 31 May 2017 concurrently with the new generation IDP (2017 – 2022).

The George SDF is informed by the strategic direction taken by a Municipality’s Integrated Development Plan. The George SDF articulates a clear spatial vision for a municipality’s urban and rural areas and specifies objectives and strategies to be implemented to realise this vision.



FIGURE 16: WILDERNESS AND KLEINKRANTZ URBAN EDGE

The application area is located outside the urban edge of the George Municipal Area. The following policy guideline(s) applies to the application area.

**POLICY D6: MINIMISE THE IMPACT OF DEVELOPMENTS ON VISUAL LANDSCAPES AND CORRIDORS**

The George Municipality’s Landscape Characterisation Visual Resource Management Analysis (2009) determines visually sensitive areas in the George landscape and must be applied to manage visual impacts of development.

POLICY GUIDELINE
<p><i>b) The southern slopes of the hills north of the Wilderness Lakes areas, as viewed from the current N2, should be safeguarded against development to maintain the green backdrop and ‘wilderness’ trademark. Only dwelling houses with restricted outbuildings should be allowed in sensitively placed areas on individual properties. Guesthouses that are run from existing dwellings can also be considered.</i></p>

The SDF further outlines that at the municipal scale, the key challenge is to manage the development and growth of the urban settlements to ensure ongoing sustainability and affordability whilst providing for the needs of the communities. Maintaining a balance between the need to deliver services and develop and grow the economy, within both the urban and the rural context, is critical.

The current settlement pattern in the municipal area is dominated by the George city area as the primary regional service centre. How the functionality of rural areas and accordingly, the wellbeing of the rural population, is supported will have a direct impact on the pressure felt by the urban areas to house people and to provide services. This MSDF aims to balance its attention between the urban and rural. At the same time, the clear concentration of most of the municipality's population in the George city area justifies a focus on this area, within the context of the municipal area as a whole

The MSDF's implementation is supported by a series of Local Spatial Development Frameworks currently in place. The Wilderness, Lakes and Hoekwil LSDF, 2015 structure plan applies to the application area and compliance therefore described in the paragraph below.

***Planning Implication:***

*The Spatial Development Framework for the George Municipal area set our broad guidelines and policies to manage urbanisation and any future developments. To summarise the findings the Spatial Development Framework, highlight the importance to balance the attention between the urban and rural areas, to protect the rural areas from unwanted development and urbanisation into the rural areas that would impact the character of the area. The detailed structure plans specify proposals and demarcations for each area, and the applicable local SDF for the application area is the Wilderness Lakes Hoekwil Local Spatial Development Framework, 2015 as described below.*

**10.5. Wilderness Lakes Hoekwil Local Spatial Development Framework, 2015**

Wilderness and The Lakes area, including Hoekwil and the agricultural areas to the north, have a specific and unique character that defines the area, attracts vast numbers of tourists to our area and contains very sensitive and valuable landscapes. To assist decision-makers and developers to manage the future development of this area, the George Town Council approved guidelines to ensure the sustainable use and protection of the positive landscape characteristics of this area.

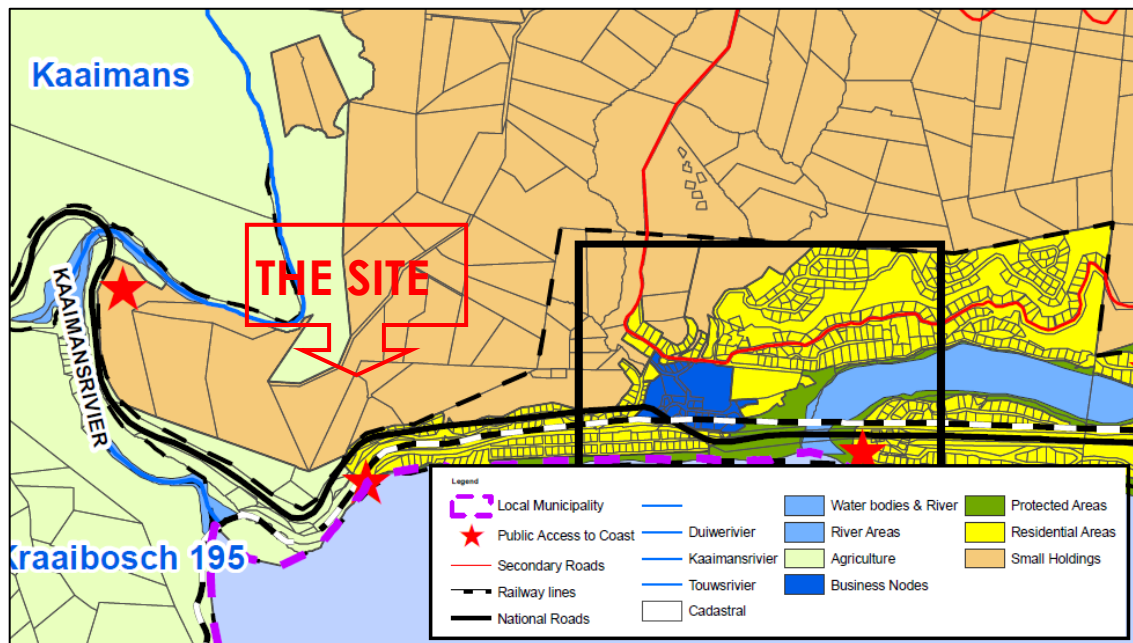


FIGURE 17: EXTRACT WILDERNESS LAKES SDF

According to the Wilderness Lakes Hoekwil Local Spatial Development Framework, 2015 the subject property is earmarked for “**Small Holdings**”:

- Smallholdings: The main goal of the local spatial development framework as far as existing smallholding precincts are concerned is to *ensure that the character and ambience of these areas are protected* and to ensure that the overall landscape character of the study area is retained and improved through appropriate measures.
- Secondly, the approach is to prevent further development of smallholdings or extensive residential lifestyle properties in the rural landscape.
- No further extensions to the demarcated smallholding areas should be considered.
- This SDF states that the following uses are considered desirable for smallholdings subject to the overarching principles contained in section 4.2: riding school, plant nursery, commercial kennel, intensive animal farming, and intensive horticulture, subject to these activities not causing excessive water usage, undue noise, light pollution, effluent generation or odours. In addition to the primary rights, the ***smallholding area should also cater for certain tourist facilities such as second dwelling units, guest houses, bed and breakfast establishments,*** tourist facilities, also subject to these activities not causing excessive water usage, undue noise, light pollution, effluent generation or odours.

**Planning Implication:**

*The Wilderness Lakes SDF has a strong emphasis that is to ensure that the character and ambience of these areas are protected and to prevent further development of smallholdings. However, the SDF states that in addition to the primary rights smallholdings in the area should cater for certain tourist facilities that are not harmful to the environment or the character of the area. The proposal will have minimal impact on the*



*environment, service requirements and will aim to preserve the character of the area. The guidelines for implementation allowing for the proposed development will have to be strictly adhered to, to ensure compliance therewith whilst being in line with the character of the surrounding area.*

#### **10.6. George Integrated Development Plan (2017-2022)**

George Municipality's IDP covers the five-year period 2017 - 2022 and it represents the fourth generation of cyclical strategic planning in the local sphere of government.

The IDP is a municipal planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality's area of jurisdiction.

The George IDP identified five strategic objectives for the Municipal Area. These agreed-upon strategic objectives are:

- SO1 Develop & Grow George;
- SO2 Safe, Clean and Green;
- SO3 Affordable quality services;
- SO4 Participative Partnerships; and
- SO5 Good Governance and Human Capital.

The application area is located within **Ward 4** of the George Municipality consisting of the following areas: Hoekwil, Kleinkrantz, Kleinkrantz Farms, Pine Dew, Touwsranten, Wilderness, Wilderness Heights, The Dunes, Drie Valleyen.

None of the identified ward-based needs and challenges has a direct bearing or any reference to the proposed development on the subject property

#### **Planning Implication:**

*The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. The proposal will provide new and additional economic growth prospects.*

*This project will start with investment into local construction companies and their workforce. All local suppliers involved. Permanent employment of staff to manage the day-to-day operations of the guest pods. The proposal will also secure long-term investment of tourists to the area as well as temporary and permanent employment opportunities for the ward. The socio-economic impacts of the proposed development will also contribute to the municipal revenue base. The proposal can be considered to be in line with the IDP enabling an economic environment through local economic development initiatives.*

**SECTION E :****STATUTORY REQUIREMENTS****11. THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (107 OF 1998)**

The National Environmental Management Act (NEMA) requires that all aspects of potential impacts of a proposed development are assessed within an Environmental Impact Assessment (EIA), with many specialists involved to investigate these potential impacts. From a Town Planning perspective, one of the most important considerations when providing input into the wider EIA process is the 'Need and Desirability' of a potential project.

The Guideline on Need and Desirability published by the Department of Environmental Affairs and Development Planning (DEADP) goes to great lengths to explain that the 'Need' for a project relates to its 'timing', where the 'Desirability' related to the 'placing' of the proposed development; i.e. is this the right time and is it the right place for locating the type of land-use/activity being proposed.

**11.1. Need**

Need, as defined by DEADP refers to the timing of the proposal, as such the question 'do we need this development now?'. In answering this question, the planning and land use policy of the area must be examined. Therefore, the consistency with the existing approved Spatial Development Framework (SDF), the current Integrated Development Plan (IDP) and other municipal planning policies are important in the consideration of need.

Further considerations of need include the need of the community/area of the activity & land use – is the development "a societal priority". The need for a project also relates to the services capacity and consistency with infrastructure planning.

According to the current George SDF, the application area is outside the demarcated urban edge and highlights the importance to balance the attention between the urban and rural areas, to protect the rural areas from unwanted development and urbanisation into the rural areas that would impact the character of the area. The Western Cape SDF requires compliance with the guidelines namely Rural Development Guidelines that categories areas and appropriate land uses within these areas and guidelines for implementation. The intended land use on the application area is in line with the objectives for the categories allowed or recommended within 'natures reserves' being, *one homestead (Owner's dwelling) and accommodation for tourists*. These guidelines encourage 'tourist accommodation', including resorts and nature reserves and preservation and conservation of the remainder of the property. The Eden SDF emphasises sustainable development and protecting the environment which is the economy of the unique Eden area. The GSDF highlights the importance to balance the attention between the urban and rural areas, to protect the rural areas from unwanted development and urbanisation into the rural areas that would impact the character of the area. The local structure plan

earmarks the application area as a 'smallholding' and has a strong emphasis to ensure that the character and ambience of these areas are protected and to prevent further development of smallholdings and in addition to the primary rights smallholdings in the area should cater for certain tourist facilities that are not harmful to the environment or the character of the area.

To summarise the requirements, needs and vision identified by the spatial development for the application area of each, the need for tourist opportunities is highlighted in all documents and a strong emphasis on sustainable suitable development within the areas such as the application area, and it is of utmost importance that the environment is protected and preserved as much as possible. To balance the attention between the urban and rural areas, to protect the rural areas from unwanted development. There is therefore a need for the proposal and implementation must be in accordance with the guidelines to protect the environment

There is a huge need for employment opportunities in the George Municipality and Tourism opportunities in South Africa as a whole. According to the Tourism, 2020 report released by Statistics South Africa, foreign arrivals dropped by 71% from just over 15,8million in 2019 to less than 5 million in 2020. It is evident that the COVID-19 pandemic impacted the tourism industry quite hard around the world and in South Africa, mainly due to the lockdown.

The proposed accommodation units and associated uses will contribute to the growth of the tourism industry and result in various new, permanent, skilled, and unskilled employment opportunities as well as temporary employment opportunities outlined below.

Permanent employment of staff to manage the day-to-day work at the pods will be created. Temporary construction jobs will be created during the construction phase at all levels of skills.

A focusing feature of the project will be the provision of training opportunities for students and individuals researching within the application areas environments being natural forests. Additional tourists and visitors in the area will also support the existing tourism facilities and activities such as farm stalls, wine farms, eco-tourism initiatives, etc. Downstream economic opportunities as a result of this proposed new development include:

- Built Environment professionals;
- Continuous alien clearing on the protected areas;
- Maintenance of infrastructure;
- Management Services; and
- Tour guide services, etc.

The long-term investment of tourists to the area. From car hire, fuel stations, restaurants, food stores, souvenirs and adventure excursions. There is a need to create these additional, new jobs in George / Wilderness for the tourism industry.

**11.2. Desirability**

The desirability of a proposed development also relies heavily on consistency with policy documentation but has a distinctly spatial focus. The guideline on Need and Desirability specifically poses the question *"Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?"*

NEMA also links the desirability of development to the concept of the *"best practicable environmental option"*; this refers to the option that provides the most benefit and *causes the least damage to the environment, at a cost acceptable to society, in the long term as well as in the short term.* The consideration of alternatives is therefore closely related to this concept.

The proposal is in line with the applicable policy documentation (Western Cape Provincial SDF, Western Cape Rural Development Guidelines, Eden SDF, George SDF, Wilderness Lakes Hoekwil SDF and the George IDP) meaning that it is in line with the spatial proposal and vision for the area whilst complying to the development guidelines for the current proposal. Therefore, the approval of this application would not compromise the integrity of the applicable policy documents agreed to by the relevant authorities.

A focusing feature of the project will be the provision of training opportunities for students and individuals researching within the application areas environments being natural forests. Additional tourists and visitors in the area will also support the existing tourism facilities and activities such as farm stalls, wine farms, eco-tourism initiatives, etc.

Another defining factor when considering the desirability specifically for the proposal is in the public interest. The criteria as set out in the Relevant Considerations: Provincial Support Document covers the aspects to consider when determining whether a proposal is in the public interest or not.

CRITERIA	COMPLIANCE
The degree to which development principles & norms and standards will be promoted or prejudiced	<ul style="list-style-type: none"> <li>▪ <i>The development of tourism-related uses within the rural landscape such as the proposal has not been promoted properly. A very strong approach is being taken regarding this and up to now on a local level it is being treated on a case-to-case basis, but clearly, it has been outlined that more similar developments are encouraged with sustainable and appropriate densification.</i></li> <li>▪ <i>The proposal meets the criteria set out on the provincial and national level for densification and adheres to these principles, hence promoting these principles norms and standards.</i></li> </ul>

CRITERIA	COMPLIANCE
Degree of risk / potential risk	<ul style="list-style-type: none"> <li>▪ <i>The applicant does not foresee any potential risk by allowing the proposal from a planning perspective. This unique portion of land with its unique locational factors can be fully utilised by allowing for the proposal.</i></li> <li>▪ <i>The potential risk to the general public could be the impact on the surrounding area and impact on their current land use rights, privacy and degree of disturbance. However, the surrounding properties and the current land uses as indicated on <b>Plan 4: Land Use Pla</b> indicates that the proposal will, in fact, compliment the surrounding area.</i></li> </ul>
Impact on existing and surrounding land uses	<i>The surrounding properties include similar land uses and various other tourist attractions. The proposal will not impact the surrounding land uses, in fact, it will complement the area and surrounding land uses.</i>
Long term benefits (rather than short terms gains)	<i>The vision as mentioned from national to provincial spatial policies is eventually to promote additional tourism developments, in a manner that is sustainable and that would not impact the charter of the area. Providing sought after facilities and amenities. That will be beneficial for the economy of George municipal area and the Eden District as a whole. The proposal will complement the surrounding land uses.</i>

It can, therefore, be concluded that the proposal is regarded as desirable.

### 11.3. Planning Evaluation

The above boxes for need and desirability can be ticked. The proposal will have an insignificant impact as it is in line with all planning legislation and consistent with the applicable spatial planning policies.

It is clear that the proposal is in line with the applicable spatial planning policies, will not prevent any surrounding landowner to lawfully exercise his/her existing land use rights or detract from the character of the area and can, therefore, be considered to be desirable and suitable for the area that it is to be situated in.

## **12. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on a land development application. These are:

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework; and take into account: —
  - (i) the public interest;
  - (ii) the constitutional transformation imperatives and the related duties of the State;
  - (iii) the facts and circumstances relevant to the application;
  - (iv) the respective rights and obligations of all those affected;
  - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
  - (vi) any factors that may be prescribed, including timeframes for making decisions.

## **13. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)**

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws, and to provide for matters incidental thereto.

Section 59 of this Act prescribe the Land Use Planning Principles that apply to all land development in the province. These are summarised in the tables below. The tables below aim to summarise how the proposed development on Wilderness Erf 2003 complies with these planning principles.

### 13.1. Spatial Justice

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Past spatial and other development imbalances must be redressed through improved access to and use of land.	<b>N/A</b>	<i>This policy does not apply to the application area.</i>
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	<b>N/A</b>	<i>This policy does not apply to the application area.</i>  <i>Not a Spatial Development Framework or Policy.</i>
Spatial planning mechanisms, including land-use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	<b>N/A</b>	<i>This policy does not apply to the application area.</i>
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	<b>N/A</b>	<i>This policy does not apply to the application area.</i>
Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.	<b>N/A</b>	<i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for George Municipality, 2015.</i>
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	<b>Applicable to George Municipality</b>	<i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for George Municipality, 2015.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
The right of owners to develop land in accordance with current use rights should be recognised.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The landowners are exercising their current primary land use rights as per the George Integrated Zoning Scheme By-Law, 2017, by constructing their main dwelling house (primary right) and applying to allow for tourist accommodation units (listed consent use).</li> </ul>

### 13.2. Spatial Sustainability

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Promote spatially compact land development, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The proposal will allow for a septic tank as no municipal sewer connection is available in the area.</li> <li>There is existing water and electricity available that will be utilised and be adequate.</li> <li>Electricity provision will also be augmented with solar power as well as rainwater harvesting complying with these criteria.</li> </ul>
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	<b>N/A</b>	<i>Not Agricultural land.</i>
Uphold consistency of land use measures in accordance with environmental management instruments.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>Currently busy with an environmental authorisation process.</li> </ul>
Promote and stimulate the effective and equitable functioning of land markets.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The proposal will impact the functioning of the market in the area, by attracting investment to the area and will be beneficial to the area.</li> <li>The functioning of the land markets in the area will not be impacted in such a way that any of the surrounding properties landowners will be unfairly impacted and negatively impact the functioning of land markets.</li> </ul>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>Any service upgrades at the cost of the applicant.</li> <li>Civil and electrical services report is to be provided with the land use application.</li> </ul>



CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Promote land development in locations that are sustainable and limit urban sprawl.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The proposal is in line with 'suitable development' outside the urban edge as well as the demarcation as per the various spatial planning documents.</li> <li>The application area is earmarked as a "small holding area" in the spatial plans, and no subdivision of further expansion of the small holding area is proposed.</li> </ul>
Result in communities that are viable.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The proposal will provide opportunities and amenities that were not available in the area before creating a more viable community, allowing members of the community with new economic and employment opportunities.</li> <li>The proposal will enhance the character of the area and supplement the surrounding land uses.</li> <li>The proposal will result in new, permanent employment opportunities.</li> </ul>
Strive to ensure that the basic needs of all citizens are met in an affordable way.	<b>N/A</b>	<i>This principle does not apply to the applicant or this development.</i>
The sustained protection of the environment should be ensured.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>Currently busy with an environmental authorisation process.</li> </ul>

### 13.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>Any service upgrades at the cost of the applicant. Civil and electrical services report is to be provided with the land use application.</li> <li>Various measures will be implemented to augment services provision. Namely solar power and purifying recycled water and rainwater harvesting.</li> </ul>
Integrated cities and towns should be developed.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The development itself has adequate access, services and functionality. The proposal will contribute to a more integrated town as a whole and have a positive impact on the local economy.</li> </ul>
Policy, administrative practice and legislation should promote speedy land	<b>N/A</b>	<i>The municipality should process this application within the prescribed time frames of the Land Use Planning By-Law for George Municipality,</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
development.		2015.

### 13.4. Spatial Resilience

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>▪ The proposal is consistent with the various applicable spatial plans, policies and land use management systems. It will have no negative impact on the livelihood of the community.</li> <li>▪ The Environmental authorisation process is currently ongoing.</li> </ul>

### 13.5. Good Administration

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
All spheres of government should ensure an integrated approach to land-use planning.	<b>Applicable to George Municipality</b>	<p>This principle has no direct bearing on the application; however, George Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</p> <p>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</p>
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and		

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

**14. CONCLUSION**

The purpose of this specialist report was to identify the administrative process, legal requirements and policies that are directly applicable to the proposed development and to ensure compliance with the principles contained therein as far as reasonably possible.

In summary, the proposed development as envisaged:

1. Wilderness Erf 2003 requires land-use approval for consent use to allow for the proposed (4x) tourist accommodation 'pods'.
2. The total development area (dwelling house + 4x tourist accommodation units) will be 1105m<sup>2</sup> in total, compared to 1784m<sup>2</sup> disturbance area of Alternative 1. It is clear that the preferred alternative has a smaller disturbance area. The local municipality is not entirely in favour of the septic tank system as the steepness of the driveway might be an obstacle for the honeysucker and therefore would prefer

the package plant sewer reticulation system used by the preferred alternative. Therefore, the preferred alternative is more desirable. this option is preferred.

3. An application must also be made for the amendment / deletion of condition 2.9 (a)(iii) of the rezoning and subdivision approval dated 25 August 1994 to allow for more than 1x dwelling unit on Wilderness Erf 2003.
4. The Title deeds for Wilderness Erf 2003 do not contain any restrictive conditions that prevent the proposal.
5. The following specialist inputs will be required for the proposed development proposal:
  - Civil Services Report - Civil Engineer;
  - Geotechnical investigation - Geotechnical Engineer;
  - Electrical Services Report - Electrical Engineer;
  - Architectural Proposal - Architect;
  - Visual Impact Assessment – Architect; and
  - Prepare Environmental Impact Assessment for Environmental Authorisation- Environmental Consultant.
6. Adequate access to the application area is obtained from the existing servitude road that runs along the northern boundary of the property.
7. From the parking area and the main dwelling house, there will be wooden decking walkways 0.5m above the forest floor meandering through the trees to the pods having minimal disturbance.
8. The 4x pods are to be constructed on stilts about 4-5m above ground levels to be very light on the environment.
9. The proposal will have no impact on the character of the area.
10. Is consistent with the various applicable spatial planning policies and land use management legislation.
11. There is a great need for a proposal; it is highly desirable and suitable for the area.

It is the considered opinion that the proposed development will achieve a sensitive balance between the natural environment, the built environment, and the social-economic environment, that is imperative to ensure sustainable development.

Marika Vreken Urban and Environmental Planners  
October 2023



**ANNEXURE A:**

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*Wilderness Local Council Rezoning &  
Subdivision approval dated 25 August 1994*

# Plaaslike Raad WILDERNESS Local Council

Yorkstraat 54 York Street

☒ 12, GEORGE, 6530

☎ 0441-744040 Fax 0441-746626

g/s w

Verw/Ref 14/7/2/927  
Navrae Enquiries D VILJOEN  
Kantoor Office GEORGE

25 Augustus 1994

Gesertifiseerde Pos

Mnre Nel & de Kock  
Posbus 1186  
GEORGE  
6530

0441-683 4626  
Kess Com 7/91

Mencer

## ORDONNANSIE 15/1985 : AANSOEK OM HERSONERING EN ONDERVERDELING VAN ERF 1, WILDERNESS : I K ALDER

1. U aansoek met betrekking tot bogenoemde verwys.
2. My Raad het ingevolge Artikel 16 van Ordonnansie 15/1985, saamgelees met Artikel 42(1) (indien van toepassing) goedkeuring verleen vir die hersonering en onderverdeling van erf 1 Wilderness, soos aangetoon op Plan Nr W/D/212/1, onderhewig aan die volgende voorwaardes:
  - 2.1 Dat die voorwaardes neergelê deur Departemente nagekom word.
  - 2.2 Dat die voorwaardes neergelê deur die Hoof: Paaie en Hoof: Gesondheid- en Gemeenskapsdienste nagekom word.
  - 2.3 Dat 'n geotegniese ondersoek gedoen en aan die Raad voorgelê word om te bepaal of die eiendom vir ontwikkeling geskik is, en geen ontwikkeling (insluitend terrein voorbereiding) mag plaasvind alvorens so 'n ondersoek afgehandel is nie. ✓
  - 2.4 Dat die presiese plasing van strukture en belyning van toegangspaaie (opritte) tot tevredenheid en in samewerking met Natuurbewaring sal geskied, alvorens bouplanne goedgekeur word. ✓
  - 2.5 Dat die minimum versteuring van plantegroei asook terreinwerke toegelaat sal word, ook tydens die opmeting van die eiendom. ✓

2.6 Dat die ontwerp van die eenhede van so 'n aard moet wees dat die profiel van die topografie gevolg word, dus sal gesplete vlak strukture gebruik word. In hierdie verband sal die nodige planne (aansig sketse) aan die Raad voorgelê moet word vir oorweging alvorens bouplanne oorweeg sal word. Slegs materiale met natuurlike kleure mag gebruik word. ✓

2.7 Dat geen fisiese grense tussen die eiendomme opgerig mag word nie. ✓

2.8 Dat geen verdere onderverdeling van die eiendom toegelaat word nie. ✓

2.9 Dat Gedeelte 1, 2, 3 en die Restant sal in geheel as Bewaringsone soneer word. ✓

(a) HOOF: PAAIE

Toegang tot die eiendom word verkry vanaf die Kaart van Afrika Ondergeskikte Pad by wyse van 'n 12 m serwituut van weg oor die aangrensende Erf 317, Hoekwil, geleë in die Plaaslike Raadsgebied van Wildernishoogte.

Toegang tot die onderskeie onderverdelings sal verkry word deur die verlenging van die bestaande serwituut toegang, op 6 m wydte, op die grens tussen die voorgestelde Gedeeltes 1 en 2. Indien die serwituut-toegang afgekamp gaan word, kan probleme voorsien word met die beperkte wydte.

Tydens 'n vorige aansoek, met aansienlik meer wooneenhede, is kommer uitgespreek oor die verkeerstoename op die Kaart van Afrika pad. Die huidige aansoek maak egter melding van slegs 4 wooneenhede en geen noemenswaardige probleme word hiermee voorsien nie.

Die aansoek kan aanbeveel word onderhewig aan die volgende voorwaardes:

(i) Die registrasie van die verlengde serwituut reg van weg soos aangedui in die aansoek (oorweging moet geskenk word aan die verbreding van die wydte na 8 m indien dit afgekamp gaan word). ✓

(ii) Die aanbring van 'n permanente oppervlak op die serwituut reg van weg. ✓

(iii) Dat daar in totaal nie meer as 4 wooneenhede opgerig sal word nie. ✓

(b) HOOF: GESONDHEID- EN GEMEENSKAPSDIENSTE

Daar is geen beswaar teen die voorgestelde onderverdeling nie, onderhewig aan die volgende voorwaardes:

Watervoorsiening

Watervoorsiening sal geskied uit die hooftoevoerpylyn van Akela na Wilderness en is aan die seekant van die spoorlyn geleë. Wateronttrekking vanaf die hooftoevoerlyn kan slegs onder die volgende voorwaardes toegelaat word: \*



- (i) Dat 'n opgaarreservoir op die eiendom gebou sal word deur die aansoeker met 'n stoorkapasiteit vir 'n minimum van 72 uur. ✓
- (ii) Dat 'n drukvermindingsklep sowel as 'n vloeibeheerklep aangebring sal word op die toevoerlyn na die reservoir. Die vloeibeheerklep sal so gestel word dat 'n maksimum van ,02 l/s per wooneenheid gelewer word. ✓
- (iii) Dat die ontwikkelaar met ~~Spoornet~~ ~~sowel as~~ Departement van Vervoer sal onderhandel om die pyplyn ~~onder~~ deur die spoorlyn en die Nasionale Pad te kan lê. Hierdie goedkeuring ~~moet~~ aan die Plaaslike Raad voorgelê word. \*
- (iv) Dat serwitute ten opsigte van die reservoir ~~en~~ pyplyne oor die eiendomme geregistreer sal word deur ~~die aansoeker~~. \*
- (v) Dat die reservoir en pyplyne deur 'n geregistreerde ingenieur ontwerp en onder sy toesig gekonstrueer sal word. ✓
- (vi) Dat die aansoeker die toepaslike kapitale bydraes aan die Plaaslike Raad sal vereffen alvorens enige water beskikbaar gestel sal word. ✓
- (vii) Dat die ingenieur 'n voltooiingsertifikaat sal uitreik aan die Plaaslike Raad na voltooiing van alle pypleidings en die reservoir. ✓

#### Rioolbeskikking

Weens die grootte van die erwe kan daar van septiese tenkstelsels gebruik gemaak word as metode van rioolwegdoening. Daar sal egter voordat die stelsel geïnstalleer word, eers syferdoetse van die terrein uitgevoer moet word om te bepaal of die wegsyferingsvermoë van die terrein voldoen aan die vereistes soos bepaal in terme van die Wet op Nasionale Boustandaarde en Bouregulasies (Wet 208 van 1977). Indien die spesifieke terrein nie aan die neergelegde vereistes voldoen nie, moet na 'n geskikte terrein gesoek word waar die stapelriool geïnstalleer kan word.

#### Vullisverwydering

Die betrokke eienaars moet van die bestaande vullisverwyderingsdiens gebruik maak. Vullis wat verwyder moet word sal egter op so 'n plek geplaas moet word dat dit toeganklik vir die Raad se vullisverwyderingsvoertuie is. ✓

3. U aandag word ook gevestig op die bepalings van Artikel 16(2)(a)(i) van Ordonnansie 15/1985 ingevolge waarvan hierdie goedkeuring sal verval indien dit nie binne 2 jaar vanaf datum hiervan uitgeoefen word nie.
4. Verder is dit belangrik om daarop te let dat die beswaarmakers teen u aansoek, ingevolge Artikel 44 van Ordonnansie 15/1985, 'n reg van appèl het teen hierdie goedkeuring, welke reg binne twee weke van die datum waarop die Raad se besluit aan hom/hulle bekend gemaak is, uitgeoefen moet word.
5. 'n Afskrif van hierdie brief word aan die beswaarmakers gestuur.

6. Ek tree verder hieroor met u in verbinding na verstryking van die twee weke tydperk waarna in paragraaf 4 hierbo verwys word.

Die uwe

  
C ZIETSMAN  
HOOF-UITVOERENDE BEAMPTE

DV/tg

Efforts to create a harmonious character between the existing business centre, the proposed Public Open Space (mentioned in paragraph 1.4.1 above) and the proposed business development must be illustrated and motivated to the satisfaction of Council.

- 1.4.4 The development plan to be submitted prior to development shall indicate details with regards to access/egress, parking massing of buildings and pedestrian linkages. An integrated scheme is strived for.

## 2. REZONING AND SUBDIVISION - REMAINDER ERF 1

- 2.1 We consider this application as a worthy effort to create a balance between conservation and development and as such we recommend that it be approved subject to the conditions set out in paragraph 4 of the Chief Town and Regional Planner's report dated 11 May 1994. However, we recommend that the following conditions be included :

- 2.1.1 No further subdivision of Portions 1 and 3 shall be allowed.
- 2.1.2 Portion 2 and the Remainder may only be further subdivided into one additional portion each after access to these additional portions has been provided to the satisfaction of the relevant Departments and authorities (including Local Council).
- 2.1.3 Further subdivision of Portion 2 and the Remainder as stated in paragraph 2.1.2 above, shall be subject to the standard town planning application procedures including full advertising and the conditions stated in the Chief Town and Regional Planner's report mentioned in paragraph 2.1 above, or any additional conditions as may be deemed necessary, shall be complied with.
- 2.1.4 Portions 1, 2, 3 and the Remainder as well as the possible two additional portions as mentioned in paragraphs 2.1.2 and 2.1.3 above, shall in its entirety, be zoned Conservation Zone.

## 3. REZONING OF ERF 1776

- 3.1 In principle, the rezoning of Erf 1776 to be utilised for group housing is supported on the basis set out below and to the satisfaction of the Local Council:
- 3.2 The entire Erf is rezoned to Special Zone 5, ( a new zone in the Substitution Scheme, Plan W/F/201/1, drawn up by Nel & De Kock, where it is indicated as Special Zone 3). The following conditions must be imposed:
- 3.2.1 A Development Plan as set out below must be drawn up for the entire site (see section 3.3 below). The existing guest house and the proposed restaurant site must be included.
- 3.2.2 A maximum coverage of 25 percent for all buildings is prescribed (as per General Residential Zone, Section 3.3 of the Town Planning Scheme Regulations). The existing buildings, the proposed restaurant and garages for the residential units must also be included.
- 3.2.3 A maximum height of 8 m is prescribed for any building structure(s) and a bulk factor of 0,5.
- 3.2.4 Parking bays must be provided on-site in the ratio of 1,5 parking bays per dwelling unit (additional parking is required for the guest house and restaurant, as prescribed in 3.2.8 and 3.2.9 below).
- 3.2.5 The massing of buildings must be to the satisfaction of the Local Council. A continuous

*LINE OF SIGHT =*

**ANNEXURE B:**

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*Pre-application Form & Meeting Minutes -  
George Municipality dated 24 May 2021*

# GEORGE MUNICIPALITY



## LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

### PLEASE NOTE:

*Pre-application consultation is an advisory session and 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:** 1893360

**Purpose of consultation:** To discuss a new application for consent use on Pr2114 Wilderness Erf 2003

**Brief proposal:** Proposed Consent Use to allow for 4x Self Catering Units on Wilderness Erf 2003. The landowner's intention is to construct a main dwelling house and 3 self-catering accommodation units.

Property(ies) description: Wilderness Erf 2003

Date: 24 May 2021

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Jeanne Fourie	George Mun.	0448019138	<a href="mailto:jfourie@george.gov.za">jfourie@george.gov.za</a>
Pre-applicant	Marike Vreken	MV TRP	044-382-0420	<a href="mailto:marike@vreken.co.za">marike@vreken.co.za</a>

Documentation provided for discussion:

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

<b>Annexure:</b>	<b>Description:</b>	<b>Ref No</b>	<b>Date</b>
Annexure A:	Title Deed: Wilderness Erf 2003	T22528/2020	2020
Annexure B:	SG Diagram: Wilderness Erf 2003	SG 7730-1995	1995
Annexure C:	SG Diagram: Wilderness Erf 2002 (Servitude)	SG 7729-1995	1995
Annexure D:	Topo-Cadastral Plan – ‘Africa Survey’	Erf 2003 Wilderness	2021-01-16
Annexure E:	Locality Plan - MVTRP	Locality Plan	undated
Annexure F:	Site Development Plan - MVTRP	Pr2114Wild2003-SDP1	2021-05-24
Annexure G:	Critical Biodiversity Area Map Extract	CFM	2021-05-24
Annexure H:	Ecosystem Threat Status Map Extract	CFM	2021-05-24

Has pre-application been undertaken for a Land Development application in terms of section 53 of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) with the Department of Environmental Affairs & Development Planning (DEA&DP)? **NO**

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

Comprehensive overview of proposal:

## 1. BACKGROUND

Wilderness Erf 2003 is currently zoned "Open Space Zone III (OSZIII)" in terms of the George Integrated Zoning Scheme by Law, 2017 and is 2,8135 Ha in extent. The property is currently vacant. Access to the application area is obtained via an access servitude road that runs over Wilderness Erf 2002.

## 2. LOCALITY:

Wilderness Erf 2003 is located in Remskoen Road, Wilderness and approximately 115m from the "Map of Africa Viewpoint". The GPS coordinates for the centre of the property is 33°59'40.34"S & 22°33'43.10"E.



FIGURE 1: LOCALITY

## 3. PROPOSAL:

The proposal entails the construction of 1x main dwelling house and to allow for 4x self-catering guest cottages. The remainder of the property will be preserved, remain untouched forest and continue to be utilised for conservation purposes. The main dwelling will be accessed from the current servitude road in the north western corner of the property as indicated on the Site Development Plan (Gate #1).

There will be a designated parking area along the eastern boundary of the property that will also be accessed from the the current servitude road in the north eastern corner of the property (Gate#2) and makes provision for 4x parking bays. An additional 4x parking bays can be accommodated on site adjacent to the main dwelling house (accessed from Gate#1). From the parking areas and the main dwelling house there will be wooden decking walkways 1.5m above the forest floor meandering through the trees to the cottages. The footprint of the main dwelling house will be approximately 200m<sup>2</sup>, 175m<sup>2</sup> decking and 30m<sup>2</sup> for the pool equalling a total footprint of 405m<sup>2</sup>.

The 4x cottages of about 98m<sup>2</sup> plus 42m<sup>2</sup> for decking and will be of steel, glass, wood and be constructed on stilts about 4-5m above ground levels to be very light on the environment and have views of the ocean. The style of the cottages and main house will modern but light to fit in with the natural environment. The maximum height for the proposed dwelling will be ±8m above NGL or as determined by the Municipality.

The proposal also entails fencing the property with clear-vue fencing around the cottages and main house area for safety for tourist and the owners. Neighbouring property owners have recently complained about burglaries in the past and therefore the need arose to fence the property.

Scaffolding was placed on the potential locations of the cottages at about 4m high. In this area and strip where the planned cottages are proposed the trees are much smaller because of the slope the backdrop will have bush trees so the cottages will be enclosed by trees, but the front views will be open.



**FIGURE 2: OCEAN VIEWS FROM SCAFFOLDING AT ±4M HIGH**



**FIGURE 3: SCAFFOLDING PLACED ON SITE**



**4. ENVIRONMENTAL IMPACT**

“Eco route – Environmental Consulting” has been appointed to investigate the environmental impacts of the proposal and it was determined that the process needs to follow an EIA (Basic Assessment Procedure) as it triggers the following listed activity:

LISTING NOTICE NO	ACTIVITY NO	ACTIVITY DESCRIPTION	DESCRIPTION OF EACH LISTED ACTIVITY AS PER THE PROJECT DESCRIPTION
3	12	<p>The clearance of an area of 300 square meters or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>Western Cape</b></p> <p>iv. Critical Biodiversity Areas as identified in systematic biodiversity plans adopted by the competent authority</p>	<p>The proposed residential dwelling and 4x cottages may in all probability remove more than 300 square meters of indigenous vegetation in a critical biodiversity degraded area.</p> <p>Please refer to CBA map attached:</p> <p><b>Critical Biodiversity Areas</b></p> <p>Category 1: CBA: Terrestrial</p> <p>Category 2: CBA: Forest</p> <p>Definition: Areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.</p> <p>Objective: Maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.</p>

A Biodiversity Specialist (Fynbos Specialist), Dr David Hoare was appointed to conduct a Biodiversity Assessment on Wilderness Erf 2003 for the proposal. These investigations will also help determine the ideal location for the proposed units, main dwelling, and other amenities (walkways and parking area). The attached plan is subject to change prior to submission of the land use application upon these further investigations and commencement of EIA process. The application area falls within the OSCAE area and the requirements will be covered and addressed in the EIA process.



**FIGURE 4: EXISTING VEGETATION**

## 5. **WILDERNESS LAKES HOEKWIL LOCAL SPATIAL DEVELOPMENT FRAMEWORK, 2015**

According to the Wilderness Lakes Hoekwil Local Spatial Development Framework, 2015 the subject property is earmarked for "Small Holdings":

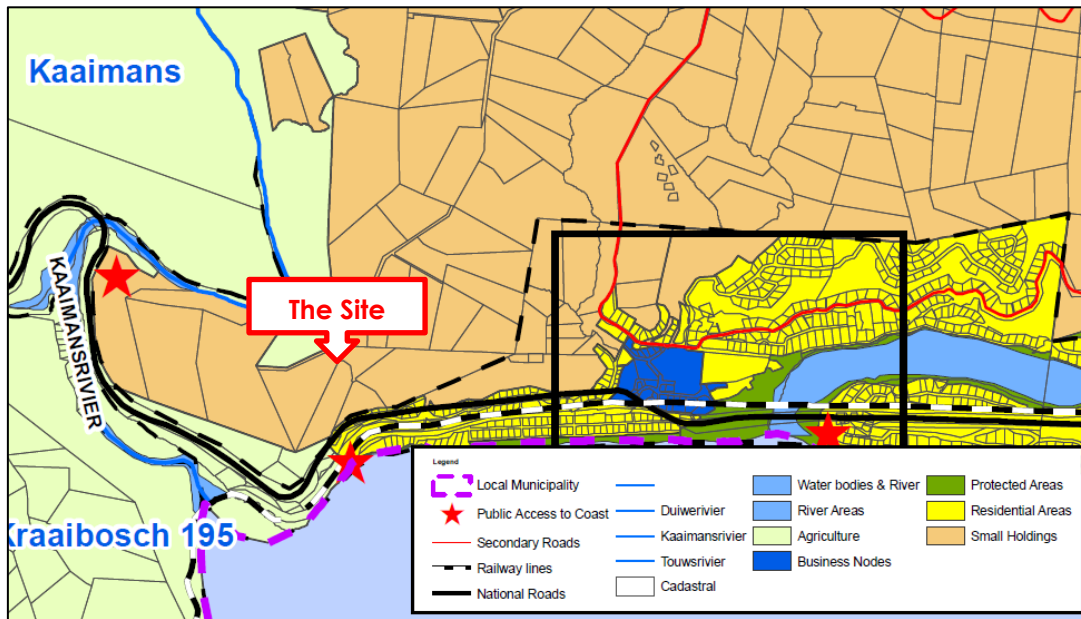


FIGURE 5: EXTRACT WILDERNESS LAKES SDF

- *Smallholdings: The main goal of the local spatial development framework as far as existing small holding precincts are concerned is to ensure that the character and ambience of these areas are protected and to ensure that the overall landscape character of the study area is retained and improved through appropriate measures.*
- *Secondly the approach is to prevent further development of smallholdings or extensive residential lifestyle properties in the rural landscape.*
- *No further extensions to the demarcated smallholding areas should be considered.*
- *This SDF states that the following uses are considered desirable for smallholdings subject to the overarching principles contained in section 4.2: riding school, plant nursery, commercial kennel, intensive animal farming, and intensive horticulture, subject to these activities not causing excessive water usage, undue noise, light pollution, effluent generation or odours. In addition to the primary rights the smallholding area should also cater for certain tourist facilities **such as second dwelling units, quest houses, bed and breakfast establishment, tourist facilities**, also subject to these activities not causing excessive water usage, undue noise, light pollution, effluent generation or odours.*

## 6. **SERVICES:**

The proposal will have to allow for a septic tank as no municipal sewer connection is available in the area. There is existing water and electricity available.

Clarity on the requirements and services availability must be investigated and determined.

## 7. **TITLE DEED:**

The title deed T22528/2020 contains no restrictive conditions that would prohibit the proposal.

## **8. LAND USE APPLICATION:**

The primary rights for properties zoned "Open Space Zone III (OSZIII)" is 'Nature conservation area' meaning:

*"...the use and management of land with the objective of preserving the natural biophysical characteristics of that land, such as the fauna and flora and includes:*

- ***a dwelling house** on a property zoned solely Open Space Zone III; but does not include tourist facilities, tourist accommodation or agriculture..."*

In order to allow for the proposed tourist accommodation units, application must be made for a **consent use** to allow for 'tourist accommodation'. The George Integrated Zoning Scheme by Law, 2017 defines a 'tourist accommodation' as:

*"...means a harmoniously designed and built holiday development, used for holiday or recreational purposes, whether in private or public ownership, that:*

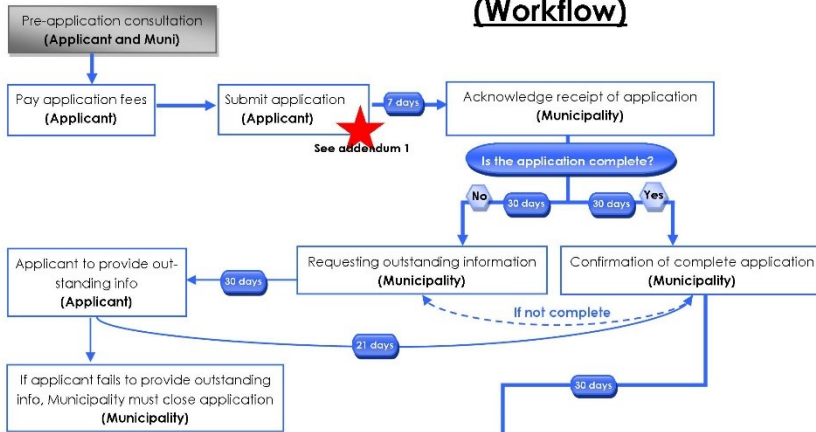
- *consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only.*
- *may include the provision of a camping site, caravan park, chalets or mobile home park,*
- *resort shop, private or public roads; and does not include a hotel or wellness centre..."*

## **9. FEEDBACK REQUIRED:**

- a) The George Integrated Zoning Scheme by Law, 2017 states that *"...The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan..."* The applicant wants confirmation that the proposed parameters as proposed are in line and also confirmation from the Municipality on the other parameters:
  - Building lines
  - Height restriction of the proposed structures
  - Height restriction of the proposed fence
  - Parking
- b) Will the EIA suffice as the Environmental Management Plan / Environmental Conservation Plan as required by the George Integrated Zoning Scheme by Law, 2017 and also what needs to be addressed in this plan.
- c) Services availability in the area?
- d) Do the municipality require an investigation into the availability of civil services (water and sewer) and electricity services the proposed development and any specialist reports necessary in this regard?
- e) Any other specialist reports necessary?
- f) Any additional requirements for the proposed land development application?

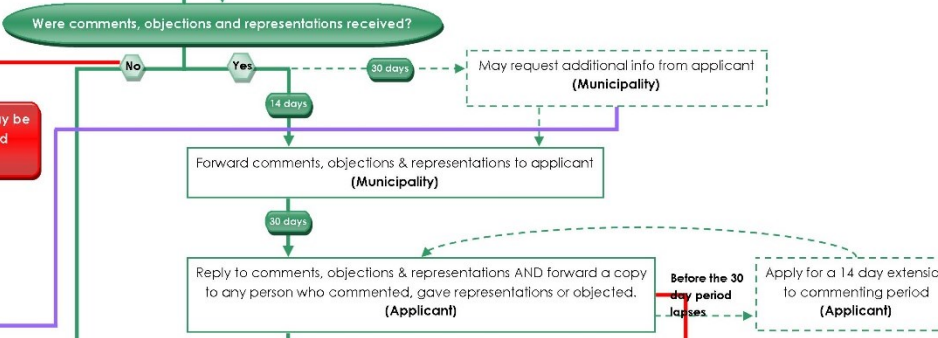
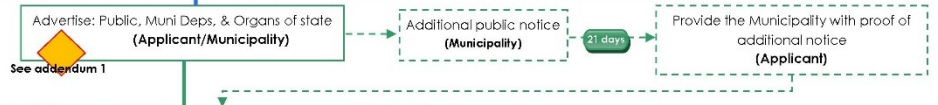
**Draft By-Law on Municipal Land Use Planning  
(Workflow)**

**SUBMISSION**



- Types of applications that can be submitted in terms of Section 15 (2)**
- (a) Rezoning of land
  - (b) Permanent departure
  - (c) Temporary departure
  - (d) Subdivision of land
  - (e) Consolidation of land
  - (f) Amendment, suspension or removal of restrictive conditions
  - (g) Permission required in terms of the zoning scheme
  - (h) Amendment, deletion or imposition of condition in respect of an approval
  - (i) Extension of validity period of an approval
  - (j) Approval of an overlay zone
  - (k) Phasing, amendment or cancellation of a subdivision plan or part thereof
  - (l) Permission required in terms of condition of approval
  - (m) Determination of zoning
  - (n) Closure of public place or part thereof
  - (o) Consent use
  - (p) Occasional use

**ADVERTISING**



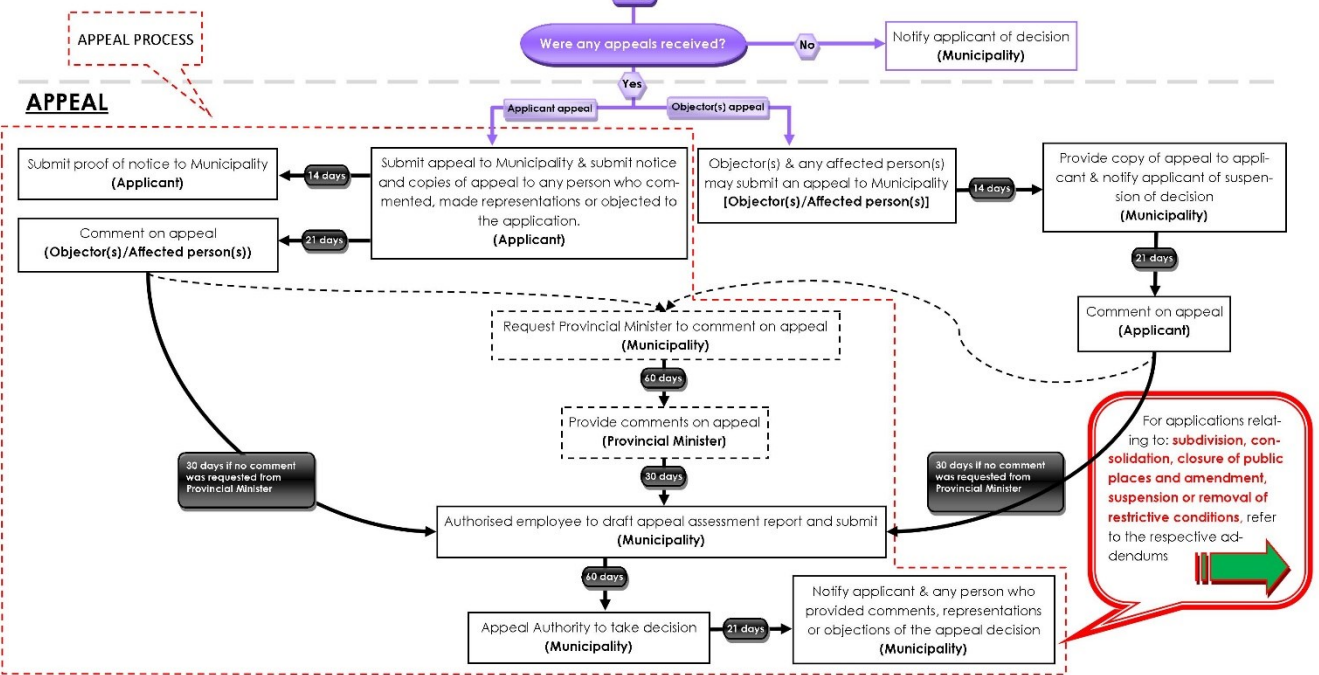
**ASSESSMENT**



**DECISION**



**APPEAL**



For applications relating to: **subdivision, consolidation, closure of public places and amendment, suspension or removal of restrictive conditions**, refer to the respective addendums

**SECTION A:**DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND  
ADVERTISEMENT PROCEDURES

Tick if relevant		What land use planning applications are required in terms of section 15 of the Land-Use Planning By-law for George Municipality?	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 to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;	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 which is not exempted in terms of section 24;	R
	2(f)	an amendment, suspension or removal of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme;	R
<b>X</b>	<b>2(h)</b>	<b>an amendment, deletion or imposition of conditions in respect of an existing approval;</b>	<b>TBD</b>
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as provided for in the zoning scheme;	R
	2(k)	a phasing, amendment or cancellation of a plan of subdivision or a part thereof;	R
	2(l)	a permission required in terms of the conditions of approval;	R
	2(m)	a determination of a zoning;	R
	2(n)	a closure of a public place or part thereof;	R
<b>X</b>	<b>2(o)</b>	<b>a consent use provided for in the zoning scheme;</b>	<b>TBD</b>
	2(p)	an occasional use of land;	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.)	TBD
Y	N	Publication of notices (i.e. Provincial Gazette, Local media(s) etc.)	TBD
Y	N	Additional publication of notices (i.e. Site notice, public meeting, local radio, website, letters of consent etc.)	TBD
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	n/a
Y	N	Integrated procedures	TBD
<b>TOTAL APPLICATION FEE*:</b>			<b>TBD</b>

**PLEASE NOTE:** \* Application fees are estimated on the information discussed and are subject to change with submission of the formal application.

## 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	Address the George SDF, 2019; George IDP, 2017-2022 and the Wilderness Lakes Hoekwil Local Spatial Development Framework, 2015
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	<b>Conveyancer Certificate required</b>
Any other Municipal by-law that may be relevant to application? (If yes, specify)		X		
<b>Zoning Scheme By-law considerations:</b>				
What is the current zoning of the property? "Open Space Zone III (OSZIII)" _____				
What is the proposed zoning of the property? "Open Space Zone III (OSZIII)" _____				

<p>Does the proposal fall within the provisions/parameters of the zoning scheme?</p> <p><b>YES</b></p> <p>_____</p> <p>Are additional applications required to deviate from the zoning scheme? (if yes, specify)</p> <p><b>No</b> _____</p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is a land development application required in terms of section 53(2) of LUPA?		X		
Is a development application affecting national interest in terms of section 52(3) of Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), required?		X		
Is the proposal in line with the principles for land development, set out in SPLUMA & LUPA?			X	
Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?			X	
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?	X			Wilderness Lakes Hoekwil Local Spatial Development Framework, 2015

**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, Forestry and Fisheries (DAFF)
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)
<p>Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)?</p> <p>(National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) /</p> <p>National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) /</p> <p>National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) /</p> <p>National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) /</p> <p>National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA)</p> <p><del>(strikethrough irrelevant)</del></p>			X	National Department of Environmental Affairs (DEA) & DEA&DP
<p>Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?</p>		X		National Department of Water & Sanitation (DWS)
<p>Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?</p>	X			South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
<p>Will the proposal have an impact on any National or Provincial roads?</p>		X		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
<p>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</p>			X	National Department of Labour (DL)
<p>Will the proposal affect any Eskom owned land and/or servitudes?</p>		X		Eskom
<p>Will the proposal affect any Telkom owned land and/or servitudes?</p>		X		Telkom
<p>Will the proposal affect any Transnet owned land and/or servitudes?</p>		X		Transnet
<p>Is the property subject to a land / restitution claim?</p>		X		National Department of Rural Development & Land Reform
<p>Will the proposal require comments from SANParks and/or CapeNature?</p>	X			SANParks / CapeNature



Is the property subject to any existing mineral rights?		<b>X</b>		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? ( <del>strikethrough irrelevant</del> )		<b>X</b>		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

### **SECTION D:**

#### SERVICE REQUIREMENTS

<b>DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?</b>	<b>YES</b>	<b>NO</b>	<b>TO BE DETERMINED</b>	<b>OBTAIN COMMENT FROM:</b> (list internal department)
Electricity supply:			<b>X</b>	
Water supply:			<b>X</b>	
Sewerage and wastewater:			<b>X</b>	
Stormwater:			<b>X</b>	
Road network:			<b>X</b>	
Telecommunication services:			<b>X</b>	
Other services required? Please specify.			<b>X</b>	
Development charges:			<b>X</b>	

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

##### COMPULSORY INFORMATION REQUIRED:

<b>Y</b>	<b>N</b>		<b>Y</b>	<b>N</b>	
		Completed application form			Pre-application checklist (where applicable)
		Power of Attorney / Owner's consent if applicant is not owner (if applicable)			S.G. noting sheet extract / Erf diagram / General Plan
		Motivation report / letter			Full copy of the Title Deed
		Proof of payment of fees			Bondholder's consent (if required)
		Locality plan			Site layout Plan

##### MINIMUM AND ADDITIONAL REQUIREMENTS:

Y	N	<b>Conveyancer's Certificate</b>	Y	N	Land Use Plan / Zoning plan
Y	N	Proposed Subdivision Plan (including street names and numbers)	Y	N	Phasing Plan
Y	N	Consolidation Plan	Y	N	<b>Copy of original approval letter</b> (if applicable)
Y	N	Site development Plan	Y	N	Landscaping / Tree Plan
Y	N	Abutting owner's consent	Y	N	Homeowners' Association consent ( <b>Dolphin's Leap Homeowners Association</b> )
Y	N	Services Report or indication of all municipal services / registered servitudes	Y	N	Required number of documentation copies
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) <del>(strikethrough irrelevant)</del>	Y	N	1: 50 / 1:100 Flood line determination (plan / report)
Y	N	Any additional documents or information required as listed in the pre-application consultation form / minutes <b>Storm water management plan</b> <b>Geotechnical report</b> <b>Visual Impact Assessment</b>	Y	N	Other (specify)

## PART E: DISCUSSION

### Town Planning:

- Erf 2003, Wilderness was part of Erf 1 Wilderness, which was subdivided in the early 1990's. The subdivision was only considered with strict development conditions and each portion was restricted to one dwelling house. Therefore, Erf 2003 Wilderness is restricted to one dwelling house.
- The existing subdivision and rezoning was allowed with the intention that the area be mainly for conservation purposes and therefore the restrictive condition that only one dwelling house be allowed on the subdivided portions.

- A geotechnical report was also required to determine if the land is suitable for development of a dwelling house, this report dates back to 1995 and must be updated. No rocks may be removed prior to the consultation of a geotechnical engineer, because of possible landslides.
- The position of the dwelling house must be in conjunction with the conservation body (Cape Nature).
- The dwelling house should also follow the profile of the property, thus “step” and must be constructed with materials of natural colours.
- No physical boundaries between the properties will be allowed, therefore the proposed fence around the dwelling house should be determined within the environmental report (movement of natural fauna may not be restricted). This will require the amendment of condition of approval.
- An Environmental Management/Conservation plan will be required.
- The building lines and height restrictions should be determined with the main purpose of conservation.

#### **“NATURE CONSERVATION AREA”**

**Land use description:** *“nature conservation area”* means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, such as the fauna and flora and includes:

- (a) a dwelling house on a property zoned solely Open Space Zone III; but does not include tourist facilities, tourist accommodation or agriculture.

#### **Development parameters:**

- (a) The Municipality may require an environmental conservation plan to be submitted for its approval.
- (b) The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan.
- (c) One dwelling house is allowed if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.
- (d) When a consent use to provide tourist facilities in a “nature conservation area” is approved, it is subject to conditions laid down by the Municipality with regard to layout, landscaping and building design.
- (e) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.

- The old Wilderness Structure plan restricted dwelling houses in a conservation zone to single storey and maximum height of 5m.
- A visual impact assessment will be required.
- The MSDF, Wilderness Lakes and Hoekwil LSDF should be addressed as well as the Rural development guidelines.
- Parking should be in line with the GIZS.
- Detailed development parameters will be determined when more information becomes available with the main purpose of conservation of the environment.
- The history of the property should be addressed and considered with the new proposal.
- An OSCAE (Outeniqua Sensitive Area) Permit will also be required.

**CES:**

- Access restricted to Remskoek Road via exiting servitude over erf 2002 & 317.
- Water supply need to be verified as the current water supply is limited to a 50 mm uPVC pipe. Any cost with reference to the upgrading, as a result of the development, will be for the cost of the developer.
- Sanitation will have to be handled on site. All procurement required have to be address to the satisfaction department of CES
- SANRAL should be requested for comments as well (02/06/2021)

**ETS:**

- Single point of supply allowed. All cost for the bulk supply point will be for the developer. (2021-06-02)

**PART F: SUMMARY / WAY FORWARD**

Refer to Part E.

*\*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.*

OFFICIAL: Jeanne Fourie  
(FULL NAME)

PRE-APPLICANT: Marike Vreken  
(FULL NAME)

SIGNED:



SIGNED:



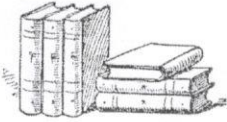
DATE: 10 June 2021

DATE: 24 May 2021

**ANNEXURE C:**

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*Copy of Title Deed Wilderness Erf 2003 –  
T22528/2020*



## **TRIEGAARDTS** Prokureurs/Attorneys

Van Kervelstraat 18  
Loerie Park  
George  
6529

Posbus 2172  
George  
6530

Tel: 044 871 1172  
Fax: 086-5473317

E-pos: [admin@triegaardts.co.za](mailto:admin@triegaardts.co.za)

[www.triegaardts.co.za](http://www.triegaardts.co.za)

ONS VERW: CG Triegaardt/ft/VD0011

U VERWYS: WESSEL WESSELS

16 November 2020

**MNR WC COETZER & WP WESSELS**  
**PLOT 41, UNIT 6**  
**GABORONE INDUSTRIAL COMMERCIAL PARK**  
**GABORONE**  
**BOTSWANA**

**PER KOERIER**

Menere

**TRANSPORT: ERF 2003, WILDERNIESS**  
**LENE TRUST, KOSS SMIT TRUST & SF VAN DEVENTER // WC COETZER & WP WESSELS**

Die bogemelde aangeleentheid verwys en heg ons die **oorspronklike** Titelakte hierby aan vir u veilige bewaring.

Die uwe

  
**TRIEGAARDTS PROKUREURS**  
Per: CG Triegaardt

# VISAGIEVOS INC.

153

VisagieVos Inc.  
181 Vasco Boulevard, Goodwood, 7460

Prepared by me,

Conveyancer  
DAVID ERASMUS ROUX

Fee endorsement	
	Amount
Purchase price/Value	R. 2 550 000,00
Transfer duty	R. 1691,00
Stamp duty	R. ....
Reason for exemption	Exempt i.t. o. ....
Cat. ....	section. .... Act. ....

# DEED OF TRANSFER NR T

T 000022528 / 2020

KNOW ALL MEN WHOM IT MAY CONCERN:

THAT **ELENE GOOSEN**

appeared before me, Registrar of Deeds, at Cape Town, the said Appearer, being duly authorised thereto by a Power of Attorney, granted to him/her, by

1. THE TRUSTEES FOR THE TIME BEING OF  
LENÉ TRUST  
NUMBER IT1338/95
2. THE TRUSTEES FOR THE TIME BEING OF  
KOOS SMIT TRUST  
NUMBER IT702/96
3. SIMON FREDERIK VAN DEVENTER  
IDENTITY NUMBER 580423 5095 080  
UNMARRIED

DATA / VERIFY  
2 - -10- 2020

DATA / CAPTURE  
25 -08- 2020  
PHUMELELA NJAMATA

dated the 7th July 2020 and signed at BLOEMFONTEIN  
and dated the 13th July 2020 and signed at GEORGE



And the said Appearer declared that the transferor/s had on **4 June 2020** truly and legally sold by Private Treaty, and that he/she, in his/her capacity aforesaid, did by these presents, cede and transfer to and on behalf of

1. **WENTZEL CHRISTOFFEL COETZER**  
**IDENTITY NUMER 720304 5118 083**  
**UNMARRIED**
2. **WESSEL PHILIPPUS WESSELS**  
**IDENTITY NUMBER 640513 5087 182**  
**UNMARRIED**

their Heirs, Executors, Administrators or Assigns,

in full and free property

**ERF 2003 WILDERNESS, IN THE MUNICIPALITY AND DIVISION OF  
GEORGE, PROVINCE OF THE WESTERN CAPE**

**IN EXTENT: 2,8135 (TWO COMMA EIGHT ONE THREE FIVE) HECTARES**

**FIRST REGISTERED** by Certificate of Registered Title Nr T2997/1996 with Diagram Nr SG 7730/95 relating thereto and held by Deed of Transfer Nr T87242/2007.

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T4632/1905.
- B. **SUBJECT FURTHER** to a special condition contained in Annexure "X" attached to Deed of Transfer No. T14200/1920, which reads as follows:

".... and the properties hereby transferred shall be subject to the further special conditions that the transferor shall be entitled to take from the Silver River or any of its tributaries and the Kaaiman's River at any point on the properties hereby transferred such quantity of water as the transferor may be entitled to or may obtain under the Irrigation and Conservation of Waters Act 1912, which the right to lead such water across the properties hereby transferred and for that purpose to lay and maintain such pipes as may be necessary and in the event of the transferor having or acquiring the right to take water from any river or stream above the ground hereby transferred, then the transferor shall be entitled to a right of way over the properties hereby transferred and for the purposes of laying and maintaining the pipes and exercising the other rights in the clause mentioned, the transferor shall have the right of ingress and egress to and from the properties hereby transferred with the right to make such excavations and to perform such other works as may be necessary to conduct such water to any part of the transferor's property including the said land marked No. 497 called Barbiers Kraal, and these conditions are hereby registered as a servitude against the properties hereby transferred."

- C. **SUBJECT FURTHER** to the special conditions in an endorsement dated 22 April 1907 on Deed of Transfer No. T4632/1905, reading as follows:
- "By Deeds of Transfer Nos 2955 and 2956 – April 1907, certain water and other rights have been conceded in favour of the land thereby conveyed as will more fully appear on reference to the said Deeds of Transfer."
- The remaining special conditions not being applicable to the above lot.
- D. **SUBJECT FURTHER** to the terms of an endorsement dated 5 August 1971 on Deed of Transfer No. 5501/1925, which conditions read as follows:
- "The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District, Cape) dated 26/5/71, as will more fully appear on reference to the copy of said Order annexed to Attach. Cav. 256/71."
- E. **SUBJECT FURTHER** to an endorsement dated 26-7-1989 on Certificate of Registered Title No. T29964/1987, which reads as follows:
- "Kragtens Notariële Serwituutakte Nr 668/89 gedateer 28/2/1989 en geregistreer hede is die binnegemelde eiendom geregtig op 'n reg van weg 12 meter wyd, waarvan die suidwestelike grens aangedui word deur die lyn AD op Serwituutkaart Nr 7410-87 geheg aan gesegde Notariële Serwituutakte, oor Erf 317 Hoekwil, Groot 7,1548 ha, gehou kragtens Akte van Transport T61196/87 onderhewig aan sekere bepalings en voorwaardes, soos meer volledig sal blyk uit gesegde Notariële Akte en Kaart Nr 74510/87 daaraan geheg."
- F. **SUBJECT FURTHER** to the following condition contained in Deed of Transfer No. T13945/1996 imposed by the Transferor, namely that the property hereby transferred shall not be sold or transferred in any way without the written consent of The Dolphin's Leap Home Owners' Association of which the transferee shall become a member.
- G. **ENTITLED** to the benefit of the following servitude contained in Deed of Transfer No. T2996/1996, namely:
- "A servitude right of way represented by the figure LMNPCDEFGHJK on Diagram No. SG 7729/95 annexed to Deed of Transfer No. T2996/1996 over, Erf 2002 Wilderness situate in the Area of the Wilderness District Council, Administrative District George, Western Cape Province, in extent 1,3391 (one comma three three nine one) hectares."

WHEREFORE the Appearer, renouncing all the rights and title

- 1. THE TRUSTEES FOR THE TIME BEING OF  
LENÉ TRUST  
NUMBER IT1338/95
- 2. THE TRUSTEES FOR THE TIME BEING OF  
KOOS SMIT TRUST  
NUMBER IT702/96
- 3. SIMON FREDERIK VAN DEVENTER

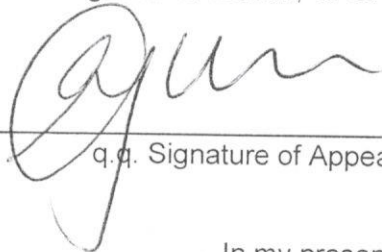
heretofore had to the premises, did, in consequence, also acknowledge the transferor/s to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents the said

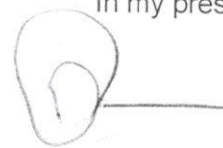
- 1. WENTZEL CHRISTOFFEL COETZER
- 2. WESSEL PHILIPPUS WESSELS

their Heirs, Executors, Administrators or Assigns, now is/are and henceforth shall be entitled thereto, conformably to local custom; the State, however, reserving its rights; and finally acknowledging the whole of the purchase price amounting **R2 550 000,00 (Two Million Five Hundred and Fifty Thousand Rand)** to have been duly paid or secured.

IN WITNESS whereof I, the said Registrar, together with the Appearer, have subscribed to these presents, and have caused my Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds, at CAPE TOWN on 31 August 2020

  
 \_\_\_\_\_  
 q. q. Signature of Appearer

In my presence,  


\_\_\_\_\_  
 REGISTRAR OF DEEDS





**ANNEXURE D:**

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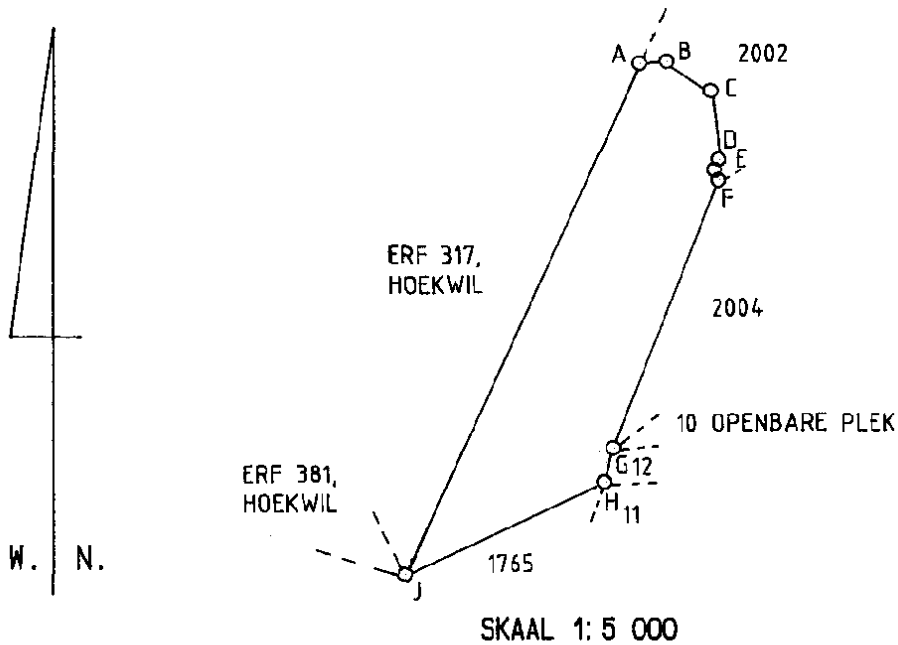
*SG Diagram No 7730/1995 - Erf 2003*

SYE Meter	RIGTINGS -HOEKE	KOÖRDINATE			
		Y	Stelsel	Lo. 23° X	
	Konstante		+	0,00	+ 3 700 000,00
AB	18,58	269 45 00	A	+ 40 391,58	+ 62 673,51
BC	34,29	305 04 40	B	+ 40 373,00	+ 62 673,42
CD	47,32	353 42 50	C	+ 40 344,94	+ 62 693,13
DE	7,87	22 42 30	D	+ 40 339,76	+ 62 740,16
EF	7,07	336 13 00	E	+ 40 342,79	+ 62 747,42
FG	196,66	22 10 40	F	+ 40 339,94	+ 62 753,89
GH	24,40	15 52 20	G	+ 40 414,18	+ 62 936,00
HJ	146,91	65 44 40	H	+ 40 420,85	+ 62 959,47
JA	382,85	205 14 00	J	+ 40 554,79	+ 63 019,82
	Δ (447) LAKES			+ 36 514,28	+ 62 961,33
	Δ (446) PANORAMA			+ 40 551,15	+ 63 021,56

L.G. Nr.  
**7730/95**  
Goedgekeur  
*[Handwritten Signature]*  
Landmeter-Generaal  
1995-10-02

**BAKENBESKRYWING:**

G, H ingeplante ysterpaal  
J ingeplante klip  
Alle ander bakens is 12mm ysterpen



Die figuur A B C D E F G H J  
stel voor 2,8135 hektaar grond synde

**ERF 2003 'n GEDEELTE VAN ERF 1, WILDERNESS**

geleë in die Wildernis Distrikkraad Gebied  
Administratiewe Distrik George

Opgemeet in November 1991-Januarie 1995

Provinsie Kaap die Goeie Hoop

deur my

*[Handwritten Signature]*  
A. LOUW (PLS0356) Professionele Landmeter

Hierdie kaart is geheg aan Nr. 2997/96 gedateer t.g.v.  Registrateur van Aktes	Die oorspronklike kaart is Nr. A1447/1923 Transport Nr. 1925-118-5501	Leër Nr. S/8692 Gen. Plan W71c (3560) M.S. Nr. E 2466/1995 Komp. BL-8CC/Z32 (1762) BL-8CC/Z33 (1763) BL-8CC/Z34 (1764) BL-8CCC (6423)
-----------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------

HIERDIE GEDEELTE IS GOED-  
GEKEUR KRAGTENS WET 64  
VAN 1971.

GOEDGEKEUR KRAGTENS ART. 25  
VAN ORD. 15/1985

VERWYSING 14/7/2/927

DATUM 8-6-1995

**ANNEXURE E:**

---

*SG Diagram No 7729/1995 – Erf 2002*



SYE Meter		RIGTINGS -HOEKE	KOÖRDINATE Y Stelsel Lo.23° X			L.G. Nr.
		Konstante		+	0,00	+3 700 000,00
AB	188,58	272 27 00	A	+	40 365,31	+ 62 617,77
BC	190,02	52 44 20	B	+	40 176,91	+ 62 625,62
CD	7,05	342 55 40	C	+	40 328,14	+ 62 740,87
DE	15,23	65 39 20	D	+	40 326,07	+ 62 747,61
EF	7,07	156 13 00	E	+	40 339,94	+ 62 753,89
FG	7,87	202 42 30	F	+	40 342,79	+ 62 747,42
GH	47,32	173 42 50	G	+	40 339,76	+ 62 740,16
HJ	34,29	125 04 40	H	+	40 344,94	+ 62 693,13
JK	18,58	89 45 00	J	+	40 373,00	+ 62 673,42
KA	61,62	205 14 00	K	+	40 391,58	+ 62 673,51
<b>SERWITUUTGEGEWENS</b>						
KL	6,65	205 14 00				
LM	17,75	270 01 50	L	+	40 388,75	+ 62 667,49
MN	38,76	305 04 40	M	+	40 370,99	+ 62 667,50
NP	47,84	353 42 50	N	+	40 339,27	+ 62 689,78
PC	6,87	300 58 50	P	+	40 334,03	+ 62 737,33
		Δ (447) LAKES		+	36 514,28	+ 62 961,33
		Δ (446) PANORAMA		+	40 551,15	+ 63 021,56
<p>Die figuur A B C D E F G H J K stel voor 1,3391 hektaar</p> <p>ERF 2002 n GEDEELTE VAN ERF 1, WILDERNESS geleë in die Wildernis Distrikraad Gebied Administratiewe Distrik George</p> <p>Opgemeet in November 1991-Januarie 1995</p> <p>deur my <i>A.Louw</i> A.LOUW (PLS0356) Professionele Landmeter</p>						
Hierdie kaart is geheg aan Nr. 2996/96 gedateer t.g.v.  Registrateur van Aktes		Die oorspronklike kaart is Nr. A1447/1923 Transport Nr. 1925-118-5501			Leer Nr. §/8692 M.S. Nr. E 2466/1995 Komp. BL-8CC/Z32 (1762) Gen. Plan W71c (3560)	

Goedgekeur

*P. Roux*

Landmeter-Generaal

1995-10-02

Bladsy 1 van 2 bladsye

**B**

**S**

2002

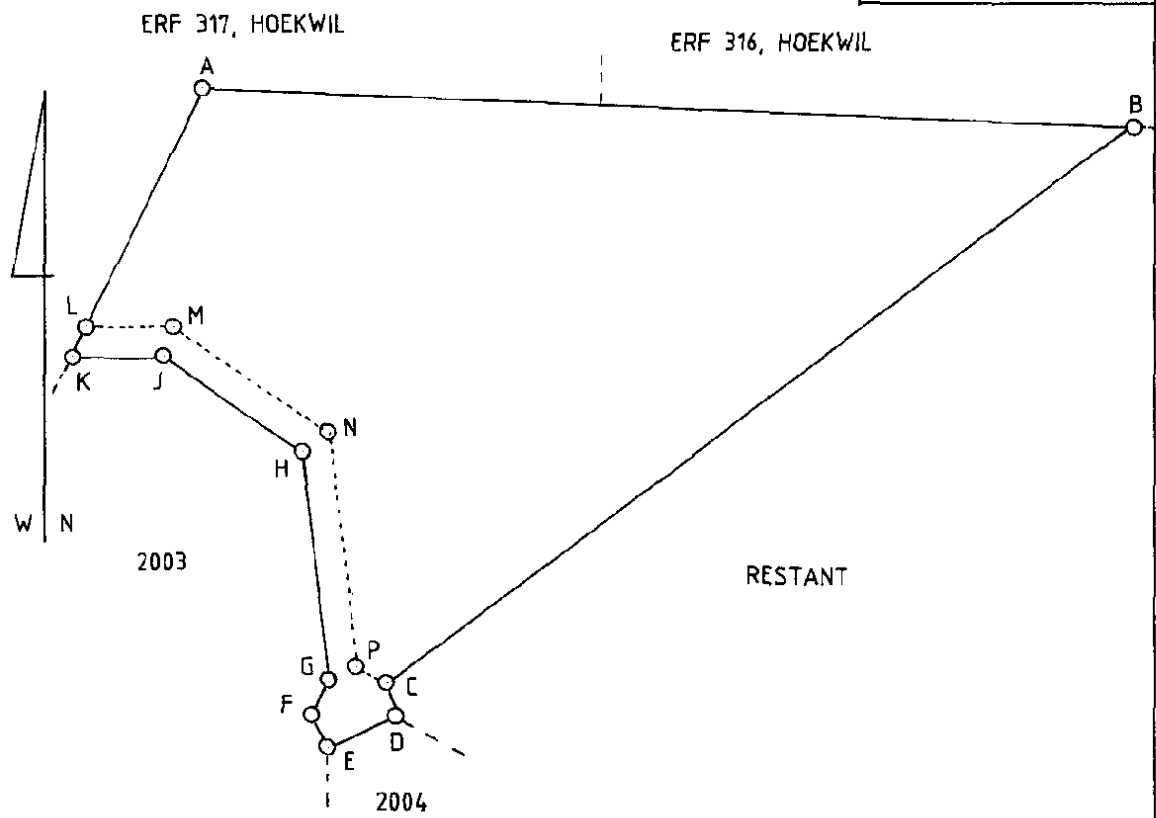
ERF 2002 'n GEDEELTE VAN ERF 1, WILDERNESS

7729/95  
Goedgekeur  
*Abu*  
Landmeter-Generaal  
1995-10-02

BAKENBESKRYWING:

- A ingeplante klip
- L 20mm ysterpen
- Alle ander bakens is 12mm ysterpen

Bladsy 2 van 2 bladsye



Serwituutnota:

Die figuur L M N P C D E F G H J K stel voor 'n reg van weg serwituutgebied

SKAAL 1: 1 500

Opgemeet in November 1991-Januarie 1995

deur my

*A. Louw*  
A. Louw (PLS0356) Professionele Landmeter

B  
S

HIERDIE GEDEELTE IS GOED-  
GEKEUR KRAGTENS WET 54  
VAN 1971.

GOEDGEKEUR KRAGTENS ART. 25  
VAN ORD. 15/1985  
VERWYSING 14/7/2/927  
DATUM 8/6/1995

**ANNEXURE F:**

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*Servitude Diagram SG 7410-1987 (Servitude  
over Hoekwil Erf 317)*

TREVOR & BAILEY

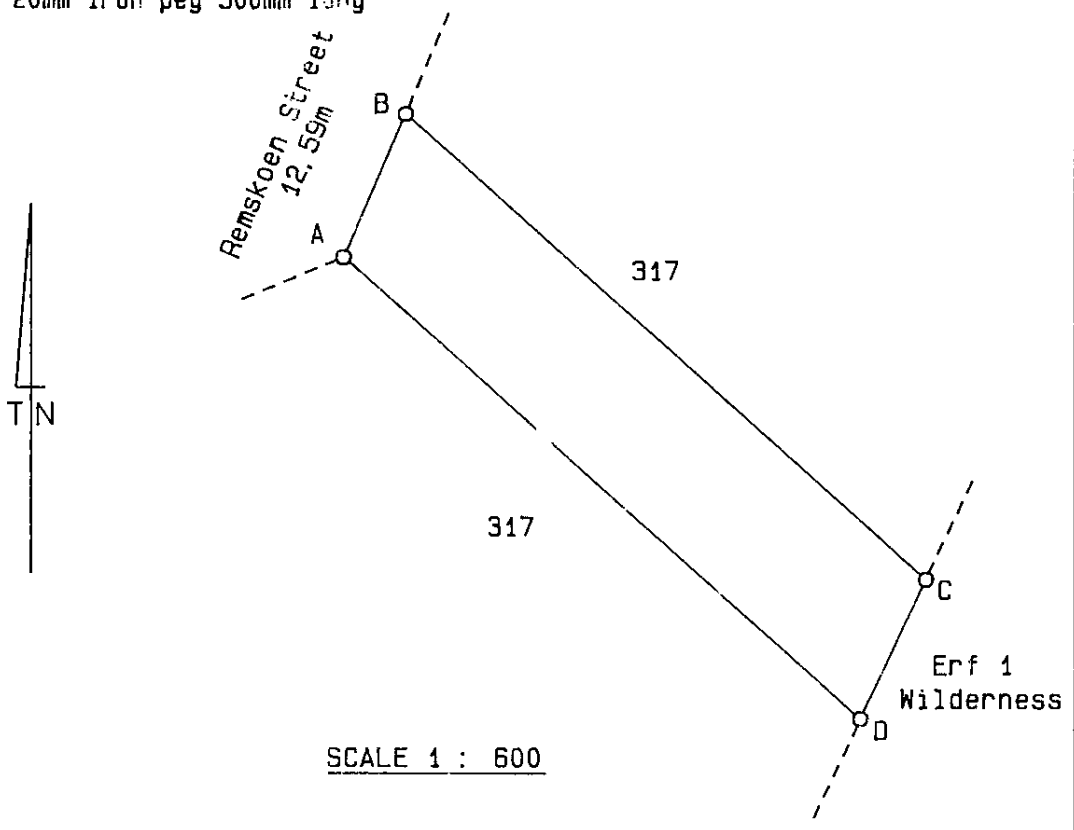
SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System Lo23		S.G. No.
		Y	X	
	Constant:	+	0.00	+3 700 000,00
A B	12,69	203 02 00	A +	40 435,73 + 62 641,23
B C	56,51	312 00 00	B +	40 430,76 + 62 629,55
C D	12,53	25 13 30	C +	40 388,77 + 62 667,36
D A	56,01	132 00 00	D +	40 394,11 + 62 678,70

7410-87  
Approved  
*[Signature]*  
Surveyor-General  
1987-11-9

231	Knys 34	△ +	37 341,14	+	62 089,46
108	Berg 14	△ +	38 455,57	+	55 217,28

Description of Beacons

- A 20mm iron peg
- B C D 20mm iron peg 500mm long



The line AD represents the south-western boundary of a servitude right of way 12 metres wide as shown

OVER ERF 317 HOEKWIL

situate in the Local Area of Wildernishoogte  
Administrative District of George, Province of Cape of Good Hope  
Surveyed in September 1987  
by me.

*[Signature]*  
Land Surveyor

This diagram is annexed to No. dated i.f.o.  Registrar of Deeds	The original diagram is	File No. GEOR 157
	No. 2803/1961 annexed to Transfer No. 1964-76-3756	S.R. No. B 2346/87  Comp. BL-8CCC (6423) BL-8CC/232 (1762)  Gen. Plan 1730

**ANNEXURE G:**

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*Architectural 3D representation of proposal –  
'Olivier Architects'*

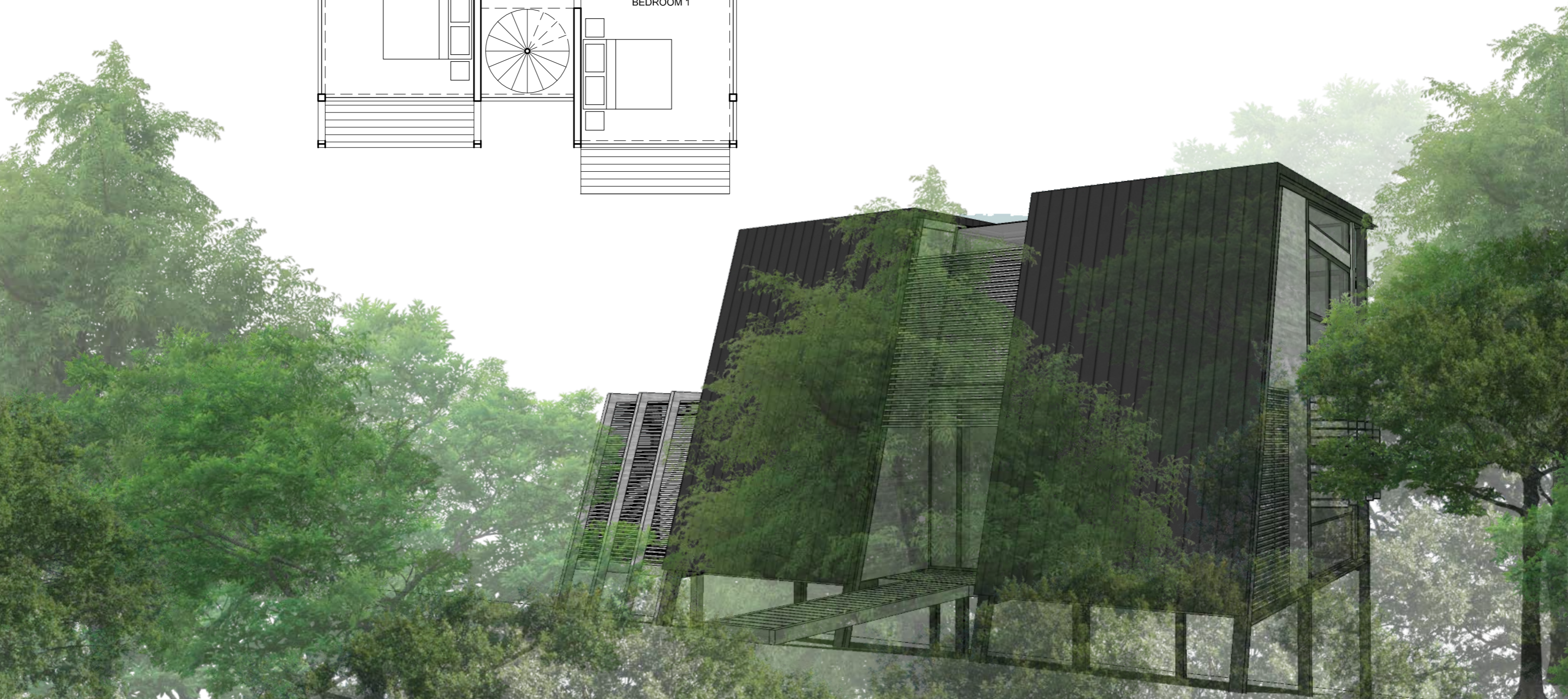
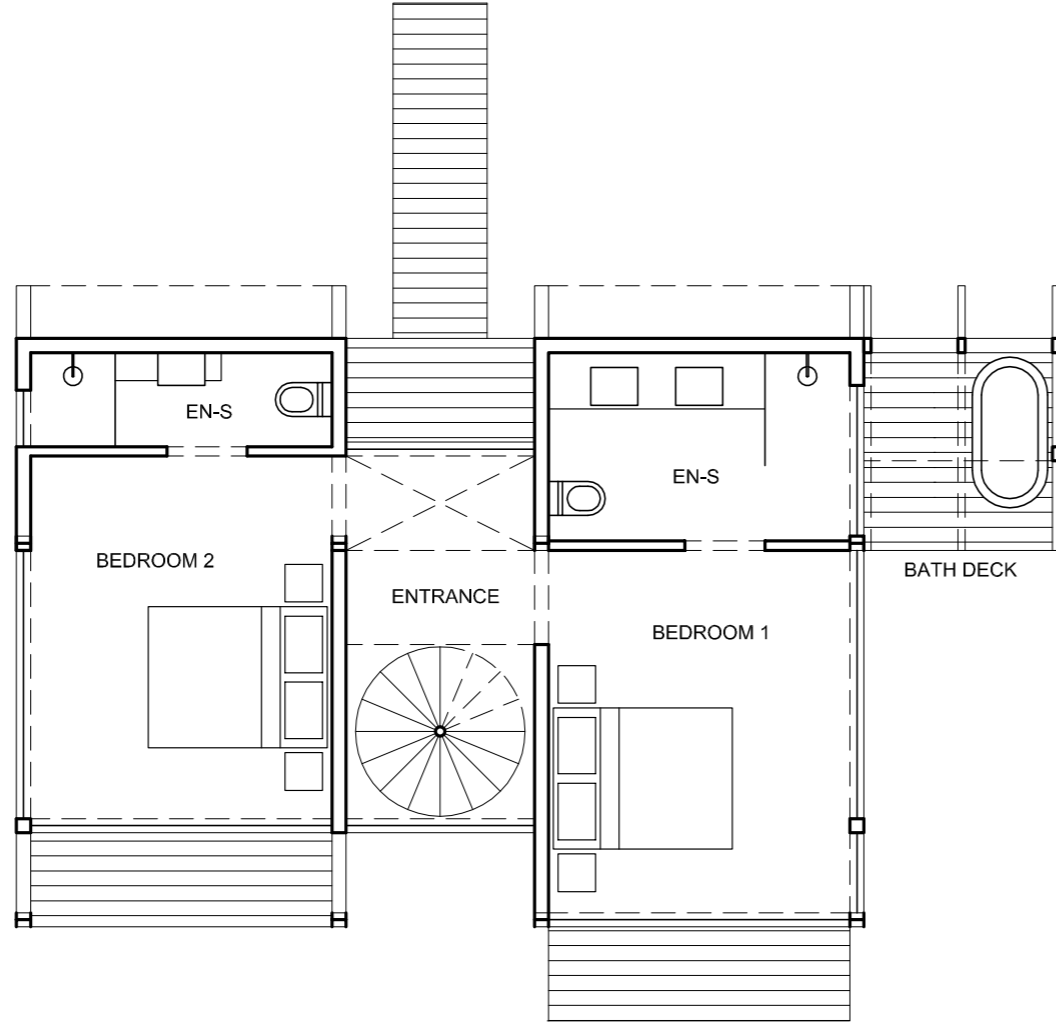




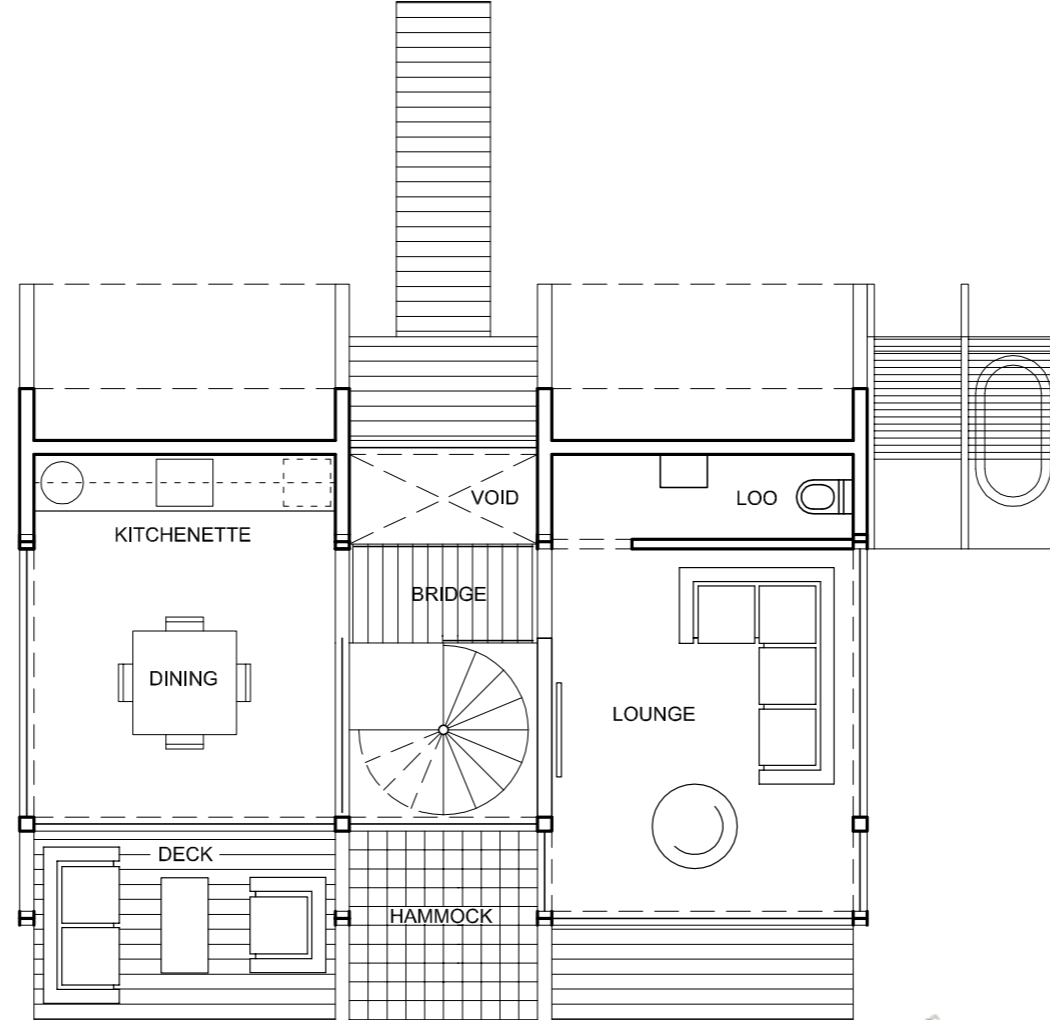




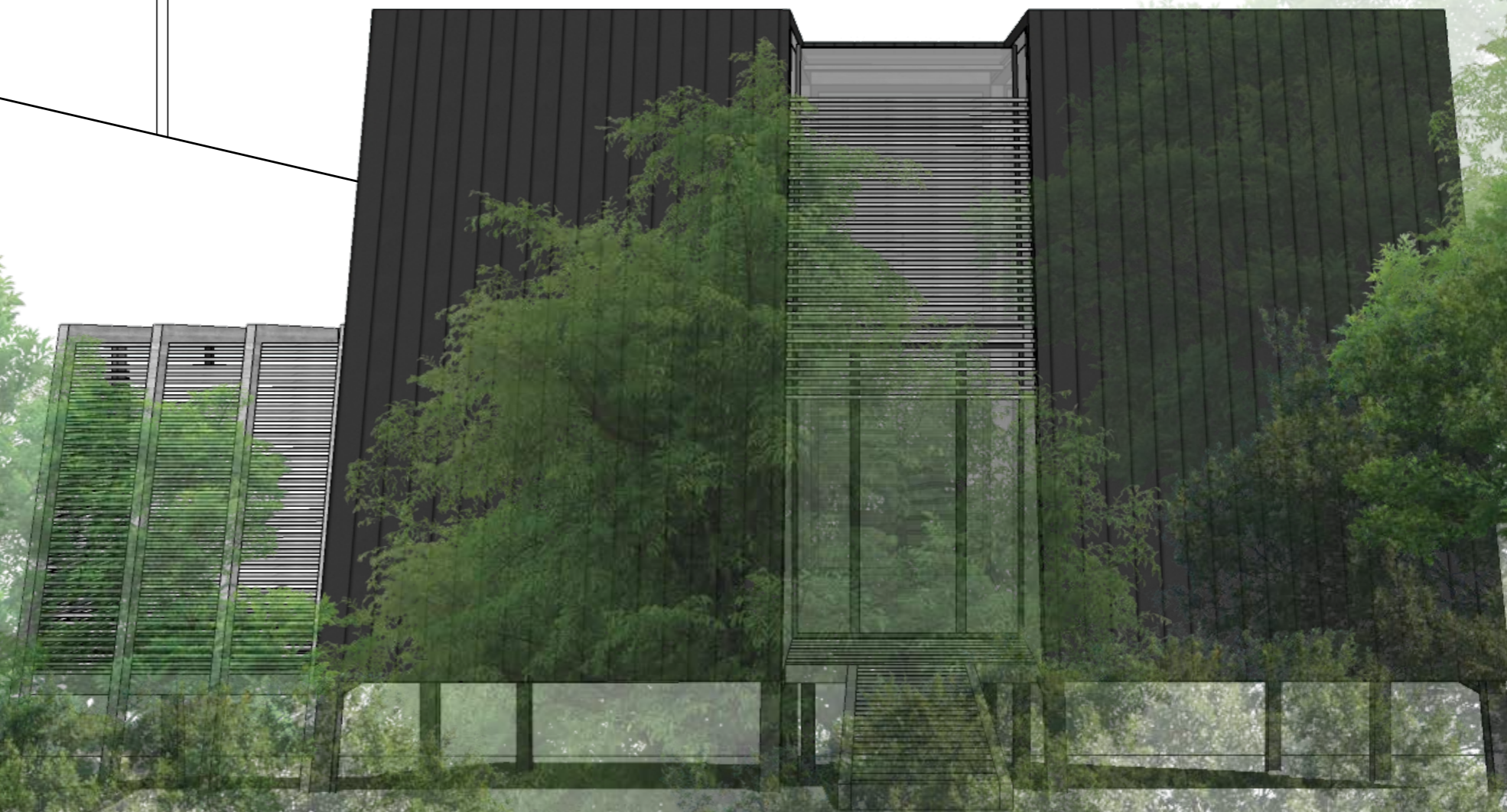
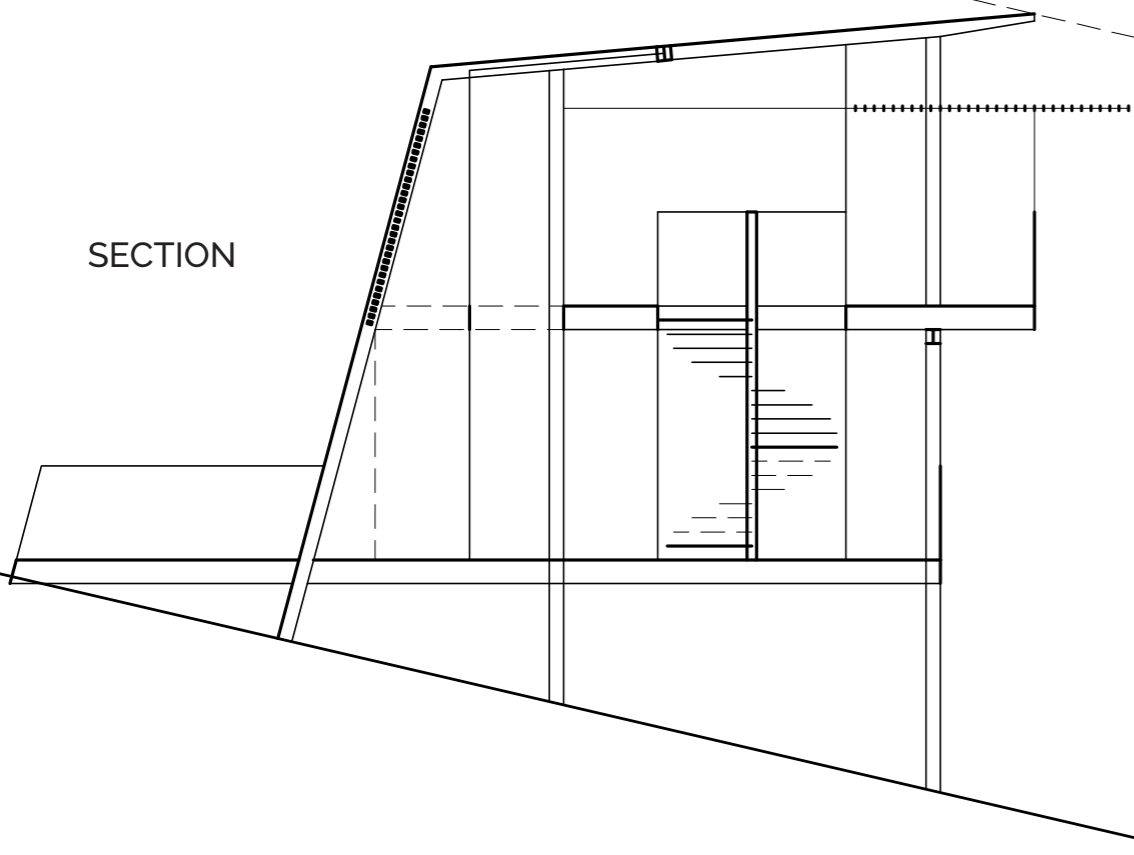
GROUND FLOOR PLAN

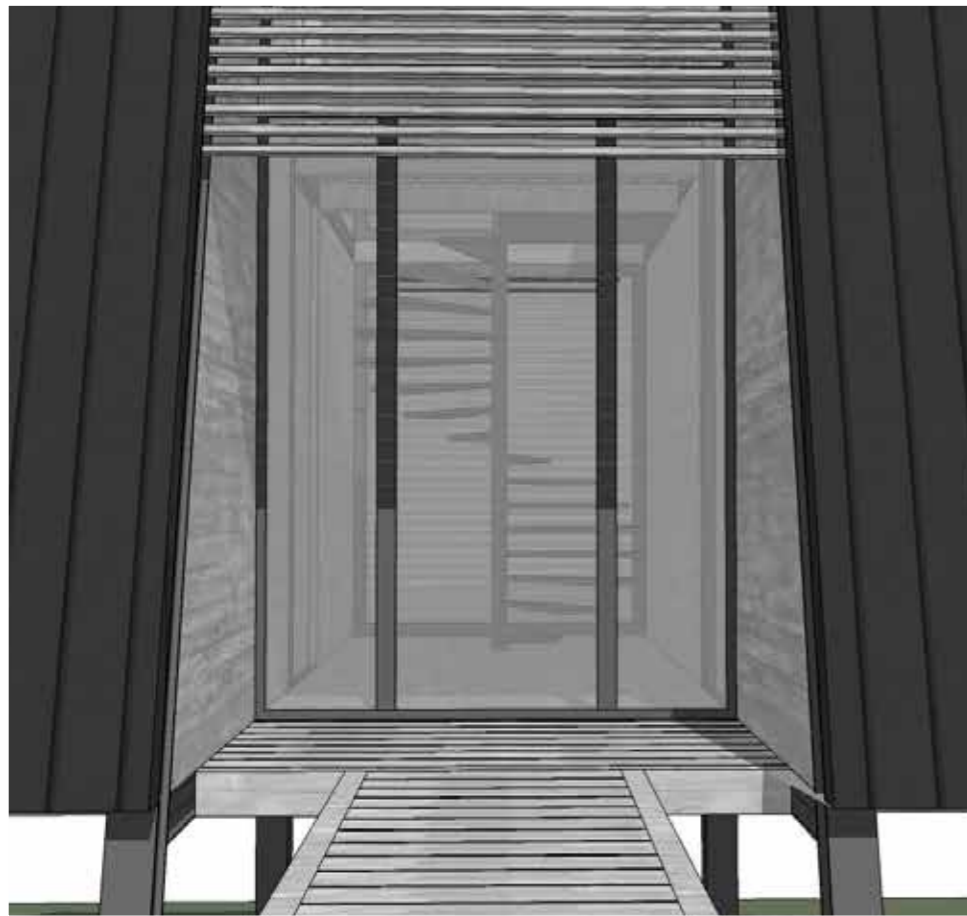


FIRST FLOOR PLAN



SECTION





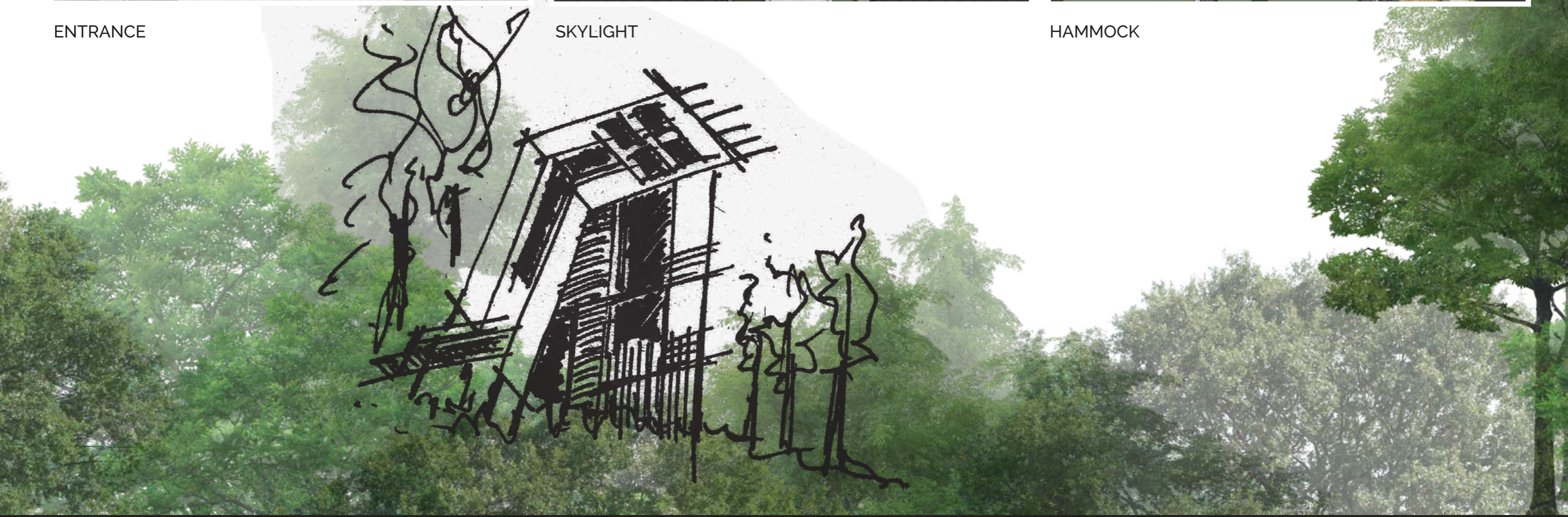
ENTRANCE



SKYLIGHT



HAMMOCK





INTERIOR



MAIN SUITE

**ANNEXURE H:**

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*Architectural Visual Impact – 'Olivier  
Architects'*









**ANNEXURE I:**

---

*Topo-Cadastral Survey Plan – 'Africa Survey'  
dated 16 January 2021*

# TOPO-CADASTRAL PLAN ERF 2003 WILDERNESS

GEORGE DISTRICT, WESTERN CAPE

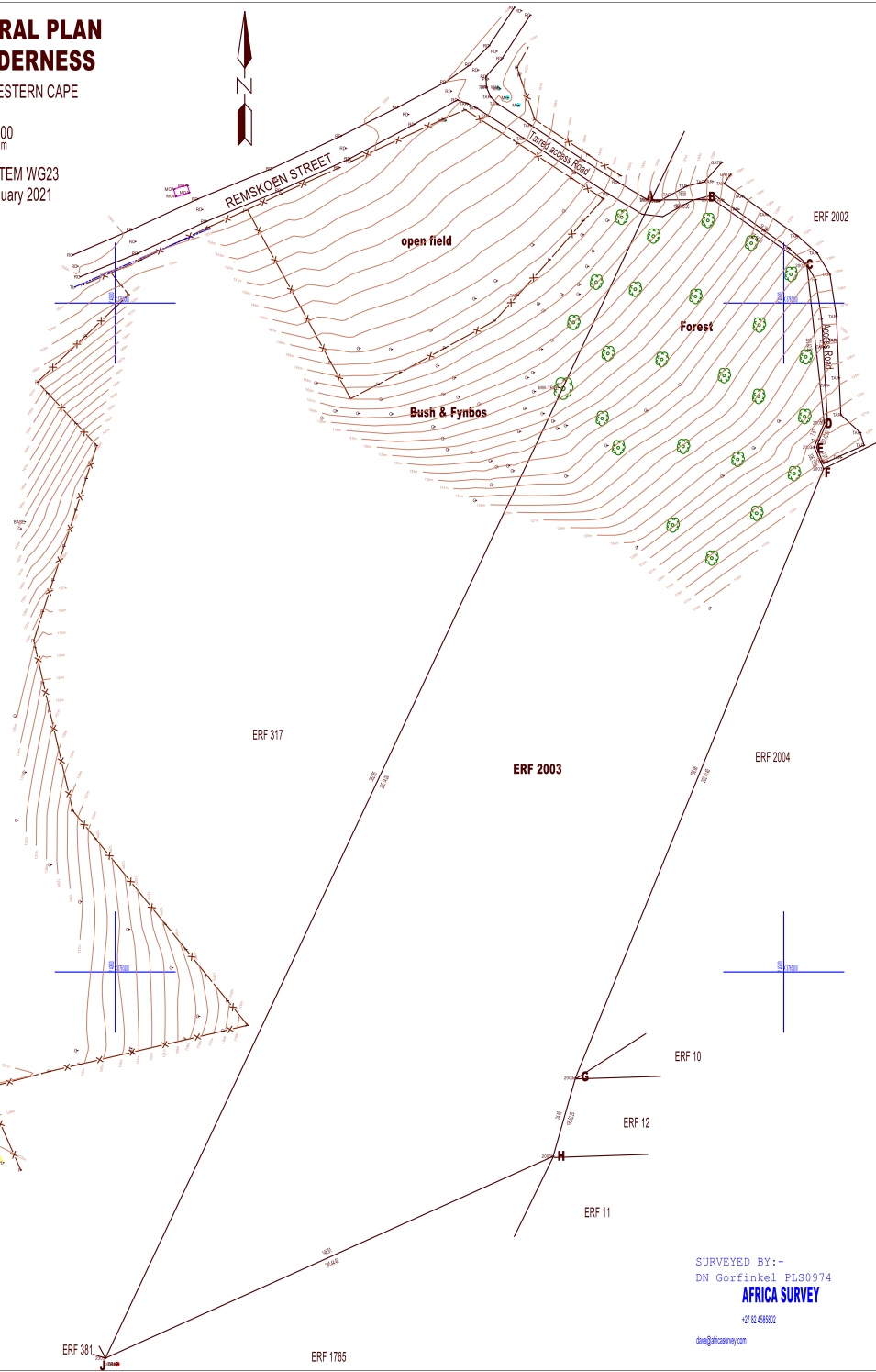
SCALE 1:1000  
contour interval 1m

CO-ORDINATE SYSTEM WG23  
SURVEYED 16 January 2021



- NOTES  
The figure ABCDEFGHJ represents ERF 2003 WILDERNESS  
being 2,8735 hectares in extent
- CODE KEY
- G ground
  - RD gravel road
  - TAR tar access road
  - MW-TREE Milkwood tree
  - F fence
  - MH manhole cover
  - WM water meter
  - PW powerline
  - TL telephone line

Para-Gliding Zone



SURVEYED BY:-  
DN Gorfinkel PLS0974  
**AFRICA SURVEY**  
+27 72 489302  
dca@aficasurvey.com

**PLAN 1:**

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*Locality Plan*



**PLAN 2:**

---

*Site Development Plan – Preferred Alternative*

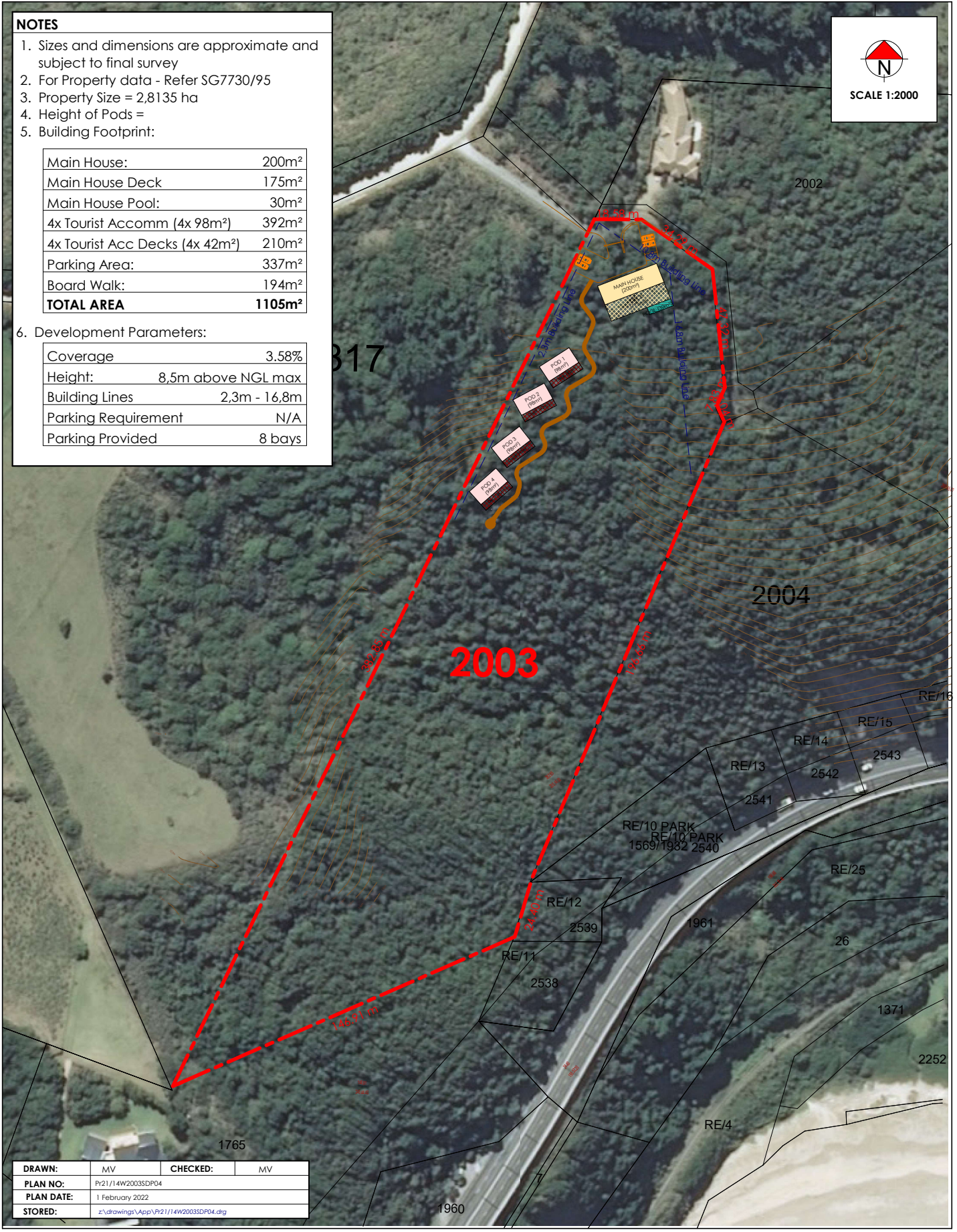
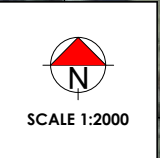
**NOTES**

1. Sizes and dimensions are approximate and subject to final survey
2. For Property data - Refer SG7730/95
3. Property Size = 2,8135 ha
4. Height of Pods =
5. Building Footprint:

Main House:	200m <sup>2</sup>
Main House Deck	175m <sup>2</sup>
Main House Pool:	30m <sup>2</sup>
4x Tourist Accom (4x 98m <sup>2</sup> )	392m <sup>2</sup>
4x Tourist Acc Decks (4x 42m <sup>2</sup> )	210m <sup>2</sup>
Parking Area:	337m <sup>2</sup>
Board Walk:	194m <sup>2</sup>
<b>TOTAL AREA</b>	<b>1105m<sup>2</sup></b>

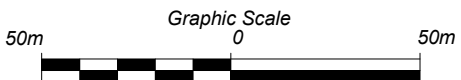
6. Development Parameters:

Coverage	3.58%
Height:	8,5m above NGL max
Building Lines	2,3m - 16,8m
Parking Requirement	N/A
Parking Provided	8 bays



<b>DRAWN:</b>	MV	<b>CHECKED:</b>	MV
<b>PLAN NO:</b>	Pr21/14W2003SDP04		
<b>PLAN DATE:</b>	1 February 2022		
<b>STORED:</b>	z:\drawings\App\Pr21\14W2003SDP04.dwg		

**PLAN 2**



**SITE DEVELOPMENT PLAN  
(Preferred Alternative)**

**WILDERNESS ERF 2003**

**Marike Vreken**  
URBAN & ENVIRONMENTAL PLANNERS

21 Trotter Street, PO Box 2180  
KNYSNA 6570

(044) 382 0420  
086 459 2987

e-mail: [marike@vreken.co.za](mailto:marike@vreken.co.za)  
[www.vreken.co.za](http://www.vreken.co.za)



**PLAN 3:**

---

*Site Development Plan – Alternative 1*

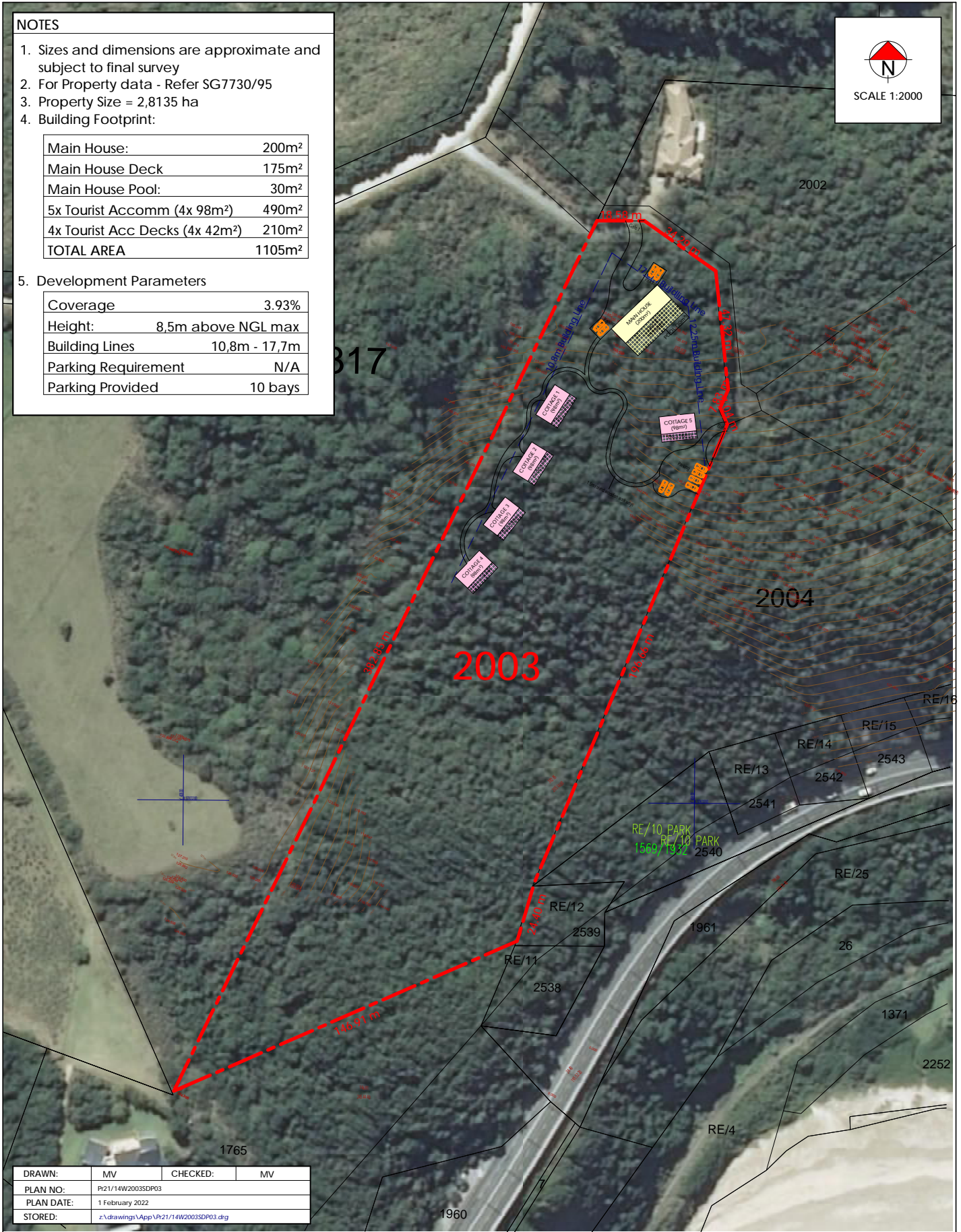
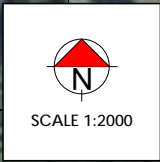
**NOTES**

1. Sizes and dimensions are approximate and subject to final survey
2. For Property data - Refer SG7730/95
3. Property Size = 2,8135 ha
4. Building Footprint:

Main House:	200m <sup>2</sup>
Main House Deck	175m <sup>2</sup>
Main House Pool:	30m <sup>2</sup>
5x Tourist Accom (4x 98m <sup>2</sup> )	490m <sup>2</sup>
4x Tourist Acc Decks (4x 42m <sup>2</sup> )	210m <sup>2</sup>
<b>TOTAL AREA</b>	<b>1105m<sup>2</sup></b>

5. Development Parameters

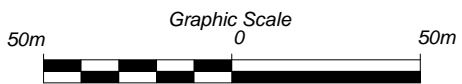
Coverage	3.93%
Height:	8.5m above NGL max
Building Lines	10,8m - 17,7m
Parking Requirement	N/A
Parking Provided	10 bays



DRAWN:	MV	CHECKED:	MV
PLAN NO:	Pz21/14W2003SDP03		
PLAN DATE:	1 February 2022		
STORED:	z:\drawings\App\p21/14W2003SDP03.dwg		

**PLAN 3**

**SITE DEVELOPMENT PLAN  
(Alternative 1)**



**WILDERNESS ERF 2003**

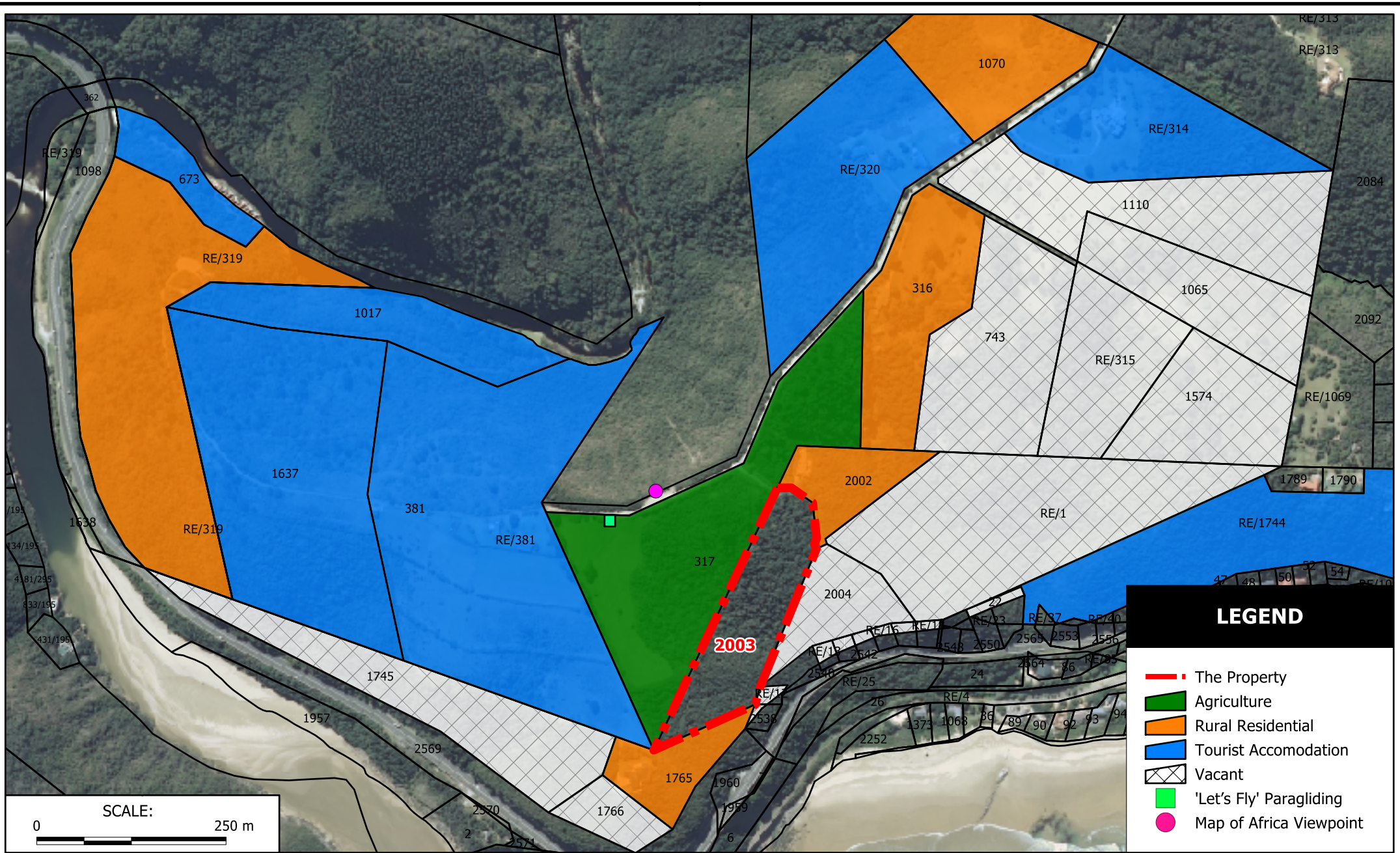
21 Trotter Street, PO Box 2180  
KNYSNA 6570

(044) 382 0420  
086 459 2987  
e-mail: [marike@vreken.co.za](mailto:marike@vreken.co.za)  
[www.vreken.co.za](http://www.vreken.co.za)

**PLAN 4:**

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*Land Use Plan*



### LEGEND

- The Property
- Agriculture
- Rural Residential
- Tourist Accommodation
- Vacant
- 'Let's Fly' Paragliding
- Map of Africa Viewpoint

**WILDERNESS ERF 2003**

**LAND USE PLAN**

N  
 Projection: Transverse Mercator  
 Centre Lon: 22°33'40" E  
 Centre Lat: 33°59'32" S  
 Created: 2021/09/01  
 Scale: 1:6500  
Stored: Y:\GIS\Appointed Projects\PR2114 - Wilderness Erf 2003\Wilderness Erf 2003.map

**Marike Vreken**  
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 ☎ (044) 382 0438  
 e-mail: info@vreken.co.za  
 web: www.vreken.co.za