



**PROPOSED REMOVAL OF RESTRICTIONS, REZONING, CONSENT USE &  
PERMANENT DEPARTURES  
FOR JL HOLMES**

**ERF 301, WHITES ROAD, HOEKWIL, WILDERNESS HEIGHTS,  
GEORGE MUNICIPALITY AND DIVISION**



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Aerial images:

<https://gis.elsenburg.com/apps/cfm/#>

<https://gis.george.gov.za/portal/apps/webappviewer/index.html?id=0283eccf869641e0a4362cb099290fca>

<https://www.google.com/earth/>

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**PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, CONSENT USE &  
PERMANENT DEPARTURES:  
ERF 301, WHITES ROAD, WILDERNESS HEIGHTS,  
GEORGE MUNICIPALITY & DIVISION**

## 1. BACKGROUND INFORMATION

Erf 301 Hoekwil is a vacant small holding located in Wilderness Heights, on the border with Wilderness, overlooking the Touw River and the Indian Ocean. It is proposed to construct a primary dwelling with a few guest accommodation units. This development goal is to be reached by rezoning the property to Open Space Zone III (nature conservation area). The required process in terms of the *Outeniqua Sensitive Coastal Area Extension Regulations* is to be followed as well.

*Marlize de Bruyn Planning* was appointed to address the land use requirements for this development proposal. The power of attorney attached as **Annexure 1** to this report.

### 1.1 APPLICATION

This land use application for Erf 301 Hoekwil entails the following:

- Removal of Restrictive Conditions par. D(b) in terms of Section 15(2)(f) of the George Municipality: Land Use Planning By-Law, 2023;
- Rezoning in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-Law, 2023 from Agriculture Zone II (small holding) to Open Space Zone III (nature conservation area);
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-Law, 2023 for tourist accommodation;
- Permanent departure in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law, 2023 for the following:
  - Primary dwelling: increase in wall plate height from 6.5m to  $\pm 7.069$ m (south elevation),  $\pm 7.841$ m (east elevation) &  $\pm 8.037$ m (west elevation);
  - Tourist accommodation units: increase in wall plate height from 6.5m to  $\pm 6.336$ m,  $\pm 6.998$ m and  $\pm 7.480$ m respectively.

### 1.2 PROPERTY DETAILS

The table below includes relevant information regarding Erf 301 Hoekwil

<b>Property Description:</b>	Erf 301 Hoekwil
<b>Physical Address:</b>	Whites Road (Divisional Road 1621) (-33.990; 22.593)
<b>Owner:</b>	JL Holmes
<b>Title Deed No:</b>	T45493/21 ( <b>Annexure 2</b> )
<b>Bond Holder:</b>	None
<b>Size of the property:</b>	3.9641ha
<b>SG Diagrams</b>	2792/1961 ( <b>Annexure 4</b> )
<b>Zoning</b>	Agriculture Zone II (small holding)

The conveyancer's certificate attached hereto as **Annexure 3** confirms the restriction to be removed and that no bond is registered for the property.

## 2. CONTEXTUAL INFORMANTS

### 2.1 LOCALITY

Erf 301 Hoekwil borders onto the allotment area of Wilderness along its western and southern boundaries. The Touw River, at the closest point is just over 100m from the property's southwestern corner. This corner of the property also borders onto Waterside Road (from where this road is Divisional Road 1620). Whites Road forms the northern boundary of the property, which is also divisional road, Divisional Road 1621, from the subject property's north-western corner.

A locality plan is attached hereto as **Annexure 5** with an aerial locality below.



### 2.2 ZONING & LAND USE

Erf 301 Hoekwil is zoned Agriculture Zone II in terms of the George Integrated Zoning Scheme By-law, 2017. The aim of this land use application is to provide the property with the appropriate zoning considering its location, the nature thereof and the development proposed. The property is vacant at present.

The use of this property is proposed to change from vacant to the residential accommodation of the property owner and her family with tourist accommodation opportunities. Open Space Zone III (nature conservation area) makes this change in use possible with consent use for tourist accommodation. Detail of the zoning and land use are discussed later in this motivation report.

## 2.3 CHARACTER OF THE PROPERTY & THE AREA

The area abutting Erf 301 Hoekwil reflects the Wilderness character with residential opportunities, the Touw River, tourist accommodation and the Wilderness National Park. The development proposal for the property reflects what is found here. It can be stated that the property is located in a transition area between 'normal' single residential properties of Wilderness and the small holdings of Wilderness Heights. The development potential of the property is limited due to the topography. The topography informed the position of the structures as discussed in the paragraphs to follow. The property was surveyed with the contours included in the plans attached with this motivation report.

## 3. DEVELOPMENT PROPOSAL

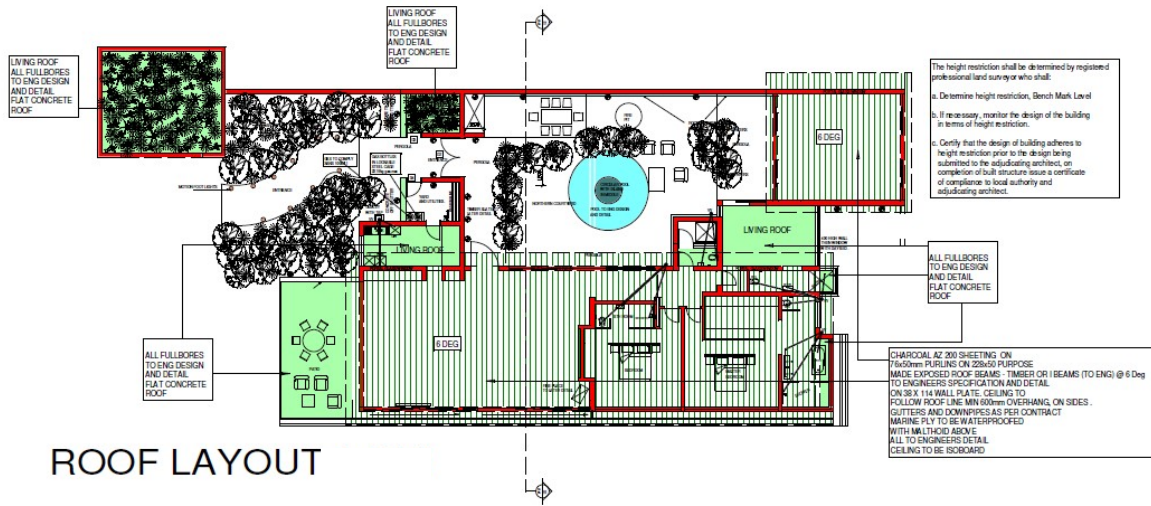
It is proposed to develop a 3-bedroom primary dwelling house on the vacant Erf 301 Hoekwil, Wilderness Heights. Its position is centrally on the property as close as possible to Whites Road, the northern boundary of the property. The site plan is attached hereto as **Annexure 6**. The access from Whites Road is, opposite the access to Erf 302 Hoekwil located north of the subject property and designed by an engineer. A double garage is positioned 10.875m from Whites Road and the dwelling a bit further at  $\pm 13.0\text{m}$ .

The single storey primary dwelling is proposed to have a mono-pitch roof to allow light in from the north and lower the total height of the structure. The proposed building plans (with the floor plan, elevations & sections) for the primary dwelling attached hereto as **Annexure 7**, shows how the structure is accommodated within an 8.5m parallel line with the slope of the property. Detailed height measurements are included on the elevations attached hereto. On the northern elevation (facing Whites Road) the maximum height is  $\pm 4.61\text{m}$ , on the western elevation  $\pm 8.037\text{m}$ , the east elevation  $\pm 7.841\text{m}$  and the south elevation  $\pm 7.069\text{m}$ . These elevation heights are the height measured from natural ground level (NGL) to the wall plate height. According to the zoning by-law height from NGL to wall plate should be 6.5m. Due to the topography of the property, this is not possible. If the highest point of the proposed mono-pitch roof was turned to face south and not north as in this instance, the wall plate height would have been complied with and the highest point of the mono pitch roof would in all probability complied with the maximum parameter of 8.5m. Facing the mono pitch roof to the south, would however cause the proposed dwelling to not follow the contours of the property and be higher than viewed from the south. The proposed design ensures that the primary dwelling is lower as viewed from the south.

The proposed tourist accommodation units will also have mono pitched roofs, following the topography. The same principles regarding height as described above with the primary dwelling applies to the proposed tourist accommodation units. The wall plate height as measured from NGL for the proposed 6 tourist accommodation units varies between  $\pm 6.336\text{m}$ ,  $6.998\text{m}$  &  $7.480\text{m}$  respectively dependent on the underlying topography.

The primary dwelling and proposed tourist accommodation units is positioned to consider topography, and access and vegetation. Due to the slope and existing vegetation, part of the structures will be hidden by the vegetation. The skyline cannot be broken, and the supporting pillars cannot be visible due to vegetation.

What is further of importance is that part of the roof of the proposed primary dwelling will be a living roof. See image below.



The proposed zoning, Open Space Zone III (nature conservation area) includes a possible consent use for tourist accommodation. It is proposed to include 6 such tourist accommodation opportunities in the developable section of the property. These units will not be accessible by car, only by foot as they will be linked with paths/walkways between the vegetation. Parking is to be provided in the area of the double garage. The tourist accommodation units will be one-bedroom units between the vegetation of ±50m<sup>2</sup> each, which includes outdoor spaces. It is also proposed to be mono-pitch, single storey structures with a maximum height of ±7.48m, as determined by the topography. The proposed building plan for the tourist accommodation units (referred to as pods by the architect) is attached hereto as **Annexure 8**. The units will not be identical in size, but the building materials and finishes will be the same.

As stated earlier, due to the topography and the existing vegetation found on the property, the structures will be hidden in part by the vegetation. The supporting pillars for the structures will hardly be visible, if at all. Below follows 3D impressions of the proposed development for Erf 301 Hoekwil, Wilderness Heights. First is the view of the primary dwelling and its double garage from the west with the living roof visible.



Below is a view of the primary dwelling to the right and a few tourist accommodation units to the west (artist impression).



The third 3D image below gives a close-up view of two proposed tourist accommodation units.



As seen on the site plan (**Annexure 6**) an existing walking trail is acknowledged. It was found by the owner following the purchase of the property and leads down to Waterside Road. Due to the vegetation covering the property, this walking trail is not visible from public view.

The photo to follow on the next page was taken from the southwest ( $\pm 700\text{m}$  away from a position south of the N2-route) with the location of Erf 301 Hoekwil marked in a yellow dashed rectangle. It confirms that the skyline cannot be negatively affected by this development proposal and that the structures will sit between the vegetation.





The 6 tourist accommodation units can be compared with a guest house with 6 guest rooms (the maximum number of guest rooms in general possible for a guest house). Separating the 6 tourist accommodation units, prevents one big structure with 6 and more interleading rooms. The fragmented design suits the natural environment and the physical characteristics of the property.

## 4. CONSIDERATION OF THE APPLICATION

### 4.1 STATUTORY INFORMANTS

The criteria for the consideration of land use applications as per the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SLPUMA), the Western Cape Land Use Planning Act, (Act 3 of 2014) (LUPA) and the George Municipality: By-law on Municipal Land Use Planning (2015) builds on each other. SLPUMA introduced legislative and procedural changes to the management of land use planning in South Africa. The Western Cape Province followed with LUPA and thereafter George Municipality with the Municipal Land Use Planning By-law (2015). What is relevant to this land use application is discussed in the paragraphs to follow.

#### 4.1.1 SPATIAL PLANNING & LAND USE MANAGEMENT ACT, 2013 (SPLUMA)

Section 7 of this Act sets out the five development principles that are applicable to spatial planning, land development and land use management and section 42 of SPLUMA then refers to the factors that must be considered by a municipal tribunal when considering a land use planning application, which include but are not limited to:

- Five SPLUMA development principles;
- Public interest;
- Constitutional transformation;
- Respective rights and obligations of all those affected;
- State and impact of engineering services, social infrastructure and open space requirements;
- Compliance with environmental legislation.

#### 4.1.1.1 Five development principles

The five development principles of SPLUMA, namely spatial justice, spatial sustainability, efficiency, spatial resilience and good administration are not all directly relevant to this land use application.

Spatial justice as described in Section 7(a) of SPLUMA is not relevant to this land use application.

Spatial sustainability as described in Section 7(b) of SPLUMA is relevant as an existing vacant property is to be rezoned to reflect the character of the property with the subsequent use of the property for tourist accommodation purposes. This will make it accessible to the public.

Prime and unique agricultural land is not affected by this land use application. Environmental matters are relevant and is addressed through the required Outeniqua Sensitive Coastal Area Extension (OSCAE) – permit application.

The effective and equitable functioning of land markets is not negatively affected by this land use application. It is stated that all current and future costs to all parties for the provision of infrastructure and social services in land developments must be considered. These aspects are not negatively affected by this land use application.

It is further stated in this section of SPLUMA that land development in locations that are sustainable and that limits urban sprawl, must be promoted. This proposal is not in conflict with principles of the urban edge as this is not an urban development.

This development proposal should not have a negative impact on the community of Wilderness as it reflects the character of Wilderness. The scale of the proposal is also limited.

Efficiency as described in Section 7(c) of SPLUMA is supported. This development proposal for Erf 301 Hoekwil aims to utilise vacant land in accordance with its potential.

This proposal cannot have a negative impact regarding financial, social, economic or environmental considerations for the relevant authorities. The relevant factors are discussed in this motivation report.

The last aspect in this section of SPLUMA states that development application procedures must be efficient and streamlined and timeframes must be adhered to by all parties.

Spatial resilience as described in Section 7(d) of SPLUMA is not fully relevant to this land use application.

Good Administration as described in Section 7(e) of SPLUMA indicates the responsibilities of all involved in any land use matter.

The paragraphs above show that the land use application for Erf 301 Hoekwil supports the relevant development principles of SPLUMA.

#### 4.1.1.2 Public Interest

The public interest of this land use application for Erf 301 Hoekwil is limited due to its location. Due to the limited scale of the development proposal together with the locality, no negative impact on the residents of Wilderness and Wilderness Heights are expected.

### 4.1.1.3 Municipal Engineering Services & Access

The civil engineering services to be provided was assessed by S&Z Consulting Engineers. The report is attached hereto as **Annexure 9**. It describes the access and driveway for the property. Stormwater management is also addressed. The latter will be dispersed over large areas into the vegetation to prevent concentrated run-off and erosion. Rainwater harvesting tanks will also be provided with overflow connected to artificially constructed swales.

Municipal water is to be provided from the 50mm diameter existing connection (north-eastern corner of the property) which is more than ample for the proposed development.

The property has access to a 160mm diameter municipal sewer line along the southern boundary with Waterside Road. It will be possible to connect to this line.

The proposed design of the access and driveway, also by S&Z Consulting Engineers, are attached hereto as **Annexure 10**.

Electrical service provision was investigated by BDE Consulting Engineers. According to the Directorate: Electro-Technical Services, the property does not have access to electrical services at present. Reticulation design and construction are being addressed. Correspondence from this directorate is attached hereto as **Annexure 11**.

As mentioned earlier the property obtains access from Whites Road in the north, which is a provincial road, namely Divisional Road 1621. Erf 301 Hoekwil also borders onto Waterside Road in its south-western corner, which is also a provincial road, namely Divisional Road 1620.

### 4.1.1.4 Environmental Considerations

Erf 301 Hoekwil, located in Wilderness Heights, is included in the Outeniqua Sensitive Coastal Area Extension with the required permit application process to be followed. The vegetation is indicated to be Garden Route Granite Fynbos, and part of the Eastern Fynbos Renosterveld Bioregion.

A large section of the property is steeper than 1:4 which was considered with the site plan (**Annexure 6**). The development is proposed north of the area marked red in the image below:



The required process in terms of the applicable environmental legislation is to be followed.

#### **4.1.2 WESTERN CAPE LAND USE PLANNING ACT, 2014 (LUPA)**

LUPA requires that local municipalities consider the following when deciding on land use applications:

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59) which is an expansion of the five development principles of SPLUMA;
- Desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

Section 19(1) and (2) of LUPA refers to **consistency** and **compliance** of a land use proposal regarding spatial development frameworks or structure plans. Considering the aim of this land use application for Erf 301 Hoekwil, it was found to be consistent with the George Municipal Spatial Development Framework (GMSDF) as well as the Wilderness-Lakes-Hoekwil Local Spatial Development Framework (WLH LSDF) as discussed later in this motivation report.

#### **4.1.3 GEORGE MUNICIPALITY: LAND USE PLANNING BY-LAW, 2015**

The general criteria for the consideration of applications in terms of this By-law are included in Section 65 which, inter alia, includes:

- Desirability of the proposed utilisation of land;
- Impact of the proposed land development on municipal engineering services;
- Integrated development plan, including the municipal spatial development framework, the applicable local spatial development framework and/or local structure plans;
- Relevant municipal policies;
- Western Cape Provincial Spatial Development Framework;
- Section 42 of SPLUMA (public interest, constitutionality);
- Land use planning principles transposed from LUPA; and
- Provisions of the applicable zoning scheme.

#### **4.1.4 GEORGE INTEGRATED ZONING SCHEME BY-LAW, 2017 (GIZS)**

Erf 301 Hoekwil is zoned Agriculture Zone II (small holding) in terms of the George Integrated Zoning Scheme By-law (GIZS) (2017). It is proposed to rezone the property to Open Space Zone III (nature conservation area) with consent use for 6 tourist accommodation units.

The objective of the proposed zoning is:

*Open Space Zone III (nature conservation area) aims to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.*

With the rezoning of the property, it is proposed to conserve the property as a nature area along a ridge. Only one of the 8 possible consent uses are included with this land use application, namely tourist accommodation (6 units).

The land use description for tourist accommodation includes the various forms of tourist accommodation but in this instance 'chalets' are proposed:

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

*(a) consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only;*

*(b) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads; and*

*(c) does not include a hotel or wellness centre.*

The tourist accommodation units can each accommodate two visitors. Access is provided along paths with vehicles to be parked in the area of the garage.

The zoning plan is attached hereto as **Annexure 12**.

The site plan (**Annexure 6**) shows that the location of structures were chosen due to access and topographic considerations. The 5m building line as determined by Act 21 of 1940 is shown on the site plan.

As mentioned earlier, the 6 tourist accommodation units compare with 6 guest rooms which could have been considered for the property if the zoning remained Agriculture Zone II (small holding). The rezoning to Open Space Zone III with a fragmented architectural and physical design, considers and respects the natural environment in which it is located.

The last aspect of the zoning by-law to be addressed is the permanent departure requested for the increase in the wall plate height as measured from NGL. As discussed in Par. 3 of this motivation report earlier, the wall plate height for the primary dwelling and the tourist accommodation units of 6.5m cannot be complied with due to the topography. If the mono-pitch roof is switched other way around – not facing north but south, no height departure will be needed. The proposed structures will then not follow the contours of the property. Regarding the location of the property, it is considered to be favourable to follow the contours with any development rather than the applicable development parameter.

As an alternative, it could also be considered to cut the proposed structures deeper into the slope. This is however also not seen as favourable as it will cause scarring in the landscape. The proposal for the primary dwelling and the tourist accommodation units strikes a balance between increase in height, the topography and cutting into the natural landscape.

## 4.2 SPATIAL PLANNING INFORMANTS

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

Erf 301 Hoekwil is not addressed specifically in the GMSDF. It is located in Wilderness Heights, a small holding area of the greater Wilderness. The GMSDF refers to the Wilderness – Lakes –

Hoekwil Local Spatial Development Framework (WLH LSDF) (2015) in which study area the subject property is located.

The *Western Cape Land Use Planning Guidelines: Rural Areas (2019)* was also assessed with no conflict identified as the small holding area will not expand. Nature conservation and tourist accommodation are associated land uses in the rural environment.

No conflict was found between the GM SDF and the proposed development of this property as described in this motivation report. Therefore, this application is consistent with the GM SDF as required in terms of Section 19 of the Land Use Planning Act, 2014 (LUPA).

#### **4.2.2 WILDERNESS – LAKES – HOEKWIL – LOCAL SPATIAL DEVELOPMENT FRAMEWORK (WLH LSDF) (2015)**

Erf 301 Hoekwil is located in the small holding area of Wilderness Heights as indicated in the WLH LSDF. An area indicated as 'protected areas' together with the Wilderness National Park is located to the south and east of the subject property. By rezoning the property to Open Space Zone III (nature conservation area), it expands the protected area with the appropriate zoning. It should be noted that the abutting Remainder Erf 1262 Wilderness was recently rezoned to Open Space Zone III. This property links with the Wilderness National Park towards the east.

##### ***Landscape character***

The WLH LSDF states that the landscape character and view sheds along tourism routes *must be protected by appropriate guidelines and even regulations to ensure that this landscape and visual resource is protected for the generation to come.*

Paragraph 3 of this motivation report shows that the landscape character is not negatively affected by the development proposal for Erf 301 Hoekwil with focus on the proposed owner's dwelling and 6 tourist accommodation units.

The WLH LSDF lists the following as the *various elements that contribute to the importance of the landscape character and view sheds along tourism routes:*

- a) Wilderness qualities and pristine eco-systems – the forests and lakes and the coastline on either side of the tourism routes;*
- b) Areas with formal protected status such as the Garden Route National Park;*
- c) Heritage sites or Scenic routes – the views from various routes through the area includes spectacular visual experiences particular the forested south facing slopes of the steep escarpment north of the lakes;*
- d) Outstanding rural and townscape qualities;*
- e) Wilderness" special character and sense of place;*
- f) Important tourism and recreation value;*
- g) The Touw River catchment area providing the primary water source for the area;*
- h) Important Vistas or scenic corridors – visually prominent ridgelines and slopes – in Wilderness this is a very important component of the landscape character.*

Whites Road and also Waterside Road are tourism routes which will be supported by this development proposal Erf 301 Hoekwil. The proposed zoning will ultimately link with the Wilderness National Park (part of the Garden Route National Park) located close by. The limited number of tourist accommodation units will provide access to the Wilderness character & sense of place. Importantly, the ridgeline and slope of the subject property will not be negatively affected as shown earlier in this motivation report.

The WLH LSDF also provide guidelines for all development applications for change in land use which includes rezoning, departures, consent, subdivision and building plan approvals. It is stated that land use changes including large-scale infrastructure that may have an impact on the sensitive landscape and visual resources should be avoided as far as possible. These include the following as included in the table below with the relevance to the subject property indicated:

<b>Guidelines pertaining to land use changes</b>	<b>Relevance to Erf 301 Hoekwil (Wilderness Heights)</b>
A change in land use from the prevailing use;	The property is vacant at present. The addition of the owner's dwelling and 6 tourist accommodation units utilises a small section of the property while rezoning the largest part of the property to reflect the 'use' of the property, namely protected vegetation (forest).
A use that is in conflict with an adopted plan or vision for the area;	The proposed development supports the vision for the greater Wilderness.
A significant change to the fabric and character of the area;	The character of the area is supported.
A significant change to the townscape or streetscape;	Not relevant due to the specific location of the owner's dwelling and 6 small tourist accommodation units. Structures are proposed to be positioned in/between the vegetation.
Possible visual intrusion in the landscape such as developments that are proposed on skylines, are out of scale and causes light pollution during the night, etc	Not relevant as shown in this motivation report.
Obstruction of views of others in the area.	Not relevant as shown in this motivation report.

It is further stated that if development has to occur in these sensitive landscapes or along scenic routes due to existing rights or other circumstances, it must be sensitive to the landscape and natural visual resources. How layout, buildings, density, landscape treatment and infrastructure should be treated is listed below with the relevance to Erf 301 Hoekwil indicated in the table to follow:

<b>How development should be treated in sensitive landscapes or along scenic routes</b>	<b>Relevance to Erf 301 Hoekwil (Wilderness Heights)</b>
Be visually unobtrusive,	This motivation report shows that the proposed development cannot be visually obtrusive due to the limited scale and specific location.
Utilise materials and colours that originate from or blend into the surrounding landscape	The images included in this motivation report and architectural plans reflect these aspects.
Be grouped in clusters with open spaces between clusters,	This is relevant as the owner's dwelling and 6 tourist accommodation units are grouped together along the internal access route.
Not interfere with the skyline, landmarks, major views and vistas,	This land use application shows that the development proposal will not interfere with the skyline, landmarks, major views and vistas
Not result in light, noise or effluent pollution	The scale and location of the development should not result in these forms of pollution.
Not result in excessive water consumption, and should incorporate a requirement for rainwater collection as part of the building,	Rainwater harvesting is standard with any new structure. The scale of the development proposal is also limited as shown.
Respond to the historical, architectural and	The development proposal responds to the

landscape style of surrounding layout and buildings,	potential the property offers. It will add a few structures to an area with limited structures.
Incorporate existing man-made or natural landmarks and movement patterns	Not relevant
Keep and protect a visual buffer along the N2 National Road as far as possible.	The N2-route and views from it is not affected by this development proposal.

### **Natural environment**

The WLH LSDF states that the natural environment is protected by a range of mechanisms which includes the national parks, legislation such as the Forest Act, and procedural mechanisms such as EIA's and the OSCAE-regulations. Again, guidelines are provided for development applications affecting the natural environment. The table below includes these guidelines with the relevance to the subject property indicated:

<b>The natural environment is protected by a range of mechanisms – the planning process and planners in general should ensure:</b>	<b>Relevance to Erf 301 Hoekwil (Wilderness Heights)</b>
That the proposed activity is not restricted or managed in terms of legislated procedures (so-called listed activities) such as the National Environmental Management Act, National Heritage Act, National Environmental Waste Act, etc, and to initiate the appropriate procedures;	Requirements in terms of the environmental legislation is addressed through an EAP (environmental assessment practitioner).
The affected environment (either geographically or the type of environment) is not protected in terms of legislated restrictions such as the Coastal Management Act, National Forest Act, Lakes Area Act; etc.;	The subject property is protected by environmental legislation which is addressed at the various stages of the development, if applicable.
The affected area is not identified as a sensitive area in terms of national, provincial or local guidelines, information documents, and maps such as Spatial Development Plans, sectoral plans, the GRI Handbook, EMF's, etc.;	The subject property is a sensitive area which is considered in the application process.
Finally, the relevant planning official, consultant, council or decision taker should ensure that in addition to any of the above identified activities and environments, whether legislated or not, due consideration should be given to any other sensitive natural environment and to initiate appropriate procedures to ensure that the natural environment is not adversely affected.	Due to the location of the property and its character, the natural environment forms the basis of the proposal and the process followed.

It is our conclusion that the development proposal for Erf 301 Hoekwil does not negatively impact on the landscape character of the area and will also not have a detrimental impact on the natural environment in which it is located.

Considering the foregoing paragraphs and the nature of the proposed development of Erf 301 Hoekwil, we found no conflict with the WLH LSDF.



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

Erf 301 Hoekwil is located in a more rural setting due to its location in Wilderness Heights abutting Wilderness and proximity to the Wilderness National Park and the Touw River. The property is also located outside of the urban edge. The Western Cape Land Use Planning Guidelines: Rural Areas (2019) therefore applies to the Erf 301 Hoekwil.

The objectives of the Rural Areas guideline are:

- *Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive 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).*
- *Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.*
- *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.*

The proposal for Erf 301 Hoekwil is found not to be in conflict with the abovementioned objectives.

The Garden Route is described as *an area of outstanding natural beauty, made up of wilderness and agricultural landscapes, estuaries, mountain backdrops and coastal settings, including the well-watered and verdant landscapes. The Southern Cape coastal belt has been identified as a significant leisure, lifestyle, holiday, and retirement economic centre – which stretches from Plettenberg Bay and Nature's Valley in the east, to Mossel Bay in the west, with the George/Mossel Bay settlement concentrations being a significant emerging regional economic node of the Province.*

Regarding the spatial planning categories (SPC), Erf 301 Hoekwil is indicated as a critical biodiversity area (CBA) which is further described as *Core 1*. *Core 1* can be protected areas or CBA's. The latter then describes the subject property. It is stated that *CBA's should be maintained in a natural state or near-natural state with no further loss of natural habitat.* The proposal for Erf 301 Hoekwil aims to provide accommodation for the property owner and tourists on a section of the property with a suitable slope while the property will also be protected with the appropriate zoning.

As only a small section of the subject property has a suitable topography for development, human impact is restricted. The Rural Areas guideline further states that overnight accommodation can be provided in a CBA-area with *temporary structures preferred (e.g. wooden structures, tents, raised boardwalks, and/or tree canopy structures), with units carefully dispersed or clustered (depending on the landscape, habitat and existing infrastructure and access) to achieve least impact. The use of alternative porous materials and innovative eco-friendly design concepts are encouraged.*

The development proposal for the subject property within the section to be zoned Open Space Zone III makes the execution of the foregoing paragraph possible.

As only 6 tourist accommodation units are proposed, the Rural Areas guideline regard it as a small resort where the floor area of a unit can be up to 120m<sup>2</sup>. As indicated in this motivation report, the 6 tourist accommodation units is proposed to be ±50m<sup>2</sup> each. The development space on the property is limited as discussed earlier.

We conclude that the development proposal for Erf 301 Hoekwil holds no conflict with the Western Cape Land Use Planning Guidelines: Rural Areas (2019).

### 4.3 Need & Desirability

Need and desirability is the balancing of various factors. **Need** depends on the nature of a development proposal. E.g. the need for a new primary dwelling house differs from the need to do an industrial development. Erf 301 Hoekwil is located in the rural environment bordering onto an urban area and urban edge. The property is located in Wilderness Heights which is characterised by a mix of urban and rural characteristic within a sensitive natural environment. People, whether tourists, visitors or residents of the area, need to experience the beauty of the natural environment the greater Wilderness area offers.

Due to the natural characteristics of the property, its development potential is limited as described earlier in this report. The development proposal reacts to what the environment provides. With the appropriate zoning the vision for the area where Erf 301 Hoekwil is located as shown in the GMSDF and the WLH LSDF, will become a reality.

This development proposal for the subject property therefore will fulfil a need for residential accommodation of a family together with opportunities for tourists and visitors to the area. Limited employment opportunities will be created.

**Desirability** from a planning perspective is defined as the degree of acceptability of a proposed development on a property. The relevant factors include the physical characteristics of the property, existing planning in the area, character of the area, the locality and accessibility of the property as well as the provision of services. Another important consideration is the economic or financial impact which is only positive in this instance.

#### ***Physical characteristics of the property***

The physical characteristics of the property informed this land use application as discussed in the foregoing paragraphs. As stated, the position of the primary dwelling and tourist accommodation units is the most suitable section of the property.

#### ***Existing planning in the area***

As indicated earlier in this motivation report, this land use application is not in conflict with any relevant spatial plan applicable to the area where Erf 301 Hoekwil is located.

#### ***Character of the area***

Erf 301 Hoekwil is located in an area characterised by natural vegetation and steep slopes, residential opportunities, guest accommodation with views to the south. The proposal supports and compliments what is found in the area as discussed in various paragraphs of this motivation report.

#### ***Provision of services***

Municipal engineering services is to be provided in accordance with municipal requirements.

#### ***Economic impact***

This development proposal cannot have a negative economic impact. It will generate and support economic activity. The Municipality can only benefit economically from this proposal.

**Direct impact on surrounding properties**

No neighbour will be overshadowed or overlooked due to the specific locations, topography and vegetation.

It is our view that the need and desirability of this development proposal for Erf 301 Hoekwil showed no negative impacts.

**4.4 PRE-APPLICATION CONSULTATION**

The following comments were provided with the pre-application consultations (**Annexure 13**):

Town Planning

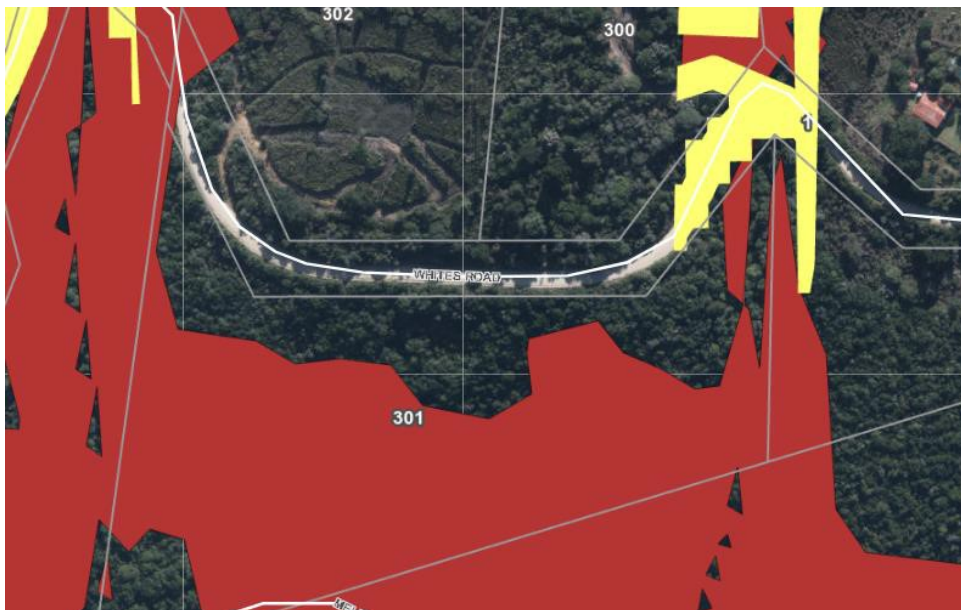
- *Need to address compliance with MSDF, WHL LSDF, SPLUMA, Zoning Scheme etc.*

The relevant paragraphs of this motivation report show compliance with the mentioned documents.

- *To consult and address the Rural Development Guidelines.*

The relevant paragraphs of this motivation report discuss the mentioned Rural Development Guidelines.

- *The property is located in an area with extreme environmental constraints. See images below that show the 1:4 slopes, rivers, critical biodiversity area etc.*



The site plan (**Annexure 6**) includes a red line which is the upper edge of the red area indicated above.

- *The property is also located within the Outeniqua Sensitive Coastal Area (OSCA) and will require a permit. The necessary investigations will have to be done simultaneously with the land use application, as the environmental constraints will determine the location and footprints of the structures.*

The required process in terms of the OSCAE-regulations is being followed at present. As shown in the paragraphs of this report and the discussion in this section regarding the pre-application, the location of the primary dwelling and proposed tourist accommodation units do consider the topography, slope and other environmental considerations of the property.

- *All buffers/no go areas to be indicated on the plan.*

As stated, the site plan (**Annexure 6**) shows that the structures are proposed for the section of the property with the most suitable slope. The watercourses on the western and eastern edges of the property are not affected by the location of the structures. The latter is centrally located on the property, as close as possible to the road forming the northern boundary.

- *An environmental Management Plan will also be requested.*

This is being addressed through the OSCAE-process.

- *To confirm if any activities are triggered in terms of NEMA.*

The environmental assessment practitioner will obtain the required confirmation from the competent authority.

- *Comments from, inter alia, SanParks, Cape Nature and DEADP will be compulsory.*

This will be obtained through the public participation process to be followed.

- *To consider placing the development as close to Whites road. (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 site plan (Annexure 6) shows that the structures are placed as close as possible to Whites Road, forming the northern boundary of this property.

- *Structures/Tourist accommodation units to be clustered together (with smallest possible footprint) to mitigate vegetation loss and visual impact.*

The structures are placed in a narrow section of the property between the line of the 1:4 slope and the northern boundary with Whites Road (considering the 5m building line along provincial roads) as well as the designed access route from Whites Road.

- *The stilts will have a visual impact as seen from the south. The necessary mitigation will have to be imposed.*

Due to the structures being placed in between vegetation and the growth thereof, the stilts is not expected to have any negative visual impact. If a large section of the property was cleared, the stilts would have been visible. Limited clearing will however take place.

- *To indicate wall plate height and max height on all the units as measured from the natural guidelines.*

See the plans attached hereto as **Annexure 7 & 8**.

Engineering Services Departments:

- *To confirm the provision of engineering service requirements in electrical capacity.*

See **Annexure 9 & 11** of this motivation report.

## 5. CONCLUSION

It is our opinion that the proposed development of Erf 301 Hoekwil as outlined in Paragraph 1.2 and discussed in this motivation report, is consistent with the overall spatial objectives applicable to the area. The character and nature of the property will be protected with no negative impact expected for any neighbour.

Erf 301 Hoekwil is located between Whites Road in the north and a small section of Waterside Road which is a tourism route between the Village of Wilderness and the Wilderness National Park. Municipal infrastructure is available in the area. The local authority will benefit from services contributions, enhanced municipal taxes. Employment opportunities will be created, and other sectors of the economy will be supported even if on a small scale.



**MARLIZE DE BRUYN Pr. Pln**

**February 2023**