

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	jfourie@george.gov.za
Pre-applicant	Marike Vreken	MV TRP	044-382-0420	marike@vreken.co.za

Documentation provided for discussion:

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

Annexure:	Description:	Ref No	Date
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 200m², 175m² decking and 30m² for the pool equalling a total footprint of 405m².

The 4x cottages of about 98m² plus 42m² 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>Western Cape</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>Critical Biodiversity Areas</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":

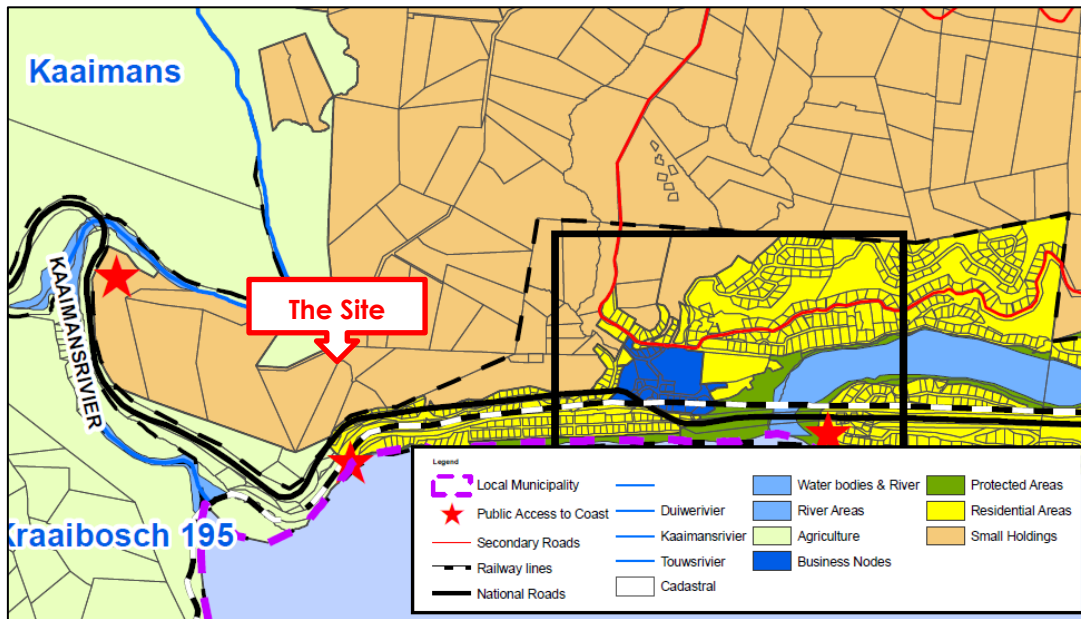


FIGURE 5: EXTRACT WILDERNESS LAKES SDF

- *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:

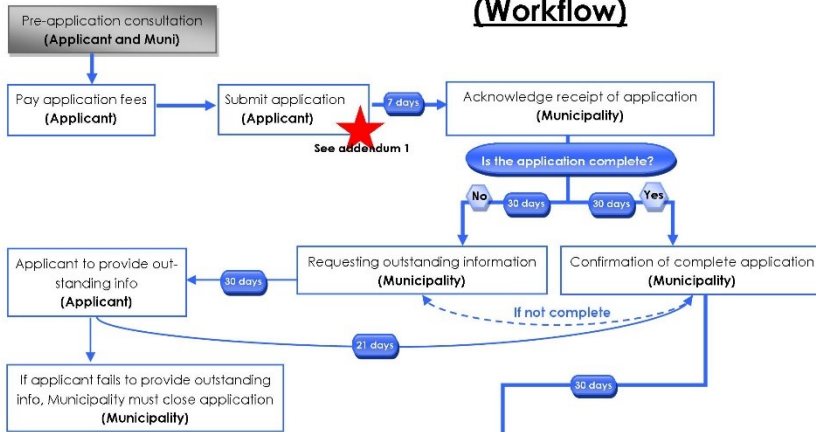
- *consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only.*
- *may include the provision of a camping site, caravan park, chalets or mobile home park,*
- *resort shop, private or public roads; and does not include a hotel or wellness centre..."*

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?

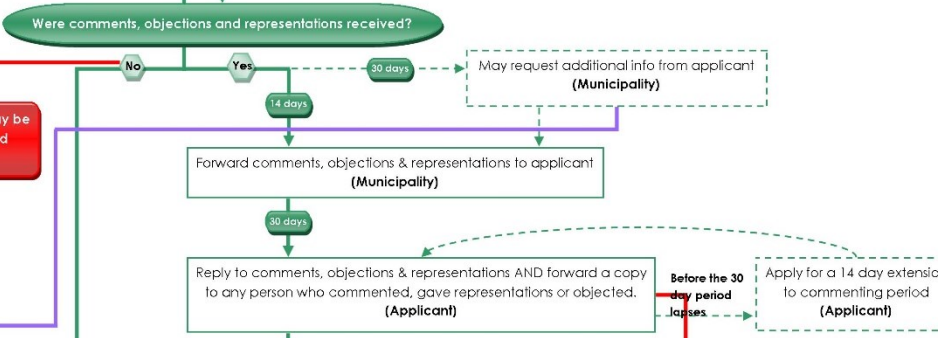
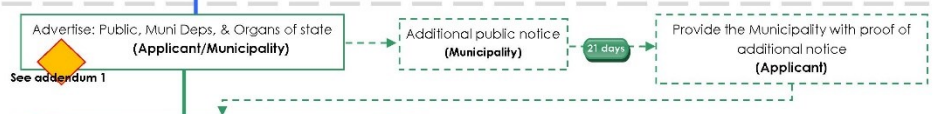
**Draft By-Law on Municipal Land Use Planning
(Workflow)**

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

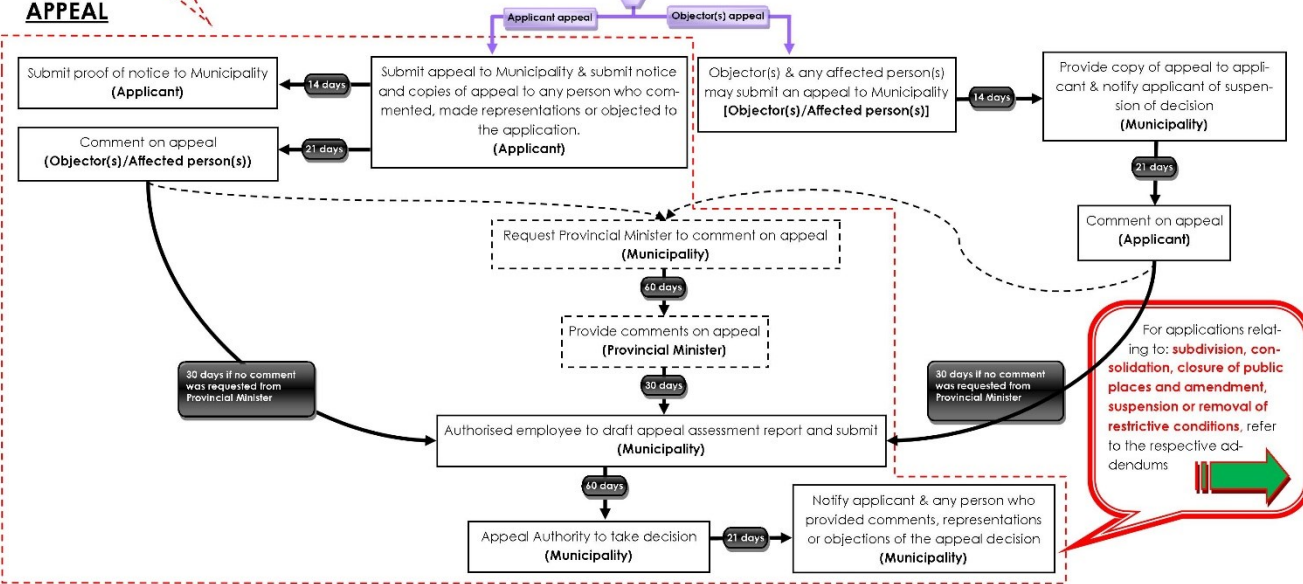


DECISION



APPEAL PROCESS

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
X	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	TBD
	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
X	2(o)	a consent use provided for in the zoning scheme;	TBD
	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
TOTAL APPLICATION FEE*:			TBD

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	Conveyancer Certificate required
Any other Municipal by-law that may be relevant to application? (If yes, specify)		X		
Zoning Scheme By-law considerations:				
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>YES</p> <p>_____</p> <p>Are additional applications required to deviate from the zoning scheme? (if yes, specify)</p> <p>No _____</p>	
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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>(strikethrough irrelevant)</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?		X		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on? (strikethrough irrelevant)		X		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

SECTION D:

SERVICE REQUIREMENTS

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

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

COMPULSORY INFORMATION REQUIRED:

Y	N		Y	N	
		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	Conveyancer's Certificate	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	Copy of original approval letter (if applicable)
Y	N	Site development Plan	Y	N	Landscaping / Tree Plan
Y	N	Abutting owner's consent	Y	N	Homeowners' Association consent (Dolphin's Leap Homeowners Association)
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) (strikethrough irrelevant)	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 Storm water management plan Geotechnical report Visual Impact Assesement	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 Remskoen 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