



### Comments and Response Report

**The Proposed Construction of a Residential Dwelling and Four Self-Catering guest cottages on Erf 2003, Wilderness**

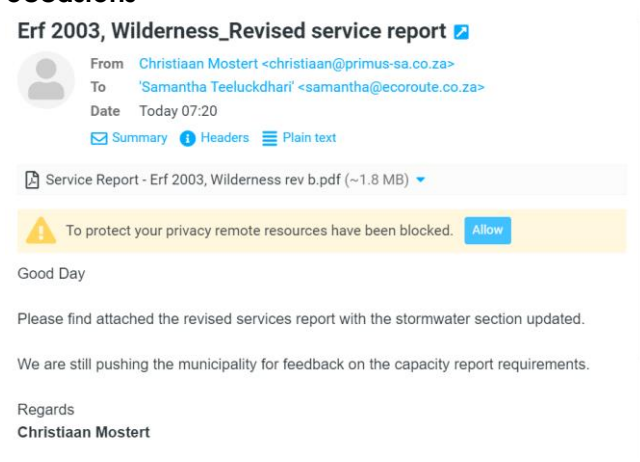
**DEA&DP Ref. No: 16/3/3/1/D2/55/0001/24**

COMMENTS	RESPONSE
<b>COMMENTS RECEIVED IN RESPONSE TO DRAFT APPLICATION REPORT -</b>	
<b>STATE DEPARTMENTS</b>	
<b>Department of Environmental Affairs and Development Planning (DEA&amp;DP) – Shireen Pullen – 01.03.2024</b>	
1. The abovementioned document received by the Directorate: Development Management (Region 3), hereinafter referred to as "this Directorate" via electronic mail on 19 January 2024 refers.	
2. This letter serves as an acknowledgment of receipt of the Draft Basic Assessment Report by this Directorate on 19 January 2024.	

<p>3. It is understood that the proposal has been amended and now entails the clearance of more than 300m<sup>2</sup> critically endangered vegetation and the establishment of tourism accommodation outside the urban area of Wilderness, within 5km of the Garden Route National Park and Kaaimans River Gorge Reserve to establish the following:</p> <ul style="list-style-type: none"> <li>• 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = Total footprint 405m<sup>2</sup></li> <li>• 4 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit = Total footprint 560m<sup>2</sup></li> <li>• Associated infrastructure consisting of: <ul style="list-style-type: none"> <li>&gt; parking areas in the northwestern section of the property that also makes provision for a total of 8 x vehicles of approximately 337m<sup>2</sup></li> <li>&gt; a wooden decking walkway of approximately 194m<sup>2</sup> that will be 0.5m above the forest floor meandering through the trees to the pods, from the parking areas to the main dwelling; and</li> <li>&gt; a sewage treatment plant.</li> </ul> </li> </ul>	<p><b>Agreed</b></p>
<p>4. This Directorate has reviewed the draft BAR and comment as follows:</p> <p>4.1. The draft BAR states that the proposed development will blend in with the natural surroundings and will not be visible from the adjacent properties or the N2 and will therefore not impact on the visual character or sense of place in the area. However, it is re- iterated that it is not clear on what findings and assessment the statement is based, as there is no Visual Impact Assessment attached to the draft BAR that complies with Appendix 6 of the NEMA EIA Regulations, 2014 (as amended 2017). The Visual Impact Photomontage is not regarded as a Visual Impact Assessment and it is noted that you have re-submitted the Photomontage, despite the fact that this issue/concern has been raised previously by this Directorate in the comment on the application form. Please ensure that you implement the Guideline for Involving Visual and Aesthetic Specialists in EIA Processes of this Department.</p>	<p><b>4.1 Please see attached Appendix G7 for VIA.</b></p>

<p>4.2. The inclusion of the Visual Impact Photomontage and the input by an Architect is therefore considered insufficient to assess the landscape impact (such as tranquillity, beauty, a sense of place) and visual impact of the proposed development on people (i.e. neighbouring/surrounding residents and public road users, which this Directorate regards to be the main visual receptors that will be affected by the potential changes in views, visual amenity at different places, including publicly accessible locations and residential properties). Failure to undertake a visual impact assessment that complies with Appendix 6 may prejudice the success of the application.</p>	<p><b>4.2 Please see attached Appendix G7 for VIA.</b></p>
<p>4.3. Furthermore, the specific section in the draft BAR that deals with the assessment of the identified alternatives should be informed by the findings and recommendations of the Visual Impact Assessment and not be based on the result of a photomontage constructed by an Architect, which is not a visual specialist.</p>	<p><b>4.3 The DBAR has been amended to include the findings of the visual specialist.</b></p>
<p>4.4. It is further evident that there will be disturbance to and removal of indigenous vegetation, trees, topsoil, animal and plant habitat. The applicant must ensure that he/she consults with, and obtains the necessary permits for the removal of any indigenous or protected vegetation/tree species from the relevant authorities, prior to any form of land clearing or disturbance.</p>	<p><b>4.4 This recommendation is included in the BAR and EMPr.</b></p>
<p>4.5. It is stated in the report that; "The system provides optimised nitrification and effluent quality to a standard that meets the requirements of the South African Department of Water Affairs and sanitation (DWS) for the release of such treated effluent back into the environment to meet the General Limit Values (GLV) in terms of Section 9 of the National Water Act No. 36 of 1998 (Re Source Water Solutions)." However, it is not clear where in the environment the treated effluent will be released or whether there will be a secondary use of the treated effluent that will be discharged from the treatment system, given the fact that the mid-section of the property represents a drainage valley and channel, which could be subjected to possible pollution.</p>	<p><b>4.5 Very little treated effluent water will be produced, and it will be pumped to irrigation storage and re-used. The property owner will have a sprinkler system that can disperse the water into the surrounding forest. BOCMA have confirmed that a General Authorisation registration for Activity 21(e) is required. This registration will be applied for should Environmental Authorisation be granted.</b></p>

<p>4.6. The management of stormwater on the subject property is critical, as the property is characterised by a prominent drainage valley and channel, which drains water and surface runoff down towards the N2 national road that runs below it with very slippery sandy and clayey slopes that have collapsed on numerous occasions in the past, due to disturbance activities occurring at the top. The cumulative effect of activities occurring at the top of mountainous properties or slopes can have a detrimental impact on both ecological or man-made infrastructure, which cannot be ignored. The impacts of the nature, extent and scope of the proposed development and its associated activities/infrastructure must be assessed holistically from both a site specific and cumulative perspective, given the location of the subject property in the context of the surrounding environment that are sensitive to any form of indiscriminate disturbance. It is acknowledged that the methodology to determine the significance ratings of the potential environmental impacts and risks associated with alternatives relates to direct, indirect and cumulative impacts. However, EAP is required to comparatively assess all identified reasonable and feasible alternatives based on the findings of both site specific and cumulative impacts to inform the best practicable environmental option.</p>	<p><b>4.6 Noted and agreed. Stormwater has been addressed by the engineer in the services report and the geotechnical specialist (Appendix G); however, the DBAR has assessed stormwater impacts. The use of SuDS principles will be implemented.</b></p>

<p>4.7. According to the draft BAR the southern portion of the property has very steep slopes that were not surveyed, as it is not suitable for development. The draft BAR is however silent on the steepness of the slopes and the findings of the geotechnical studies for the proposed site or area that will be developed. The stability and suitability of the slopes or area that will be developed must be confirmed by the appointed geotechnical specialist and geologist. The specialist consulting geotechnical engineers and geologists makes no mention of the steepness of slopes in the area that will be developed.</p>	<p><b>4.7 The DBAR has made mention of the specialist's findings on pages 31, 52, 53, and 54 of 64. In addition, on page 6 of the geotechnical report (Appendix G) the specialist has included a 5m contour map that indicates the steepness and slope of the property.</b></p> <p><b>In addition, the EAP has included results of a land survey previously conducted for the development area as Appendix B3.</b></p>
<p>4.8. Written confirmation on the supply of both domestic and fire water as stated in the draft BAR must be obtained from George Municipality.</p>	<p><b>4.8 TBC –The engineer has requested this from the municipality on several occasions –</b></p>  <p><b>Erf 2003, Wilderness_Revised service report</b></p> <p>From: Christiaan Mostert &lt;christiaan@primus-sa.co.za&gt;  To: 'Samantha Teeluckdhar' &lt;samantha@ecoroute.co.za&gt;  Date: Today 07:20</p> <p>Summary Headers Plain text</p> <p>Service Report - Erf 2003, Wilderness rev b.pdf (~1.8 MB)</p> <p>To protect your privacy remote resources have been blocked. Allow</p> <p>Good Day</p> <p>Please find attached the revised services report with the stormwater section updated.</p> <p>We are still pushing the municipality for feedback on the capacity report requirements.</p> <p>Regards  Christiaan Mostert</p>
<p>4.9. The draft BAR mentions fire risks caused by vagrants that may illegally clear protected trees on the property. The report however fails to explain how potential fires that occur on the property will be addressed or managed and what mitigation measures will be employed, besides the use of fire water (supply still to be confirmed by the municipality) to mitigate the effects and impacts of unforeseen fires on the property.</p>	<p><b>4.9 Fire risk on the site has been rated as Low by specialists due to the lack of alien invasive plants on the site. However, the applicant is currently in contact with the SCFPA to implement any recommended protection methods.</b></p>

**Erf 2003: Visual impact assessment**



**From** Paul Buchholz <p.buchholz@outlook.com>  
**To** Samantha Teeluckdhari <samantha@ecoroute.co.za>  
**Copy** Wentzel <>wentzel@work.co.bw>  
**Date** 18/04/2024 12:09

[Summary](#) [Headers](#) [Plain text](#)

IMG\_20240412\_111142.jpg (~8.3 MB)

Hi Samantha,

I will submit the report on Monday.

I was on site last week and the potential risk of a veldfire is very low due to the thicket/forest (see attached photo) vegetation surrounding the proposed units and house. The vegetation is not very flammable and might only burn under extended dry periods accompanied by strong winds.

4.10. It is further noted that the draft BAR recommends that effective stormwater management systems must be implemented to collect and discharge stormwater in a controlled manner down slope. As such, a detailed Stormwater Management Plan must be developed and included as part of the Environmental Management Programme (EMPr).

**4.10 Please see point 4.6 above. The engineer has confirmed that due to the minimal hard surfaces proposed on site, the information he has provided in his services report is sufficient to deal with the impacts of Stormwater on the property.**

4.11. The draft BAR identifies solid waste as a negative impact, but fails to identify specific mitigation measures as to how this impact will be addressed or managed.

**4.11 Pages 23, 43, 59 of 64 state that: "waste will be minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner; sorted according to the waste hierarchy and be disposed of in the appropriate manner."**

<p>4.12. The issue regarding Erf 2003 forming part of Dolphin's Leap Development and that its part of a conservation area needs to be addressed and more comprehensive background and feedback on this particular issue or concern must be provided in the final BAR to ensure that the development proposal is not in conflict with the Constitution of the Homeowners Association, as claimed by I&amp;APs in the draft BAR.</p>	<p><b>4.12 Appendix L has been added to the BAR – this includes a letter from Fiona Williamson Attorneys stating:</b></p> <p>As per Clause 29 of the Land Use Planning Ordinance 15/1985 (under which regulations the HOA came into being in 1993), any governing document or regulation pertaining to land use and development must be approved by the relevant municipal authority to hold legal validity. It has come to our attention that the constitution of the Dolphins Leap HOA has not received approval from the Garden Route Eden District Municipality (George), rendering it legally non-binding, especially in matters concerning land use and development within its jurisdiction.</p>
<p>4.13. Interested and Affected Parties (WRRRA) raised objections against a separate 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), which makes provision for 4x parking bays. The revised Site Development Plan (SDP) must demonstrate or reflect that this issue has been satisfactorily addressed in the final BAR.</p>	<p><b>4.13. Revised Site Development Plan only shows 1 entrance with a designated parking areas in the northwestern section of the property that makes provision for a total of 8x vehicles.</b></p>
<p>4.14. Your response to the need for a boardwalk is noted. However, your motivation should be aligned and informed by the criteria set out in the Guideline on Need and Desirability, as well as the findings of the specialist assessment. Note that the Need and Desirability Guideline should be applied to the whole development.</p>	<p><b>4.14 Please refer to Appendix K which has dealt with the Need and Desirability of the proposed activity in terms of the department's guideline: Guideline on Need and Desirability, EIA Guideline And Information Document Series (March 2013)</b></p>
<p>4.15. Section H of the draft BAR comparatively considered the identified alternatives but fails to include the "no-go" option as a baseline against which all other alternatives must be measured. The No-Go alternative is considered in isolation in the draft BAR and must be comparatively considered with the other two identified alternatives. Please refer to the Guideline on Alternatives (March 2013) of this Department.</p>	<p><b>4.15 This has been undertaken.</b></p>
<p>5. This Directorate awaits the submission of the final Basic Assessment Report.</p>	<p><b>5. There is currently a Revised Draft BAR out for public review and commenting.</b></p>
<p>6. Please note that the proposed development may not commence prior to an environmental authorisation being granted by this Directorate.</p>	<p><b>6. Noted.</b></p>

<p>7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any new or revised information received.</p>	<p><b>7. Noted.</b></p>
<p><b>Department of Infrastructure – Vanessa Stoffels – 25/01/2024</b></p>	
<p>1. Your unreferenced and undated notice of the abovementioned public participation running to 19 February 2024 refers.</p> <p>2. This Branch is not affected by this development proposal, and from an environmental point of view this Branch offers no objection to it.</p>	<p><b>Thank you for your comments.</b></p>



**Forestry, Fisheries & the Environment (DFFE) – Melanie Koen – 16/2/2024**

1. Forestry is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA).

**1. Noted**

2. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license. Under Section 7 of the NFA the whole forest ecosystem is protected and not just the indigenous/ protected trees within the forest. "Forest" is defined in the NFA to include i.a. "a natural forest... and the ecosystems which it makes up", thereby including all components of the forest, not only the trees." Under section 62 (1) of the NFA any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in Section 7 (1) is guilty of a second category offence. A person who is guilty of a second category offence may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment.

**2. All relevant licenses will be applied for prior to the disturbance of the forest and any protected tree species within it.**

3. According to the report: the whole of the property consists of pristine Indigenous Forest; the property is currently zoned as Open space III.

**3. This is correct.**

4. According to the report: "Proposed Development: Buildings and Structures: 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = Total footprint 405m<sup>2</sup>, 4 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit = Total footprint 560m<sup>2</sup>; Proposed Development: Infrastructure: There will be designated parking areas in the northwestern section of the property that also makes provision for a total of 8x vehicles = Total footprint 337m<sup>2</sup>

**4. Correct.**



5. Forestry conclude/ request the following:
- Forestry request that the developmental footprint be kept to an absolute minimum- and thus does not support above proposal.
  - The above Landowner has no property rights for above proposal.
  - Forestry further strongly object to above proposal
  - Forestry request that one dwelling unit be maintained- as per past Land-Use approvals- and future proposals be forwarded for comment to accommodate previous said request; and further suggest that Bed & Breakfast options be looked into within the parameters of the one dwelling unit.
  - Kindly note that this letter is not a NFA licence. Continuing above activity without a valid NFA licence is illegal and a criminal offence under the NFA.

**5(a) – The development proposal equates to the development of only approximately 3.58% of the total site area. This is a very minimal area.**

**5(b) – Please see attached Appendix L included in the BAR.**

**Response provided by Marike Vreken Town Planners:**

**The Dolphins Leap HOA is not a functional HOA nor is there a chairman acting on behalf of the homeowners Dolphins Leap, this was confirmed by George Municipality. Therefore, the landowner did not take this into consideration.**

**As per Clause 29 of the Land Use Planning Ordinance 15/1985 (under which regulations the HOA came into being in 1993), any governing document or regulation pertaining to land use and development must be approved by the relevant municipal authority to hold legal validity. It has come to our attention that the constitution of the Dolphins Leap HOA has not received approval from**

the Garden Route Eden District Municipality (George), rendering it legally non-binding, especially in matters concerning land use and development within its jurisdiction. Refer to attached legal opinion (Appendix L).

It must be noted that all the relevant spatial planning policies and the Integrated Zoning Scheme By-Law encourage these types of developments within the conservation areas, sustainably with a proper environmental management plan and minimal environmental impact. The natural features and amenities that the garden route has to offer are the main tourism attraction and access to these areas for all can be done with these types of development.

The George Integrated Zoning Scheme By-Law allows for tourist accommodation as a listed consent use and the landowners are within their rights to apply for the proposed land use (encouraged to be situated in these areas). All development applications are assessed on a case-to-case basis, and the fact that tourism accommodation is approved on one property does not mean guaranteed approval for any other land use application similar to this. The merit, desirability, the impact on surrounding landowners and the environment are some of the determining factors. This application at hand must be considered and its impact on the environment. The proposal in its current setting is encouraged, as long as it is done in a sustainable manner with minimal impact. Tourist accommodation is not encouraged within demarcated urban areas.

The dynamics have changed since this approval was issued and other factors such as socio-economic impact, character of the area all contributes to the feasibility etc. play a role in the decision making of whether the proposed use is desirable. The dynamics was different at the time of implementation of these conditions and the municipality must look at all the relevant considerations before making a decision, not only a condition imposed in the early 1990's. It is unclear what 'building restrictions, the proposed development will fail to comply with. The vision for conservation areas today may not have been the case in early 1990's, but more than 30 years later times have changed, and land use planning encourages these types of development.

The purpose of this process is to determine the impact on the environment and to assume the proposal will have a negative impact is premature and unsubstantiated.

	<p>“...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...” - Eden Spatial Development Framework (2017) Erf 2003 is a registered Erf on its own, with its own title deed and approved SG diagram.</p> <p>5(c) – Please provide reasons for your objection.</p> <p>5(d) – the biodiversity specialist has included the following recommendation in his report (Appendix G) – <i>“If possible, no significant trees must be damaged by the proposed development. The proposal to raise units above the forest floor is supported, especially if these footprint areas are allowed to return to forest understorey. It would be preferable if no formal gardens are developed around the proposed units, but that the indigenous forest vegetation is retained as a feature of the development.”</i> Having one dwelling would result in several impacts. Please see attached BAR.</p> <p>5(e) Acknowledged.</p>
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<p>6. Forestry reserves the right to revise initial comment based on any additional information that may be received.</p>	<p>6. Noted.</p>
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**ORGANS OF STATE**

**Breeder-Olifants Catchment Management Agency (BOCMA) – SI Ndlovu – 06/02/2024**

<p>Reference is made to the above-mentioned Draft Basic Assessment Report made available to Breede-Olifants Catchment Management Agency (BOCMA) for comments.</p> <p>The following are BOCMA comments relating to the Draft Basic Assessment Report for the proposed construction of a residential dwelling and four self-catering guest cottages on Erf 2003, which should be adhered to:</p> <ol style="list-style-type: none"> <li>1. The water supply of the proposed development that will be provided for by a Water Services Provider (WSP) i.e. municipality, there must be an agreement in place between the user and the municipality and water charges must be paid directly the municipality.</li> </ol>	<p><b>The EAP had requested further clarification from BOCMA regarding their standardised comments. Additional information was provided to BOCMA and the case officer provided final input:</b></p>
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2. Please note that no water shall be derived from any water resource and used on Erf 2003 for any purposes without prior approval by means of a water use authorization in terms of section 22 of the National Water Act, 1998 (Act No. 36 of 1998).
3. The disposal of treated effluent from the sewerage treatment plant to the open environment is not allowed. There are various methods that can be used e.g. treat the wastewater and irrigate the landscapes which will trigger water use(s) in terms of section 21(e) of the National Water Act, which refers to engaging in a controlled activity or appoint a services provider to remove the wastewater and take it to the nearby wastewater treatment works facility.
4. Any disposal or discharge of wastewater to the environment must be regulated and/or authorized, where necessary, in terms of the water uses triggered, as contemplated in section 21 of the National Water Act.
5. It is recommended to use conservancy tank(s) instead of septic tanks/French drains to dispose domestic wastewater and conservancy tanks must be emptied on regular basis to prevent detriment impacts on groundwater resources.
6. All reasonable measures shall have to be taken to prevent the potential pollution of the groundwater resources due to the proposed onsite sanitation facilities i.e. a service provider must be appointed to remove domestic wastewater from septic/conservancy tanks.
7. As required by section 22 of the National Water Act, 1998 (Act No. 36 of 1998), a Water Use Authorization is required prior to commencement with any water use activity contemplated in section 21 of the National Water Act. Moreover, commencement with any water use activity without an authorization as required by section 22 of National Water Act constitutes an offence in terms of section 151(1)(a) of the National Water Act. In terms of section 151(2) of the National Water Act, any person who contravenes is guilty of an offence and liable, on first conviction to a fine or an

On 26/02/2024 13:43, Samantha Teeluckdhari wrote:

Good day Sbonelo

Thank you for your comments.

In terms of your comments, the applicant will be using a closed sewage system as described in the BAR - I have attached the explanation from the company for ease of reference. I have spoken to Jackie Dabrowski regarding this and she has suggested that a GA may be required. Please can you confirm if the proposed system would trigger a GA and what information is required.

Kind regards,

**Samantha Teeluckdhari**



Eco Route Environmental Consultancy

072 773 5397

On 04/03/2024 14:07, Sbonelo Ndlovu wrote:

Good day Samantha

I trust that you are well.

I did read the BAR and the document you attached on the email below, however I still need clarity on whether the final treated effluent from the closed sewerage system will be discharged into a watercourse or will be disposed and how?

Regards

Sbonelo

imprisonment of a period not exceeding five years of both such a fine and imprisonment.

8. In light of the above, you are advised that the onus remains with the property owner to adhere to the National Water Act, prior to commencement with any water use contemplated in section 21 of National Water Act that is associated with the proposed development.
9. Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.
10. The BOCMA office can be contacted for further information related to the requirement for, or the application for a Water Use Authorisation.
11. Should you wish to apply for a water use authorization for unregistered water uses triggered by the proposed activities, you may apply electronically by logging onto the Department of Water and Sanitation (DWS) website at <http://www.dws.gov.za/e-WULAAS>.
12. Should you have further enquiries, the office can be contacted or alternatively contact Mr. Si Ndlovu at the above-mentioned contact number or on [sndlovu@bocma.co.za](mailto:sndlovu@bocma.co.za)

On 04/03/2024 15:33, Samantha Teeluckdhari wrote:

Dear Sbonelo

I have queried this with the sewage specialist was advised on the following:

Very little water will be produced and it will not go into a watercourse (there is no watercourse on the site) but it can be pumped to irrigation storage and re-used. The property owner will have a sprinkler system that can disperse the water into the surrounding forest.

Kind regards,

**Samantha Teeluckdhari**



Eco Route Environmental Consultancy

072 773 5397

EAPASA registration: 2023/6443

### Re: Comments for the proposed residential dwelling & cottages on Erf 2003, Wilderness



From [Sbonelo Ndlovu <sndlovu@bocma.co.za>](mailto:sndlovu@bocma.co.za)

To [Samantha Teeluckdhari <samantha@ecoroute.co.za>](mailto:samantha@ecoroute.co.za)

Date 19/03/2024 12:18

Summary Headers Plain text

Good day Samantha

I called again, we keep on missing each other.

Please note that this activity would require a registration for irrigating with wastewater. Even though the anticipated wastewater volume is small but it must be regulated through general authorisation conditions. Please apply for section 21(e) water use which refers to engaging in a controlled activity.

Regards

Sbonelo

## SANPARKS – Dr Vanessa Weyers – 28/02/2024

Erf 2003, Wilderness, known as Wilderness Sky, is situated in the Buffer Zone of the Garden Route National Park (GRNP), approx. 1.6km from the Wilderness section of the GRNP (Fig. 1). The property is situated on a hillslope north and above the N2, is steep in portions, and is dissected by a drainage valley (Fig. 2). Critical Biodiversity Areas (CBA1), both forest and terrestrial, designated in terms of the Western Cape Biodiversity Spatial

### As per the Vegetation Assessment, 4 September 2021:

Plan, cover the entire property (Fig. 3). Critical Biodiversity Areas are required to be safeguarded in their natural or near-natural state, with no further loss of natural habitat, because they are critical for conserving biodiversity and maintaining ecosystem functioning.

The property is legally mapped as containing Garden Route Shale Fynbos, (FFh 9) which is listed as Endangered in the National Environmental Management Biodiversity Act (Act No. 10 of 2004), Revised National List of Ecosystems that are Threatened and in Need of Protection GNR No. 2747, 18 November 2022 (Fig. 4).

The property is a greenfield site with no existing infrastructure on site. Indigenous forest vegetation is undisturbed and in a pristine condition. Strategically this is an important property in the Buffer Zone and securing the integrity of the CBA is key. Achieving a conservation outcome on this property is therefore important to SANParks.

Erf 2003, Wilderness is 2,81ha in extent, is situated outside the urban Edge, and is owned by Wentzel Coetzer and Wessel Wessels. The property is zoned Open Space Zone III (Fig. 5).

The entire site is shown to be within a CBA1 area that is linked to a more widely distributed area of high biodiversity value. CBA1 areas are required to meet conservation planning objectives within the Province and are designed to incorporate the best biodiversity characteristics in the smallest amount of area. In principle, it is therefore desirable to limit any loss of habitat within these critical areas. The current development proposal is within these areas of biodiversity importance. However, the intention is to minimise the footprint of proposed development, as well as locate it in the best possible location to avoid specific sensitive features. This can be achieved by avoiding the majority of the site, including the central drainage area, locating any infrastructure as close as possible to the existing access road, and minimising the total footprint of the infrastructure. Any remaining habitat is then retained in a natural state without affecting ecological connectivity. Localised impacts can be further reduced by using a sensitive construction method that does not fully displace indigenous vegetation.

The site is mapped as occurring within a protected ecosystem called Garden Route Shale Fynbos, listed as Vulnerable and considered to be Critically Endangered within the Garden Route area. However, the vegetation on site is not fynbos and has been shown to be floristically and structurally a transition between forest and thicket. It is therefore more accurate to classify it as Southern Afrotemperate Forest with some floristic elements from Goukamma Dune Thicket.



**Fig. 1:** Location of Erf 2003, Wilderness, situated 5km from GRNP and Kaaimans river Gorge Reserve (CapeFarmMapper3).



**Fig. 2:** Topography of Erf 2003, Wilderness (CapeFarmMapper3).



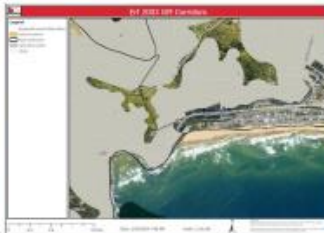
**Fig. 3:** Erf 2003, Wilderness, showing Critical Biodiversity Areas (CapeFarmMapper3).



**Fig. 4:** Erf 2003, Wilderness is mapped as containing Endangered Garden Route Shale Fynbos (CapeFarmMapper3).



**Fig. 5:** Zoning status of Erf 2003, Wilderness, Open Space Zone III (George GIS Viewer).



**Fig. 6:** George Municipality Corridor mapping showing Erf 2003, Wilderness (George GIS Viewer).

The development application is a Basic Assessment in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations of 2014 (as amended). A Draft Basic Assessment Report (DBAR) dated 19/01/2024 was reviewed for comment.

The 'Preferred Alternative' development proposal (Fig.7), as per the DBAR entails:



**Preferred Alternative:**

**Proposed Development: Buildings and Structures:**

- 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = **Total footprint 405m<sup>2</sup>**
- 4 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit = **Total footprint 560m<sup>2</sup>**

**Proposed Development: Infrastructure:**

- There will be designated parking areas in the northwestern section of the property that also makes provision for a total of 8x vehicles = **Total footprint 337m<sup>2</sup>**
- 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 = **Total footprint 194m<sup>2</sup>**

**Proposed Development: Water Supply (as per the engineer's Service Report- Appendix G)**

There is an existing municipal 50mm Class 12 uPVC pipe located on the western side of Remskoek Street. It is proposed that a 25mm connection is made to supply the proposed development with both domestic and fire water.

The addition of the main house and the cottages, will have a minimal impact (less than 4%) on the stormwater runoff generated from site.

It is proposed that where possible, that roof water is gathered and stored in tanks. From the tanks, outlets will be provided onto a stone pitched base (1m x 1m x 0.2m thick), before stormwater is dissipated into the forest.

**Proposed Development: Sewage Treatment Plant**

Currently there is no sewer reticulation in close proximity to the site. The applicant will not be using the system proposed by the engineer. Instead, the applicant has opted for a more environmentally friendly system which is a closed sewage treatment system referred to as the Clarus Fusion® by Re Source Water Solutions.

**Proposed Fencing:**

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. The remainder of the property will be preserved in its natural state.

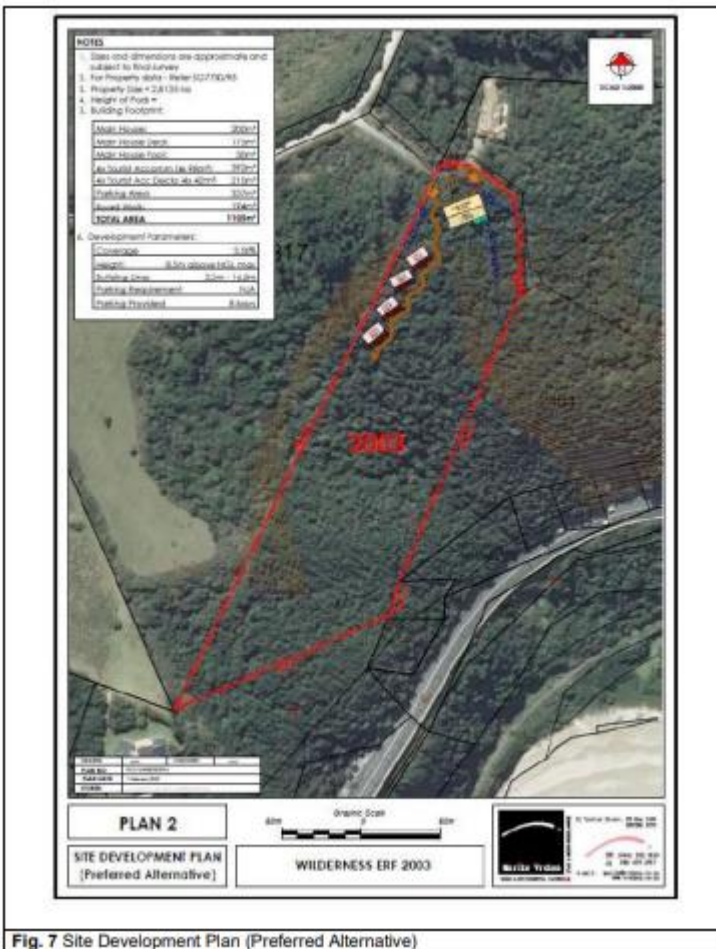


Fig. 7 Site Development Plan (Preferred Alternative)

An 'Alternative 1', development proposal (Fig.8) as per the DBAR entails:

### Alternative 1

#### Proposed Development: Buildings and Structures:

- 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = Total footprint **405m<sup>2</sup>**
- 5 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> and each with a 42m<sup>2</sup> deck = Total footprint **700m<sup>2</sup>**

#### Proposed Development: Infrastructure:

- 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 northeastern corner of the property (Gate#2) and makes provision for 10x parking bays. The parking bays accessed from Gate#1 makes provision for 4x parking bays = total footprint **762m<sup>2</sup>**
- 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 = total footprint **322m<sup>2</sup>**

#### Proposed Development: Sewage Treatment

The proposal will allow for a septic tank as no municipal sewer connection is available in the area.

Access is described as follows:

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 Wildemess Erf 2002 as indicated on the SG diagram extracts below.

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.

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 below:



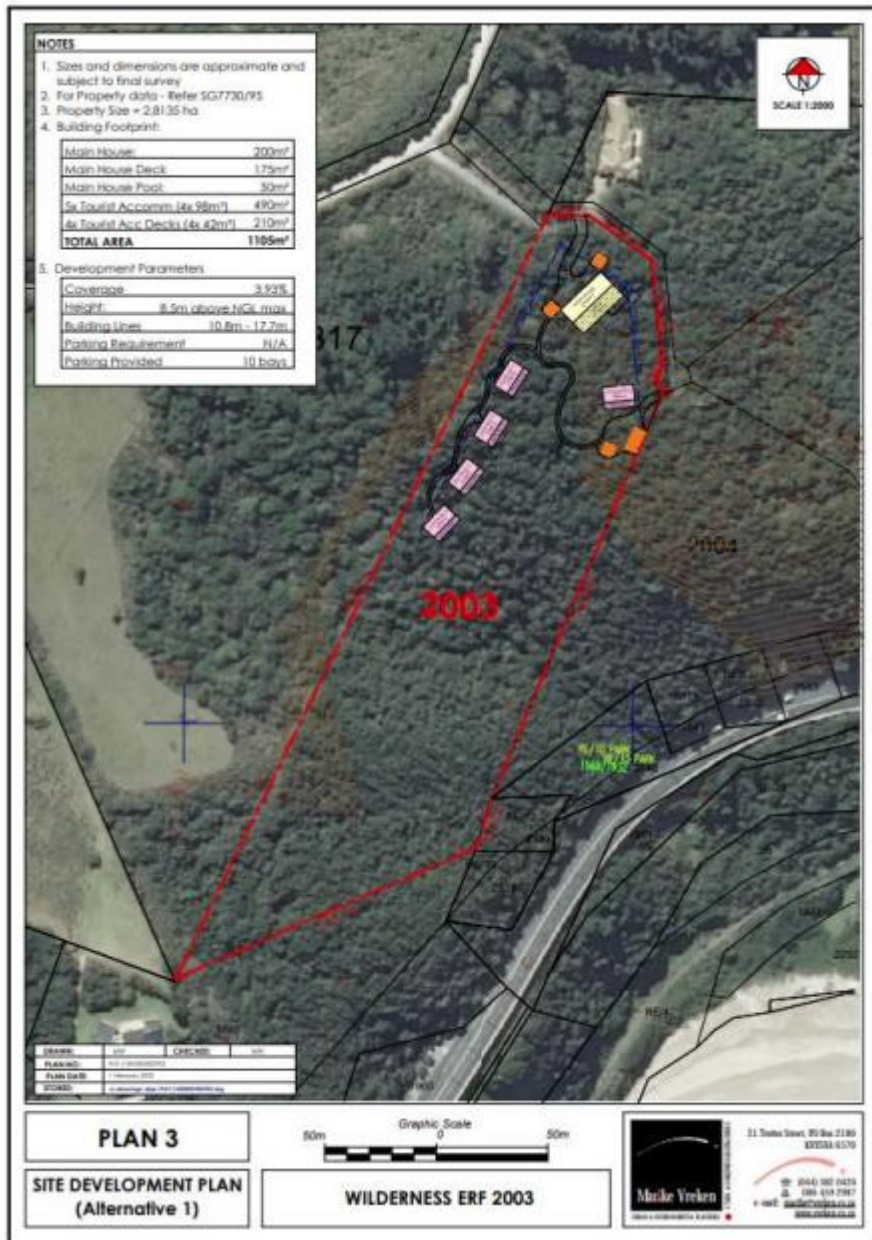


Fig. 8 Site Development Plan (Alternative 1)

The following protocols are noted in the DBAR –

1. Visual Impact Assessment - to be assisted by Olivier Architects
2. Archaeological and Cultural Heritage Impact Assessment – An NID will be submitted to the Department of Heritage
3. Palaeontology Impact Assessment – An NID will be submitted to the Department of Heritage
4. Aquatic Biodiversity Impact Assessment – The proposed development is not in close proximity to a river/ stream, / dam. No further assessment is required.
5. Avian Impact Assessment – the proposed development is not associated with a wind farm application. No further assessment is required.
6. Socio Economic Assessment- the proposed development is a small-scale tourist facility. The Town Planning Report compiled by Marike Vreken Urban and Environmental Planners (October 2023) includes socio-economic aspects and no further assessment is required.
7. Plant Species Assessment – a SACNASP registered specialist (Dr David Hoare) has been appointed and has compiled a report which assesses plants species.
8. Terrestrial Biodiversity Impact Assessment- a SACNASP registered specialist (Dr David Hoare) has been appointed and has compiled a report which assesses terrestrial biodiversity.
9. Animal Species Assessment – Only 3.58% of the property will be disturbed and the rest of the property will remain natural. Very little habitat will be affected. No further assessments are necessary.
10. Town Planning Specialist – a Town Planning Report has been compiled by Marike Vreken Urban and Environmental Planners (October 2023)
11. Geology – Outeniqua Geotechnical services
12. Agriculture – The property is currently vacant. The WCBSF map for George shows that the entire site is within a CBA1 area. This CBA1 area continues beyond the boundaries of the site. This indicates that the remaining vegetation on site is considered to be highly important for the conservation of biodiversity in the province as well as for maintaining ecological patterns in the landscape, therefore, the land is not suitable for agricultural use. No further assessments are required.

**SANParks conducted a site inspection on 14/02/2024 together with Eco Route/Janet Ebersohn, WRRR/Balvindra Walter, WALEAF/Charles Scott, and DFFE/Melanie Koen (Fig. 9).**



**Fig. 9:** Site inspection representatives. The site could not be fully accessed due to the density of indigenous vegetation.

**Point 1: Site Development Plan**

SANParks does not support the 'Alternative 1', development proposal.

With regards to the 'Preferred Alternative' development proposal, SANParks has no objection to the construction of the main dwelling house of 200m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool: total building footprint 405m<sup>2</sup>. With an access driveway, parking area included for only the main dwelling house, and with municipal water supply, and rainwater harvesting off rooves, and the use of a Clarus Fusion @ Sewage Treatment Plant, subject to George Municipal approval.

SANParks does not support and objects to the construction of the four self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit: total footprint 560m<sup>2</sup>. Inclusive of their proposed walkways and parking bays. The proposed sites fall within mapped CBA1s, Endangered Garden Route Shale Fynbos, and within intact Greenfield undisturbed forest areas. The construction of the four pods in these areas will serve to fragment the landscape and will result in unacceptable biodiversity loss.

An alternative development option may be to increase the disturbance footprint of the main dwelling to accommodate a single guest house.

**Point 1:**

Development of the proposed footprint area will be **restricted to the area adjacent to the existing access road**, will be limited in extent, will avoid damaging any significant trees, and will utilise design and construction methods that will limit the permanent footprint area.

The proposed development will result in loss of relatively small areas of natural habitat. This is not considered to be a significant threat to the habitat or threatened plant or animal species on site or in neighbouring areas. On the basis of having a minimal impact on natural features, it is recommended that the proposed development be approved but on condition that surrounding indigenous forest is ecologically managed to enhance the biodiversity value and protected from damage.

**This has been included in the assessment of the BAR.**

<p>The following points which were raised by the George Municipality in a pre-application meeting held 2 June 2021, as extracted from the DBAR, have a further bearing:</p> <p><b>TOWN PLANNING:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The old Wilderness Structure plan restricted dwelling houses in a conservation zone to single storey and maximum height of 5m.</li> </ul>	
<p><b>Point 2: Disturbance Footprint Areas</b></p> <p>Disturbance footprint area calculations provided represent mostly <b>building footprint areas</b> and not <b>disturbance footprint areas</b>. Calculations have not been provided for possible embankments and the difficulties associated with construction occurring on steep slopes, which invariably may result in a larger disturbance footprint area. The laying of pipelines for services through steep difficult terrain may prove problematic. No area calculation has been provided for the driveway. Disturbance footprint areas may be an underestimate.</p> <p>The following is noted in the DBAR:</p> <p>Driveway &amp; parking areas: The proposed driveway onto the site with parking area will be a challenge due to the dense indigenous vegetation, which may be environmentally sensitive. Construction of the driveway may involve minor cutting and filling to achieve the correct line and levels. The insitu soils are generally poor quality in terms of road-building and it is recommended that an allowance is made for the importation of SSG gravel material to improve access during construction, in addition to the final subbase and paving layerworks.</p>	<p><b>Point 2:</b></p> <p><b>Service infrastructure will be connected to walkways where possible – this will decrease the volume of earth being excavated.</b></p> <p><b>Engineering Services Report: <i>If proposed that as far as possible, roof water in gathered and stored in Jo-Jo Tanks at each of the cottages and the main house. From these tanks overflows will be provided onto a stone pitched base (1m x 1m x 0.2m thick).</i></b></p>
<p><b>Point 3: Zoning</b></p> <p>Erf 2003 Wilderness is currently zoned Open Space Zone III (OSZIII). The specialist planning report prepared by Marike Vreken, dated October 2023 states:</p>	<p><b>Point 3: Please note that the recommendation “to increase the disturbance footprint of the main dwelling to accommodate a single guest house” will require a consent use approval as well.</b></p>

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.

SANParks does not support and objects to the application for consent uses, i.e., items (i) and (ii) above. Open Space Zone III (OSZIII) is intended for 'nature conservation' application use and in the context of this very high biodiversity value property should remain applicable.

**Point 4: Geotechnical and Hydrological Sensitivity**

**Point 4: The engineer has provided suitable stormwater management actions in his report (Appendix G) which need to be followed. In addition, soil**



The DBAR Geotechnical specialist report (Iain Paton Consulting Geotechnical Engineers and Engineering Geologists) notes:

The investigation indicates that the site is potentially suitable for development but there are some geotechnical constraints, such as difficult access, restricted construction space, steep slopes and shallow/irregular rock, which may have an impact on the engineering design and construction costs.

During the George Municipality pre-application meeting a concern was raised regarding potential landslides.

The Geotechnical specialist report further notes:

Drainage: The soil has a low permeability and vertical infiltration will be restricted by the presence of shallow rock and dense soils, so stormwater will tend to run off site after heavy rainfall. Effective stormwater management systems are required to collect and discharge stormwater in a controlled manner down slopes. Subsoil drains are recommended behind retaining walls as standard.

(Iain Paton Consulting Geotechnical Engineers and Engineering Geologists) Soil specialist:

Recommendations: Earthworks & materials: The site is moderately sloping, becoming steep towards the west, and access/vegetation clearing will be challenging unless a minimal footprint area is adopted. Earthworks required to create level platforms (if any) may encounter shallow rock, mainly on the western side of the proposed development. Shallow excavations for the proposed development are unlikely to have any significant

Stormwater runoff is a further concern noted:

Drainage: The soil has a low permeability and vertical infiltration will be restricted by the presence of shallow rock and dense soils, so stormwater will tend to run off site after heavy rainfall. Effective stormwater management systems are required to collect and discharge stormwater in a controlled manner down slopes. Subsoil drains are recommended behind retaining walls as standard.

Geotechnical sensitivity and hydrological constraints are evident which could be further exacerbated by construction occurring on the moderate to steep slopes, by the proximity of the drainage valley, by stormwater runoff, all compounded by climate change impacts.

**compaction leading to increased stormwater runoff will be minimal as the entire development is proposed to be constructed on stilts.**

#### **Point 5: Conservation Value**

The property is considered to have very high conservation value, due to the presence of CBA1s across the entire property, the presence of Endangered Garden Route Shale Fynbos, a functional drainage valley, and as the site is a greenfield site, undisturbed, with intact vegetation communities. The specialist study, by Dr David Hoare notes the presence of three protected tree species (*Curtisia dendata*, *Sideroxylon inerme*, and *Pittosporum viridiflorum*), and three listed animal species (Knysna Warbler, Duthie's Golden Mole, and a small antelope). The site is steep in places and has high visual sensitivity, due to its proximity to the N2, a tourism corridor. No visual impact assessment specialist study has been undertaken.

It is suggested that the landowner investigate formal or informal Biodiversity Stewardship Agreement options for the property, to safeguard the

**Point 5: Please see attached Appendix G7 for VIA.**

**This will be undertaken.**

<p>biodiversity value of property. Such an agreement must be written in as a condition of approval for any Environmental Authorisation that may be granted by the Competent Authority.</p>	
<p><b><u>Point 6: Summary and Way Forward</u></b></p> <p>SANParks does not support the 'Alternative 1', development proposal. With regards to the 'Preferred Alternative' development proposal, SANParks has no objection to the construction of the main dwelling house but does not support and objects to the construction of the four self-catering 2-storey tree-top pods. These proposed sites fall within legally mapped CBA1s, Endangered Garden Route Shale Fynbos, and within intact Greenfield undisturbed forest areas. The construction of the four pods in these areas will serve to fragment the landscape and will result in unacceptable biodiversity loss. The property is considered to have high conservation value. An alternative development option may be to increase the disturbance footprint of the main dwelling to accommodate a single guest house.</p> <p>Disturbance footprint areas may be an underestimate. Allowance must be made for the driveway area and for construction occurring on steep slopes with the need for embankments.</p> <p>SANParks does not support and objects to the application for OSZIII consent uses. Open Space Zone III is intended for 'nature conservation' application use, and in the context of this very high biodiversity value property should remain applicable.</p> <p>Geotechnical and hydrological sensitivities are evident which could further be exacerbated by construction occurring on the moderate to steep slopes, by the proximity of the drainage valley, by stormwater runoff, all compounded by climate change impacts.</p> <p>The landowner's attention is drawn to the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) Alien and Invasive Species Regulations, 25 September 2020, where a landowner is legally responsible for the removal of alien vegetation on their property. The owner should formalise an Invasive Alien Vegetation Control Plan as required by the NEM:BA.</p>	<p><b>Point 6: Addressed above.</b></p> <p><b>Addressed above.</b></p> <p><b>Addressed above.</b></p> <p><b>Addressed above.</b></p> <p><b>There are currently no alien invasive plant species on the property. An Alien Invasive Management Plan has been included in the EMPr.</b></p>

<p>Compliance with the National Veld and Forest Fire Act (Act 101 of 1998) is required. The landowner is encouraged to become a member of the Southern Cape Fire Protection Association, if not already a member.</p> <p>A permit from the Department of Forestry, Fisheries &amp; the Environment (DFFE) must be attained should any protected tree species be disturbed on the property, as per the National Forests Act, 84 of 1998, as amended.</p> <p>It is suggested that the landowner investigate potential formal or informal Biodiversity Stewardship Agreement options which must be written in as a condition of approval for any Environmental Authorisation that may be granted by the Competent Authority.</p> <p>During construction of the main dwelling, care should be exercised to:</p> <ul style="list-style-type: none"> <li>• Ensure minimal disturbance of the adjacent indigenous forest;</li> <li>• Use low impact earthmoving machinery;</li> <li>• Adhere to George Municipality approved sewerage system requirements;</li> <li>• Adhere to George Municipality Fencing by-law;</li> <li>• Minimise stormwater surface runoff;</li> <li>• Mitigate against the risk of slope failure, particularly as the site is in proximity to the N2, and so as to avoid damage to the forest;</li> <li>• Adhere to all geotechnical engineer requirements;</li> <li>• Minimise the visual impact of the dwelling, by reducing night light pollution, and by painting the dwelling in earth tone colours.</li> </ul> <p>SANParks reserves the right to revise initial comments if additional information becomes available.</p>	<p><b>This will be undertaken.</b></p> <p><b>This will be undertaken and has been included in management actions of the BAR and EMPr.</b></p> <p><b>This will be undertaken.</b></p> <p><b>Thank you. These recommendations have been included in the BAR.</b></p>
<p><b>Cape Nature – Megan Simons – 07/03/2024</b></p>	
<p>CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.</p> <p>CapeNature has previously provided comments for this application (CapeNature reference: LE14/2/6/1/6/2/ERF2003_Housing_Wilderness). Following a review of the dBAR we wish to make the following comments:</p>	

1. The specialist described the vegetation to be Southern Afrotemperate Forest with elements of Goukamma Dune Thicket which are both (SANBI 2022). Furthermore, the Vlok and de Villiers (2007) fine scale vegetation map describes the vegetation Wolwe River Fynbos-Forest. Therefore, it is important to note that fynbos is a fire-maintained ecosystems and fire plays an important role in determining species composition and community type. Thus, in the absence of fire fynbos will become senescent and mosaics of forest and thicket pioneer's species will start "invading" (Rebelo et al. 2006).

2. The change in vegetation structure and species composition indicates the fynbos on the property has not been managed and maintained properly. Furthermore, the build-up of fuel loads (in the absence of fire) and the presence of invasive alien plants in the greater Wilderness area pose a serious fire risk.

3. The proposed development footprint will be in CBA (Forest). These forests are vulnerable to edge effects and the proposed development may disrupt the ecological integrity of this sensitive habitat (Rebelo, 2016)4.

4. Forest vegetation and indigenous protected trees must not be killed or pruned without a permit from the DFFE. In addition, a CapeNature permit would be required for plant and animal search-and-rescue.

5. The botanical specialist concluded the drainage valley is an important for hydrological function of the site and that the proposed development will not have an impact on this system. Has a freshwater specialist been consulted to confirm this?

6. As the soil erodibility is moderate, we remind the applicant that the geology is unstable removing vegetation will destabilise the soil and result in land slipping. Additionally, the heavy rainfall events may also exacerbate the soil condition.

7. CapeNature reminds the applicant of Section 28 of National Environmental Management Act (NEMA) (Act 104 of 1998 as amended) (Duty of Care).

In conclusion, the property falls entirely within CBA and forms part of a continuous CBA corridor towards the east. Furthermore, urban expansion in the broader area will fragment the CBA corridor, which is important for

**1. Noted.**

**2. Noted. No alien invasive species were noted on the property.**

**3. CBAs have not been formally recognised by the Competent Authorities.**

**4. All relevant licenses will be applied for prior to the disturbance of the forest and any protected tree species within it.**

**5. The specialist has provided a buffer area of 30m; however, the development has been designed to not have any negative impact on the drainage area.**

**6. Due to the development being on stilts, the impact of soil erodibility is greatly reduced.**

**7. Noted.**

the conservation of the species, ecosystems, supporting ecological processes, and landscape connectivity. The total development footprint will be 1105m<sup>2</sup> of Endangered vegetation, natural CBAs, and sensitive forest habitat. We therefore support the alternative proposed by SANParks to increase the disturbance footprint of the main dwelling. CapeNature does not support the loss of natural CBA that is incompatible with the management objectives of CBAs.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

## NGO

### Wilderness & Lakes Environmental Action Forum (WALEAF) – 15/02/2024

WALEAF represented by Balvindra Walter and Charles Scott attended a site visit together with Vanessa Weyer from Sanparks, Melanie Koen from DFFE Forestry, and Janet Ebersohn from Ecoroute on 14th February 2024. Wilderness Erf 2003 is currently zoned “Open Space Zone III (OSZIII)” in terms of the George Integrated Zoning Scheme by Law 2023, and is 2,8135 Ha in extent. The property is currently vacant, and is covered in a protected indigenous forest. Besides this EIA process, the land use application will consist of the following:

- (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 construction of 1x main dwelling house and 4x self-catering 2-storey tree-top guest cottages, 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 cottages.

- New Main House (200m<sup>2</sup> + 175m<sup>2</sup> deck + 30m<sup>2</sup> pool) = 405m<sup>2</sup> total
  - 4x Double Storey Cottages 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>

WALEAF is totally opposed to this application to erect **5 dwellings**, as on 25th August 1994, the Wilderness Municipality approved of the subdivision of erf 1 Wilderness into 4 portions (Erven 2002, 2003, 2004, and Rem 1 Wilderness), with the proviso that only **ONE DWELLING** may be erected on each of the sub divisible portions (see annexure 1). In addition, as part of the approval, a homeowner's association had to be formed, of which each of the 4 property owners had to be members/trustees, all of whom have to abide by the conditions set in **Constitution of the Dolphin's Leap Homeowners Association** (see annexure 2).

One very important condition which the municipality set in 1994 was:

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

Erf 2003 is part of Dolphins Leap which was set up primarily as a conservation area with only a single residential building allowed per erf to ensure minimum impact on the flora and fauna. The owner of erf 2003 purchased the property with the full knowledge that he was buying into Dolphin's Leap, and that building restrictions were in place preventing the erection of more than one dwelling. He knew that there were three other members of this association, who could object to any proposal which he might have made, should such proposal/s be contrary to the Constitution.

**Response provided by Marike Vreken Town Planners:**

*The Dolphins Leap HOA is not a functional HOA nor is there a chairman acting on behalf of the homeowners Dolphins Leap, this was confirmed by George Municipality. Therefore, the landowner did not take this into consideration.*

*As per Clause 29 of the Land Use Planning Ordinance 15/1985 (under which regulations the HOA came into being in 1993), any governing document or regulation pertaining to land use and development must be approved by the relevant municipal authority to hold legal validity. It has come to our attention that the constitution of the Dolphins Leap HOA has not received approval from the Garden Route Eden District Municipality (George), rendering it legally non-binding, especially in matters concerning land use and development within its jurisdiction. Refer to attached legal opinion in Appendix L.*

*It must be noted that all the relevant spatial planning policies and the Integrated Zoning Scheme By-Law encourage these types of developments within the conservation areas, sustainably with a proper environmental management plan and minimal environmental impact. The natural features and amenities that the garden route has to offer are the main tourism attraction and access to these areas for all can be done with these types of development.*

*The George Integrated Zoning Scheme By-Law allows for tourist accommodation as a listed consent use and the landowners are within their rights to apply for the proposed land use (encouraged to be situated in these areas). All development applications are assessed on a case-to-case basis, and the fact that tourism accommodation is approved on one property does not mean guaranteed approval for any other land use application similar to this. The merit, desirability, the impact on surrounding landowners and the environment are some of the determining factors. This application at hand must be considered and its impact on the environment. The proposal in its current setting is encouraged, as long as it is done in a sustainable manner with minimal impact. **Tourist accommodation is not encouraged within demarcated urban areas.***



Proposed site development plan (SDP) indication position of 5 proposed dwellings

With respect to the 4 proposed cottages, the applicant states the following:

*"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."*

If these proposed cottages are 5 metres above ground, and then have 2 storeys on top of that, the total height will exceed 10 metres, which will be in **violation of the zoning scheme by-law, and the old Wilderness Structure Plan.**

She then states *"The visual impact will be insignificant"* and *".....it will be very difficult to see these units."* We cannot agree with such statements.

**Response from architect: the pods have been designed to be +/-8m above NGL height restriction line that applies in most zoning schemes to single residential type structures. The municipality will confirm the final height allowed for this development.**

**Response provided by Marike Vreken Town Planners:**

- **The George Zoning Scheme does not prescribe a height for tourist accommodation units, it does state that 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. This means the applicant should come with a proposal and the municipality will advise. During the pre-application consultation George Mun stated that**

How can the visual impact of 4 dwellings of over 10 metres in height be insignificant?

**Please note: The old Wilderness Structure plan restricted dwelling houses in a conservation zone to single storey and maximum height of 5m.**

The approval conditions, also stated the following:

**The dwelling house should also follow the profile of the property, thus “step” and must be constructed with materials of natural colours.**

**The building lines and height restrictions should be determined with the main purpose of conservation.**

**A visual impact assessment will be required.**

We note that no proper visual impact study has been submitted.



*An architectural impression of a cottage.*

**“...Detailed development parameters will be determined when more information becomes available with the main purpose of conservation of the environment...”**

**Parameters to be determined by the local authority.**

Visual impact – please see attached Appendix G7.

**- ALTERNATIVE OPTIONS FOR THIS PROPERTY**

This has been included in the assessment in the BAR.





*An architectural impression of a cottage.*



*An architectural impression of a cottage.*

We note that no plans or elevations have been submitted for the primary dwelling. As it is a condition of the subdivision that a visual impact assessment is required for anything erected on the property, what is envisaged for the primary dwelling needs to be included in the draft BAR, in order for all interested and affected parties being allowed to comment on the visual impact of such dwelling.

**The primary dwelling has been assessed in the visual impact assessment. The EIA process does not require final detailed plans to be submitted as part of the assessment. This is for the town planning application.**

**An alternative option 2 has been included and assessed in the BAR.**

## **ALTERNATIVE OPTIONS FOR THIS PROPERTY**

Part of any impact assessment is to look at alternatives, and this also includes alternative sites. If the owner wanted to invest in a tourist accommodation business, he should have considered alternative sites elsewhere in the area (not on erf 2003), to achieve all the benefits that are listed in the proposal, with a lower impact than the present proposal.

Only two possible options were offered to us in the draft BAR documents from Ecoroute. These 2 options are :

Option 1 : main dwelling plus 4 cottages (preferred option)  
Option 2 : main dwelling plus 5 cottages (alternative option)

WALEAF would like to offer the following additional options which also need to be considered by all I&APs :

Option 3 : one dwelling house only : in line with 1994 subdivision approval  
Option 4 : one dwelling house, with 4 attached guest rooms, making it a guest house, creating one single building.  
Option 5 : relax the 20 metre building lines in order to position any building closer to the boundaries of the property, where less indigenous vegetation will need to be destroyed.  
Option 6 : No development at all.

**PUBLIC**

**Richard and Jacqui O'Donnell – 19/02/2024**

I have been thinking about this a bit more and I think I would like to add that the units look far too high and will be a bit of an eye-sore from the beach as they are not made of natural materials that will blend in.

**Richard and Jacqui O'Donnell – 22/01/2024**

With reference to the above proposal, I wish to make the following comments:

The comments that I submitted to the previous submission still stand.

The driving force for the creation of Dolphin's Leap in 1994 was to protect and **conserve** nature, and in particular the pristine dune thicket with its associated flora and fauna. This was a far-sighted decision. This pristine land needs to be conserved rather than used for "tourism growth" where there are many other land opportunities in the area for development. It does not have to go on Erf 2003.

When we purchased my property, I considered many options before selecting Erf 2002. The real attraction for Erf 2002 was the fact that it was immersed in nature where there would be very little traffic, noise and much privacy. The proposed development sets a precedent for further development of all erfs in Dolphins Leap which would disturb the whole environment. If we take 10 cars per Erf and 5 dwellings per Erf the sanctity of the area has gone forever.

The main motivation for the proposed development is for jobs and tourism. No alternative sites were considered. These objectives could be met by siting the development on other land in the larger Wilderness area. The purchaser should have thought about the restrictions of Dolphins Leap before purchase, if he intended a business.

The notice that was put up implies that Erf 2003 is a standalone plot, which is not true.

**Response provided by Marike Vreken Town Planners:**

*The Dolphins Leap HOA is not a functional HOA nor is there a chairman acting on behalf of the homeowners Dolphins Leap, this was confirmed by George Municipality. Therefore, the landowner did not take this into consideration.*

*As per Clause 29 of the Land Use Planning Ordinance 15/1985 (under which regulations the HOA came into being in 1993), any governing document or regulation pertaining to land use and development must be approved by the relevant municipal authority to hold legal validity. It has come to our attention that the constitution of the Dolphins Leap HOA has not received approval from the Garden Route Eden District Municipality (George), rendering it legally non-binding, especially in matters concerning land use and development within its jurisdiction. Refer to attached legal opinion Appendix L.*

*It must be noted that all the relevant spatial planning policies and the Integrated Zoning Scheme By-Law encourage these types of developments within the conservation areas, sustainably with a proper environmental management plan and minimal environmental impact. The natural features and amenities that the garden route has to offer are the main tourism attraction and access to these areas for all can be done with these types of development.*

*The George Integrated Zoning Scheme By-Law allows for tourist accommodation as a listed consent use and the landowners are within their rights to apply for the proposed land use (encouraged to be situated in these areas). All development applications are assessed on a case-to-case basis, and the fact that tourism accommodation is approved on one property does not mean guaranteed approval for any other land use application similar to this. The merit, desirability, the impact on surrounding landowners and the environment are some of the determining factors. This application at hand must be considered and its impact on the environment. The proposal in its current setting is encouraged, as long as it is done in a sustainable manner*

Other:

The swimming pool should not be allowed and additionally is very large. The noise impact of all the guests would be excessive for neighbours and environmentally it is not a good idea. The deck area seems to be excessive also.

The number of chalets is too many. I would like to know what is the average percentage of developed land to total land in a "nature area".

Lighting to be kept to an absolute minimum as there are many nocturnal creatures and birds in the area.

No future expansion, catering facilities, supply of alcohol or beverages must be tolerated.

Not sure if this is too early: All employees should be South African from Wilderness area only. Can you elaborate on the number of employees envisaged?

We are very very happy to have one dwelling, in line with Dolphins Leap requirements.

with minimal impact. **Tourist accommodation is not encouraged within demarcated urban areas.**

*The dynamics have changed since this approval was issued and other factors such as socio-economic impact, character of the area all contributes to the feasibility etc. play a role in the decision making of whether the proposed use is desirable. The dynamics was different at the time of implementation if these conditions and the municipality must look at all the relevant considerations before making a decision, not only a condition imposed in the early 1990's. It is unclear what 'building restrictions, the proposed development will fail to comply with. The vision for conservation areas today may not have been the case in early 1990's, but more than 30 years later times have changed, and land use planning encourages these types of development.*

*The purpose of this process is to determine the impact on the environment and to assume the proposal will have a negative impact is premature and unsubstantiated.*

*"...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..." - Eden Spatial Development Framework (2017)*

*Erf 2003 is a registered Erf on its own, with its own title deed and approved SG diagram.*

Other:

- *The swimming pool is 30m<sup>2</sup> and situated adjacent to the main dwelling house. To state that a landowner should not be allowed to construct a swimming pool on their land is unreasonable. This is exercising their primary land use rights.*
- *Pods are proposed. The total coverage will be 3.58% the total disturbance area will be 1105m<sup>2</sup> and the property size is 2,8135 ha. It must be noted that the pods and the boardwalk will be on stilts above the forest floor.*
- *This will be taken into consideration. The idea is to have minimal environmental impact thus the reason for the EIA process.*
- *This proposal does not include the supply of any beverages or food it is only for self-catering accommodation units and the construction of a main dwelling house. This would be the case with a guest house.*

- The number of employees cannot be confirmed at this stage, but will during the planning stage. The idea is to source all (if possible) building materials locally. Use local professionals and local contractors.

Louis Serfontein – 20/10/2023

Reference is made to an email from Wentzel dated Tue 2023/10/24 1:01PM & Tue 2023/04/25 2:13PM respectively confirming that Mr Louis Serfontein withdrew his objection and sees no problem with the development.

----- Original message -----

From: Wentzel Coetzer <wentzel@work.co.bw>  
Sent: Thursday, October 12, 2023 9:16 AM  
To: 'louis.serfontein67' <louis.serfontein67@gmail.com>  
Cc: 'Wessel' <wessel@coastalhire.co.bw>  
Subject: Emailing: Pr2114 - Wilderness Erf 2003 Specialist Planning Report for EIA\_Rev5 - Incl Annexures (1)

More Louis , hoop dit gaan goed daar by julle. Sien die Kaap het maar sleg deur geloop die laaste tyd met die weer.

Jammer vir die lang stilte vandat ons jou laas ontmoet het.

Hier is n gedeelte van die verslag wat jy voor gevra het, dit is die eerste 40 bladsye van die verslag van Marike Vreken Urban and Environmental Planners. Hulle volle verslag is 106 bladsye.

Hierdie verslag gaan dan in saam met die volledige EIA veslag en aansoek van die Environmentalist , Janet Ebersohn van Ecoroute. Dit is n verdere paar 100 bladsye...

Soos ons met jou bespreek het wil ons graag eendag n huis vir ons daar bou met 3 of 4 klein eenhede om uit te verhuur. Die eenhede sal op stilte wees en versigtig geplaas word soos aangedui deur die Botonist Dr . Hoare wat gps coördinate gevat het. Daar is ook n visueel impack study gedoen soos in die verslag. Ons besef die sensitifiteit van die bos en die bewaring daarvan dus sal die eenhede sal geplaas word waar daar nie enige groot bome beskuldig sal word nie. Die 4 parkerings is nou opgeskryf na die bokant toe. Dis sal daar geen versterings onder by jou wees nie. Ons het ook n company (Maskam Water) gekry wat die biologiese sewage system kan doen as jy eendag sou belangstel aangesien ons nie septic tanks mag doen nie en die sewage trokke nie by n toe stoor tank kan kom nie agv die steil pad. Die sewage eenhede is klein en jy het dis nie die groot tanks nodig nie wat nog meer sou versteur het. Ek weet nie wat die buurman gedoen het nie en hoe hy daarmee werk nie aangesien hy glad nie met ons wil kommunikeer nie wat jammer is want ons kon nogals heelwat by hom geleer het oor die area.

As jy enige spesifieke inligting nodig het wat nie in die verslag is nie laat my asb weet. Wat ons groot asb van jou nodig het is n toestemmings brief om te se jy gee toestemming vir ons 4 eenhede.

Baie dankie,  
Wentzel Coetzer  
Wessel Wessels

-----Original Message-----

From: Louis Serfontein [mailto:[louis.serfontein67@gmail.com](mailto:louis.serfontein67@gmail.com)]

Sent: Friday, October 20, 2023 2:45 PM

To: 'Wentzel Coetzer'

Cc: 'Wessel'

Subject: RE: Emailing: Pr2114 - Wilderness Erf 2003 Specialist Planning Report for EIA\_Rev5 - Incl Annexures (1)

Ek is gemaklik hiermee.

L.



**REFERENCE:** 16/3/3/1/D2/55/0001/24  
**ENQUIRIES:** Shireen Pullen  
**DATE OF ISSUE:** **01 March 2024**

Wentzel Christoffel Coetzer & Wessel Philippus Wessels  
PO Box 26  
**GROOT MARAIS**  
2850

**Attention: Messrs WC Coetzer & WP Wessels**

Email: [wentzel@work.co.bw](mailto:wentzel@work.co.bw)

Dear Messrs

**ACKNOWLEDGEMENT OF RECEIPT AND COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT (“BAR”) FOR THE PROPOSED MAIN DWELLING, 4 SELF-CATERING COTTAGES AND ASSOCIATED INFRASTRUCTURE ON ERF 2003, WILDERNESS SKY, WILDERNESS**

1. The abovementioned document received by the Directorate: Development Management (Region 3), hereinafter referred to as “this Directorate” via electronic mail on 19 January 2024 refers.
2. This letter serves as an acknowledgment of receipt of the Draft Basic Assessment Report by this Directorate on 19 January 2024.
3. It is understood that the proposal has been amended and now entails the clearance of more than 300m<sup>2</sup> critically endangered vegetation and the establishment of tourism accommodation outside the urban area of Wilderness, within 5km of the Garden Route National Park and Kaaimans River Gorge Reserve to establish the following:
  - 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = Total footprint 405m<sup>2</sup>
  - 4 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit = Total footprint 560m<sup>2</sup>
  - Associated infrastructure consisting of:
    - parking areas in the northwestern section of the property that also makes provision for a total of 8 x vehicles of approximately 337m<sup>2</sup>
    - a wooden decking walkway of approximately 194m<sup>2</sup> that will be 0.5m above the forest floor meandering through the trees to the pods, from the parking areas to the main dwelling; and
    - a sewage treatment plant.
4. This Directorate has reviewed the draft BAR and comment as follows:
  - 4.1. The draft BAR states that the proposed development will blend in with the natural surroundings and will not be visible from the adjacent properties or the N2 and will therefore not impact on the visual character or sense of place in the area. However, it is re-iterated that it is not clear on what findings and assessment the statement is based, as there is no Visual Impact Assessment attached to the draft BAR that complies with Appendix 6 of the NEMA EIA Regulations, 2014 (as amended 2017). The Visual Impact Photomontage is not regarded as a Visual Impact Assessment and it is noted that you have re-submitted the Photomontage, despite the fact that this issue/concern has been raised

previously by this Directorate in the comment on the application form. Please ensure that you implement the Guideline for Involving Visual and Aesthetic Specialists in EIA Processes of this Department.

- 4.2. The inclusion of the Visual Impact Photomontage and the input by an Architect is therefore considered insufficient to assess the landscape impact (such as tranquillity, beauty, a sense of place) and visual impact of the proposed development on people (i.e. neighbouring/surrounding residents and public road users, which this Directorate regards to be the main visual receptors that will be affected by the potential changes in views, visual amenity at different places, including publicly accessible locations and residential properties). Failure to undertake a visual impact assessment that complies with Appendix 6 may prejudice the success of the application.
- 4.3. Furthermore, the specific section in the draft BAR that deals with the assessment of the identified alternatives should be informed by the findings and recommendations of the Visual Impact Assessment and not be based on the result of a photomontage constructed by an Architect, which is not a visual specialist.
- 4.4. It is further evident that there will be disturbance to and removal of indigenous vegetation, trees, topsoil, animal and plant habitat. The applicant must ensure that he/she consults with, and obtains the necessary permits for the removal of any indigenous or protected vegetation/tree species from the relevant authorities, prior to any form of land clearing or disturbance.
- 4.5. It is stated in the report that; *"The system provides optimised nitrification and effluent quality to a standard that meets the requirements of the South African Department of Water Affairs and sanitation (DWS) for the release of such treated effluent back into the environment to meet the General Limit Values (GLV) in terms of Section 9 of the National Water Act No. 36 of 1998 (Re Source Water Solutions)."* However, it is not clear where in the environment the treated effluent will be released or whether there will be a secondary use of the treated effluent that will be discharged from the treatment system, given the fact that the mid-section of the property represents a drainage valley and channel, which could be subjected to possible pollution.
- 4.6. The management of stormwater on the subject property is critical, as the property is characterised by a prominent drainage valley and channel, which drains water and surface runoff down towards the N2 national road that runs below it with very slippery sandy and clayey slopes that have collapsed on numerous occasions in the past, due to disturbance activities occurring at the top. The cumulative effect of activities occurring at the top of mountainous properties or slopes can have a detrimental impact on both ecological or man-made infrastructure, which cannot be ignored. The impacts of the nature, extent and scope of the proposed development and its associated activities/infrastructure must be assessed holistically from both a site specific and cumulative perspective, given the location of the subject property in the context of the surrounding environment that are sensitive to any form of indiscriminate disturbance. It is acknowledged that the methodology to determine the significance ratings of the potential environmental impacts and risks associated with alternatives relates to direct, indirect and cumulative impacts. However, EAP is required to comparatively assess all identified reasonable and feasible alternatives based on the findings of both site specific and cumulative impacts to inform the best practicable environmental option.
- 4.7. According to the draft BAR the southern portion of the property has very steep slopes that were not surveyed, as it is not suitable for development. The draft BAR is however silent on the steepness of the slopes and the findings of the geotechnical studies for the proposed site or area that will be developed. The stability and suitability of the slopes or area that will be developed must be confirmed by the appointed geotechnical specialist and geologist. The specialist consulting geotechnical engineers and geologists makes no mention of the steepness of slopes in the area that will be developed.
- 4.8. Written confirmation on the supply of both domestic and fire water as stated in the draft BAR must be obtained from George Municipality.



- 4.9. The draft BAR mentions fire risks caused by vagrants that may illegally clear protected trees on the property. The report however fails to explain how potential fires that occur on the property will be addressed or managed and what mitigation measures will be employed, besides the use of fire water (supply still to be confirmed by the municipality) to mitigate the effects and impacts of unforeseen fires on the property.
  - 4.10. It is further noted that the draft BAR recommends that effective stormwater management systems must be implemented to collect and discharge stormwater in a controlled manner down slope. As such, a detailed Stormwater Management Plan must be developed and included as part of the Environmental Management Programme (EMPr).
  - 4.11. The draft BAR identifies solid waste as a negative impact, but fails to identify specific mitigation measures as to how this impact will be addressed or managed.
  - 4.12. The issue regarding Erf 2003 forming part of Dolphin's Leap Development and that its part of a conservation area needs to be addressed and more comprehensive background and feedback on this particular issue or concern must be provided in the final BAR to ensure that the development proposal is not in conflict with the Constitution of the Home Owners Association, as claimed by I&APs in the draft BAR.
  - 4.13. Interested and Affected Parties (WRRRA) raised objections against a separate 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), which makes provision for 4x parking bays. The revised Site Development Plan (SDP) must demonstrate or reflect that this issue has been satisfactorily addressed in the final BAR.
  - 4.14. Your response to the need for a boardwalk is noted. However, your motivation should be aligned and informed by the criteria set out in the Guideline on Need and Desirability, as well as the findings of the specialist assessment. Note that the Need and Desirability Guideline should be applied to the whole development.
  - 4.15. Section H of the draft BAR comparatively considered the identified alternatives, but fails to include the "no-go" option as a baseline against which all other alternatives must be measured. The No-Go alternative is considered in isolation in the draft BAR and must be comparatively considered with the other two identified alternatives. Please refer to the Guideline on Alternatives (March 2013) of this Department.
5. This Directorate awaits the submission of the final Basic Assessment Report.
  6. Please note that the proposed development may not commence prior to an environmental authorisation being granted by this Directorate.
  7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any new or revised information received.

Yours Faithfully

**Malcolm Fredericks** Digitally signed by Malcolm Fredericks  
Date: 2024.03.02 07:13:27 +02'00'

**MR MALCOLM FREDERICKS**  
**CONTROL ENVIRONMENTAL OFFICER**  
**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copies to: Ms. Janet Ebersohn  
Ms. Samantha Teeluckdhari  
Mr. Clinton Petersen

Eco-Route (EAP)  
Eco-Route (EAP)  
George Municipality

Email: [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)  
Email: [samantha@ecoroute.co.za](mailto:samantha@ecoroute.co.za)  
Email: [cpetersen@george.gov.za](mailto:cpetersen@george.gov.za)



## Eco Route

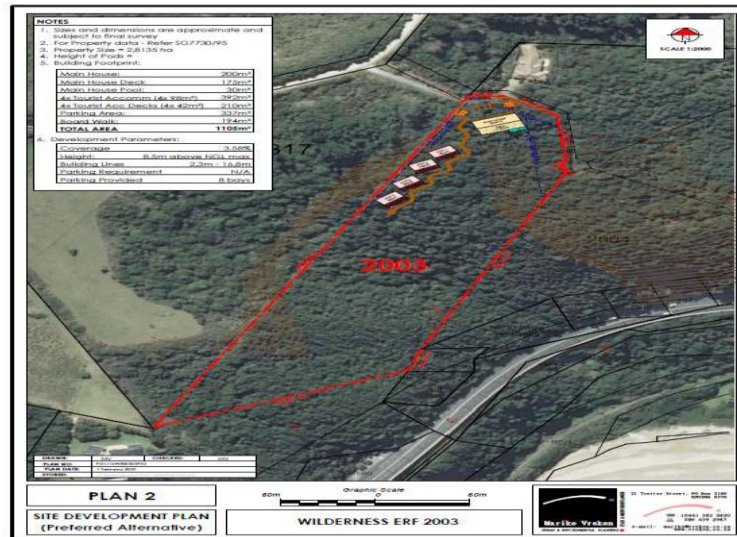
Attention: Janet Ebersohn

Email: [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

Tel/Fax: 044 874 0365

## COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF A RESIDENTIAL DWELLING AND FOUR SELF-CATERING GUEST COTTAGES ON ERF 2003, WILDERNESS:

- 1 Forestry is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA).
- 2 Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a licence. Under Section 7 of the NFA the whole forest ecosystem is protected and not just the indigenous/ protected trees within the forest. "Forest" is defined in the NFA to include i.a. "a natural forest... and the ecosystems which it makes up", thereby including all components of the forest, not only the trees." Under section 62 (1) of the NFA any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in Section 7 (1) is guilty of a second category offence. A person who is guilty of a second category offence may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment.
- 3 According to the report: the whole of the property consists of pristine Indigenous Forest; the property is currently zoned as Open space III
- 4 According to the report: "Proposed Development: Buildings and Structures: 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = Total footprint 405m<sup>2</sup>, 4 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit = Total footprint 560m<sup>2</sup>; Proposed Development: Infrastructure: There will be designated parking areas in the northwestern section of the property that also makes provision for a total of 8x vehicles = Total footprint 337m<sup>2</sup>



- 5 Forestry conclude/ request the following:
  - a. Forestry request that the developmental footprint be kept to an absolute minimum- and thus does not support above proposal
  - b. The above Landowner has no property rights for above proposal.
  - c. Forestry further strongly object to above proposal
  - d. Forestry request that one dwelling unit be maintained- as per past Land-Use approvals- and future proposals be forwarded for comment to accommodate previous said request; and further suggest that Bed & Breakfast options be looked into within the parameters of the one dwelling unit
  - e. Kindly note that this letter is not a NFA licence. Continuing above activity without a valid NFA licence is illegal and a criminal offence under the NFA.
- 6 Forestry reserves the right to revise initial comment based on any additional information that may be received.

Yours Faithfully



Ref: DOI/CFS/RP/LUD/REZ/SUB-12/193 (Job 30784)

---

Eco-Route Environmental Consultancy  
PO Box 1252  
**SEDGEFIELD**  
6573

Attention: Ms S Teeluckdhari

Dear Madam

**DRAFT BASIC ASSESSMENT REPORT: PROPOSED CONSTRUCTION OF A RESIDENTIAL DWELLING AND FOUR SELF-CATERING GUEST COTTAGES ON ERF 2003, WILDERNESS, WESTERN CAPE**

1. Your unreferenced and undated notice of the abovementioned public participation running to 19 February 2024 refers.
2. This Branch is not affected by this development proposal, and from an environmental point of view this Branch offers no objection to it.

Yours Sincerely

**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE**

**DATE: 25 JANUARY 2024**

## ENDORSEMENTS

1. Eco-Route Environmental Consultancy  
  
Attention: Ms S Teeluckdhari (e-mail: [samantha@ecoroute.co.za](mailto:samantha@ecoroute.co.za))
  
2. District Roads Engineer  
Oudtshoorn
  
3. Mr SW Carstens (e-mail)
  
4. Mr E Burger (e-mail)
  
5. Mr J van der Merwe (e-mail)
  
6. Mr M Steyn (e-mail)



**BREED-OLIFANTS**  
C A T C H M E N T M A N A G E M E N T A G E N C Y

101 York Street 3rd Floor Room 302 George 6530, P.O Box 1205 George 6530

Enquiries: SI Ndlovu

Tel: 023 346 8000

Fax: 044 873 2199

E-mail: [sndlovu@bocma.co.za](mailto:sndlovu@bocma.co.za)

REFERENCE: 4/10/2/K30C/ERF 2003, WILDERNESS

DATE: 06 FEBRUARY 2024

ECOROUTE  
PO Box 1252  
**SEDGEFIELD**  
6573

Attention: Ms S. Teeluckdhari

**RE: NOTICE OF PUBLIC PARTICIPATION FOR THE PROPOSED CONSTRUCTION OF A RESIDENTIAL DWELLING AND FOUR GUEST COTTAGES ON ERF 2003, WILDERNESS**

Reference is made to the above mentioned Draft Basic Assessment Report made available to Breede-Olifants Catchment Management Agency (BOCMA) for comments.

The following are BOCMA comments relating to the Draft Basic Assessment Report for the proposed construction of a residential dwelling and four self-catering guest cottages on Erf 2003, which should be adhered to:

1. The water supply of the proposed development that will be provided for by a Water Services Provider (WSP) i.e. municipality, there must be an agreement in place between the user and the municipality and water charges must be paid directly to the municipality.
2. Please note that no water shall be derived from any water resource and used on Erf 2003 for any purposes without prior approval by means of a water use authorisation in terms of section 22 of the National Water Act, 1998 (Act No. 36 of 1998).
3. The disposal of treated effluent from the sewerage treatment plant to the open environment is not allowed. There are various methods that can be used e.g. treat the wastewater and irrigate the landscapes which will trigger water use(s) in terms of section 21(e) of the National Water Act, which refers to engaging in a controlled activity or appoint a services provider to remove the wastewater and take it to the nearby wastewater treatment works facility.

**RE: NOTICE OF PUBLIC PARTICIPATION FOR THE PROPOSED CONSTRUCTION OF A RESIDENTIAL DWELLING AND FOUR GUEST COTTAGES ON ERF 2003, WILDERNESS**

4. Any disposal or discharge of wastewater to the environment must be regulated and/or authorised, where necessary, in terms of the water uses triggered, as contemplated in section 21 of National Water Act.
5. It is recommended to use conservancy tank(s) instead of septic tanks/french drains to dispose domestic wastewater and conservancy tanks must be emptied on regular basis to prevent detrimental impacts on groundwater resources.
6. All reasonable measures shall have to be taken to prevent the potential pollution of the groundwater resources due to the proposed onsite sanitation facilities i.e. a service provider must be appointed to remove domestic wastewater from septic/conservancy tanks.
7. As required by section 22 of the National Water Act, 1998 (Act No. 36 of 1998), a Water Use Authorisation is required prior to commencement with any water use activity contemplated in section 21 of National Water Act. Moreover, commencement with any water use activity without an authorisation as required by section 22 of National Water Act constitutes an offence in terms of section 151(1) (a) of the National Water Act. In terms of section 151(2) of the National Water Act, any person who contravenes is guilty of an offence and liable, on first conviction to a fine or an imprisonment of a period not exceeding five years or both such a fine and imprisonment.
8. In light of the above, you are advised that the onus remains with the property owner to adhere to the National Water Act, prior to commencement with any water use contemplated in section 21 of National Water Act that is associated with the proposed development.
9. Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.
10. The BOCMA office can be contacted for further information related to the requirement for, or the application for a Water Use Authorisation.
11. Should you wish to apply for a water use authorisation for unregistered water uses triggered by the proposed activities, you may apply electronically by logging onto the Department of Water and Sanitation (DWS) website at <http://www.dws.gov.za/e-WULAAS>.
12. Should you have further enquiries, the office can be contacted or alternatively contact Mr. SI Ndlovu at the above-mentioned contact number or on [sndlovu@bocma.co.za](mailto:sndlovu@bocma.co.za)

**RE: NOTICE OF PUBLIC PARTICIPATION FOR THE PROPOSED CONSTRUCTION OF A  
RESIDENTIAL DWELLING AND FOUR GUEST COTTAGES ON ERF 2003, WILDERNESS**

Yours faithfully,

pp *J. van Staden*

**MR. JAN VAN STADEN  
CHIEF EXECUTIVE OFFICER (ACTING)**



**Postal** Private Bag X6546, George, 6530  
**Physical** 4<sup>th</sup> Floor, York Park Building, York Street, George  
6530  
**Website** [www.capenature.co.za](http://www.capenature.co.za)  
**Enquiries** Megan Simons  
**Telephone** +27 87 087 3060  
**Email** [msimons@capenature.co.za](mailto:msimons@capenature.co.za)  
**Reference** LE14/2/6/1/6/2/ERF2003\_Commercial\_  
Wilderness  
**Date** 07 March 2024

Eco Route Environmental Consultancy,  
P.O. Box 1252,  
Sedgefield,  
6573

Attention: Ms Samantha Teeluckdhari  
By email: [samantha@ecoroute.co.za](mailto:samantha@ecoroute.co.za)

Dear Ms Samantha Teeluckdhari

**THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED  
CONSTRUCTION OF A RESIDENTIAL DWELLING AND FOUR SELF-  
CATERING GUEST COTTAGES ON ERF 2003, WILDERNESS, GEORGE LOCAL  
MUNICIPALITY, WESTERN CAPE.**

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CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

CapeNature has previously provided comments for this application (CapeNature reference: *LE14/2/6/1/6/2/ERF2003\_Housing\_Wilderness*). Following a review of the dBAR we wish to make the following comments:

1. The specialist described the vegetation to be Southern Afrotemperate Forest with elements of Goukamma Dune Thicket which are both (SANBI 2022)<sup>1</sup>. Furthermore, the Vlok and de Villiers (2007)<sup>2</sup> fine scale vegetation map describes the vegetation Wolwe River Fynbos-Forest. Therefore, it is important to note that fynbos is a fire-maintained ecosystems and fire plays an important role in determining species composition and community type. Thus, in the absence of fire fynbos will become senescent and mosaics of forest and thicket pioneer's species will start "invading" (Rebelo *et al.* 2006)<sup>3</sup>.

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<sup>1</sup> Government of South Africa (2022) South African Red List of Terrestrial Ecosystems: assessment details and ecosystem descriptions. Technical Report #7664, SANBI Pretoria, South Africa.

<sup>2</sup> Vlok JHJ, de Villiers R (2007) Vegetation Map for the Riversdale Domain. Unpublished 1:50 000 maps and report supported by CAPE FSP task team and CapeNature.

<sup>3</sup> Mucina, L. & Rutherford, M. C. (EDS) 2006. The Vegetation of South Africa, Lesotho and Swaziland. Strelitzia 19. South African National Biodiversity Institute, Pretoria. (Revised 2012)

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack



2. The change in vegetation structure and species composition indicates the fynbos on the property has not been managed and maintained properly. Furthermore, the build-up of fuel loads (in the absence of fire) and the presence of invasive alien plants in the greater Wilderness area pose a serious fire risk.
3. The proposed development footprint will be in CBA (Forest). These forests are vulnerable to edge effects and the proposed development may disrupt the ecological integrity of this sensitive habitat (Rebelo, 2016)<sup>4</sup>.
4. Forest vegetation and indigenous protected trees<sup>5</sup> must not be killed or pruned without a permit<sup>6</sup> from the DFFE. In addition, a CapeNature permit would be required for plant and animal search-and-rescue.
5. The botanical specialist concluded the drainage valley is an important for hydrological function of the site and that the proposed development will not have an impact on this system. Has a freshwater specialist been consulted to confirm this?
6. As the soil erodibility is moderate, we remind the applicant that the geology is unstable removing vegetation will destabilise the soil and result in land slipping. Additionally, the heavy rainfall events may also exacerbate the soil condition.
7. CapeNature reminds the applicant of Section 28 of National Environmental Management Act (NEMA) (Act 104 of 1998 as amended) (Duty of Care).

In conclusion, the property falls entirely within CBA and forms part of a continuous CBA corridor towards the east. Furthermore, urban expansion in the broader area will fragment the CBA corridor, which is important for the conservation of the species, ecosystems, supporting ecological processes, and landscape connectivity. The total development footprint will be 1105m<sup>2</sup> of **Endangered** vegetation, natural CBAs, and sensitive forest habitat. We therefore support the alternative proposed by SANParks to increase the disturbance footprint of the main dwelling. CapeNature does not support the loss of natural CBA that is incompatible with the management objectives of CBAs.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely,



**Megan Simons**  
**For: Manager (Conservation Intelligence)**

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<sup>4</sup> De Villiers C.C., Driver A., Clark B., Euston-Brown D.I.W., Day E.G., Job N., Helme N.A., Holmes P.M., Brownlie S. and A.B. Rebelo (2016). Ecosystem Guidelines for Environmental Assessment in the Western Cape, Edition 2. Fynbos Forum, Cape Town.

<sup>5</sup> Notice of the List of Protected Tree Species under the National Forest Act, 1998 (Act No. 84 of 1998)

<sup>6</sup> National Forest Act, 1998 (Act No. 84 of 1998). 1998. Government Gazette No. 19408.

The Western Cape Nature Conservation Board trading as **CapeNature**

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## Eco Route

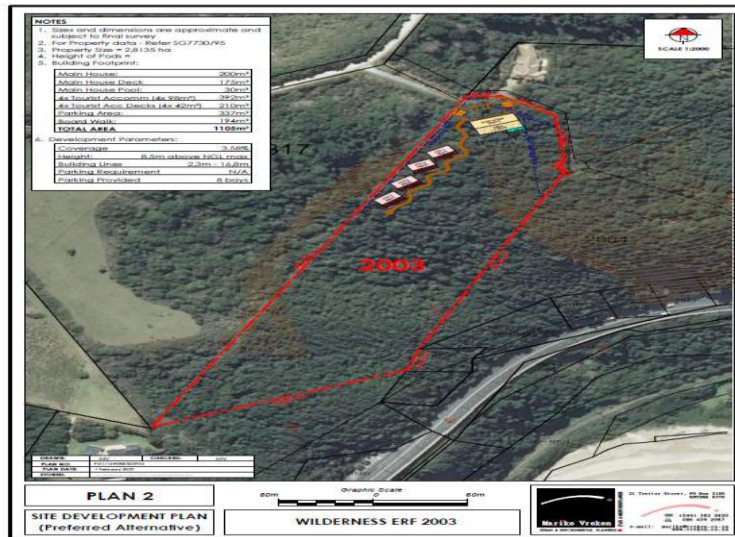
**Attention:** Janet Ebersohn

**Email:** janet@ecoroute.co.za

**Tel/Fax:** 044 874 0365

## COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF A RESIDENTIAL DWELLING AND FOUR SELF-CATERING GUEST COTTAGES ON ERF 2003, WILDERNESS:

- 1 Forestry is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA).
- 2 Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a licence. Under Section 7 of the NFA the whole forest ecosystem is protected and not just the indigenous/protected trees within the forest. "Forest" is defined in the NFA to include i.a. "a natural forest... and the ecosystems which it makes up", thereby including all components of the forest, not only the trees." Under section 62 (1) of the NFA any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in Section 7 (1) is guilty of a second category offence. A person who is guilty of a second category offence may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment.
- 3 According to the report: the whole of the property consists of pristine Indigenous Forest; the property is currently zoned as Open space III
- 4 According to the report: "Proposed Development: Buildings and Structures: 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = Total footprint 405m<sup>2</sup>, 4 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit = Total footprint 560m<sup>2</sup>; Proposed Development: Infrastructure: There will be designated parking areas in the northwestern section of the property that also makes provision for a total of 8x vehicles = Total footprint 337m<sup>2</sup>



- 5 Forestry conclude/ request the following:
  - a. Forestry request that the developmental footprint be kept to an absolute minimum- and thus does not support above proposal
  - b. The above Landowner has no property rights for above proposal.
  - c. Forestry further strongly object to above proposal
  - d. Forestry request that one dwelling unit be maintained- as per past Land-Use approvals- and future proposals be forwarded for comment to accommodate previous said request; and further suggest that Bed & Breakfast options be looked into within the parameters of the one dwelling unit
  - e. Kindly note that this letter is not a NFA licence. Continuing above activity without a valid NFA licence is illegal and a criminal offence under the NFA.
- 6 Forestry reserves the right to revise initial comment based on any additional information that may be received.

Yours Faithfully



South African  
NATIONAL PARKS

To develop, protect, expand, manage and promote a system of sustainable national parks that represents natural and cultural heritage assets, through innovation, excellence, responsible tourism and just socio-economic benefit for current and future generations.

28 January 2024

Janet Ebersohn  
Eco-Route Environmental Consultancy  
P.O. Box 1252  
Sedgefield, 6573

Per email:  
[janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)  
[admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)  
[samantha@ecoroute.co.za](mailto:samantha@ecoroute.co.za)

**RE: DRAFT BASIC ASSESSMENT REPORT FOR ERF 2003,  
WILDERNESS, GEORGE MUNICIPALITY, SANPARKS COMMENTS**

Erf 2003, Wilderness, known as Wilderness Sky, is situated in the Buffer Zone of the Garden Route National Park (GRNP), approx. 1.6km from the Wilderness section of the GRNP (**Fig. 1**). The property is situated on a hillslope north and above the N2, is steep in portions, and is dissected by a drainage valley (**Fig. 2**). Critical Biodiversity Areas (CBA1), both forest and terrestrial, designated in terms of the Western Cape Biodiversity Spatial Plan, cover the entire property (**Fig. 3**). Critical Biodiversity Areas are required to be safeguarded in their natural or near-natural state, with no further loss of natural habitat, because they are critical for conserving biodiversity and maintaining ecosystem functioning.

The property is legally mapped as containing Garden Route Shale Fynbos, (FFh 9) which is listed as Endangered in the National Environmental Management Biodiversity Act (Act No. 10 of 2004), Revised National List of Ecosystems that are Threatened and in Need of Protection GNR No. 2747, 18 November 2022 (**Fig. 4**).

The property is a greenfield site with no existing infrastructure on site. Indigenous forest vegetation is undisturbed and in a pristine condition. Strategically this is an important property in the Buffer Zone and securing the integrity of the CBA is key. Achieving a conservation outcome on this property is therefore important to SANParks.

Erf 2003, Wilderness is 2,81ha in extent, is situated outside the urban Edge, and is owned by Wentzel Coetzer and Wessel Wessels. The property is zoned Open Space Zone III (**Fig. 5**).

|ai-|ais/richtersveld transfrontier

addo elephant

agulhas

augrabies falls

bontebok

camdeboo

golden gate highlands

karoo

kgalagadi transfrontier

knysna

kruger

mapungubwe

marakele

meerkat

mokala

mountain zebra

namaqua

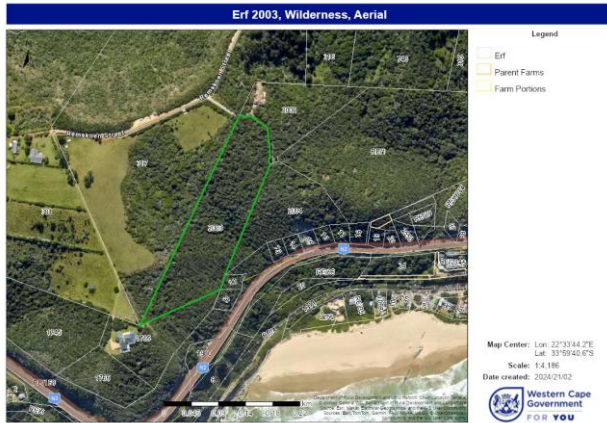
table mountain

tankwa karoo

tsitsikamma

west coast

wilderness



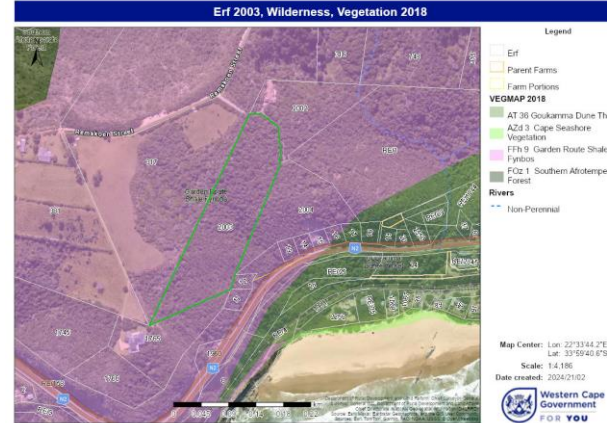
**Fig. 1:** Location of Erf 2003, Wilderness, situated 5km from GRNP and Kaaimans river Gorge Reserve (CapeFarmMapper3).



**Fig. 2:** Topography of Erf 2003, Wilderness (CapeFarmMapper3).



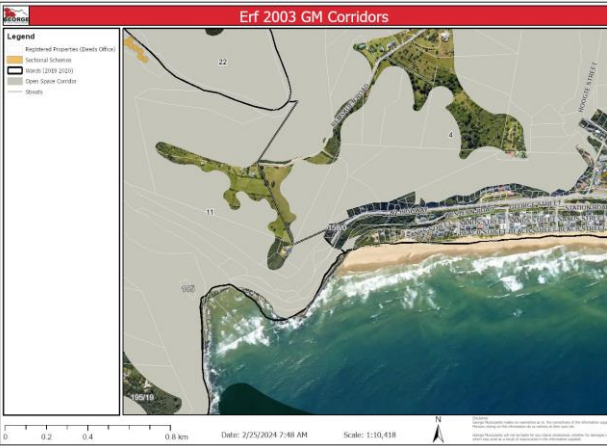
**Fig. 3:** Erf 2003, Wilderness, showing Critical Biodiversity Areas (CapeFarmMapper3).



**Fig. 4:** Erf 2003, Wilderness is mapped as containing Endangered Garden Route Shale Fynbos (CapeFarmMapper3).



**Fig. 5:** Zoning status of Erf 2003, Wilderness, Open Space Zone III (George GIS Viewer).



**Fig. 6:** George Municipality Corridor mapping showing Erf 2003, Wilderness (George GIS Viewer).

The development application is a Basic Assessment in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations of 2014 (as amended). A Draft Basic Assessment Report (DBAR) dated 19/01/2024 was reviewed for comment.

The 'Preferred Alternative' development proposal (**Fig.7**), as per the DBAR entails:

#### Preferred Alternative:

##### **Proposed Development: Buildings and Structures:**

- > 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = **Total footprint 405m<sup>2</sup>**
- > 4 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit = **Total footprint 560m<sup>2</sup>**

##### **Proposed Development: Infrastructure:**

- > There will be designated parking areas in the northwestern section of the property that also makes provision for a total of 8x vehicles = **Total footprint 337m<sup>2</sup>**
- > 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 = **Total footprint 194m<sup>2</sup>**

##### **Proposed Development: Water Supply (as per the engineer's Service Report- Appendix G)**

There is an existing municipal 50mm Class 12 uPVC pipe located on the western side of Remskoek Street. It is proposed that a 25mm connection is made to supply the proposed development with both domestic and fire water.

The addition of the main house and the cottages, will have a minimal impact (less than 4%) on the stormwater runoff generated from site.

It is proposed that where possible, that roof water is gathered and stored in tanks. From the tanks, outlets will be provided onto a stone pitched base (1m x 1m x 0.2m thick), before stormwater is dissipated into the forest.

##### **Proposed Development: Sewage Treatment Plant**

Currently there is no sewer reticulation in close proximity to the site.

The applicant will not be using the system proposed by the engineer. Instead, the applicant has opted for a more environmentally friendly system which is a closed sewage treatment system referred to as the Clarus Fusion® by Re Source Water Solutions.

##### **Proposed Fencing:**

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. The remainder of the property will be preserved in its natural state.

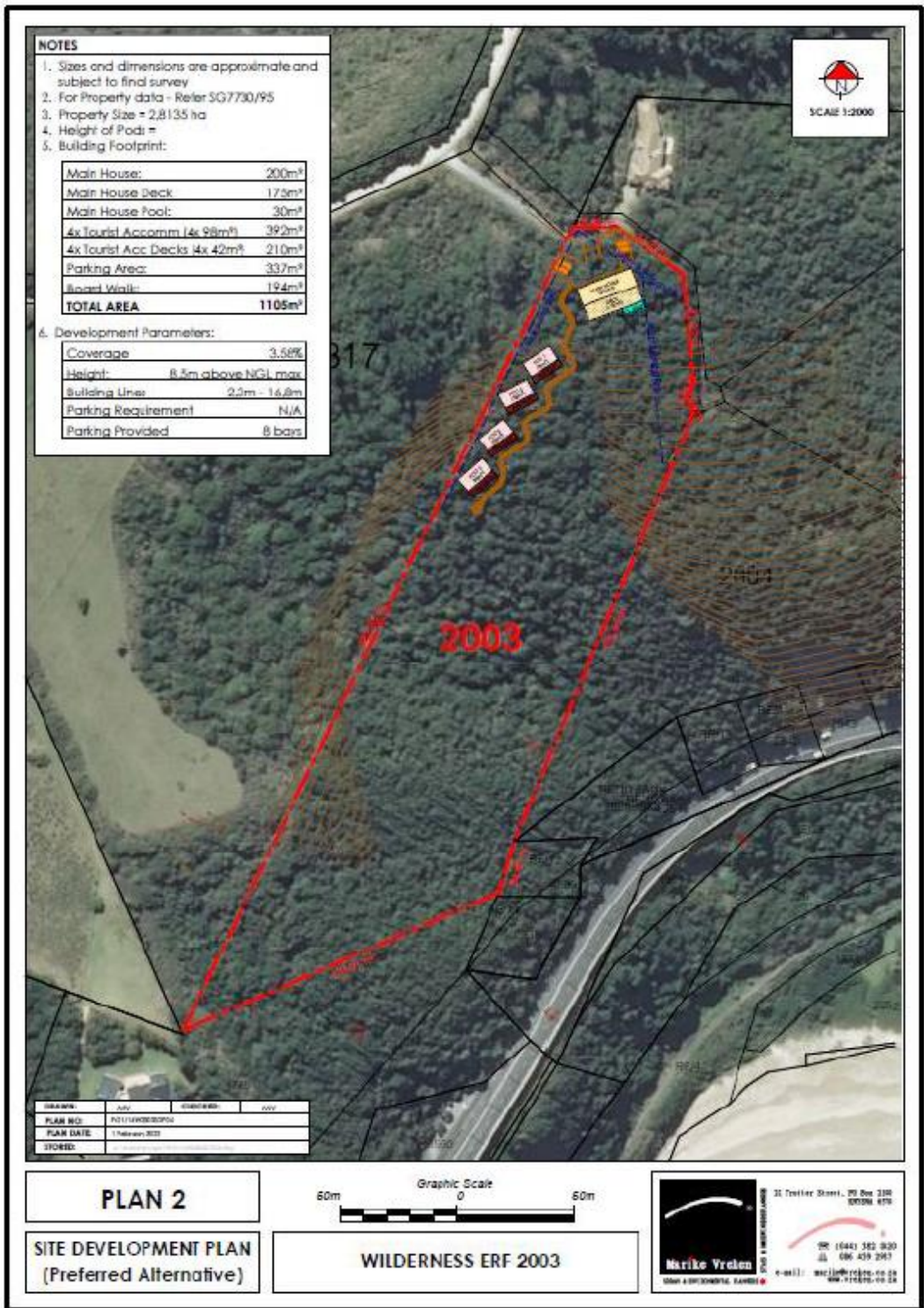


Fig. 7 Site Development Plan (Preferred Alternative)

An 'Alternative 1', development proposal (**Fig.8**) as per the DBAR entails:

**Alternative 1**

**Proposed Development: Buildings and Structures:**

- 1 x main dwelling house of 200 m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool = Total footprint **405m<sup>2</sup>**
- 5 x self-catering 2-storey tree-top pods of 98m<sup>2</sup> and each with a 42m<sup>2</sup> deck = Total footprint **700m<sup>2</sup>**

**Proposed Development: Infrastructure:**

- 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 northeastern corner of the property (Gate#2) and makes provision for 10x parking bays. The parking bays accessed from Gate#1 makes provision for 4x parking bays = total footprint **762m<sup>2</sup>**
- 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 = total footprint **322m<sup>2</sup>**

**Proposed Development: Sewage Treatment**

The proposal will allow for a septic tank as no municipal sewer connection is available in the area.

Access is described as follows:

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.

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.

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 below:



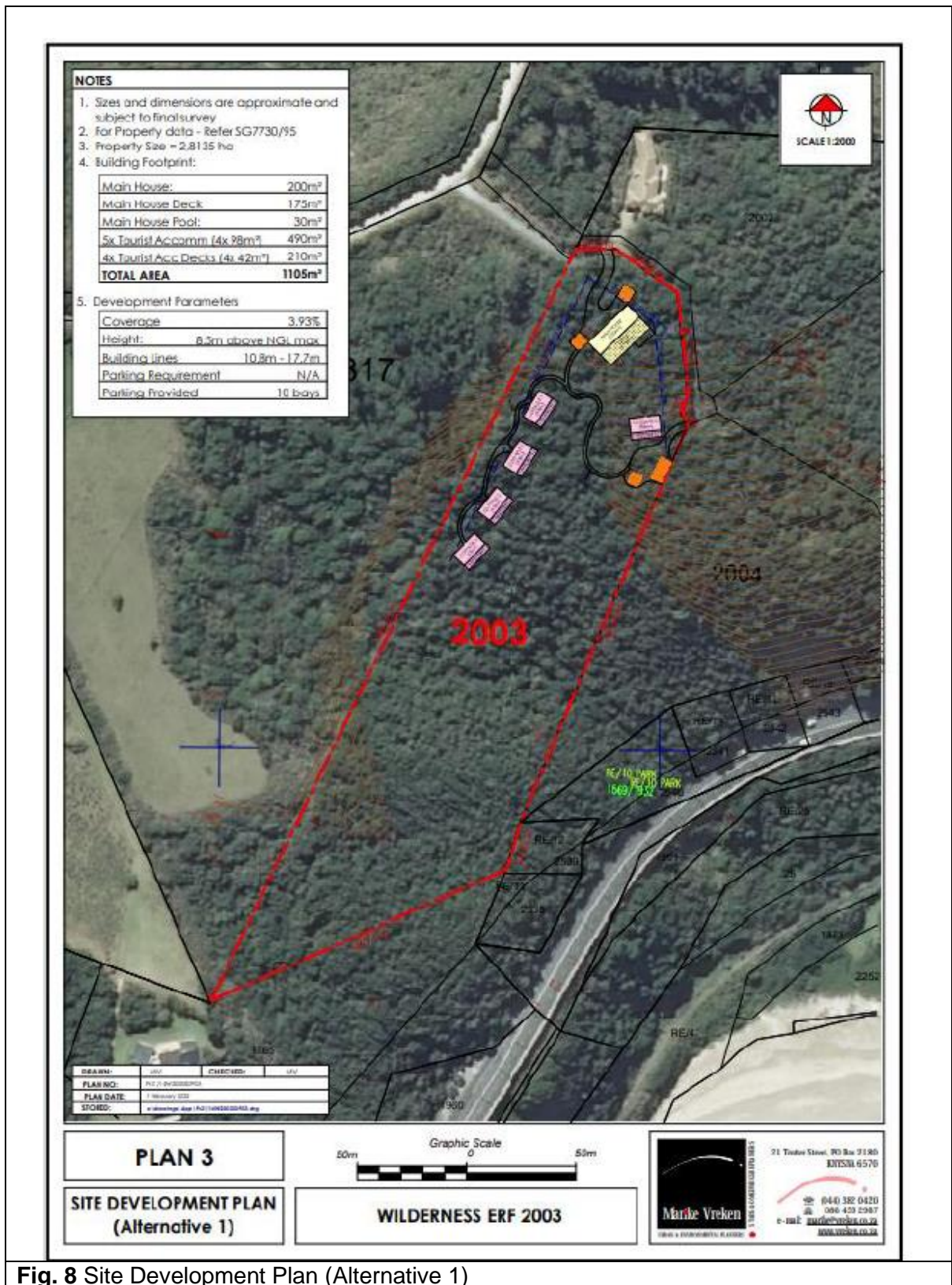


Fig. 8 Site Development Plan (Alternative 1)



The following protocols are noted in the DBAR:

1. Visual Impact Assessment - to be assisted by Olivier Architects
2. Archaeological and Cultural Heritage Impact Assessment – An NID will be submitted to the Department of Heritage
3. Palaeontology Impact Assessment – An NID will be submitted to the Department of Heritage
4. Aquatic Biodiversity Impact Assessment – The proposed development is not in close proximity to a river/ stream, / dam. No further assessment is required.
5. Avian Impact Assessment – the proposed development is not associated with a wind farm application. No further assessment is required.
6. Socio Economic Assessment- the proposed development is a small-scale tourist facility. The Town Planning Report compiled by Marike Vreken Urban and Environmental Planners (October 2023) includes socio-economic aspects and no further assessment is required.
7. Plant Species Assessment – a SACNASP registered specialist (Dr David Hoare) has been appointed and has compiled a report which assesses plants species.
8. Terrestrial Biodiversity Impact Assessment- a SACNASP registered specialist (Dr David Hoare) has been appointed and has compiled a report which assesses terrestrial biodiversity.
9. Animal Species Assessment – Only 3.58% of the property will be disturbed and the rest of the property will remain natural. Very little habitat will be affected. No further assessments are necessary.
10. Town Planning Specialist – a Town Planning Report has been compiled by Marike Vreken Urban and Environmental Planners (October 2023)
11. Geology – Outeniqua Geotechnical services
12. Agriculture – The property is currently vacant. The WCBSF map for George shows that the entire site is within a CBA1 area. This CBA1 area continues beyond the boundaries of the site. This indicates that the remaining vegetation on site is considered to be highly important for the conservation of biodiversity in the province as well as for maintaining ecological patterns in the landscape, therefore, the land is not suitable for agricultural use. No further assessments are required.

SANParks conducted a site inspection on 14/02/2024 together with Eco Route/Janet Ebersohn, WRRRA/Balvindra Walter, WALEAF/Charles Scott, and DFFE/Melanie Koen (**Fig. 9**).



**Fig. 9:** Site inspection representatives. The site could not be fully accessed due to the density of indigenous vegetation.

### **Point 1: Site Development Plan**

SANParks does not support the 'Alternative 1', development proposal.

With regards to the 'Preferred Alternative' development proposal, SANParks has no objection to the construction of the main dwelling house of 200m<sup>2</sup> with a deck of 175m<sup>2</sup> and a 30m<sup>2</sup> swimming pool: total building footprint 405m<sup>2</sup>. With an access driveway, parking area included for only the main dwelling house, and with municipal water supply, and rainwater harvesting off rooves, and the use of a Clarus Fusion ® Sewage Treatment Plant, subject to George Municipal approval.

SANParks does not support and objects to the construction of the four self-catering 2-storey tree-top pods of 98m<sup>2</sup> each with a 42m<sup>2</sup> deck for each unit: total footprint 560m<sup>2</sup>. Inclusive of their proposed walkways and parking bays. The proposed sites fall within mapped CBA1s, Endangered Garden Route Shale Fynbos, and within intact Greenfield undisturbed forest areas. The construction of the four pods in these areas will serve to fragment the landscape and will result in unacceptable biodiversity loss.

An alternative development option may be to increase the disturbance footprint of the main dwelling to accommodate a single guest house.

The following points which were raised by the George Municipality in a pre-application meeting held 2 June 2021, as extracted from the DBAR, have a further bearing:

#### **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.
- The old Wilderness Structure plan restricted dwelling houses in a conservation zone to single storey and maximum height of 5m.

### **Point 2: Disturbance Footprint Areas**

Disturbance footprint area calculations provided represent mostly building footprint areas and not disturbance footprint areas. Calculations have not been provided for possible embankments and the difficulties associated with construction occurring on steep slopes, which invariably may result in a larger disturbance footprint area. The laying of pipelines for services through steep difficult terrain may prove problematic. No area calculation has been provided for the driveway. Disturbance footprint areas may be an underestimate.

The following is noted in the DBAR:

Driveway & parking areas: The proposed driveway onto the site with parking area will be a challenge due to the dense indigenous vegetation, which may be environmentally sensitive. Construction of the driveway may involve minor cutting and filling to achieve the correct line and levels. The insitu soils are generally poor quality in terms of road-building and it is recommended that an allowance is made for the importation of SSG gravel material to improve access during construction, in addition to the final subbase and paving layerworks.

### **Point 3: Zoning**

Erf 2003 Wilderness is currently zoned Open Space Zone III (OSZIII). The specialist planning report prepared by Marike Vreken, dated October 2023 states:

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.

SANParks does not support and objects to the application for consent uses, i.e., items (i) and (ii) above. Open Space Zone III (OSZIII) is intended for 'nature conservation' application use and in the context of this very high biodiversity value property should remain applicable.

#### **Point 4: Geotechnical and Hydrological Sensitivity**

The DBAR Geotechnical specialist report (Iain Paton Consulting Geotechnical Engineers and Engineering Geologists) notes:

*The investigation indicates that the site is potentially suitable for development but there are some geotechnical constraints, such as difficult access, restricted construction space, steep slopes and shallow/irregular rock, which may have an impact on the engineering design and construction costs.*

During the George Municipality pre-application meeting a concern was raised regarding potential landslides.

The Geotechnical specialist report further notes:

Drainage: The soil has a low permeability and vertical infiltration will be restricted by the presence of shallow rock and dense soils, so stormwater will tend to run off site after heavy rainfall. Effective stormwater management systems are required to collect and discharge stormwater in a controlled manner down slopes. Subsoil drains are recommended behind retaining walls as standard.

**(Iain Paton Consulting Geotechnical Engineers and Engineering Geologists) Soil specialist:**

Recommendations: Earthworks & materials: The site is moderately sloping, becoming steep towards the west, and access/vegetation clearing will be challenging unless a minimal footprint area is adopted. Earthworks required to create level platforms (if any) may encounter shallow rock, mainly on the western side of the proposed development. Shallow excavations for the proposed development are unlikely to have any significant

Stormwater runoff is a further concern noted:

Drainage: The soil has a low permeability and vertical infiltration will be restricted by the presence of shallow rock and dense soils, so stormwater will tend to run off site after heavy rainfall. Effective stormwater management systems are required to collect and discharge stormwater in a controlled manner down slopes. Subsoil drains are recommended behind retaining walls as standard.

Geotechnical sensitivity and hydrological constraints are evident which could be further exacerbated by construction occurring on the moderate to steep slopes, by the proximity of the drainage valley, by stormwater runoff, all compounded by climate change impacts.

#### **Point 5: Conservation Value**

The property is considered to have very high conservation value, due to the presence of CBA1s across the entire property, the presence of Endangered Garden Route Shale Fynbos, a functional drainage valley, and as the site is a greenfield site, undisturbed, with intact vegetation communities. The specialist study, by Dr David Hoare notes the presence of three protected tree species (*Curtisia dendata*, *Sideroxylon inerme*, and *Pittosporum viridiflorum*), and three listed animal species (Knysna Warbler, Duthie's Golden Mole, and a small antelope). The site is steep in places and has high visual sensitivity, due to its proximity to the N2, a tourism corridor. No visual impact assessment specialist study has been undertaken.

It is suggested that the landowner investigate formal or informal Biodiversity Stewardship Agreement options for the property, to safeguard the biodiversity value of property. Such an agreement must be written in as a condition of approval for any Environmental Authorisation that may be granted by the Competent Authority.

### **Point 6: Summary and Way Forward**

SANParks does not support the 'Alternative 1', development proposal. With regards to the 'Preferred Alternative' development proposal, SANParks has no objection to the construction of the main dwelling house but does not support and objects to the construction of the four self-catering 2-storey tree-top pods. These proposed sites fall within legally mapped CBA1s, Endangered Garden Route Shale Fynbos, and within intact Greenfield undisturbed forest areas. The construction of the four pods in these areas will serve to fragment the landscape and will result in unacceptable biodiversity loss. The property is considered to have high conservation value. An alternative development option may be to increase the disturbance footprint of the main dwelling to accommodate a single guest house.

Disturbance footprint areas may be an underestimate. Allowance must be made for the driveway area and for construction occurring on steep slopes with the need for embankments.

SANParks does not support and objects to the application for OSZIII consent uses. Open Space Zone III is intended for 'nature conservation' application use, and in the context of this very high biodiversity value property should remain applicable.

Geotechnical and hydrological sensitivities are evident which could further be exacerbated by construction occurring on the moderate to steep slopes, by the proximity of the drainage valley, by stormwater runoff, all compounded by climate change impacts.

The landowner's attention is drawn to the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) Alien and Invasive Species Regulations, 25 September 2020, where a landowner is legally responsible for the removal of alien vegetation on their property. The owner should formalise an Invasive Alien Vegetation Control Plan as required by the NEM:BA.

Compliance with the National Veld and Forest Fire Act (Act 101 of 1998) is required. The landowner is encouraged to become a member of the Southern Cape Fire Protection Association, if not already a member.

A permit from the Department of Forestry, Fisheries & the Environment (DFFE) must be attained should any protected tree species be disturbed on the property, as per the National Forests Act, 84 of 1998, as amended.

It is suggested that the landowner investigate potential formal or informal Biodiversity Stewardship Agreement options which must be written in as a condition of approval for any Environmental Authorisation that may be granted by the Competent Authority.

During construction of the main dwelling, care should be exercised to:

- Ensure minimal disturbance of the adjacent indigenous forest;
- Use low impact earthmoving machinery;
- Adhere to George Municipality approved sewerage system requirements;
- Adhere to George Municipality Fencing by-law;
- Minimise stormwater surface runoff;
- Mitigate against the risk of slope failure, particularly as the site is in proximity to the N2, and so as to avoid damage to the forest;
- Adhere to all geotechnical engineer requirements;
- Minimise the visual impact of the dwelling, by reducing night light pollution, and by painting the dwelling in earth tone colours.

SANParks reserves the right to revise initial comments if additional information becomes available.

Yours sincerely



Dr Vanessa Weyer  
Principal Planner  
Garden Route National Park

CC:	Jonathan Britton	SANParks
	Sandra Taljaard	SANParks
	Megan Simons	CapeNature
	Melanie Koen	DFFE
	Nosisa Bulose	George Municipality
	Charles Scott	WALEAF
	Janet Ebersohn	Eco-Route
	Samantha Teeluckdhari	Eco-Route

The Municipal Manager  
George Municipality  
GEORGE

Dear Sirs,

**EIA PROCESS : DRAFT BASIC ASSESSMENT REPORT : ERF 2003 WILDERNESS, GEORGE MUNICIPALITY & DIVISION**

WALEAF represented by Balvindra Walter and Charles Scott attended a site visit together with Vanessa Weyer from Sanparks, Melanie Koen from DFFE Forestry, and Janet Ebersohn from Ecoroute on 14<sup>th</sup> February 2024.

Wilderness Erf 2003 is currently zoned “Open Space Zone III (OSZIII)” in terms of the George Integrated Zoning Scheme by Law 2023, and is 2,8135 Ha in extent. The property is currently vacant, and is **covered in a protected indigenous forest**.

Besides this EIA process, the land use application will consist of the following :

- (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 construction of 1x main dwelling house and 4x self-catering 2-storey tree-top guest cottages, 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 cottages.

- New Main House (200m<sup>2</sup> + 175m<sup>2</sup> deck + 30m<sup>2</sup> pool) = 405m<sup>2</sup> total
  - 4x Double Storey Cottages 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>

WALEAF is totally opposed to this application to erect **5 dwellings**, as on 25<sup>th</sup> August 1994, the Wilderness Municipality approved of the subdivision of erf 1 Wilderness into 4 portions (Erven 2002, 2003, 2004, and Rem 1 Wilderness), with the proviso that only **ONE DWELLING** may be erected on each of the sub divisible portions (see annexure 1). In addition, as part of the approval, a homeowners association had to be formed, of which each of the 4 property owners had to be

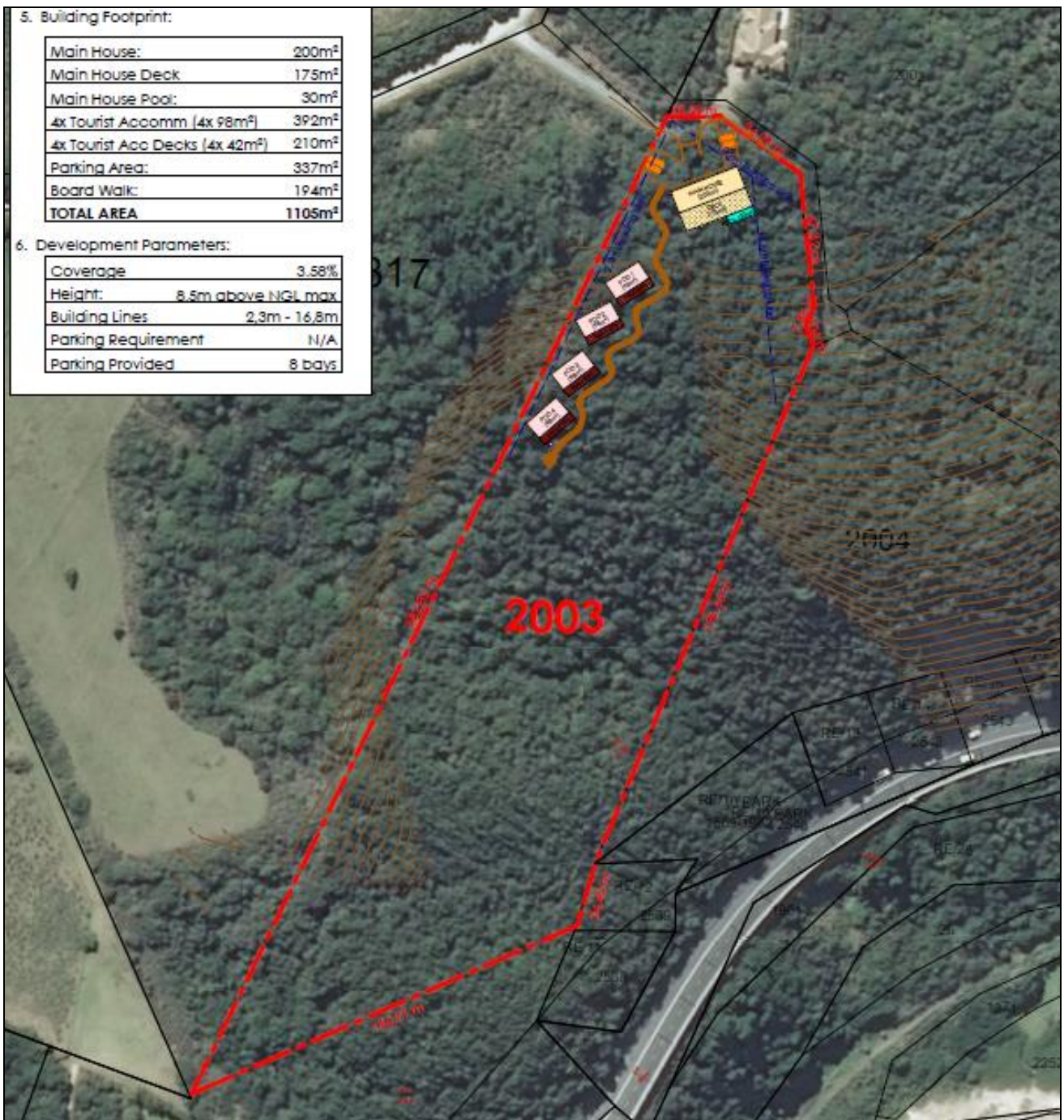
members/trustees, all of whom have to abide by the conditions set in **Constitution of the Dolphin's Leap Homeowners Association** (see annexure 2).

One very important condition which the municipality set in 1994 was :

**(iii) Dat daar in totaal nie meer as 4 woonenhede opgerig sal word nie.**

Erf 2003 is part of Dolphins Leap which was set up primarily as a conservation area with only a single residential building allowed per erf to ensure minimum impact on the flora and fauna

The owner of erf 2003 purchased the property with the full knowledge that he was buying into Dolphin's Leap, and that building restrictions were in place preventing the erection of more than one dwelling. He knew that there were three other members of this association, who could object to any proposal which he might have made, should such proposal/s be contrary to the Constitution.



*Proposed site development plan (SDP) indication position of 5 proposed dwellings*



With respect to the 4 proposed cottages, the applicant states the following :

*“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.”*

If these proposed cottages are 5 metres above ground, and then have 2 storeys on top of that, the total height will exceed 10 metres, which will be in **violation of the zoning scheme by-law, and the old Wilderness Structure Plan.**

She then states *“The visual impact will be insignificant”* and *“.....it will be very difficult to see these units.”* We cannot agree with such statements. How can the visual impact of 4 dwellings of over 10 metres in height be insignificant?

**Please note** : The old Wilderness Structure plan restricted dwelling houses in a conservation zone to single storey and maximum height of 5m.

The approval conditions, also stated the following :

**The dwelling house should also follow the profile of the property, thus “step” and must be constructed with materials of natural colours.**

**The building lines and height restrictions should be determined with the main purpose of conservation.**

**A visual impact assessment will be required.**

**We note that no proper visual impact study has been submitted.**



*An architectural impression of a cottage.*



*An architectural impression of a cottage.*



*An architectural impression of a cottage.*

**We note that no plans or elevations have been submitted for the primary dwelling. As it is a condition of the subdivision that a visual impact assessment is required for anything erected on the property, what is envisaged for the primary dwelling needs to be included in the draft BAR, in order for all interested and affected parties being allowed to comment on the visual impact of such dwelling.**

## **ALTERNATIVE OPTIONS FOR THIS PROPERTY**

Part of any impact assessment is to look at alternatives, and this also includes alternative sites. If the owner wanted to invest in a tourist accommodation business, he should have considered alternative sites elsewhere in the area (not on erf 2003), to achieve all the benefits that are listed in the proposal, with a lower impact than the present proposal.

Only two possible options were offered to us in the draft BAR documents from Ecoroute. These 2 options are :

Option 1 : main dwelling plus 4 cottages (preferred option)

Option 2 : main dwelling plus 5 cottages (alternative option)

WALEAF would like to offer the following additional options which also need to be considered by all I&APs :

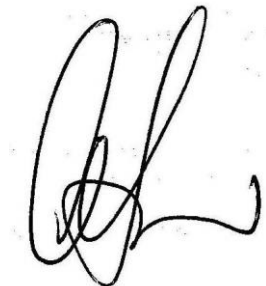
Option 3 : one dwelling house only : in line with 1994 subdivision approval

Option 4 : one dwelling house, with 4 attached guest rooms, making it a guest house, creating one single building.

Option 5 : relax the 20 metre building lines in order to position any building closer to the boundaries of the property, where less indigenous vegetation will need to be destroyed.

Option 6 : No development at all.

Yours faithfully,

A handwritten signature in black ink, appearing to be the initials 'AL' followed by a flourish.

Secretary,  
for WALEAF

Plaaslike Raad WILDERNESS Local Council

Yorkstraat 54 York Street  
12, GEORGE, 6530  
0441-744040 Fax 0441-746626

Ref 14/7/2/927

naam D VILJOEN

oor GEORGE

25 Augustus 1994

Gesertifiseerde Pos

Mre Nel & de Kock  
Posbus 1186  
GEORGE  
6530

Meneer

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: Paaië 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 Natuurbehawing 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 sonter 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 klemmer 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 gelever 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 geregistreeerde ingenieur ontwerp en onder sy toesig gekonstrueer sal word. ✓
- (vi) Dat die aansoeker die toepaslike kapitale hydraes 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 syfertoets 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 bepalinge 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 aan-oeke, ingevolge Artikel 44 van Ordonnansie 15/1985, 'n reg van appél 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 BEAMPTIE

DV/tg

**CONSTITUTION  
OF  
DOLPHIN'S LEAP HOMEOWNERS  
ASSOCIATION**

(Section 29 of the Land Use Planning Ordinance No 15/1985)



**CONSTITUTION**  
**OF**  
**DOLPHIN'S LEAP HOMEOWNERS ASSOCIATION**

as contemplated in Section 29 of the Land Use Planning Ordinance No 15/1985

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1. **PRELIMINARY**

This is the Constitution of **DOLPHIN'S LEAP HOMEOWNERS ASSOCIATION** adopted at a Meeting of owners at GEORGE on the

2. **DEFINITIONS**

2.1 In these presents the following words shall, unless the context otherwise requires, have meanings hereinafter assigned to them:

"Ordinance" means the Land Use Planning Ordinance No 15/1985;

"Association" means **DOLPHIN'S LEAP HOMEOWNERS ASSOCIATION**;

"Associated Area" means the former **REMAINDER. ERF 1 WILDERNESS 8,6842 HECTARES** which has been subdivided;

"Chairman" means the Chairman of the Board of Trustees of the Association;

"Developer" means **IAN KENNETH ALDER**;

"Developer Period" means the period from the establishment of the Association until all portions in the Association area have been fully developed and transferred by the Developer to Members of the Association;

"In writing" means written, printed or lithographed or partly one and partly another, and other modes of representing or producing words in a visible form;

"Managing Agent" means any person or body appointed by the Association as an independent contractor to undertake any of the functions of the Association;

"Member" means a Member of the Association;

"Trustees" means the Trustees of the Association;

"Vice-Chairman" means the Vice-Chairman of the Board of Trustees of the Association;

2.2 Unless the context otherwise requires, any words importing the singular number shall also include the plural number, and vice versa and words importing any one gender shall include the other two genders.

2.3 Subject as aforesaid, any words or expressions defined in the Ordinance or in any statutory modification of such Ordinance in force at the date on which these presents become binding on the Association, shall, if not inconsistent with the subject or context, bear the same meaning in these presents.

### 3. MEMBERSHIP

3.1 Membership of the Association shall be limited to the Developer in his capacity as such, his authorised nominees, and to any other person who is in terms of the Deeds Registries Act reflected in the records of the Deeds Office concerned as the registered owner of any land in the Associated Area.

3.2 Where any erf is owned by more than one person, all the registered owners of that erf shall together be deemed to be one Member of the Association; provided however that all co-owners of any erf shall be jointly and severally liable for the due performance of any obligation to the Association.

3.3 When a Member becomes the registered owner of an erf in the Association area, he shall *ipso facto* become a Member of the Association, and when he ceases to be the owner of any such erf in the Association area, he shall *ipso facto* cease to be a Member of the Association.

3.4 No Member shall let or otherwise part with occupation of his erf, whether temporarily or otherwise, unless he has agreed in writing with the proposed occupier of such erf as a *stipulatio alteri* in favour of the Association that such occupier shall be bound by all the terms and conditions of these presents, and such written agreement is lodged with the Association prior to the proposed occupier taking occupation of the erf in question.

3.5 A registered owner of an erf may not resign as a Member of the Association.

3.6 The rights and obligations of a member shall not be transferable and every Member shall:-

3.6.1 further to the best of his ability the objects and interests of the Association;

- 3.6.2 observe all rules made by the Association or the Trustees;
- 3.6.3 sign all documents and do all things necessary to enable whatever servitudes may be required for services to be registered whether over or in favour of the access erf or any other erf in the Association area and including the provisions of security facilities.

provided that nothing contained in this Constitution shall prevent a Member from ceding his rights in terms of this Constitution as security to the mortgagee of that Member's erf.

#### 4. LEVIES

- 4.1 The Trustees may from time to time make levies upon the Member for the purpose of meeting all the expenses which the Association has incurred, or to which the Trustees reasonably anticipate the Association will be put in the attainment of its objects or the pursuit of its business.
- 4.2 The Trustees shall be empowered in addition to such other rights as the Association may have in law as against its Members to determine the rate of interest from time to time chargeable upon arrear levies, provided that such rate of interest shall not exceed the rate laid down in terms of the Usury Act No 73 of 1968, as amended.
- 4.3 Any amount due by a Member by way of levy and interest shall be a debt due by him to the Association. The obligation of a Member to pay a levy and interest shall cease upon his ceasing to be a Member without prejudice to the Association's right to recover arrear levies and interest. No levies or interest paid by a Member shall under any circumstances be repayable by the Association upon his ceasing to be a Member. A Member's successor in title to an erf shall be liable as from the date upon which he becomes a Member pursuant to the transfer of that erf, to pay the levy and interest attributable to that erf.

#### 5. RULES

- 5.1 Subject to any restriction imposed or direction given at a General Meeting of the Association, the Trustees may from time to time make rules which may include house rules in regard to:

- 5.1.1 the standards and guidelines for the architectural design of all buildings and outbuildings, structures of any nature and all additions and alterations to any such buildings, outbuildings or structures erected or to be erected in the Association area, and in particular to control the design of the exterior of such buildings, outbuildings or structures and the materials and colours used on such exterior to ensure an attractive, aesthetically pleasing character to all the buildings in the Association area;
- 5.1.2 the siting of all buildings, outbuildings, structures of any nature and of any additions and alterations thereto;
- 5.1.3 the standards and guidelines or the design of all siteworks, buildings, structures, installations and projections on the properties in the Association area, including aerials, pergolas, side walls, swimming pools, awnings jacuzzis, carports and paved pathways;
- 5.1.4 the preservation of the environment including the right to control vegetation and the right to prohibit and/or control the erection of walls, fences and hedges, whether upon or within the boundaries of any erf;
- 5.1.5 the right to prohibit, restrict or control the keeping of any animal which they regard as dangerous or a nuisance;
- 5.1.6 the access to and egress from any of the erven in the association area, and the maintenance of the access road;
- 5.1.7 the right to determine and control all security measures in the Association area;
- 5.1.8 the placing or fixing of ornamentation or embellishments upon the outside of buildings including the power to remove any such objects;
- 5.1.9 the conduct of any persons within the Association area for the prevention of nuisance of any nature to any Member;
- 5.1.10 the determination and recovery of charges for water and electricity consumed on the erven in the Association area;

- 5.1.11 the control and collection of refuse;
  - 5.1.12 the furtherance and promotion of any of the objects of the Association and/or for the better management of the affairs of the Association and/or for the advancement of the interests or Members and/or residents in the Association area.
- 5.2 For the enforcement of any of the rules made by the Trustees in terms hereof and for the payment of any debt due to the Association, the Trustees may:
- 5.2.1 give notice to the Member or resident concerned requiring him to remedy a breach thereof or make payment within such reasonable period as the Trustee may determine; and/or
  - 5.2.2 take or cause to be taken such steps as they may consider necessary to remedy the breach of the rule of which the Member or resident may be guilty or recover the debt, and debit the cost of so doing to the Member or resident concerned, which amount shall be deemed to be a debt owing by the Member or resident concerned to the Association; and/or
  - 5.2.3 impose a system of fines or other penalties. The amounts of such fines shall be reviewed and confirmed at each Annual General Meeting of the Association and/or
  - 5.2.4 take such other action including proceedings in Court, as they may deem fit.
- 5.3 In the event of the Trustees instituting any legal proceedings against any Member or resident within the Association area for the enforcement of any of the rights of the Association in terms hereof, the Association shall be entitled to recover, on demand, all legal costs so incurred from the Member or resident concerned, calculated as between attorney and own client, plus Value Added Tax on such costs at the statutory rate.
- 5.4 In the event of any breach of the rules by the Members of any Member's or residents household or his guests or lessees, such breach shall be deemed to have been committed by the Member himself, but without prejudice to the foregoing, the Trustees may take or cause to be taken such steps against the person actually committing the breach as they in their discretion may deem fit.

- 5.5 In the event of any Member or resident disputing the fact that he has committed a breach of any of the rules, a committee of three Trustees appointed by the Chairman for the purpose shall adjudicate upon the issue at such time and in such manner and according to such procedure (provided that natural justice shall be observed) as the Chairman may direct.
- 5.6 Any fine imposed upon any Member or resident shall be deemed to be a debt due by the Member or resident to the Association and shall be recoverable by ordinary civil process.
- 5.7 Notwithstanding anything to the contrary herein contained, the Trustees may in the name of the Association enforce the provisions of any rules by civil application or action in a court of competent jurisdiction and for this purpose may appoint such attorney and counsel as they may deem fit.
- 5.8 The Association may in a General Meeting itself make any rules which the Trustees may make and may in general meeting vary or modify any rules made by it or be the Trustees from time to time.

6. **TRUSTEES**

- 6.1 There shall be a Board of Trustees of the Association which shall consist of not less than 3 (THREE) nor more than 4 (FOUR) Members.
- 6.2 A Trustee shall be an individual and at all times shall be a Member of the Association or the spouse of a Member. A Trustee however, by accepting his appointment to office as such, shall be deemed to have agreed to be bound by all the provisions of these presents.
- 6.3 During the Development Period, the Developer shall always be a Trustee. On the expiry of the Development Period the Developer shall be a Trustee as if elected at an Annual General Meeting and shall be subject to the provisions of Section 7. Any other Trustees to be appointed to office shall be elected by the Members in general meeting. The first Trustees shall on registration of the Association be appointed by the Developer.

**7. REMOVAL AND ROTATION OF TRUSTEES**

Save as set out in Section 7.2, each Trustee shall continue to hold office from the date of his appointment until the Annual General Meeting next following his appointment, at which meeting each Trustee shall be deemed to have retired from office but will be eligible for re-election to the Board of Trustees at such meeting.

7.1 A Trustee shall be deemed to have vacated his office upon:

7.1.1 his having become disqualified to act as a Director of a Company in terms of the provisions of the Companies Act 1973;

7.1.2 in the event of his being a Member of the Association, his being disentitled to exercise a vote in terms of Section 17.2 below.

7.2 Upon any vacancy occurring in the Board of Trustees prior to the next Annual General Meeting, the vacancy in question shall be filled by a person nominated by those remaining for the time being of the Board of Trustees.

**8. CHAIRMAN AND VICE-CHAIRMAN**

The Trustees shall within 14 (FOURTEEN) days after each Annual General Meeting appoint from their number a Chairman and Vice-Chairman who shall hold their said appointments, provided that the office of Chairman or Vice-Chairman shall *ipso facto* be vacated by a Trustee holding such office upon his ceasing to be a Trustee for any reason. No one Trustee shall be appointed to more than one of the aforesaid offices. In the event of any vacancy occurring in either of the aforesaid offices at any time, the Board of Trustees shall immediately appoint one of their number as a replacement in such office.

Except as otherwise herein provided, the Chairman shall preside at all meetings of the Board of Trustees and all general meetings of Members and, in the event of his not being present within 10 (TEN) minutes of the scheduled time for the start of the meeting or in the event of his inability or unwillingness to act, the Vice-Chairman shall act in his stead, or failing the Vice-Chairman, a Chairman appointed by the meeting.



9. TRUSTEES EXPENSES

Trustees shall be entitled to be repaid all reasonable and *bona fide* expenses incurred by them respectively in or about the performance of their duties as Trustees. Save as aforesaid, Trustees shall not be entitled to any remuneration for the performance of their duties in terms hereof.

10. POWERS OF TRUSTEES

10.1 Subject to the express provision of these presents, the Trustees shall manage and control the business and affairs of the Association, shall have the full powers in the management and direction of such business and affairs including the right of appointment and dismissal of the management agent, may exercise all such acts on behalf of the Association and as are not by the act or by these presents required to be exercised or done by the Association in general meeting, subject however to such rules as may have been made by the Association in general meeting or as may be made by the Trustees from time to time.

10.2 Save as specifically provided in these present, the Trustees shall at all times have the right to engage on behalf of the Association the service of accountants, auditors, attorneys, advocates, architects, engineers, a Managing Agent and any other professional, firm or person or other employees whatsoever for any reason deemed necessary by the Trustees and on such terms as the Trustees shall decide.

10.3 The Trustees shall further have power to require that any works being constructed within the Association area shall be supervised to ensure that these rules are complied with and that all work is performed in a proper and workmanlike manner.

10.4 The Board of Trustees shall have the right to co-opt onto the Board of Trustees any person or persons chosen by it. A co-opted Trustee shall at all times be a Member of the Association or a spouse of such Member.

10.5

10.5.1 The Trustees shall be entitled to appoint committees consisting of such number of their Members as they may deem fit and to delegate to such committees such of their functions, powers and duties as may deem fit, with further power to vary or revoke such appointments and delegations as the Trustees may from time to time deem necessary.

10.5.2 The Trustees may appoint an architectural review committee which shall consist of:

10.5.2.1 not less than 1 (ONE) Trustee;

10.5.2.2 such other members as the Trustees may determine.

10.5.3 Additional members of the architectural review committee need not be Members of the Association.

10.5.4 All plans for all building, outbuildings, structures, walls, fences, additions, alterations and signage to be submitted in terms of Section 21.1 shall be submitted to the Trustees who may submit same to the architectural review committee (if any) for their recommendation. The Trustees may if they deem fit delegate to the architectural review committee their functions and powers in terms of Section 21.1.

**11. PROCEEDINGS OF TRUSTEES**

The Trustees may meet together for the despatch of business, adjourn and otherwise regulate their meeting as they think fit, subject to any provisions hereof.

11.1 The quorum necessary for the holding of any meetings of the Trustees shall be a majority of the Trustees present personally. Any resolution of the Board of Trustees shall be carried on a simple majority of all votes cast. In the case of an equality of votes for and against any resolution, the proposed resolution shall be deemed to have been defeated.

11.2 The Trustees shall cause minutes to be kept of every Trustees meeting, which minutes shall, without undue delay after the meeting has closed, be reduced to writing and certified correct by the Chairman. All minutes of Trustees meetings shall, after certification, be placed in a Trustees Minute Book to be kept in safe custody by the Chairman or Secretary. The Trustees Minute Book shall be open for inspection at all reasonable times by any Trustee, the Auditors/Accountants, the Members, and the Managing Agents.

11.3 Save as provided in these presents, the proceedings of any Trustees' meeting shall be conducted in such reasonable manner and form as the Chairman of the meeting shall decide.

11.4 A resolution signed by all the Trustees shall be valid in all respects as if it had been duly passed at a meeting of the Board of Trustees.

**12. GENERAL MEETING OF THE ASSOCIATION**

12.1 The Association shall within 6 (SIX) months after the end of each financial year hold a general meeting as its Annual General Meeting in addition to any other general meetings during that year, and shall specify the meeting as such in the notice in terms of Section 13 calling it.

12.2 Such Annual General Meetings shall be held in George or Wilderness at such time and place as the Trustees shall decide from time to time.

12.3 All general meetings other than Annual General Meetings shall be called extraordinary general meetings.

12.4 The Trustees may, whenever they think fit, convene an extraordinary general meeting, and an extraordinary general meeting shall also be convened on a requisition made in terms of Section 181 of the Act, or in default, may be convened by the requisitionist as provided by and subject to the provisions of that section.

13. NOTICES OF MEETINGS

13.1 An Annual General Meeting and a meeting called for the passing a Special Resolution, shall be called by 18 (TWENTY ONE) clear days notice in writing at least, and an extraordinary general meeting, other than one called for the passing of a special resolution, shall be called for 14 (FOURTEEN) clear days notice in writing at the least. In each case the notice shall be exclusive of the day on which it is given, and shall specify the place, the day and the hour of the meeting, and in the case of special business, in addition to any other requirements contained in these presents, the general nature of that business, and in the case of a special resolution, the terms and effect of that resolution and the reasons for it shall be given in the manner hereinafter mentioned or in such other manner, if any, as may be prescribed by the Trustees to such persons as are under these presents entitled to receive such notice from the Association. A general meeting of the Association shall, notwithstanding that it is called by a shorter notice than that specified in these presents be deemed to have been duly called if it is so agreed:

13.1.1 in the case of a meeting called as the Annual General Meeting by all the Members entitled to attend and vote thereat; and

13.1.2 in the case of extraordinary general meeting, by a majority in the number of Members having the right to attend and vote at the meeting being a majority together holding not less than 70% (SEVENTY PERCENT) of the total voting rights of all Members.

13.2 The accidental omission to give notice of a meeting or of any resolution, or to give any other notification, or present any document required to be given or sent in terms of these presents, or in terms of the Act, or the non-receipt of any such notice, notification or document by any Member or other person entitled to receive the same, shall not be invalidate the proceedings at, or any resolution passed at any meeting.

13.3 No business shall be transacted at any general meeting unless a quorum is present when the meeting proceeds to business. During the Development Period, the quorum necessary for the holding of any general meeting shall be the Developer, and two other Members of the Association entitled to vote for the time being, present in person or by proxy. After the Development Period, the quorum shall be 3 (THREE) Members entitled to vote in person.

13.4 If within half an hour the time appointed for the holding of a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time or at such other place as the Chairman of the meeting shall appoint. If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the holding of the meeting, the Members present shall be a quorum. No business shall be conducted at such adjourned meeting other than the business before the meeting which was adjourned.

**14. AGENDA AT MEETINGS**

In addition to any other matters required in terms hereof, the following matters shall be dealt with at every Annual Meeting:

14.1 the consideration of the Chairman's report;

14.2 the election of Trustees;

14.3 the consideration of any other matters raised at the meeting, including any resolutions proposed for adoption by such meeting, and the voting upon any such resolutions;

14.4 the consideration of the accounts of the Association for the preceding financial year;

14.5 the consideration of the report of the accountants/auditors and the fixing of the remuneration for the auditors.

**15. PROCEDURE AT GENERAL MEETINGS**

The Chairman may, with the consent of any general meeting at which a quorum is present and shall if so directed by the meeting from time to time and place to place adjourn a general meeting to a date and venue as directed. No business shall be transacted at any adjourned meeting other than business which could have been transacted at the meeting from which the adjournment took place. Whenever a meeting is adjourned for 10 (TEN) days or more, notice of the adjourned meeting shall be given in the same manner as of an original meeting. Save as aforesaid, the Members shall not be entitled to any notice of adjournment or of the business to be transacted at an adjourned meeting.

16. PROXIES

A Member may be represented at a general meeting by a proxy, who need not be a Member of the Association. The instrument appointing a proxy shall be in writing signed by the Member concerned or his agent, duly authorised in writing, but need not be in any particular form provided that, where a Member is more than 1 (ONE) person, a majority of those persons shall sign the instrument appointing a proxy on such Member's behalf.

The instrument appointing a proxy and the power of attorney or any other authority under which it is signed shall be tabled at the meeting at which the person named in the instrument proposes to vote. No instrument appointing a proxy shall be valid after the expiration of 12 (TWELVE) months from the date of its execution.

A vote in accordance with the terms of a proxy shall be valid notwithstanding the previous death of the principal or revocation of the proxy, provided that no intimation in writing of the death or revocation had been received by the Trustees at any time before a vote is taken in respect of which the proxy exercises such vote.

17. VOTING

17.1 At every general meeting

17.1.1 Every Member, including the Developer, in person or by proxy and entitled to vote shall have 1 (ONE) vote for each erf registered in his name.

17.1.2 If an erf is registered in the name of more than one person, then all such co-owners shall jointly have 1 (ONE) vote. —

17.2 Save as expressly provided for in these presents, no person other than a Member duly registered and who shall have paid every levy and other sum, if any, which shall be due and payable to the Association in respect of or arising out of his Membership and who is not under suspension, shall be entitled to be present or to vote on any question, either personally or by proxy, at any general meeting.

17.3 Unless the Chairman of the meeting otherwise directs, all voting shall be on a show of hands.

17.4 Every resolution and every amended resolution proposed for adoption by a general meeting shall be seconded at the meeting and, if not so seconded, shall be deemed not to have been proposed.

17.5 An ordinary resolution (that is a resolution other than a special resolution) or the amendment of an ordinary resolution shall be carried on a simple majority of all votes cast. In the case of equality of votes for and against any resolution, the resolution shall be deemed to have been defeated.

17.6 Unless any Member present in person or by proxy at a general meeting shall, before the closure of the meeting, have objected to any declaration made by the Chairman of the meeting as to the result of any voting at the meeting, whether by show of hands or otherwise, or to the propriety or validity of the procedure at such meetings, such declaration by the Chairman shall be deemed to be a true and correct statement of the voting, and the meeting shall in all respects be deemed to have been properly and validly constituted and conducted. An entry in the minutes to the effect that any motion has been carried or lost, with or without a record of the number of votes recorded in favour of or against such motion, shall be conclusive evidence of the votes so recorded.

#### 18. ACCOUNTS

18.1 The accounts and books of the Association shall be open to inspection by Members at all reasonable times during business hours.

18.2 Once in each financial year the accounts of the Association shall be examined and the correctness thereof ascertained by accountants/auditors.

#### 19. SERVICE OF NOTICES

A notice may be served by the Association upon any Member at the address of any erf owned by him unless the Member shall have notified the Association of another address for service of notices. Any notice served by post shall be deemed to have been served on the day but 7 (SEVEN) following that on which the notice was posted.

20. INDEMNITY

Every Trustee, servant, agent and employee of the Association and any Managing Agent, his employees, nominees or invitees, shall be indemnified by the Association against all costs, losses and expenses (including travelling expenses) which such person or persons may incur or become liable for any reason of the contract entered into or any act or deed done by such person or persons in the discharge of their respective duties, including in the case of a Trustee, his duties as Chairman or Vice-Chairman. Without prejudice to the generality of the foregoing, the Association shall specifically indemnify every such person against all losses of whatsoever nature incurred arising out of any *bona fide* act, deed of letter done or written by him jointly or severally in connection with the discharge of his duties.

21. CONTROL OF BUILDING DESIGN, USE OF PROPERTY, SECURITY AND RELATED MATTERS.

21.1 No person shall commence with the construction of any building or structure within the Association area, or any additions or alterations to such building or structure unless he has submitted to the Trustees for examination and approval or refusal such plans for such building, structure, alteration or addition as are required in terms of the by-laws of the local authority having jurisdiction over the Association area, and any such additional plan or information relating to the proposed building, structure, alterations or additions as the Trustees may require and such plans have been approved. The Trustees shall have the power in approving any plan, to lay down such reasonable conditions as they may deem fit.

21.2 Every Member shall, with regard to the erection of buildings and other structures on the Member's property, and the use of the property generally, be obliged to comply with all requirements of the Wilderness Local Council or its successors, and in particular the following:

21.2.1 Prior to the approval of building plans the precise position of proposed structures and driveways shall be established in conjunction with the Nature Conservation Department.

21.2.2 The disturbance of vegetation and existing terrain shall be kept to a minimum at all times, including the period of building operations.



21.2.3 The development of the erven shall be such that the existing topographic profile shall be preserved. Split level structures shall therefore be erected. In this regard elevation drawings shall be exhibited to the Council for consideration before building plans will be considered. Only materials with natural colours may be used.

21.2.4 No physical boundaries may be erected between the erven.

21.2.5 The property may not be further subdivided.

21.2.6 The Associated Area (as defined in Section 2.1) shall be zoned as Conservation Areas.

21.2.7 Not more than four residential units shall be erected on the Associated Area.

21.2.8 Members shall utilise the existing refuse removal service. Refuse to be removed must be placed on a position accessible to the Council's refuse removal vehicles.

21.3 Whenever they consider that the appearance of any land or building vested in a Member or Members is such as to be unsightly or injurious to the amenities of the surrounding area or the Association Area generally, the Trustees may serve notice on such Member or Members to take such steps as may be specified in the notice to eliminate such unsightly or injurious condition. In the event of the Member or Members failing within a reasonable time, to be specified in such notice, to comply therewith, the Trustees may enter upon the property concerned and take such steps as may be necessary and recover the cost thereof from the Member or Members concerned, which costs shall be deemed to be a debt owing to the Association.

21.3.1 The Trustees shall be obliged in giving such notice to act reasonably.

21.4 In the event of the Association electing to provide security equipment and a security service and/or other services for Members in the Association Area, all Members shall be obliged:

21.4.1 to permit the installation of any equipment on the erven or in the buildings on the erven for the purpose of such services as may be determined by the Association in respect of such services;

21.4.2 to make payment of the charges raised by the Association in respect of such services;

21.4.3 abide by such terms and conditions as may be laid down by the Association from time to time in respect of such equipment and services.

21.5 No Member shall let or otherwise part with occupation of his erf without the prior written consent of the Association, which consent shall only be withheld if the Association is not satisfied that the proposed Occupier of the erf has complied with provisions of Section 3.4.

## 22. TRANSFER OF MEMBERSHIP

22.1 No such member shall transfer his erf until the Board of Trustees under the hand of one of its Members has certified that the member has at date of transfer fulfilled all his financial obligations to the Association. No erf or any interest therein shall be alienated without the consent of the Association. Such consent shall not be withheld unless:

22.1.1 such Member is indebted to the Association in any way in respect of levies or other amounts which the Association may in terms of these presents be entitled to claim from him;

22.1.2 the proposed transferee has not agreed to become a Member of the Association;

22.1.3 such Member remains in breach of any of the provisions of these presents or any rules after receiving notice from the Trustees requiring him to remedy such breach;

22.2 The Trustees issuing the Certificate referred to in Section 22.1 shall be entitled to charge a reasonable fee therefore to be determined by the Trustees from time to time subject to review by the Association in general meeting.

**23. AMENDMENT TO CONSTITUTION**

No amendment of, addition to or substitution for these Sections may be effected without the prior written consent of the Wilderness Local Council (if necessary through its officials to whom such power may have been delegated).

**24. PROHIBITION ON DISTRIBUTION OF INCOME AND PROPERTY**

The income and property of the Association, shall be applied solely towards the promotion of its main object and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever, to the Members of the Association; provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any employee of the Association or to any Member thereof in return for any services actually rendered to the Association.

**25. WINDING-UP**

Upon the winding-up or dissolution of the Association, the assets of the Association remaining after the satisfaction of all its liabilities shall be given or transferred to the Members of the Association or such persons as determined by the Members of the Association at or before the time of its dissolution, or, failing such determination, by the Court.


**26. LIMITATION OF LIABILITY**

Each -

- (a) Trustee, manager, secretary and other Member of the Association; and
- (b) person employed by the Association as its accountant/auditor,

shall be indemnified by the Association against any liability incurred by him from time to time in that capacity in defending any proceedings (whether civil or criminal) in which judgment is given in his favour or in which he is acquitted or in respect of any of those proceedings which are abandoned in which relief is granted to him by a court of competent jurisdiction.

**Re: Erf 2003 Wilderness**

 **From** Richard O'Donnell <odonnell.richard1950@gmail.com>  
**To** Samantha Teeluckdhari <samantha@ecoroute.co.za>  
**Date** 19/02/2024 16:43

I have been thinking about this a bit more and I think I would like to add that the units look far too high and will be a bit of an eye-sore from the beach as they are not made of natural materials that will blend in.

Richard

On Wed, Jan 24, 2024 at 9:47 AM Samantha Teeluckdhari <[samantha@ecoroute.co.za](mailto:samantha@ecoroute.co.za)> wrote:

Good day

Your comments have been received. Thank you.

Kind regards,

**Samantha Teeluckdhari**



Eco Route Environmental Consultancy

072 773 5397

EAPASA registration: 2023/6443

On 22/01/2024 11:52, Richard O'Donnell wrote:

Please find attached comments on your proposal.

Richard and Jacqui

On Wed, Jan 17, 2024 at 10:14 AM Richard O'Donnell <[odonnell.richard1950@gmail.com](mailto:odonnell.richard1950@gmail.com)> wrote:

Thank you Samantha,

Please can you tell me where I can get details of the development? Is it the same as the previous proposal?

Richard

On Tue, Jan 16, 2024 at 11:40 AM Samantha Teeluckdhari <[samantha@ecoroute.co.za](mailto:samantha@ecoroute.co.za)> wrote:

Good day

Thank you, your details have recorded to the I&AP register.

Kind regards,

**Samantha Teeluckdhari**



Eco Route Environmental Consultancy

072 773 5397

EAPASA registration: 2023/6443

On 12/01/2024 09:48, Richard O'Donnell wrote:

Hello Samantha, we would like to register as an IAP for the Eia on this property

Richard and Jacqui O'Donnell