



HillLand Environmental

Environmental Assessment Practitioners

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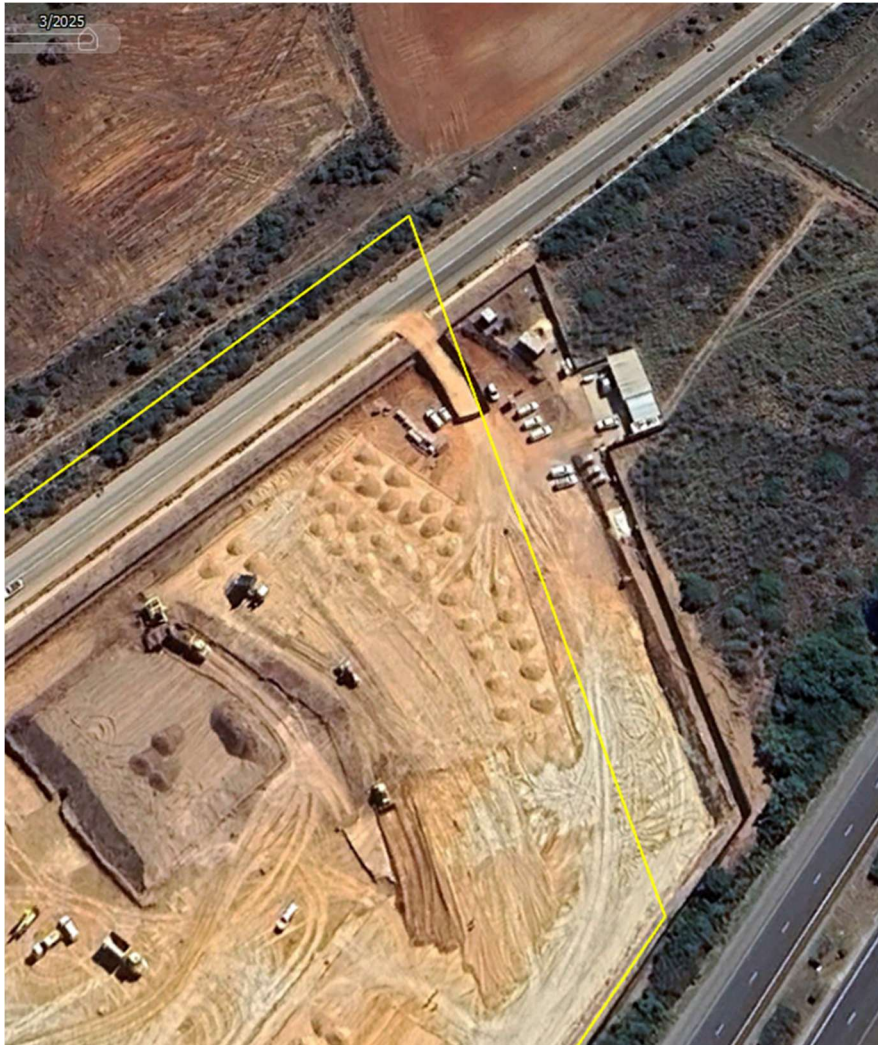
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MOS25/1216/17
25 June 2025

Attention: Steve Kleinhans
DEADP

RE: GARDEN WALK – ECO – NON-COMPLIANCE NOTIFICATION – REF 16/3/3/5/D6/18/0006/24

As indicated in ECO report #4 May 2025 as submitted, the ECO detected a potential boundary discrepancy at Garden Walk using aerial photographs as now available on the latest Google Earth imagery. There appeared to be an error in the SG boundary compared to what had been pegged and implemented on site.



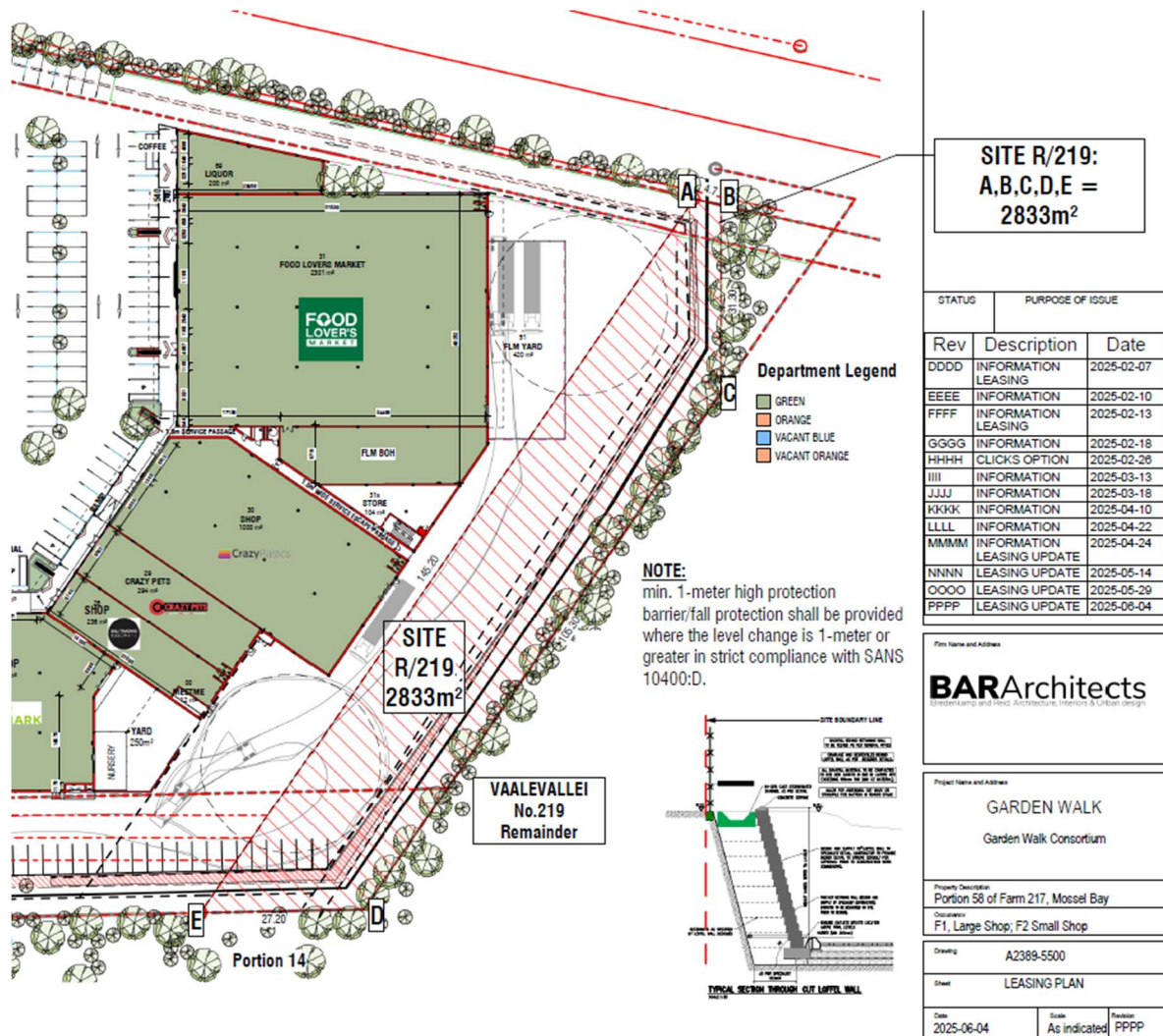
The boundary had been pegged prior to the commencement of operations on site and the shade netting installed to contain all building works to within the boundary – however it is now apparent that the incorrect boundary line had been pegged and used by the architects in their final building plans with the municipality. The development has encroached over the boundary of the property, onto the property next door (farm 219).



Based on the original pegging on site and shade net installation (Red line), the container office was erected by agreement on erf 219 as an area of less than 300m² within a previously disturbed area as per the method statement (see ECO report #2 – March 2025) – green square area 294m².

Once the Google earth images were available and the ECO could import the cadastral boundary from the SG, it became clear that there was an error in relation to the cadastral boundary – either an error in the SG map layer, or a pegging error on site. See the difference between the Yellow cadastral line and the Red pegged line on site. ECO raised this concern with the applicant.

The applicant immediately appointed a surveyor to determine where the error lay, and it has now been determined that the error was on site and that the final approved municipal plans have extended over the property boundary with the retaining wall and delivery access routes.



The Survey plan overlaid on the architects leasing plan above, shows the area of 2833m² encroachment onto the neighbouring property.

This encroachment constitutes a non-compliance with the EA and the NEMA listed activities and will need to be rectified.

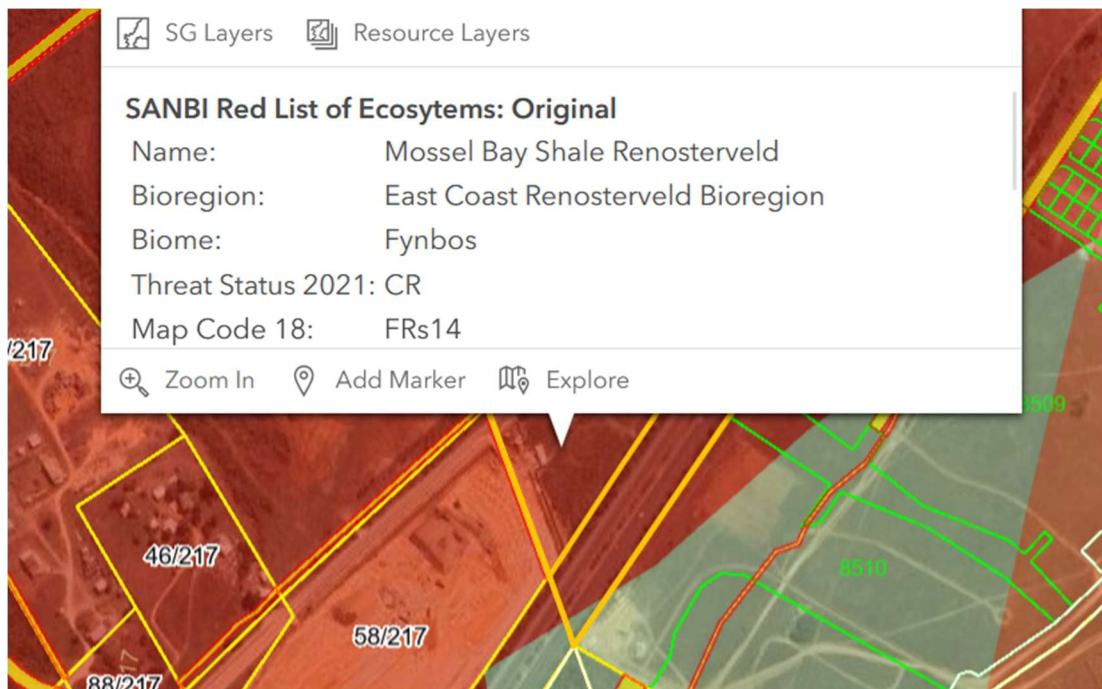
The following has been confirmed as the way forward:

- Applicant issued an immediate “on hold” for all building works in the affected area (red hashed zone).
- Applicant discussed a potential solution with the owner of farm 219 regarding the encroachment. The owner has agreed, that if approval is granted (planning and environmental) they will be willing to sell the affected portion of their property to Garden Walk, but in the interim they will lease them the use of the 15m strip portion.
- Applicant had discussions with the municipality in order to determine what the planning implications would be regarding the encroachment.
- Applicant has commissioned a town planner to undertake the following:
 - Firstly, register a servitude over the affected portion of farm 219 (a 15m strip) in favour of Garden Walk
 - Secondly, apply for a subdivision and consolidation to take the 15m strip off farm 219 and join it onto portion 58 of farm 217

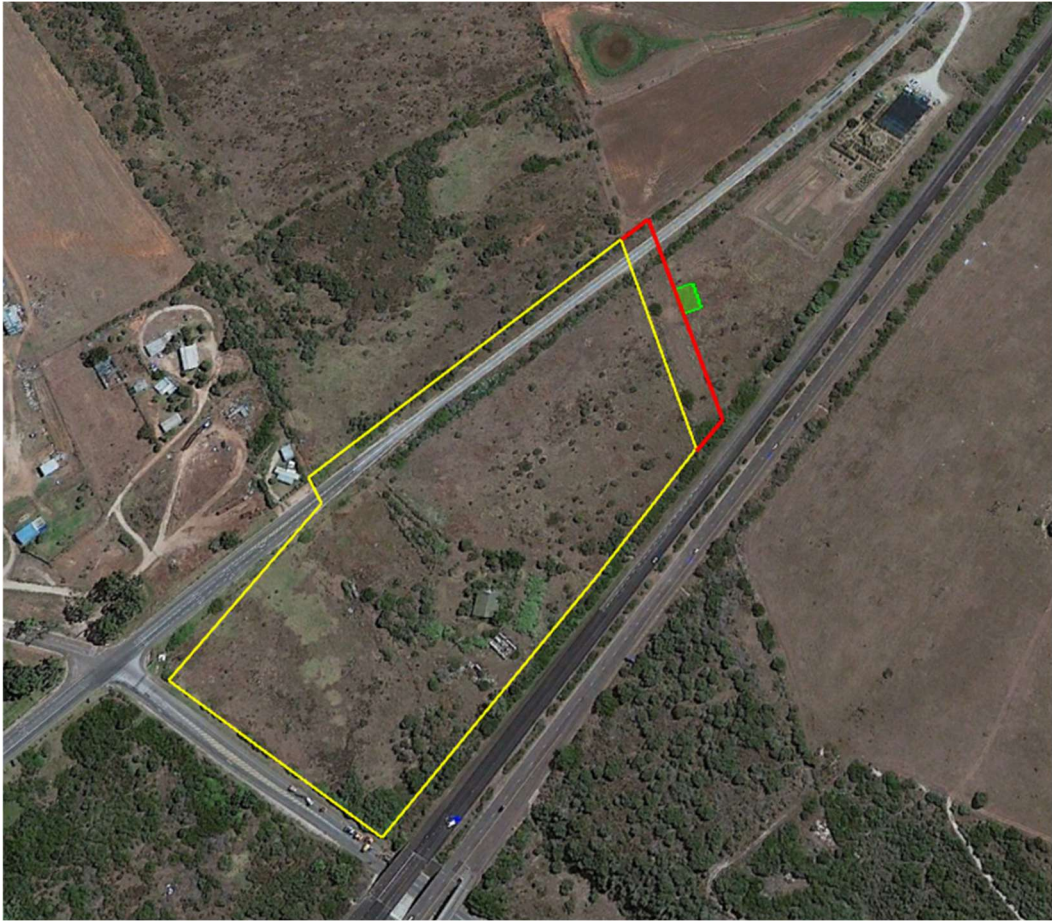
- Thirdly, apply for a split zoning for the 15m strip, as it lies outside the urban edge of Mossel Bay and cannot have a business zoning, it would need to remain Agricultural or be given an Open Space or similar zoning.
- Applicant gave the ECO the survey information confirming that there is an encroachment.
- Applicant provided the planning proposal so that the ECO can continue and ensure that the correct NEMA processes for rectification can be followed.

ECO way forward proposed –

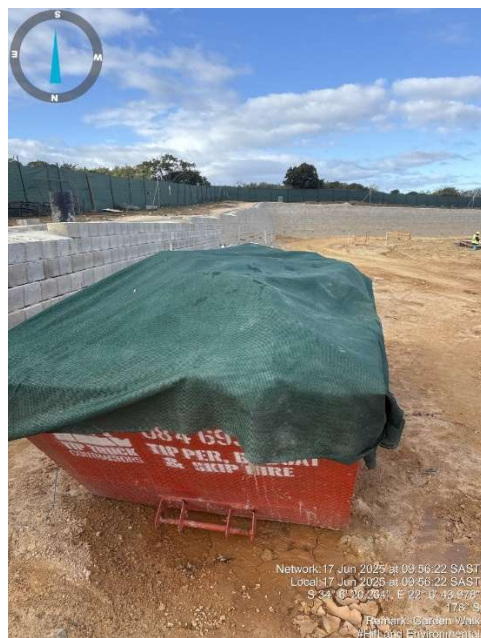
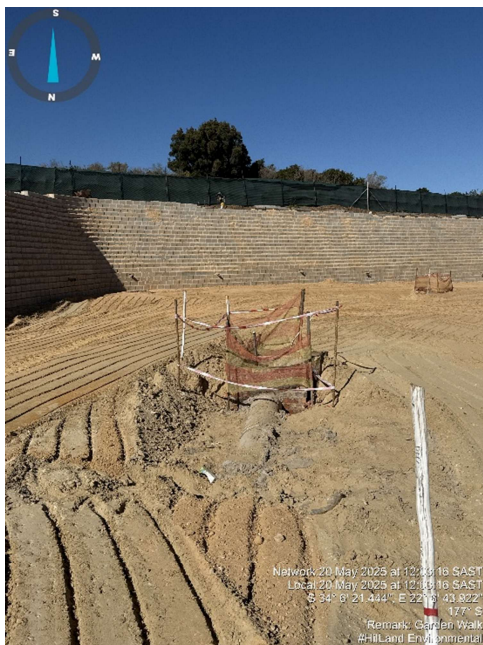
- **Report the non-compliance to DEADP** in terms of the NEMA compliance monitoring
 - **In terms of NEMA EA condition 23 there is now a non-compliance** as there is currently not a 16m building line (measurements were previously taken from the incorrect boundary line).
 - The area cleared within the shade netting (including the 15m strip now on the neighbouring property) was cleared in accordance with the EMP, full plant rescue took place (in excess of 1000 Aloe were transplanted from the whole Garden Walk fenced area) within this zone and the topsoil was stockpiled as required in the EMP.
 - DFFE Forestry were on site prior to the commencement of any clearing to confirm and issue the licence to transplant the one protected milkwood tree.
 - There has been earthworks and installation of the retaining wall within this area and there may be underground services in this zone.
- **Confirm with DEADP if rectification is required** for the clearance of vegetation on the farm 219 as the threshold of 300m² has been exceeded – as the area is currently mapped as Critically Endangered Mossel Bay Shale Fynbos – original extent. However, the remnant mapping, confirms that the area did not previously support this ecosystem as it had been previously transformed. ECO anticipates the following:
 - **Rehabilitation** of the areas east of the retaining wall – including the site office once construction is completed
 - **Rectification** of the area west of the retaining wall – where the building plans approved by the municipality include the access and turning circles for delivery vehicles.
 - **Amendment to the EA** may be required to include the approved municipal building plan as it differs from the one referred to in the EA.



Remnant mapping – SANBI



The transformed nature of the affected site.



Corner of the property showing the retaining wall and services. Retaining wall coming forwards on the left is on the effected portion of the neighbouring farm 219.



Large Aloe along the fence line that were rescued.

Based on the above, we would like to request a meeting with DEADP and the applicant in order to resolve the non-compliance and agree the appropriate way forward as a matter of urgency.

Kind regards

Stefan Delport
For HillLand Environmental