

May 4, 2024

Attention: Clinton Geysers (Enviro Africa)
From: Pierre Burger (Neighbor)

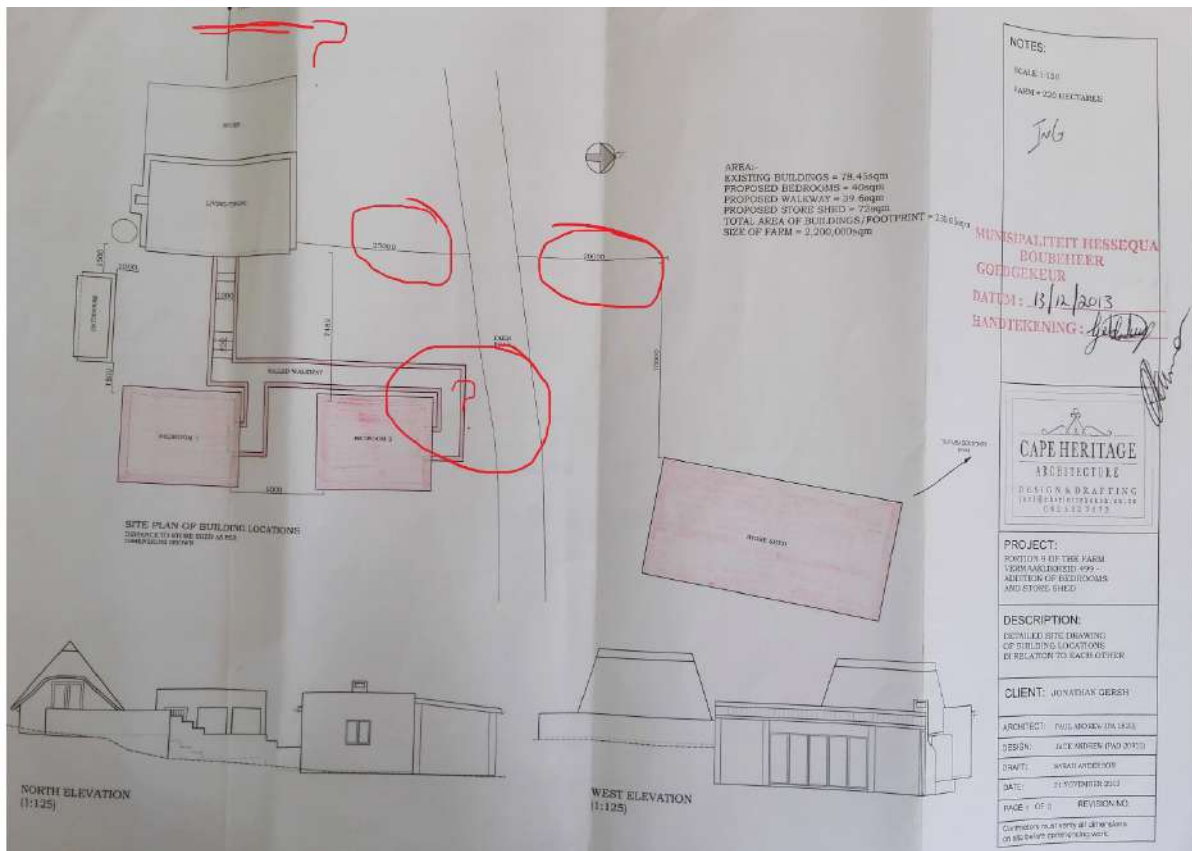
Comment Thorn and Feather Portion 9 Farm 499 Vermaaklikheid

Dear Mr Geysers,

Thanks for allowing me as a registered and interested party, and direct neighbor to Thorn and Feather, to comment as part of the environmental process.

I firstly would like to state that I have never opposed Mr Gersh to develop a small cottage for him and his small family. My objection was against him running a guest house on his property which is in close proximity to my house.

Please also allow me to comment on your second paragraph in your executive summary “the main house and associated facilities have been in the family for several decades” is false information unless 10years is referred to as several decades. Google earth shows that the first structure, a store, was developed in 2012. His first building plans (see image below) was approved in December 2013. If one assume that he started construction of the main house after his plans were approved, the main house and associated structures would be in the family for less than a decade.



Plan 1: Approved building plans December 2013

You also state that he more recently and unwittingly added more housing for holidaymakers and upgraded the resort without the required environmental authorization. The previous statement is a blatant lie since it is well documented in the comments and response report (comment dated 26 February 2024), that he mentioned to one of the I&AP's (his co-owner of portion 9 of Farm 499) that he explained that some or parts of his buildings are unlawful. The 100m highwater setback line was indicated on his building plans submitted in 2013. Mr Gersh is not known to be uninformed and was aware of the 100m highwater setback line. In Mr Gersh's application to the Hessequa municipality for building line departures he claimed that he could not measure due to topography and vegetation making it difficult, which states that he was aware of the 100m highwater setback and building lines.

The saga between myself and Mr Gersh has a history so please bear with me. I understand that Mr Gersh has rights but in the same sentence I also have rights. It all started back in 2010 when Mr Gersh started the planning process to build a modest building described as a single/two bedroom cottage, on his 220ha property, with the Hessequa Municipality. I had the opportunity to comment on the planned development. I had raised several concerns which were sent to the Municipality listed below: (All communication via emails can be provided if needed)

Below the letter I have sent to Mr Aadil Edgar. The two concerns I would like to bring under your attention is: 1. The access to the river and 2. the property being used as a guest house. I have highlighted these in the communication below and in the response letters from Mr Gersh and his architect via his lawyer.

TO: HESSEQUA MUNICIPALITY ATT: AADIL ENGAR

RE: PROPOSED CONSENT FOR TWO ADDITIONAL DWELLING UNITS ON PORTION 9 OF THE FARM VERMAAKLIKHEID NO. 499

- **THE PROXICIMITY OF THE PROPOSED BUILDING SITE TO THE EXISTING DWELLING ON 499/27 (RIVERBEND PROPERTIES) IS JUST UNACCEPTIBLE**
- **THE HOUSES WILL BE ABOUT 30 METERS FROM OURS AND WILL LOOK INTO EACH OTHER (SEE PHOTOS) DESTROYING ANY PRIVACY WE HAVE ENJOYED AND COME TO EXPECT FORM A PROPERTY OF THIS NATURE , AS WELL AS **NOISE POLLUTION.****
- **EVERYBODY WANTS TO PRESERVE THE ENVIROMENT AND ATMOSPHERE OF VERMAAKLIKHEID AND THE DUIVENHOKS RIVER, LET'S NOT TURN THIS INTO A BREEDE RIVER SENARIO, PLEASE**
- **THE PROPOSED BUILDING SITE DOES NOT HAVE ACCESS TO THE RIVER AND THIS WILL LEAD TO PEOPLE WALKING THROUGH OUR PROPERTY TO GAIN ACCESS TO THE RIVER, PUTTING OUR PROPERTY AND PRIVACY AT RISK.**
- **SHOULD THE PROPOSED HOUSES BE USED AS GEUST HOUSES? THEN WE WILL HAVE A MORE SERIOUS PROBLEM WITH NOISE AND TRESSPASING ON OUR PROPERTY, AS THESE GEUSTS WILL WANT TO GET TO THE RIVER AND WILL NOT RESPECT OUR PROPERTY OR PRIVACY AS THEY DO NOT LIVE THERE. ONCE BUILDING PERMISSION HAS BEEN GRANTED AND THE DWELLINGS BUILT, THERE WILL VIRTUALLY BE NO CONTROL TO STOP THEM BEING USED AS GEUST HOUSES OR SELF CATERING COTTAGES.**
- **SHOULD THE OWNERS OF PORTION 9/499 STILL WISH TO BUILD A DWELLING ON THEIR PROPERTY MAY I SUGESST THAT THEY BUILD IT AT THE TOP OF THE**

KLOOF KEEPING WITH THE ATMOSPHERE OF THE AREA AND NOT AS THE ENCLOSED PHOTOS SHOW, ON TOP OF US.

- THE PHOTO OF THE HOUSE IS FROM THE PROPOSED BUILDING SITE AND THE PHOTO OF THE PROPOSED BUILDING SITE (ESCOM POLE) IS FROM THE HOUSE. PLEASE BEAR IN MIND THAT ONCE THE BUSHES ASR REMOVED FOR BUILDING AND GARDENS, THESE BUILDINGS WILL HAVE A VERY CLEAR LINE OF SIGHT TO EACH OTHER.

WE TRUST YOU WILL CONSIDER ALL OUR OBJECTIONS IN YOUR DISSION AND HELP US PRESERVE THIS AREA THE WAY IT SHOULD BE.

KINDLY NOTIFY THE WRITER OF THE RESULT OF THIS APPLICATION BY E-MAIL OR REGISTERED LETTER. PLEASE DO NOT HESITATE TO CONTACT THE WRITER SHOULD YOU WISH TO ASK ANY QUESTIONS OR DISCUSS ANY ASPECT OF THIS APPLICATION / OBJECTION.

THANK YOU

PIERRE BURGER RIVERBEND PROPERTIES

E-MAIL : pab@mweb.co.za CELL : 082 8081231 POST : P O BOX 1602

DURBANVILLE 7551

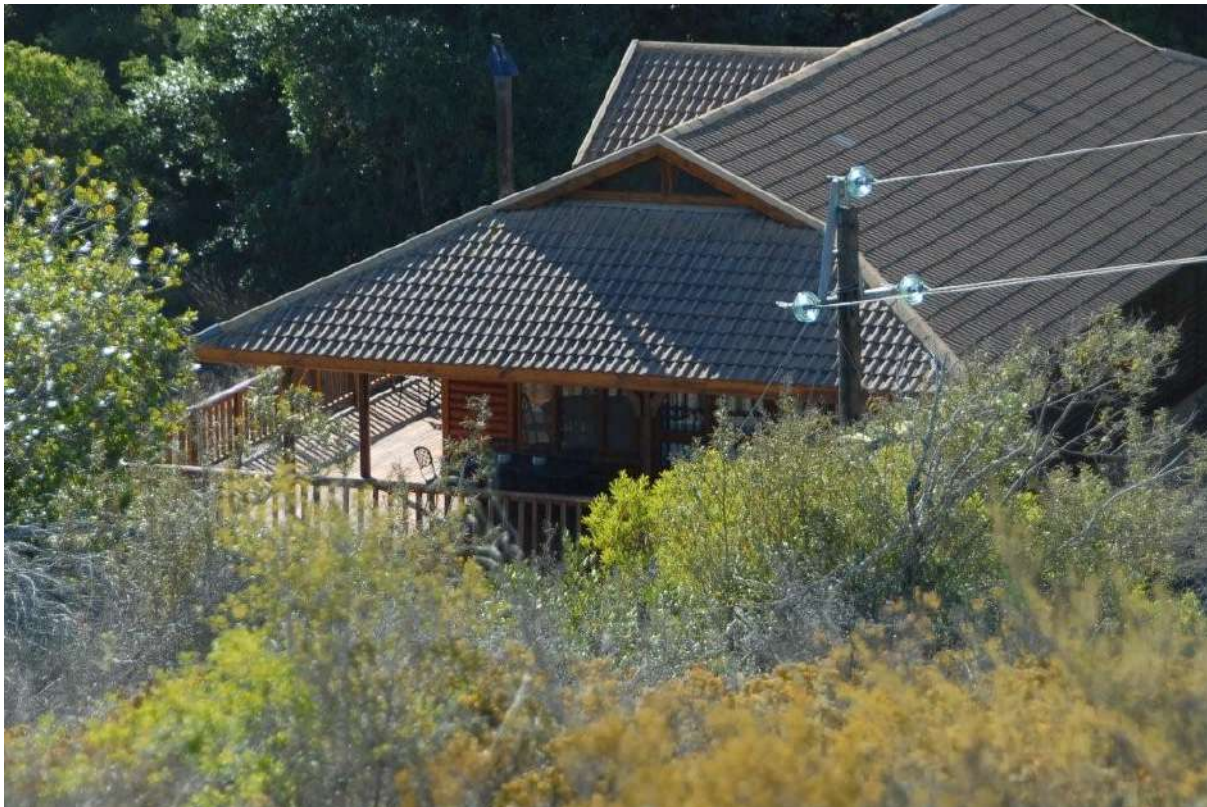


Figure 1 View onto my house

In response to my concerns I received the following feedback from Mr Gersh and via his attorney and response from his architect. See below:

From: Jonathan Gersh <jonathan.gersh@delecta.co.za> **Date:** Monday 03 May 2010 at 1:10 PM

To: Pierre Burger <pab@mweb.co.za>

Subject: <no subject>

To : Pierre Burger

Dear Mr. Burger,

I am a co-owner of a 220 ha property in the Vermaaklikheid – Oshoek area and the applicant of a proposed dwelling bordering Riverbend Properties. I received a copy of your objection to the application. I have responded to the objection in a comprehensive manner with the Hessequa Municipality. In addition, I wanted to provide some clarity (my opinion) to the issues you raised.

I expect the Municipality to clarify the matter on the number of dwellings. My understanding is that the municipality will entertain applications of a maximum of 3 additional dwellings applicable to this farm. I have gained permission from the other owners to make an application for two. I sought the advice of the municipality in terms of site location before making this application.

I intend to erect a modest building that can be described as a single / two bedroom cottage. My architect specifically designed the building to ensure a high degree of privacy. I seriously doubt this building will be visible from your property. I do **not** intend to remove the bulk of the non indigenous vegetation until indigenous plantings provide equivalent protection. The purpose of clearing a small portion of non indigenous bush was to gain some perspective of the river (direction West). I am confident that this will be an inconspicuous dwelling - one of the smallest in the area.

I intend to use the Oshoek property for personal use. The second application involves a similar size cottage (close to the village) erected for the benefit of my family. There are no commercial interests i.e. guest house / tourism initiatives behind these applications at all. I am involved in agriculture (as a career); have friendships with various landowners in Blombos – Vermaaklikheid area: I want to reassure you that I have every intention in respecting the ethics and values of this part of the world.

The “public road” runs through a large portion of my property. If people walk down this road from time to time I can’t see how you / or me can object. In theory, the whole village of Vermaaklikheid may utilise this route. My property, as you have correctly stated, does not border on the river; a river structure is prohibited. I intend to respect the boundaries of my neighbours. I do understand your concerns, but think they are unfounded.

The other objections emanate from the Nieuwenhuysse. The national deeds office has no record of their claim to having purchased this land. This matter was resolved in court in September 2009. The Nieuwenhuysse did not attempt to pursue the “land claim” during the court case; instead, they changed their focus to achieving an interdict against Alfred Nothnagel. They effectively lost the court case on multiple levels i.e. none of their objectives were achieved. The Nieuwenhuysse have clearly decided to ignore the outcome of the courts and continue pretending that this land belongs to them. I understand that they have lived and farmed in the area for many years. I have no intention to antagonise them and I have

been aware of this matter for quite some time. I intend to handle the problem in a systematic, professional manner.

I understand that the news of a potential dwelling on a neighbouring farm can't be seen as positive from your perspective nevertheless I hope to eliminate your concerns and add value to the area over time. As a respected land owner in the region I am sure the Municipality will give your objection the attention it deserves.

Yours Faithfully Jonathan Gersh

Jonathan Gersh

Below the letter from his architect received via his attorney (Webber Wentzel) which also states (highlighted in yellow) that Mr Gersh is developing the property as a holiday house for him and his family.

Aadil Engar
Assistant Town Planner
By email: aadil@hessequa.gov.za

Your reference	Our reference	Date
Consent Use Portion 9/499	ZR	5 May 2010
Aadil Engar	1927724	

Dear Sir

Consent Use Portion 9/499
Response to objection: Riverbend Properties
Our client: Jonathan Gersh

1. We refer to the objection lodged by Riverbend Properties/ Pierre Burger with the Hessequa Municipality to our client's application for two additional dwelling units on portion 9 of the Farm Vermaaklikheid No. 499.
2. Kindly find attached Annexure A1 to A3 being a detailed response from architect Michael Howells addressing the queries raised by Mr. Burger.
3. In addition to the above, our client confirms that :
 - 3.1 he is legally entitled to build the additional two dwellings on the said farm;
 - 3.2 he intends to respect the boundaries of all his neighbours properties; and
 - 3.3 there are currently no formal land claims lodged against the Farm.
4. Should you have any queries, do not hesitate to contact the writer.

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Partners in office at Cape Town: RB Africa B Aronoff HJ Dester AR Bowley A Christie KM Colman CD Coquelle C de Villiers W de Waal MA Diamond HJ du Preez M Ebrahim MJR Evans LD February B Fitzmaurice LD Goldberg RB Goolkin S Hockey PM Holloway AR James S Jooste N Joubert LA Kahn A Keyser D Kruger CS Meyer VS Moodaley LE Mostert K Reynolds K Sloth-Nielsen L Stein JH Singer ER Swartepoel A Toefy PZ Vanda DM Visagie
Consultants in office at Cape Town: G Malinick S Young

Senior Partner: DM Lancaster Partners: RB Africa NG Alp JP Araujo B Aronoff BA Baillie JM Bellow DHL Booyson AR Bowley PG Bradshaw JL Buckland MS Burger van der Walt A Christie RS Cocho KM Colman CD Coquelle K Couzyn Z Dasoo JH Davies JHB de Lange W de Waal DA Dingley HJ du Preez CP du Toit JC Eis MJR Evans GA Ficherell LC Filson JB Forman OJ Giliomee LD Goldsberg JP Gouws PD Grealish SN Gumede WW Hamson MH Hatthorn WA Hespner NA Hleishwayo S Hockey PM Holloway MGH Honiball SJ Hutton AR James S Jacate N Joubert M Kennedy A Keyser R Kruger PSG Leon DB le Roux L Marais S McCafferty MC McIntosh SI Melzer CS Meyer AJ Mills JA Milner D Milo NN Moshesh MM Mtshali MB Nzimande N Paige AS Parry GR Penfold NJA Robb DC Rudman DR Scholtz JW Scholtz RE Shepherd DH Short GM Sibanda AJ Simpson K Sloth-Nielsen L Stein PS Stein LJ Swaine ER Swartepoel A Toefy D Vallabh PZ Vanda GJ van der Linde JP van der Poel MG Versfeld TA Versfeld IR Vos JW Westgate RH Wilson M Yudaken
Chief Operating Officer: WMH Thompson

4/19/2010

To: Hessequa Municipality
Attention: Aadil Engar
C/o: Zunaid Rawoot, Webber Wentzel, Attorneys

Subject: Response to objections by Pierre Burger/Riverbend Properties to structures proposed for portion 9 of the farm Vermaaklikheid 499

As the designer of the primary structure proposed for the property in question, I submit the following on behalf of the property owner and in response to the objections noted by Mr. Burger in his fax to the Hessequa Municipality. For the purposes of clarity—since the objections are not numbered—I shall transcribe and then address each of Mr. Burger's points. I shall dispense with objections related to the property ownership and right-to-build issues, as I believe these to have been resolved separately:

THE PROXIMITY OF THE PROPOSED BUILDING SITE TO THE EXISTING DWELLING ON 499/27 (RIVERBEND PROPERTIES) IS JUST UNACCEPTABLE AND WILL NOT JUST RUIN THE RURAL NATURE OF OUR PROPERTY BUT DESTROY THE VALUE OF OUR PROPERTY.

The fundamental problem with many of Mr. Burger's objections to the proposed development is that they do not seem to be grounded in covenants or laws applicable to the property. Rather they appear to be the subjective opinions of Mr. Burger, and while he has a right to those opinions, they do not constitute grounds for the denial of the property rights of the owner of 499/9. Furthermore, there is no evidence that the proposed development will either "ruin the rural nature" of Mr. Burger's property or "destroy" it's value.

THE HOUSES WILL BE ABOUT 30 METERS FROM OURS AND WILL LOOK INTO EACH OTHER (SEE PHOTOS) DESTROYING ANY PRIVACY WE HAVE ENJOYED AND HAVE COME TO EXPECT FROM A PROPERTY OF THIS NATURE, AS WELL AS NOISE POLLUTION.

How are what Mr. Burger has "come to expect" or the 30 meter dimension relevant? The owner of 499/9 has a right to develop, just as Mr. Burger did. Also, I would respectfully differ with Mr. Burger's reading of the relationship between the dwelling unit in the photograph he submitted and the portion of 499/9 proposed for development. There is a significant elevational difference between the existing and proposed dwellings, as well as extensive mature vegetation—that the owner of 499/9 has no intention of removing—that would obscure or eliminate the putative sightlines between the two buildings. I would therefore argue that the proposed development of 499/9 would result in no meaningful reduction to the degree of privacy Mr. Burger currently enjoys. See photograph Exhibit A below. It was not taken with a telephoto lens to exaggerate actual conditions as Mr. Burger's photograph appears to have been.

EVERYBODY WANTS TO PRESERVE THE ENVIRONMENT AND ATMOSPHERE OF VERMAAKLIKHEID AND THE DUIVENHOKS RIVER, LET'S NOT TURN THIS INTO A BREEDE RIVER SCENARIO, PLEASE.

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No one could be more interested in preserving the environment and atmosphere of Vermaaklikheid than the owner of 499/9 or—as the designer of the proposed primary dwelling—myself. Together, we made an extensive study of the area in the process of arriving at the location proposed for development and the proposed design. Any first hand observer will note that the traditional and prevailing architectural condition in Vermaaklikheid is that nearly all of its houses share sightlines with one another. It is not an area of 'rich man's enclaves' or 'not in my back yard' attitudes. Rather the houses are—and have always been—situated relatively near to one another, and it is that neighborly character—as well as a certain social and cultural diversity—that defines the area and that attracted the owner of 499/9 to it. Documentary evidence of area building traditions—specifically the prevalence of the siting of houses in relatively close proximity to one another—can be found in the Vermaaklikheid and Puntjie section (pages 345-346) of Hans Franzen's classic work Old Towns and Villages of the Cape (Jonathan Ball Publishers, Cape Town and Johannesburg, 2006). I would also note that the primary dwelling proposed for 499/9 is intended—in its design character—to rigorously respect the predominant scale, materiality and architectural style of the majority of the buildings in the area, with a special emphasis on the very traditional ones. Mr. Burger's house on the other hand, constitutes an unusual and significant departure from the architectural traditions of the area, particularly in its choice of materials and color.

THE PROPOSED BUILDING SITE DOES NOT HAVE ACCESS TO THE RIVER AND THIS WILL LEAD TO PEOPLE WALKING THROUGH OUR PROPERTY TO GAIN ACCESS TO THE RIVER, ONCE AGAIN PUTTING OUR PROPERTY AT RISK.

How is this assumption of Mr. Burger's relevant? It amounts to an insinuation that the owner of 499/9 is bound to break the law if the proposed development is allowed. I would respectfully suggest that Mr. Burger's assumption is both erroneous and uncivil, but to answer his question, the owner of 499/9 intends to use the public river access point adjacent to Puntjie.

SHOULD THE PROPOSED HOUSES BE USED AS GUEST HOUSES? THEN WE WILL HAVE A MORE SERIOUS PROBLEM WITH NOISE AND TRESPASSING ON OUR PROPERTY, AS THESE GUESTS WILL WANT TO GET TO THE RIVER AND WILL NOT RESPECT OUR PROPERTY OR PRIVACY AS THEY DO NOT LIVE THERE. ONCE BUILDING PERMISSION HAS BEEN GRANTED AND THE DWELLINGS BUILT, THERE WILL BE VIRTUALLY NO CONTROLS TO STOP THEM BEING USED AS GUEST HOUSES OR SELF-CATERING COTTAGES.

Since the proposed development is not intended for use as a guest house or houses, this objection is irrelevant. The owner of 499/9 is developing the property as a holiday house for himself and his family. I would also respectfully ask Mr. Burger what 'controls' there are to prevent his property from being used as a guest cottage for hire?

SHOULD THE OWNERS OF 9/499 STILL WISH TO BUILD A DWELLING ON THEIR PROPERTY MAY I SUGGEST THAT THEY BUILD IT AT THE TOP OF THE KLOOF KEEPING WITH THE ATMOSPHERE OF THE AREA AND NOT AS THE ENCLOSED PHOTOS SHOW, ON TOP OF US.

THE PHOTO OF THE HOUSE IS FROM THE PROPOSED BUILDING SITE AND THE PHOTO OF THE PROPOSED BUILDING SITE (ESKOM POLE) IS FROM THE HOUSE. PLEASE BEAR IN MIND THAT ONCE THE BUSHES ARE REMOVED FOR BUILDING AND GARDENS, THESE BUILDINGS WILL HAVE A VERY CLEAR LINE OF SIGHT TO EACH OTHER.

I can assure Mr. Burger that the owner of 499/9 "still" intends to develop his property according to his legal rights. Mr. Burger's suggestion that the owner of 499/9 build "at the top of the kloof keeping with the atmosphere of the area" seems disingenuous, given that Mr. Burger's own house is not "at the top of the kloof keeping with the atmosphere of the area," but is rather at the

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foot of the kloof. In fact, the development proposed for 499/9 has been carefully sited near the top of the kloof for a host of reasons. One is that the proposed site is naturally protected from the prevailing winds. Another is that the site is in direct proximity to an existing on-site roadway which means that no new roadway will need to be constructed in order to develop. This affords a smaller site development footprint which in turn affords less disturbance to native plant species and wildlife habitat, as well as no additional contribution to potential soil erosion. As to Mr. Burger's notion that the proposed development would be "as the enclosed photos show, on top of us," I would argue that the photographs demonstrate no such thing. As Mr. Burger himself noted previously, the proposed development would not actually be "on top of" his home, but would rather be 30 meters (or more) away from it. Furthermore—as previously noted—it will be located at a much higher elevation than Mr. Burger's home, and will be invisible or nearly so to Mr. Burger as a function of the mature existing vegetation that would separate the dwellings. It should be remembered, however, that there is any case no requirement that the development proposed for 499/9 be invisible to Mr. Burger.

WE TRUST YOU WILL CONSIDER ALL OF OUR OBJECTIONS IN YOUR DECISION AND HELP US PRESERVE THIS AREA THE WAY IT SHOULD BE.

Irrespective of the personal opinions of Mr. Burger, the development proposed for 499/9 will enhance—rather than detract from—the existing character of the Vermaaklikheid area. It will achieve this through its rigorous respect for—and engagement of—local materials and architectural motifs, through its thoughtful placement in the land, and as a function of the owner's interest in a neighborly relationship with area traditions. We suspect that this inclusive, historically informed and environmentally sensitive approach—as opposed to Mr. Burger's exclusive vision—has the best chance of helping to preserve the unique qualities of Vermaaklikheid.

Sincerely,

Michael Howells

Exhibit A: View from proposed project site (Mr. Burger's roof partially visible at lower right).



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P o r t l a n d , O R 9 7 2 1 3 U S A
T e l e p h o n e : 5 0 3 . 8 6 9 . 3 7 1 5
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To summarise: Mr Gersh communicated the following to myself:

1. He **sought advice of the municipality in terms of site location** before making this application.
2. He has **no intention to run a guest house or tourism initiatives** and that **the sole intention of the development is for his personal use**. It was under this pretence that the building plans was approved by the municipality.
3. Mr Gersh acknowledged that his property does not border the river and that **a river structure like a jetty is prohibited**.

The following was communicated through his architect:

4. The owner is developing the property as a **holiday house for himself and his family**.
5. The owner intends to use the public river access point adjacent to puntjie.

All of the above concerns unfortunately became reality and my rights as a neighbour was not respected and not considered.

1. If Mr Gersh sought advice from the municipality why did he apply for building line departures from the municipality in 2023? Surely the municipality would have given him the correct advice in terms of building line restrictions. The municipality would also advise him to choose a different development site since the property is 220ha.
2. If Mr Gersh had no intention of running a guest house or tourism initiatives why would he apply for consent use for tourist accommodation in a recent application to the Hessequa municipality?
3. If Mr Gersh knew that his property doesn't border the river, why would he pour illegal concrete to gain river access on my property? When Mr Gersh and his guests couldn't access the river via my property he constructed a jetty, walkway and floating structure in a wetland area on the farm of the Borain family. He clearly had the intention to develop as close to the river as he can and to have access to the river.
4. If Mr Gersh developed the property as a holiday house for himself and his family, why did the municipality allow him to run a guest house illegally for several years.
5. If the owner Mr Gersh intended to access the river from the public access point adjacent to Puntjie, why did he access the river through my property and currently via the Borain families farm? Mr Gersh did not honour his word and did not respect farm boundaries.

I unfortunately had a stroke which set me back for a while in 2014. During my rehab I was not able to visit my farm since I had to learn to walk and speak again and was not aware of activities on my neighbours farm. It was during this time that my situation was taking advantage of by Mr Gersh running a guest house and allowing his guests to access the river via my property knowing that I raised these concerns with him and the municipality. He did not respect my situation neither my concerns.

As proof the concrete slipway and concrete poles constructed on my property by Mr Gersh, to gain access to the river. I removed these structures (Slipway and posts) from my property, rehabilitated the area and fenced my property to prevent further illegal access through my property. My concern that if the development is approved by the municipality, guests will access my property to gain access to the river, this became a reality. Below the images of these structures which I removed.



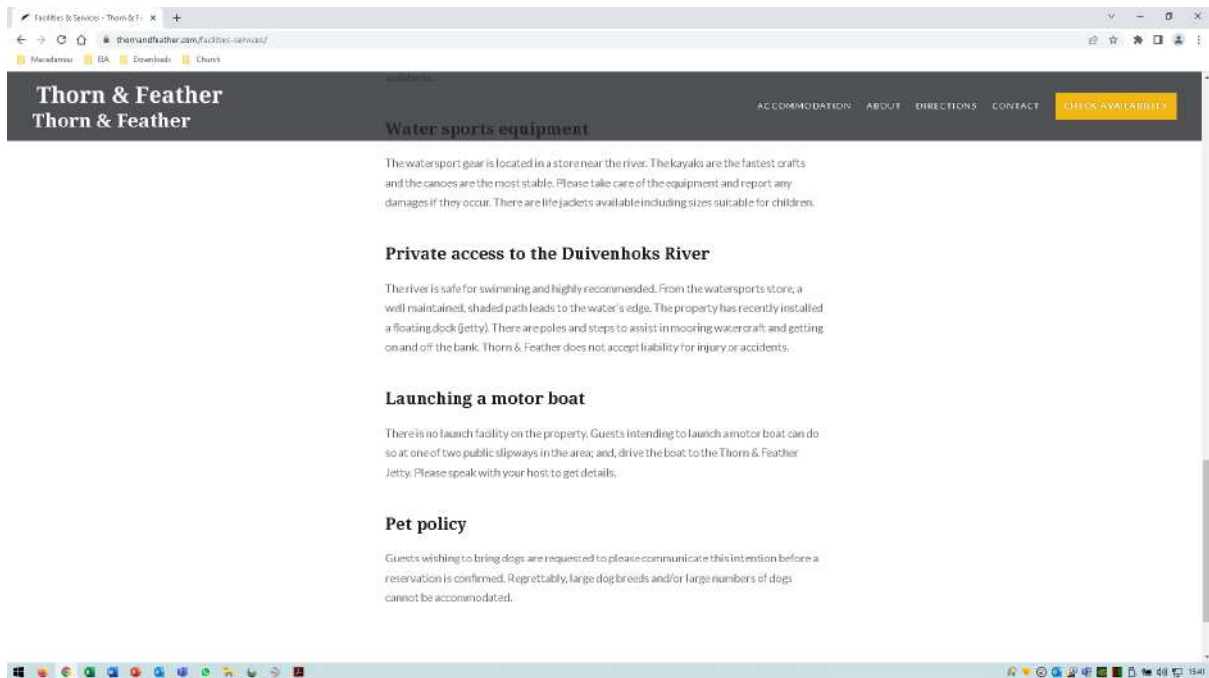
Mr Gersh stated that he intends to respect the boundaries of his neighbours and that he knows that structures in the river is prohibited. According to his communication via his architect he will utilise the public river access point adjacent to Puntjie. It is clear that Mr Gersh did not honour his word. Coincidentally a portion of his pumphouse is on my property. His boatshed was built in my property.

After removal of the above- mentioned structures on my property Mr Gersh constructed another structure on the property of the Borain family to allow his guests river access. These structures were erected within a wetland area. I was informed by Mr Gersh that he will employ the services of Cape Nature to assist and approve the construction of a jetty. Why then is the jetty included in the S24G application. Mr Gersh placed a blank poster onto the jetty structure. Was this to give the impression that an official application was underway.

See images below:



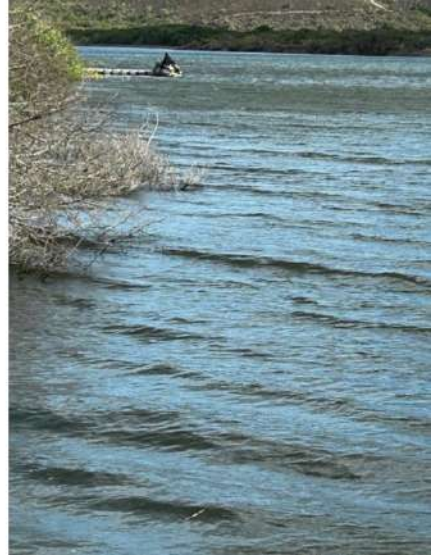
On his website he advertise private access to the river from the recently installed jetty.
See below



Apart from guests in very close proximity to my house I have to entertain drones flying over my property on numerous occasions, looking into my rooms and on occasion nearly been hit by them. On another occasion a drone was hovering meters away in front of my stoep disrespecting my privacy. I understand that the coastal area from Bredasdorp to Port Nolloth drones are banned because of the helicopter squadron. Drones are also prohibited to fly over conservation areas being the Duivenhoks river. Mr Gersh has been asked on occasion to supply documents permitting him or his clients to fly drones over my property.

He advertises his accommodation as dog friendly, leaving myself to listen to dogs barking and howling throughout the night. Currently we have serious noise pollution from guests and dogs due to the close proximity of the development. This is really annoying and not in line with him stating that he intends respecting the ethics and values of the area.

I understand that no jet skis are allowed on any estuary within the Hessequa municipality. I was visiting my farm on the 22nd of November 2022 and noticed a Jetski at Mr Gersh's illegal access point to the river. Guests staying at Feather and Thorn took part in unlawful activities. Hessequa law enforcement was notified but no further feedback or response was received. The Jet skis were removed on Friday the 25th of November 2022 when his guests left. It is very clear that Mr Gersh don't have the ability to control or monitor guests to abide to rules and regulations. Below, some of the photos of his guests taking part in illegal activities on the Duivenhoks river.



Below a letter received from Mr Gersh on the 27th of January 2020

I "officially" met you in Dec. 2019, 9-10 years after I purchased 499/9. During that time a lot of misunderstandings; unintentional errors / transgressions have taken place. Hindsight, an exact science, I would have gone about my objectives in conjunction with an open line of communication with you. There are some mitigating circumstances in terms why this route was not taken.

After paying fair money for the land my arrival was not well received in the small valley of Oshoek. Hennie Niewenhuys denied my property rights falsely claiming it was their land. The situation progressed to denying me access to water at a marketed related distribution fee I was prepared to pay. I know that you lent weight to that stance of theirs. The water is not theirs to sell nor is it a scarce resource in Oshoek. If Borain had not provided me with water from a second spring at that time I would have challenged the Niewenhuys position and most likely succeeded.

In time I was to discover that my land had been abused. After the fire, a labourer and I filled 12 x 50kg sacks of glass and other non-biodegradable garbage that lay strewn across the land. I cleared countless bust up beehives; drums containing dead bushbuck. There are no servitudes for water distribution but pipes have been laid and without permission. Persons tend to these pipes without informing me. The Eskom and Telkom poles were placed without consultation with the owners of 499/9. There was no respect for boundaries neither in my experience nor in recent history.

I got multiple objections from my neighbours and friends of theirs to my application with Hessequa. Of course it did not help our relationship to read your objection to what was my right to building a dwelling and a store. There was no substance according to the municipality but it was making my life difficult and stressful; there were attorney fees and delays.

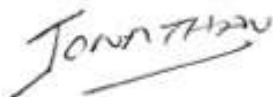
My original objective was to create a vacation home for me and my family. Once the construction began you were ill and not present. I was myopic in my approach to the tasks at hand. I should have put the baggage aside and sought your input. During the process I started to see benefits of short term rentals to make the farm sustainable and form long term bonds with one / two people from skoolkop. All other issues aside, it seems to have been a good decision.

The sign, silverstroom. Nobody had the intention of picking a fight or disrespecting anyone, especially someone of your stature. The sign looked like it belonged to another time. The land on either side of Oshoek road is my land. I figured; let's just have signs that represent the owners in the area. Wrong. I sincerely apologise.

We need to acknowledge the impact of the fire in Oshoek. The place is barren and privacy has been harmed for both of us. There used to be a lot of bush between your house and my store, and along the Oshoek road. Vegetation also absorbs sound. My place feels like a gold fish bowl. This problem will decrease over time with an irrigation system and indigenous plants, but its kak now.

Push back from me on the river access argument will perpetuate the acrimony between us. It could also draw unwanted attention to this area of the river. As I write this letter I am not certain that I will get a lease with the Borains' for access. I am at a point where the problems associated with this property are outweighing the benefits. This needs to change or I need to sell up.

In the immediate short term, I am fronting up to the boundary issue. Thank you for the civil and professional manner in which you have addressed the matters so far. I intend to demonstrate that I am person that backs up his words in deeds.



From the above letter Mr Gersh acknowledges:

- He purchased the property in 2010. (This indicates that the property was not in his family for decades)
- The original objective was to create a vacation home for him and his family.
- He did not seek my input.
- He was desperate to gain access to the river
- His intend to demonstrate that he is a person that backs up his words in deeds.

To conclude, I have no problem with Mr Gersh, as my neighbour, having a holiday residence for him and his family, as per his commitment by himself and his architect.

I do have a problem with the guest house, a stone throw from my house, and within earshot of Mr Gersh and his guests. Not something one would expect living on a farm. Mr Gersh had the opportunity to build a guest house on the remainder of the 220ha property with fantastic views of the river and surrounding areas. Mr Gersh decided to develop at the closest point to the river. 90% of the development is over the building line restrictions and 90% of the development is within 100m from the highwater mark.

I am of the opinion that he premeditated the establishment of a guest house and to place the guesthouse close to the river to gain access to the river for his guests. His decision caused the development to be very close to my house and I am currently confronted with noise from guests, dogs and drones. My privacy being jeopardised and once again not what you would expect living on a farm.

I would like emphasise that if Mr Gersh had decided to build guest accommodation or a resort further away from my house I wouldn't have had any objection, we are after all both living on a farm with the right to enjoy the peace and tranquillity that the area offers.

I am hopeful that the department would have the understanding not to approve the current development to operate as a guest house or resort and that Mr Gersh will be held to his original intention as per his letters.

Kind regards
Pierre Burger