KNYSNA LOCAL MUNICIPALITY

Notice is hereby given of a

KNYSNA MUNICIPAL PLANNING TRIBUNAL MEETING

to be held on

Tuesday, 31 March 2026

at

09:00

Council Chambers

to consider the following items:

MUNICIPAL OFFICES
KNYSNA **ADMINISTRATOR**

A G E N D A

Chairperson: R Smit
Members: J Grobler
J Samson-Swartz
Z van Rooyen
N Perring
L Mniki
R Daames
M Nzuzo
M Musekene
L Goya

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AGENDA

1. Opening and Welcome

2. Attendance (as per attendance register)

   2.1 Members: Present
   2.2 Members: Absent with Leave
   2.3 Members: Absent Without Leave
   2.4 Councilors Present
   2.5 Officials Present
   2.6 Members of the Audit Committee Present
   2.7 Members of the Public Present

3. Order of Proceedings

   3.1 Conflict of Interest
   3.2 Points in *Limine*
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   3.4 Time Allocation for Oral Presentations

4. Noting of Rules of Order

   4.1 Confirmation by Members in terms of Rule 6.3.

5. Referred Items

6. New Items

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KNYSNA LOCAL MUNICIPALITY

MINUTES

of the

MUNICIPAL PLANNING TRIBUNAL

in the Sedgefield Boardroom

Sedgefield Municipal Offices

Flamingo Street

Sedgefield

Tuesday, 24 February 2026

at

09h00

Members Present (9/10):

R Smit (Chairperson)	(RS)
J Grobler	(JG)
N Perring	(NP)
R Daames	(RD)
J Samson-Swartz	(JS)
Z van Rooyen	(ZR)
L Mniki	(LM)
M Musekene	(MM)
L Goya	(LG)

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1. OPENING AND WELCOME

The Chairperson, Mr. R Smit opened the meeting and welcomed everyone present.

2. ATTENDANCE

2.1. Members Present

As per the attendance register.

2.2. Members Absent with Leave

M Nzuzo (MN)

2.3. Members Absent without Leave

None

2.4. Councillors Present

None

2.5. Officials Present

As per the attendance register.

2.6. Members of the Public Present

As per the attendance register.

3. ORDER OF PROCEEDINGS

3.1 **CONFLICT OF INTEREST**

That it be noted that the members signed the declaration forms.

3.2 **POINTS IN LIMINE**

None

3.3 **CONSIDERATION OF *LOCUS STANDI***

None

3.4 **TIME ALLOCATION FOR ORAL PRESENTATION**

That it be noted that no requests for oral presentation were received.

4. NOTING OF THE RULES OF ORDER

That it be noted that all members noted the Rules of Order.

5. REFERRED ITEMS

5.1. KMPT01/02/26: **PORTION 58 OF THE FARM 185, KNYSNA: CONSENT USE & DEPARTURE(s)** (APPLICATION NO. 2922)

- *That it **be noted** that the Tribunal considered the land use planning report dated 13 June 2025 as submitted by the case officer, Mr. Shaun Madumbo on 19 February 2026 and conducted a site inspection on 23 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

5.1.1 That, **Approval be Granted**, terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and land Use Management (2021) for the Consent Use(s) of a "guest house", "function venue" and "camping site" as contemplated in the Knysna Zoning Scheme By-law (2020) under the "Agriculture Zone I" zoning in respect of Portion 58 of the Farm Leeuwen Bosch No. 185, Knysna (a portion of Portion 8) of the Farm Leeuwen Bosch No. 185, Knysna).

5.1.2 That, **Approval be Granted**, terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and land Use Management (2021) for the Permanent Departure to relax the maximum permissible floor space of a function venue from 500m^2 as prescribed in the Knysna Zoning Scheme By-law (2020) to 564m^2 in respect of Portion 58 of the Farm Leeuwen Bosch No. 185, Knysna (a portion of Portion 8) of the Farm Leeuwen Bosch No. 185, Knysna).

5.1.3 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The "guest house" shall be limited to no more than two (2) guest rooms for bedroom accommodation for paying guests or lodgers, and no more than four(4) paying guests or lodgers may be supplied with lodging or meals at any time.

(ii) The "camping site" shall be limited to a maximum of 10 sites for the setup of tents, and shall be generally in accordance with the plan

numbered "*K/IH200-2*" by Nel & de Kock Town and Regional Planners dated December 2024.

(iii) The "function venue" shall be limited to a maximum of one hundred (100) patrons at any given time and be limited to the existing approved buildings in accordance with an approved site development plan.

(iv) The remaining development parameters under "agriculture", "guest house", "guest venue" and "camping site" as specified in the Knysna Zoning Scheme By-law, and any other departures are granted in terms of the Planning By-law, shall apply.

(v) The landowner shall lodge a detailed Site Development Plan in accordance with Clause 23 of the Knysna Zoning Scheme By-law (2020), prior to the submission of building plans, and shall include detail on parking and vehicular movement, access, landscaping, and use areas, amongst others, and demonstrate adherence to the provisions of the Zoning Scheme By-law and the conditions of approval, including any conditions imposed by an organ of state and Fire Department.

5.1.4 **The reasons for above decision are as follows:**

(i) The proposal and application are not in conflict with SPLUMA's principles of spatial justice, sustainability, efficiency, spatial resilience, and good administration. In respect of "spatial sustainability" the consent uses are compatible with the rural and agricultural nature of the subject farm and would maintain its primary agricultural use. This would allow the protection of our valuable agricultural resources as encouraged by this principle of SPLUMA while allowing for additional economic activity.

(ii) The consent use for a guest house, function venue and camping site on the subject farm support the Spatial Development Framework's guidelines on rural and tourism development in the Municipality's rural areas. However, care should be given to the intensity of the intended uses particularly that of the camping site so as not to detract from the character of the surrounding area. The applicant has responded positively to the concerns of the objector, the Municipality, and the provincial departments of Agriculture and Infrastructure by reducing the "density" of development on the subject farm. This will ensure that the

negative impacts of the large concentration of groups of people at the camp site are mitigated and commensurate with the character of the area.

(iii) The function venue will make use of two existing buildings and the departure to allow the relaxation of the maximum permissible floor space of 500m^2 to 564m^2 (+13%) is not considered excessive and would most likely not detract from the amenity of the local area.

(iv) The proposal will result in greater choice in tourist accommodation in the local area, thus supporting tourist spending by visitors. Importantly, the proposal may offer some form of additional employment opportunities during its operation, possibly from the nearby settlement of Keurhoek.

(v) The surrounding land uses are dominated by rural and agricultural uses with the Keurhoek (Rheenendal) settlement in close proximity to the subject farm. The application does not entail a permanent change in use by way of rezoning, and the consent uses are considered compatible with the farming activities on the subject farm and surrounding area. Therefore, it is not envisaged that the contemplated uses will detract from the overall character for the farming area.

(vi) It is not foreseen that the intended uses will have any negative effect on the safety, health, and wellbeing of the surrounding community. The proposal will make use of existing buildings and would not introduce any elements that may harm or compromise the rural integrity of the subject farm or surrounding area.

5.1.5 **The applicant is advised and informed of the following:**

(i) This approval applies to the consent uses and departures as outlined above and may not be construed as authority to depart from any other legal prescriptions.

(ii) The applicant/landowner shall adhere to the requirements of the Breede-Olifants Catchment Management Agency as specified in their correspondence dated 22 July 2024.

(iii) The applicant/landowner shall ensure adherence to the conditions as specified by the Western Cape: Department of Infrastructure in their correspondence dated 09 May 2025.

(iv) Building Plans shall be submitted in terms of the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) to the Municipality for approval prior to any building work being undertaken.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

5.2. KMPT02/02/26: **ERF 1049, SEDGEFIELD: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3395)

- *That it **be noted** that the Tribunal considered the land use planning report dated 13 June 2025 as submitted by the case officer, Ms. Linda Mniki on 19 February 2026.*
- *That it **be noted** that the case officer, a member of the Tribunal, recused herself from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

5.2.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R1080.00** be payable in terms of Section 93(3), for the contraventions of the northern lateral building line and land use comprising of a carport (ground-floor), decking and a reading nook (first floor), in respect of Erf 1049 Sedgefield, as shown on the plan numbered "*HK876-03-R1*" by Henry Erasmus Architectural Design Services (Pty) Ltd and dated October 2024.

5.2.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement; and

(ii) This approval and imposition of the administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 1049, Sedgefield.

5.2.3 **The reasons for above decision are as follows:**

(i) The landowner's efforts indicate a willingness to adhere to the legislated prescripts as they had obtained approval of building plans and it was only during construction that the contravention of the Knysna Zoning Scheme By-law (2020) occurred, hence a minimal penalty may be applied.

(ii) The carport, decking and 'reading nook' are in keeping with the residential zoning of the premises as well as the surrounding neighbourhood.

(iii) The approval must not be construed as an indication that other submissions in terms of Section 15(2) of the Spatial Planning and Land Use Management By-Law (2021) will be approved. The assessment of a permanent departures shall determine the merits of the development and which, if any, require removal or repositioning.

File number: 9/1/2/13

Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

5.3. KMPT03/02/26: **PORTION 48 OF THE FARM 183, KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3382)

- *That it **be noted** that the Tribunal considered the land use planning report dated 13 June 2025 as submitted by the case officer, Ms. Linda Mniki on 19 February 2026.*
- *That it **be noted** that the case officer, a member of the Tribunal, recused herself from voting.*

- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

5.3.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R1 910.00** be payable in terms of Section 93(3), in respect of the "agricultural worker accommodation" within the 1km high-water mark and unlawful encroachment of the building line as prescribed in the Knysna Zoning Scheme By-law (2020), in respect of Portion 48 of the Farm 183, Knysna, as shown on the plan numbered "*PLN101-REV1*" drawn by Grobler & Graham Architects and dated April 2024.

5.3.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement; and

(ii) This approval and imposition of the administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Portion 48 of the Farm Eastbrook No. 183, Knysna.

5.3.3 **The reasons for above decision are as follows:**

(i) The previous Section 8 Zoning Scheme Regulations (1988) did not require a setback of 1km from the high water mark, for agricultural worker's accommodation and, therefore, a land use planning application would not have been required, prior to the promulgation of the Knysna Zoning Scheme By-law (2020).

(ii) However, the applicant has not provided compelling evidence to substantiate their assertion that the previous landowner built the agricultural worker accommodation.

(iii) The water tank within the prescribed building line is articulated to be essential in the supply of water to the farm. In this instance, the

transgression did not appear to be harmful to its local environment or adjoining landowners. Nonetheless, a transgression of the Zoning Scheme By-law occurred, and imposition of a nominal penalty is considered reasonable.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

5.4. KMPT04/02/26: **ERF 671 SEDGEFIELD: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3485)

- *That it **be noted** that the Tribunal considered the land use planning report dated 11 June 2025 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

5.4.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R1176.00** be levied in terms of Section 93(3), for the contravention of the lateral building line as prescribed in the Knysna Zoning Scheme By-law (2020), as shown on plan numbered "*KNY23-04-LAD_01*" dated 01 September 2023, in respect of Erf 671 Sedgefield.

5.4.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision, and

(ii) This approval must not be construed as an indication that other submissions, in terms of Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) will be approved.

5.4.3 **The reasons for above decision are as follows:**

(i) The nature, gravity, and extent of the unlawful building work are minimal and do not detract in any way from the character of the area or the use of the property.

(ii) The contravention was not found to be willful or intentional on the part of the landowner, but rather the result of negligence stemming from a failure to identify and rectify deviations from the approved building plan. Accordingly, the penalty imposed is considered appropriate.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

5.5. KMPT05/02/26: **ERF 21351 KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3483)

- *That it **be noted** that the Tribunal considered the land use planning report dated 11 June 2025 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

5.5.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R1 003.14** be levied and determined in terms of Section 93(3), for the contravention of the rear and lateral building lines relating to decks as indicated on plan numbered "*2302/Three/4/R0*" drawn by Louise Wileman Architects and dated 18 October 2024, in respect of Erf 21351, Knysna.

5.5.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision; and

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(ii) This approval must not be construed as an indication that other submissions in terms of Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) will be approved.

5.5.3 **The reasons for above decision are as follows:**

(i) The nature, gravity, and extent of the unlawful building work are negligible and do not detract in any way from the character of the area or the lawful use of the property.

(ii) While it is argued that the unlawful building works were necessary to prevent property damage, the applicant has failed to provide credible evidence demonstrating that the site condition was not reasonably detectable prior to the commencement of construction, which resulted in the encroaching decks being elevated. Therefore, the levied penalty is considered appropriate.

File number: 9/1/2/13

Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

5.6. KMPT06/02/26: **ERF 3146, KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3454)

- *That it **be noted** that the Tribunal considered the land use planning report dated 11 June 2025 as submitted by the case officer, Ms. Sinovuyo Sitinga on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

5.6.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R0.00** be determined in terms of Section 93(3) for the existing second dwelling and retaining wall encroaching on the rear building and street building lines respectively as indicated on plan numbered "*2024/014-M001*" and dated in respect of Erf 3146, Knysna.

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5.6.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(ii) This approval and imposition of the administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 3146, Knysna.

5.6.3 **The reasons for above decision are as follows:**

(i) The transgression of the lateral building line is considered minor as it only entails an extent of less than 500mm within the 2.0m prescribed building line space and has not shown to have an adverse impact on the neighbouring and affected property. Furthermore, the building is keeping with its approved footprint while the application for the determination of an administrative penalty is only for the change in use of the building.

(ii) The transgression of the street building line by the existing retaining wall is also considered minor in terms of gravity, despite its encroachment of the cadastral boundary as well. It has not shown to have an adverse impact on vehicular and pedestrian movement on League Street as slight distances are maintained owing to the difference in level between the street and excavated property level.

(iii) Lastly, the previous owner submitted an affidavit attesting to committing the contravention of the Zoning Scheme and thus failing to obtain the necessary planning permissions.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6. NEW ITEMS

6.1. KMPT07/02/26: **ERF 57, BUFFALO BAY: ADMINISTRATOR'S CONSENT, AMENDMENT OF CONDITIONS OF APPROVAL & DEPARTURE(S)** (APPLICATION NO. 3403)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Ms. Sinovuyo Sitinga on 19 February 2026 and conducted a site inspection on 23 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.1.1 That, **Approval be Granted,** for the Administrator's Consent as contemplated in restrictive title condition D.(6)(b) contained in deed of title numbered T21130/2024 in respect of Erf 57 Buffalo Bay, to allow the relaxation of the prescribed building lines.

6.1.2 That, **Approval be Granted**, terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and land Use Management (2021) for the deletion of conditions of approval 2(c), 2(d) and 2(k) as specified in the notice of decision dated 17 September 2007, in respect of Erf 57, Buffalo Bay.

6.1.3 That, **Approval be Granted**, terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and land Use Management (2021) for the departures from the development parameters of "dwelling house" of the Knysna Zoning Scheme By-law (2020), in respect of Erf 57, Buffalo Bay, to allow for the following:

6.1.3.1 the relaxation of the maximum permissible coverage from 50% to 58%;

6.1.3.2 the relaxation of the prescribed northern lateral building line from 2.0m to 1.61m to allow for additions to the dwelling house (pergola);

6.1.3.3 the relaxation of the prescribed eastern street building line from 4.5m to 3.27m and 1.82m to allow for additions to the dwelling house (i.e. living room extension and pergola, respectively).

6.1.3.4 the relaxation of the prescribed southern street building line from 4.5m to 1.62m, 1.42m and 0m to allow for additions to the dwelling house (i.e. laundry room, pergola and games room, respectively);

6.1.3.5 the relaxation of the prescribed western lateral building line from 2m to 0m to allow for the conversion of the existing building (i.e. the garage to games room).

6.1.4 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The relaxation of the building lines as contemplated in the Knysna Zoning Scheme By-law (2020) shall generally be in accordance with the plan numbered "*J005-LA-002-Rev5*" dated 25 April 2024.

(ii) The applicant/landowner shall register a servitude right of way in favour of Erf 56, and Erf 57 Buffalo Bay to the extent as shown on the plan numbered "*J005-LA-002-Rev5*" dated 25 April 2024, prior to the submission of building plans.

(iii) The applicant/landowner shall submit a detailed surveyed plan prepared by a registered professional indicating the position of buildings and structures on the site and submit at the submission of building plans.

(iv) The applicant/landowner shall provide confirmation of the capacity of the existing septic, to the satisfaction of the Director: Infrastructure Services, at the submission of the building plans.

6.1.5 **The reasons for above decision are as follows:**

(i) The application is for the conversion of existing approved buildings/spaces (i.e. the garage) into habitable space (i.e. family games room) with further additions to the existing house within the street building line space. This means that the existing coverage will largely be maintained.

(ii) The relaxation of the prescribed building lines as contained in the deed of title was found to be justified as the proposal does not present evidence that it will detract from the established character of the area at the establishment of the township but will allow for modest improvements that keep pace with modern needs and the evolving character of the area.

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(iii) The size of the property is 550m^2 and has two street frontages limiting the available space for buildings within the prescribed building line. Furthermore, the Buffalo Bay Township has smaller than normal erven that compelled landowners to make optimal use of properties and resulted by the zoning scheme and the relaxation of the maximum permissible coverage were thus considered in this context.

(iv) Considering the objections lodged against the application, it was found that the building work and conversion would not have a meaningful impact on the views of the objector. The conversion of the garage to the games room is within the existing footprint and the line of buildings on the southern street-front will remain as is. In addition, the pergola on the eastern street building line will not be in view of the objector as observed from Sand Street towards the sea in an easterly direction.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.2. KMPT08/02/26: **ERF 12655 KNYSNA: ADMINISTRATOR'S CONSENT & DEPARTURE(S)** (APPLICATION NO. 3360)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Ms. Sinovuyo Sitinga on 19 February 2026 and conducted a site inspection on 23 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.2.1 That, **Approval be Granted,** for the Administrator's Consent as contemplated in restrictive title condition C.I.4(b) contained in deed of title numbered T104194/2002 in respect of Erf 12665, Knysna to allow for the relaxation of the prescribed building lines.

6.2.2 That, **Approval be Granted**, terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and land Use Management (2021) for the permanent departures from the development parameters of "dwelling house"

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of the Knysna Zoning Scheme By-law (2020), in respect of Erf 12665, Knysna to allow for the following as shown on plan numbered "*2207-A2-101*" dated September 2023:

6.2.2.1 the relaxation of the maximum permissible height from 8.5m to 8.8m to allow for the existing carport;

6.2.2.2 the relaxation of the maximum permissible height from 8.5m to 9.6m to allow for the existing dwelling house;

6.2.2.3 the relaxation of the maximum permissible number of storeys from two(2) to three(3) storeys; and

6.2.2.4 the relaxation of the street building line from 4.5m to 0m to allow for the existing carport.

6.2.3 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The relaxation of the street building line shall generally be in accordance with the plan numbered "*2207-A2-101*" dated September 2023.

(ii) The carport shall remain open on at least three(3) sides and shall not be enclosed without prior written approval from the Municipality in terms of the Planning By-law.

6.2.4 **The reasons for above decision are as follows:**

(i) The Infrastructure Services directorate of the Municipality is not in support of the carport encroaching on the road reserve space adjacent to the subject property. However, Council, by means of a lease agreement, agreed to the lease of the land to allow for the carport within the road reserve space. It is held that the encroachment onto the road reserve space is not necessarily a matter for consideration in terms of the Planning By-law but rather in terms of a lease agreement already entered into.

(ii) The consent to allow the relaxation of the building line prescribed in the title deed is deemed necessary to ensure vehicular access to a property that is encumbered by a steep slope; the relaxation of this restrictive title condition is thus considered appropriate and justified.

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(iii) The relaxation of the maximum permissible height of the dwelling house is considered marginal and appropriate in the context of the steep slope measuring around 35%. The existing dwelling house has shown to not detract from the character of the area and appears as a single-level house from the street-front due to the property's steep fall.

(iv) Similarly, the height of the carport exceeding the prescribed maximum is not considered excessive as the steep slope has made practical and reasonable vehicular access to the property challenging with limited options to secure appropriate access.

(v) The additional (third) storey is also supported on the grounds of the significant steep slope and is suitable for the site conditions.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.3. KMPT09/02/26: **ERF 414, BRENTON: AMINISTRATOR'S CONSENT & PERMANENT DEPARTURE(S)** (APPLICATION NO. 2728)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 February 2026 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026 and conducted a site inspection on 23 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.3.1 That, **Approval be Granted,** for the Administrator's Consent as specified in restrictive title condition C.(7) set forth in the Deed of Title numbered T1748/2018 in respect of Erf 414, Brenton, to allow for the relaxation of the lateral and street building line, for the proposed retaining wall as shown on plan numbered "*2301-A2-125*" dated May 2025.

6.3.2 That, **Approval be Granted**, terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and land Use Management (2021) for the following relaxations from the development parameters of a "dwelling house"

of the Knysna Zoning Scheme By-law (2020), in respect of Erf 414, Brenton, and as indicated on plan numbered "*2301-A2-125*" dated October 2023:

6.3.2.1 the relaxation of the street building line from 4.5m to 0m in order to all for the proposed retaining wall;

6.3.2.2 the relaxation of the western lateral building line from 2m to 0m to allow for the existing retaining wall;

6.3.2.3 the relaxation of the maximum permissible height of a retaining wall above natural ground level from 2m to 2.475m to allow for the existing retaining wall.

6.3.3 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) Building lines shall be in accordance with the Site Development Plan numbered "*2301-A2-125*" dated October 2023. Any future alterations or extensions of any structure on this erf shall comply with the parameters for "Single Residential Zone I".

(ii) Approval shall be subject to the submission of a detailed storm-water management plan as part of the building plan approval process.

6.3.4 **The reasons for above decision are as follows:**

(i) The applicant acknowledges that the existing retaining walls were built without prior approval but is now taking steps to regularize them through the formal approval process. Construction was supervised by a registered structural Engineer, and a compliance certificate will be issued upon approval, ensuring adherence to Section 14(2A) of the National Building Regulations.

(ii) The retaining walls are designed using permeable Sholin blocks to reduce surface runoff and erosion. Additionally, the applicant has committed to installing a 100mm storm-water pipe connection to the municipal system, if required, to mitigate any potential impact on neighbouring properties.

(iii) The existing retaining walls were constructed as an emergency response measure to replace a deteriorating vibracrete wall and prevent further erosion caused by heavy rainfall and the site's steep

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slope, thereby proactively reducing the risk of damage to neighbouring properties.

(iv) The retaining walls are designed to sit below natural ground level to minimize visual impact. The proposed wall is located within the property boundaries and does not obstruct wildlife movement along the road reserve.

File number: 9/1/2/13

Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.4. KMPT10/02/26: **ERF 2739 SEDGEFIELD: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3546)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 February 2026 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.4.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R5 000.00** be imposed in accordance with Section 93(2) for the encroachment of the 4.5m prescribed street building line by the enclosed patio in contravention, as indicated on plan numbered "*2024/014-M001*" dated 14 August 2024.

6.4.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

(ii) This decision and the imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 2739, Knysna.

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6.4.3 **The reasons for above decision are as follows:**

(i) The applicant has conceded to the described transgressions of the Knysna Zoning Scheme By-law (2020). In considering the nature of the transgression in the form of encroachments of the prescribed building line by the covered patio, the imposition of an administrative penalty in accordance with Council's approved tariffs is considered reasonable.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.5. KMPT11/02/26: **ERF 622 BRENTON: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3569)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 February 2026 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.5.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R5 000.00** be imposed in accordance with Section 93(2) for the following contraventions, as indicated on plan numbered "*000-R02*" dated 12 September 2025 in respect of Erf 622 Brenton.

6.5.1.1 the encroachment of the 4.5m prescribed street building line by the retaining structures;

6.5.1.2 the encroachment of the 2m prescribed lateral western building line by the retaining structures;

6.5.1.3 the encroachment of the 2m prescribed eastern lateral building line by the retaining structures;

6.5.1.4 the encroachment of the 2m prescribed rear building line by the retaining structures, pool pump and water tanks; and

6.5.1.5 the exceedance of the 50% coverage by 1.5% as a result of the placement of the shade port.

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6.5.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

(ii) This decision and the imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 622, Brenton.

6.5.3 **The reasons for above decision are as follows:**

(i) The applicant has conceded to the described transgressions of the Knysna Zoning Scheme By-law (2020). In considering the nature of the transgression in the form of encroachments of the prescribed building lines and the exceedance of permissible site coverage, the imposition of an administrative penalty in accordance with Council's approved tariffs is considered reasonable.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.6. KMPT12/02/26: **ERF 5375 KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3559)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 February 2026 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.6.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R5 000.00** be imposed in accordance with Section 93(2) for

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the following contraventions, as indicated on plan numbered "*P1-3-R0*" and dated 9 June 2025 in respect of Erf 5375, Knysna:

6.6.1.1 the encroachment of the 4.5m prescribed street building by the carport and retaining structures;

6.6.1.2 the encroachment of the 2m prescribed lateral building lines by the retaining structures, pool pump and water tanks;

6.6.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

(ii) This decision and the imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 5375, Knysna.

6.6.3 **The reasons for above decision are as follows:**

(i) The applicant has conceded to the described transgressions of the Knysna Zoning Scheme By-law (2020). In considering the nature of the transgression in the form of encroachments of the prescribed building lines and the establishment of an unauthorized vehicle access point, the imposition of an administrative penalty in accordance with Council's approved tariffs is considered reasonable.

File number: 9/1/2/13

Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

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6.7. KMPT13/02/26: **ERF 533 BRENTON: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3544)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 February 2026 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.7.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R5 000.00** be imposed in accordance with Section 93(2) for the following contraventions, as indicated on plan numbered "*Annexure H*" drawn by A.C Burger in respect of Erf 533, Brenton:

6.7.1.1 the encroachment of the 4.5m prescribed street building by the corner of the dwelling house and retaining wall;

6.7.1.2 the encroachment of the 2m prescribed eastern lateral building line by the retaining structures and dwelling house; and

6.7.1.3 the encroachment of the 2m prescribed western lateral building line by the dwelling house and retaining structures.

6.7.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

(ii) This decision and the imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 533, Brenton.

6.7.3 **The reasons for above decision are as follows:**

(i) The applicant has conceded to the described transgressions of the Knysna Zoning Scheme By-law (2020). In considering the nature and gravity of the transgression in the form of encroachments of the prescribed building line by retaining structures, the imposition of an

prescribed building line by retaining structures, the imposition of an administrative penalty in accordance with Council's approved tariffs is considered reasonable.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.8. KMPT14/02/26: **REMAINDER OF PORTION 22 OF THE FARM EASTBROOK NO. 183, KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3552)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 February 2026 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.8.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R5 000.00** be determined in accordance with Section 93(2) for the following contraventions, on Remainder of Portion 22 of the Farm Eastbrook No. 183, Knysna, as indicated on plan numbered "*22.15*" dated August 2024:

6.8.1.1 the encroachment of the 30m prescribed eastern building line by the as-built "*Shed 1*".

6.8.1.2 the encroachment of the 30m prescribed western building lines by the as-built "*Shed 2*".

6.8.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

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with Section 15(2) of the Planning By-law on Remainder of Portion 22 of the Farm Eastbrook No. 183, Knysna.

6.8.3 **The reasons for above decision are as follows:**

(i) The applicant has conceded to the described transgressions of the Knysna Zoning Scheme By-law (2020). In considering the nature of the transgressions in the form of encroachments of the prescribed building lines by the two sheds, the imposition of an administrative penalty in accordance with Council's approved tariffs is considered reasonable.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.9. KMPT15/02/26: **ERF 3613 KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3509)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 February 2026 as submitted by the case officer, Ms. Sinovuyo Sitinga on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.9.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R5 000.00** be determined in terms of Section 93(2), for the existing unlawful second dwelling exceeding the minimum permissible size as indicated on plan numbered "*House-Stander-Kny-025*" dated March 2025, in respect of Erf 3613, Knysna.

6.9.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

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(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

6.9.3 **The reasons for above decision are as follows:**

(i) The applicant conceded to having contravened the Knysna Zoning Scheme By-Law (2020) and further proposed a penalty they deemed reasonable. It is therefore agreed that the proposed penalty is reasonable in relation to the unauthorized land use.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development

6.10. KMPT16/02/26: **ERF 11215 KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3439)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Ms. Linda Mniki on 19 February 2026.*
- *That it **be noted** that the case officer, a member of the Tribunal, recused herself from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.10.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R1 933.10** be imposed in accordance with Section 93(2) for the unauthorized building work (covered deck) encroaching the prescribed rear building line, as indicated on plan numbered "*E-11215/KNY*" dated 5 March 2025.

6.10.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

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(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement.

6.10.3 **The reasons for above decision are as follows:**

(i) The use of a deck is not in contravention with the residential zoning of the property.

(ii) The applicant has provided the comments of the HOA as well as that of the adjacent property owner whom indicated that they support the existing structure.

(iii) The owner of the property provided an admission of guilt which is indicative of remorse for the unlawful encroachment of the building line.

(iv) This approval and imposition of the administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 11215, Knysna.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.11. KMPT17/02/26: **ERF 21440 KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3435)

The case officer, Ms. Linda Mniki, informed the Tribunal that the application was withdrawn the previous day.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.12. KMPT18/02/26: **ERF 3673 SEDGEFIELD: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3452)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Ms. Linda Mniki on 19 February 2026.*
- *That it **be noted** that the case officer, a member of the Tribunal, recused herself from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.12.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R1 215.61** be made payable in terms of Section 93(2), for the unlawful construction of retaining walls in encroachment of the building lines, as indicated on plan numbered "*2056-02-Sheet5*" dated 07/03/2023 in respect of Erf 3673 Sedgefield.

6.12.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement.

6.12.3 **The reasons for above decision are as follows:**

(i) It is recognized that retaining walls serve an essential function to stabilize land for development; and to prevent soil erosion.

(ii) The unlawful structures are a deviation from approved building plans as committed and admitted by the landowner(s). They have since made efforts to contract builders and/or built environment practitioners to regularize the unlawful structures.

(iii) This imposition of the administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 3673, Sedgefield.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.13. KMPT19/02/26: **PORTION 36 OF THE FARM HOOGEKRAAL NO. 182, GEORGE: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3428)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Ms. Linda Mniki on 19 February 2026.*
- *That it **be noted** that the case officer, a member of the Tribunal, recused herself from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.13.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R9 687.31** be made payable in terms of Section 93(2), for the unlawful building work (agricultural worker accommodation, and stables) encroaching the prescribed building lines as indicated on plan numbered "*2024/009-M008*" dated 15 October 2024 in respect of Portion 36 of Farm Hoogekraal No. 182, George.

6.13.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement.

6.13.3 **The reasons for above recommendations are as follows:**

(i) The use of the unlawful agricultural worker's accommodation, ablution and horse stables are in keeping with the agricultural zoning of the

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property and thus, are eligible for consideration for the encroachment of the building line.

(ii) No evidence has been provided to substantiate that the contravention of the agricultural worker's accommodation and ablution facility were constructed by the previous land owner.

(iii) The current land owner was aware that municipal permission is required prior to the establishment of the stables, however, proceeded to build the outbuilding which also then was constructed in contravention with the development parameters for "Agricultural Zone I".

(iv) The owner has appointed a built environment professional to prepare the relevant submissions, in an attempt to rectify and comply with all the relevant legislation, thus showing willingness to comply.

(v) This admin penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law in respect of Portion 36 of the Farm Hoogekraal No. 182, George.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.14. KMPT20/02/26: **ERF 5354, KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3471)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Ms. Linda Mniki on 19 February 2026.*
- *That it **be noted** that the case officer, a member of the Tribunal, recused herself from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.14.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R630.00** be imposed in terms of Section 93(2), for the

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unauthorized building work (retaining structures), encroaching the prescribed street building line as indicated on plan numbered "*A2319-00-RevD*" and dated April 2025 in respect of Erf 5354 Knysna.

6.14.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement.

6.14.3 **The reasons for above decision are as follows:**

(i) Given the applicant's conduct to initially submit building plans, it is considered reasonable that they were unaware of the status of the retaining walls.

(ii) It is said that, the unlawful works were not constructed by the current property owner(s). However, no evidence in the form of aerial imagery, affidavits or photographs have been submitted to substantiate the claim.

(iii) Retaining walls serve an important function in development as the intent thereof is to stabilize land for development which in turn protects human life and environmental impacts.

(iv) This imposition of the administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law in respect of Erf 5354, Knysna.

File number: 9/1/2/13

Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

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6.15. KMPT21/02/26: **ERF 723 BRENTON: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3529)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Ms. Linda Mniki on 19 February 2026.*
- *That it **be noted** that the case officer, a member of the Tribunal, recused herself from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.15.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), that the standard **Administrative Penalty** in the amount of **R5 000.00** be made payable in terms of Section 93(2), for the unlawful installation of the carport that is encroaching the street building line as indicated on plan numbered "*HouseHulbert/023K-LB*" and dated August 2023, in respect of Erf 723, Brenton.

6.15.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement.

6.15.3 **The reasons for above decision are as follows:**

(i) The applicant has conceded that they have performed an unlawful encroachment of the street building line; and is willing pay the concession as prescribed in tariff schedule approved by Council.

(ii) This approval and waiver of the administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) in respect of Erf 723, Brenton.

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File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.16. KMPT22/02/26: **ERF 16571 KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3445)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.16.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), an **Administrative Penalty** in the amount of **R639.00** be determined in terms of Section 93(2), for the unauthorized building work that contravenes the prescribed building lines as indicated on plan numbered "*KNY24-29_LAD_02*" dated 15 August 2024 in respect of Erf 16571 Knysna.

6.16.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(ii) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement.

6.16.3 **The reasons for above decision are as follows:**

(i) The unauthorized works are considered to have a negligible planning impact. The retaining structure is ancillary to the approved residential use and does not intensify the land use or alter the zoning rights applicable to the property.

(ii) There is no evidence to suggest that the encroachment has resulted in any tangible or material adverse impact on adjoining properties, including loss of privacy, overshadowing, or diminution of amenity. The

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imposition of an administrative penalty is considered commensurate with the offence.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

6.17. KMPT23/02/26: **ERF 17839 KNYSNA: DETERMINATION OF AN ADMINISTRATIVE PENALTY** (APPLICATION NO. 3499)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 February 2026 as submitted by the case officer, Mr. Sihle Phungula on 19 February 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.17.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), that the standard **Administrative Penalty** in the amount of **R6 897.00** be imposed in terms of Section 93(2), for the unauthorized building work transgressing the prescribed building lines as indicated on plan numbered "*EP-17839-KNY*" dated 21 May 2025 in respect of Erf 17839 Knysna.

6.17.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

(i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

(ii) This approval must not be construed as an indication that other submissions in terms of Section 15(2) of the Spatial Planning and Land Use Management By-law (2021) will be approved.

6.17.3 **The reasons for above decision are as follows:**

(i) The contravention is limited to building line encroachments; however, the property use remains consistent with the intended purposes of the

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industrial zone, and the encroachments do not appear to have caused adverse impacts on surrounding properties.

(ii) The property owner did not take proactive steps to verify the compliance status of the existing structures following the implementation of the current zoning scheme regulations in 2020. The imposition of an administrative penalty is therefore considered appropriate.

File number: 9/1/2/13
Execution: Municipal Manager
Director: Planning and Development
Manager Land Use Management

7. Closure

The Chairperson thanked all attendees and closed proceedings at 13h00.

R SMIT (CHAIRPERSON)

12 - 3 - 2026
DATE

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ITEM TO:
Municipal Planning Tribunal

APPLICATION NO.	2993
REPORT AUTHOR	S Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044-302-6276
APPLICATION DATE	18 January 2024

LAND USE PLANNING REPORT
CONSENT USE, DEPARTURE & SITE DEVELOPMENT PLAN: PORTION 16 OF FARM 216, KNYSNA

PART B: APPLICANT DETAILS	
Name & Surname	***Lundikazi Khuphiso***
Company name	***Planning Space (Pty) Ltd***
SACPLAN registration number	***C/9271/2020***
Registered owner(s)	***Umthiqua Proprietary Limited***
PART C: PROPERTY DETAILS	
Property description	***Portion 16 of Farm 216, Knysna, in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***32.8093 ha***
Physical address	***Brenton Road (Divisional Road)***
Area/Town	***Knysna Farms***
Current zoning	***Agriculture Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law, 2020***
Current land use	***Vacant***
Are there existing buildings on the property?	***No***
Title Deed number & date	***T37633/2022***
Any restrictive title conditions applicable?	***No***
Any third party conditions applicable?	***No***
Any unauthorised land use/building work	***No***
Bondholder's Consent	***N/A***

1. **APPLICATION DESCRIPTION**

The application is for the following:

1.1. The consent use in terms of Section 15 (2)(o) of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) to allow for four (4) additional dwelling units on an "Agriculture Zone I" property as contemplated in the Knysna Zoning Scheme By-Law (2020), in respect of Portion 16 of Farm Uitzicht 216, Knysna.

1.2. The departure in terms of Section 15 (2)(b) of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) from the development parameters of "agriculture," as contemplated under "Agricultural Zone I" of the Knysna Zoning Scheme By-Law (2020) to allow for a farm workers accommodation with 1km from the high-water mark of the sea or tidal river, in respect of Portion 16 of Farm Uitzicht 216, Knysna.

1.3. A permission required in terms of the zoning scheme as contemplated in terms of Section 15 (2)(g) of the Knysna Municipality Bylaw on Spatial Planning and Land Use Management (2021), to allow for the site development plan numbered "*PTN16-F216,*" dated 3 May 2023, in respect of Portion 16 of Farm Uitzicht 216, Knysna.

2. **BACKGROUND**

2.1. Portion 16 of Farm 216, Uitzicht is located in the Uitzicht farming area, directly south of the N2 and west of the Belvedere township and is currently zoned for agricultural purposes. The property currently only has a dilapidated labourers cottage, which is unoccupied. With this proposal, the owners wish to erect four additional dwelling units, of which one falls within the 1km high water mark, as well as obtain approval for a site development plan.

2.2. The applicant states that the property has been used as a commercial plantation since the 1950s. In the recent 2017 Knysna fires, the property burnt down and has not been reestablished since then. The current owners purchased the property in 2021 and started an alien-clearing program.

3. **PRE-APPLICATION CONSULTATION**

There was no pre-application meeting regarding this application.

4. **SUMMARY OF APPLICANT'S MOTIVATION**

The applicant's motivation can be summarised as follows:

4.1. The applicant states that the proposal is for the development of a tiny housing living concept and small space crop circle agriculture, which will include the proposed farm workers accommodation and additional dwellings.

4.2. The applicant states that topographical constraints can be examined between sensitivity to visual sense of place disturbance and the physical impact on fragile and unstable topographies. The subject property is viewed to have an undulating topography, with a steep rise from the N2 and an elevation of above 130m and descends to a valley, with the southern portion being reasonable for agricultural purposes. Furthermore, the applicant adds that this property has been previously used as a pine plantation and the critical biodiversity areas (CBA) areas have been marked.

4.3. Considering the Western Cape Land Use Planning Guidelines: Rural Areas, (2019), the applicant highlights that the guidelines speak to the promotion of agricultural diversification and non-agricultural opportunities and that accommodation such as the proposed additional dwellings are in line with this.

4.4. The applicant argues that overall, the proposal will have no negative impact on the character of the surrounding properties as it is in keeping with the rural and agricultural uses and further promotes tourism and lifestyle potential. The applicant also adds that the proposal is in line with the Knysna Municipality Spatial Development Framework, in that the property is situated outside the urban edge and is designated for "agricultural" use.

4.5. Further the applicant argues that the in line with Knysna Municipality SDF, the proposal will have no negative impact on the integrity of the Garden Route landscape as the proposed dwelling units will not be visible from the scenic N2 route, or Brenton Road.

4.6. With the proposed additional dwellings, the applicant argues that normally, one additional dwelling unit per 10ha for plantations, and in this case, the property measures just over 32ha, therefore for 30-40 ha, 4 additional dwellings are permitted. Additionally, there are also horticulture and crop circles that work on an average ratio of 4 workers per ha. The applicant also highlights that at this stage only the main house and the manager's house will be constructed, and the rest of the farm worker's homes will be constructed in phases as the agricultural implementation occurs.

4.7. The applicant also argues that the proposal will have no negative impact on the environment as rehabilitation will also be undertaken, and that the concept itself will create viable agricultural land. The applicant further adds that the farmhouses with the 1km highwater mark will have no impact on

the lagoon as there are already houses between the lagoon and this property and considering that the closest structure to the lagoon on this property will be about 800m away.

4.8. The applicant also argues that the proposal promotes the principles of SPLUMA, specifically the principles of "spatial sustainability," "efficiency" and "resilience" where sustainability is promoted by effective farming practices and sustainable agriculture, whilst efficient use of resources is ensured, and spatial resilience is achieved by increased productivity whilst using better farm inputs and production technologies.

5. PUBLIC PARTICIPATION

Method of Advertising				Date Published	Closing Date
	Yes	No	N/A		
Press	☐	☐	☒		
Gazette	☐	☒	☐		
Notices	☒	☐	☐	**29 January 2024**	**01 March 2024**
Ward Councillor	☐	☒	☐		
Site Notice	☐	☒	☐		
Community Organisations	☐	☒	☐		
Public Meeting	☐	☒	☐		
Third Parties	☐	☒	☐		

Total Valid Comments	1			Total comments and petitions refused			**None**
Valid Petitions	**Y☐**		**N☒**	No of signatures		**Not Applicable**	
Community organisation(s) response	**Y☐**	**N☐**	**N/A☒**	Ward Councillor response	**Y☐**	**N☒**	**N/A☐**
Was public participation undertaken in accordance with section 45- 49 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021)						**Y☒**	**N☐**

5.1. Summary of Comments Received during Public Participation

5.1.1. An objection was received from the Western Heads-Goukamma Conservancy with their comments relating to the requirement for environmental authorization, the development footprint within a water course, wastewater disposal, water use, the use of the property for agricultural purposes, and

the presence of protected trees and invasive alien plants. Their full written objection is attached to this report as an annexure.

5.1.2. It is stated that the subject property is located within the critically endangered Knysna Sand Fynbos habitat and a critical biodiversity area (CBA). The development entails disturbance of more than 300m^2 and environmental authorisation will be required.

5.1.3. The proposed development is also located within water courses with the sewage disposal plan inadequate in this respect. The farm's agricultural use will also require water use authorisation.

5.1.4. The application is silent on the presence of protected trees on the farm with the property heavily infested with alien plant species. The conservancy says that the "environmental liability fund" must be applied to the eradication of invasive alien plant species.

5.1.5. The conservancy is in support of the main dwelling and a manager's house provided that development is limited to low impact biodiversity sensitive land uses and maintenance of the property in near natural state with rehabilitation of degraded areas is maintained.

5.1.6. However, the conservancy is not in support of the entire application as presented and requires that an environmental authorisation process with specialist studies be undertaken and a land use application be lodged following this process.

5.2. Summary of Comments from Departments/Organs of State

Name	Date Received	Summary of Comments	Recommendation
Infrastructure Services	16 April 2024	Water Permits / licenses must be obtained from Breede Gourits Catchment Management Agency. The Biolytix sewer system is acceptable.	**Comment**
Environmental Management	11 June 2024	No objection to the application. A joint site inspection was undertaken with SANParks and the owner was advised on invasive plant management and the owner has been proactive in controlling the invasive plants and restoration of portions of the farm through a burning regime and controlled re-vegetation. The department is aligned with SANParks comments. The planned activities will reduce fire risk and promise to enhance ecological function on the farm.	**Comment**

Name	Date Received	Summary of Comments	Recommendation
Western Cape Department of Agriculture	12 April 2024	1. The department proposed that proof of cultivation permit must for the proposed plantations be provided for the proposed. 2. Proof of water for irrigation of the avocado and macadamia must be provided. 3. The agricultural activities on site do not justify the number of Bonafide agricultural workers houses. 4. The size of the workers' houses is excessive. The average size ranges between 40-80m. 5. The workers' houses layout is not supported. It is recommended that the houses be clustered. 6. According to the WC Land Use Guidelines for Rural Areas, 2019, the farm is 32,69ha, therefore only 3 additional dwelling units may be permitted.	**Comments**
South African National Parks (SAnParks)	03 April 2024	1. An EIA process is suggested 2. An OSCAE permit is required. 3. Confirmation is required from the BOCMA on the need for the WUL. 4. The Conservation of Agricultural Resources Act may be applicable, due to the potential soil erosion and slope steepness. Confirmation should be sought. 5. Biodiversity Stewardship Agreement options for the property is suggested as a condition of approval. 6. No objection to 4 additional units is permitted. 7. No objection to SDP.	**Comment**
SANRAL	31 January 2024	1. The structures shall be erected not less than 60m from the national road reserve boundary. 2. SANRAL shall not be involved in any expenditure in connection with and shall not be responsible for the erection of any structures, any financial expenditure or loss in the event of SANRAL ordering the removal or shifting or relocation of anything relating to this approval or any financial responsibility or liability for any claim from the applicant which may occur from the lapsing of the approval.	**Comment**

5.3. Summary of Applicant's Reply to Comments

The applicant's reply on the municipal departments, organ of states and public comments can be summarised as follows:

5.3.1. The applicant responded to the Infrastructure Services directorate by stating that water will be obtained from rain harvesting and not drawn from a water source. The applicant also provided the response from the Breede-Olifants Catchment Management Agency on the environmental authorisation application who states that the development does not affect any watercourses. The agency did impose a number of conditions regarding water use on the subject farm.

5.3.2. In response to the comments made by the Western Cape Department of Agriculture, the applicant states that the Knysna Zoning Scheme By-law (2020) allows for a maximum of four (4) additional dwelling units on farms measuring between 30 and 40 hectares with a floor area of up to 175m^2. These units are also clustered on the eastern end of the farm.

5.3.3. On the issue of the number of agricultural worker accommodation units, the applicant responded by stating that the intention is to develop the activities in phases, with the initial stage being only the construction of a single dwelling. The applicant argues that the Knysna Zoning Scheme By-law (2020) does not limit the size of agricultural worker accommodation while the Western Cape Land Use Planning Guidelines: Rural Areas (2019) recommends a maximum floor area of 175m^2.

5.3.4. In their comment dated 03 April 2024, the South African National Parks (SANParks) listed several concerns and issues regarding the proposed development of the subject farm. The first being the need for environmental authorisation. In this respect, environmental authorisation was subsequently granted in a record of decision (RoD) dated 24 March 2025. The applicant responded to all the issues raised by SANParks with the applicant stating that if the avocado and macadamia plantations are found to be unacceptable, an alternative agricultural activity will be undertaken. The applicant confirmed that the landowner is member of several forums and groups including fire protection, environmental protection and property ownership group.

5.3.5. In response to the Western Heads-Goukamma Conservancy the applicant revised the site development to indicate the watercourses in relation to the development footprint in terms of plan numbered "*PTN16-F216-Rev2*" dated, 28 May 2024.

5.3.6. The applicant further states that the farm has never been identified as having extremely high conservation value in forward planning documents but has been identified as a transitional area where certain developments may take place.

5.3.7. The applicant also confirms that the conditions of title to the farm do not prohibit the use of the farm for agricultural purposes.

6. PROPOSAL ASSESSMENT

6.1. Application History

There is no planning application history which has a bearing on the application at hand.

6.2. Considerations in terms of SPLUMA

6.2.1. The applicant has argued the application in terms of the development principles as contained in the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA), specifically the principles of "spatial sustainability," "efficiency" and "resilience."

6.2.2. The applicant highlights that the farming practices to be applied on this proposal will promote sustainable agriculture, where the alien clearing and forest regeneration will allow the natural vegetation to be reestablished and that the proposed structure's location has considered valuable agricultural land and natural vegetation. The applicant further highlights that therefore the proposal also speaks to efficient use of existing resources, whilst ensuring productivity and climate resilience with increased farm inputs and adopted production technologies.

6.2.3. The sentiments of the applicant can be agreed with, as the proposal speaks to alternative farming methods that prioritize environmental sustainability, efficiency and resilience and their arguments were found to be satisfactory. Importantly, the agricultural use of the farm can be retained and expanded as a result of the application.

6.3. Consistency with SDF, IDP and applicable Policies

6.3.1. The applicant argues that the proposal is consistent with the Knysna Municipality Spatial Development Framework, (2020), as well as the Western Cape Land Use Planning Guidelines: Rural Areas (2019). Regarding the Knysna Municipality SDF, the applicant argues that the proposal is compatible with the broader spatial vision of area, in that it is designated for "agriculture," in line with the SDF and that the policies set out in the SDF for decision making on land use management have relevance to this application. This can be agreed as the policy states that all properties greater than 3 ha outside of the existing smallholding areas are deemed agricultural properties.

6.3.2. In terms of the Western Cape Land Use Planning Guidelines: Rural Areas, (2019), this argument is supported by highlighting that the proposal promotes agricultural diversification and non-

agricultural opportunities, whilst the proposed additional dwellings contribute to available accommodation for tourism in rural areas.

6.4. Impact on Municipal Engineering Services

The Infrastructure Services directorate advised that water permits/licenses must be obtained from the Breede-Olifants Catchment Management Agency. The applicant later submitted comments from the agency, and it was confirmed that no licenses would be required at this stage. It is therefore suggested that the development will not put additional strain on or require additional capacity in terms of the municipal infrastructure networks.

6.5. Outcomes of Investigations/Applications i.t.o. other Legislation

An environmental authorisation was issued in terms of the record of decision (RoD) dated 24 March 2025 and in accordance with the site development plan numbered "*PTN16-F216-Rev2*" dated 24 May 2024. The authorisation identified four (4) listed activities in terms of Listing Notice (LN) 1 and Listing Notice 3 of the EIA regulations (2014). This authorisation does not appear to have a direct bearing on the site's development other than listing the mentioned SDP as the preferred alternative to the development of the farm.

6.6. Zoning Considerations

This proposal does not entail a change in zoning and therefore there are no zoning considerations to be made.

6.7. Desirability of the Proposal

Elements for Consideration		Assessment Response
01	**Economic Impact**	▪ The proposal is anticipated to create opportunities for small-scale farmers to participate in controlled environmental practices, which require less water and space than commercial farming. ▪ Additionally, the landscape and location of the property present an opportunity for eco/agri-tourism, with the main agricultural land use, which will allow the property owners additional income, without changing the character of the area.
02	**Social Impact**	
03	**Compatibility with surrounding land uses**	The surrounding properties in this area are predominantly rural in use, with limited commercial agricultural use and therefore this proposal is compatible with the surrounding land uses.

Elements for Consideration		Assessment Response
04	**Impact on the Biophysical Environment**	▪ Multiple stakeholders have identified the environmental impact as a significant consideration in the application. In response to these concerns, the applicant has obtained environmental authorisation for the development based on a revised site development plan. The authorisation found the mitigating measures sufficient in addressing impacts stemming from the development. ▪ The applicant made a minor revision to the site development plan following the issuing of the RoD. ▪ The water use of the subject farm's agricultural activities was also considered with the water authority offering conditional support for the land uses. ▪ On the whole, and based on the nature of the intended activities, it is argued that it is not evident that the development will have an adverse impact on the natural environment surrounding the subject farm. The additional dwelling units are compliant with the provisions of the Zoning Scheme By-law while the footprint of the agricultural worker accommodation is limited to the extent of bona fide agricultural activities on the farm. It is also notable that a major extent of the farm will be used and maintained for natural and conservation purposes.
05	**Traffic impact, parking, access & other transport considerations**	▪ The subject farm obtains servitude access across Portion 15 of Farm 216, Knysna. It is anticipated that this access route will be maintained while the increased use rights will remain commensurate with the agricultural activity on the subject farm. ▪ The South African National Roads Authority (SANRAL) offered conditional support for the application with the imposition of a building restriction on the northern boundary of the farm with the N2-highway. The application was found to not affect this restriction.
06	**Impact on quality of life (incl. views, sunlight, privacy, visual impact, etc.)**	▪ At 32 hectares, the subject farm is considerably large with the density limited to only 4 additional dwelling units in terms of the zoning scheme. These units will be clustered thereby limiting the impact of these land uses on the visible local rural landscape. ▪ However, it is advised that the aesthetic design and impact of any of the units be considered by the Municipality's Aesthetic Committee prior to the consideration of building plan approval in terms of the national building regulations.

6.8. Assessment of Comments

6.8.1. The first issue under consideration, and as highlighted by the objector, is the environmental impact of the intended land uses on the subject farm. These impacts were considered in terms of an environmental authorisation issued by the National Department of Environment (DFFE) in March

2025. As stated previously, the authorisation does not foresee any adverse environmental as a cause of the proposed development provided that there is adherence to conditions as stipulated therein. Conditional support was also given by the water authority with the landowner required to obtain prior approval should water supply be obtained from any source other than rainwater harvesting.

6.8.2. SANParks requires the imposition of a condition that compels the landowner to investigate a potential agreement on biodiversity stewardship. In their response, the applicant accepts the imposition of such a condition. It is noted that such a condition should not be considered in fulfilment of the land use application but should be considered within the mandate held by SANParks. However, such a condition would grant a conservation outcome in the management and use of the subject farm which would be of considerable environmental benefit to the local area.

6.8.3. As mentioned previously, the Zoning Scheme By-law (2020) allows the consideration of additional dwelling units of up to four (4) based on the area (34ha) of the subject farm. There appears to be no objection from stakeholders to this land use except for the Western Heads-Goukamma Conservancy (WHGC). This objection stems from the supposed environmental impact of the intended use and their insistence on the applicant obtaining environmental authorisation. The applicant has now completed an environmental application process and obtained authorisation for the intended uses subject to conditions for implementation. It is thus held that the environmental impact of the development has received extensive consideration and that it is not readily evident that the proposed development will cause adverse impacts on the natural environment.

6.8.4. In terms of the Knysna Zoning Scheme By-law (2020), the number of agricultural worker accommodation is determined based on the extent of the bona fide agricultural activities on the farm. As a Municipality, significant weight is given to the provincial agricultural department to advise on the appropriate number of worker units. As stated by the department, there are no intensive agricultural activities that justify additional agricultural worker accommodation. It is thus held that the agricultural worker accommodation should only be obtained as and when the agricultural uses intensify.

6.8.5. The provincial agriculture department also had concerns regarding the unit size of the agricultural worker accommodation at 175m^2. The zoning scheme does not prescribe a maximum permissible unit size; therefore, it is recommended that any unit be of reasonable size for ordinary living but should not exceed 150m^2 in extent.

6.8.6. There is concern regarding the agricultural use of the property in that it is suggested that the property be kept and maintained as a conservation and environmental asset. Herein, it is argued that the primary use rights to the property is for agricultural purposes and the applicant seeks to expand on this use. However, it is also proposed that a portion of the farm be used for conservation purposes with alien vegetation clearing continuing. The applicant thus offers a balance between the expanded agricultural activities and conservation.

6.8.7. In terms of the remaining issues raised by the objector and stakeholders, it was found that the applicant responded satisfactorily to their concerns. The applicant obtained environmental authorisation while a balance between conservation and intensive land use can be obtained. Therefore, and notwithstanding the objection(s), the application is found to have desirability.

7. RECOMMENDATION

It is recommended:

7.1. That, **Approval be Granted**, in terms of Section 60 of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021) for the consent use of four (4) "*additional dwelling units*" as contemplated under "Agriculture Zone I" of the Knysna Zoning Scheme By-Law (2020), in respect of Portion 16 of Farm Uitzicht 216, Knysna.

7.2. That, **Approval be Granted,** in terms of Section 60 of the Knysna Municipality Spatial Planning and Land Use Management By-law (2020) for the departure from the development parameters of "agriculture" as contemplated under "Agricultural Zone I" of the Knysna Zoning Scheme By-Law (2020) to allow for a farm workers accommodation within the 1km high-water mark of the sea or tidal river, in respect of Portion 16 of Farm Uitzicht 216, Knysna.

7.3. That, **Approval be Granted,** in terms of Section 60 of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021) for the permission required in terms of the zoning scheme in order to allow the approval of the site development plan, on Portion 16 of Farm Uitzicht 216 Knysna, as indicated on drawing number "*PTN16-F216-REV2*", dated 28 May 2024.

8. CONDITIONS OF APPROVAL IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above approval(s) is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law Spatial Planning and Land Use Management (2021):

8.1. The applicant/landowner shall apply for permission as contemplated in terms of the Outeniqua Sensitive Coastal Area Extension (OSCAE) Regulations, prior to any building work being undertaken, to the satisfaction of the Manager: Environmental Management.

8.2. The number of agricultural worker accommodation shall be limited to one (1) unit; any additional agricultural worker accommodation units shall be based on the extent of the existing bona fide agricultural activities on the farm unit as determined on the advice of the Western Cape: Department of Agriculture, at the submission of building plans.

8.3. The agricultural worker accommodation unit shall each be limited to a maximum permissible extent of 150m^2 including associated outbuildings.

8.4. The applicant/landowner shall submit building and aesthetic design proposals of buildings to the Municipality's Aesthetic Committee, prior to the submission of building plans.

8.5. The applicant/landowner shall investigate the potential to enter into a stewardship agreement with the South African National Parks (SANParks).

9. MATTERS FOR NOTING

The applicant/landowner is advised of the following:

9.1. The applicant/landowner shall obtain permission(s) as contemplated in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).

9.2. The applicant/landowner shall apply the recommendations of the South African National Parks (SANParks) in their correspondence dated 03 April 2024.

9.3. The applicant/landowner shall apply the recommendations of the South African National Roads Agency (SANRAL) in their undated correspondence received on 02 February 2024.

9.4. The applicant/landowner shall apply the recommendations of the Breede-Olifants Catchment Management Agency in their correspondence dated 22 November 2024.

10. REASONS FOR RECOMMENDATION

The reasons for above recommendation are as follows:

(i) The application was found to be consistent with the principles as contained in the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013). The proposal seeks to implement alternative farming practices that prioritise environmental sustainability, efficiency and resilience.

(ii) The key issue raised in the objections lodged against the application is that environmental authorisation was outstanding at the time of publication of the land use application. The applicant has subsequently obtained authorisation in March 2025 which is subject to conditions. It is held that the environmental impact of the proposed development received extensive consideration and that

it is not readily evident that the intended land uses will cause adverse impact on the natural environment.

(iii) The application and land uses were also found consistent with the spatial planning objectives of the Municipality's spatial planning policy and is considered compatible with the predominant rural character of the surrounding area.

(iv) Importantly, the intended land uses are considered commensurate and compatible with the existing use rights of agriculture as specified in the farm's zoning. The farm unit will be able to host its primary uses while being able to accommodate additional supportive and compatible uses.

(v) The condition regarding the potential stewardship agreement entered into with the South African National Parks (SANParks) was considered reasonable as it will allow for dialogue between stakeholders on how the subject farm can contribute toward conservation in the broader area within the mandate of SANParks. A portion of the farm may thus be used for conservation purposes which will offer a balance between expanded agricultural activities and conservation.

(vi) The number of additional dwelling units is in accordance with the suggested limit specified in the Knysna Zoning Scheme By-law (2020). The density and site place is considered appropriate in terms of the site context.

(vii) There is currently no intensive agricultural activity on the subject farm. Therefore, only one agricultural worker unit is granted whilst any additional will be subject to the existing bona fide agricultural activity on the subject farm and be considered at the submission of building plans on the advice of the provincial department for agriculture.

(viii) The zoning scheme does not prescribe a maximum permissible size of an agricultural worker accommodation unit. Therefore, the unit size is limited to 150m^2 as it would allow for a reasonable unit size that allows for ordinary domestic living.

11. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A – *Applicant's Motivating Memorandum*

ANNEXURE B – *Locality Plan*

ANNEXURE C – *Copy of Title Deed(s)*

ANNEXURE D – *Power of Attorney & Company Resolution*

ANNEXURE E – *Land Use Maps*

ANNEXURE F – *Site Development Plan*

ANNEXURE F- *CBA & ESA Map*

ANNEXURE G-*Ground Water Survey*

ANNEXURE H – *Bond Cancelation Confirmation*

ANNEXURE I – *Public Comments*

ANNEXURE J- *Comments from State organs*

ANNEXURE K – *Internal Departmental Comments*

ANNEXURE L – *Applicants Response to Comments*

ANNEXURE M – *Environmental Authorisation*

<table>
<tr><th colspan="4">Consent Use, Departure & Site Development Plan: Portion 16 Of Farm 216, Knysna
Application No.: 2993</th></tr>
<tr><td colspan="2">Author Name: Sinovuyo Sitinga
Date: 24/03/2026</td><td colspan="2">Author Signature:</td></tr>
<tr><td colspan="2">Registered planner name: Shaun Madumbo
SACPLAN registration number: A/1510/2012
Date: 24/03/2026</td><td colspan="2">Registered Planner Signature:</td></tr>
<tr><td colspan="4">Decision Maker: Municipal Planning Tribunal</td></tr>
<tr><td>APPROVED</td><td>APPROVED CONDITIONALLY</td><td>APPROVED IN PART</td><td>REFUSED</td></tr>
</table>

PORTION 16 OF FARM NO.216 UITZICHT

Consent Use, Departure & SDP Approval Applications



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Planning Space
Town and Regional Planners

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11/14/2023

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Diagram 4: Land Use Map

Diagram 5: CBA & ESA Map

Diagram 6: Site Development Plan

LIST OF ANNEXURES:

Annexure A: Power of Attorney and Company Resolution

Annexure B: Title Deed and Letter confirming bond cancellation

Annexure C: SG Diagram

Annexure D: Ground Water Survey

1. INTRODUCTION

Planning Space Garden Route Pty Ltd has been appointed by Umthiqua Pty Ltd, the owner of Portion 16 of Farm Uitzicht 216, to prepare and submit the following application to Knysna Municipality in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021 (See Power of Attorney and Company Resolution attached as **Annexure A**):

i. Section 15 (2) (o): Council's Consent to allow 4 additional dwellings on an "Agriculture Zone I" property as contemplated in the Knysna Zoning Scheme By-Law.

ii. Section 15 (2) (b): Departure from the development parameter that prohibits farm worker's accommodation within 1km from the high-water mark of the sea or tidal river.

iii. Section 15 (2) (g): Approval of a Site Development Plan.

2. BACKGROUND

Portion 16 of the Uitzicht has been used as a commercial plantation since the early 1950ties. In 2017, the plantation burned down and has not been re-established. Since then, the property has not been maintained and as a result, it has become heavily invested with alien vegetation. New owners bought the property in 2021 and immediately embarked on an alien-clearing program. There are no structures on the farm, except for the dilapidated ruin of the labourer's cottage which is unoccupied.



Figure 1: 1958 aerial indicating established plantations on the property.

3. PROPERTY INFORMATION

3.1 LOCALITY

The site is situated in the Uitzicht farming area, directly south of the N2 and west of the Belvedere township. The property can be accessed from the N2 via the Brenton Divisional Road. From Brenton Road, the property gains access over Portion 15 of Farm Nr 216 via servitude road. At the moment there is also direct access from the N2, but this access point will be closed.



Figure 2: Extract indicating locality of the subject property.

3.2 PROPERTY DETAIL

Title Deed Description	The remainder of Portion 16 of Farm No.216 Uitzicht is situated in the Municipality Division of Knysna, Western Cape.
21 Digit code	C03900000000021600016
Title Deed Number	T37633/2022 (Attached as **Annexure B**)
SG Diagram Nr	5168/1945 (attached as **Annexure C**)
Title Deed Restrictions	None
Property Size	32.8093ha
Property Owner	Umthiqua Proprietary Limited
Bonds	No, the bond has been cancelled (see Annexure B1)
Zoning	Agriculture Zone I
Land Use	Vacant

4. PROPOSAL

4.1 UMTHIQUA VISION

Umthiqua – which means land of grace, is a South African agroforestry business that has recently purchased Portion 16 of Farm 216. The company reclaims stressed parcels of land and repurposes them as improved food and forest land holdings to benefit local producers and communities across the Western Cape. Umthiqua utilises regenerative plant growth technologies to create sustainable, environmentally compatible economic enterprises that create much-needed employment, raise timber for international markets and grow nutrition-rich agricultural products that provide sustenance for local communities.

The company creates homesteads where a farmer is invited to partner with Umthiqua to learn new agroforestry skills and adopt regenerative practices to manage the land. The homesteads will feature a tiny house living concept and small space Crop Circle agriculture. Umthiqua wants to advance small-plot farming as a lifestyle that will define the future of agrarian parks in South Africa.

Umthiqua has already launched several similar successful projects in the Garden Route.



Figure 3: Other similar projects by Umthiqua.

4.2 CROP CIRCLES AND CONTROLLED ENVIRONMENT FARMING

The agricultural industry faces a formidable challenge over the coming decades with growing populations, climate change, decline in agricultural land, and limited fresh water supply. According to the conservation organisation World Wide Fund for Nature (WWF), South Africa will have to produce 50% more food by 2050 in order to feed an estimated population of 73 million people. The implementation of sustainable farming practices is therefore crucial to ensure food security.

Umthiqua follows a multi-faceted technology-based approach towards food production. Controlled Environment Agriculture is the growing of crops while controlling certain aspects of the environment to reduce pests or diseases, increase efficiencies, be more sustainable, and increase yield. Production often takes place within a closed system that optimises the use of resources such as water, energy, space, capital, and labour. Hydroponic and aeroponic plants are known examples of a closed production system.

Crop circle farming is another type of controlled environment agriculture that uses technologies that allow farmers to grow food on just about any landscape including sloping hillsides and even elevated rooftops**.** Crop Circle Farms utilise concentric circles and other geometric designs to grow plants**.** Crop Circles and spirals maximize sun penetration for optimal flowering and fruit set. Paths between circles and spirals provide room for plants to grow and provide easy access for planting and a quick harvest. It is said that Crop Circles produce twice the plant matter and on average 4 times the yield of open field. Low cost, low water use, and zero import fertilizer use are just some of the reasons that crop circle farms are becoming increasingly popular. It is the intention to have about 250m²- 350m² of crop cirles per farmer.



Figure 4: Crop Circle example.

Superfoods such as avocado and macadamia orchards will also be cultivated on the land. It is the intention to have at least 2ha Avocado trees and 2ha Macadamia trees.

The property is zoned for agricultural purposes and the concepts described above are in line with the definition of Agriculture which includes the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, intensive horticulture, intensive animal farming, a riding school or natural veld, and agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a dwelling house, barns, agricultural worker accommodation.

4.3 CONSERVATION

The owners have prepared an Alien Clearing and Fire Control Plan to be compliant with S76 of the National Environmental Management: Biodiversity Act, 2004 which requires the owners of properties larger than 5.1 hectares to submit an Invasive Plant Control and Fire Plan for the systematic removal of listed invasive plants within acceptable timeframes. All the areas not suitable for agriculture will be systematically rehabilitated to their natural state. By reducing the number and density of invasive alien plants, the conservation value and concurrent aesthetic value of the property will be enhanced while establishing a sturdier, more diverse ecosystem. The Intention is to eventually rehabilitate about 50% of the property.

4.4 FARM WORKER'S ACCOMMODATION

Precision farming and crop circle farming require a combination of technical expertise and knowledge in various fields, such as agriculture, engineering, computer science, and data analytics. This includes understanding the growth cycle of crops, soil types, irrigation systems, fertilization, and pest management. This knowledge is essential for making informed decisions about crop planning, cultivation, harvesting, marketing, and distribution.

Precision farming relies heavily on data analytics to make informed decisions about crop management. Technical expertise in remote sensing and GIS techniques such as aerial imagery, satellite imagery, and drones can help farmers gather information about crop health, soil moisture, and nutrient levels. Farmers need to know how to collect, process, and analyse data from various sources to make decisions that improve crop yields and quality. Precision farming often involves the use of advanced machinery, sensors, and automation technologies. Farmers need to have a good understanding of engineering principles and know-how to operate and maintain this equipment.

The business concept includes a number of small-scale farmers who will form part of a co-op that will collectively farm and share in the profit. Each farmer will be responsible for a certain area or crop and will live on the farm, close to their crops. Farmers will receive training and marketing support. The intention is to have about 250-350m² crop circles and vertical Greenhouses per farmer living on the premise and about 1ha of Macadamia or Avocado orchards each. One hectare orchard comprises about 300-400 trees that can yield up to 20 tons of avocados a year or 1.6 tons of Macadamias. Industry norms allow for 1 agricultural worker per ha for plantations of which there are about 4 ha planned. In addition to this, there are also horticulture and crop circles that work on an average ratio of 4 workers per ha (Hortidayly.com).

The Site Development Plan indicates a manager's house and 4 farm worker's houses, each measuring about 175m² floor area. Initially, only the main house and the manager's house will be constructed. The manager will be responsible for the establishment of the first phase of the conversion of the land from plantation to agriculture. This will involve the establishment of the Avocado and Macadamia plantations which will take about 7 years to establish

and the first crop circles and hydroponic plants. The rest of the farm worker's homes will be constructed in phases as the agricultural implementation occurs.

Agricultural worker's accommodation is permitted as a primary use. The **Zoning Scheme By-Law** clearly states that a dwelling permanently occupied by a person engaged in bona fide agricultural activities on the land unit is not regarded as an additional dwelling unit.

"**agricultural worker accommodation**" means accommodation provided for bona fide agricultural workers, including accommodation for labourers and farm managers, as determined by the Municipality based on the extent of the bona fide agricultural activities on the land unit.

The development parameters applicable to "agriculture" apply with the following additional development parameters:

(a) the number of units must be reasonably connected to the bona fide agricultural activities on the land unit; and

(b) no agricultural worker accommodation may be erected within 1 km of the high-water mark of the sea or a tidal river.

The construction of farm worker houses is deemed necessary to accommodate the farmers who will be jointly involved in the agricultural activities on the property. The nature of agricultural activity requires constant monitoring and supervision. It will not be functional to have farmers living in town and having to commute to a facility when there is enough space to live and work in the same place. While the provision has been made for six farmers, the construction of homes will be done in phases to keep up with the growth of the farming enterprise and to be reasonably connected to the scale of the enterprise.

According to statistics produced by Researchgate, the most recent number of agricultural labour used per hectare shows that 8.3% of the farmers used two laborers per hectare of land, and 43.3 % of the farmers used 5 laborers. While 8.3 % of the farmers used 10 laborers per hectare of land. Another 36.7 % of the farmers used more than 10 labour per hectare of land. This property measures about 32 ha but cultivated crops and plantation will make up about 4,5ha. An estimate of 4 farmworker's houses as well as a manager's house and a main house is within the excepted norms.

The Knysna Estuary is regarded as a tidal river and most of the property falls within a 1km radius of the Knysna Estuary, as can be observed from the blue line on the Site Development Plan (Diagram 6 attached hereto). The southwestern corner of the property lies outside this parameter. This restriction of 1000m has its roots in the Integrated Coastal Management Act, which defines a Coastal Protection Zone. This zone is essentially a continuous

strip of land, commencing from the High Water Mark (HWM) and extending 100m inland in developed urban areas or 1000m inland in areas commonly referred to as rural or undeveloped.

It can be inferred that the restriction of not having any farm worker accommodation within a 1km distance from the high-water mark of the sea is intended to safeguard both the environment and people from the potential risks of building too close to the coast or a tidal river. However, this property is not situated on the coast. Rather, it is bounded by a national road to the north, a railway line to the south, and other farm portions, resorts, and a residential development to the east. The property is also high-lying, between 70m and 35m above mean sea level.

Under the previous Section 8 Zoning Scheme, applicable until 2020, there was a comparable limitation that only restricted the placement of additional dwellings within 1 km of the high-water mark of the sea. The new Knysna Zoning Scheme By-Law has added the high-water mark of a tidal river to this restriction, which now also prohibits the placement of farm worker accommodation within 1km of the lagoon. This amendment has essentially stripped the farm of a previously established right to have farm workers and managers residing on the agricultural land. However, this limitation on the placement of farm worker accommodation is a development parameter in the Knysna Zoning Scheme By-Law, and Section 20 (2) of the said By-Law allows for the Municipality to grant a departure from such parameters.

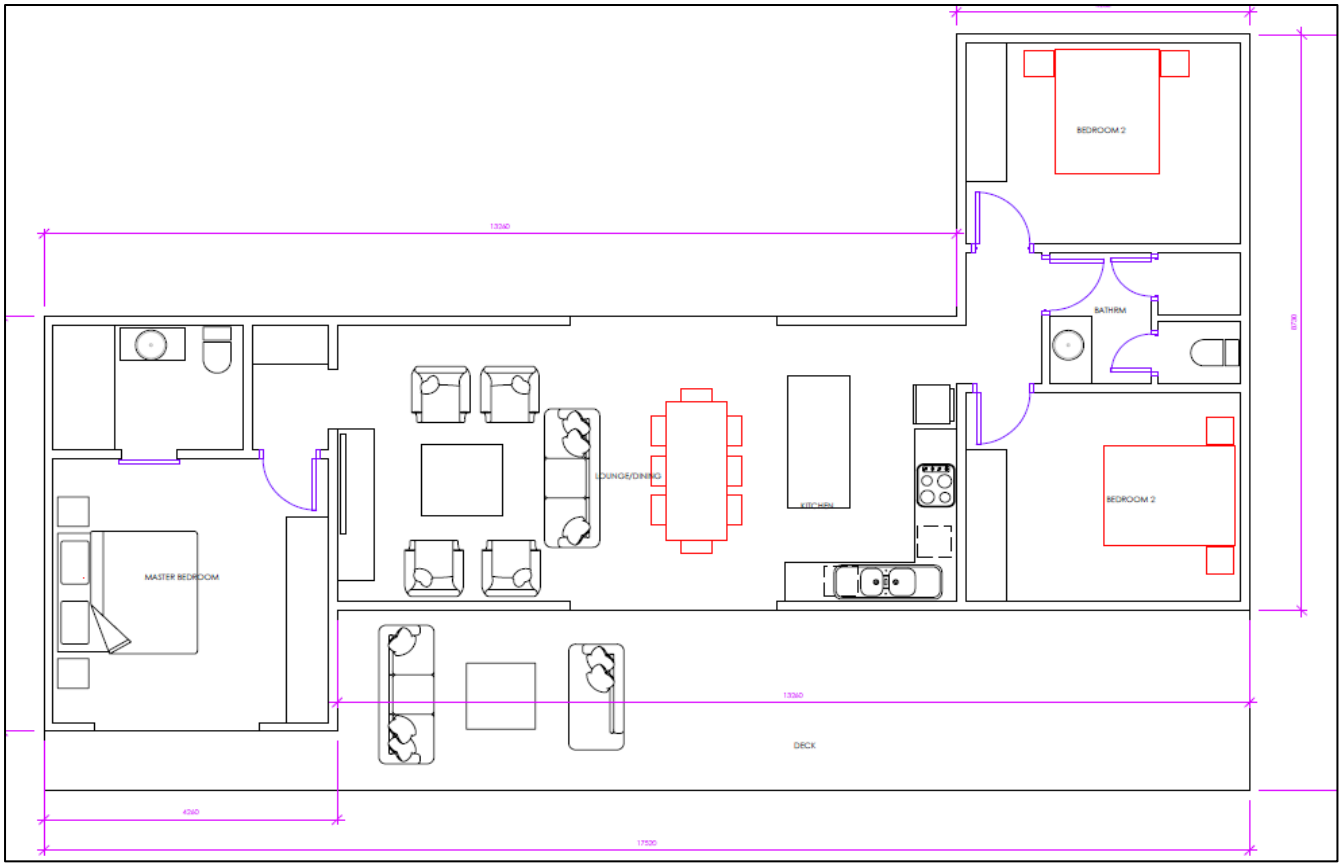
The purpose of this application is to request a departure from the development parameter that restricts the placement of farm workers' accommodation within 1 km of the high-water mark of the sea or a tidal river.

4.5 ADDITIONAL DWELLINGS

Within the Agricultural zone, limited provision is made for non-agricultural uses to provide opportunities to increase and diversify the economic potential of farmland, provided these uses do not present a significant negative impact on the primary agricultural resource. Consent uses in this zone includes additional dwelling units, farm stall, farm store, intensive feed farming, riding school, nursery, service trade, and tourist facilities.

The new owners would like to supplement the farm industry by adding 4 additional dwellings that can be rented out in the long or short term. This will allow them to generate an income while the avocado and macadamia orchards are established. The two-bedroom units will be constructed in a similar architectural style as the main house and the farm worker's homes. Units will be single-storey with two bedrooms with a floor area of about 175m².

Figure 5: Proposed Unit.



An "*additional dwelling unit*" is described as a dwelling unit that may be erected on an agricultural land unit with the consent of the Municipality, in addition to a primary dwelling house or agricultural worker accommodation provided that –

(a) the number of additional dwellings can be permitted in the following ratio:

Smaller than 10ha	*1*
Between 10ha and 20ha	*2*
Between 20ha and 30ha	*3*
Between 30ha and 40ha	*4*
More than 40ha	*5*

The property measures ±32,8ha and 4 additional units can be permitted on the land.

As part of the description of an additional dwelling unit, the By-Law stipulates that an additional unit may not be erected within 1 km of the high-water mark of the sea or a tidal river except where a proclaimed township is situated between the additional dwelling unit and the sea or tidal river. This restriction cannot be departed from as it is not a development parameter but forms part of the description. Section 20 (4) of the said By-Law states that no departure from the land use descriptions or definitions may be granted by the Municipality.

The attached Site Development Plan indicates the position proposed additional units. The proposed additional dwellings are placed in a section of the property that is not within a 1km radius of the lagoon or the sea. These units will comply with the development parameters stipulated below.

The development parameters applicable to "*agriculture*" apply, together with the following additional development parameters for "*additional dwelling units*". Additional dwelling units may be erected with the consent of the Municipality provided that:

(a) a dwelling permanently occupied by a person engaged in bona fide agricultural activities on the land unit is not regarded as an additional dwelling unit;

(b) the total floor space of an additional dwelling including the floor space in all ancillary buildings to the additional dwelling, may not exceed 175 m²;

(c) an additional dwelling must be constructed in a style that is similar to the architecture of the main dwelling house unless otherwise permitted by the Municipality;

(d) an additional dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; provided that both units may have a ground floor, or one unit may be on the ground floor and the other unit above;

(e) the existence of an additional dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of the Planning By-law to subdivide the land unit containing the dwelling units; and

(f) the Municipality must certify that services are available for the construction of an additional dwelling.

4.6 SERVICES AND ACCESS

There is no municipal services network available in the area and all the farm units will be self-subsistent in terms of services. Septic tanks or soak-aways are generally used in the area but more environmentally friendly domestic wastewater treatment solution is available in the form of biolytic systems.

Water for domestic use and irrigation water will be obtained from existing springs, boreholes, and dams as well as from rainwater harvesting. A Geophysical Groundwater Survey done by Rockhounds Pty Ltd (attached as Annexure D) also indicates where additional boreholes can be drilled and where well points/spikes can be dug to extract shallow groundwater from the water table just below the surface of the ground.

Eskom electricity is available in the area and can be connected to all the units, although the intention is that the units will be completely off the grid. Each unit will be equipped with solar energy, supplemented by gas for cooking and geysers.

Access to the farm is via a registered servitude road. The main house, additional dwellings as well and the worker's accommodation can be accessed from an existing logging road that will need surface upgrading. No new roads will be required.

Solid waste will be privately disposed of at the Knysna Waste to Energy project as the owner is the leading Project Manager for the project.

5. DESIRABILITY OF THE PROPOSAL

Desirability refers to the place, i.e. is the land suitable for the type of land use/activity being proposed and how will it fit in and impact the surrounding environment.

5.1 BIOPHYSICAL SITE CONDITIONS

5.1.1 TOPOGRAPHY

Topographical constraints can be examined from two perspectives. Firstly, its sensitivity towards visual and sense of place disturbance, and secondly, the physical impact on fragile and unstable topographical features, such as steep slopes. The site in question has undulating topography, as evidenced by the aerial contour data acquired from Cape Farm Mapper data (refer to Figure 6 below). The site is bisected by an east-west ridge, situated between two significantly larger ridgelines that obscure any distant views of the property. The property rises steeply from the N2, reaching an elevation of approximately 130m above sea level. The only flat land on the property occurs on the plateau situated on the ridge. The property then descends into a valley, while the southern portion of the site rising from this valley offers reasonable slopes for agricultural purposes.

All structures will be constructed on slopes of less than 25% (green and blue areas in Figure 7 below). The proposed additional dwellings are concentrated on the western portion of the farm, while the farmers' homes are dispersed across the plateau. The steep gradient of the incline from the N2 is such that the units situated above the plateau will not be perceptible from the N2.

Figure 6: 5m Aerial contours.

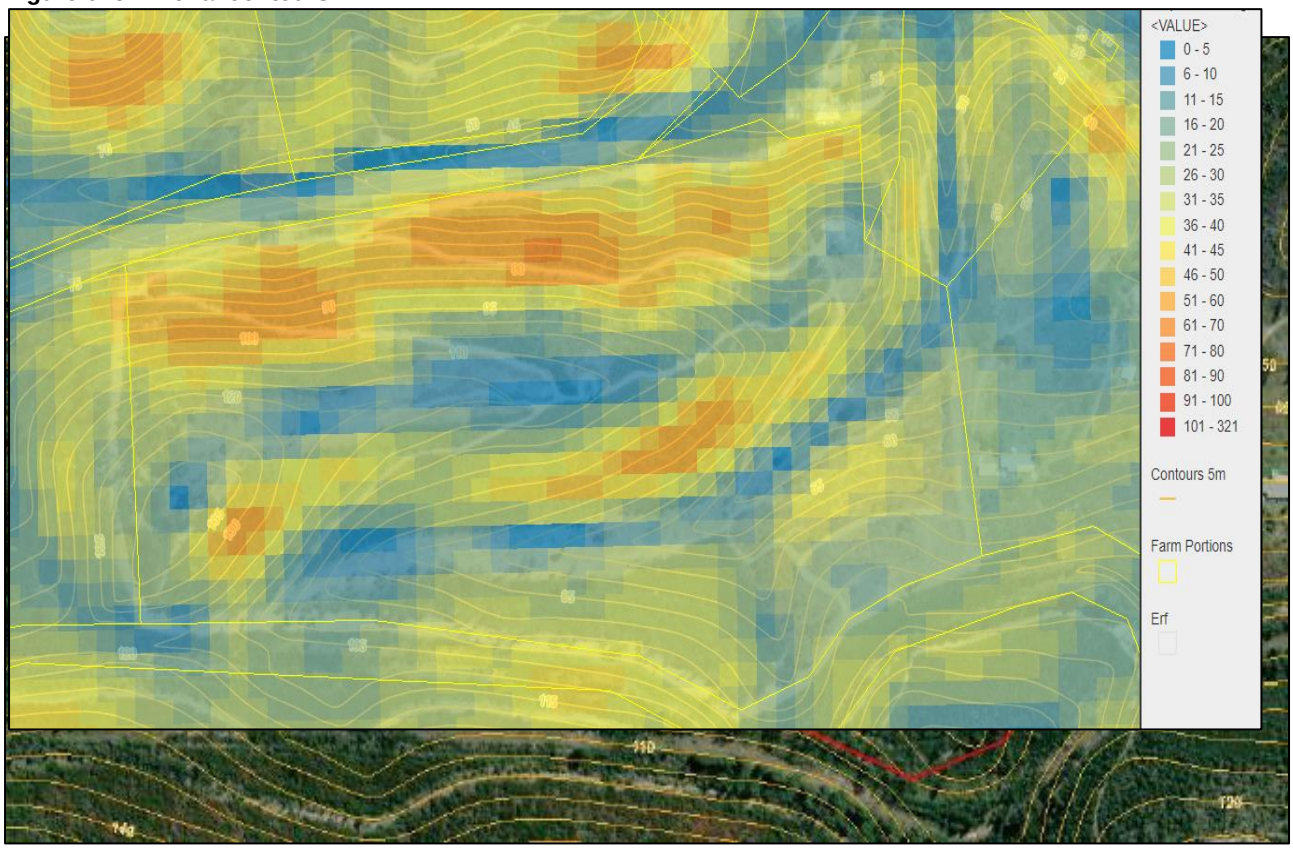


Figure 7: Slope analysis (Cape Farm Mapper data).

5.1.2 VEGETATION AND ENVIRONMENTAL CONSIDERATIONS

The property has been used as a pine plantation since the 1950ties. After the Knysna 2017 fires, most of these plantation trees were harvested, after the land was left barren, resulting in invasive species sprouting and flourishing on the soils. The entire property is currently heavily wooded with alien species in particular, with limited to no indigenous trees found on the property. The property is predominantly invaded with dilapidated Pine, Black Wattle, Rooikrans, and Blue Gum. Since the new owners took ownership of the property, large section of alien vegetation has been cleared to make space for the macadamia and avocado orchards.

Regardless of the above, the Critical Biodiversity Area Map (Attached as Diagram 5 and Figure 8 below) identified portions of the site as a Critical Biodiversity Area (CBA). CBA mostly correlates with the steep slopes which will be rehabilitated according to the Alien Eradication plan. For what it is worth, the agricultural footprint is not in the identified CBA.



Figure 8: Extract from the CBA Map.



Figure 9: Invasive plants.



Figure 10: Blue gum, wattle and rooikrans.

5.2 LAND USE POTENTIAL

5.2.1 AGRICULTURE POTENTIAL

The Southern Cape is known for its extensive plantations, which are predominantly composed of exotic tree species, such as pine and eucalyptus, that are grown for timber and pulp production. These forests have been established over the past century and have become an important economic resource for the region. However, the forestry industry in the Southern Cape faces a number of challenges, including competition from cheaper imports from other regions and countries, the impact of climate change on tree growth and disease susceptibility, and concerns about the environmental impact of large-scale monoculture plantations.

The property is situated in the Uitzicht area, which has a rural atmosphere but with limited commercial agricultural activity, most of the surrounding farms is still covered by pine plantation. Factors such as poor soil quality, lack of irrigation, size of the property, and topography all play a role in limiting the potential of the site for conventional agricultural and food production. The proposal of precision farming is however a game-changer and will create opportunities for small-scale farmers to participate in controlled environment farming practices, which require less water and space than traditional farming.

5.2.2 TOURISM AND LIFESTYLE POTENTIAL

The beautiful scenic landscape and the location of the farm within the Garden Route with its diverse set of tourist attractions creates an opportunity for eco/agri-tourism in combination with the main agricultural land use. This will allow the farming operation to generate additional income from the farm which will allow them to diversify the economic base.

If the landowners can construct a number of self-catering units, they can generate additional income from the land without impacting the rural character of the areas.

5.3 COMPLIANCE WITH SPATIAL VISIONS AND POLICY

5.3.1 KNYSNA SPATIAL DEVELOPMENT FRAMEWORK (2020) KSDF

Desirability is also measured in terms of the proposal's compatibility with the broader spatial visions for the area. According to the Knysna SDF 2020, the property is situated outside the Urban edge and is designated for 'Agriculture". The use of the property is in line with the vision of the KSDF 2020

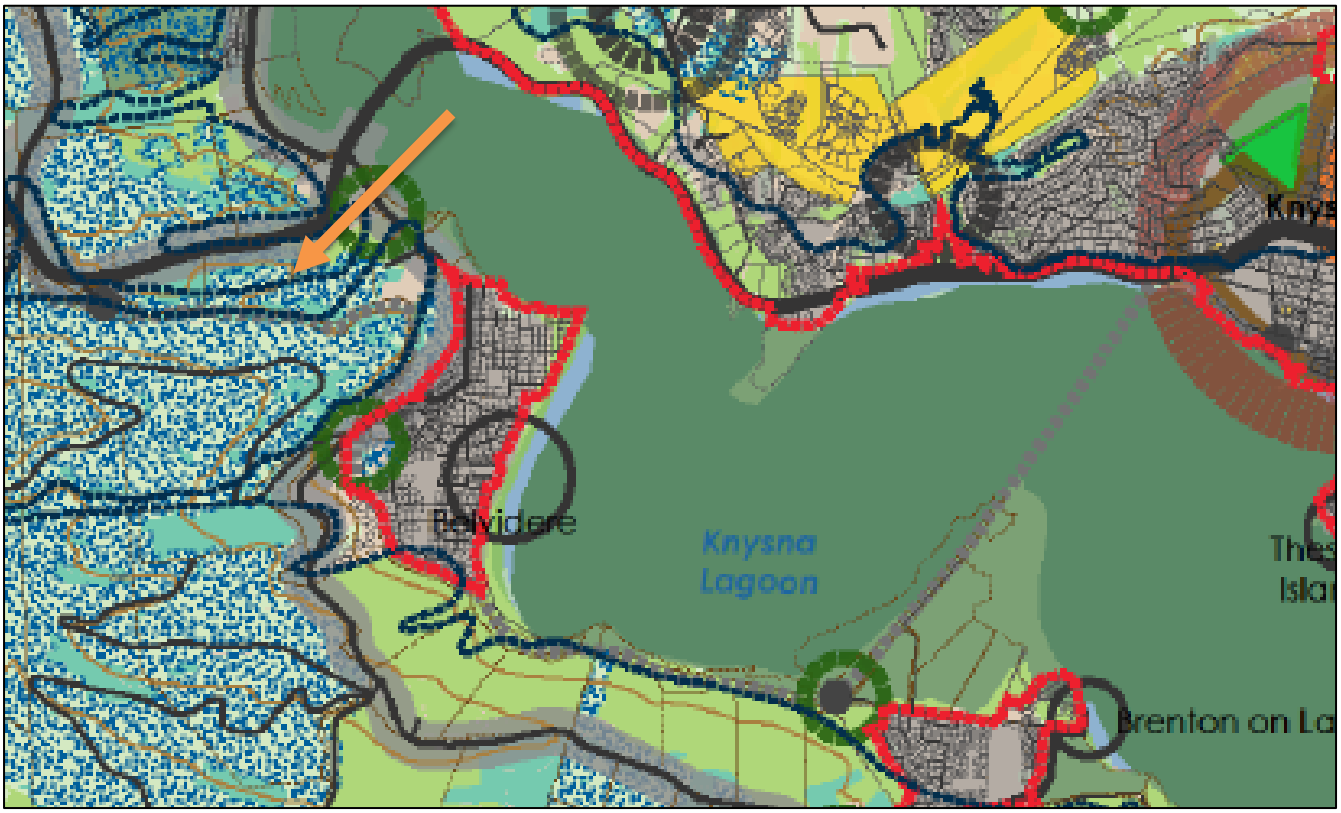


Figure 11: Extract from the KSDF 2020.

The KSDF also sets out policies that should guide decision-making on resource allocation, sector planning, land use management, and land development programs. Each policy is supported by policy guidelines. The following policies have relevance to this application:

Policy A: In coastal zones, river-wetland-estuary catchments, Critical Biodiversity Areas and veld fire risk areas, land use must be effectively managed to secure environmental resources, systems, and ecosystem services, mitigate the risk of natural disasters to life and property and improve climate resilience.

The Site Plan as well as the Alien and Fire Control Plan will result in the effective management of this land. Not only will there be a positive conservation outcome, but also functional and financially viable agricultural land.

Policy C: Manage the Municipal area in a manner that supports sustainable resource use

Of specific relevance is Policy Guideline III - Support rural development that improves food, water, and energy (e.g. solar and wind powered) security, and restores natural capital by removing alien plant infestation and adopting conservation-oriented farming methods.

Policy F6: promote inclusive economic development

The scale and format of this development are inclusive and resilient. The collective efforts of a number of small-scale farmers rather than relying on one corporate investment, offer opportunities for more inclusive economic growth, empowering emerging farmers.

Policy I: Promote rural development that enhances the agricultural economy, its value chain into the broader economy, and rural livelihoods as crucial to growing and balancing the urban-rural municipal space economy.

Policy I (i): further requires the safeguarding of the municipality's existing and potential farming and forestry areas as productive landscapes, primary economic assets, and a food security resource, equal in value to urban land.

This policy initiative seeks to enhance and revitalise the agricultural and forestry sectors by unlocking fresh avenues for livelihood and business opportunities through the effective utilisation of the region's assets and resources. The policy also advocates for sustainable farming techniques and disaster risk mitigation measures, which underpin the vision of this application.

5.3.2 WESTERN CAPE: LAND USE PLANNING GUIDELINES: RURAL AREAS (2019)

This guideline document was prepared by the Department of Environmental Affairs and Development Planning to guide spatial planning of rural areas and the management of pressures for land use change in the context of the Western Cape Provincial Spatial Development Framework.

The objectives of the Rural Areas Guideline are to:

- Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life-supporting ecological infrastructure and ecosystem services (i.e. Environmental goods and services).
- Maintain the integrity, authenticity, and accessibility of the Western Cape's significant farming, ecological, coastal, cultural, and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their Zoning Schemes and Spatial Development Frameworks in a pro-active manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.

The portion of the farm that will be converted to crop cultivation is situated in the Buffer 2 area where intensive and extensive agriculture is promoted. The document promotes the facilitation of agricultural diversification and non-agricultural opportunities (e.g. game farming, additional dwelling units, tourist facilities) and "value-adding" to the primary product (e.g. cheese-making).

Accommodation in the rural areas caters to tourist accommodation (including additional dwellings, resorts and nature reserves) as well as agri-worker housing.

AGRI WORKERS ACCOMMODATION:

The Guidelines state that on-the-farm accommodation for Agri workers should be provided in a sustainable manner that does not compromise the functionality and integrity of farming practices.

This document confirms that Agri workers include labourers and farm managers, that are involved in the primary agricultural activities on the farm or any other activity that is reasonably connected with the main farming activities

(e.g. the harvesting, cooling, storing, sorting, packing, and packaging of agricultural produce), including those working in agricultural industries.

The document provided guidelines for the provision of Agri worker's accommodation. The proposal is aligned with this guidelines, which is set out in the table below :

GUIDANCE FOR IMPLEMENTATION:

Agri worker housing is regarded as part of the normal farm operations based on the extent of the bona fide agricultural activities on the land unit and applicable in all rural SPCs.	
Accommodation for any other employee involved in any land use activity on land not zoned Agriculture is not included here and is strongly discouraged.	
Units may not be alienated, whether by individual erven, sectional title, share block, or by any other means.	
The building height of Agri worker dwelling units should be restricted to that of a single storey (6,5m measured from natural ground level to the highest point of a building) with a maximum floor area of 175m², including garaging. Only in exceptional cases should structures higher than a single storey be considered.	
Agri worker housing should not be permitted below the 1:100 flood line or within 100m of a river bank.	
It should also not be within 1km from the high water mark of the sea or tidal river. Due consideration must be given to any coastal management/setback line and zone risks.	Although the units are situated within 1km of the high water mark of the lagoon, the placement of the units falls outside the area identified as within the coastal management line (See light blue line on the SDP).
The placement of the dwelling units should not undermine the sustainable utilisation of agricultural resources, biodiversity, or ecological system services.	Units have been placed in such a way as to enhance the productivity on the farm.
Housing for Agri workers should respond to cultural places and settlement patterns and new dwelling units should conform to local vernacular in terms of scale,	There are no other buildings on the farm, except for the remains of an old labourer's cottage.

form, and materials. In assessing Site Development Plans and building plans authorities should request and consider information on the architectural design, for the purposes of heritage and visual impact.	The final design of the units will be subject to review by the Aesthetic Committee.
Buildings should include appropriate buffers, landscaping, and screening to reduce their visual impact on the rural landscape.	
Where possible agri workers' dwelling units should be clustered and located in close proximity to rural movement routes, existing services, and housing stock wherever possible.	The units are not clustered and the reason for this is that the different farmers need to be close to their crops, placement of units is however close to the main movement route.
The number of units must reasonably be connected to the bona fide primary farming and agricultural activities on the land unit. Apply employee ratio norms (average number of employees per hectare per produce) as recommended by the various organised commodity groups (e.g.Hortgro, Redmeat, Vinpro), whilst also recognising the difference between permanent and seasonal agri workers.	Industry norms allow for 1 agricultural worker per ha for plantations of which there are about 4 ha planned. In addition to this, there are also horticulture and crop circles that work on an average ratio of 4 workers per ha (Hortidayly.com). Not all the workers will stay on the farm, only the farm manager who runs the collective.
Whilst accommodation for agri workers in the past did not require planning approval in terms of the Zoning Scheme, it is recommended that this aspect be regulated in the future by means of a Site Development Plan for submission to the municipality for its approval or even as consent use.	

Additional Dwellings:

This guideline permits additional dwellings in the Agriculture and Buffer areas, restricted to 1du/10ha, to a maximum of 5 units; 175m² maximum floor area including garage, building height, and 1 storey (6.5m). Furthermore, it recommends that additional dwelling units should be non-alienable, whether individual erf, sectional title, share block, or by any other means, and that additional dwelling units should not be allowed within 1km from the coast.

This document also stipulates that whilst additional dwelling units should form part of the farmstead precinct, dispersed rental units should be in visually unobtrusive locations, and be self-sufficient in terms of services.

The proposed additional units do not form part of the main farm precinct, but they have been concentrated in the only section of the farm that is more than a kilometer away from the lagoon. Although it is the highest-lying area of the site, the location is not visually obtrusive and the units will be self-sufficient in terms of services.

5.3.3 COASTAL MANAGEMENT LINES FOR EDEN DISTRICT 2018

The Eden Municipality has proposed a Coastal Management Line (CML) and Risk Lines for the district and the Knysna Municipality has accepted this CML in the 2020 Spatial Development Framework. In reality, the Zoning Scheme By-Law should be amended to reflect that the 1000m restriction be replaced by the Coastal Setback line.

The Western Cape Government bears a crucial responsibility to uphold and conserve the inherent worth of the Western Cape's coastal zone. This includes addressing potential coastal hazards such as long-term erosion patterns, sea level escalation, and storm surges, as well as safeguarding the littoral active zone, sensitive coastal vegetation - especially that of provincial conservation significance - and areas of particular coastal value, such as primary dune systems and steep coastal cliffs. Additionally, protected areas and flood risks, as well as the estuarine functional zone surrounding estuaries, must be considered.

To this end, the Coastal Management Line has been delineated in the SDF. While acknowledging that this line is an approximation, it is noteworthy that all the additional dwellings and farm worker homes lie above this demarcation. It may therefore be contended that by permitting a departure from the 1000m restriction, the estuary would not be adversely affected, as all the structures fall outside the demarcated Coastal Management Line.

5.4. ANTICIPATED IMPACTS OF THE AREA & SURROUNDING PROPERTIES

5.4.1 IMPACT ON THE CHARACTER OF THE AREA

As can be seen from the Land Use Map attached as Diagram 4, the area is rural in nature. The character of the area has been dominated by pine plantations for many years with some tourist facilities such as restaurants, resorts, and farm stalls. The land use of the property will remain agricultural and will not have a notable impact on the rural character.

The property is bordered by plantations to the north, south, and west. The only nearby farmstead is situated on Portion 14 of Farm 216 to the east. The planned main house will be approximately 210m away from the homestead

on Portion 14 (which is situated very close to the boundary) while the farm worker's houses will be more than 150m away. The additional dwelling has been placed on the western portion of the property where there will be the least impact on the house on Portion 14.

Other land uses adjacent to the property include a Resort development on the Remainder of Portion 147/216 situated to the northeast of Portion 16, and a restaurant on Portion 14 of 216.

5.4.2 VISUAL IMPACT

One of the policies contained in the Knysna SDF 2020 is to maintain the integrity of the Garden Route landscape. View sheds over scenic landscapes and features must be safeguarded. Although the units will all be built on the higher-lying plateau, they will not be visible from the N2, which has been identified as a scenic route. The steep incline of the slope from the N2 and the even gradient of the plateau will result in the units not being visible from the N2 (See Figure 12 below). A further mitigation measure is that the units will only be single-storey in nature with height limits of no more than 6,5m.

Due to the undulating topography, the land is also not visible from the Brenton Road.

Bearing in mind that the zoning Scheme By-Law permits other farm buildings such as barns and agri-processing plants without a limitation of 1km from the lagoon boundary, and what is more, these farm buildings could be up to a maximum height of up to 15m.



Figure 12: Position of the site between two prominent ridgelines.

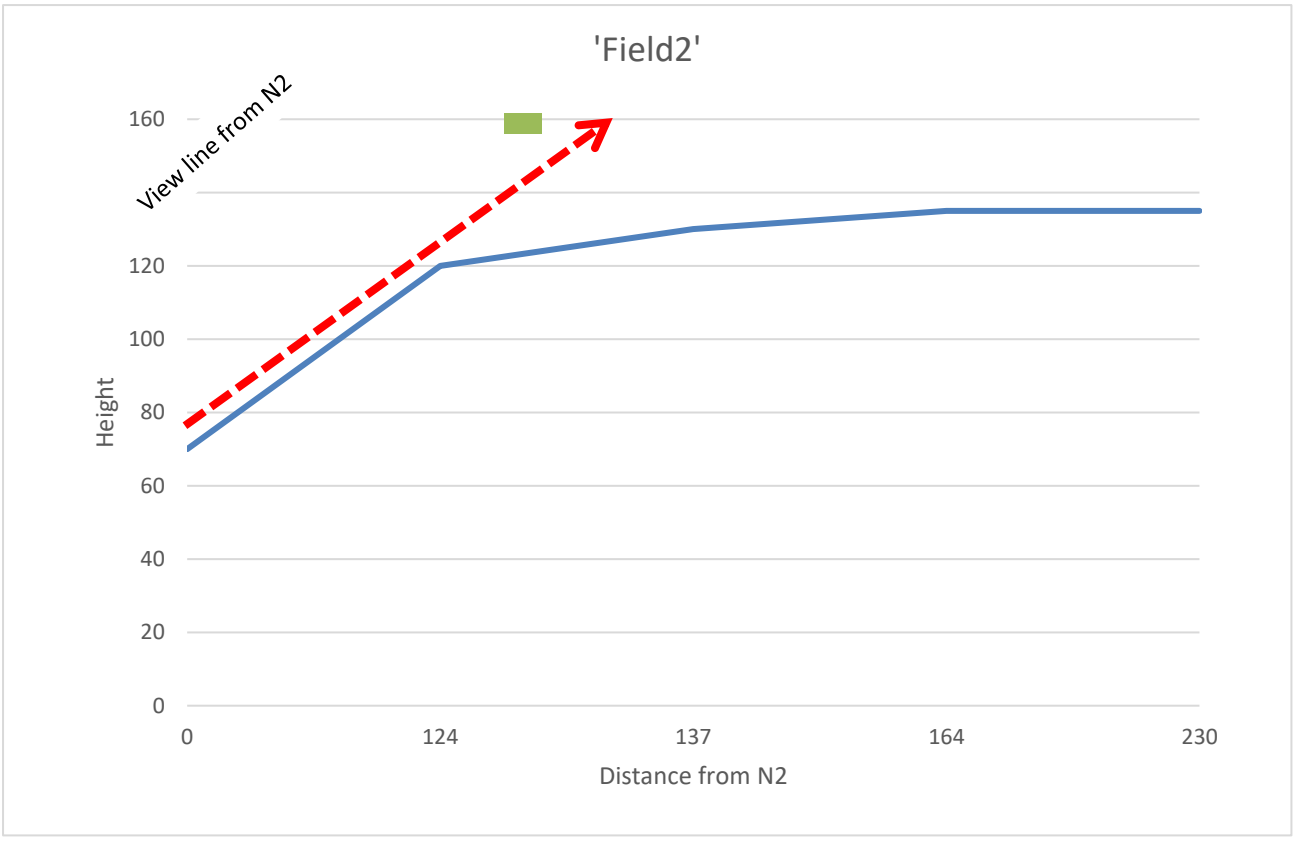


Figure 13: Angle of the slope from the N2.



Figure 14: view from the N2 - eastern direction.



Figure 15: The property is not visible from Brenton Road.

5.4.3 IMPACT ON THE ENVIRONMENT

The proposal will have a positive environmental outcome. Large tracts of land will eventually be rehabilitated. The business concept will create viable agricultural land with limited need for space, water, and fertilisers, with less negative environmental impact than conventional farming.

The position of farmhouses within 1km from the high water mark of the lagoon will not have any direct impact on the lagoon. The units are high-lying and not adjacent to the lagoon. There are several other properties and developments between the lagoon and the property. The main house will be about 700m from the lagoon, while the closest farmhouse will be about 800m from the lagoon. The houses are small, single-storey and will blend in with the surroundings, creating a minimal visual impact from the lagoon.

5.5 COMPATIBILITY WITH SPLUMA DEVELOPMENT PRINCIPLES

In considering the application, the decision-maker needs to be guided by the development principles contained in (Chapter II) of the Spatial Planning and Land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning. Typically these matters are best addressed through Spatial Development Frameworks, Zoning Schemes, and other management systems. It does therefore not have much relevance to individual departure and consent use applications that are mostly site-specific.

By being compatible with a credible Spatial Development Framework that embraces the principles of Spatial Justice, Spatial Sustainability, Spatial Efficiency, and Spatial Resilience, the proposal complies with these principles.

SPATIAL JUSTICE:

The principle of spatial justice requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The idea of small-scale communal farming, where each farmer will have access to farmland and modern technology and profit share is in line with the principle of spatial justice.

SPATIAL SUSTAINABILITY:

Effective farming practices will enhance food security and sustainable agriculture. Ongoing alien clearing and forest regeneration will allow the natural vegetation to be re-established in areas not suitable for agriculture. The position of the additional dwellings and the farm worker's accommodation units has taken the rural assets such as the valuable agricultural land and the natural vegetation into account and does therefore comply with the principles of sustainability.

SPATIAL EFFICIENCY:

Efficiency relates to the form of settlements and use of resources - compaction as opposed to sprawl; mixed-use, as opposed to mono-functional land, uses; residential areas close to work opportunities as opposed to dormitory settlement. The proposal supports the efficient use of existing resources with minimum negative financial, social, economic, or environmental impacts.

SPATIAL RESILIENCE:

There is significant potential to enhance agricultural productivity and climate resilience through innovations such as this proposal. Agricultural productivity could increase by up to 2–3 times if better farm inputs and production technologies were adopted, if water and soil resources were used more efficiently and if natural capital and ecosystems were restored. Digital tools for monitoring climate risks can identify the onset of climatic shocks before they happen and facilitate responses for building resilience.

Furthermore, the combination of compatible land uses such as framing, conservation, and tourism will also allow for the diversification of the economy which will contribute to financial resilience.

6. CONCLUSION

The new property owners have presented an innovative agricultural project aimed at transforming an abandoned farm into a productive agricultural enterprise. The project is centered on introducing superfoods, precision farming, and crop circles, while also promoting collective small-scale farming, which will provide an opportunity for small-scale farmers to live and work on the land and share in the profits without incurring massive capital outlays. The business concept will create viable agricultural land that requires minimal space, water, and fertilizers while having less negative environmental impact than conventional farming methods. The proposed concept is aligned with the "Agriculture 1" zoning of the property.

However, the Knysna Zoning Scheme By-Law prohibits the placement of farm workers' accommodation within 1 km of the high-water mark of the sea or tidal river. As most of the property falls within this restricted area, it impacts the placement of farm workers' accommodation. For effective management and control, it is essential that the farmers live near the farming area under their control. A departure from this development parameter is required to allow a maximum of six Agri-workers' homes on the farm. The relaxation of this restriction will not have any negative visual impact on the coastline or lagoon shore, as the vegetation and topography of the land will result in the units not being visible. The high-lying nature of the land, and the fact that the property is not directly adjacent to a shoreline or within coastal management lines, will also eliminate any risk of flooding or coastal erosion.

Additionally, the proposal includes a request for consent to construct four additional dwellings on the property that can be rented out to tourists or as long-term rentals to create additional income. The proposal complies with all development parameters prescribed for additional dwellings in the Knysna Zoning Scheme By-Law. The units will be situated in an area that falls outside the 1 km radius of the lagoon and can be easily accessed from existing logging roads. The proposal will allow an additional use of the land that will bring in a supplementary income for the owner and broaden the economic base of the farm enterprise.

Ongoing rehabilitation efforts will reduce the number and density of invasive alien plants while enhancing the conservation and aesthetic values of the property, and concurrently establishing a sturdier, more diverse ecosystem. This effort will also reduce the risk of fire that the property currently poses.

The proposal is not in conflict with Spatial Planning Policies on the National, Provincial, and Local levels and will not have any significant detrimental impact on the surrounding properties or character of the area. The proposal will enhance the agricultural potential of the property while creating opportunities for diversified farm income, access to farmland, and unique tourism and recreational resources in this sought-after natural area.

DIAGRAM 4 : LANDUSE MAP

PTN 16 / FARM 216



JAMES KING & BADENHORST
142 ST JOHN STREET
OUDTSHOORN
6625

Prepared by me

CONVEYANCER

John Henry Richard Havemann
LPC 92404

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 3300 000.00	R 1900.00
Reason for exemption	Category Exemption	Exemption / I.o. Sec/Reg Act/Proc

DATA / CAPTURE
11 -08- 2022
PHUMELELA MNAMATA

VERBIND MORTGAGED
VIR FOR R 2 000 000.00
B 90020424 / 2022
10 AUG 2022
REGISTRATEUR/REGISTRAR

T 037633 / 22

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS (LPCM No. 80715)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

LAZY B CHALETS CC
Registration Number 1987/029292/23

which said Power of Attorney was signed at Oudtshoorn on 13 April 2022

DATA / VERIFY
11 -08- 2022
PENELOPE NGOZWANA

For inspection only

And the appearer declared that his/her said principal had, on 8 October 2021, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

UMTHIQUA PROPRIETARY LIMITED
Registration Number 2018/475470/07

or its Successors in Title or assigns, in full and free property

REMAINDER OF PORTION 16 (A PORTION OF PORTION 13) OF FARM UITZIGT NUMBER 216 DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE

IN EXTENT 32,8093 (THIRTY TWO COMMA EIGHT ZERO NINE THREE) Hectares

FIRST TRANSFERRED by Deed of Transfer Number T82/1947 with Diagram Number 5160/46 relating thereto and held by Deed of Transfer Number T109097/1997.

A. **SUBJECT** to the conditions as are referred to in the Certificate of Partition Title Number T8083/1928;

B. **SUBJECT** to and with the rights conferred by the special conditions (a), (b) and (c) contained in Certificate of Partition Title Number. T8083/1928, providing for certain rights of access, use of roads and right-of-way in favour of the proprietors for the time being of the farm Brenton transferred to the Executors of the Estate of the late John James Duthie by Certificate of Partition Title Number T8082/1928, and in favour of the proprietors for the time being of the property conveyed by Certificate of Partition Title Number T8083/1928;

C. **SUBJECT** to the conditions contained in the Notarial Deed of Servitude dated 14th October, 1936, annexed to Deed of Transfer Number T5951/1934, and referred to in the endorsement thereon dated 15th October 1936, but transferred without any rights to water thereunder, which have been specially reserved to AUGUSTA VERA DUTHIE, Spinster, born 18th July, 1881, and which said endorsement reeds as follows:-

"By Notarial Deed dated 14.10.1936 the owner of Lot C of Westford held under para A of Transfer Number 2824/1935 has ceded all her rights to the spring & the water rights arising therefrom marked "Spring" at beacon C on the diagram of said Lot C, to the owner & her successors in title of the remainder of "Belvidere" held under para 1 of this transfer the said spring being marked "Silver Spring" on the diagram of the said "Belvidere" provision also having been made for the use of a certain quantity of water by the owner of the said Lot C of Westford subject to conditions as will more fully appear on reference to the copy annexed hereto."

D. **ENTITLED** to the benefit of the conditions referred to in the endorsement dated 29th December 1941, on Deed of Transfer Number T5951/1934, reading as follows:-

"By Transfer No. 13080/1941 the owner of the lots thereby conveyed (a) shall use them for residential purposes only (b) shall not dispose of the land thereby conveyed except as a whole (c)..... (d) shall comply with certain sanitation requirements as will more fully appear on reference to said transfer."

E. **SUBJECT** to the following special conditions contained in Deed of Transfer Number T82/1947, imposed by the Transferor thereunder (namely, the said AUGUSTA VERA DUTHIE, Spinster, born 18th July 1881) for the benefit of herself and her successors in title as owners of the remaining extent of Portion 13 of the said farm Uitzigt held under Certificate of Consolidated Title Number T12326/1944, namely:-

"(1) That the above land shall not in future be subdivided save with the consent of the Transferor.

(2) That the above property shall be used solely for residential purposes"; (which condition has been amplified in the endorsement, dated 7th January 1955, set out in condition (f) hereafter).

(3) That the Transferor retains the right and power of enforcing proper sanitation and cleanliness upon the above land

(4) .....

(5) That the owner for the time being of the said property shall be obliged to adequately fence the said land and at all times maintain the said fence in proper order at his own expense".

F. **SUBJECT** to the terms of the endorsement dated 7th January 1955, on Deed of Transfer Number T 82/1947, which endorsement reads as follows:

"REGISTRATON OF SERVITUDE"

By Notarial Deed Number 1/55 dated the 9th November 1953 the condition reading "That the above property shall be used solely for residential purposes" imposed in Deed of Transfer Number 82/1947 (this deed), against Portion 16 (a portion of Portion 13) of the farm Uitzigt (the herein described property) in favour of the Remainder of Portion 13 of the farm Uitzigt held under Certificate of Consolidated Title Number, 12326/1944 and referred to in endorsement dated 6/1/1947 thereon, has been amplified by the addition of the following words at the end thereof:-

"and/or bona fide agricultural purposes."

As will more fully appear from reference to the said Notarial Deed."

WHEREFORE the said Appearer, renouncing all rights and title which the said

LAZY B CHALETS CC
Registration Number 1987/029292/23

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

UMTHIQUA PROPRIETARY LIMITED
Registration Number 2018/475470/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R3 300 000,00 (THREE MILLION THREE HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS, DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

10 AUG 2022

q.q.

In my presence

REGISTRAR OF DEEDS

For Information Only

the said property having been sold by me on 8 October 2021, to the said transferee/s for the sum of R3 300 000,00 (Three Million Three Hundred Thousand Rand)

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at Oudtshoorn on 13 APR 2022

in the presence of the undersigned witnesses.

AS WITNESSES :

1. _____

2. _____

_____

On behalf of LAZY B CHALETS CC

For information only

SPECIAL POWER OF ATTORNEY

I, the undersigned Jan H V D WESTHUIZEN
duly authorized, do hereby nominate, constitute and appoint Lizemarie Botha/ Lundikazi Khuphiso of the firm **PLANNING SPACE**, with power of substitution to be my lawful agent, in my name, place and stead to make application, as described below, to the relevant Authorities and to sign all application forms, documents and other papers as may be required in such application.

DESCRIPTION OF PROPERTY

Portion 16 of Farm Uitzigt No. 216

NATURE OF APPLICATION

Departure, Approval of Site Development Plan and Related applications

SIGNED AT……Knysna……..**THIS**……21st.. **DAY OF** ..February……..**2023**

……..

OWNER/ AUTHORISED AGENT

WITNESSES

1. HBarão ……

2. ……

UMTHIQUA

(Name of Company, Partnership, Trust or Close Corporation)

RESOLUTION

Resolution passed at the meeting of the Shareholders/ ~~Partners/ Trustees/ Members~~

held in Knysna on the 21st day of February 2023.

Resolved that JAN H VD WESTHUIZEN in his/ her capacity as

Owner , be and is hereby authorised to do whatever may be necessary to give effect to this resolution and to enter into and to sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Company/ Partnership/ Trust/ Close Corporation with such modification as he/ she in his/ her sole discretion shall deem fit, his/ her signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

DESCRIPTION OF PROPERTY

Portion 16 of Farm Uitzigt No. 216

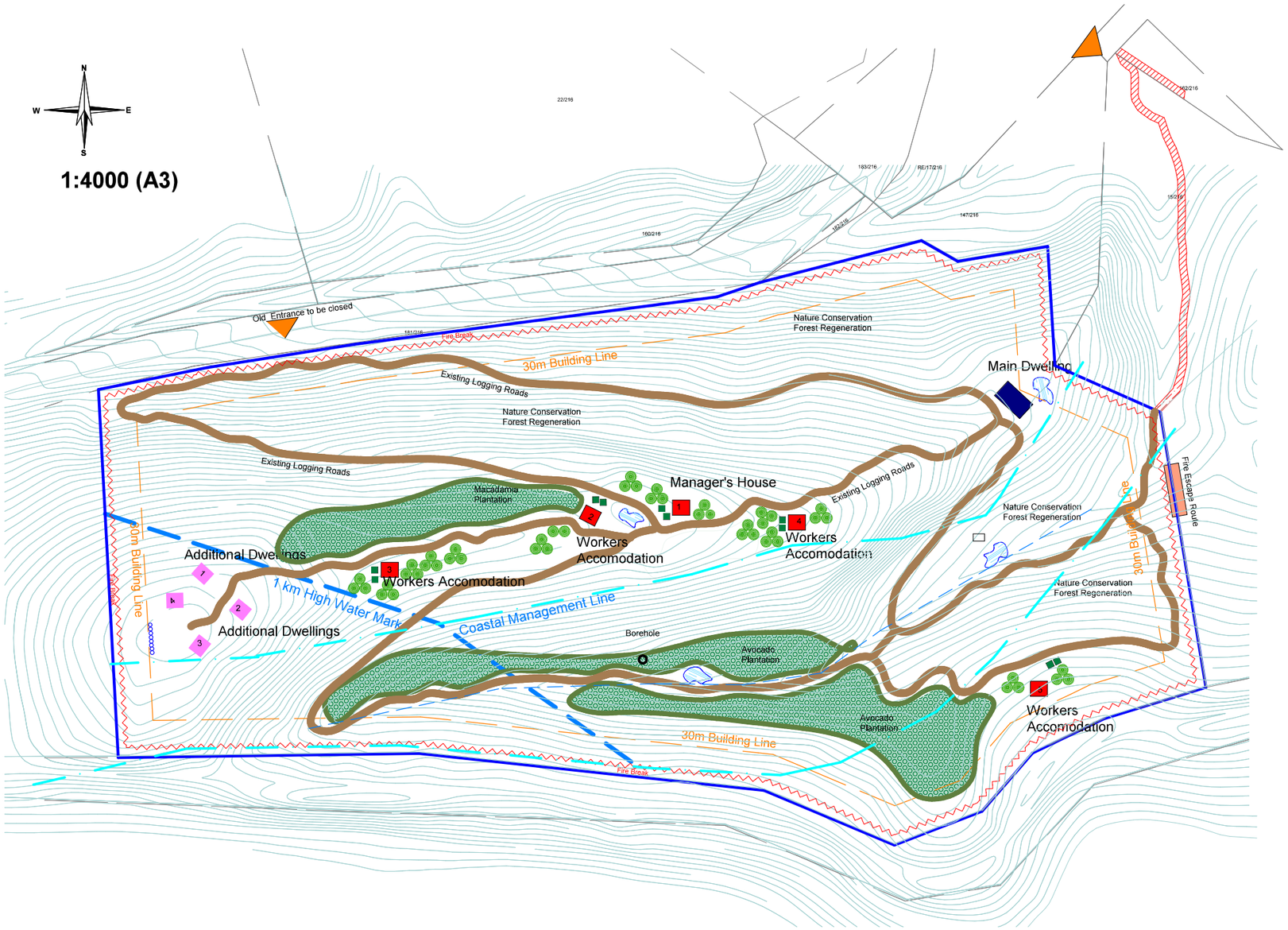
NATURE OF APPLICATION

Departure, Approval of Site Development Plan and Related applications

SIGNATURE OF SHAREHOLDERS/ ~~PARTNERS/ TRUSTEES~~/ MEMBERS:

NAME	SIGNATURE
JAN H VD WESTHUIZEN	

SITE DEVELOPMENT PLAN - PORTION 16 OF FARM NO. 216



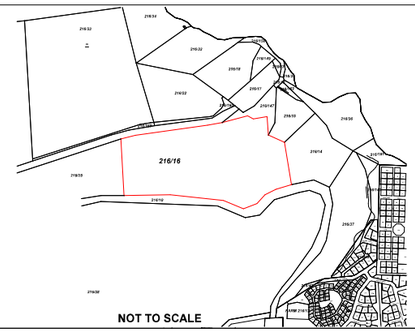
LEGEND:

MAIN DWELLING	30 m ENTRANCE
FARM WORKER'S DWELLINGS ±175m²	30 m BUILDING LINE
DAM	1 KM HIGH WATER MARK
CROP CIRCLES	SERVITUDE ACCESS
HYDROCROPS	PLANTATIONS
FIRE ESCAPE ROUTE	ADDITIONAL DWELLINGS (±175m²)

NOTES:

Contours at 2m intervals from aerial photography

LOCALITY PLAN :



PORTION 16 OF FARM UITZIGT NO. 216

DRW NR.: PTN16-F216

KNYSNA MUNICIPAL AREA

DATE : 3 May 2023

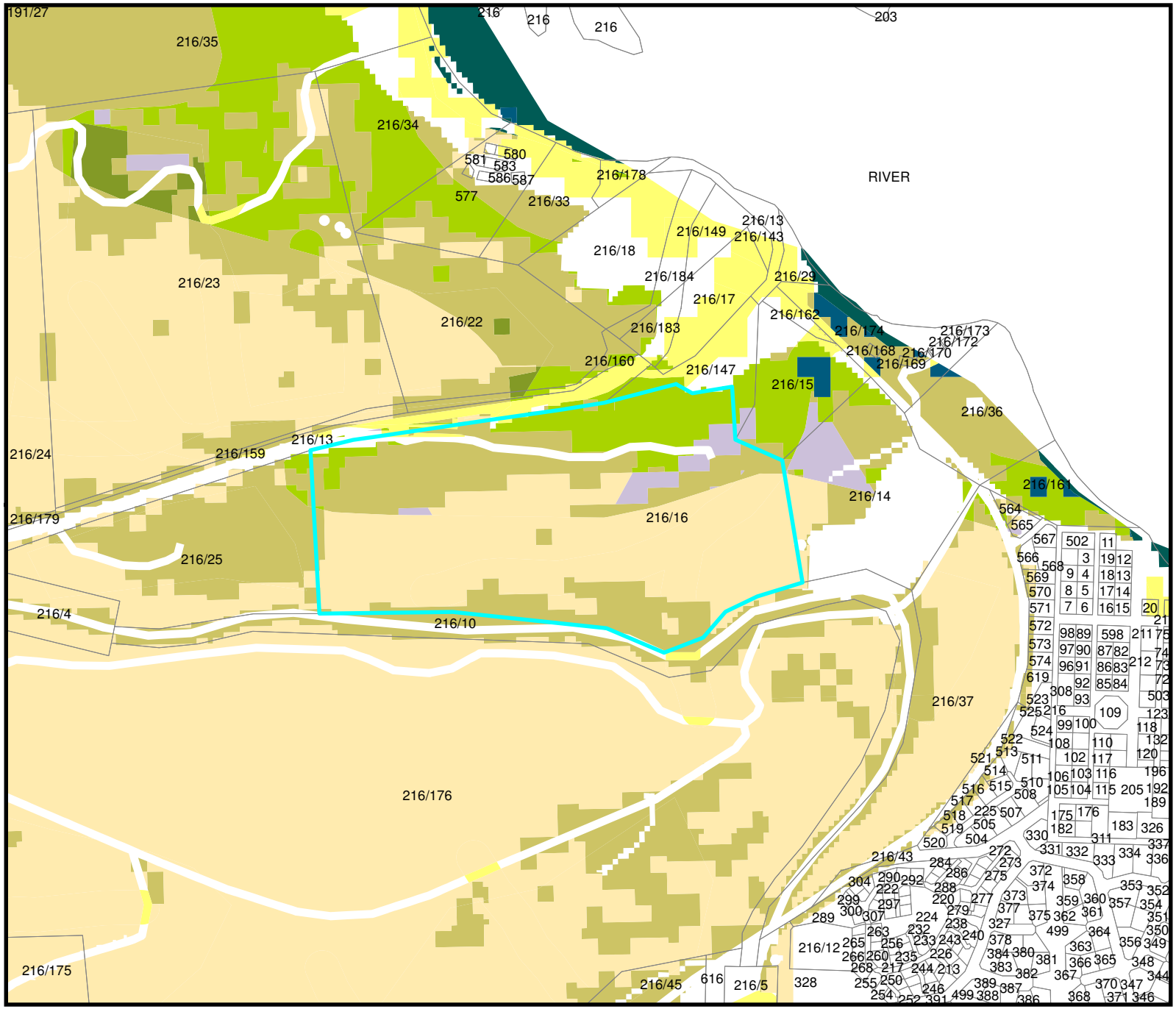
Planning Space
Town and Regional Planners
Quayside Office Park, Corner of Hedge & Gordon Street, Unit 6 Ground Floor
P O Box 2029 Knysna, 6570
E-mail: admin@planningspace.co.za Website: www.planningspace.co.za

COPY RIGHT:

This Plan may not be copied or amended without the written consent of Planning Space

DIAGRAM 5: CBA & ESA MAP

PTN 16 / FARM 216



Legend

BSP_ESA2_Knysna

SubCat1

- ESA2: Restore from plantation or high density IAP
- ESA2: Restore from other land use

BSP_ESA1_Knysna

SubCat1

- ESA: Terrestrial

BSP_CBA2_Knysna

SubCat1

- CBA2: Aquatic
- CBA2: Terrestrial

BSP_CBA1_Knysna

SubCat2

- CBA: Terrestrial
- CBA: Forest
- CBA: Estuary
- CBA: Wetland

N

0 65 130 260 390 520 Meters

Planning Space

Town and Regional Planners



Rock Hounds (Pty)Ltd
|Geology|Geotechnical

Postal address
PO Box 72
George
6530

15 December 2022
Updated 21 December 2022

Scope: Geophysical groundwater survey

Investigate the nature, position and source of possible groundwater drilling positions on the property, as required for household requirements

Location: Rheenendal-Belvedere area, Garden Route

Client: Jan van der Westhuizen

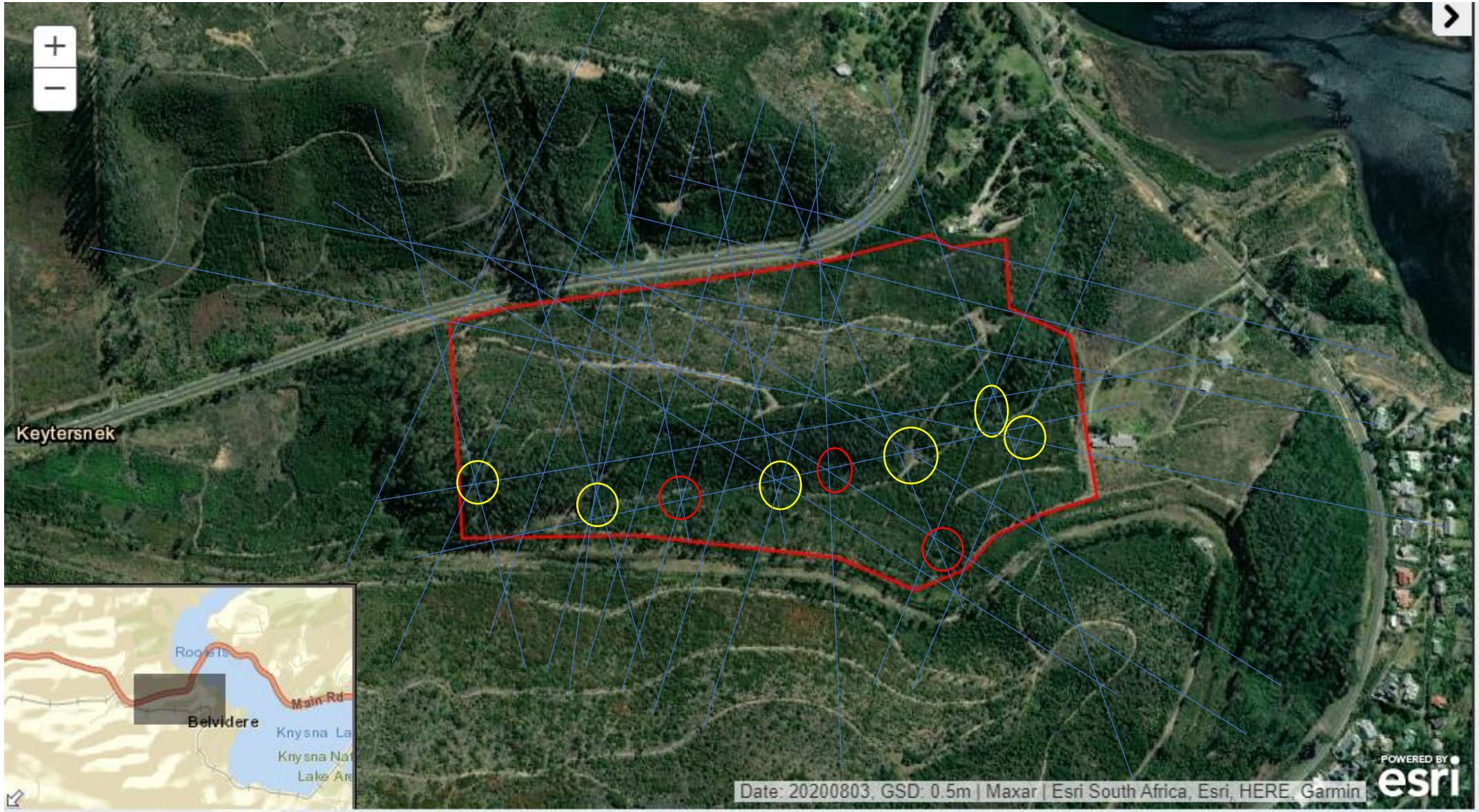
Compiled: Dr Esmé Spicer

Report: RH141222

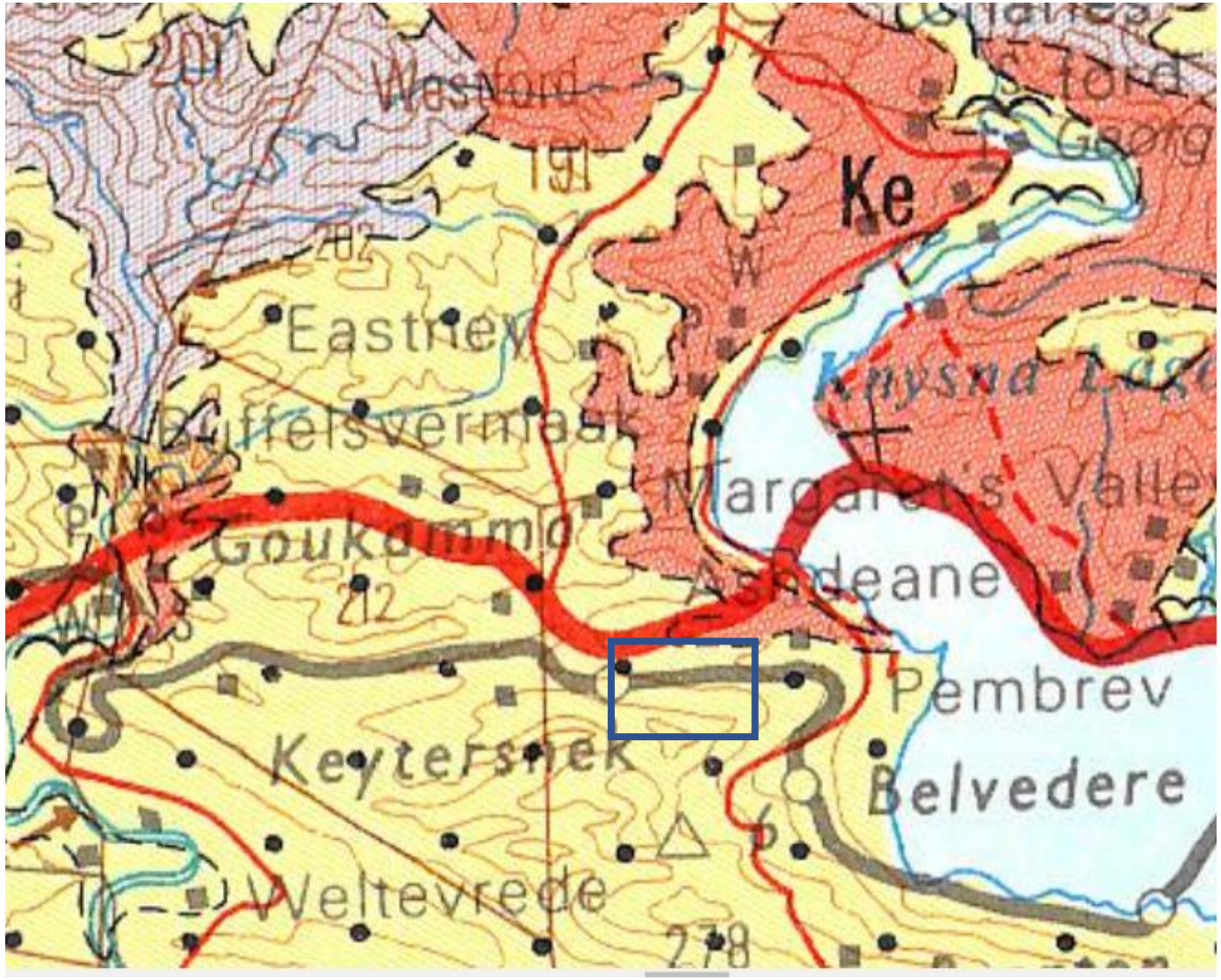
GPS positions of possible borehole positions. Position 2 was not marked due to low probability for a successful borehole (yellow circled area)



Blue lines indicate regional minor fractures or fault lines around the property. Yellow circles were investigated and red circles indicate future possibilities for groundwater exploration by borehole, spike or well.



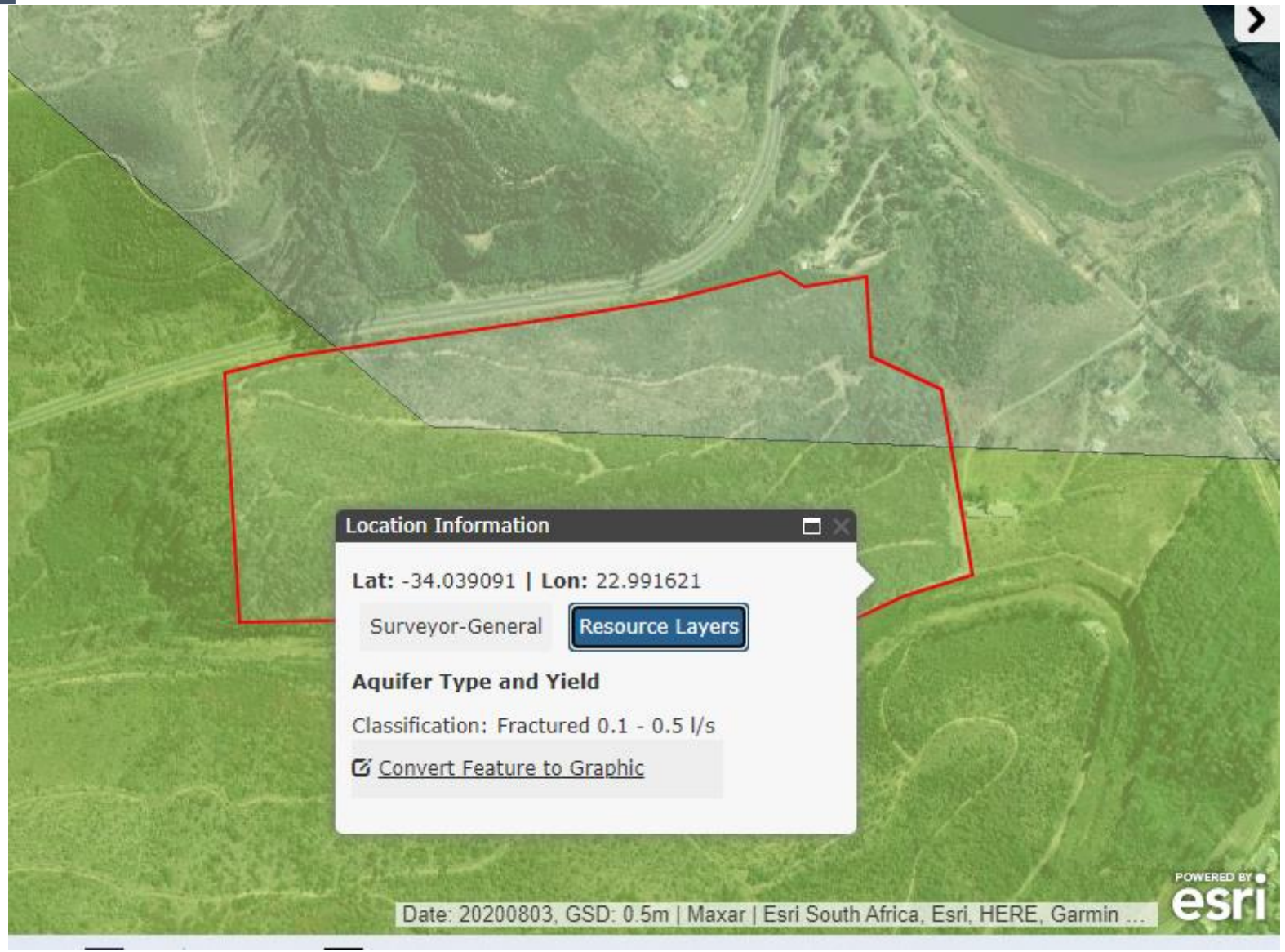
Regional Geological Map 1:250 000 map (Council for Geoscience)



Area: The property (approximately in Blue block) is located within the Cape Supergroup rocks, on sand (light yellow Bredasdorp formation) and Kirkwood formation conglomerates (Ke dark orange) to the north. Peninsula sandstones (Light pink Op) underly the sand and conglomerates at depths of approximately 50-70m. The thick sand and soil (yellow) unconformably overlies the Table mountain sandstones (light pink). Steep topographical features are present due to the underlying sandstone folds, with eroded river valleys.



Detailed aquifer maps–DWA. Property is approximately located at the red block in a fractured aquifer (sandstone) with intergranular aquifer (sand) on top.



Typical yields are 0,1 – 0,5 l/sec 360 – 1 800 l/hr. If a contact or large fracture is intersected, yields may increase to 5 000 – 10 000 l/hr in the underlying peninsula sandstones

Water quality – published by DWA. Property is located in the red block, located within average electrical conductivity with underlying sandstone rocks containing lower, green-blue zone, salinity groundwater.

Description:
This map indicates the groundwater quality of South Africa. Green represents a slightly salty taste, yellow a noticeably salty taste, pink a marked salty taste, rose an extremely salty taste and red an extremely salty and bitter taste in the water.

LEGEND

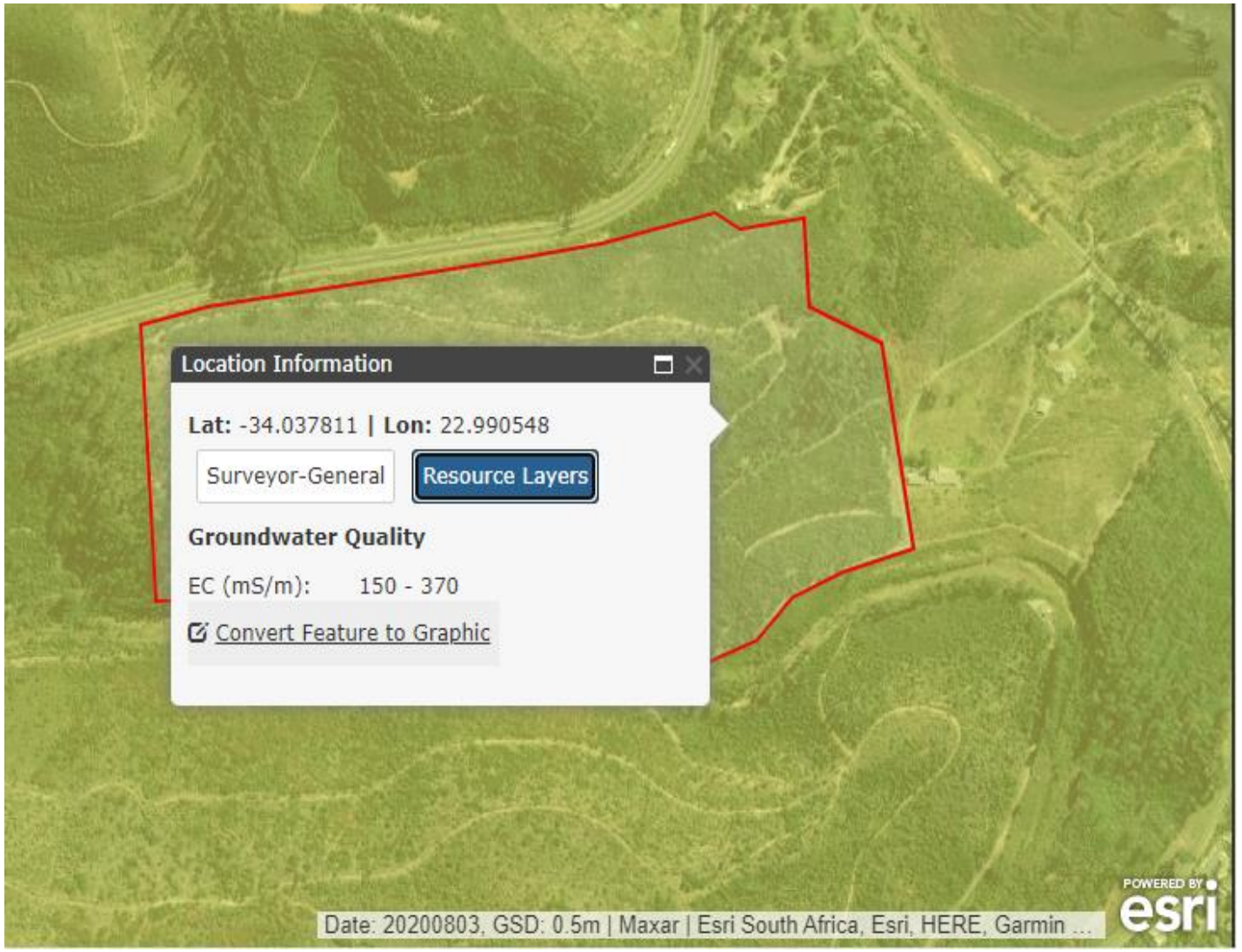
Water Source

- Groundwater
- Combination (Ground and surface water)
- Surface water

DURBAN Major towns/Cities

Electrical Conductivity (mS_m)

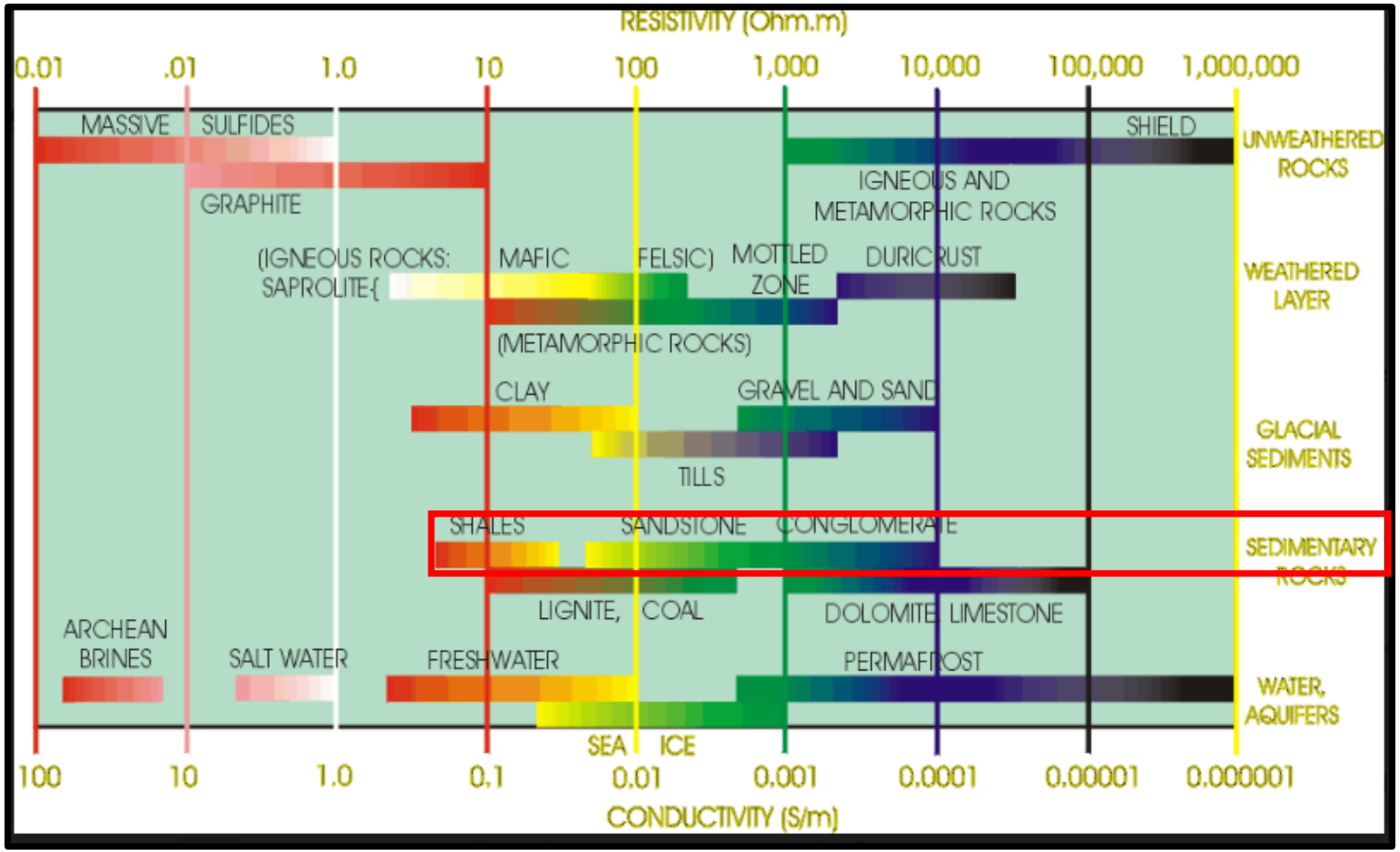
- 0 - 70
- 70 - 150
- 150 - 370
- 370 - 520
- > 520





Instrument used to determine best position: PQWT Telluric receiver, model S300, GEOTRON

Telluric receiver – colour scales per geological rock type, deducted from conductivity, scanned in 5m intervals and to a depth indicated per profile, 150m deep. This method measures natural Telluric currents and converts the frequencies with mathematical algorithms into conductivity data.

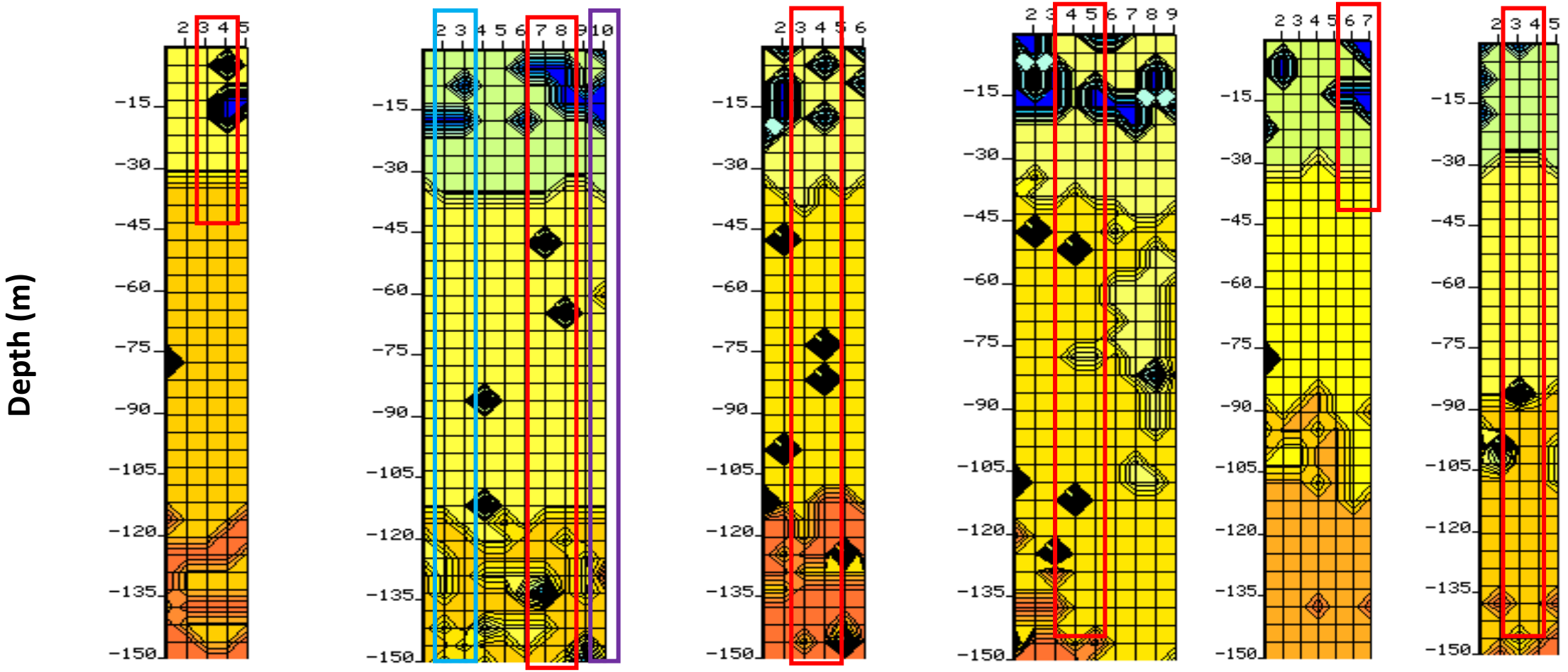


Red blocks: Sedimentary rocks in the region is mostly sandstone (yellow-light green in scans) and shales (blue – light blue). Overburden (loose gravel), quartzites, limestone or conglomerates will appear dark blue and fractured shales in lighter shades of blue in scans. Clays, or highly water-rich/ conductive areas, will appear in shades of orange and red in scans.

Note: Steeply dipping scan lines are an indication of borehole positions and fractures.

Stratigraphy knowledge and field observations are required to interpret the scans.

Scan comparison: (Scan depth 150m, at 5m intervals) , Red blocks indicate the positions and the approximate depth to drill at each position. Y-axis = depth; X-axis = line measured.



1: Cross-roads

2: Highest area. Blue block, line 2 = Gary; Purple block, line 10 = last point. Area in between trees = line 9

3: Area above dam, middle of the property

4: South-eastern border corner, above neighbour's house

5: Belvedere gate, cottage. Position not marked in field

6: Between dam and highest area

Recommendations to explore groundwater, in order of preference:

1. Drill at **position 3 (area above dam)** located in deep sand underlain by heavily fractured sandstone. Drill to indicated depths of 40m (min) to 150m (max). Areas with high moisture present at 45m, 75m to 90m, 100m to 120m, and at 130m to 150m. Very Good potential, with approximate extraction rate: 3 000-5 000l/hr . Heavily dipping scan lines indicate well- fractured rock underneath deep sand. Note: Yields can be significantly higher if sandstone is reached at depths of 150m.
2. Drill at **position 4 (above neighbours house)** located in deep sand underlain by fractured sandstone. Drill to indicated depths of 45m (min) to 150m (max). Areas with high moisture present at 45m to 90m, and from 105m to 150m. Good potential, with approximate extraction rate: 2 500 – 4 000l/hr . Steeply dipping scan lines indicate fractured rock underneath deep sand. Note: Yields can be significantly higher if sandstone is reached at depths of 150m.
3. Drill at **position 2 (highest dune)** located in deep sand underlain by fractured sandstone. Drill to indicated depths of 50m (min) to 150m (max). Areas with high moisture present at 45m, 70m, 80m, and from 110m to 150m. Good potential, with approximate extraction rate: 1 500 – 2 500l/hr . Steeply dipping scan lines indicate fractured rock underneath deep sand.
4. Drill at **position 6 (between dam and highest dune)** located in deep sand underlain by moderately fractured sandstone. Drill to indicated depths of 90m (min) to 150m (max). Areas with high moisture present at 80m to 110m. Good to average potential, with approximate extraction rate: 500 – 1 500l/hr . Moderately dipping scan lines indicate fractured rock underneath deep sand.

5. Install a shallow spike perforated borehole or a well at **position 1 and position 5 (not marked in field)** to extract the surface drainage. Depth = 15-20m. Position 5 can be installed above “fountain” area/shallow pond below road.

Note:

1. Extraction rate estimations are conservative and semi-quantitative, based on the published regional geology, aquifer data, refill rates and scan details. Pump tests are to be used to confirm the actual volumes.
2. **Drilling**: if volumes increase with depth, continue drilling even if maximum meters has been exceeded. If extraction rates stay constant towards maximum suggested depth, stop the drilling.
3. Shallow well construction is discussed on page 11 for collecting seepage water in the lower lying areas.



Geological & Satellite maps references

The author acknowledges the use of the following maps and resources:

- Oudtshoorn 1:250 000 map - Council for Geoscience (owner E.Spicer)
- Water quality and Aquifer maps, published by DWA
- Satellite images: Google Earth Pro and Cape Farm Mapper Elsenburg website
- Verbal information, locations and farm maps supplied by the client

Disclaimer: *This report is solely for the use of the client, prepared by Dr EM Spicer. Data and field observations is the intellectual property of Dr EM Spicer and may neither be distributed in part or whole, copied in any way, nor used for other purposes other than the intended scope of study, as specified in this report. Indicated groundwater locations is based on geological observations and geophysical data collection, but is not 100 % guaranteed to deliver the approximate extraction potentials as stated in the report. Analytical error on scans is approximately ± 20m depth and 5m horizontally. Approximations are conservative, based on geological position, rock types and scan details and takes into account rainfall, water quality and yield of existing boreholes. Please take note that it is the owner's responsibility to obtain correct water use licences.*

Dr Esmé Spicer|0732399983|esme.spicer@gmail.com
PhD Geology Stellenbosch University
Geological and Geotechnical consultant |Member GSSA/WISA/JCSA/MINSA
Rock Hounds (Pty)Ltd|Registration number 2018/576785/07

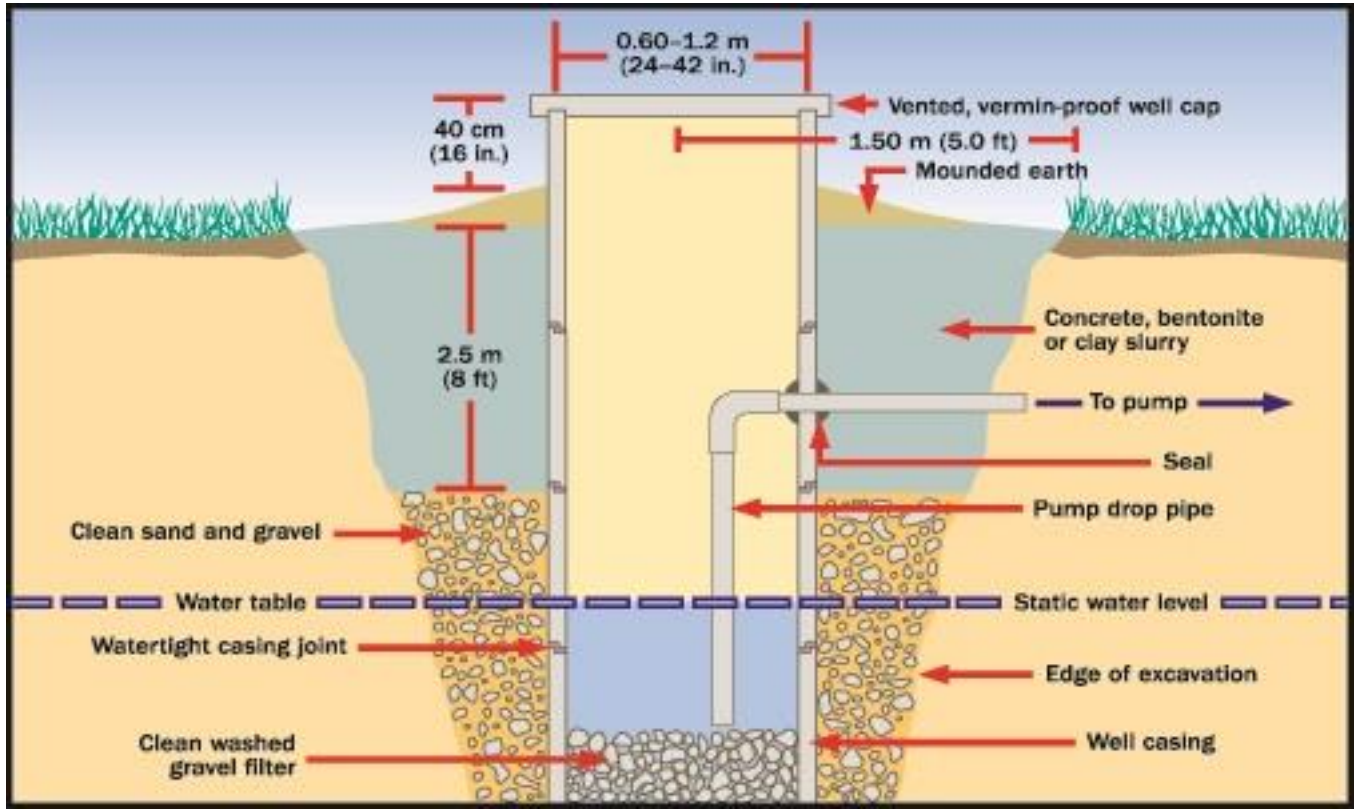


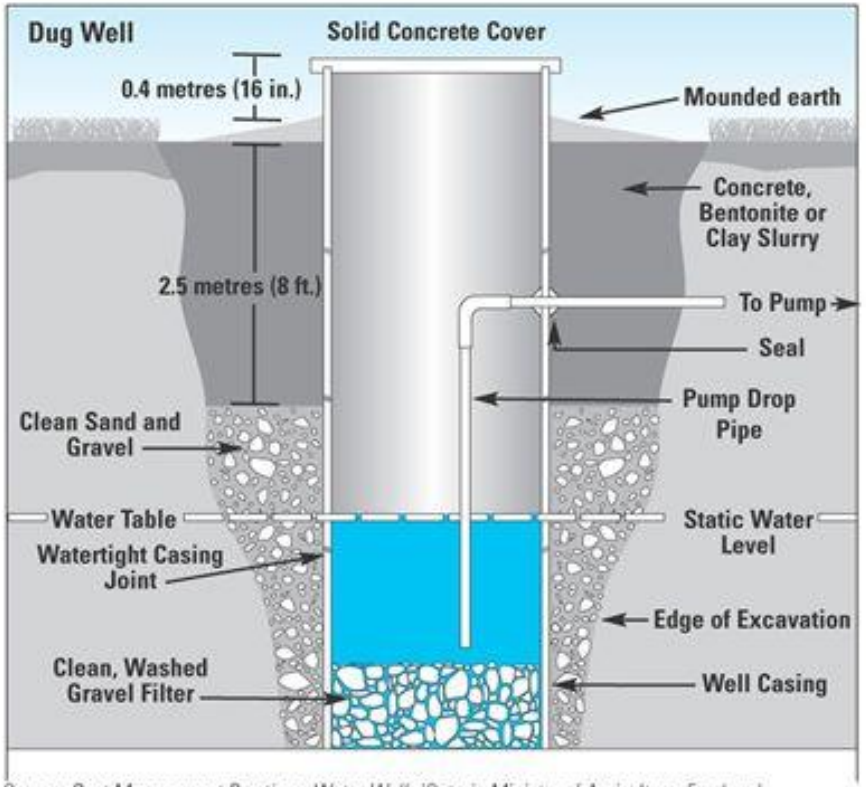
Typical well construction and additional information to tidy up the fountain area to extract more water.

Difference between well-points and boreholes

Well points / spikes are dug to extract shallow ground water from the water table just below the surface of the ground, usually reaching a maximum depth of 10 to 15meters and distributed by means of a surface mounted centrifugal pump.

Boreholes however, are much deeper, exceeding 20 metres with a large diameter casing allowing for the installation of a submersible pump to allow for water distribution.





Source: *Best Management Practices: Water Wells* (Ontario Ministry of Agriculture, Food and Rural Affairs/Agriculture and Agri-Food Canada)

raubenheimers attorneys

60 Cathedral Street George 6529
PO Box 21 George 6530
South Africa
Docex 1 George
Tel: +27 (0)44 873 2043
Fax: +27 (0)44 874 4516
www.raubenheimers.co.za

KNYSNA MUNICIPALITY
DEPARTMENT: Developments

Your ref: **Our ref:** KS/Chrisnah/W67479 **Date:** 1 November 2023

Dear Sir / Madam,

OUR BOND CANCELLATION: **UMTHIQUA (PTY) LTD / STANDARD BANK LIMITED**
PROPERTY: **REMAINDER OF PORTION 16 (A PORITON OF PORTION 13) OF THE FARM UITZIGHT No 216**

With reference to the above mentioned matter.

We hereby confirm that we were attending to the cancellation of the bond over the above mentioned property in favour of Standard Bank Limited.

We anticipate that the registration of this matter will be finalized by no later than 30 November 2023.

We trust that you find this in order.

Yours faithfully

DEHAN DU PLESSIS

Ref. : Chrisnah Venter
Tel. : 044 873 2043 Ext. 130
E-Mail : chrisnahv@raubenheimers.co.za
Fax : 0862 039 026

Directors W M Luttig *B Com LLB* • A M Coetzee *B Iur LLB* • J Y Claasen *B Proc* • JJ Jumat *LLB* K Smit *B Iur LLB*
Executive consultant W W van Breda *B Proc M Com D Com*
Associates D du Plessis *LLB* • M H Nunns *B Com LLB* • *T J Louw LLB MBA*
Office manager M du Plessis

Founded 1907
Raubenheimers Inc
Reg No: 1993 / 001742 / 21

Knysna
Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

Collab. Ref.: 17 16467
File Ref.: Kny 216/16
JH Smit
Tel: 044-302 6318

Via Electronic Mail

2024-01-29

Clomark Properties (Pty) Ltd
[redacted]
1685
Email: [redacted]

Dear Sir/Madam,

PROPOSED CONSENT USE, DEPARTURE & SITE DEVELOPMENT PLAN: PORTION 16 OF FARM UITZICHT NO. 216, KNYSNA

Notice is hereby given in terms of Section 15 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) that the abovementioned application has been received from:

Applicant's Name:	Umthiqua (Pty) Ltd
Contact Details:	c/o Planning Space (Pty) Ltd
Email:	lundi@planningspace.co.za
Reference number:	Application number 2992
Property Description:	Portion 16 of the farm Uitzicht 216, Knysna
Physical Address:	Uitzicht Farming Area, south of the N2
Nature of application:	

(i) Application for a **Consent Use** in terms of **Section 15(2)(o)** of the Knysna Spatial Planning and Land Use Management By-law (2021) to allow four(4) additional dwellings on a 'Agriculture Zone I' property;

(ii) Application for a **Departure** from the development parameter that prohibits farm worker's accommodation within 1km from the high-water mark of the sea or tidal river, in terms of **Section 15(2)(b)** of the Knysna Spatial Planning and Land Use Management By-law (2021); and

(iii) Approval of a **Site Development Plan** in terms of **Section 15(2)(g)** of the Knysna Spatial Planning and Land Use Management By-law (2021) numbered "*PTN16-F216*" dated 3 May 2023.

A full copy of the application is available for inspection on the municipal website: https://www.knysna.gov.za/do-business/planning-development/current-land-use-applications/ Members of the public are invited to submit written comments, together with the reasons therefore in terms of Section 15 of the Knysna Spatial Planning and Land Use Management By-Law (2021). Comments must be addressed to the Municipal Manager and submitted via email at knysna@knysna.gov.za and mmhlanga@knysna.gov.za on or before **29 February 2024,** quoting your name, address, electronic contact details and telephone number, interest

in the application and reasons for comment. The municipality may refuse to accept comments received after the closing date. Persons who cannot write may contact the Town Planning Office during office hours, where the responsible official will assist you in putting your comments in writing.

Telephonic enquiries may be made during office hours to the Town Planner, Ms. Menelisi Mhlanga at 044-302 6339 or via email mmhlanga@knysna.gov.za.

Yours faithfully,



JH SMIT
MANAGER: LAND USE MANAGEMENT
/lb

MAILING LIST FOR PORTION 16 OF FARM 216, KNYSNA

216/15	CLOMARK PROPERTIES (PTY) LTD	Via electronic mail
216/14	PEMBREY TRUST C/O PETER VADAS	Via electronic mail
216/37	ALBIE DOT BURGER TRUST DR AWM BURGER	Via registered mail
216/176	UITZIGHT 176 (PTY) LTD KATHERINE STREET	Via electronic mail
216/25	JAZZ SPIRIT 130 (PTY) LTD	Via electronic mail
216/23	CHANDRE FAMILY TRUST	Via electronic mail
216/17	HA PHAM THI PHUONG	Via electronic mail

BREEDE-OLIFANTS
CATCHMENT MANAGEMENT AGENCY

HEAD OFFICE | A. Corner Mountain Mill & Eastlake Road
Worcester, Western Cape 6850
REGIONAL OFFICE | A. 101 York St, George Central
George, Western Cape 6529

T. 023 346 8000 E. info@bocma.co.za W. www.breedegouritzcma.co.za

Enquiries: SI Ndlovu Tel: 023 346 8031 Fax: 044 873 2199 Email: sndlovu@bocma.co.za

REFERENCE: 4/10/2/K50B/UITZIGT 216/16, KNYSNA

DATE: 22 NOVEMBER 2024

R3GREEN
27 OUTENIQUA LANE
HOEKWIL
6538

Attention: Ms M. MacKay

RE: DRAFT BASIC ASSESSMENT REPORT FOR UMTHIQUA AGROFORESTRY, REGENERATIVE FARMING AND TOURISM FACILITY ON PORTION 16 OF FARM 216 UITZIGT, KNYSNA, WESTERN CAPE

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 Draft Basic Assessment Report for Umthiqua agroforestry, regenerative farming and tourism facility on Portion 16 of Farm Uitzigt 216, which should be adhered to:

1. The Breede-Olifants Catchment Management Agency has reviewed the Draft Basic Assessment & Aquatic Report and notes that there are no watercourses affected by the alternative Site Development Plans, thus no impacts on aquatic biodiversity are expected to occur and the sensitivity of aquatic biodiversity can therefore be regarded as low.

2. Based on the findings of the Aquatic Report section 21(c) and (i) water uses are not triggered by the proposed development, therefore no water use authorisation required in terms of the National Water Act, (Act No. 36 of 1998) for these water uses.

3. For off-grid sanitation facilities, it is recommended to dispose domestic wastewater into conservancy tank serving no more than 50 households, that must be emptied on regular basis. Sceptic tanks/french drains are not recommended as they are likely to impact on groundwater resources.

4. Please note that no treated or untreated wastewater shall be disposed in ponds or the environment or discharged into a water resource or even used to irrigate without a water use authorisation.

5. 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 conservancy/sceptic tanks.

6. Please note that according to the General Authorisation Government Gazette No. 36820 Notice 665 of 2013; a person who stores wastewater in terms of this authorisation must submit a registration form for registration of the water use before commencement of storage if more than 1000 cubic metres are stored for disposal or if more than 500 cubic metres are stored for re-use.

7. Please note that NO water shall be derived from any water resource and used on Portion 16 of Farm Uitzigt 216 for any purposes such as irrigation of crops, 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).

8. The drilling and abstraction of groundwater from the boreholes, surface water from springs and dams trigger water use(s) in terms of section 21(a) of the National Water Act, 1998 (Act No. 36 of 1998) which refers to taking water from a water resource and must be authorised.

9. Please note that harversting of rainwater and storage in rainwater in tanks does not trigger a water use, thus it does not require an authorisation.

10. 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.

11. 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.

12. Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.

13. The BOCMA office can be contacted for further information related to the requirement for, or the application for a Water Use Authorisation.

14. 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.

15. 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

BREEDE-OLIFANTS
CATCHMENT MANAGEMENT AGENCY

HEAD OFFICE | A. Corner Mountain Mill & Eastlake Road
Worcester, Western Cape 6850
REGIONAL OFFICE | A. 101 York St, George Central
George, Western Cape 6529

T. 023 346 8000 E. info@bocma.co.za W. www.breedegouritzcma.co.za

Yours faithfully,

pp

MR. JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)

Tutuzelwa Tsese

Colab No.:

File No.: 15/2/5/3

From: Hennie Smit
Sent: Monday, 03 February 2025 12:27
To: Knysna Municipality
Cc: Shaun Madumbo; Liesl Bailey
Subject: FW: Farm No. 216/16 - Knysna
Attachments: SKM_C250i25020311280.pdf

Good day,

Kindly capture the e-mail and attachments as incoming mail.

Kind Regards

Hennie Smit Manager: Land Use Management
P O Box 21. Knysna. 6570. Western Cape. South Africa
Tel +27 (0)44 302 6319 (switchboard) or +27 (0)60 998 7124 (Mobile)
e-mail hsmit@knysna.gov.za

From: Brandon Layman <Brandon.Layman@westerncape.gov.za>
Sent: Monday, 03 February 2025 12:01
To: Melissa Mackay <r3green@outlook.com>
Cc: LUAHelpdesk@Dalrrd.gov.za; DEADP-EIAAdmin George <DEADPEIAAdmin.George@westerncape.gov.za>; Hennie Smit <hsmit@knysna.gov.za>
Subject: Farm No. 216/16 - Knysna

Hi Ms. Mackay
Please find attach comments from the WCDoA: LUM.

With many thanks and kind regards

Brandon Layman
Administrative Assistant to:
Cor Van der Walt : LandUse Manager
Department of Agriculture
Provincial Government of the Western Cape
Private Bag X1
ELSENBURG
7607
GPS koordinate Elsenburg kantoor: 33.845259 S 18.834722 E.

2nd Floor, Main Building, Muldersvlei Road
Telephone: +27 21 808 5093
Fax: +27 865448977
E-mail: **Brandon.layman@westerncape.gov.za**
Departmental Website: **www.elsenburg.com**
Provincial Website: **www.capegateway.gov.za**

Western Cape Government
FOR YOU

MUNISIPALITEIT / MUNICIPALITY
KNYSNA
2025 -02- 03
Action: S Madumbo
CC: Dir. P+D, H. Smit
L Bailey

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Western Cape Government

Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : **20/9/2/4/6/679**
YOUR REFERENCE : **2024.0032.06**
DFFE REFERENCE : **14/12/16/3/3/1/3049**
ENQUIRIES : **Cor van der Walt/Fadwa Mohammed**

R3 Green
Email: r3green@outlook.com

Att: Ms. Melissa Mackay

PROPOSED UMTHIQUA AGROFORESTRY, REGENERATIVE FARMING & TOURISM FACILITY: DIVISION KNYSNA
PORTION 16 OF THE FARM NO 216

Your application of 24 October 2024 has reference.

The Western Cape Department of Agriculture: Land Use Management has the following comments:

1. Proof of the cultivation permit for the proposed plantations must be provided.
2. It is proposed that the avocado and macadamia orchard will be under dryland conditions, however, proof of water for irrigation of the crop circles must be provided.
3. The agricultural activities on site do not justify the number of bona-fide agricultural workers houses.
4. The size of the workers houses are excessive as the average workers houses range between 40m^2–80m^2.
5. The Department does not support the layout of the workers houses instead it is recommended that it should be clustered.
6. According to the WC Land Use Guideline for Rural Areas 2019, the farm is 32.69 ha in extent which means that only 3 additional dwellings may be permitted.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2025-01-24

Copies:
Department of Agriculture, Land Reform and Rural Development
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Department of Environmental Affairs & Development Planning
Private Bag X 6509
George
6530

Knysna Municipality
PO Box 21
KNYSNA
6571

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.

3 April 2024

Municipal Manager
Knysna Municipality
P.O. Box 21
Knysna, 6570

Per email:
knysna@knysna.gov.za
mmhlanga@knysna.gov.za
smadumbo@knysna.gov.za
planning@knysna.gov.za

File Ref.: Kny 216/16

RE: UITZICHT 216, PORTION 16, KNYSNA, CONSENT USE, DEPARTURE, AND SITE DEVELOPMENT PLAN APPLICATIONS, SANPARKS COMMENTS

Portion 16, Uitzicht 216 is situated in the Garden Route National Park (GRNP) buffer zone, and within the Knysna Protected Environment (KPE) area **(Fig.1)**. Portion 16 adjoins properties designated as priority natural areas, and which fall within the protected area expansion footprint of the GRNP. Several of these Knysna Sand Fynbos corridor properties are currently being incorporated as Contract National Park. Achieving a long-term conservation outcome on this property is therefore, important to SANParks.

The property is situated on a hillslope south of the N2, is steep in sections, and is bisected by a west-east drainage valley in its southern portion, through which a non-perennial river flows, which drains into the Knysna Estuary **(Fig.2)**. The Estuarine Functional Zone is approx. 200m from the property's north-eastern boundary **(Fig.3)**. The Coastal Management Line (CML) is mapped as extending along the drainage valley **(Fig.4)**.

Terrestrial Critical Biodiversity Areas (CBA1), designated in terms of the Western Cape Biodiversity Spatial Plan (WCBSP), are mapped to cover some north-eastern sections of the property **(Fig. 2)**. 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 mapped as containing Knysna Sand Fynbos (FFd10), and Garden Route Shale Fynbos (FFh 9) which are listed respectively as Critically Endangered (CE) and Endangered (E) 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. 5)**.

ǂai-ǂais/richtersveld transfrontier
addo elephant
agulhas
augrabies falls
bontebok
camdeboo
golden gate highlands
karoo
kgalagadi transfrontier
knysna
kruger
mapungubwe
marakele
mee.kat
mokala
mountain zebra
namaqua
table mountain
tankwa karoo
tsitsikamma
west coast
wilderness

63 Leyds Street
Muckleneuk
Pretoria

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Pretoria
0001

Tel: +27 (0)12 428 911
Fax: +27 (0)12 426 5500

Central reservations:012 428 911
reservations@sansparks.org
www.sansparks.org

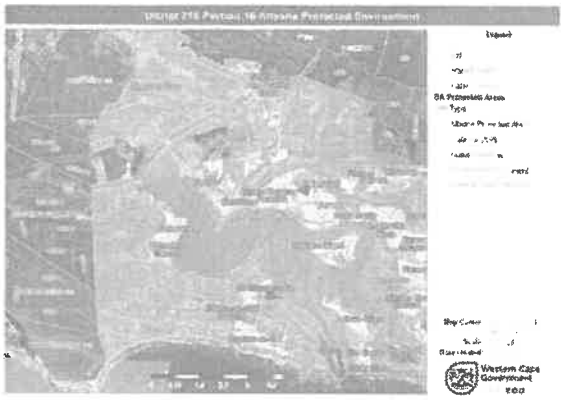


Fig. 1: Knysna Protected Environment, showing the inclusion of Portion 16, Uitzicht 216 (CapeFarmMapper3).

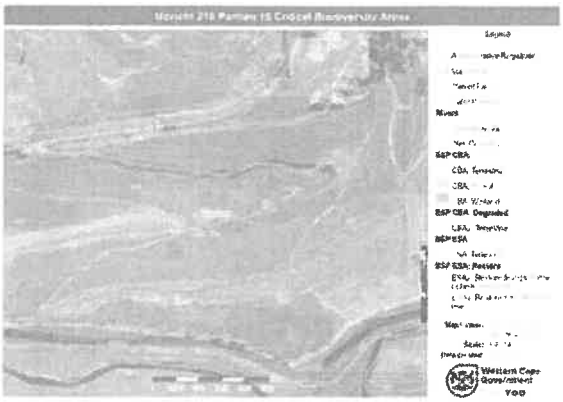


Fig. 2: Portion 16, of Uitzicht 216 showing contours, non-perennial rivers, and the WCBSP Critical Biodiversity Areas (CapeFarmMapper3).

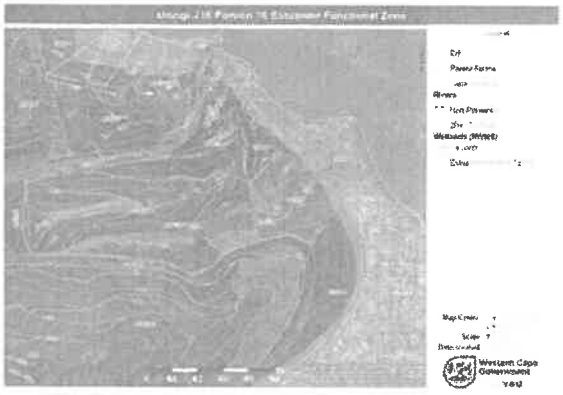


Fig. 3: Proximity of the Estuarine Functional Zone (CapeFarmMapper3).



Fig. 4: The Coastal Management Line extends along the west-east drainage valley (Knysna GIS viewer).

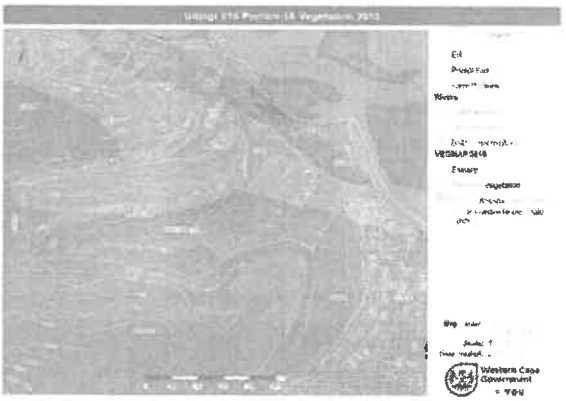


Fig. 5: Mapping of (CE) Knysna Sand Fynbos (FFd10), and (E) Garden Route Shale Fynbos (FFh 9) (CapeFarmMapper3)

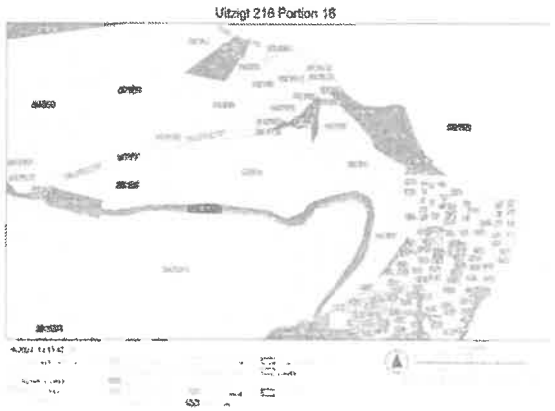


Fig. 6: Portion 16, Uitzicht 216 is zoned Agricultural Zone I (Knysna GIS Viewer).

Since the 1950s the property was used as a commercial timber plantation (as noted in the Motivation report prepared by Planning Space Garden Route Pty Ltd., dated 11/14/2023), but was later abandoned, neglected, and burnt in the 2017 Knysna fires. The property was heavily invaded with alien vegetation. The new landowner, since 2021 has undertaken extensive and ongoing alien invasive clearing.

Infrastructure on the property comprises of several small farm dams along the property's drainage line, a network of farm roads that serviced the plantation, and one farm labourers' cottage. Access to the property is via a servitude through Uitzicht 216, Portion 15 and via a gate off the N2. Portion 16 is 32,81ha in extent, and is owned by Umthiqua Property Limited. The property is zoned Agricultural Zone I **(Fig. 6).**

The application is a Land Use Application (LUA) for the following, as extracted from the Motivation report prepared by Planning Space Garden Route Pty Ltd., dated 11/14/2023:

Planning Space Garden Route Pty Ltd has been appointed by Umthiqua Pty Ltd, the owner of Portion 16 of Farm Uitzicht 216, to prepare and submit the following application to Knysna Municipality in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021 (See Power of Attorney and Company Resolution attached as **Annexure A**):

i. Section 15 (2) (o): Council's Consent to allow 4 additional dwellings on an "Agriculture Zone I" property as contemplated in the Knysna Zoning Scheme By-Law.

ii. Section 15 (2) (b): Departure from the development parameter that prohibits farm worker's accommodation within 1km from the high-water mark of the sea or tidal river.

iii. Section 15 (2) (g): Approval of a Site Development Plan.

4. PROPOSAL

4.1 UMTHIQUA VISION

Umthiqua – which means land of grace, is a South African agroforestry business that has recently purchased Portion 16 of Farm 216. The company reclaims stressed parcels of land and repurposes them as improved food and forest land holdings to benefit local producers and communities across the Western Cape. Umthiqua utilises regenerative plant growth technologies to create sustainable, environmentally compatible economic enterprises that create much-needed employment, raise timber for international markets and grow nutrition-rich agricultural products that provide sustenance for local communities.

The company creates homesteads where a farmer is invited to partner with Umthiqua to learn new agroforestry skills and adopt regenerative practices to manage the land. The homesteads will feature a tiny house living concept and small space Crop Circle agriculture. Umthiqua wants to advance small-plot farming as a lifestyle that will define the future of agrarian parks in South Africa.

Umthiqua has already launched several similar successful projects in the Garden Route.

The Site Development Plan (SDP) dated 3/05/2023 **(Fig. 7)** by Planning Space Garden Route Pty Ltd. and as described in the associated Motivation report details the following:

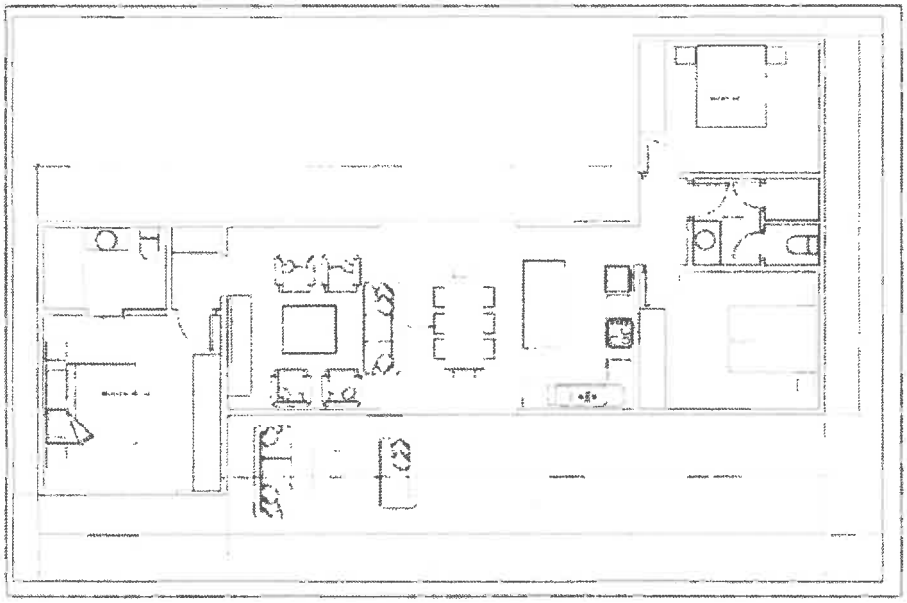
- 1 x Main dwelling (building footprint not stated), situated below the 1km high-water mark – to be built in the first phase construction.

- 1 x Managers House (building footprint not stated), situated below the 1km high-water mark – to be built in the first phase construction.

- 4 x Worker's Accommodation houses [*each 175m², i.e., 700m² total building footprint*], situated below the 1km high-water mark, based on a tiny house concept and each with small space crop-circle agricultural areas [*250m² - 350m² of crop-circles per farmer and vertical greenhouses, i.e., 1400m² total crop-circles footprint*] next to houses. [*Crop-circle farms utilise concentric circles and other geometric designs to grow plants. The business concept includes several small-scale farmers who will form part of a co-op that will collectively farm and share in the profit. Each farmer will be responsible for a certain area or crop and will live on the farm, close to their crops].*

- 4 x Additional Dwellings [*each 175m².e., 700m² total building footprint*], situated above the 1km high-water mark, two bedrooms – sleeps 4 each, i.e., 4 x 4 = sleeps 16 people. Note: image below shows three-bedrooms, i.e., 6 x 4 = sleeps 24 people.

The new owners would like to supplement the farm industry by adding 4 additional dwellings that can be rented out in the long or short term. This will allow them to generate an income while the avocado and macadamia orchards are established. The two-bedroom units will be constructed in a similar architectural style as the main house and the farm worker's homes. Units will be single-storey with two bedrooms with a floor area of about 175m².



If the landowners can construct a number of self-catering units, they can generate additional income from the land without impacting the rural character of the areas.

- Total dwellings = 10; Note: one dwelling is existing.
- Access:

> Access to the farm is via a registered servitude road. The main house, additional dwellings as well and the worker's accommodation can be accessed from an existing logging road that will need surface upgrading. No new roads will be required.

- Services:

> There is no municipal services network available in the area and all the farm units will be self-subsistent in terms of services. Septic tanks or soak-aways are generally used in the area but more environmentally friendly domestic wastewater treatment solution is available in the form of biolytic systems.
>
> Water for domestic use and irrigation water will be obtained from existing springs, boreholes, and dams as well as from rainwater harvesting. A Geophysical Groundwater Survey done by Rockhounds Pty Ltd (attached as Annexure D) also indicates where additional boreholes can be drilled and where well points/spikes can be dug to extract shallow groundwater from the water table just below the surface of the ground.

> Eskom electricity is available in the area and can be connected to all the units, although the intention is that the units will be completely off the grid. Each unit will be equipped with solar energy, supplemented by gas for cooking and geysers.

- Waste:

> Solid waste will be privately disposed of at the Knysna Waste to Energy project as the owner is the leading Project Manager for the project.

- Avocado Plantations in two areas [2ha] on the north and south-facing slopes of the non-perennial stream – estimated as taking 7 years to establish.
- A Macadamia Plantation [2ha] on the north-facing slope of the main hilltop – estimated as taking 7 years to establish.
- Conservation areas [*The owners have prepared an Alien Clearing and Fire Control Plan to be compliant with S76 of the National Environmental Management: Biodiversity Act, 2004. All the areas not suitable for agriculture will be systematically rehabilitated to their natural state. The Intention is to eventually rehabilitate about 50% of the property, i.e. 32.81ha/2 = 16.42ha.*].

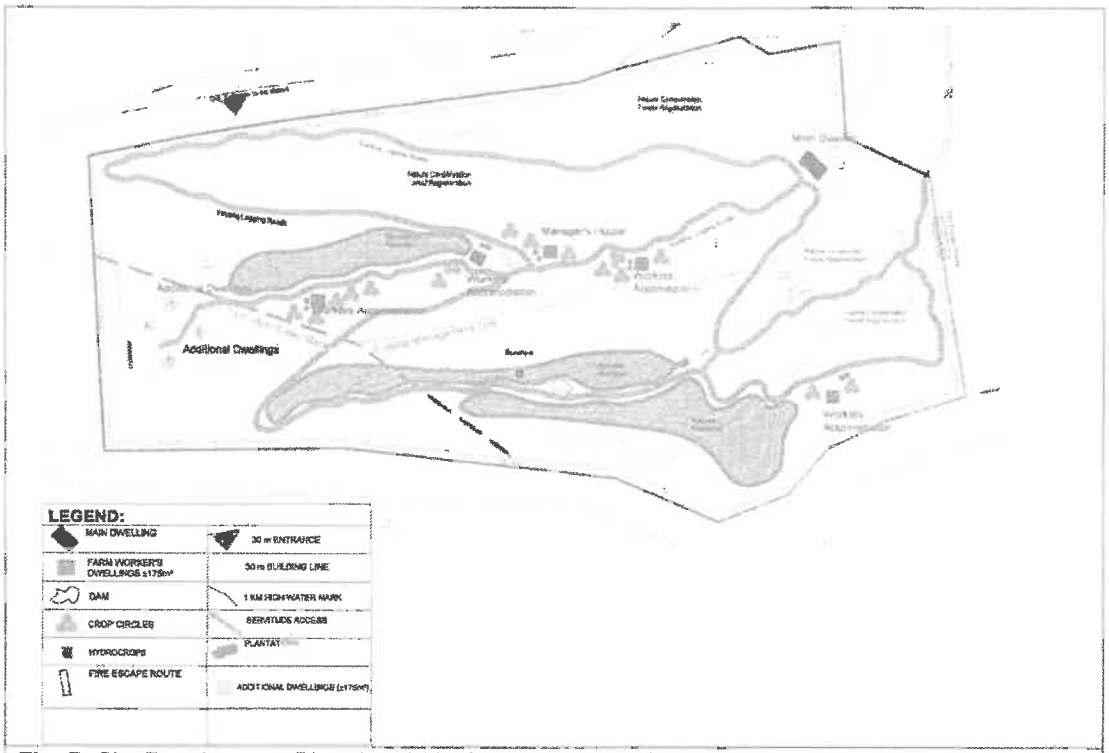


Fig. 7: Site Development Plan dated 3/05/2023, Planning Space Garden Route Pty Ltd.

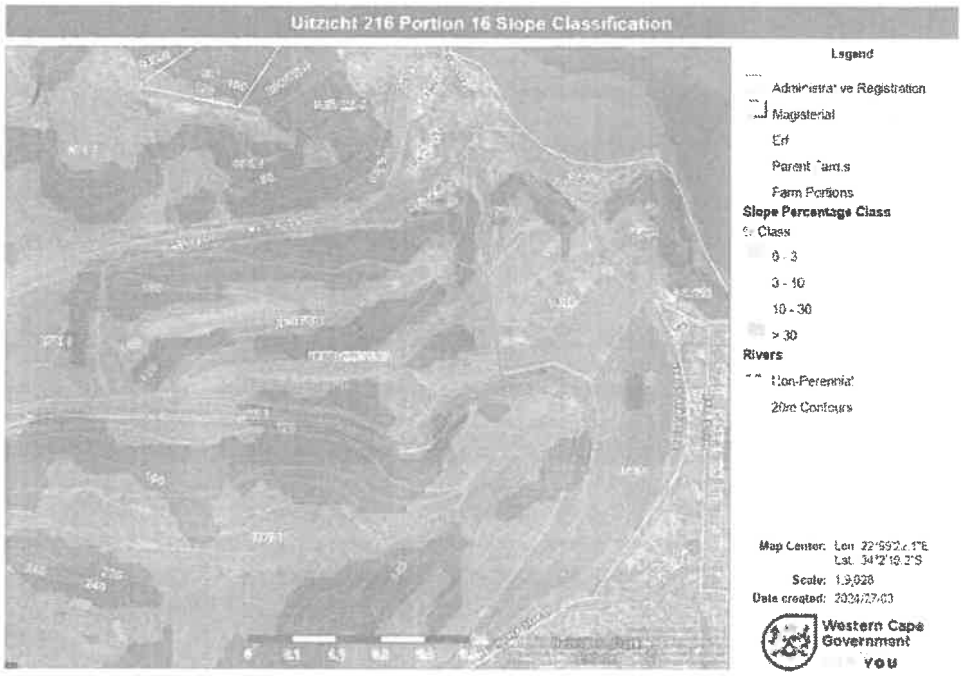


Fig. 8: Slope Classification (CapeFarmMapper)

SANParks (Dr. Vanessa Weyer and Ms. Elmonique Petersen) conducted a site inspection on 6/03/2024 together with Knysna Municipality (Mrs. Pam Booth), and the landowner (Mr. Jan van der Westhuizen) **(Fig. 9-18)**.



Fig. 9: Existing abandoned workers cottage.



Fig. 10: Historical Oak tree next to abandoned workers cottage.

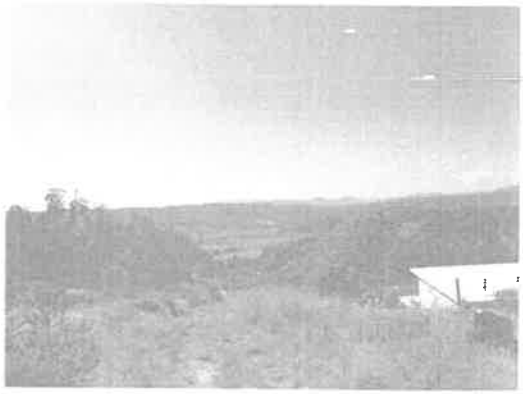


Fig. 11: Farm service road bordering Portion 14, Uitzicht 216.



Fig. 12: Access gate to property, via a servitude across Portion 15, Uitzicht 216.



Fig. 13: Clearing of alien invasive vegetation on north-facing slope. Avocados have been planted. Water storage tanks are present.



Fig. 14: Water storage tank present next to dam.



Fig. 15: Farm dam along drainage line.



Fig. 16: Clearing of alien invasive vegetation.



Fig. 17: Portions of the property are showing good restorage potential.



Fig. 18: Soil erosion is occurring in some places on exposed steep roads.

Point 1: Environmental Legislation Context

Coastal Protection Zone

The National Environmental Management: Integrated Coastal Management Act (Act No. 24 of 2008) (ICMA), in Section 16 (1) (d) designates a Coastal Protection Zone as follows:

[any land unit situated wholly or partially within one kilometre of the high-water mark which, when this Act came into force-
(i) was zoned for agricultural or undetermined use; or
(ii) was not zoned and was not part of a lawfully established township, urban area, or other human settlement].

The Coastal Protection Zone is established to manage, regulate, and restrict the use of land that is adjacent to coastal public property, or that plays a significant role in the coastal ecosystem.

Portion 16, Uitzicht 216 falls within the Coastal Protection Zone, as portions of the property are within 1km of the high-water mark and the property is zoned Agricultural Zone I.

The ICMA requires that activities that are potentially harmful to the coastal zone are considered as part of the National Environmental Management Act, Act No. 107 of 1998 (NEMA): Environmental Impact Assessment (EIA) process.

NEMA EIA Regulations

SANParks is of the opinion that the following activities may likely be triggered under the NEMA EIA Regulations, 2014, as amended:

i. *Listing Notice No. 1. Activity 27*

[The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

(i) the undertaking of a linear activity; or

(ii) maintenance purposes undertaken in accordance with a maintenance management plan]; and

ii. *Listing Notice No. 3. Activity 12*

[The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance Purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

ii. Within critical biodiversity areas identified in bioregional plans;

iii. Within the littoral active zone or 100 metres inland from high-water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;

iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or

v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner].

Note: The property is legally mapped as the Critically Endangered Knysna Sand Fynbos vegetation type, despite that it is invaded with alien vegetation. Further, the NEMA definition for indigenous vegetation is, '*vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien plant infestation, and land where the topsoil has not been lawfully disturbed during the preceding ten years.*' Clearance constitutes, '*Any human activity that results in the permanent eradication, removal or elimination of vegetation*'.

iii. *Listing Notice No. 3. Activity 6*

[The development of resorts, lodges, hotels, [and] tourism or hospitality facilities that sleeps 15 people or more.

i. Western Cape

i. Inside a protected area identified in terms of NEMPAA;

ii. Outside urban areas;

(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or

(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -

excluding the conversion of existing buildings where the development footprint will not be increased.

Note: The Applicant states that the four additional dwellings will be rented out, i.e., 4 x 2-bedrooms, sleeping 4 each = 16 people.

The new owners would like to supplement the farm industry by adding 4 additional dwellings that can be rented out in the long or short term. This will allow them to generate an income while the avocado and macadamia orchards are established. The two-bedroom units will be constructed in a similar architectural style as the main house and the farm worker's homes. Units will be single-storey with two bedrooms with a floor area of about 175m².

Confirmation is required from the applicable Competent Authority on the need for an Environmental Authorisation for the proposed development application.

Outeniqua Sensitive Coastal Area Extension Regulations
An Outeniqua Sensitive Coastal Area Extension (OSCAE) permit is required in terms of the OSCAE Regulations for the following scheduled activities:

i. Disturbance of vegetation (trampling, cutting or removal of vegetation);
ii. Earthworks (excavation, moving, removal, deposit, compacting of soil, sand, rock or rubble);
iii. Dredging (dredging, excavation, removal or moving of soil, sand or rock from a river, tidal lagoon, tidal river, floodplain or wetland); and
iv. Dune rehabilitation (planting on or covering of dunes or exposed sand surfaces with any vegetative, natural, or synthetic material, or the erection of structures and walls thereon with the purpose of preventing the sand from being eroded, accreted or moved by wind or water).

Items i) and ii) may be applicable to the proposed application. Confirmation is required from the Knysna Municipality Environmental Management Department on the need for an OSCAE permit.

Water Use Licence Application
During the site inspection held on the on 6/03/2024, it was observed that Avocados have already been planted, and that water storage tanks are on the property in proximity to the Avocados. It is unclear whether water abstraction is occurring from the nearby stream/dam for the irrigation of the Avocados, or if water is being transported in **(Fig. 13, 14 & 15)**. It is stated that no services, including water, are available on the property, and that boreholes will be used for irrigation.

Should the farming operation be deemed to be a commercial operation, Section 21 (a): 'Taking water from a resource for irrigation purposes', in terms of the National Water Act, Act No 36 of 1998, may be applicable, and a Water Use Licence Application may be necessary. The construction of any new dams on the property may further trigger Section 21 (b): 'Storing water'.

Confirmation is required from the Breede-Olifants Catchment Management Agency (BOCMA), the lead agent for water resources management within the Breede-Gouritz Water Management Area (BGWMA), on the need for a WULA.

CARA Application
SANParks is of the opinion that the Conservation of Agricultural Resources Act, Act No. 43 of 1983, may be applicable and that a CARA Application is required. This being due to potential soil erosion and slope steepness, particularly where Avocados and Macadamias are proposed on slopes >30% **(Fig.8)**. Confirmation from the relevant authority should be sought.

Point 2: Hydrological & Estuarine Sensitivity

The property is located is a water sensitive area; the National Priority Outeniqua Strategic Water Source Area (SWSA), and within the Coastal Protection Zone. A non-perennial river flows through the drainage valley in the property's southern portion, to drain into the Knysna Estuary. The Estuarine Functional Zone occurs approx. 200m from the property's north-eastern boundary, and the CML is mapped as extending along the drainage valley.

Due to these factors the property is considered highly sensitive in terms of potential hydrological and estuarine negative impacts that may occur due to any activities that may take place on the property. Changes to water quality and quantity entering the Knysna Estuary is a significant concern, particularly associated with sewage disposal/treatment, increased hard surfaces, and as related to farming operations, particularly Avocados and Macadamias.

Point 3: Biodiversity Value

Although the property is degraded and invaded with alien vegetation the property is legally mapped to contain Critically Endangered Knysna Sand Fynbos and Critical Biodiversity Areas in its north-eastern sector. Research has shown that fynbos readily recovers following clearing of alien vegetation, due to strong seedbanks remaining in the soil, and as passive restoration occurs naturally. The river corridor is important for landscape functionality, and connectivity, enabling animal movement.

SANParks recommends that the landowner investigate formal or informal Biodiversity Stewardship Agreement options for the property, to safeguard the biodiversity value of property and to enhance the river corridors' restoration potential and improve landscape functionality and connectivity. Such an agreement must be written in as a condition of approval for the LUA.

Point 4: Land Use Application

The following comments are made in response to the specific LUA items being applied for:

i. Section 15 (2) (o): Council's Consent to allow 4 additional dwellings on an "Agriculture Zone I" property as contemplated in the Knysna Zoning Scheme By-Law.

   In terms of the Knysna Municipality: Zoning Scheme By-law, 29 June 2020, for properties between 30ha to 40ha, 4 additional units are permitted. The property is 32,81ha in extent, therefore this conforms with the By-law. The units proposed are situated above the 1km high-water mark.

   SANParks has no objection to item (i).

ii. Section 15 (2) (b): Departure from the development parameter that prohibits farm worker's accommodation within 1km from the high-water mark of the sea or tidal river.

Four farm worker's accommodation units are proposed within the 1km high-water mark. The Knysna Municipality: Zoning Scheme By-law, 29 June 2020 states:

> **"agricultural worker accommodation"**
>
> **Land use description:** *"agricultural worker accommodation"* means accommodation provided for bona fide agricultural workers, including accommodation for labourers and farm managers, as determined by the Municipality based on the extent of the bona fide agricultural activities on the land unit.
>
> **Development parameters:**
>
> The development parameters applicable to *"agriculture"* apply with the following additional development parameters:
>
> *(a)* the number of units must be reasonably connected to the bona fide agricultural activities on the land unit; and
> *(b)* no agricultural worker accommodation may be erected within 1 km of the high-water mark of the sea or a tidal river.

SANParks is concerned that the number of farm worker's accommodation units proposed may be excessive, when combined with the total number of dwellings that are being applied for on the property, i.e., 1 x main dwelling, 1 x farm manager's house, 4 x farm worker's accommodation units, and 4 x additional dwellings, i.e., a total of 10 dwellings.

As stated, agricultural workers accommodation units are determined by the Municipality, therefore confirmation on the permissible numbers of units must be sought from the Knysna Municipality.

SANParks has no objection to item (ii), however as these units are proposed within the 1km high-water mark, care must be exercised with sewage and wastewater treatment and disposal. SANParks wishes to comment on the more technical aspects of sewerage and wastewater services when design work is being undertaken. Hard surface must be kept to a minimum.

iii. Section 15 (2) (g): Approval of a Site Development Plan.

SANParks has no objection to the siting of the dwellings in their proposed locations as shown on the SDP.

SANParks is in support of the proposed 250m² - 350m² of crop circles per farmer and vertical greenhouses, associated with the farm workers' accommodation.

SANParks does not support and objects to the planting of Avocados and Macadamias on Portion 16, Uitzicht 216. SANParks is concerned that the proposed planting blocks are situated mostly on steep erodible slopes, >30% **(Fig.8),** and that the activity has commenced prior to approval **(Fig. 13).** Soil erosion is a concern, and that the 'small' planting blocks may in the future transition into larger 'commercial' plantation blocks, necessitating the use of fertilizers and pesticides and water abstraction. Particularly, on resale of the property and with landownership changes. Portion 16, Uitzicht 216 falls within the Coastal Protection Zone and in terms of the ICMA activities that are potentially harmful to the coastal zone must be considered as part of a NEMA EIA process.

Point 5: Summary and Way Forward

In principle, SANParks is supportive of the concept of a diversified mixed agri-forestry-eco-tourism landuse development model, where sustainable agricultural, environmental, and conservation practices and education are promoted.

Portion 16, Uitzicht 216 is mapped as falling within the Critically Endangered Knysna Sand Fynbos vegetation type, and Critical Biodiversity Areas are present on some portions of the property. The property is however in a degraded neglected state, any rehabilitation efforts, and wildlife corridor enhancements will have a positive impact.

However, as Portion 16, Uitzicht 216 has high hydrological and estuarine sensitivities, activities on the property have the potential to negatively impact water resources and the Knysna Estuary.

The following comments are made in response to the specific LUA items being applied for:

i) Section 15 (2) (o): Council's Consent to allow 4 additional dwellings on an "Agriculture Zone I" property as contemplated in the Knysna Zoning Scheme By-Law

- *SANParks has no Objection.*

ii) Section 15 (2) (b): Departure from the development parameter that prohibits farm worker's accommodation within 1km from the high-water mark of the sea or tidal river. - SANParks is concerned that the number of farm worker's accommodation units proposed may be excessive, when combined with the total number of dwellings that are being applied for on the property, i.e., 1 x main dwelling, 1 x farm manager's house, 4 x farm worker's accommodation units, and 4 x additional dwellings, i.e., a total of 10 dwellings.

- confirmation on the permissible numbers of units must be sought from the Knysna Municipality.

- SANParks has no objection to item (ii), however as these units are proposed within the 1km high-water mark, care must be exercised with sewage and wastewater treatment and disposal. SANParks wishes to comment on the more technical aspects of sewerage and wastewater services when design work is being undertaken. Hard surface must be kept to a minimum.

iii) Section 15 (2) (g): Approval of a Site Development Plan.

- SANParks has no objection to the siting of the dwellings in their proposed locations as shown on the SDP.

- SANParks is in support of the proposed 250m² - 350m² of crop circles per farmer and vertical greenhouses, associated with the farm workers' accommodation.

- SANParks **does not support and objects to the planting of Avocados and Macadamias** on Portion 16, Uitzicht 216.

- Portion 16, Uitzicht 216 falls within the Coastal Protection Zone and in terms of the ICMA activities that are potentially harmful to the coastal zone must be considered as part of a NEMA EIA process.

SANParks is of the opinion that the activities proposed for Uitzicht 216, Portion 16 may trigger various environmental legislation including:

- The National Environmental Management Act, Act No. 107 of 1998 (NEMA): Environmental Impact Assessment (EIA) Regulations, 2014, as amended.
- An Outeniqua Sensitive Coastal Area Extension permit.
- A Water Use Licence Application in terms of the National Water Act, Act No 36 of 1998.
- The Conservation of Agricultural Resources Act, Act No. 43 of 1983.

Confirmation from the applicable Component Authorities should be sought.

It is difficult to comment solely on a LUA, as many issues associated with this property and the proposed activities are complex; specialist studies are lacking, impacts have not been assessed, and mitigation measures have not been proposed. An EIA process would facilitate specialist studies, a more thorough analysis of issues, and a transparent public participation process.

As Portion 16, Uitzicht 216 adjoins properties that are being incorporated as Contract National Park, any proposed activities should be undertaken sensitively, with a small low-impact footprint, that is in keeping with the surrounding landscape character and which promotes conservation efforts in the region.

It is recommended that landscape connectivity corridors are restored, and that the landowner investigate potential formal or informal Biodiversity Stewardship Agreement options. This should be a condition of approval for the LUA.

It is recommended that the following conditions are considered, pertaining to the construction of new dwellings, crop-circle areas, and the remainder of the property, exclusive of the Avocardo and Macadamia plantations:

- The design of buildings and/or structures is to blend into the natural landscape.
- No visually intrusive buildings and/or structures are to be erected.
- An indigenous plant rescue operation should be conducted prior to site clearance.
- Topsoil should be set-aside for reuse.
- Care should be taken during construction activities to limit soil erosion.
- Permeable paving surfaces should be used where possible to limit excess surface runoff.
- Fencing post-construction should only be erected to surround the dwellings, if required (not along the property boundary), to allow wildlife movement and connectivity in the landscape on the remainder of the property.
- Reduced and low lighting should be incorporated in the design to prevent night light pollution.
- The owner should consider using non-flammable building materials, including external fittings such as aluminium gutters, and should consider an irrigation system to mitigate fire risk.
- Compliance with the National Veld and Forest Fire Act (Act 101 of 1998) is required. The owner should join the local Fire Protection Association, if not already a member

- 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.
- 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.
- Should any resources of suspected heritage value be uncovered during clearing, Heritage Western Cape (HWC) must be contacted immediately for instructions.
- An Environmental Control Officer (ECO) should be appointed for the construction phase and monthly photographic compliance reports should be submitted.

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:	Pat Bopape	SANParks
	Elmonique Petersen	SANParks
	Jessica Hayes	SANParks
	Jeff Manual	SANParks
	Natasha Wilson	SANParks
	Pam Booth	Knysna Municipality
	Megan Simons	CapeNature
	Jan Coetzee	WWF
	Johan Labuschagne	WHGC

Liesl Bailey

From: René de Kock (WR) <Dekockr@nra.co.za>
Sent: Friday, February 2, 2024 7:18 AM
To: 'lundi@planningspace.co.za'; planning
Cc: riaandavids@quaconsulting.co.za; 'deon@qaconsulting.co.za'; Shaun Dyers (WR); Sinazo Pekula (WR)
Subject: FW: Emailing: N2_SEC_8_BUILDING_WORKS_ON_PORTION_16_OF_FARM_216, _UITZICHT_NEAR_KNYSNA_signed_871fb464-b342-4682-b044-1acb68b8e687
Attachments: N2_SEC_8_BUILDING_WORKS_ON_PORTION_16_OF_FARM_216, _UITZICHT_NEAR_KNYSNA_signed_871fb464-b342-4682-b044-1acb68b8e687.pdf; Plan for Uitzicht DIAGRAM 6-Site Development Plan.pdf

Good day

Please find attched letter for your attention.

Kind regards

René de Kock
Statutory Controller
Western Region
1 Havenga Street, Oakdale, Bellville, Western Cape, , 7530, South Africa
T: +27 21 957 4607
Dekockr@nra.co.za www.sanral.co.za
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Reference: W11/5/3-2/4-114
Date: 31 January 2024
Email: dekockr@nra.co.za

Fax Number: +27 (0) 21 910 1699
Direct Line: +27 (0) 21 957 4600
Website: www.nra.co.za

SANRAL
SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LTD

BUILDING SOUTH AFRICA THROUGH BETTER ROADS

Planning & Space
Town and Regional Planners
PO Box 2029
KNYSNA
6570

Email: Lundi@planningspace.co.za

Dear Sir/Madam

NATIONAL ROUTE 2 SECTION 8: CONSENT USE, DEPARTURE AND SITE DEVELOPMENT PLAN: REMAINDER OF PORTION 16 OF FARM NR 216, UITZICHT, KNYSNA

Thank you for your application dated 6 November 2023.

The South African National Roads Agency SOC Limited (SANRAL) herewith approves the above application in terms of Section 48 and Section 44 of The South African National Roads Agency Limited and National Roads Act, 1998 as indicated on Site Development Plan nr PTN16-F216, dated 3 May 2023 and Drawn by Planning & Space, subject to the following conditions:

1. Building restriction area

1.1 The structures shall be erected at a distance of not less than 60m measured from the national road reserve boundary.

2. Costs and indemnity

2.1 SANRAL shall not be involved in any expenditure in connection with and shall not be responsible or liable for:

- the erection of any structures
- any financial expenditure or loss in the event of SANRAL ordering the removal or shifting or relocation of anything related to this approval.
- any financial responsibility or liability for any claim from the applicant which may occur from the lapsing of the approval.

Any further development on this property will be subject to SANRAL's approval.

Kindly note that this approval does not exempt the applicant from any other provisions of the above-mentioned or any other Act.

Yours Sincerely



.....

Mr R Cable
REGIONAL MANAGER

cc Route Manager: Riaan Davids - riaandavids@gunu.co.za

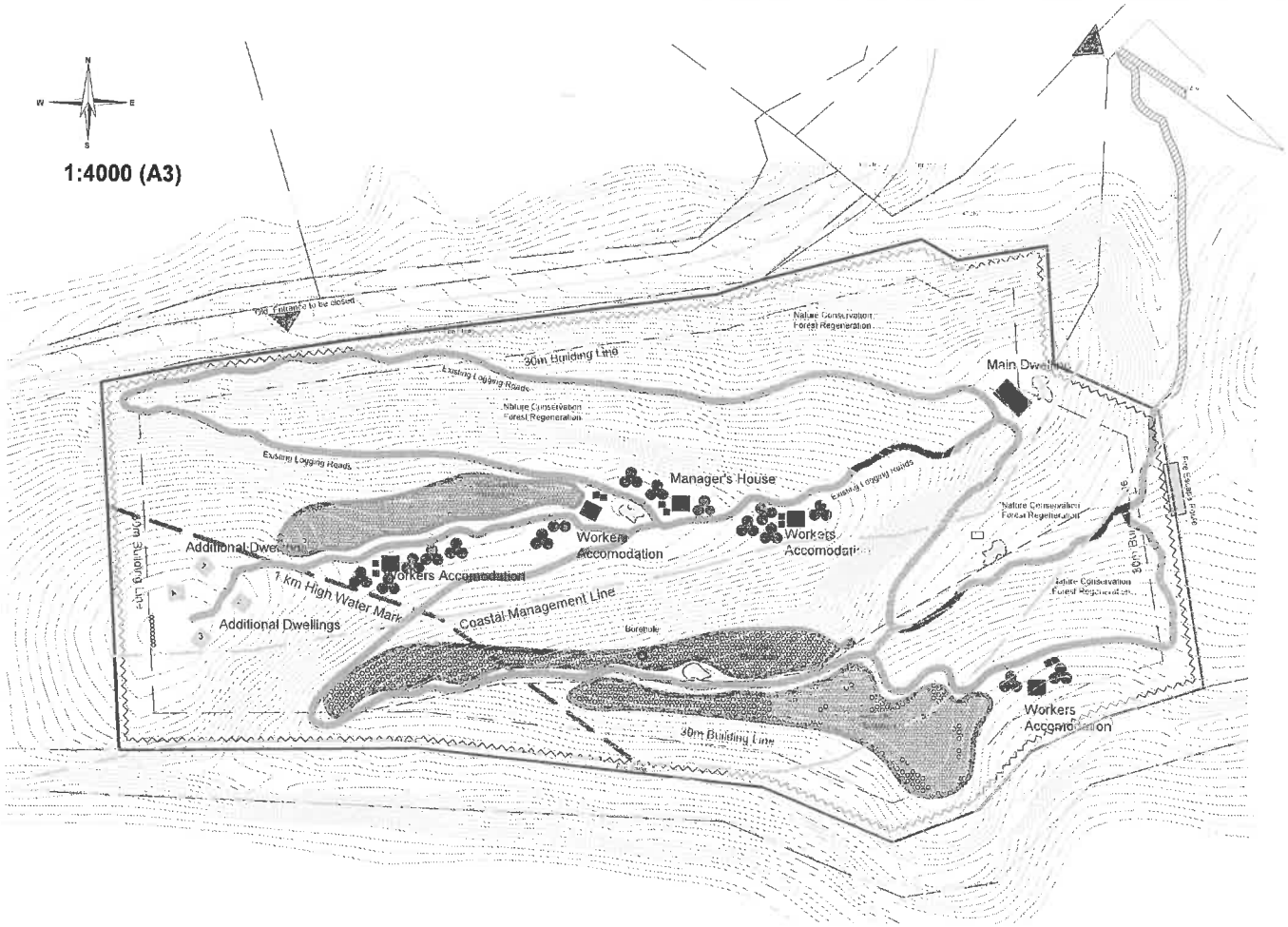
Engineer: Deon Louw deon@gaconsulting.co.za

Knysna Municipality: planning@knysna.gov.za

ID 23615686

SITE DEVELOPMENT PLAN - PORTION 16 OF FARM NO. 216

1:4000 (A3)



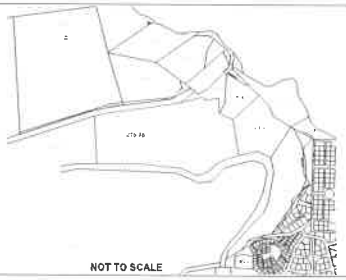
LEGEND:

MAIN DWELLING	30 m ENTRANCE
FARM WORKER'S DWELLINGS ±175m²	30 m BUILDING LINE
DAM	1 KM HIGH WATER MARK
CROP CIRCLES	SERVITUDE ACCESS
HYDROCROPS	PLANTATIONS
FIRE ESCAPE ROUTE	ADDITIONAL DWELLINGS (±175m²)

NOTES:

Contours at 2m intervals from aerial photography

LOCALITY PLAN :



NOT TO SCALE

PORTION 16 OF FARM UITZIGT NO. 216

DRW NR.: PTN16-F216

KNYSNA MUNICIPAL AREA

DATE : 3 May 2023

Planning Space
Town and Regional Planners

COPY RIGHT:

This Plan may not be copied or amended without the written consent of Planning Space

KNYSNA
Municipality
Munisipaliteit
uMasipala

LAND USE APPLICATION DEPARTMENT COMMENTS

Erf Number: 900216016
Application Type: Consent Use;Departure;Site Development Plan
Application Number: 2993
Application Date: 2024-01-18

Department	Comment Requested (T=Yes / F=No)	Comment Received
Corporate Services	F	
Legal Services	F	
Financial Services	F	
Community Services	F	
Fire Services	F	
Traffic	F	
Waste Removal	F	
Infrastructure Services	T	--oOo-- Tue Apr 16 2024 08:02:03 GMT+0200 (South Africa Standard Time) Comment by SASSM: Water Permits / licenses must ve obtained from Breede Gourits Catchment Management Agency. The Biolytix sewer system is acceptable.
Infrastructure Services Roads	F	
Infrastructure Services Sewer	F	
Electro Technical	T	--oOo-- Wed Apr 17 2024 16:35:50 GMT+0200 (South Africa Standard Time) System: No comments received from department
Housing	F	
Environmental Services	F	
Building Control	F	
Aesthetics Committee	F	
Street Naming Committee	F	

CONSENT USE, DEPARTURE & SDP APPROVAL APPLICATIONS ON PORTION 16 OF FARM 216 UITZICHT

PLANNING SPACE

RESPONSE TO COMMENTS AND OBJECTIONS RECEIVED 19 APRIL 2024

MUNICIPAL DEPARTMENTS

COMMENT FROM INFRASTRUCTURE SERVICES DATED 16 APRIL 2024

COMMENT	RESPONSE
Water permits must be obtained from Breede Gouritz Catchment Management Agency.	The farm will obtain water from rain harvesting only and will not draw water from a source. If this situation changes, the necessary permits will have to be obtained. Please see the addendum explaining how crop circles work.
The Biolytix sewer system is acceptable.	Noted.

COMMENT FROM ELECTRO TECHNICAL DATED 17 APRIL 2024

No comments were received from the department.	Noted, this is an Eskom supply area.

COMMENT FROM ENVIRONMENTAL DEPARTMENT DATED 11 JUNE 2024

No objection to the land use application.	Noted.
We did a joint site inspection with SANParks after the owner purchased the property and advised on invasive plant management and the owner has been proactive in controlling invasive plants and restoration of portions of the farm through a burning regime and controlled re-vegetation.	Noted.
We are aligned with SANPark's comments.	See the attached response from SANParks.
The property was one of the biggest fire risks in the area, the planned activities will not only reduce fire risk, but they also promise to enhance ecological functioning on the farm.	Noted.

AUTHORITIES

OBJECTION FROM WESTERN CAPE GOV. DEPT. OF AGRICULTURE DATED 02 APRIL 2024

The property is ±32.7 ha and therefore may apply for a maximum of three additional dwelling units of up to 175 m^2 each. These additional dwelling units must also be clustered.	The Knysna Zoning Scheme By-Law allows a maximum of 4 additional dwellings for farm portions between 30ha and 40ha in size and will comply with the 175m² size limitation. As indicated on the SDP submitted, the

	additional dwellings are clustered in the eastern section of the property.
The number of bonafide agricultural worker's houses must be directly linked to the type of farming activities. However, one in all cases is permitted.	Noted.
Currently, there are no intensive agricultural activities that justify additional agricultural worker's houses.	Noted, it is the intention to develop the farming activities in phases, with the construction of only one dwelling with associated agricultural infrastructure at a time. As the agricultural concept as described in the motivation report grows, more units can be built.
The bona-fide agricultural worker's houses must be motivated at the land of the aforesaid agricultural activities.	Acknowledged. As mentioned above, the primary objective of this application is not to determine the number of agricultural units without any agricultural activity, but rather to lift the restriction relating to the 1 km from the high watermark so that the farm owner can construct agricultural worker's accommodation as needed to support the future agricultural activities. In order to avoid submitting a lengthy departure application for each new worker's residence, this application seeks to obtain a general lifting of the 1km restriction.
The farm appears to be all virgin land and will require consents in terms of NEMA and The Conservation of Agricultural Resources Act No. 43 of 1983 to be cultivated.	The farm is not virgin land as it has been used for extensive forestry practice since the 1940s and invoices obtained from transporters indicate that at a time already, 40-year-old trees, were harvested on the property. The owner is in the process of obtaining the necessary authorisations from the Department of Environmental Affairs.
No further agricultural worker's houses should be permitted until cultivation permits are issued.	Noted. The permits are in the process of being obtained.
The average farm worker's house is between 40 – 80 m^2.	The Knysna Zoning Scheme By-Law does not restrict farm worker's accommodation and the WESTERN CAPE: LAND USE PLANNING GUIDELINES: RURAL AREAS (2019) recommends a maximum floor area of 175m^2 for farm worker accommodation and it is proposed that this norm will be applied.
There are no cultivated areas on the property, therefore the Department cannot support the application for agri-worker houses.	The nature of the proposed agricultural activity requires workers in order for it to be created. Presently there is a permanent team that is working on alien clearing. If the

	municipality does not permit the lifting of the 1km restriction, the farmer cannot implement the concept of crop circles and hydroponics on the land. It is pointless to create an agricultural network if no one is allowed to stay on the land and look after the crops. The Agri houses will be constructed at the same time as the crop circles and hydroponic infrastructure is prepared.
COMMENT FROM SANRAL DATED 31 JANUARY 2024	
SANRAL approves the application subject to the following conditions:	
Structures shall be erected at a distance of 60m measured from the national road reserve boundary.	Accepted, there are no structures planned within 60m from the National Road.
SANRAL shall not be involved in any expenditure in connection with and shall not be responsible or liable for:	
The erection of any structures.	Accepted.
Any financial expenditure or loss in the event of SANRAL ordering the removal, shifting, or relocation of anything related to this approval.	Accepted.
Any financial responsibility or liability for any claim from the applicant that may occur from the lapsing of the approval.	Accepted.
Any action taken by the applicant in connection with the approval shall be regarded as an acceptance and compliance with the conditions including the indemnity.	Accepted.
This approval shall lapse: unless the structures are completed within a period of 12 months from the date of approval.	The planned structures are unlikely to all be constructed within 12 months from the date of the approval as the concept includes the phasing of the project over time. SANRAL will be informed of progress made and any extensions of time will be duly communicated with them.
Failure to comply with the conditions will result in the lapsing of the approval.	Noted.
This approval shall bind any successor-in-title to the land on which the structures have been established.	Noted.
This approval does not exempt applicants from the provisions of any other Act.	Noted.
No direct access to or egress from the national road will be permitted.	Accepted.
The existing access from the N2 at km 21.4E must be permanently closed. Access will be obtained via Brenton	Accepted.

Divisional Road which gains access over Portion 15 of Farm No. 216 via a servitude road.	
No free-standing advertising signs will be allowed in terms of the Regulations of Advertising on or visible from the National Road as published in Government Gazette No. 6968 dated 22 December 2000.	Accepted.
OBJECTION FROM SANPARKS DATED 03 APRIL 2024	
Point 1 - Environmental Legislation Context Portion 16, Uitzicht 216 falls within the Coastal Protection Zone, as portions of the property are within 1km of the high-water mark.	Noted.
ICMA requires that activities that are potentially harmful to the coastal zone are considered part of the NEMA: EIA process.	The owner has appointed an Environmental Consultant who will be applying for the necessary authorisations.
SANParks is of the opinion that the following activities may be triggered: Listing Notice No. 1 Activity 27 [the clearance of an area of 1 hectare or more, but less than 20 hectares of Indigenous vegetation.	Noted, see above.
Listing Notice No. 3 Activity 12 [the clearance of an area of 300 m^2 or more of Indigenous vegetation except where such clearance of Indigenous vegetation is required for maintenance, undertaken according to a maintenance management plan.	The activity of removing more than 300 m^2 or more of indigenous only applies to areas stipulated and it is submitted that the planned activity will not trigger any listed activity. (this will need to be verified by the DEA).
Within any critically endangered or endangered ecosystem.	The southern section of the site has been identified as Critically Endangered, but a Botanical Assessment is currently underway and will confirm this.
Within critical biodiversity areas identified in bioregional plans.	Very small portions of the site have been identified as Critically Endangered and the Site Plan has specifically excluded these areas from any agricultural activity.
Within the littoral active zone or 100 meters inland from the high-water mark.	The site is not within 100m of the high-water mark.
On land where, at the time of coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.	The entire site has been used as a plantation since the 1940ties and has been zoned for Agricultural purposes and designated in sequential Guide Plans and Structure Plans and

On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner.	Spatial Development Frameworks for agriculture / Forestry purposes.
Listing Notice No. 3 Activity 6 [The development of resorts, lodges, hotels, [and] tourism or hospitality facilities that sleeps 15 people or more. Applicant states that the 4 additional dwellings will be rented out, i.e., 4 x 2- bedrooms, sleeping 4 each = 16 people.	The application states that the units will be rented out for short- or long-term rental. At least 1 of the units will be occupied by family members and the other 3 will not sleep more than 12 people in total.
Confirmation is required from the applicable Competent Authority on the need for an Environmental Authorisation for the proposed development application.	An Environmental Consultant has been appointed to complete the checklist that needs to be sent to DEA to request confirmation.
Outeniqua Sensitive Coastal Area Extension Regulations An OSCAE permit is required in terms of the OSCAE Regulations	Noted, an OSCAE permit was issued for clearing according to the Fire and Alien Control Plan. Further permits will be applied for at the Building Plans stage for each of the planned buildings.
Items (i) and (ii) may be applicable to the proposed application. Confirmations from the Knysna Municipality Environmental Management Department are required on the need for an OSCAE permit.	Noted.
Water Use Licence Application During a site inspection, it was observed that Avocados have already been planted and that water storage tanks are on the property in proximity to the Avocados.	There is a small avocado plantation already established. The owner confirmed that the boreholes will only be used for household consumption and no irrigation of Avo's was done. The tanks observed were used as a water source when alien clearing lines were burnt and have since been moved to the highest point on the property for better water pressure for all the planned houses.
It is unclear if water abstraction is occurring from the nearby stream/dam for the irrigation of the Avocados or if water is being transported in.	No water is transported from a stream or a dam. This dam was only found after aliens were removed and does not capture water from a stream and only collects natural runoff from rain/stormwater.
It is stated that the property has no bulk services and that boreholes will be used for irrigation.	A new borehole has been put in place on the same spot where previous drilling was done. Water from the borehole will be for household use. No irrigation from boreholes is needed as calculations indicate that the minimal water use of crop circle farming can be accommodated by rooftop collection.
If the farming operation is deemed commercial, Section 21 (a) of the National Water Act No. 36 of 1998 may be	Noted.

applicable and a Water Licence Application may be necessary.	
The construction of any new dams on the property may further trigger Section 21 (b): 'Storing water'	Noted. No new damns are planned at this stage.
Confirmation from the Breede-Olifants Catchment Management Agency (BOCMA) on the need for a WULA is required.	This will be dealt with during the EIA process.
CARA Application SANParks is of the opinion that the Conservation of Agricultural Resources Act No. 43 of 1983 may be applicable and that a CARA application is required.	Agriculture has already confirmed that an application will be required. This will be dealt with separately from the land use application currently under consideration.
This is due to potential soil erosion and slope steepness, particularly where Avocados and Macadamias are proposed on slopes >30%. Confirmations from relevant authorities are required.	Noted, the EIA process will assess the potential impact that the planned orchids will have, bearing in mind that the steep terrain has been planted with pine and eucalyptus trees for more than 80 years.
Point 2 – Hydrological & Estuarine Sensitivity The property is highly sensitive to potential hydrological and estuarine negative impacts due to its inherent characteristics.	It must be emphasised that the proposed Site Development Plan will have a conservation outcome where at least **86%** of the land will be rehabilitated to a natural or near-natural form, a process that has been ongoing since the new owners bought the property. In the past, more than 90% of the site was under commercial plantation. The planned orchids will only consume approximately 9% of the land, as indicated in the Site Development Plan.
There is a significant concern pertaining to the water quality and quantity entering the Knysna Estuary associated with sewage disposal/treatment and increased hard surfaces relating to Avocados and Macadamias farming operations.	"Biological wastewater treatment systems" such as Biolitix will be implemented and have been proven to be environmentally friendly. The system uses natural processes, reducing the need for chemicals and energy-intensive treatments. It helps in recycling natural nutrients back into the soil, promoting a healthier ecosystem. SANPARKs should be more concerned about more eminent threads to the quality of the lagoon that an orchard situated almost a kilometre from the lagoon, such as the municipal waste transfer station right on the lagoon and polluted stormwater from surrounding streets and settlement that dispose straight into the lagoon.
Point 3 – Biodiversity Value Even though the property is degraded and invaded with alien vegetation, it is legally mapped to contain Critically	Only a small portion is mapped as a "Critical Biodiversity Area" and that section forms part of the conservation area footprint. A Botanical Assessment will determine if there are any pockets

Endangered Knysna Sand Fynbos and CBAs in its northeastern sector.	of natural vegetation that can be successfully rehabilitated, and these areas will be identified as part of the conservation area.
Research has proved that, due to strong seed banks in the soil, fynbos readily recover after clearing alien vegetation.	Research has not been done on this specific property. It is the intention to rehabilitate more than 86% of the farm back to a near-natural state.
The river corridor is important for landscape functionality, and connectivity, enabling animal movement.	Noted, the river corridor forms part of the conservation area.
SANParks suggests the landowner explore Biodiversity Stewardship Agreement options to protect biodiversity, enhance river corridor restoration, and improve landscape functionality and connectivity.	The landowner is open to a stewardship agreement, but the question is with whom? The entire farm is surrounded by commercial Pine Plantation. Membership with the South Cape Fire Protection is already in place and the owner is also a member of the Garden Route Environmental Forum as well Southern Cape Landowners Association.
Such an agreement must be written as a condition of approval for the Land Use Application.	The Municipality is not in a position to set out conditions that are based on a third-party signing an agreement.
Point 4 – Land Use Application SANParks has no objection to item (i) of the Land Use Application.	Noted. SANParks supports the additional dwellings.
SANParks has no objection to item (ii) of the Land Use Application.	Noted. SANParks supports the farmworker's accommodation.
However, since these units are proposed within the 1km high-water mark, care must be exercised with sewage and wastewater treatment and disposal.	Accepted.
Hard surfaces must be kept to a minimum.	Accepted.
There is concern over the number of farm worker's accommodation units as they may be excessive when combined with the total number of dwellings that are being applied for on the property.	Noted. Not all the farmworker's accommodations will be implemented at once, but only as needed.
Confirmation of the permissible number of units must be sought from the Knysna Municipality.	The municipality is the final decision maker, and they will consider the application and decide on the final number.
SANParks has no objection to item (iii) of the Land Use Application.	Noted. SANParks support the proposed Site Development Plan.

SANParks is in support of the proposed 250 m^2-350 m^2 of crop circles per farmer and vertical greenhouses, associated with the farm workers' accommodation.	Noted.
SANParks objects to the planting of Avocados and Macadamias.	SANParks's concern about the type of agricultural activity is noted. The proposal is currently being assessed by all the relevant specialists and if found to be unacceptable, alternative agricultural activities such as cattle and game farming will be explored.
Concern over proposed planting blocks that are situated mostly on steep erodible slopes and the activity has commenced prior to approval.	The agricultural footprint for the houses and the crop circles will be limited to slopes of 25% or less but the planned orchids will be on steeper slopes, no different to the current plantation.
Point 5 – Summary and Way Forward SANParks is supportive of the concept of a diversified mixed Agri-forestry-eco-tourism land use development model, where sustainable agricultural, environmental, and conservation practices and education are promoted.	Noted.
The site is in a neglected state, any rehabilitation efforts and wildlife corridor enhancements will have a positive impact.	Agreed.
Portion 16/216 falls within the Coastal Protection Zone and in terms of ICMA, activities that are potentially harmful to the coastal zone must be considered as part of a NEMA EIA process.	Noted.
SANParks is of the opinion that the activities proposed for Portion 16 may trigger various environmental legislations: NEMA: EIA Regulations, OSCAE permit, NWA: WULA, CARA.	Noted.
An EIA process would facilitate specialist studies, a more thorough analysis of issues, and a transparent public participation process.	Underway.
Proposed activities should be carried out with sensitivity, minimising impact, and aligning with the surrounding landscape, thereby promoting conservation efforts in the region.	Noted.
It is recommended that landscape connectivity corridors are restored, and the landowner investigate potential formal or informal Biodiversity Stewardship Agreement options, this should be a condition of approval for the LUA.	Accepted.

It is recommended that the following conditions are considered, pertaining to the construction of new dwellings, crop circle areas, and the remainder of the property: The design of buildings and/or structures is to blend into the natural landscape.	Accepted, although we do not believe it is within the mandate of SANParks to describe building design.
No visually intrusive buildings and/or structures are to be erected.	Accepted.
An indigenous plant rescue operation should be conducted prior to site clearance.	Accepted.
Topsoil should be set aside for reuse.	Accepted.
Care should be taken during construction activities to limit soil erosion.	Accepted.
Permeable paving surfaces should be used where possible to limit excess surface run-off.	Accepted.
Fencing post-construction should only be erected to surround the dwellings, if required (not along the property boundary), to allow wildlife movement and connectivity in the landscape on the remainder of the property.	The property is fenced historically and will remain so.
Reduced and low lighting should be incorporated in the design to prevent night light pollution.	Accepted.
The owner should consider using non-flammable building materials, including external fittings such as aluminum gutters, and should consider an irrigation system to mitigate fire risk.	Accepted.
Compliance with the National Veld and Forest Fire Act (Act 101 of 1998) is required.	Noted.
The owner should join the local Fire Protection Association, if not already a member.	The landowner is already a member of the local Fire Protection Association.
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.	Since the property was bought, the landowner has made a concerted effort to systematically clear the land of alien invasion. At least 70% of land is already cleared of aliens at least once. This is however an ongoing and expensive process. Diversifying the economic base of the land is necessary for the sustainability of the project.

The owner should formalise an Invasive Alien Vegetation Control Plan as required by the NEM: BA.	The owner has submitted an Invasive Alien Vegetation Control Plan to the Municipality and has obtained an OSCAE permit for the clearing of alien vegetation in terms of this plan.
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.	The landowner is a member of the local Fire Protection Association.
Should any resources of suspected heritage value be uncovered during clearing, Heritage Western Cape (HWC) must be contacted immediately for instructions.	Noted.
OBJECTION FROM WESTERN HEADS/GOUKAMMA CONSERVANCY DATED 29 FEBRUARY 2024	
The WHGC objects to the application.	
Environmental Assessment The application does not specify the "Disturbance Footprints" of the various development proposals.	Attached please find a revised Site Development Plan indicating the disturbance footprint of the various activities planned on the site**.**
The combined development proposal footprint will exceed the 300 m^2 disturbance.	Noted.
Watercourses, Sewer Disposal and Water use All the footprints are within water courses and a wetland delineation study will be required. Inadequate sewage disposal plan.	The footprints are not in the watercourse and are in fact on the flatter high-lying areas of the property. The objector's statement that the sewer system is inadequate is not substantiated.
The indicated "historical dams" and proposed commercial Avocado and Macadamia farming activities require water use authorisation (WUA).	See previous comment on water use.
Commercial Avocados and Macadamia farming Even though the property is zoned Agriculture Zone I, it is not a normal agriculture property as it falls on a CBA area and has extremely high conservation value	Most of the property does not fall within a CBA. The property has never in any forward planning documents been identified as having an extremely high conservation value. Due to the long history of plantations on the property and surrounding properties, these areas have always been identified as productive agricultural/forestry purposes. In the 2017 SDF, it has even been identified as a transitional area where certain developments may take place.



Figure 1: Knysna Wilderness Plett Guideline indicates the area as Agriculture/ Forestry.

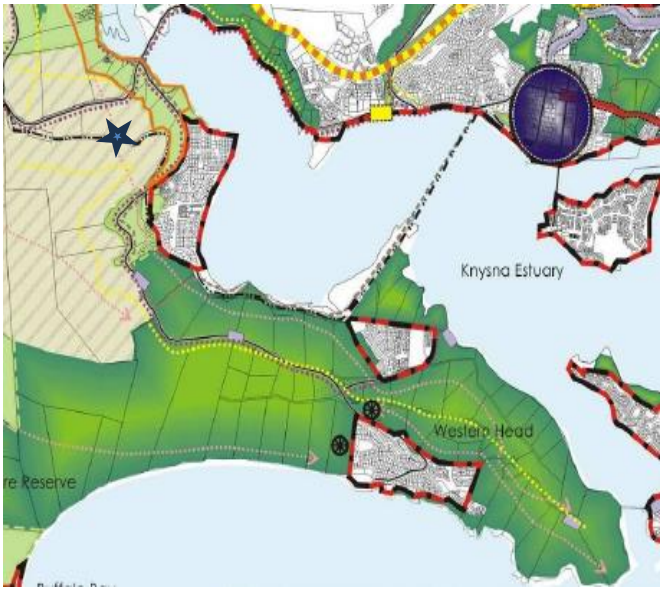


Figure 1: 2008 SDF indicates the property as a Core Productive area.



Figure 3: The 2017 SDF indicated the area as a "Transitional Area".



Figure 4: Current Knysna SDF earmarks the area for forestry purposes.

Protected trees The application is silent regarding the licenses required in terms of Section 15 (91) of the National Forests Act No. 84 of 1998, as amended.	It is not the intention to remove any indigenous or protected trees. These trees are only found in the areas earmarked for forest regeneration and conservation.
Invasive aliens The property is infested with invasive alien plants.	Noted.
The property could not have been sold or transferred with the invasive alien plants present unless there is an agreement	The new owners bought this property unaware of any such legal requirement and there was never any agreement relating to funding for rehabilitation.

that makes available "budget/funding" for the rapid eradication of the invasive alien plants.	
Titel Deed The title deed of the property is omitted.	The title deed was submitted as part of the application, but the full documentation may not have been sent to all the affected parties.
The title deeds of the Uitzicht portions need to be considered in the application as they contain aspects that govern land-use aspects.	There are no conditions in the title deed that prohibit agricultural activity on the farm.
Summary The property contains fauna and flora of high conservation concern, any loss of these species and habitats is unacceptable.	A biodiversity study will confirm this.
This property forms part of important wildlife corridors in the Western Heads and the Knysna Estuary to the sea.	Any wildlife corridors identified through the EIA phase will be protected and will form part of the conservation footprint.
Valuable input and/or support for the application from conservation bodies such as SANParks and Cape Nature were omitted.	The application was circulated to them and comment from SANRAL has been received.
The WHGC supports: a main dwelling and a manager's house (second dwelling)	Noted.
The proposed positions of the dwellings and disturbance footprint need to be supported by an EIA.	An EIA is underway.
The second dwelling area will only be supported if it is located outside the coastal protection zone.	The second dwelling they refer to is assumable the manager's house which is presently within the 1km line.
Only low impact biodiversity sensitive land uses.	We believe that the planned agricultural activity is low-impact and biodiversity-sensitive. In addition, the intention is to use only a very small portion of the farm for these activities while the rest of the farm is actively being rehabilitated.
The WHGC objects to: ➢ Consent to allow 4 additional dwellings. ➢ Granting consent to waive the development parameter that prohibits farm workers' accommodation within 1 km from the high-water mark of the sea or tidal river. ➢ Approval of a Site Development Plan	Noted.
The WHGC requires the applicant to: execute the required Environmental Authorisations and studies that will inform and	The process is underway.

guide the land-use possibilities and point out the ecological sensitivities of the property.	
Submit a complete land use application supported by an EIA that covers all the aspects indicated on the Site Development Plan.	The land use application will be amended to include the findings of the EIA.
Manage the property as per WCBSP management objectives for a CBA.	Small areas on the property have been earmarked as a CBA, although covered in Pine and Eucalyptus.  **Figure 2: The northeastern area is the only area earmarked as CBA.** There are also some areas that have been indicated as "Degraded CBA" areas that will be rehabilitated, and the planned agricultural footprint mostly excludes those areas. The farm as a whole will be managed to protect these areas. It should however be kept in mind that the property is zoned for Agriculture 1 purposes and has been cultivated for forestry purposes since the 1940ties. The property has never been regarded as conservation-worthy and has not been part of the conservation footprint of the area. The landowner has a primary right to farm the land and has a legitimate expectation to exercise the right. The zoning also aligns with the spatial planning proposals contained in the SDF.
As a matter of urgency, eradicate the Invasive Alien Plants as per allocation in the sales agreement as the property could not have been sold with IAP present.	The owner has been actively eradicating aliens from the land without any funding from any previous owner or government organisation or any conditions in the sales agreement.

forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia,· PRETORIA

DFFE Reference: 14/12/16/3/3/1/3049
Enquiries: Ms Zamalanga Langa
Telephone: (012) 399 9389 **E-mail:** zlanga@dffe.gov.za

Mr Jan Van der Westhuizen
Umthiqua (Pty) Ltd
9 Geelhout Street
Brenton on Sea
KNYSNA
6571

Telephone Number: 083 468 6750
Email Address: jan@experttech.com

PER EMAIL / MAIL

Dear Mr Van der Westhuizen

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF UMTHIQUA AGROFORESTRY, REGENERATIVE FARMING & TOURISM FACILITY ON PORTION 16 OF FARM 216 UITZIGT IN THE KNYSNA MUNICIPAL AREA OF THE GARDEN ROUTE DISTRICT MUNICIPALITY IN THE WESTERN CAPE PROVINCE.

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing, and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@dffe.gov.za

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083

or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@dffe.gov.za

Yours faithfully

Dr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 24/03/2025

cc:	Ms Melissa Mackay	r3green	Email:	r3green@outlook.com

forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The development of Umthiqua Agroforestry, Regenerative Farming & Tourism Facility on Portion 16 of Farm 216 Uitzigt in the Knysna Municipal area in the Western Cape Province.

Garden Route District Municipality

Authorisation register number:	*14/12/16/3/3/1/3049*
Last amended:	*First issue*
Holder of authorisation:	Umthiqua (Pty) Ltd
Location of activity:	*Portion 16 Farm 126 Uitzigt;* *Within Ward 5, Knysna Local Municipality;* *Garden Route District Municipality;* *Western Cape Province*

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

M. J

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

UMTHIQUA (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Jan Van der Westhuizen
Umthiqua (Pty) Ltd
09 Geelhout Street
Brenton on Sea
Knysna
6571

Cell phone: 083 468 675
Email Address: jan@experttech.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice (LN) 1 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
LN 1, Item 27: *"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation….."*	The proposed development will exceed the clearance of 1ha of vegetation but will be less than 20ha (total development footprint is ±5ha). Since the commercial plantation activities ceased more than 10 years ago, and despite the severe infestation of alien invasive vegetation, in terms of NEMA, the area is deemed to be "indigenous vegetation".
LN 1, Item 28: *"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:* *(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."*	The applicant is proposing mixed tourism, game farming and agricultural use on the property. The property is located outside the urban edge of Knysna. The development size in total will be ±5ha with the reminder of the property restored to locally indigenous vegetation. The property was previously a blue gum and pine plantation. It has not been actively used as such for over 10 years.
LN 3, Item 06: *The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.* *i. Western Cape* *i. Outside urban areas;*	The applicant is proposing four (4) tourism use cottages which could sleep an estimated 16 pax or more. The property is located outside the urban edge of Knysna, on the western side of the Knysna Estuary and the

(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve;	Knysna Section of the Garden Route National Park. The location of the units is not in a mapped CBA.
LN 3, Item 12: *"The clearance of an area of 300 square metres or more of indigenous vegetation ….."* *i. Western Cape* *i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;*	The total development footprint is ±5ha in total. According to the SANBI maps, the property is considered to contain Garden Route Shale Fynbos (EN) and Knysna Sand Fynbos (CR). The extent of the alien invasives and previous plantation history of the property has transformed the vegetation on site significantly. The applicant intends restoring the remainder of the property to reflect the locally indigenous vegetation. The location of the development footprint is not in a mapped CBA. The property is located within the Knysna Protected Environment (previously Knysna Lakes Area).

as described in the Basic Assessment Report (BAR) dated November 2024

Farm Name:

- Portion 16 of Farm 216 Uitzigt

SG 21 Codes:

C	0	3	9	0	0	0	0	0	0	0	0	0	2	1	6	0	0	0	1	6

Coordinates:

Property/ies boundary		
	Latitude	Longitude
NW	34° 02′ 12.61 ″	22° 58′ 58.65″
SW	34° 02′ 22.43″	22° 58′ 59.29″
SE	34° 02′ 20.58″	22° 59′ 34.09″
NE	34° 02' 08.79"	22° 59' 29.02"
Proposed land uses for Alternative 3		

Tourism Unit 1	34° 02′ 17.50″	22° 59′ 01.97″
Tourism Unit 2	34° 02′ 18.48″	22° 59′ 03.20″
Tourism Unit 3	34° 02′ 19.42″	22° 59′ 01.90″
Tourism Unit 4	34° 02' 18.20"	22° 59' 01.08"
Main Dwelling	34° 02' 14.70"	22° 59' 29.10"
Managers Unit 1	34° 02' 15.74"	22° 59' 17.27"
Hydrocrops	34° 02' 15.87"	22° 59' 16.76"
Cropcircle 1	34° 02' 15.03"	22° 59' 15.69"
Cropcircle 2	34° 02' 15.43"	22° 59' 16.50"
Cropcircle 3	34° 02' 15.84"	22° 59' 18.06"
Worker Unit 2	34° 02' 16.07"	22° 59' 14.98"
Hydrocrops	34° 02' 15.56"	22° 59' 14.69"
Cropcircle 1	34° 02' 16.76"	22° 59' 12.79
Cropcircle 2	34° 02' 16.41"	22° 59' 13.39"
Worker Unit 3	34° 02' 17.40	22° 59' 07.96"
Hydrocrops	34° 02' 17.53	22° 59' 07.49"
Cropcircle 1	34° 02' 17.79"	22° 59' 06.99"
Cropcircle 2	34° 02' 17.96"	22° 59' 07.91"
Cropcircle 3	34° 02' 16.01"	22° 59' 20.00"
Cropcircle 4	34° 02' 15.93"	22° 59' 21.78"
Worker Unit 5	34° 02' 20.57	22° 59' 28.73"
Hydrocrops	34° 02' 18.88	22° 59' 29.18"
Cropcircle 1	34° 02' 20.13"	22° 59' 28.07"
Cropcircle 2	34° 02' 20.22"	22° 59' 29.46"
Helipad	34° 02' 15.95"	22° 59' 14.35"
Macadamia field		
W	34° 02′ 16.75″	22° 58′ 04.38″
E	34° 02′ 15.56″	22° 58′ 14.09″
N	34° 02′ 14.99″	22° 58′ 10.54″
S	34° 02′ 16.53″	22° 58′ 09.01″
Avocado field		
W	34° 02′ 20.85″	22° 58′ 13.71″
E	34° 02′ 21.00″	22° 58′ 27.32″

S	34° 02′ 21.97″	22° 58′ 25.41″
N	34° 02′ 19.96	22° 58′ 22.97″

- for the development of Umthiqua Agroforestry, Regenerative Farming & Tourism Facility on Portion 16 of Farm 216 Uitzigt, within Ward 5 of the Knysna Municipality, Garden Route District Municipality in the Western Cape Province hereafter referred to as "the property".

The project component

- ±3ha of dryland (no irrigation), regenerative orchard / agroforestry (macadamias & avocados).
- ±0.25ha of raised crop circle agriculture.
- 6 dwellings (1 x main (±450m²), 1 x manager (±175m², 4 x farm workers (±700m²).
- Grassed helipad.
- 4 x tourism cottages (±700m²).
- The remainder of the property will be restored to indigenous vegetation and will allow for a small game component.
- No additional roads will be constructed.
- Each unit will be equipped with solar energy, supplemented by gas for cooking and geysers.
- Septic tanks or soak-aways are generally used in the area but more environmentally friendly domestic wastewater treatment solution is available in the form of biolytic systems.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The layout alternative 3 for the development of Umthiqua Agroforestry, Regenerative Farming & Tourism Facility on Portion 16 of Farm 216 Uitzigt, located within Ward 5 of the Knysna Municipality of the Garden Route District Municipality in the Western Cape Province approved as per the geographic coordinates cited in the table of co-ordinates above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within five (05) years of the commencement of the activity on site

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.

10. The notification referred to must –
    10.1. specify the date on which the authorisation was issued;
    10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
    10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
    10.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

11. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

12. The site layout plan as attached as Appendix 02 of the BAR titled "*Site Sensitivity Alternative 3: Portion 16 of Farm 216 Uitzigt Knysna" (referenced 2024.0032)* dated 26 November 2024 and the Site Development Plan attached under Appendix 04 titled "*Site Development Plan- Portion 16 of Farm 216 Uitzigt-Alternative 3 (DRW NR: PTN16-F216-REV2)"* for the development of Umthiqua Agroforestry, Regenerative Farming & Tourism Facility on Portion 16 of Farm 216 Uitzigt in the Knysna Municipal area of the Garden Route District Municipality in the Western Cape Province is approved.
13. The Environmental Management Programme (EMPr) "*for the development of Umthiqua Agroforestry, Regenerative Farming & Tourism Facility on Portion 16 of Farm 216 Uitzigt in the Knysna Municipal area of the Garden Route District Municipality in the Western Cape Province*" attached as Appendix 8 as part of the BAR dated November 2024 is approved and must be implemented and adhered to.
14. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
15. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.

16. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

Frequency and process of updating the EMPr

17. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 24 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
18. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
19. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
20. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
21. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

22. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
    22.1. The ECO must be appointed before commencement of any authorised activities.

22.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

22.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

22.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

23. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.

24. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.

25. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.

26. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.

27. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.

28. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

29. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site

preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

30. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

31. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

Specific conditions

32. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
33. Only 3ha of Macadamias/ Avocados must be planted and planting areas must not be enlarged and steep slopes must be avoided, and limited use of fertilizers and pesticides, and the regenerative agricultural concept is promoted.
34. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
35. A permit must be obtained from the relevant Department for the removal or destruction of indigenous, protected, or endangered plant or animal species (if any) and a copy of such permit/s must be submitted to the Department for record keeping.
36. Prior to construction of new phase or area, after the footprint of the development has been clearly demarcated, a Fauna Specialist should do a walk-through to look for signs of fauna with limited mobility and escape potential (i.e. tortoise, chameleon, etc.) with particular attention given to the Golden Mole SCC.
37. Should signs of fauna with limited mobility or an SCC be found within the demarcated area, a search and rescue operation must be undertaken to relocate fauna to a suitable location on the property. No construction must commence until the Fauna Specialist is satisfied that all fauna with limited mobility and/or SCC have been successfully removed from the demarcated footprint area.

38. For a small game component ,the necessary applications and approvals must be obtained from CapeNature. Furthermore the small games to be introduced must be as per the comments received from SANParks.
39. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, SAHRA must be informed, and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
40. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
41. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

General

42. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
    42.1. at the site of the authorised activity;
    42.2. to anyone on request; and
    42.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
43. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 24/03/2025

Dr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia,* the following into consideration -

a) The listed activities as applied for in the application form received on 02 September 2024.

b) The information contained in the BAR dated November 2024.

c) The comments received from interested and affected parties as included in the BAR dated November 2024.

d) The recommendations made by the Environmental Assessment Practitioner (EAP) in the BAR dated November 2024.

e) Mitigation measures as proposed in the BAR and the EMPr.

f) The information contained in the specialist studies contained within the appendices of the BAR dated November 2024 and as appears below:

Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

a) The findings of all the specialist studies conducted and their recommended mitigation measures.

b) The Umthiqua philosophy is to ensure environmentally sustainable agriculture that supports local ecosystems whilst providing a livelihood and food security for local communities. The entity is part of the Growing to Give initiative which promotes adopting drip irrigation, using drought-resistant crop varieties, and improving soil health to retain moisture.

c) The BAR dated November 2024 identified all legislation and guidelines that have been considered in the preparation of the BAR.

d) The location of the proposed project

e) The methodology used in assessing the potential impacts identified in the BAR dated November 2024 and the specialist studies have been adequately indicated.

f) A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

2. Findings

After consideration of the information and factors listed above, the Department made the following findings -

a) The identification and assessment of impacts are detailed in the BAR dated November 2024 and sufficient assessment of the key identified issues and impacts have been completed.

b) The procedure followed for impact assessment is adequate for the decision-making process.

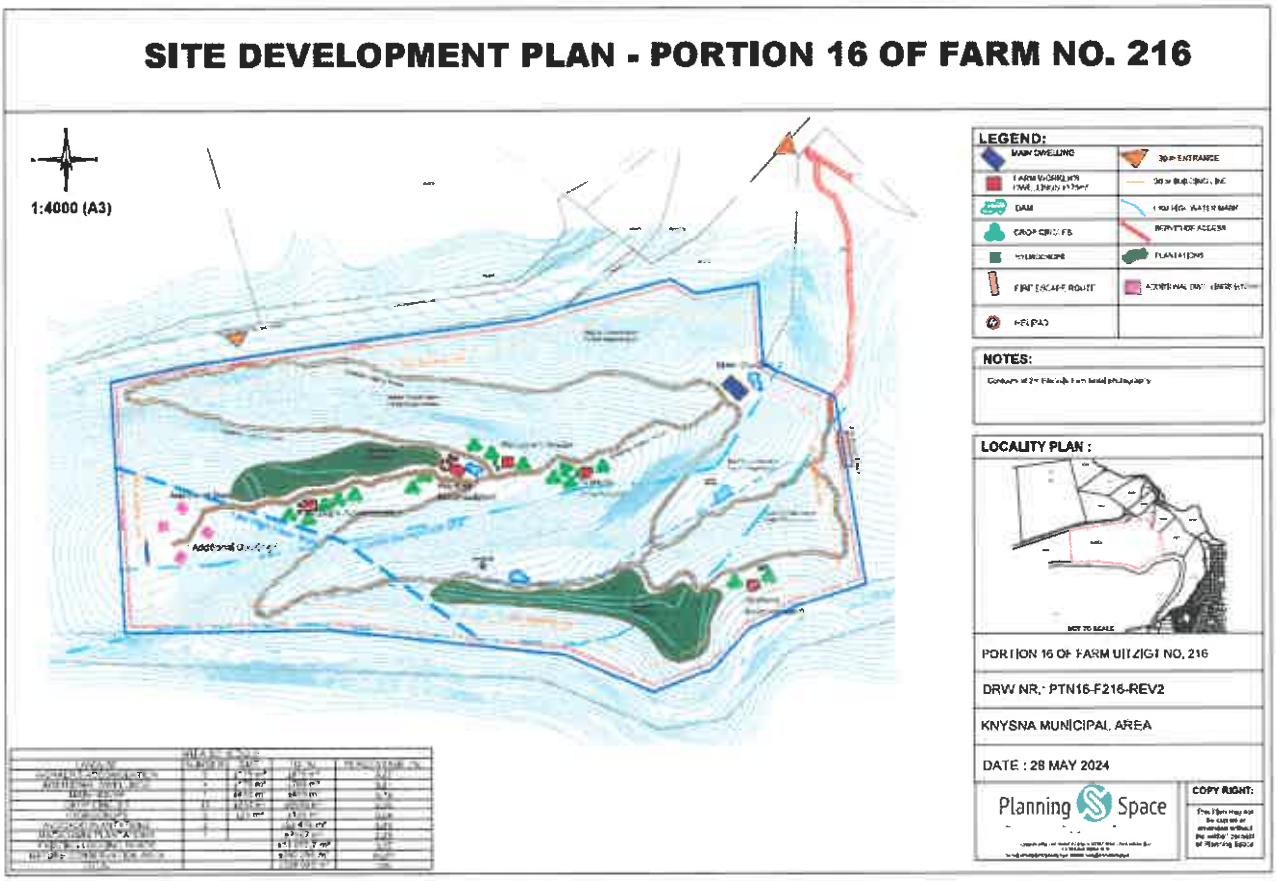
c) The information contained in the BAR dated November 2024 is deemed to be accurate and credible.

d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

Annexure 2: Site Development Plan- Alternative 3(Preferred)



ITEM TO:
Municipal Planning Tribunal

+APPLICATION NO.	3539
REPORT AUTHOR	S Phungula
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3220/2022
TELEPHONE NO.	044-302-6339
APPLICATION DATE	18 August 2025

LAND USE PLANNING REPORT
REZONING: ERF 13423, KNYSNA

PART B: APPLICANT DETAILS	
Name & Surname	***Lundikazi Khuphiso***
Company name	***Planning Space Pty Ltd***
SACPLAN registration number	***C/9271/2020***
Registered owner(s)	***Pezula Private Estate Homeowners Association***
PART C: PROPERTY DETAILS	
Property description	***Erf 13423, Knysna in the Municipality and Division of Knysna, Western Cape***
Property Extent (m^2)	***15733m²***
Physical address	***Pezula Private Estate***
Area/Town	***Knysna***
Current zoning	***Open Space Zone II***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Vacant***
Are there existing buildings on the property?	***No, the property is vacant.***
Title Deed number & date	***T14448/2018***
Any restrictive title conditions applicable?	***Yes***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***None***
Bondholder's Consent	***Not Applicable***

1. APPLICATION DESCRIPTION

The application is for the rezoning in terms of Section 15(2)(a) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) from "Open Space Zone II" to "Single Residential Zone I" of the Knysna Zoning Scheme By-law (2020), in respect of Erf 13423, Knysna.

2. BACKGROUND

2.1. The applicant explained that the Pezula Private Estate was approved in 2003 as a large residential development comprising open space, communal facilities, and single residential erven. Erf 13423 was originally zoned "Open Space Zone II" and intended to accommodate a communal boma facility for social gatherings within the estate. The boma was constructed in 2006 in accordance with approved plans.

2.2. In 2013, the developer applied to rezone certain underutilised communal facilities, including the boma site, for residential use, on the basis that these facilities were not being effectively used and imposed unnecessary financial burdens on the estate. This rezoning was approved in January 2014, subject to conditions, including the provision of a replacement communal facility elsewhere in the estate. An appeal against the approval was subsequently lodged by residents but was dismissed by the Provincial Appeal Authority in 2015, thereby confirming the desirability of the rezoning.

2.3. Despite this approval, the rezoning was never implemented and subsequently lapsed. In 2017, the boma facility was destroyed in the Knysna fires and was not rebuilt. The site has since remained vacant and no longer serves any functional communal purpose.

3. PRE-APPLICATION CONSULTATION

No pre-application consultation meeting was held regarding the application.

4. SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation can be summarised as follows:

4.1. The applicant explained that Erf 13423 was originally designated for a communal boma facility within the Pezula Private Estate. The facility had been underutilised from inception, was destroyed during the 2017 Knysna fires, and was never rebuilt. The previous 2014 rezoning approval (which was upheld on appeal) had lapsed without being implemented. The applicant submitted that the estate had functioned effectively without the boma and that the property was now vacant and obsolete.

4.2. The applicant motivated that the proposed residential use would be confined to the previously disturbed footprint, including the former building platform and access areas, thereby avoiding sensitive environmental features. It was argued that the site was suitable for residential development due to its topography, orientation, and existing services infrastructure.

4.3. The applicant further stated that the rezoning would not increase the overall number of approved residential units beyond the historically authorised threshold, noting that consolidations within the estate had reduced the total number of existing single residential erven. It was emphasised that the required minimum 500 hectares of conservation area would remain unaffected, with approximately 516 hectares currently retained as rehabilitated open space.

4.4. In terms of impacts, the applicant contended that a single residential dwelling would have less impact on neighbouring properties than reinstating a communal facility, particularly in relation to noise, traffic, and privacy. The proposal was described as consistent with the character of the estate and subject to existing architectural guidelines and Home Owners Association rules.

4.5. Financially, the applicant submitted that the sale of the erf would generate capital and ongoing levy income, thereby strengthening the estate's financial sustainability and reducing maintenance burdens associated with underutilised communal land.

4.6. Lastly, the applicant argued that the proposal aligned with the development principles of the Spatial Planning and Land Use Management Act by promoting spatial efficiency and optimal land use within an already approved residential estate, without undermining environmental authorisation conditions or conservation requirements.

5. PUBLIC PARTICIPATION

Method of Advertising				Date Published	Closing Date
	Yes	No	N/A		
Press	☒	☐	☒	**28 August 2025**	**30 September 2025**
Gazette	☐	☒	☐	-	-
Notices	☒	☐	☐	**01 September 2025**	**30 September 2025**
Ward Councillor	☒	☐	☐	**29 August 2025**	**09 October 2025**

Site Notice	☐	☒	☐	-	-
Community Organisations	☐	☒	☐	-	-
Public Meeting	☐	☒	☐	-	-
Third Parties	☐	☒	☐	-	-

Total Valid Comments	**2 (Two)**			Total comments and petitions refused		**0**	
Valid Petitions	**Y☒**	**N☐**		No of signatures		**N/A**	
Community organisation(s) response	**Y☒**	**N☐**	**N/A☐**	Ward Councillor response	**Y☐**	**N☒**	**N/A☐**
Was public participation undertaken in accordance with section 45- 49 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021)						**Y☒**	**N☐**

5.1. Summary of Comments Received during Public Participation

Comments and objections to the application were from the following:

NO.	OBJECTOR	DATE
01	Noetzie Conservancy Owners Association	30 September 2025
02	Julian Beth Gosling	30 September 2025

The following is a summary of the comments and objections received:

5.1.1. Exceeding Approved Residential Yield

Both the Noetzie Conservancy Owners Association (NCOA) and the objector submit that there is no justification for the creation of an additional residential erf, particularly given that a number of approved erven within Pezula Private Estate, especially in Phase 3, remain undeveloped. It is argued that the proposal would contravene Condition 3.11 of the 2002 Record of Decision (RoD), which limits the estate to a maximum of 255 residential erven.

5.1.2. Impact on Wildlife Movement and Ecological Corridors

Concern is raised that the subject property forms part of an important ecological corridor linking the river, forest, and fynbos areas. The area is reportedly utilised by protected and endangered species such as leopard, aardvark, and blue duiker. Both parties contend that additional residential development, coupled with existing perimeter fencing, would further restrict wildlife movement. It is also noted that ecological mitigation measures envisaged in the Environmental Management Plan (EMP), such as open space corridors and underpasses, have not been fully implemented.

5.1.3. Non-Compliance with Open Space Requirements

The comments highlight that the RoD requires a minimum of 500 hectares of the estate to be retained as Private Open Space. It is alleged that the current extent of open space already falls short of this requirement (approximately 492.49 hectares), and that the proposed rezoning would further reduce the open space provision, thereby exacerbating non-compliance.

5.1.4. High Conservation Value of the Site

It is submitted that the property was originally designated as a communal open space (game lapa/boma site) due to its proximity to an area identified in the Environmental Impact Report as having high to very high conservation value. The objectors argue that this ecological sensitivity justifies the retention of the property as open space to preserve its environmental function.

5.1.5. Erosion Risks and Impact on the Noetzie River

Both submissions raise concerns regarding the site's highly erodible soils and the potential environmental risks associated with further development. It is argued that additional development could exacerbate erosion and negatively impact on the Noetzie River ecosystem. Reference is also made to previous environmental incidents (e.g., algal bloom linked to fertiliser runoff), highlighting the vulnerability of the receiving environment.

5.2. Summary of Comments from Departments/Organs of State

[Name	Date Received	Summary of Comments	Recommendation
Infrastructure Services	25 September 2025	*Condition of Approval:* ▪ *Augmentation Fees will apply to water.* ▪ *If the sewer network is extended to service these erven, then augmentation will be load on sewer services as well.* *No objection in respect of Roads & Stormwater; however, SLA will have to be reviewed.*	**Positive**
Environmental Services	18 September 2025	*An OSCAE permit will be required before building plans are approved because this was not part of the approved Environmental Authorization.*	**Comment**

5.3. Summary of Applicant's Reply to Comments

The applicant's reply can be summarised as follows:

5.3.1. Compliance with Residential Yield Limits

The applicant stated that the rezoning would not exceed the maximum limit of 255 residential erven imposed by the Record of Decision (RoD). Due to consolidations and amendments, only 251 single residential erven currently exist within the estate. The proposed rezoning would therefore remain within the approved limit. It was further argued that rezoning the vacant and unused boma site would promote efficient land use and align with spatial efficiency principles.

5.3.2. Impact on Wildlife and Ecological Corridors

The applicant indicated that development would be confined to the already disturbed footprint of the former boma, covering approximately 4,000m², while the remainder of the property (approximately 11,733m²) would remain zoned as Open Space Zone II. It was argued that this approach would maintain ecological corridors, and that replacing a high-activity entertainment venue with a single residence would reduce disturbance to wildlife.

5.3.3. Compliance with the 500ha Open Space Requirement

The applicant rejected claims that the rezoning would reduce the estate's conservation area, stating that approximately 516.75 hectares of rehabilitated open space are currently retained, exceeding the required minimum of 500 hectares. It was explained that communal facilities such as the boma were never included in conservation area calculations, and that the proposal would not reduce the conservation footprint.

5.3.4. Conservation Value and Planning History

The applicant stated that the area was originally intended for residential development under the approved master plan, and that the boma facility was a later addition introduced by the developer. It was argued that the site has already been disturbed and does not form part of sensitive natural areas. The rezoning would therefore not undermine conservation objectives.

5.3.5. Erosion and River Impact Concerns

The applicant disputed claims that the site is highly erodible or poses a risk to the Noetzie River, noting that the property is located approximately 500 metres from the river and does not contain wetlands or drainage lines. It was further stated that the site previously accommodated a structure without causing environmental harm, and that future development would comply with environmental and design controls.

5.3.6. Departmental Comments

The applicant responded by stating that they accept departmental comments as conditions of approval. Furthermore, it stated that there will be no extension of the sewer network, as phase 3 relies on an on-site private biological sewer system.

6. PROPOSAL ASSESSMENT

6.1. Application History

6.1.1. The Pezula Private Estate is located on the Remainder of Farm Noetzie No. 394, measuring approximately 612 hectares in extent. The estate comprises over 500 hectares of rehabilitated open space, communal and sports facilities, as well as 255 approved single residential erven. The rezoning of the estate was approved in April 2003 by the Western Cape Department of Environmental Affairs and Development Planning.

6.1.2. Erf 13423, the subject property, is situated within Phase 3 of the Pezula Development and is zoned Open Space II. It was originally intended to accommodate communal facilities for the estate, specifically the boma Facility, which served as a social gathering venue for residents. The facility was constructed in 2006 in accordance with approved building plans and a site development plan.

6.1.3. In 2013, the developers of the estate submitted an application to rezone three communal facility sites, including the boma site, to residential use due to the underutilisation of the facilities and the financial burden associated with their maintenance. The rezoning was approved in January 2014, subject to conditions, including the provision of a smaller replacement venue near the "*Field of Dreams*" sports facility on the Remainder of 13398 Knysna, to be transferred to the Homeowners Association.

6.1.4. An appeal against the decision was lodged by several residents; however, the appeal was dismissed by the Western Cape Department of Environmental Affairs and Development Planning, acting as the Appeal Authority, in September 2015. Despite the approval, the rezoning was never implemented and has since lapsed.

6.2. Considerations in terms of SPLUMA

The rezoning of a redundant or underutilised facility to a use that is more aligned with the current needs of the estate can contribute to more efficient land utilisation and improved sustainability within the development. By enabling the land to serve a functional residential purpose, the proposal supports the efficient allocation of resources while potentially reducing ongoing operational and maintenance costs

for the estate and its homeowners. The proposal is therefore considered to be consistent with the principles of Spatial Sustainability and Spatial Efficiency as contained in the Spatial Planning and Land Use Management Act.

6.3. Consistency with SDF, IDP and applicable Policies

6.3.1. The Spatial Development Framework recognises the Pezula area as an established low-density residential estate located within the urban edge of Knysna. While the SDF generally discourages the expansion of low-density estates, it acknowledges the existing development footprint of such estates. The proposal does not introduce new development outside the approved estate but rather seeks to convert an underutilised communal facility site into a single residential erf within the existing development framework. As such, the application does not undermine the spatial structuring objectives of the SDF.

6.3.2. Furthermore, the IDP promotes sustainable land use management, efficient utilisation of existing infrastructure, and the optimisation of already developed areas. By facilitating the productive use of an underutilised property within an established estate, the proposal supports these objectives.

6.3.3. The application is therefore considered to be generally consistent with the spatial and developmental objectives of both the SDF and the IDP, as it promotes the efficient use of land within the existing urban footprint without resulting in the expansion of the estate or additional pressure on environmentally sensitive areas.

6.4. Impact on Municipal Engineering Services

Given that the proposal entails the development of a single residential unit on a property that was previously developed for a communal facility, the anticipated demand on municipal services is considered to be minimal. The existing infrastructure network within the estate was designed to accommodate broader development and is therefore expected to adequately support the proposed use. Furthermore, the site has historically been connected to the estate's internal engineering services network. Any future development will be required to comply with the relevant service connection requirements and standards of Knysna Municipality.

6.5. Outcomes of Investigations/Applications i.t.o. other Legislation

There are no other investigations and applications in terms of other legislation that may have a bearing on the application at hand.

6.6. Zoning Considerations

6.6.1. From a zoning perspective, the proposal represents a change from a communal land use to a private residential use within an established residential estate. The surrounding properties within the estate are predominantly zoned and developed for single residential purposes. As such, the proposed zoning will be compatible with the existing land use character of the area.

6.6.2. Furthermore, the rezoning will allow the property to be utilised in a manner that aligns with the prevailing development pattern within the estate, while addressing the underutilisation of the site. The proposal is therefore considered to be appropriate within the context of the surrounding land uses and the broader development framework of the estate.

6.7. Desirability of the Proposal

6.7.1 The subject property is located within the established Pezula Private Estate, which is predominantly developed for single residential purposes with supporting open space and communal facilities. The proposed rezoning from private open space purpose to single residential purposes to allow the development of a single dwelling on a site that was previously utilised for a communal facility (boma facility). The facility was destroyed during the Knysna Fires and has not been rebuilt, resulting in the site remaining underutilised.

6.7.2 From a spatial perspective, the proposal will not introduce a land use incompatible with the surrounding development pattern, as the estate is primarily residential. The development of a single residential erf on the property will therefore be consistent with the existing character of the area.

6.7.3 The proposal promotes the efficient utilisation of land within an established development by converting an underutilised site into a functional residential property. This contributes to the long-term sustainability and financial viability of the estate while reducing the maintenance burden associated with unused communal infrastructure.

6.7.4 The key consideration for this application is whether the proposed rezoning aligns with the conditions of the original approval for the development of the Pezula Private Estate, dated 10 April 2003. The proposed rezoning does not exceed the originally approved residential yield for the estate, which permitted a maximum of 255 residential units. Over the past 20 years, three registered property consolidations have reduced the number of single residential properties to 251 units. Therefore, the addition of one residential unit under this proposal remains compliant with the approved development threshold.

6.7.5 In accordance with Condition 3.13 of the original rezoning approval, "Disturbance Areas" on all erven are limited to 50% of the site, with a maximum of 2,000m² for erven up to 8,000 m² and 4,000m² for larger erven. Erf 13423 exceeds 8,000m² in extent, and therefore a maximum disturbance area of 4,000m² will apply to any development on this erf, ensuring that development remains proportionate and controlled.

6.7.6 The proposed rezoning also complies with the Environmental Authorisation dated 16 October 2002, including the requirement to retain at least 500 ha as private open space. Current calculations confirm that approximately 516 ha are preserved and rehabilitated as fynbos, and this application does not affect the conservation area, consistent with the EIA and appeal decision. The Knysna Environmental Management Unit has also requested that the developer obtain an OSCAE permit.

6.7.7 The proposed single residential unit is not expected to adversely impact surrounding properties and is compatible with the existing character of the area. In contrast, reinstating the site as a communal facility would likely increase noise, traffic, and reduce privacy.

6.8. Assessment of Comments

6.8.1. The objections received from the Noetzie Conservancy Owners Association and Julian Beth Gosling primarily raised concerns regarding exceeding the approved residential yield, impacts on wildlife and ecological corridors, compliance with the 500-ha open space requirement, conservation value, and potential erosion and river impacts.

6.8.2. The applicant has demonstrated that the proposed rezoning of Erf 13423 remains within the 255-unit limit, utilises a previously vacant and disturbed site, maintains ecological corridors by retaining the majority of the property as open space, and does not reduce the estate's conservation area, which currently exceeds 516 ha. The site is not within sensitive natural areas, is located approximately 500m from the Noetzie River, and development will comply with environmental and design controls.

6.8.3. Overall, the objections are noted, but the applicant's responses adequately address the concerns, and the proposal is considered consistent with the RoD, environmental requirements, and the character of the Pezula Private Estate.

6.8.4. The applicant has confirmed acceptance of departmental comments as conditions of approval and clarified that no extension of the sewer network is required, as Phase 3 relies on an on-site

biological system. This demonstrates willingness to comply with environmental and service infrastructure requirements.

7. RECOMMENDATION

It is recommended that, **Approval be Granted**, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) for the rezoning from "Open Space Zone II" to "Single Residential Zone I" of the Knysna Zoning Scheme Bylaw (2020) in respect of a portion of Erf 13423, Knysna.

8. CONDITIONS OF APPROVAL IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above approval (s) is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

8.1. The "disturbance area" and zoning shall be restricted to the existing disturbed area and in terms of any environmental authorisation granted, or limited to 4000m^2, whichever is the lesser.

8.2. The subject erf shall be subject to the architectural/building design guidelines and constitution of the Pezula homeowners' association.

8.3. The conditions as specified in the approval dated 10 April 2003 shall apply, insofar as these are reasonably applicable to the subject erf.

8.4. The applicant/landowner shall pay augmentation levies in accordance with Council's approved tariffs, and to the satisfaction of the Director: Infrastructure Services, at the submission of building plans.

8.5. The augmentation shall apply to water services capacity; however, should the sewer network be extended, an augmentation levy in terms of sewer services capacity may apply.

8.6. The homeowners' association shall review the existing service level agreement with the Municipality, where deemed necessary, and to the satisfaction of the Director: Infrastructure Services.

8.7. The applicant/landowner shall apply for the authorisation/permission in terms of the Outeniqua Sensitive Coastal Area Extension (OSCAE) prior to the submission of building plans.

9. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation is as follows:

(i) The application is for the rezoning of a single erf measuring ±1.5 hectares in extent to single residential purposes and is located in the Pezula Private Estate. This approved boma site burned down in 2017 and has remained unutilised and vacant ever since. The rezoning would, therefore, promote the efficient use of land within the estate whilst reducing the maintenance burden of the owners' association.

(ii) The single residential erf would be compatible with the existing low-density residential character, and it is not anticipated that the use would detract from this character.

(iii) Importantly, the rezoning of the subject erf will not exceed the maximum density (i.e., 255 single residential land units) prescribed for the estate in its establishment conditions due to a number of properties being consolidated within the estate in recent times thereby lowering the total number of residential land units.

(iv) The objection regarding the environmental impact is acknowledged. However, there is no material evidence to suggest that the single residential erf will have a major impact on the affected natural environment. Furthermore, the development of the site will be restricted to the existing disturbed area and to such area considered in terms of environmental authorisation, i.e., the OSCAE permission. It is therefore anticipated that the impact of the new use rights would be similar to that of the current boma use of the site. The minimum 500-hectare open space requirement set in the establishment conditions of the estate is also maintained.

10. MATTERS FOR NOTING:

The applicant is advised and informed of the following:

10.1. This approval applies to the application(s) as outlined above and may not be construed as authority to depart from any other legal prescriptions.

10.2. Building plans shall be submitted in terms of the requirement of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) to the Municipality for approval prior to any building work being undertaken.

11. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A – Applicant *Motivating Memorandum*

ANNEXURE B – *Power of attorney & company resolution*

ANNEXURE C – *Title Deed*

ANNEXURE D – *Locality*

ANNEXURE E – *General Plan*

ANNEXURE F – *Previous Planning Approvals*

ANNEXURE G – *Zoning Maps*

ANNEXURE H – *Home Owners Association Minutes*

ANNEXURE I – *Public Notice and Mailing List*

ANNEXURE J – *Public Comments & Objections*

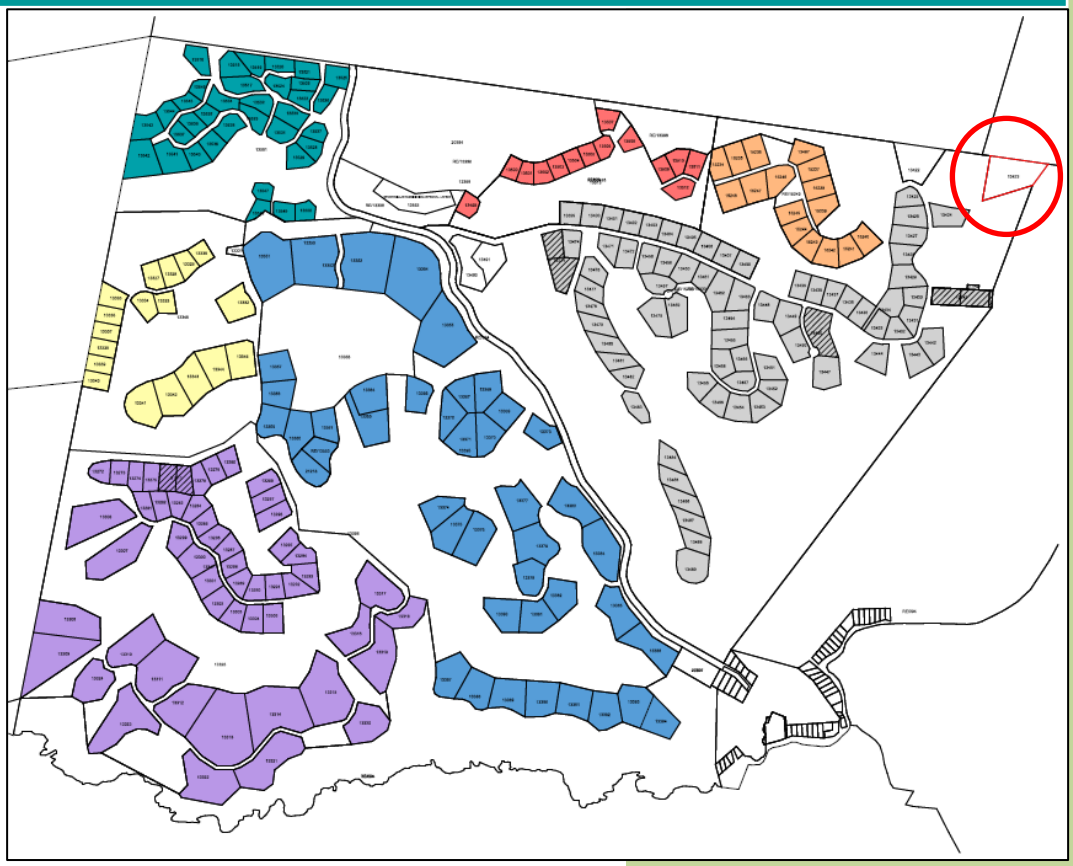
ANNEXURE K – *Departmental Comment*

ANNEXURE L – *Applicant's Response to comments*

REZONING: ERF 13423 KNYSNA			
Author Name: ***Sihle Phungula*** Date: 19/03/2026		Author Signature:	
Registered planner name: ***Shaun Madumbo*** SACPLAN registration number: A1510/2012 Date: 19/03/2026		Registered Planner Signature:	
Decision Maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

ERF 13423 PEZULA PRIVATE ESTATE

REZONING APPLICATION



Planning Space
Town and Regional Planners

www.planningspace.co.za

3/24/2025

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LIST OF PLANS

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Diagram 2: Aerial Photo

Diagram 3: Zoning Map

Diagram 4: CBA and ESA Map

Diagram 5: Proposed Split Zoning Plan

LIST OF ANNEXURES:

Annexure A: Power of Attorney and Company Resolution

Annexure B: Draft Deed and Letter from a Conveyancing Attorney

Annexure C: General Plan

Annexure D: Amendment of the Regional Structure Plan, Rezoning and Subdivision Approval (2003)

Annexure E1: Approved Building Plans

Annexure E2: Previous Site Plan

Annexure F: Previous Rezoning Approval (2014)

Annexure G: Appeal Dismissal

Annexure H: Approved Consolidations on the Estate

Annexure I: Residential properties within the Estate

Annexure J: EGM Minutes

INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW		
COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED		
	REZONING	**ANNEXURE REFERENCE**
Completed & signed application form	√	T2
Power of Attorney / Owner's consent (1)	√	Annexure A
Resolution (2)	√	Annexure A
Proof of registered ownership (3)	√	Annexure B
Bondholder's consent (if any)	√	N/A
Written motivation (4)	√	Main document
S.G. diagram / Extract of the general plan	√	Annexures C
Locality plan	√	Diagram 1
SDP / conceptual layout plan	√	Diagram 5
Subdivision plan [incl street name(s) &no]	–	Not required
Proof of payment of application fees	√	Attached
Copy of title deed	√	Annexure B
Conveyancer certificate (7)	√	Not required
Minutes of pre-application meeting (8)	√	Not available
Zoning plan	√	Diagram 3
Phasing plan	–	No Phasing required
Consolidation plan	–	Not required
Proof of lawful use right	–	Not required
Proof of failure of HOA (9)	–	Not required
Copy of original approval letter (s)	–	Annexures D, F, and G
ADDITIONAL INFORMATION		
Approved Building Plans	√	Annexure E1
Approved Consolidations on the Estate	√	Annexure H
Residential properties within the Estate	√	Annexure I
EGM Minutes	√	Annexure J

1. INTRODUCTION

PEZULA PRIVATE ESTATE HOMEOWNERS ASSOCIATION, the owner of Erf 13423 Knysna has appointed **Planning Space Pty Ltd** to prepare and submit the following application in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021 Municipality (see Power of Attorney & Company Resolution attached as Annexure A):

i. Section 15 (2) (a): Application for the rezoning of a portion of Erf 13423 from "**Open Space Zone II**" to "**Single Residential I**".

2. BACKGROUND

The Pezula Private Estate is situated on the Remainder of Farm Noetzie No. 394, which measures approximately 612 hectares in extent. The development consists of more than 500 ha of rehabilitated open space, sports and communal facilities, and 255 approved single residential erven. The Department of Environmental Affairs and Development Planning approved the rezoning of the Pezula Private Estate in April 2003 (refer to Annexure D). Erf 13423 is situated in Phase 3 of the Pezula Development and is one of the Open Space II Erven intended for communal facilities within the estate.

The subject property was originally designated for the Boma Facility, intended to serve as a venue for social gatherings within the estate. The site was developed in 2006 in accordance with the approved Building Plans and Site Development Plan (see Annexure E).

In 2013, the developers of the Pezula Private Estate applied to rezone three communal facilities within the estate to residential use, including the Boma site. The rationale behind this application was that the existing facilities were underutilised and imposed unnecessary financial burdens on the Estate. As part of the approval conditions, it was required that a smaller replacement venue be established near the Field of Dreams (Sports Facility) on the RE/13398 Pezula and transferred to the HOA.

The rezoning application was approved in January 2014 (see Annexure F). However, an appeal was lodged against this decision by Hutchinson, Du Plessis, Robin, and Stoloff on behalf of a number of residents of the Pezula Estate. The appeal was later dismissed by the Western Cape Department of Environmental Affairs and Development Planning, which served as the Appeal Authority at the time (see letter dated 02/09/2015 attached as Annexure G).

The approval was however never implemented and has subsequently lapsed.

In 2017, the Boma Facility was destroyed by the Knysna fires and was never rebuilt.



Figure 2: Boma Area in 2002, prior to approval, and in 2010 after the construction.



Figure 1: Boma Area in 2017, after the fire, and in 2024.

Currently, all the communal properties, including Erf 13423, are in the process of being transferred to the Homeowners Association (HOA).

3. PROPERTY INFORMATION

3.1 LOCALITY

The property is situated in the northeastern corner of the Pezula Private Estate and can be accessed through Boma Drive which links to Leopard Drive as can be seen from the attached Diagram 1: Locality Plan.

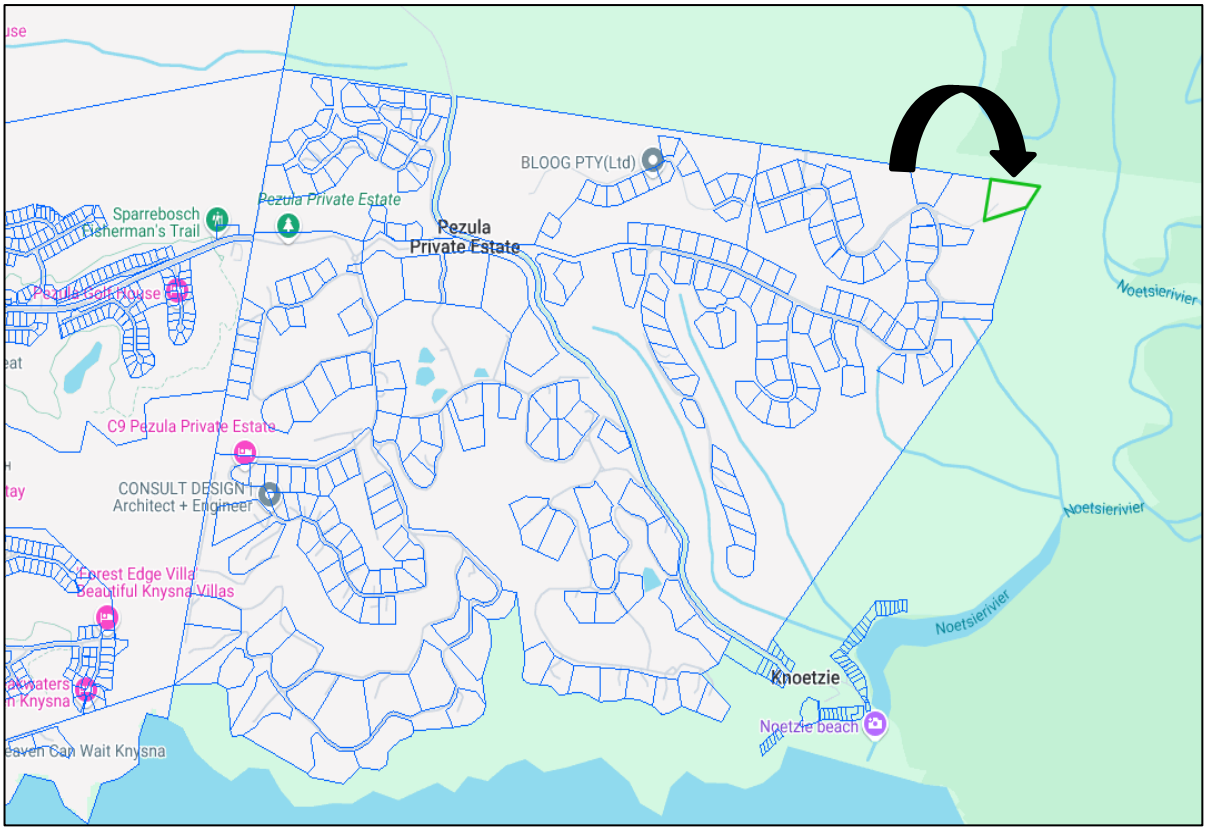


Figure 3: Extract indicating the locality of the subject property.

3.2 SITE CHARACTERISTICS

The previously approved footprint of the site is located on even slopes and does not encroach upon sensitive vegetation, wetlands, or watercourses. The topography is well-suited for residential development, ensuring minimal environmental impact.

The proposed disturbance area is strategically positioned on the flattest portion of the property, including the footprint of the former Boma structure, driveway, and parking area. Furthermore, the site's north-facing orientation offers spectacular views over a forest valley, enhancing its desirability for residential use and environmentally sustainable design.



Figure 4: View of the Boma from the west before it was burned down.

3.3 PROPERTY DETAIL

Title Deed Description	Erf 13423, in the Municipality & Division of Knysna, Western Cape
21 Digit code	C03900050001342300000
Title Deed Number	T53192/2005
S.G./GP Diagram Nr	GP 872/2005
Title Deed Restrictions	None applicable to the proposal
Property Size	1.5733 Hectares
Property Owner	PEZULA PRIVATE ESTATE HOMEOWNERS' ASSOCIATION
Bonds	None
Land Use	Vacant
Zoning	Open Space Zone II

4. PROPOSAL

4.1 REZONING

The site is in the process of being transferred from the developer to the Pezula Private Estate Homeowners Association (PPEHOA). The Estate has been functioning for several years without the Boma and the PPEHOA realised that this property will be more functional and beneficial to the Estate as a residential site.

Therefore, it is the intention to rezone a predetermined Disturbance Area (4000m²) on the subject property from “Open Space Zone II“ to “Single Residential Zone I”. As is the case with all the other properties in the Estate, the zoning of the remainder of the stand will remain “Open Space Zone II” (11733m²).

4.2 DISTURBANCE AREA

According to Condition 3.13 of the original Rezoning Approval attached as Annexure D, ‘Disturbance Areas’ on all Erven are limited to 50% of the site, up to a maximum of 2000m² on Erven up to 8000m² in extent, and 4000m² on a larger Erven. Erf 13423 measures more than 8000m² in extent, and 4000m² disturbance area will therefore apply.

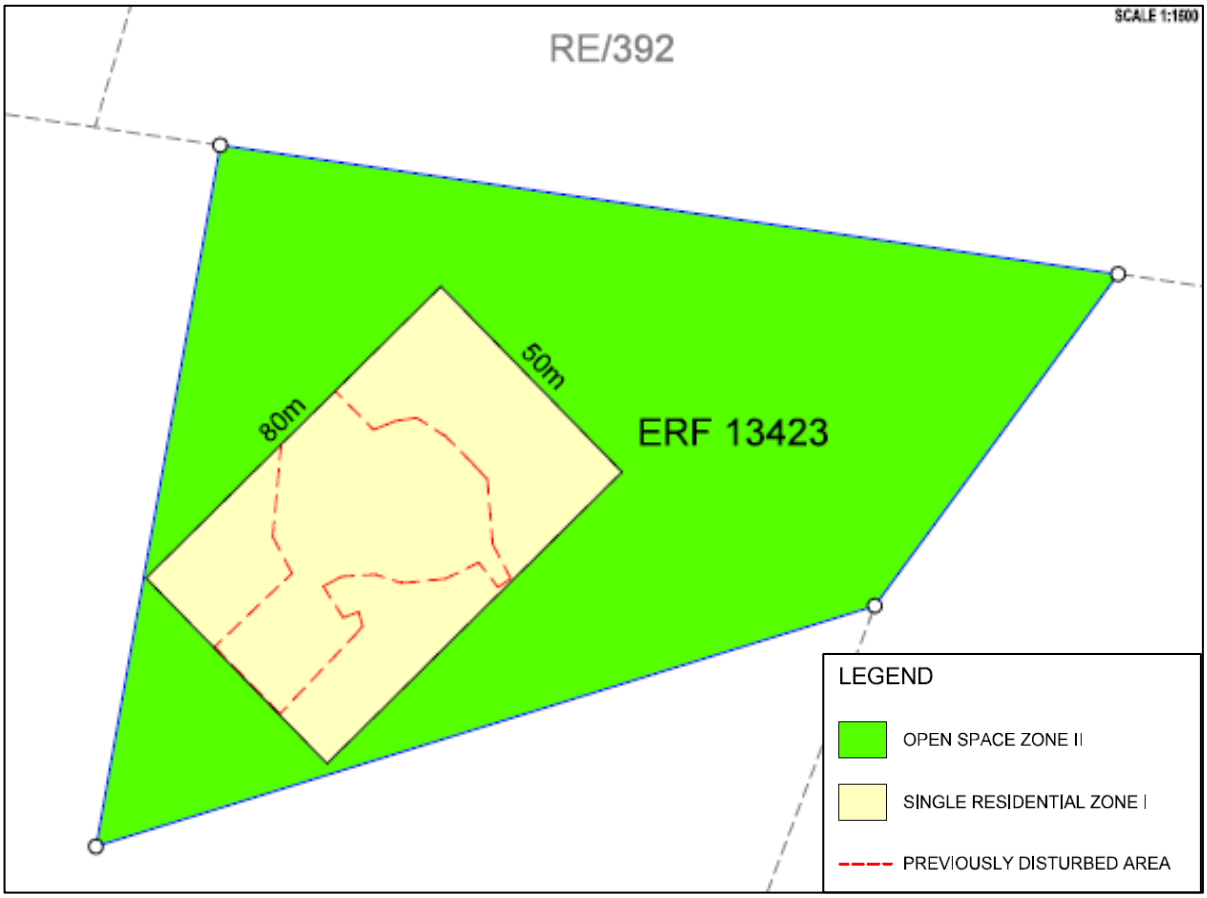


Figure 5: Proposed Split Zoning Map (see Diagram 5).

As indicated in the attached Site Plan for the individual stands, the disturbance area will include the former building footprint, driveways, and any other previously disturbed areas on site. It is the intention to sell the property and the new owners will construct a new dwelling within the disturbance area, compliant with the Pezula Design Manual.

4.3 ACCESS AND SERVICES

The property is accessible through the existing road network on the Estate and is provided with a water and electrical connection. The private biological sewer system currently used on the Estate will be installed by the new owners during the construction of the house.

5. FACTORS TO CONSIDER

5.1 COMPLIANCE WITH CONDITIONS OF REZONING APPROVAL

The Department of Environmental Affairs and Development Planning approved the amendment of the Structure Plan, Rezoning, and Subdivision of the Pezula Private Estate on 10 April 2003, subject to certain conditions (refer to Annexure D). Conditions that relate to this application are the following:

- **Condition 3.5**: "An 'Open Space Zone II' zoning applying to the portions of the development where the communal facilities are to occur, and detailed Site Development Plan in respect of each component being prepared by the applicant, to the satisfaction of the Municipality. Separate alienation of these portions shall not be permitted without the approval of the Municipality;"

  The property previously complied with this condition. Application is now made to rezone a portion of the subject property to Single Residential Zone I for private use and thereby the condition relating to the Open Space II zoning will become obsolete.

- **Condition 3.11**: "No more than 255 residential units being permitted."

  The approved Layout Noetzie 22 indicates 255 Erven. In 2007, an application was approved by The Department of Environmental Affairs and Development Planning to amend this condition to allow 254 "Single Residential" Erven and 1 "General Residential" Erf to accommodate the 20 Sports Villas at the "Field of Dreams". The shortfall of 1 Single residential stand was accommodated in Phase 4. The Sports Villas have never been implemented, and the subdivision of the Sports Villa site has expired. Erf 13552(the approved General Residential site) was never registered and has since lapsed. The total approved Sigle Residential erven at the estate still stands at 254.

  A recent audit of the Pezula Estate revealed that during the last 20 years, 4 consolidations of residential properties have occurred on the Estate of which 3 consolidations have been registeredas can be seen in Table 1 below.

PEZULA PRIVATE ESTATE - PHASE 3			
Phase	**Consolidation**	**Registration**	**SG Diagram No.**
3a	Erf 16374 (Erf 13473 & Erf 13475)	Registered	2910/2014
	Erf 16460 (Erf 13445 & Erf 13446)	Registered	3307/2009
	Erf 19043 (Erf 13440 & Erf 13441)	Registered	1344/2012

Table 1: Occurred consolidations within the Estate (see Annexure H).

At the time of writing this Report, the total amount of Single Residential Properties on the Estate is calculated to be 251 (see Annexure I).

5.2 COMPLIANCE WITH CONDITIONS OF ENVIRONMENTAL AUTHORISATION

The proposal complies with the conditions of the Environmental Authorisation contained in the record of decision issued by the Chief Directorate: Environmental Affairs dated 16 October 2002, and the recommendations of the final environmental impact report of Hilland Associates dated September 2002. This was also confirmed in the appeal decision (See paragraph 3.6 of the appeal decision attached as Annexure G).

The approval from the Department of Environmental Affairs and Developmental Planning stipulated the following condition that relates to this application:

"At least 500 ha of the property must be retained and managed as private open space".

The table below provides a summary of the area calculations for the estate. The communal facilities have always been included as part of the calculations for the development area and have never formed part of the protected rehabilitated natural "Open Space" calculation. The calculation shows that currently approximately 516ha are being retained for conservation purposes and have been completely rehabilitated to fynbos. This application does not impact on this calculation.

PEZULA ESTATE REHABILITATION CALCULATIONS							
TOTAL AREA							**611.49**
	PHASE		**ERVEN**	**FOOTPRINT**		**Totals**	**Ha**
ERVEN	***Phase 1a***		53	2000 or 4000		140000	14.00
	Phase 1b		43	2001 or 4000		36000	3.60
	Phase 2		18	2002 or 4000		142000	14.20
	Phase 3a		73	2000		60000	6.00
	Phase 3b		16	2000		32000	3.20
	Phase 3C		14	2000		28000	2.80
	Phase 4		35	entire erf		144150	14.42
	Sport Villas (lapsed)		0	0		0	0.00
			252	6000		582150	**58.22**
ROADS	***Phase 1***	6800	5	34000			3.40
	Phase 2	5500	5	27500			2.75
	Phase 3	*2000*	5	10000			1.00
	Phase 4	4500	5	22500			2.25
	Noetzie	2200	10	22000			2.20
						116000	**11.60**
FACILITIES	***RESERVOIR/MAINTENANCE***	7571	1				0.76
	EQUESTRIAN	12000	1				1.20

	SPORT	214000	1				21.40
	GAME LAPA	15700	1			**249271**	**24.93**
TOTAL DEVELOPMENT AREA							**94.74**
TOTAL REHABILITATED AREA							**516.75**
							611.49

TOTAL AREA OF THE REMAINDER OF THE FARM NOETZIE 394	617.63
NOETZIE GENERAL PLAN AREA EXLUDED FROM THE DEVELOPMENT	6.14
TOTAL AREA OF THE PEZULA DEVELOPMENT	**611.49**

Table 2: Open space Calculation.

5.3 UNDERUTILISATION OF THE EXISTING SPACE

The original purpose of the Boma was to serve as a communal gathering space. However, the facility was underutilised from the start and eventually burned down in 2017, with no replacement built. Given its lack of use and the absence of a functional facility, the space no longer serves its intended purpose and remains vacant land with no community benefit.

5.4 IMPACT ON THE NEIGHBOURING PROPERTIES

The isolated location of the former Boma in the northeastern corner of the Estate ensures that the development of a single residential home will have no direct impact on neighbouring properties. Reinstating the Boma as a communal facility would likely result in a greater impact on nearby residents in terms of noise, increased traffic, and reduced privacy, whereas a single dwelling presents a far lower environmental and social footprint.

5.5 IMPACT ON THE CHARACTER OF THE ESTATE

Pezula is a homogeneous low-density Residential Estate, with a strong emphasis on nature and conservation. One additional property on the footprint of a previous communal building will not be in conflict with the land use or ethos of the Estate. The properties will be developed according to the same Architectural Guidelines and the new owners will abide by the Home Owners Association Rules.

5.6 IMPACT ON THE FINANCES OF THE PPE HOA

The HOA bears the financial responsibility for maintaining all open spaces, which creates a significant cost burden for homeowners. The rezoning and sale of this Erf will generate immediate capital, strengthening the estate's financial position. A new residential Erf will contribute to ongoing levy income, ensuring long-term financial sustainability for the HOA.

5.7 AVAILABILITY OF SERVICES

The site is serviced. There will be no additional pressure on the capacity of the Estate, as there will not be any additional properties created due to the consolidation of properties.

5.8 COMPATIBILITY WITH THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK

The Pezula Private Estate is an existing residential development within the urban edge of Knysna. Although the SDF does not support low-density development and/or ''eco-estates'', this has no real bearing on the application as the Estate was approved more than 20 years ago. The proposed rezoning is aligned with the conditions of the approval of the Estate and the visions and aims contained in the SDF are not of particular relevance in this instance.

5.9 COMPATIBILITY WITH SPLUMA DEVELOPMENT PRINCIPLES

In considering the application, the decision-maker must be guided by the development principles outlined in Chapter II of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act No. 3 of 2014) (LUPA).

SPLUMA serves as a framework law, providing broad principles for a set of provincial laws that regulate planning. Therefore, it does not have significant relevance to minor applications permitted by the Zoning Scheme By-Law. For instance, the principle of spatial justice requires redressing past spatial and other development imbalances through improved access to and use of land. However, the nature of this application cannot directly contribute to spatial reform. These matters are best addressed through spatial development frameworks, zoning schemes, and other management systems.

In terms of other SPLUMA principles such as Spatial Sustainability and Spatial Efficiency, it can be argued that rezoning will result in converting an unused space into a functional residential erf, contributing to the optimal use of land within the estate, ensuring that resources are allocated in a way that enhances financial and environmental sustainability. The rezoning ensures that valuable land is not left idle but instead contributes to the economic viability of the estate while minimising maintenance burdens on homeowners.

6. CONCLUSION

The decision maker is respectfully requested to consider an application for the rezoning of Erf 13423 from "Open Space II" to "Single Residential I" for approval based on the following :

- The former Boma facility was underutilised and burned down in 2017, with no replacement built. The site remains vacant and functionally obsolete, serving no meaningful purpose to the Pezula community.
- The rezoning was previously approved by both the Knysna Municipality and the Provincial Appeal Authority, confirming the desirability of the proposal.
- The proposed residential footprint is located on the flattest portion of the property of the footprint of the Boma and associated structures, avoiding sensitive vegetation, wetlands, and watercourses.
- The site's isolated location ensures no direct impact on neighbouring properties.
- Re-instating the Boma would create greater disturbances (noise, traffic, and privacy issues), whereas a single dwelling has a lower environmental and social footprint.
- The sale of the Erf will generate capital, strengthening the HOA's financial position.
- The new residential property will contribute levy income, ensuring long-term financial sustainability.
- The proposal complies with SPLUMA Principles in the sense that it supports spatial efficiency by optimising land use within the estate.
- The rezoning will not increase overall density beyond what was originally planned and will not reduce the statutory required 500ha conservation footprint.

SPECIAL POWER OF ATTORNEY

I, the undersigned ..JOHANITA HENNING..... duly authorized, do hereby nominate, constitute and appoint Lizemarie Botha/ Lundikazi Khuphiso of the firm **PLANNING SPACE**, with power of substitution to be my lawful agent, in my name, place and stead to make application, as described below, to the relevant Authorities and to sign all application forms, documents and other papers as may be required in such application.

DESCRIPTION OF PROPERTY

Erf 13423, Knysna

NATURE OF APPLICATION

Rezoning and Related Applications

SIGNED AT KNYSNA **THIS** 7th **DAY OF** MARCH **2025**

P.P. .....

OWNER/ AUTHORISED AGENT

WITNESSES

1. .....

2. .....

PEZULA PRIVATE ESTATE HOMEOWNER'S ASSCOCIATION

(Name of Company, Partnership, Trust or Close Corporation)

RESOLUTION

Resolution passed at the meeting of the Shareholders/ Partners/ Trustees/ Members

held in Knysna on the 07th day of March 2025.

Resolved that Johanita Magdalouise Henning in her capacity as

Estate Manager , be and is hereby authorised to do whatever may be necessary to give effect to this resolution and to enter into and to sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Company/ Partnership/ Trust/ Close Corporation with such modification as he/ she in his/ her sole discretion shall deem fit, his/ her signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

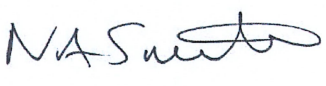
DESCRIPTION OF PROPERTY

Erf 13423, Knysna

NATURE OF APPLICATION

Rezoning and Related Applications

SIGNATURE OF SHAREHOLDERS/ PARTNERS/ TRUSTEES/ MEMBERS:

NAME	SIGNATURE
Dr Moira Hamlin	
Nick Smith	

BISSET BOEHMKE MCBLAIN

ATTORNEYS NOTARIES & CONVEYANCERS

TELEPHONE: (021) 422 3030
27 21 422 3030 (International)

3rd FLOOR, 45 BUITENGRACHT STREET,
CAPE TOWN 8001

P O BOX 76 CAPE TOWN 8000

DOCEX 50

TELEFAXES
(021) 418 3028 (COMMERCIAL & LITIGATION)
(021) 422 2223 (CONVEYANCING & ESTATES)

e-MAIL: s.narain @bissets.com

WEBSITE: www.bissets.com

PLANNING & SPACE
TOWN & REGIONAL PLANNERS

ATT: LIZEMARIE

VIA E-MAIL

OUR REF.	YOUR REF.	DATE
MVW/SUBY/M41224	ERF 13423 Knysna	7 February 2025

Dear Mrs Botha

TRANSFER PEZULA PRIVATE ESTATE PTY LTD TO PEZULA PRIVATE ESTATE HOME OWNERS ASSOCIATION OF ERVEN 13325, 13356,13395, 13402, 13422, 13423, 13490, 13491, 15234, 15235, 15236, 15237, 15238, 15240,15241, 15242, 15244, 15245,15247,15248, REMAINDER ERF 15249, 13500, 13501, 13504, 13508, 13510,13512,13513,15239 KNYSNA

We write to confirm that we have been instructed to attend to the above transfer of the abovementioned 29 Erven which is underway as soon as possible. We further confirm that the 29 Erven transfer includes Erf 13423 Knysna (Boma site).

Yours faithfully
BISSET BOEHMKE MCBLAIN
M VAN WYK
M VAN WYK

PARTNERS: CLINTON RYAN VAN ASWEGEN, LL.B., (MANAGING) ROALD HUBERT BESSELAAR, B.COMM. LL.B., CARL CHRISTIAAN BURGER, B.COMM. LL.B., STEPHEN JOHN KOEN, B.A. LL.B., ERLISE LOOTS, LL.B. LL.M. P.G.DIP TAX LAW, RIFQAH OMAR, B.SOC.SCI. LL.B., HENNING JONATHAN PIETERSE, B.A.(HONS) LL.B. LL.M., JACOBUS NICOLAAS JOHANNES PIETERSE, B.PROC. M.A., MICHELLE VAN WYK, B.A. LL.B., LISE JOHANNE VON GEYSO, B.COMM. LL.B., ALBIN ALOIS WAGNER, B.A. LL.B.
CONSULTANTS: RONEL ELS, B.A. LL.B. LL.M., ROBERT CHRISTOPHER FERRANDI, B.A., LL.B. P.G. DIP TAX LAW., **SENIOR ASSOCIATES:** HARRIS GEOFFREY HARDCASTLE, LL.B. LL.M., ELKE HERBST, LL.B., SAVANNA KANZLER, LL.B., SARAH CLAIRE MARX, BSc, LL.B., AMY LOUISE VAN DYK, LL.B., LEANNE KIM WILLIAMS, B.A. LL.B. LL.M
ASSOCIATES: CHELSEA JAYNE BANKS, B.A. LL.B., UNATHI MAYEKISO, LL.B., DANIEL ROY PREVOST, B.A. LL.B., MARC JEAN VAN DER MERWE, B.A. LL.B.

A CERTIFIED BEE PROVIDER

52

Bisset Boehmke McBlain
4th Floor
45 Buitengracht Street
Cape Town
8001

Prepared by me

CONVEYANCER
Leanne Kim Williams (LPCM No. 96605)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R……	R……
Reason for exemption	Category Exemption……	Exemption i t o. Sec/Reg…… Act/Proc……

T

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

appeared before me, REGISTRAR OF DEEDS:WESTERN CAPE at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Paarl on 17 February 2025 granted to him/her by

PEZULA PRIVATE ESTATE PROPRIETARY LIMITED
Registration Number 2000/019673/07

And the appearer declared that :

WHEREAS Pezula Private Estate Proprietary Limited (the "Company") is the registered owner of the hereinafter mentioned properties; and

WHEREAS the Company was provisionally liquidated by the High Court of South Africa, Western Cape Division (Cape Town) on 17 February 2014 which order was made final order by the said Court 18 June 2014; and

WHEREAS Pezula Private Estate Home Owners Association (the "Transferee") submitted a claim of R5 221 329,92 (Five Million Two Hundred and Twenty One Thousand Three Hundred and Twenty Nine Rand and Ninety Two Cents) against the Company; and

WHEREAS a Scheme of Arrangement was proposed to the Creditors by the Company in terms of Section 155 of the Companies Act, 2008 which proposal was accepted by the Creditors and made an Order of Court on 6 September 2018 on which date the Company was discharged from liquidation; and

WHEREAS in terms of the said arrangement it was agreed that the hereinafter mentioned properties which are some of the properties to be transferred to the Transferee in settlement of the Transferee's claim against the Company

and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

PEZULA PRIVATE ESTATE HOME OWNERS' ASSOCIATION
(a voluntary association not for gain)

its Successors in Title or assigns, in full and free property

1. ERF 13325 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 41,3854 (FORTY ONE COMMA THREE EIGHT FIVE FOUR) Hectares

As will appear from General Plan No. 3893/2003 and held by Certificate of Registered No.T100433/2003.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

2. ERF 13356 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 12,6924 (TWELVE COMMA SIX NINE TWO FOUR) Hectares

As will appear from General Plan No. 2012/2004 and held by Certificate of Registered No.T73921/2004.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

3. ERF 13395 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 47,8942 (FORTY SEVEN COMMA EIGHT NINE FOUR TWO) Hectares

As will appear from General Plan No. 2012/2004 and held by Certificate of Registered No.T73921/2004.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

4. ERF 13402 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4088 (FOUR THOUSAND AND EIGHTY EIGHT) Square metres

As will appear from General Plan No. 872/2005 and held by Certificate of Registered No.T53192/2005.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

5. ERF 13422 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1,2236 (ONE COMMA TWO TWO THREE SIX) Hectares

As will appear from General Plan No. 872/2005 and held by Certificate of Registered No.T53192/2005.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

6. ERF 13423 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1,5733 (ONE COMMA FIVE SEVEN THREE THREE) Hectares

As will appear from General Plan No. 872/2005 and held by Certificate of Registered No.T53192/2005.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

7. ERF13490 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 9999 (NINE THOUSAND NINE HUNDRED AND NINETY NINE) Square metres

As will appear from General Plan No. 872/2005 and held by Certificate of Registered No.T53192/2005.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

8. ERF 13491 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 7571 (SEVEN THOUSAND FIVE HUNDRED AND SEVENTY ONE) Square metres

As will appear from General Plan No. 872/2005 and held by Certificate of Registered No.T53192/2005.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

9. ERF 15234 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4968 (FOUR THOUSAND NINE HUNDRED AND SIXTY EIGHT) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No..T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

10. ERF 15235 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 5358 (FIVE THOUSAND THREE HUNDRED AND FIFTY EIGHT) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

11. ERF 15236 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 5704 (FIVE THOUSAND SEVEN HUNDRED AND FOUR) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

12. ERF 15237 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 5398 (FIVE THOUSAND THREE HUNDRED AND NINETY EIGHT) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

13. ERF 15238 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 5181 (FIVE THOUSAND ONE HUNDRED AND EIGHTY ONE) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

14. ERF 15240 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4992 (FOUR THOUSAND NINE HUNDRED AND NINETY TWO) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

15. ERF 15241 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4922 (FOUR THOUSAND NINE HUNDRED AND TWENTY TWO) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

16. ERF 15242 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 5396 (FIVE THOUSAND THREE HUNDRED AND NINETY SIX) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

17. ERF 15244 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4619 (FOUR THOUSAND SIX HUNDRED AND NINETEEN) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

18. ERF 15245 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4779 (FOUR THOUSAND SEVEN HUNDRED AND SEVENTY NINE) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

19. ERF 15247 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 6397 (SIX THOUSAND THREE HUNDRED AND NINETY SEVEN) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

20. ERF 15248 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 6518 (SIX THOUSAND FIVE HUNDRED AND EIGHTEEN) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T37882/2006.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

21. REMAINDER OF ERF 15249 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1,4911 (ONE COMMA FOUR NINE ONE ONE) Hectares

FIRST REGISTERED and still held by Certificate of Registered No.T82552/2007 with Diagram S G No. 364/2007 relating thereto.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

22. ERF 13500 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 3117 (THREE THOUSAND ONE HUNDRED AND SEVENTEEN) Square metres

As will appear from General Plan No. 365/2007 and held by Certificate of Registered No.T82551/2007.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

23. ERF 13501 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 2892 (TWO THOUSAND EIGHT HUNDRED AND NINETY TWO) Square metres

As will appear from General Plan No. 365/2007 and held by Certificate of Registered No.T82551/2007.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

24. ERF 13504 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 3250 (THREE THOUSAND TWO HUNDRED AND FIFTY) Square metres

As will appear from General Plan No. 365/2007 and held by Certificate of Registered No.T82551/2007.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

25. ERF 13508 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 3369 (THREE THOUSAND THREE HUNDRED AND SIXTY NINE) Square metres

As will appear from General Plan No. 365/2007 and held by Certificate of Registered No.T82551/2007.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

26. ERF 13510 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 3959 (THREE THOUSAND NINE HUNDRED AND FIFTY NINE) Square metres

As will appear from General Plan No. 365/2007 and held by Certificate of Registered No.T82551/2007.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

27. ERF 13512 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4161 (FOUR THOUSAND ONE HUNDRED AND SIXTY ONE) Square metres

As will appear from General Plan No. 365/2007 and held by Certificate of Registered No.T82551/2007.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

28. ERF 13513 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 10,1587 (TEN COMMA ONE FIVE EIGHT SEVEN) Hectares

As will appear from General Plan No. 365/2007 and held by Certificate of Registered No.T82551/2007.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

29. ERF 15239 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 5426 (FIVE THOUSAND FOUR HUNDRED AND TWENTY SIX) Square metres

As will appear from General Plan S.G. No. 4299/2005 and held by Certificate of Registered No.T82551/2007.

FIRST REGISTERED and still held by Certificate of Registered No.T37882/2006 with Diagram S G No. 871/2005 relating thereto.

A. SUBJECT to such conditions as are mentioned or referred to in Certificate of Amended Title granted under the provisions of Act No. 9 of 1870 on the 19th of April 1915 (Knysna Quitrents Book II Folio 23) and to the condition specially mentioned in Deed of Transfer No.T1200/1921, namely:-

"The said land being subject moreover to all such duties and regulations as either, or already or shall in future be established respecting lands held on similar tenure."

WHEREFORE the said Appearer, renouncing all rights and title which the said

PEZULA PRIVATE ESTATE PROPRIETARY LIMITED
Registration Number 2000/019673/07

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

PEZULA PRIVATE ESTATE HOME OWNERS' ASSOCIATION (A VOLUNTARY ASSOCIATION NOT FOR GAIN)

its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R5 221 329,92 (FIVE MILLION TWO HUNDRED AND TWENTY ONE THOUSAND THREE HUNDRED AND TWENTY NINE RAND AND NINETY TWO CENTS) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

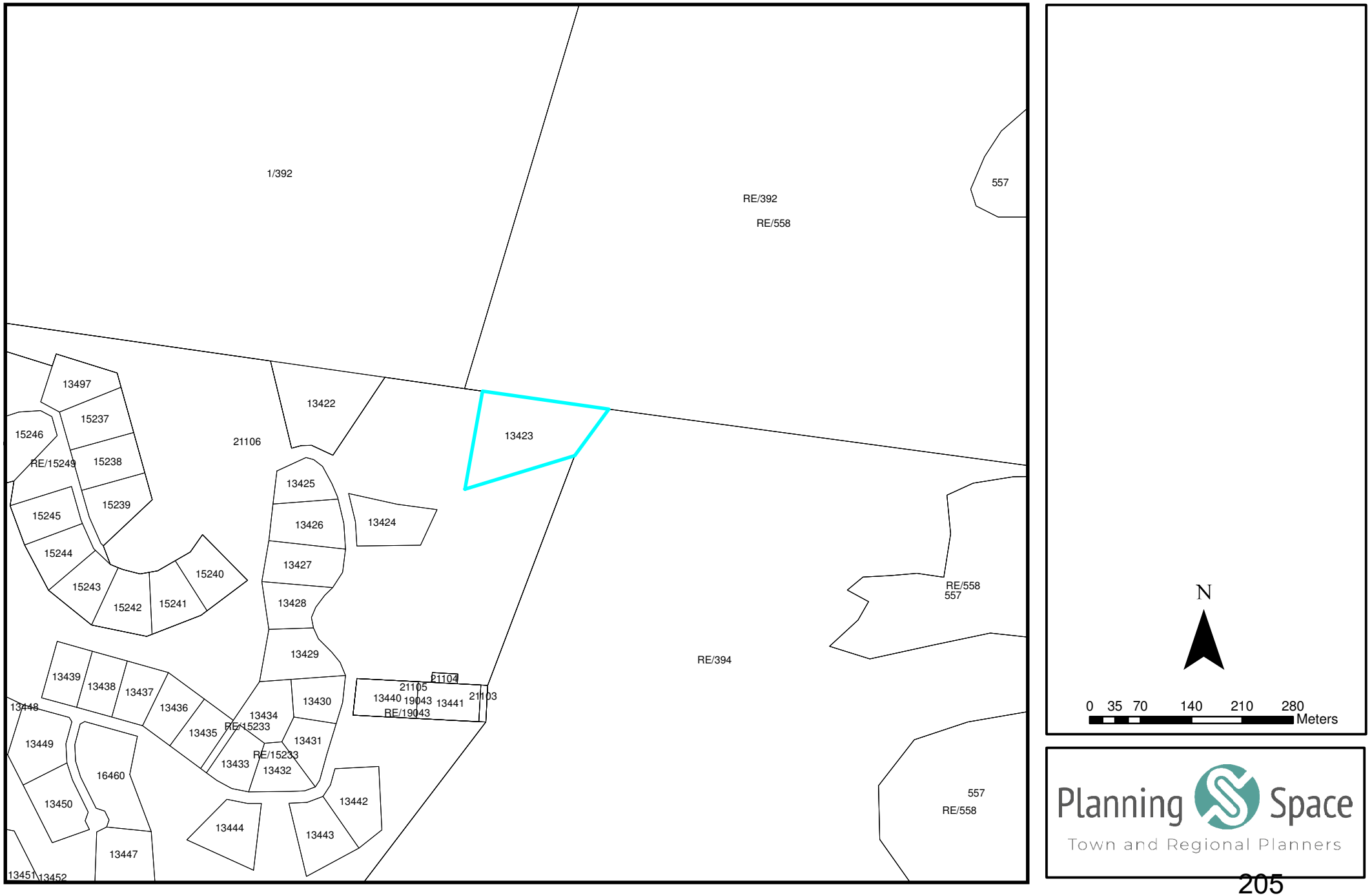
_____
q.q.

In my presence

_____
REGISTRAR OF DEEDS

DIAGRAM 1: LOCALITY MAP

ERF 13423 KNYSNA



Planning Space
Town and Regional Planners

DIAGRAM 2: AERIAL PHOTO



Date created: 2025/03/10

0 0.01 0.02 0.03 0.04 0.05 km

Western Cape Government FOR YOU

VPM SURVEYS[KNYSNA]

872/2005 sht.1

MAIN FIGURE DATA

Sides	Metres	Angles of direction
AB	2100.83	278.06.27
BC	79.29	36.26.50
CD	337.90	20.42.50
DE	50.53	2.58.20
EF	1292.60	37.19.11
FG	46.61	28.46.40
GH	198.79	119.38.20
HJ	40.73	132.03.50
JK	92.51	139.53.10
KL	28.72	147.30.30
LM	25.01	158.21.50
MN	16.99	166.04.50
NP	15.67	180.46.20
PQ	17.66	186.36.20
QR	40.21	193.26.20
RS	24.31	184.27.50
ST	18.27	164.08.20
TU	24.61	150.59.40
UV	71.77	141.06.50
VW	77.61	143.00.00
WX	41.58	141.12.30
XY	15.39	150.04.50
YZ	48.76	157.04.30
Z1A	31.42	161.08.50
1A1B	25.63	159.02.00
1B1C	31.86	160.23.10
1C1D	35.02	157.07.30
1D1E	105.14	154.32.40
1E1F	20.65	148.12.40
1F1G	19.86	140.53.40
1G1H	52.53	137.25.00
1H1J	55.85	142.42.50
1J1K	21.53	135.29.30
1K1L	78.44	123.16.50
1L1M	13.97	127.39.40
1M1N	18.46	135.01.10
1N1P	20.32	145.29.10
1P1Q	17.59	155.01.00
1Q1R	25.26	160.16.10
1R1S	17.50	150.30.40
1S1T	55.11	139.19.00
1T1U	21.32	160.05.00
1U1V	7.45	178.37.00
1V1W	27.87	187.24.10
1W1X	23.47	177.52.20
1X1Y	40.00	160.08.20
1Y1Z	36.58	142.36.10
1Z2A	21.29	130.17.40
2A2B	30.97	119.00.10
2B2C	20.09	108.56.10
2C2D	99.52	102.58.30
2D2E	51.30	107.31.20
2E2F	46.61	108.05.50
2F2G	25.30	105.08.40
2G2H	10.84	115.10.20
2H2J	14.22	123.14.20
2J2K	11.19	133.19.50
2K2L	11.46	140.56.20
2L2M	9.74	146.36.20
2M2N	14.44	152.11.30
2N2P	13.69	159.10.50
2P2Q	13.25	171.15.20
2Q2R	12.12	183.28.30
2R2S	14.17	193.15.50
2S2T	31.41	195.38.30
2T2U	22.56	197.29.40
2U2V	24.64	204.02.50
2V2W	29.76	205.35.30
2W2X	17.90	188.28.40
2X2Y	18.45	178.42.10
2Y2Z	27.42	172.41.10
2Z3A	16.01	183.10.20
3A3B	13.72	189.23.50
3B3C	17.05	191.55.20
3C3D	66.47	194.18.30
3D3E	21.82	189.58.10
3E3F	20.35	179.33.50
3F A	12.51	176.04.00

MAIN FIGURE CO-ORDINATES

System: WG.23 Y metres X
Constants +0,00 ±0,00

	Y	X
A	-10380.86	3770454.46
B	-12460.70	3770750.75
C	-12413.59	3770814.53
D	-12294.07	3771130.59
E	-12291.45	3771181.05
F	-11507.79	3772209.01
G	-11485.36	3772249.86
H	-11312.58	3772151.55
J	-11282.34	3772124.26
K	-11222.73	3772053.51
L	-11207.31	3772029.29
M	-11198.08	3772006.04
N	-11194.00	3771989.55
P	-11194.21	3771973.88
Q	-11196.24	3771956.34
R	-11205.58	3771917.23
S	-11207.47	3771892.99
T	-11202.48	3771875.42
U	-11190.55	3771853.89
V	-11145.49	3771798.02
W	-11098.78	3771736.04
X	-11072.73	3771703.63
Y	-11065.06	3771690.29
Z	-11046.06	3771645.38
1A	-11035.91	3771615.65
1B	-11026.74	3771591.71
1C	-11016.04	3771561.70
1D	-11002.43	3771529.44
1E	-10957.24	3771434.51
1F	-10946.36	3771416.95
1G	-10933.83	3771401.54
1H	-10898.29	3771362.86
1J	-10864.46	3771318.43
1K	-10849.36	3771303.07
1L	-10783.79	3771260.03
1M	-10772.73	3771251.50
1N	-10759.68	3771238.44
1P	-10748.17	3771221.69
1Q	-10740.73	3771205.74
1R	-10732.21	3771181.97
1S	-10723.59	3771166.73
1T	-10687.67	3771124.94
1U	-10680.41	3771104.90
1V	-10680.23	3771097.45
1W	-10683.82	3771069.82
1X	-10682.94	3771046.36
1Y	-10669.35	3771008.74
1Z	-10647.14	3770979.68
2A	-10630.90	3770965.91
2B	-10603.84	3770950.89
2C	-10584.81	3770944.37
2D	-10487.84	3770922.03
2E	-10438.92	3770906.59
2F	-10394.62	3770892.11
2G	-10370.20	3770885.50
2H	-10360.39	3770880.89
2J	-10348.50	3770873.10
2K	-10340.36	3770865.42
2L	-10333.13	3770856.52
2M	-10327.77	3770848.39
2N	-10321.04	3770835.62
2P	-10316.17	3770822.82
2Q	-10314.16	3770809.73
2R	-10314.89	3770797.63
2S	-10318.14	3770783.84
2T	-10326.61	3770753.59
2U	-10333.40	3770732.07
2V	-10343.44	3770709.57
2W	-10356.29	3770682.73
2X	-10358.93	3770665.03
2Y	-10358.51	3770646.58
2Z	-10355.02	3770619.39
3A	-10355.91	3770603.41
3B	-10358.15	3770589.87
3C	-10361.67	3770573.18
3D	-10378.10	3770508.78
3E	-10381.88	3770487.28
3F	-10381.72	3770466.93

BLOCK CORNERS

	Y	X
A1	-11466.84	3770609.16
A2	-11413.84	3770949.91
A3	-11592.25	3771034.53
A4	-11563.11	3771095.97
A5	-11372.68	3771005.65
A6	-11289.20	3770980.96
A7	-11229.68	3770966.06
A8	-11107.13	3770939.88
A9	-11005.79	3770931.15
A10	-10959.71	3770931.48
A11	-10798.46	3770974.14
A12	-10658.99	3770934.55
A13	-10597.74	3770934.87
A14	-10575.01	3770942.12
B1	-11458.35	3770816.93
B2	-11649.32	3770754.72
B3	-11679.09	3770752.61
B4	-11694.72	3770760.95
B5	-11734.84	3770903.01
B6	-11752.13	3770942.31
B7	-11775.07	3770964.13
B8	-11792.69	3770971.32
B9	-11816.13	3770977.06
B10	-11840.19	3770972.87
B11	-11876.87	3770951.94
B12	-11923.98	3771010.13
B13	-11875.23	3771047.03
B14	-11819.85	3771060.06
B15	-11739.44	3771040.64
B16	-11686.64	3770990.43
B17	-11667.08	3770949.74
B18	-11648.26	3770898.61
B19	-11642.85	3770849.23
B20	-11625.72	3770840.09
B21	-11585.06	3770864.71
B22	-11484.58	3770897.44
C1	-11705.41	3770754.63
C2	-11783.29	3770733.08
C3	-11823.28	3770877.66
C4	-11762.15	3770935.28
C5	-11746.16	3770898.94
D1	-11995.41	3770684.46
D2	-12152.87	3770706.89
D3	-12081.11	3770814.17
D4	-12051.93	3770800.46
D5	-12038.01	3770800.68
D6	-12024.48	3770804.48
D7	-12286.87	3770725.98
D8	-12262.82	3770860.80
D9	-12102.91	3770866.77
D10	-12169.62	3770881.34

BLOCK CORNERS

	Y	X
D11	-12224.49	3770888.73
D12	-12201.60	3770937.59
D13	-12114.26	3770938.83
D14	-12112.12	3770905.48
E1	-12004.23	3770835.81
E2	-12044.35	3770817.21
E3	-12054.77	3770820.04
E4	-12066.96	3770829.44
E5	-12079.92	3770852.96
E6	-12087.63	3770871.70
E7	-12096.24	3770907.86
E8	-12098.50	3770943.06
E9	-12094.62	3770974.87
E10	-12081.08	3770995.98
E11	-12069.80	3771006.63
E12	-12057.72	3771023.11
E13	-12051.57	3771037.37
E14	-12054.40	3771051.68
E15	-12061.22	3771066.75
E16	-12079.76	3771085.07
E17	-12091.15	3771099.10
E18	-12098.62	3771117.06
E19	-12094.66	3771154.32
E20	-12072.93	3771224.85
E21	-12063.08	3771261.06
E22	-12057.08	3771270.20
E23	-12042.61	3771275.61
E24	-12022.17	3771276.50
E25	-11965.44	3771276.94
E26	-11942.34	3771272.35
E27	-11921.75	3771261.39
E28	-11819.47	3771185.98
E29	-11728.97	3771160.72
E30	-11680.70	3771147.68
E31	-11702.32	3771070.22
E32	-11855.12	3771112.88
E33	-11944.34	3771178.65
E34	-11980.30	3771125.64
E35	-11993.04	3771053.49
E36	-11983.45	3770987.64
E37	-11993.10	3770931.38
F1	-12114.27	3771121.26
F2	-12108.91	3771171.57
F3	-12083.99	3771245.15
F4	-12144.35	3771242.11
F5	-12148.47	3771329.17
F6	-12117.04	3771354.31
F7	-12044.81	3771393.20
F8	-12020.68	3771292.58
F9	-12045.84	3771291.48
F10	-12067.59	3771283.35
F11	-12077.85	3771267.72
F12	-11935.33	3771287.27
F13	-11963.93	3771292.95
F14	-11982.82	3771292.81
F15	-11972.11	3771384.60
F16	-11880.31	3771342.85
G1	-11733.86	3771183.89
G2	-11739.98	3771180.41
G3	-11812.34	3771200.60
G4	-11801.98	3771253.03
G5	-11831.53	3771331.54
G6	-11837.47	3771413.17
G7	-11786.65	3771428.36
G8	-11753.38	3771419.72
G9	-11756.46	3771332.10
G10	-11770.15	3771325.34
G11	-11773.59	3771315.62
G12	-11767.57	3771303.43
G13	-11755.58	3771299.52
G14	-11734.29	3771256.40
G15	-11727.46	3771234.94
G16	-11726.23	3771212.15
G17	-11600.89	3771131.59
G18	-11655.24	3771157.37
G19	-11718.77	3771174.54
G20	-11722.30	3771180.67
G21	-11714.14	3771210.88
G22	-11715.56	3771237.12
G23	-11723.13	3771260.90
G24	-11744.84	3771304.83
G25	-11740.67	3771316.72
G26	-11746.63	3771328.77
G27	-11695.41	3771346.95
G28	-11634.07	3771225.81
G29	-11576.24	3771217.49
G30	-11578.10	3771175.06
G31	-11594.52	3771134.09
H1	-11246.70	3770986.86
H2	-11285.00	3770996.40
H3	-11366.95	3771020.64
H4	-11577.38	3771120.44
H5	-11580.03	3771127.22
H6	-11562.24	3771171.63
H7	-11556.96	3771291.74
H8	-11583.03	3771398.61
H9	-11577.72	3771420.07
H10	-11558.96	3771433.09
H11	-11535.83	3771431.53
H12	-11510.73	3771424.85
H13	-11476.00	3771398.31
H14	-11468.37	3771389.73
H15	-11451.76	3771371.05
H16	-11448.28	3771356.94
H17	-11451.17	3771194.50
H18	-11428.33	3771140.05
H19	-11387.36	3771104.58
H20	-11346.66	3771109.95
H21	-11338.38	3771124.84
H22	-11327.43	3771130.67
H23	-11318.71	3771127.95
H24	-11308.12	3771133.60
H25	-11305.36	3771142.43
H26	-11274.02	3771140.41
H27	-11252.70	3771125.62
H28	-11225.19	3771062.26
H29	-11240.79	3770990.53
J1	-11112.81	3770957.45
J2	-11225.36	3770981.49
J3	-11229.19	3770987.42
J4	-11212.65	3771063.46
J5	-11157.51	3771060.98
J6	-11107.23	3771000.19
K1	-11270.65	3771152.22
K2	-11308.00	3771154.62
K3	-11310.87	3771153.09
K4	-11319.59	3771155.81
K5	-11330.18	3771150.17
K6	-11332.94	3771141.33
K7	-11342.87	3771136.04
K8	-11376.18	3771152.02
K9	-11376.35	3771250.62
K10	-11330.34	3771271.39
K11	-11282.04	3771266.55
K12	-11227.10	3771186.25

BLOCK CORNERS

	Y	X
L1	-11376.91	3771375.42
L2	-11442.79	3771379.03
L3	-11459.41	3771397.71
L4	-11467.80	3771407.14
L5	-11505.34	3771435.83
L6	-11533.86	3771443.43
L7	-11562.35	3771445.35
L8	-11588.28	3771427.34
L9	-11595.39	3771398.63
L10	~~-11575.72~~	~~3771318.01~~
L11	~~-11643.01~~	~~3771330.71~~
L12	~~-11677.67~~	~~3771399.20~~
L13	~~-11658.68~~	~~3771475.85~~
L14	~~-11584.96~~	~~3771527.05~~
L15	~~-11520.76~~	~~3771522.73~~
L16	~~-11469.39~~	~~3771509.05~~
L17	~~-11413.12~~	~~3771466.04~~
L18	~~-11378.04~~	~~3771425.07~~
M1	-10938.32	3770962.06
M2	-10999.94	3770946.70
M3	-11055.25	3770951.47
M4	-11059.69	3770956.87
M5	-11051.28	3771034.43
M6	-11013.04	3771140.90
M7	-10981.51	3771129.60
N1	-11069.94	3771029.82
N2	-11096.09	3771028.95
N3	-11137.36	3771078.79
N4	-11124.40	3771120.94
N5	-11123.78	3771172.17
N6	-11141.04	3771216.09
N7	-11169.62	3771272.98
N8	-11204.23	3771323.21
N9	-11246.57	3771367.31
N10	-11222.21	3771425.67
N11	-11189.60	3771419.31
N12	-11164.48	3771398.03
N13	-11140.90	3771372.30
N14	-11100.76	3771314.04
N15	-11068.08	3771250.01
N16	-11045.66	3771191.95
N17	-11037.73	3771130.22
P1	-11189.56	3771443.53
P2	-11229.03	3771439.23
P3	-11260.99	3771497.23
P4	-11264.57	3771525.14
P5	-11238.45	3771528.87
P6	-11200.60	3771494.44
P7	-11178.77	3771446.69
Q1	-11293.54	3771579.75
Q2	-11341.09	3771610.16
Q3	-11417.31	3771778.82
Q4	-11447.58	3771874.78
Q5	-11437.66	3771987.39
Q6	-11425.59	3772002.76
Q7	-11403.80	3772010.15
Q8	-11380.84	3772007.62
Q9	-11360.21	3771996.83
Q10	-11347.95	3771978.16
Q11	-11343.54	3771955.36
Q12	-11345.21	3771912.26
Q13	-11372.73	3771903.30
Q14	-11340.05	3771802.92
Q15	-11317.15	3771752.60
Q16	-11293.46	3771696.81
Q17	-11289.75	3771651.02
R1	-10672.79	3770966.84
R2	-10687.89	3770961.97
R3	-10709.61	3770969.71
R4	-10798.18	3770994.85
R5	-10820.32	3770989.22
R6	-10833.22	3771039.94
R7	-10759.42	3771133.81
R8	-10693.47	3771112.35
R9	-10698.96	3771063.16
R10	-10692.18	3771032.85
R11	-10678.22	3770999.34
R12	-10661.57	3770983.11

CO-ORDINATES

System: WG.23 Y metres X
Constants +0,00 +0,00

TRIGONOMETRICAL BEACONS

	Y	X
Knys48 (106) ⚠	-7703.41	3772157.32
Noetzie (66) ⚠	-10766.76	3771086.12

REFERENCE MARKS

	Y	X
RM1	-10661.76	3770682.63
RM2	-10325.10	3770707.43
RM3	-10746.59	3771066.35
RM4	-11209.25	3771886.19
RM5	-11181.67	3771435.33
RM6	-11300.98	3770985.27
RM7	-11826.56	3771213.20
RM8	-12073.26	3771273.13
RM9	-11989.95	3770845.82
RM10	-11615.71	3770752.90
RM11	-11140.43	3770630.57

SERVITUDE BEACONS

	Y	X
S1	-10766.87	3771088.29
S2	-10745.43	3771115.56
S3	-10737.58	3771111.59
S4	-10718.80	3771084.40
S5	-10726.91	3771034.28
S6	-10728.87	3771028.50
S7	-10735.65	3771038.72
S8	-10748.80	3771045.52
S9	-10748.10	3771055.03
S10	-10685.49	3771009.50
S11	-10680.33	3771004.40
S12	-10632.68	3770957.44
S13	-10623.19	3770957.89
S14	-10621.27	3770960.57
S15	-10623.22	3770948.11
S16	-10600.43	3770949.73
S17	-10578.89	3770940.88
S18	-10547.22	3770935.71
S19	-10663.42	3770980.43

AREAS

Erf number	Square metres
13398	42.8253ha
13399	4272
13400	4315
13401	4071
13402	4088
13403	4035
13404	4113
13405	4019
13406	4284
13407	4284
13408	4284
~~13409~~	~~4234~~
~~13410~~	~~4715~~
~~13411~~	~~4586~~
~~13412~~	~~5824~~
~~13413~~	~~4857~~
~~13414~~	~~4296~~
~~13415~~	~~4552~~
~~13416~~ ①	~~4466~~
~~13417~~	~~5037~~
~~13418~~	~~5144~~
~~13419~~	~~4413~~
~~13420~~	~~4611~~
~~13421~~	~~4606~~
13422	1.2236ha
13423	1.5733ha
13424	6111
13425	4011
13426	5892
13427	5851
13428	4477
13429	6322
13430	4032
13431	4076
13432	3984
13433	4146
13434	5846
13435	4079
13436	4326
13437	4105
13438	4000
13439	4010
13440	4329
13441	4838
13442	6223
13443	5905
13444	5853
13445	5134
13446	4575
13447	7461
13448	5272
13449	6500
13450	5769
13451	4692
13452	5044
13453	5415
13454	5827
13455	5356
13456	5273
13457	4773
13458	4636
13459	4718
13460	5179
13461	4145
13462	7095
13463	5811
13464	6001
13465	6071
13466	4153
13467	4600
13468	5131
13469	6748
13470	7570
13471	4262
13472	4741
13473	4669
13474	4360
13475	6361
13476	4599
13477	4226
13478	4376
13479	5059
13480	5315
13481	4572
13482	4400
13483	4687
13484	4393
13485	5293
13486	5628
13487	5232
13488	4647
13489	8426
13490	9999
13491	7571
~~13492~~ ①	~~103.5611ha~~
15233	109.6702 ha

BEACON DESCRIPTIONS:
RM1, RM2, RM4 - RM10....12mm iron peg in concrete
RM3.....Drill hole in concrete
RM11.....15mm iron peg in tree stump

B.....12mm iron peg in base of stone cairn
P4.....12mm drill hole in rock
All other beacons are 12mm iron pegs

SERVITUDE NOTE:
SEE SHEET 5 FOR SERVITUDES AND SERVITUDE NOTES

Surveyed in August to December 1996,
March to October 1997,
April 1998, May and June 1999,
February 2000, June 2003 to April 2004
and December 2004 to February 2005

by me

R.J. Kohler (PLS 0840)
Professional Land Surveyor

(KNYSNA ALLOTMENT AREA)

GENERAL PLAN No. 872/2005

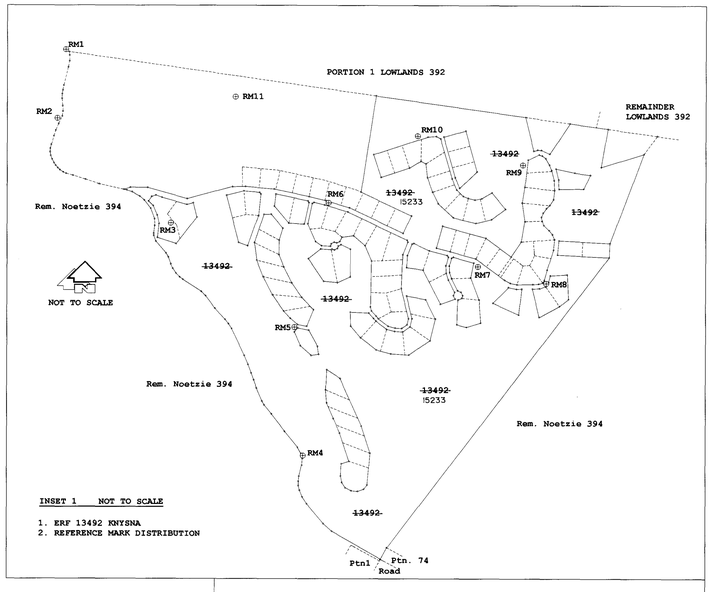
OF SUBDIVISIONS OF

① **ERF 13397 KNYSNA**

Vide Diagram No. 871/2005 ; Deed of Transfer No. 2005 - -53192

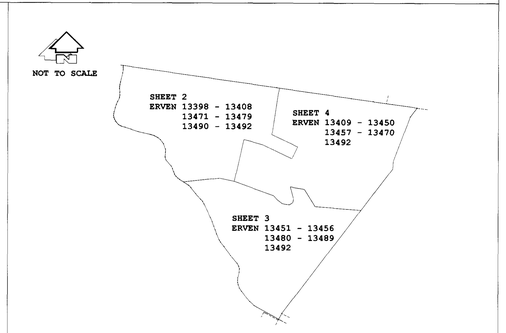
Comprising 95 erven numbered 13398 to 13492
situate in the MUNICIPALITY AND ADMINISTRATIVE
DISTRICT OF KNYSNA, PROVINCE OF THE WESTERN CAPE

CDR



INSET 1 NOT TO SCALE

1. ERF 13492 KNYSNA
2. REFERENCE MARK DISTRIBUTION



KEY SKETCH SHOWING
a) SHEETS AND ERVEN DIVISION

SG NO. 872/2005

SHEET 1 OF 5 SHEETS

Approved

for Surveyor-General
Dated: 2005-04-21

Approved in terms of Section 25 of Ordinance No.15 of 1985
Ref. E.J. HILL KNY394
Date: 27 JANUARY 2005

Act 70 of 1970 not applicable

ENDORSEMENTS

NO.	AMENDMENTS	ADDITION	AUTHORITY	INTD.	DATE
①	Relayout of erven 13409-13421,13492 and the creation thereof of one additional erf being erf 15233 without conditions. Ref. Kny 394 Date. 2005-09-23 File. Knys.394 p394	FRF 15233	See under Amendments	K.H	2005 09 23

S.G. OFFICE NOTES

1. Erf 13398 framed - Vide Dgm. 359/2007.
2. Erven 13445&13446 consbidated vide dgm 3307/2009 erf 16460
3. Erwen 13440 and 13441 consolidated vide dgm 1344/2012
4. Erven 13473 & 13475 included into consol vide SG 2910/2014; Erf 15374.

FILE No. Knys.394
S.R. No. E 431/2005
LPI C0390005
COMP: AM-1AC (3601)
(3603)

872/2005 sht.2

SG NO. 872/2005
SHEET 2 OF 5 SHEETS
Approved for Surveyor-General Dated: 2005. 04. 21
Approved in terms of Section 25 of Ordinance No.15 of 1985 Ref. E.J.HILL KNY394 Date: 27 JANUARY 2005
Act 70 of 1970 not applicable

CDR

(KNYSNA ALLOTMENT AREA)

GENERAL PLAN No. 872/2005

OF SUBDIVISIONS OF

ERF 13397 KNYSNA

Vide Diagram No. 871/2005 ; Deed of Transfer No.

Comprising 95 erven numbered 13398 to 13492 situate in the MUNICIPALITY AND ADMINISTRATIVE DISTRICT OF KNYSNA, PROVINCE OF THE WESTERN CAPE

SCALE = 1:1500

NOTE:
1. For beacon descriptions see sheet 1
2. For servitudes and servitude notes see sheet 5

Surveyed in August to December 1996,
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and December 2004 to February 2005

R.J. Kohler (PLS 0840)
Professional Land Surveyor
by me

PORTION 1 LOWLANDS 392

REMAINDER NOETZIE 394

REMAINDER NOETZIE 394

13398

SEE SHEET 5 FOR SERVITUDES AND SERVITUDE NOTES

NOETZIE (66)

15233
~~13492~~
SEE INSET
SHEET 3 JOINS HERE

15233
~~13492~~
SEE INSET
SHEET 4 JOINS HERE

~~13410~~
13409

~~13410~~

+377 0600 X
+377 1000 X
Y -10600
Y -11000
Y -11400

FILE No. Knys.394
S.R. No.E431/2005
LPI C0390005
COMP: AM-1AC (3601) (3603)

SG NO. 872/2005
SHEET 3 OF 5 SHEETS
Approved for Surveyor-General Dated: 2005-04-21
Approved in terms of Section 25 of Ordinance No.15 of 1985 Ref. E.J. HILL KNY394 Date: 27 JANUARY 2005
Act 70 of 1970 not applicable

CDR

(KNYSNA ALLOTMENT AREA)

GENERAL PLAN No. 872/2005

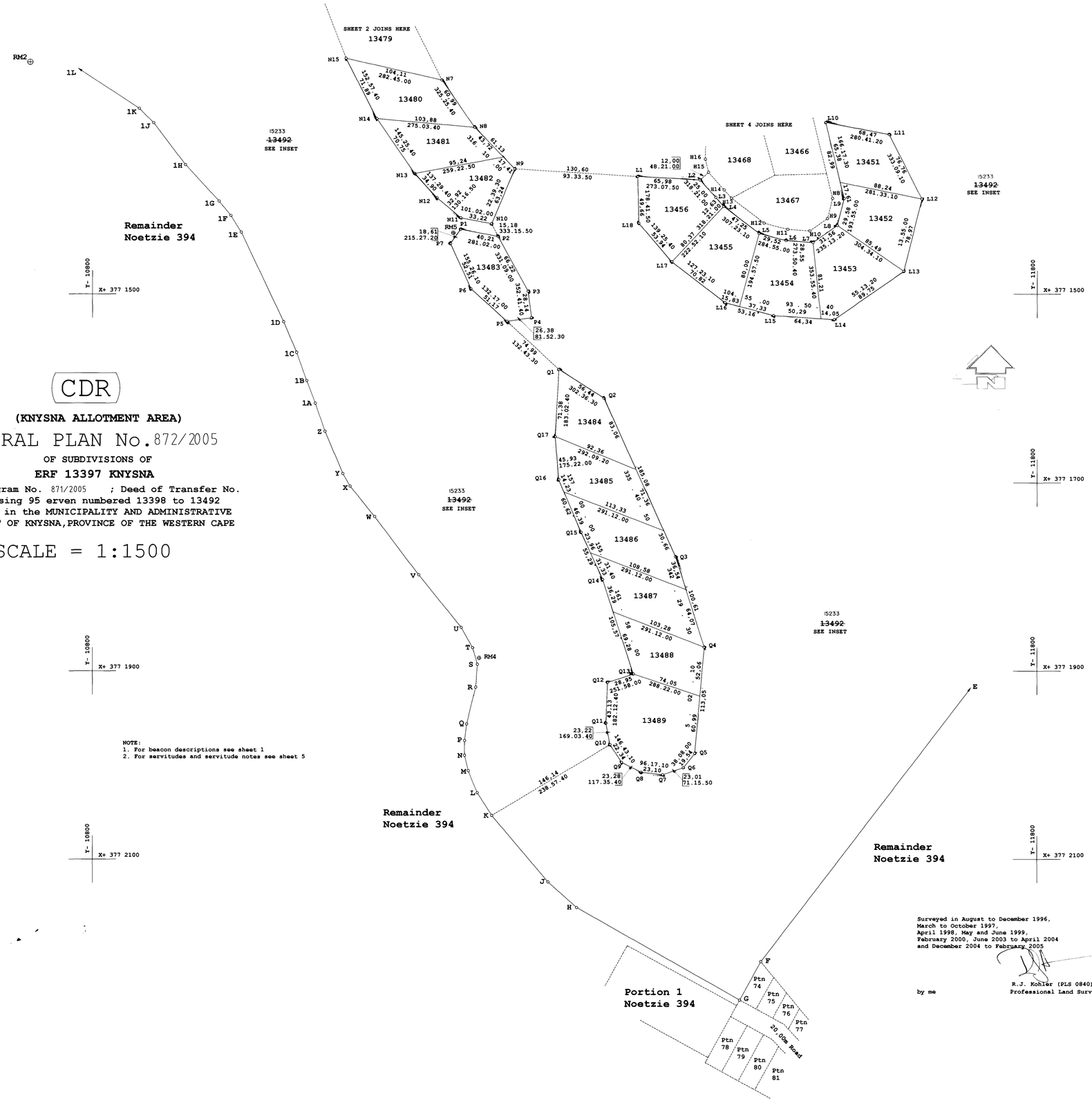
OF SUBDIVISIONS OF

ERF 13397 KNYSNA

Vide Diagram No. 871/2005 **; Deed of Transfer No.**
Comprising 95 erven numbered 13398 to 13492
situate in the MUNICIPALITY AND ADMINISTRATIVE
DISTRICT OF KNYSNA, PROVINCE OF THE WESTERN CAPE

SCALE = 1:1500

872/2005 sht.3



NOTE:
1. For beacon descriptions see sheet 1
2. For servitudes and servitude notes see sheet 5

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FILE No. Knys.394
S.R. No.E431/2005

LPI C0390005

COMP: AM-1AC (3601)
(3603)

CDR

(KNYSNA ALLOTMENT AREA)

GENERAL PLAN No. 872/2005

OF SUBDIVISIONS OF

ERF 13397 KNYSNA

Vide Diagram No. 871/2005 ; Deed of Transfer No.
Comprising 95 erven numbered 13398 to 13492
situate in the MUNICIPALITY AND ADMINISTRATIVE
DISTRICT OF KNYSNA, PROVINCE OF THE WESTERN CAPE

SCALE = 1:1500

NOTE:
1. For beacon descriptions see sheet 1
2. For servitudes and servitude notes see sheet 5

SG NO. 872/2005
SHEET 4 OF 5 SHEETS
Approved for Surveyor-General Dated: 2005-04-21
Approved in terms of Section 25 of Ordinance No.15 of 1985 Ref. E.J. HILL KNY394 Date: 27 JANUARY 2005
Act 70 of 1970 not applicable

PORTION 1 LOWLANDS 392

REMAINDER LOWLANDS 392

REMAINDER NOETZIE 394

REMAINDER NOETZIE 394

13398 SHEET 2 JOINS HERE

13405 13406 13407 13408

13471 13472 13458 13459 13460 13461 13462 13463 13464 13465 13466 13467 13468 13469 13470 13457

13476 13477 13478 13479 13480

SHEET 2 JOINS HERE

SHEET 3 JOINS HERE

SHEET 3 JOINS HERE

13448 13449 13450 13451 13452 13453 13454 13455 13456

13422 13423 13425 13426 13424 13427 13428 13429 13430 13440 13441 13431 13432 13433 13434 13435 13436 13437 13438 13439 13444 13443 13442

15233 13492 SEE INSET

SEE INSET

SEE INSET

SEE INSET

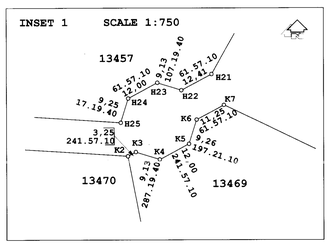
SEE INSET

SEE INSET

See inset 1

See inset 1

INSET 1 SCALE 1:750



Y-11 200
X+ 377 0900
Y-11 600
Y-12 000
Y-12 400
X+ 377 1300
Y-12 400

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FILE No. Knys.394
S.R. No. E431/2005

LPI C0390005

COMP: AM-1AC (3601)
(3603)

872/2005 sht.4

(KNYSNA ALLOTMENT AREA)

GENERAL PLAN No. CDR 872/2005

OF SUBDIVISIONS OF

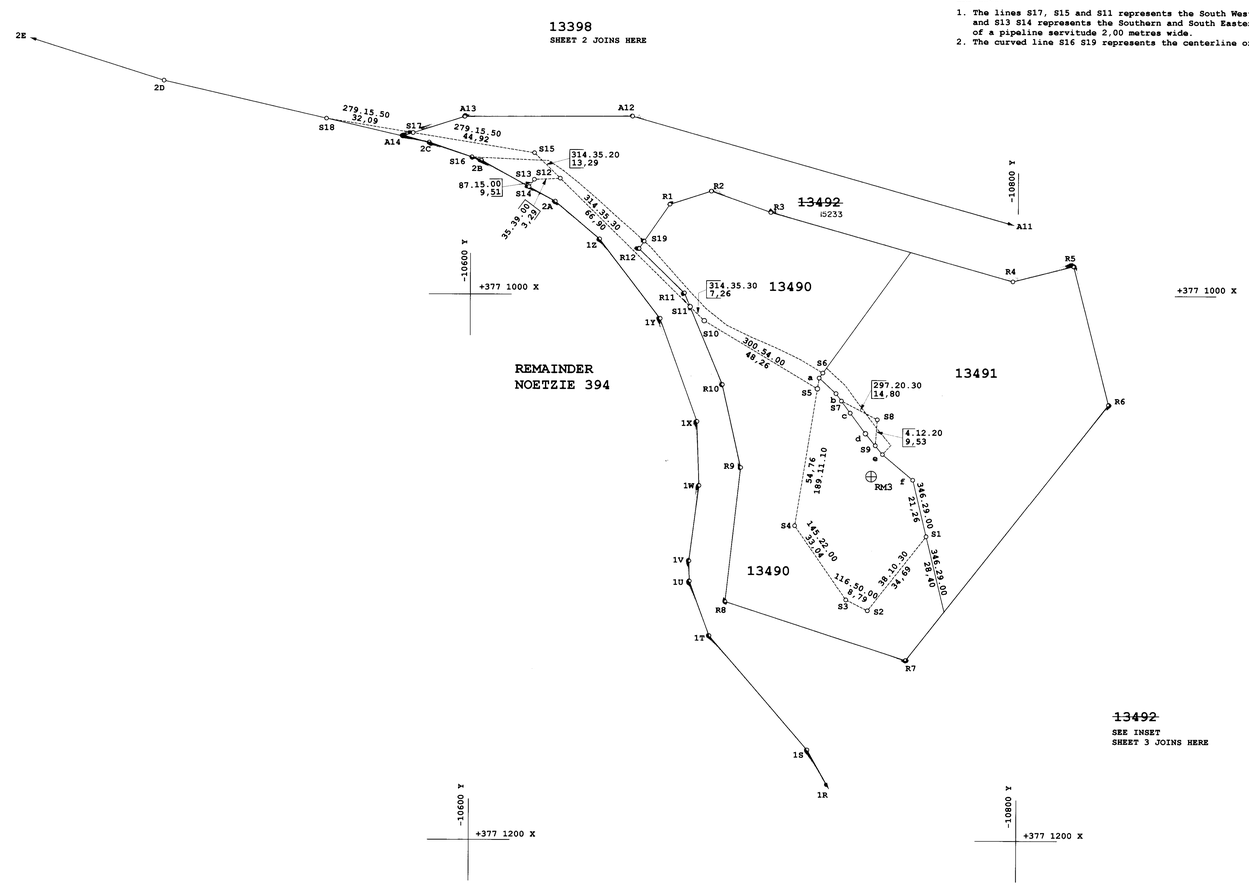
ERF 13397 KNYSNA

Vide Diagram No. 871/2005 ; Deed of Transfer No.
Comprising 95 erven numbered 13398 to 13492
situate in the MUNICIPALITY AND ADMINISTRATIVE
DISTRICT OF KNYSNA, PROVINCE OF THE WESTERN CAPE

SCALE = 1:750

NOTE:
1. For beacon descriptions see sheet 1

872/2005 sht.5



SERVITUDE NOTES:

ERF 13398

1. The line S18 S17 represents the Southern boundary of a pipeline servitude 2,00 metres wide.

ERF 13490

1. The figure a b c d e f S1 S2 S3 S4 represents a servitude area.
2. The line S11 S10 S5 represents the South Western boundary of a pipeline servitude 2,00 metres wide.
3. The curved line S19 S6 represents the centreline of a right of access servitude 4,50 metres wide.

ERF 13491

1. The lines S7 S8 and S8 S9 represent the South Western and Western boundarys respectively of a pipeline servitude 2,00 metres wide.
2. The line a b c d e represents the South Western boundary of a right of access servitude 4,50 metres wide as shown.

ERF 13492

1. The lines S17, S15 and S11 represents the South Western boundary and the lines S12 S13 and S13 S14 represents the Southern and South Eastern boundarys respectively of a pipeline servitude 2,00 metres wide.
2. The curved line S16 S19 represents the centerline of a right of access servitude 4,50 metres wide.

SG NO. 872/2005
SHEET 5 OF 5 SHEETS
Approved for Surveyor-General Dated: 2005-04-21
Approved in terms of Section 25 of Ordinance No.15 of 1985 Ref. E.J.HILL KNY394 Date: 27 JANUARY 2005
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Professional Land Surveyor

FILE No. Knys.394
S.R. No. E431/2005

LPI C0390005

COMP: AM-1AC (3601)
(3603)

D

Verwysing
Reference 24/1/5/2/K12/F1
Isalathiso

Navrae
Enquiries Mr M Abrahams
Imibuzo

Datum
Date
Umhla 10/4/03.

Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISebe leMicimbi yeNdalo esiNgqongileyo no Cwangciso loPhuhliso

Tel: 021 483 8788

Messrs Pezula Private Estate (Pty) Ltd
P.O Box 1240
Knysna
6570

Dear Sirs

KNYSNA MUNICIPALITY: PORTION OF FARM NOETZIE NO. 394: PROPOSED AMENDMENT OF THE REGIONAL STRUCTURE PLAN, REZONING AND SUBDIVISION

1. Your fax dated 8 April 2003 refers.

2. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), has resolved that the application to amend the Knysna-Wilderness-Plettenberg Bay Regional Structure Plan in terms of section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), in respect of Remainder of Farm Noetzie No. 394, District Knysna, from "Agriculture / Forestry" to "Nature Area", and "Township Development", and the subsequent rezoning of the portion of Remainder of the said property from "Agriculture Zone I" to "Subdivisional Area", be approved in terms of section 16(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

3. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), made the approval subject to the following conditions in terms of Section 42(1) of the said Ordinance:

(due to the technical nature of some of the conditions they remain in the language as submitted).

3.1 the subdivisions, zonings, erf sizes and layout being primarily as indicated on rezoning and layout plan No. Noetzie 22 dated 6 September 2002 (see Annexure A), with minor amendments being permitted where necessary in order to comply with other conditions of approval;

3.2 all residential and open space portions, as well as communal Open Space Zone II areas shall form part of a Conservancy to be established by the owners (whereas the management of the communal Open Space Zone II areas is to be undertaken in a manner acceptable to the Council of the Knysna Municipality (Council) along the guidelines for managing a Private Nature Reserve as defined in the relevant Scheme Regulations);

3.3 all erven with defined disturbance areas (i.e. defined land disturbed by development such as roads, gardens and dams, over and above building footprint), not being further subdivided and being subject to specific development parameters, to the satisfaction of the Municipality;

3.4 specific development parameters similar to those of the Single Residential zone in the Knysna Zoning Scheme, being applicable to erven zoned Residential Zone I;

3.5 an 'Open Space Zone II' zoning applying to the portions of the development where the communal facilities are to occur, and a detailed site development plan in respect of each component being prepared by the applicant, to the satisfaction of the Municipality. Separate alienation of these portions shall not be permitted without the approval of the Municipality;

3.6 a detailed site development plan for the proposed 'Sports Facility' being prepared by the applicant, to the satisfaction of the Municipality. The Municipality reserves the right to impose additional conditions in respect of this component. If approved, the zoning thereof shall be 'Open Space Zone II', and separate alienation shall not be permitted without the approval of the Municipality;

3.7 building(s) developed in connection with the above-mentioned 'Sports Facility' being restricted to a double storey with a 8m height restriction (from mean natural ground level to roof pitch);

3.8 only the area indicated for 'Sports Facility' on layout plan No. Noetzie 22 being utilized for sports facilities, and all other private open space areas being utilized for private nature reserve purposes only;

3.9 no smaller erven or 'disturbance areas' on larger erven being located in watercourses, especially the headwaters of tributaries, or wetlands, or in areas of high and very high conservation value, or on slopes steeper than 25%;

3.10 disturbance areas' on all erven being placed in the least sensitive area of the erf, to the satisfaction of the Environmental Control Officer (ECO), and the demarcation thereof being recorded cadastrally and on the erf. This should be on the flattest portion of the erf, except where, in the opinion of the ECO, significant skyline intrusion may result;

3.11 no more than 255 residential units being permitted,

3.12 the residential erven being restricted to:

(a) the residential erven, being larger than 1000m², and thus requiring additional provision beyond the normal zoning scheme coverage restriction of 50%, being made subject to a maximum building footprint of 500m²;

(b) if Council is satisfied that there is no significant adverse impact, it may relax the coverage limitation of 500m² (for a land unit greater than 1000m² in area, such is here the case), provided that such coverage does not exceed 35%, and

(c) maximum residential erf sizes not exceeding those indicated on Plan No. Noetzie 22;

3.13 'disturbance areas' on all erven being limited to 50% of the site, up to a maximum of 2 000m² on erven up to 8 000m² in extent, and 4 000m² on larger erven;

3.14 Erven E87 to E111 and any other erven located on highly erodible soils having limited 'disturbance areas' delineated on them so as to reduce erosion risks;

3.15 in respect of Erven E1 to E27, development footprints being demarcated, the positions thereof being 'staggered' in order to mitigate the linear layout thereof;

3.16 the visual impact of the structures other than residential in the development, specifically of those structures along the west-east road from the Lagoon View Drive extension, being evaluated, and such structures being located or designed to mitigate visual impacts to the satisfaction of the Municipality;

3.17 the development of the sports facility being specifically addressed in the Environmental Management Plan (EMP) for the property;

3.18 provision for accommodation within the maintenance facility being limited to essential personnel to the satisfaction of the Municipality;

3.19 a revised subdivision plan for the development being submitted, after completion of the EMP, for consideration by the Municipality, who, if satisfied therewith, shall approve it with any further reasonable conditions that it may require;

3.20 minor amendments to the approved rezoning plan being considered by the Municipality at subdivision approval stage, in order to reflect the final design refinements in accordance with the rezoning approval;

3.21 the applicant complying with the conditions of the Environmental authorization contained in the Record of Decision issued by the Chief Directorate: Environmental Affairs dated 16 October 2002 (see Annexure B), and the recommendations of the Final Environmental Impact Report of Hilland Associates dated September 2002;

3.22 copies of the EMP's required in terms of the authorization being submitted to the Municipality for its consideration and comment prior to finalisation;

3.23 the construction phase EMP including, but not being limited to, provisions relating to the following:

(a) no-go areas being demarcated by the ECO with danger tape, and erosion control measures being in place at all times, and no encroachment of construction or other personnel beyond these boundaries being permitted unless on official or emergency business;

(b) the ECO providing appropriate environmental education workshops for all construction personnel;

(c) all construction vehicle movement, where practical, being restricted to areas of existing and future roads, and areas approved for development. Construction vehicle movement to and from the development shall be restricted to the 'Noetzie Road';

(d) power lines, telephone cables and all other infrastructure lines being laid underground to reduce visual impact. Where such lines are to be laid outside road reserves or other areas approved for development, trenches shall be excavated using hand-tools;

(e) the exact alignment of power lines, water supply lines and sewage outfall lines (where applicable), being determined in the least sensitive areas to the satisfaction of the Municipality, in consultation with the ECO;

(f) structures and housing infrastructure being designed and constructed to blend into the surrounding environment as far as possible;

(g) lighting on private streets being limited to bollard-type light-standards at identified hazard areas and at entrances to erven, and

(h) conditions relating to the design and construction of proposed dam number 1 conforming with the requirements of the dams on Sparrebosch estate as regards impact on the water regime of the Sparrebosch forest;

3.24 a services agreement being entered into with the Municipality prior to commencement of development or transfer of any property, and which agreement being based on, but not limited to, the following principles:

(a) road improvement levies being payable in terms of the traffic impact study, on a basis to be agreed upon between the Municipality and the developer;

(b) no conservancy tanks or conventional septic tanks being permitted;

(c) the development being sewered either by waterborne sewerage (where required), or by the provision of individual systems for each erf of a Biolytix system or equal approved by the Municipality. Each system is to be designed by a professional engineer and certified on completion, and

(d) the provision of electrotechnical systems as proposed in the report of de Villiers & Moore dated 8 April 2002;

3.25 arrangements to the satisfaction of the Municipality being made in the Homeowners' Association Constitution for the maintenance and monitoring of the individual sewer systems by the Homeowners' Association;

3.26 the developer complying with the requirements of the Provincial and National Roads authorities in respect of roads of which these bodies are the responsible authority;

3.27 all services being provided, to the approval of the Municipality, by the developer;

3.28 should it be deemed necessary, in the view of the Municipality, to improve access to Noetzie beach and the related parking area as a result of the Pezula development, the applicant being obliged to finance these improvements, as required by the Municipality;

3.29 the matter of access control on public roads being considered separately by the Municipality, upon application by the developer;

3.30 augmentation fees being payable in accordance with the current policy of the Municipality;

3.31 the Municipality reserving the right to impose further conditions arising from an analysis of the revised Traffic Impact Study dated October 2002 at subdivision stage;

3.32 the developer registering a right of way servitude in favour of the Municipality, of at least 20 meters wide over the development from the Noetzie Road up to Lagoon View Drive, to be utilised by the general public if and when, in the view of the Municipality, an emergency or other situation arises which renders access to the N2 via George Rex Drive for residents of Sparrebosch, Rexford, Hunters Home, The Heads and surrounding areas impossible, or substantially impedes such free access. The Developer is to construct a Road within such servitude area, as indicated on the Development plan of 6 September 2002 to a standard which in the view of the Municipality will be adequate for emergency use as referred to above;

3.33 a phasing plan for services installation being submitted as part of the services agreement with the Municipality, and the Municipality reserves the right to impose further conditions at subdivision stage in relation thereto;

3.34 all drinking water must be obtained from the Municipality;

3.35 all refuse removal and arrangement must be undertaken by the Municipality;

3.36 all sewerage processing units must be operated within capacity at all times;

3.37 the Health Department must undertake the supervisory function of sewerage processing units;

3.38 a person qualified to the satisfaction of the Health Department must be appointed for the daily operation and maintenance of the units;

3.39 no pollution of surface and ground water may be permitted;

3.40 any functional defects concerning environmental pollution must be reported immediately to the Provincial as well as Council's Health Department;

3.41 final outflow of the units may not exceed a Total E. Coli count of 1000/100ml;

3.42 all sewage sludge must be removed by the Municipality;

3.43 no irrigation of sewage outflow will be permitted before the Provincial Health Department has not given written consent to that effect;

3.44 all pipes for irrigation purposes must be designed or marked in such a way, in order that it cannot be linked to drinking water pipes by accident;

3.45 in order to prevent uninformed persons drinking the water, the design of the irrigation system must be such that only authorised persons can turn it on and off;

3.46 at all water points where uninformed persons may possibly drink the water, clearly legible notices must be provided, in all three official languages of the Western Cape, warning such persons that it is potentially dangerous to drink the water, and

3.47 the sewerage processing units must be approved by the Department of Water Affairs and Forestry;

3.48 no pollution of surface water or ground water resources taking place. The disposal of sewage must at all times comply with the requirements of section 22 and 40 of the National Water Act, 1998 (Act 36 of 1998);

3.49 stormwater management being addressed both in terms of flooding and pollution potential;

3.50 the 1: 100 year floodline being indicated on a plan which is acceptable to the local authority, as stipulated in terms of section 144 of the National Water Act, 1998 (Act 36 of 1998) and that no development takes place below the 1: 50 year floodline;

3.51 all relevant sections and regulations of the Environment Conservation Act, 1989 (Act 73 of 1989) regarding the disposal of solid waste being adhered to. Written proof must be given of the contractor appointed to do the removal of the waste to the Knysna waste transfer station;

3.52 a Homeowners' Association, as provided for in terms of Section 27(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), being formed, the Constitution of which must be compiled to the satisfaction of the Municipality, and submitted for its consideration and, upon satisfaction therewith, approval. The Constitution of the Association must clearly reflect the obligations of the Association to comply with, and ensure compliance with, the provisions of the EMP's and the conditions of development approval;

3.53 amendments to the approved Constitution not being made without the further approval thereof by the Municipality;

3.54 in addition to other matters, the Constitution addressing the following aspects to the satisfaction of the Municipality:

(a) promotion of environmental awareness and responsibility;

(b) clarification of ownership, management and maintenance of all facilities and the open space areas;

(c) clarification of ownership status of land should various components of the development, for whatever reason, not be proceeded with, and

(d) responsibility for implementing and ensuring compliance with the EMP;

3.55 membership of the Homeowners' Association being compulsory for all property owners, and this requirement being included in the title deeds of each erf;

3.56 the developer, as far as is practically and reasonably possible, employing locally resident employees and contractors, taking the following aspects into account:

(a) liaison with the local Builders Forum with regard to the appointment of employees;

(b) the provision of training courses for local people employed by the developer, and

(c) regular reports to the Municipality on the status of employment and training of locally appointed employees. In such reports, the percentage of locally resident employees shall be indicated specifically;

3.57 a trust fund of at least R500 000 being established by the developer for the commencement of the environmental management of the site prior to commencement of scheduled activities, in addition to a legal mechanism for Homeowner Association levy contributions. The board of trustees of this fund shall include at least one external member with appropriate environmental knowledge. Proof of the establishment of the fund shall be a prerequisite for commencement of scheduled activities on the property;

3.58 a building design manual being prepared to the satisfaction of the Municipality and submitted for consideration and, upon satisfaction therewith, approval. Amendments to the approved building design manual may not be made without the further approval thereof by the Municipality;

3.59 the building design manual including, but not being limited to, the following:

(a) details of permitted building materials, finishes, dimensions and styles;

(b) general measures to be applied to reduce environmental and visual impacts as identified in the Environmental Impact Report, and

(c) a procedure for preliminary evaluation and endorsement of building plans by the Homeowners' Association through a suitably constituted architectural review panel (the latter not having powers to approve building plans in terms of the National Building Standards and Regulations Act, but only to recommend such plans for approval);

3.60 the Homeowners' Association being required to adhere to its approved building design manual in evaluating plans, and any deviations therefrom being fully motivated. The Municipality reserves the right to require amendment of building plans where, in its opinion, the intentions of the design manual are not being adhered to;

3.61 the Homeowners' Association being liable to monitor and promote / enforce adherence to its building design manual on an ongoing basis (e.g. with regard to maintenance of approved finishes, etc), and

3.62 The Municipality, the Environment Liaison Committee, or any other public authority or organisation not being held responsible for any damages or loss suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction has been temporarily stopped for reasons of non-compliance by the developer with the conditions of approval as set out above or any other subsequent document emanating from these conditions of approval.

3.63 Die gesamentlike onderverdeling in presiese ooreenstemming met die beoogde hersonering geskied,

✓ 3.64 Enige nuwe voorgestelde toegange tot en aansluitings met afdelingspad 1771 moet ooreenstem met Tak Vervoer se "Road Access Guidelines" en moet skriftelik deur Tak Vervoer goedgekeur word.

✓ 3.65 Die Knysna Munisipaliteit moet skriftelik ondersteuning aan Tak Vervoer aandui en die kommentaar van die Tuinroete/Klein Karoo Distriksmunisipaliteit moet nog in ag geneem word,

✓ 3.66 Die ontwikkelaar is verantwoordelik vir die kostes van enige onderhoudswerk wat benodig gaan word, bo en behalwe die norm, gedurende of na konstruksie, wat direk veroorsaak word deur die gebruik van afdelingspad 1771 as toegang vir konstruksie voertuie,

3.67 Wanneer dit geregverdig word, moet die ontwikkelaar bydra tot die koste van opgradering van afdelingspad 1771 na 'n geseëlde standaard pad, watter standaard deur die padowerheid sal bepaal word. Die waarde van bogenoemde bydrae moet direk verband hou met die hoeveelheid verkeer wat deur die ontwikkeling opgewek word.

4 Rakende die aansoek om herproklamasie van die gedeelte van afdelingspad 1771 (Knoetziepad) en ondergeskikte pad 3 (Noetzie strand toegangspad) betref word u verwys na seksie 66(3) van Provinsiale Padordonnansie 19 van 1976, wat bepaal dat 'n afdelingspad wat binne 'n "binne-munisipale" gebied val, outomaties 'n munisipale straat word. Daar word voorgestel dat die moontlikheid van herproklamasie van afdelingspad 1771 tot munisipale straat eers ge-evalueer word as die ontwikkeling

ten volle klaar is. Daar moet gelet word dat ondergeskikte pad 3 al klaar as 'n munisipale straat geproklameer is.

5. Please inform all affected parties of the decision.

Yours faithfully

HEAD OF DEPARTMENT

STATE FOREST

SPORTS FACILITIES

FIELD OF DREAMS

RESERVOIR & MAINTENANCE FACILITIES

FUTURE PHASE

EQUESTRIAN CENTRE

GAME LAPA

SINCLAIR WAY

WILD CAT WAY

BUSHBUCK BEND

ROLLHAT PLACE

PORCUPINE PLACE

LEOPARD LANE

NORTH ROAD

FOREST DRIVE

KAMASSI LANE

CHESTNUT CORNER

POMBON PLACE

E1 E2 E3 E4 E5 E6 E7 E8 E9 E10 E11

E17 E18 E19 E20 E21 E22 E23 E24 E25 E26 E27 E28 E29 E30 E31 E32 E33 E34 E35 E36 E37 E38 E39 E40 E41 E42 E43 E44 E45 E46 E47 E48 E49 E50 E51 E52 E53 E54 E55 E56 E57 E58 E59 E60 E61 E62 E63 E64 E65 E66 E67 E68 E69 E70 E71 E72 E73 E74 E75 E76 E77 E78 E79 E80 E81 E82 E83 E84 E85 E86 E87 E88 E89

C45 C46 C47 C48 C49 C50 C51 C27

D24 D25

13366 13367 13368 13369 13372

1

111.02 114.47 112.36 114.80 116.07 116.96 116.80 114.29 109.58 113.28 116.39 118.31 118.59 118.24 116.21 115.28 119.62 111.88 118.65 118.42 120.44 120.44 119.99 117.82 116.36 113.49 119.18 121.70 121.48 120.47 118.79 121.94 120.32 117.59 118.94 120.50 121.61 121.72 122.22 122.43 122.16 120.51 120.84 114.76 111.86 122.66 122.76 122.18 120.66 120.70 119.15 119.38 116.36 116.44 122.91 122.87 122.48 121.11 123.07 122.97 123.13 113.62 116.33 119.05 115.98 118.09 120.92 122.95 122.96 117.72 119.99 122.40

Horse Enclosure

Lapa Area

Ablution facility

SCHEDULE OF AREAS

LAPA	109.3 sqm
ABLUTION	21.8 sqm
TOTAL	131.1 sqm
ERF AREA	8 ha
COVERAGE	0.16%

KNYSNA MUNICIPALITY PLAN NO: 78/05
GOEDGEKEUR / APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewysi
According to NBR, Act No 103 of 1977 as ammended
18/02/06

NOTES

THE DESIGN OF THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF THE ARCHITECT.

ALL RELEVANT LEVELS, LINES AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK.

THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM REINTERPRETATION OF THE DRAWINGS.

ALL DIMENSIONS ARE GIVEN IN MILLIMETRES.

1. DRAWINGS MAY NOT BE SCALED.
2. ANY DISCREPANCIES ON DRAWINGS ARE TO BE REPORTED TO ARCHITECT.
3. ALL DRAWINGS & DETAILS MUST BE VERIFIED ON SITE.
4. ALL SET WORK TO BE DESIGNED BY ENGINEER.
5. ALL WORK TO BE IN ACCORDANCE WITH SANS, NBR, LOCAL BUILDING REGULATIONS, BYE-LAWS, RULES & BEST WORKMANSHIP.
6. CONTRACTOR TO ADVISE CLIENT OF ANY DISCREPANCIES BETWEEN WORK AND TO BE ARRANGED OR REQUIRED & TO ACCEPT INSTRUCTIONS BEFORE PROCEEDING.

7. TIMBER
All SA Pine to carry the SABS mark & to be Termite treated.

8. FOUNDATIONS
Foundation walls to be 350mm widths with reinforced for the last 3 courses below dpc. Cavities to be filled with concrete.

9. BRICKWORK
Foundations to be used & acceptable not of dpc. 350mm below level of high ground. 230mm cavities brick to be used on all consolidated GL. Apply DPC below all walls, door & window openings. Provide concrete lintels over all windows & doors in accordance with manufacturer's instructions. Walls to be reinforced every course for 3 courses above openings.

10. ELECTRICAL
All electrical work to be tested & approved by Local Electrical Department.

11. PLUMBING
All plumbing & drainage work & installation of sanitary fittings to comply with the relevant Local Authority bye-laws, regulations & requirements. Min. 100x to invert pipes to be 600. Provide approved rodding eyes to all inside fittings. Provide 50% of bed of all inside fittings. Provide 50% of bed of all outside. Fit to waste pipes to be fully accessible at all times. All soil pipes passing under building or footings to be encased in concrete of min. 150mm

REVISIONS

REV	DATE	DESCRIPTION

EDALTA
DEVELOPMENT PLANNERS
SACAP Reg. no. 00010
PO BOX 839
KNYSNA
6570
TEL/FAX 044-382 4732
CELL 082 926 2315
E-MAIL edalta@lantic.net

GAME LAPA PEZULA PRIVATE ESTATE
ERF 13425
KNYSNA

AS SHOWN	JULY 2004
EL	
PEZ-1	

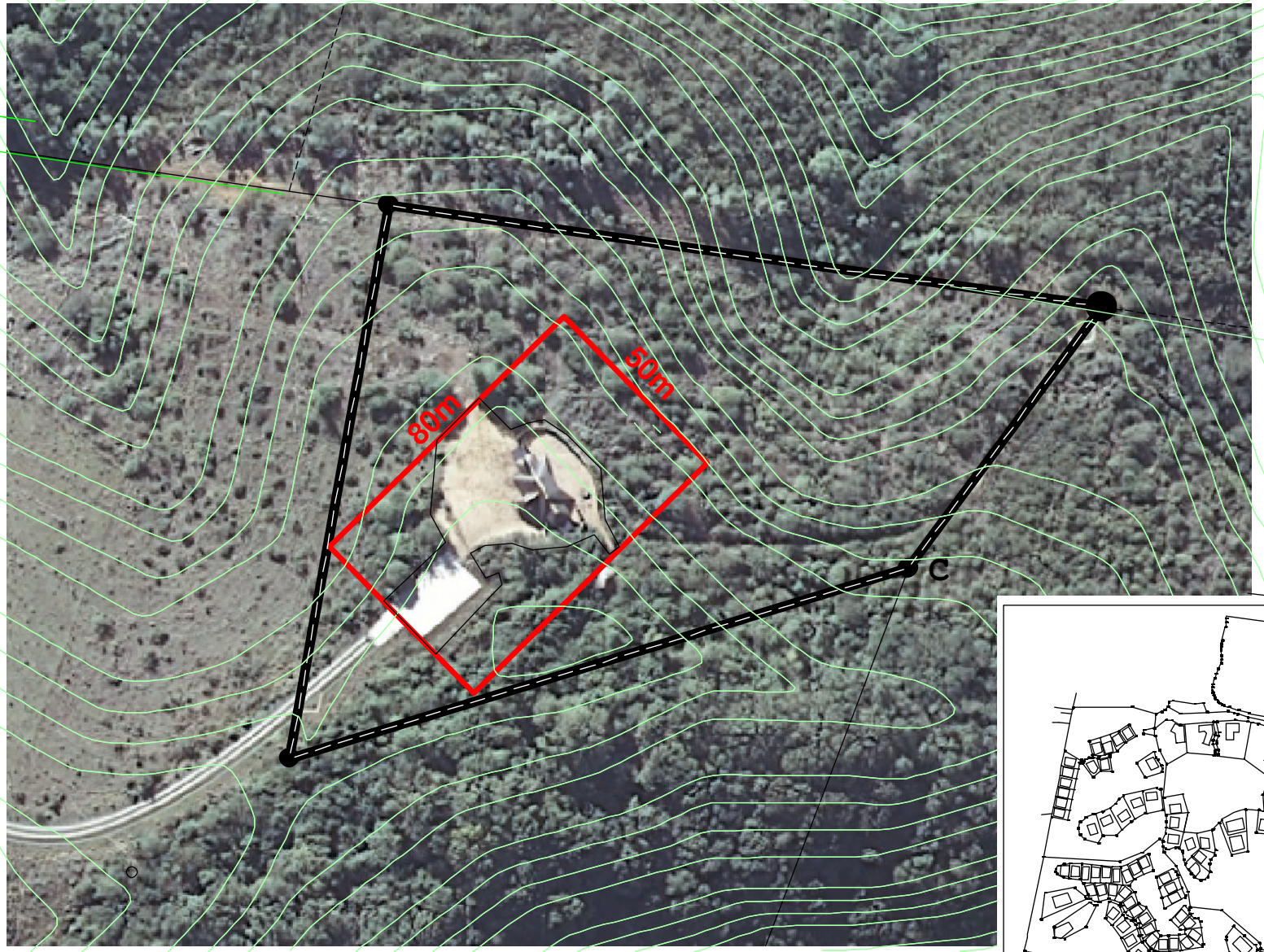
28/01/2006

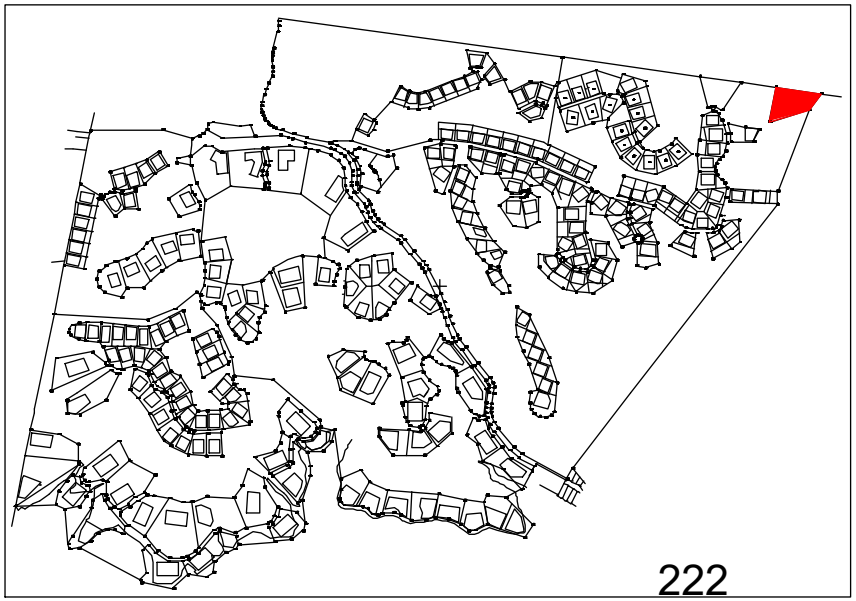
SITE PLAN

SITE PLAN
ERF

ERF SIZE ±1.57HA
PROPOSED FOOTPRINT : 4000m³
ALLOWED COVERAGE : 35% = 1400m²
EXISTING DISTURBED AREA = 1586m²
CURRENT ZONING : PRIVATE OPEN SPACE
PROPOSED REZONING : SINGLE RESIDENTIAL
AERIAL PHOTO :2009
cONTOUR :2M AERIAL PHOTOGRAHPY

DRG NR: KN23423SP





ERF 13423 KNYSNA (PEZULA)

Collab. Ref: 24.3069.
File Ref: 13422 KNY
J H SMIT

KNYSNA
Municipality
Munisipaliteit
uMasipala

Tel: 044-3021605
Fax: 044-3021631

2014-01-06

REGISTERED MAIL

V P M Planning
P O Box 173
KNYSNA
6570

Dear Sir/Madam

PROPOSED REZONING: ERF 13422 KNYSNA

Your application dated 6 September 2013 refers.

Kindly be advised that, at a Special Council meeting held on 12 December 2013, resolved in accordance with Resolution SC/05/12/13, as follows:

"[a] That the following correspondence be noted:

[i] Application from VPM Planning, dated 06 September 2013;
[ii] Letter from Western Cape Department of Transport and Public Works, dated 12 March 2013;
[iii] Letter from the Pezula Private Estate Home Owners Association dated 18 October 2013;
[iv] Email from Beryl Adams supported by (T Gwynn-Jones; D Brown; D Brierley; M Gill; S Gardener; R Ahmad; D Shah; A Baring; T Jean-Pierre) dated16 October 2013; and
[v] The applicant's response to comments and objections, dated 25 October 2013;

[b] That the application for the rezoning of Erf 13422 Knysna, in Pezula Estate (the Equestrian Centre or "Barnyard") be refused because no suitable alternative site for this facility has been identified;

[c] That the application for the rezoning of Erf 13491 Knysna in Pezula Estate, (the Helicopter and vehicle Storage Facility) from "Private Open Space" to "Single Residential Zone", be **approved**, in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No. 15 of 1985), subject to the following conditions, imposed in terms of Section 42 of the Ordinance:

[i] The applicant is responsible for ensuring compliance with all the conditions imposed hereunder;

[ii] The 6 properties in phase 4 (erven 13532 & 13533; erven 13522 & 13523; and erven 13527 & 13528) Knysna development be consolidated as proposed to comply with the 254 single residential stands as imposed by the Department of Environmental Affairs and Development Planning(DEADP) ROD;

[iii] Any alteration/transformation that exceeds 1000m², an environmental approval must be obtained from DEADP prior to building plan approval;

[v] The Pezula Design Manual and the Knysna Zoning Scheme Regulations (1992) must be complied with;

[vi] Any electrical services encountered will be relocated at the cost of the applicant;

[vii] The applicant is to ensure that there is access to property for meter reading purposes;

[viii] The property will in all cases be limited to the existing electricity supply;

[ix] Application for an increase of electrical capacity can be made however the application will be subject to the availability of spare capacity, the upgrading of the MV & LV network and payment of Capital Contribution Fees. These additional costs will be for the cost of the applicant;

[x] Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;

[xi] Load Switch Accommodation is required and it will be wired in accordance to the Electrical Department' specification and the switch will be purchased by the applicant;

[xii] Low energy lamps are to be used in all fittings.

[xiii] A proper storage area must be provided for the storage of waste on premises;

[xiv] The development shall include water demand management principles which are to be finally agreed in the Services Agreement. The water demand management principles shall include, but not be limited to, the following:

[xv] Dual-flush toilet cisterns and low volume taps and shower heads shall be installed in ablutions;

[xvi] Rain water harvesting, shall be installed, for at least gardening purposes, and shall be architecturally treated to be aesthetically pleasing;

[xvii] All lighting and street lighting shall be energy efficient lighting;

[xviii] Separate skips or suitable containers shall be utilized for the following waste materials: building materials, recyclable material, green waste and non-recyclables;

[xix] The disposal of all waste shall be undertaken by the developer to the relevant and appropriate waste sites and recycling centre;

[xx] The development shall, upon completion, have a waste management facility and an Integrated Waste Management Plan/System, to Council's approval;

[xxi] Any green waste as a result of the development, must be chipped on-site and/or disposed of at an approved site;

[xxii] Normal building plan approval in terms of the National Building Control and Building Regulations Act shall be applicable, and

[xxiii] This approval does not absolve the developer from compliance with any other approvals or statutory requirements;

[d] That the application for the rezoning of Erf 13423 Knysna in Pezula Estate, (the Boma) from "Private Open Space" to "Single Residential Zone", be **approved**, in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No. 15 of 1985), subject to the following conditions, imposed in terms of Section 42 of the Ordinance

[i] That transfer to the Pezula Homeowners' Association of the property identified as a replacement for the Boma (Remainder of erf 13398) and provided for in [e] below is to take place before or simultaneously with the transfer of Erf 13423 to any purchaser;

[ii] That prior to the transfer of Erf 13423 the Pezula Homeowners' Association is to make a firm commitment, in writing, that the Boma facility will be replaced and will be fully operational within six months of the date of transfer;

[iii] That a condition of the transfer will be that one million rand of the purchase price of the Erf 13423 (the amount to be escalated annually by a percentage to be determined by an independent professional Quantity Surveyor) is to be placed by the transferring conveyancer in an escrow account for the use of the Pezula Homeowners' Association in the construction of the Boma facility;

[iv] That all conditions listed under [c] above shall be equally applicable to this approval;

[e] That the amendment of the subdivision plan, PEZULA/FOD/SDP/REV4 dated 04 September 2013 drawn by VPM Planning; to allow the Boma to be included in the Remainder of Erf 13398 be **approved** in terms of Section 30 of the Land Use Planning Ordinance, 1985 (No. 15 of 1985), subject to the following conditions, imposed in terms of Section 42 of the Ordinance:

[i] The applicant is responsible for ensuring compliance with all the conditions imposed hereunder;

[ii] Remainder of Erf 13398 (new boma location), which is one of the Private Open Space Erven must be transferred to the Pezula Home Owners Association."

Your attention is drawn to the provisions of Section 44 of the Land Use Planning Ordinance, 1985 (Ord. No. 15 of 1985), in terms of which you have a right to appeal to the Premier of the Western Cape against the decision of Council. Should you wish to exercise this right of appeal, you must lodge such motivated appeal in writing to be received by the relevant authorities within **twenty one (21) days** of date of registration of this letter. The appeal should be addressed to:

The Director: Land Management (Region 3)
Department of Environmental Affairs and Development Planning
Private Bag X6509
GEORGE
6530

A copy of the appeal must be served on Council simultaneously.

Please note that you may not act in terms of the above decision of Council until it has been confirmed, in writing, that an appeal has not been lodged by an objector against that decision. Should you not have been informed within 30 days of receipt of this letter, you are advised to contact the writer. Should an appeal have been lodged, the decision of the Premier will have to be awaited, which decision will replace Council's decision on the matter.

In addition, your attention is drawn to the provisions of Section 16 and/or Section 27 of Ordinance No. 15 of 1985, regarding the lapsing of unutilized land use approvals (2 years in terms of Departures and Rezonings, 5 years in respect of subdivision).

Yours faithfully

pp

LAUREN WARING
MUNICIPAL MANAGER

/ac

cc: Director: Corporate Services
Director: Finance
Director: Technical Services
Director: Planning & Development
Director: Community Services
TEE
BCO

Western Cape Government
Environmental Affairs and Development Planning

DIRECTORATE DEVELOPEMENT MANAGEMENT: REGION 3
SENIOR LAND USE MANAGEMENT REGULATOR
Mr. Y. Xashimba
Email: Yanga.Xashimba@westerncape.gov.za

Reference: 15/3/1/3/D4/16/Erven 13422, 13423, & 13491, Knysna

HUTCHINSON, DU PLESSIS, ROBIN & STOLOFF ATTORNEYS
PO Box 405
PLETTENBERG BAY
6600

RECEIVED
2015 -09- 07

Dear Sir/Madam

KYSNA MUNICIPALITY: APPEAL IN TERMS OF SECTION 44(1) OF THE LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985): ERVEN 13422, 13423 AND 13491, KNYSNA

1. Your appeal dated 20 January 2014 refers.

2. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), as amended, has resolved that the appeal against the Municipality's decision to approve an application for the rezoning of Erven 13423 and 13491, Knysna from "Private Open Space" to "Single Residential Zone" as well as the amendment of the subdivision plan to allow a boma to be included in the Remainder of Erf 13398, Knysna, **be dismissed** in terms of section 44 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), as amended.

3. The Municipality's approval of the amendment of the subdivision plan to allow a boma to be included in the Remainder of Erf 13398, Knysna in terms of section 30 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) is deemed to have been done in terms of section 24 and 25 of the said ordinance.

3. The reasons for the decision are as follows:

3.1. Fair administrative procedures were followed by the Municipality as adequate notice of the right to appeal was given in terms of section 44 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

3.2. No longer period than 21 days may be granted for the serving of an appeal in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

3.3. The aggrieved parties were furnished with reasons for the Municipality's decision as well as with a report that served before the Municipal Council. The Department is satisfied that the reasons furnished are adequate and justifiable under the circumstances.

3.4. The fact that interested and affected parties were not notified of their right to request reasons could be condoned as a request was made and that Municipality subsequently provided the reasons for their decision.

3.5. The Department is satisfied that the desirability criteria as set out in terms of section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) was correctly applied by the Municipality as the proposed rezoning and amendment of the subdivision plan will not impact negatively on the character of the area since the residential nature of the Pezula Private Estate will be maintained.

3.6. The proposal will not have any major impact on the natural and development environment as it complies with the conditions of the Environmental Authorisation contained in the Record of Decision (ROD) of 16 October 2002.

3.7. The proposed rezoning will not have any major impact on existing rights or on the safety and welfare of the community as an agreement was reached between the Developer and the Pezula Home Owners Association (HOA) regarding the relocation of the Boma facility. A condition of approval was also imposed by the Municipality to ensure adherence to this agreement.

4. Access to Information

4.1 Please be advised that since the Minister has discharged of his decision-making powers when making the decision, he is *functus officio* in this regard. In the circumstances he cannot reconsider the decision taken in this matter.

4.2 You are reminded that you may apply to view the file in question in terms of the Promotion of Access to Information Act, 2000 (Act 2 of 2000). The contact person in this regard is Mrs A. de Villiers on telephone number: (021) 4838315 should you wish to make the necessary arrangements.

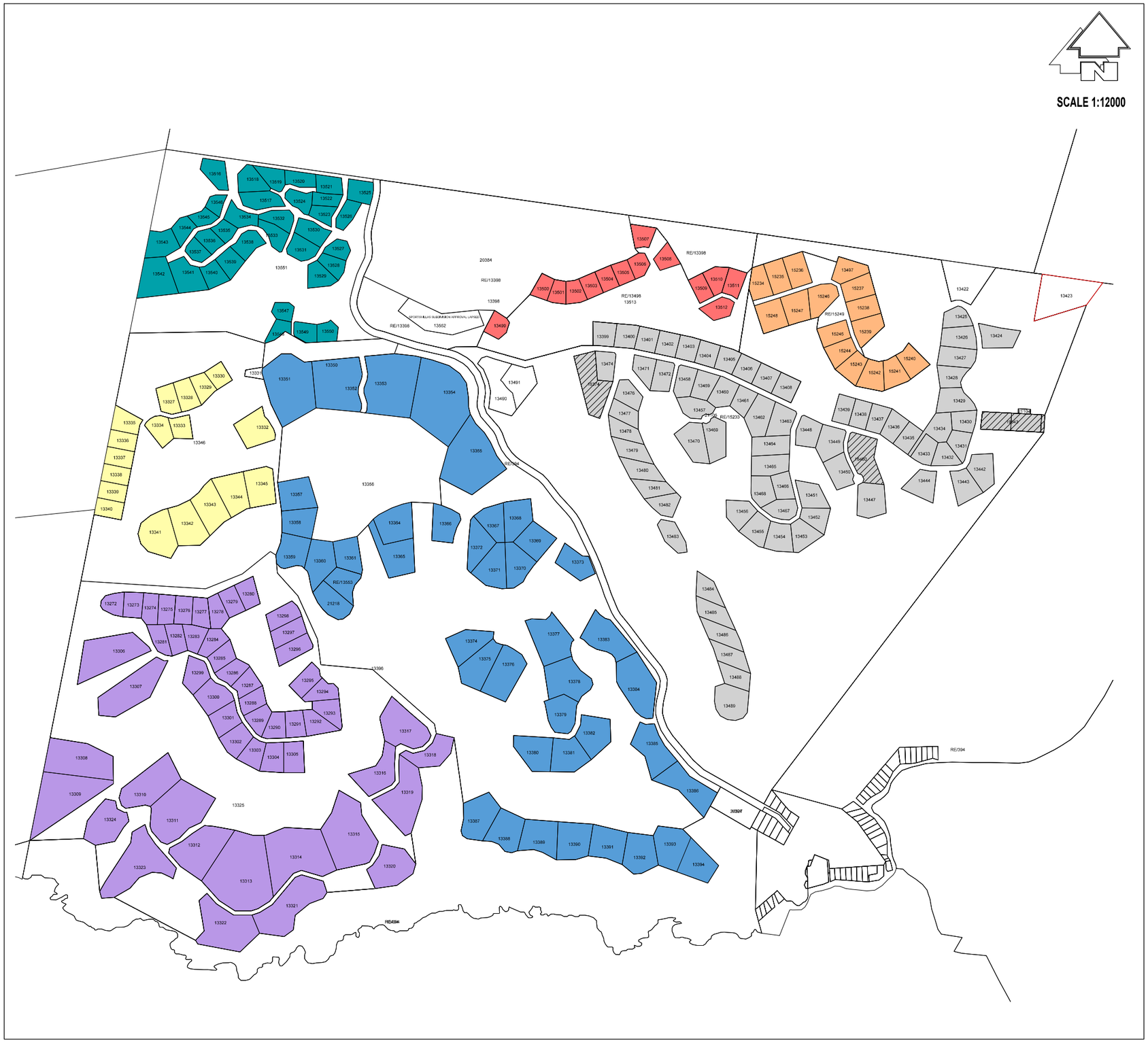
Yours faithfully



HEAD OF DEPARTMENT
DATE: 2/09/2015

RESIDENTIAL ERVEN

ERF 13423 PEZULA



LEGEND

- PHASE 1a
- PHASE 1b
- PHASE 2
- PHASE 3a
- PHASE 3b
- PHASE 3c
- PHASE 4
- CONSOLIDATED/SUBDIVIDED ERVEN

RESIDENTIAL ERVEN	
PHASE	NO. OF ERVEN
PHASE 1a	53
PHASE 1b	43
PHASE 2	18
PHASE 3a	73
PHASE 3b	16
PHASE 3c	14
PHASE 4	35
TOTAL	252

NOTES:

Sizes and dimensions are approximate and subject to a final survey.

COPY RIGHT:

This plan must not be copied or amended without the consent from Planning Space.

ERF 13243 PEZULA

DRW. NR.: B/13243/PEZ

KNYSNA MUNICIPAL AREA

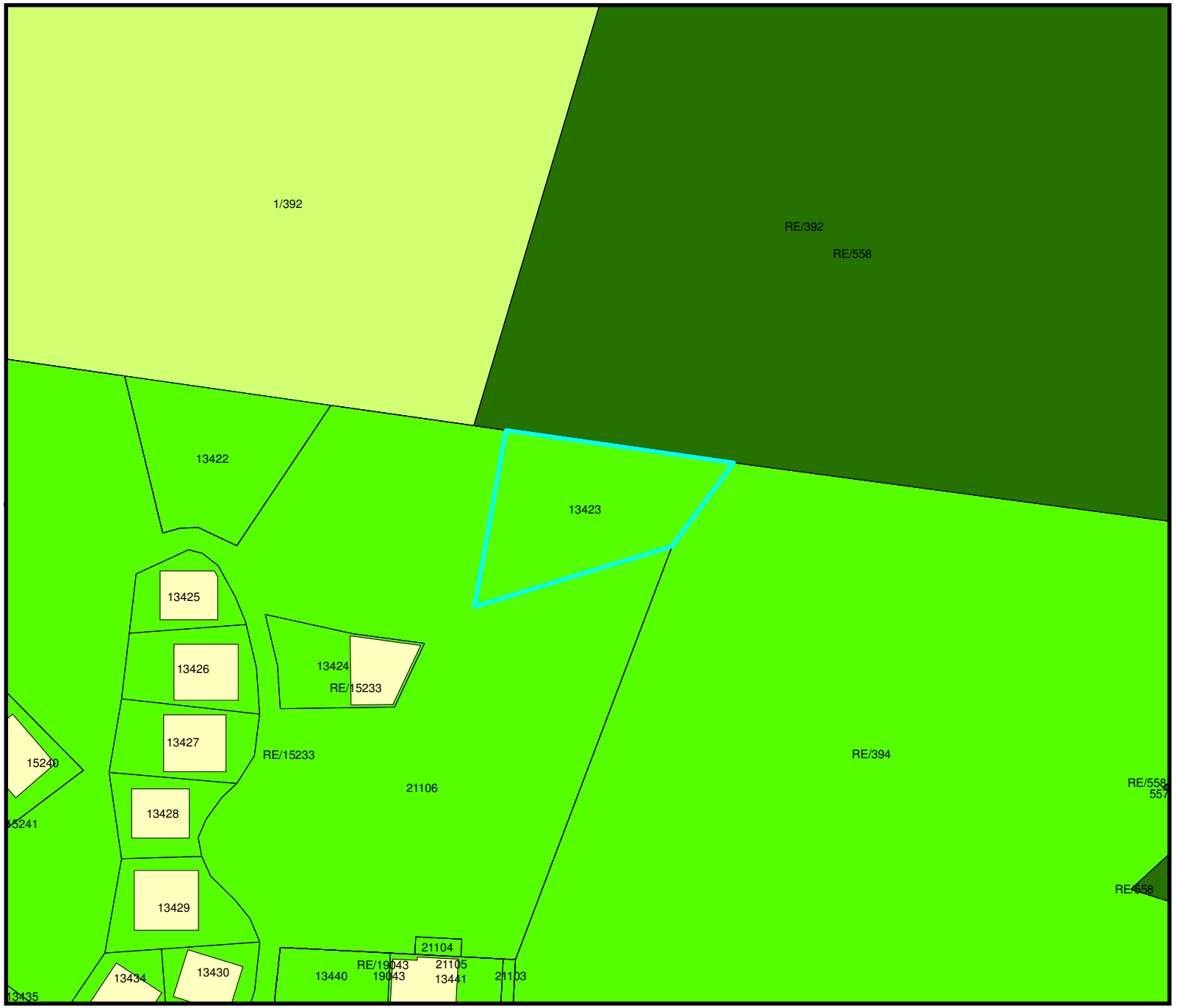
DATE: 20 MARCH 2025

Planning Space

Town and Regional Planners

DIAGRAM 3: ZONING MAP

ERF 13423 KNYSNA



Legend

- Agricultural Zone I
- Open Space Zone II
- Open Space Zone IV
- Single Residential Zone I

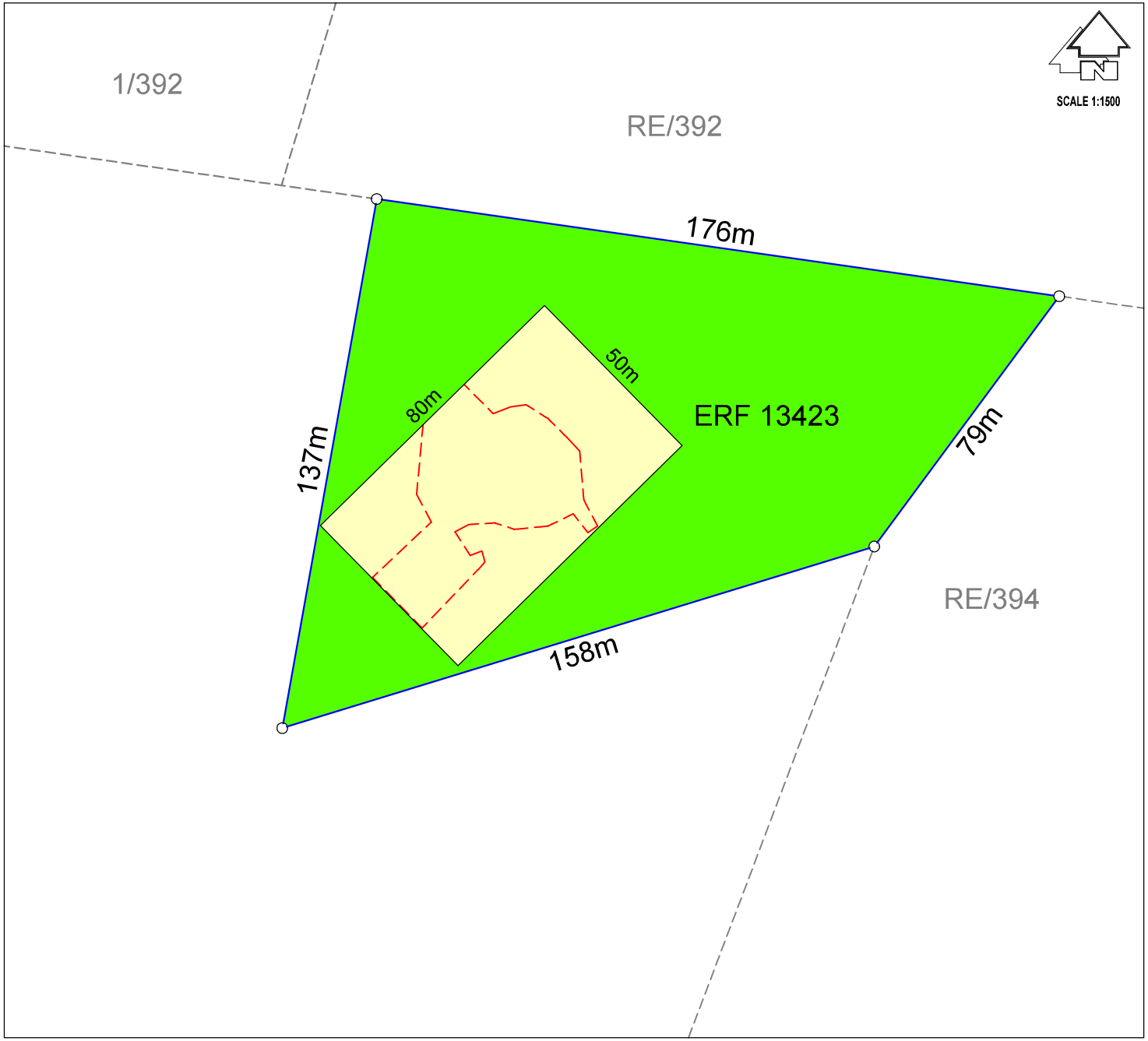
N

0 25 50 100 150 200 Meters

Planning Space
Town and Regional Planners

DIAGRAM 5: PROPOSED SPLIT ZONING PLAN

ERF 13423 PEZULA



LEGEND

- OPEN SPACE ZONE II
- SINGLE RESIDENTIAL ZONE I
- PREVIOUSLY DISTURBED AREA

AREA	
Zoning Area	Size
Open Space Zone II	11 733 m²
Single Residential Zone I	4000 m²
TOTAL	15 733 m²

NOTES:

The previously disturbed area dermacated in a red dashed line which is 1588 m² in extent is inclusive in the proposed Single Residential Zone I footprint that is 4000 m² in extent.

Sizes and dimensions are approximate and subject to final survey.

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ERF 13423 PEZULA

DRW. NR.: E-13423-KNY

KNYSNA MUNICIPAL AREA

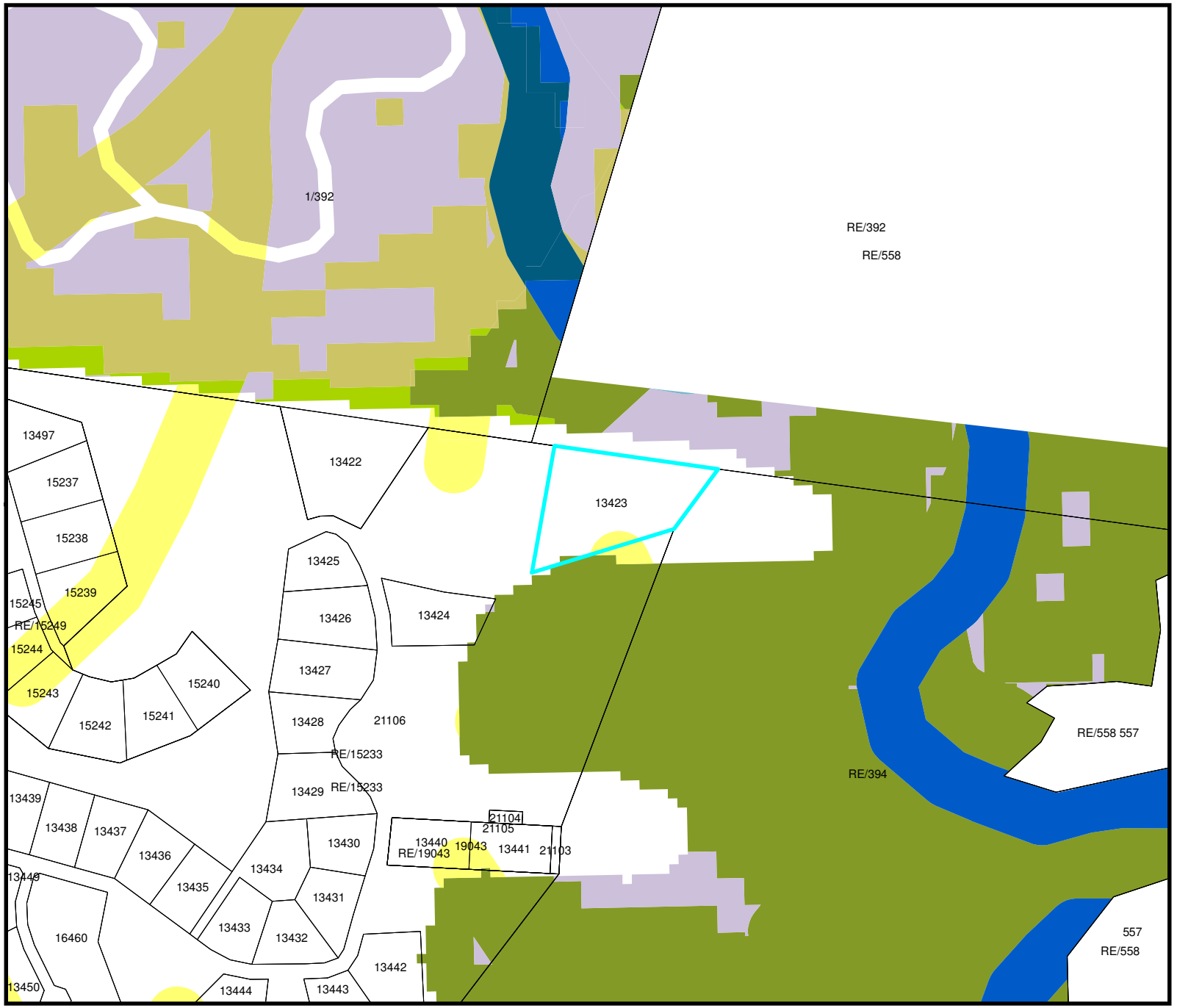
DATE: 20 MARCH 2025

Planning Space

Town and Regional Planners

DIAGRAM 4: CBA & ESA MAP

ERF 13423 KNYSNA



Legend

BSP_ESA2_Knysna

SubCat1

- ESA2: Restore from other land use

BSP_ESA1_Knysna

SubCat1

- ESA: Aquatic
- ESA: Terrestrial

BSP_CBA2_Knysna

SubCat1

- CBA2: Aquatic
- CBA2: Terrestrial

BSP_CBA1_Knysna

SubCat2

- CBA: Terrestrial
- CBA: Forest
- CBA: River

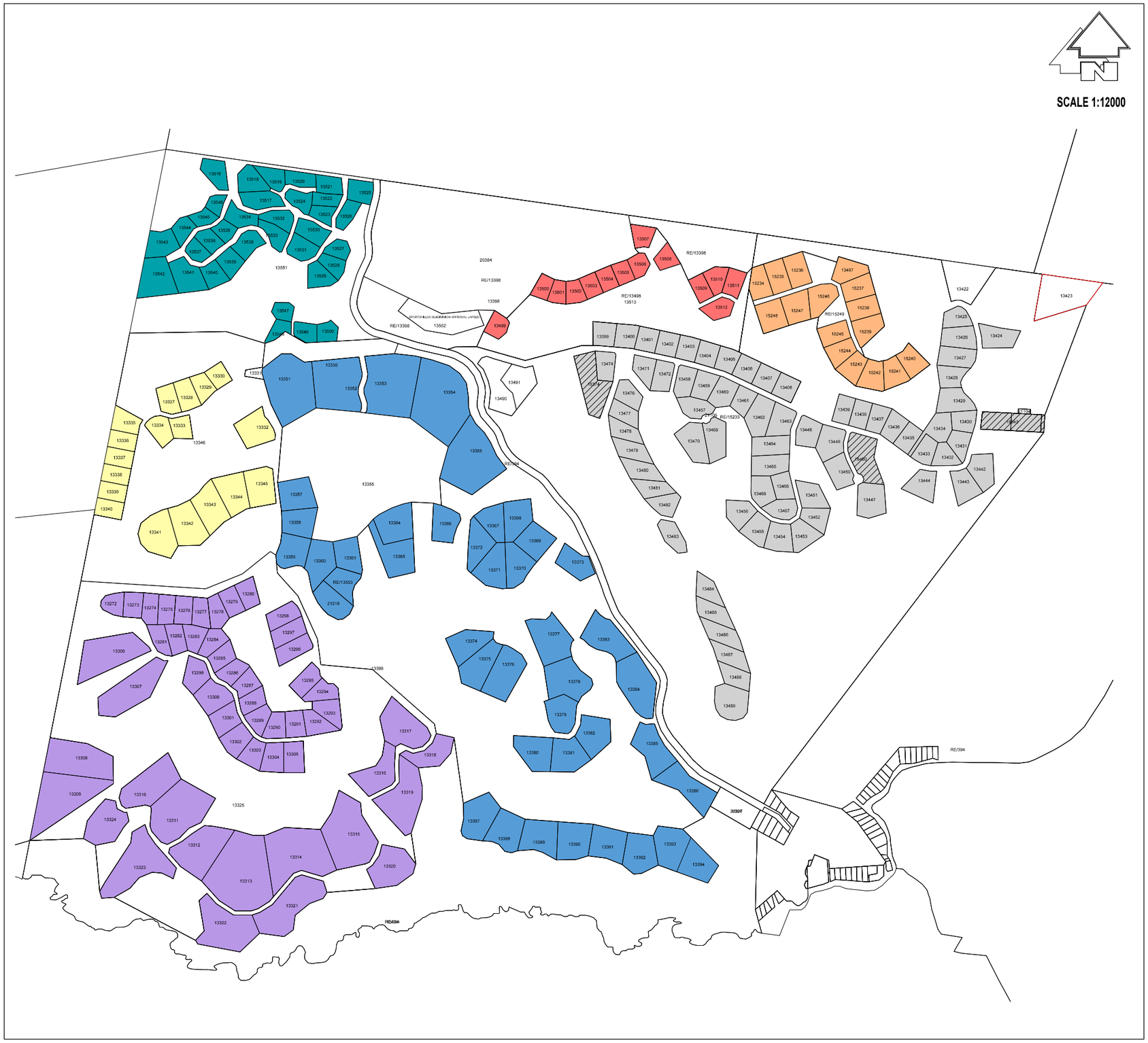
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0 35 70 140 210 280 Meters

Planning Space
Town and Regional Planners

RESIDENTIAL ERVEN

ERF 13423 PEZULA



LEGEND

- PHASE 1a
- PHASE 1b
- PHASE 2
- PHASE 3a
- PHASE 3b
- PHASE 3c
- PHASE 4
- CONSOLIDATED/SUBDIVIDED ERVEN

RESIDENTIAL ERVEN	
PHASE	NO. OF ERVEN
PHASE 1a	53
PHASE 1b	43
PHASE 2	18
PHASE 3a	73
PHASE 3b	16
PHASE 3c	14
PHASE 4	35
TOTAL	252

NOTES:

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COPY RIGHT:

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ERF 13243 PEZULA

DRW. NR.: B/13243/PEZ

KNYSNA MUNICIPAL AREA

DATE: 20 MARCH 2025

Planning Space

Town and Regional Planners

PEZULA
PRIVATE ESTATE
NOTHING COMES CLOSE™

Lumi Technologies SA (Pty) Ltd
Reg No200800661307
Vat No 42601 98306
Postnet Suite 356, Private Bag X8
Elarduspark, 0047
Block D, 9 Regency Drive,
Route 21 Corporate Park,
Irene, Pretoria, 0157
Telephone +27 87 806 4284
Email: info-za@lumiglobal.com
www.lumiglobal.com

15 August 2024

TO WHOM IT MAY CONCERN:

RE: PEZULA PRIVATE ESTATE HOMEOWNERS ASSOCIATION – EXTRAORDINARY GENERAL MEETING 15 AUGUST 2024

As scrutineer appointed for the purpose of the voting at the Annual General Meeting of Members of the Company, held in a hybrid format, I do hereby certify that the result of the poll is set out in the table below.

QUORUM COUNT

PEZULA PRIVATE ESTATE HOA

EXTRAORDINARY GENERAL MEETING OF MEMBERS HELD ON 15 AUGUST 2024 AT 14:00 (SAST) AS A VIRTUAL MEETING

	TOTAL VOTING CAPITAL:	**174**		
50	**MEMBERS PRESENT/PRESENT BY REPRESENTATION:**	55	**VOTES**	31.61%
8	**PROXIES RECEIVED IN FAVOUR OF OTHERS**	45	**VOTES**	25.86%
	Total	**100**		
	% OF VOTEABLE SHARES REPRESENTED	57.47%		

PEZULA PRIVATE ESTATE HOA

EXTRAORDINARY GENERAL MEETING OF MEMBERS HELD ON 15 AUGUST 2024 AT 14:00 (SAST) AS A VIRTUAL MEETING

Total number of Votes that can be exercised at the meeting		**174**
Total number of Votes present/represented including proxies at the meeting as % of Voting Capital	57.47%	**100**

① Disclosed as a percentage of the Voting Capital

RESOLUTION

The Representatives resolved to spend R8.8m on building an entire Clubhouse/boma on the Field of Dreams, which exceeds the Board's capital expenditure authority of R1.5m on a single item.
This would be funded by:
• Boma reserve of R3.7m
• Rezoning and selling the old boma site for R2m (average of estimates received)
• Unsecured bridging loans (from owners, to be repaid from the sale of the 20 Phase 3 stands) up to R5m, for which it is required to temporarily increase the borrowing limit of R1m in Clause 9.3.1 of the Constitution to R6m

Did Not Vote	For	Against	Abstain		Exercised Votes
2	76	17	5		93
	81.72%	18.28%		①	53.45%

I hereby confirm that all votes carried out were done by authorised participants, who received unique usernames and passwords. The votes captured were done via a secure and unmoderated platform, and there was no interference with the votes captured and with the results reflected.

Thank you for making use of the Lumi platform, and we hope to work together again future.
Yours faithfully,

AndrejDVladar

Andrej Vladar
Managing Director – Lumi South Africa

ED 1923 - 28 August 2025

"I do not think the measure of a civilization is how tall its buildings of concrete are, but rather how well its people have learned to relate to their environment" and fellow man."

- Sun Bear, Chippewa

FREE! HOMEGROWN, IT JUST READS BETTER!

ACTION ADS

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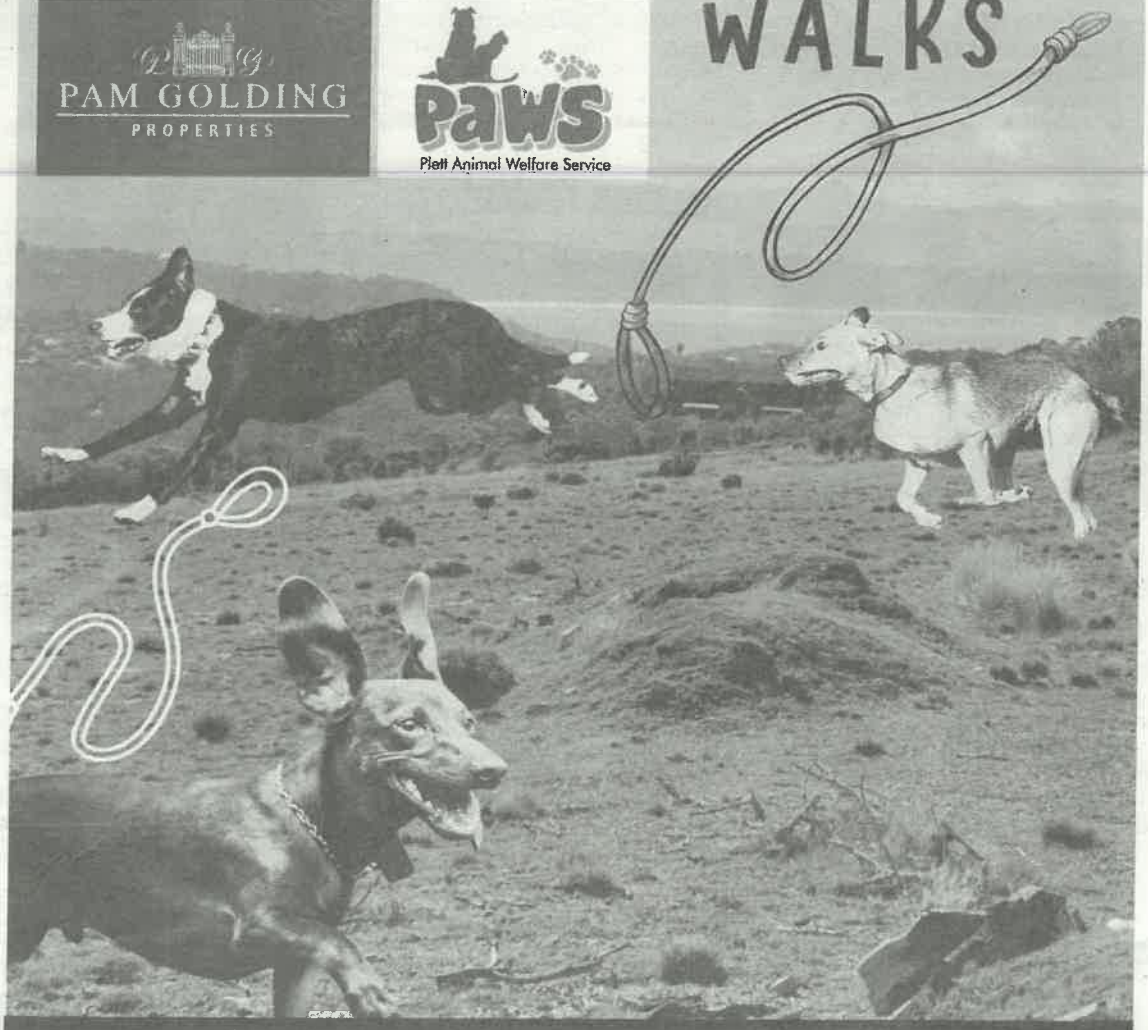
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KNYSNA MUNICIPALITY BY-LAW ON SPATIAL PLANNING & LAND USE MANAGEMENT (2021)

PROPOSED REZONING: ERF 13423, KNYSNA

Notice is hereby given in terms of Section 45 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) that the abovementioned application has been received from:

Applicant's Name:	Pezula Private Estate HOA
Contact Person:	c/o Planning Space (Pty) Ltd
Email:	lundi@planningspace.co.za
Reference number:	Application number 3539
Property Description:	Erf 13423, Knysna
Physical Address:	Pezula Private Estate, Knysna

Nature of application:

(i) Application for the **Rezoning** of a portion of Erf 13423, Knysna from "Open Space Zone II" to "Single Residential I" in terms of **Section 15(2)(a)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021).

https://www.knysna.gov.za/do-business/planning-development/current-land-use-applications/

Members of the public are invited to submit written comments, together with the reasons therefore in terms of Section 50 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021). Comments must be addressed to the Municipal Manager and submitted via email at knysna@knysna.gov.za and sphungula@knysna.gov.za on or before **30 September 2025**, quoting your name, address, electronic contact details and telephone number, interest the application and reasons for comment. The municipality may refuse to accept comments received after the closing date. Persons who cannot write may contact the Town Planning Office during office hours, where the responsible official will assist you in putting your comments in writing.

Telephonic enquiries may be made during office hours to the Town Planner, Mr. Sihle Phungula at 044-302 6339 or via email sphungula@knysna.gov.za.

KNYSNA MUNISIPALITEIT VERORDENING OP RUIMTELIKE BEPLANNING & GRONDGEBRUIKSBESTUUR (2021)

VOORGESTELDE HERSONERING: ERF 13423, KNYSNA

Kennis geskied hiermee ingevolge Artikel 45 van die Knysna Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruiksbestuur (2021) dat die bogenoemde aansoek ontvang is vanaf:

Naam van Aansoeker:	Pezula Private Estate HOA
Kontak Persoon:	c/o Planning Space (Pty) Ltd
Epos:	lundi@planningspace.co.za
Verwysing nommer:	Aansoek nommer: 3539
Eiendom beskrywing:	Erf 13423, Knysna
Fisiese Adres:	Pezula Private Estate, Knysna

Aard van aansoek:

(i) Aansoek vir die **Hersonering** van 'n gedeelte van Erf 13423, Knysna vanaf "Oopruimtesone II" na "Enkelwoonsone I" ingevolge **Artikel 15(2)(a)** van die Knysna Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruikbestuur (2021).

'n Volledige afskrif van die aansoek is beskikbaar op die munisipale webtuiste:

https://www.knysna.gov.za/do-business/planning-development/current-land-use-applications/

Lede van die publiek word uitgenooi om skriftelik kommentaar te lewer, saam met die redes daarvan ingevolge Artikel 50 van die Knysna Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruiksbestuur (2021). Kommentaar mag aan die Munisipale Bestuurder gerig word, en per epos ingedien word aan knysna@knysna.gov.za en sphungula@knysna.gov.za, op of voor **30 September 2025**, met vermelding van u naam, adres, elektroniesekontak besonderhede en telefoon nommer, belang in die aansoek en redes vir kommentaar. Die munisipaliteit mag weier om kommentaar wat na die sluitingsdatum ontvang is, te aanvaar. Persone wat nie kan skryf nie mag die Stadsbeplanningskantoor per telefoon nader tydens kantoorure, waar die betrokke amptenaar u sal help om u kommentaar op skrif te stel.

Telefoniese navrae kan gedurende kantoorure aan die Stadsbeplanner, Mnr. Sihle Phungula by 044-302 6339 of per epos: sphungula@knysna.gov.za gerig word.

LULAMILE MAPHOLOBA
MUNICIPAL MANAGER

www.knysna.gov.za

MAILING LIST FOR ERF 13423 KNYSNA

RE/392	REPUBLICK OF SA DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE	Via electronic mail
RE15233	PEZULA PRIVATE ESTATE (PTY) LTD	Via electronic mail
21106	NO INFO	
392/1	NO INFO	
RE558	NO INFO	

NOETZIE CONSERVANCY OWNERS' ASSOCIATION

P.O. Box 336, Knysna, 6570

30 September 2025

Application 3539 : Proposed Rezoning of Erf 13423 Knysna from Open Space II to Single Residential I Pezula Private Estate

Attention: The Municipal Manager, Knysna Municipality

Good day Mr Lulamile Mapholoba

Thank you for the opportunity to comment on Application 3539.

The Noetzie Conservancy Owners' Association (NCOA) is the legally constituted body, approved by the Knysna municipality, representing all Noetzie homeowners' and the conservancy.

An objective of the NCOA is to promote conservation as well as responsible and sustainable development in The Noetzie Conservancy and its adjoining areas, as set out in the Knysna Municipality Zoning Scheme.

The NCOA was represented on the Pezula Environmental Liaison Committee which was one of the key conditions of the approval in the Record of Decision (RoD) of the initial development. One of the roles of this committee was to ensure the applicant adhered to the conditions of approval in the RoD.

We make the following comments, listed below in no particular order.

1. We see no good reason for the creation of more residential properties when, after 23 years, a very high percentage of the properties on Pezula Private Estate (PPE) have not yet been developed. In fact, Phase 3 remains completely undeveloped. The rezoning would be in contravention of the PPE Record of Decision (RoD) condition 3.11 that limits the development to 255 residential erven.

2.The forest below erf 13423 and Boskloof to the east is used by many wild animals moving between the river, forest and fynbos. Endangered wildlife including a leopard and her cubs have been captured on PPE cameras in that area, also aardvark and blue duiker have been seen in the forest below.

Rezoning this area to residential would have a negative impact on animal movement which is already severely restricted by the high electric fences bordering the PPE on all other sides except the coast and the river. A requirement of the RoD was for the creation of open space corridors around all disturbance zones.

These areas, running east west from the Noetzie River through the estate to Sparrebosch, act as natural paths for animal movement (Diagram 6.8.1 of the EMP).

NCOA Committee 2025: Nick Taylor (Chairman), Richard Robinson (Treasurer), Johann Oosthuizen (Security/Website), Lola Moultrie (Secretary); Sabrina Gosling (Municipal liaison), Simon van Gend (Newsletter), Wendy Dewberry (Conservation)

3. In accordance with the PPE RoD of 16/10/2002 point 6 of the conditions of approval (CoA) for the development was that at least 500ha of the total 612 ha was to be retained and managed as Private Open Space.

In the Updated Environmental Management Plan (EMP) of July 2005 there was only 492.49 ha – a deficit of 7.51 ha. The rezoning of Erf 13423 from Private Open Space II to Single Residential I will increase the deficit and be in further contravention of the conditions of the RoD.

4. According to the PPE Environmental Impact Report (EIR) 2002, Erf 13423 (E91) borders an area of "high to very high conservation value". This is the reason it was allocated as the Game Lapa (now the Boma) and retained as part of the Private Open Space and should remain as such.

5. It must also be noted that point 3.14 of the RoD states that E87 to E111 *and any other erven located on highly erodible soils should have limited disturbance areas to reduce erosion risks*. Erf 13423 (E91) falls within the area considered highly erodible. In recent years the Noetzie River turns muddy with silt after heavy rains. This is since the establishment of the Pezula Private Estate. We fear that development here, so close to the river, could have a negative impact on the Noetzie river ecosystem (which is in an almost pristine state).

With the above in mind the NCOA objects to the application for rezoning of Erf 13423 from Private Open Space II to Single Residential I.

The NCOA reserves the right to make further comment on the above proposal and any other matter that might arise relating to the PPE Conditions of Approval and Record of Decision.

Yours faithfully,
Nick Taylor

NCOA Chair
NOETZIE CONSERVANCY OWNERS' ASSOCIATION
P.O. Box 336, Knysna, 6570
[redacted]

Cobalt No.:

File No.: 15/5/1

Tutuzelwa Tsese

From: Julie - Action Ads [redacted]
Sent: Tuesday, 30 September 2025 1:43 PM
To: Knysna Municipality; Sihle Phungula
Cc: 'NCOA Municipal'
Subject: Application number 3539

30th September 2025

Dear Mr. Lulamile Mapholoba,

Proposed Rezoning of Erf 13423 Knysna from Open Space II to Single Residential I Pezula Private Estate

Thank you for the opportunity to comment on the above application **number 3539.**

As a Noetzie property owner and long time Noetzie permanent resident who served on the Pezula Environmental Liaison Committee (PELC) for a period as a Noetzie Conservancy representative, I make the following comments which I list below in no particular order.

1. I see no valid reason to create more residential properties when, after 23 years, a very high percentage of the properties on Pezula Private Estate (PPE) are not yet developed.. In fact, Phase 3 remains completely undeveloped. The rezoning would be in contravention of the PPE Record of Decision (RoD) condition 3.11 that limits the development to 255 residential erven.

2. The forest adjacent and below erf 13423 and Boskloof to the east is used by many wild animals moving between the river, forest and fynbos..Endangered wildlife including a leopard and her cubs have been captured on PPE cameras in that area, also aardvark and blue duiker have been seen in the forest and surrounds

Rezoning this area to Residential would have a huge impact on animal movement which is already restricted by the high electric fences that border the estate on all sides bar the coast and the river. It is a requirement of the RoD that open space corridors are to be created surrounding all disturbance zones. These areas act as natural paths and run from east west from the Noetzie river through the development allowing free and unfettered animal movement to Sparrebosch. Diagram 6.8.1 of the Pezula Environmental Management Plan.(EMP) Only one of the required 3 underpasses below the Noetzie road was constructed so animals do not have the freedom of movement that was intended/required.

3. In accordance with the PPE Record of Decision (RoD) of 16 October 2002 point 6 of the conditions of approval (CoA) for the development was that at least 500ha of the total 612 ha was to be retained and managed as Private Open Space. In the updated EMP of July 2005 there was only 492.49 ha – a deficit of 7.51 ha. The rezoning of Erf 13423 from Private Open Space II to Single Residential I will increase the deficit and be in further contravention of the conditions of the RoD.

4. According to the PPE Environmental Impact Report 2002, Erf 13423 (E91) borders an area of high to very high conservation value. This is the reason it was allocated as the Game Lapa/Boma and retained as part of the Private Open Space and should remain as such.

5. It must also be noted that point 3.14 of the RoD reads that E87 *to E111 and any other erven located on highly erodible soils should have limited disturbance areas to reduce erosion risks.* Erf 13423/ E91 falls within the area considered highly erodible. Since the start of construction on PPE, the Noetzie river turns brown during heavy rains. It is likely that any building or development on erf 13423 could have a negative impact on the Noetzie river eco system. In

the early 2000s, fertilizers used on the Field of Dreams caused an algal bloom in the river, killing all the fish and several ancient yellowwood trees along the river banks. Photograhs are available as evidence of this occurrence.

With the above in mind, I strongly object to the application 3539 for rezoning of Erf 13423 from Private Open Space II to Single Residential I.

I reserve the right to make further comment on the above proposal and any other matter that might arise relating to the PPE Conditions of Approval and Record of Decision.

Yours faithfully
Julian Beth Gosling
Box 1291
Knysna 6570
[redacted]

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MUNICIPALITY
2025 -09- 30
Action: S Phyoqika
CC: Dir PHO, SM Jelumbo
H Smit
L Bailey
N Vonya
A De Jongh

KNYSNA
Municipality
Munisipaliteit
uMasipala

LAND USE APPLICATION DEPARTMENT COMMENTS

Erf Number: 13423
Application Type: Rezoning
Application Number: 3539
Application Date: 2025-08-18

Department	Comment Requested (T=Yes / F=No)	Comment Received
Corporate Services	F	
Legal Services	F	
Financial Services	F	
Community Services	F	
Fire Services	F	
Traffic	F	
Waste Removal	F	
Infrastructure Services	T	--oOo-- Thu Sep 25 2025 12:05:25 GMT+0200 (South Africa Standard Time) Comment by JOYAN: Condition of Approval: Manger Water and Sanitation: Augmentation Fees will apply on water. If the sewer network is extended to service these erven then augmentation will be load on sewer services as well. Manager Roads & Stormwater: No objection. however SLA will have to be reviewed.
Infrastructure Services Roads	F	
Infrastructure Services Sewer	F	
Electro Technical	F	
Housing	F	
Environmental Services	T	--oOo-- Thu Sep 18 2025 13:01:48 GMT+0200 (South Africa Standard Time) Comment by MUSEKENEM: OSCAE permit will be required before building plans are approved because this was not part of the approved Environmental Authorization.
Building Control	F	
Aesthetics Committee	F	
Street Naming Committee	F	

Sihle Phungula

From: Lundi <lundi@planningspace.co.za>
Sent: Friday, 10 October 2025 12:30
To: Sihle Phungula
Cc: lizemarie@planningspace.co.za; admin@planningspace.co.za
Subject: RE: LAND USE APPLICATION - RESPOND TO COMMENTS/OBJECTIONS
Attachments: Response to objections received (Erf 13423 Knysna).pdf

Hi Sihle,

Attached herewith please find Planning Space's response to objections received.

We confirm our acceptance of the departmental comments as conditions of approval. Furthermore, please note that there will be no extension of the sewer network, as Phase 3 relies on an on-site private biological sewer system.

Hope this email finds you well.

Kind Regards,

Lundikazi Khuphiso
B. Tech TRP C/9271/2020

C | 066 222 0016
E | lundi@planningspace.co.za
W | www.planningspace.co.za

Planning Space
Town and Regional Planners

From: planning@knysna.gov.za <planning@knysna.gov.za>
Sent: Tuesday, October 7, 2025 9:13 AM
To: lundi@planningspace.co.za
lundi@planningspace.co.za; planning@knysna.gov.za; sphungula@knysna.gov.za
Subject: LAND USE APPLICATION - RESPOND TO COMMENTS/OBJECTIONS
Importance: High

Dear Sir / Madam

PROGRESS STATUS: Submission Stage - Complete
Public Participation Stage - In Progress

ERF NUMBER: 13423
APPLICATION TYPE: Rezoning
APPLICATION NUMBER: 3539

Your application dated 2025-08-18 in respect of the abovementioned property, has reference.

Attached please find copies of comments/objections received in response to the said application.

Planning Space
Town and Regional Planners

Your Reference: Application No. 3539 10 October 2025

Knysna Municipal Manager
PO Box 21
Knysna
6530

FOR ATTENTION: MANAGER TOWN PLANNING

Sir,

RESPONSE TO OBJECTIONS RECEIVED FROM MS. J.B. GOSLING AND NOETZIE CONSERVANCY OWNERS' ASSOCIATION: REZONING APPLICATION (FROM OPEN SPACE ZONE II TO SINGLE RESIDENTIAL ZONE I - ERF 13423, PEZULA PRIVATE ESTATE)

1. INTRODUCTION

This document provides a consolidated response to the objections submitted by the Noetzie Conservancy Owners Association (NCOA) and Ms. J.B. Gosling, both dated 30 September 2025, in respect of the rezoning of Erf 13423, Pezula Private Estate. The content and arguments contained in both objections are identical.

The objections raise several concerns relating to the history of the Pezula Private Estate approvals, compliance with the Record of Decision (RoD), potential environmental implications, and the perceived impact of the proposed rezoning on the open space network and wildlife corridors.

All these matters have been comprehensively addressed in the Motivation Report prepared by Planning Space (March 2025), which forms part of the formal application documentation. It is evident from the content of the objections that the authors have not fully considered the detailed factual and technical information contained in the supporting report.

The purpose of this document is to respond to each concern raised, with reference to verified data, existing approvals, and the statutory framework applicable to the Pezula Private Estate.

2. NO VALID REASON TO CREATE MORE RESIDENTIAL PROPERTIES / CONTRAVENTION OF ROD CONDITION 3.11

The argument that there is "no need" for additional residential sites overlooks the principle of optimal land use. The site currently serves no functional purpose after the Boma was destroyed in 2017. The PPE HOA agreed that this facility is not needed in the estate as it created too much disturbance when it was used as a function venue in the past. Converting it into a low-impact residential erf ensures that land within the estate is utilised efficiently and productively, consistent with the principles of spatial efficiency and sustainability under SPLUMA (paragraph 5.9).

As detailed in paragraph 5.1 of the Motivation Report, the Pezula Private Estate currently consists of 251 Single Residential erven due to previous amendments to the masterplan and consolidations approved and registered within the estate (see Table 1 and Annexure H of the Motivation Report submitted). The RoD condition limiting the total number of residential erven to 255, therefore, remains fully complied with.

The rezoning of Erf 13423 will not result in any increase beyond the permitted number of residential erven. This fact was confirmed during the previous rezoning process, which was approved by Knysna Municipality in 2014 and upheld by the Western Cape Department of Environmental Affairs and Development Planning.

3. IMPACT ON WILDLIFE AND ANIMAL MOVEMENT

The concern regarding wildlife movement has been fully addressed in paragraphs 3.2, 4.2, and 5.2 of the Motivation Report. The area proposed for rezoning, approximately 4,000m², is limited to the previously developed footprint of the Boma building, driveway, and parking area (see Diagram 5: Proposed Split Zoning Plan). No undisturbed or ecologically sensitive land will be developed.

The balance of the erf (±11,733m²) will remain zoned and managed as Open Space II, thereby maintaining the integrity of the ecological corridors envisaged in the Pezula Environmental Management Plan (EMP). This rezoning will ultimately increase the conservation area within the estate.

It must be emphasised that the current approved use of the property, an entertainment facility (Boma), would, if reinstated, allow for large gatherings, amplified sound, night-time lighting, and increased human activity, all of which would pose a far greater disturbance to wildlife than a single private residence. Replacing the Boma use with a Single Residential zoning therefore reduces the potential impact on fauna and aligns with the estate's conservation objectives.

4. ALLEGED CONTRAVENTION OF THE 500HA PRIVATE OPEN SPACE REQUIREMENT

This claim is incorrect and based on a misunderstanding of how the estate's open space was calculated. As shown in Table 2 (paragraph 5.2 of the Motivation Report), the Pezula Private Estate currently retains approximately 516.75 hectares of rehabilitated open space, exceeding the required 500ha minimum.

Communal facilities such as the Boma, Equestrian Centre, and Field of Dreams have never been included in the open space calculation. Therefore, the rezoning of Erf 13423 does not reduce the conservation footprint but increases the conservation footprint by about 1,1ha and therefore remains compliant with the Environmental Authorisation.

5. CONSERVATION VALUE AND PURPOSE OF THE ERF

The 2002 Environmental Impact Report (EIR) predates the formal approval of the Pezula development, which was later authorised under the 2002 Record of Decision (RoD). The objector's statement that the Boma was located in this area due to its proximity to sensitive areas is incorrect, as stated in the PPE EIR is incorrect. Erf E91 (BOMA) did not form part of the original development layout at the time of the 2002 environmental assessment.

During the 2002 assessment, the Pezula Master Plan indicated a large residential erf with a 4,000m² disturbance area in the location where the Boma is currently situated. This erf formed part of the original approved Master Plan known as Noetzie 22. The residential footprint of approximately 4,000m² correlates closely with the new residential footprint now proposed (Erf E112 on Noetzie 22).

Subsequent amendments to the Master Plan introduced the Boma facility at a later stage, which was a developer-driven initiative intended to enhance the estate's amenity offering to potential buyers. The property was developed in accordance with approved building plans and remained in use for several years before being destroyed in the 2017 Knysna fires.

The site has therefore already been transformed and disturbed and does not form part of the sensitive natural areas within the estate. As described in paragraph 3.2, the terrain is stable, the topography is even, and no wetlands, drainage lines, or critical biodiversity features occur within or adjacent to the erf.

Accordingly, the proposed rezoning will not compromise the conservation objectives or the environmental integrity of the surrounding open space system.

6. HIGHLY ERODIBLE SOILS AND POTENTIAL IMPACT ON THE NOETZIE RIVER

This assertion is not supported by site-specific evidence. As confirmed in paragraph 3.2 of the Motivation Report, the site lies on stable slopes suitable for development. It is also geographically separated from the Noetzie River (±500m away) and does not contain drainage lines or wetlands.

The former Boma structure occupied the same area without causing erosion or sedimentation impacts, demonstrating that the site is geologically stable. Future development will adhere to the Pezula Design Manual and the estate's environmental management practices, ensuring that runoff and soil disturbance are properly managed.

Reference to alleged past pollution incidents caused by fertilizer use at the Field of Dreams is irrelevant, as that facility is located elsewhere within the estate and operates under completely different conditions.

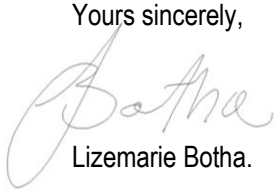
7. CONCLUSION

Each issue raised in the objection has been carefully considered and is adequately addressed in the Motivation Report (March 2025) and supporting annexures. The following key conclusions can be drawn:

- The proposal complies fully with all RoD and Environmental Authorisation conditions. The estate retains more than 500ha of rehabilitated open space.
- The proposal does not exceed the limit of 255 residential erven.
- The site has been previously disturbed and holds no remaining high conservation value within the proposed disturbance area.
- The rezoning replaces an approved high-impact communal entertainment use with a low-impact residential dwelling, resulting in less environmental disturbance.
- The proposed change supports the financial and management sustainability of the Pezula Private Estate HOA.

For these reasons, the objection by Ms. Gosling and the NCOA is unsubstantiated and should not be upheld. It is recommended that the application for the rezoning of Erf 13423 from Open Space Zone II to Single Residential Zone I be approved.

Yours sincerely,



Lizemarie Botha.

On behalf of Pezula Private Estate.

Item 6.3
Erf 450 Belvedere:
Consent Use

Withdrawn for consideration at the next meeting

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3472
REPORT AUTHOR	LV Mniki
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3672/2025
TELEPHONE NO.	044-302-6383
APPLICATION DATE	05 May 2025

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 1595 SEDGEFIELD

PART A: APPLICANT DETAILS	
Name & Surname	***Alexander Havenga***
Company name	***Nel & De Kock Town and Regional Planners***
SACPLAN registration number	***A/3313/2023***
Registered owner(s)	***Conexio Holdings (Pty) Ltd***
PART B: PROPERTY DETAILS	
Property description	***Erf 1595 Sedgefield, in the Municipality of Knysna, Province of the Western Cape***
Property Extent (m^2)	***910***
Physical address	***3 Moodie Street, The Island***
Area/Town	***Sedgefield***
Current zoning	***Single Residential Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Dwelling house***
Are there existing buildings on the property?	***Yes***
Title Deed number & date	***T23714/2019 dated June 2019***
Any restrictive title conditions applicable?	***Not applicable***
Any third party conditions applicable?	***Not applicable***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Not Applicable***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☐	☒
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the following on Erf 1595, Sedgefield:

1.1. The encroachment of the prescribed 2.0m lateral building line of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" by the conversion of an approved carport into a second dwelling.

1.2. The encroachment of the prescribed 4.5m street building line of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" by an existing unauthorised carport.

2. BACKGROUND

2.1. The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) with the permissible use of a "dwelling house." This use has a prescribed street building line of 4.5m and lateral building line of 2.0m. The Scheme By-law does not allow any buildings or structures within this space unless exempted in terms of Clause 21 of the By-law.

2.2. It appears that the existing approved second dwelling was extended by converting the approved carport which encroached the 2.0m lateral building while a carport was unlawfully constructed within the 4.5m street building line. These buildings are not permitted within the lateral and street building line.

2.3. The applicant states that the current landowner acquired the subject property with the unlawful carport encroaching the prescribed street building line as an existing structure. It is stated that the landowner thus had no knowledge of the unauthorised carport.

2.4. In terms of the conversion of the approved carport along the lateral boundary into an extension of the existing approved second dwelling, the applicant declares that the landowner was informed by their contractor that no building plans need to be lodged with the Municipality. This contractor failed to complete the building work with the landowner appointing a second to complete the work. It is at this point that the landowner learned that a building plan submission is required for the intended building work. An architect was subsequently appointed to compile and draught new plans for submission at the Municipality.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	Not Applicable
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	**Up to and not more than R 168,600.00**
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully.	Not Applicable

3.1.1. The applicant states that the total cost of the carport conversion to habitable space (extension of the second dwelling) is R118,000 for around 27m² of floor space which equates to R4,370 per square metre. With only 2.2m² encroaching the building line, the applicable is determined at R9,615.00.

3.1.2. The applicant did not provide a cost estimate for the unauthorised carport within in the street building line. However, when using the *industry standard*[1] on the cost of building work, the cost of a covered carport is estimated at R9,400 per square metre. This means that the estimated cost of the carport (within the street building line) can be determined at R159.000. The maximum penalty amount is thus R168,600.

3.2. Considerations in terms of Section 93(9) of the Planning By-law

3.2.1. The applicant argues that the landowner was ill-advised by their contractor at the time of extending the approved second dwelling by converting the existing carport space. The landowner was informed that the building work does not require the submission of building plans at the Municipality. It appears that this contractor later absconded with the landowner appointing a second whom indicated that building plan submission will be required.

3.2.2. This transgression is considered relatively minor in terms of gravity as no adverse impact as a cause of the building work is immediately evident. Furthermore, there is no evidence to suggest that the transgression was wilful or intentional on the part of the landowner.

3.2.3. In terms of the unauthorised carport encroaching the street building line, the applicant alleges that the property was purchased with the carport as existing. The landowner argues that a penalty should not be payable as the offence was committed by the previous landowner.

3.2.4. The consideration of a carport within the street building line is relatively significant in that the assessment will determine the impact of safe movement of vehicles to and from the property.

[1] AECOM South Africa (Pty) Ltd, Property & Construction Cost Guide 2024/2025: 35th Edition

3.2.5. However, the applicant did not provide any arguments to the gravity of this transgression. Furthermore, and despite the transgression being committed by the previous landowner, the current landowner remains responsible for compliance to the zoning scheme. For this reason, it is argued that the imposition of a penalty is justified, however, there is extenuating circumstances to the matter that can be considered in the determination as expressed by the applicant including that the landowner has not contravened the Planning or Zoning Scheme By-law in prior instances. Therefore, a reduced penalty amount is recommended.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 800.00 be determined in accordance with Section 93(2,) for the following on Erf 1595, Sedgefield:

4.1. The encroachment of the prescribed 2.0m lateral building line of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" by the conversion of an approved carport into a second dwelling extension.

4.2. The encroachment of the prescribed 4.5m street building line of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" by an existing unauthorised carport.

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. The administrative penalty as specified herein applies to the building line encroachments as shown on the plan numbered "*2025/003-M001-Rev00*" dated 02 April 2025.

5.2. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation is as follows:

(i) It is evident that transgressions of the zoning scheme have occurred by the completion of unauthorised building work on the subject property. The imposition of an administrative penalty is, therefore, considered justified. This includes the fact that the landowner has primary responsibility for ensuring compliance with the zoning scheme.

(ii) However, in considering the circumstances to the application it was found that sufficient grounds exist for a lesser and nominal penalty as the landowner has not contravened the Planning or Zoning Scheme By-law in any previous instance nor is there any evidence to suggest that the transgressions were wilful or intentional on the part of the landowner.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum*

ANNEXURE B: *Power of attorney & resolution*

ANNEXURE C: *Copy of title deed*

ANNEXURE D: *Copies of approved building plan(s)*

ANNEXURE E: *Proposed site plan(s)*

Administrative Penalty: Erf 1595, Sedgefield **Application No.: 3472**			
Author Name: LV MNIKI Date: **20/03/2026**		Author Signature:	
Registered planner name: S. MADUMBO SACPLAN registration number: A/1510/2010 Date: **20/03/2026**		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Stads- en Streekbeplanners
Town and Regional Planners

Yorkstraat 56 York Street | Posbus 1186/P.O. Box 1186 | George 6530 | Tel: (044) 874 5207 | Fax: (044) 8736354
Cell: 082 569 2438 E-pos/E-mail: neldek@mweb.co.za

10 April 2025

The Municipal Manager
P.O. Box 21
Knysna
6570

Sir

PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 1595, SEDGEFIELD, SITUATED IN THE MUNICIPALITY AND DIVISION OF KNYSNA, IN THE PROVINCE OF THE WESTERN CAPE.

Duly authorised by the registered owner of the subject property, application is being made for the determination of an administrative penalty in terms of Section 15.(2)(r) of the Spatial Planning and Land Use Management By-Law of Knysna Municipality, 2021, regarding illegal structures on Erf 1595, Sedgefield.

The current owner of Erf 1595 acquired the property with the illegal shadeport abutting President Steyn Street and the rest of the structures indicated on the approved building plans. The building plans approved by the Municipality on 17/08/2017 is attached hereto as Annexure 11. The owner had a desire to enclose the approved shadeport 2 and convert it into rooms to form part of the existing second dwelling unit. The owner appointed a contractor who informed her that she did not have to submit building plans therefore as it entailed an existing approved structure. The said contractor failed to finalise the building work and after the owner appointed another contractor to finish the work, they informed her that she did in fact have to submit building plans for the proposed alterations. The owner then immediately appointed an architect to compile building plans for the additions who in turn contacted Nel & de Kock to assist with obtaining approval for building line relaxations.

In light of the aforementioned it is evident that the current owner of the property had no intention of illegally altering the approved shadeport to form part of the existing second dwelling nor did she have knowledge that the carport abutting President

Steyn Street was constructed illegally. The current owner has not previously contravened Knysna Municipality's By-Law or previous planning law. Therefore, the applicant wishes to request that the Municipality decides on the administrative penalty with mitigation as this was the owner's first offence. Should the previous owners have submitted building plans for the carport and the original contractor advised her correctly, this process would not have been necessary.

The following calculation is made by the applicant for the administrative penalty:

1. Shadeport converted to form part of the second dwelling = 27m²:
    - The owner paid in the order of R118 000-00 for the conversion of the structures and other interior work. Therefore, R118 000 / 27m² = R4 370.37 per square meter.
    - According to the Site Development Plan, the area encroaching over the building line is 2.2m².
    - Therefore, the total costs of the portion of the second dwelling which encroaches over the building line equates to R9 614.81.
        - Bearing in mind that this is the owner's first offence and the fact that the contractor misled the owner and she appointed professionals as soon as she was made aware of the fact that she does in fact have to submit building plans, mitigation is sought. Therefore, the applicant wishes to seek a 0% administrative penalty for this structure which is commendable considering that she is in process of submitting building plans after she was misled by a contractor.
2. Carport = 17m²:
    - The owner bought the property with the carport already constructed on the property. Therefore, it is unknown what the costs for this structure is. In light of the aforementioned, the applicant cannot make a calculation of the penalty, but would like to seek a 0% penalty as it was not the current owner who erected the structure and she merely wants to rectify the situation.

In support of the application, the following documentation is attached for your consideration:

a) Application form fully completed and signed **(Annexure 1)**;
b) Power of Attorney by the registered owner **(Annexure 2)**;
c) Motivation is included in this cover letter;
d) Surveyor General Plan No. 5088/55 **(Annexure 4)**;
e) Locality Map **(Annexure 5)**;
f) Site Development Plan **(Annexure 6)**;
g) Proof of payment **(Annexure 7)**;
h) Copy of Title Deed Nos. T23714/2019 & T17696/2023 **(Annexure 8)**;
i) Conveyancer Certificate **(Annexure 9)**;
j) Previous Approval dd. 20/09/2017 **(Annexure 10)**;and
k) Approved Building Plans dd. 17/08/2017 **(Annexure 11).**

It is trusted that our application will enjoy your favourable consideration and to hear from you at your earliest convenience. However, if there is any ambiguity or additional information required, we would be pleased to assist.

Yours Sincerely



Nel & de Kock Town and Regional Planners
Per: Alexander Havenga Pr. Pln A/3313/2023

Annexure 8

DUVENAGE INC
OLD MUTUAL BUILDING
1 KRUGER RAND
RICHARDS BAY

Prepared by me

CONVEYANCER
GERRIT SCHEEPERS DUVENAGE
(NUMBER 66246)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 2300000,00 1150 000.00	R 2014,00 1458,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / VERIFY
24-05-2023
ATHI DAMOYI

T00017696 / 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS (LPCM No. 80715)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

The Executor in the Estate Late
DOUGLAS REGINALD NEL
Number 002554/2022

which said Power of Attorney was signed at RICHARDS BAY on 10 MARCH 2023.

And the said appearer declared that:

WHEREAS the LATE DOUGLAS REGINALD NEL who died testate on the 22 January 2022 is the registered owner of the hereinafter mentioned property;

AND WHEREAS during his lifetime the late **DOUGLAS REGINALD NEL** was married out of community of property to **AMANDA JANE NEL**;

AND WHEREAS the said **DOUGLAS REGINALD NEL** bequeathed the hereinafter mentioned property to **AMANDA JANE NEL** in terms of the joint Last Will and Testament of **DOUGLAS REGINALD NEL** and **AMANDA JANE NEL (née BOOYSEN)** dated at EMPANGENI on the **06 March 2015;**

NOW THEREFORE he/she, the said appearer, in his/her capacity aforesaid, did, by virtue these presents, cede and transfer to and on behalf of:

AMANDA JANE NEL
Identity Number [redacted]
Unmarried

her Heirs, Executors, Administrators or Assigns, in full and free property

1/2 (ONE HALF) SHARE IN AND TO :
ERF 1595 SEDGEFIELD,
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF THE WESTERN CAPE

IN EXTENT 910 (NINE HUNDRED AND TEN) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 1089/1970 with Diagram No. 8265/1969 relating thereto and held by Deed of Transfer Number T23714/2019

A. **SUBJECT** to the conditions referred to in the Certificate of Consolidated Title No. 4464/1958.

B. **ENTITLED** to the benefit of the servitude referred to in the following endorsement dated 25th September 1929 on said Deed of Transfer No. 822 dated 3rd February 1928, namely :-

"By Deed of Transfer No. 9658 dated 25th September 1929 certain rights-of-way shown on the diagram annexed thereto are to remain open for the use of the owner of the remainder of the land held hereunder as will more fully appear on reference to the said Deed of Transfer."

C. **SUBJECT** to the following special conditions mentioned in Deed of Transfer No. T9233 dated 3rd July 1957, imposed by Sedgefield Investments Proprietary Limited for the benefit of itself and its successors in title as owners of the Remainder held by Deed of Transfer No. 26897 dated 26th November 1948, namely :-

"(a) The Transferee shall not be entitled to claim against the Transferors as owner of the remaining extent for the time being of the Sedgefield Township and/or the farm Sedgefield for any consideration or

compensation or be entitled to make any claim whatever in respect of the construction, erection, or maintenance of any gates or fences which may at present exist on the boundary line of any lot or lots purchased or which may in future be erected by the Transferee on the boundary line of such land, provided, however, that the said Transferee shall not be debarred from claiming in this regard from any purchaser of a lot other than the said Transferors.

(b) The terms of "TRANSFERORS" and "TRANSFEREE" in these conditions shall be deemed to include the heirs, executors, administrators, assigns or successors in title of the Transferors and Transferees."

D. **SUBJECT FURTHER** to the following conditions mentioned in said Deed of Transfer No. 1089/1970, imposed by the Transferors therein, namely, F. Van Niekerk and Sons Proprietary Limited for the benefit of itself and its successors in title (as described at the end of these conditions) to the remainder of the property held in terms of the Certificate of Consolidated Title No. 4464 dated 2nd April 1958, namely :

"1. Die Transportnemer sal nie die reg hê om die Transportgewers aan te spreek vir die maak of instandhouding van heinings, of vir enige bydrae tot die maak of instandhouding daarvan nie.

2. As die Transportnemer die eiendom vir enige doeleindes gebruik, sal hy verplig wees om binne 'n tydperk van ses maande van die begin van gesegde gebruik, die terrein, of met 'n heining van nie minder as vyf drade behoorlik opgerig, te omhein, of met sulke sort omheining as die Transportgewers mag goedkeur. Indien hy nie binne die gesegde tydperk aan hierdie voorwaardes voldoen nie, sal die Transportgewers geregtig wees om die Transportnemer dertig dae skriftelike kennis te gee om sodanige heining op te rig en by versuim sal die Transportgewers die reg hê om sodanige heining op te rig and die koste daarvan, teen 'n onderlinge vasgestelde prys van R24 per erf, van die Transportnemer te verhaal.

3. Die Transportgewers sal geregtig wees om behoorlike gesondheidsmaatreëls op die Transport nemers in verband met hierdie eiendom toe te pas. Die Transportnemers onderneem om niks op die erf te doen of na te laat, wat 'n gevaar vir gesondheid en mede-eienaars sal skep en in geval van die skapping val sulke gevaar, onderneem Transportnemer om na skriftelike kennis deur Transportgewers gegee, die gevaar onverwyld te verwyder. Indien die Transportnemer hierdie voorwaardes nie nakom nie, is die Transportgewer geregtig om enige nodige werk aan te rig en die koste van sodanige werk van die Transportnemer te verhaal.

4. Die Transportnemer mag nie enige heining van sinkplaat sonder die skriftelike toestemming van die Transportgewers oprig nie.

5. Sonder die skriftelike toestemming van die Transportgewers, sal geen hotel of losieshuis op hierdie eiendom opgerig word, nog sal hierdie eiendom of enige gebou daarop, as losieshuis of hotel gebruik word nie.

6. Nagvuil mag nie op hierdie eiendom begrawe word nie.

7. Sonder die skriftelike toestemming van die Transportgewers, sal geen gebou of enige gedeelte daarvan, binne 4,72 meter van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie. Geen gebou sal binne 1,57 meter van die sygrens van 'n aangrensende erf opgerig word nie, behalwe in die geval waar een koper per twee aangrensende erwe besit. Daar sal nie op meer as twee-derdes van die eiendom gebou word nie.

8. Alleenlik EEN woonhuis met die gebruiklike buitegeboue, sal op enige erf in hierdie Dorpsgebied opgerig word. Geen woonstelle sal op hierdie erf opgerig word nie.

9. Die Transportnemer mag nie die eiendom, of enige deel daarvan, of enige geboue daarop, vir advertensie doeleindes gebruik, of laat gebruik, sonder die skriftelike toestemming van die Transportgewers nie.

10. Hierdie eiendom sal alleenlik vir woon, landbou of tuinboudoeleindes gebruik word, en alle handelsregte daarop word vir die Transportgewers voorbehou.

11. Daar sal nie op hierdie erf enige hinderlike, ongesonde, of gevaarlike bedryf soos bepaal in die Munisipale Ordonnansie No. 19 van 1951, of ebnige wysiging daarvan, gevoer word nie.

12. Hierdie eiendom mag nie onderverdeel word behalwe in spesiale omstandighede nie en dan alleenlik met die skriftelike toestemming van die Transportgewers.

13. Die Transportnemer sal toelaat dat alle dreinering en riolering van enige ander Erf of erwe oor hierdie eiendom sal gaar, mits die noodsaaklik deur enige Plaaselike Owerheid wat in die lewe geroep mag word, geag word, en in sulke manie en in sulke posisie soos van tyd tot tyd deur sodanige Plaaslike Owerheid nodig gevind mag word.

Die bewoording "Transportgewers en hulle opvolgers in titel" sal beteken die gesegde Maatskappy F. VAN NIEKERK EN SEUNS (EIENDOMS) BEPERK as die geregistreerde eienaars van die grond wat in hulle naam geregistreer bly onder Sertifikaat van Gekonsolideerde Titel No. 4464/1958 gedateer 2 April 1958, naamlik:

> SEKER stuk opgehegte erfpaggrond, geleë in die Afdeling Knysna, synde die restant van Erf Nr. 1626 van die Dorp Sedgefield (naamlik die restant van Sedgefield Dorp Uitbreiding Nr. 1 wat daarop uitgelê is)

En hule opvolgers in titel daartoe, uitsluitende die eienaar van enige onderverdeling van die grond so gehou wat deur die gesegde Transportgewers vervreem of getransporteer mag word na 12 September 1969, synde die datum van die oorspronklike verkoop van die grond hiermee getransporteer.

E. **SUBJECT** to the following condition contained in the joint Last Will and Testament of the said DOUGLAS REGINALD NEL and AMANDA JANE NEL (néé BOOYSEN) dated 06 March 2015

EXCLUSION FROM COMMUNITY ESTATE AND ACCRUAL:

All benefits accruing to any of our heirs out of this Will will not fall into nor form part of the joint estate of that heir and will remain free from the interference, control or debs of any spouse. Similarly, all such benefits shall be excluded from any accrual in terms of the Matrimonial Property act 88 of 1984.

WHEREFORE the said Appearer, renouncing all rights and title which the said

Estate Late DOUGLAS REGINALD NEL

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

AMANDA JANE NEL, Unmarried

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the value of the property to be the sum of R2 300 000,00 (TWO MILLION THREE HUNDRED THOUSAND RAND) and the value of the half share of the property to be the sum of R1 150 000,00 (ONE MILLION ONE HUNDRED AND FIFTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 11 MAY 2023

_____

q.q.

In my presence

_____

REGISTRAR OF DEEDS

VAN TONDER INC
P.O. BOX 1536
GEORGE
6530
Tel: (044) 873-0707

Prepared by me

CONVEYANCER
BERNARD VAN TONDER

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 2 400 000,00	R 1588,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

Share of T/ree 1

GETRANSPORTEER AAN TRANSFERRED TO
A.J. Nel

RESTANT/REMAINDER

T 000017696 / 2023

11 MAY 2023

REGISTRATEUR/REGISTRAR

DATA / VERIFY
13 -06- 2019
LINDA NCAPAI

T 00023714 / 2019

DEED OF TRANSFER

DATA / CAPTURE
19 -06- 2019
ELIZABETH VAN TONDER

BE IT HEREBY MADE KNOWN THAT

JANINE FOUCHÉ

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said Appearer being duly authorised thereto by a Power of Attorney granted to him/her by

ALISON PATRICIA JEE
Identity Number: [redacted]
Married out of community of property

which said Power of Attorney was signed at SEDGEFIELD on 16 May 2019

And the Appearer declared that his/her said principal had, on 25 MARCH 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1. **DOUGLAS REGINALD NEL**
   Identity Number: [redacted]
   Married out of community of property

2. **AMANDA JANE NEL**
   Identity Number: [redacted]
   Married out of community of property

their Heirs, Executors, Administrators or Assigns, in full and free property

ERF 1595 SEDGEFIELD,
IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE;

IN EXTENT: 910 (NINE HUNDRED AND TEN) Square Metres

FIRST TRANSFERRED by Deed of Transfer No. T1089/1970 with Diagram No. 8265/1969 relating thereto, AND HELD by Deed of Transfer No. T39765/2017.

A. **SUBJECT** to the conditions referred to in the Certificate of Consolidated Title No. 4464/1958.

B. **ENTITLED** to the benefit of the servitude referred to in the following endorsement dated 25th September 1929 on said Deed of Transfer No. 822 dated 3rd February 1928, namely:-

"By Deed of Transfer No. 9658 dated 25th September 1929 certain rights-of-way shown on the diagram annexed thereto are to remain open for the use of the owner of the remainder of the land held hereunder as will more fully appear on reference to the said Deed of Transfer."

C. **SUBJECT** to the following special conditions mentioned in Deed of Transfer No. T9233 dated 3rd July 1957, imposed by Sedgefield Investments Proprietary Limited for the benefit of itself and its successors in title as owners of the Remainder held by Deed of Transfer No. 26897 dated 26th November 1948, namely:-

"(a) The Transferee shall not be entitled to claim against the Transferors as owner of the remaining extent for the time being of the Sedgefield Township and/or the farm Sedgefield for any consideration or compensation or be entitled to make any claim whatever in respect of the construction, erection, or maintenance of any gates or fences which may at present exist on the boundary line of any lot or lots purchased or which may in future be erected by the Transferee on the boundary line of such land, provided, however, that the said Transferee shall not be debarred from claiming in this regard from any purchaser of a lot other than the said Transferors.

(b) The terms of "TRANSFERORS" and "TRANSFEREE" in these conditions shall be deemed to include the heirs, executors, administrators, assigns or successors in title of the Transferors and Transferees."

D. **SUBJECT FURTHER** to the following conditions mentioned in said Deed of Transfer No. 1089/1970, imposed by the Transferors therein, namely, F. Van Niekerk and Sons Proprietary Limited for the benefit of itself and its successors in title (as described at the end of these conditions) to the remainder of the property held in terms of the Certificate of Consolidated Title No. 4464 dated 2nd April 1958, namely:

"1. Die Transportnemer sal nie die reg he om die Transportgewers aan to spreek vir die maak of instandhouding van heinings, of vir enige bydrae tot die maak of instandhouding daarvan nie.

2. As die Transportnemer die eiendom vir enige doeleindes gebruik, sal hy verplig wees om binne 'n tydperk van ses maande van die begin van gesegde gebruik, die terrein, of met 'n heining van nie minder as vyf drade behoorlik opgerig, te omhein, of met sulke sort omheining as die Transportgewers mag goedkeur. Indien hy nie binne die gesegde tydperk aan hierdie voorwaardes voldoen nie, sal die Transportgewers geregtig wees om die Transportnemer dertig dae skriftelike kennis te gee om sodanige heining op te rig en by versuim sal die Transportgewers die reg he om sodanige heining op te rig and die koste daarvan, teen 'n onderlinge vasgestelde prys van R24 per erf, van die Transportnemer te verhaal.

3. Die Transportgewers sal geregtig wees om behoorlike gesondheidsmaatreels op die Transport nemers in verband met hierdie eiendom toe te pas. Die Transportnemers onderneem om niks op die erf te doen of na te laat, wat 'n gevaar vir gesondheid en mede-eienaars sal skep en in geval van die skapping val sulke gevaar, onderneem Transportnemer om na skriftelike kennis deur Transportgewers gegee, die gevaar onverwyld te verwyder. Indien die Transportnemer hierdie voorwaardes nie nakom nie, is die Transportgewer geregtig om enige nodige werk aan te rig en die koste van sodanige werk van die Transportnemer te verhaal.

4. Die Transportnemer mag nie enige heining van sinkplaat sonder die skriftelike toestemming van die Transportgewers oprig nie:

5. Sonder die skriftelike toestemming van die Transportgewers, sal geen hotel of losieshuis op hierdie eiendom opgerig word, nog sal hierdie eiendom of enige gebou daarop, as losieshuis of hotel gebruik word nie.

6. Nagvuil mag nie op hierdie eiendom begrawe word nie.

7. Sonder die skriftelike toestemming van die Transportgewers, sal geen gebou of enige gedeelte daarvan, binne 4,72 meter van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie. Geen gebou sal binne 1,57 meter van die sygrens van 'n aangrensende erf opgerig word nie, behalwe in die geval waar een koper per twee aangrensende erwe besit. Daar sal nie op meer as twee-derdes van die eiendom gebou work nie.

8. Alleenlik EEN woonhuis met die gebruiklike buitgeboue, sal op enige erf in hierdie Dorpsgebied opgerig word. Geen woonstelle sal op hierdie erf opgerig word nie.

9. Die Transportnemer mag nie die eiendom, of enige deel daarvan, of enige geboue daarop, vir advertensie doeleindes gebruik, of laat gebruik, sonder die skriftelike toestemming van die Transportgewers nie.

10. Hierdie eiendom sal alleenlik vir woon, landbou of tuinboudoeleindes gebruik word, en alle handelsregte daarop word vir die Transportgewers voorbehou.

11. Daar sal nie op hierdie erf enige hinderlike, ongesonde, of gevaarlike bedryf soos bepaal in die Munisipale Ordonnansie No. 19 van 1951, of enige wysiging daarvan, gevoer word nie.

12. Hierdie eiendom mag nie onderverdeel word behalwe in spesiale omstandighede nie en dan alleenlik met die skriftelike toestemming van die Transportgegers.

13. Die Transportnemer sal toelaat date alle dreinering en riolering van enige ander Erf of erwe oor hierdie eiendom sal gaar, mits die noodsaaklik deur enige Plaaslike Owerheid wat in die lewe geroep mag word, geag word, en in sulke manie en in sulke posisie soos van tyd tot tyd deur sodanige Plaaslike Owerheid nodig gevind mag word.

Die bewoording "Transportgewers en hulle opvolgers in titel" sal beteken die gesegde Maatskappy F. VAN NIEKERK EN SEUNS (EIENDOMS) BEPERK as die geregistreerde eienaars van die grond wat in hulle naam geregistreer bly onder Sertifikaat van Gekonsolideerde Titel No. 4464/1958 gedateer 2 April 1958, naamlik :

> SEKER stuk opgehegte erfpaggrond, geleë in die Afdeling Knysna, synde die restant van Erf Nr. 1626 van die Dorp Sedgefield (naamlik die restant van Sedgefield Dorp Uitbreiding Nr.1 wat daarop uitgelê is)

En hulle opvolgers in titel daartoe, uitsluitende die eienaar van enige onderverdeling van die grond so gehou wat deur die gesegde Transportgewers vervreem of getransporteer mag word na 12 September 1969, synde die datum van die oorspronklike verkoop van die grond hiermee getransporteer.

WHEREFORE the said Appearer, renouncing all rights and title which the said

ALISON PATRICIA JEE, Married as aforesaid

heretofore had to the premises, did in consequence also acknowledge her to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

1. **DOUGLAS REGINALD NEL, Married as aforesaid**
2. **AMANDA JANE NEL, Married as aforesaid**

their Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R2 400 000,00** (**TWO MILLION FOUR HUNDRED THOUSAND RAND**).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 12 JUN 2019 2019.

q.q.

In my presence

REGISTRAR OF DEEDS

Annexure 2

POWER OF ATTORNEY

I, the undersigned,

Amanda Jane Nel

In my capacity as the registered owner of Erf 1595, Sedgefield, situated in the Municipality and division of Knysna, Province of the Western Cape.

hereby nominate and appoint:

NEL & DE KOCK TOWN & REGIONAL PLANNERS

With power of substitution, to be my true and lawful Agent in my name, place and stead, to apply to Knysna Municipality for the **removal of restrictive conditions and permanent departures w.r.t. Erf 1595, Sedgefield,** and I hereby ratify, allow and confirm, and promise and agree to ratify, allow and confirm all and whatsoever my said Agent shall lawfully do or cause to be done by virtue of these presents.

SIGNED at SEDGEFIELD on this 03/04/2025 in the presence of the under mentioned witnesses.

.....

Amanda Jane Nel

(I.D.: [redacted]

AS WITNESSES:

1. .....

2. .....

Erf 1595, Sedgefield

Annexure 5



Legend

Erf

Map Center: Lon: 22°47'16.7"E
Lat: 34°0'57.7"S

Scale: 1:10,000

Date created: 2025/02/04

Western Cape Government
FOR YOU

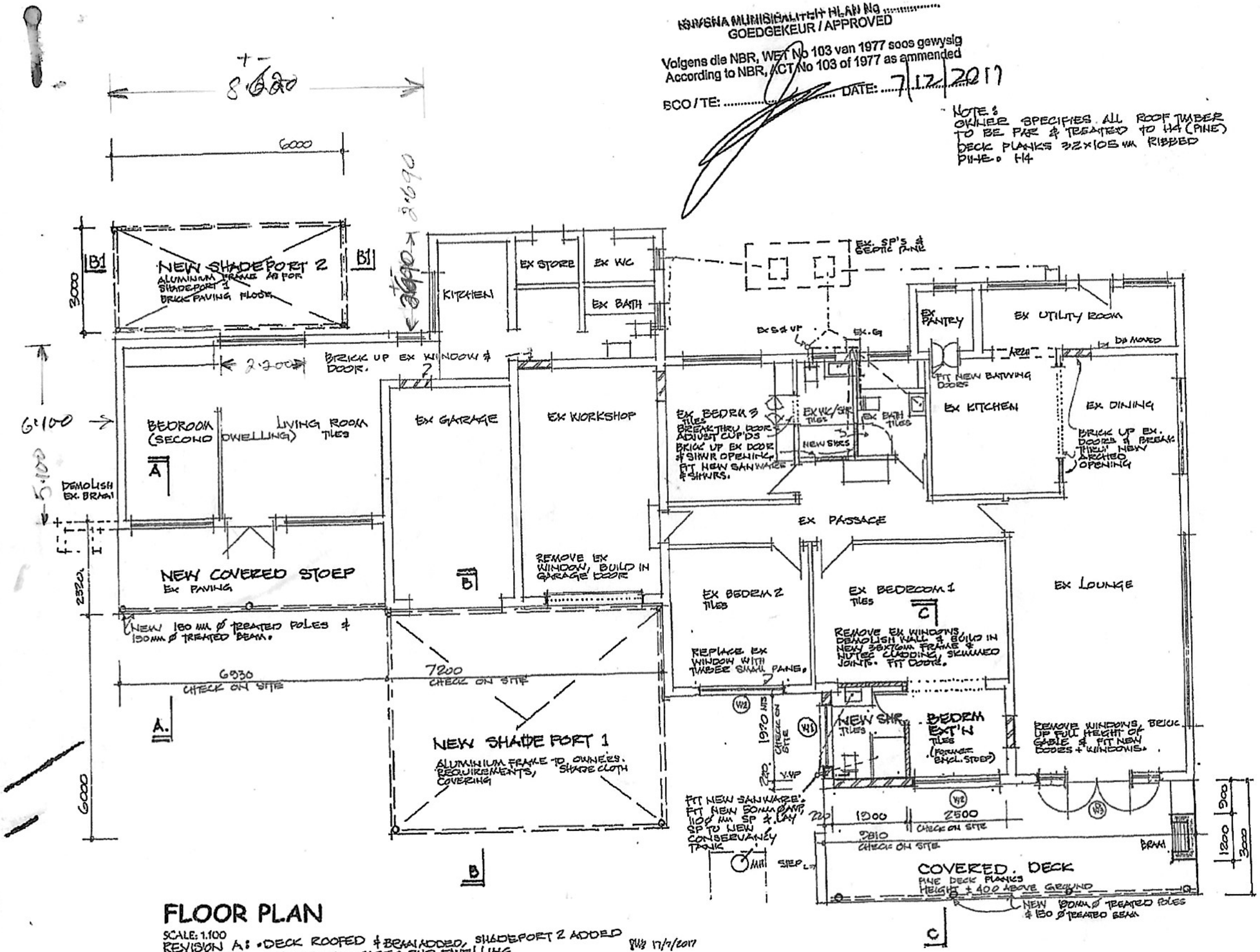
Annexure11

KNYSNA MUNISIPALITEIT/ KLAN No .....
GOEDGEKEUR / APPROVED

Volgens die NBR, WET No 103 van 1977 soos gewysig
According to NBR, ACT No 103 of 1977 as ammended

BCO / TE: ..... DATE: 7/12/2017

NOTE:
OWNER SPECIFIES ALL ROOF TIMBER TO BE PAR & TREATED TO H4 (PINE)
DECK PLANKS 32x105 mm RIBBED PINE. H4



FLOOR PLAN

SCALE: 1:100
REVISION A: • DECK ROOFED & BRAAI ADDED, SHADEPORT 2 ADDED
• CHANGE OF USAGE: 2ND DWELLING
PW 17/7/2017

All levels, dimensions & positions to be checked on site before work commences. Discrepancies or errors to be reported immediately. No responsibility is accepted for later problems.
All work to be in accordance with National Building Regulations and local authority building practice.
Figured dimensions to be taken in preference to scaled dimensions.
Electrical and plumbing work to be done by registered tradesmen.

FOUNDATIONS

1. Poles set 1m into ground on 600x600x80mm concrete paving blocks & backfilled with dry sand/cement mix.

FLOOR

2. Existing paving made good where new poles erected.
3. Deck floor 22mm pine planks on 38x152mm joists at 450mm c/s max.
4. 50x228mm main beam & 50x114mm bearer bolted to existing wall.
5. 25x228mm fascia all round.

WALLS

6. Remove existing timber clad gable wall & windows.
7. 220mm external brick walls, plaster & paint finish to match internally & externally.
8. New dri-walls 38x76mm pine framework & nutec board cladding with skimmed joints. Sealed in showers.
9. Damp-proof "gunplas brickgrip" at floor level full width all walls.
10. Brickforce every 3 courses & every course foundations to floor & window head to wallplate.
11. Precast concrete lintels at all openings for plaster walls.
12. Windows & glazed doors timber frame. Glazing as per SANS 10400 & schedule. Plaster sills, dpc underlay.
13. Poles 180/200mmø cca treated as posts & 150/180mmø as beams notched and bolted on.

ROOF

14. Nutec sheeting canadian profile to match [if available] on 50x76mm purlins at 800mm c/s max.
15. 38x152mm [gr5] rafters at 1m c/s for 2,3m spans, 38x152mm [gr5] rafters at 1m c/s for spans > 2,3m
16. Nutec bargeboards & fascias.
17. Aluminium gutters & downpipes.
18. Waterproof flashing at roof/fascia junctions.
19. Shadecloth 90% density fixed to aluminium framework by specialist to owner's requirements

DRAINAGE

50. Soil pipes 110ømm pvc, waste pipes 50ømm pvc, ventilation valve pipes 50ømm. Inspection eyes at junctions and bends, and rodding eye at head of drain.
51. Min fall 110ømm s.p.@1:50 and min cover 400mm.
52. All drainage to conform with National Building Reg.
53. Conservancy tank system for new bathrm.

AREAS		ex bldgs	269 m²
covered stoep	16m²	site area	910m²
shadeport	43m²	footprint	358m²
roofed deck	30m²	coverage	39,3%
TOTAL [roofed]	46m²		

alterations & additions to house
MR & MRS E JEE
(OWNER MRS A/P JEE.)
erf 1595, 3 moodie street
SEDGEFIELD

thompson & van blerk
ARCHITECTURAL DESIGN & DRAFTING SACAP REG.
P O BOX 1503 SEDGEFIELD 6575 netvanblerk@telkomsa.net
• valerie thompson (n d arch) (pr.arch s.t) ST980
• shane van blerk (pr.arch s.t)
tel 044 3452555 076 767 7919

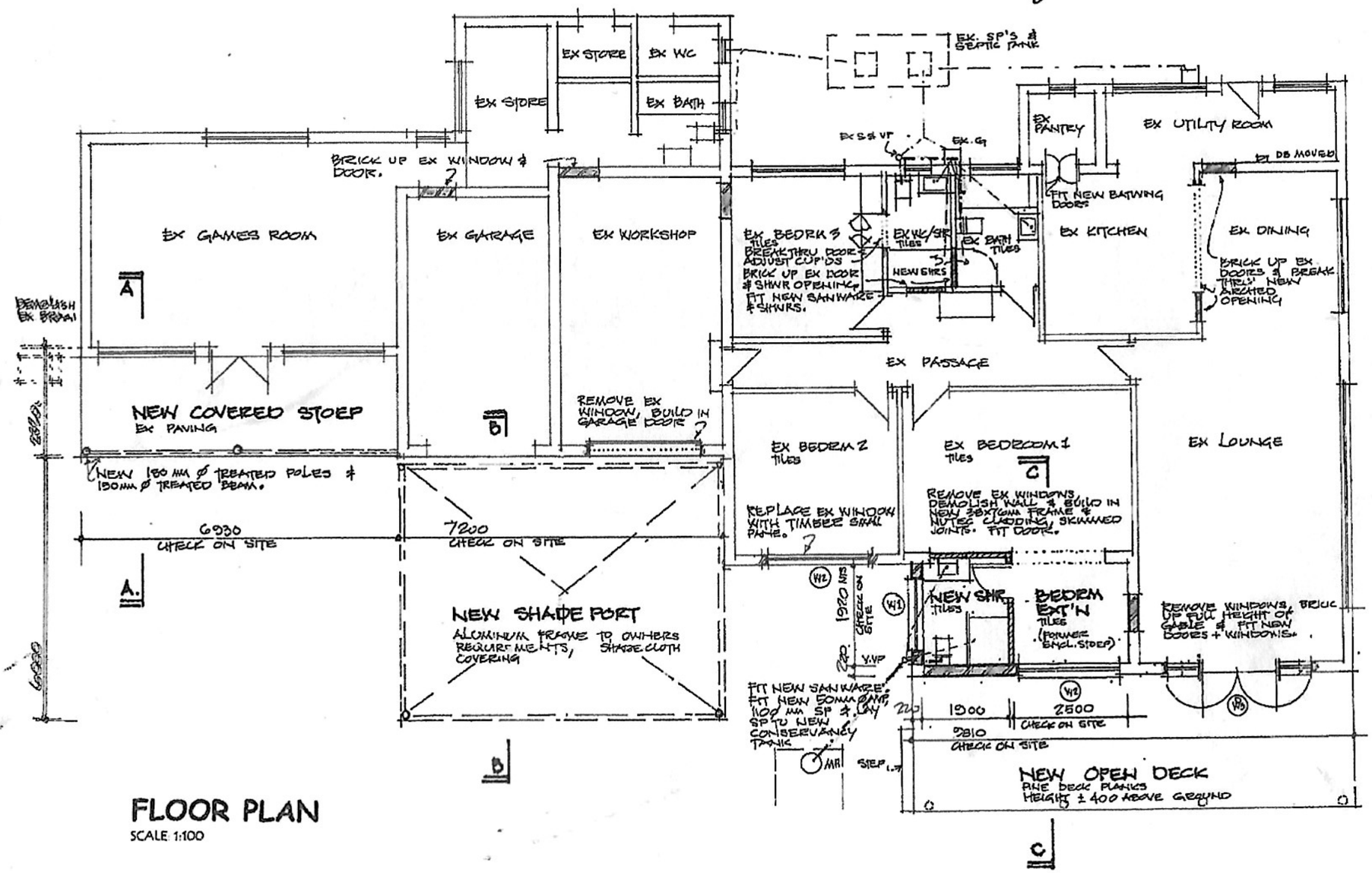
SCALE 1:100
DATE july2017
DRAWING NO 455 /01 REV A.

KNYSNA MUNISIPALITEIT PLAN NO .....
GOEDGEKEUR / APPROVED

Volgens die NBR, WET No 103 van 1977 soos gewysig
According to NBR, ACT No 103 of 1977 as ammended

BCO / TE: ..... DATE: 17/8/2017

NOTE:
OWNER SPECIFIES ALL ROOF TIMBER TO BE PAR & TREATED TO H4 (PINE).
DECK PLANKS 82x105mm RIBBED PINE. H4



FLOOR PLAN
SCALE 1:100

GENERAL NOTES
All levels, dimensions & positions to be checked on site before work commences. Discrepancies or errors to be reported immediately. No responsibility is accepted for later problems.
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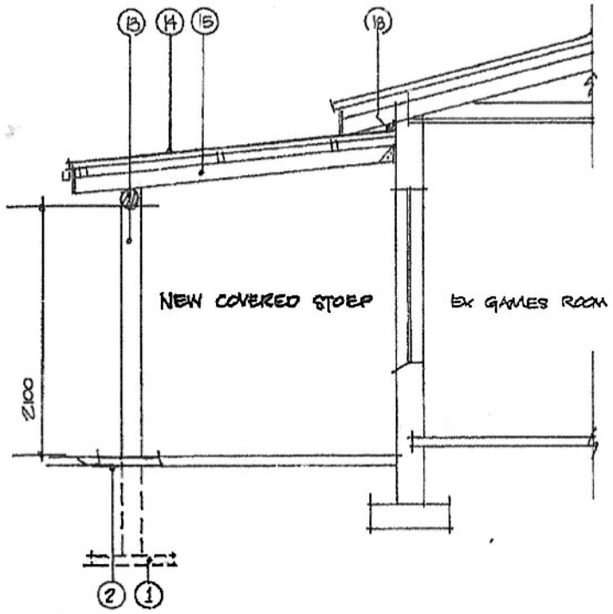
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covered stoep	16m²	site area	910m²
shadeport	43m²	footprint	358m²
open deck	30m²	coverage	39,3%
TOTAL [roofed]	16m²		

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(OWNER MES A P JEE.)
erf 1595, 3 moodie street
SEDGEFIELD

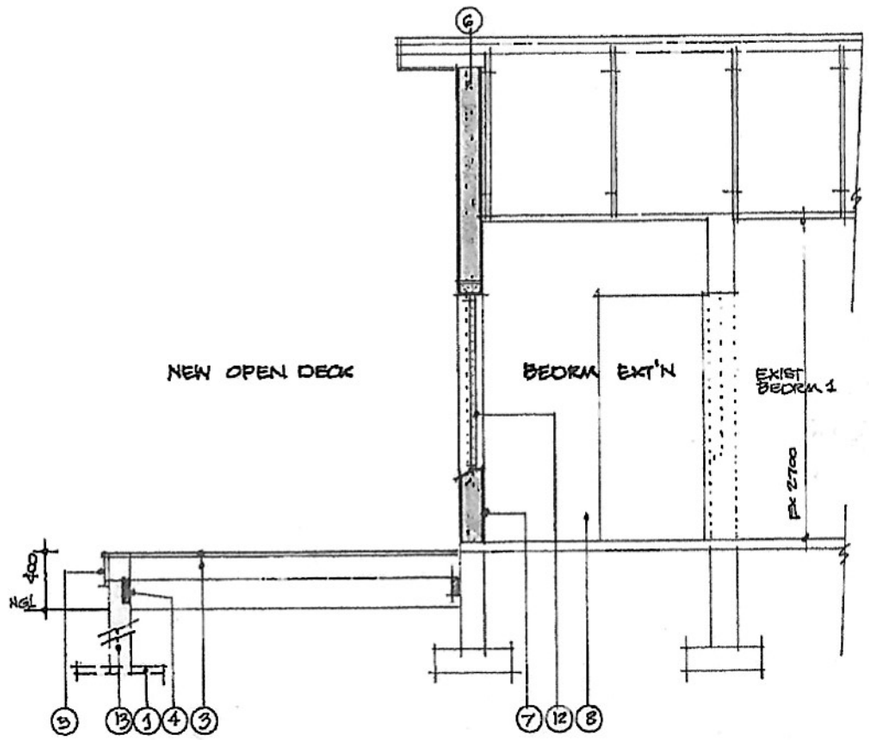
thompson & van blerk
ARCHITECTURAL DESIGN & DRAFTING SACAP REG.
P O BOX 1503 SEDGEFIELD 6573 netvanblerk@telkomsa.net
- valerie thompson (n d arch) (pr.arch s.t) ST980
- shane van blerk (pr.arch s.t)

tel 044 3432555 076 767 7919

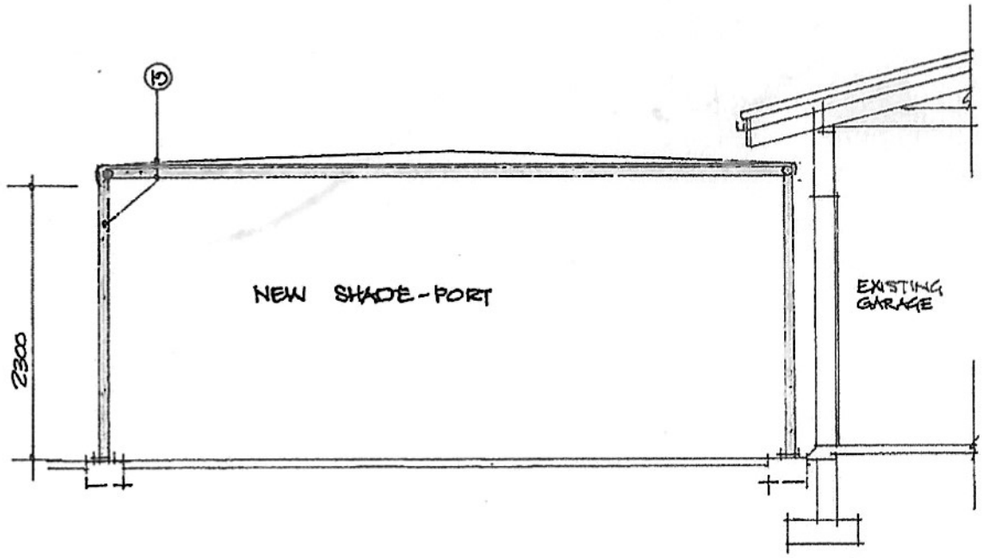
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1:100	455 /01
DATE	
July2017	



SECTION A:A
SCALE: 1:50



SECTION C:C
SCALE: 1:50



SECTION B:B
SCALE: 1:50

KANSNA MUNISIPALITEIT PLAN No .....
GOEDGEKEUR / APPROVED
Volgens die NBR, WET No 103 van 1977 soos gewysig
According to NBR, ACT No 103 of 1977 as ammended
BCO / TE: ..... DATE: 17/8/2017

FOUNDATIONS
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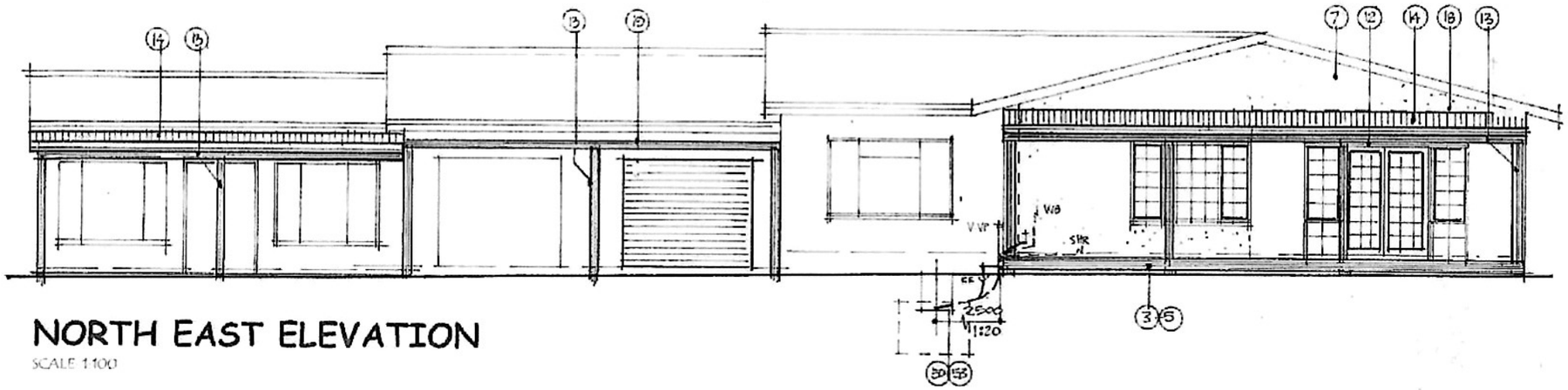
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alterations & additions to house
MR & MRS E JEE
erf 1595, 3 moodie street
SEDGEFIELD

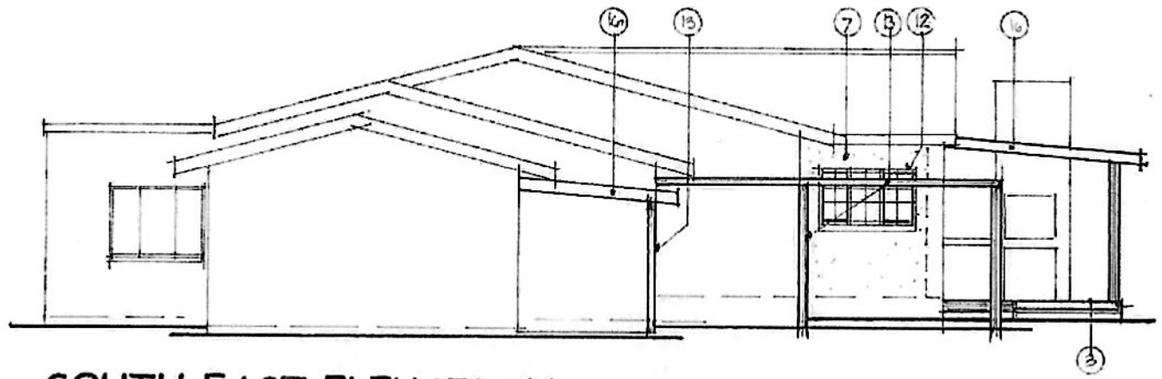
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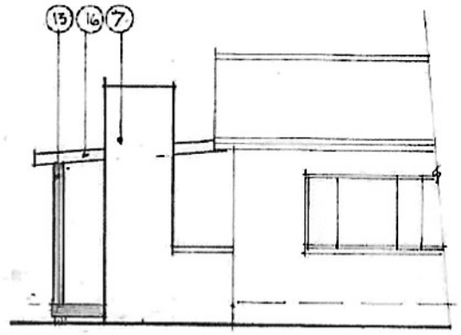
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DATE	
july2017	



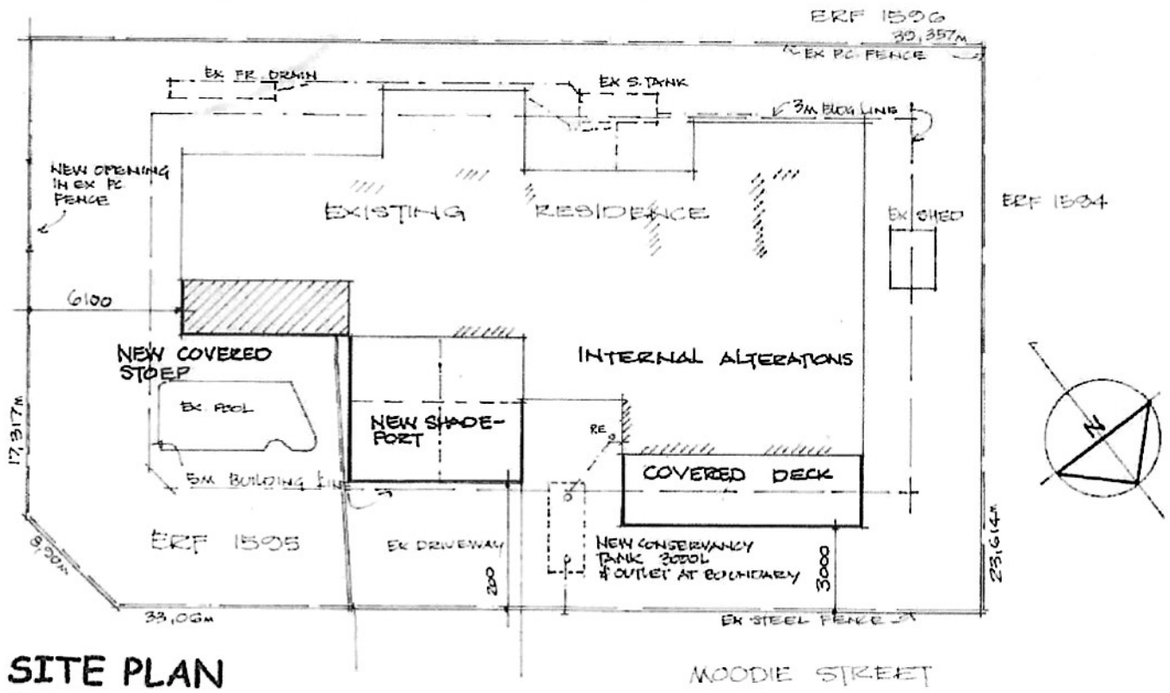
NORTH EAST ELEVATION
SCALE 1:100



SOUTH EAST ELEVATION
SCALE 1:100



NORTH WEST ELEVATION
SCALE 1:100



SITE PLAN
SCALE 1:250

WINDOW & GLAZED DOOR SCHEDULE:				
W	Nº	SIZE	DESCRIPTION	GLASS
W1	1	1650x900	small pane hardwood WC3sp	frost
W2	1	2200x1500 *	as above WA4sp	clear
DW3	1 2	1612x2032door 595x2100	as above french doors & sidelights	clear

- HARDWOOD SANDED , OILED , & SEALED
- ALL GLAZING TO SANS REQUIREMENTS.
- SANS XA NOT APPLICABLE – EXISTING GLASS AREA REDUCED, & NO HABITABLE AREA ADDED.

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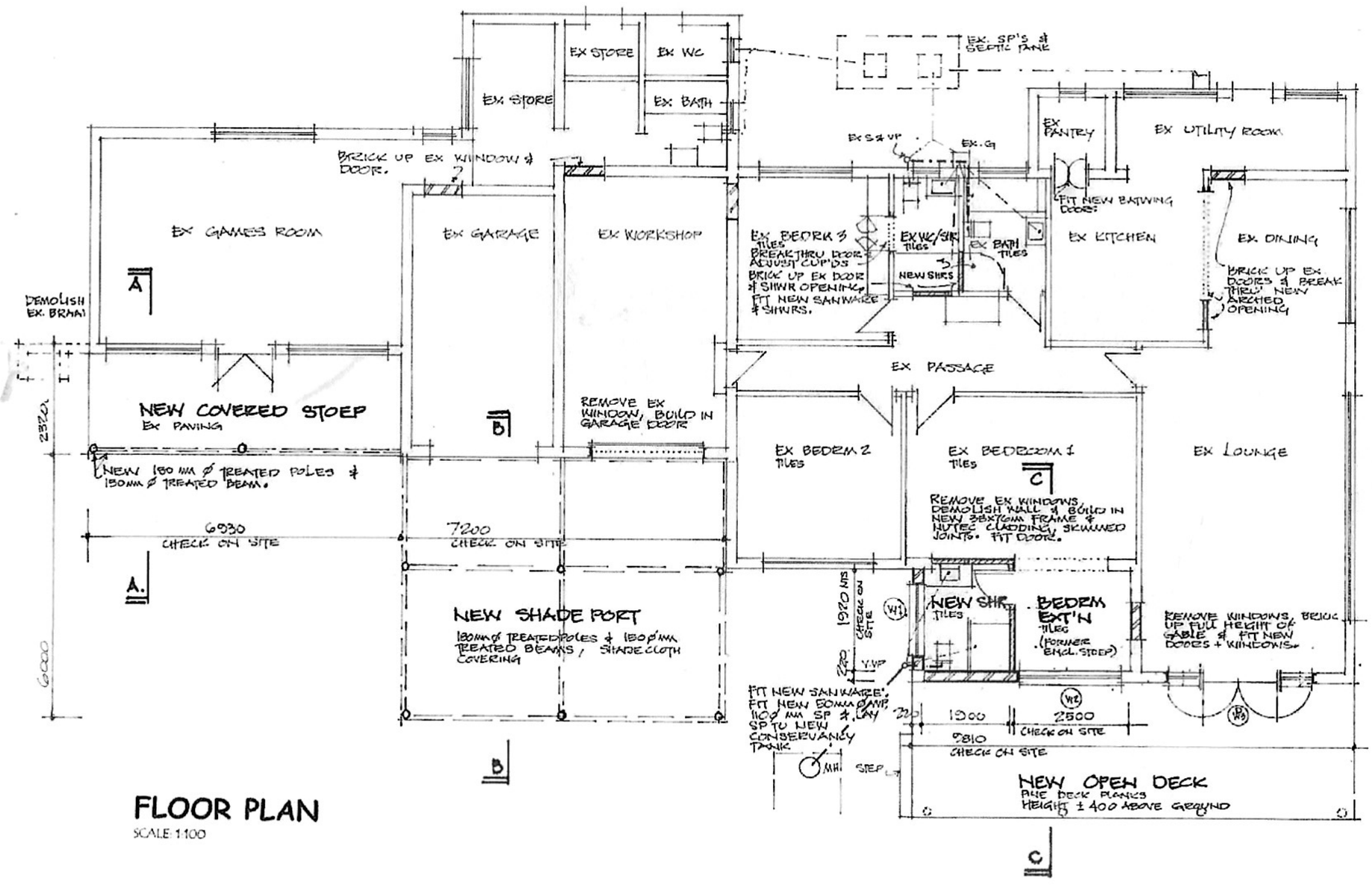
REV A: DECK COVERED & BRAAI ADDED

alterations & additions to house
MR & MRS E JEE
erf 1595, 3 moodie street
SEDGEFIELD

thompson & van blerk
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- shane van blerk (pr.arch s.t)

tel 044 3452555 076 767 7919

SCALE	DRAWING NO
1:100	455 /02 REV A
DATE	
july2017	



FLOOR PLAN

SCALE 1:100

GENERAL NOTES

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DRAINAGE

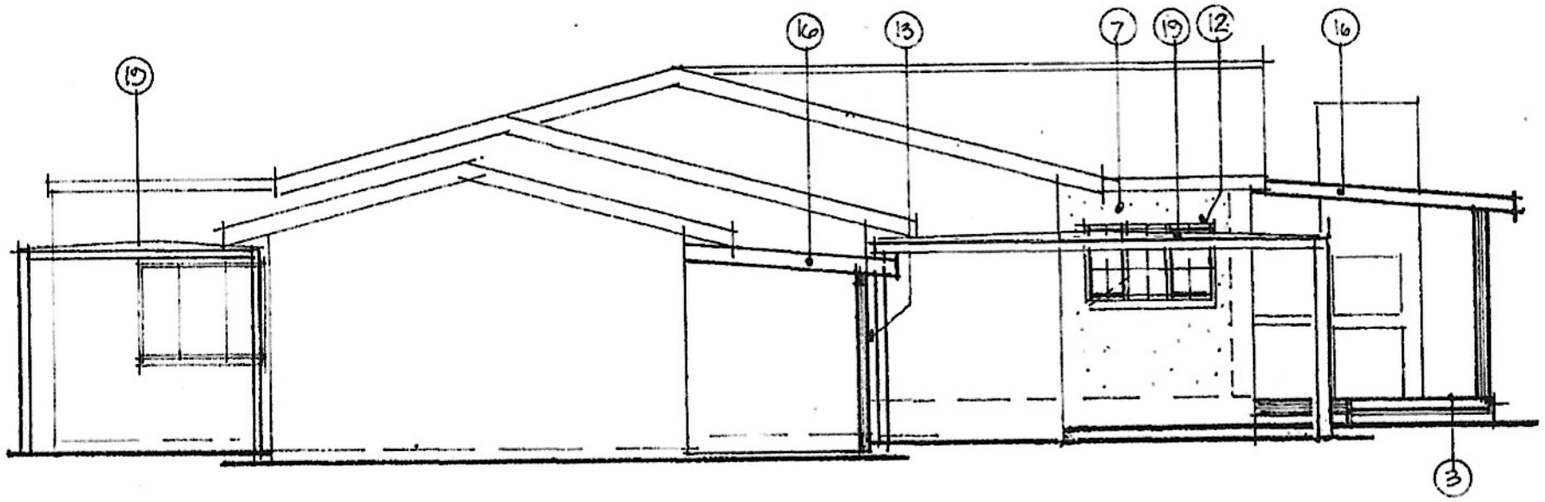
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alterations & additions to house
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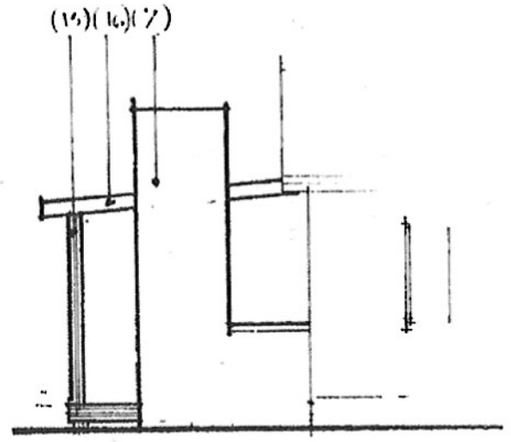
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SCALE	DRAWING NO
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DATE	
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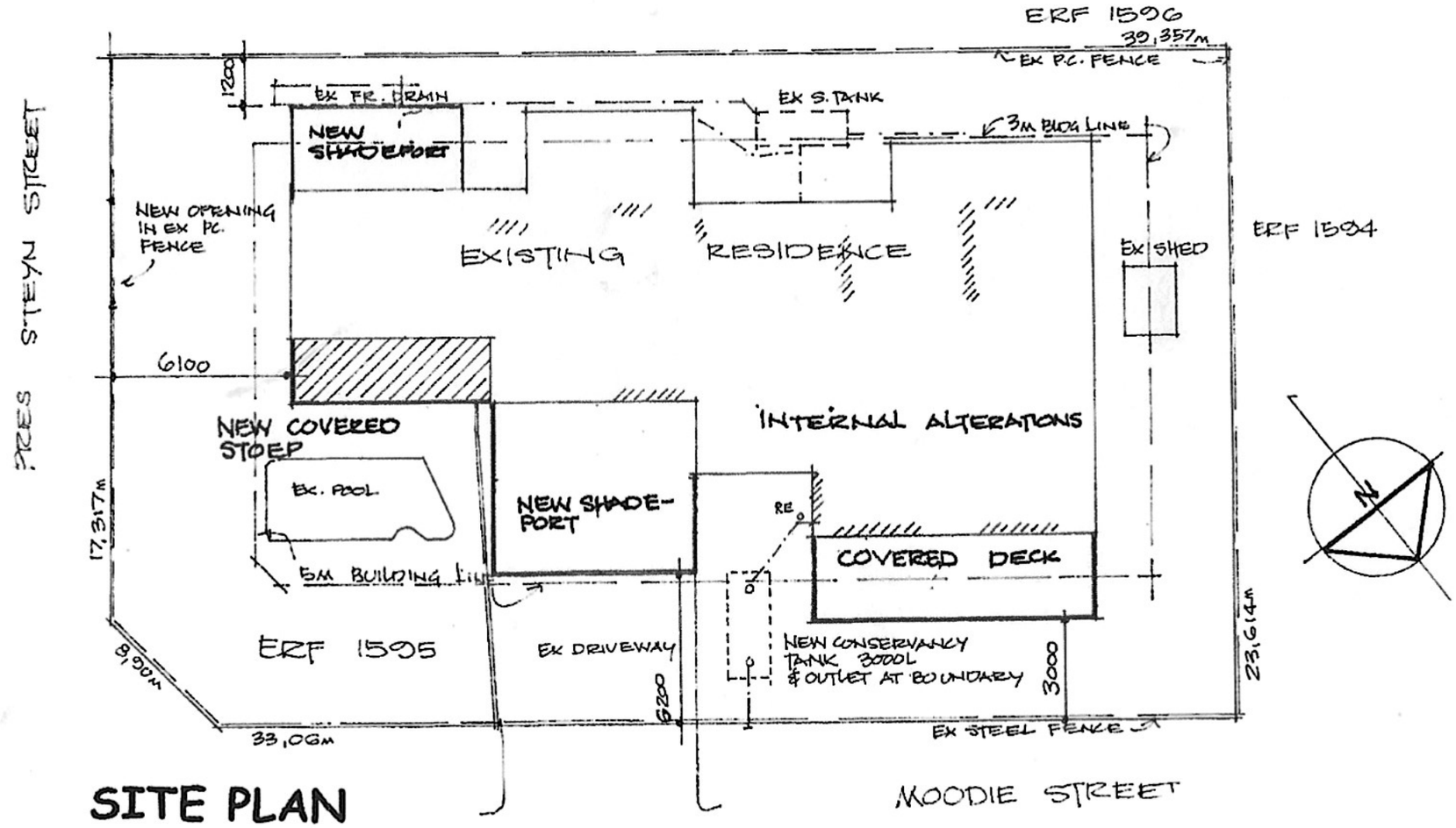
SOUTH EAST ELEVATION

SCALE: 1:100



NORTH WEST ELE\

SCALE: 1:100

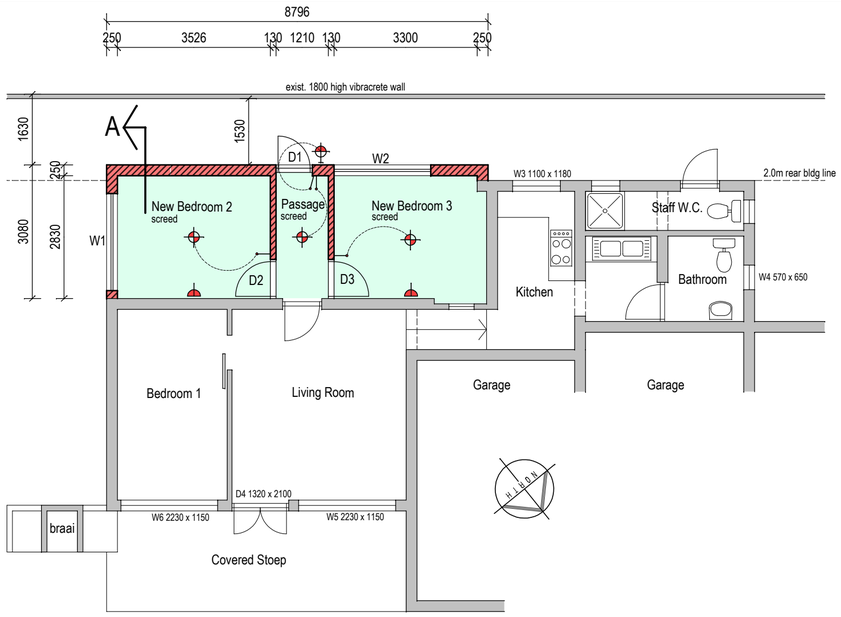


SITE PLAN

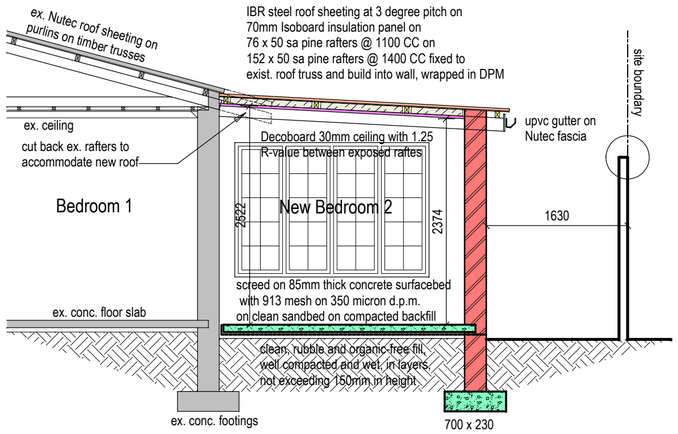
SCALE 1:250

WINDOW & GLAZED DOOR SCHEDUL			
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	2	595x2100	sidelights

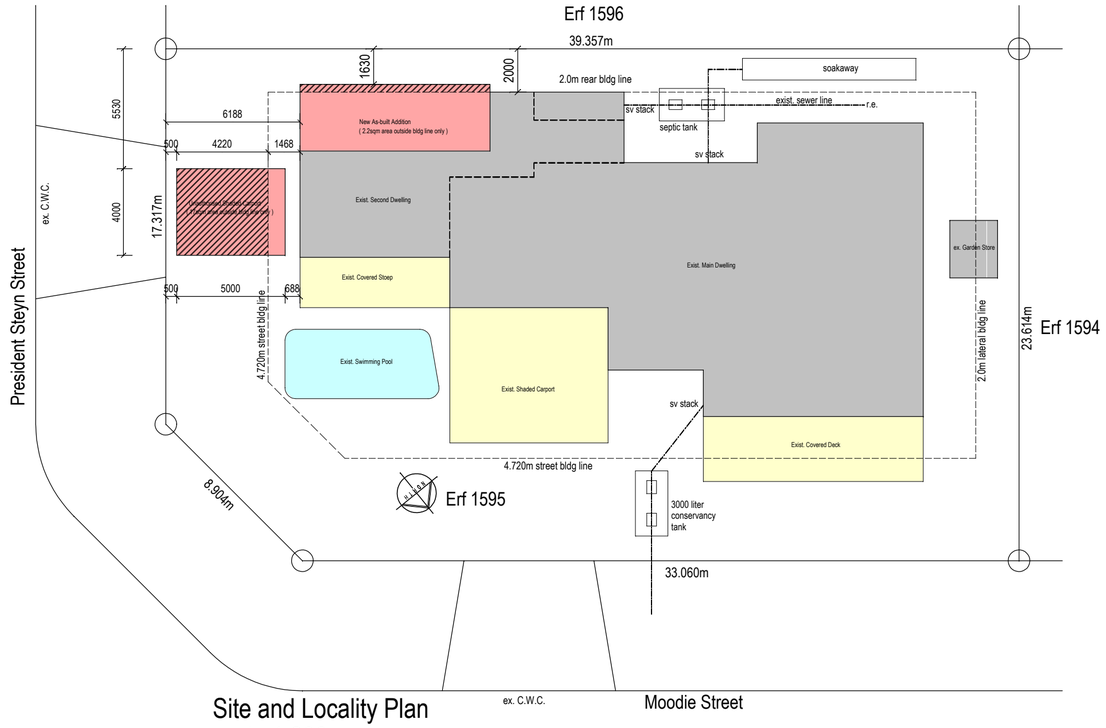
- HARDWOOD SANDED , OILED , & SEALED
- ALL GLAZING TO SANS REQUIREMENTS
- SANS XA NOT APPLICABLE:- EXISTING GLAS NO HABITABLE AREA ADDED.



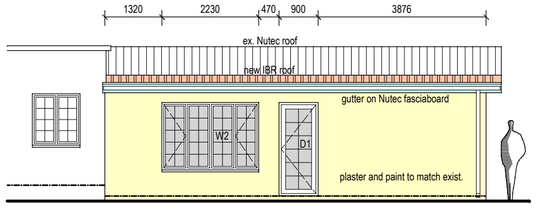
Existing Second Dwelling
scale 1:100



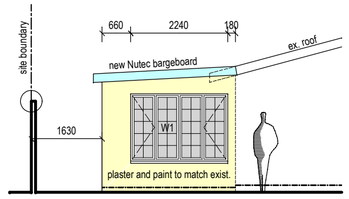
Section A
scale 1:50



Site and Locality Plan
scale 1:200



South West Elevation
scale 1:100



South East Elevation
scale 1:100

ELECTRICAL LEGEND:

	Ceiling mounted light fitting / pendent
	Double power point
	External, waterproof wall mounted light
	Light switch

Area Calculations:

SITE AREA = 910 sqm

ZONING = Single Residential

MAX. COVERAGE = 50% (455 sqm)

EXIST. COVERAGE = 331 sqm (36%)

NEW COVERAGE = 378 sqm (42%)

NEW SECOND DWELLING ADDITION = 27 sqm

EXIST. SECOND DWELLING AREA = 52 sqm

TOTAL NEW SECOND DWELLING AREA = 79 sqm

NEW SHADED CARPORT = 20sqm

Window Schedule:

All timber by Winsters, using single, clear glazing

W1,W2 = 2240w x 1550h, small pane

Door Schedule:

All timber by Winsters using single, clear glazing

D1 = 813 x 2032 small pane patio door, PD4 in merant frame

D2,D3 = 813 x 2032, hollow core internal doors in meranti frame

Sans 10400 - XA & Sans 204 Requirements:

1. Solar Heat Gain and Conductance achieved using clear, glazing

ZONE & OCCUPANCY:
Climate zone = 4
Occupancy = H4
Conductance constance = 1.4
Solar heat gain constant = 0.13
Total nett floor area for glazing = 69 sqm

FENESTRATIONS:
Max. solar heat gain allowed = 8.970
Solar heat gain achieved = 6.924
Max conductance allowed = 96.600
Conductance achieved = 81.961

ROOF:
Roof min. R-value = 3.7
R-value achieved = 3.918
(Achieved using 70mm Isoboard and 30mm Decoboard)

SERVICES:
All light bulbs to be LED
1.2m Fluorescent 20 watt
1.5m Fluorescent 26 watt
Pendents 4 to 7 watts
Down Light 5 watt

FLOORS:
85mm thick concrete floor slab - complies

MASONRY WALLS:
Min. R-value = 1.9
(Achieved with 220 brick with internal and external plaster)

ANNUAL ENERGY CONSUPTION FOR LIGHTS:
(Achieved using LED light fittings)

Professional Senior Architectural Technologist
Signature: Owners Signature:

BAUHAUS ARCHITEKTUR
Gunther M. A. Toll
Professional Senior Architectural Technologist (SACAP ST2203, SAIAT 32965)
Office: 062 6252 096 - Email: gunthertoll52@gmail.com - P.O. Box 1190
George, 6530 - 22 Swartberg Circle - Mont Fleur Mountain Estate - Blanco

Project:
As-Built Plans for Unauthorised Building Structures on Erf 1595, 3 Moodie Street, Sedgefield for Mrs. Mandy Nel

Drawing Title
MUNICIPAL SUBMISSION PLAN ONLY

Scale @ A2	Plot Date:	E.D.no.
as shown	2 April 2025	erf 1595 nel mun plan
Project no. 2025/003	Drawing Number M001	Revision:

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3410
REPORT AUTHOR	LV Mniki
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3672/2025
TELEPHONE NO.	044-302-6383
APPLICATION DATE	18 February 2025

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: REMAINDER PORTION 52 OF THE FARM ELANDSKRAAL NO. 203

PART A: APPLICANT DETAILS	
Name & Surname	***Delarey Viljoen***
Company name	***Delplan Consulting***
SACPLAN registration number	***A/1021/1998***
Registered owner(s)	***Luna Verde (Pty) Ltd***
PART B: PROPERTY DETAILS	
Property description	***Remainder Portion 52 (Portion of Portion 4) of the Farm Elandskraal Number 203, in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***4,2994 hectares***
Physical address	***Barrington Road, Elandskraal***
Area/Town	***Elandskraal Farms***
Current zoning	***Agriculture Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Dwelling house (rural)***
Are there existing buildings on the property?	***Yes***
Title Deed number & date	***T22921/2023 dated 09 June 2023***
Any restrictive title conditions applicable?	***Not applicable***
Any third party conditions applicable?	***Not applicable***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Not Applicable***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☐	☒
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the following on Portion 52 of the Farm 203, Knysna:

1.1. The encroachment of the prescribed 30m building line under "agriculture" of the Knysna Zoning Scheme By-law (2020) by an existing building (guest house).

1.2. The unauthorised land uses of "guest house," "tourist facility," and "function venue" on a property zoned "Agriculture Zone I" in terms of the Knysna Zoning Scheme By-law (2020).

2. BACKGROUND & MOTIVATION

2.1. The subject farm is zoned "Agriculture Zone I" in terms of the Knysna Zoning Scheme By-law (2020) with the primary use being "agriculture." This zoning allows a guest house, tourist facility and function venue as a secondary use right i.e. with the consent of Municipality only and following the planning application process as specified in the Planning By-law. In addition, buildings are not permitted within the prescribed building line.

2.2. The applicant states that the existing buildings are used for the unauthorised guest house, tourist facility and function venue. The plans for these existing building(s) were approved; however, it was never constructed in accordance with these approved plans.

2.3. The applicant argues that the unauthorised building work (i.e. dwelling house) were constructed prior to the current ownership and made aerial imagery available to demonstrate that these building(s) existed since at least 2009. It is also stated that the conversion of the buildings to the offending uses only occurred recently and its extent and gravity is not any more significant than that of the pre-existing dwelling. Its impact on the surrounding farms is considered minimal with the function venue far below the maximum floor space of 500m^2.

2.4. In terms of conduct, the applicant argues that the landowners were aware of the of the approved plans but not to the fact that the dwelling's placement was incorrect and not in accordance with the approved building plans.

2.5. The current land uses remain unchanged within the footprint of the existing buildings. Furthermore, there is no record that the current landowner contravened the Planning By-law

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	Not Applicable
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	**Up to and not more than R 1,174,629.06**
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation = R 3,018,000.00)(Total area used = 4% of farm extent)	**Up to and not more than R 120,720.00**
MAXIMUM POSSIBLE PENALTY	**R 1,295,349.06**

3.1.1. The above penalty calculation was determined based on the information as supplied by the applicant in their motivating memorandum dated 30 January 2025.

3.2. Considerations in terms of Section 93(9) of the Planning By-law

3.2.1. It can be accepted that the unauthorised land uses have not shown to impact the surrounding area in any adverse manner. However, a contravention of the zoning scheme has occurred, and the imposition of an administrative penalty is considered justified.

3.2.2. In considering the circumstances to the application and in determining the appropriate penalty, it is deemed reasonable to consider the mitigation presented by the applicant. Firstly, in respect of the building line transgression, it appears that the previous landowner(s) were responsible for the buildings not being built in accordance with the approved plan. Despite this fact, it is the landowner that accepts responsibility for ensuring compliance with the zoning scheme. Therefore, a nominal and proportional penalty is proposed in terms of this transgression.

3.2.3. In terms of the unauthorised land uses, and despite the applicant's arguments, these activities may be considered significant in the context of vehicular traffic generated on the adjacent provincial road and the access challenges it may impose. In agreement with the applicant, there has been no evidence to suggest that these land uses had a "meaningful impact" on the surrounding road and agricultural activities. However, it is important that due process in obtaining planning approval is followed and the penalty is a mechanism to effect behaviour change toward compliance with the Planning By-law. The imposition of an administrative penalty in respect of the unauthorised land uses is thus considered justified.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 12,000.00 be determined in accordance with Section 93(2,) for the following on Portion 52 of the Farm 203, Knysna:

4.1. The encroachment of the prescribed 30m building line under "agriculture" of the Knysna Zoning Scheme By-law (2020) by an existing building (guest house).

4.2. The unauthorised land uses of "guest house," "tourist facility," and "function venue" on a property zoned "Agriculture Zone I" in terms of the Knysna Zoning Scheme By-law (2020).

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

5.2. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation is as follows:

(i) In assessing the building line transgression, it appears that the previous landowner(s) were responsible for the buildings not being built in accordance with the approved plan with aerial imagery provided in evidence. Despite this fact, it is the landowner that accepts responsibility for ensuring compliance with the zoning scheme.

(ii) In terms of the unauthorised land uses, there has been no evidence to suggest that these land uses had a "meaningful impact" on the surrounding road and agricultural activities. However, it is important that due process in obtaining planning approval is followed and the penalty is a mechanism to effect behaviour change toward compliance with the Planning By-law. Importantly, the applicant has admitted to the contravention of the zoning scheme by providing affirmative arguments for the contravention. The imposition of an administrative penalty in respect of the unauthorised land uses is thus considered justified.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum*

ANNEXURE B: *Power of attorney & resolution*

ANNEXURE C: *Copy of title deed*

ANNEXURE D: *Copies of approved building plan(s)*

ANNEXURE E: *Proposed site plan(s)*

Administrative Penalty: Portion 52 of the Farm 203, Knysna Application No.: 3410			
Author Name: LV MNIKI Date: ***19/03/2026***		Author Signature:	
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1510/2012 Date: ***19/03/2026***		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

DELPLAN CONSULTING
044 873 4566 | 086 616 3079 | PO Box 9956 George 6530 | 79 Victoria Street George 6529 | planning@delplan.co.za | delplan.co.za
URBAN & REGIONAL PLANNERS

CELEBRATING 20 YEARS

Our Ref.: 1382/KNY/24
Your Ref.: Elandskraal 203/52, Knysna

30 January 2025

The Municipal Manager
Knysna Municipality

DETERMINATION OF ADMINISTARTIVE PENALTY: FARM 203/52, ELANDSKRAAL, KNYSNA, MUNICIPALITY

1. Introduction/History

The subject farm currently contains a guesthouse with a function venue/tourism facility which was constructed from the previous approved dwelling and outbuilding on the property as per approved building plans. The area is predominantly characterised by farmland with green buffers of vegetation as the area is zoned as Agricultural Zone I (Agriculture). The existing development contains a guesthouse with 3 guestrooms, as well as tourist facilities with a function venue (which includes a restaurant). The owner converted the existing house into a guesthouse by making several additions on the same footprint as per the Site Plan. Three bedrooms with on-suite bathrooms were constructed, with residency for the manager also being accounted for in a fourth room. Staff facilities were also planned for. The development for the tourism facility is included herewith as the owners operate a restaurant which will also double as a functional venue and tourist facility. A pre-application meeting was held with the Municipality to decide on a course of action which is set out in section 2 below.

2. Pre-application feedback

The pre-application with Municipal stamp dated 14 October 2024 sets out that, among other things, the current status quo be laid out. Feedback from this meeting further states the following: “Does the client have approved building plans? Adress in the motivation and indicate the status quo. The relevant parking requirements will need to be addressed. Knysna SDF as well as the Western Cape Guideline Rural Areas will need to be addressed. Site is along Barrington Road and will be circulated to District Roads Engineer for comment particularly regarding the access. Landscaping, aesthetics and visual impact to conform to the surrounding character of area and to be considered in the motivation. Site Plan to be amended in consideration of the application” .

3. **In accordance with the pre-application feedback, DELPLAN is applying for the following:**

- **Consent use** in terms of Section 15(2) (o) of the Knysna Municipality: Land Use Planning By-Law, 2021 for Tourist facilities, a Guesthouse and a Function venue.

- **Departure** in terms of Section 15(2)(b) of the Knysna Municipality: Land Use Planning By-Law, 2021 for the existing guesthouse over the 30m western street building line to 23.5m & 21.4m.

As the structures already exist in their current extent, DELPLAN Consulting must apply for a determination of administrative penalty as follows:

- **Determination of administrative penalty** in terms of Section 15(2)(r) of the Land Use Planning By-Law for Knysna Municipality, 2021 to determine the administrative penalty for:
    - **Illegal building works –** This relates to the function venue/ tourist facility/guesthouse being illegally constructed over the building line on the footprint of the existing dwelling which already contravened the zoning scheme by encroaching the building line (contradictory to what was indicated in the approved building plans).
    - **Illegal land use –** This relates to the guesthouse with additional developments such as the function venue and tourism facility/ restaurant which currently operate on the property without having the prior approval.

4. **Cost Estimation – Also indicated on the Site Plan**

Illegal building works

Works completed @ R5 932.47/m²
Area encroaching the building line: 198m²

Illegal land use

Total farm size: 4.2994ha
Total Mun valuation (as per Mun Roll): R3 018 000.00

Total area of illegal land use:
Function venue and guesthouse: 718m²
Parking lot paving: 1038m²
TOTAL: 1 756m²

Total illegally use space is 4% of the total farm size (42 994m²)

5. Contravention penalties: Section 93(9) of the Knysna Municipal Planning By-law

As per the email dated 25/11/2024 from Knysna Municipality, we include herewith a motivation in terms of Section 93(9) of the Knysna Municipal Planning By-law as follows:

5.1 Illegal building works

According to the Municipality, the following is relevant with regards to illegal building works.
"Up to and not more than 100% of the value of the building, construction and engineering work unlawfully carried out".

DELPLAN argues that no penalty for the building line relaxation should be incurred.

When determining an appropriate administrative penalty, the Municipal Planning Tribunal must consider at least the following factors:

a) the nature, duration, gravity and extent of the contravention.

The subject farm currently contains a guesthouse with a function venue/tourism facility which was constructed from the previously approved dwelling on the property as per approved building plans. The building plans indicate a guesthouse with 3 guestrooms, as well as tourist facilities with a function venue (which includes a restaurant). The plans for the existing house were approved in 2017, but as can be seen in figure 1 & 2 below, the house was not constructed per the approved plans.

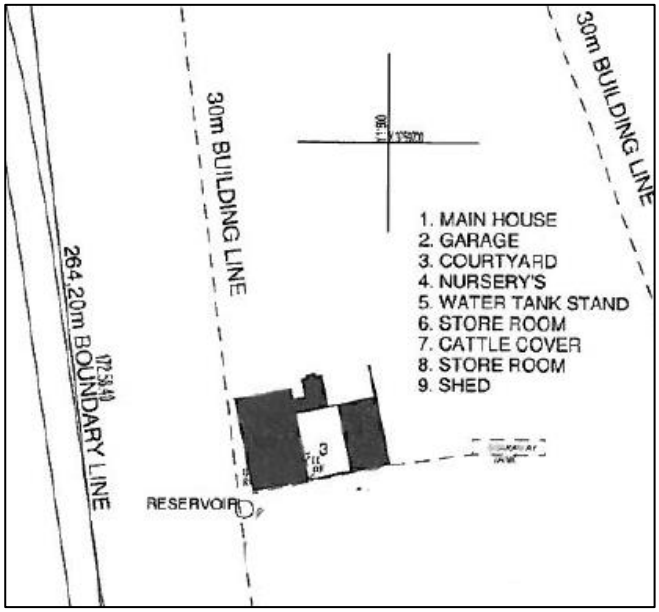


Figure 1: Approved Plans

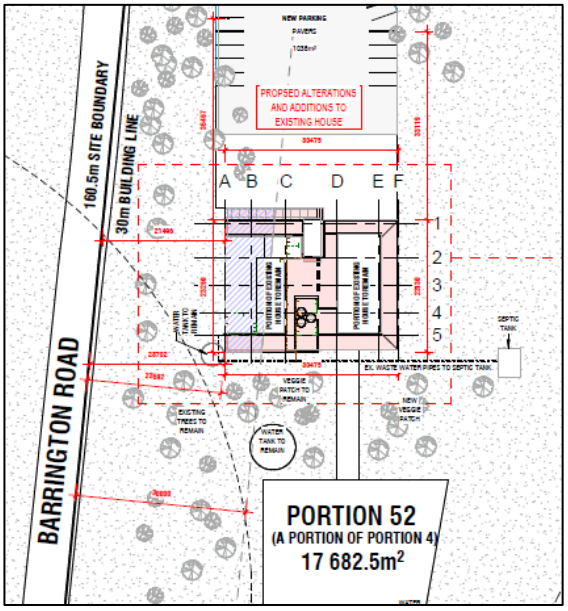


Figure 2: New (as built) plans

As can be seen in figure 2, the blue highlighted area is currently over the building line. The original extent of the house can be seen in white with the new additions on the existing footprint in red. As can be seen, the building line is not encroached further than the initial house. Notable here is that that the house was constructed by the previous owners as is evident by the aerial imagery as far back as 2009.



Figure 3: Aerial imagery (2009)



Figure 4: Aerial imagery (2019)

As is indicated by the title deed, the current owners only purchased the property in 2023 thus the illegal developments existed long before our client purchased the property. DELPLAN Consulting therefore argues that no penalty for the building line relaxation should be incurred.

The *nature* of the development, though differing from the initial use as a dwelling house, is not uncommon on farmlands and is an allowable development in terms of the Knysna Municipality Integrated Zoning Scheme By-Law, 2021. The *duration* of use since June 2023 (as a dwelling house) is relevant to this application as the construction was undertaken by the previous owners. The argument here is that even if the clients knew (which they did not) that the initial house was incorrectly indicated on the building plans, it would not have changed the fact that they would still need to live in the dwelling, regardless of how legal it was at that stage. The conversion to a guesthouse and function venue with a restaurant was only undertaken recently and does not exceed the limits of the already existing dwelling on the property. Therefore, it is argued that the *extent* and *gravity* of the contravention is not any more significant than that of the dwelling which already existed. The uses are all allowable on agricultural land, with approval from the municipality, and is not of significant size as the structures are all far within their size limits without additional departures being required.

The guesthouse only contains three rooms, and the function venue/restaurant is far within its size limits of 500m² thus the impact on the surrounding roadway and neighbours is seen as minimal. The extent of the development is located at a significant distance from the neighbouring properties and

indicates no clear negative effects on the surrounding neighbours, there is also an abundance of vegetation separating the properties, thus not effecting privacy.

b) the conduct of the person involved in the contravention.

The owner was aware that the existing dwelling was approved according to the plans dated 2017, they were, however, not aware that the house was not constructed entirely as indicated on these plans. Notable is that the house in its proposed shape was constructed as indicated on the plans, with only the distance to the building line being altered thus the owners were under the impression it existed in an approved capacity. The owners aimed to convert the existing structure to the guesthouse/function venue making small alterations but staying within the original footprint of the existing dwelling thus not encroaching further than the existing dwelling. The argument therefore relates to the fact that, the encroachment (as set forth illegally by the previous owners) is not in any way more significant than what the previous owners had put there. The additions were constructed on an existing footprint that the new owners' thought was legally approved.

c) whether the unlawful conduct was stopped; and

The land use currently remains unchanged as all structures remain in their current extent and are still utilised for their respective uses. The clients are willingly doing an application on this farm to legalise the development and only realised that the encroachment of the building line became an issue when they had new plans drawn up for submission.

d) whether a person involved in the contravention has previously contravened this by-law or a previous planning law.

No record of this is currently evident. Knysna Municipality can confirm if any contraventions are prevalent.

5.2 Illegal land use

According to the Municipality, the following is relevant with regards to illegal land uses.
"up to and not more than 100% of the municipal valuation of the area that is used unlawfully".

DELPLAN Consulting argues that a maximum of 1% penalty be incurred for the existing illegal land use.

a) the nature, duration, gravity and extent of the contravention.

Regarding the *nature* of the development, the subject farm currently contains a guesthouse with a function venue/tourism facility/restaurant as well as a 3-bedroom guesthouse which was constructed from the previously approved dwelling on the property as per approved building plans. Though it is noted that the approved dwelling was constructed in the same shape, but not the same location as the approved dwelling on the approved plan. The proposed land use utilised the existing footprint of this existing dwelling with only minor additions that were made.

With regards to the *duration* of use. The existing dwelling (which the owners' thought were approved) was utilised only from June of 2023, when the property was purchased from the previous owners. The conversion to the existing structure was only undertaken recently from November of 2024 with the guesthouse portion only being from December 2024 thus the period for the utilisation of this land use is less than 3 months.

The *gravity* of the development is negligible as the size of the venue/restaurant is far within its limits of the land use parameters, same goes for the guesthouse which only contains three guest rooms. The building line encroachment being the exception to these parameters. As the size of the function venue/restaurant development is far within the 500m² limitations and the guesthouse house only has three guest rooms. The argument is therefore that, though being illegally converted/altered, the gravity in terms of the size and intensiveness of land use is not significant enough to have a meaningful impact on the surrounding roadway, neighbours and agricultural activities. *The extent of the contravention i*s very limited, in fact, the existing dwelling was converted with minor additions, but the original footprint of the existing dwelling was maintained.

b) the conduct of the person involved in the contravention.

The owner was aware that the existing dwelling was approved according to the plans dated 2017, they were, however, not aware that the house was not constructed entirely as indicated on these plans. The owners were under the impression the dwelling existed in an approved capacity. The argument therefore relates to the fact that the impact of the new development, based on the footprint of the existing dwelling, is not much more significant than the impact of the existing structure. The owners also stayed within the footprint of the existing structure on the property. The owners also willingly aim to apply for the developments to legalise the structure and land use, thus playing with open cards and not trying to hide the current uses from the Municipality. Therefore, we ask that with a penalty being relevant, it be minimal (1%) as the clients are openly trying to legalise the illegal land uses. It would deter, rather than promote the legalisation of illegal land uses if the Muicipality were to enforce exorbitant penalties on citizens that willingly aim to legalise their land uses.

c) whether the unlawful conduct was stopped; and

The land use currently remains unchanged as all structures remain in their current extent and are still utilised for their respective uses. As this is an income stream for the farm, abruptly halting its use would have severe financial implications, possibly even more significant than any penalty that could be enforced.

d) whether a person involved in the contravention has previously contravened this by-law or a previous planning law.

No record of this is currently evident. Knysna Municipality can confirm if any contraventions are prevalent.

6. Annexed hereto please find attached the following: Power of Attorney, copy of the Title Deed, SG Diagram, Conveyancer Certificate, Locality Plan, Approved Building Plans (2017), Site Plan (indicating the estimated building costs), Pre- Application Consultation Form, Municipal Email Dated 25/11/2024 and the Application form.

Yours faithfully
DELPLAN Consulting



DELAREY VILJOEN Pr. Pln

COMPANY RESOLUTION / POWER OF ATTORNEY

We, **Jose Antonio Teixeira De Gouveia and Maria Cristina De Gouveia,** the undersigned and authorised directors of **Luna Verde (Pty) Ltd**, the registered owner Elandskraal 203/52, Knysna Municipality and Division hereby instruct Delarey Viljoen of *DELPLAN Consulting* to submit the land use application with the local authority.

_____ Date: 04.10.2024

JAT De Gouveia

_____ Date: 04.10.2024

MC De Gouveia

Witnesses:

1. _____

2. _____

COR39

Companies and Intellectual Property Commission
a member of the dti group

Date: 15/02/2023 Our Reference: 9380555679

ROLAND EDWARD HIDE
E-mail: [redacted]
[redacted]
BEDFORDVIEW
2047

RE: Amendment to Company Information
Company Number: 2021/970088/07
Company Name: LUNA VERDE (PTY) LTD

We have received a COR39 (Notice of change of company directors) from you dated 15/02/2023.

The COR39 was accepted and placed on file.

The following change was effected to Director/Secretary/Officer:
Director MARIA CRISTINA DE GOUVEIA was added

The following change was effected to Director/Secretary/Officer:
Director JOSE ANTONIO TEIXEIRA DE GOUVEIA was added

The following change was effected to Director/Secretary/Officer:
Director SHALEEN ENDRES - Change was made.
- Director / member status changed from Active to Resigned.
- Residential address changed from to GAUTENG.
- Business address changed from ACCUULO HOUSE to 59 WINDSOR STREET.
- Business address changed from 11B BEDFORDVIEW OFFICE PARK to SUNNYRIDGE.
- Business address changed from BEDFORDVIEW to GAUTENG.
- Business address changed from to GAUTENG.
- Postal address changed from to GAUTENG.

Yours truly

Commissioner: CIPC

Please Note:

The attached certificate can be validated on the CIPC web site at www.cipc.co.za.
The contents of the attached certificate was electronically transmitted to the South African Revenue Services.

Certificate issued by the Companies and Intellectual Property Commission on Thursday, February 16, 2023 03:24
Certificate of Confirmation

Companies and Intellectual Property Commission
a member of the dtic group

Registration number	**2021 / 970088 / 07**
Enterprise Name	**LUNA VERDE (PTY) LTD**
Enterprise Shortened Name	**None provided.**
Enterprise Translated Name	**None provided.**
Registration Date	**02/11/2021**
Business Start Date	**02/11/2021**
Enterprise Type	**Private Company**
Enterprise Status	**In Business**
Financial year end	**February**
Main Business/Main Object	
Postal address	**P O BOX 75157** **GARDENVIEW** **2047**
Address of registered office	[redacted] **2007**

Certificate issued by the Companies and Intellectual Property Commission on Thursday, February 16, 2023 03:24
Certificate of Confirmation

Companies and Intellectual Property Commission
a member of the dtic group

Registration number **2021/970088/07**

Enterprise Name **LUNA VERDE (PTY) LTD**

Name

Postal Address

Active Directors / Officers

Surname and first names	ID number or date of birth	Director type	Appoint-ment date	Addresses
DE GOUVEIA, JOSE ANTONIO TEIXEIRA	[redacted]	Director	15/02/2023	[redacted]
DE GOUVEIA, MARIA CRISTINA	[redacted]	Director	15/02/2023	

1083

Ilse Pretorius Attorneys Inc
Unit 18 Milkwood Village
Beacon Road
Wilderness
6560

Prepared by me

CONVEYANCER
CHIMONE KNOETZE (LPC NUMBER 94259)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 4 800 000-00	R 2 443-00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / VERIFY
26 -06- 2023
LINDA NCAPAI

22 -06- 2023
YOLANDA

T 000022921 / 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

AMBER MEIRING
(LPC NUMBER 95949)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

SIDONIO RODRIGUES PEREIRA
Identity Number [redacted]
and
MARIA BASLILA AFONSO PEREIRA
Identity Number [redacted]
Married in community of property to each other

which said Power of Attorney was signed at SEDGEFIELD on 05 May 2023

And the appearer declared that his/her said principal had, on 16 February 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

LUNA VERDE PROPRIETARY LIMITED
REGISTRATION NUMBER 2021/970088/07

or its Successors in Title or assigns, in full and free property

REMAINDER PORTION 52 (PORTION OF PORTION 4)
OF THE FARM ELANDS KRAAL NUMBER 203
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4,2994 (FOUR COMMA TWO NINE NINE FOUR) Hectares

FIRST TRANSFERRED by Deed of Transfer T18864/1952 with Diagram Number 10543/1951 annexed thereto; and HELD by Deed of Transfer Number T65477/2016

A. SUBJECT to the conditions referred to in Deed of Transfer T6835/1911 dated 7th September 1911.

B. ENTITLED to the benefit of the condition to which the remaining extent of Lot C of Elands Kraal, held by St John Vincent under Deed of Transfer T196/1952 of which the above property forms a portion, was entitled, which said condition is referred to in the endorsement dated 15th January 1952 on Deed of Transfer dated 18th June 1947 Number 11062, which endorsement reads as follows:

"Remdr
Registration of Servitude
By Deed of Trf No 195 dated 15th January 1952 the within transferee and his successors in title as owners of the Remainder of Lot C of Elands Kraal = 145,2064 hectares held hereunder is entitled to the sole right of the use of the spring marked "Fontein" on diagram No. 8411/1950 of Portion 48 thereby conveyed with access thereto by means of the roads marked on the said diagram, as will more fully appear on reference to the said Deed of Transfer."

C. Kragtens Notariële Akte van serwituut Nr K334/97 gedateer 24/2/97 is die binnegemelde eiendom onderhewig aan 'n ewigdurende serwituut van reg van weg 5m wyd, waarvan die suidelike grens deur die lyne AB en BC, die Noord oostelike grens deur die lyne CD, DE en EF, die oostelike grens deur die lyne FG, GH en HJ en die suidoostelike grens deur die lyne JK, KL, LM voorgestel word op Kaart LG Nr 7917/96 hierby aangeheg, ten gunste van die restant van Gedeelte 4 van die plaas Elands Kraal Nr 203, groot 27,0205 ha gehou kragtens Transportakte Nr T20629/1972 soos meer sal blyk uit gesegde notariële akte.

D. By virtue of Deed of Transfer T072413/2002 the within property is entitled to a 5 metre wide servitude of Right of Way over Portion 86 (Ptn of Ptn 52) of the farm Elands Kraal No. 203 in extent: 4,6693 Ha held by the aforesaid deed of transfer, of which the Eastern Boundary is represented by the line B C on Diagram SC No 2064/99, as will more fully appear from said Deed of Transfer.

E. By Virtue of Deed of Transfer T72413/2002 the within property is subject to a pipeline servitude 1 (one) metre wide, along a route still to be determined by the owners, in favour of Portion 86 (Ptn of Ptn. 52) of the farm ELANDS KRAAL No. 203 in extent 4,6693ha, as will more fully appear from the said Deed of Transfer.

F. By virtue of Deed of Transfer No T00079916/2003, the remainder of the within property is entitled to a servitude right of way over portion 84 (a portion of portion 52) of the farm Elands Kraal No. 203 meas 4,6568 HA, the mid point of which, the servitude right of way radius, of 5 metres is depicted by the beacon B on annexed diagram LG No. 2062, 1999. As will more fully appear from the said deed of transfer.

G. By Deed of Transfer No T000005258/2005 the within mentioned property is entitled to a 5 metre wide servitude right of way, the south-eastern, southern and south-western boundaries, represented by the curved line gh on diagram SG no 2066/1999 over Portion 88 (a port of port 52) of the Farm Elands Kraal No 203, Meas 4,3736 Ha Div. of Knysna. As will more fully appear from the said Deed of Transfer.

WHEREFORE the said Appearer, renouncing all rights and title which the said

SIDONIO RODRIGUES PEREIRA and MARIA BASLILA AFONSO PEREIRA, Married as aforesaid

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

LUNA VERDE PROPRIETARY LIMITED
REGISTRATION NUMBER 2021/970088/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R4 800 000,00 (FOUR MILLION EIGHT HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

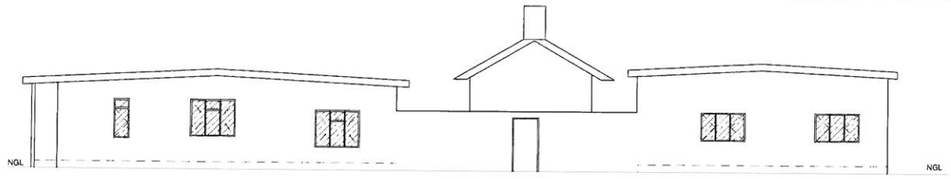
THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

09 JUN 2023

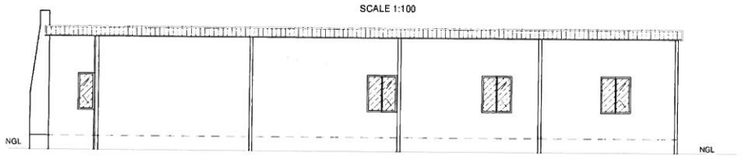
q.q.

In my presence

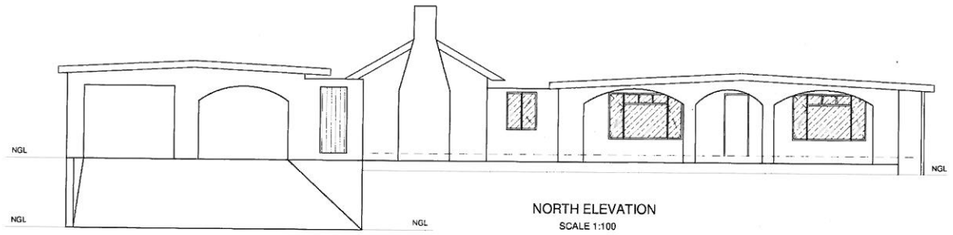
REGISTRAR OF DEEDS



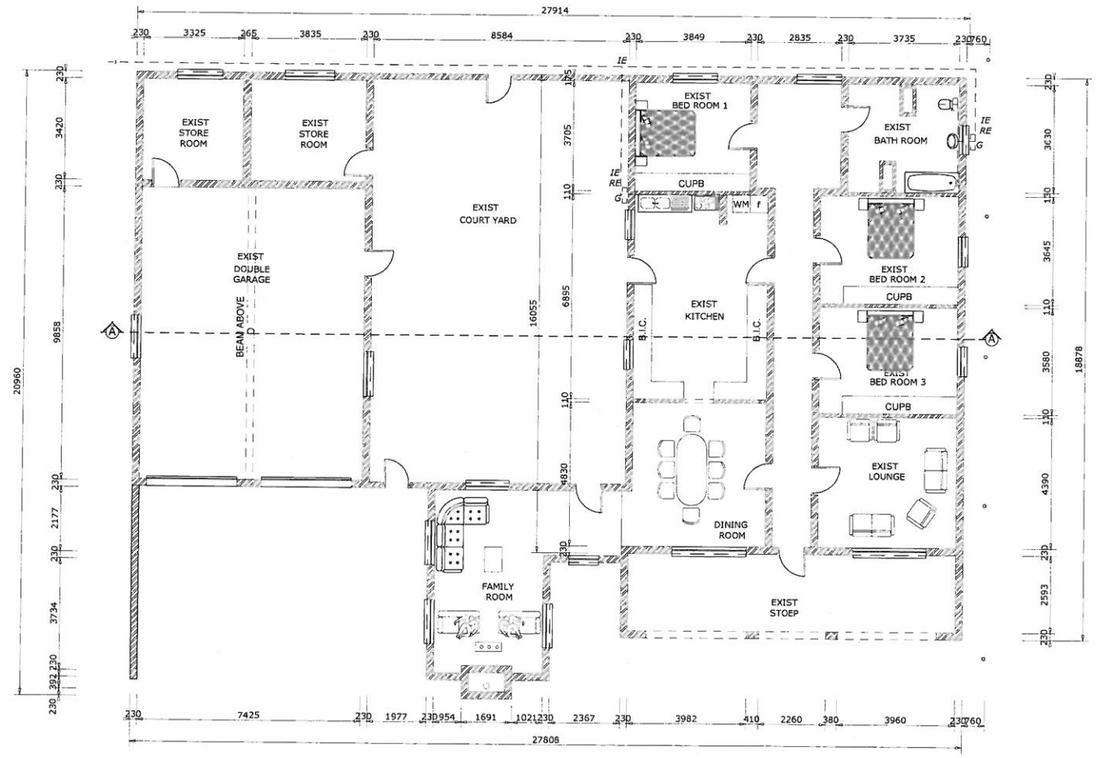
SOUTH ELEVATION
SCALE 1:100



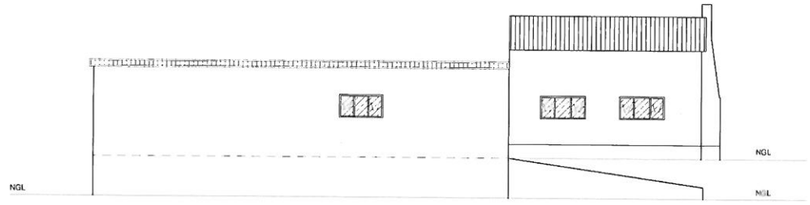
WEST ELEVATION
SCALE 1:100



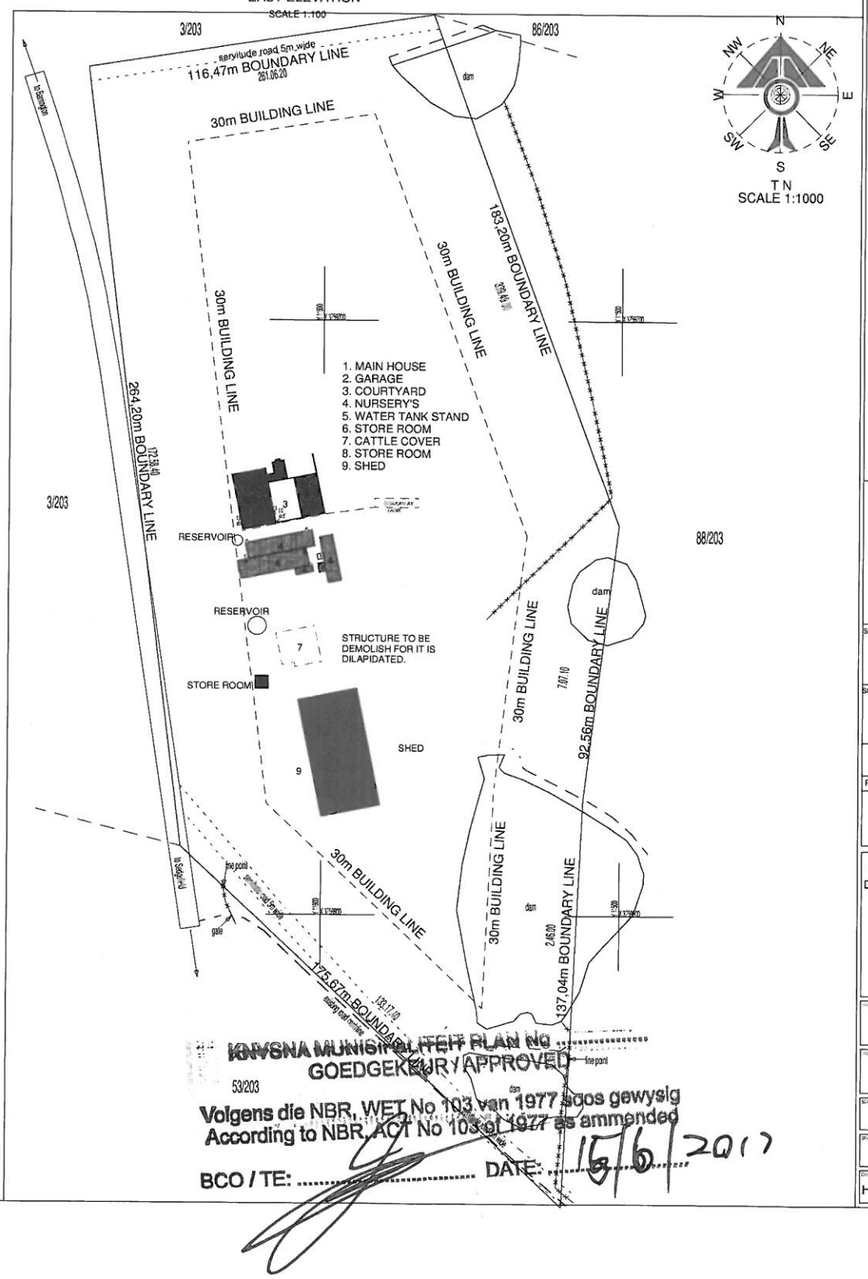
NORTH ELEVATION
SCALE 1:100



GROUND FLOOR
LAYOUT AND ELEVATIONS
SCALE 1:100



EAST ELEVATION
SCALE 1:100



N
NW NE
W E
SW SE
S
T N
SCALE 1:1000

NOTES
PROPERTY OF THE DRAUGHTSPERSON

ALL RELEVANT DETAILS, LEVELS AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK. THE ARCHITECT ACCEPTS NO RESPONSIBILTY FOR ERRORS RESULTING FROM MISINTERPRETATION OF THE DRAWINGS. ALL DIMENSIONS ARE GIVEN IN MILLIMETERS

GENERAL SPECIFICATIONS :

ROOFS:
IBR SHEETING ON 76x50mm
S.A.P PURLINS ON 600mm
c/c ON S.A.P. RAFTERS FIXED
WITH GALV.TIES BUILT 600mm INTO
WALL ON 38x114mm S.A.P WALL PLATE.
38x152 RAFTERS AT 1050mm C/C GRADE 4
CLASS A.

EAVES OVERHANG: 500mm

FASCIAS AND BARGE BOARDS:
25x152mm FACIA BOARD FIXED TO EAVES

GUTTERS AND DOWN PIPES:
PVC GUTTER AND DOWNPIPES 110mm

HORIZONTAL CEILINGS:
6,4mm GYPSUM SKIMMED AND PAINTED
ON FRAMEWORK OF 38x38mm S.A.P
PROVIDE FIBRE WOOL INSULATION MIN 100mm

CORNICES:
TO OWNER

WALLS:
230mm WITH BRICK FORCE
PLASTER AND PAINT

WINDOWS:
TIMBER WINDOWS

WINDOW SILLS
AS PER OWNER

FLOORS:
FINISHES TO OWNER ON 85mm CONC. BED
ON MIN 300mm COMPACTED MATERIAL.
ALL WORK SHALL BE IN ACCORDANCE
WITH THE NATIONAL
BUILDERS REGULATIONS AND
ALL LOCAL ORDINANCES.

ALL ELECTRICAL AND PLUMBLING
MUST BE DONE BY CERTIFIED PERSON.

EXIST MAIN HOUSE	250m²
EXIST COTTAGE	20m²
EXIST GARAGE	110m²
NEW SHED	800m²
TOTAL EXIST AREAS	1180m²
EXIST FOOTPRINT	380m²
NEW FOOTPRINT	1180m²
NEW COVERAGE	0.43%
SITE AREA	27 3124m²

SIGNATURE OWNER :

SIGNATURE OF DRAUGHTSPERSON : HENRY ERASMUS

REVISIONS

REV	DATE	DESCRIPTION
0	00000	000000000

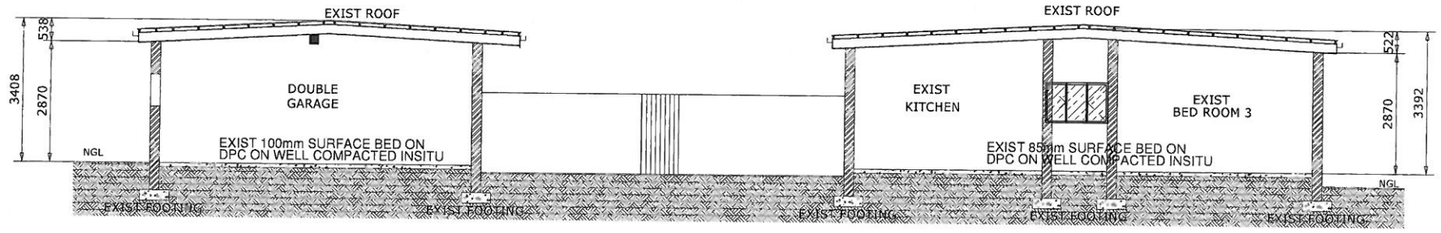
HENRY ERASMUS' ARCHITECTURAL DRAUGHTING SERVICES (H.E.A.D.S.)
Pr.ArgDrw
Reg. no. D1444
P.O. BOX 843, KNYSNA, 6570
CELL : 082 657 111 5
FAX. : 086 5135 840
E-MAIL : heads@hletrading.co.za

PROJECT: HOUSE WALLACE, PORTION 52, FARM 203, ELANDSKRAAL, KNYSNA

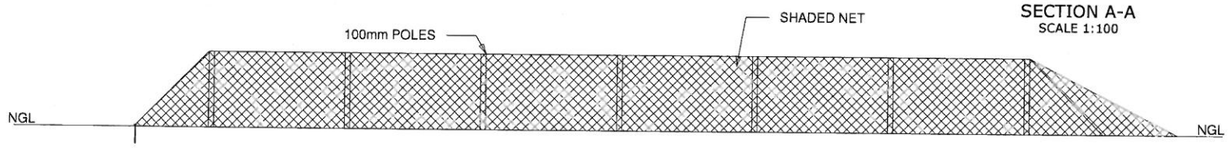
DESCRIPTION: ALTERATION AND ADDITIONS ELEVATIONS, SECTIONS AND SITE PLAN

SCALE	DATE
1:1000 / 1:100	SEPTEMBER 2016
DRAWN: HLE	CHECKED: HLE

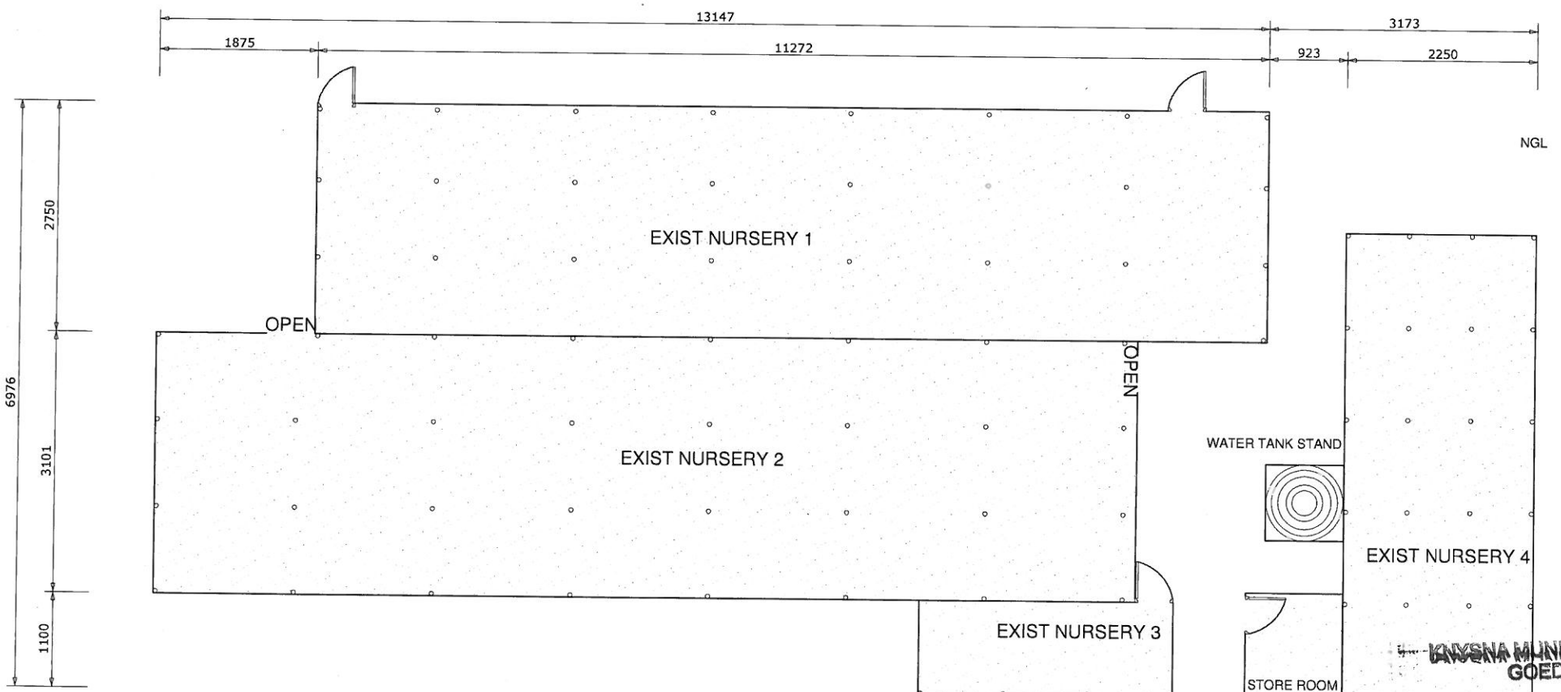
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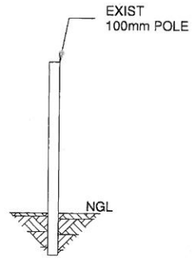


SECTION A-A
SCALE 1:100

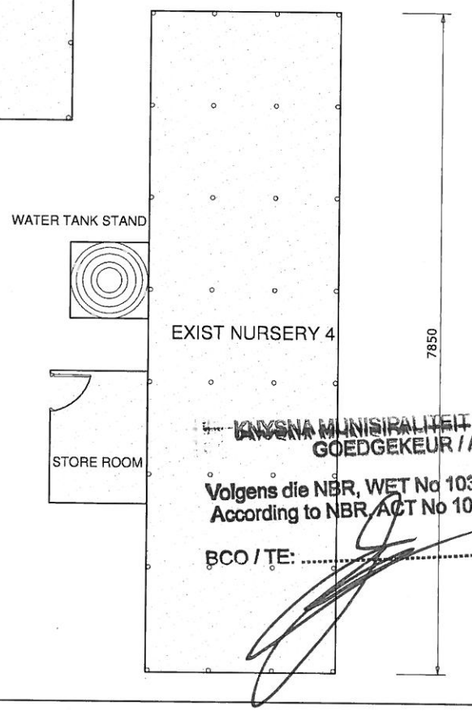


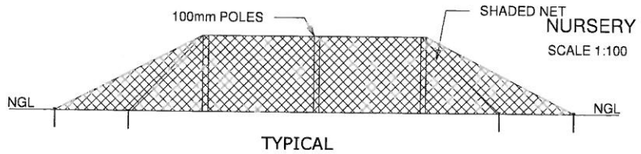
TYPICAL
ELEVATIONAL VIEW
SCALE 1:100





TYPICAL SECTION
SCALE 1:50





TYPICAL
ELEVATIONAL VIEW
SCALE 1:100

KNYSNA MUNISIPALITEIT PLAN No .....
GOEDGEKEUR / APPROVED

Volgens die NBR, WET No 103 van 1977 soos gewysig
According to NBR, ACT No 103 of 1977 as ammended

BCO / TE: ..... DATE: 15/6/2017

NOTES
PROPERTY OF THE ARCHITECT.

ALL RELEVANT DETAILS, LEVELS AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK. THE ARCHITECT ACCEPTS NO RESPONSIBILTY FOR ERRORS RESULTING FROM MISINTERPRETATION OF THE DRAWINGS. ALL DIMENSIONS ARE GIVEN IN MILLIMETERS

GENERAL SPECIFICATIONS :

All work shall be in accordance with the National Builders Regulations and all Local Ordinances.

All electrical and plumbling must be done by certified person.

EXIST MAIN HOUSE	250m²
EXIST COTTAGE	20m²
EXIST GARAGE	110m²
NEW SHED	800m²
TOTAL EXIST AREAS	1180m²
EXIST FOOTPRINT	380m²
NEW FOOTPRINT	1180m²
NEW COVERAGE	0.43%
SITE AREA	27 3124m²

SIGNATURE OWNER :

SIGNATURE OF ARCHITECT : HENRY ERASMUS

REVISIONS

REV	DATE	DESCRIPTION
0	00.00.00	0

HENRY ERASMUS' ARCHITECTURAL DRAUGHTING SERVICES (H.E.A.D.S.)
Pr. Arg. Draught
Reg. no. D1444
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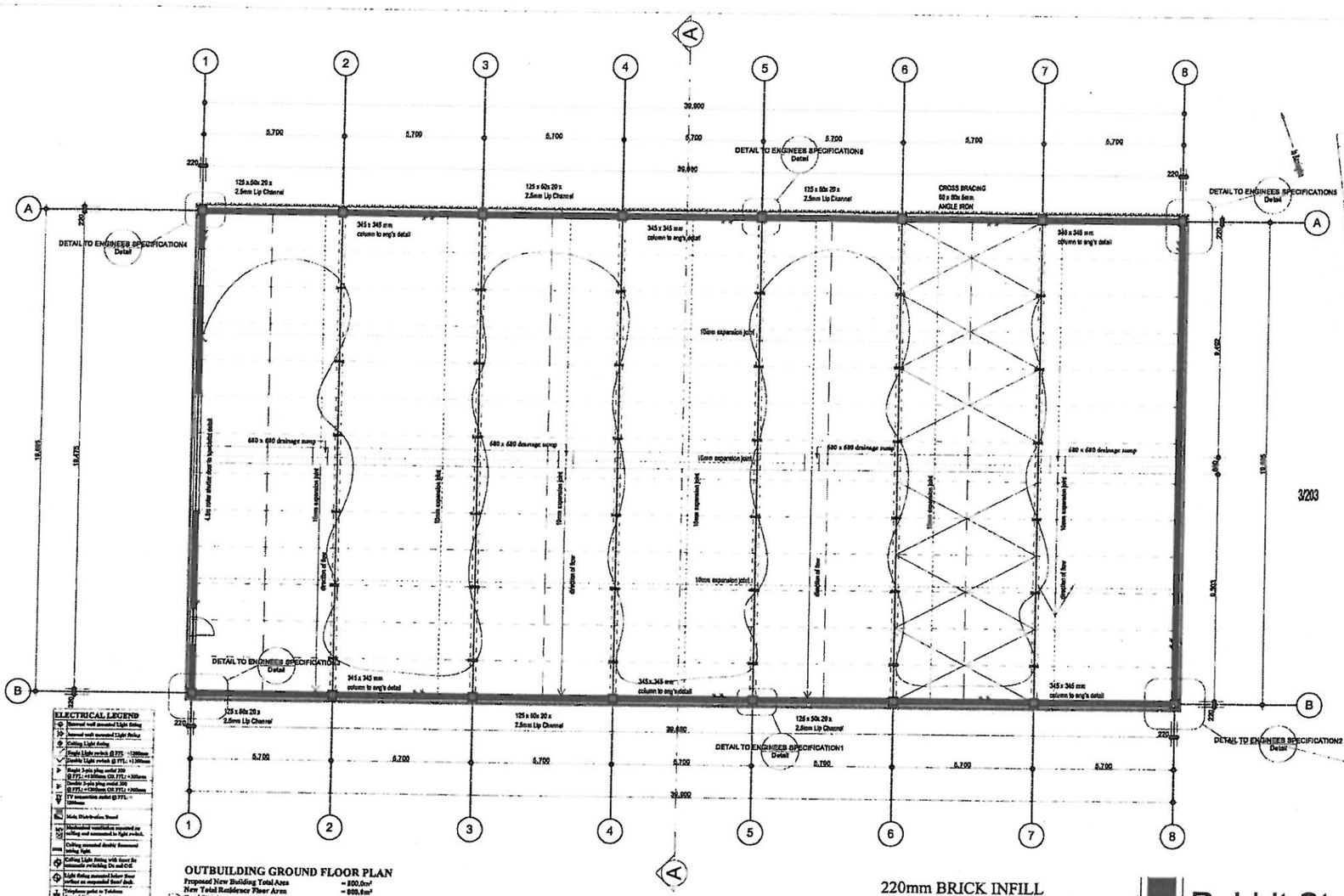
PROJECT: HOUSE WALLACE, PORTION 52, FARM 203, ELANDSKRAAL, KNYSNA

DRAWING: GROUND FLOOR LAYOUT, ELEVATIONS AND SECTIONS

SCALE	DATE
1:100	

DRAWN	CHECKED
HLE	HLE

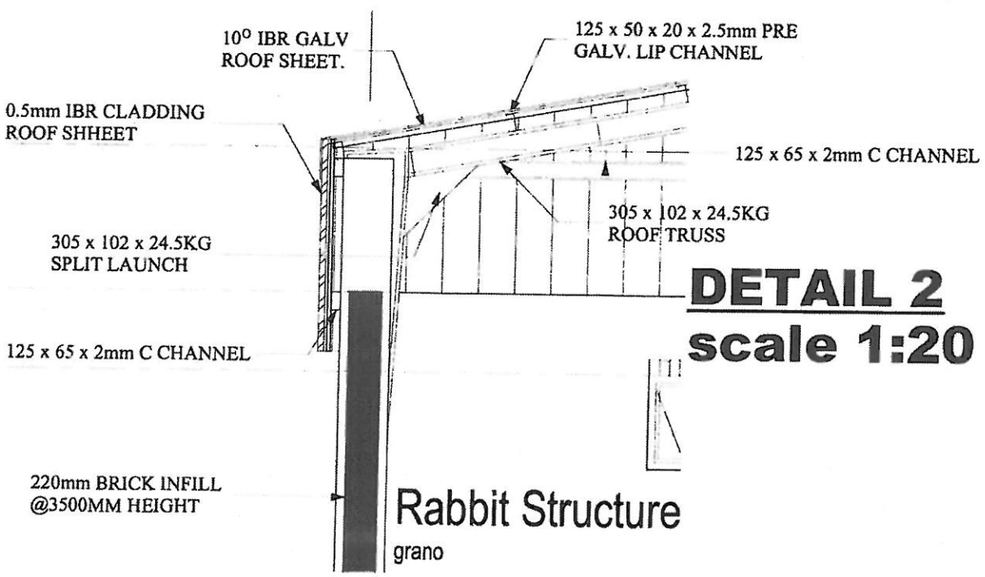
DRAWING NO. HK 491-02-A0 REV. A0



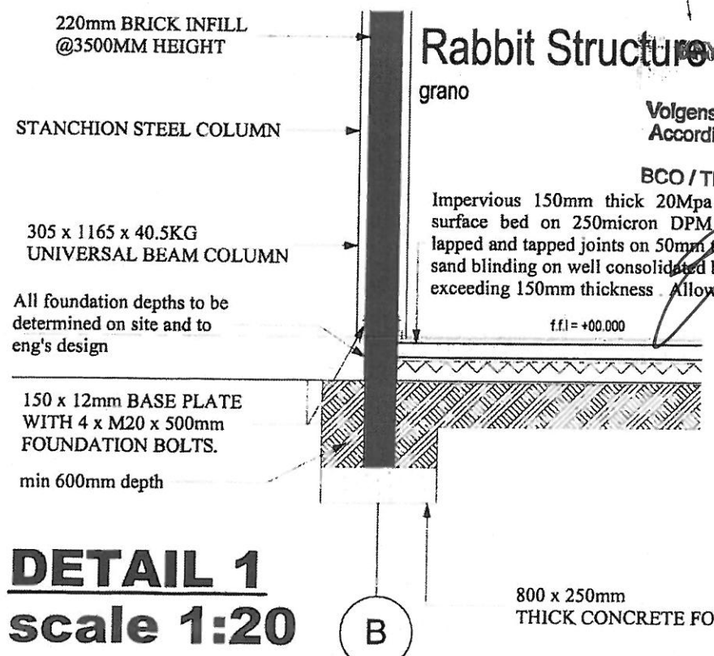
OUTBUILDING GROUND FLOOR PLAN

Proposed New Building Total Area = 800.0m²
New Total Residence Floor Area = 800.0m²
Total Site Area = ---m²
Scale 1:100



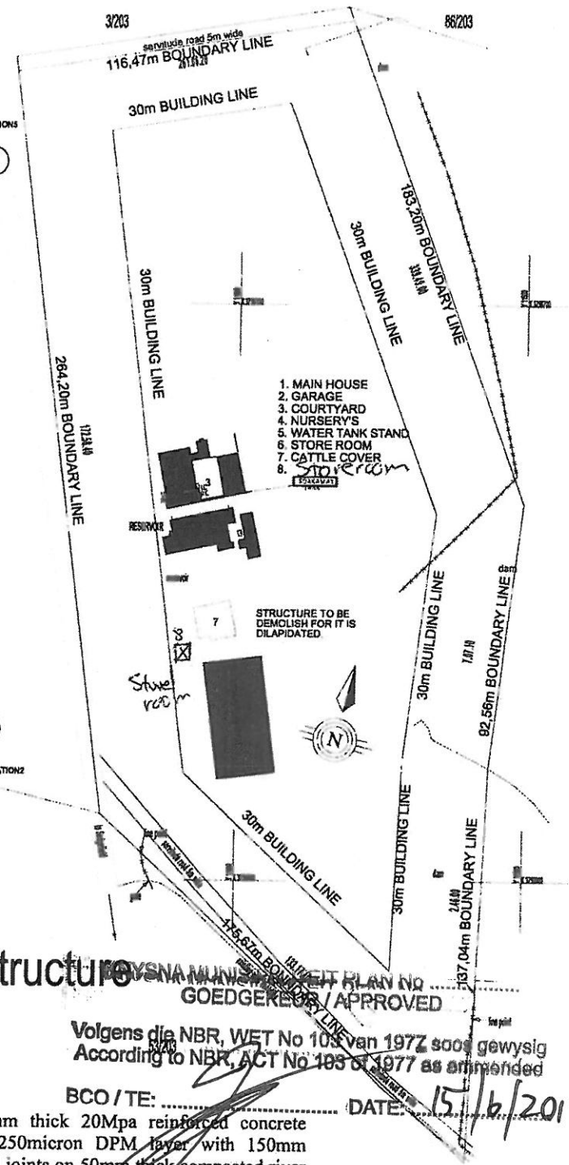


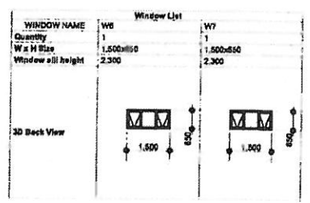
DETAIL 2
scale 1:20



DETAIL 1
scale 1:20

SITE PLAN
SCALE 1 : 1000





NOTES
PROPERTY OF THE ARCHITECT.

ALL RELEVANT DETAILS, LEVELS AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK. THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM MISINTERPRETATION OF THE DRAWINGS. ALL DIMENSIONS ARE GIVEN IN MILLIMETERS

GENERAL SPECIFICATIONS :

ROOF:
ROOF PITCH 10D WITH AN APPROVED UNDERLAY
0.5mm I.B.R INDUSTRIAL SHEETING
ON 125 x 50 x 20 x 2.5mm LIP CHANNELS
ON UNIVERSAL BEAM STEEL FRAME.

STEEL FRAME:
STRICTLY TO ENGINEERS DESIGN AND MANUFACTURERS SPECIFICATIONS
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONSMAND STANDARD ACT (ACT 103 OF 1994) AND SANS 10400

DRAINAGE NOTES:
ALL BENDS AND JUNCTIONS IN DRAINS AND SEWER TO BE FITTED WITH RE'S AND IE'S.
RE'S TO HAVE MARKED COVERS AT GROUND LEVEL
RESEAL TRAPS TO ALL WASTE FITTINGS
SOIL, WASTE AND VENT PIPES TO uPVC
WHERE PIPES RUN UNDER BUILDING , IT IS TO BE ENCASED IN 150mm CONCRETE BED AND TO BE SLEEVED AT BOTH ENDS FOR ACCESSIBILITY
ALL SEWERS TO BE 100 DIA. PVC MIN FALL 1:60
PROTECT DRAIN UNDER FOUNDATIONS IN ACCORDANCE WITH PP24 OF SANS 10400
ALL WASTE FITINGS TO HAVE RESEAL TRAP AND PIPE TO BE FULLY ACCESSIBLE IF UNDER FLOORS, WITH IE'S EITHER END OR CLAMPED TO WALL

CONCRETE:
IMPERVIOUS GROUND FLOOR SLAB 150mm THICK CONCRETE, TO FALL, WITH MIN 150mm ABOVE GROUND LEVEL COMPACTED HARDCORE 25mm THICK SCREED AND FINISHES AS INDICATED

WALLS:
220mm BRICK IN-FILL WALLS OR SIMILAR

WINDOW:
ALL WINDOW TO MATCH EXISTING AS PER OWNER

WINDOW SILL:
TO OWNERS CHOICE

FLOORS:
FINISHES TO OWNER ON 150mm CONC. BED ON MIN. 300mm COMPACTED MATERIAL COMPACTED IN MAX 150mm LAYERS, SCREED = 30mm

All work should be in accordance with the National Builders Regulations and all Local Ordinances

All electrical and plumbing must be done by certified person

EXIST MAIN HOUSE	250.00m²
EXISTING COTTAGE	20.00m²
EXISTING GARAGE	110.00m²
NEW SHED	800.00m²
EXIST FOOTPRINT	380.00m²
NEW FOOTPRINT	1180.0m²
New coverage	0,0803%
Site area	429914.0000
SIGNATURE OWNER :	MR PEREYRA

SIGNATURE OF ARCHITECT :

A1

REVISIONS

REV	DATE	DESCRIPTION
0	00.00.00	0

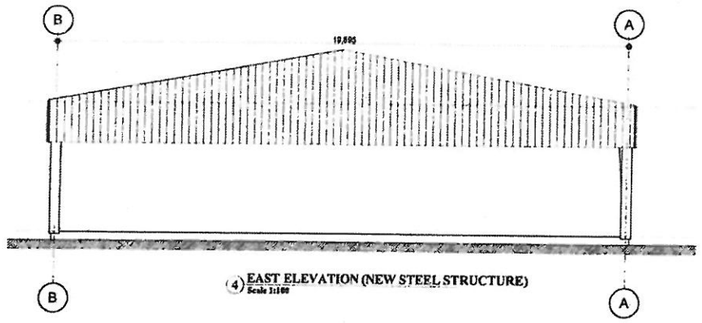
HENRY'S ERASMUS' ARCHITECTURAL DRAUGHTING SERVICES (H.E.A.D.S)
Pr.ArgDrw
Reg. no. D1444
P.O. BOX 843, KNYSNA, 6570
CELL. : 082 657 1115
FAX. : 086 5135 840
E-MAIL : heads@hletrading.co.za

PROJECT
PROPOSED STEEL STRUCTURE ON FARM PEREYRA PORTION 52, FARM 201, ELANDSKRAAL KNYSNA

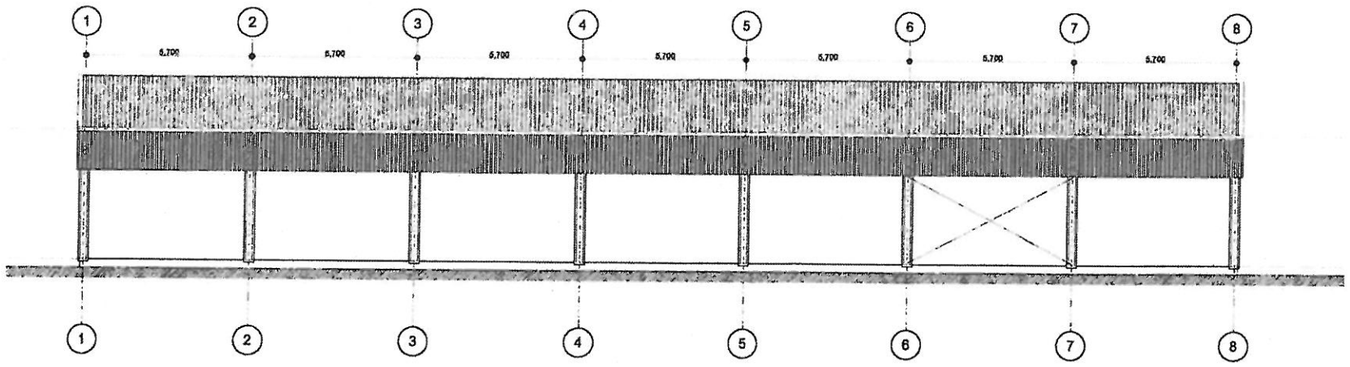
DRAWING
GROUND FLOOR , TYPICAL DETAILS AND SITE PLAN

SCALE	DATE
1 : 100, 1 : 1000, 1 : 20	2016 11 23
DRAWN: LNC	CHECKED: RLE

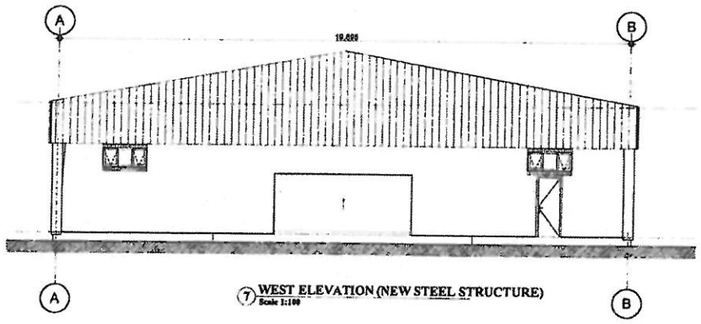
DRAWING NO. HK 491-03-A0 REVISION A0



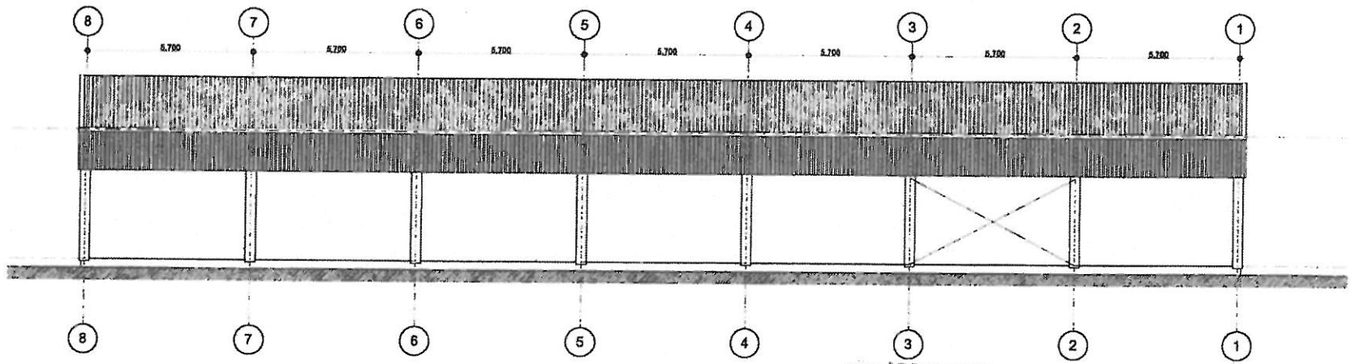
(4) EAST ELEVATION (NEW STEEL STRUCTURE)
Scale 1:100



(6) SOUTH ELEVATION (NEW STEEL STRUCTURE)
Scale 1:100



(7) WEST ELEVATION (NEW STEEL STRUCTURE)
Scale 1:100



(5) WEST ELEVATION (NEW STEEL STRUCTURE)
Scale 1:100

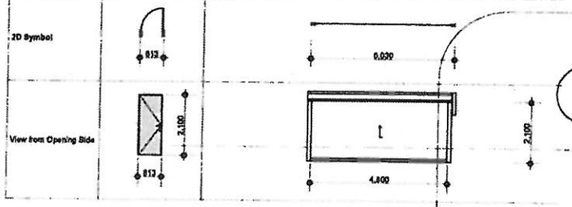
KNYSNA MUNISIPALITEIT PLAN No .....
GOEDGEKEUR / APPROVED

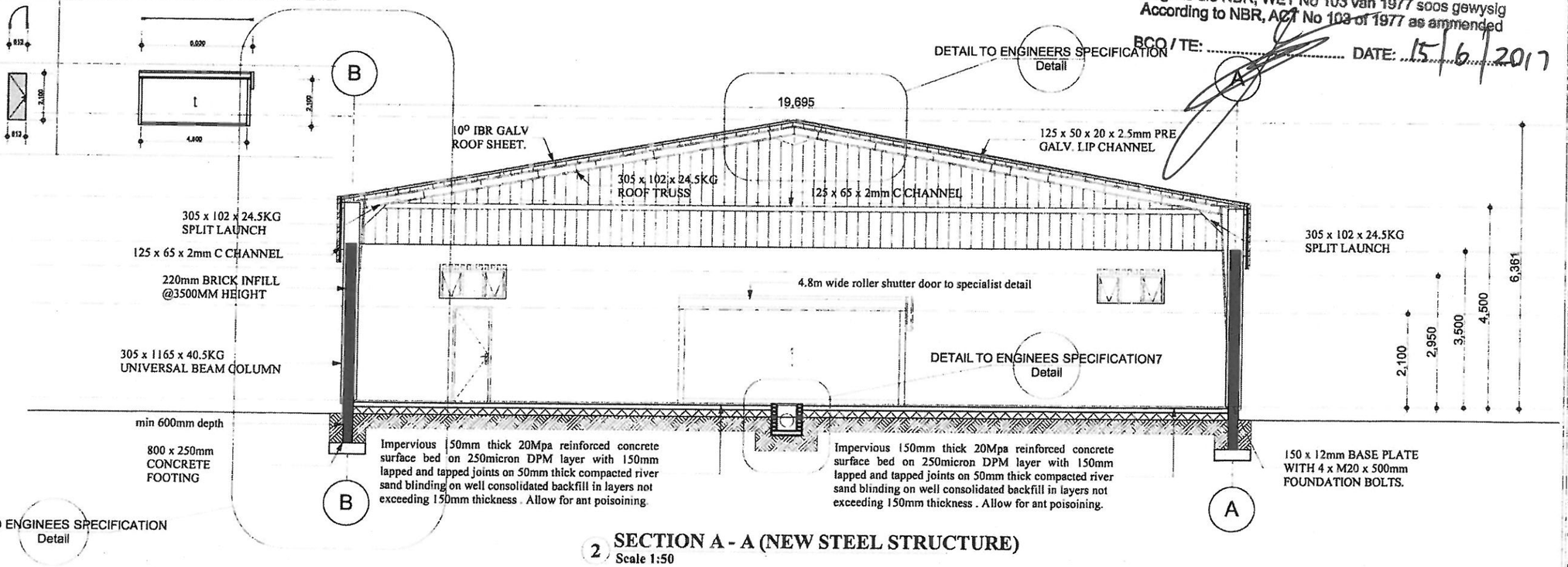
Volgens die NBR, WET No 103 van 1977 soos gewysig
According to NBR, ACT No 103 of 1977 as ammended

BCO / TE: ..... DATE: 15/6/2017

Door List

Door category	Door 19	High-Speed Roll-up Door 19
Quantity	1	1
W x H Size	813x2,100	4,800x2,100
DOOR ID (NAME)	D03	D01
Orientation	L	
Wall Thickness	220.0	220.0





DETAIL TO ENGINEES SPECIFICATION
Detail

2 SECTION A - A (NEW STEEL STRUCTURE)
Scale 1:50

NOTES

PROPERTY OF THE ARCHITECT.

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GENERAL SPECIFICATIONS :

ROOF:
ROOF PITCH 10O WITH AN APPROVED UNDERLAY, 0.5mm I.B.R INDUSTRIAL SHEETING ON 125 x 50 x 20 x 2.5mm LIP CHANNELS ON UNIVERSAL BEAM STEEL FRAME.

STEEL FRAME:
STRICTLY TO ENGINEERS DESIGN AND MANUFACTURERS SPECIFICATIONS
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONSMAND STANDARD ACT (ACT 103 OF 1994) AND SANS 10400

DRAINAGE NOTES:
ALL BENDS AND JUNCTIONS IN DRAINS AND SEWER TO BE FITTED WITH RE'S AND IE'S.
RE'S TO HAVE MARKED COVERS AT GROUND LEVEL
RESEAL TRAPS TO ALL WASTE FITINGS
SOIL, WASTE AND VENT PIPES TO uPVC
WHERE PIPES RUN UNDER BUILDING , IT IS TO BE ENCASED IN 150mm CONCRETE BED AND TO BE SLEEVED AT BOTH ENDS FOR ACCESSIBILITY
ALL SEWERS TO BE 100 DIA PVC MIN FALL 1:60
PROTECT DRAIN UNDER FOUNDATIONS IN ACCORDANCE WITH PP24 OF SANS 10400
ALL WASTE FITINGS TO HAVE RESEAL TRAP AND PIPE TO BE FULLY ACCESSIBLE IF UNDER FLOORS, WITH IE'S EITHER END OR CLAMPED TO WALL

CONCRETE:
IMPERVIOUS GROUND FLOOR SLAB 150mm THICK CONCRETE, TO FALL, WITH MIN 150mm ABOVE GROUND LEVEL COMPACTED HARDCORE 25mm THICK SCREED AND FINISHES AS INDICATED

WALLS:
220mm BRICK IN-FILL WALLS OR SIMILAR

WINDOW:
ALL WINDOW TO MATCH EXISTING AS PER OWNER

WINDOW SILL:
TO OWNERS CHOICE

FLOORS:
FINISHES TO OWNER ON 150mm CONC. BED ON MIN. 300mm COMPACTED MATERIAL COMPACTED IN MAX 150mm LAYERS, SCREED = 30mm

All work should be in accordance with the National Builders Regulations and all Local Ordinances

All electrical and plumbing must be done by certified person

EXIST MAIN HOUSE	250.00m²
EXISTING COTTAGE	20.00m²
EXISTING GARAGE	110.00m²
NEW SHED	800.00m²
EXIST FOOTPRINT	380.00m²
NEW FOOTPRINT	1180.0m²
New coverage	0.00273
Site area	429440000

SIGNATURE OWNER : MR PEREYRA

SIGNATURE OF ARCHITECT:

A1

REVISIONS

REV	DATE	DESCRIPTION
0	00.00.00	0

HENRY'S ERASMUS' ARCHITECTURAL DRAUGHTING SERVICES (H.E.A.D.S)

Pr.ArgDrw

Reg. no. D1444

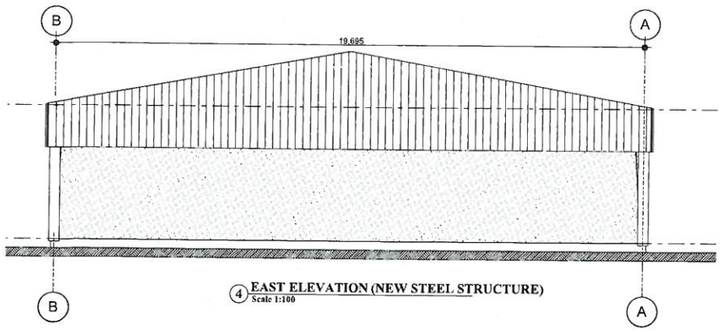
P.O. BOX 843, KNYSNA, 6570
CELL. : 082 657 1115
FAX. : 086 5135 840
E-MAIL : heads@hletrading.co.za

PROJECT
PROPOSED STEEL STRUCTURE ON FARM PEREYRA PORTION 52, FARM 203, ELANDSKRAAL KNYSNA

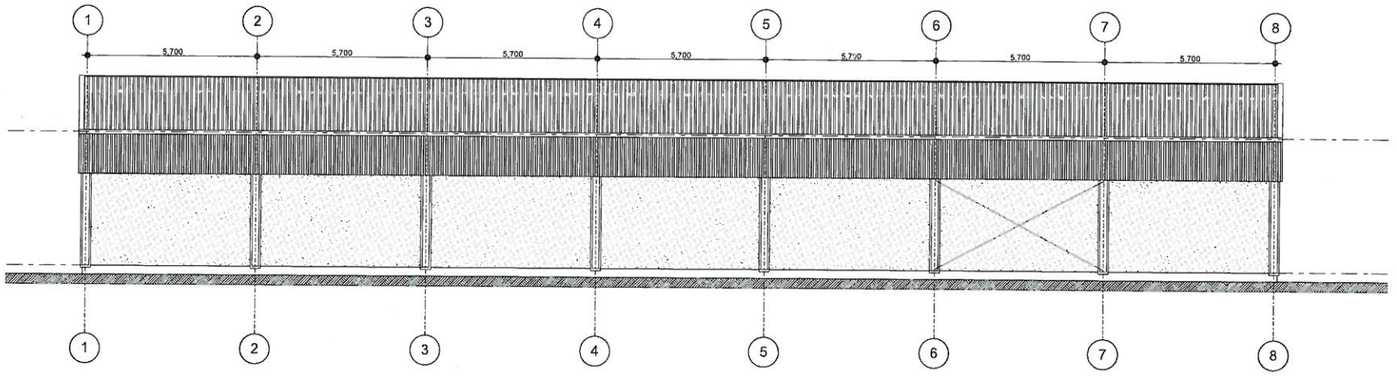
DRAWING
SECTION AND ELEVATIONS

SCALE	DATE
1 : 100, 1 : 50	2016 11 23
DRAWN	CHECKED
LNC	HLE

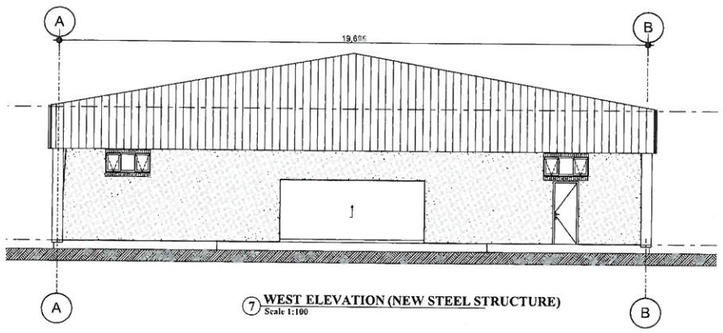
DRAWING NO: HK 491-04-A0 REVISION: A0



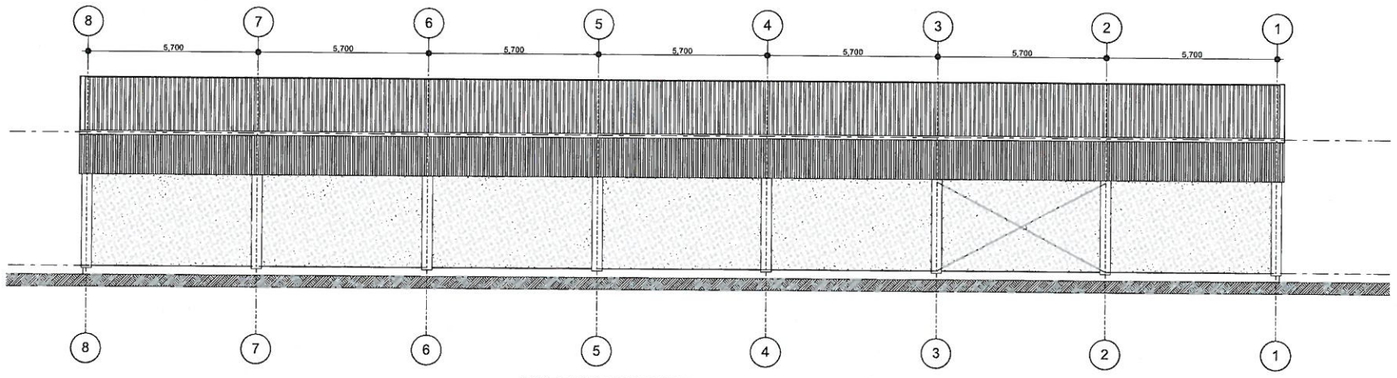
4 EAST ELEVATION (NEW STEEL STRUCTURE)
Scale 1:100



6 SOUTH ELEVATION (NEW STEEL STRUCTURE)
Scale 1:100

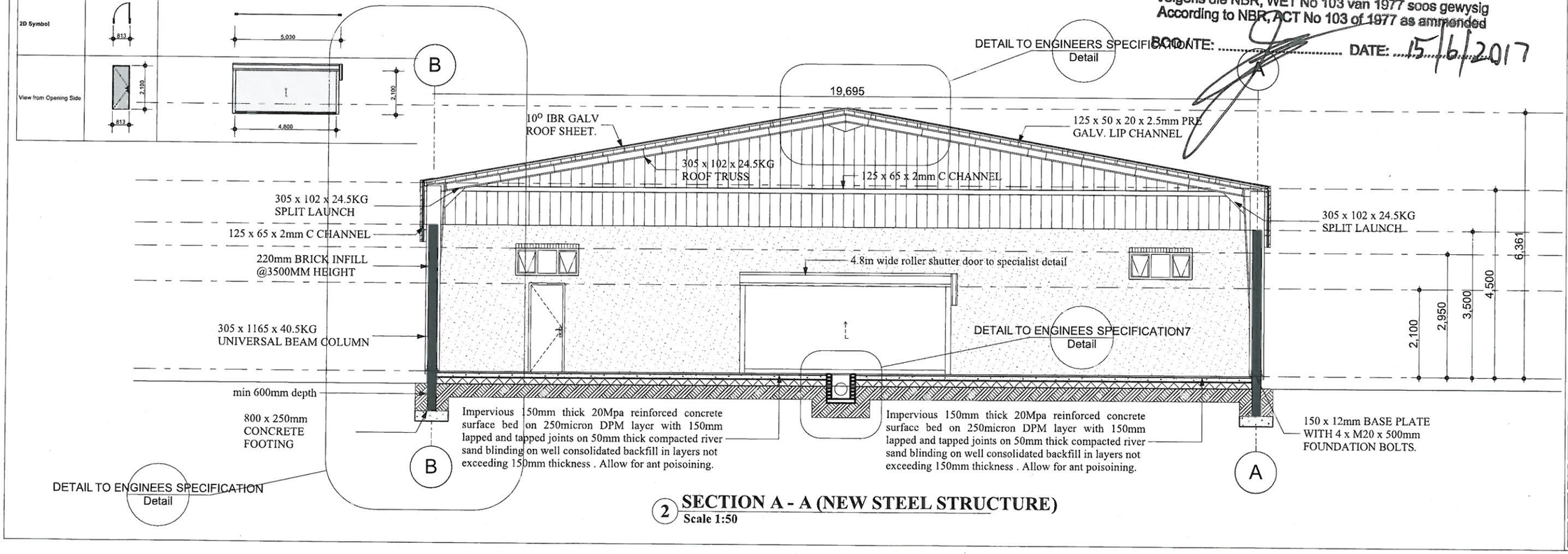


7 WEST ELEVATION (NEW STEEL STRUCTURE)
Scale 1:100



5 WEST ELEVATION (NEW STEEL STRUCTURE)
Scale 1:100

Door List		
Door category	Door 19	High-Speed Roll-up Door 19
Quantity	1	1
W x H Size	813x2,100	4,800x2,100
DOOR ID (NAME)	DO3	D01
Orientation	L	
Wall Thickness	220.0	220.0
2D Symbol	813	5,030
View from Opening Side	2,100, 813	2,100, 4,800



2 SECTION A - A (NEW STEEL STRUCTURE)
Scale 1:50

KNYSNA MUNISIPALITEIT PLAN No .....
GOEDGEKEUR / APPROVED
Volgens die NBR, WET No 103 van 1977 soos gewysig
According to NBR, ACT No 103 of 1977 as ammended
BOO: ..... DATE: 15/6/2017

NOTES
PROPERTY OF THE ARCHITECT.

ALL RELEVANT DETAILS, LEVELS AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK. THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM MISINTERPRETATION OF THE DRAWINGS. ALL DIMENSIONS ARE GIVEN IN MILLIMETERS

GENERAL SPECIFICATIONS :

ROOF:
ROOF PITCH 10O WITH AN APPROVED UNDERLAY, 0.5mm I.B.R INDUSTRIAL SHEETING ON 125 x 50 x 20 x 2.5mm LIP CHANNELS ON UNIVERSAL BEAM STEEL FRAME.

STEEL FRAME:
STRICTLY TO ENGINEERS DESIGN AND MANUFACTURERS SPECIFICATIONS ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONSMAND STANDARD ACT (ACT 103 OF 1994) AND SANS 10400

DRAINAGE NOTES:
ALL BENDS AND JUNCTIONS IN DRAINS AND SEWER TO BE FITTED WITH RE'S AND IE'S. RE'S TO HAVE MARKED COVERS AT GROUND LEVEL
RESEAL TRAPS TO ALL WASTE FITTINGS
SOIL, WASTE AND VENT PIPES TO uPVC
WHERE PIPES RUN UNDER BUILDING , IT IS TO BE ENCASED IN 150mm CONCRETE BED AND TO BE SLEEVED AT BOTH ENDS FOR ACCESSIBILITY
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IMPERVIOUS GROUND FLOOR SLAB 150mm THICK CONCRETE TO FALL WITH MIN 150mm ABOVE GROUND LEVEL COMPACTED HARDCORE 25mm THICK SCREED AND FINISHES AS INDICATED

WALLS:
220mm BRICK IN-FILL WALLS OR SIMILAR

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WINDOW SILL:
TO OWNERS CHOICE

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FINISHES TO OWNER ON 150mm CONC. BED ON MIN. 300mm COMPACTED MATERIAL COMPACTED IN MAX 150mm LAYERS, SCREED = 30mm

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All electrical and plumbing must be done by certified person

EXIST MAIN HOUSE	250.00m²
EXISTING COTTAGE	20.00m²
EXISTING GARAGE	110.00 m²
NEW SHED	890.00m²
EXIST FOOTPRINT	380.00m²
NEW FOOTPRINT	1180.0m²
New coverage	0.43.0m²
Site area	46 813m²

SIGNATURE OWNER : MR PEREYRA

SIGNATURE OF ARCHITECT :

A1

REVISIONS

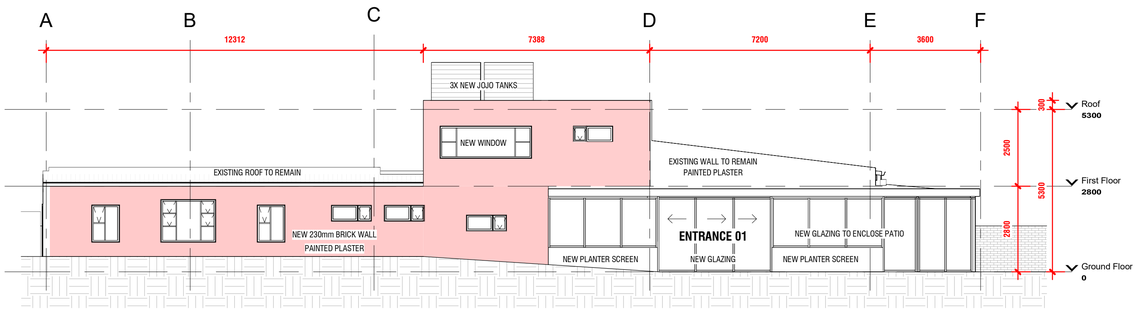
REV	DATE	DESCRIPTION
0	00.00.00	0

HENRY'S ERASMUS' ARCHITECTURAL DRAUGHTING SERVICES (H.E.A.D.S)
Pr.ArgDrw
Reg. no. D1444
P.O. BOX 843, KNYSNA, 6570
CELL. : 082 657 1115
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PROJECT
PROPOSED STEEL STRUCTURE ON FARM PEREYRA
PORTION 52, FARM 203, ELANDSKRAAL
KNYSNA

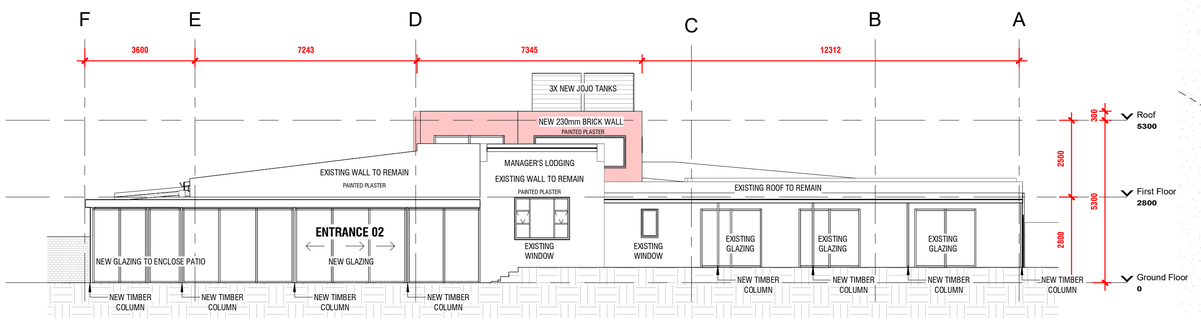
DRAWING
SECTION AND ELEVATIONS

SCALE	DATE
1 : 100, 1 : 50	2016 11 23
DRAWN: LXC	CHECKED: HLE
DRAWING NO.: HK 491-04-A0	REVISION: A0



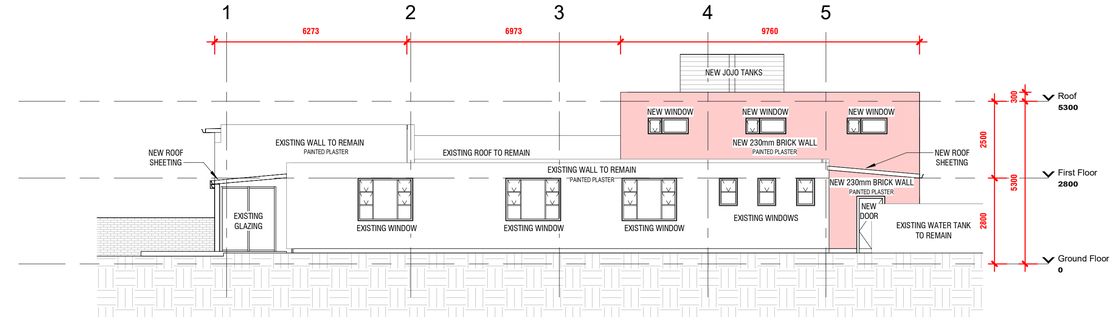
North Elevation

1 : 100



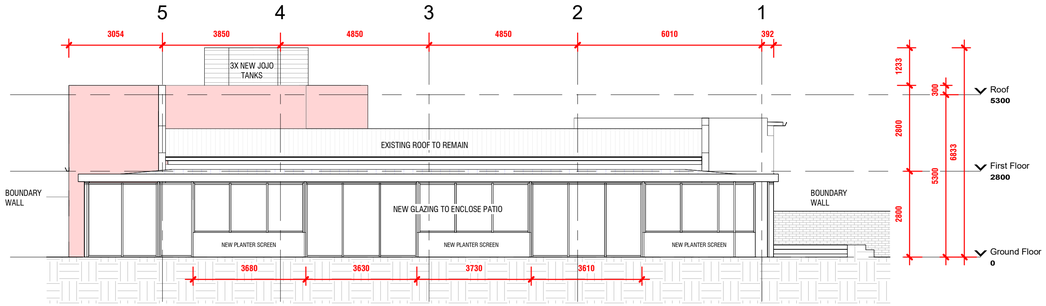
South Elevation

1 : 100



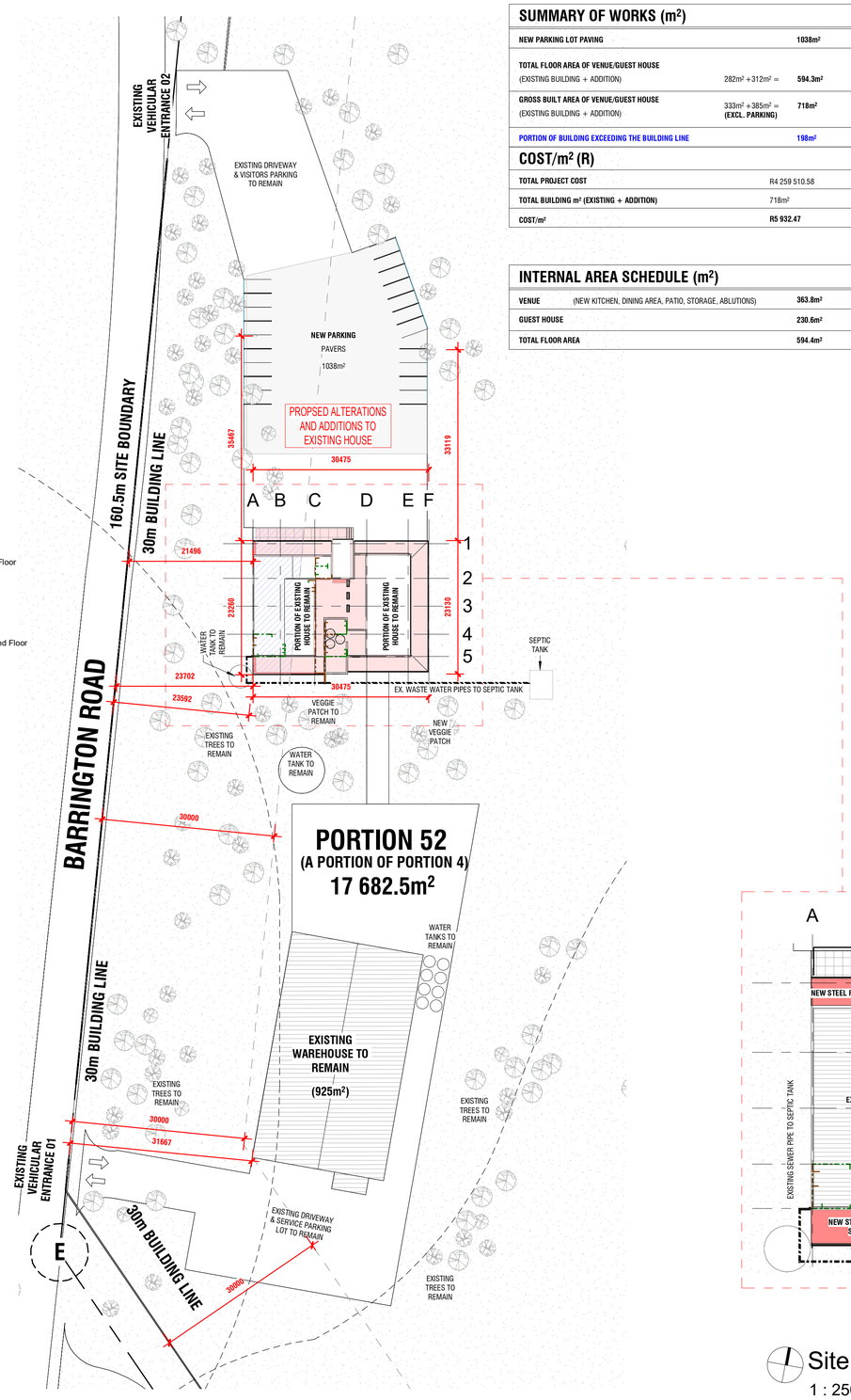
East Elevation

1 : 100



West Elevation

1 : 100



Site Plan

1 : 500

SUMMARY OF WORKS (m²)

NEW PARKING LOT PAVING		1038m²
TOTAL FLOOR AREA OF VENUE/GUEST HOUSE (EXISTING BUILDING + ADDITION)	282m² +312m² =	594.3m²
GROSS BUILT AREA OF VENUE/GUEST HOUSE (EXISTING BUILDING + ADDITION)	333m² +385m² = (EXCL. PARKING)	718m²
PORTION OF BUILDING EXCEEDING THE BUILDING LINE		198m²

COST/m² (R)

TOTAL PROJECT COST	R4 259 510.58
TOTAL BUILDING m² (EXISTING + ADDITION)	718m²
COST/m²	R5 932.47

INTERNAL AREA SCHEDULE (m²)

VENUE	(NEW KITCHEN, DINING AREA, PATIO, STORAGE, ABLUTIONS)	363.8m²
GUEST HOUSE		230.6m²
TOTAL FLOOR AREA		594.4m²



LOCALITY PLAN:

PORTION 52. BARRINGTON ROAD, KNYSNA

SCHEDULE OF RIGHTS

PROPERTY DESCRIPTION:

Erf / Portion:	Portion 52 (a Portion of Portion 4) of the farm Elands Kraal No 203
Township:	Knysna
Site Area:	4.2994 ha / 42994m²
Title Deed No:	T000022921/2023

ZONING INFORMATION:

Town Planning Scheme:	Knysna Zoning Scheme By-law (2020)
Use Zone VIII:	Agriculture Zone 1

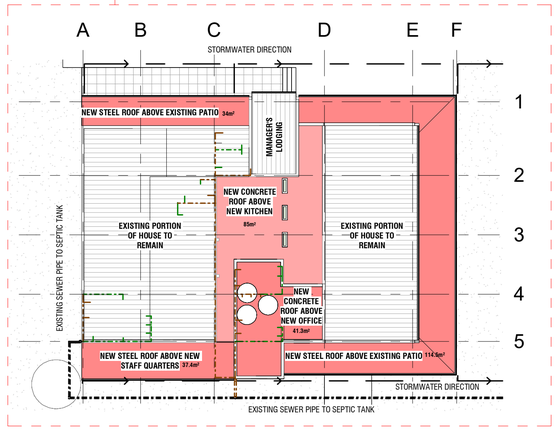
DEVELOPMENT CONTROL MEASURES: NEW GUEST HOUSE B&B / Guest House: The development parameters applicable to "dwelling house" apply per zoning scheme by-law

Permissible	Control	Actual
2 Storeys (8.5m above NGL)	Height of Buildings	2 storeys (5.6m meters above NGL)
As per scheme	Coverage	3.7% = 1 622m² Guest House + Warehouse 697m² + 925m² = 1 622m²
As per scheme	Floor Area	1 509.3m² Guest House + Warehouse 594.3m² + 915m² = 1 509.3m²
As per scheme	Floor Area Ratio	0.03
As per scheme	No Of Dwelling Units on Erf	1
Min 4.5m from the street. 2m from remaining site boundaries.	Building Line	**13m min from street**
PARKING (FOR NEW GUEST HOUSE)		
Parking Required for Guest Houses (Agriculture Zone I)		3 Parking bays per 4 Guest Bedrooms
Total Parking Bays Required		**3** parking bays
Total Parking Bays Provided		**20** parking bays
Surplus / Deficit No of Parking Bays		**17** parking bays

The information provided above is hereby certified to be correct and precise

NAME _____ SIGNATURE _____

DATE _____ NAME _____



Site Plan Close-Up

1 : 250

REV 05

FOR APPROVAL

ALTERATIONS & MINOR ADDITIONS

GENERAL:

1.1 THIS DRAWING IS NOT TO BE SCALED, USE FIGURED DIMENSIONS ONLY. ALL DIMENSIONS AND HEIGHTS TO BE CHEKED AND VERIFIED BEFORE ANY WORK COMMENCES ON SITE. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. ALL LEVELS, HEIGHTS OF PLINTHS, DEPTH OF EXCAVATIONS AND NUMBER OF STEPS TO BE FFINALLY CHECKED ON SITE.

1.2 THE SITE IS TO BE TREATED IN ACCORDANCE WITH S.A.B.S. CODE OF PRACTICE NO. 0124-1977 WITH 'SHELLDRITE' TERMITEPRUFE SOIL POISONER, OR SIMILAR APPROVED.

1.3 TOP OF FOUNDATIONS TO BE A MINIMUM OF 300mm BELOW NATURAL GROUND LEVEL.

1.4 BACK FILL TO FOUNDATIONS

1.5 TOP OF 85mm CONCRETE SURFACE BED TO BE A MINIMUM OF 150mm ABOVE FINISHED GROUND LEVEL.

1.6 85mm THICK CONCRETE SURFACE BED TO BE ON 'GUNPLAS' USB GREEN DAMP PROOF MEMBRANE ON SAND BLINDING ON WELL COMPACTED FILL.

1.7 'GRUNDLE' BRICK GRIP S.A.B.S. EMBOSSED D.P.C. 375 MIC, UNDER ALL WALLS, WINDOW SILL AND AT CHANGES IN FLOOR LEVELS.

1.8 STORM WATER SHALL BE REMOVED FROM DWELLING, YARD AND SITE.

1.9 ELECTRICAL INSTALLATION SHALL BE 'HEINEMANN' EARTH LEAKAGE SYSTEM IN DISTRIBUTION BOARD.

1.10 ALL BUILDING WORK TO BE CARRIED OUT IN ACCORDANCE WITH LOCAL AUTHORITIES BUILDING BY-LAWS AND REGULATIONS.

2. FOUNDATIONS:

2.1 ALL FOUNDATIONS, FOUNDATION WALLS, STRUCTURAL CONCRETE WORK AND SUB SOIL STORM WATER DRAINAGE TO CIVIL ENG.'S

2.2 ALL SOIL COMPACTION TO CIVIL ENGINEER'S SPECIFICATIONS.

2.3 250x600mm CONCRETE FOUNDATIONS FOR 220mm BRICK WALLS. UNLESS OTHERWISE SPECIFIED.

2.5 ALL REINFORCED FOUNDATIONS ARE TO BE AS PER ENGINEER'S

3. FLOORS:

3.1 MIN 25mm CEMENT SCREED 4:1 TO ALL FLOORS. UNLESS OTHERWISE SPECIFIED

3.2 76x19mm SKIRTING AND 19mm QUADRANT TO ALL FLOORS. U.O.S.

4. WALLS:

4.1 220mm BRICK WALLS WITH GUNDLE BRICK GRIP DEC..

4.2 BRICK FORCE EVERY 4 COURSES, AND EVERY COURSE FOR 4 COURSES OVER OPENINGS.

4.3 ALL BRICKWORK MIN. 7 Map CLASS II.

4.4 WINDOWS BUILT IN WITH GUNDLE BRICK GRIP DEC..

4.5 ALL PAINT WORK TO COMPLY WITH MANUFACTURER'S SPECIFICATIONS WITH NECESSARY UNDERCOATS AND TO BE TO APPROVAL.

5. ROOF:
ROOF PITCH AS INDICATED ON PLAN.

5.1 COLOMET CORRUGATED IRON ROOF SHEETING, AT PITCH SHOWN ON 75x75mm PURLINS AT 1000mm CC's ON PREFAB. TRUSSES TO MANUFACTURER'S SPECIFICATION ON 114x38mm WALL PLATE TIED DOWN WITH GALVANISED HOOP IRON TIES, TREADED THROUGH 4 COURSES OF BRICKWORK.

5.2 IBR ROOF SHEETING ON 76x50mm PURLINS AT 900mm C.C.'s ON 114x38mm RAFTERS AT 1200mm C.C.'s ON 114x38mm WALLPLATES TIE DOWN WITH HOOP IRON TIES BUILT INTO BRICKWORK. RHINO BOARD CEILING ON 38x38mm BRANDERING AND 75mm COVED CORNICE.

5.3 CONCRETE ROOF TILES ON 38x38m BATTENS AT 320 C.C.'s ON GUNDLE DAKSEEL 'YELLOW ROOF TILE UNDERLAY ON 114x38mm TRUSSES AT 700 C.C.'s WITH 152x38m KING POST ON 114x38mm WALL PLATE TIED DOWN WITH GALVANISED HOOP IRON, THREADED THROUGH 4 COURSES OF BRICKWORK.

5.4 50mm INSULATION BLANKET.

5.5 RHINOLITE CEILING BOARD ON 38x38mm BRANDERING AT 450 C.C.'s.

5.6 CONCRETE SLAB TO ENGINEER'S DETAIL.

5.7 WATERPROOFING BY SPECIALIST TO MANUFACTURER'S SPEC.

5.8 SKYLIGHTS TO MANUFACTURER'S SPEC.

7. DRAINAGE NOTES:

7.1 100 DIA. U.P.V.C. SEWER PIPE DRAIN WITH A MIN. FALL OF 1:60

7.2 RODDING EYES AT HEAD OF DRAIN, AT ALL CHANGES OF DIRECTION AND AT MAX. OF 25 000mm INTERVALS.

7.4 INSPECTION EYES AT ALL JUNCTIONS OF DRAIN, AND TO HAVE MARKED COVERS AT GROUND LEVEL.

7.5 DRAIN PIPE UNDER BUILDING TO BE PROTECTED AGAINST LOAD

7.6 ALL WASTE PIPES TO HAVE 65mm RESEAL TRAPS, ALL WASTE PIPES TO BE ACCESSIBLE OVER ENTIRE LENGTH FOR CLEANING AND REPAIRS.

7.7 ALL WASTE PIPES UNDER FLOOR SLAB TO BE SLEEVED.

7.8 ALL SOIL FITTINGS WITH VERTICAL DISCHARGE GREATER THAN 1220 TO HAVE ANTISYPHON VENTPIPES.

7.9 ALL DRAINAGE WORK TO BE CARRIED OUT IN ACCORDANCE WITH LOCAL AUTHORITIES DRAINAGE BY-LAWS AND REGULATIONS.

8. STAIRS:

8.1 INSITU CONCRETE STAIRS - TO ENGINEER'S DETAIL.
TREADS @ MIN 250mm AND RISERS @ MAX 200mm.

8.2 HANDRAIL MIN 1000mm HIGH.

8.3 PASSAGE OF A 100mm DIAMETER BALL.

9. GLAZING NOTES:

9.1 ALL GLAZED SECTIONS TO BE IN ACCORDANCE WITH SECTION 'N' OF THE NATIONAL BUILDING REGULATIONS AND SABS-0137

* Nominal Thickness of glass	* Max size of Glass
3mm	0.75 sqm
4mm	1.50 sqm
5mm	2.10 sqm
6mm	3.20 sqm

10. ALTERATIONS AND ADDITIONS:

10.1 ALL WORK / FINISHES / ROOF PITCH TO MATCH EXISTING. ANY DISCREPANCIES TO BE CONFIRMED PRIOR TO COMMNCEMENT OF WORKS.

THIS DRAWING REMAINS THE PROPERTY OF **LOCAL STUDIO (Pty) Ltd**

REVISIONS:

REV:	DESCRIPTION:	DATE:

PROJECT TITLE:

Alterations and Additions

OWNER'S SIGNATURE: *DATE:*

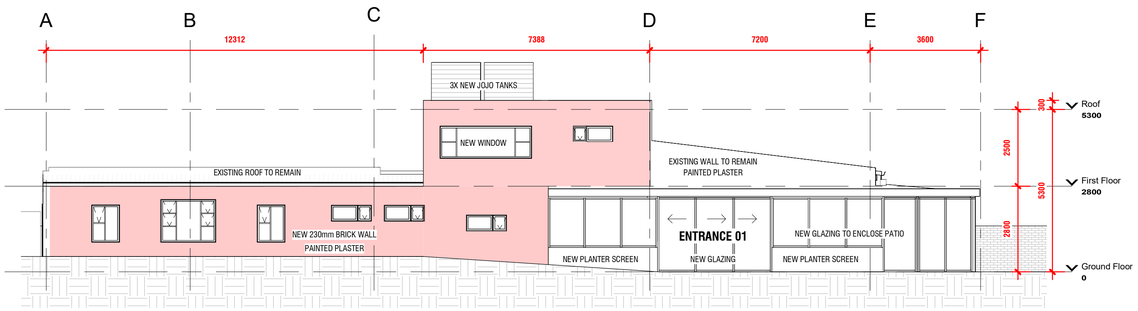
OWNER:

Tony De Gouveia

SUBMITTED BY:

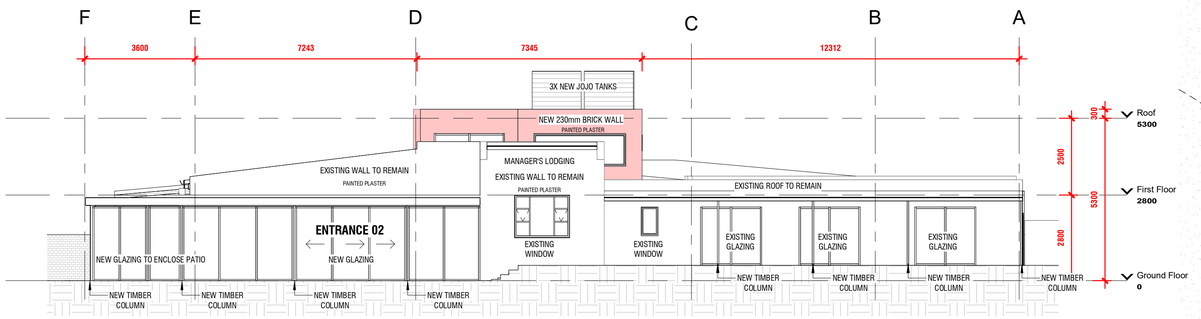
DRAWING DESCRIPTION:	*AUTHOR:*	*ENGINEER:*
Locality Plan, Site Plan, Elevations, & Schedule of Rights	**kdg**	

JOB NO:	*DRAWING NO:*	*SCALE:*	*DATE:*
0001	**T801**	**As indicated**	**2025.01.31**



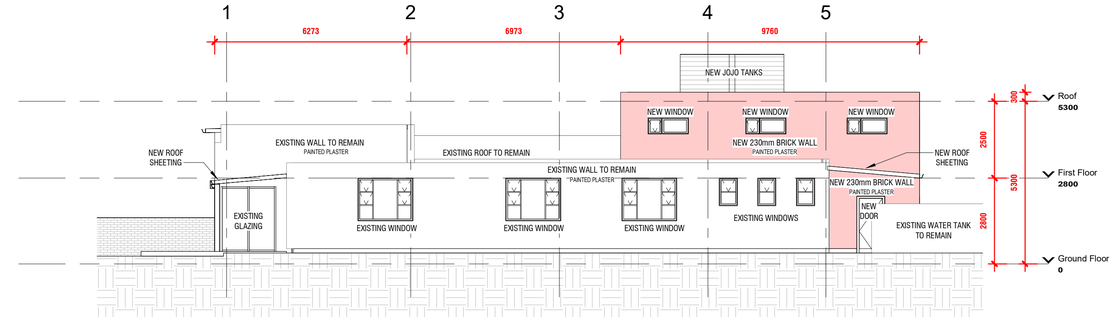
North Elevation

1 : 100



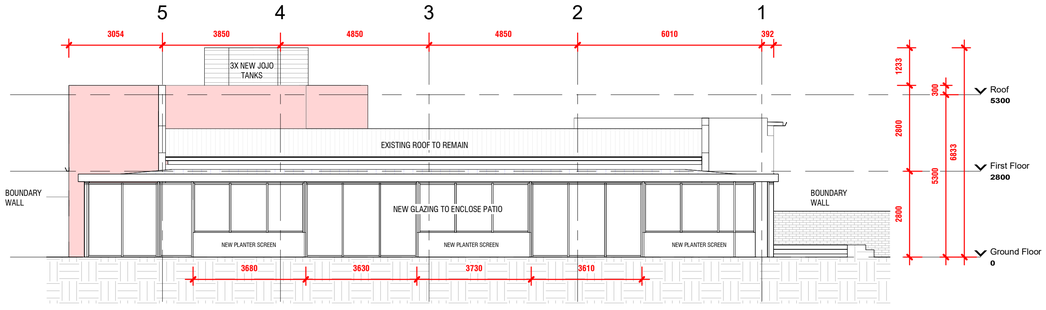
South Elevation

1 : 100



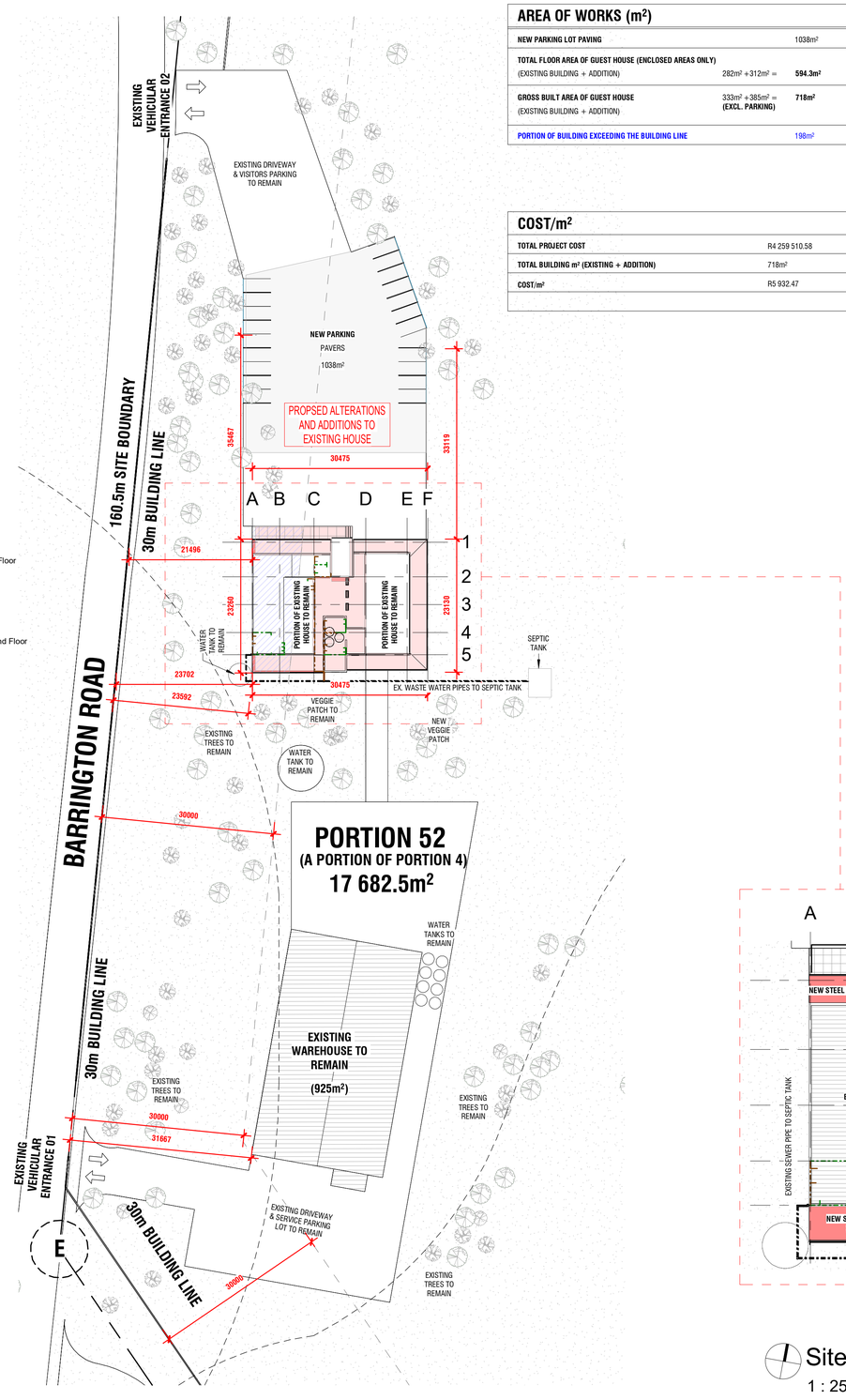
East Elevation

1 : 100



West Elevation

1 : 100



Site Plan

1 : 500

AREA OF WORKS (m²)

NEW PARKING LOT PAVING		1038m²
TOTAL FLOOR AREA OF GUEST HOUSE (ENCLOSED AREAS ONLY) (EXISTING BUILDING + ADDITION)	282m² +312m² =	594.3m²
GROSS BUILT AREA OF GUEST HOUSE (EXISTING BUILDING + ADDITION)	333m² +385m² = (EXCL. PARKING)	718m²
PORTION OF BUILDING EXCEEDING THE BUILDING LINE		198m²

COST/m²

TOTAL PROJECT COST	R4 259 510.58
TOTAL BUILDING m² (EXISTING + ADDITION)	718m²
COST/m²	R5 932.47



LOCALITY PLAN:

PORTION 52. BARRINGTON ROAD, KNYSNA

SCHEDULE OF RIGHTS

PROPERTY DESCRIPTION:

Erf / Portion:	Portion 52 (a Portion of Portion 4) of the farm Elands Kraal No 203
Township:	Knysna
Site Area:	4.2994 ha / 42994m²
Title Deed No:	T000022921/2023

ZONING INFORMATION:

Town Planning Scheme:	Knysna Zoning Scheme By-law (2020)
Use Zone VIII:	Agriculture Zone 1

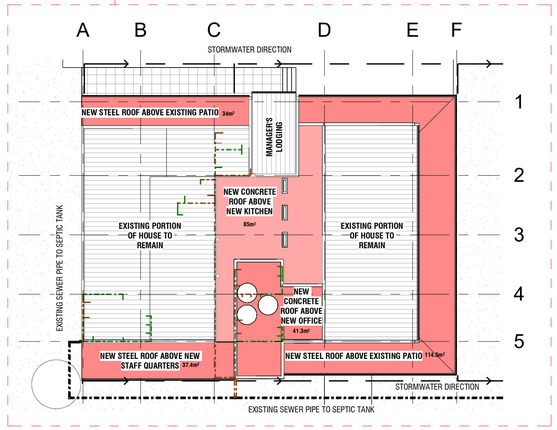
DEVELOPMENT CONTROL MEASURES: NEW GUEST HOUSE B&B / Guest House: The development parameters applicable to "dwelling house" apply per zoning scheme by-law

Permissible	Control	Actual
2 Storeys (8.5m above NGL)	Height of Buildings	2 storeys (5.6m meters above NGL)
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As per scheme	Floor Area	1 509.3m² (Guest House + Warehouse 594.3m² + 915m² = 1 509.3m²)
As per scheme	Floor Area Ratio	0.03
As per scheme	No Of Dwelling Units on Erf	1
Min 4.5m from the street. 2m from remaining site boundaries.	Building Line	**13m min from street**
PARKING (FOR NEW GUEST HOUSE)		
Parking Required for Guest Houses (Agriculture Zone I)		3 Parking bays per 4 Guest Bedrooms
Total Parking Bays Required		**3** parking bays
Total Parking Bays Provided		**20** parking bays
Surplus / Deficit No of Parking Bays		**17** parking bays

The information provided above is hereby certified to be correct and precise

NAME _____ SIGNATURE _____

DATE _____ NAME _____



Site Plan Close-Up

1 : 250

REV 04

FOR APPROVAL

ALTERATIONS & MINOR ADDITIONS

1. **GENERAL:**

1.1 THIS DRAWING IS NOT TO BE SCALED, USE FIGURED DIMENSIONS ONLY. ALL DIMENSIONS AND HEIGHTS TO BE CHEKED AND VERIFIED BEFORE ANY WORK COMMENCES ON SITE. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. ALL LEVELS, HEIGHTS OF PLINTHS, DEPTH OF EXCAVATIONS AND NUMBER OF STEPS TO BE FFINALLY CHECKED ON SITE.

1.2 THE SITE IS TO BE TREATED IN ACCORDANCE WITH S.A.B.S. CODE OF PRACTICE NO. 0124-1977 WITH 'SHELLDRITE' TERMITEPRUFE SOIL POISONER, OR SIMILAR APPROVED.

1.3 TOP OF FOUNDATIONS TO BE A MINIMUM OF 300mm BELOW NATURAL GROUND LEVEL.

1.4 BACK FILL TO FOUNDATIONS

1.5 TOP OF 85mm CONCRETE SURFACE BED TO BE A MINIMUM OF 150mm ABOVE FINISHED GROUND LEVEL.

1.6 85mm THICK CONCRETE SURFACE BED TO BE ON 'GUNPLAS' USB GREEN DAMP PROOF MEMBRANE ON SAND BLINDING ON WELL COMPACTED FILL.

1.7 'GRUNDLE' BRICK GRIP S.A.B.S. EMBOSSED D.P.C. 375 MIC, UNDER ALL WALLS, WINDOW SILL AND AT CHANGES IN FLOOR LEVELS.

1.8 STORM WATER SHALL BE REMOVED FROM DWELLING, YARD AND SITE.

1.9 ELECTRICAL INSTALLATION SHALL BE 'HEINEMANN' EARTH LEAKAGE SYSTEM IN DISTRIBUTION BOARD.

1.10 ALL BUILDING WORK TO BE CARRIED OUT IN ACCORDANCE WITH LOCAL AUTHORITIES BUILDING BY-LAWS AND REGULATIONS.

2. FOUNDATIONS:

2.1 ALL FOUNDATIONS, FOUNDATION WALLS, STRUCTURAL CONCRETE WORK AND SUB SOIL STORM WATER DRAINAGE TO CIVIL ENG.'S

2.2 ALL SOIL COMPACTION TO CIVIL ENGINEER'S SPECIFICATIONS.

2.3 250x600mm CONCRETE FOUNDATIONS FOR 220mm BRICK WALLS. UNLESS OTHERWISE SPECIFIED.

2.5 ALL REINFORCED FOUNDATIONS ARE TO BE AS PER ENGINEER'S

3. FLOORS:

3.1 MIN 25mm CEMENT SCREED 4:1 TO ALL FLOORS. UNLESS OTHERWISE SPECIFIED

3.2 76x19mm SKIRTING AND 19mm QUADRANT TO ALL FLOORS. U.O.S.

4. WALLS:

4.1 220mm BRICK WALLS WITH GUNDLE BRICK GRIP DEC..

4.2 BRICK FORCE EVERY 4 COURSES, AND EVERY COURSE FOR 4 COURSES OVER OPENINGS.

4.3 ALL BRICKWORK MIN. 7 Map CLASS II.

4.4 WINDOWS BUILT IN WITH GUNDLE BRICK GRIP DEC..

4.5 ALL PAINT WORK TO COMPLY WITH MANUFACTURER'S SPECIFICATIONS WITH NECESSARY UNDERCOATS AND TO BE TO APPROVAL.

5. ROOF:

ROOF PITCH AS INDICATED ON PLAN.

5.1 COLOMET CORRUGATED IRON ROOF SHEETING, AT PITCH SHOWN ON 75x75mm PURLINS AT 1000mm CC's ON PREFAB. TRUSSES TO MANUFACTURER'S SPECIFICATION ON 114x38mm WALL PLATE TIED DOWN WITH GALVANISED HOOP IRON TIES, TREADED THROUGH 4 COURSES OF BRICKWORK.

5.2 IBR ROOF SHEETING ON 76x50mm PURLINS AT 900mm C.C.'s ON 114x38mm RAFTERS AT 1200mm C.C.'s ON 114x38mm WALLPLATES TIE DOWN WITH HOOP IRON TIES BUILT INTO BRICKWORK. RHINO BOARD CEILING ON 38x38mm BRANDERING AND 75mm COVED CORNICE.

5.3 CONCRETE ROOF TILES ON 38x38m BATTENS AT 320 C.C.'s ON GUNDLE DAKSEEL 'YELLOW ROOF TILE UNDERLAY ON 114x38mm TRUSSES AT 700 C.C.'s WITH 152x38m KING POST ON 114x38mm WALL PLATE TIED DOWN WITH GALVANISED HOOP IRON, THREADED THROUGH 4 COURSES OF BRICKWORK.

5.4 50mm INSULATION BLANKET.

5.5 RHINOLITE CEILING BOARD ON 38x38mm BRANDERING AT 450 C.C.'s.

5.6 CONCRETE SLAB TO ENGINEER'S DETAIL.

5.7 WATERPROOFING BY SPECIALIST TO MANUFACTURER'S SPEC.

5.8 SKYLIGHTS TO MANUFACTURER'S SPEC.

7. DRAINAGE NOTES:

7.1 100 DIA. U.P.V.C. SEWER PIPE DRAIN WITH A MIN. FALL OF 1:60

7.2 RODDING EYES AT HEAD OF DRAIN, AT ALL CHANGES OF DIRECTION AND AT MAX. OF 25 000mm INTERVALS.

7.4 INSPECTION EYES AT ALL JUNCTIONS OF DRAIN, AND TO HAVE MARKED COVERS AT GROUND LEVEL.

7.5 DRAIN PIPE UNDER BUILDING TO BE PROTECTED AGAINST LOAD

7.6 ALL WASTE PIPES TO HAVE 65mm RESEAL TRAPS, ALL WASTE PIPES TO BE ACCESSIBLE OVER ENTIRE LENGTH FOR CLEANING AND REPAIRS.

7.7 ALL WASTE PIPES UNDER FLOOR SLAB TO BE SLEEVED.

7.8 ALL SOIL FITTINGS WITH VERTICAL DISCHARGE GREATER THAN 1220 TO HAVE ANTIDYPHON VENTPIPES.

7.9 ALL DRAINAGE WORK TO BE CARRIED OUT IN ACCORDANCE WITH LOCAL AUTHORITIES DRAINAGE BY-LAWS AND REGULATIONS.

8. STAIRS:

8.1 INSITU CONCRETE STAIRS - TO ENGINEER'S DETAIL. TREADS @ MIN 250mm AND RISERS @ MAX 200mm.

8.2 HANDRAIL MIN 1000mm HIGH.

8.3 PASSAGE OF A 100mm DIAMETER BALL.

9. GLAZING NOTES:

9.1 ALL GLAZED SECTIONS TO BE IN ACCORDANCE WITH SECTION 'N' OF THE NATIONAL BUILDING REGULATIONS AND SABS-0137

* Nominal Thickness of glass	* Max size of Glass
3mm	0.75 sqm
4mm	1.50 sqm
5mm	2.10 sqm
6mm	3.20 sqm

10. ALTERATIONS AND ADDITIONS:

10.1 ALL WORK / FINISHES / ROOF PITCH TO MATCH EXISTING. ANY DISCREPANCIES TO BE CONFIRMED PRIOR TO COMMNCEMENT OF WORKS.

THIS DRAWING REMAINS THE PROPERTY OF **LOCAL STUDIO (Pty) Ltd**

REVISIONS:

REV:	DESCRIPTION:	DATE:

PROJECT TITLE:

Alterations and Additions

OWNER'S SIGNATURE: *DATE:*

OWNER:

Tony De Gouveia

SUBMITTED BY:

DRAWING DESCRIPTION:	*AUTHOR:*	*ENGINEER:*
Locality Plan, Site Plan, Elevations, & Schedule of Rights	**kdg**	

JOB NO:	*DRAWING NO:*	*SCALE:*	*DATE:*
0001	**T801**	**As indicated**	**2025.01.28**