

PROPERTY DESCRIPTION

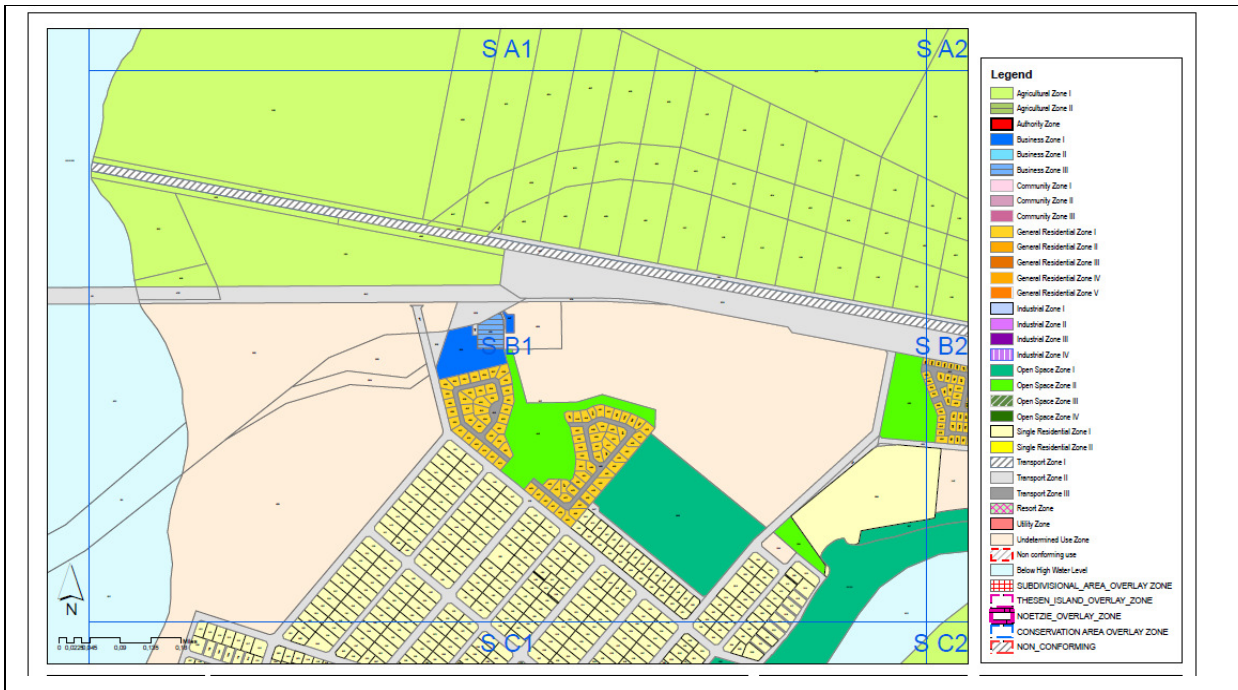
TITLE DEED	
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Title Deed Nr	T 19380 / 2019
Owner	Rodney Nel Management Services Proprietary Limited
Title deed Restrictions	Condition C relates to a right of way servitude in favour of the property, over an original Portion 1 of the property. The servitude is registered over Erf 3108 Sedgefield (See Diagram 7111/2019) and has no impact on this portion of the Remainder.

	Condition D relates to a right of way servitude in favour of the property over Portion 82 of farm 205. The servitude is registered over Portion 82 Sedgefield (See Diagram 8144/1954) and has no impact on this portion of the Remainder.
	Condition E relates to a right of way servitude in favour of the property over original Portion 84 of farm 205. The servitude is registered over Erf 1638 Sedgefield (See Diagram 8145/1954) and has no impact on this portion of the Remainder.
	Condition F relates to a right of way servitude in favour of the property over original Portion 85 of farm 205. The servitude is registered over Erf 1652 Sedgefield (See Diagram 5770/1955) and has no impact on this portion of the Remainder.
	Condition J.1 states that the land may not be developed without the written approval of the National Transport Commission. Today the relevant authority is SANRAL and the necessary approvals will have to be obtained from them. Condition J.2 stipulates a building line of 60m from the national road reserve boundary, except with the approval of the Roads Authority.
	Condition K relates to a pipeline and borehole servitude over Erf 4306 in favour of the property.
	Condition L refers to an expropriation notice in terms of the National Roads act measuring 3010m ² which does not affect this development portion
Bond	None
Land use	Vacant
Existing Zoning	Undetermined according to Knysna Zoning Scheme Bylaw 2020

ZONING: UNDETERMINED ZONE

Primary Use:	Existing Buildings	Consent Use
The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality.		None



KNYSNA SPATIAL DEVELOPMENT FRAMEWORK 2020

URBAN EDGE

The property is outside the Urban Edge for Sedgfield. It should however be noted that the property was included all the preceding urban edges which include the previously approved 2008 SDF, the Draft 2016 ISDF, and the approved 2017 SDF. Further more in 1988 the Kbynsna Wilderness Plettenberg Bay Guide plan was amended from "Agriculture" to "Township Development".

This property was for the first time excluded from the Urban edge in the 2020 SDF, without any consultation with the landowner or any explanation of the reason for the exclusion.

Section 11 (2) b of the Western Cape Land Use Planning Act (act 3 of 2013) LUPA states that an SDF must promote predictability in the utilisation of land. Likewise, Section 12. (1) (l) of SPLUMA also states that SDF's must "*promote a rational and predictable land development environment to create trust and to stimulate investment*".

This KSDF2020 does not meet the legal requirement of consistency and predictability and the urban edge is therefore contested.

The SDF identifies Sedgfield as a consolidated coastal centre, where compact urban form rather than outward expansion is proposed. Subsequently, the urban edge is used as a growth management tool and has been shrunk to fit snugly around the existing development footprint of the town, leaving no opportunity for greenfield development.

On the other hand, the SDF confirms that natural population growth coupled with smaller

household sizes and the ongoing trend of urbanisation increases pressure on space for accommodation. The document also acknowledged that Sedgefield has very limited expansion options due to the surrounding topography and natural features.

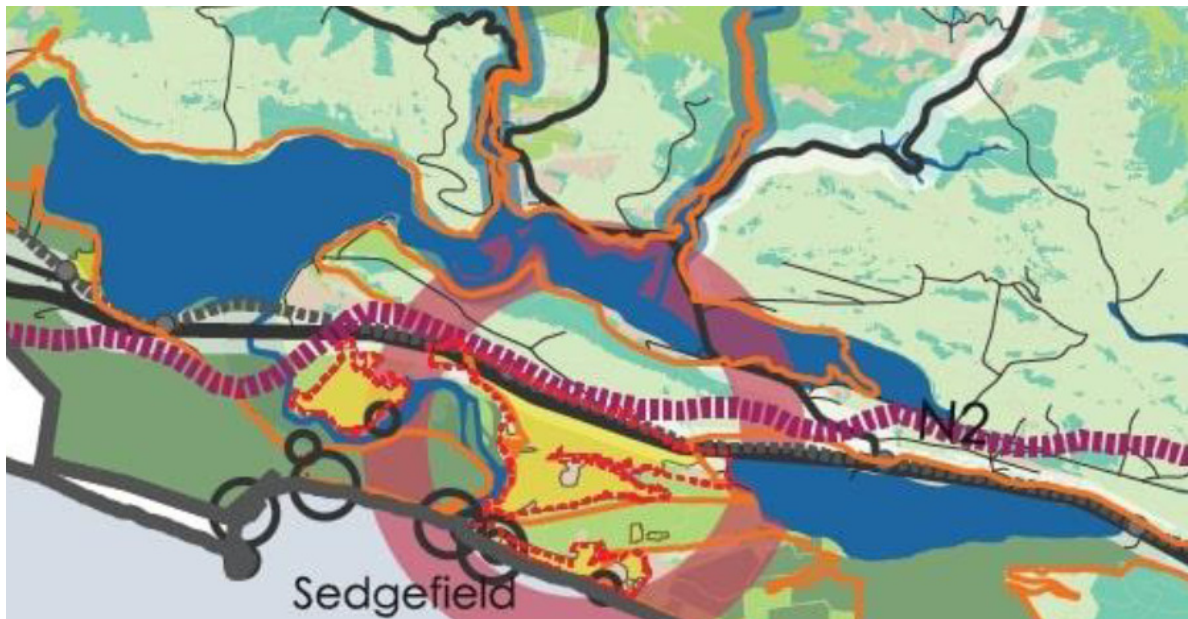
While the SDF thus acknowledges the spatial and economic need for residential and commercial development, in contrast, the urban edge has been reduced, relying solely on small-scale densification to absorb the expected growth. The principle of densification is not frowned upon as such but is not always achievable, especially not in a small town like Sedgefield where the low-key character is protected and intensification and densification within existing residential areas are fiercely opposed.

This property is situated between two residential areas to the east and the west, the N2 to the north and Dr. Malan Drive to the south. It effectively represents vacant urban land within the physical and functional urban footprint of Sedgefield. The development of this land will contribute to the consolidated form of Sedgefield and will not lead to urban sprawl or leapfrog development.

It is assumed the property has been excluded because of the designation of the area as a CBA area. Both the KSDF and the WCBSP however advocate for "ground-truthing" of this data set. Recent Biodiversity Sensitivity Study and an Aquatic Study indicated that the site can be developed subject to certain restraints which will be accommodated in the layout.



LAND USE DESIGNATION	The land use designation is unclear on the map provided.
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ENVIRONMENTAL CONSIDERATION

CBA Area	Most of the site is earmarked as a Critical Biodiversity Area, except for the western portion. The sensitivity of the site needs to be ground-proofed. Initial Biodiversity and Environmental Sensitivity Report and Aquatic Report suggest that only the eastern section of the site is vulnerable.
Ecosystem Threat Status 2016	Vulnerable
Conservation Status	None
Proximity high watermark or river	River
Estuary Functional Zone	The EFZ is delimited by the 5 m topographical contour surrounding an estuary. The property is situated within the EFZ

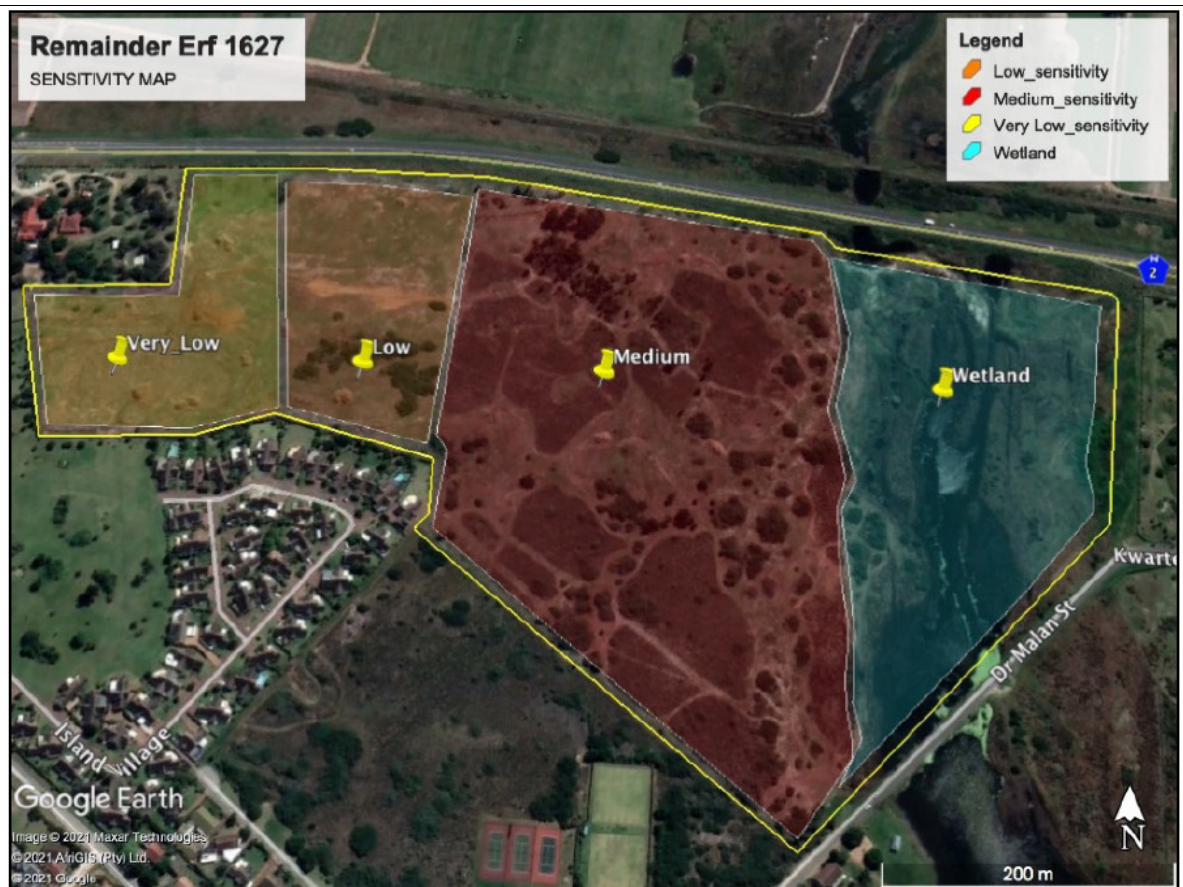


VEGETATION

DRAFT Terrestrial Biodiversity Environmental Sensitivity Report
Prepared By Benjamin Walton For Cape Vegetation Surveys 2021

The property was subject to Agricultural practices since 1936 (according to photographic evidence) and was completely cleared of natural vegetation. Since the late 1980's, it has been unattended and as a result, the property became heavily infested with invasive alien species. The new owner has recently removed the aliens, but the receiving environment remains transformed.

The figure below shows the delineated sensitivity map of the property. The western extent has a very low terrestrial biodiversity sensitivity according to the draft study. An area east of that has a low terrestrial biodiversity sensitivity with some bush clumps and flowering bulbous plants. Most of the property has a medium terrestrial biodiversity sensitivity containing bush clumps and Dune Fynbos elements. The eastern extent is the Perdespruit area and is deemed to be a sensitive area and Wetland.



WETLAND DELINEATION

Aquatic assessment by Dr. Jackie Dabrowski of Confluent Environmental 2021

The study delineates the wetland and proposes a 30m buffer. The study also confirms the general east-west gradient of sensitivity which was reported on in the Biodiversity Study. The study provides some management proposals that will mitigate the impact on the Perdespruit.

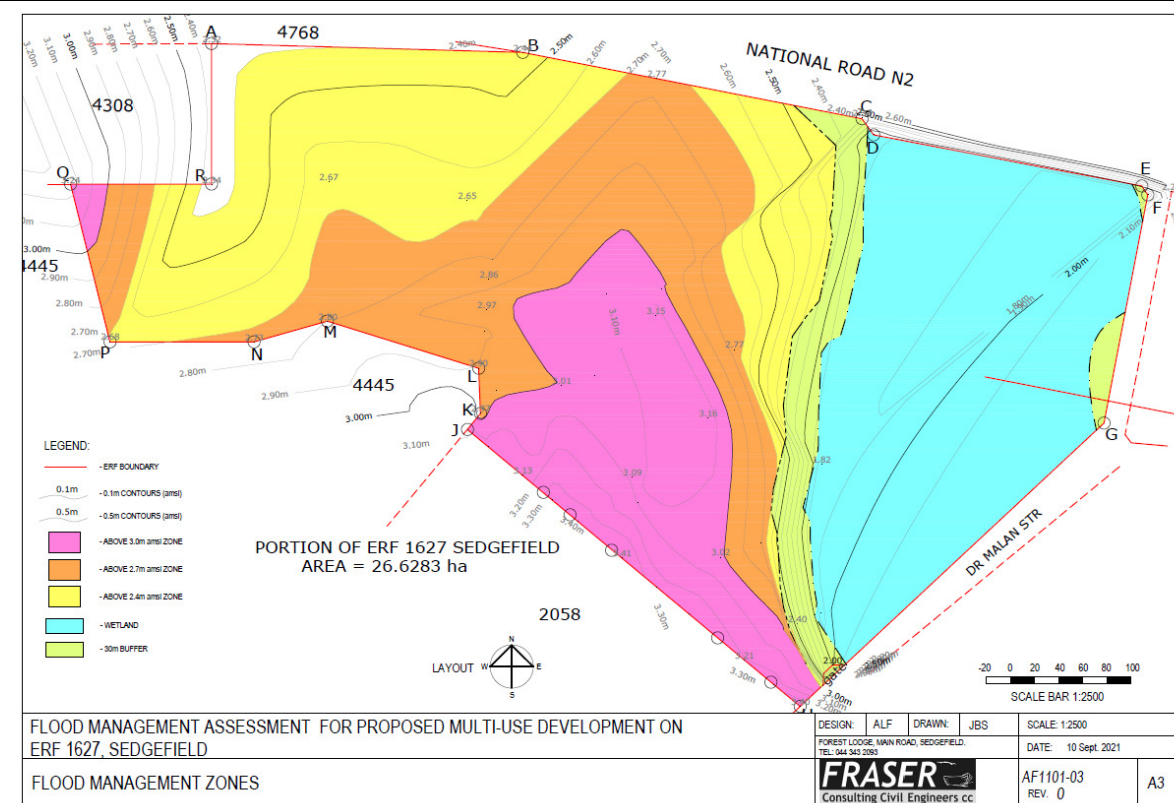


TOPOGRAPHY

The property has an even gradient with the highest lying area more or less in the centre of the site, from where it gently slopes in an eastern direction toward the Perdespruit, in a northern direction towards the N2, and a western direction towards the adjacent Scarab Market. In terms of gradient, the entire site can be developed.

The site is low-lying, situated between 2,4m and 3,5m above msl and has been subject to infrequent flooding in the past when river floods coincide with periods when the estuary mouth is closed. Since 2010, the Management Plan for the Garden Route National Park has recommended that for hydrological, ecological, and social reasons Swartvlei Estuary mouth be artificially breached at 2.0 m amsl. Since then, no flooding of any adjacent areas occurred.

The contour plan below shows that only a portion of the site is situated above the 3m above MSL. Recommendations from the flood line study and engineers will be required to finalise the layout. Portions of the site will require filling, as per recommendations from the flood line study.



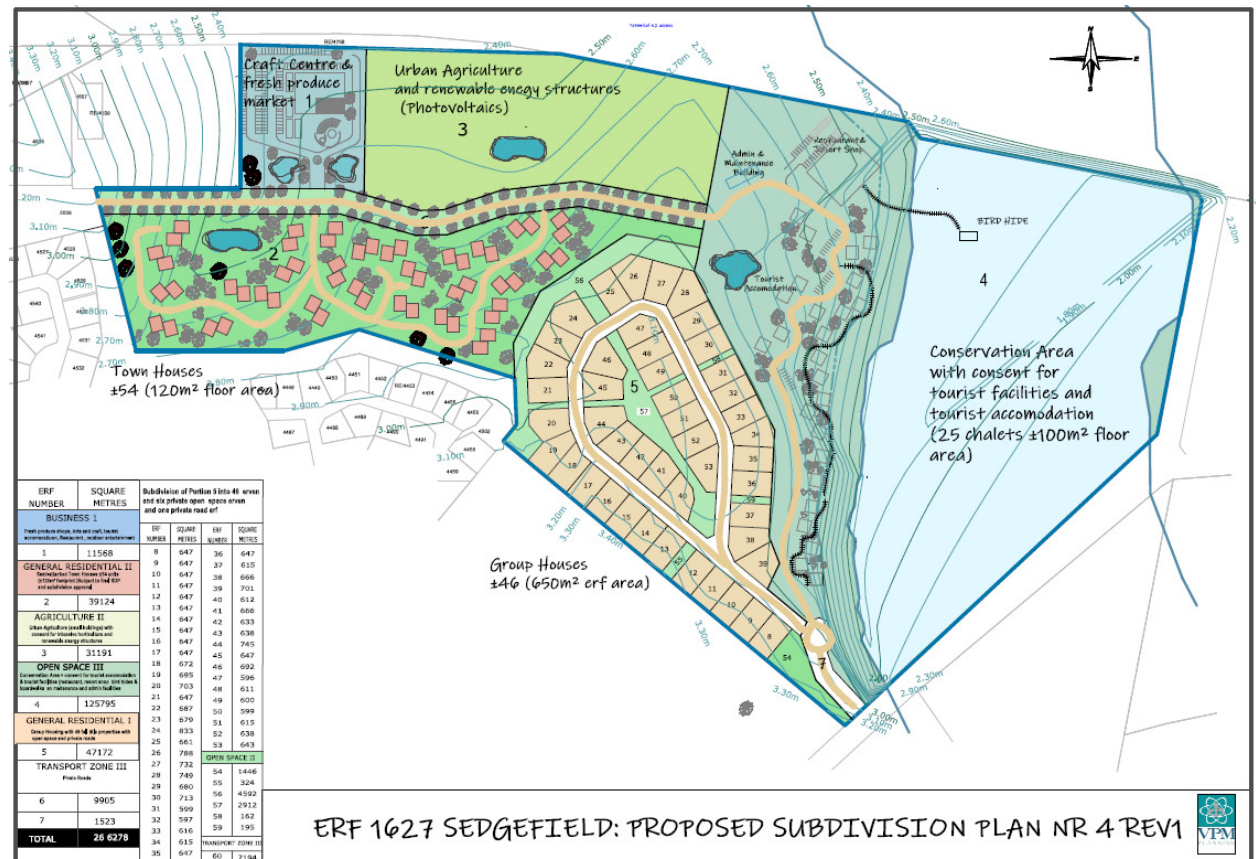
PROPOSAL

The proposed development concept comprises a mixture of land uses that shows that conserving nature while providing, housing, jobs, food, and energy for a growing human population is possible. The development concept was derived from Sedgefield's character as a place of conscious living, mindfulness, and being in sync with nature. The fundamental idea is that peoples' interaction with their environment should create a sense of well-being.

The layout has been informed by the special site characteristic that has been identified during the initial site assessment phase. The biophysical element that shaped the layout includes the wetland on the eastern portion of the land and the 30m buffer to the west. The low-lying topography of the land was also a consideration. The footprint of the conventional urban development is limited to the 3m height contour where other more flexible land uses are proposed on the rest of the site.

Access to the Group Housing site and the Resort will be from Dr. Malan Drive in the south. The townhouses, commercial area, and Agricultural area will gain access from a road over Erf 5008 that is currently zoned for "Business 1" purposes. Erf 5008 will be subdivided and rezoned accordingly as part of a separate town planning application. Erf 5008 belongs to the same owner as Erf 1627.

Engineering Services have not been investigated yet and confirmation of bulk services will be required.



Conservation and tourism - Portion 4

The largest portion of the property, measuring about 12.5ha (almost 50% of the site) will be reserved for conservation purposes. This portion of land comprises the Perdespruit wetland, as delineated in the Aquatic Report, as well as a further 30m buffer area. Beyond the buffer area, an eco-resort is planned. Approximate 25 holiday units of 100m² footprints are proposed. The design of the units will be modern and will completely blend in with the surroundings. The units will be on stilts to ensure suitable floor levels and will be connected via boardwalks, as recommended in the Aquatic Study. Dedicated parking areas for the guest will be in placed in the least sensitive areas. The only development that is proposed in the wetland or buffer area is the creation of habitat for birds and the construction of a modest wooden boardwalk for walking or cycling which could incorporate a bird hide and interpretive information boards about the Perdespruit and estuarine habitat.

The design of the resort section is only conceptual at this stage and if the concept is approved, a more detailed design will follow, advised by the input and recommendations of the environmental authorisation process. The final positioning of the units will occur on-site with assistance from the various specialist and GPS equipment. A detailed site development plan will be submitted for final approval. The areas surrounding the cabins will be rehabilitated to natural fynbos and wetland vegetation. The resort component will also include other tourist facilities such as a small public restaurant, resort shop, maintenance facilities, and a bird hide.

The inclusion of a tourism component is important for the conservation outcome as it plays an essential role in providing funding for ongoing maintenance and rehabilitation of the wetland. It will also create a new tourist attraction that will have a positive impact on the local economy.



PROPOSED ZONING: OPEN SPACE III The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (no statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone	
PRIMARY USE: NATURE CONSERVATION	CONSENT USES
Land use description: “nature conservation area” means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, including the fauna and flora, but does not include tourist facilities, tourist accommodation or agriculture. Development parameters: The following development parameters apply: (a) The Municipality may require an environmental management plan to be submitted for its approval; (b) The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan (c) One dwelling house is allowed if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III; (d) When a consent use to provide tourist facilities or tourist accommodation in a “nature conservation area” is approved, it is subject to conditions imposed by the Municipality with regard to layout, landscaping and building design. (e) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.	Tourist accommodation : Land use description: a harmoniously designed and built holiday development, used for holiday or recreational purposes, whether in private or public ownership, that: (a) consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only; (b) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads; and (c) does not include a hotel, guest lodge or wellness centre. Tourist facilities Land Use Description: Amenities for tourists or visitors and: (a) includes lecture rooms, restaurants, gift shops, restrooms, farmers’ market and recreational facilities; and (b) does not include an off-road trail, a hotel, wellness centre; or tourist accommodation

Agrivoltaics – Portion 3

Agrivoltaics is an exciting land-use option that combines the production of photovoltaic and other renewable energy and agricultural crops on the same area. Coexistence of solar panels and crops involves light sharing so that panels placed above part of the crop generate shade and create a microclimate over the growing area. A portion of land measuring about 3ha has been earmarked for Agrivoltaics purposes. This section is low-lying and adjacent to the N2. Height is not a major concern for this land use.



PROPOSED ZONING: AGRICULTURE II :

The objective of this zone is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permitted within an acknowledged, demarcated urban area.

Agriculture 1 zoning would be more appropriate in terms of land use, but due to the small size of the property, the Agriculture II option is more suitable.

PRIMARY USE: SMALLHOLDING

Land use description: an extensive landholding, including a dwelling house that is primarily a place of residence on which small-scale agricultural activities may take place.

Development parameters:

Development parameters applicable to “agriculture” apply, except that the following building lines apply:

- (a) 20 metres from any boundary in respect of properties smaller than 4 hectares;

AN APPLICATION FOR A DEPARTURE MAY BE REQUIRED

PROPOSED CONSENT USES

Intensive horticulture: means the culture of plants on an intensive scale, including:

- (a) the culture of plants under a roof or in greenhouses; and
- (b) the sale of self-produced plants on a property.

Renewable energy structure

- (a) means any wind turbine, solar energy generating apparatus, including solar photovoltaic and concentrated solar thermal, hydro turbines or biomass facility or any grouping thereof, that captures and converts wind, solar radiation or biomass into energy for commercial gain; and

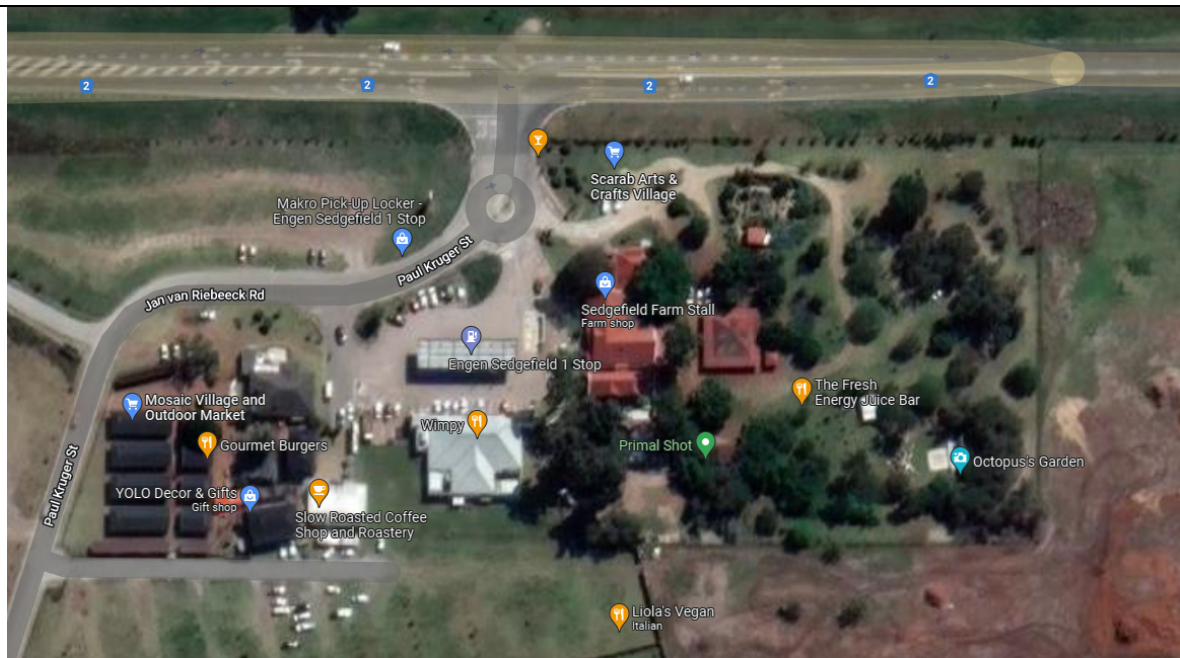
Agrivoltaics

(b) includes any appurtenant structure necessary for, or directly associated with, generation of renewable energy, or any test facility or structure that may lead to the generation of energy on a commercial basis, excluding electrical grid connections

Commercial

A portion of about 1ha, between the agricultural property and the Scarab Arts and Craft Village, is proposed for a Craft centre and organic market that will support the retail and processing of the agricultural produce and will also provide an opportunity where local artisans can display their produce. It may also include a restaurant where the local fresh produce can be enjoyed. There may also be a requirement for an educational facility. The exact layout of this property is still to be designed in more detail, once the concept has been accepted. Commercial floor area will be approximately 2000m³. This area is situated at about 2.5m above natural ground level and the floor area of the building can be raised by 1m to comply with recommendations of the flood line study. A large portion of the site will be used for parking and gardens.

This land-use also ties in with the adjacent secondary commercial node consisting of the Wild Oats Market, Scarab Market, Mosaic Village, and the Engine Garage complex.



Commercial

PROPOSED ZONING: BUSINESS ZONE 1 The objective of this zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth. This zone refers mainly to business activity in the central business district. Although this property is not in the CBD it is adjacent to a secondary commercial node.		
PRIMARY USE: BUSINESS PREMISES	CONSENT USE: None required	
"Land use description: "business premises" means a property from which business is conducted and: (a) includes a shop, supermarket, restaurant, sale of alcoholic beverages, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, institution, place of instruction, hotel, hospital, conference facility, indoor sport and recreation centre, and multiple parking garage; (b) includes also the following land uses above ground floor: (i) flats; (ii) caretaker's quarters; (iii) backpackers' lodge; (iv) youth hostel; (v) boarding houses; (vi) rooftop base telecommunication station and (c) does not include a gambling place, place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.		
Group housing		
An area measuring about 4,7ha is situated above the 3m MSL and is suitable for conventional residential development. A group housing site consisting of 46 Group housing units with communal open space and private roads is proposed. These units will be freehold and will be subject to a Homeowners Association and Design Guidelines. The proposed open space allows for a buffer of about 10m around and through the security estate with smaller strips of open spaces connecting the estate with surrounding open areas. These areas will be landscaped with dense indigenous vegetation consisting of small trees and low shrubbery to provide habitat for small mammals and tortoises that can be 'channeled' along with these linear features. Strategic gaps in the fence will further facilitate the dispersal of wildlife through development. The density is approximately 10 units per ha with average erf sizes of 660m ² which is similar to the adjacent Island Village. The layout complies with the development parameters stipulated in the Knysna Zoning Scheme By-law.		Group housing

PROPOSED ZONING: GENERAL RESIDENTIAL I

The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces.

PRIMARY USE: GROUPOUSING**CONSENT USE: NONE REQUIRED**

Land use description: "group housing" and "group housing scheme" means a group of separate or linked dwelling units where:

- (a) every dwelling unit has a ground floor;
- (b) the units may be cadastrally subdivided;
- (c) the units are planned, designed and built as a harmonious architectural entity in an ordered way; and
- (d) the units are integrated with communal private open spaces, private roads and parking.

Development parameters:**(a) Design principles**

All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping.

(b) Density

The maximum gross density on a group housing site is 35 dwelling units per hectare.

(c) Height

i) The height of dwelling units may not exceed 8,5 metres.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) Open space

Within a group housing site, outdoor space of at least 50 m² per dwelling unit must be provided and the outdoor space may include private or communal open space or any functional outdoor space that is inaccessible to motor vehicles, and excludes service yards.

e) Building lines along the perimeter of a group housing site

(i) a street boundary building line of 5 metres applies where the group housing site abuts an external public street;

(ii) side and rear boundary building lines are 3 metres along the perimeter of the group housing site; and

(ii) the general building line encroachments in this By-law apply

(f) Building lines within a group housing site (i) street boundary building lines on internal roads are 0 metres; provided that any garage door facing the road must be set back at least 5 metres from the kerb of such internal road; and (ii) side and rear boundary building lines within the group housing site are 0 metres, unless the Municipality requires a building line for fire-fighting purposes, in which case the common boundary building lines must be determined by the Municipality. (g) Parking and access (i) Parking and access must be provided in accordance with the requirements of this Bylaw. (ii) Parking may be provided in the form of communal parking. (h) Site development plan A site development plan of the proposed group housing scheme must be submitted to the Municipality for its approval, and, if approved, the development of the group housing site must be in accordance with the approved site development plan. (i) Service yard Service yard(s) must be provided on the land unit in accordance with this By-law. (j) Refuse room A refuse room must be provided on the land unit in accordance with this By-law.	
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Townhouses

The proposed townhouse property consists of smaller footprints placed in a garden setting with ponds and natural greenery and communal facilities. The detail of the designs will be done at a later stage when the concept has been approved and more detail is available from the flood line study. This area is low-lying and will require infill where units and services are planned. The density is approximately 14 units per ha. .	
PROPOSED ZONING: GENERAL RESIDENTIAL II The objective of this zone is to encourage residential development of a greater density than for General Residential Zone I, while retaining the emphasis on design coordination and a modest scale in terms of height. This zone has preferred location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities. Town housing may be located in and around central business areas, near high-density nodes, and along activity corridors.	
PRIMARY USE: TOWNHOUSES	CONSENT USE: NONE REQUIRED
Land use description: “town housing” means a row or group of linked or attached dwelling units, planned, designed and built as a harmonious architectural entity where every dwelling unit has a ground floor and dwelling units may be cadastrally subdivided.	

Townhouses

Development parameters:

The development parameters of "*group housing*" apply, provided that:

(a) Density

The maximum gross density on a town housing site is 60 dwelling units per hectare.

(b) Open space

The open space requirements for group housing do not apply to town housing.

(c) Coverage

The maximum coverage for all buildings on a land unit is 60%.