



environment, forestry
& fisheries

Department: Environment, Forestry
and Fisheries
REPUBLIC OF SOUTH AFRICA

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APPEAL RESPONSE REPORT

PROJECT NAME/TITLE: Proposed development of a primary dwelling, three self-contained accommodation units, staff accommodation, equipment shed, access road, parking and pedestrian infrastructure.

PROJECT LOCATION: Portion 79 of Farm 205, Ruygte Valley, Sedgefield, Knysna Local Municipality, Western Cape.

PROJECT REFERENCE NUMBER: 14/12/16/3/3/1/3235

DATE PROJECT/ACTIVITY AUTHORISED: 11 August 2026

DATE NOTIFIED OF DECISION: 17 August 2026

DETAILS OF THE APPELLANT	DETAILS OF THE APPLICANT
Name of appellant: Daniel Sevenster and Partners Inc.	Name of appellant: Daniel Sevenster and Partners Inc.
Appellant's representative (if applicable): Mr Daniel Sevenster	Appellant's representative (if applicable): Mr Daniel Sevenster
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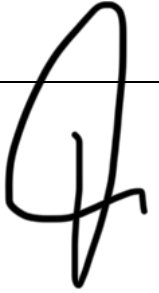


GROUNDS OF APPEAL	RESPONDING STATEMENT BY THE APPLICANT	COMMENTS BY THE DEPARTMENT
Ground 1 The refusal record is contaminated by unrelated project information The refusal includes a purported Listing Notice 3 Item 14 activity involving a new intake structure within a river and a cement access road, water-meter chamber, drywell and rising main within 32 metres of the Moordkuil River (Refusal PDF pages 8 and 23). None of those works, structures or locations forms part of the applicant's proposal. The Final BAR describes an off-grid residential development on an elevated coastal dune property. Water supply is to be obtained through rainwater harvesting and one or more boreholes. The unrelated river-infrastructure wording is not a minor typographical error: it appears in the formal schedule of activities refused and therefore demonstrates that material from another application entered the decision record. The refusal also states that the application form was received on 13 November 2026 (Refusal PDF page 12), although the refusal was signed on 11 August 2026. It repeatedly calls the property Farm Ruygte Valley No. 25 while its own location table records Farm 205. These internal contradictions undermine confidence that the correct and complete administrative record was considered. Requested finding on this ground: The appeal authority should find that the decision was	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures. The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or interested and affected parties is reserved.	

materially affected by irrelevant considerations and an unreliable administrative record, and should disregard all Moordkuil and unrelated infrastructure material.		
Ground 2 The refusal assesses the wrong road and building configuration The refusal describes an internal road 830 metres long with a 2.5 metre road surface and a disturbed construction width of 4 to 5.5 metres (Refusal PDF pages 7 and 22). It also refers to a farm manager's house in Knysna Sand Fynbos (pages 7 and 22). The Final BAR instead describes the final preferred access road as approximately 220 metres long and 3 metres wide and the development as a main dwelling, three self-contained units, staff accommodation, equipment shed, parking and boardwalk infrastructure (Final BAR PDF pages 5 to 6, 24 to 25, 83 to 85 and 152 to 153). The refusal therefore materially overstates road length, vegetation disturbance, fragmentation and visual scarring and applies a different building description. Requested finding on this ground: The physical impacts must be reassessed using only the final preferred SDP, the approximately 220 metre road and the approximately 1,375 square metre total footprint.	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures. The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or interested and affected parties is reserved.	
Ground 3 The preferred alternative was expressly identified and comparatively assessed	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures.	

The Final BAR does not leave the selected layout uncertain. It compares an updated Preferred Alternative, the Previous Constraints Layout and the No-Go Alternative at pages 79 to 92. It explains that the layout was amended to avoid the D7 structurally weak zone, improve coastal and geotechnical risk avoidance and increase visual containment. It identifies the preferred alternative as the Best Practicable Environmental Option at pages 92 and 183. The Final BAR then conducts a separate impact assessment for the preferred alternative at pages 152 to 166, the earlier layout at pages 167 to 181 and No-Go at pages 182 to 183. The refusal does not perform a like-for-like evaluation of the final preferred layout and instead imports dimensions and criticisms associated with earlier or unrelated configurations. Requested finding on this ground: The appeal authority should determine the appeal against the expressly identified preferred alternative and find that the refusal failed to consider a material part of the Final BAR.	The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or interested and affected parties is reserved.	
Ground 4 The visual findings rely on an incorrect or superseded assessment premise The refusal relies on the 2024 Visual Resource Management report's fatal-flaw language concerning the then current layout, a straight road and garage or workshop placement (Refusal PDF page 17). It then concludes that the visual opinions remain unresolved (pages 18 to 19).	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures. The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or	

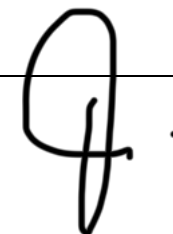
The Final BAR explains at pages 135 to 141 that the earlier assessment considered an incorrect or superseded project site or layout and identifies the site-specific visual input applicable to the preferred layout. It further assesses the visual effects of the preferred alternative at pages 159 to 160 and compares the previous layout separately. The refusal was required to decide whether the assumptions underlying the earlier fatal-flaw conclusion remained applicable after the site and layout corrections; it did not do so. The applicant accepts that visual sensitivity requires binding controls. The preferred layout, building height and materials, low-level motion-activated lighting, vegetation retention and rehabilitation measures can be imposed as conditions of authorisation. Requested finding on this ground: The earlier fatal-flaw conclusion should not be applied to the amended preferred layout without a reasoned determination of its factual applicability. If necessary, an independent visual expert or site inspection should be commissioned on appeal.	interested and affected parties is reserved.	
Ground 5 The refusal materially mischaracterises biodiversity and vegetation The refusal treats the northern property as critically endangered Knysna Sand Fynbos, the southern area as Goukamma Dune Thicket, and states that the entire property has CBA status without explaining category, condition or	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures. The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or	

footprint placement (Refusal PDF pages 7 and 22). The Final BAR uses the Western Cape Biodiversity Spatial Plan 2025 and distinguishes northern CBA1 Maintain, including Western Cape Milkwood Forest, from southern degraded CBA2 Restore that is heavily invaded by Acacia cyclops. It identifies the principal mapped vegetation as Goukamma Strandveld, classified as Vulnerable, and places the preferred footprint in degraded CBA2 while treating CBA1 and Milkwood Forest as no-go areas (Final BAR PDF pages 5, 12 to 14, 23 to 25, 113 to 121 and 145 to 146). The refusal's statement that more than one hectare of indigenous vegetation may be removed is also incompatible with the approximately 1,375 square metre total footprint, which includes buildings, road, parking and boardwalks. The entire footprint is approximately 0.1375 hectare. Requested finding on this ground: Biodiversity impacts should be determined from the current specialist mapping, the actual footprint and enforceable CBA1 and Milkwood no-go conditions.	interested and affected parties is reserved.	
Ground 6 Relevant mitigation and risk avoidance were not meaningfully weighed The Final BAR includes footprint restriction, ECO supervision, no-go demarcation, a pre-construction ecological walk-through, search and rescue, rehabilitation with indigenous Goukamma Strandveld species, alien	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures. The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or	

vegetation management, protected-tree permitting, low-level lighting, sustainable stormwater measures, septic safeguards and detailed geotechnical design and certification (Final BAR PDF pages 145 to 166 and 190 to 192). The preferred footprint was repositioned to avoid D7 and mapped higher erosion, flooding and instability areas. The refusal's conclusion that there was no sufficient reliable basis for favourable discretion does not explain why these measures could not be imposed or strengthened as conditions. Requested finding on this ground: The appeal authority should weigh the mitigation hierarchy against the correct preferred layout and, if authorisation is granted, make the controls binding conditions.	interested and affected parties is reserved.	
Ground 7 The listed activity errors are correctable and do not justify reliance on unrelated activities The applicant acknowledges that the Final BAR incorrectly attributes the quoted coastal Activity 17 provision to Listing Notice 3 and incorrectly refers to Activity 19A as a Listing Notice 3 activity. The refusal correctly identifies those notice-label errors at pages 24 to 25. The applicant does not seek to defend incorrect statutory labels. A corrected listed-activity schedule should accompany the prescribed appeal form and identify the correct Listing Notice, item, threshold and project component. These correctable citation errors must, however, be distinguished from the refusal's inclusion of a wholly unrelated Moordkuil River intake activity	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures. The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or interested and affected parties is reserved.	



and from its use of superseded project dimensions. The physical project, coastal location and triggering circumstances were described in the Final BAR. The authority could have sought focused clarification or required correction rather than deciding the merits by reference to works that are not proposed. Requested finding on this ground: The appeal authority should accept the corrected activity schedule or remit this limited issue for correction, without confirming a refusal founded on unrelated project material.		
Ground 8 The specialist protocol concerns should be resolved proportionately The refusal alleges that the Animal Species and Aquatic Biodiversity themes lack standalone protocol-compliant assessments or compliance statements and that the Site Sensitivity Verification Report does not meet all minimum requirements (Refusal PDF pages 13 to 20). These allegations are distinct from the obvious copy-paste errors and should be addressed on their own evidence. The Final BAR contains habitat-based terrestrial evidence, site sensitivity discussions, coastal, runoff and groundwater assessment, and extensive mitigation. The applicant requests that the appeal administrator identify any remaining protocol element precisely and permit the applicant to supply the relevant signed, theme-specific confirmation or assessment. If supplementary specialist evidence is materially new, the applicant accepts that	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures. The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or interested and affected parties is reserved.	



proportionate consultation may be directed. That does not validate a refusal based partly on an 830 metre road, a farm manager's house and an unrelated Moordkuil intake scheme. Requested finding on this ground: The appeal authority should request or admit focused supplementary information under the appeal process, or remit only the outstanding technical issues under directions, instead of confirming the refusal in its present form.		
Ground 9 The decision is unreasonable on the corrected factual record The cumulative effect of the errors is material. The decision record identifies the wrong farm number in its heading, an impossible future receipt date, unrelated river infrastructure, an incorrect road length, an incorrect building function, superseded visual premises and an undifferentiated biodiversity description. Those errors concern the identity, scale, location and impacts of the activity and cannot be treated as harmless drafting defects. Once the unrelated and superseded information is removed, the record shows a small, compact development occupying less than 2.7 per cent of the property, located in degraded CBA2, avoiding CBA1 and Milkwood Forest, and repositioned to avoid an identified geotechnical weak zone. The environmental effects are capable of being managed through enforceable conditions and focused supplementary evidence where required. Requested finding on this ground: The appeal should be upheld because the refusal was not	The applicant is the appellant. The applicant relies on this ground together with the Final BAR, the discrepancy schedule and the supporting annexures. The applicant requests that the ground be upheld. Any further response to submissions by the decision-maker or interested and affected parties is reserved.	



reached on a sufficiently accurate, relevant and rational factual basis.		
RELIEF REQUESTED • Uphold the appeal and set aside the refusal dated 11 August 2026. • Replace the refusal with a conditional environmental authorisation for the preferred alternative shown on the final preferred SDP. • Exclude the Moordkuil River, intake structure, drywell, rising main, 830 metre road and farm manager's house from the project record. • Accept a corrected listed-activity schedule and focused supplementary specialist information where required. • Alternatively, remit the matter for reconsideration on the corrected record with directions to assess only the preferred alternative and allow specified deficiencies to be addressed. • Grant further or alternative appropriate relief under section 43 of NEMA.	The applicant requests the relief set out in the Grounds of Appeal and supporting report.	



ARR comments by Case Officer

Name & Surname:

Date:

Signature:

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Approved by Supervisor

Name & Surname:

Date:

Signature:

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Initial/s: 