



PEZULA CLUB

P O Box 3373 Knysna 6570
www.sparrebosch.co.za

FACSIMILE TRANSMITTAL SHEET

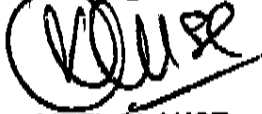
TO:	Chris Everett	FROM:	Liezl Clause		
COMPANY:		DATE:	2002/09/03	TOTAL PAGES (INC. THIS ONE):	Twenty-three
FAX NUMBER:	011 - 8377617	OUR E-MAIL:	l.clause@pezula.com		
PHONE NUMBER:		OUR TEL. NO.:	044 - 384 1222 or 083 285 7166		
NR:		OUR FAX NO.:	044 - 384 1741		

Dear Mr Everett,

Pezula / Noetzie Agreement

Attached, please find the signed agreement and addendums. Mr Marius Botha, in his capacity as Director of Pezula Private Estate signed the agreement.

Best regards,


LIEZL CLAUSE

FAX TO: MIKE DANE
COMPANY: ANGLO PAGE: 1 OF: 23
FAX NO: 011 638 4636 DATE: 7/2/05
FROM: CHRIS EVERETT
COMPANY: M & M PHONE NO: 021 418 3760
FAX NO: 021 419 7678 **Post-it** FAX PAD 7551

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NO.188 P.3/24

AGREEMENT

between

**Noetzie Conservancy Owners'
Association
("NCOA")**

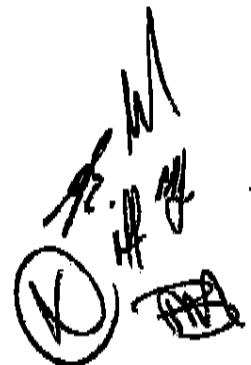
PO Box 519
PINEGOWRIE
2128

(duly represented by Eion Roy McClintock Brown
(Chairman))

and

**Pezula Private Estate (Pty) Ltd
("PPE")**

Registration No.2000/019673/07
(duly represented by Clive Bruce Venning)

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Definitions

In this agreement the following terms will have the meaning as stipulated next to it hereunder:

- 1 "Noetzie Township - The area of jurisdiction of the former Knoetzie Transitional Local Council, prior to its incorporation into the Knysna Municipality
- 2 "Noetzie Infill" - A section of the Property currently zoned "Undetermined" situated within the Noetzie Township as indicated on "Annexure C" hereto, and excluding separately owned or zoned areas
- 3 "NCOA" - The Noetzie Conservancy Owners' Association duly constituted, an association of property owners of the Noetzie Township and duly represented by its elected committee.
- 4 "Property" - The remainder of the Farm Noetzie, Farm no 394 Knysna, in extent approximately 612 hectares, located between the Sparrebosch Golf Course Development and the Noetzie River.
- 5 "PPE" - Pezula Private Estate (Pty) Ltd, a company duly registered in South Africa and owner of the Property.

Recordal

- A. PPE is the owner of the Property and is desirous of developing the Property and for this purpose has submitted applications for rezoning and sub-division of the Property excluding the Noetzie infill to the relevant authorities
- B. NCOA has, as an interested and affected party, lodged certain objections against the proposed development referred to in A above.
- C. The duly authorised representatives of PPE and NCOA have discussed the concerns of NCOA and have reached an agreement that NCOA will withdraw its objections aforesaid as confirmed in "Annexure A" hereto subject to certain terms and conditions as contained in this Agreement



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Now therefore the parties agree as follows

- 1 PPE undertakes that, in the event of any proposed future development of the "Noetzie Infill", the existing Town Planning Scheme regulations pertaining to that section of the property, annexed hereto marked "Annexure B", together with Addendum A referred to therein, will be adhered to by PPE.
2. Should any party propose any modifications to "Annexure B", it would require the approval of a two thirds majority of the Noetzie property owners as well as PPE.
3. Any reference to the term "Resort Zone II" relating to the residential sites in the proposed development, and as contained in the documentation referred to in A above, will either be:
 - 3.1 deleted and replaced with "Residential Zone I" in terms of the existing Knyana Zoning regulations or
 - 3.2 no consent use will be permitted in the "Resort Zone II" zoning
4. All areas in the proposed development to be zoned as "Open Space" will not be resold, alienated, sub-divided or rezoned within 20 years from the date of the sale of the first stand and thereafter without commitment to the required processes.
5. The municipal boundary of the former Knoetzie Local Town Council will remain as per the original gazetted plan annexed hereto, marked "Annexure C"
6. PPE undertakes, with the assistance of NCOA, to use its best endeavours to resolve with certain Noetzie property owners all outstanding access, encroachments, easements and other infringements that occur on the Property.
- 7 It is hereby recorded that there is, at date hereof, no plan in existence for the development of the "Noetzie Infill". Should PPE wish to develop this area in future, the zoning and design of such proposed development will be in accordance with Annexure B.

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- 8 PPE withdraws any threats of legal or other action against NCOA or its members resulting from its objections to the re-zoning and sub-division.
- 9 Should the final documentation submitted by PPE not reflect the terms of this Agreement or contain any new issues not addressed in this Agreement, the NCOA may lodge further objections to the development. In such case, this agreement will be regarded as null and void.
- 10 If future development is proposed within the "Noetzie Infill", this will be for "Open Space" or "Resort Zone I", ie 'holiday accommodation' in terms of the definitions contained in the Scheme Regulations for Noetzie Local Council.

THIS DONE AND SIGNED AT JOHANNESBURG, ON 28th August 2002

For and on behalf of the NCOA:


for Mr Elon Brown
Chairman

Witnesses:



- 1 
- 2 



THIS DONE AND SIGNED AT KNYSNA, ON 3 SEPTEMBER 2002

For and on behalf of PPE:


M. H. Venter
Mr G. V. Venter
Managing Director

Witnesses:

- 1 
- 2 

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ANNEXURE A

Noetzie Conservancy Owners' Association



Please respond to the author of this communication at
**P.O. Box 519,
Pinagowrie,
2123.
Fax (011) 837 - 7617
28th August 2002.**

**Pezula Private Estate (Pty) Ltd
PO Box 1240
6570**

Attention: Mr C. Venning

Dear Mr Venning,

Re Pezula Private Estate Development

This letter serves to confirm that the **Noetzie Conservancy Owners' Association (NCOA)** hereby withdraws its objections as at date hereof to the proposed zoning and sub-division Application for the Pezula Development.

We have met with the developer to discuss all of our previously identified concerns and have resolved all issues to our complete satisfaction.

In the event of the final Application or EIR to be submitted by the developer differing materially from the outcome of our discussions, we reserve the right to file objections to these, in which case this letter shall be null and void.

Yours faithfully


**Mr Eion Brown
Chairman**



B

1. TOWN PLANNING SCHEME FOR KNOETZIE

Note: No direct reference is made in these regulations to the Town Planning Scheme Map or the register of all land units which are to be read with the regulations, see Sections 1.2.1 and 1.2.2. This is because the map and the register are covered by Sections 10 and 12 of the Land Use Planning Ordinance, No 15 of 1985 as amended by P/N No. 100/1987, P/N No. 6/1992 and Proclamation R168 of 1994, which require that these documents are held by the local authority. However, a copy of the map is included at the back of this document.

SCHEME REGULATIONS FOR KNOETZIE LOCAL COUNCIL (proposed final wording for the Gazette)

1. DEFINITIONS

In these regulations, unless inconsistent with the context -

Advertise means to serve a notice on every owner of land who in the opinion of the Council has an interest in the matter and whose address the Council knows or can obtain and, if the Council so decides, to publish in the Provincial Gazette and in the press, a notice -

- a. specifying the place where, and the hours during which particulars of the matter will be available for inspection, and
- b. stating that objections may be lodged with the Council before a date likewise specified, being not less than twenty-one (21) days after the date on which the notice is so served or so published.

Authority usage means a use which is practised by a public authority and of which the locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practised by -

- a. The State, such as military training centres and installations, telecommunication facilities, police stations and jails;
- b. The Province, such as road stations and road camps; and,
- c. A local authority, such as fire services, sewage farms, dumping grounds, reservoirs, composting installations and water purification works.

Basement means that portion of a building, the finished floor level of which is at least 2m below, or the ceiling of which is at most 1m above, a level halfway between the highest and lowest natural levels of the ground immediately contiguous to the building.

Building means, in addition to the meaning assigned thereto in paragraphs (a) and (b) of section 2(vii) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), any structure or erection whatsoever, irrespective of its nature or size.

Building line means the line delimiting the area measured from the boundary of a land unit, or from a setback, if any, within which no building or other structure except a boundary fence may be erected.

Business premises means a site or building or structure on or in which business is done and includes shops, offices, financial institutions or restaurants or other buildings or structures for similar uses, but does not include places of assembly or entertainment, institutions, service stations, public garages, industries, noxious trades, bottle stores or supermarkets.

Bed and Breakfast Establishment means a building for human habitation with not more than 4 bedrooms (8 beds) for the purposes of offering overnight accommodation. Refer to Addendum A.

Conservation usage means by use of a building or site or part thereof which, in the opinion of the council, on appeal or objection, the Premier, whose decision shall be final, is worthy of preservation.

Council means the Council of the Local Authority to whose area of jurisdiction these regulations apply and shall include a committee or person acting on behalf of such Council and specifically authorised by such Council to so act.

Coverage means the total percentage area of a site that may be covered by buildings that are covered by a roof or projection, as measured over the exterior walls thereof; provided that the area covered by the first meter (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

Departure has the meaning assigned thereto in the Ordinance.

Dwelling-house means a detached building containing only one dwelling unit.

Dwelling unit means a self-contained interlocking group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith.

Existing use means the use or uses which, in the opinion of the council, is or are practised actually and lawfully on or in a property, structure or building or part thereof.

Floor factor means the factor (expressed as a proportion of 1) which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit, it is the maximum floor space as a proportion of the net erf area.

Floor space in relation to any building or structure means the area covered by a roof, slab or projection, excluding a projection not exceeding 1m over an exterior of a similar support.

Floor space shall be measured from the outer face of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements.

Ground floor means the lowest floor of a building which is not a basement.

Holiday accommodation means a harmoniously designed and built holiday development in an unique natural environment with an informal clustered layout which may include the provision of dwelling units, whether in private or public ownership, which comprises a single enterprise and which shall only be marketed by means of short-term renting or time sharing, and may include a hotel.

Holiday housing means a harmoniously designed and built holiday development consisting of dwelling units. The individual development of each of the properties must contribute to the overall appearance as identified in the Urban Design Guidelines. A Homeowners Association must be established to which membership by the owners of all Resort Zone II properties is compulsory.

Information centre means a facility where information and exhibits pertaining to the history, flora, fauna, and regulations governing conduct, places of interest and other material of interest to the public is stored and displayed.

Land has the meaning assigned thereto in the Ordinance.

Land unit has the meaning assigned thereto in the Ordinance.

Land use restriction has the meaning assigned thereto in the Ordinance.

Motor vehicle means a vehicle designed or intended for propulsion by other than human or animal power and includes a motor cycle and a trailer or caravan, but does not include a vehicle moving exclusively on rails.

Nature reserve means (in parenthesis with the express proviso that any area demarcated or zoned as nature reserve shall not in any way restrict existing rights of property owners in KwaZulu) a national park, or some other nature park which is in the ownership of the public authority or has been declared as such in terms of legislation and remains in private ownership; it consists of an area which is utilised as a game park or reserve for fauna or flora in the natural habitat.

Occupant means any person who physically inhabits a building, a structure or land continuously or from time to time.

Occupation practice means the practicing of an occupation, or a trade, or the conducting of an enterprise from a dwelling unit by one or more occupants of the dwelling unit concerned and his or their assistants, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or a lowering of aesthetics being caused; provided that a general medical practitioner shall be exempt from the condition with regard to occupancy.

Parking bay means an area measuring not less than 5,5m by 2,5m which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the local authority.

Private parking means land or a building or part thereof that is accessible only to property owners and their authorised family and guests.

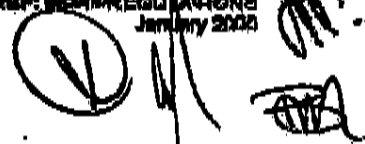
Public parking means land or building or part of a building which is utilised for parking purposes under the control of the Council.

Public Road means any road or street for public use or any land intended for such purposes.

Public toilets means toilets set aside for the use of the public.

Schema regulations has the meaning assigned thereto in the Ordinance.

Site Development Plan: means a plan indicating the location of buildings, infrastructure and landscaping on an erf, including the siting, construction materials and colours of services, roads, paths and fences and walls.



Staff housing means dwelling units for the use of the Council's permanent or casual employees.

Tourist facilities means amenities for tourists such as lecture rooms, restaurants, gift shops and restrooms permitted by the Council as a consent use, but does not include overnight accommodation.

Zoning has the meaning assigned thereto in the Ordinance.

Zoning map has the meaning assigned thereto in the Ordinance.

Zoning scheme has the meaning assigned thereto in the Ordinance.

1.2 LAND USE

1.2.1 Area of zoning scheme

The extent of the zoning scheme is indicated on the zoning map.

1.2.2 Zoning according to utilisation

Notations on the zoning map are intended to indicate utilisation of land and not land ownership.

1.2.3 Components of the zoning scheme

This zoning scheme shall consist of three components: the scheme regulations, the zoning map, and the register. Approved departures shall be recorded in the register.

1.2.4 Zoning of the land as specified land-uses

The land shown in Table A is zoned for the respective purposes set out in column 1 of Table A and shall, subject to any provisions to the contrary in the Ordinance and these regulations, not be used for any other purpose.

TABLE A

<u>Locations</u>	<u>Zoning</u>	<u>Colour notation</u>
LT 866	Resort Zone I	Pink
LT 240	Resort Zone II	Pink/black hatching
LT 124	Transport Zone I	Dark-brown
LT 929	Open Space Zone I	Dark Green outline
LT 158	Authority Zone	Red
LT 1	Undetermined Zone	Black hatching with black outline

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1.2.5 Erection of buildings and utilisation of land in specified use zones

The purposes, called primary uses, for which land may be utilised in the various zones indicated in column 1 of Table B are shown in column 2 of Table B. The purposes, called consent uses, for which land may be utilised or buildings may be erected with the consent of the council in the various zones indicated in column 1 of Table B are set out in column 3 of Table B. Any use not reflected in column 2 or 3 shall, subject to any provisions to the contrary in the Ordinance and these regulations, not be permitted in the zone concerned.

It must be noted that the buildings and uses which are permitted in terms of Table B or may be approved with the consent of the council may be subject to departures, which may in effect make the right attached to a land unit more or less restricted than is apparent from the notation on the map. In such cases the relevant information relating to the land unit shall be recorded in the register kept for this purpose (see regulation 1.2.3).

TABLE B

Zoning	Primary Use	Consent Uses
Resort Zone I	Holiday accommodation	None
Resort Zone II	Holiday housing	Bed and Breakfast Establishment
Open Space Zone I	Nature reserve	None
Transport Zone I	Public road	None
Authority Zone	Authority usage including Staff housing, Access control, Information centre, Public toilets	None
Undetermined Zone	Existing buildings only	Existing buildings only

1.3 PLANNING CONTROL

1.3.1 Resort Zone 1 (Refer to Addendum A)

1.3.1.1 Colour Notation: Pink

Primary use: Holiday accommodation

Secondary use: None

1.3.1.2 Land Use Restrictions:

With the rezoning of land to Resort Zone I, the local authority shall lay down conditions with regard to density, layout, landscaping, building design, etceteras, at such time as application for development is made.

A site development plan shall be approved by and filed with the local authority, clearly indicating the following:

the location of buildings on the property;
density;

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building design;
building materials;
services including design parameters and location and method of sewage disposal;
roadways and parking where applicable;
boundary walls and fences;
landscaping;
for all new buildings and additions and alterations to existing buildings.

1.3.2 Resort Zone II (Refer to Addendum A)

1.3.2.1 Colour Notation: Pink with Black Hatching

Primary Use : Holiday Housing
Consent Use: Bed and Breakfast Establishment

1.3.2.2 Land Use Restrictions

Coverage: Including garage and outbuildings, shall not exceed 35% of the area of the erf

Front building line: at least 5 metres

Rear building line: at least 1 metre

Side building line: at least 1,5 metres

- Parking:**
- (a) Parking shall be provided either on site or off-site subject to agreement with surrounding land-owners according to Council's requirements as they may be laid down from time to time.
 - (b) Parking shall be provided at the ratio of 1 bay for two beds in bed and breakfast establishments. These bays shall be provided either on or off site.

1.3.2.3 Additional Provisions

- (a) the parameters of the existing lawful development shall apply as land-use restrictions where departures from those land use restrictions occur on land deemed to be zoned as Resort Zone II, with effect from the date of commencement of the Scheme;
- (b) a site development plan shall be approved by and filed with the local authority clearly indicating:
the location of buildings on the erf;
building design;
building materials;
services including design parameters and location of septic tank;
roadways and parking where applicable;
boundary walls and fences;
landscaping;
for all new buildings and additions and alterations to existing buildings.

Note: KLC is to prepare its own building plan approval, zoning and consent use application forms to comply with these regulations.

- (c) The site development plan shall comply with the urban design guidelines, see section 5, General.

- (d) When new buildings are constructed only that land area required for the building footprint and plus a 3 metre clearance for construction should be cleared of indigenous vegetation.
- (e) The calculation of bedrooms for Bed and Breakfast Establishment shall include all bedrooms on the property.

1.3.3 Open Space Zone I (Refer to Addendum A)

1.3.3.1 Colour Notation: Dark Green Outline

Primary Use: Nature Reserve

Consent Use: None

1.3.4 Transport Zone I

1.3.4.1 Colour Notation: Light brown

Primary Use: Public road

Consent Use: None

1.3.4.2 No structure shall be erected or use practised except such as is compatible with "public road" as defined.

Roads and Landscaping to be governed by urban design guidelines for the Headland Precinct

1.3.5 Authority Zone (Refer to Addendum A)

1.3.5.1 Colour Notation: Red

Primary Use: Authority usage including staff accommodation, information centre, public toilets.

Consent Use: None

1.3.5.2 The land use restrictions and additional provisions applicable to this zone shall apply as for every site or use or type of building approved by the Premier or, if authorised thereto by the Premier, the Council.

1.3.6 Undetermined Zone (Refer to Addendum A)

1.3.6.1 Colour Notation: Black hatching with black outline

Primary Use: Existing Buildings only

Consent Use: Existing Buildings only

1.4 GENERAL

1.4.1 Urban Design Guidelines

KLC shall be divided into three precincts for the purpose of Urban Design Guidelines, namely, The Headland, the Beach and the River, as shown on the Urban Design Precinct Map.

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Although the Council shall strive towards establishing the predominant theme in each precinct as set out hereunder, the guidelines shall not be interpreted rigidly.

Headland - unobtrusive, single storey, contemporary Cape;
Beach - stone castellated buildings/Millwood corrugated iron houses;
River - rustic, hidden away, unobtrusive buildings.

Retaining walls, rainwater tanks and other infrastructure are also governed by these guidelines.

The Urban Design Guidelines shall be as follows:

No.	Element	Headland	Beach	River
1.	Appearance			
1.1	Style and Character	Contemporary Cape, drawing from elements of existing building.	i. "castler", castellated parapets etc. ii. "Millwood" houses	Rustic lodges/ide very unobtrusive
1.2	Height	One storey	One - two storey(s)	One-two storey(s) (with foundations as appropriate)
2.	Colour/materials			
2.1	Walls	Dark greens and browns - drawing from existing building and picking up indigenous vegetation colours	Terrace walls on Millwood Houses - stone otherwise corrugated iron - light coloured walls Other styles - stone + brick	Dark colours - greens and browns, varnished wood. Sands, greens that tie in with the natural colours.
2.2	Openings and Trims (barga boards, door and window mullions and architraves, columns, balustrades, other decorative elements)	contrasting colours but which are still sensitive to the local natural colours	contrasting colours but which are still sensitive to the local natural colours	contrasting colours but which are still sensitive to the local natural colours
2.3	Roofs	dark greens, browns, or black	dark greens, browns or black	dark greens, browns or black
3.	Roofs			
3.1	Shape	Double pitched	Double (Millwood) or single pitched (1/2)	Double pitched
4.	Landscaping	Indigenous	Indigenous	Indigenous
5.	Roads	shall have a rural quality with no pre-cast concrete kerbs and channels etc.	shall have a rural quality with no pre-cast concrete kerbs and channels etc.	shall have a rural quality with no pre-cast concrete kerbs and channels etc.

1.4.2 Sensitive Coastal Area Regulations

Permits for development in terms of the Oudenique Sensitive Coastal Area regulations (No. R.881) of the Environmental Conservation Act (No. 73 of 1989) shall be applied for as part of application for Building Plan or other development approval.

1.4.3 Utilisation of zoned land

- i. No person shall damage or destroy zoned land so as to destroy or impair its utilisation for the purpose for which it is zoned, provided that the council may consent to the deposit on such land of waste materials or refuse.



- ii. In giving its consent under this regulation, the council may impose such conditions as it may deem fit.
- iii. Subject to the provisions of any other law, nothing in this regulation contained shall be construed as prohibiting the reasonable fencing of land.
- iv. Undetermined Zone shall only be considered for rezoning to the following use zone:
Open Space Zone;
Resort Zone I.

A site development plan shall be approved by and filed with the local authority, clearly indicating the following:

Any development proposals in this area must be preceded by an Environmental Impact Study according to Integrated Environmental Management guidelines by a consultant who must be independent from the developer although such developer may fund all or part of the work.

1.4.4 Reservation of remainder

Where the coming into operation of a provision of the zoning scheme involves the acquisition by the council of a portion of a land unit, the said provision may be applied by the council to the remainder of the land unit, if

- i. In the opinion of the council, the remainder will be too small to develop as a separate entity, or
- ii. The development of the remainder will be undesirable.

1.4.5 Imposed conditions

Where permission to erect a building or execute any works or to utilise a building or land for any particular purposes or to perform any other activity has been granted under this zoning scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

1.4.6 Compliance with regulations

Nothing in these regulations contained shall be deemed to grant exemption from compliance with any of the council's regulations.

1.4.7 Non-conforming sites

The council shall require that all future buildings or the extension and maintenance work of existing buildings on the site shall be in line with the land use restrictions contained in these regulations, with the by-laws of the council, and with any other laws which are applicable.

1.4.8 Applications for consent use

- i. Subject to the provisions of regulation 1.4.9 of these regulations, the council may, where application is made to it for its consent to the erection or utilisation of a building in a zone in which a building of the type proposed may be erected and utilised only with the council's special consent, grant or refuse its consent, and shall in granting its consent be entitled to impose such restrictive conditions as it may deem fit governing the erection or utilisation of such building.

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- ii. In considering such application, regard shall be had to the question whether the use for which the building is intended or designed, or the proposed building, is likely to mar the amenity of the neighbourhood, including marring owing to the emission of smoke, fumes, dust, noise or smells.

1.4.9 Advertisement of intended application for consent use

- i. Any person intending to make application to the council for its consent to the erection or utilization of a building or to the utilization of land, whether wholly or partly, for any purpose requiring the council's special consent, shall, if the council is of the opinion that any landowner may have an interest in the matter, first advertise the application concerned.
- ii. The council shall take into consideration any objections received within the period referred to in the advertisement and shall notify the applicant and the persons, if any, from whom objections were received, of its decision.
- iii. Any decision of the council given in terms of this paragraph shall be by special resolution of the council as defined in the Municipality Ordinance, 1974 (Ordinance 20 of 1974), or the Divisional Councils Ordinance, 1978 (Ordinance 18 of 1978).

1.4.10 Conditions applicable to consent uses

Consent uses, as listed in column 3 of Table B, shall be subject to the following conditions:

- i. Any consent use in a particular zone which is a primary use in any other zone shall be subject to the same conditions applicable to the primary use in the other zone, unless special land use restrictions apply in respect thereof.
- ii. Any consent use in a particular zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the zone in which it is a consent use, unless special land use restrictions apply in respect thereof.
- iii. The council may in both of the above-mentioned cases lay down other conditions with regard to any specific property.

1.4.11 Occupational practice and other rights

- i. Without prejudice to any powers of the council under any other law, nothing in a zoning scheme contained shall be construed as prohibiting or restricting, or enabling the council to prohibit or restrict, the following:
 - a. The letting, subject to the council's regulations relating to bed and breakfast establishments, boarding houses and hostels, by any occupant of a dwelling-house of any part of such dwelling-house;
 - b. The occasional utilization of a place of public worship, place of instruction or institution as a hall for social functions, or
 - c. The utilization of a portion of a dwelling unit for purposes of occupational practice.
- ii. The following conditions shall apply where a portion of a dwelling unit is utilised for purposes of occupational practice:
 - a. Such dwelling-house, flat or residential building or any portion thereof shall not be used for purposes of a shop, business premises, an industry or a noxious



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trade; -

- b. No goods for sale shall be publicly displayed;
 - c. No advertising sign shall be displayed other than an un-illuminated sign or notice not projecting over a street and not exceeding 2 000cm² in area and indicating only the name and profession or occupation of the occupant, and
 - d. No activities shall be carried on which are or are likely to be a source of disturbance or nuisance to occupants of other dwelling units or portions thereof.
- iii. If anybody is of the opinion that any condition referred to in regulation 1.4.11.ii or the definition of "occupational premises" is contravened, such person may lodge a written complaint with the council requesting action in terms of section 39(1)(b) of the Ordinance.

1.4.12 Combined use buildings

Where more than one primary and/or consent use is approved in the same building in a particular zone, the requirements with regard to floor factor, height and coverage, as prescribed for the primary use of the zone concerned, shall be applicable, and the following conditions shall apply with regard to all other land use restrictions:

- i. Where a use which is permitted in a combined-use building in a particular zone is a primary use in another zone, the use concerned shall be subject to the same conditions, except those with regard to floor factor, height and coverage, applicable to the primary use in the other zone.
- ii. Where a use which is permitted in a combined-use building in a particular zone is not a primary use in any other zone, the use concerned shall be totally subject to the conditions applicable to the primary use in the zone in which the use concerned is permitted.

1.4.13 External appearance of buildings

Any person intending to erect any building shall furnish the council for its consideration, if it so requires (in addition to any plans and particulars required to be submitted under any of the council's regulations), with drawings or some other sufficient indication of the external appearance of the proposed building, including a description of the building materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of 1:100, except that where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of 1:200. The council may require such alteration to the external appearance and building materials as it may deem necessary, see regulation 1.4.1.

1.4.14 Utilisation of outbuildings

No outbuilding may be utilised for any purpose other than that for which the plans have been approved by the council, and no such outbuilding may be utilised until the main buildings are completed or occupied, unless otherwise resolved by the council.

1.4.15 Carports

Subject to the council's approval, a carport which will exceed a street or side building line may be erected subject to the following conditions except where due to local constraints adhering to such conditions is not possible:

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- i. The width of the carport, measured parallel to the street boundary, shall be not more than 6m.
- ii. The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum measurement of 360mm horizontal gauge (or 360mm diameter in the case of piping), and at most four poles or pillars may be provided on one side of the carport.
- iii. No walls, except boundary walls, shall be constructed so as to enclose the carport.
- iv. The height of the carport, measured from the floor to the top of the roof, shall not exceed 3m.
- v. The sides of the roof shall be neatly finished with a fascia not exceeding a depth of 250mm.
- vi. The facade of the carport shall be not closer than 300mm to the street boundary.
- vii. No gates which open onto the roadway shall be permitted.
- viii. Standard provision shall be made for the collection and run-off of rainwater from the carport.
- ix. Written confirmation from the adjoining owner(s), if a side building line will be exceeded, and the owner(s) of both adjoining land units, if a street building line will be exceeded, to the effect that they have no objection against the proposed carport shall be obtained.
- x. The carport shall comply with regulation 1.4.1

1.4.16 Council Duties

The council shall allow any person at any reasonable time to examine any scheme regulations, zoning map or register, as contemplated by sections 9, 10 and 12 respectively of the Ordinance, which are or is kept in the office of the council; provided that any information in connection with the zoning scheme which is given to any person shall only be valid if it is in writing and signed by the official duly authorized thereto by the council.

1.4.17 Service of documents

The provision of section 211 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), and section 213 of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), shall *mutatis mutandis* apply to this zoning scheme.

1.4.18 Townships and minor subdivisions in terms of the Townships Ordinance, 1934

Notwithstanding anything to the contrary in these regulations contained, conditions of ownership imposed by the Premier upon the approval of townships and minor subdivisions in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934), shall be applicable in as far as such conditions are more restrictive than the provisions of the zoning scheme.

1.4.19 Aesthetics and landscaping

Where paving, landscaping, other treatment or any aesthetic requirement is deemed necessary by the council, or the Premier if the matter is considered by him, in order to

prepare land for development, it may be required by the council or the Premier, as the case may be, and such requirement shall be carried out to the satisfaction of the council or the Premier, as the case may be, at the cost of the owner.

1.4.20 Site Cleaning

All residential sites shall be cleared by hand according to the approved site development plan. No site works should be embarked upon prior to approval of site development plan and building plans.

1.5 APPROVAL OF DEPARTURES AND SUBDIVISIONS BY COUNCIL

1.5.1 Departures

A council, may, in terms of section 15(1)(b) of the Ordinance grant or refuse an application for a departure, or in terms of section 15(5) determine an extended period, after which such departure shall lapse; provided that, where the council authorises the utilisation of land on a temporary basis as contemplated by section 15(1)(a)(ii), such concession shall be granted for a period of at most five years, with the exception of a departure for which a permit is required in terms of section 6b of Act 88 of 1987, in which case the concession may be granted for such number of years as is related to the expected life time of the mine concerned.

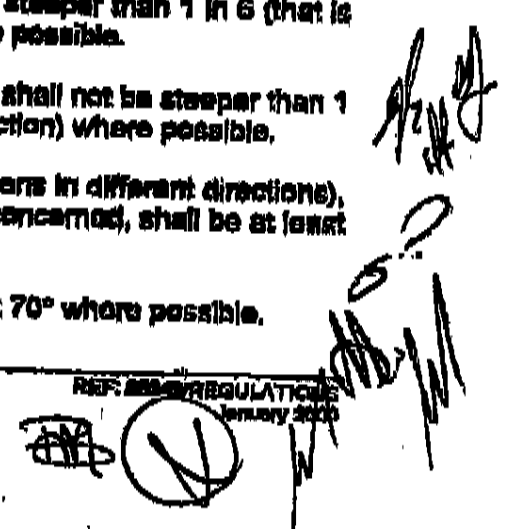
1.5.2 Subdivisions

1.5.2.1 A council may grant or refuse an application for the subdivision of land in terms of section 25(1) of the Ordinance within, and subject to the conditions applicable to, a subdivisional area, as well as an application for the subdivision of land involving no change in zoning.

1.5.2.2 Whenever a council has granted a subdivision in terms of section 25(1) of the Ordinance, it may act in terms of section 30 of the Ordinance.

1.5.2.3 In the process of the creation of new streets in any subdivision in terms of these regulations, the general principles in regard to layout, street intersections and gradients, as set out in para. 3, 4.4, 4.5, 10.7.1 and 11 of Part B of the document: "Guidelines for the Provision of Engineering Services in Residential Townships", published by the former Department of Community Development and as amended from time to time, shall be complied with. The following additional requirements shall also be met:

- a. Any street intersection shall be so located, with due regard to topography, that there is sight distance in all directions of at least 40m from such intersection where possible.
- b. The transverse gradient of any street shall not be steeper than 1 in 6 (that is the gradient of the land before construction) where possible.
- c. The longitudinal gradient of any portion of a street shall not be steeper than 1 in 8 (that is the gradient of the land before construction) where possible.
- d. The weaving distance (distance between intersections in different directions), that is between the nearest corners of the streets concerned, shall be at least 40m where possible.
- e. The angle of intersection of streets shall be at least 70° where possible.



1.5.2.4 Subdivision shall only be permitted that can clearly demonstrate to the Council how they take into account slopes, soils, hydrology, vegetation and visual quality to enhance the environment on Knosbain. Subdivisions suggestive of a conventional suburban environment i.e. uniform rectangular plots will not be permitted.

1.5.2.5 Subsequent to the granting of a subdivision in terms of section 25(1) of the Ordinance, the person who at any time is the owner of any land unit directly involved in the subdivision shall be required, without compensation:

- a. To allow gas mains, electricity, telephone and television cables and/or wires, main and/or other water-pipes and foul sewers and storm water pipes, ditches or channels of any other land unit or units to be conveyed across the land unit concerned, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon, if considered necessary by the Council and in such manner and position as may from time to time be reasonably required; this shall include the right of access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above, and
- b. To receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Council.

1.5.2.6 In terms of section 31(2) of the Ordinance, a Council may permit a building or structure to be erected on a land unit forming part of a subdivision which has not been confirmed.

1.6 REMOVAL OF RESTRICTIONS

Notwithstanding regulations 1. and 1.2 of these regulations, all conditions restricting subdivision, the number of buildings that may be erected or the utilisation of the land, or any other restrictive conditions which may have a bearing on the subdivision or departure applied for and registered against the land unit shall, where applicable, first be removed prior to an application being granted.

1.7 COMMERCIAL ACTIVITY

No commercial activity other than that pertaining to the operation of bed and breakfast establishments, holiday business concessions and holiday accommodation shall be permitted.

ADDENDUM A

REASONS FOR CERTAIN OF THE CONDITIONS:

Bed and Breakfast Establishment means a building for human habitation with not more than 4 bedrooms (8 beds) for the purpose of offering overnight accommodation.

Reason:

This definition has been included because it is likely that Knopzie property owners will increasingly offer this service to subsidise the cost of their dwellings. There is concern that it should be properly monitored.

1.3.1 RESORT ZONE I

Primary use: Holiday accommodation

Reason:

Knopzie's context certainly complies with the requirement of a unique natural environment and the need for development to be informally clustered and harmoniously designed. It is the intention that no alienation of property for freehold tenure should be permitted in this zone.

1.3.1.2 Land Use Restrictions:

With the rezoning of land to Resort Zone I, the local authority shall lay down conditions with regard to density, layout, landscaping, building design, etcetera, at such time as application for development is made.

Reason:

The possibility of development in this area is foreseen and therefore the current agricultural zoning, in terms of the guide plan, is inappropriate. However, the exact nature and location of such development cannot be forecast at this stage. Furthermore any development proposals in this area must go through a rezoning and subdivision process. Rezoning in this area will be from undetermined zone.

1.3.2 RESORT ZONE II

Primary Use : Holiday Housing

Reason:

As stated above Knopzie's context certainly complies with the requirement of a unique natural environment and the need for development to be informally clustered and harmoniously designed. It is the intention that property can be alienated for freehold tenure in this zone.

Consent Use:

Bed and Breakfast Establishment

Reasons:

Knopzie property owners are increasingly seeking sources of income to offset the costs of maintaining their holiday homes. This pressure is unavoidable. Rather than attempting to prohibit such activity, possibly forcing these ventures underground and thereby more difficult to monitor, a more positive strategy will be to permit this activity but make it subject to public control and scrutiny.

In any event small scale bed and breakfast establishments, not more than four rooms (8 beds) in total (including all beds on the property), are seen as compatible with the current level of development in Knopzie

It should be noted that consent uses still require an application to Council with a positive approval before they can be exercised.

1.3.3 OPEN SPACE ZONE I

Reason :

All sensitive parts of Knopzie, the coast, the estuary, the steep hill slopes (greater than 1:4) and the indigenous vegetation should enjoy the highest level of protection:

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1.3.6 AUTHORITY ZONE

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Reason: There is a need to accommodate the local authority functions described above in order to facilitate good management at Knoetzie, particularly over the holiday seasons.

1.3.8 UNDETERMINED ZONE

Reason: The possibility of development in this area is foreseen and therefore the current agricultural zoning, in terms of the guide plan, is inappropriate. However, the exact nature and location of such development cannot be forecast at this stage. Furthermore any development proposals in this area must go through a rezoning and subdivision process. Rezoning in this area will be to the Resort Zone 1 (holiday accommodation) and Open Space 1 (nature reserve) zones. Therefore, in the interim Undetermined Zone will apply.

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