

## Post application Draft Public Participation and Comments and Response Report

### PART 2 AMENDMENT APPLICATION ON BEHALF OF KINGSWAY HOMEOWNERS' ASSOCIATION CAPE, KOUGA LOCAL MUNICIPALITY, EASTERN CAPE

**DEDEAT REFERENCE: 501 EC08/1M/74-98**

**Date: May 2026**

This document records the details of the public participation process and records any comments received from Interested and Affected Parties (IAPs) in terms of the Environmental Impact assessment (EIA) regulations of the National Environmental Management Act (Act 107 of 1998) as well as the responses provided by the Environmental Impact Assessment Practitioner and the proponent.

A public participation process is being carried out in accordance with Section 24J of the NEMA; the following activities have been carried out:

- Notice of proposed application for EA and registration of IAPs:
  - Emailing notice to organs of state, adjacent landowners and KHOA members (dwelling owners and joint management of relevant land portions) of the intended EA application
  - It is not deemed necessary that the following be carried out as EA has been granted and the proposed amendment is relevant to the members of KHOA and relevant organs of state, who are included in the IAP register
    - Placing two posters close to the site to inform the public of the process; placement of advert in local newspaper.
- Allowing for a 30-day review and comment period on Notice of proposed amendment application and draft EMPr
- **Comment and Review period: 20 November 2025 – 12 January 2026 (days between 14 December and 5 January is not counted in the 30-day review and comment period)**
- **Additional comments received from IAPs 13 January – 30 April 2026**
- **Recording of comments and responses**
- **The part 2 amendment application was accepted by the DEDEAT on 10 April 2026**

It has been confirmed with DEDEAT that the public participation process is in order (Refer to Appendix 2)

- **The post application draft part amendment report PP and CRR has been updated and will be submitted to the DEDEAT for consideration and will be made available to all IAPs. Any further comments will be requested to be submitted directly to the DEDEAT**

See the following attached appendices for details of public participation activities carried out:

- **Appendix 1: Full Register of interested and affected parties**
- **Appendix 2: Meetings and submissions – organs of state**
- **Appendix 3: Registration and comments**

## EAP Services

Table 1: Comments and Responses, December 2025 – March 2026

Comment Received	Response
<b>Comments and responses on preapplication draft part 2 amendment report</b>	
<b>Mark Todkill - Homeowner; member of KHOA</b>	
<p>21 November 2025 Hi 👍 I can access the document. Thank you Mark Hi Thanks, I have again tried via the "all reports link" and on opening the link for the "Draft- EMPr" it is only the cover page.(1page)? I have a copy of the report that was done in Nov 2024 (80 page report), but not sure if this is the latest version. Thanks Mark</p>	<p>Hi Mark Could you please try again, I have corrected my side, so the full document is there. Sorry about that. <a href="https://eapservices.co.za/wp-content/uploads/2025/11/draft-Part-2-amendment-assessment-report-KHOA-Nov2025-Appendix-2-Draft-EMPr.pdf">https://eapservices.co.za/wp-content/uploads/2025/11/draft-Part-2-amendment-assessment-report-KHOA-Nov2025-Appendix-2-Draft-EMPr.pdf</a> Kind Regards Claire</p> <p>Hi Mark I will check as soon as I am back in the office. Thanks Kind Regards Claire</p>
<p>21 November 2025 Hi Claire Please note that the link to "draft-Part-2-amendment-assessment-report-KHOA-Nov2025-Appendix-2-Draft-EMPr" does not contain the full report but only the 1st page. Thanks Mark Todkill 0813041763</p>	<p>Good day Please try the following link: <a href="https://eapservices.co.za/wp-content/uploads/2025/11/draft-Part-2-amendment-assessment-report-KHOA_20-November-2025-12-January-2026_review-and-comment_.pdf">https://eapservices.co.za/wp-content/uploads/2025/11/draft-Part-2-amendment-assessment-report-KHOA_20-November-2025-12-January-2026_review-and-comment_.pdf</a> All the reports are available at: <a href="https://eapservices.co.za/khoa-part-2-amendment/">https://eapservices.co.za/khoa-part-2-amendment/</a> Thank you Kind Regards Claire</p>
<p>28 November 2025 Hi Claire</p>	<p>28 November 2025 2025/11/28 15:42, claire@eapservices.co.za wrote: Hi Mr Todkill</p>

## EAP Services

Comment Received	Response
<p>Just a question, In light of the Notice and rezoning of the part 2 amendment, how does the registered land use restriction affect or not affect the proposed amendment?</p> <p>Thanks Mark</p>	<p>Could you please clarify what you mean by the registered land use restriction – do you mean the current zoning?</p> <p>Thanks Claire</p>
<p>28 November 2025 From: Mark Todkill &lt;mark.todkill@gmail.com&gt; Sent: Friday, 28 November 2025 15:58 To: claire@eapservices.co.za Sorry I misread the question, not use to answering on the phone, screen too small. Yes, the current zoning. Mark</p> <p>On 2025/11/28 15:54, Mark Todkill wrote: Hi The Rod specified all open space to be OS3-conservation and land use restriction against common property in perpetuity. Thanks Mark</p>	<p>1 December 2025 On 2025/12/01 11:52, claire@eapservices.co.za wrote: Hi Mark The current zoning is private open space ii; the open areas between dwellings is proposed to remain as private open space and the eastern (intact thicket) and western (estuary) must be rezoned to open space 3 and managed as conservation areas as required by the conditions of the ROD. There will be no changes to the mitigation measures, so private open space will still need to be indigenous and free from AIS etc. and managed as common property by the KHOA. I hope this answers your question. Thanks Kind Regards Claire</p>
<p>1 December 2025 On 2025/12/01 15:12, Mark Todkill wrote: Hi Claire, Thanks for the response; however, it has raised further questions rather than resolving the query. As you may or not be aware, the zoning of Open Space remains under review with Kouga Municipality (Town Planner, Municipal Manager, Mayor, and Kouga Legal). I have received written confirmation from Lawrence Ramakuwela that the zoning certificates issued in September 2024 are more than likely incorrect.</p>	<p>1 December 2025 I was not aware that this is under review and that there has been comment from KLM that the zoning is incorrect. Could you kindly share this information with me to include in this report. Kindly note that Kouga municipality is an organ of state and have been sent the draft assessment (preapplication for 30 days; further, they will receive the draft assessment (post application) for a 30 day review and comment period. The comments and responses report includes all comments and responses communicated during the process and accompanies the draft assessment report as an appendix. Following the 30-day process, the draft is updated to a final and then submitted to the DEDEAT for decision making. The aim is to provide all information required to enable informed decision making.</p>

## EAP Services

Comment Received	Response
<p>This situation arose, as when we received the zoning certificates from the committee, I queried it and due to no response from the committee I approached Kouga directly, I maintained that the zoning certificates were obtained without due process and that there was an issue with the date of issue, as copies would have reflected the 2009/2010 date and not the Sept 2024 date. So this is currently at the Executive level of Kouga for resolution</p>	<ul style="list-style-type: none"> <li>No official confirmation or proof from Kouga Municipality has been received by KHOA or the environmental team regarding the validity, rejection, or review status of the September 2024 zoning certificates for the Kingsway Open Space.</li> </ul>
<p>Your audit report appears to support this, noting that zoning was undertaken in 2009/2010 and that all Open Space was zoned as Open Space 3 – Conservation. I trust this was verified during the audit process.</p>	<p>The 2009 zoning plan provided from the audit is provided below. The current application is an amendment to the existing ROD. This will allow for open space 3 areas east and west of the resort and open space 2 area surrounding the residential units. . The proposed amendment in will facilitate practical management of the open space 2 area. Kindly note that all conditions of the existing ROD (with exception of those highlighted for amendment) will need to be complied with, including indigenous landscaping, ongoing AIS removal; fencing permitted around individual dwellings only (keeps dogs inside), and no fencing between the residential units to allow for throughway of small mammals</p>
<p>Kouga has indicated in my communications with them that both the municipality and its legal department are reviewing the zoning. Any changes must comply with the Record of Decision (ROD) and the two Court Orders, which legally supersede any subsequent allocations. Furthermore, your audit reflects that the land use restriction per the ROD has been completed and that Portions 1 and 34 were notarially tied. I trust this too was confirmed in the June 2024 audit, yet the current notice of application suggests otherwise. If the audit confirmed the restriction, then logically the restriction must first be lifted before any application for amendments can proceed, following the prescribed administrative process.</p>	
<p>At present, the audit findings do not align with the notice of application. For ease of reference, I have included below several clauses and findings from the audit report dated 27 June 2024 that highlight these inconsistencies: Key References from Audit Report (27 June 2024): <i>Date: 24 June 2009</i></p>	



## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>Common land (Erf 172) registered under Kingsway Caravan Park (Pty) Ltd, managed at the cost of Kingsway HOA, with scoping report confirming intent to transfer all common land to HOA for management as Open Space III.</li> </ul>	
<p>2. Table 1 – Description of Activity in ROD</p> <ul style="list-style-type: none"> <li>All undeveloped land within Portions 1 and 34 to be zoned Open Space III, managed as protected natural area/Nature Reserve by Kingsway HOA.</li> <li>Rezoning information available (Appendix B).</li> <li>Portions 1 and 34 tied notorially as Portion 35. Rezoning approved by Kouga Municipality in 2009.</li> </ul>	<p>Noted, the zoning and land portions have changed since to facilitate the growing resort, and the current amendment is to enable the current portions to be zoned as open space 3 and 2 as applicable and to have an EMPr approved. No EMPr was submitted, and no construction phase audits have been provided, following the authorisation. The EMPr captures all the mitigation measures included in the scoping report and assessment carried out and allows for ongoing management of natural vegetation within and surrounding the resort. The EMPr allows for KHOA to manage public open spaces 2 and 3 as applicable to the areas and allows for fines to be issued to those members who are found to be non-compliant. However, the EMPr needs approval to enable KHOA to remain compliant to their original ROD. Currently KHOA is non-compliant (this currently includes all members) to the ROD and the DEDEAT has allowed for a part 2 amendment process to approve an EMPr and provide a zoning that has a sustainable (social, economic and environmental) ongoing positive impact. The boundary of the open space 3 area on the estuary side has been identified by Mr Struwig to delineate the area where no development (including decking or pathways) may occur. The current area used on the bank may remain as it was when the original ROD was authorised.</p> <p>Any further activities which trigger a NEMA listed activity will require an environmental authorisation including clearing of indigenous vegetation within the resort (indigoes open space 2) and outside the resort area in the two open space 3 areas.</p> <p>The KHOA are to appoint an internal environmental officer to then do internal monthly audits and an external auditor annually. This process will address the non-compliances in terms of the ROD, amendment authorisation (if attained) and the EMPr (if approved).</p>
<p>3. General Conditions</p> <ul style="list-style-type: none"> <li>Site falls within aquatic CBA 1 (Eastern Cape Biodiversity Conservation Plan, 2022), requiring highest level of protection.</li> <li>Rezoning of Portions 1 and 34 completed and compliant (Appendix B).</li> <li>Consolidation of Portions 1 &amp; 34 completed and compliant.</li> <li>Audit notes even extending into Open Space, but Kouga has issued 50–60 notices to members, indicating non-compliance.</li> <li>Vegetation removal and annexation of Open Space by members further demonstrate regulatory breaches.</li> </ul>	
<p>4. Operational Phase (Table 5)</p> <ul style="list-style-type: none"> <li>Compliance noted only for Portion 1 (12 hectares), omitting OS3 area on Portion 34.</li> <li>Internal fencing noted as partially compliant, but audit fails to reflect widespread non-compliance in common grounds.</li> </ul>	
<p>5. Additional Measures</p>	

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>• Common land (Erf 172) to be transferred to Kingsway HOA and managed as Public Open Space III.</li> <li>• Land use restriction against Portion 1 to be registered in perpetuity.</li> <li>• No boundary fences or clearing of vegetation permitted; audit findings misrepresent extent of non-compliance.</li> </ul> <p>In light of these discrepancies, I respectfully request clarification on how the audit findings reconcile with the notice of application. Thank you for your attention to this matter. Kind regards, Mark</p>	
<p>4 December 2025 Hi Claire Any update on the below requested clarification on how the audit findings reconcile with the notice of application, based on the below response sent to you on the 01/12/2025. I would like to complete my review of the notice (+ supporting documents) and hopefully submit my comments prior to going on leave next week. Many Thanks Mark.</p>	<p>8 December 2025 Hi Mark  I have received your comments.  Thank you  Kind Regards Claire</p>
<p>08 December 2025 Dear Claire, I refer to my previous emails dated 01 December and 04 December 2025 regarding the inconsistencies between the June 2024 audit findings and the current notice of application. As the environmental specialist who issued the notice, it is your duty to provide clarity on queries arising directly from it. At present, the audit findings do not align with the notice, and without your</p>	<p>The zoning and land portions have changed since to facilitate the growing resort, and the current amendment is to enable the current portions to be zoned as open space 3 and 2 as applicable and to have an EMPr approved. No EMPr was submitted, and no construction phase audits have been provided, following the authorisation. The EMPr captures all the mitigation measures included in the scoping report and assessment carried out and allows for ongoing management of natural vegetation within and surrounding the resort. The EMPr allows for KHOA to manage public open spaces 2 and 3 as applicable to the areas and allows for fines to be issued to those members who are found to be non-compliant. However, the EMPr needs approval to enable</p>

## EAP Services

Comment Received	Response
<p>explanation, I am unable to complete my review and submit informed comments before going on leave.</p> <p>For ease of reference, I have already highlighted several clauses from the audit report dated 27 June 2024 which confirm:</p> <ol style="list-style-type: none"> <li>1. Rezoning of Portions 1 and 34 to Open Space III (Conservation) was completed in 2009/2010.</li> <li>2. Portions 1 and 34 were notorially tied, with restrictions registered in perpetuity.</li> <li>3. The Record of Decision (ROD) and subsequent Court Orders remain binding and legally supersede any later allocations.</li> <li>4. The audit verified compliance with these restrictions, yet the notice of application suggests otherwise.</li> </ol> <p>Given these discrepancies, I respectfully request that you provide a clear explanation of how the audit findings reconcile with the notice of application, particularly in relation to:</p> <ol style="list-style-type: none"> <li>1. The zoning status of Open Space land and the validity of the September 2024 zoning certificates.</li> <li>2. The notarial tie and land use restrictions confirmed in the audit.</li> <li>3. The process by which any amendments could lawfully proceed, considering the ROD and Court Orders.</li> </ol> <p>Your timely response is essential to ensure procedural fairness and transparency in this matter.</p> <p>Thank you for your attention.</p> <p>Kind regards, Mark Todkill</p>	<p>KHOA to remain compliant to their original ROD. Currently KHOA is non-compliant (this currently includes all members) to the ROD and the DEDEAT has allowed for a part 2 amendment process to approve an EMPr and provide a zoning that has a sustainable (social, economic and environmental) ongoing positive impact. The boundary of the open space 3 area on the estuary side has been identified by Mr Struwig to delineate the area where no development (including decking or pathways) may occur. The current area used on the bank may remain as it was when the original ROD was authorised.</p> <p>Any further activities which trigger a NEMA listed activity will require an environmental authorisation including clearing of indigenous vegetation within the resort (indigoes open space 2) and outside the resort area in the two open space 3 areas.</p> <p>The KHOA are to appoint an internal environmental officer to then do internal monthly audits and an external auditor annually. This process will address the non-compliances in terms of the ROD, amendment authorisation (if attained) and the EMPr (if approved).</p> <p>The proposed amendment will also allow for alignment with the KLM 2025 zoning.</p> <p>Post application response: Correct - Rezoning of Portions 1 and 34 to Open Space III (Conservation) was completed in 2009/2010.</p> <p>When SPLUMA came into effect the rezoning reflected open space 2 which is incorrect and should reflect open space 3 – conservation as per the ROD.</p> <p>The amendment report is requesting rezoning as follows:</p>
<p>8 December 2025 Dear Claire</p>	<p>8 December 2025 Hi Mark</p>

## EAP Services

Comment Received	Response
<p>For the sake of clarity, those were not my comments to the notice of the public participation process, issued by yourself, that will follow on receipt of information / explanation as requested below.</p> <p>Kind Regards Mark</p>	<p>All the comments received during the process are recorded as well as the responses provided. You can submit as many as you like. I will send you responses to comments received to date.</p>
<p>12 January 2026 Hi Clare Please find the attached document, which highlights our comments per each proposed amendment. (Comments to the Proposed Amendments_Part 2 amend.docx) Also note that as per your response below, I am still awaiting your responses to my previous emails. I trust that I will receive those prior to the finalisation of any applications to DEDEAT, so that I can make amendments to my comments, if so required, and based on the response. Many Thanks Mark &amp; Graham Todkill 081 304 1763</p>	<p>13 January 2026 Good day Mr Todkill</p> <p>Thank you for your comments. I am currently drafting responses and will send you a formal response soonest.</p> <p>In the interim, could you please share correspondence between yourself and Lawrence Ramakuwela that the zoning certificates issued in September 2024 are more than likely incorrect in order for me to include in the public participation and comments and response report.</p> <p>Thank you</p> <p>Kind regards Claire</p>
<p><b>Comments to the Proposed Amendments as per - NOTIFICATION OF PUBLIC PARTICIPATION PROCESS - Part 2 amendment application KHOA DEDEAT REFERENCE: EC08/1M/74-98</b></p> <p>1. Amendment request <i>Contact details of applicant (No impact)</i> Amendment of condition to No impact <b>Comment</b> <b>Agreed, please furnish the actual contact details as it would appear in the amendment.</b></p>	<p>Noted The chairman of Kingsway HOA will represent KHOA Kingsway Homeowners Association Duwayne Varnfield (current chairman)</p>

## EAP Services

Comment Received	Response
<p>2. Amendment request  <i>7.1 The change land use of Portions 1 and 34 of the Farm Mauritzkraal No 501, to be affected within 12 months of the date of signature of this authorization, by means of a rezoning in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985.</i></p> <p>Amendment of condition to:</p> <p>7.1 to: The change land use of Portions 1 and 34 of the Farm Mauritzkraal No 501, to be affected <b>within 24 months</b> of the date of signature of this authorization, by means of a rezoning in terms of the <b>SPLUMA</b></p> <p><b>Comment</b></p> <ul style="list-style-type: none"> <li>• <b>SPLUMA – the full act and version should be detailed.</b></li> <li>• Amendments are intended to <b>update or correct conditions</b> to reflect current law, practical realities, or unforeseen circumstances.</li> <li>• They are <b>not meant to excuse negligence</b> or retroactively validate non-compliance.</li> <li>• Conditions were ignored and not implemented, that is a <b>breach of the original authorization</b>, not something that can be erased by amendment.</li> <li>• Development is mostly completed and ownership transferred, rezoning or land use conditions were approved, attempting to extend timeframes after completion is seen as a <b>procedural cover-up</b> rather than a legitimate amendment.</li> </ul>	<p>Relevant zoning information that is applicable to the assessment has been provided. The response will be sent to the appointed town planner for comment related to SPLUMA. The assessment follows NEMA requirements and therefore the impact on the environment due to the amendment changes is assessed. One of the proposed changes relates to the resort area being open space 2 and remaining natural intact area to be zoned as open space 3.</p> <p><b>Noted: Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA); this has been updated accordingly.</b></p> <p>Kingsway has a long history of partial implementation and non-compliance with the original 2008 ROD and related conditions as confirmed in the 2024 compliance audit. The Part 1 and Part 2 amendment processes the High Court Addendum to the Deed of Settlement (2025) and the SGM resolution of 24 August 2025 were expressly designed in consultation with DEDEAT and Kouga to bring Kingsway back into a lawful, enforceable and practical compliance position under NEMA and SPLUMA.</p> <p>The original ROD and 2009/2010 rezoning created a strong conservation intent but they did so before Kingsway was actually laid out as a sectional title resort with narrow erven shared services and high-use internal areas. The zoning and land portions have changed since to facilitate the growing resort, and the current amendment is to enable the current portions to be zoned as open space 3 and 2 as applicable and to have an EMPr approved. No EMPr was submitted, and no construction phase audits have been provided, following the authorisation. The EMPr captures all the mitigation measures included in the scoping report and assessment carried out and allows for ongoing management of natural vegetation within and surrounding the resort. The EMPr allows for KHOA to manage public open spaces 2 and 3 as applicable to the areas and allows for fines to be issued to those members who are found to be non-compliant. However, the EMPr needs approval to enable KHOA to remain compliant to their original ROD. Currently KHOA is non-compliant (this currently includes all members) to the ROD and the DEDEAT has allowed for a part 2 amendment process to approve an EMPr and provide a zoning that has a</p>

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>Negligence by the committee in implementing conditions is a <b>governance failure, as is shown in the Compliance Audit findings.</b></li> <li><b>Legislative Update</b>, updating references from LUPO to SPLUMA is feasible and most probably necessary, but this should be framed as a <b>technical alignment</b>, not as a way to excuse past failures.</li> </ul>	<p>sustainable (social, economic and environmental) ongoing positive impact. The boundary of the open space 3 area on the estuary side has been identified by Mr Struwig to delineate the area where no development (including decking or pathways) may occur. The current area used on the bank may remain as it was when the original ROD was authorised.</p> <p>Any further activities which trigger a NEMA listed activity will require an environmental authorisation including clearing of indigenous vegetation within the resort (indigenous open space 2) and outside the resort area in the two open space 3 areas.</p> <p>The KHOA are to appoint an internal environmental officer to then do internal monthly audits and an external auditor annually. This process will address the non-compliances in terms of the ROD, amendment authorisation (if attained) and the EMPr (if approved).</p> <p>The proposed amendment will also allow for alignment with the KLM 2025 zoning.</p>
<p>3. Amendment request</p> <p><b>1. Amendment request</b></p> <p><i>7.3 Construction of housing infrastructure to commence within 12 months of completion of the construction of bulk service infrastructure and to be completed within 60 months of commencement.</i></p> <p>Amendment of condition to:</p> <p>7.3 Construction of individual dwelling to commence <b>after</b> completion of the construction of bulk service infrastructure and to be completed within <b>12 months from date of commencement of construction.</b></p> <p><b>Comment</b></p> <ul style="list-style-type: none"> <li>This change is a material amendment as it alters the nature of the obligation from a “collective works” (Housing infrastructure) to the “individual dwellings”</li> </ul>	<p>KHOA is currently non-compliant (this currently includes all members) to the ROD and the DEDEAT has allowed for a part 2 amendment process to approve an EMPr and provide a zoning that has a sustainable (social, economic and environmental) ongoing positive impact.</p> <p>The Part 2 application does not pretend that those breaches never happened rather DEDEAT has indicated that a Part 2 amendment is the correct remedial route for an existing long-standing EA where conditions were never fully implemented.</p> <p>The proposed wording does not increase the number of erven or the development footprint already authorised it simply ensures that any remaining dwellings are completed within 12 months of commencement under a stricter EMPr-based construction regime. This tightens rather than relaxes environmental control over late-build sites and is therefore an appropriate Part 2 amendment under NEMA Regulation 31–32</p> <p>The current condition states that construction (all units) were to be finished within 5 years and commence within 12 months of the completion of bulk service installation and this has not been</p>

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>It <b>shifts focus</b> from collective infrastructure to individual units, which is a <b>material change</b> in scope</li> <li>By <b>changing the scope to individual dwellings</b>, it <b>changes the object of the regulation</b>.</li> <li>It now reduces the timeframe from 5 to 1 year and can lead to <b>non-compliance issues by individual owners</b>, especially if there are <b>delays in approvals (municipal and financial)</b> or contractor availability</li> <li>The development is mostly complete and to apply it retroactively, is seen as a <b>procedural patch</b> and not a meaningful safeguard/amendment.</li> <li><b>Legislative updates are valid, but timeframe compression and scope changes must not be used to mask past negligence</b> by committees</li> </ul>	<p>done, there are still erven which have not yet been developed. This condition is therefore proposed to allow for the remaining units to still be built and then completed within 1 year of starting to build their unit.</p> <p>All members are holders of the authorisation and in order to keep the authorisation the amendments are necessary.</p> <p>All construction contractors must comply to the EMPR and this means every unit remaining will need to comply to the conditions and carry out audits. This does not shift non-compliance; this is proposed to prevent impacts due to construction and ensure, <i>inter alia</i>, landscaping is indigenous, the fence is around the erf only and no structures in the open space 2 proposed area (area in the resort area), search and rescue is carried out and all plants then planted in open space 3 and / or their permitted garden area.</p>
<p>4. Amendment request  <b>2. Amendment request</b>  <i>8.3.12 The development footprint of each Individual unit as well as the area to be used for the installation of services and the Individual approach road to each site to be clearly demarcated with pegs. All areas outside the demarcated areas are to be Indicated as "no-go" areas for construction workers, machinery and vehicles and access to these areas are to be prohibited</i></p> <p>Amendment of condition to:  <i>8.3.12 The development footprint of each Individual unit as well as the area to be used for the installation of services and the Individual approach road to each site to be clearly demarcated with pegs. <b>Permission from KHOA to be granted for required laydown areas that may encroach onto open space 2; these must be clearly demarcated with pegs. All open space 3 areas and areas outside the</b></i></p>	<p>The common property where existing and future units were planned is fragmented and is more aligned to the definition and objective of to open space 2 zoning as outlined in SPLUMA.</p> <p><i>Private open space means land, which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development. The objectives of SPLUMA includes:</i></p> <ul style="list-style-type: none"> <li><i>land for the provision of active and passive recreational areas on private owned land;</i></li> <li><i>generally, to promote private recreation, enhance aesthetical appearance and promote maintenance of a function open space system.</i></li> </ul> <p>The open areas around the dwellings is not considered to meet the definition and objectives of open space 3 as defined in SPLUMA:  <i>The definition of open space 3 zone (conservation area) is land used or declared for the conservation, biodiversity, archaeological and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directed related to management</i></p>

## EAP Services

Comment Received	Response
<p>demarcated area to be designated as "no-go" areas for construction workers, machinery and vehicles and access to these areas are to be prohibited.</p> <p><b>Comment</b></p> <ul style="list-style-type: none"> <li>The amendment is <b>premature</b> because it assumes rezoning that has not yet occurred.</li> <li>A <b>valid court order</b> stipulates that all common property (other than individual member units) must be zoned <b>Open Space 3 (conservation)</b>.</li> <li>A valid court order has binding force until lawfully amended.</li> <li><b>Judicial Procedure</b> has not been followed to amend or set aside that order.</li> <li>Rezoning from <b>OS2 to OS3</b> is still <b>in question</b> and unresolved.</li> <li>Any amendment to the ROD that assumes rezoning has already occurred (OS2 designation) is <b>legally defective</b>, as the land remains <b>OS3</b> under the court order.</li> <li>The amendment to Clause 8.3.12 proposes allowing <b>KHOA discretion</b> to authorize laydown areas in "Open Space 2." KHOA cannot override a court order or zoning designation — only a judicial amendment together with municipal rezoning under SPLUMA can do so.</li> </ul>	<p><i>of the conservation area or a nature reserve, inclusive of facilities for the day visitors, but does not include overnight accommodation and tourist facilities.</i></p> <p><i>Objectives of OS3:</i></p> <ul style="list-style-type: none"> <li><i>the use of land for conservation and natural areas</i></li> <li><i>includes statutory and non-statutory conservation areas and provision for these land uses</i></li> <li><i>Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy.</i></li> </ul> <p>Kindly refer to the information provided below relevant to resort zone, open space 2 zone and open space 3 zone.</p> <p>KHOA is a resort zone (dwellings), open space 2 (open areas in between dwelling's) and open space 3 (natural areas intact).</p> <p>The activity applicable and currently authorised is the following:</p> <p>The following activities were authorised:</p> <ul style="list-style-type: none"> <li>1(m) - The construction or upgrading of public and private resorts and associated infrastructure</li> <li>2(c) - The change of land use <b>from agricultural or zoned undetermined use or an equivalent zoning, to any other</b></li> </ul> <p>The amendment therefore assesses impact of the proposed changes and finds a negligible impact IF the conditions of the authorisation and amendment authorisation and the EMPr is followed and implemented. This allows for effective environmental management of the resort area and natural area. The intention of the NEMA is to ensure impacts are addressed and mitigated.</p> <p>Kouga LM would need to therefore need to comply to the conditions of the EA and the amendment with regards to the zoning.</p>

## EAP Services

Comment Received	Response																																																								
	<p>40. Resort Zone</p> <table border="1"> <tr> <td><b>LAND USE CATEGORY</b></td> <td colspan="3">Resorts</td> </tr> <tr> <td><b>ZONING</b></td> <td colspan="3">Resort Zone</td> </tr> <tr> <td><b>PURPOSE</b></td> <td colspan="3">Resort</td> </tr> <tr> <td colspan="4"><b>Objectives</b></td> </tr> <tr> <td colspan="4"> <ul style="list-style-type: none"> <li>The use of land for the purpose of short term tourism accommodation, including caravan parks, chalets, mobile dwellings etc.</li> <li>The use of land for purposes and purposes aligned towards utilising the aesthetic and bio-physical qualities of the area.</li> </ul> </td> </tr> <tr> <td colspan="4"><b>USE OF THE PROPERTY</b></td> </tr> <tr> <td><b>Primary Use</b></td> <td><b>Definition</b></td> <td colspan="2"><b>Consent Use</b></td> </tr> <tr> <td>Holiday Accommodation</td> <td>means a place of rest, holiday place, tenting or camping ground, caravan park, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a place of refreshment and other buildings normally related and appurtenant to such a resort, as approved by the Local Authority, provided that no facility within the resort shall be occupied by any person for a period exceeded three(3) months within a period of twelve (12) months, except with the consent of the Local Authority</td> <td colspan="2"> <ul style="list-style-type: none"> <li>Licensed Hotel</li> <li>Resort Shop</li> <li>Social Facility</li> <li>Tourist Facility</li> </ul> </td> </tr> <tr> <td colspan="4"><b>DEVELOPMENT PARAMETERS</b></td> </tr> <tr> <td colspan="4"><b>Building Lines</b></td> </tr> <tr> <td></td> <td><b>Street</b></td> <td><b>Lateral &amp; Rear</b></td> <td><b>Height</b></td> </tr> <tr> <td></td> <td>5m</td> <td>5m</td> <td>11m</td> </tr> <tr> <td></td> <td></td> <td></td> <td><b>Coverage</b></td> </tr> <tr> <td></td> <td></td> <td></td> <td>20%</td> </tr> </table>	<b>LAND USE CATEGORY</b>	Resorts			<b>ZONING</b>	Resort Zone			<b>PURPOSE</b>	Resort			<b>Objectives</b>				<ul style="list-style-type: none"> <li>The use of land for the purpose of short term tourism accommodation, including caravan parks, chalets, mobile dwellings etc.</li> <li>The use of land for purposes and purposes aligned towards utilising the aesthetic and bio-physical qualities of the area.</li> </ul>				<b>USE OF THE PROPERTY</b>				<b>Primary Use</b>	<b>Definition</b>	<b>Consent Use</b>		Holiday Accommodation	means a place of rest, holiday place, tenting or camping ground, caravan park, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a place of refreshment and other buildings normally related and appurtenant to such a resort, as approved by the Local Authority, provided that no facility within the resort shall be occupied by any person for a period exceeded three(3) months within a period of twelve (12) months, except with the consent of the Local Authority	<ul style="list-style-type: none"> <li>Licensed Hotel</li> <li>Resort Shop</li> <li>Social Facility</li> <li>Tourist Facility</li> </ul>		<b>DEVELOPMENT PARAMETERS</b>				<b>Building Lines</b>					<b>Street</b>	<b>Lateral &amp; Rear</b>	<b>Height</b>		5m	5m	11m				<b>Coverage</b>				20%
<b>LAND USE CATEGORY</b>	Resorts																																																								
<b>ZONING</b>	Resort Zone																																																								
<b>PURPOSE</b>	Resort																																																								
<b>Objectives</b>																																																									
<ul style="list-style-type: none"> <li>The use of land for the purpose of short term tourism accommodation, including caravan parks, chalets, mobile dwellings etc.</li> <li>The use of land for purposes and purposes aligned towards utilising the aesthetic and bio-physical qualities of the area.</li> </ul>																																																									
<b>USE OF THE PROPERTY</b>																																																									
<b>Primary Use</b>	<b>Definition</b>	<b>Consent Use</b>																																																							
Holiday Accommodation	means a place of rest, holiday place, tenting or camping ground, caravan park, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a place of refreshment and other buildings normally related and appurtenant to such a resort, as approved by the Local Authority, provided that no facility within the resort shall be occupied by any person for a period exceeded three(3) months within a period of twelve (12) months, except with the consent of the Local Authority	<ul style="list-style-type: none"> <li>Licensed Hotel</li> <li>Resort Shop</li> <li>Social Facility</li> <li>Tourist Facility</li> </ul>																																																							
<b>DEVELOPMENT PARAMETERS</b>																																																									
<b>Building Lines</b>																																																									
	<b>Street</b>	<b>Lateral &amp; Rear</b>	<b>Height</b>																																																						
	5m	5m	11m																																																						
			<b>Coverage</b>																																																						
			20%																																																						

## EAP Services

Comment Received	Response																																															
	<p><b>35. Open Space Zone 2</b></p> <table border="1" data-bbox="730 786 1441 1211"> <tr> <td colspan="2"><b>LAND USE CATEGORY</b></td> <td>Open Space</td> </tr> <tr> <td colspan="2"><b>ZONING</b></td> <td>Open Space Zone 2</td> </tr> <tr> <td colspan="2"><b>PURPOSE</b></td> <td>Private Open Space</td> </tr> <tr> <td colspan="3"><b>Objectives</b></td> </tr> <tr> <td colspan="3"> <ul style="list-style-type: none"> <li>Land for the provision of active and passive recreational areas on private owned land.</li> <li>Generally to promote private recreation, enhance aesthetic appearance and promote the maintenance of a functional open space system.</li> </ul> </td> </tr> <tr> <td colspan="3"><b>USE OF THE PROPERTY</b></td> </tr> <tr> <td><b>Primary Use</b></td> <td><b>Definition</b></td> <td><b>Consent Use</b></td> </tr> <tr> <td>Private Open Space</td> <td>means land which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development</td> <td> <ul style="list-style-type: none"> <li>Cemetery</li> <li>Camping Site</li> <li>Sport Facility</li> <li>Tourist Facility</li> </ul> </td> </tr> <tr> <td colspan="3"><b>DEVELOPMENT PARAMETERS</b></td> </tr> <tr> <td colspan="2"><b>Building Lines</b></td> <td><b>Height</b></td> <td><b>Coverage</b></td> </tr> <tr> <td><i>Street</i></td> <td><i>Lateral &amp; Rear</i></td> <td></td> <td></td> </tr> <tr> <td colspan="4">Site and Development Specific as imposed by Municipality</td> </tr> <tr> <td colspan="3"><b>Parking</b></td> <td></td> </tr> <tr> <td colspan="4">Not applicable</td> </tr> </table> <p><u>General Provisions</u></p> <ul style="list-style-type: none"> <li>No building or structure shall be erected or use practiced, except if same is compatible with "private open space", as defined.</li> <li>The Municipality shall in each case, depending on unique circumstances, stipulate land use restrictions and additional conditions.</li> </ul>	<b>LAND USE CATEGORY</b>		Open Space	<b>ZONING</b>		Open Space Zone 2	<b>PURPOSE</b>		Private Open Space	<b>Objectives</b>			<ul style="list-style-type: none"> <li>Land for the provision of active and passive recreational areas on private owned land.</li> <li>Generally to promote private recreation, enhance aesthetic appearance and promote the maintenance of a functional open space system.</li> </ul>			<b>USE OF THE PROPERTY</b>			<b>Primary Use</b>	<b>Definition</b>	<b>Consent Use</b>	Private Open Space	means land which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development	<ul style="list-style-type: none"> <li>Cemetery</li> <li>Camping Site</li> <li>Sport Facility</li> <li>Tourist Facility</li> </ul>	<b>DEVELOPMENT PARAMETERS</b>			<b>Building Lines</b>		<b>Height</b>	<b>Coverage</b>	<i>Street</i>	<i>Lateral &amp; Rear</i>			Site and Development Specific as imposed by Municipality				<b>Parking</b>				Not applicable			
<b>LAND USE CATEGORY</b>		Open Space																																														
<b>ZONING</b>		Open Space Zone 2																																														
<b>PURPOSE</b>		Private Open Space																																														
<b>Objectives</b>																																																
<ul style="list-style-type: none"> <li>Land for the provision of active and passive recreational areas on private owned land.</li> <li>Generally to promote private recreation, enhance aesthetic appearance and promote the maintenance of a functional open space system.</li> </ul>																																																
<b>USE OF THE PROPERTY</b>																																																
<b>Primary Use</b>	<b>Definition</b>	<b>Consent Use</b>																																														
Private Open Space	means land which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development	<ul style="list-style-type: none"> <li>Cemetery</li> <li>Camping Site</li> <li>Sport Facility</li> <li>Tourist Facility</li> </ul>																																														
<b>DEVELOPMENT PARAMETERS</b>																																																
<b>Building Lines</b>		<b>Height</b>	<b>Coverage</b>																																													
<i>Street</i>	<i>Lateral &amp; Rear</i>																																															
Site and Development Specific as imposed by Municipality																																																
<b>Parking</b>																																																
Not applicable																																																

## EAP Services

Comment Received	Response																																																						
	<p><b>36. Open Space Zone 3</b></p> <table border="1"> <tr> <td><b>LAND USE CATEGORY</b></td> <td colspan="3">Open Space</td> </tr> <tr> <td><b>ZONING</b></td> <td colspan="3">Open Space Zone 3</td> </tr> <tr> <td><b>PURPOSE</b></td> <td colspan="3">Conservation</td> </tr> <tr> <td colspan="4"><b>Objectives</b></td> </tr> <tr> <td colspan="4"> <ul style="list-style-type: none"> <li>The use of land for conservation and natural areas.</li> <li>Include statutory and non-statutory conservation areas and provision for these land uses.</li> <li>Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy.</li> </ul> </td> </tr> <tr> <td colspan="4"><b>USE OF THE PROPERTY</b></td> </tr> <tr> <td><b>Primary Use</b></td> <td><b>Definition</b></td> <td colspan="2"><b>Consent Use</b></td> </tr> <tr> <td>Conservation Area</td> <td>means land used or declared for the conservation, biodiversity, archaeological preservation and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directly related to management of the conservation area or nature reserve, inclusive of facilities for day visitors, but does not include overnight accommodation and tourist facilities</td> <td colspan="2"> <ul style="list-style-type: none"> <li>Holiday Accommodation</li> <li>Landing Pad</li> <li>Tourist Facility</li> </ul> </td> </tr> <tr> <td colspan="4"><b>DEVELOPMENT PARAMETERS</b></td> </tr> <tr> <td colspan="2"><b>Building Lines</b></td> <td rowspan="2"><b>Height</b></td> <td rowspan="2"><b>Coverage</b></td> </tr> <tr> <td><i>Street</i></td> <td><i>Lateral &amp; Rear</i></td> </tr> <tr> <td colspan="4">Site and Development Specific as imposed by Municipality</td> </tr> <tr> <td colspan="4"><b>Parking</b></td> </tr> <tr> <td colspan="4">Not applicable</td> </tr> </table>	<b>LAND USE CATEGORY</b>	Open Space			<b>ZONING</b>	Open Space Zone 3			<b>PURPOSE</b>	Conservation			<b>Objectives</b>				<ul style="list-style-type: none"> <li>The use of land for conservation and natural areas.</li> <li>Include statutory and non-statutory conservation areas and provision for these land uses.</li> <li>Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy.</li> </ul>				<b>USE OF THE PROPERTY</b>				<b>Primary Use</b>	<b>Definition</b>	<b>Consent Use</b>		Conservation Area	means land used or declared for the conservation, biodiversity, archaeological preservation and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directly related to management of the conservation area or nature reserve, inclusive of facilities for day visitors, but does not include overnight accommodation and tourist facilities	<ul style="list-style-type: none"> <li>Holiday Accommodation</li> <li>Landing Pad</li> <li>Tourist Facility</li> </ul>		<b>DEVELOPMENT PARAMETERS</b>				<b>Building Lines</b>		<b>Height</b>	<b>Coverage</b>	<i>Street</i>	<i>Lateral &amp; Rear</i>	Site and Development Specific as imposed by Municipality				<b>Parking</b>				Not applicable			
<b>LAND USE CATEGORY</b>	Open Space																																																						
<b>ZONING</b>	Open Space Zone 3																																																						
<b>PURPOSE</b>	Conservation																																																						
<b>Objectives</b>																																																							
<ul style="list-style-type: none"> <li>The use of land for conservation and natural areas.</li> <li>Include statutory and non-statutory conservation areas and provision for these land uses.</li> <li>Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy.</li> </ul>																																																							
<b>USE OF THE PROPERTY</b>																																																							
<b>Primary Use</b>	<b>Definition</b>	<b>Consent Use</b>																																																					
Conservation Area	means land used or declared for the conservation, biodiversity, archaeological preservation and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directly related to management of the conservation area or nature reserve, inclusive of facilities for day visitors, but does not include overnight accommodation and tourist facilities	<ul style="list-style-type: none"> <li>Holiday Accommodation</li> <li>Landing Pad</li> <li>Tourist Facility</li> </ul>																																																					
<b>DEVELOPMENT PARAMETERS</b>																																																							
<b>Building Lines</b>		<b>Height</b>	<b>Coverage</b>																																																				
<i>Street</i>	<i>Lateral &amp; Rear</i>																																																						
Site and Development Specific as imposed by Municipality																																																							
<b>Parking</b>																																																							
Not applicable																																																							
<p>5. Amendment request  <i>8.4.13.2 Limited landscaping can be allowed as part of site rehabilitation on Individual portions, but such landscaping must be restricted to the use of indigenous plant species and must be in keeping with the natural vegetation found on the property. Established, non-invasive alien species may be retained but the area is to be kept clear of all invasive alien plant species.</i></p> <p>Amendment of condition to:  <i>8.4.13.2 Limited landscaping can be allowed as part of site rehabilitation on</i></p>	<p>In terms of the NEMA the following activities were authorised:</p> <ul style="list-style-type: none"> <li>1(m) - The construction or upgrading of public and private resorts and associated infrastructure</li> <li>2(c) - The change of land use <b>from agricultural or zoned undetermined use or an equivalent zoning, to any other</b></li> </ul> <p>The amendment proposed in terms of NEMA assesses impact of change to the proposed changes. The area was zoned agricultural and changed to resort and open space 3. The common property where existing and future units were planned is fragmented and is more suited to the current definition of open space 2 zoning. KHOA is a resort zone (dwellings), open space 2 (open areas in between dwelling's) and open space 3 (natural areas intact). The</p>																																																						

## EAP Services

Comment Received	Response
<p>Individual portions and open space 2, but such landscaping must be restricted to the use of indigenous plant species and must be in keeping with the natural vegetation found on the property. Established, non-invasive alien species may be retained but the area is to be kept clear of all invasive alien plant species.</p> <p><b>Comment</b> As noted in Amendment request 4, above the following fact are applicable;</p> <ul style="list-style-type: none"> <li>The amendment is <b>premature</b> because it assumes rezoning that has not yet occurred.</li> <li>A <b>valid court order</b> stipulates that all common property (other than individual member units) must be zoned <b>Open Space 3 (conservation)</b>.</li> <li>A valid court order has binding force until lawfully amended.</li> <li><b>Judicial Procedure</b> has not been followed to amend or set aside that order.</li> </ul> <p>Additionally,</p> <ul style="list-style-type: none"> <li><b>Expands scope of landscaping from private portions only to private portions and Open Space 2.</b> (which is not resolved)</li> <li>Landscaping is only allowed on individually owned portions, irrespective of whether it is OS2 or OS3, this is communal property and is managed by the HOA. Members may not do any landscaping on common property, and the HOA committee may not allocate or appropriate any common property to individual members.</li> </ul>	<p>management of the area between the units as open space 2 will not cause any other impact IF the EMPr and EA is implemented and complied to.</p> <p>This allows for effective environmental management of the resort area and natural area. The intention of the NEMA is to ensure impacts are prevented on the environment.</p> <p>The Part 2 amendment process (substantive) has been followed and the proposed amendments have been assessed and additional mitigation recommended as applicable.</p> <p>The area between the resort dwellings is of low conservation value but must maintain as much biodiversity as possible through the mitigation measures recommended. The area proposed for open space 3 has high conservation value as the entire surrounding area is farmed and the KHOA area offers forage and habitat for fauna in the area.</p> <p>Kouga LM would need to therefore need to comply to the conditions of the EA and the amendment with regards to the zoning.</p> <p>Kouga's internal legal and planning processes DEDEAT's compliance/enforcement oversight and CSOS complaints about governance and voting are all noted and will be fully engaged with but they operate under different legislation to the NEMA Part 2 amendment process. DEDEAT explicitly requested a compliance audit and then accepted that a Part 2 amendment plus EMPr is the correct environmental route to remedy long-standing EA non-compliance that process does not need to wait for CSOS adjudications or municipal PAIA outcomes before DEDEAT can make an environmental decision.</p> <p>CSOS has already afforded KHOA an opportunity to repeat the relevant vote correctly all indications are that the outcome does not change the member mandate for the Part 1 and Part 2 processes. If any future CSOS or court outcomes require adjustments they can be implemented via further administrative or legal steps they do not invalidate the current need to align the EA and EMPr with the 2025 High Court Addendum and NEMA requirements</p>

## EAP Services

Comment Received	Response
<p>6. Amendment request</p> <p><i>All undeveloped land within portions 1 and 34 to be zoned as Open Space III, regarded as common property and to be managed as a protected natural area or Nature Reserve by the Kingsway Homeowners Association.</i></p> <p>Amendment of condition to: All undeveloped land within portions 1 and 34 (currently Ptn 35 / 501 and RE 209 / 501) outside designated sectional title erven and open space 2 area between these sectional title erven, to be zoned as Open Space zone 3 and managed as a as a protected natural area or Nature Reserve by the Kingsway Homeowners Association.</p> <p><b>Comment</b></p> <p>I find it disingenuous that the author has not full identified the clause or section that the above pertains to and has included it with clause 8.2.1 on not as a separate item. <u>This refers to 1. Description of Activity, 2<sup>nd</sup> paragraph, point 4.</u></p> <ul style="list-style-type: none"> <li>• Once again this is a premature and unlawful amendment as per Amendment Requests 4 and 5 above.</li> <li>• This is a substantive amendment not just a technical update.</li> <li>• The original authorisation insured a strong conservation protection with no carve-outs or exception.</li> <li>• The amendment shifts the <b>balance between Conservation and Development by reducing the Conservation Footprint.</b></li> </ul>	<p>In terms of the NEMA the following activities were authorised:</p> <ul style="list-style-type: none"> <li>• 1(m) - The construction or upgrading of public and private resorts and associated infrastructure</li> <li>• 2(c) - The change of land use <b>from agricultural or zoned undetermined use or an equivalent zoning, to any other</b></li> </ul> <p>The common property where existing and future units were planned is fragmented and is more aligned to the definition and objective of to open space 2 zoning as outlined in SPLUMA.</p> <p><i>Private open space means land, which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development. The objectives of SPLUMA includes:</i></p> <ul style="list-style-type: none"> <li>- <i>land for the provision of active and passive recreational areas on private owned land;</i></li> <li>- <i>generally, to promote private recreation, enhance aesthetical appearance and promote maintenance of a function open space system.</i></li> </ul> <p>The open areas around the dwellings is not consi9dered to meet the definition and objectives of open space 3 as defined in SPLUMA:</p> <p><i>The definition of open space 3 zone (conservation area) is land used or declared for the conservation, biodiversity, archaeological and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directed related to management of the conservation area or a nature reserve, inclusive of facilities for the day visitors, but does not include overnight accommodation and tourist facilities.</i></p> <p><i>Objectives of OS3:</i></p> <ul style="list-style-type: none"> <li>- <i>the use of land for conservation and natural areas</i></li> <li>- <i>includes statutory and non-statutory conservation areas and provision for these land uses</i></li> </ul>

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>The Conservation protections are being weakened / reduced and is being used as a procedural device to hide non-compliance of the regulatory framework as imposed by the original ROD and highlighted in the Environmental Audit Report.</li> <li>Amendments to the ROD are being used in an attempt to obscure Procedural Negligence by the KHOA Excom.</li> </ul>	<p>- <i>Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy.</i></p> <p>The area between the resort dwellings is of low conservation value but must maintain as much biodiversity as possible through the mitigation measures recommended. The area proposed for open space 3 has high conservation value as the entire surrounding area is farmed and the KHOA area offers forage and habitat for fauna in the area.</p>
<p>7. Amendment request</p> <p><i>8.2.1 Portion 34 of the farm Mauritzkraal 501 within the Kouga Municipal area to be rezoned from Resort I to Resort II and Private Open Space III in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985 and Portion 1 of the farm Mauritzkraal 501 to be rezoned from Agriculture to Resort II and Private Open Space III to facilitate the upgrading/ expansion of the existing Kingsway Resort</i></p> <p>Amendment of condition to:</p> <p>8.2.1: Portion 34 of the farm Mauritzkraal 501 (currently RE 209 / 501) within the Kouga Municipal area to be rezoned from Resort I to Resort II <b>and open space 2</b> and open Space 3 In terms of the Land Use Planning Ordinance, Ordinance 15 of 1985 (currently SPLUMA) and Portion 1 (currently Ptn 35 / 501 and RE 209 / 501) of the farm Mauritzkraal 501 to be rezoned from Agriculture to Resort II <b>and open space 2</b> and open space 3 to facilitate the upgrading/ expansion of the existing Kingsway Resort.</p> <p><b>Comment</b> As stated in Assessment Request 4,5 and 6 above;</p>	<p>It is acknowledge that Kingsway has a long history of partial implementation and non-compliance with the original 2008 ROD and related conditions as confirmed in the 2024 compliance audit. The original ROD and 2009/2010 rezoning created a strong conservation intent but they did so before Kingsway was actually laid out as a sectional title resort with narrow erven shared services and high-use internal areas. The 2025 High Court Addendum and the 24 August 2025 SGM resolution explicitly clarify the split between OS3 (riverbank and intact thicket areas) and OS2 (functional resort open space between erven) while keeping the underlying conservation obligation in place. Under the Part 2 amendment all undeveloped land outside designated erven and OS2 remains OS3 in perpetuity and is managed as a protected nature area while OS2 remains common property with strict indigenous landscaping no new footprint and EMPr controls.</p> <p>The notarial tie and land-use restrictions are legal instruments that can be interpreted and where necessary amended by the same authorities that created them namely the High Court and DEDEAT acting within NEMA and SPLUMA.</p> <p>The 2025 Addendum to the Deed of Settlement already amends the original court order to align the OS2/OS3 framework with SPLUMA and the current Kouga zoning scheme while retaining perpetual non-development protections over the true conservation areas. The Part 2 amendment application is the formal NEMA mechanism DEDEAT has requested to bring the EA/ROD wording zoning and EMPr into line with that updated legal framework it does not “ignore” the restriction it regularises it.</p>

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>A court order stipulates all common property must be OS3, then introducing OS2 is <b>premature and unlawful</b> unless the order is amended.</li> <li>Delegates discretion to HOA to manage OS2 differently, weakening uniform conservation protections.</li> <li>Same comments as in items 4,5 and 6 above apply to this proposed amendment.</li> <li>Rezoning and judicial amendment have not occurred; this change is <b>premature and procedurally defective</b>.</li> </ul>	<p>Kouga’s internal legal and planning processes DEDEAT’s compliance/enforcement oversight and CSOS complaints about governance and voting are all noted and will be fully engaged with but they operate under different legislation to the NEMA Part 2 amendment process. DEDEAT explicitly requested a compliance audit and then accepted that a Part 2 amendment plus EMPr is the correct environmental route to remedy long-standing EA non-compliance that process does not need to wait for CSOS adjudications or municipal PAIA outcomes before DEDEAT can make an environmental decision.</p>
<p>8. Amendment request  <i>8.2.4.2 Allocation of all land other than Individual Resort II portions as Open Space III.</i></p> <p>Amendment of condition to:</p> <p><i>8.2.4.2 to: Allocation of all land other than Individual Resort II portions and open space 2 area as Open Space 3</i></p> <p><b>Comment</b>  As stated in Assessment Request 4,5,6 and 7 above;</p> <ul style="list-style-type: none"> <li>A court order stipulates all common property must be OS3, then introducing OS2 is <b>premature and unlawful</b> unless the order is amended.</li> <li>Delegates discretion to HOA to manage OS2 differently, weakening uniform conservation protections.</li> <li>Same comments as in items 4,5 and 6 above apply to this proposed amendment.</li> </ul>	<p>Kouga LM would need to comply to the conditions of the EA and the amendment with regards to the zoning.</p> <p>Concerns about the September 2024 zoning certificates have been recorded including correspondence with Kouga’s Town Planner and Legal section and those issues sit with Kouga to address under SPLUMA. The Part 2 amendment process is a NEMA process directed at DEDEAT and focuses on the environmental authorisation the ROD wording and the OS2/OS3 conservation outcome not on the internal administrative status of specific Kouga certificates. Once DEDEAT issues a final decision on the Part 2 amendment, Kouga will finalise the rezoning and rectify any certificate inconsistencies so that the zoning scheme the High Court Addendum and the amended ROD all align. Proceeding with NEMA alignment therefore supports rather than undermines Kouga’s clean-up of the zoning records</p> <p>The past non-compliance is serious and has been appropriately documented in the 2024 audit and in the Part 2 amendment assessment. However NEMA and DEDEAT’s own guidance for legacy developments emphasise corrective action through audits, EMPrs and amendments rather than simply cancelling an EA where there is a realistic path back to compliance and no unmanageable high-significance impacts. The combination of the High Court Addendum, Part 1</p>

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>Rezoning and judicial amendment have not occurred; this change is <b>premature and procedurally defective</b>.</li> </ul> <p>9. Amendment of Mitigation measure</p> <p><i>The common land (Erf 172) registered in the name of Kingsway Caravan Park (Pty) Ltd; all this common land be transferred to the Kingsway HOA on completion of the development and that it be managed as Public Open Space Zone III (i.e. as a protected natural area).</i></p> <p><i>The proposed land use restriction that should be registered against the title deed of Portion 1 (in perpetuity) and its management as Public Open Space III and its proposed incorporation into the Caravan Resort as a Protected Area or Nature Reserve.</i></p> <p>Amendment of Mitigation measure to:</p> <p><i>The proposed land use restriction that should be registered against the title deed of Portion 1 ((currently Ptn 35 / 501 and RE 209 / 501) (in perpetuity) (and its management as Public Open Space III and its proposed incorporation into the Caravan Resort as a Protected Area or Nature Reserve</i></p> <p><b>Comment</b></p> <ul style="list-style-type: none"> <li>Once again, this mitigation amendment assumes that the rezoning is already done, and does not take into account the rezoning of 172 was already done in 2009 as Open Space 3 and is for all common ground, refer to the Environmental Audit Report, and Annexure B of the said report.</li> </ul>	<p>and Part 2 amendments a formal EMP, and internal/external environmental audits is precisely the package DEDEAT has requested to move Kingsway from historic negligence to a structured enforceable compliance regime that binds all current and future committees and members</p> <p>The CSOS matters relate to governance and meeting/voting procedure not to NEMA compliance or DEDEAT's environmental authorisation. Likewise Kouga's review of specific zoning certificates is a municipal SPLUMA process while the Part 2 amendment is a provincial NEMA process mandated by DEDEAT after the 2024 audit. Proceeding with the EA amendment and EMP actually reduces risk for all members including those who have complaints before CSOS because it creates a clear lawful framework for how Kingsway's land vegetation and open space must be managed going forward regardless of who sits on the executive committee.</p>

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>The fact that the Kouga Town Planning department has already communicated (in writing) that the current Rezoning Certificates were erroneously altered, and that any rezoning will have to reflect that of the Court Order, ROD etc.</li> <li>The assumption that the proposed zoning of open space 3 (between the erven) will be or remain as open space 2 is premature and procedurally defective, especially as this matter is being investigated by the Mayor of Kouga, and relevant departments.</li> <li>Complaint to the validity of the zoning is currently before Kouga Executive Management and case lodged with the OMBUD – CSOS (Case No. 470GP25 &amp; 8314GP25) and both are awaiting final adjudication, (note that such adjudications is equivalent to a High Court Order).</li> </ul>	
<p><b>10. Assessment of Proposed Amendments</b></p> <p>The proposed amendments share a common concern: <b>procedural negligence</b> in the implementation of regulatory requirements is being <b>presented as technical amendment</b>, with the exception of legitimate technical updates such as name changes or references to current legislation.</p> <p>Given that the <b>rezoning of Open Space</b> areas <b>remains under review</b> by multiple role-players, the <b>notice to amend is premature and invalid</b>. The following role-players are actively engaged in this matter:</p> <ul style="list-style-type: none"> <li><b>DEDEAT:</b> Mr. Govender has formally notified, in writing, that non-compliance has been escalated to the Compliance and</li> </ul>	

## EAP Services

Comment Received	Response
<p>Enforcement Division, which is mandated to conduct an audit of the park.</p> <ul style="list-style-type: none"> <li>• <b>Kouga Municipality:</b> Ongoing communication with the Mayor, Municipal Manager, and Town Planner confirms that zoning violations are under review. A legal opinion sought by Kouga Municipality indicates that any zoning changes will require a comprehensive amendment of all regulatory documents, subject to the finalisation of judicial proceedings.</li> <li>• <b>CSOS:</b> Cases 470 and 8314 have been lodged, directly impacting mandates, voting procedures, voting results, zoning proposals, and the validity of committee actions. These cases highlight contraventions of the Constitution and other regulatory prescripts governing the Kingsway Resort.</li> </ul>	
<p><b>Conclusion</b> The proposed amendments, aside from technical updates, <b>represent an attempt to circumvent regulatory compliance obligations.</b> Until <b>judicial proceedings</b> and <b>formal reviews</b> by the relevant <b>authorities</b> are <b>concluded</b>, any amendment notice is procedurally defective and legally <b>unenforceable</b>.</p> <p><b>Mark &amp; Graham Todkill – Plot 119</b></p>	
<p>Dear Claire, Thank you for your recent response. However, I must respectfully note that your reply does not address the core issues I have raised in my previous correspondence, nor does it provide the reconciliation or verified documentation I have repeatedly requested. Specifically:</p> <ol style="list-style-type: none"> <li>1. <b>Zoning Certificates and Authority</b> Your reference to “the Town Planner” is materially</li> </ol>	<p>This will be amended by the appointed town planning consultant; The zoning would need to comply to amended authorisation (if received).</p> <p>The 2024 audit found that KHOA is currently non-compliant. No audits or EMPr has yet been submitted as per conditions of the current EA and measures in the EMPr. KHOA is currently non-compliant (this currently includes all members) to the ROD and the DEDEAT has allowed for a part 2 amendment process to approve an EMPr and provide a zoning that has a sustainable (social, economic and environmental) ongoing positive impact.</p>

## EAP Services

Comment Received	Response
<p>misleading. The individual cited is a private consultant, not the official Town Planner of Kouga Municipality. As you are aware, only the municipal planning department — not private consultants — has the legal authority to confirm zoning status. Kouga’s own officials, including Mr Lawrence Ramakuwela, have stated in writing that the September 2024 zoning certificates are incorrect and under review. This is a critical matter that cannot be dismissed or substituted with private opinion.</p> <p>2. <b>Failure to Reconcile Contradictions</b>            You have not provided the requested point-by-point reconciliation between the June 2024 Audit Report, the ROD (EC08/1M/74-98), the court orders, and the Draft Part-2 amendments. This reconciliation is essential to ensure that the proposed amendments are lawful, procedurally sound, and do not conflict with binding instruments and current regulation.</p> <p>3. <b>Ongoing Municipal and Legal Review</b>            Your response does not acknowledge that Kouga Municipality and DEDEAT’s Compliance and Enforcement Division are actively reviewing the violations and zoning status and related compliance matters. Proceeding with the Draft Amendment Report while these processes remain unresolved is procedurally premature and risks prejudicing their outcomes.</p> <p>4. <b>Deflection and Delay</b>            I note a pattern of deflection and delay in your responses. Rather than addressing the substance of the concerns raised — including the violations of common property, legal status of the land, the validity of the proposed amendments, and the integrity of the public participation process — your</p>	<p>The zoning and land portions have changed since to facilitate the growing resort, and the current amendment is to enable the current portions to be zoned as open space 3 and 2 as applicable and to have an EMPr approved. The EMPr captures all the mitigation measures included in the scoping report and assessment carried out and allows for ongoing management of natural vegetation within and surrounding the resort. The EMPr allows for KHOA to manage public open spaces 2 and 3 as applicable to the areas and allows for fines to be issued to those members who are found to be non-compliant. However, the EMPr needs approval to enable KHOA to remain compliant to their original ROD. Currently KHOA is non-compliant (this currently includes all members) to the ROD and the DEDEAT has allowed for a part 2 amendment process to approve an EMPr and provide a zoning that has a sustainable (social, economic and environmental) ongoing positive impact. The boundary of the open space 3 area on the estuary side has been identified by Mr Struwig to delineate the area where no development (including decking or pathways) may occur. The current area used on the bank may remain as it was when the original ROD was authorised.</p> <p>Any further activities which trigger a NEMA listed activity will require an environmental authorisation including clearing of indigenous vegetation within the resort (indigoes open space 2) and outside the resort area in the two open space 3 areas.</p> <p>The KHOA are to appoint an internal environmental officer to then do internal monthly audits and an external person to audit annually. This process will address the non-compliances in terms of the ROD, amendment authorisation (if attained) and the EMPr (if approved).</p> <p><del>The proposed amendment will also allow for alignment with the KLM 2025 zoning.</del>  <b>Correction: It will allow for rezoning as required by the KLM if the amendment for rezoning from open space 3 to open space 2 is granted by the DEDEAT.</b></p>

## EAP Services

Comment Received	Response
<p>replies have consistently deferred responsibility or introduced ambiguity.</p> <p>Please note that this correspondence is for your information only and does not alter the formal complaint being submitted to EAPASA. That process will proceed independently.</p> <p>I again urge you to provide the requested reconciliation and supporting documentation without further delay, and to ensure that the Draft Amendment Report is brought into alignment with the verified legal and environmental record.</p> <p>Sincerely,            Mark            Plot 119, Kingsway Todkill Resort  <a href="mailto:mark.todkil@gmail.com">mark.todkil@gmail.com</a>            +27 81 304 1763</p>	
<p>13 January 2026            Hi Claire</p> <p>Attached is the email correspondence with Lawrence and take note of Item 4/5, which is very clear that the current zoning is incorrect and needs to be in line with the court order as Open Space 3 - Conservation.</p> <p>Adding to this which is still outstanding from Lawrence and the Municipal Manager is the fact that in Sept 2024 the current zoning certificates were issued and paid for (By HOA to Kouga - R2011) for the certificates. It is my understanding that Chris v/d Merwe did the request and collection of said certificates, and it is now up to Lawrence to answer as to how this was obtained without following the required application process and public participation process. These concerns are now with the Mayor to address, as both Lawrence and M/Manager are delaying answering the query.</p> <p>It must also be noted that the committee members were all aware of this communication, as I posted it on the Kingsway WhatsApp group</p>	<p>Noted.</p>

## EAP Services

Comment Received	Response
<p>prior to the Special General Meeting. Not to mention the fact that there are 3 Complaints Lodged with CSOS, 2 of which are awaiting adjudication and relate to rezoning, amongst other items under consideration, and the committee is fully aware of this as they are the responding party and took part in the proceedings.</p> <p>Regards Mark</p>	

## EAP Services

<p><b>Details of attachment</b>  Subject: RE: Confirmation of Points per discussion  <b>From: Lawrence Ramakuwela &lt;lramakuwela@kouga.gov.za&gt;</b>  <b>Date: 2025/07/25, 14:04</b></p> <p>To: Mark Todkill &lt;mark.todkill@gmail.com&gt;  Good day Mr Todkill  Please see my responses in RED.</p> <p>1. You confirmed that no rezoning for Kingsway has taken place or approved by Kouga Municipality to date, irrespective of whether any applications have been submitted.  <b>Correct, to my records, there has not been an application for rezoning approved in the past 12 months.</b></p> <p>2. In your meetings with Kingsway Homeowners Association committee members, you detailed the procedures to the members present, and that they 1st need to get an amended court order to proceed with any rezoning applications or approval of such applications.  <b>Correct, the rezoning process was explained to the KHOA.</b></p> <p>3. The fact that Maartje Weyers apparently told one of the members that the section on the river front has already been rezoned, this statement is false.  <b>I am not aware on any rezoning as per the first response. If any property was rezoned, this was not in the past year. If you have the property details, please send it to me for confirmation.</b></p> <p>4. The current rezoning certificates, which were issued by Kouga Municipality in Sept 2024, are incorrect and/or invalid. We discussed that if those were copies and no prior rezoning was done by the developer, as should have been done, that the zoning should reflect "agricultural" per the original zoning. Either way, it is incorrect and must be as per the court order, which is OS3-conservation, and for</p>	<p>7 February 2026  Hi Mark</p> <p>Apologies for the delay. I am sending your comments to the town planner for input. I only do the impact assessment and from what I can see, the open space 3 zoning on the east and west and open space 2 zoning around the dwellings will not have any significant environmental impact with the implementation of the conditions of ROD and the EMPR.</p> <p>Kind Regards  Claire</p> <p>Post application draft report  From what I understand the zoning certificates dated 2024 was a result of SPLUMA coming into effect and the open space, including that around the dwellings, were designated as open space 2.</p> <p>I understand a NEMA EA or amended EA is required before rezoning is permitted by the Kouga Local municipality. The current zoning certificates are therefore incorrect; they can only be valid with a valid EA or amendment to the EA. If a NEMA listed activity is triggered due to the nature of the development and / or location within sensitive areas then the EA will be required to accompany zoning / plans to the local municipality for approval.</p>
---	--

## EAP Services

the houses, Resort 2 (which the zoning certificate already shows for the houses)

5.

The zoning certificates were issued based on the zoning maps of the municipality. I am however, convinced that this must have been a result of the transition table during the amendment of the land use scheme. If this is the case, the properties in questions would have to be rezoned in terms of SPLUMA to comply with the court order.

6. You agreed that the current encroachments onto common property is a violation, as the constitution protects property rights, thus individual boundaries lines cannot be encroached.

Correct, encroachments are a violation, and this was also discussed. Encroachments can be rectified by either amendment of site plans or repositioning of existing structures.

7. That Kouga is dealing with the structural violations currently, and then all violations will be subject to a 2nd notice and thereafter referred to legal for court order to rectify or demolishing, including encroachments onto common property.

Correct, Kouga is currently dealing with the violations, if there is no compliance, we will serve final notices then refer the matter to Legal Department for intervention.

22 January 2026

Hi Claire

Any update as to when your formal response will be received (per your below email).

## EAP Services

Another week has passed since the below email, without any acknowledgement or response to the queries raised. I have no knowledge whether the application has been submitted to the department as yet?  
Due to none communication/response, we will thus be escalating the matter to the EAPASA.  
Regards  
Mark.

# EAP Services

Comment Received	Response
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">  <p>Cape St Francis Municipality Jeffreys Bay Local Municipality Jeffreys Bay Patentia St Francis Bay Thornhill</p> </div> <div style="width: 30%;"> <p>Postal: PO Box 21, Jeffreys Bay, 6330 Tel: 042 200 2200 / 042 200 8300 Fax: 042 200 8606 Email: registry@kouga.gov.za Website: www.kouga.gov.za</p> </div> <div style="width: 30%; text-align: right;"> <p>12 September 2024</p> </div> </div> <p style="text-align: center;"><b><u>ZONING CERTIFICATE</u></b></p> <p style="text-align: center;">TO WHOM IT MAY CONCERN</p> <p>This is to confirm that Portion 34 of Farm Mauritskraal, No 501, Uitenhage RD, has been zoned as <b>"RESORT ZONE"</b> in compliance with Kouga Land Use Scheme, 2021. Property and buildings may be utilized as stipulated below:</p> <p><b>Primary Uses</b> Indicates the purposes for which land may be used and/or buildings may be erected and used.</p> <ul style="list-style-type: none"> <li>- Holiday Accommodation</li> </ul> <p><b>Definition</b> <b>"Holiday Accommodation"</b> means a place of rest, holiday place, tenting or camping ground, caravan park, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a place of refreshment and other buildings normally related and appurtenant to such a resort, as approved by the Local Authority, provided that no facility within the resort shall be occupied by any person for a period exceeding three(3) months within a period of twelve (12) months, except with the consent of the Local Authority.</p> <p><b>Consent Uses</b> Must be obtained through formal land use application process:</p> <ul style="list-style-type: none"> <li>- Licensed Hotel</li> <li>- Resort Shop</li> <li>- Social Facility</li> <li>- Tourist Facility</li> </ul> <p><b>Development Parameters</b></p> <ol style="list-style-type: none"> <li>i) Building Lines:             <ul style="list-style-type: none"> <li>Street - 5m</li> <li>Lateral &amp; rear - 5m</li> </ul> </li> <li>ii) Height - 11m</li> <li>iii) Coverage - 20%</li> </ol> <div style="text-align: right; margin-top: 20px;">   <b>E. VAN BILJON</b>              ACTING MANAGER: PLANNING &amp; DEVELOPMENT         </div>	<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">  <p>Cape St Francis Municipality Jeffreys Bay Local Municipality Jeffreys Bay Patentia St Francis Bay Thornhill</p> </div> <div style="width: 30%;"> <p>Postal: PO Box 21, Jeffreys Bay, 6330 Tel: 042 200 2200 / 042 200 8300 Fax: 042 200 8606 Email: registry@kouga.gov.za Website: www.kouga.gov.za</p> </div> <div style="width: 30%; text-align: right;"> <p>26 September 2024</p> </div> </div> <p style="text-align: center;"><b><u>ZONING CERTIFICATE</u></b></p> <p style="text-align: center;">TO WHOM IT MAY CONCERN</p> <p>This is to confirm that Portion 172 of Farm Mauritskraal No 501, Uitenhage RD, has been zoned as <b>"OPEN SPACE ZONE 2"</b> in compliance with Kouga Land Use Scheme, 2021. Property and buildings may be utilized as stipulated below:</p> <p><b>Primary Uses</b> <i>Land for the provision of active and passive recreational areas on private owned land. Generally to promote private recreation, enhance aesthetic appearance and promote maintenance of a functional open space system.</i></p> <p><b>Definition</b> <b>"Open Space Zone 2"</b> means land which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development.</p> <p><b>Consent Uses</b></p> <ul style="list-style-type: none"> <li>- Cemetery</li> <li>- Camping Site</li> <li>- Sport Facility</li> <li>- Tourist Facility</li> </ul> <p><b>Development Parameters</b> Site and Development Specific as imposed by Municipality.</p> <div style="text-align: right; margin-top: 20px;">   <b>E. VAN BILJON</b>              ACTING MANAGER: PLANNING &amp; DEVELOPMENT         </div>

## EAP Services

Comment Received	Response
 <p> <small>           Cape St Francis            Hantover            Humansdorp            Jeffrey's Bay            Lante            Oudtshoorn            Plettenberg            St Francis Bay            Thunberg         </small> </p> <p> <small>           Postbox: PO Box 21, Jeffrey's Bay, 6330            Tel: 042 200 2200 / 042 200 8300            Fax: 042 200 8606            Email: registry@kouga.gov.za            Website: www.kouga.gov.za         </small> </p> <p style="text-align: right;">26 September 2024</p> <p style="text-align: center;"><b>ZONING CERTIFICATE</b></p> <p style="text-align: center;">TO WHOM IT MAY CONCERN</p> <p>This is to confirm that Portion 209 of Farm Mauritskraal No 501, Uitenhage RD, has been zoned as "OPEN SPACE ZONE 2" in compliance with Kouga Land Use Scheme, 2021. Property and buildings may be utilized as stipulated below:</p> <p><b>Primary Uses</b>  <i>Land for the provision of active and passive recreational areas on private owned land. Generally to promote private recreation, enhance aesthetical appearance and promote maintenance of a functional open space system.</i></p> <p><b>Definition</b>  <i>"Open Space Zone 2" means land which is for private use, and is used as an open area, park, Garden, playground, recreation ground or square and can form part of a residential development.</i></p> <p><b>Consent Uses</b></p> <ul style="list-style-type: none"> <li>- Cemetery</li> <li>- Camping Site</li> <li>- Sport Facility</li> <li>- Tourist Facility</li> </ul> <p><b>Development Parameters</b>  <i>Site and Development Specific as imposed by Municipality.</i></p> <p>   <b>E. VAN BILJON</b>        ACTING MANAGER: PLANNING &amp; DEVELOPMENT     </p>	

# EAP Services

## Comment Received

## Response



Cape St Francis  
St Francis Bay  
Murrumbidgee  
Jeffreys Bay  
Langebaan  
Oxley Bay  
Plettenberg  
St Francis Bay  
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330  
Tel: 042 200 2200 / 042 200 8300  
Fax: 042 200 8406  
Email: registry@kouga.gov.za  
Website: www.kouga.gov.za



Cape St Francis  
Plettenberg  
Murrumbidgee  
Jeffreys Bay  
Langebaan  
Oxley Bay  
Plettenberg  
St Francis Bay  
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330  
Tel: 042 200 2200 / 042 200 8300  
Fax: 042 200 8406  
Email: registry@kouga.gov.za  
Website: www.kouga.gov.za

12 September 2024

### ZONING CERTIFICATE

TO WHOM IT MAY CONCERN

13 FEBRUARY 2019

### ZONING CERTIFICATE

TO WHOM IT MAY CONCERN

This is to confirm that Erf 501 PORTION 179, MAURITZKRAAL has been zoned as "RESORT II" in compliance with Section 3.3 of the applicable Zoning Scheme Regulations. Property and buildings may be utilized as stipulated below:

**Primary Uses**  
Indicates the purposes for which land may be used and/or buildings may be erected and used.

Holiday Housing

**Definition of Holiday Housing**

"Holiday Housing" means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel or motel.

**J.M. MARAIS**  
MANAGER: PLANNING & DEVELOPMENT



This is to confirm that Portion 35 of Farm Mauritskroal No 501, Uitenhage RD, has been zoned as "OPEN SPACE ZONE 2" in compliance with Kouga Land Use Scheme, 2021. Property and buildings may be utilized as stipulated below:

**Primary Uses**  
Land for the provision of active and passive recreational areas on private owned land. Generally to promote private recreation, enhance aesthetic appearance and promote maintenance of a functional open space system.

**Definition**  
"Open Space Zone 2" means land which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development.

**Consent Uses**

- Cemetery
- Camping Site
- Sport Facility
- Tourist Facility

**Development Parameters**  
Site and Development Specific as imposed by Municipality.

  
**E. VAN BILJON**  
ACTING MANAGER: PLANNING & DEVELOPMENT

8 February 2026  
Dear Claire,

Maartje Weyers has been appointed to do the rezoning process, however this can only commence once an amendment is in place to do so. The zoning certificates were provided during

## EAP Services

Comment Received	Response
<p>Thank you for your recent response. However, I must respectfully note that your reply does not address the core issues I have raised in my previous correspondence, nor does it provide the reconciliation or verified documentation I have repeatedly requested.</p> <p>Specifically:</p> <p><b>1. Zoning Certificates and Authority</b> Your reference to “the Town Planner” is materially misleading. The individual cited is a private consultant, not the official Town Planner of Kouga Municipality. As you are aware, only the municipal planning department — not private consultants — has the legal authority to confirm zoning status. Kouga’s own officials, including Mr Lawrence Ramakuwela, have stated in writing that the September 2024 zoning certificates are incorrect and under review. This is a critical matter that cannot be dismissed or substituted with private opinion.</p>	<p>the assessment process and it is noted that rezoning needs to be done as per the amended EA (if issued)</p> <p>The amendment report states:</p> <p><b>The zoning needs to be amended as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Resort Zone</b> (Sectional title erven making up Kingsway Resort)</li> <li>• <b>Open space 2</b> (common areas between sectional title erven to allow management of, for example, playground area, paths, tree trimming, landscaping with indigenous plants – note, only fencing around erven permitted to allow for pets – no fencing between dwellings permitted; refer to operational mitigation measures – Appendix 2: Draft EMPR )</li> <li>• <b>Open Space 3</b> (Western area and eastern area of resort / open space 2 – to be managed as naturally as possible and keep free of alien invasive species on ongoing bases; refer to operational mitigation measures – Appendix 2: Draft EMPR )</li> </ul> <p>The current zoning is incorrect in such that it does not comply to the ROD issued for this development.</p>
<p><b>1. Failure to Reconcile Contradictions</b> You have not provided the requested point-by-point reconciliation between the June 2024 Audit Report, the ROD (EC08/1M/74-98), the court orders, and the Draft Part-2 amendments. This reconciliation is essential to ensure that the proposed amendments are lawful, procedurally sound, and do not conflict with binding instruments and current regulation.</p>	<p>A Preapplication meeting was held with DEDEAT following the submission of the audit report. Recommendations were recommended in the audit report which need to be implemented by the KHOA if not done already. This includes encoruchmne into open space areas including the communal open space between the dwellings.</p> <p>A part 2 amendment process was requested to be followed by the DEDEAT to address certain non compliant conditions. Kouga LM has been included as an organ of state for this process.</p>
<p><b>2. Ongoing Municipal and Legal Review</b> Your response does not acknowledge that Kouga Municipality and DEDEAT’s Compliance and Enforcement Division are actively reviewing the violations and zoning status and</p>	<p>A annual audit is required at KHOA; this audit will determine which non compliances identified in the 2025 audit have been addressed.</p> <p>The part 2 amendment process will esure compliance to the following conditions:</p>

## EAP Services

Comment Received	Response
<p>related compliance matters. Proceeding with the Draft Amendment Report while these processes remain unresolved is procedurally premature and risks prejudicing their outcomes.</p>	<p>- Approved EMPr in place</p> <p>The part 2 amendment is requesting an amendment to have the reserve and estuary side of the development to be designated open space 3 (not open space 2 as per 2024 zoning certificates); and the common land around dwellings as open space 2 as it is indicated in the current zoning 2024 certificate but which is currently incorrect and should still be open space 3.</p>
<p><b>3. Deflection and Delay</b></p> <p>I note a pattern of deflection and delay in your responses. Rather than addressing the substance of the concerns raised — including the violations of common property, legal status of the land, the validity of the proposed amendments, and the integrity of the public participation process — your replies have consistently deferred responsibility or introduced ambiguity.</p>	<p>The amendment report states:  <b>The zoning needs to be amended as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Resort Zone</b>            (Sectional title erven making up Kingsway Resort)</li> <li>• <b>Open space 2</b>            (common areas between sectional title erven to allow management of, for example, playground area, paths, tree trimming, landscaping with indigenous plants – note, only fencing around erven permitted to allow for pets – no fencing between dwellings permitted; refer to operational mitigation measures – Appendix 2: Draft EMPr )</li> <li>• <b>Open Space 3</b>            (Western area and eastern area of resort / open space 2 – to be managed as naturally as possible and keep free of alien invasive species on ongoing bases; refer to operational mitigation measures – Appendix 2: Draft EMPr )</li> </ul>
<p>Please note that this correspondence is for your information only and does not alter the formal complaint being submitted to EAPASA. That process will proceed independently.</p> <p>I again urge you to provide the requested reconciliation and supporting documentation without further delay, and to ensure that the Draft Amendment Report is brought into alignment with the verified legal and environmental record.</p> <p>Sincerely,            Mark Todkill            Plot 119, Kingsway Resort</p>	<p>The current zoning is incorrect in such that it does not comply to the ROD issued for this development.</p> <p>The preapplication amendment assessment report has been distributed to all interested and affected parties for a 30 day review and comment period</p> <p>The application was submitted to the DEDEAT and accepted on 10 April; the post application draft report (including this PP and CRR) will be updated with comments and responses as</p>

## EAP Services

Comment Received	Response
	<p>required, and distributed for a 30 day post application review and comment period, and the final report submitted to the DEDEAT for a 107 day decision making period, within 90 days of the acceptance of the application, as per NEMA requirements. All additional comments are requested to be sent directly to DEDEAT and requested to copy me in to this correspondence.</p>
<p>18 March 2026 Thanks, Claire I will review in the next day or so and revert. I notice the attachment is named as the final version, so I assume this has already been submitted to the competent authority? If so on what date was the submission made. Thanks Mark.</p>	<p>18 March 2026 Good day Mr Todkill</p> <p>I trust you are well. Kindly find attached the public participation and comments and response report which contains all the comments received during the 30 day review and comment period and the responses to the comments.</p> <p>The draft amendment report will be updated to a final version and the part 2 amendment application and accompanying report will be submitted to the competent authority for decision making.</p> <p>Kindly note I was in hospital between 14 January to 7 February and I was unable to respond to emails during this time.</p> <p>Thank you for your participation in this process.</p> <p>Kind Regards Claire</p> <p>The application was submitted to the DEDEAT and accepted on 10 April; the post application draft report (including this PP and CRR) will be updated with comments and responses as required, and distributed for a 30 day post application review and comment period, and the final report submitted to the DEDEAT for a 107 day decision making period, within 90 days of the acceptance of the application, as per NEMA requirements.</p>

## EAP Services

Comment Received	Response
<p>24 March 2026 Hi Claire I have reviewed the "KHOA_Appendix 1 -PP and CRR - final for decision-making" document and attached my response letter. Thanks Mark</p>	<p>All additional comments are requested to be sent directly to DEDEAT and requested to copy me in to this correspondence.</p> <p>Noted. This report has been updated with additional comments received up until 22 May 2026. All additional comments are requested to be sent directly to DEDEAT and requested to copy me in to this correspondence.</p>
<p>Attachment 1 <b>From:</b> Eric Fouche <b>Sent:</b> Tuesday, 03 December 2019 2:53 PM <b>Subject:</b> Kingsway Home Owners / Committee members</p> <p>Good afternoon to all members, I am a little shocked at the recent response from KHOA committee for request for information. Firstly let me confirm that I have not forced the committee in anyway way for information but merely followed advice from committee when asking information regarding Kingsway resort to get Power of Attorney as it seemed that a Proxy was no longer valid.</p> <p>Chris van der Merwe confirmed that a power of attorney letter would resolve this infighting that seemed to be only between Yolande and myself. This is also stated in the constitution union under point 10 where power of attorney and proxy are explained.</p> <p>For those of you that don't know me I am Eric Fouche Plot number 160, I served on the committee for 2 years where I focused on the outstanding legal issues between Developer at the time and KHOA, land resolution being portions of PORTIONS 34 and 35 (Portions of Portion 29) of the farm MAURITSKRAAL NO 501, situated in the Administrative District of Uitenhage, Province of the Eastern Cape. During that time we also addressed outstanding servitude connected to our current reservoir and started process for registering of plot (Erf 30) where we appointed Andrew Hemsley (Hemsley &amp; Myrdal Land Surveyors) to apply for registration of plot (Erf 30) which I will explain in below documents. Along with upgrades to entrance gate, water, roads and other.</p> <p>At the end of the day all the below points are relative and our current committee have confirmed they have ceased proceeding with virtually all the points of concern which ultimately puts us back right where we started. I address these points to all members so that they are now educated in the outstanding matters and regardless of the time taken to effect resolution of these matters abandoning them will create unrepairable consequences down the road as we have seen in the past</p> <p>History:</p>	

## EAP Services

Comment Received	Response
	<p>The developer at the time Bool Smuts had through original ROD bound himself to the Kingsway development and its management plan through way of plot sales and registration, it was recorded that until the last and final plot for Kingsway Resort had been sold and registered that Bull Smuts would still be entitle as a member of the committee, Kevin Brown and I had then engaged in discussion with then Kingsway appointed attorney Louise Schoeman and Bull Smuts Attorney Craig De Lange in order to find resolution for the outstanding legal matter that had been dragged out through courts and was simply amassing a large invoice between the lawyers. After seeking legal advice it was agreed that the following would resolve the matter</p> <ul style="list-style-type: none"> <li>• Bool Smuts would be compensated for his remaining plot of which there was no allowable space at our current portions 34, 35 and 29 / Bull would only step down and remove himself from ROD and other rights to nature reserve Mauritskraal 501 once final plot had been registered and that allowance was made for no further development to be done on either portions or nature reserve</li> <li>• Current recreation facility was identified by appointed BDLS attorney Craig De Lange and Andrew Hemsley (Land Surveyor) identified as the most viable position to engage with Kouga Municipality in order to register Erf 30 as the developments final plot</li> <li>• KHOA PORTIONS 34 and 35 (Portion of Portion 29) of the farm MAURITSKRAAL NO 501 would then be tied notarially which could only be done once the subdivision of clubhouse which would be registered as Plot 30 was complete. We all need to know that at the time we had a resolution from all members to proceed with this, since then the Committee without any amended resolution from its members have ceased with this application which was confirmed to us at AGM Meetng.</li> </ul> <p>With all these items set out the previous committee had planned for a few years to resolve as we know and understand the process of events with local and national municipality and the deeds office. In November 2017 Andrew Hemsley’s office confirmed in writing to committee (<i>I have finally had a response from Kouga regarding your query and they seem happy with the proposal and all environmental issues but require a full application to be submitted. Please confirm that you wish to proceed and I will forward a letter to you requesting the required documentation. I cannot understand why it has taken them so long to come back now with the request for the application. At least we have their backing now for the proposal.</i>) I have also attached the mail called <b>kingsway – Gamtoos for your reference</b>. This would then alter be explained as: <i>I have attached a report from Anton Bok together with a letter from Andries Struwig regarding the 30th Erf at Kingsway Resort. As explained to you before, the Developers had the right to develop 30 Residential Erven but have chosen to create the 30th Erf as the Community Hall and Ablution Facility. In doing so, they are ensuring that there will be one less building erected thus having less impact on the services and vegetation. As Anton Bok’s report states, there will be no disturbance of any vegetation and the new Erf will have low conservation or sensitivity and he highly recommends the proposal.</i></p> <p><i>Andries Struwig states in his letter that they have no issues with the proposal but there are some pertinent questions which need to be attended to. (the HOA are dealing with this and shall revert to Andries as soon as possible) As the HOA would like to have this matter resolved as soon as possible, would you please revert back to us with the way forward.</i></p>

## EAP Services

Comment Received	Response
<p>As the creation of the 30th Erf has no impact on anyone outside of the Development and that no additional services are required, Would your Council please issue us with an approval in order that we can submit our Diagrams to the Surveyor General for his approval</p>	<p>To this there is also the ROD which is relevant to all other clearance of land / road building and other which needs to be approved first through Kouga Municipality, the extract from their mails as very specific (any changes that have significant environmental impacts and that would differ from that which was authorised by this department, is to be submitted to this department for approval prior to such changes being effected –</p> <p>Our instruction was sent through to Hemsley’s office along with Power of Attorney and resolution for them to proceed with application and press Kouga for a response in order to resolve (This matter has since been stopped as confirmed by Hemsley’s office as the committee felt that this was no longer pertinent as the successful registration of this plot would create “unnecessary” costs such as levies, small price to pay). <b>Andrew Hemsley Hemsley &amp; Myrdal Land Surveyors</b> 26 Madelaine Street, Mangold Park, Port Elizabeth, 6070 P O Box 12598, Centrahil, Port Elizabeth, 6006 Tel: 041 585 1537 Cell: 083 449 1761 – I urge the current or next committee to continue with this application in order to secure any and all future issues that might arise from this</p> <p>My request for information from KHOA committee was simple: it requested confirmation that if the new road that has been built was done without consent from Kouga Municipality and there were any latent costs which came from penalties which could be to the maximum of ZAR 5 million would these costs then be for all the homeowners even if the homeowners did not agree or would this be for the cost of the committee that voted on this illegal build (I was informed that I was not allowed to discuss any matters with the committee as my name did not appear on the title deeds.</p> <p>Kevin Brown also submitted a similar request for information and was informed that he too was not entitled to a reply as he had an outstanding account.... It seems that we need to get back to focusing on the good of KHOA rather than any specific individual. I have been part of many land re-zoning applications and seen what happens when the rules are not followed, KHOA are certainly on the same path and the steps taken a few years ago to ensure the safety of this have been forgotten.... Pity</p> <p>There is so much more that needs to be addressed but for now – these are the most important</p> <p>Below are reference points for discussion</p> <p><b>1. THE STATUS OF THE ASSOCIATION</b>  <i>The Association shall be an association with separate legal personality, capable of suing and being sued in its own name and the ownership of land and none of whose members in their personal capacities shall have any right, title or interest to or in the property, funds or assets of the Association, which shall vest in and be controlled by Excom in terms of, and subject to the provisions of this Constitution</i></p>

## EAP Services

Comment Received	Response
<p>1.1 To regulate all environmental and management issues relating to the park;</p>	<p><b>2. PROXY</b>  <i>Votes may be given either personally or by proxy.</i></p> <p>2.1 <i>The instrument appointing a proxy shall be in writing in the common form, or any form approved by Excom under the hand of the appointee or of his attorney duly authorised in writing, or if such appointee is a company, under the hand of an officer authorised thereto. The instrument appointing a proxy, together with the power of attorney (if any) under which it is signed or a notarially certified copy thereof, shall be deposited at the domicilium citandi of the Association at least three days before the time appointed for holding the meeting or adjourned meeting, at which the person named in such instrument proposes to vote; otherwise the person so named shall not be entitled to vote in respect thereof</i></p> <p><b>16. SUBMISSION OF PLANS</b>  <i>No member shall commence the alteration of or addition to any building or other structure on any Land Unit or permit the same unless the plans thereof have been submitted to and approved on behalf of the Association in accordance with the procedures herein set forth:</i></p> <p>17.1 <i>A member or prospective member proposing to erect or add to or alter any building or other structure on his Land Unit shall cause plans and specifications clearly indicating the nature and quality of the proposed works to be prepared and shall submit such plans and specifications to Excom for approval prior to such time as the plans and specifications are submitted to the Developer's Architects or the Municipality.</i></p> <p>17.2 <i>Excom shall be entitled to call for such further particulars in regard to the proposal and to obtain such professional and/or other advice as Excom may, in its discretion, deem desirable.</i></p> <p>17.3 <i>Members must comply with HOA building regulations.</i></p> <p>12. <i>Upon approval by the Homeowners Association the plans shall be presented for official approval to the Kouga Municipality by the requestor. Kouga Municipality will be responsible for the official inspections and issuing of approvals of work completed.</i></p> <p>13. <i>Before commencement of buildings, the following matters need to be clarified with the Park Manager of the Homeowners Association.</i></p> <p>22.1) <i>Storage of building material.</i></p> <p>22.2.) <i>Access to the plot.</i></p>

## EAP Services

Comment Received	Response
<p>22.3) Removal and / or damaging of any vegetation white milkwood, <i>Sideroxylon inerme</i> is protected and permits are required to remove or prune.</p> <p>22.4) Builders must supply chemical toilets for workers to prevent pollution and infection of surrounding area.</p> <p>22.5) Builder's workers must be educated by the builder regarding plastic bags and littering.</p> <p>22.6) A site plan must indicate boundary pegs, location and distances. All boundary pegs must be visible for inspection, prior to any submission of plans for approval or commencement of buildings/alterations.</p> <p>22.7) The proposed building, alteration or additions must state distance from boundary line.</p> <p>22.8) Plans approved by the Homeowners Association Exco not requiring Kouga Municipality approval will expire 180 days after date of approval and where Kouga Municipality approval is required the expiry date will be 12 months of date of approval.</p> <p>22.9) Septic and soak away tanks no longer permitted. Only conservancy tanks to be installed.</p> <p>22.10) Building Plans must be strictly adhered to as per approval by the Homeowners Association and Kouga Municipality. No deviations to the approved plans are permitted unless official written permission is granted by the Homeowners Association Management.</p>	<p><i>The Record of Decision effective date is 29/04/2008 and prohibits all encroachments onto Private Open Space.</i></p> <p>We have spent so much time and money to date to resolve these items... to stop now simply makes no sense? I do not have all the members contact info on hand thanks</p> <p><b>Eric Fouche</b> Director</p> <p>Fwd: Fwd: Kingsway Home Owners / Committee members <b>Subject:</b> KINGSWAY - GAMTOOS <b>From:</b> "andrew@hemsley.co.za" &lt;andrew@hemsley.co.za&gt; <b>Date:</b> 2017/11/27, 07:57 <b>To:</b> Eric Fouche &lt;ericf@scribanteconcrete.com&gt; <b>CC:</b> "kevinbrownie50@gmail.com" &lt;kevinbrownie50@gmail.com&gt;, Craig De Lange &lt;craig@bdlsationeys.co.za&gt;, "rohan.zoutendyk@gmail.com" &lt;rohan.zoutendyk@gmail.com&gt;</p> <p>Morning Eric</p> <p>I have finally had a response from Kouga regarding your query and they seem happy with the proposal and all environmental issues but <b>require a full application to be submitted</b>. Please confirm that you wish to proceed and I will forward a letter to you requesting the required documentation. I cannot understand why it has taken them so long to come back now with the request for the application. At least we have their backing now for the proposal.</p> <p>Regards.</p>

## EAP Services

Comment Received	Response
<b>Andrew Hemsley</b> <b>Hemsley &amp; Myrdal Land Surveyors</b>	
Attachment 2 Comments and Response report_March 2026_final Report including responses to Mark Todkill received to date, for his review.; sent on 26 March	Noted. Sections of the Comments and responses were highlighted in yellow.
Attachment 3 Hi Claire After review of your response per the attached report the following is noted. Unfortunately, the core issues were again not answered, below I refer to the Items to which my communication were directed.	Noted
<p>1. My Communication on 1 Dec 2025</p> <p>a. Zoning</p> <p>i. You don't answer or supply information as requested, which was "noting that zoning was undertaken in 2009/2010 and that all Open Space was zoned as Open Space 3 – Conservation. I trust this was verified during the audit process"</p> <p>Did you or did you not verify the zoning certificates or zoning documents, as stipulated in your audit report the zoning was compliant. (a simple yes or no would suffice)?</p> <p>Did you or did you not verify the zoning certificates or zoning documents, as stipulated in your audit report the zoning was compliant. (a simple yes or no would suffice)?</p> <p>ii. The zoning plan provided in 2009, was or should still be consistent with the ROD, which means it would all have been OS3.</p> <p>iii. You state "The current application is an amendment to the existing ROD.</p>	<p>The 2008 / 2009 was included in the response provided 1 December 2025 (kindly refer to the below ) these are the only relevant documents that were provided during the audit process by KHOA for the audit. The assessment report has been updated to include the 2009 zoning carried out in term of the Land use planning ordinance.</p> <p>The zoning included Open Space 3 – conservation as per the ROD.</p> <p>From what I understand the zoning certificates dated 2024 was a result of SPLUMA coming into effect and the open space, including that around the dwellings, were designated as open space 2.</p> <p>Both the Development facilitation Act and various provincial ordinances (like LUPO 1985) were eventually replaced by the <b>[Spatial Planning and Land Use Management Act No. 16 of 2013 (SPLUMA)]</b>.</p> <p>The common property where existing and future units were planned is fragmented and is more aligned to the definition and objective of open space 2 zoning as outlined in SPLUMA.</p> <p><i>Private open space means land, which is for private use, and is used as an open area, park, garden, playground, recreation ground or square and can form part of a residential development.</i></p> <p><i>The objectives of SPLUMA includes:</i></p>

## EAP Services

Comment Received	Response
<p>This will allow for open space 3 areas east and west of the resort and open space 2 area surrounding the residential units". Does this imply that all the Open Space is OS3, and only after the proposed amendment it will be OS2? If so then, as stated also implies that the zoning certificates are incorrect?</p>	<ul style="list-style-type: none"> <li>- <i>land for the provision of active and passive recreational areas on private owned land;</i></li> <li>- <i>generally, to promote private recreation, enhance aesthetical appearance and promote maintenance of a function open space system.</i></li> </ul> <p>The open areas around the dwellings is not considered to meet the definition and objectives of open space 3 as defined in SPLUMA:  <i>The definition of open space 3 zone (conservation area) is land used or declared for the conservation, biodiversity, archaeological and protection of natural areas, whether publicly or privately owned, or which has been declared a nature park or reserve and includes a game park, reserve for fauna and flora and includes buildings and facilities directed related to management of the conservation area or a nature reserve, inclusive of facilities for the day visitors, but does not include overnight accommodation and tourist facilities.</i></p> <p><i>Objectives of OS3:</i></p> <ul style="list-style-type: none"> <li>- <i>the use of land for conservation and natural areas</i></li> <li>- <i>includes statutory and non-statutory conservation areas and provision for these land uses</i></li> <li>- <i>Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy.</i></li> </ul> <p>The area between the resort dwellings is of low conservation value but must maintain as much biodiversity as possible through the mitigation measures recommended. The area proposed for open space 3 has high conservation value as the entire surrounding area is farmed and the KHOA area offers forage and habitat for fauna in the area.</p> <p>I understand a NEMA EA or amended EA is required before rezoning is permitted by the Kouga Local municipality. The current zoning certificates are therefore incorrect; they can only be valid with a valid EA or amendment to the EA. If a NEMA listed activity is triggered due to the nature of the development and / or location within sensitive areas then the EA will be required to accompany zoning / plans to the local municipality for approval.</p>

## EAP Services

Comment Received	Response
	<p>The SG diagrams are available at:  <a href="https://experience.arcgis.com/experience/e498b2a5005a4d278eb7f32984676140/page/Main-Map?views=LAYERS#data_s=id%3AdataSource_1-18dc0fdd09a-layer-8%3A1333">https://experience.arcgis.com/experience/e498b2a5005a4d278eb7f32984676140/page/Main-Map?views=LAYERS#data_s=id%3AdataSource_1-18dc0fdd09a-layer-8%3A1333</a></p> <p>21 Digit Code / LPI C0760000000050100209            21 Digit Code / LPI C0760000000050100035</p> <p>In terms of the NEMA the following activities were authorised:</p> <ul style="list-style-type: none"> <li>• 1(m) - The construction or upgrading of public and private resorts and associated infrastructure</li> <li>• 2(c) - The change of land use <b>from agricultural or zoned undetermined use or an equivalent zoning, to any other</b></li> </ul>

# EAP Services

## Comment Received

## Response



<b>Lettyville</b> Tel: 042 293 1111 Fax: 042 293 1114	<b>Hermonkopp</b> Tel: 042 293 1111 Fax: 042 291 1547	<b>W. H. van der Merwe</b> Tel: 042 294 0100 Fax: 042 294 0104	<b>W. H. van der Merwe</b> Tel: 042 294 0100 Fax: 042 294 0104	<b>W. H. van der Merwe</b> Tel: 042 294 0100 Fax: 042 294 0104	<b>W. H. van der Merwe</b> Tel: 042 294 0100 Fax: 042 294 0104
---	---	--	--	--	--

Ref nr.: evdm/R34/501

24 June 2009

Hemley & Myrdal Land Surveyors  
PORT ELIZABETH  
6300

Sir

**REVISED LAYOUT PLAN – PORTION 34 OF THE FARM MAURITZKRAAL NO 501**

Attached please find a copy of Council Resolution 09/05/WTP8 dated 22 May 2009 whereby the revised layout plan for Portion 34 of the Farm Mauritzkraal no 501 was approved subject to the conditions as contained in the said Resolution.

Endorsed diagram is attached.

Yours faithfully

*Dr. Em Rankwana*  
**DR. EM RANKWANA**  
MUNICIPAL MANAGER

Refer : E van der Merwe (042-2002279)

*Per Hand Afgehand  
Mnr. Rob Hemley  
auctor.*



Council resolution: 09/05/WTP8

## EAP Services

**09.05. WTRB REVISED LAYOUT – PORTION 34 OF THE FARM MAURITZKRAAL NO.501  
(KINGSWAY CARAVAN PARK) (R34/501)**

**Resolved: (22 May 2009)**

- i) That the revised layout plan no10000650 dated April 2009 for Portion 34 of the Farm Mauritzkraal no 501 be approved in terms of Section 25 of Ordinance 15 of 1985.
- ii) That the following conditions be applicable:
  - a) That the Section 6 Zoning Scheme Regulations be applicable;
  - b) That a detailed Site Development Plan (SDP) indicating all structures, entrances, services and an engineering report regarding the requirements for the provision of water, sewerage, electricity, stormwater and parking, be submitted to Council for approval.
  - c) That no deviation from the approved SDP be allowed or reflected within the building plans submitted for approval.
  - d) That a services agreement with regard to bulk services fees be entered into with Council and signed by all parties and that all bulk services fees be paid in full prior to the submission of building plans.
  - e) That bulk services fees payable be determined in accordance with the financial budget of the year in which it is paid.
  - f) That an agreement with regard to bulk service fees be entered into to determine the fee that will be payable before any construction work is commenced with;
  - g) That the developer be responsible for the installation of electrical services according to the standard guidelines for electrification of townships as approved by Council.
  - h) That the applicant provides proper storm water drainage to comply with the requirements of the Council;
  - i) The owner/developer shall be responsible for all cost (that may escalate) in respect of services, services connections and augmentation / services contribution fees as determined by the Council;
  - j) That the various rates and levies to be paid by the owner/ developer in future, be determined by the Council in terms of relevant legislation and policies as determined by the Council;

Comment Received

Response

3620/2009 Sht 1

MAIN FIGURE		COORDINATES		PORTION NUMBER		SQUARE METRES	
SOCS	MEASUREMENT	System	Y	MEASUREMENT	System	Y	MEASUREMENT
AD	15 30 30	A	1 083 94	150	1 083 94	150	150
AE	17 30 30	B	1 083 94	150	1 083 94	150	150
AF	19 30 30	C	1 083 94	150	1 083 94	150	150
AG	21 30 30	D	1 083 94	150	1 083 94	150	150
AH	23 30 30	E	1 083 94	150	1 083 94	150	150
AI	25 30 30	F	1 083 94	150	1 083 94	150	150
AJ	27 30 30	G	1 083 94	150	1 083 94	150	150
AK	29 30 30	H	1 083 94	150	1 083 94	150	150
AL	31 30 30	I	1 083 94	150	1 083 94	150	150
AM	33 30 30	J	1 083 94	150	1 083 94	150	150
AN	35 30 30	K	1 083 94	150	1 083 94	150	150
AO	37 30 30	L	1 083 94	150	1 083 94	150	150
AP	39 30 30	M	1 083 94	150	1 083 94	150	150
AQ	41 30 30	N	1 083 94	150	1 083 94	150	150
AR	43 30 30	O	1 083 94	150	1 083 94	150	150
AS	45 30 30	P	1 083 94	150	1 083 94	150	150
AT	47 30 30	Q	1 083 94	150	1 083 94	150	150
AV	49 30 30	R	1 083 94	150	1 083 94	150	150
AW	51 30 30	S	1 083 94	150	1 083 94	150	150
AX	53 30 30	T	1 083 94	150	1 083 94	150	150
AY	55 30 30	U	1 083 94	150	1 083 94	150	150
AZ	57 30 30	V	1 083 94	150	1 083 94	150	150
BA	59 30 30	W	1 083 94	150	1 083 94	150	150
BB	61 30 30	X	1 083 94	150	1 083 94	150	150
BC	63 30 30	Y	1 083 94	150	1 083 94	150	150
BD	65 30 30	Z	1 083 94	150	1 083 94	150	150
BE	67 30 30	1	1 083 94	150	1 083 94	150	150
BF	69 30 30	2	1 083 94	150	1 083 94	150	150
BG	71 30 30	3	1 083 94	150	1 083 94	150	150
BH	73 30 30	4	1 083 94	150	1 083 94	150	150
BI	75 30 30	5	1 083 94	150	1 083 94	150	150
BJ	77 30 30	6	1 083 94	150	1 083 94	150	150
BK	79 30 30	7	1 083 94	150	1 083 94	150	150
BL	81 30 30	8	1 083 94	150	1 083 94	150	150
BM	83 30 30	9	1 083 94	150	1 083 94	150	150
BN	85 30 30	10	1 083 94	150	1 083 94	150	150
BO	87 30 30	11	1 083 94	150	1 083 94	150	150
BP	89 30 30	12	1 083 94	150	1 083 94	150	150
BQ	91 30 30	13	1 083 94	150	1 083 94	150	150
BR	93 30 30	14	1 083 94	150	1 083 94	150	150
BS	95 30 30	15	1 083 94	150	1 083 94	150	150
BT	97 30 30	16	1 083 94	150	1 083 94	150	150
BV	99 30 30	17	1 083 94	150	1 083 94	150	150
BW	101 30 30	18	1 083 94	150	1 083 94	150	150
BX	103 30 30	19	1 083 94	150	1 083 94	150	150
BY	105 30 30	20	1 083 94	150	1 083 94	150	150
BZ	107 30 30	21	1 083 94	150	1 083 94	150	150
CA	109 30 30	22	1 083 94	150	1 083 94	150	150
CB	111 30 30	23	1 083 94	150	1 083 94	150	150
CC	113 30 30	24	1 083 94	150	1 083 94	150	150
CD	115 30 30	25	1 083 94	150	1 083 94	150	150
CE	117 30 30	26	1 083 94	150	1 083 94	150	150
CF	119 30 30	27	1 083 94	150	1 083 94	150	150
CG	121 30 30	28	1 083 94	150	1 083 94	150	150
CH	123 30 30	29	1 083 94	150	1 083 94	150	150
CI	125 30 30	30	1 083 94	150	1 083 94	150	150
CJ	127 30 30	31	1 083 94	150	1 083 94	150	150
CK	129 30 30	32	1 083 94	150	1 083 94	150	150
CL	131 30 30	33	1 083 94	150	1 083 94	150	150
CM	133 30 30	34	1 083 94	150	1 083 94	150	150
CN	135 30 30	35	1 083 94	150	1 083 94	150	150
CO	137 30 30	36	1 083 94	150	1 083 94	150	150
CP	139 30 30	37	1 083 94	150	1 083 94	150	150
CQ	141 30 30	38	1 083 94	150	1 083 94	150	150
CR	143 30 30	39	1 083 94	150	1 083 94	150	150
CS	145 30 30	40	1 083 94	150	1 083 94	150	150
CT	147 30 30	41	1 083 94	150	1 083 94	150	150
CV	149 30 30	42	1 083 94	150	1 083 94	150	150
CW	151 30 30	43	1 083 94	150	1 083 94	150	150
CX	153 30 30	44	1 083 94	150	1 083 94	150	150
CY	155 30 30	45	1 083 94	150	1 083 94	150	150
CZ	157 30 30	46	1 083 94	150	1 083 94	150	150
DA	159 30 30	47	1 083 94	150	1 083 94	150	150
DB	161 30 30	48	1 083 94	150	1 083 94	150	150
DC	163 30 30	49	1 083 94	150	1 083 94	150	150
DD	165 30 30	50	1 083 94	150	1 083 94	150	150
DE	167 30 30	51	1 083 94	150	1 083 94	150	150
DF	169 30 30	52	1 083 94	150	1 083 94	150	150
DF	171 30 30	53	1 083 94	150	1 083 94	150	150
DF	173 30 30	54	1 083 94	150	1 083 94	150	150
DF	175 30 30	55	1 083 94	150	1 083 94	150	150
DF	177 30 30	56	1 083 94	150	1 083 94	150	150
DF	179 30 30	57	1 083 94	150	1 083 94	150	150
DF	181 30 30	58	1 083 94	150	1 083 94	150	150
DF	183 30 30	59	1 083 94	150	1 083 94	150	150
DF	185 30 30	60	1 083 94	150	1 083 94	150	150
DF	187 30 30	61	1 083 94	150	1 083 94	150	150
DF	189 30 30	62	1 083 94	150	1 083 94	150	150
DF	191 30 30	63	1 083 94	150	1 083 94	150	150
DF	193 30 30	64	1 083 94	150	1 083 94	150	150
DF	195 30 30	65	1 083 94	150	1 083 94	150	150
DF	197 30 30	66	1 083 94	150	1 083 94	150	150
DF	199 30 30	67	1 083 94	150	1 083 94	150	150
DF	201 30 30	68	1 083 94	150	1 083 94	150	150
DF	203 30 30	69	1 083 94	150	1 083 94	150	150
DF	205 30 30	70	1 083 94	150	1 083 94	150	150
DF	207 30 30	71	1 083 94	150	1 083 94	150	150
DF	209 30 30	72	1 083 94	150	1 083 94	150	150
DF	211 30 30	73	1 083 94	150	1 083 94	150	150
DF	213 30 30	74	1 083 94	150	1 083 94	150	150
DF	215 30 30	75	1 083 94	150	1 083 94	150	150
DF	217 30 30	76	1 083 94	150	1 083 94	150	150
DF	219 30 30	77	1 083 94	150	1 083 94	150	150
DF	221 30 30	78	1 083 94	150	1 083 94	150	150
DF	223 30 30	79	1 083 94	150	1 083 94	150	150
DF	225 30 30	80	1 083 94	150	1 083 94	150	150
DF	227 30 30	81	1 083 94	150	1 083 94	150	150
DF	229 30 30	82	1 083 94	150	1 083 94	150	150
DF	231 30 30	83	1 083 94	150	1 083 94	150	150
DF	233 30 30	84	1 083 94	150	1 083 94	150	150
DF	235 30 30	85	1 083 94	150	1 083 94	150	150
DF	237 30 30	86	1 083 94	150	1 083 94	150	150
DF	239 30 30	87	1 083 94	150	1 083 94	150	150
DF	241 30 30	88	1 083 94	150	1 083 94	150	150
DF	243 30 30	89	1 083 94	150	1 083 94	150	150
DF	245 30 30	90	1 083 94	150	1 083 94	150	150
DF	247 30 30	91	1 083 94	150	1 083 94	150	150
DF	249 30 30	92	1 083 94	150	1 083 94	150	150
DF	251 30 30	93	1 083 94	150	1 083 94	150	150
DF	253 30 30	94	1 083 94	150	1 083 94	150	150
DF	255 30 30	95	1 083 94	150	1 083 94	150	150
DF	257 30 30	96	1 083 94	150	1 083 94	150	150
DF	259 30 30	97	1 083 94	150	1 083 94	150	150
DF	261 30 30	98	1 083 94	150	1 083 94	150	150
DF	263 30 30	99	1 083 94	150	1 083 94	150	150
DF	265 30 30	100	1 083 94	150	1 083 94	150	150

**GENERAL PLAN No. 3620/2009**  
(AMENDING GENERAL PLAN No. 6408/2000)  
(COMPILING OF PORTIONS NUMBERED 18, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284

MAARSCHALK & PARTNERS		HUMANSDORP		S.G. No.	
SIDES	ANGLES OF DIRECTION	CO-ORDINATES		2392/2001	
Metres		Y	X		
AB	Constant	+	0,00	+	3700000,00
BC	298 05 50	A	- 1265,92	+	57952,90
CD	39 25 10	B	- 1591,93	+	58126,38
DE	116 14 40	C	- 1271,34	+	58516,41
EF	211 26 40	D	- 1033,00	+	58398,90
FA	293 19 00	E	- 1034,38	+	58396,65
Fd	195 55 30	F	- 1148,17	+	58445,69
eE	116 14 40				
(146)	GAMT RIVM	Δ	- 4706,69	+	58548,63
(278)	PAPIESFTN	Δ	+ 594,61	+	59522,61

BEACONS:  
 A, F - 20mm iron peg  
 B - Planted stone  
 C - 20mm iron peg in cairn  
 D, E - Iron standard

**Servitude Note:**  
 The figure f g h j B k l m represents a Servitude Road Area vide Diagram No. 6811/2000

**Scale 1: 5000**

The figure A B C d left bank of the Gautoos River e F represents 12.1900 hectares of land, being PORTION 35 (a portion of Portion 29) of the farm MAURITSKRAAL NO. 501 situate in the Kouga Municipality, Administrative District of Uitenhage and Province of Eastern Cape.

Surveyed in April-October 2000 by us.

Professional Land Surveyors.  
 S.T. Maarschalk (PLS 0363)  
 J. Du T. Bester (PLS 1056)

This diagram is annexed to No. <b>K T 85113/2001</b> dated 1.f.o.	The original diagram is No. 6965/1982 annexed to Transfer/Grant No. 1983-1191-59536	File No. Uitge. 501 S.R. No. E2774/2000 Comp B0-7C (4360)
---	---	---

THIS PORTION IS APPROVED IN TERMS OF ACT 13 OF 1981

APPROVED IN TERMS OF SECTION 25 OF THE CONTOUR ACT 1988 REF. 111-501/21 DATE 2000-07-20

THIS PORTION IS SUBJECT TO INDEMNITIES REFERRED TO IN SECTION 19 OF ACT 21/1990.

APPROVED BY ACT 13 OF 1981 REF. 111-501/21 DATE 2001-03-20

2001-03-20

Approved for Surveyor-General 2001-03-20

## EAP Services

Comment Received	Response
<p>iv. Furthermore, you state, ".../ The proposed amendment in will facilitate practical management of the open space 2 area. Kindly note that all conditions of the existing ROD (with exception of those highlighted for amendment) will need to be complied with, including indigenous landscaping, ongoing AIS removal; fencing permitted around individual dwellings only (keeps dogs inside), and no fencing between the residential units to allow for throughway of small mammals".</p> <p>.../ "Any further activities which trigger a NEMA listed activity will require an environmental authorisation including clearing of indigenous vegetation within the resort (indigoes open space 2) and outside the resort area in the two open space 3 areas."</p> <p>a. Kindly elaborate on how the proposed amendment will facilitate practical management of OS2 area, as for the past two decades or more it was managed perfectly fine with one park manager, now we have two park managers. What exactly are the management challenges referred to?</p>	<p>Certain management activities are required in the areas around the dwellings which are not required in the open space 3 areas, such as pruning of protected trees, pathways, low lighting, indigenous landscaping etc. The proposed zoning will allow for suitable management measures to be carried out whilst open space 3 areas are to be managed naturally (minimal disturbance and removal of AIS as required)</p> <p>In terms of the Eastern Cape Biodiversity Conservation Plan, 2019, the proposed zoning aligns with the recommended land use of open space 2 and open space 3 based on the activities / land uses (currently in place) of each of the proposed areas. Kindly refer to the below tables which also provide an indication of the SPLUMA land use.</p> <p>Kindly note that the ROD (EC08/1m/74-98)(<b>29 April 2008</b>) for was issued for the following activities:</p> <ul style="list-style-type: none"> <li>• 1(m) - The <b>construction or upgrading of public and private resorts and associated infrastructure</b></li> <li>• 1(k) - The construction or upgrading of reservoirs for public water supply</li> <li>• 2(c) - The change of <b>land use from agricultural</b> or zoned undetermined use or an equivalent zoning, <b>to any other land use</b></li> </ul> <p>The part 2 amendment has assessed the land use change of the communal area surrounding the dwellings from open space 3 to open space 2. With management in place, this should result in no additional impacts.</p> <p>I disagree that the park has been correctly managed, as you have pointed out, there have been many encroachments onto the communal areas and these should be rehabilitated with indigenous vegetation as required. Furthermore there is no EMF on site containing an approved EMP, permits, audit reports and other requirements stipulated in the ROD and identified in the audit report. All the non compliances need to be addressed and the proposed part 2 amendment will only address some of the conditions, the KHOA remains responsible for rectification of all non compliances identified.</p>

## EAP Services

**Table 1: Recommended land use management guidelines for relevant land use activities for terrestrial based activities (adapted from ECBCP, 2019)**

LAND USE TYPE	ASSOCIATED LAND USE ACTIVITIES	CORRESPONDING SPLUMA LAND USE PURPOSE	CBA1	CBA2	ESA1	ESA2
Environmental conservation	Conservation management, low-intensity eco-tourism and sustainable consumptive activities. These include activities associated with the Biodiversity/Green economy.	Conservation.	Y	Y	Y	Y
Tourism and accommodation	Low impact tourism/recreation and accommodation.	Special/low density residential (tourism) including lodges, hotels, etc.	R	R	Y	Y
	High impact tourism: Resorts	Low-medium density residential: human habitation, hotels.	N	N	N	R
Municipal commonage	Local agri-economic development.	Agriculture.	R	R	M	M
Rural residential	Low density rural housing and eco-estates.	Low density residential; human habitation: housing, rooms to let, eco-estates.	R	R	R	R
	Traditional/communal areas and Rural Settlement (e.g. golf estates)	Low-medium density residential; Human habitation: housing, hotels, flats, clubs, hostels, rooms to let.	N	N	R	R
Residential	High density urban residential development (urban and business development).	Medium-high density residential; human habitation: housing, hotels, flats, clubs, hostels, rooms to let.	N	N	N	N

## EAP Services

Comment Received		Response				
<b>Table 2: Recommended land use management guidelines for relevant land use activities for aquatic based activities (adapted from ECBCP, 2019)</b>						
LAND USE TYPE	ASSOCIATED LAND USE ACTIVITIES	CORRESPONDING SPLUMA LAND USE PURPOSE	Instream Rivers and Wetlands		Catchments and buffers	
			CBA1	CBA2	ESA1	ESA2
Environmental conservation	Conservation management, low-intensity eco-tourism and sustainable consumptive activities	Conservation	Y	Y	Y	Y
Tourism and accommodation	Low impact tourism/recreation and accommodation	Special/low density (residential (tourism) = lodges, hotels etc.	Y	Y	Y	Y
	High impact: golf estates, lodges, resorts, hotels	Low-medium density Residential: human habitation, hotels	N	N	R	R
Rural residential	Low density rural settlement and eco-estates	Low density residential: Human habitation: housing, hotels, flats, clubs, hostels, rooms to let	N	N	R	Y
	Traditional areas and Rural communal Settlement	Low-high density residential: human habitation: housing, hotels, flats, clubs, hostels, rooms to let	N	N	R	Y
Residential	Medium-high density settlement (urban and business development).	Medium-high density residential: human habitation: housing, hotels, flats, clubs, hostels, rooms to let	N	N	N	R

## EAP Services

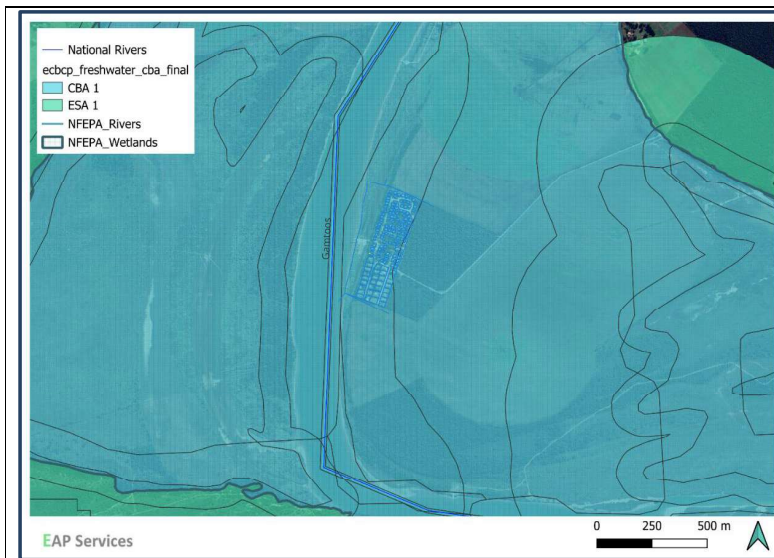


Figure 1: Study area located within aquatic CBA1

## EAP Services



Comment Received	Response
 <p>NVM2024Final_IEM5_12_07012025</p> <ul style="list-style-type: none"><li>Albany Alluvial Vegetation</li><li>Non-terrestrial (estuarine habitat)</li><li>Sundays Valley Thicket</li><li>NFEPA_Rivers</li></ul> <p>EAP Services</p> <p>0 250 500 m</p>	

Figure 2: Vegetation types in study area (NatVEG Map, 2019)

## EAP Services

Comment Received	Response
 <p>Figure 3: Kingsway resort located in terrestrial CBA2 (ECBCP, 2019)</p>	
<p>b. Why did your audit not reference the many fences that shared common ground between neighbours (with/without committee approval), Brick walls, fencing off common property, vegetation removal between plots and the widespread annexing of common property etc.?</p>	<p>Kindly note the audit report findings included:</p> <ul style="list-style-type: none"> <li>- Fencing between erven / within common property</li> <li>- Vegetation removal between plots and the widespread annexing of common property etc</li> <li>- I am not aware that brick walls surrounding individual erven is not permitted in terms of conditions of the ROD or a mitigation measure.</li> </ul>

## EAP Services

Comment Received			Response			
			<p>Recommendations include the re-establishment of an EMC and internal ECO to monitor, identify transgressions and rectify, report to the DEDEAT and externally audit an EMF.</p> <p>Without implementation of the condition of the EMPr and ROD by all members of KHOA, there will be non compliances. All members are required to abide by these conditions and the ROD is deemed to currently be valid by the DEDEAT or a part 2 amendment would not have been permitted or allowed for the proposed amendment to conditions of the ROD.</p> <p>The audit was submitted to the DEDEAT and it was recommended by the DEDEAT that a part 2 amendment be carried out to address certain conditions. This does not mean that existing conditions such as preventing encroachment into communal open space should not be implemented and managed by KHOA. It should be rectified as per recommendations in the audit report. I cannot rectify these transgressions, I am assisting with attaining approval of an EMPr and a rezoning request as recommended by the DEDEAT on behalf of KHOA.</p> <p>Furthermore, the first annual audit was carried out June 2025, and an annual audit is recommended to determine which non compliances have been addressed. This audit is due in June 2026.</p> <p>Kindly refer to the extracts provided below from June, 2025 audit report.</p>			
8.4.16	No internal fences/boundary walls may be constructed on the property other than to delineate the extent of Individual portions.	Holder of EA / HOA	Operational	<p>Most internal fencing noted to delineate extent of individual portions and the main purpose is to contain domestic dogs that people in the resort keep.</p> <p>An area was noted where fencing has been used other than to delineate erf boundary and used to prevent parking on existing septic tank area. Thicket vegetation such as aloes, plumbago (which do not have invasive roots), should rather be used to prevent people parking on this area. This is the same area where a number of weeds etc are growing.</p>	Include in general rules and operational management plan.	X
<p>It is recommended that an Operational Management Plan (OMP) be compiled:</p> <ul style="list-style-type: none"> <li>- OMP to include relevant conditions of ROD, scoping and botanical survey pertaining to operations. These are provided in Tables 5,6 and 7 of this audit report.</li> </ul>						

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>- Waste management plan</li> <li>- Fauna management programme</li> <li>- <b>Landscaping guidelines</b></li> <li>- <b>Rehabilitation plan</b></li> <li>- <b>Vegetation management programme</b></li> <li>- <b>Alien vegetation control programme</b> <ul style="list-style-type: none"> <li>o It is recommended to combine the required rehabilitation plan, vegetation and alien invasive management programme and landscaping guidelines into one plan for easy use. These should be applicable to construction and operational phases as required. The plant list provided in Table 8 of this audit report should be incorporated into the rehabilitation, vegetation, alien invasive management plans and landscaping guidelines.</li> </ul> </li> </ul> <p>It is recommended that monitoring and auditing of environmental management requirements take place:</p> <ul style="list-style-type: none"> <li>- Reinstate <i>Kingsway Environmental Action Panel</i> – recommend to meet once every 6 months</li> <li>- A dedicated person to be designated / appointed to oversee the implementation of and ongoing adherence to the operational management plan. Appoint a permanent resident with relevant environmental management background (if persons reside in resort) to manage EM file and carry out monthly internal audits. Circulate internal reports to members of HOA and keep on record in EM file.</li> <li>- Monthly monitoring by Parks manager / in house person throughout resort in open space areas and action removal as soon as AIS detected. Follow up monitoring to ensure no regrowth.</li> <li>- Appoint external ECO for any construction / maintenance activities that will extend beyond three months to do monthly audits. Submit reports to all members of HOA / Residents and to DEDEAT. Keep all audits in EM file</li> <li>- Appoint external ECO / EAP to carry out annual audits during operational phase. Submit reports to all members of HOA / Residents and to DEDEAT. Keep all audits in EM file</li> </ul> <p>It is recommended that those developments exceeding into open space areas are recommended to be adequately revegetated with suitable thicket vegetation.</p>	
<p>c. Documentary evidence shows that during the audit period and as recent as a few weeks ago, blanket clearing of vegetation on and between the units, including on the river front has occurred, with stone walls being built, pathways to the river cleared. This after Mr. Struwig supposedly spray painted his demarcation line at the river front. It is abundantly clear that what you and the committee are putting in writing does not match the reality taking place in the park.</p>	<p>The audit was submitted to the DEDEAT and it was recommended by the DEDEAT that a part 2 amendment be carried out to address certain conditions. This does not mean that existing conditions such as preventing encroachment into communal open space should not be implemented and managed by KHOA. IT should be rectified as per recommendations in the audit report. I cannot rectify these transgressions, I am assisting with attaining approval of an EMPr and a rezoning request as recommended by the DEDEAT on behalf of KHOA.</p>
<p>Your Audit unfortunately only facilitated the continued destruction of vegetation on the OS3 (including between the units) areas within the</p>	<p>Recommendations include the re-establishment of an EMC and internal ECO to monitor, identify transgressions and rectify , report to the DEDEAT and externally audit an EMF containing all required documents.</p>

## EAP Services

Comment Received	Response
<p>park, as you did not fully document the violations during the audit process/report. (Refer to photographs below).</p>	<p>the first annual audit was carried out June 2025, and an annual audit is recommended to determine which non compliances have been addressed. This audit is due in June 2026.</p>
<p>.../“the zoning and land portions have changed since to facilitate the growing resort, and the current amendment is to enable the current portions to be zoned as open space 3 and 2 as applicable and to have an EMPr approved”. You keep referring to “will enable” the zoning to be changed, but your application and the zoning certificates refer to the zoning which has already been done, you included the certificates.</p> <p>Again, are you now confirming that these zones are/should be per you audit finding and the actual certificates you attached are incorrect?</p> <p>.../” Currently KHOA is non-compliant (this currently includes all members) to the ROD ...” Firstly this is factually incorrect, it does not include all members. Secondly, I find this statement to be contradictory to your audit report, in which you highlight “a few” and now it is “all”. I do agree that a large contingent are non-compliant, and that was highlighted in my communication sent to DEDEAT, KHOA and yourself in the document titled “Comments to the Environmental Audit”. Which is it?</p>	<p>The zoning certificates are provided by the KLM. The amendment report states:  <b>The zoning needs to be amended as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Resort Zone</b> (Sectional title erven making up Kingsway Resort)</li> <li>• <b>Open space 2</b> (common areas between sectional title erven to allow management of, for example, playground area, paths, tree trimming, landscaping with indigenous plans – note, only fencing around erven permitted to allow for pets – no fencing between dwellings permitted; refer to operational mitigation measures – Appendix 2: Draft EMPR )</li> <li>• <b>Open Space 3</b> (Western area and eastern area of resort / open space 2 – to be managed as naturally as possible and keep free of alien invasive species on ongoing bases; refer to operational mitigation measures – Appendix 2: Draft EMPR)</li> </ul> <p>The current zoning is incorrect in such that it does not comply to the ROD issued for this development and any amendment(if issued)</p>
<p>In Conclusion – Zoning questions and response            Once again you have failed to address the cores issues I have raised in my correspondence. It does not reconcile or give verified documentation per the Zoning Certificates and Authority, please refer to my emails dated 08 Feb 2026, 08 Dec 2025, 01 Dec 2025.</p>	<p>Noted. These comments and responses are included in this PP and CRR</p>
<p>There has been NO MANDATE OR ZONING APPLICATION submitted to Kouga Municipality prior to the issue of the September 2024 Zoning Certificates (if you are aware of such, please forward copies).</p>	<p>The 2009 zoning was Open Space 3 – conservation as per the ROD.</p>

## EAP Services

Comment Received	Response
<p>I have done a PAIA application to Kouga for the applications, which was only partially approved and limited documentation submitted. An Urgent Applications for Information has been lodged with the Information Regulator on the 11 March 2026 for the outstanding Information, awaiting ruling.</p> <p>Concerning inconsistency are:</p> <ul style="list-style-type: none"> <li>- Zoning certificates are dated 24 September 2024,</li> <li>- payment for those certificates is recorded 26 September 2024,</li> <li>- Zoning application was submitted 10 February 2025.</li> <li>- No SGM or HOA resolution authorised the committee to rezone prior to 24 September 2024.</li> </ul>	<p>From what I understand the zoning certificates dated 2024 was a result of SPLUMA coming into effect and the open space, including that around the dwellings, were designated as open space 2.</p> <p>I understand a NEMA EA or amended EA is required before rezoning is permitted by the Kouga Local municipality. The current zoning certificates are therefore incorrect; they can only be valid with a valid EA or amendment to the EA. If a NEMA listed activity is triggered due to the nature of the development and / or location within sensitive areas then the EA will be required to accompany zoning / plans to the local municipality for approval.</p> <p>The zoning certificates are provided by the KLM. The amendment report states:  <b>The zoning needs to be amended as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Resort Zone</b> (Sectional title erven making up Kingsway Resort)</li> <li>• <b>Open space 2</b> (common areas between sectional title erven to allow management of, for example, playground area, paths, tree trimming, landscaping with indigenous plants – note, only fencing around erven permitted to allow for pets – no fencing between dwellings permitted; refer to operational mitigation measures – Appendix 2: Draft EMPR )</li> <li>• <b>Open Space 3</b> (Western area and eastern area of resort / open space 2 – to be managed as naturally as possible and keep free of alien invasive species on ongoing bases; refer to operational mitigation measures – Appendix 2: Draft EMPR )</li> </ul> <p>An addendum to the court order has been provided by KHOA and is included below. The court order allows for amendment of the zoning with correct application processes in place. The first step is therefore an amendment to the ROD and then an application to the KLM for rezoning if the amendment is issued.</p>



## EAP Services

Comment Received	Response
<p>a protected natural area and public open space and neither property shall be alienated or developed by the plaintiff.</p> <p><b>AND WHEREAS</b> the intention of the First Defendant was to ensure the protection of the natural land area against future development.</p> <p><b>AND WHEREAS</b> the Spacial Planning and Land Use Management Act 2013 (SPLUMA) was adopted by the Kouga Municipality during 2021 which amended the zoning of the properties to Open Space 2 (OS2).</p> <p><b>AND WHEREAS</b> the Plaintiff through it's Directors are taking all steps necessary to ensure compliance with the following:</p> <ol style="list-style-type: none"><li>1. The National Environmental Management Act 107 of 1998;</li><li>2. Spacial Planning and Land Usage Management Act of 2013;</li><li>3. The Record of Decision 08/1m/74-98 dated 28 April 2008 and subsequent agreement dated 20 August 2010;</li><li>4. The Deed of Settlement dated 14 April 2016 made an Order of Court.</li></ol> <p><b>AND WHEREAS</b> the plaintiff convened a Special General Meeting to resolve the issues created due to the implementation of SPLUMA and the rezoning of the properties to Open Space 2 (OS2) which will allow for the development of certain areas the Plaintiff and First Defendant agreed would not be developed.</p> <p><b>NOW THEREFOR</b> the parties agree as follows:</p> <ol style="list-style-type: none"><li>1. Portion 209 (a portion of portion 34) and portion 35 of the farm Mauritskraal 501 to be rezoned as follows:<ol style="list-style-type: none"><li>1.1. As per diagram marked annexure "A", the riverside and natural areas shall be designated as Open Space 3 (OS3) under the Kouga Zoning Scheme, prioritizing conservation and ecological protection, marked area A1 and A2.</li></ol></li></ol>	

## EAP Services

- 1.2. Internal living and building areas on portion 209 shall retain the zoning of Open Space Zone 2 (OS2) status as adopted by the Kouga Municipality and SPLUMA for public recreational use, marked area A3.
- 1.3. The undeveloped areas on portion 209 shall be zoned as Private Open Space 2 (OS2) restricted to ancillary recreational activities and shall not be alienated nor developed by to owners or applicant
- 1.4. Rezone portion 35 of the farm Mauritzkraal No 501 (12,1900 hectares) from Open Space 2 (OS2) to Open Space 3 (OS3), to be protected and not developed, alienated or ecologically transformed in any manner in perpetuity

2. The plaintiff shall procure the conveyancing work necessary to effect the rezoning and enforce usage restrictions at the plaintiff's expense. This to include the following:

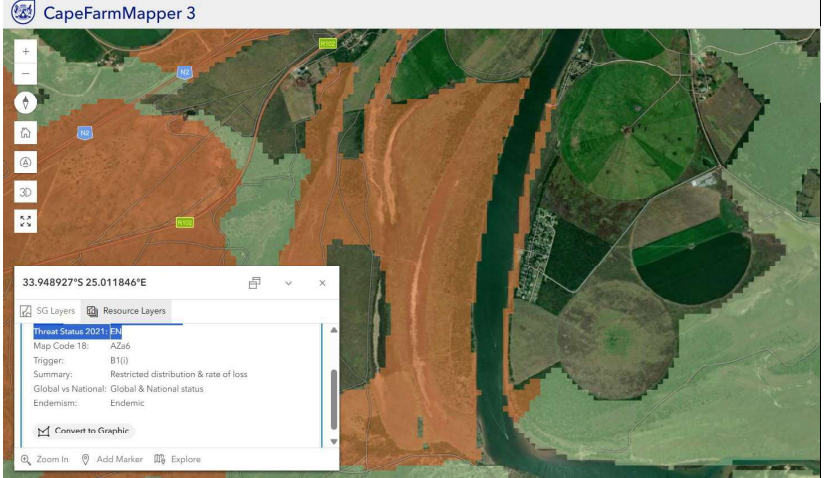
- 2.1. Notarial tying of Portions 209, 34 and 35 to ensure compliance with the rezoning framework.
- 2.2. Designated slipway and boat parking area: Provision of such infrastructure in designated zones (OS2/Private OS2), subject to:
  - 2.2.1. Zoning alignment: Plans must comply with OS2/Private OS2 regulations.
  - 2.2.2. Municipal approval: Endorsement by KOUGA's planning authority for ecological compatibility.
- 2.3. Costs: All legal, registration, and approval costs shall be borne by the Plaintiff.
- 2.4. The parties agree that either party may if required approach the High Court to have the Court Order amended accordingly.

## EAP Services

Comment Received	Response
<p style="text-align: center;">Page   4</p> <p>DATED at <u>Hermanus</u> on this the <u>17<sup>th</sup></u> day of <u>April</u> 2025</p> <p>As witnesses:</p> <p>1. <u>[Signature]</u> <u>[Signature]</u></p> <p>2. <u>[Signature]</u> <u>[Signature]</u></p> <p>DATED at <u>Pret Elizabeth</u> on this the <u>1<sup>st</sup></u> day of <u>September</u> 2025</p> <p>As witnesses:</p> <p>1. <u>[Signature]</u> <u>[Signature]</u></p> <p>2. <u>[Signature]</u> <u>[Signature]</u></p>	

Figure 4: Addendum to court order

## EAP Services

Comment Received	Response
<p>Combined with the fact that Kouga does not want to sent the application records, gives rise to serious concerns of an unlawful changing of zoning certificates in Sep 2024.</p> <p>The Kouga Town Planner assertion that this was due to an error in conversion, seem highly unlikely, this zoning change was done unlawfully by Kouga (in my view) and a full investigation by the Mayor and Municipal manager is required. (we in Process of updating Public Protector Complaint Against Kouga) Notwithstanding the above, all parties (Kouga, DEDEAT, KHOA and yourself) are skirting around the judiciary requirements pertaining to Zoning and Amendments to ROD namely:</p>	<p>The SPLUMA replaced the <i>of the Land Use Planning Ordinance, Ordinance 15 of 1985) (LUPO)</i></p> <p>It is my understanding that when SPLUMA came into effect the rezoning was done as part of the spatial development framework and revised according to the land uses. The open space 3 area referred to in the ROD seems to have not been carried through to the Kouga land management system. The protected areas database does not map any protected (formal or informal) areas at or surrounding the Kingsway development. In terms of the SANBI Red List of Ecosystems: Remnants, 2022, Sundays Valley Thicket (Lc) remnant vegetation is not mapped at Kingsway or surrounding open space area (CFM). Albany Alluvial Vegetation (EN) remnant vegetation is mapped between the resort area and estuarine area.</p>
<p>a. The Court Ordered Deed of Settlement that specifically reference the existing ROD for compliance, also specifically referenced all common ground as OS3-conservation in perpetuity.</p>	
<p>b. Without following the judicial process, neither DEDEAT or Kouga can approve any amendments, they are mandated by law to comply with valid court orders, to which there are two, that refer to the ROD. Approvals that fail to adhere to the judicial process will be contempt of court, and we will file such contempt allegations if a when we reach that milestone.</p>	
	<p>The amendment request includes:</p>

## EAP Services

Comment Received	Response
	<p>7.1 <i>The change land use of Portions 1 and 34 of the Farm Mauritzkraal No 501, to be affected <u>within 12 months</u> of the date of signature of this authorization, by means of a rezoning in terms of the <u>Land Use Planning Ordinance, Ordinance 15 of 1985.</u></i></p> <p><b>Amendment of condition 7.1 to:</b> The change land use of Portions 1 and 34 of the Farm Mauritzkraal No 501, to be affected <u>within 24 months</u> of the date of signature of this authorization, by means of a rezoning in terms of the <u>Spatial Planning and Land Use Management Act 16 of 2013</u></p> <p><b><u>This will enable the land use change to be effected in terms of SPLUMA and to be designated a conservation area (open space 3) and related legislation and frameworks.</u></b></p>
<p>c. Title Deed Conditions – I assume all parties are familiar with the requirements to be taken into account.</p>	<p>All members of KHOA are to comply with the conditions of the ROD and any amendments issued by the DEDEAT. The zoning is to align to the ROD. Currently it does not seem to be aligned correctly.</p>
<p>d. Common Property Encroachment – here I assumed all parties would be familiar with this, but it seems not to be the case.</p>	<p>All members of KHOA are to comply with the conditions of the ROD and should have a copy.</p>
<p>a. It's not individual members property, firstly. b. Constitution prohibits it.</p>	<p>The audit identified several transgressions as well as recommendations which are required to be implemented by the KHOA and the report was submitted to the DEDEAT.</p>
<p>c. What is currently happen in the park is (legally) an unlawful occupation. d. Even if such encroachments are tolerated (should not be), it is still unlawful.</p>	<p>It is recommended that an Operational Management Plan (OMP) be compiled:</p> <ul style="list-style-type: none"> <li>- OMP to include relevant conditions of ROD, scoping and botanical survey pertaining to operations. These are provided in Tables 5,6 and 7 of this audit report.</li> </ul>
<p>e. Any special meeting and/or Resolutions voted on etc. by the committee cannot override the illegal land use. f. Encroachments on common property are illegal. e. It is expected that the Environmental Practitioner, the Town Planner (Kouga and Private) should be fully aware of the above. f. Many of the common-ground issues identified as prohibited in the public participation documents were not recorded in your June 2024</p>	<ul style="list-style-type: none"> <li>- Waste management plan</li> <li>- Fauna management programme</li> <li>- <b>Landscaping guidelines</b></li> <li>- <b>Rehabilitation plan</b></li> <li>- <b>Vegetation management programme</b></li> <li>- <b>Alien vegetation control programme</b></li> </ul>

## EAP Services

Comment Received	Response
<p>audit report and remain evident within the park. Neither the Kingsway Homeowners' Association, DEDEAT or Kouga have taken any steps to remedy these violations.</p>	<ul style="list-style-type: none"> <li>o It is recommended to combine the required rehabilitation plan, vegetation and alien invasive management programme and landscaping guidelines into one plan for easy use. These should be applicable to construction and operational phases as required. The plant list provided in Table 8 of this audit report should be incorporated into the rehabilitation, vegetation, alien invasive management plans and landscaping guidelines.</li> </ul>
<p>g. The DEDEAT notification for the environmental audit in Feb 2024, was specific, on the issue of violations and that it must be address prior to any applications being submitted.</p>	<p>It is recommended that monitoring and auditing of environmental management requirements take place:</p>
<p>b. Notarially tie Portion 1 &amp; 34 / Land use Restriction Registered in Perpetuity As noted in my email correspondence of 8 December 2025, your audit report of June 2024 showed that the Notarial Tie and the Land Use Restrictions had been compliant! Your response evades the questions related to these items.</p>	<ul style="list-style-type: none"> <li>- Reinstate <i>Kingsway Environmental Action Panel</i> – recommend to meet once every 6 months</li> <li>- <b>A dedicated person to be designated / appointed to oversee the implementation of and ongoing adherence to the operational management plan. Appoint a permanent resident with relevant environmental management background (if persons reside in resort) to manage EM file and carry out monthly internal audits. Circulate internal reports to members of HOA and keep on record in EM file.</b></li> <li>- <b>Monthly monitoring by Parks manager / in house person throughout resort in open space areas and action removal as soon as AIS detected. Follow up monitoring to ensure no regrowth.</b></li> <li>- Appoint external ECO for any construction / maintenance activities that will extend beyond three months to do monthly audits. Submit reports to all members of HOA / Residents and to DEDEAT. Keep all audits in EM file</li> <li>- Appoint external ECO / EAP to carry out annual audits during operational phase. Submit reports to all members of HOA / Residents and to DEDEAT. Keep all audits in EM file</li> </ul>
<p>For any amendments to take place any land use restrictions registered must first be listed, has this been done and please provide documentation to that effect?</p>	<p><b>It is recommended that those developments exceeding into open space areas are recommended to be adequately revegetated with suitable thicket vegetation.</b></p>
<p>It is also concerning that Eric Fouche who is driving the zoning issues and part of the committee, has allowed the same violations to continue despite his email to the committee on the 03 December 2019, where he highlights the regulatory requirements to the committee and berates them for nonadherence, and ironically, he is doing exactly the same. (See attached email from Eric)</p>	<p>It is recommended that the need for additional licenses / authorisation be determine based on existing activities:</p> <ul style="list-style-type: none"> <li>- Water use license authorisation / General authorisation in terms of Section 21 of the National Water act (act 36 of 1998)</li> <li>- <b>Additional authorisations in terms of NEMA. New activities carried out may trigger activities in terms of NEMA EIA Regulations (2010, 2014 as amended), depending on date any new activities commenced.</b></li> </ul>
<p>Below are some photos to show the vegetation removal that is continuing currently, In violation of existing regulation. The red circle indicates no common ground between the properties.</p>	<p>Following the submission of the audit report the DEDEAT requested a part 2 amendment process to be carried out to address certain non compliances identified, including an approved EMPr and</p>
<p>Blanket Clearing (Including common ground between plots) of 2x Plots by the park manager in the past +-month. No wonder there is destruction of vegetation by members, if this is what the PM, whom is supposed to uphold the regulations does.</p>	

## EAP Services

Comment Received	Response
<p>Clearing of Vegetation on the river front, which was supposedly demarcated by Mr. Struwig as OS3, within his setback line.</p>	<p>the requested rezoning from open space 3 area surrounding the dwellings to open space 2 area. It further requests an update from LUPO to SPLUMA to align with current spatial legislation and will allow for the formal protection of the natural areas east and west of the resort area to open space 3 – conservation use. This rezoning (if amendment is granted) will need to be submitted to KLM as part of a rezoning application. The current zoning of the eastern and western area reflected in the KLM spatial planning database (open space 2) is incorrect.</p>
<p>Pathway from a river front property to the river, including stone wall Slabs on pathway, cutting of vegetation for river view, all within the Setback line and on OS3 River Front property Clearing of vegetation for view of the river within the setback line OS3, as far back as July 2024.</p>	<p>The amendment report states: <b>The zoning needs to be amended as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Resort Zone</b> (Sectional title erven making up Kingsway Resort)</li> <li>• <b>Open space 2</b> (common areas between sectional title erven to allow management of, for example, playground area, paths, tree trimming, landscaping with indigenous plants – note, only fencing around erven permitted to allow for pets – no fencing between dwellings permitted; refer to operational mitigation measures – Appendix 2: Draft EMPR )</li> <li>• <b>Open Space 3</b> (Western area and eastern area of resort / open space 2 – to be managed as naturally as possible and keep free of alien invasive species on ongoing bases; refer to operational mitigation measures – Appendix 2: Draft EMPR)</li> </ul> <p>The current zoning is incorrect in such that it does not comply to the ROD issued for this development and any amendment(if issued)</p>
<p>These pictures show the gradual annexing of common property. The red line is an approximation of the property boundary line. It clearly shows the removal of vegetation, and the eventual laying of stones for a driveway, the majority on common ground. This last phase of laying the stones, occurred weeks before the CEN environmental audit, but after the notification from DEDEAT for the audit to take place?</p>	<p>The comments on the pre-application part 2 amendment report was distributed for 30 day review and comment ending 12 January 2026. Responses were provided up until March 2026. The application was submitted and accepted 10 April.</p>
<p>Claire To be frank, you are now deflecting, you acknowledge that my response to you of the 24 March is being sent directly to DEDEAT, but <u>you have not sent me any of your comments</u> to that communication. (as you did on the previous correspondence).</p>	<p>The comments on the pre-application part 2 amendment report was distributed for 30 day review and comment ending 12 January 2026. Responses were provided up until March 2026. The application was submitted and accepted 10 April.</p>

## EAP Services

Comment Received	Response
<p>Even in this communication, I ask for the Public Participation Report to review your comments to the below-mentioned response, and you deflect, my response raises material and judicial concerns which are not been answered.</p> <p>I don't care what applications you send, those issues are being address with DEDEAT at a provincial level, all I require are your response to the 24 March correspondence.</p>	<p>A further 30 day post application review will be provided on the final amendment report which includes the reord of all comments received and associated responses up until May 2026 to assit in the decsion making process.</p> <p>The final amendment report will be sumbitted within 90 days of 10 April 2026 as per the NEMA 2014 EIA regualtions (as amended, 2017)</p> <p>Further comments on the final amendment report is requested to be submitted directly to DEDEAT.</p> <p>Relevant extracts from NEMA EIA regulations: EIA Regualtions Chapter 5 28 (1A) The competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development.</p> <p><b>Part 2: Amendments where a change in scope occurs</b> <b>Process and consideration of application for amendment</b></p> <p><b>32. The applicant must</b> a within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority— (a) a report, reflecting— (i) an assessment of all impacts related to the proposed change; (ii) advantages and disadvantages associated with the proposed change; and (iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and (iv) any changes to the EMPr</p>

## EAP Services

Comment Received	Response
	<p>which report—            aa) had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and (bb) reflects the incorporation of comments received, including any comments of the competent authority; or            (bb) reflects the incorporation of comments received, including any comments of the competent authority; or</p> <p>Kindly note that the DEDEAT requested that a part 2 amendment application process be followed for the proposed amendments to the ROD during a preapplication meeting held. This meeting was held after submission of the audit report which identified an overall non compliance for KHOA to the conditons of the ROD and included no record of audit reports, permits, construciton timeframe exceeded, non submission of an EMPr, transgressions in open space communal areas (i.e fences between erven, grassing on open space areas, decks developed in close proximity / past the high water mark of the estuary, and rubble located within close proximty to the estuary). Following the audit the high water mark was deleniated by Mr Struwig and the rubble was removed. Transgression relating to transgressions in open space areas must be addressed and enforced by KHOA. The part 2 amendment application includes an EMPr for approval as this will then become a legally binding document and all mitigaion measures are to be implemented as well as conditions of the ROD and amendment (if approved). The EMPr includes the appointmenet of an internal ECO to keep an environemntal management file which must include transgressions and recitification. Futher mitigation includes ensuring open space areas are managed in a natural condition and these measures will remain for the proposed open space 2 and open space 3 areas. All mitigation measures included in the orginal assessments are included in the EMPr and additonal measures have been added to address the requested amendments to the ROD.</p>

## EAP Services

Comment Received	Response
<b>Roslyn Alcock</b>	
<p>08 January 2026            Good day Claire,            Would you be so kind as to let me know what mandate you are relying upon for the proposed amendments to the ROD?            In addition, what date was the SGM held for this mandate as we cannot recall the Part 2 Amendment being requested and voted on at any SGM we attended.            We need this information before we can submit our comments regarding the so-called proposals.            Kind regards,            Chad &amp; Roslyn Alcock</p>	<p>13 January 2026            Apologies for the late response, I was on leave.            Kindly find attached as requested.            Thank you for your participation in the process.</p>
<p>11 January 2026            Good day Claire,            Please acknowledge receipt of the below email we sent to you on 8 January and provide us with the requested information.            Kind regards,            Chad and Roslyn Alcock</p>	
<p>11 January 2026            FORMAL OBJECTIONS TO PROPOSED AMENDMENTS            11 January 2026            Good day Claire,            Please see attached document with comments.            Notification of Public Participation Process – Part 2 Amendment Application            KHOA / DEDEAT Reference: EC08/1M/74-98</p>	<p>Noted</p>
<p>1. Preliminary Statement            These submissions constitute formal objections to the proposed amendments to the Record of Decision (ROD). While amendments may lawfully be used to correct technical inaccuracies or align</p>	<p>Noted.            The part 2 amendment was requested to be carried out by the DEDEAT. All comments received during the preapplication comment and review period have been included in the CRR and PP (this</p>

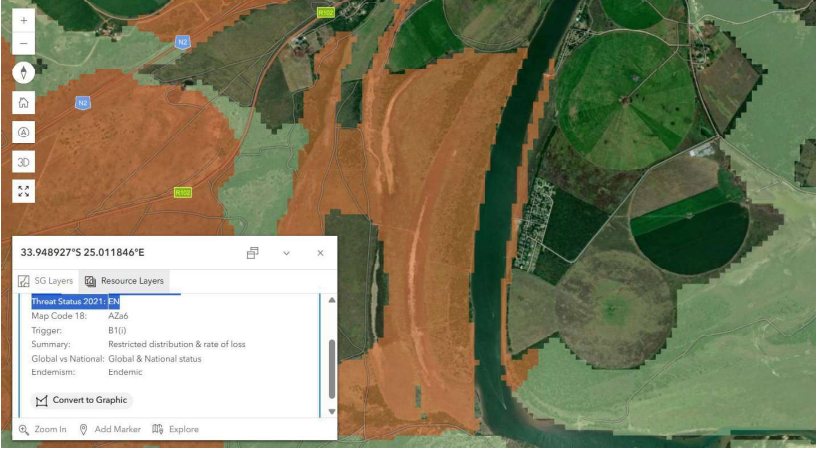
## EAP Services

Comment Received	Response
<p>conditions with updated legislation, they may not be used to retrospectively legitimise non-compliance, excuse governance failures, or dilute binding environmental and conservation obligations.</p> <p>The proposed amendments, viewed collectively, demonstrate a clear and consistent pattern: procedural and regulatory non-compliance is being reframed as administrative housekeeping. This approach is unlawful, misleading, and incompatible with both the original authorisation and ongoing judicial and administrative processes.</p>	<p>report) and the post application report will be submitted for a 30 day review and comment period.</p> <p>The application was accepted on 10 April 2026.</p> <p>The final report will include additional comments and responses and submitted to the DEDEAT for consideration within 90 days of the acceptance of the application.</p>
<p>2. Contact Details of Applicant</p> <p>Proposed Amendment: Contact details of applicant (claimed to be of no impact)</p> <p>Objection: If the amendment is indeed of no impact, the full and correct contact details must be explicitly stated. Vague or incomplete references are unacceptable in a legally binding authorisation and undermine transparency and accountability.</p>	<p>Noted</p> <p>The chairman of Kingsway HOA will represent KHOA Kingsway Homeowners Association Duwayne Varnfield (current chairman)</p> <p>The chairperson in applying on behalf of KHOA. The current contact details are outdated and needs to be amended.</p> <p>The part 2 amendment was requested to be carried out by the DEDEAT and to include this as part of the application</p>
<p>3. Objection to Amendment of Condition 7.1 – Rezoning Timeframes</p> <p>Original Condition: Rezoning to be effected within 12 months in terms of LUPO.</p> <p>Proposed Amendment: Extension to 24 months and substitution of LUPO with SPLUMA.</p> <p>Objection: Although updating statutory references from LUPO to SPLUMA may constitute a legitimate technical correction, this amendment is not confined to legislative alignment. The proposed extension of timeframes is a direct attempt to retrospectively excuse non-compliance with a condition that was simply ignored.</p>	<p>Following the submission of the audit report the DEDEAT requested a part 2 amendment process to be carried out to address certain non compliances identified, including an approved EMPr and the requested rezoning from open space 3 area surrounding the dwellings to open space 2 area. It further requests an update from LUPO to SPLUMA to align with current spatial legislation and will allow for the formal protection of the natural areas east and west of the resort area to open space 3 – conservation use. This rezoning (if amendment is granted) will need to be submitted to KLM as part of a rezoning application. The current zoning of the eastern and western area reflected in the KLM spatial planning database (open space 2) is incorrect.</p> <p>The amendment report states: <b>The zoning needs to be amended as follows:</b></p>

## EAP Services

Comment Received	Response
<p>The rezoning was never implemented within the authorised period. Development has largely been completed and ownership transferred in direct contravention of the ROD. Extending the timeframe after the fact does not regularise this breach — it attempts to conceal it. Non-implementation of authorisation conditions constitutes regulatory non-compliance and governance negligence, a conclusion reinforced by the Compliance Audit findings. Amendments cannot lawfully be used to sanitise such failures.</p>	<ul style="list-style-type: none"> <li>• <b>Resort Zone</b> (Sectional title erven making up Kingsway Resort)</li> <li>• <b>Open space 2</b> (common areas between sectional title erven to allow management of, for example, playground area, paths, tree trimming, landscaping with indigenous plants – note, only fencing around erven permitted to allow for pets – no fencing between dwellings permitted; refer to operational mitigation measures – Appendix 2: Draft EMPR )</li> <li>• <b>Open Space 3</b> (Western area and eastern area of resort / open space 2 – to be managed as naturally as possible and keep free of alien invasive species on ongoing bases; refer to operational mitigation measures – Appendix 2: Draft EMPR)</li> </ul> <p>The current zoning is incorrect in such that it does not comply to the ROD issued for this development and any amendment(if issued)</p> <p>Remnants, 2022, Sundays Valley Thicket (Lc) remnant vegetation is not mapped at Kingsway or surrounding open space area (CFM). Albany Alluvial Vegetation (EN) remnant vegetation is mapped between the resort area and estuarine area.</p>

## EAP Services

Comment Received	Response
	<p data-bbox="694 741 1513 768">CapeFarmMapper 3</p>  <p data-bbox="694 1243 986 1270">The amendment request includes:</p> <p data-bbox="694 1294 1508 1370"><b>7.1</b> <i>The change land use of Portions 1 and 34 of the Farm Mauritzkraal No 501, to be affected <u>within 12 months</u> of the date of signature of this authorization, by means of a rezoning in terms of the <u>Land Use Planning Ordinance, Ordinance 15 of 1985.</u></i></p> <p data-bbox="694 1395 1508 1496"><b>Amendment of condition 7.1 to:</b> The change land use of Portions 1 and 34 of the Farm Mauritzkraal No 501, to be affected <u>within 24 months</u> of the date of signature of this authorization, by means of a rezoning in terms of the <u>Spatial Planning and Land Use Management Act 16 of 2013</u></p>

## EAP Services

Comment Received	Response
	<b><u>This will enable the land use change to be effected in terms of SPLUMA and to be designated a conservation area (open space 3) and related legislation and frameworks.</u></b>
<p>4. Objection to Amendment of Condition 7.3 – Construction Obligations</p> <p>Original Condition: Collective housing infrastructure to be completed within defined timeframes.</p> <p>Proposed Amendment: Shift to individual dwellings with a reduced completion period of 12 months.</p> <p>Objection: This is a material and substantive amendment, not a technical correction. It fundamentally alters the nature, scope, and object of the condition by transferring responsibility from collective infrastructure delivery to individual unit construction.</p> <p>The amendment compresses the compliance period from five years to one year and creates an inevitable risk of non-compliance by individual owners due to municipal approvals, financing constraints, or contractor availability – factors entirely outside their control.</p> <p>Given that the development is already substantially complete, this amendment can only be interpreted as a procedural patch designed to mask historical non-compliance, rather than a bona fide regulatory safeguard.</p>	<p>Currently there are existing plots which were authorised by the ROD to be developed; however, these timeframes have already lapsed. In order to legally facilitate the completion of the development the timeframe is requested to be amended.</p> <p>The DEDEAT recommended the part 2 assessment process to be followed as it is a substantive amendment.</p> <p>Relevant extracts from NEMA EIA regulations: EIA Regulations Chapter 5 28 (1A) The competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development.</p> <p><b>Part 2: Amendments where a change in scope occurs</b> <b>Process and consideration of application for amendment</b></p> <p><b>32. The applicant must</b> a within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority— (a) a report, reflecting— (i) an assessment of all impacts related to the proposed change; (ii) advantages and disadvantages associated with the proposed change; and (iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and (iv) any changes to the EMP</p>

## EAP Services

Comment Received	Response
	<p>which report—</p> <p>aa) had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and (bb) reflects the incorporation of comments received, including any comments of the competent authority; or</p> <p>(bb) reflects the incorporation of comments received, including any comments of the competent authority; or</p>
<p>5. Objection to Amendment of Condition 8.3.12 – Laydown Areas and Open Space</p> <p>Proposed Amendment: Granting KHOA discretion to authorise laydown areas encroaching into Open Space 2.</p> <p>Objection: This amendment is legally invalid and procedurally reckless. A binding court order unequivocally requires that all common property, excluding individual units, be zoned Open Space 3 (conservation). That order remains fully operative and enforceable. No judicial process has been concluded to amend or set aside the order. Rezoning has not lawfully occurred. Any amendment that assumes the existence of Open Space 2 is therefore defective ab initio.</p> <p>KHOA has no legal authority to override a court order or zoning designation. Such powers reside exclusively with the courts and the competent planning authority acting in compliance with SPLUMA.</p>	<p>The authorised plots are 120m<sup>2</sup>. Due to the small space it is recommended that designated areas close to the dwelling development be used and this may need to fall on communal areas, however this area would need to be adequately rehabilitated with suitable vegetation as per the mitigation measures (EMPr) and conditions (ROD)</p> <p>A part 2 amendment process is being followed to rezone the communal area as open space 2 to fit in with current land use definitions of SPLUMA and the areas east and west of the resort to be open space area 3. The amendment has not yet been granted and therefore conditions of the current ROD are still valid.</p> <p>An addendum to the court order has been provided (Figure 4: Addendum to court order) which allows for the proposed rezoning application and which must be followed in terms of the SLUMA and NEMA.</p> <p>The current zoning indicated on KLM spatial databases is incorrect and should be OS3 however it is indicated as OS2 as it aligns with current land use and associated land uses recommendations of SPLUMA.</p>
<p>6. Objection to Amendment of Condition 8.4.13.2 – Landscaping on Open Space</p>	

## EAP Services

Comment Received	Response
<p>Proposed Amendment: Expansion of landscaping permissions to include Open Space 2.</p> <p>Objection: This amendment repeats the same unlawful assumptions identified above. It presupposes rezoning outcomes that do not exist and ignores the binding nature of the court order.</p> <p>Furthermore, landscaping on common property is not a right of individual members. Common property is collectively owned and managed. Neither individual members nor the HOA committee may appropriate, allocate, or license portions of common land for private benefit under the guise of landscaping.</p>	<p>In terms of the Eastern Cape Biodiversity Conservation Plan, 2019, the proposed zoning aligns with the recommended land use of open space 2 and open space 3 based on the activities / land uses (currently in place) of each of the proposed areas. Kindly refer to the below tables which also provide an indication of the SPLUMA land use.</p> <p>Kindly note that the ROD (EC08/1m/74-98)(<b>29 April 2008</b>) for was issued for the following activities:</p> <ul style="list-style-type: none"> <li>• 1(m) - The <b>construction or upgrading of public and private resorts and associated infrastructure</b></li> <li>• 1(k) - The construction or upgrading of reservoirs for public water supply</li> <li>• 2(c) - The change of <b>land use from agricultural</b> or zoned undetermined use or an equivalent zoning, <b>to any other land use</b></li> </ul>
<p>7. Objection to Amendment Affecting Conservation Zoning of Undeveloped Land</p> <p>Proposed Amendment: Redefinition of conservation areas to exclude certain land and introduce Open Space 2 between erven.</p> <p>Objection: This amendment is deliberately obscured by being embedded within unrelated clauses instead of being presented transparently as a standalone substantive change.</p> <p>The original authorisation established strong and unequivocal conservation protections. The proposed amendment weakens those protections by carving out exceptions and reducing the conservation footprint. This represents a material erosion of environmental safeguards, not a clarification.</p> <p>The amendment functions as a procedural device to disguise prior non-compliance identified in the Environmental Audit Report.</p>	<p>The part 2 amendment has assessed the land use change of the communal area surrounding the dwellings from open space 3 to open space 2. With management in place, this should result in no additional impacts.</p> <p>The amendment report states:  <b>The zoning needs to be amended as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Resort Zone</b> (Sectional title erven making up Kingsway Resort)</li> <li>• <b>Open space 2</b> (common areas between sectional title erven to allow management of, for example, playground area, paths, tree trimming, landscaping with indigenous plants – note, only fencing around erven permitted to allow for pets – no fencing between dwellings permitted; refer to operational mitigation measures – Appendix 2: Draft EMPR )</li> <li>• <b>Open Space 3</b></li> </ul>
<p>8. Objection to Amendment of Condition 8.2.1 – Rezoning Categories</p> <p>Proposed Amendment: Introduction of Open Space 2 alongside Open Space 3.</p> <p>Objection: The introduction of Open Space 2 is unlawful and premature. Until the court order mandating Open Space 3 zoning for</p>	

## EAP Services

Comment Received	Response
<p>all common property is formally amended, no lesser or alternative zoning category can be introduced. This amendment improperly delegates discretionary authority to the HOA, thereby undermining uniform conservation protections and regulatory certainty.</p>	<p>(Western area and eastern area of resort / open space 2 – to be managed as naturally as possible and keep free of alien invasive species on ongoing bases; refer to operational mitigation measures – Appendix 2: Draft EMPr)</p>
<p>9. Objection to Amendment of Condition 8.2.4.2 – Allocation of Open Space Proposed Amendment: Exclusion of Open Space 2 from land designated as Open Space 3. Objection: This amendment repeats and compounds the defects already identified. Introducing Open Space 2 without judicial amendment and lawful rezoning is invalid and directly conflicts with the conservation intent of the original ROD.</p>	<p>OS2 is being used to manage the between-erven areas inside the resort where day-to-day operational demands (access, services, safety, recreation) are very different from the A1/A2/Portion 35 conservation areas. The OS2/EMPr framework is intended to:</p> <ul style="list-style-type: none"> <li>• Allow safe management of paths, play areas and access routes between homes without treating every movement as a “conservation infringement”.</li> <li>• Provide clear rules for tree management, fire-safety, and maintenance of underground services (water, sewer, electrical) in those small strips</li> <li>• Draw a hard line at the OS3 boundary (riverbank and thicket) where no further clearing, hard surfacing or private view-cutting may occur</li> </ul>
<p>10. Objection to Amendment of Mitigation Measures – Common Land Proposed Amendment: Revised wording regarding land use restrictions and management of Portion 1. Objection: This amendment is factually incorrect and legally flawed. Erf 172 was rezoned as Open Space 3 in 2009 and applies to all common land, as confirmed in the Environmental Audit Report and its annexures. The Kouga Town Planning Department has confirmed in writing that rezoning certificates were erroneously altered and that any future rezoning must strictly reflect the court order and the ROD. Assertions that interstitial land will remain or become Open Space 2 are therefore speculative, premature, and procedurally defective. The validity of current zoning is under active investigation by Kouga Executive Management and the CSOS Ombud (Cases 470GP25 and 8314GP25). The outcomes of these processes carry legal force equivalent to a High Court order.</p>	<p>All members of KHOA are to comply with the conditions of the ROD and should have a copy. If the EMPr is authorised, all mitigation measures will need to be complied to as required.</p> <p>In the interim the Excom has been identifying encroachments with owners and has made it clear that no further expansion new fencing or new clearing in sensitive OS3 areas is acceptable; enforcement will be strengthened once the EMPr and internal/external audit system are formally approved.</p> <p>The audit identified several transgressions as well as recommendations which are required to be implemented by the KHOA and the report was submitted to the DEDEAT.</p> <p>It is recommended that an Operational Management Plan (OMP) be compiled:</p> <ul style="list-style-type: none"> <li>- OMP to include relevant conditions of ROD, scoping and botanical survey pertaining to operations. These are provided in Tables 5,6 and 7 of this audit report.</li> </ul>

## EAP Services

Comment Received	Response
<p><b>11. Overall Assessment</b>            With the exception of limited and clearly identifiable technical updates, the proposed amendments represent a concerted attempt to rehabilitate non-compliance through administrative manipulation. Given that zoning, governance, and compliance issues remain under active judicial and regulatory review, the amendment process itself is premature and invalid. DEDEAT, Kouga Municipality, and CSOS are all formally seized with aspects of this matter. Any amendment prior to the conclusion of these processes undermines due process and regulatory integrity.</p>	<ul style="list-style-type: none"> <li>- Waste management plan</li> <li>- Fauna management programme</li> <li>- <b>Landscaping guidelines</b></li> <li>- <b>Rehabilitation plan</b></li> <li>- <b>Vegetation management programme</b></li> <li>- <b>Alien vegetation control programme</b> <ul style="list-style-type: none"> <li>o It is recommended to combine the required rehabilitation plan, vegetation and alien invasive management programme and landscaping guidelines into one plan for easy use. These should be applicable to construction and operational phases as required. The plant list provided in Table 8 of this audit report should be incorporated into the rehabilitation, vegetation, alien invasive management plans and landscaping guidelines.</li> </ul> </li> </ul>
<p>The proposed amendments, taken as a whole, are procedurally improper, legally unsustainable, and substantively prejudicial. They seek to weaken conservation protections, obscure past non-compliance, and pre-empt judicial and administrative outcomes. Accordingly, the amendments should be rejected in their entirety, save for genuine technical corrections that do not alter rights, obligations, or conservation outcomes.</p>	<p>It is recommended that monitoring and auditing of environmental management requirements take place:</p> <ul style="list-style-type: none"> <li>- Reinstate <i>Kingsway Environmental Action Panel</i> – recommend to meet once every 6 months</li> <li>- <b>A dedicated person to be designated / appointed to oversee the implementation of and ongoing adherence to the operational management plan. Appoint a permanent resident with relevant environmental management background (if persons reside in resort) to manage EM file and carry out monthly internal audits. Circulate internal reports to members of HOA and keep on record in EM file.</b></li> <li>- <b>Monthly monitoring by Parks manager / in house person throughout resort in open space areas and action removal as soon as AIS detected. Follow up monitoring to ensure no regrowth.</b></li> </ul>
	<ul style="list-style-type: none"> <li>- Appoint external ECO for any construction / maintenance activities that will extend beyond three months to do monthly audits. Submit reports to all members of HOA / Residents and to DEDEAT. Keep all audits in EM file</li> <li>- Appoint external ECO / EAP to carry out annual audits during operational phase. Submit reports to all members of HOA / Residents and to DEDEAT. Keep all audits in EM file</li> </ul> <p><b>It is recommended that those developments exceeding into open space areas are recommended to be adequately revegetated with suitable thicket vegetation.</b></p> <p>It is recommended that the need for additional licenses / authorisation be determine based on existing activities:</p> <ul style="list-style-type: none"> <li>- Water use license authorisation / General authorisation in terms of Section 21 of the National Water act (act 36 of 1998)</li> </ul>

## EAP Services

Comment Received	Response
	<p>- Additional authorisations in terms of NEMA. New activities carried out may trigger activities in terms of NEMA EIA Regulations (2010, 2014 as amended), depending on date any new activities commenced.</p> <p>The mitigation measures included in the EMPr are those included in the scoping report. Additional mitigation measures included or amendments to the measures are included to mitigate impacts on the OS3 areas as well as the proposed OS2 area. No encroachment is permitted in the proposed OS2 area.</p>
<p>11 January 2026 21:11 Good day Claire, The amendments to the ROD that the KHOA wish to do are simply not allowed because of clause 8.1.3 of General conditions of the ROD.</p>	<p>Int terms of the NEMA EAI regulations, as amended, 2017, <b>Part 2: Amendment when change in scope occurs</b> Amendments to be applied for An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not— (a) assessed and included in the initial application for environmental authorisation; or (b) taken into consideration in the initial environmental authorisation; <b>and the change does not, on its own, constitute a listed or specified activity.</b></p>
<p>8.1.3 States: Any changes in the project that could have significant environmental impacts and that would differ from that which was authorised by this Department, is to be submitted to this Department for approval prior to such changes being effected.</p>	<p>A part 2 amendment process is being followed.</p>
<p>Portion 34 is 9.762 ha and if the common ground was changed to open space 2 ,would be a huge loss for the environment as 2.622 ha are ERF. Only EXCOM has allowed members to encroach onto private open space 3, component of portion 34 between the individual erven, so blatantly of which it is Ultra Virus for EXCOM to have done so.</p> <p>There is no approval from the Department to do this, thus clause 8.1.3. comes into effect to safeguard the environment into the future.</p>	<p>No encroachment is permitted onto open space areas as per condition of the ROD. Mitigation measure in the scoping report also includes that no encroachment is permitted onto open space areas.</p>

## EAP Services

Comment Received	Response
<p>As per ROD in Description of Activity, ' all undeveloped land within Portion 1 and 34 to be zoned as Open 3 ,regarded as common property and to be managed as a protected natural area or a Nature reserve by the Kingsway Homeowners Association' .</p>	<p>Correct. The part 2 amendment process is being followed to change the ROD conditions from open space 3 to open space 2 only in the communal grounds surrounding the dwellings. This does not imply that encroachment onto this proposed open space 2 area is permitted. An EMPr is required to be approved as per conditions of the ROD and this is included in the part 2 amendment process. The EMPr and the conditions of the ROD (an amendment if approved)</p>
<p>Of vital importance are the AGM minutes of the 27th of May 2018 which will also prove that clause 8.1.3 is so important. As per the minutes of this meeting "One huge concern which Mike Cohen has brought to our attention that if we have an audit of our ROD, and we don't comply, we could be issued with a penalty fine of up to 5 million rand, so it is of the utmost importance that we do not deviate from the rules of the ROD and remain within our boundaries of our properties. As a result of this, in going forward no deviation onto common property will be allowed at all, as this can have a massive implication and attract penalties as outlined above." Excom has been warned again to not allow members to encroach onto common ground.</p>	<p>Correct. The DEDEAT have requested a part 2 amendment application process to be followed following submission of the audit report. This does not mean that existing transgressions should not be rectified by respective members.</p>
<p>Eric Fouche, in his email sent 3 December 2019, we will quote a paragraph that Kouga also agrees with clause 8.1.3: " to this there is also the ROD which is relevant to all other clearances of land / road buildings and other which needs to be approved first through Kouga Municipality the extract from their mails as very specific (only changes that have significant environmental impacts and that would differ from that which was authorised by the department is to be submitted to this department for approval prior to such changes being affected"</p>	
<p>Claire, we are surprised that in your audit report to DEDEAT that you failed to report some glaring encroachments.            1. Road change at Disco Drive            2. Many fences on common ground            3. Fences blocking the fire break between plots 182, 183, 184, etc.</p>	<p>The audit report did identify several transgressions and included recommendations to be put in place by the KHOA to rectify the transgressions. This implementation should not wait until a part 2 amendment is issued / not issued.</p> <p>Kindly note the audit report findings included:</p>

## EAP Services

Comment Received	Response
<p>4. Two Structures on ERF 140                      5. Boundary fences that don't allow animal movement                      6. Gates on common ground stopping freedom of movement                      7. Water tanks on common ground                      8. Wendy houses on common ground                      9. Brick walls in contravention of building regulations and ROD.                      Nowhere has permission been given for these encroachments onto common ground and it is the Committee's duty, as per building regulations, all structures must be confined to the site / erf / boundaries and not to encroach onto open space. This could be said no simpler, there should be no ROD changes until the encroachments are removed / resolved.                      Regards,                      Chad &amp; Roslyn Alcock</p>	<ul style="list-style-type: none"> <li>- Fencing between erven / within common property</li> <li>- Vegetation removal between plots and the widespread annexing of common property etc</li> <li>- I am not aware that brick walls surrounding individual erven is not permitted in terms of conditions of the ROD or a mitigation measure.</li> </ul> <p>Recommendations include the re-establishment of an EMC and internal ECO to monitor, identify transgressions and rectify , report to the DEDEAT and externally audit an EMF.</p> <p>Without implementation of the condition of the EMPr and ROD by all members of KHOA, there will be non compliances. All members are required to abide by these conditons and the ROD is deemed to currentlly be valid by the DEDEAT or a part 2 amendment would not have been permitted or allowed for the proposed amendment to conditions of the ROD.</p> <p>The audit was submitted to the DEDEAT and it was reocmmended by the DEDEAT that a part 2 amendment be carried out to address certain conditons. This does not mean that existng conditons such as preventing encroachment into commual open space should not be implemented ad managed by KHOA. IT should be rectified as per recommendations in the audit report. I cannot rectify theses trangressions, I am assisting with attaining approval of an EMPr and a rezoning request as recommended by the DEDEAT on behalf of KHOA.</p> <p>Furthermore, the first annual audit was carried out June 2025, and an annual audit is recommended to determine which non compliances have been addressed. This audit is due in June 2026.</p> <p>Kindly refer to the extracts provided below from June, 2025 audit report.</p>
<p>11 January 2026                      Good day Claire,                       Please acknowledge receipt of the below email we sent to you on 8 January and provide us with the requested information.</p>	<p>Good day</p> <p>Thank you for your email.</p> <p>Apologies for the late response, I was on leave.</p>


## EAP Services

Comment Received	Response
<p>Kind regards, Chad and Roslyn Alcock</p>	<p>Kindly find attached as requested.</p> <p>Thank you for your participation in the process.</p>
<p>13 January 2026 Good afternoon Claire,</p> <p>Thank you for your response, much appreciated.</p>	<p>Kind Regards</p>
<p>13 January 2026 Hello again Claire, We will check the facts around the SGM in August and will respond soonest.</p>	<p>The board resolution provided and submitted with the application is provided below.</p> <p>A part 2 amendment process is r4quired in terms of the NEMA 2014 regulations as amended, 2017 as the rezoning to open space 2 is considered a substantive amendment.</p> <p>The part 2 amendment process includes the holder of the ROD to be updated.</p>
<p>14 January 2026 Good day Claire, Kindly note that the attached resolution you sent is currently part of the CSOS complaint (attached to this email) which is awaiting adjudication by CSOS. This pertains to the voting procedure and results as well as the fact that the SGM was called for Part 1 amendments, which is clearly stated by Duwayne in the recording of the SGM, in fact it forms part of his opening statements, and nowhere in the recording is any mention made of a Part 2 amendment. Attached is a copy of the complaint lodged with CSOS, so that you can gain clarity on the issues of mandate and the rezoning in question. That meeting primarily dealt with the administrative name change, building violations and the discussions with Kouga regarding the violations and notices sent to members, Duwayne also stated that only once the transgression notices have been rectified, will any zoning issues be dealt with. It is also clearly stated by Duwayne that as the ROD is in the name of Bool Smuts, KHOA cannot make any amendments to the ROD, and that the Administration change must 1st be done. Thus, this process</p>	







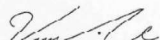
## EAP Services

Comment Received	Response
<p>of ROD amendments and rezoning is premature, and all parties should await the adjudication by CSOS prior to proceeding with any applications for the ROD &amp; Rezoning.</p> <p>What is clear from Mr. Govender and Lawrence is that the zoning must be per the court order as it is now OS3, and only an application to the High Court for an amendment to any clause must firstly be done, especially since there have been 2 court rulings in favour of the current ROD and Deed of Settlement. The committee acts as if they are an executive authority, which they are not. Any amendments approved by DEDEAT or Kouga, will place them in contempt of a binding court order. Both Mr. Govender and Lawrence have agreed with those views in correspondence with them. Dedeat does not have the authoritative powers to grant KHOA the power to decide over common ground.</p> <p>It would be pertinent for you to request the recording of this meeting from KHOA to get clarity on this issue.</p>	

## EAP Services

Comment Received	Response
<p><b>Resolution Adopted by Members at a Special General Meeting</b></p> <p><b>Date of Meeting:</b> 24 August 2025 <b>Venue:</b> Kingsway Reserve</p> <hr/> <p><b>Resolution</b></p> <p>WHEREAS, in accordance with the Constitution of the Kingsway Resort Homeowners' Association, a duly convened Special General Meeting of members was held on the date and at the venue set out above;</p> <p>AND WHEREAS, the proposed resolutions concerning the designation of open spaces within the estate and certain administrative updates were presented to members for consideration;</p> <p>AND WHEREAS, the members resolved, by the required majority, to adopt the resolutions as set out below:</p>  <p>Executive Committee Chairman</p>	

# EAP Services

Comment Received	Response
<p>Registration number: (LIPO EC 08/1m/74 98)            SARS Number: 9134983270 CSOS Number: 2024/1/282075</p> <p>Park Cell: 084 764 3283 Park Manager: 084 764 3283</p> <p>Signed at Kingsway Resort on this 28<sup>th</sup> of August 2025.</p> <p>Chairperson            Kingsway Resort Homeowners' Association</p> <p><b>EXCOM MEMBERS:</b></p> <p>Liesl Strydom </p> <p>Eric Fouche </p> <p>Chris van der Merwe </p> <p>Belinda van der Westhuizen </p> <p></p> <p></p> <p></p>	

## EAP Services

Comment Received	Response
<p><i>Kingsway Home Owners Association</i></p> <p>P.O. Box 423 Jeffrey's Bay 6330 Registration number: (11)PO FC 08/1M/74-98 SARS Number: 9134983270 CSOS Number: 2024/1/262075</p> <p>Park Cell: 084 764 3283 Park Manager: 084 764 3283</p> <p>NOW THEREFORE, IT IS RESOLVED THAT:</p> <ol style="list-style-type: none"><li><b>1. Designation of Open Space</b><ol style="list-style-type: none"><li>1.1 The Eastern and Western open space areas shall be formally classified as Private Open Space 3 (Conservation Area), ensuring their long-term protection and management as conservation land.</li><li>1.2 The open space areas surrounding dwellings shall be designated as Private Open Space 2, reflecting their function and associated management responsibilities.</li><li>1.3 The Community Area shall be recognized within Private Open Space 2, confirming its use and accessibility for members.</li></ol></li><li><b>2. Administrative Updates</b><ol style="list-style-type: none"><li>2.1 The name and contact details of the Holder of the Record of Decision (ROD) shall be updated to ensure full compliance with legal and procedural requirements.</li></ol></li></ol> <p>This resolution was duly adopted by the members of the Kingsway Resort Homeowners' Association at the Special General Meeting convened on the date stated above.</p> <p><i>[Handwritten signatures]</i></p> <p><i>[Stamp: SOUTH AFRICAN POLICE SERVICE COMMUNITY SERVICE CLUB 2026-04-11]</i></p>	

## EAP Services

Comment Received	Response
<p>Attachment 14 January 2026</p> <p><b>Community Schemes Ombud Service (CSOS) Complaint</b></p> <p><b>Complainant:</b> Mark Todkill / Chad Alcock Member of the Kingsway Home Owners' Association (KHOA) – Plot 119</p> <p><b>Respondent:</b> Kingsway Home Owners' Association (KHOA) Chairman and Executive Committee</p> <p><b>Type of Scheme:</b> Homeowners' Association (Common Law Association)</p> <p><b>Date of Complaint:</b> 15 September 2025</p> <p><b>Nature of Dispute</b></p> <p>This complaint relates to <b>unconstitutional procedures, violations of fiduciary duties, unlawful resolutions, unlawful business operation and misrepresentations</b> by the Chairman and Executive Committee (Excom) of the KHOA in respect of the <b>Special General Meeting (SGM) held on 24 August 2025</b>, and subsequent actions.</p> <p><b>1. Unconstitutional Notification of the SGM (Notices of SGM)</b></p> <p><b>Facts:</b></p> <ul style="list-style-type: none"> <li>• <input checked="" type="checkbox"/> The Constitution requires: <ul style="list-style-type: none"> <li>o <b>Clause 9.1:</b> 10 days' notice prior to the meeting, including the general nature of the meeting.</li> <li>o <b>Clause 9.11.5:</b> Agenda must accompany resolutions to be taken.</li> </ul> </li> <li>• <input checked="" type="checkbox"/> On <b>8 August 2025</b>, members received the original notice of the SGM, listing only updates/clarifications (no resolutions). <ul style="list-style-type: none"> <li>o Clarification on the digital ballot process</li> <li>o Revision of Part 1: Amendments to our Environmental Authorization (EA)</li> <li>o Update on Kouga Municipality Contravention Notices</li> </ul> </li> <li>• <input checked="" type="checkbox"/> On <b>18 August 2025</b>, a revised agenda was circulated with new substantive items (including estimated costs).</li> <li>• <input checked="" type="checkbox"/> On <b>20 August 2025</b>, an email advised that resolutions would be put to a vote at the SGM.</li> </ul> <p><b>Violation:</b></p> <ul style="list-style-type: none"> <li>• <input checked="" type="checkbox"/> The late introduction of agenda items and resolutions breached the 10-day notice rule.</li> <li>• <input checked="" type="checkbox"/> Members' rights to adequate notice, preparation, and consultation were violated.</li> <li>• <input checked="" type="checkbox"/> Chairman and Excom in violation of their constitutional mandate.</li> </ul> <p><b>Relief Sought:</b> That the <b>proceedings of the SGM held on 24 August 2025 be set aside and declared unconstitutional</b> due to failure of fair and reasonable notice.</p> <p><b>2. Unconstitutional Voting Procedure (Minutes SGM &amp; Transcript Pg's 1, 21 &amp; 22)</b></p> <p><b>Facts:</b></p> <ul style="list-style-type: none"> <li>• <input checked="" type="checkbox"/> Constitution <b>Clause 9.10</b> governs voting at General Meetings (show of hands unless ballot decided; all votes—yes and no—must be recorded).</li> <li>• <input checked="" type="checkbox"/> Constitution <b>Clause 10.2</b> governs proxy voting &amp; submission of Proxy forms (receive 3 days prior to Any meeting)</li> </ul>	

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>• <input checked="" type="checkbox"/> At the SGM: o Proxy form was altered to allow submission on the day of the SGM which is unconstitutional.</li> <li>• o Does not seem that the persons holding proxies voted by show of hands, but were included in the final Yes votes in the minutes.</li> <li>• o The Chairman announced voting by show of hands.</li> <li>• o Only “Yes” votes were counted (46 counted in meeting).</li> <li>• o Minutes later claimed <b>52 votes in favour</b> (including proxies).</li> <li>• o No record of “No” votes, abstentions, or per-resolution breakdown.</li> <li>• o Voting at meeting: <input checked="" type="checkbox"/> Members present = 40 members</li> <li>• <input checked="" type="checkbox"/> Proxy’s Received = 8</li> <li>• <input checked="" type="checkbox"/> Total Present + Proxies = 48</li> <li>• <input checked="" type="checkbox"/> Total Yes vote = 46, (which would include the late members 6, per minutes.</li> </ul> <p><b>Violation:</b></p> <ul style="list-style-type: none"> <li>• <input checked="" type="checkbox"/> Failure to count and declare all votes violated members’ constitutional rights (Clause 9.10.6)</li> <li>• <input checked="" type="checkbox"/> Misrepresentation of numbers (46 vs 52) shows irregularity.</li> <li>• <input checked="" type="checkbox"/> Lack of auditability of voting results undermines integrity of proceedings</li> </ul> <p><b>Relief Sought:</b> That <b>all resolutions at the SGM of 24 August 2025 be declared null and void</b> due to procedural violations, failure to allow members to vote fairly, and misrepresentation of voting results.</p> <p><b>3.A - Addendum Violation</b></p> <p><b>Facts:</b></p> <ul style="list-style-type: none"> <li>• <input checked="" type="checkbox"/> The Chairman/Excom contracted legal professionals to secure an <b>Addendum to the Court-ordered Deed of Settlement (Case 1884/2013, dated 14 April 2016)</b> without member mandate.</li> <li>• <input checked="" type="checkbox"/> The Addendum (dated 17 April 2025) was irregular: o No proper designation of signatories.</li> <li>• o Signed by KHOA only on 1 September 2025, months after developers.</li> <li>• o No court stamping or registration evident</li> <li>• o No evidence of any court proceedings or notification of such proceedings</li> <li>• o No mandate by members to institute such proceedings</li> <li>• o No cost estimations of such proceedings</li> <li>• o Contains misrepresentation regarding zoning (incorrectly citing OS2 as created by the Spluma Act, not accounting for Kouga Notification of incorrect zoning, that without legal process should remain OS3 – Conservation).</li> </ul>	



## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>• The Chairman / Committee (past and present), have allowed and in many instances, given permission for members to annex vast section of common property unlawfully.</li> <li>• As Committee Members have also encroached, their conduct is of self-interest, rather than the benefit of the development.</li> <li>• The misrepresentations to members, that the Committee has executive power, to enable common ground to be divided or share between members, is a gross failure of their fiduciary duties.</li> <li>• Instead of enforcing compliance, they have chosen to follow unlawful routes in an attempt to keep the status quo, at vast cost to the members.</li> <li>• The transcript of the SGM, clearly shows the misrepresentations being made, the lack of understanding by the members, the cohesion by the Chairman's statements to entice member to partake in an unlawful voting process.</li> </ul> <p>Relief Sought:</p> <ul style="list-style-type: none"> <li>• The Chairman / Committee be directed to cease with the unlawful actions being taken, and to enforce the regulations that are already in place.</li> <li>• All Committee members be held personally responsible for their gross misconduct, and held liable for all unnecessary cost incurred during the 2023/2024 &amp; 2024/2025 financial years.</li> <li>• This should include prior financial year committee members.</li> </ul> <p><b>4. Operating a Business (Pub) in Violation of Constitution &amp; Regulations</b></p> <p><b>Facts:</b></p> <ul style="list-style-type: none"> <li>• A pub is being operated within the residential conservation development.</li> <li>• <b>Conditions registered against the Title Deed expressly prohibit commercial activity.</b></li> <li>• No municipal approvals or public participation process was followed.</li> <li>• Town Planner confirmed no approval was granted.</li> </ul> <p>Liquor Board application was misleading: o Previous license holder misrepresented new operator as "manager". o KHOA signed 3rd-party operator agreement despite lack of proper license.</p> <p><b>Violation:</b></p> <ul style="list-style-type: none"> <li>• Operation of a business within the HOA scheme without approval is unlawful.</li> <li>• Liquor License are not transferable (New 3rd party cannot operate on another license)</li> <li>• The attached document "Recreation Club, Bar, Documents" Shows: o Johan Meyer (Park Manager) left the position, and advertised.</li> <li>• o The committee, appoint a new operator (Mr Mario Lucas), knowing that the license is invalid, as they documented, that it will operate on Johan Meyers license (unlawful).</li> </ul>	

## EAP Services

Comment Received	Response
<ul style="list-style-type: none"> <li>• o Johan Meyer &amp; the new operator, submitted documents, fraudulently claiming that the new operator was a manager, plus other person.</li> <li>• o Weekly emails confirm that the pub operates as "Plaashond se Kuierhok"</li> <li>• o None-residents are permitted into the Private Resort to attend the Pub, which caters for live music and other events. ☒This places members properties and person at risk, incidents which have already occurred.</li> <li>• ☒Requires special municipal approvals, with notices for objections</li> <li>• o The Committee does not have a License, Applications must follow internal process to approve by members</li> <li>• ☒Misleading communications to the Liquor Board constitute dishonesty by all parties (with Committee Approval / Oversight)</li> </ul> <p><b>Relief Sought:</b> That CSOS:</p> <ol style="list-style-type: none"> <li>1. Order the <b>cessation of all business operations (Pub) within the development.</b></li> <li>2. Direct the HOA to comply with all constitutional, municipal, and provincial requirements.</li> <li>3. Rectify the misrepresentation to the EC Liquor Board.</li> </ol> <p><b>5. General Relief Requested</b></p> <p>In addition to the above, the Complainant requests CSOS to:</p> <ul style="list-style-type: none"> <li>• ☒Investigate the conduct of the Chairman and Excom for consistent constitutional violations.</li> <li>• Direct the HOA to implement <b>transparent, constitutionally compliant procedures</b> for all meetings and decisions.</li> <li>• ☒Declare <b>null and void all unlawful resolutions, procedures, and agreements</b> taken at or following the SGM of 24 August 2025.</li> <li>• ☒Enforce compliance of their fiduciary duties, by the Chairman and Committee Members, under HOA governance principles.</li> </ul> <p><b>Supporting Annexures:</b></p> <ol style="list-style-type: none"> <li>1. Kingsway Homeowners' Constitution</li> <li>2. Detailed Complaint</li> <li>3. Transcribed Recording of SGM 24 August 2025</li> <li>4. Notices of SGM (all notices &amp; Agenda)</li> <li>5. Minutes of SGM 24 August 2025</li> <li>6. Addendum to Deed of Settlement</li> <li>7. Property Registration</li> <li>8. Proxy Form</li> </ol>	

## EAP Services

Comment Received	Response
<p>9. Resolution-SGM 24 August 2025            10. Recreation Club Documents &amp; Correspondence            11. DEDEAT &amp; Kouga – Communication (Violations, Rezoning, Violations)            12. KHOA Building Regulations</p> <p>Mark Todkill &amp; Chad Alcock            Email: mark.todkill@gmail.com            0813041763 Date: 15 September 2025</p>	
<p>30 March 2026 18:00            Good day Claire,            We hope you are well.            With regards to the below emails we have no feedback from you thus far besides the mandate you sent which, to our knowledge, was never voted on.            We still maintain that clause 8.1.3 of the ROD disallows a part 2 amendment to the ROD because the encroachments have already happened. In order to abide by clause 8.1.3 the encroachments have to be rectified first. A glaring example is that there are fences between many of the properties instead of 2 metres of indigenous vegetation. The members who have taken common ground by fencing it have to take the fences down first before any amendments can be requested.            Kindly respond with your feedback.            Many thanks            Chad &amp; Roslyn Alcock</p>	<p>The conditions of the ROD apply to all members of the KHOA and any encroachment should be rectified as per conditions of the ROD and mitigation measures included in the EMPr and which will accompany the amendment application for approval.</p>
<p><b>Grant shearer</b></p>	
<p>12 January 2026 16:47            To Claire De Jongh            I, GF Shearer, registered owner of plots 93 and 204 Kingsway Resort, object to the proposed amendment as it is against our constitution</p>	<p>Noted.</p>

## EAP Services

Comment Received	Response
<p>and ROD document. It will also grant full power and control to the Kingsway Executive Committee over the "Common" ground in the park.</p>	<p>The area between the resort erven was rezoned from agricultural use to open space 3 / conservation use. An EMPr has not yet been approved however the conditions of the ROD are currently valid and the KHOA must implement the conditions as required, i.e., the rules of KHOA should align to the ROD.</p>
<p>Strangely the current Excom literally forced the previous chairman to step down, as she was trying to do the exact same thing by coercing members into voting for a NPO system. Granting individuals this power contradicts our constitution, where all home owners are supposed to have a say in the park, as long as it is within the laws of our park.</p>	<p>An EMPr has not yet been approved however the conditions of the ROD are currently valid and the KHOA must implement the conditions as required, i.e., the rules of KHOA should align to the ROD. All members of the KHOA must implement the conditions of the ROD as required.</p>
<p>The Executive Committee are there to enforce our rules and regulations onto members that transgress them, not change our rules to suite themselves, the rule breakers, and basically cover their tracks, and previous Excom members that have been "giving " members permission to break the rules.</p> <p>I could give a long and tiresome email, with many examples, emails, photographs, which give evidence to this affect. More recently, the Excom gave members permission to move my boats, to accommodate another member's parking!! My boats have been parked in a way that they protect and stop public parking over my septic tank and French drain for at least 25 Years.</p> <p>The current Executive Committee explained that this was their NEW open space 2 management plan. As you are asking for public participation for the rezoning, it obviously has not been amended yet, and makes their argument totally null n void, besides illegal to move a persons private property without their permission.</p>	<p>An EMPr has not yet been approved however the conditions of the ROD are currently valid and the KHOA must implement the conditions as required, i.e., the rules of KHOA should align to the ROD.</p> <p>The original ROD and 2009/2010 rezoning created a strong conservation intent, however, this was prior to sectional title resort layout which currently has narrow erven shared services and high-use internal areas.</p> <p>The ROD has not yet been amended. Under the Part 2 amendment all undeveloped land outside designated erven and proposed OS2 will remain OS3 in perpetuity and managed as a protected nature area; OS2 will be common property with strict indigenous landscaping, no new footprints and will allow for specific EMPr controls to be in place. The intention is not to weaken conservation but to make the ROD implementable and enforceable on the ground. All measures in the EMPr should be implemented by all members of KHOA, ass required, if the part 2 amendment and EMPr is approved.</p>

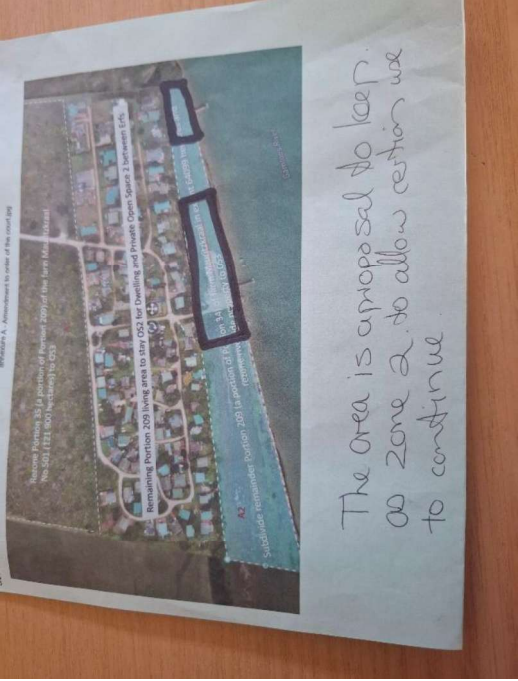
## EAP Services

Comment Received	Response
<p>It is my opinion that this entire venture is totally inappropriate and nothing more than a fruitless expense on behalf of a corrupt Executive Committee that are pursuing their own personal agenda, instead of doing what they are supposed to do.</p> <p>The department of environmental affairs intrusted the members to protect and maintain the common ground of the park in its natural state for the protection of the fauna and flora for the benefit and enjoyment for all you actually appreciate it.</p>	
<b>Chris van der Merwe</b>	
<p>14 January Dear Claire I called you last week and on your advice I spoke to Ms Weyers about my concerns ,as she only resumed work today . Please find attached a diagram with my proposals in black to be excluded from rezoning to zone 3. The main reason for the proposal is based on the total non-existence of parking space for residents in Kingsway . As mentioned in the ROD parking space were always a priority/ discussion point and were promised at various meetings by the developer ,this however never materialised. The current situation is problematic to say the least. The proposal to rezone the current area will effectively zone the current boat parking lot to a zone 3 ,this will remove our right to park there for any length of time and even make the area a permanent parking space for future use .  The portion 35 was always deemed to be zoned 3 and part of the settlement to establish the ROD.</p>	<p>15 January 2026</p> <p>Good day Chris</p> <p>Thank you for your email.</p> <p>What would the use of the far eastern corner be.</p> <p>Thank you</p> <p>Kind Regards Claire</p> <hr/> <p>Hi Chris</p> <p>Thank you for your comments below. They have been captured in the comments and response report.</p>

## EAP Services

Comment Received	Response
Please advise on the proposal.  Kind Regards Chris 0824642635	I understand that the boat parking area was already in place and is not affected by the ROD and part 2 amendment application. This was discussed with Mr Struwig during the preapplication meeting held. I understand that there are parking issues within the resort and that requirements will be addressed following the outcome of the current part 2 amendment process. Additional

## EAP Services

Comment Received	Response
 <p>The area is a proposal to keep as zone 2 to allow certain use to continue</p>	<p>parking requirements that are not already in place within 100 meters of the estuary will need a new application as certain NEMA 2014 Listed activities (amended, 2017) will be triggered.</p> <p>With your regards to the email received 26 March 2026 requesting an update on the process, there will be an additional review and comment period (30 days) on the post application amendment 2 report which has been updated to address the comments received, and responses, on the pre-application amendment 2 report.</p> <p>The application was accepted on 10 April 2026. The post application part 2 amendment report will be distributed within the next month to all interested and affected parties.</p> <p>Thank you for your participation in this process.</p> <p>Kind Regards Claire</p>
26 March 2026	

## EAP Services

Comment Received	Response
<p>Dear Claire Can you please indicate how the process is unfolding at Kingsway.</p> <p>Kind regards Chris</p>	
<b>Charles Brown</b>	
<p>23 November 2025 Thank you for sharing the draft amendment assessment report and conclusion. I note that no negative impacts of high significance were identified, and that construction-related impacts are expected to remain of low significance with the recommended mitigation measures in place. The recognition of a medium positive impact on biodiversity through the change in land use, as well as the potential low positive impact on resort residents, is welcomed. I acknowledge that the draft EMPr, amendment application form, and assessment report will be submitted to the register of interested and affected parties for the 30-day review and comment period. Regards,</p> <p>Charles Brown 083 650 6207</p>	<p>Noted</p>