SEDGEFIELD ERF 1984

APPLICATION FOR:

SUBDIVISION & PERMANENT DEPARTURES

CLIENT: CF & S LABUSCHAGNE
PREPARED BY: MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS

DECEMBER 2019
CONTENTS

(I) TABLE OF CONTENTS

SECTION A : BACKGROUND ................................................................. 1
1. BACKGROUND .............................................................................. 1
2. THE APPLICATION ..................................................................... 2
3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP .................... 2

SECTION B : DEVELOPMENT PROPOSAL .................................................. 4
4. DEVELOPMENT SPECIFICATIONS .............................................. 4
    4.1. Proposed Development ..................................................... 4
    4.2. Access & Egress ............................................................... 4
5. STATUTORY SPECIFICATIONS .................................................. 5
    5.1. Subdivision ...................................................................... 5
    5.2. Permanent Departure ....................................................... 5
    5.3. Sedgefield Zoning Scheme Regulations (1980) ....... 7
6. SERVICES INFRASTRUCTURE ....................................................... 7

SECTION C : CONTEXTUAL INFORMANTS ............................................. 8
7. LOCALITY .................................................................................. 8
8. CURRENT LAND USE AND ZONING ........................................... 8
    8.1. Land Use ......................................................................... 8
    8.2. Zoning ............................................................................ 9
9. CHARACTER OF THE AREA .......................................................... 10
10. EXISTING POLICY FRAMEWORKS .............................................. 11
    10.1. Western Cape Provincial SDF (2014) .............................. 11
    10.3. Knysna Integrated Development Plan (2017-2022) ......... 15

SECTION D : MOTIVATION .................................................................. 17
11. ASSESSMENT OF APPLICATIONS ................................................. 17
    11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ..................................................... 17
    11.2. Knysna Municipality By-law on Municipal Land Use Planning (2016) 17
12. CONSISTENCY WITH SPATIAL PLANNING POLICIES .................... 19
13. CONSISTENCY WITH THE SURROUNDING AREA ......................... 20
14. **CONSISTENCY WITH THE PROPERTY SIZES IN THE SURROUNDING AREA** ...... 20
15. **NO IMPACT ON EXISTING RIGHTS** ........................................... 20
16. **NO IMPACT ON ENGINEERING SERVICES** .............................. 20
17. **SUITABLE DENSIFICATION** .................................................. 21
18. **ACCESSIBILITY OF THE AREA** .......................................... 21
19. **PROVISION OF AFFORDABLE HOUSING OPPORTUNITIES** ........ 22
20. **NEED FOR THE BUILDING LINE RELAXATION** ....................... 22
21. **WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)** .... 23
   21.1. **Spatial Justice** .......................................................... 23
   21.2. **Spatial Sustainability** ................................................. 24
   21.3. **Spatial Efficiency** ................................................... 25
   21.4. **Spatial Resilience** .................................................. 26
   21.5. **Good Administration** ............................................... 26
22. **CONCLUSION** .................................................................... 27

(II) **ANNEXURES**

**ANNEXURE A.** Consent use approval dated 13 March 2007

**ANNEXURE B.** Subdivision approval dated 10 October 2010

**ANNEXURE C.** Pre-Application minutes dated 16 October 2019

**ANNEXURE D.** Attendance Register & Minutes for meeting with DTS 28 October 2019

**ANNEXURE E.** Signed Power of Attorney

**ANNEXURE F.** Application Form

**ANNEXURE G.** Copy of Title Deed - T42004/2005 & Win deed Search

**ANNEXURE H.** SG Diagram No 6690/1978

**ANNEXURE I.** Sedgefield Holdings Consent dated 24 April 2006

**ANNEXURE J.** Bond Holders Consent dated 29 November 2019

(III) **PLANS**

**PLAN 1.** Locality Plan

**PLAN 2.** Land Use Plan

**PLAN 3.** Subdivision Plan

**PLAN 4.** Subdivision Plan – with building line encroachments
(IV) TABLE OF FIGURES

<table>
<thead>
<tr>
<th>FIGURE</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Proposed Subdivision</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Main Service Road</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Proposed Building Line encroachments</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>Locality</td>
<td>8</td>
</tr>
<tr>
<td>5</td>
<td>Existing Structures on Site</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>Existing Second Dwelling unit</td>
<td>9</td>
</tr>
<tr>
<td>7</td>
<td>Character of the Area</td>
<td>10</td>
</tr>
<tr>
<td>8</td>
<td>Surrounding Land uses</td>
<td>10</td>
</tr>
<tr>
<td>9</td>
<td>Key Transitions For The PSDF</td>
<td>12</td>
</tr>
<tr>
<td>10</td>
<td>Policies Applicable to the Proposed Development</td>
<td>13</td>
</tr>
<tr>
<td>11</td>
<td>Knysna Wards</td>
<td>16</td>
</tr>
<tr>
<td>12</td>
<td>Properties obtaining access from the service road</td>
<td>21</td>
</tr>
</tbody>
</table>
## EXECUTIVE SUMMARY

<table>
<thead>
<tr>
<th>Informant</th>
<th>Description</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property:</td>
<td>Remainder Erf 1984 Sedgefield in the Municipality of Knysna and division of Knysna Western Cape Province</td>
<td>Par.3</td>
</tr>
<tr>
<td>Size:</td>
<td>1964m²</td>
<td>Par.3</td>
</tr>
<tr>
<td>Locality / Address:</td>
<td>5 Piet-my-vrou Street, Sedgefield. Coordinates: 34°14.90'S and 22°48'41.83'E.</td>
<td>Par.7</td>
</tr>
<tr>
<td>Development Proposal:</td>
<td>Subdivision of Sedgefield Erf 1984 into two portions &amp; Permanent Departure to allow for the existing buildings.</td>
<td>Par.4</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Single Residential</td>
<td>Par.8.1</td>
</tr>
</tbody>
</table>
| Development Application: | - The subdivision of Sedgefield Erf 1984 into two portions (Portion A = 601m² and Remainder = 1363m²); in terms of Section 15(2)(d) of the Knysna Municipality By-law on Municipal Land Use Planning (2016);  
  - A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) for the relaxation of:  
    o the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 1.87m allow for the existing dwelling;  
    o the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport;  
    o the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0.67m allow for the existing dwelling.  
    o the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport.  
    o The southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 2.09m allow for the existing dwelling.  
    o The southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport. | Par.2     |
| Services Availability: | The site is located within the existing urban fabric. The result is that the proposed additional Erf is easily accommodated within the existing service networks. | Par.6     |
| Spatial Policy Framework: | **Western Cape SDF:**  
The proposal complies with strategic objectives as set out by the Western Cape Spatial Development Framework. | Par.10.1  |
|                 | **Knysna SDF:**  
Inside urban area and consistent with SDF. | Par.10.2  |
|                 | **Knysna IDP:**  
Located in Ward 2. In line with the strategic objectives and contributes to the growth of the Municipal revenue base. | Par.10.3  |
<table>
<thead>
<tr>
<th>Motivation Criteria:</th>
<th>Consistency with the Surrounding area:</th>
<th>Par.13</th>
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<tbody>
<tr>
<td></td>
<td>Consistent with the character of the area.</td>
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<td></td>
<td>Consistency with the Property Sizes in the Surrounding Area:</td>
<td>Par.14</td>
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<tr>
<td></td>
<td>The proposed consolidated property will be consistent with the surrounding property sizes.</td>
<td></td>
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<tr>
<td></td>
<td><strong>No Impact on Existing rights:</strong></td>
<td>Par.15</td>
</tr>
<tr>
<td></td>
<td>The proposed land use application will not impact any existing land use rights currently enjoyed by neighbouring properties.</td>
<td></td>
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<td></td>
<td><strong>No Impact on Engineering Services:</strong></td>
<td>Par.16</td>
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<tr>
<td></td>
<td>The proposal does not impact on any municipal services. No additional supply is required.</td>
<td></td>
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<td></td>
<td><strong>Suitable Densification:</strong></td>
<td>Par.17</td>
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<td></td>
<td>Densification results in more cost-effective service provision. The proposed subdivision will result in the optimal utilisation of exiting services capacity in this area. The property sizes are consistent with surrounding property sizes.</td>
<td></td>
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<tr>
<td></td>
<td><strong>Accessibility of the Area:</strong></td>
<td>Par.18</td>
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<tr>
<td></td>
<td>Access from Piet-my-vrou Street and main service road. Safe and sufficient.</td>
<td></td>
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<td></td>
<td><strong>Provision of affordable housing opportunities:</strong></td>
<td>Par.19</td>
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<td></td>
<td>With the proposed subdivision, the opportunity arises for a buyer to purchase a single residential dwelling in the more affordable middle-income housing bracket.</td>
<td></td>
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<td></td>
<td><strong>Need for the Building Line Relaxation:</strong></td>
<td>Par.20</td>
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<tr>
<td></td>
<td>To accommodate the existing structures encroaching the new building lines.</td>
<td></td>
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<td></td>
<td>LUPA Land Use Planning Principles:</td>
<td></td>
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<tr>
<td></td>
<td><strong>Spatial Justice:</strong></td>
<td>Par.21.1</td>
</tr>
<tr>
<td></td>
<td>Consistent.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Spatial Sustainability:</strong></td>
<td>Par.21.2</td>
</tr>
<tr>
<td></td>
<td>Consistent.</td>
<td></td>
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<tr>
<td></td>
<td><strong>Spatial Efficiency:</strong></td>
<td>Par.21.3</td>
</tr>
<tr>
<td></td>
<td>Consistent.</td>
<td></td>
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<tr>
<td></td>
<td><strong>Spatial Resilience:</strong></td>
<td>Par.21.4</td>
</tr>
<tr>
<td></td>
<td>Consistent.</td>
<td></td>
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<td></td>
<td><strong>Good Administration:</strong></td>
<td>Par.21.5</td>
</tr>
<tr>
<td></td>
<td>Applicable to Knysna Municipality.</td>
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<td></td>
<td><strong>Conclusion:</strong></td>
<td>Par.22</td>
</tr>
<tr>
<td></td>
<td>Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and The Knysna Municipality By-Law on Municipal Land Use Planning (2016); is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and</td>
<td></td>
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<tr>
<td>approved by Knysna Municipality.</td>
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</table>
SECTION A: BACKGROUND

1. BACKGROUND

Sedgefield Erf 1984 is located at 5 Piet-my-vrou Street south of the N2 National Road and north of Parakiet Street. The subject property is currently zoned “Single Residential” zone and is 1964m² in extent.

Sedgefield Erf 1984 was subdivided during 1987 into two portions to create Sedgefield Erf 2035. An application for subdivision was submitted during May 2006 and refused by the Knysna Municipality and the main reason for this refusal was the lack of bulk services capacity (water & sewerage and electricity). An application for a consent use to allow for a second dwelling unit was approved during October 2007. A copy of the letter of approval for the second dwelling unit is attached as ANNEXURE A.

An application for subdivision of Sedgefield Erf 1984 was submitted during April 2010. This application was approved by the Knysna Municipality during October 2010. A copy of the letter of approval for the subdivision is attached as ANNEXURE B. Unfortunately, the rights have not been exercised within 5 years, and the approval has lapsed, and a new subdivision application will have to be lodged to Knysna Municipality. An application for the relaxation of the new building lines must accompany the subdivision application to allow for the existing buildings.

The title deed contains restrictive conditions, but Sedgefield Holdings have granted permission for the subdivision, hence the title deed restriction is no longer applicable.

In order to allow for proposed subdivision, it is necessary to apply for a Subdivision in terms of Section 15(2)(d) and Permanent Departures in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

Pre-application consultation was held with the Knysna Municipality on 16 October 2019 regarding the proposal. (Pre-application meeting minutes attached as ANNEXURE C). The following points were raised during the meeting for the applicant to bear in mind when compiling the land use application:

<table>
<thead>
<tr>
<th>COMMENT</th>
<th>RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant to consult Technical Services on the access to the subdivided portions for the application to be fully considered at the pre-application meeting</td>
<td>Meeting held with DTS on 28 October 2019. See attached ANNEXURE D.</td>
</tr>
<tr>
<td>The applicant to consider the pre-dominant Erf sizes in the surrounding area and motivate the proposed Erf sizes accordingly</td>
<td>Refer to Par.9 of this report.</td>
</tr>
</tbody>
</table>

Pre-application consultation was held with the Knysna Municipality’s Technical Services department on 28 October 2019 regarding the proposal. (Attendance Register and Minutes attached as ANNEXURE D). The following points were raised during the meeting for the applicant to bear in mind when compiling the land use application:
<table>
<thead>
<tr>
<th>COMMENT</th>
<th>RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct access from the main service road will only be supported if the landowner constructs the road at own cost and comments from SANRAL must be obtained;</td>
<td>The landowner will liaise with DTS regarding these comments made. The application must be sent to SANRAL during the commenting phase.</td>
</tr>
</tbody>
</table>
| Augmentation fees will be due for new Erf (unless augmentation fees were paid with the previous subdivision application). Proof must be submitted. | Noted and accepted.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by CORNELIUS FERDINAND LABUSCHAGNE & SONNET LABUSCHAGNE to prepare and submit the required application documentation (signed power of attorney attached as ANNEXURE E and the application form is attached as ANNEXURE F) for:

   (i) The subdivision of Sedgefield Erf 1984 into two portions (Portion A = 601m² and Remainder = 1363m²); in terms of Section 15(2)(d) of the Knysna Municipality By-law on Municipal Land Use Planning (2016);

   (ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) for the relaxation of:

       [a] the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 1.87m allow for the existing dwelling;

       [b] the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport;

       [c] the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0.67m allow for the existing dwelling.

       [d] the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport.

       [e] The southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 2.09m allow for the existing dwelling.

       [f] The southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed - T42004/2005 that includes the information outlined below is contained in ANNEXURE G. The Surveyor General Diagram (SG 6690/1978) for the application area is contained in ANNEXURE H.
TITLE DEED NUMBER: T42004/2005

PROPERTY DESCRIPTION: Remainder Erf 1984 Sedgefield in the Municipality of Knysna and division of Knysna Western Cape Province

PROPERTY OWNER: Cornelius Ferdinand Labuschagne & Sonnet Labuschagne

PROPERTY SIZE: 1964m² (One Thousand Nine Hundred & Sixty-Four) square metres.

TITLE DEED RESTRICTIONS: Conditions (B)5; (B)7; and (B)12 restrict the use of the property to certain land uses and development parameters. These conditions are all subject to the written permission of Sedgefield Holdings (Pty) Ltd. The written permission of Sedgefield Holdings (Pty)Ltd was obtained on 24 April 2006 and a Conveyancer’s Certificate confirming that there are no restrictive conditions that prevent this subdivision was subsequently issued. Copies of this documentation are attached as ANNEXURE I.

SERVITUDES: There are no servitudes registered over the property.

BONDS: A Bond encumbers the property. The written consent of the bondholder is attached at ANNEXURE J.
4. DEVELOPMENT SPECIFICATIONS

4.1. Proposed Development

The development proposal entails the subdivision of Sedgefield Erf 1984 into two (2) portions:

- Portion A, measuring 601m² in extent;
- Remainder of Sedgefield Erf 1984 measuring 1363m² in extent.

The proposed subdivision is illustrated in the figure below.

![Figure 1: Proposed Subdivision](image)

To allow for the proposed subdivision an application must also be made for the relaxation of the building lines along the newly created Erf boundary. These existing building must now comply with the new building lines applicable to each of the proposed land units.

4.2. Access & Egress

The Proposed Remainder will obtain vehicular access from the western side of the subject property from the existing driveway access directly off Piet-my-vrou Street.
The proposed Portion A will obtain vehicular access from the northern side of the subject property from the Main Service Road directly south of the N2 National Road. As can be seen in the figure below, this road is not surfaced, but it is in use and several vehicles travel this road.

![Main Service Road](image)

**Figure 2: Main Service Road**

5. **STATUTORY SPECIFICATIONS**

The following land development applications are lodged in terms of the Knysna Municipality By-law on Municipal Land Use Planning (2016), to achieve the desired outcome.

5.1. **Subdivision**  
*(Plan 3: Subdivision Plan)*

It is proposed to subdivide Sedgefield Erf 1447 into two (2) portions.

- Portion A of Erf 1984 = 601m²
- Remainder of Erf 1984 1363m²

To allow for the proposed subdivision, an application is made in terms of section 15(2)(d) of the Knysna Municipality Standard Bylaw on Municipal Land Use Planning (2016).

5.2. **Permanent Departure**  
*(Plan 4: Subdivision Plan – with building line encroachments)*

The Sedgefield Zoning Regulations (1980) prescribes a 3m lateral building line for Single Residential zoned properties. The proposed subdivision will result in a new boundary between the proposed Portion A and the Remainder of Sedgefield Erf 1984; therefore, it is necessary to apply for the relaxation of the new lateral building lines to allow for the existing buildings.
The application is therefore made for the Permanent departure to allow for the relaxation of:

[a] the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 1.87m allow for the existing dwelling;

[b] the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport;

[c] the eastern lateral building line on the Remainder of Sedgefield Erf 1984 from 3m to 0.67m allow for the existing dwelling.

[d] the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport.

[e] The southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 2.09m allow for the existing dwelling.

[f] The southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport.

in terms of Section 15(2)(b) of the Knysna Municipality By-Law on Municipal Land Use Planning (2016).

The proposed building line relaxations and the extent thereof is shown in the figure below:

**Figure 3: Proposed Building Line Encroachments**
5.3. Sedgefield Zoning Scheme Regulations (1980)

A summary of the prescribed development parameters for “Single Residential” zone, and compliance of the proposed development’s parameters are shown in the table below:

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PORTION A</td>
</tr>
<tr>
<td>Primary Use: ‘dwelling house’</td>
<td>dwelling house</td>
</tr>
<tr>
<td></td>
<td>COMPLY</td>
</tr>
<tr>
<td>Building Lines: Street building line: at least 5m.</td>
<td>5m+</td>
</tr>
<tr>
<td></td>
<td>COMPLY</td>
</tr>
<tr>
<td>Lateral building line (east): at least 3m.</td>
<td>3m</td>
</tr>
<tr>
<td>Building Lines: Lateral building line (west): at least 3m. (Portion A)</td>
<td>1.87m &amp; 0m</td>
</tr>
<tr>
<td></td>
<td>DEPARTURE REQUIRED</td>
</tr>
<tr>
<td>Lateral building line (west): at least 5m. (Remainder)</td>
<td></td>
</tr>
<tr>
<td>Lateral building line (south): at least 3m.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>DEPARTURE REQUIRED</td>
</tr>
</tbody>
</table>

6. SERVICES INFRASTRUCTURE

The site is located within the existing urban fabric. The result is that the proposed additional Erf is easily accommodated within the existing service networks. The owner will contribute towards the required augmentation levy and connect to the existing municipal services infrastructure.

Since there is already an approved Second dwelling on the property, the proposed subdivision will not result in a need of any additional services capacity. Various energy-saving measures such as solar geysers have already been implemented and no additional services capacity is required to accommodate the proposed subdivision. The existing services provision to Erf 1984 will be divided between the two portions.
7. **LOCALITY**

*(Plan 1: Locality Plan)*

The application area is located at 5 Piet-my-vrou Street south of the N2 National Road and north of Parakiet Street. The application area is in close proximity to the Sedgefield Primary School, east of the Sedgefield CBD. It should be noted that although the northern boundary of the application area abuts the N2 National Road’s boundary, an unsurfaced service road exists between the national road and the application area. The coordinates of the centre point of the property are located at 34°1'4.90"S and 22°48'41.83"E.

![Figure 4: Locality](image)

8. **CURRENT LAND USE AND ZONING**

8.1. **Land Use**

The application area is currently used for single residential purposes and a second dwelling unit. The existing second dwelling unit is being used as a guest house and the owners reside in the main dwelling unit.
8.2. Zoning

Sedgefield Erf 1984 is currently deemed to be zoned as “Single Residential” zone in terms of the Sedgefield Zoning Scheme Regulations (1980).
9. CHARACTER OF THE AREA
(Plan 2: Land Use Plan)

![Figure 7: Character of the Area](image)

The application area is situated in an area that is used for predominantly low density, single residential dwellings. Other land uses in the area include a few small businesses, Place of worship, cemetery and educational. The most recognizable landmarks in the area are the Arms Restaurant & Pub located to the east of the application area, Sedgefield Primary School and St Francis United Church and which is both located south-west of the application area.

![Figure 8: Surrounding Land uses](image)
The sizes of single residential zoned properties in the area vary between 620m² and 1700m² in extent. Due to the large sizes of the erven, many properties accommodate 2nd dwelling units and outbuildings.

The area is characterised by densification and intensification. Examples of previous subdivisions that have been approved in this area in the past include Erf 501 – subdivided into two portions of 943m² & 623m² respectively; Erf 466 – subdivided into two portions of 735m² & 754m² respectively and Erf 520 – subdivided into two portions of 535m² & 545m² respectively.

It is important to note that the application area already contains two dwelling units. The proposed subdivision will not change the character of the area, as no change of land use is applied for. The application area will still be used for two dwelling houses, not just each on its own cadastral entity. **The proposed subdivision will have no impact whatsoever of the character of the surrounding area.**

10. **EXISTING POLICY FRAMEWORKS**

10.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that “communicates” the province’s spatial planning agenda“.

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Capes strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called ‘decoupling’ of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts. The table below contains a summary of the key transitions promoted in the PSDF:
The proposed development complements the SDF’s spatial goals that aim to take the Western Cape on a path towards:

(i) Greater productivity, competitiveness and opportunities within the spatial economy;
(ii) More inclusive development in the urban areas;
(iii) Strengthening resilience and sustainable development.
However, it is important to note some of the key policies laid down by the draft PSDF have a bearing on this application.

**POLICY R4: RECYCLE AND RECOVER WASTE, DELIVER CLEAN SOURCES OF ENERGY TO URBAN CONSUMERS, SHIFT FROM PRIVATE TO PUBLIC TRANSPORT, AND ADAPT TO AND MITIGATE AGAINST CLIMATE CHANGE**

<table>
<thead>
<tr>
<th>POLICY STATEMENT</th>
<th>DEVELOPMENT’S RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Encourage and support renewable energy generation at scale.</td>
<td>Energy-saving measures such as solar geysers have already been implemented.</td>
</tr>
</tbody>
</table>

**S5: PROMOTE SUSTAINABLE, INTEGRATED AND INCLUSIVE HOUSING IN FORMAL AND INFORMAL MARKETS**

<table>
<thead>
<tr>
<th>POLICY STATEMENT</th>
<th>DEVELOPMENT’S RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Increase densities of settlements and dwelling units in new housing projects</td>
<td>The proposal is not a new housing project, but it contributes to sustainable densification of the area and the new property sizes are consistent with the average property size of the surrounding area.</td>
</tr>
</tbody>
</table>

**Planning Implication:**
The Western Cape Spatial Development Framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and
aesthetically pleasing to residents. The proposal aims to create a living environment for the owners that is more convenient and efficient whilst not impacting on any of the surrounding property owners right and is consistent with the character of the area.

No new buildings are proposed, all the existing buildings on site will remain. The proposal in line with the provisions of this spatial document as it supports the principles of densification which promotes sustainable use of service delivery. Furthermore, the proposed subdivision can be regarded as consistent with the property sizes throughout Sedgefield.


The spatial vision for the considered SDF for Knysna Municipality is to establish an authentic place that works for its residents and continues to attract visitors. Equitable and inclusive access to spatial justice (improving access to opportunities, services and amenities) improving economic opportunities. The property is located within the urban edge of Sedgefield and is considered suitable for urban development.

The property is located within the urban edge and is considered suitable for urban development. The following spatial planning policies are encouraged for the area:

Invest in Smart Growth Settlements

To achieve the objectives of SPLUMA and align with regional planning policy frameworks, the establishment of a network of “complete towns and villages” is proposed. Each should have a strong and unique identity, retain and enhance the Knysna coast and forest character and feature:

- Balanced land use
- Densification
- Economic opportunity
- Accessibility
- A high-quality public environment
- Effective and sustainable social services

Planning Implication:
The Spatial Development Framework approved 7 June 2017 does not set any detailed guidelines or project proposal to support the spatial planning policies to guide Sedgefield to the desired spatial vision it wishes to achieve. Nonetheless, the property is located in the urban development area of Sedgefield and thus suitable for urban development. No additional structures will be erected the application is to subdivide the property and will be consistent with the surrounding property sizes.

The IDP is the planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality’s area of jurisdiction.

Knysna Municipality approved the 4th generation IDP during June 2017. According to this IDP, the municipality’s vision is to:

- Encourage all members of society to participate in and support the municipal governance structure and to create opportunities for dialogue.
- Conserving and managing natural resources.
- Planning for the growth and development of quality municipal services to support the community.
- Creating an enabling environment to foster the development of our people and enabling them to contribute.
- Supporting and encouraging the development of investment, business and tourism and emerging industries.

The Knysna IDP identified seven Strategic objectives that are aligned to the national strategic focus areas as well as the Provincial Strategic Goals of the Western Cape Government. These objectives applicable to the proposed development are:

<table>
<thead>
<tr>
<th>STRATEGIC OBJECTIVE</th>
<th>INTERVENTIONS</th>
</tr>
</thead>
</table>
| To ensure the provision of bulk infrastructure and basic service through the upgrading and replacement of ageing. | Electricity:  
  - To consider alternative energy supply opportunities  
Streets and Storm Water Management:  
  - Forming partnerships with property owners to assist with the upgrading and maintenance of roads infrastructure. |

The subject property is located in Ward 2 of the Knysna Municipality. None of the issues raised in the community for Ward 5 is applicable to the proposed development.
Planning Implication:
None of the issues raised by the community regarding Ward 2 is applicable to the proposed development. The proposal will help grow the revenue base of the Municipality when collecting augmentation fees, and also additional rates and taxes from the newly formed property. It can be concluded that the proposed development is consistent with the relevant strategic objectives and the envisioned outcome for the Knysna Municipal area of the Knysna IDP.
SECTION D: MOTIVATION

11. ASSESSMENT OF APPLICATIONS


Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

(1). Development principles set out in Chapter 2 of SPLUMA
(2). Protect and promote the sustainable use of agricultural land
(3). National and provincial government policies the municipal spatial development framework; and take into account: —
   (i) the public interest;
   (ii) the constitutional transformation imperatives and the related duties of the State;
   (iii) the facts and circumstances relevant to the application;
   (iv) the respective rights and obligations of all those affected;
   (v) the state and impact of engineering services, social infrastructure and open space requirements; and
   (vi) any factors that may be prescribed, including timeframes for making decisions.

11.2. Knysna Municipality By-law on Municipal Land Use Planning (2016)

The Knysna Municipality By-law on Municipal Land Use Planning (2016) as promulgated by G.N 7565 dated 12 February 2016 states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application. The following criteria must be considered when evaluating the desirability of this land development application:

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>REFERENCE IN REPORT</th>
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</thead>
<tbody>
<tr>
<td>The impact of the proposed land development on municipal engineering services.</td>
<td>Par.6</td>
</tr>
<tr>
<td>The integrated development plan, including the municipal spatial development framework.</td>
<td>Par.10.3</td>
</tr>
<tr>
<td>The applicable local spatial development frameworks</td>
<td>Par.10.2</td>
</tr>
<tr>
<td>CRITERIA</td>
<td>REFERENCE IN REPORT</td>
</tr>
<tr>
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<td>---------------------</td>
</tr>
<tr>
<td>adopted by the Municipality.</td>
<td>N/A</td>
</tr>
<tr>
<td>The applicable <em>structure plans</em>.</td>
<td>Par.11.2</td>
</tr>
<tr>
<td>The applicable <em>policies of the Municipality that guide decision-making</em>.</td>
<td>Par.10.1</td>
</tr>
<tr>
<td>The <em>provincial spatial development framework</em>.</td>
<td>N/A</td>
</tr>
<tr>
<td>where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework.</td>
<td></td>
</tr>
<tr>
<td>The policies, principles and the planning and development norms and criteria set by the national and provincial government;</td>
<td>Par.11.1</td>
</tr>
<tr>
<td>The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act; Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act; and</td>
<td>Par.21</td>
</tr>
<tr>
<td>applicable provisions of the <strong>zoning scheme</strong></td>
<td>Par.5.3</td>
</tr>
</tbody>
</table>

According to Section (20) of the Knysna Municipality By-law on Municipal Land Use Planning, 2016 the municipality must have regard to the following when considering the subdivision of land:

- No person may subdivide land without the approval of the Municipality in terms of section 15(2) unless the subdivision/consolidation is exempted in terms of section 24

  *Comment*: The application serves as motivation to the Municipality to approve the proposed subdivision in terms of section 15(2)(d) of the Knysna Municipality By-law on Municipal Land Use Planning, 2016.

- No application for a subdivision involving a change of zoning may be considered by the Municipality unless the land concerned is zoned as a subdivisional area.

  *Comment*: Not applicable. Not a rezoning application.

- An applicant may submit a subdivision application simultaneously with an application for rezoning.

  *Comment*: Not applicable. Not a rezoning application.

- The Municipality must impose appropriate conditions in terms of section 6 relating to engineering services for an approval of a subdivision.
Comment: The proposed additional erf is easily accommodated within the existing service networks. The owner will contribute towards the required augmentation levy and connect to the existing municipal services infrastructure.

- If the municipality approves a subdivision, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of-
  - The municipality’s decision to approve the subdivision/consolidation;
  - The conditions of approval imposed in terms of section 66; and
  - The approved subdivision/consolidation plan.

Comment: The necessary information as requested will be forwarded to the Surveyor General.

- The Municipality must issue a certificate to the applicant or any other person on his or her written request to confirm that all the conditions of approval contemplated in subsection 21(1)(c) have been met if the applicant has submitted the proof contemplated in that section.

Comment: Proof to the satisfaction of the Municipality that all the conditions of the approval have been complied with will be submitted to the Municipality post-approval requesting the above-mentioned certificate.

- If the Municipality issues a certificate referred to in subsection (6) in error, the owner is not absolved from complying with the obligations imposed in terms of the conditions.

Comment: Noted.

12. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in Par.10 of this report, the proposal is consistent with the relevant spatial planning policies. The proposal is consistent with the relevant spatial planning policies for the following reasons:

(i) Complies with the applicable strategic objectives as set out in the Western Cape Spatial Development Framework;

(ii) Sedgefield Erf 1984 is located inside the urban edge of the Knysna Municipal area. The proposal consistent with the surrounding property sizes and the character of the area;

(iii) The proposal would contribute to the growing the revenue base, will not impact on service delivery of the local municipality and is consistent with two strategic objectives as set out in the IDP.
13. **CONSISTENCY WITH THE SURROUNDING AREA**

The proposed subdivision will have no impact whatsoever on the character of the surrounding area. The subdivision will result in the creation of one additional Erf, but no intensification of the existing residential uses. Both portions will remain “Single Residential Zone”, this is only the amendment of the property boundaries and no additional development is proposed. The proposed subdivision is generally consistent and not unusual with the existing subdivision pattern in Sedgefield.

The proposed subdivision will be consistent with the property sizes in the surrounding area (refer to **Par.14**). It is clear that the proposal will be consistent with the property sizes in the area and it will have no impact on the existing character of the area.

14. **CONSISTENCY WITH THE PROPERTY SIZES IN THE SURROUNDING AREA**

The subdivision will result in the creation of one additional erf. Portion A will measure 601m² and the Remainder of Sedgefield Erf 1984 will measure 1363m².

The sizes of single residential zoned properties in the area vary between 620m² and 1700m² in extent. Given the large sizes of the single residential erven, many properties accommodate 2nd dwelling units and outbuildings. The area is characterised by densification and intensification. Examples of previous subdivisions that have been approved in this area in the past include: Erf 501 – subdivided into two portions of 943m² & 623m² respectively; Erf 466 – subdivided into two portions of 735m² & 754m² respectively and Erf 520 – subdivided into two portions of 535m² & 545m² respectively;

The proposed subdivision is generally consistent and not unusual with the existing subdivision pattern in Sedgefield. Various subdivisions of similar extent are situated in the surrounding area.

It can be concluded that the proposed subdivided portions size will be consistent with the other properties in the immediate surrounding area.

15. **NO IMPACT ON EXISTING RIGHTS**

Given the fact that the proposed new properties are consistent with previous subdivision sizes, consistent with the ruling property sizes in the area and the fact that other additional dwelling houses on single residential zoned properties exist in this area it is the considered opinion the proposed subdivision will have no negative impact whatsoever on any existing land use rights currently enjoyed by the surrounding property owners.

16. **NO IMPACT ON ENGINEERING SERVICES**

As discussed in **Par.6** of this report, the site is located within the existing urban fabric. The result is that the proposed additional Erf is easily accommodated within the existing service networks. The owner will contribute towards the required augmentation levy and connect to the existing municipal services infrastructure.
Various energy-saving measures such as solar geysers have already been implemented and no additional services capacity is required to accommodate the proposed subdivision.

17. SUITABLE DENSIFICATION

A subdivision is the most appropriate form of densification for the subject property. The property is 1964m² in extent, easily accommodating the two existing dwelling houses on their own erven... Various National and Provincial legislation encourages suitable densification because of the continuous growth of the country’s population. This proposal aims to contribute to the suitable densification in an area that can clearly accommodate the proposal as the two dwelling units have been functionally operating as two land units since the additional dwelling unit was constructed.

It is a well-known fact that densification results in more cost-effective service provision. Therefore, the proposed subdivision will result in the optimal utilisation of exiting services capacity in this area.

18. ACCESSIBILITY OF THE AREA

The application area is bordered by Piet-my-vrou Street (west) and the Main Service Road (north). The Proposed Remainder will obtain vehicular access from the western side of the subject property from the existing driveway access directly off Piet-my-vrou Street. The proposed Portion A will obtain vehicular access from the northern side of the subject property from the Main Service Road directly south of the N2 National Road.

![Figure 12: Properties obtaining access from the service road](image-url)
The proposal will not impact on sight distances or on visibility. The department of Technical Services had no objection to the access directly off the main service road access with regards to functionality but mentioned that the landowners must contribute to the construction of this road. Various other properties obtain primary vehicular access from the man service road as seen in the figure above.

19. PROVISION OF AFFORDABLE HOUSING OPPORTUNITIES

There is a huge demand for residential opportunities in the middle income, more affordable housing market. With the current dwelling on Portion A as a consent use for a second dwelling, the dwelling cannot be alienated. With the proposed subdivision, the opportunity arises for a buyer to purchase a single residential dwelling in the more affordable middle-income housing bracket. This proposed subdivision will result in the provision of more affordable housing opportunities.

20. NEED FOR THE BUILDING LINE RELAXATION

The Sedgefield 8 Zoning Scheme Regulations (1980) prescribes a 3m Lateral and Rear building line for 'Single Residential Zone' properties. The existing main dwelling and existing second dwelling unit, will encroach the over the new prescribed building lines, hence an approval for a permanent departure for the relaxation of western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 1.87m and the relaxation of the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0.67m line is required. Application is also made for the relaxation of the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport; the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport, the southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 2.09m allow for the existing dwelling and the southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport.

These structures are existent and have since construction had no impact on safety, municipal services or the surrounding property owners.

It should be noted that there are approved building plans for both existing residential dwellings. The two dwellings are still 2.5m from each other, and more than ample space for fire risk is allowed – else the building plans will not have been approved in the first instance.

The building line relaxations are only to accommodate the existing dwellings and outbuildings within the prescribed building lines of the new cadastral boundaries. There are no municipal services that run in these building lines, hence there is no reason why these building line relaxations are undesirable.
21. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

Section 59 of this Act prescribe the Land Use Planning Principles that are applicable to all land development in the Province. These are summarised in the tables below. The tables below aim to summarise how the proposed subdivision and departure on Sedgefield Erf 1984 complies with these principles.

21.1. Spatial Justice

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>COMPLIANCE</th>
<th>PLANNING IMPLICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Past spatial and other development imbalances must be redressed through improved access to and use of land.</td>
<td>COMPLY</td>
<td>▪ The proposed subdivision allows for an opportunity to purchase a well-located single residential property in the middle-income housing market – scarce opportunities that are not readily available to any first time home buyer.</td>
</tr>
<tr>
<td>Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.</td>
<td>N/A</td>
<td>▪ This policy is not applicable to the application area. ▪ Not a Spatial Development Framework or Policy.</td>
</tr>
<tr>
<td>Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.</td>
<td>N/A</td>
<td>▪ This policy is not applicable to the application area.</td>
</tr>
<tr>
<td>Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the</td>
<td>N/A</td>
<td>▪ This policy is not applicable to the application area.</td>
</tr>
<tr>
<td>CRITERIA</td>
<td>COMPLIANCE</td>
<td>PLANNING IMPLICATION</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>management of disadvantaged areas and informal settlements.</td>
<td>N/A</td>
<td>▪ The municipality should process this application within the prescribed guidelines of the Knysna Municipality By-law on Municipal Land Use Planning, 2016.</td>
</tr>
<tr>
<td>Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.</td>
<td>N/A</td>
<td>▪ The municipality should process this application within the prescribed guidelines of the Knysna Municipality By-law on Municipal Land Use Planning, 2016.</td>
</tr>
<tr>
<td>A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.</td>
<td>COMPLY</td>
<td>▪ The proposal does not entail the owner applying for additional use rights. Both properties will remain zoned Single Residential. Therefore the owners are exercising their right to develop their land in accordance with their current land use rights.</td>
</tr>
<tr>
<td>The right of owners to develop land in accordance with current use rights should be recognised.</td>
<td></td>
<td></td>
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</tbody>
</table>

### 21.2. Spatial Sustainability

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>COMPLIANCE</th>
<th>PLANNING IMPLICATION</th>
</tr>
</thead>
</table>
| Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority. | COMPLY     | ▪ The proposed development is within the urban edge of the Sedgefield area, and within an established urban environment.  
▪ The subdivision will enable the Municipality to collect additional rates and taxes from another property. |
| Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land. | N/A        | ▪ Not Agricultural land                                                                                                                                 |
| Uphold consistency of land use measures in accordance with environmental management instruments. | COMPLY     | ▪ The application area is located within the urban edge of Sedgefield in a well-established residential neighbourhood. The proposal does not trigger any environmental listed activities according to the National Environmental Management Act (1998). |
### 21.3. Spatial Efficiency

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>COMPLIANCE</th>
<th>PLANNING IMPLICATION</th>
</tr>
</thead>
</table>
| Land development optimises the use of existing resources and infrastructure. | COMPLY | ▪ The proposal will require and fully utilise the existing municipal infrastructure.  
▪ The proposed subdivision will result in optimal use of existing infrastructure as the proposed erf is located in an area which is already serviced by the Knysna Municipality.  
▪ Any additional costs will be at the cost of... |
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<tr>
<th>CRITERIA</th>
<th>COMPLIANCE</th>
<th>PLANNING IMPLICATION</th>
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</thead>
<tbody>
<tr>
<td>the applicant or as determined by the Municipality.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Integrated cities and towns should be developed.</td>
<td>N/A</td>
<td>• This policy is applicable to township developments and new urban developments.</td>
</tr>
<tr>
<td>Policy, administrative practice and legislation should promote speedy</td>
<td>N/A</td>
<td>• The municipality should process this application within the prescribed time frames of the Knysna Municipality By-law on Municipal Land Use Planning, 2016.</td>
</tr>
<tr>
<td>land development.</td>
<td></td>
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</tbody>
</table>

**21.4. Spatial Resilience**

<table>
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<tr>
<th>CRITERIA</th>
<th>COMPLIANCE</th>
<th>PLANNING IMPLICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flexibility in spatial plans, policies and land use management systems</td>
<td>COMPLY</td>
<td>• The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report and it will also have no negative impact on the livelihood of the community.</td>
</tr>
<tr>
<td>are accommodated to ensure sustainable livelihoods in communities</td>
<td></td>
<td>• The proposed application complies with the requirements of the Knysna Municipality By-Law on Municipal Land Use Planning (2016).</td>
</tr>
<tr>
<td>most likely to suffer the impacts of economic and environmental shocks</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**21.5. Good Administration**

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>COMPLIANCE</th>
<th>PLANNING IMPLICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>All spheres of government should ensure an integrated approach to land</td>
<td></td>
<td>• This principle has no direct bearing on the application; however, the Knysna Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the Knysna Municipality By-law on Municipal Land Use Planning, 2016.</td>
</tr>
<tr>
<td>use planning.</td>
<td></td>
<td>• What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</td>
</tr>
<tr>
<td>All government departments must provide their sector inputs and comply</td>
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<td>with any other statutory requirements during the preparation or amendment</td>
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<tr>
<td>of spatial development frameworks.</td>
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<td></td>
</tr>
<tr>
<td>The requirements of any law relating to land development and land use</td>
<td></td>
<td></td>
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<tr>
<td>must be met timeously.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The preparation and amendment of spatial plans, policy, zoning schemes</td>
<td>Applicable to Knysna Municipality</td>
<td></td>
</tr>
<tr>
<td>and procedures for land development and land use applications, should</td>
<td></td>
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<tr>
<td>include transparent processes of public participation that afford all</td>
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<td></td>
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<tr>
<td>parties the opportunity to provide inputs.</td>
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</tbody>
</table>
on matters affecting them.

The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.

A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.

Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.

Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.

Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.

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<th>CRITERIA</th>
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</table>

22. CONCLUSION

In light of this motivation, and the information contained in the foregoing report, it is clear that the application for:

(i) The subdivision of Sedgefield Erf 1984 into two portions (Portion A = 601m² and Remainder = 1363m²); in terms of Section 15(2)(d) of the Knysna Municipality By-law on Municipal Land Use Planning (2016);

(ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) for the relaxation of:

[a] the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 1.87m allow for the existing dwelling;

[b] the western lateral building line on the proposed Portion A of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport;
[c] the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0.67m allow for the existing dwelling.

[d] the eastern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport.

[e] The southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 2.09m allow for the existing dwelling.

[f] The southern lateral building line on the Remainder Portion of Sedgefield Erf 1984 from 3m to 0m allow for the existing carport.

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Knysna Municipality By-law on Municipal Land Use Planning, 2016, is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Knysna Municipality.

Marike Vreken Urban and Environmental Planners
December 2019
ANNEXURE A:

Consent use approval dated 13 March 2007
13 March 2007

Marike Vreken Town Planner
P O Box 2180
KNYSNA
6570

Madam,

SECTION 62 APPEAL: SECOND DWELLING UNIT: ERF 1984, SEDGEFIELD.

Your appeal in the abovementioned regard dated 22 November 2006 as well as your verbal presentation at the Appeals Committee meeting held on 2 March 2007, refer.

Please note that the Committee has upheld your appeal and has granted approval for a consent use to allow a second dwelling unit on erf 1984, Sedgefield, subject to the following conditions:

(i) Written confirmation by the Electro-technical Engineer that sufficient electricity capacity is available in the area must be obtained and provided to the Chief Town Planner before any building operations may take place on the erf;

(ii) The floor area of the dwelling unit shall be limited to a maximum of 120m²;

(iii) The maximum coverage of buildings on the erf may not exceed 50% in total;

(iv) No portion of the erf may be the subject of an application for subdivision by means of sectional title;

(v) Dual flush cisterns and low volume taps and shower heads shall be used and installed in the second dwelling unit;
(vi) A 5kl water tank for rain water harvesting shall be provided for the second dwelling unit;

(vii) The electrical supply to the erf shall be limited to one single-phase domestic 60A connection;

(viii) A solar-assisted water heating unit shall be installed in the second dwelling unit;

(ix) Load switching relays for geyser control shall be installed in each dwelling unit, which shall be wired to specifications of the Town Electrotechnical Engineer, who must be informed to install a load switching unit prior to switching of the electrical connection of each unit;

(x) CFL light bulbs shall be installed in all units, where feasible;

(xi) Normal building plan approval in terms of the National Building Regulations shall be obtained.

Yours faithfully

[Signature]

CLR. J K A BOTHA
CHAIRPERSON: APPEALS COMMITTEE
ANNEXURE B:

Subdivision approval dated 10 October 2010
2010-10-07

H M Vreken TRP (SA)
P O Box 2180
KNYSNA
6570

Madam

PROPOSED SUBDIVISION: ERF 1984 SEDGEFIELD

Your application dated April 2010 refers.

Please be advised that my Council, at its Council meeting of 30 September 2010, resolved as follows:

[a] That the following correspondence be noted:
   i) Application and attached motivation of the above mentioned Erf dated April 2010;
   ii) Memorandum from the Director: Technical Services dated 28 April 2010;
   iii) Memorandum from the Town Electro Technical Engineer dated 8 May 2010;
   iv) Applicant’s response to comments dated 13 July 2010.

[b] That the subdivision of Erf 1984 Sedgefield into 2 erven, Portion A and a Remainder, be approved in terms of Section 25 of Ordinance 15 of 1985, and that the relaxation of the lateral building lines be approved in terms of Section 15 of Ordinance 15 of 1985 subject to the following conditions:

   i) Augmentation fees would be due on one additional unit for water services prior to transfer of the property;
   ii) A site diagram indicating the vehicle access to the properties to be submitted to the approval of the DTS;
   iii) The services should be separated to the satisfaction of Director: Technical Services prior to transfer of any portion of the property;
   iv) Each of the erven created by the subdivision shall be limited to a 30 amp power supply and this limitation shall be included in the title deeds of the erven;
   v) A site development plan be submitted to Council if any redevelopment should occur, it does not include the construction of the retaining wall or the garage/outbuilding;

Please address all correspondence to the Municipal Manager and quote the above reference.
vi) CFL light bulbs shall be installed in all light fittings, where feasible;

vii) Solar water heating devices shall be installed;

viii) Dual flush toilet cisterns and low volume taps and shower heads shall be installed in any additions or new buildings;

ix) A 2.5kl rain-water tank or a method of water storage, to the satisfaction of Council, shall be installed for each dwelling with a practical method of utilizing the rain water for at least garden and swimming pool use. The rain-water tanks are to be architecturally treated to be aesthetically pleasing;

x) New Surveyor General Plans shall be provided to the Council by the applicant, upon registration of the subdivided portions."

Your attention is drawn to the provisions of Section 44 of the Land Use Planning Ordinance, 1985 (Ord. No. 15 of 1985), in terms of which you have a right to appeal to the Premier of the Western Cape against the decision of Council. Should you wish to exercise this right of appeal, you must lodge such motivated appeal in writing to be received by the relevant authorities within twenty one (21) days of date of registration of this letter. The appeal should be addressed to:

The Director: Integrated Environmental Management (Region A)
Department of Environmental Affairs and Development Planning
Chief Directorate: Development Planning
Private Bag X9086
CAPE TOWN
8000

A copy of the appeal must be served on Council simultaneously.

In addition, your attention is drawn to the provisions of Section 16 and/or Section 27 of Ordinance No. 15 of 1985, regarding the lapsing of unutilized land use approvals (2 years in terms of Departures and Rezonings, 5 years in respect of subdivision).

Yours faithfully

J B DOUGLAS
MUNICIPAL MANAGER

iac
ANNEXURE C:

Pre-Application minutes dated 16 October 2019
**KNYSNA MUNICIPALITY**  
**PRE-APPLICATION MEETING**  
Minutes of meeting held on the  
16 October 2019  
At  
09:00  
Planning and Development Boardroom  

**MINUTES**

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>Presentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td><strong>Opening and Welcoming</strong></td>
<td>Mr S Mthembu</td>
</tr>
</tbody>
</table>
| 2. | **Attendance**  
Mr S Mthembu (Chairperson)  
Mr S Mqhele – KM: Town Planning  
Ms N Vonya – KM: Town Planning  
Ms L Mniki – KM: Town Planning  
Mr S Madumbo – KM: Town Planning  
Mr L Stefane – KM: Town Planning  
Ms P Booth – KM: Environmental Management  
Ms N Nkoane – KM  
Mr H Labuschagne  
Mr D Bastian  
**Apologies**  
Ms M Vreken | |
| 3. | **Items for consideration** | |
| 3.1 | **Erf 7508, Knysna – Alterations, additions and to rectify encroachment** | All Municipal officials and the relevant applicant(s). |

**Discussion:**

- The applicant states that there appear to be no approved plans for buildings on the property.
- Application is for boundary line encroachment of the existing building onto the road, as well as a second
dwelling unit. The property forms part of a group housing development.

- The boundary encroachment may be considered as an exemption in terms of Section 24 of the By-law.
- The second dwelling is not permitted in terms of group housing zoned property. The question is whether it can be supported as a consent use.

Recommendation:

- The applicant should approach and request the written permission from the HOA – as the owner of the land upon which the encroachment occurs – to submit an application.
- The applicant should also obtain the services of a land surveyor to draft general plan or erf diagram for consideration and endorsement by the Surveyor-General.
- There may be an application for the amendment of the general plan to enable the encroachment and exemption.
- The plan and application to be submitted to the Municipality.

3.2 **Portion 5 of the Farm Buffelsvermaak No. 212, Kny – Application for Rezoning**

**Discussion:**

- There are several unauthorised activities on the site. The landowner intends to regularise these activities.
- Consent uses are in place while the previously approved resort zoning has lapsed.
- Environmental authorisation does not include tourist accommodation and related activities on western side of railway line. An EAP has been appointed to undertake environmental authorisation.
- The developer's intention is to rezone again to Resort Zone.
- A new environmental authorisation needs to be obtained.

**Recommendation:**

All Municipal officials and the relevant applicant(s).
- The applicant to send the compliance notice issued by DEADP to Knysna Municipality Environmental Management.
- The applicant to ensure all plans that are referenced in documents are attached as well.
- Invasive plant control plan to from part of environmental approval process.
- The applicant to provide a list and clear descriptions of the land use activities on the site development plan for approval.
- Clarity in the application is needed on the developer's intentions on the restaurant which is located on a separate property, as it appears integral to the activities on the site. If in different ownership, the developer to ensure necessary agreements are in place to enable the site's operation as a single entity. Otherwise, an alternative (i.e. subdivision and consolidation) be considered.

3.3 **Erven 786 & 787 – Application for Rezoning and Consolidation**

**Discussion:**
- There were previous approvals for rezoning to General Residential purposes on the land unit which has since lapsed.
- Developer wants to re-apply but increase the density to 8 units in lieu of the 6 previously approved, in terms of General Residential Zone.
- The applicant did not present plans for consideration at the meeting and Town Planning is unable to provide detailed comments on the proposal. The applicant contends that the proposal is similar as previously approved except for the increase in density.

**Recommendation:**
- A site plan to form part of the application.
- The Knysna Urban Conservation Guidelines to be considered as well.

All Municipal officials and the relevant applicant(s).
The applicant is advised to submit drawings or plans of the final development proposal to this meeting again.

### 3.4 Erf 1984, Sedgefield – Proposed Subdivision

**Discussion:**
- There is a previous approved application from 2010 for subdivision of the subject property into a portion and remainder. This approval has lapsed as the landowner has not acted on the rights granted.
- There are 2 options for subdivision; the first is access off Piet-My-Vrou and the second is access from the N2 service road.

**Recommendation:**
- The applicant to consult Technical Services on the access to the subdivided portions for the application to be fully considered at the pre-application meeting.
- The applicant to consider the pre-dominant erf sizes in the surrounding area and motivate the proposed erf sizes accordingly.

### 3.5 Erf 1505, Knysna – Proposed Rezoning

**Discussion:**
- The proposal is to rezone the property to “Resort Zone” to allow for 7 one-bedroom chalets on the existing platform/slab constructed in preparation for building work of which the approval has lapsed.
- A large portion of the property is a wetland and a conservation outcome would be considered favourably in respect of any approvals granted.
- The property is located in the Outeniqua Sensitive Coastal Area.
- The question is would spot zoning be considered as opposed to the complete rezoning of the property.

**Recommendation:**
- The applicant to consider an application for:
  - rezoning to “Resort Zone”
- an application for the approval of a site development plan.
  - The site development plan to include areas for conservation, access, land use areas, etc.
  - The applicant should also obtain comments from SANParks.
  - An application for the removal of the applicable restrictive title conditions will be required. The conditions were imposed by a third party and their consent must accompany the application.
  - Motivate the ‘holiday housing’ as primary use under Resort Zone to ensure that the proposed uses align therewith.

3.6 Erf 13836, Knysna (Erven 2660 & 2663, Knysna – Proposed Rezoning

**Discussion:**
- The proposal is for consolidation and rezoning to “Business” for offices and consent use for service station (but excluding a filling station).
- The property was previously rezoned to business purposes but this approval has since lapsed.
- The issue of planning policy was discussed and whether the proposal is contributing to a change in character along the N2 between George Rex Drive intersection and Hornlee.

**Recommendation:**
- The proposal may be considered in terms of rezoning to ‘Business Zone.’
- The application should consider relying on statistics to support the application, where feasible and available.
- The applicant to consult Technical Services to determine their specific requirements or considerations, particularly on whether a traffic impact study will be required.

All Municipal officials and the relevant applicant(s).

4. The Chairperson closed the meeting at 12:10.
ANNEXURE D:

Attendance Register & Minutes for meeting with DTS 28 October 2019
<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>Tel</th>
<th>E-Mail</th>
<th>COMPANY DEPARTMENT</th>
<th>NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>076 020 3404</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>044 382 0420</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>044 382 0420</td>
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<td>044 382 0420</td>
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<td>044 382 0420</td>
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</tr>
</tbody>
</table>

Date: Monday 28 October 2019

Kinysa Municipality Department of Technical Services Engineering Meeting

ATTENDANCE REGISTER
<table>
<thead>
<tr>
<th>PART: DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspects to obtain clarity on:</td>
</tr>
<tr>
<td>1. Option 1 or Option 2? Will direct access from the service road located directly north of the application area be acceptable?</td>
</tr>
<tr>
<td>2. Any other restrictive conditions in order?</td>
</tr>
<tr>
<td>3. Sedgefield Holdings Consent still applicable and does it need to be addressed in the Motivation report?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART: SUMMARY / WAY FORWARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Planning</td>
</tr>
<tr>
<td>Technical Services</td>
</tr>
<tr>
<td>Any will be due for new Ext. Access Foot needs to be continued for access from Service Road on Cost.</td>
</tr>
<tr>
<td>- Old proposal in order.</td>
</tr>
<tr>
<td>Legal</td>
</tr>
<tr>
<td>- Sedgefield Consent was held.</td>
</tr>
<tr>
<td>Environmental</td>
</tr>
<tr>
<td>Community Services</td>
</tr>
<tr>
<td>Properties Department</td>
</tr>
</tbody>
</table>

PRE-APPLICANT: [Signature] | SIGNED: [Signatures]

[Full Name] | [Full Name]
ANNEXURE E:

Signed Power of Attorney
SPECIAL POWER OF ATTORNEY

I / We, C.T. Labuschagne and S. Labuschagne, the undersigned,

do hereby nominate, constitute and appoint

THE AUTHORISED AGENTS OF MARIKE VREKEN TOWN & REGIONAL PLANNERS CC and duly authorised employees of Marike Vreken Town Planners CC

with power of Substitution to be our lawful representatives in our application for:

SUBDIVISION

on

SEDGEFIELD ERF 1984

In addition to apply for such amendments of any zoning schemes / structure plans / Removal of Title Deed Restrictions as may be deemed necessary and to make other necessary application and further to represent us at any inquiry in relation to the abovementioned matters and generally do whatever may be necessary or desirable to procure the approval of the application, by virtue of those present and whatever our said representative have to date done herein:

Signed at SEDGEFIELD on this 7 day of OCTOBER 2019

Signed:

Signed:

Signed:

In the presence of the undersigned witnesses:

AS WITNESSES:

1. 

2. 
ANNEXURE F: Application Form
LAND USE PLANNING APPLICATION FORM  
(Section 15 of the Proposed Standard Draft By-law on Municipal Land Use Planning)

**KINDLY NOTE:** Please complete this form using BLOCK capitals and ticking the appropriate boxes.

### PART A: APPLICANT DETAILS

<table>
<thead>
<tr>
<th>First name(s)</th>
<th>Marike</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname</td>
<td>Vreken</td>
</tr>
</tbody>
</table>

South African Council for Planners (SACPLAN) registration number (if applicable) 1101

<table>
<thead>
<tr>
<th>Company name (if applicable)</th>
<th>Marike Vreken Town Planners</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Postal Address</th>
<th>Po Box 2180</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Knysna</td>
</tr>
<tr>
<td>Postal Code</td>
<td>6570</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Email</th>
<th><a href="mailto:marike@vreken.co.za">marike@vreken.co.za</a></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Tel</th>
<th>044 382 0420</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fax</td>
<td></td>
</tr>
<tr>
<td>Cell</td>
<td>082 927 5310</td>
</tr>
</tbody>
</table>

### PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s) CORNELIUS FERDINAND LABUSCHAGNE & SONNET LABUSCHAGNE

<table>
<thead>
<tr>
<th>Physical address</th>
<th></th>
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</thead>
<tbody>
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<table>
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<table>
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<tr>
<th>Tel</th>
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<tbody>
<tr>
<td>Fax</td>
<td></td>
</tr>
<tr>
<td>Cell</td>
<td></td>
</tr>
</tbody>
</table>
### PART C: PROPERTY DETAILS (in accordance with title deed)

<table>
<thead>
<tr>
<th>Property description</th>
<th>Remainder Erf 1984 Sedgefield in the Municipality of Knysna and division of Knysna Western Cape Province</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Address</td>
<td>5 Piet-my-vrou Street, Sedgefield</td>
</tr>
<tr>
<td>GPS Coordinates</td>
<td>34°1'4.90&quot;S and 22°48'41.83&quot;E.</td>
</tr>
<tr>
<td>Town/City</td>
<td>Sedgefield</td>
</tr>
<tr>
<td>Current Zoning</td>
<td>Single Residential Zone</td>
</tr>
<tr>
<td>Extent</td>
<td>1964m²</td>
</tr>
<tr>
<td>Are there existing buildings?</td>
<td>Y</td>
</tr>
<tr>
<td>Applicable Zoning Scheme</td>
<td>Sedgefield Zoning Scheme Regulations (1980)</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Single Residential</td>
</tr>
<tr>
<td>Title Deed number and date</td>
<td>T 42004/2005</td>
</tr>
<tr>
<td>Any restrictive conditions?</td>
<td>Y N If Yes, list condition(s) N/A</td>
</tr>
<tr>
<td>Are the restrictive conditions in favour of a third party(ies)?</td>
<td>Y N If Yes, list the party(ies) N/A</td>
</tr>
<tr>
<td>Is the property encumbered by a bond?</td>
<td>Y N If Yes, list bondholder(s) ABSA HOME LOANS GUARANTEE CO 2006 2132 1082 PTY LTD</td>
</tr>
<tr>
<td>Any existing unauthorized buildings and/or land use on the subject property(ies)?</td>
<td>Y N If yes, is this application to legalize the building / land use? Y N</td>
</tr>
<tr>
<td>Are there any pending court case(s) / order(s) relating to the subject property(ies)?</td>
<td>Y N Are there any land claim(s) registered on the subject property(ies)? Y N</td>
</tr>
</tbody>
</table>

### PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation? | Y N If Yes, complete the information below and attach the minutes of the pre-application consultation. |

Official’s name | Mr S Mthembu (Chairperson) |
Reference Number | N/A |
Date of consultation | 16 October 2019 |

### PART E: LAND USE PLANNING APPLICATIONS IN TERMS OF SECTION 15 OF THE PROPOSED STANDARD DRAFT BY-LAW ON MUNICIPAL LAND USE PLANNING AND APPLICATION FEES PAYABLE

<table>
<thead>
<tr>
<th>Tick</th>
<th>Section</th>
<th>Type of application</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>2(a)</td>
<td>a rezoning of land;</td>
<td>R</td>
</tr>
<tr>
<td>X</td>
<td>2(b)</td>
<td>a permanent departure from the development parameters of the zoning scheme;</td>
<td>R1,785.00</td>
</tr>
<tr>
<td>✓</td>
<td>2(c)</td>
<td>a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;</td>
<td>R</td>
</tr>
<tr>
<td>X</td>
<td>2(d)</td>
<td>a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;</td>
<td>R1,131.00</td>
</tr>
<tr>
<td>✓</td>
<td>2(e)</td>
<td>a consolidation of land that is not exempted in terms of section 24;</td>
<td>R</td>
</tr>
<tr>
<td>✓</td>
<td>2(f)</td>
<td>a removal, suspension or amendment of restrictive conditions in respect of a land unit;</td>
<td>R</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Cost</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(g) a permission required in terms of the zoning scheme;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(h) an amendment, deletion or imposition of conditions in respect of an existing approval;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(i) an extension of the validity period of an approval;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(j) an approval of an overlay zone as contemplated in the zoning scheme;</td>
<td>R</td>
<td></td>
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<tr>
<td>✓</td>
<td>2(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(l) a permission required in terms of a condition of approval;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(m) a determination of a zoning;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(n) a closure of a public place or part thereof;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(o) a consent use contemplated in the zoning scheme;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(p) an occasional use of land;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(q) to disestablish a homeowner's association;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(r) to rectify a failure by a homeowner's association to meet its obligations in respect of the control over or maintenance of services;</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>2(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.</td>
<td>R</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL A:** R2,916.00

**PRESCRIBED NOTICE AND FEES**

**FOR COMPLETION AND USE BY OFFICIAL**

<table>
<thead>
<tr>
<th>Tick</th>
<th>Notification of application in media</th>
<th>Type of application</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>SERVING OF NOTICES</td>
<td>Delivering by hand; registered post; data messages</td>
<td>R</td>
</tr>
<tr>
<td>✓</td>
<td>PUBLICATION OF NOTICES</td>
<td>Local Newspaper(s); Provincial Gazette; site notice; Municipality’s website</td>
<td>R</td>
</tr>
<tr>
<td>✓</td>
<td>ADDITIONAL PUBLICATION OF NOTICES</td>
<td>Site notice, public meeting, local radio station, Municipality’s website, letters of consent or objection</td>
<td>R</td>
</tr>
<tr>
<td>✓</td>
<td>NOTICE OF DECISION</td>
<td>Provincial Gazette</td>
<td>R</td>
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<tr>
<td>✓</td>
<td>INTEGRATED PROCEDURES</td>
<td>T.B.C</td>
<td>R</td>
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</table>

**TOTAL B:** R

**TOTAL APPLICATION FEES**

*(TOTAL A + B)*

* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

**The applicant is liable for the cost of publishing and serving notice of an application.

**KNYSNA MUNICIPALITY’S BANK ACCOUNT DETAILS**

Name: Knysna Municipality  
Bank: Nedbank  
Branch no.: 162645  
Account no.: 1626561826  
Payment reference: Erf Number

**PART F: DETAILS OF PROPOSAL**

Brief description of proposed development / intent of application:

SEE ATTACHED MOTIVATION REPORT
### PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Proposed Standard Draft By-law on Municipal Land Use Planning]

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete. It will not be considered complete until all required information and documentation have been submitted.

Information and documentation required in terms of section 38(1) of said legislation:

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
<td>N</td>
<td>Bondholder’s consent (if applicable)</td>
<td>Y</td>
<td>N</td>
<td>Bondholder’s consent (if applicable)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>N</td>
<td>Proof of registered ownership or any other relevant right held in the land concerned</td>
</tr>
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<td>Y</td>
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Supporting information and documentation:

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### PART H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION

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<td>Other (specify)</td>
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- **Y** indicates applicability. **N/A** indicates non-applicability.

---

**SECTION I: DECLARATION**

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.

2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.

3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.

4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.

5. That this submission includes all necessary land use planning applications required to enable the development proposed herein.

6. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.

7. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services are payable by the applicant as a result of the proposed development.
Applicant’s signature: Hendrika Marike Vreken

Date: 03/12/2019

Full name: Hendrika Marike Vreken

Professional capacity: Professional Town Planner

SAC PLAN registration number: 1101

FOR OFFICE USE ONLY

Date received: ____________________________

Received by: ____________________________

Municipal Stamp

ANNEXURES

The following Annexures are attached for your information, only if applicable:

Annexure A: Minimum requirements matrix
Annexure B: Land use planning application submission and protocol
Annexure C: Land use planning application workflow

Please do not submit these Annexures with the application form.
ANNEXURE G:

Copy of Title Deed - T42004/2005 & Windeed Search
DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

THAT GERRIT PETRUS FOURIE
appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, he/she, the said
Appraiser, being duly authorised thereto by a Power of Attorney granted to him/her by

1. SIDNEY MALCOLM STEPHENSON
Identity Number 360601 5055 107
Married, which marriage is governed by the Laws of ENGLAND

and

2. BARBARA STEPHENSON
Identity Number 330717 0042 101
Married, which marriage is governed by the Laws of ENGLAND

dated 15 April 2005
and signed at CAPE TOWN

(DeedOfTransferConventional.rdf) Form E
AND the said Appearer declared that his/her principal the said 1. SIDNEY MALCOLM STEPHENSON and 2. BARBARA STEPHENSON had on 24 February 2005 truly and legally sold and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

1. CORNELIUS FERDINAND LABUSCHAGNE
   Identity Number 550307 5095 081
   Married out of community of property

   and

2. SONNET LABUSCHAGNE
   Identity Number 600522 0077 088
   Married out of community of property

their heirs, executors, administrators or assignees in full and free property:

REMAINDER ERF 1984 SEDGEFIELD
In the Municipality of Knysna
Division of Knysna
Western Cape Province

IN EXTENT: 1964 (ONE THOUSAND NINE HUNDRED AND SIXTY FOUR) Square Metres

FIRST registered by Certificate of Consolidated Title No T 17527/1979 with Diagram No 8890/78 relating thereto and HELD by Deed of Transfer No T 120163/1997

A.ENTITLED to the benefits under the servitude as referred to in the endorsement dated 25 September 1929 on Deed of Transfer dated 3 February 1928, No T 822 which endorsement reads as follows:

"By Deed of Transfer No 9658 d.d. 26th September 1929 certain two rights of way shown on the diagram annexed thereto are to remain open for the use of the owner of the remainder of the land held hereunder as will more fully appear on reference to the said Deed of Transfer."

B.SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No T 36033/1976 imposed for the benefit of Sedgefield Holdings (Proprietary) Limited and its successors in title as owner of the remaining extent of Sedgefield Township held under Deed of Transfer No T 8591/1960, namely:-

1. The Transferee shall not be entitled to claim against the Transferors as owner of the remaining extent for the time being of the Sedgefield Township and/or the farm Sedgefield for any consideration or compensation or to be entitled to make any claim whatever in respect of the construction, erection or maintenance of any gates or fences which may at present exist on the boundary line of any lot or lots purchased or which may in future be erected by the Transferee on the boundary line of such land, provided, however, that the said Transferee shall not be debarred from claiming in this regard from any purchaser of a lot other than the said Transferee.

2. The Transferee shall be obliged to observe uniformity in respect of the fencing line of any fence that may abut on any road, pathway, open
space or property of the Transferors and to maintain all boundary fences
on the lot in good order and repair.

3. The Transferors shall be entitled to enforce proper sanitation and
cleanliness upon the Transferee in respect of the property hereby sold
and may make and enforce all such regulations as the Transferors shall
see fit to that end provided that such regulations shall not require
anything in excess of that which a Village Management Board or other
like local authority might require. In the event of the Transferee failing to
conform to the requirements of the Transferors, they may carry out such
work or do such acts which may be necessary to ensure such sanitation
and cleanliness and shall be entitled to recover the costs of such from
the Transferee.

4. The Transferee shall not be entitled to erect any corrugated iron fence or
screen on this lot without the written consent of the Transferors first had
and obtained.

5. No boarding house or hotel shall be erected on this lot nor shall the lot or
any building thereon be used for the purpose of a boarding house without
the written permission of the Transferors first had and obtained.

6. Burial of night soil on this lot is forbidden.

7. No building shall be erected on this lot within 4.72 metres of any street
line which forms the boundary of the lot save where the Transferors shall
have in writing permitted otherwise. No building shall be erected within
1.57 metres of any adjoining lot, provided that this restriction shall not
apply to the common boundary of lots held by one Transferee. Not more
than two-thirds of any lot sold shall be built upon.

8. Not more than one dwelling house, together with the necessary
outbuildings and appurtenances may be erected on any one plot in the
Township. No flats or tenement houses may be erected on any lot.

9. The Transferee shall not use or suffer to be used the property sold or any
portion thereof or any buildings or erections thereon for the purpose of
advertising of displaying any advertisement except first having received
written permission from the Transferors.

10. This property shall not without the written consent of the Transferors be
used for other than residential and/or agricultural and/or horticultural
purposes, and all trading rights thereon shall be and are hereby reserved
to the Transferors.

11. This lot shall not be used for the carrying on of any offensive, unhealthy
or dangerous trade as defined in the Cape Municipal Ordinance of 1912
or any amendments thereto.

12. This lot shall not be subdivided without the written consent of the
Company.

13. The Transferee shall be obliged to allow the drainage and sewerage of
any other lot or lots to be conveyed over the lot hereby sold if deemed
necessary by any Local Authority as may hereafter be established, and
in such manner and in such position as may from time to time be required by such Local Authority.

14. The Transferrors and their successors in title shall be entitled to assign or delegate all or any of the rights conferred by virtue hereof to and in favour of any Local Authority which may hereafter be constituted or established in respect of the whole or any part of the Sedgefield Township.

15. The terms "Transferror" and "Transferee" in these conditions shall be deemed to include the heirs, executors, administrators, assigns or successors in title of the Transferrors and Transferee.

C. BY virtue of Certificate of Registered Title No T 19357/1987 the remainder of Erf 1984 in extent 1984 square metres subject to the following conditions imposed by the Administrator in terms of Section 9 of Ordinance No 33 of 1934 when approving the subdivision:-

"1. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat hoofgasseidings, elektrisiteits, telefoon en televisiekabels en/of drade, hoof- en ander waterpiepe en die rioolvuil en dreinering, insluitende stormwater van enige ander erf of erwe, oor hierdie erf gevoer word en dat bogrondse installasies soos mini-substasies, meter kioske en dienspale daarop geïnstalleer word, indien dit deur die plaaslike overheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelik enwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te le, te wysig, te verwyder of te inspikteer.

2. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die material te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaaik kan word weens die verskil tussen die hoogte van die straat soos finaal aangele en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike overheid bepaal."
WHEREFORE the Appearer, renouncing all the right and title which the said 1. SIDNEY MALCOLM STEPHENSON and 2. BARBARA STEPHENSON heretofore had to the premises, did, in consequence also acknowledge them, to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said 1. CORNELIUS FERDINAND LABUSCHAGNE and 2. SONNET LABUSCHAGNE, their heirs, executors, administrators or assigns now is and henceforth shall be entitled thereto, conformably to local custom. State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of £750 000.00 (SEVEN HUNDRED AND FIFTY THOUSAND RAND).

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

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 31 MAY 2005

[Signature]

q.q. Signature of Appearer

In my presence:

[Signature]

Registrar of Deeds
Deeds Office Property

SEDGEFIELD, 1984, 0 (REMAINING EXTENT) (CAPE TOWN)

### GENERAL INFORMATION
- **Deeds Office**: CAPE TOWN
- **Date Requested**: 2019/10/07 12:54
- **Information Source**: DEEDS OFFICE
- **Reference**: PR1952

### PROPERTY INFORMATION
- **Property Type**: ERF
- **Erf Number**: 1984
- **Portion Number**: 0 (REMAINING EXTENT)
- **Township**: SEDGEFIELD
- **Local Authority**: SEDGEFIELD MUN
- **Registration Division**: KNYSNA RD
- **Province**: WESTERN CAPE
- **Diagram Deed**: T17527/1979
- **Extent**: 1964.0000SQM
- **Previous Description**: -
- **LPI Code**: C0390010000019840000

### OWNER INFORMATION
**Owner 1 of 2**
- **Person Type**: PRIVATE PERSON
- **Name**: LABUSCHAGNE CORNELIUS FERDINAND
- **ID Number**: 5503075095081
- **Title Deed**: T42004/2005
- **Registration Date**: 2005/05/31
- **Purchase Price (R)**: 750,000
- **Purchase Date**: 2005/02/24
- **Share**: 0.500000 *
- **Microfilm Reference**: 2006 2132 1105
- **Multiple Properties**: NO
- **Multiple Owners**: YES

**Owner 2 of 2**
- **Person Type**: PRIVATE PERSON
- **Name**: LABUSCHAGNE SONNET
- **ID Number**: 6005220077088
- **Title Deed**: T42004/2005
- **Registration Date**: 2005/05/31
- **Purchase Price (R)**: 750,000
- **Purchase Date**: 2005/02/24
- **Share**: 0.500000 *
- **Microfilm Reference**: 2006 2132 1105
- **Multiple Properties**: NO
- **Multiple Owners**: YES

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**DISCLAIMER**

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ANNEXURE H:

SG Diagram No 6690/1978
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All Beacons are 12mm x 600mm Iron Pegs.

1. Figuur A B C D stel voor Erf 527 Sedgefield
   Kaart Nr. 4146/73    T/A 1976-743-36033

2. Figuur E C D F stel voor Erf 528 Sedgefield
   Kaart Nr. 5027/75    T/A 1976-782-37926

---

Die figuur A B C D stel voor 3 059 vierkante meter
grond synde

Erf 1984 SEDGEFIELD

en bevat die eiendomme soos hierbo-uitgees

geëe in die Munisipaliteit van Sedgefield

Administratiewe Distrik

Saangestel

Knyana

Provincie Kaap die Goeie Hoop.

Gedateer in September 1976

deur mj.

Hierdie kaart is geheg aan:

S.V.T. 17527/79

Die oorspronklike kaarte is:

soon hierbo gemeld

Komp. AL-2BA/W31(680)

Gen. Plan 688 LD.

Gen. Plan S.104.(2070)
(Sht.16)

Registrateur van Aktes
ANNEXURE I:

Sedgefield Holdings Consent dated 24 April 2006
CONSENT

I, the undersigned, ALFRED BERNARD WIDMAN, duly authorised thereto by the directors of

SEDGEFIELD HOLDINGS (PTY) LIMITED
No. 1958/003891/07

do hereby consent, regarding restrictive conditions B5, B7 and B12 contained in Deed of Transfer no. T42004/2005 in respect of

REMAINDER ERF 1984 SEDGEFIELD
in the Knysna Municipality
Division of Knysna, Province Western Cape

IN EXTENT 1 984 square metres

to the use of the property as hotel or boarding house, to the lifting of certain building restrictions and to the subdivision of the property.

SIGNED at [Johannes] on 24 April 2006

WITNESSES:

1

2

[Signatures]

Prepared by me
Conveyancer
J B ROBERTSON

08/05 2006 MON 15:39 [JOB NO. 7036] 002
CONVEYANCER’S CERTIFICATE

I, the undersigned,

JAN BRAND ROBERTSON

conveyancer of VANDERSPUY Cape Town do hereby certify that:

A. The undermentioned property is registered in the names of:

1. CORNELIUS FERDINAND LABUSCHAGNE
   Identity Number 550307 5095 081
   MARRIED out of community of property

   and

2. SONNET LABUSCHAGNE
   Identity Number 600522 0077 088
   MARRIED out of community of property

   namely:

   REMAINDER ERF 1984 SEDGEFIELD
   in the Municipality of Knysna,
   Division of KNYSNA,
   PROVINCE OF THE WESTERN CAPE;

   IN EXTENT: 1964 m²;

   HELD BY Deed of Transfer No T.42004/2006;

B. The said property is subject to certain restrictive conditions, namely B5, B7 and B12 regarding the use of the property as boarding house or hotel, certain building restrictions and a restriction on subdivision respectively.

C. These restrictive conditions can be waived by Sedgefield Holdings (Pty) Limited, and have been so waived in writing by the said company on 24 April 2006.

SIGNED at BELLVILLE on this 5th day of May 2006

[Signature]

CONVEYANCER
ANNEXURE J:

Bond Holders Consent dated 29 November 2019
29 November 2019
Private/Confidential

Marike Vreken Town Planners CC
PO Box 2180
Knysna
6570

Ref: Pr19 / 52b02

REQUEST RECEIVED FOR: Proposed Subdivision

Borrowers’ Name: Mr CF & Mrs S Labuschagne
Mortgage loan account number: 80 6465 9227
Current Property description: R/E of Erf 1984 Sedgefield

We refer to the above account and consent to the Proposed Subdivision of the R/E of Erf 1984 Sedgefield.

Yours faithfully

[Signature]

Property Control
Ref: Tanya Weideman
Tel nr: 011 846- 5731
PLAN 1:

Locality Plan
PLAN 2:  

Land Use Plan
PLAN 3:

Subdivision Plan
1. Sizes and dimensions are approximate and subject to final survey.
2. For Erf data refer SG 6690/78 & SG 10313/83.
3. The figure ACFE represents Sedgefield Erf 1984, measuring 1964m² in extent.
4. The figure BCDEF represents Portion A of Sedgefield Erf 1984 (601m²).
5. The figure C DEFG represents Rem Sedgefield Erf 1984 (1363m²).

NOTES
COPY RIGHT:
This Plan may not be copied or amended without the written consent of M Vreken.

DRAWN: MV
CHECKED: MV
PLAN NO: PLAN DATE:
STORED:

MUNICIPAL MANAGER DATE:
It is hereby certified that this subdivision plan (Plan No ___________________), has been approved in terms of the Knysna Municipal Land Use Planning By-law, as amended (22 February 2018).

PLAN 2
SEDFIELD
ERF 1984
SUBDIVISION PLAN
SCALE 1:500
NOTES
1. Sizes and dimensions are approximate and subject to final survey.
2. For Erf data refer SG 6690/78 & SG 10313/83.
3. The figure ACFE represents Sedgefield Erf 1984, measuring 1964m² in extent.
4. The figure BCDEF represents Portion A of Sedgefield Erf 1984 (601m²).
5. The figure C DEFG represents Rem Sedgefield Erf 1984 (1363m²).
1. Sizes and dimensions are approximate and subject to final survey.
2. For Erf data refer SG 6690/78 & SG 10315/83.
3. The Figure ACEF represents Sedgefield Erf 1984, measuring 1964m² in extent.
4. The Figure BCDEF represents Portion A of Sedgefield Erf 1984 (601m²);
5. The Figure CDEFG represents Rem Sedgefield Erf 1984 (1363m²);

NOTES:
COPY RIGHT: This Plan may not be copied or amended without the written consent of M Vreken.
DRAWN: MV
CHECKED: MV
PLAN NO:
PLAN DATE:
STORED:

MUNICIPAL MANAGER DATE:
It is hereby certified that this subdivision plan (Plan No _______________________), has been approved in terms of Sections 60 & 15(2)(d) of the Knysna Municipality By-law on Municipal Land Use Planning (12 February 2016). File Reference: _____________________________

www.vreken.co.za
Marike Vreken
STADS & OMGEWINGSBEPLANNERS
21 Trotter Street, PO Box 2180
KNYSNA 6570
(044) 382 0420
086 459 2987

Graphic Scale
PLAN 4:
Subdivision Plan – with building line encroachments
1. Sizes and dimensions are approximate and subject to final survey.
2. For Erf data refer SG 6690/78 & SG 10315/83.
3. The Figure ACDF represents Sedgefield Erf 1984, measuring 1964m² in extent.
4. The Figure BCDF represents Portion A of Sedgefield Erf 1984 (601m²);
5. The Figure C DEFG represents Rem Sedgefield Erf 1984 (1363m²).

NOTES
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DRAWN: MV C HEK REK: MV
PLAN NO: PLAN DATE: 29 Nov 2019
STORED: 

It is hereby certified that this subdivision plan (Plan No_________________), has been approved in terms of the Sedgefield By-laws & LGCO of the Knysna Municipality.
References: 1. Municipal Manager Date: _____________________________