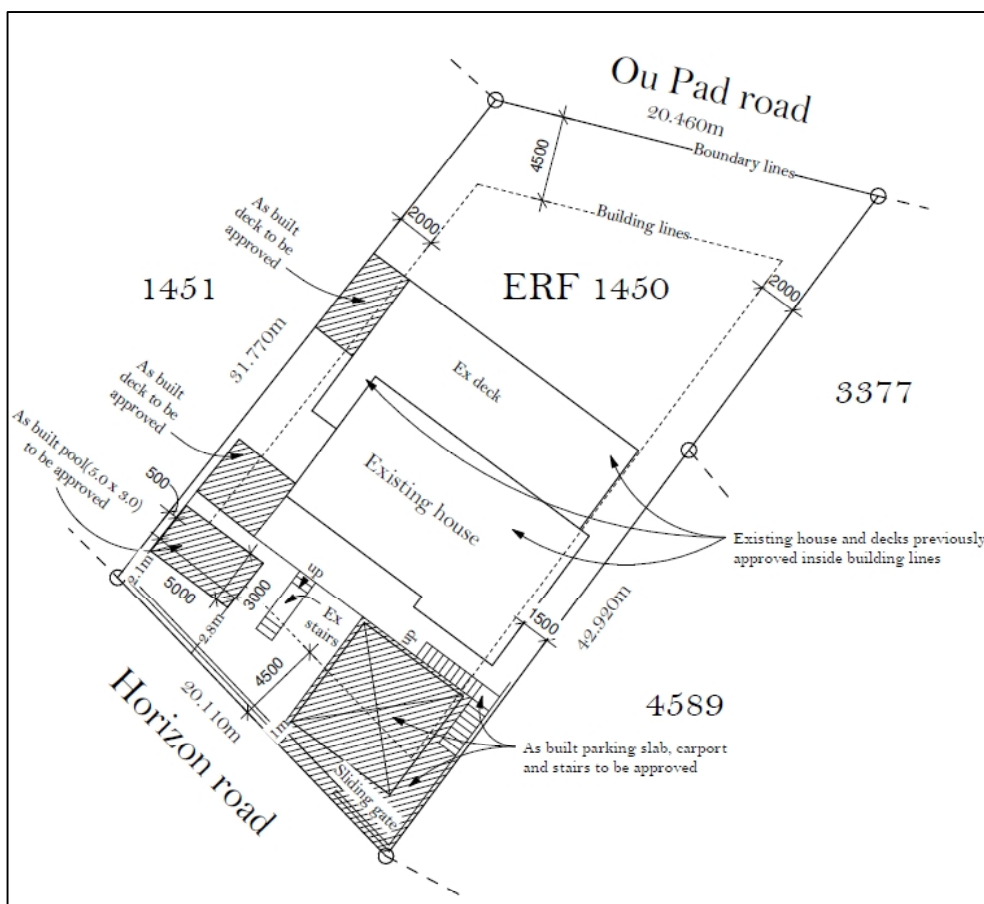


KNYSNA ERF 1450

APPLICATION FOR: PERMANENT DEPARTURES & REMOVAL OF TITLE DEED RESTRICTION



CLIENT: DENISE SMITH
PREPARED BY: MARIKE VREKEN URBAN & REGIONAL PLANNERS



JULY 2020

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BACKGROUND

Knysna Erf 1450 is located at 17 Horizon Road, the Heads, Knysna and is currently zoned 'Single Residential Zone I' in terms of the new Knysna Municipality: Zoning Scheme By-law (2020). The property is ±723m² in extent.

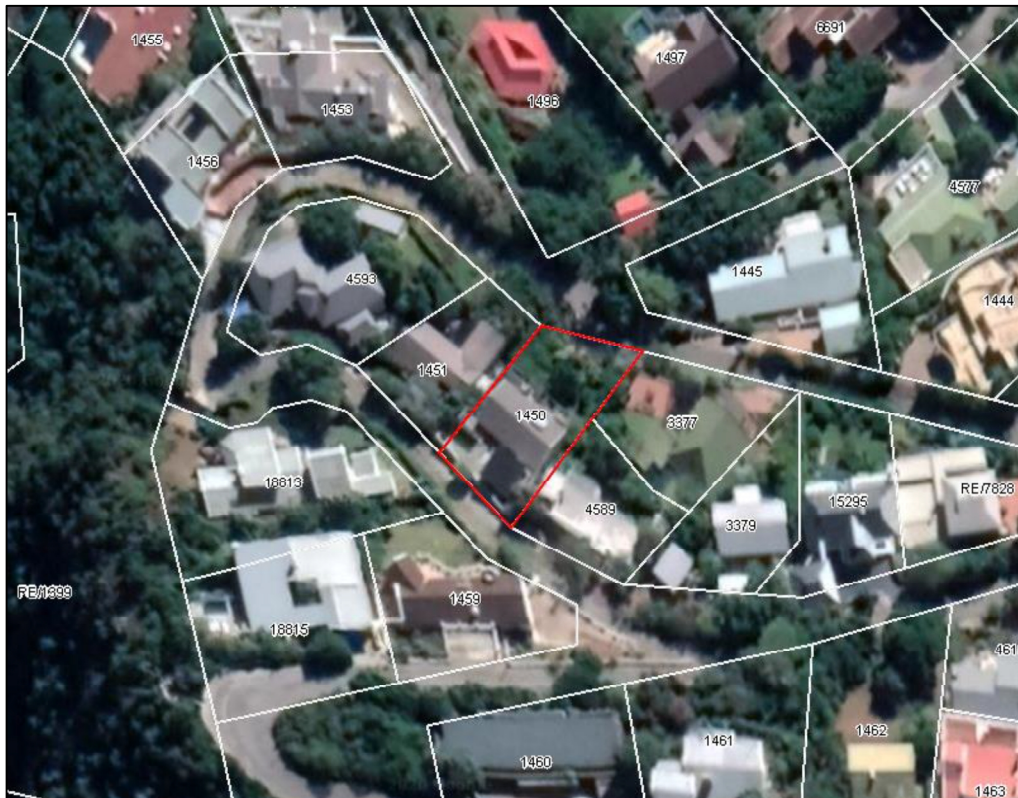


FIGURE 1: KNYSNA ERF 1450, THE HEADS

The property owner's architect recently submitted building plans for a new deck and dining room extension to the existing dwelling house. Upon submission of the plans it was discovered that some of the existing structures (as-built) encroach the building lines illegally, and should therefore be rectified before the new building plans can be submitted & considered by Council.

The current owner acquired the property during 2008 and was verbally assured at the time of transfer that all existing structures were approved. None of the illegal structures were constructed after the current owner took transfer of the property. The owner acknowledges the encroachments and wish to legalise the existing (as-built) structures by submitting the required land use applications.

It was also discovered that the existing (as-built) structures encroach upon the development restrictions within the Title Deed of the property. It is therefore required that a simultaneous

application for the removal of restrictive title deed conditions be applied for, in order to allow the existing structures.

The restrictive title deed condition is:

- **Condition B (5):** That all buildings to be erected on this property shall stand back not less than 3,05 metres from the line of any street or avenue on which the erven may abut, and not less than 1,52 metres from boundary of adjoining erven. Such space may be utilised as gardens but may not be built upon.

In order to legalize the existing (as-built) structures on the subject property, it is necessary to apply for permanent departures in terms of Section 15(2)(b) and apply for a Removal of Restrictive Title Deed Condition in terms of Section 15(2)(f) of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

The required pre-application consultation was conducted with the municipality. The pre-application consultation did not highlight any "red flags" regarding this application and is attached as **ANNEXURE E**.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by **DENISE SMITH** to prepare and submit the required application documentation (refer to **ANNEXURE A: Power of Attorney** and **ANNEXURE B: Application Form**) for:

- (i) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, for the following building line relaxations (as per the Site Development Plan (**Plan 2**)):
 - a) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 2,1m to allow the existing pool (as per the SDP) on Knysna Erf 1450;
 - b) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 2,8m to allow the existing stairs (as per the SDP) on Knysna Erf 1450;
 - c) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 1m to allow the existing carport (as per the SDP) on Knysna Erf 1450;
 - d) Relaxation of the eastern building line from 2m to 1,5m to allow the existing carport (as per the SDP) on Knysna Erf 1450;
 - e) Relaxation of the eastern building line from 2m to 0m to allow the existing stairs (as per the SDP) on Knysna Erf 1450;
 - f) Relaxation of the western building line from 2m to 0m to allow the existing deck (as per the SDP) on Knysna Erf 1450;
 - g) Relaxation of the western building line from 2m to 0,5m to allow the existing deck & existing pool (as per the SDP) on Knysna Erf 1450;
- (ii) Removal of Restrictive Title Deed Condition (B5) in Title Deed (T15398/2008); in terms of Section 15(2)(f) of the Knysna Municipality By-Law on Municipal Land Use Planning (2016), to allow the existing (as-built) structures on Knysna Erf 1450.

3. PROPERTY DESCRIPTION, SIZE & OWNERSHIP

A copy of the Title Deed (T15398/2008) and Windeed Copy is attached as **ANNEXURE C**. The General Plan for the application area is attached as **ANNEXURE D**.

Erf Number:	1450
Title Deed Number:	T15398/2008
Property Owners:	Denise Smith ID: 6502280145086
Property Description:	Erf 1450 Knysna in the municipality and division of Knysna, Western Cape Province
Property Size:	In extent 721m ² (Seven Hundred and Twenty-One) Square Metres
Title Deed	Conditions B(5):
Restrictions:	<ul style="list-style-type: none"><i>"That all buildings to be erected on this property shall stand back not less than 3,05 metres from the line of any street or avenue on which the erven may abut, and not less than 1,52 metres from boundary of adjoining erven. Such space may be utilised as gardens but may not be built upon"</i>
Servitudes:	There are no servitudes registered over the property.
Bonds:	There is no bond on the property.

SECTION B :**DEVELOPMENT PROPOSAL****4. DEVELOPMENT SPECIFICATIONS****4.1. Proposed Development**

(Refer to Plan 2: Site Development Plan)

The development proposal is merely to legalize the existing (as-built) structures that encroach the building lines on the property. The new proposed additions (new deck and dining room extension) are within the development parameters of the property.

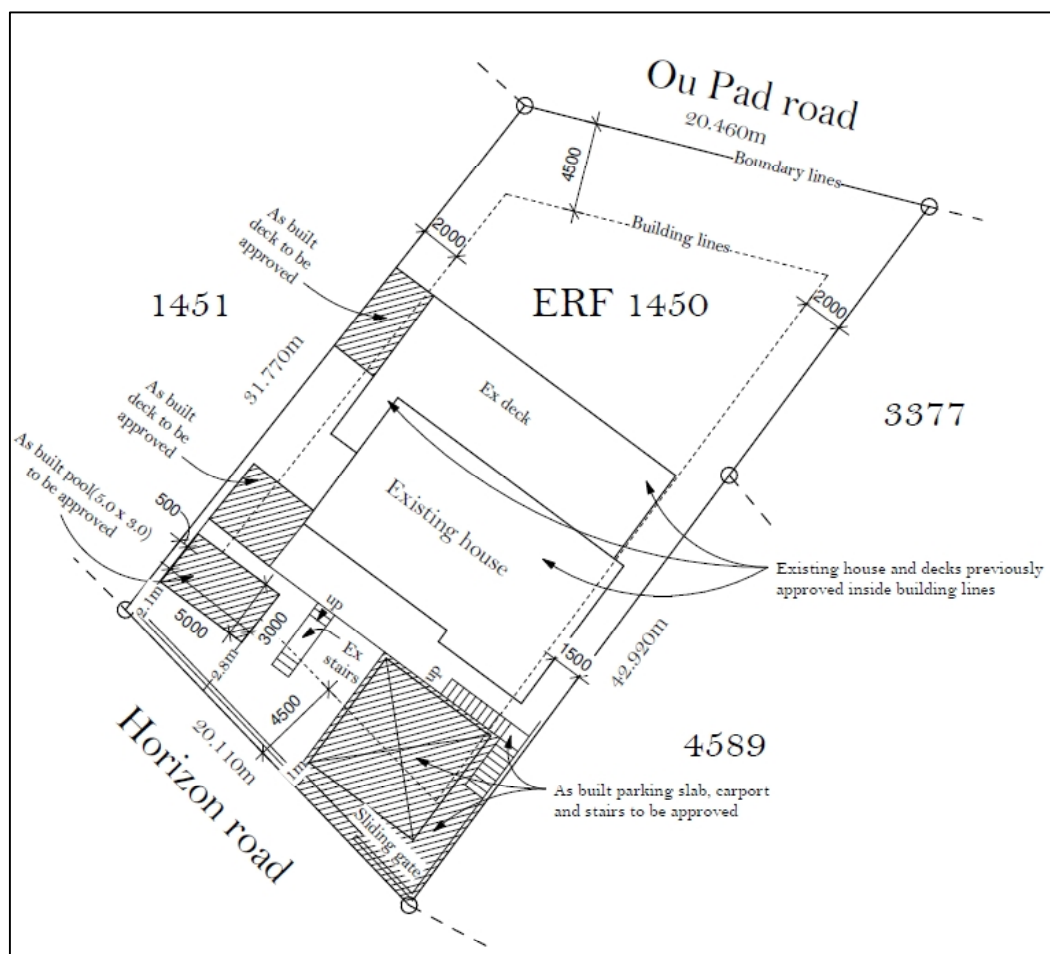


FIGURE 2: SITE DEVELOPMENT PLAN

Illustrated in the figure above, Knysna Erf 1450 have existing (as-built) structures encroaching the western, southern and eastern building lines.

The prescribed street building line along the southern boundary is 4.5m. The structures that encroaches the southern street building line is the existing pool, existing stairs and existing carport.



FIGURE 3: EXISTING POOL & STAIRS



FIGURE 4: EXISTING CARPORT

The prescribed lateral building line along the eastern boundary is 2m. The structures that encroaches this building line are the existing carport and the existing stairs.



FIGURE 5: EXISTING CARPORT



FIGURE 6: EXISTING STAIRS & EXISTING HOUSE

The prescribed lateral building line along the western boundary is 2m. The structures that encroaches this building line are the existing pool and two existing decks.



FIGURE 7: EXISTING POOL & DECK

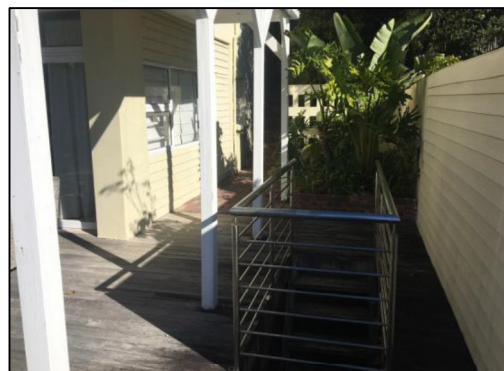


FIGURE 8: EXISTING DECK

4.1.1. Proposed Additions (New deck & dining room extension)

The owner of Knysna Erf 1450 wishes to construct a new deck and dining room extension. **The proposed additions do not require any land use applications**, as they are within the development parameters of the allowed land use.

However, the building plans (**Plan 3**) for these additions cannot be submitted or considered by Council until the encroachments have been dealt with.

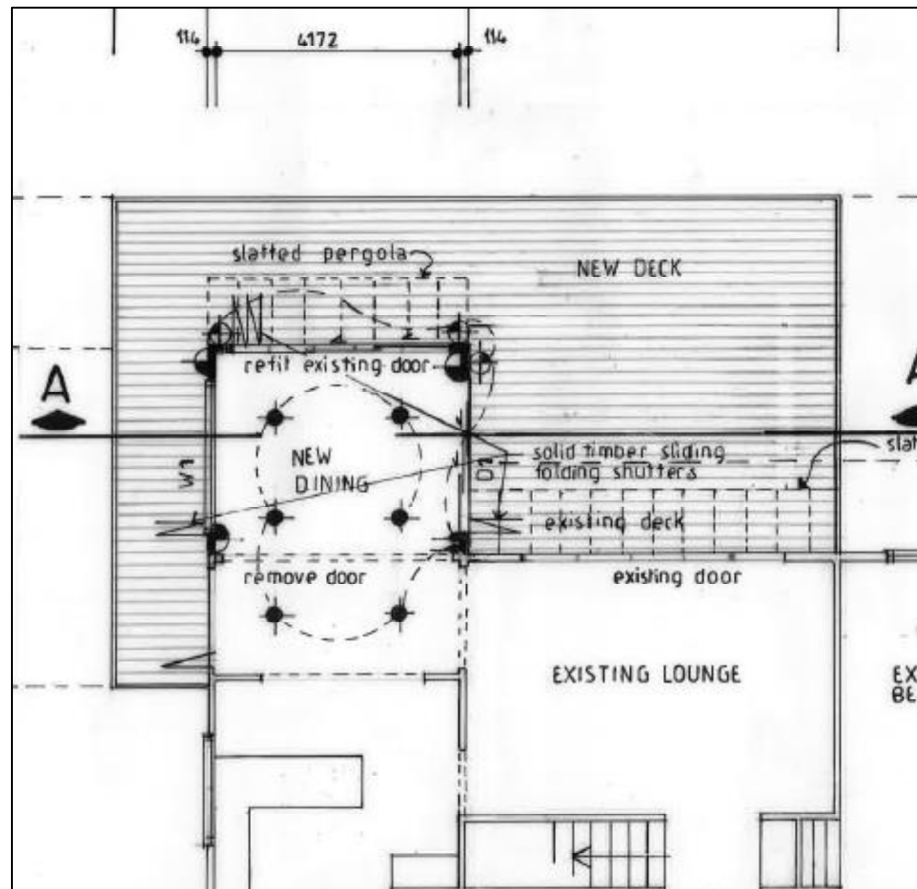


FIGURE 9: NEW DECK & DINING ROOM EXTENSION

5. STATUTORY SPECIFICATIONS

The intention of the application is to legalize the encroachments of the existing (as-built) structures on Knysna Erf 1450. The statutory applications that are lodged are:

5.1. Permanent Departures

The development proposal is merely to legalise the existing structures on the Knysna Erf 1450. The new Knysna Municipality: Zoning Scheme By-law (2020) prescribe certain parameters for a 'dwelling house'. The existing 'dwelling house' does not comply to all the development parameters as set out in the Zoning Scheme By-law, thus certain permanent departures are required to legalize the existing structures on the property.

SINGLE RESIDENTIAL ZONE I (SRI)		
Land use restrictions		Compliance
Primary use	Dwelling house	<i>Comply</i>
Height	at most 8.5 metres above natural ground level directly below a given point of the building with a maximum of 2 storeys; provided that a departure from the 2 storey	<i>Comply</i>

	limit may be considered due to the slope of the site; provided further that the 8,5 metre restriction is maintained and that the additional storey is added to the building on the lower side of the slope.	
Coverage	50%	38,45% Comply
Building lines	Street: 4,5 metres Side & rear: 2 metres	Northern street building line (Ou Pad Street): • 4,5m Comply
		Southern street building line (Horizon Road): • 2,1m to allow the existing pool • 2,8m to allow the existing stairs • 1m to allow the existing carport Departure required
		Western lateral building line: • 0m to allow the existing deck • 0,5m to allow the existing pool & deck Departure required
		Eastern lateral building line: • 1,5m to allow the existing carport • 0m to allow the existing stairs Departure required
Parking	2 bays per dwelling	Comply

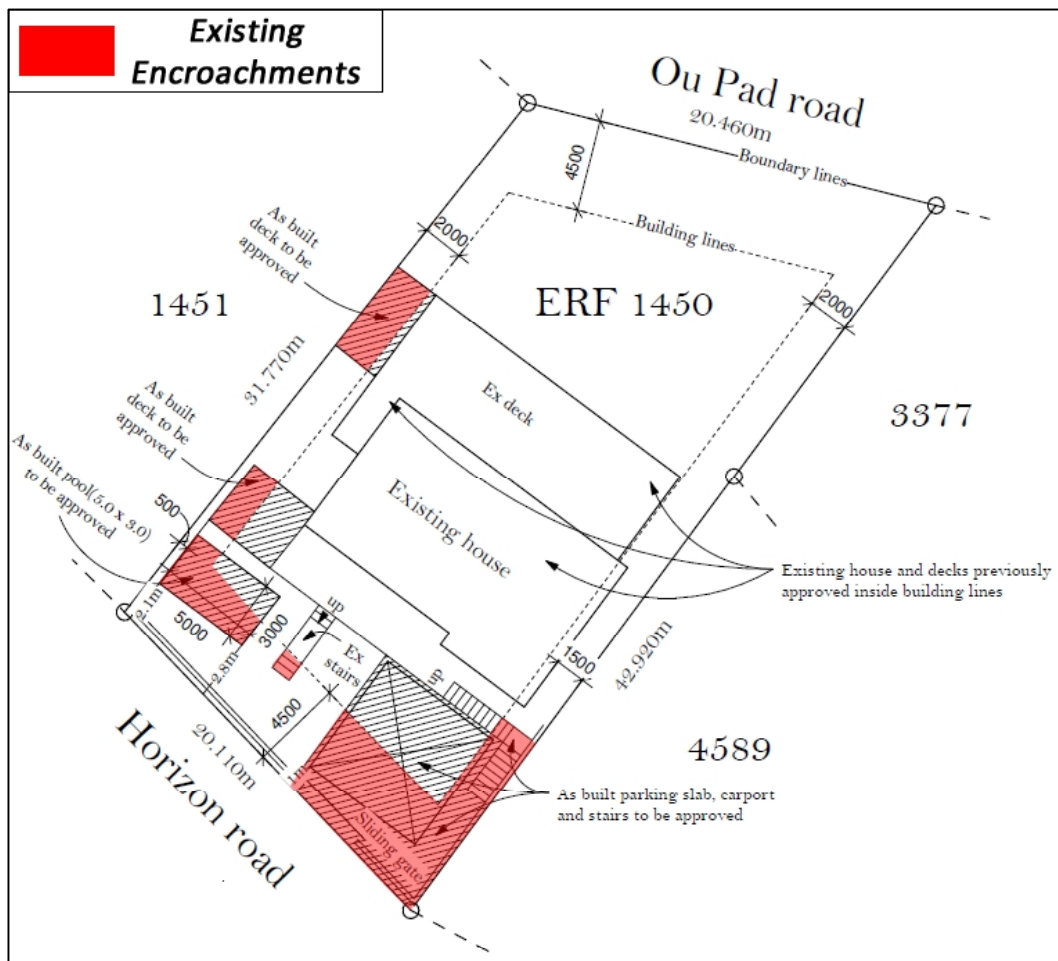


FIGURE 10: BUILDING LINE ENCROACHMENTS

In order to obtain consent from council it necessary to apply for permanent departures in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016); in order to relax the southern, eastern and western building lines to allow the existing (as-built) structures on Knysna Erf 1450.

The following land use application needs to be lodged in terms of Knysna Zoning Scheme:

- i. A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, for the following building line relaxations (as per the Site Development Plan):
 - a) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 2,1m to allow the existing pool (as per the SDP) on Knysna Erf 1450;
 - b) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 2,8m to allow the existing stairs (as per the SDP) on Knysna Erf 1450;
 - c) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 1m to allow the existing carport (as per the SDP) on Knysna Erf 1450;

- d) Relaxation of the eastern building line from 2m to 1,5m to allow the existing carport (as per the SDP) on Knysna Erf 1450;
- e) Relaxation of the eastern building line from 2m to 0m to allow the existing stairs (as per the SDP) on Knysna Erf 1450;
- f) Relaxation of the western building line from 2m to 0m to allow the existing deck (as per the SDP) on Knysna Erf 1450;
- g) Relaxation of the western building line from 2m to 0,5m to allow the existing deck & existing pool (as per the SDP) on Knysna Erf 1450.

5.2. Removal of Restrictive Title Deed Condition

The Title Deed (T15389/2008) of Knysna Erf 1450 contains a restrictive title deed condition that prevents the subject property to legalise the existing structures.

The special restrictive condition was imposed by the Administrator of the Province of the Cape of Good Hope under the provision of Ordinance No. 13 of 1927.

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) came into effect on 1 July 2013. The local municipality is now authorised to make a decision on the relaxation / removal of the title deed restrictions, when is imposed by the Administrator.

The Title Deed of Knysna Erf 1450 contains the following restrictive title deed condition. The condition can be removed with the permission of the Administrator (i.e. Knysna Municipality):

RESTRICTIVE CONDITION TO BE REMOVED	
Condition B (5)	<i>"That all buildings to be erected on this property shall stand back not less than 3,05 metres from the line of any street or avenue on which the erven may abut, and not less than 1,52 metres from boundary of adjoining erven. Such space may be utilised as gardens but may not be built upon"</i>

NOTE:

Condition C(5) state; *"that nothing in Condition B(5) as imposed by the authority shall be deemed to limit the power of any Local Authority hereafter to be constituted to require that buildings thereafter erected shall be set back further than 3,05 metres from the line of any street or avenue on which the lot may abut".*

Thus, the local authority (i.e. Knysna Municipality) is allowed to give permission to deviate from this condition. However, it is proposed to remove the condition (Condition B(5)), to avoid any future confusion and to allow only one set of development parameters, which is will be in terms of the new Knysna Municipality: Zoning Scheme By-law (2020).

An application is therefore made for the removal of this restrictive condition from the Title Deed for Knysna Erf 1450, in terms of Section 15(2)(f) of the Knysna Municipality By-Law on Municipal Land Use Planning (2016), to allow the existing structures on Knysna Erf 1450.

6. SERVICES INFRASTRUCTURE

The proposed development is merely to legalise the existing encroachments of the existing structures; no new development that will require additional services are proposed.

The existing service infrastructure is sufficient and will not be affected.

SECTION C :**CONTEXTUAL INFORMANTS****7. LOCALITY***(Plan 1: Locality Plan)*

Knysna Erf 1450 is located at 17 Horizon Road, the Heads, Knysna. The GPS coordinates for the centre of the property is located at 34° 4'37.17"S and 23° 3'44.90"E.

**FIGURE 11: LOCALITY****8. CURRENT LAND USE & ZONING****8.1. Land Use**

Knysna Erf 1450 is currently used for single residential purposes (dwelling house) and is within a residential neighbourhood. The proposed land use applications will not change the zoning or land use in any way whatsoever, it's merely to legalise the existing structures on the property.

The existing dwelling house has a set of approved building plans, please see attached **ANNEXURE F**.



FIGURE 12: LAND USE: DWELLING HOUSE

8.2. Zoning

Knysna Erf 1450 is currently zoned "Single Residential Zone I" in terms of the new Knysna Municipality: Zoning Scheme By-law (2020).

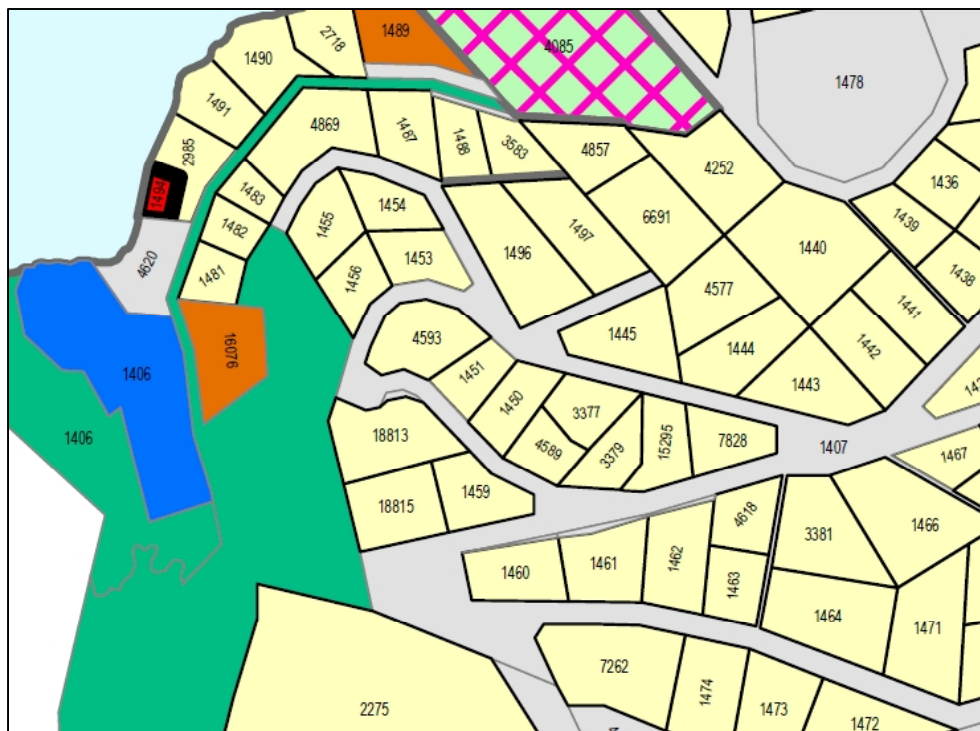


FIGURE 13: ZONING SCHEME MAP EXTRACT

9. CHARACTER OF THE AREA

The application area is situated in an area that is used for predominantly low density, single residential dwellings and self-catering accommodation establishments. The size of the dwelling units in the surrounding area is characterised by a mixture of medium to large dwelling units. As a result of the topography in the Heads neighbourhood, numerous examples exist of structures being situated over the building lines (e.g. stairs, decks & carports).

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 provinces spatial planning agenda.

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

The Western Cape’s agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth implies the on-going depletion of the Province’s natural capital needs to be broken. 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:

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on ‘greenfields’ development and low density sprawl	Emphasis on ‘brownfields’ development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
	Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service

FIGURE 14: KEY TRANSITIONS FOR THE PSDF

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.

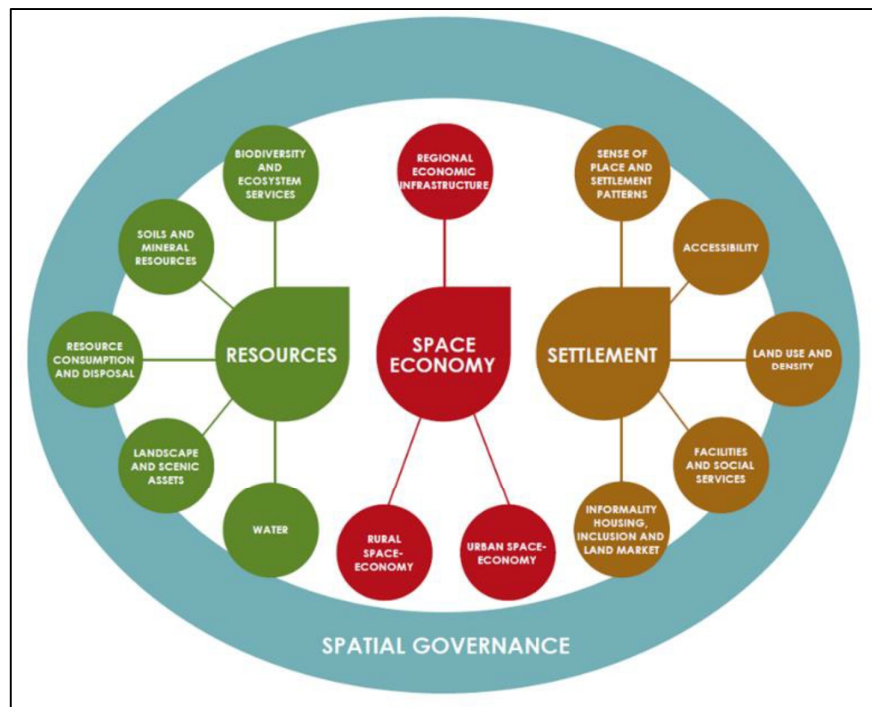


FIGURE 15: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

The proposed development compliments 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.

Planning Implication:

The proposed land use applications are merely to allow a relaxation of the street & lateral building lines to allow the existing structures on the property. The proposal is on such a small scale it is difficult to indicate how it will comply or deviate from the Western Cape Spatial Development Framework which applies to provincial scale planning.

10.2. Knysna SDF (2017)

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.

In response to the challenges, three spatial strategies underpin the Knysna SDF. The three spatial strategies aligned with and localising the Eden SDF spatial strategies to the Knysna LM context are:

1. The environment is the economy, recognising Knysna/Sedgefield as the heart of the Garden Route and that the environment and landscape underpin this and must be protected to secure the economic future of the municipality.
2. Equitable and inclusive access for spatial justice (improving access to opportunities, services and amenities) improving economic and social inclusion.
3. Sustainable and smart growth management and optimising resources (and operating within ecological, infrastructure and fiscal limits), i.e. doing more with less.

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



FIGURE 16: KNYSNA SPATIAL VISION & CONCEPT

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 Knysna to the desired spatial vision it wishes to achieve. Nonetheless, the property is located in the urban development area of Knysna and has an existing dwelling house, thus no sensitive vegetation (no environmental impacts) will be harmed or any urban sprawl will be created as a result of the proposed building line relaxations. Once again, the proposed application is on such a small scale it will not influence any policies or guidelines in the Knysna SDF.

10.3. Knysna Integrated Development Plan (2017/2023)

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:

Knysna IDP Vision
<ul style="list-style-type: none"> ▪ Encourage all members of society to participate in and support the municipal governance structure and to create opportunities for dialogue. ▪ Conserving and managing the 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.

Knysna IDP Vision	
▪	Supporting and encouraging the development of investment, business and tourism and emerging industries.
Vision: Inclusive...Innovative...Inspired	

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:

STRATEGIC OBJECTIVES
1. To ensure the provision of bulk infrastructure and basic service through the upgrading and replacement of ageing infrastructure, and the expansion of new infrastructure.
2. To promote a safe and healthy environment through the protection of our natural resources.
3. To create an enabling environment for social development and economic growth.
4. To create an enabling environment for social development and economic growth.
5. To grow the revenue base of the municipality.
6. To structure and manage the municipal administration to ensure efficient service delivery.
7. To encourage the involvement of communities in the matters of local government, through the promotion of open channels of communication.

Planning Implication:

Apart from being located within Ward 9, the proposed land development does not have a direct link to the strategic objectives set out in the IDP as it is on a too small scale to contribute or to deviate from the strategic objectives as set out in the IDP.

SECTION D :**MOTIVATION**

The Spatial Planning and Land Use Management Act (SPLUMA) came into effect on 1 September 2014. One of the main objectives of this act is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

11. ASSESSMENT OF APPLICATIONS**11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

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 Standard 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.

The following criteria must be considered when evaluating the desirability of the permanent departures and removal of restrictive title deed condition application. The table below summarises the criteria and reference to the motivation contained in the report:

Criteria	Reference in Report
The integrated development plan, including the municipal spatial development framework;	Par 10.3
The applicable local spatial development frameworks adopted by the Municipality	Par 10.2
The applicable structure plans	No applicable structure plans
The applicable policies of the Municipality that guide decision-making	Par 11.2
The provincial spatial development framework;	Par 10.1
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par 11.1
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	Par 18
Applicable provisions of the zoning scheme	Par 5.1

12. REMOVAL OF TITLE DEED RESTRICTION

According to Section 33(5) of the Knysna Municipality Standard By-law on Municipal Land Use Planning, the municipality must have regard to the following, when considering the removal, suspension or amendment of restrictive title deed conditions:

- a) *The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person, as the owner of a dominant tenement;*

Response:

The restrictive conditions prevent the current structures on Knysna Erf 1450 to be legalized. It will in no way influence the value of the surrounding properties as for the structures have been there for the past couple of years (12+ years).

- b) *The personal benefits which accrue to the holder of rights in terms of the restrictive condition.*

Response:

The holder of rights is the Knysna Municipality and does not enjoy any personal benefit by keeping this restrictive condition. No personal benefits will be lost by the removal of this restrictive condition. The local Council has an updated Zoning Scheme By-law to regulate the development parameters of land uses.

- c) *The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is amended, suspended, or removed;*

Response:

The personal benefit which accrues to the person seeking to remove the condition, it will allow the landowner to legalise the existing structures on the property that encroaches the prescribed building lines as set out in the title deed.

d) The social benefit of the restrictive condition remaining in place in its existing form;

Response:

No social benefits to maintain this restrictive title deed conditions as for all the current illegal structures have been there the past few years and the neighbours didn't have an issue with it because the problem was only pointed out when the owner of the property wanted to submit new building plans.

e) The social benefit of the removal, suspension or amendment of the restrictive condition

Response:

It will allow the owner to apply to legalise all the existing structures on the property and to submit new building plans for the proposed deck and the dining room extension.

f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights;

Response:

Removal of the restrictive condition will not completely remove the rights enjoyed by the holder, as for the owner of Knysna Erf 1450 still needs to apply for the applicable building line relaxations in terms of the applicable Municipal Planning Bylaw. The removal of the restrictive condition will not result in uncontrollable permanent departures.

It should be noted that any land development application on the property must still comply with the prescribed development parameters of the Knysna Zoning Scheme By-law (2020).

g) Whether the removal would be in the public interest.

Response:

The removal of the restrictive condition will in no way harm the public as for this is only to allow existing structures on the property.

13. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Paragraph 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) Both the Provincial Spatial Development Framework and the Knysna Spatial Development Framework are not applicable to this application, as the proposal is on a too small scale to influence any of the policies set out in these legislative documents;
- (ii) The proposed land development does not have a direct link to the strategic objectives set out in the IDP as it is on a too small scale to contribute or to deviate from the strategic objectives as set out in the IDP;
- (iii) The land use applications are to legalise existing structures; no change of zoning or land use is proposed, thus no impact on the surrounding property owners;
- (iv) The application area is located within the urban edge of the Knysna Municipality and is suitable for urban development.

14. CONSISTENCY WITH THE SURROUNDING AREA

The existing dwelling house will remain for residential use, thus no change in the land use. No change in character of the area or the built character will occur as a result of the proposed departure applications. The proposed additions are uses that are commonly associated with a dwelling house. The proposed building line departures will affect no neighbouring property owner. The proposed building line relaxations to allow the existing structures along the eastern, southern and western building line is structures that exists for more than 12 years and it will not affect anybody by legalizing those structures.

15. NO IMPACT ON EXISTING RIGHTS

The proposed application will not have any negative impact on any neighbouring property. It is merely to legalize the existing structures which have been there for at least the past 12 years and the neighbouring properties didn't complain up to date. The existing structures that encroaches the building lines does not impact any views for most of the structures are decks, stairs and a pool. The carport is the only solid structure that encroaches the building lines but is also existing. The physical house has approved building plans.

16. ENVIRONMENTAL IMPACT

The subject property is not within any Critical Biodiversity Areas and will not trigger any environmental listed activities according to the National Environmental Management Act (1998). No sensitive vegetation will be removed or harmed as a resulted of the proposed application as for all the structures is existing and was built more than 12 years ago. The proposed development of a deck and a dining room is within the building lines and within the urban fabric which the owner have a primary right for development within the building lines.

17. NO IMPACT ON MUNICIPAL SERVICES

The proposed permanent departures and removal of title deed restrictions will have no impact on municipal services. The new proposed development of a deck and a dining room will have no negative impact on municipal services. All the land use applications are to legalize the existing structures.

18. SPATIAL PLANNING & LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the application is consistent with the 5 main development principles applicable to spatial planning, land use management as set out in Section 42 of SPLUMA.

18.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Not applicable	This policy is not applicable to the application area.
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.	Not applicable	This policy is not applicable to the application area.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	This policy is not applicable to the application area.

18.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	Comply	The proposed development is within the urban edge of the Heads and within an established urban environment.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable	This policy is not applicable to the application area.
Uphold consistency of land use measures in accordance with environmental management instruments.	Comply	The application area is located within the urban edge of the Heads in a well-established residential neighbourhood. The proposal does not trigger any environmental listed activities according to the National Environmental Management Act (1998).
Promote and stimulate the effective and equitable functioning of land markets.	Comply	The proposed development is consistent with the character of the surrounding area. It will not impact the value of its surrounding properties as the application is merely to legalise existing structures.

Criteria	Compliance	Planning Implication
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Comply	The only additional development is a new deck and a dining room, this addition is on a small scale to have any impact on any services.
Promote land development in locations that are sustainable and limit urban sprawl, and result in communities that are viable.	Comply	The proposed development is within an existing residential area. No urban sprawl will be created because this is only for permanent departures and a removal of title deed restrictions.

18.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Comply	The land use on Knysna Erf 1450 will remain single residential. The proposed development is only for an extension on the house (dining room & deck).
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	Not Applicable	The municipality should process this application within the prescribed time frames of the Knysna Municipality By-law on Municipal Land Use Planning (2016).
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Not Applicable	The municipality should process this application within the prescribed time frames of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

18.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks	Comply	<p>The proposal is in line with the various spatial plan and policies, as motivated in the report.</p> <p>The proposed application complies with the requirements of the Knysna Municipality By-Law on Municipal Land Use Planning (2016).</p>

18.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government ensure an integrated approach to land use and land		

Criteria	Compliance	Planning Implication
development that is guided by the spatial planning and land use management systems as embodied in this Act.	Applicable to Knysna Municipality	<p>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 municipal planning bylaw.</p> <p>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</p>
All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use are met timeously.		
The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.		

19. CONCLUSION

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

- (i) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, for the following building line relaxations (as per the Site Development Plan (**Plan 2**)):
 - a) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 2,1m to allow the existing pool (as per the SDP) on Knysna Erf 1450;
 - b) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 2,8m to allow the existing stairs (as per the SDP) on Knysna Erf 1450;
 - c) Relaxation of the southern street building line (along Horizon Road) from 4,5m to 1m to allow the existing carport (as per the SDP) on Knysna Erf 1450;

- d) Relaxation of the eastern building line from 2m to 1,5m to allow the existing carport (as per the SDP) on Knysna Erf 1450;
- e) Relaxation of the eastern building line from 2m to 0m to allow the existing stairs (as per the SDP) on Knysna Erf 1450;
- f) Relaxation of the western building line from 2m to 0m to allow the existing deck (as per the SDP) on Knysna Erf 1450;
- g) Relaxation of the western building line from 2m to 0,5m to allow the existing deck & existing pool (as per the SDP) on Knysna Erf 1450;
- (ii) Removal of Restrictive Title Deed Condition (B5) in Title Deed (T15398/2008); in terms of Section 15(2)(f) of the Knysna Municipality By-Law on Municipal Land Use Planning (2016), to allow the existing (as-built) structures on Knysna Erf 1450.

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

Marika Vreken Urban and Environmental Planners
July 2020

ANNEXURE A:

Power of Attorney

SPECIAL POWER OF ATTORNEY

I / We, DENISE SMITH

_____ 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 *my/our lawful representatives in *my/our application for:

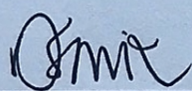
PERMANENT DEPARTURES & REMOVAL OF TITLE DEED RESTRICTIONS

on

KNYSNA ERF 1450

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 *me/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 LONDON, UK on this 29th day of June 2020

SIGNED: 

SIGNED: _____

SIGNED: _____

In the presence of the undersigned witnesses:

AS WITNESSES:

1. 

2. _____

ANNEXURE B:

*Application Form & Application Proof of
Payment*



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

First name(s)	Marike				
Surname	Vreken				
South African Council for Planners (SACPLAN) registration number (if applicable)	1101				
Company name (if applicable)	Marike Vreken Town Planners				
Postal Address	Po Box 2180				
	Knysna	Postal Code	6570		
Email	marike@vreken.co.za				
Tel	044 382 0420	Fax		Cell	082 927 5310

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

Registered owner(s)	DENISE SMITH				
Physical address					
		Postal code			
E-mail					
Tel		Fax		Cell	

PART C: PROPERTY DETAILS (in accordance with title deed)

Property description [Number(s) of Erf/Erven/Portion(s) or Farm(s), allotment area.]	Erf 1450 Knysna in the municipality and division of Knysna, Western Cape Province				
Physical Address	17 Horizon Road, the Heads, Knysna				
GPS Coordinates	34° 4'37.17"S and 23° 3'44.90"E	Town/City	Knysna		
Current Zoning	Single Residential Zone I	Extent	721m ²	Are there existing buildings?	Y N
Applicable Zoning Scheme	Knysna Municipality: Zoning Scheme By-law (2020)				

Current Land Use	Single Residential (Dwelling House)				
Title Deed number and date	T		T15398/2008		
Any restrictive conditions?	<u>Y</u>	N	If Yes, list condition(s)	Conditions B(5): "That all buildings to be erected on this property shall stand back not less than 3,05 metres from the line of any street or avenue on which the erven may abut, and not less than 1,52 metres from boundary of adjoining erven. Such space may be utilised as gardens but may not be built upon."	
Are the restrictive conditions in favour of a third party(ies)?	<u>Y</u>	N	If Yes, list the party(ies)	<p>The special restrictive condition was imposed by the Administrator of the Province of the Cape of Good Hope under the provision of Ordinance No. 13 of 1927.</p> <p>The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) came into effect on 1 July 2013. The local municipality is now authorised to make a decision on the relaxation / removal of the title deed restrictions, when is imposed by the Administrator.</p> <p>The condition can be removed with the permission of the Administrator (i.e. Knysna Municipality).</p>	
Is the property encumbered by a bond?	Y	<u>N</u>	If Yes, list bondholder(s)	N/A	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<u>Y</u>	N	If yes, is this application to legalize the building / land use?	<u>Y</u>	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	<u>N</u>	Are there any land claim(s) registered on the subject property(ies)?	Y	<u>N</u>
PART D: PRE-APPLICATION CONSULTATION					
Has there been any pre-application consultation?	<u>Y</u>	N	If Yes, complete the information below and attach the minutes of the pre-application consultation.		
Official's name	Mr S Madumbo	Reference Number	Pre-Application Meeting - 18 June 2020	Date of consultation	18 June 2020
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					
Tick	Section	Type of application	Cost		
√	2(a)	a rezoning of land;	R		
√	2(b)	a permanent departure from the development parameters of the zoning scheme;	R1 885.00		
√	2(c)	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;	R		
√	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R		
√	2(e)	a consolidation of land that is not exempted in terms of section 24;	R		
√	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R 754.00		

✓	2(g)	a permission required in terms of the zoning scheme;	R
✓	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
✓	2(i)	an extension of the validity period of an approval;	R
✓	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
✓	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
✓	2(l)	a permission required in terms of a condition of approval;	R
✓	2(m)	a determination of a zoning;	R
✓	2(n)	a closure of a public place or part thereof;	R
✓	2(o)	a consent use contemplated in the zoning scheme;	R
✓	2(p)	an occasional use of land;	R
✓	2(q)	to disestablish a home owner's association;	R
✓	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
✓	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.	R

TOTAL A: R2 639.00

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

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

TOTAL B: R

TOTAL APPLICATION FEES*

(TOTAL A + B) R

* 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

<u>Y</u>	N	Power of attorney / Owner's consent if applicant is not owner		Y	<u>N</u>	Bondholder's consent (if applicable)
Y	<u>N</u>	Resolution or other proof that applicant is authorised to act on behalf of a juristic person		<u>Y</u>	N	Proof of registered ownership or any other relevant right held in the land concerned
<u>Y</u>	N	Written motivation		<u>Y</u>	N	S.G. diagram / General plan extract
<u>Y</u>	N	Locality plan		<u>Y</u>	N	Site development plan or conceptual layout plan
Y	<u>N</u>	Proposed subdivision plan		Y	<u>N</u>	Proof of agreement or permission for required servitude
<u>Y</u>	N	Proof of payment of application fees		<u>Y</u>	N	Full copy of the title deed
Y	<u>N</u>	Conveyancer's certificate		<u>Y</u>	N	Minutes of pre-application consultation meeting (if applicable) 18 June 2020

Supporting information and documentation:

Y	N	<u>N/A</u>	Consolidation plan		Y	N	<u>N/A</u>	Land use plan / Zoning plan
Y	N	<u>N/A</u>	Street name and numbering plan					
Y	N	<u>N/A</u>	Landscaping / Tree plan		Y	N	<u>N/A</u>	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	<u>N/A</u>	Abutting owner's consent		Y	N	<u>N/A</u>	Home Owners' Association consent
Y	N	<u>N/A</u>	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)		Y	N	<u>N/A</u>	Services Report or <u>indication of all municipal services / registered servitudes</u>
Y	N	<u>N/A</u>	Copy of original approval and conditions of approval		Y	N	<u>N/A</u>	Proof of failure of Home owner's association

Y	N	<u>N/A</u>	Proof of lawful use right		Y	N	<u>N/A</u>	Any additional documents or information required as listed in the pre-application consultation form / minutes
<u>Y</u>	N	<u>N/A</u>	Required number of documentation copies		Y	N	<u>N/A</u>	Other (specify)

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

Y	<u>N/A</u>	National Heritage Resources Act, 1999 (Act 25 of 1999)					Specific Environmental Management Act(s) (SEMA)
Y	<u>N/A</u>	National Environmental Management Act, 1998 (Act 107 of 1998)					(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),
Y	<u>N/A</u>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)					National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008),
Y	<u>N/A</u>	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		Y	<u>N/A</u>		National Water Act, 1998 (Act 36 of 1998)
Y	<u>N/A</u>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations					(strikethrough irrelevant)
Y	<u>N/A</u>	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	<u>N/A</u>		Other (specify)
Y	<u>N</u>	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.					
<u>Y</u>	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of the Proposed Standard Draft By-law on Municipal Land Use Planning ? If yes, please attach motivation.					

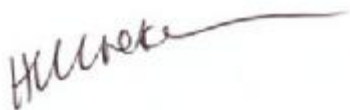
SECTION I: DECLARATION

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:



Date:

07/07/2020

Full name:

Hendrika Marike Vreken

Professional capacity:

Professional Town Planner

SACPLAN 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:

Please do not submit these Annexures with the application form.

Annexure A: Minimum requirements matrix

Annexure B: Land use planning application submission and protocol

Annexure C: Land use planning application workflow



KNYSNA Municipality Munisipaliteit uMasipala
ONLY VALID IF PRINTED BY MACHINE / SLEGS MASJENGEDRUKTE KWITANSIES GELDIG
RECEIVED WITHOUT PREJUDICE TO RIGHTS / ONTVANG SONDER BENADELING VAN REGTE

044 302 6300
21 KNYNSA 6570
FAX 044 302 6333

VAT INVOICE/RECEIPT

RECEIPT: 017460

DATE: 08/07/2020 MC NO:032

TIME: 10:24

KNYSNA MUNICIPALITY VAT REG: 4360193876

* DUPLICATE *

CST:9/242-13-15

Apply: Sections D tp4
Removal of Restrict tp7

245.86
98.34

1885.00 *
754.00 *

CREDIT CARD
Erf no:1450
KNYSNA

TOTAL: 2639.00
VAT: 344.20 *
TENDERED: 2639.00
CHANGE: 0.00

ANNEXURE C:

Copy of Title Deed & Windeed Copy

BISSET
BOEHMKE
MCBLAIN

TELEPHONE (021) 441-9800 TELEFOON

UITVOERING / EXECUTION

Ref. No./Verw. Nr.

MP1787

Datum van indiening/Date of lodgement

LODGED
2008-02-19
INGEDIEN

	Onsersokers / Examiners	Kamers/ Rooms	Skakeling / Linking	Verwerp/ Reject	Passeer / Pass
1.	J. KOCK 1312A		/	/	
2.	J.M. NGCEBETSHA 1323		/	/	
3.					

VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE.

Aard van Akte / Nature of Deed:

Wantsel

g.v./i.f.o.

D. Smith

T 00001538972008

Skakeling / Linking	Titelaktes, ens. binne / Title deeds, etc. within
1	T 106625/2004

GELYKTYDIGES / SIMULTANEOUS

No. in stel/batch	Kode Code	Name van Partye / Names of Parties	EXAMINER'S NOTES INSIDE
1			27 FEB 2008 CAPE TOWN HANDED IN FOR EXECUTION
2			
3			
4			
5			
6			
7			
8			
9			
10			

Registration versoek deur:
Registration requested by:

Datum
Date:

080004030726

gdb 1450 Kuyana

① Friend first dead to follow
title. Redman p. 2 of the dead.

J. KOCK 1312A

A. VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE:

(a) Gelyktydiges met ander registrasiekantore/deeltitels: Simult with other registries/sectional titles:

	Kode	Firma / Firm	Eiendom / Property	Kantoor / Office
1				
2				
3				
4				

(b) Kliënt afskrifte van aktes permanent in Aktekantoor geliasseer:
Client copies of deed filed permanently in Deeds Office:

Aard en nommer van akte Nature and number of deed	Omslag nr. Cover no.	Parawe van ondersoekers Initials of examiners

(c) Notas / Notes:

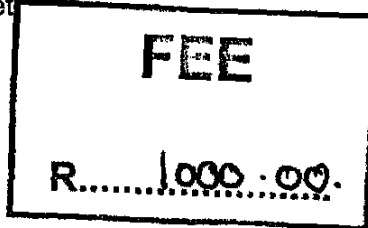
B. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE:

		Opmerkings Remarks	Paraaf Initials
Interdikte nagesien deur Interdicts checked by	(1) Dorp goedgekeur (geproklameer) Township approved (proclaimed).....		
Datum Date	(2) Begiftigingserwe Endowment erven.....		
	(3) Begiftiging Endowment.....		
	(4) Voorwaardes Conditions.....		
Interdikte nagesien deur Interdicts checked by	(5) Mikro Micro.....		
Datum Date	(6) Algemene plan General Plan.....		
	(7) Titellakte Title deed.....		
	(8) Verbande teen dorpsitel Bonds against township title.....		
	(9) Datum nagesien Date checked.....		

Kantoor instruksies / Office instructions:

Seksie / Section:

Vowles Callaghan & Boshoff Incorporated
24 Queen Street
Knysna
6570

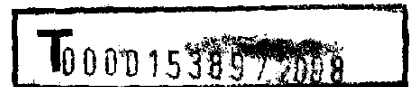


Prepared by me

A handwritten signature in black ink, appearing to be "Vowles Callaghan & Boshoff".

CONVEYANCER
CALLAGHAN A D

DEED OF TRANSFER

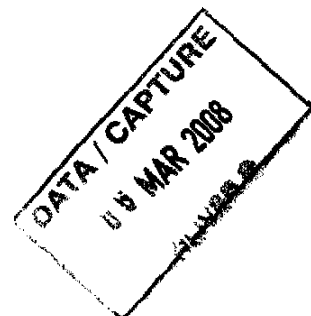
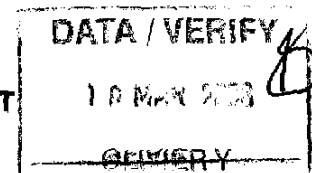


BE IT HEREBY MADE KNOWN THAT

RONEL ELS

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said
appearer being duly authorised thereto by a Power of Attorney which said Power
of Attorney was signed at KNYSNA on the 14th DAY of JANUARY 2008 granted
to him by

- THE EXECUTRIX IN THE
1. ESTATE LATE CHRISTOPHER JOHN COURT
NO 9985/2007
 2. JANE FRANCES SEYMOUR COURT
Identity Number 600826 0209 08 2
Widow



For Information Only

And the appearer declared that his said principal had, on 10 December 2007, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

DENISE SMITH
Identity Number 650228 0145 08 6
Unmarried

her Heirs, Executors, Administrators or Assigns, in full and free property

ERF 1450 KNYSNA IN THE MUNICIPALITY AND DIVISION OF
KNYSNA, WESTERN CAPE PROVINCE;

IN EXTENT 721 (SEVEN HUNDRED AND TWENTY ONE) SQUARE
METRES

FIRST TRANSFERRED by Deed of Transfer No. T5411/1945 with Diagram No.
A4763/1930 relating thereto and held by Deed of Transfer T106425/2004

- A. **SUBJECT** to such conditions as are referred to in Deed of Transfer No. T13954/1982.
- B. **SUBJECT FURTHER** to the following conditions contained in said Deed of Transfer No. T5411/1945, imposed by the Administrator of the Province of the Cape of Good Hope under the provisions of Ordinance No. 13 of 1927, namely:-
- (1) That the erven be used for residential purposes only except erven Nos. 5, 33, 34, 35, 36, 37 and 38 which may if desired be used for business purposes.
 - (2) That erf No 26 be reserved for religious purposes.
 - (3) That the erven be not subdivided without the approval of the Administrator.
 - (4) That not more than one dwelling be erected on any one erf, and that not more than one half the area of any residential erf be built upon.
 - (5) That all buildings to be erected on this property shall stand back not less than 3,05 metres from the line of any street or avenue on which the erven may abut, and not less than 1,52 metres from the boundary

For Information Only

of adjoining erven. Such space may be utilised as gardens but may not be built upon.

C. SUBJECT FURTHER to the following conditions imposed by and in favour of John Christian Duthie and Thomas Hendry Duthie as joint owners under two Deeds of Transfer both dated 31st December 1908 and numbered respectively 9492 and 9493 (hereinafter referred to as the Owners) and their Successors in Title of the remaining extent of the farm Woodbourne or any part thereof not less than 342,6128 hectares, or in the event of any one of them having ceased to own not less than 342,6128 hectares of the remaining extend of that farm, the other of them, namely:-

1. That this lot shall be subject to the special condition that it shall not be utilised for other than residential purposes, and, in the event of the transferee or her successors in title failing to conform to the requirements of the Owners in regard to proper sanitation and due cleanliness upon this lot, the Owners shall have the right to carry out such work or do any such acts which may be necessary to insure such sanitation and cleanliness and to recover the costs thereof from the transferee or her successors in title.
2.
3. That no dwelling house shall be erected at a cost of less than Four Hundred Rand (R400,00) and no dwelling house or building shall be erected until the plans shall have been approved by the Owners or should a Local Authority have been constituted, such Local Authority.
4. That the transferee and her successors in title of this lot shall be obliged to allow the drainage and sewerage of any lot or lots to be conveyed under this lot if deemed necessary by the Owners, or by a properly constituted Local Authority at any time, and in such manner and in such position as may from time to time be reasonably required by the Owners or a properly constituted Local Authority.
5. That nothing in Condition B.(5) as imposed by the Administrator shall be deemed to limit the power of any Local Authority hereafter

For Information Only

to be constituted to require that buildings thereafter erected shall be set back further than 3,05 metres from the line of any street or avenue on which the lot may abut.

For Information



4

For Information Only

WHEREFORE the Appearer, renouncing all the right and title the said TRANSFERORS heretofore had to the premises, did, in consequence also acknowledge the TRANSFERORS to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said TRANSFEREE, her heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the said Transferor to be satisfactorily paid the whole of the purchase price amounting to the sum of **R6 250 000,00 (Six Million Two Hundred and Fifty Thousand Rand)**

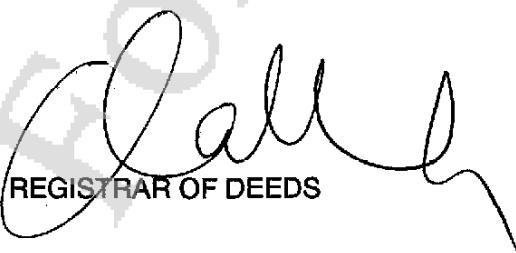
IN WITNESS WHEREOF, I the said Registrar of Deeds, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds, in CAPE TOWN

on the

28/2/ 2008

In my presence,


REGISTRAR OF DEEDS


q.q.



For Information Only

2024

BISSES BOEHMKE McBLAIN
MP 1787 CB/RS

Vowles Callaghan & Boshoff Incorporated
24 Queen Street
Knysna
6570

Prepared by me

CONVEYANCER
CALLAGHAN A D

6-7-8-9
⑦

POWER OF ATTORNEY TO PASS TRANSFER

We, the undersigned

1. **JANE FRANCES SEYMOUR COURT**, in my capacity as Executrix in the Estate Late **CHRISTOPHER JOHN COURT**, acting under Letters of Executorship No 9985/2007 issued by the Master of the High Court of South Africa, CAPE TOWN, on the 10th of September 2007
2. **JANE FRANCES SEYMOUR COURT**
Identity Number 600826 0209 08 2
Widow

do hereby nominate and appoint

CARL CHRISTIAAN BURGER

RONEL ELS

with power of substitution to be our true and lawful Attorney and Agent in our name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at Cape Town or any other competent official in the Republic of South Africa and then and there as our act and deed to pass transfer to:

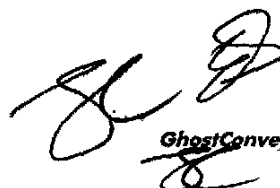
DENISE SMITH
Identity Number 650228 0145 08 6
Unmarried

the property described as:

ERF 1450 KNYSNA IN THE MUNICIPALITY AND DIVISION OF
KNYSNA, PROVINCE OF THE WESTERN CAPE;

IN EXTENT: 721 (SEVEN HUNDRED AND TWENTY ONE) SQUARE
METRES

HELD BY Deed of Transfer No. T106425/2004



GhostConvey 9.7.3.8ab

For Information

MASTER OF THE
CAF
2008
KAA
MEESTER VAN DIT

MASTER OF THE
CA
2008
KA
MEESTER VAN DIT

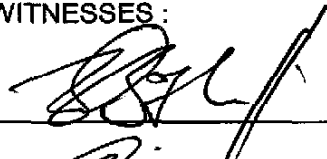
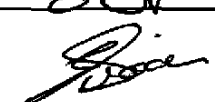
MASTER OF THE
CAF
2008 -0
KAA
MEESTER VAN DIT

the said property having been sold by us on 10 December 2007, to the said transferee/s for the sum of R6 250 000,00 (Six Million Two Hundred and Fifty Thousand Rand)

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at KNYSNA on the 14th DAY of JANUARY 2008 in the presence of the undersigned witnesses.

AS WITNESSES:

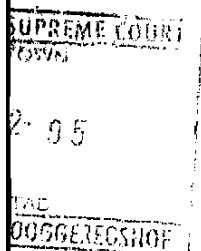
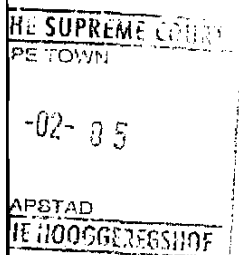
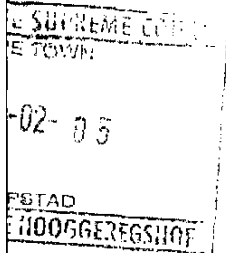
1. 
2. 



Executrix in the Estate Late CHRISTOPHER
JOHN COURT

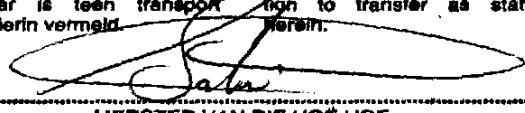


JANE FRANCES SEYMOUR COURT





2

SERTIFIKAAT	CERTIFICATE
Ek bevestig hiermee, in terme van Artikel 42(2), Wet No. 66 van 1965, dat daar geen beswaar is teen transport soos hierin vermeld.	I hereby certify, in terms of Section 42(2), Act No. 66 of 1965, that there is no objection to transfer as stated herein.
	
MEESTER VAN DIE HOË HOF MASTER OF THE HIGH COURT	
KAAPSTAD/CAPE TOWN 05/01 28.08	

MASTER OF THE SUPREME COURT CAPE TOWN
2008-02-05
KAAPSTAD MEESTER VAN DIE HOOGGERECHTSHOF

For Information



2 ✓

TD2

TRANSFER DUTY

Receipt or exemption certificate
Transfer Duty Act, 1949

Part 2

Details of seller(s)/transferor(s)

Full name of seller/
transferor (1)

ESTATE LATE CHRISTOPHER JOHN COURT

Identity/Trust/CC/
Company number

450910 5112 08 6

Full name of seller/
transferor (2)

JANE FRANCES SEYMOUR COURT

Identity/Trust/CC/
Company number

600826 0209 08 2

Details of purchaser(s)/transferee(s)

Full name of purchaser/
transferee (1)

DENISE SMITH

Identity/Trust/CC/
Company number

650228 0145 08 6

Full name of purchaser/
transferee (2)

Identity/Trust/CC/
Company number

Details of purchase transaction

Transfer Duty payable on

R6 250 000,00

being total consideration



or fair value



Date of acquisition

16 January 2008 10 December 2007

Bought by:

Private Treaty ☒

Public Auction ☐

Consideration

R6 250 000,00

Any other consideration
payable

N/A

SARS reference

Total consideration

R6 250 000,00

Conveyancer's/Attorney's file reference

C16

Description of property
(as per Deeds Registry)

ERF 1450 KNYSNA IN THE MUNICIPALITY AND DIVISION OF KNYSNA, PROVINCE OF THE WESTERN
CAPE;
IN EXTENT 721 (SEVEN HUNDRED AND TWENTY ONE) SQUARE METRES

Declaration by Conveyancer/Attorney

I DEON BOSHOFF (Vowles Callaghan & Boshoff Incorporated)

(full name) hereby certify that this is a true copy of the transfer duty

receipt / exemption certificate, drawn from the SARS website (e-filing only).

Signature

25/1/08

Date

RECEIPT/EXEMPTION

NO DUTY PAYABLE ON
GREN HEREGEGTE BETAALBAAR OP R6 250 000,00
IN TERMS OF SECTION 2(1) OF THE TRANSFER ACT 1949
IN TERME VAN ARTIKEL 2(1) VAN DIE WET OP HEREGEGTE 1949
ONTVANGER VAN INKOMSTE - RECEIVER OF REVENUE
GEORGE



RECEIVER OF REVENUE
ONTVANGER VAN INKOMSTE
GEORGE

2008-02-05 189040229
(Transfer Duty)

R 445,000,00

CHEQUE

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TRANSFEROR:

1. ESTATE LATE CHRISTOPHER JOHN COURT
NO 9985/2007
2. JANE FRANCES SEYMOUR COURT
IDENTITY NUMBER 600826 0209 08 2
WIDOW

TRANSFeree:

DENISE SMITH
IDENTITY NUMBER 650228 0145 08 6
UNMARRIED

PROPERTY DESCRIPTION:

ERF 1450 KNYSNA in the Municipality and Division of KNYSNA, Province of the Western Cape

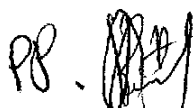
IN EXTENT: 721 (SEVEN HUNDRED AND TWENTY ONE) square metres

CLEARANCE CERTIFICATE:

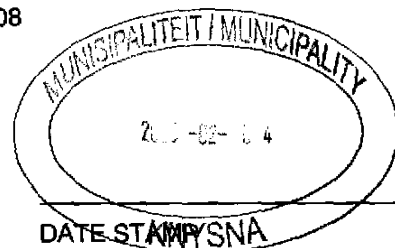
KNYSNA MUNICIPALITY

It is hereby certified, in terms of the provisions of Section 118 of the Municipal Systems Act No 32 of 2000 that all amounts due in connection with the aforesaid property for municipal service fees, surcharge on fees, property rates and other municipal taxes, levies and duties, during the two years preceding the date of application for this certificate, have been fully paid.

THE VALIDITY OF THIS CERTIFICATE EXPIRES ON: 30 JUNE 2008



TREASURER



For Information Only

Prod DEEDS REGISTRATION SYSTEM - CAPE TOWN
Prepared By : DRS08073 - MORROW LUCRETIA/TEMP

DATE : 20080220 TIME : 08:17:09.6 PAGE : 1

TRACK NUMBER : 80004030

BLACK-BOOKING ENQUIRY ON NAME - COURT CHRISTOPHER JOHN
ID NUMBER - 450910
BIRTH DATE - 19450910
MARITAL STATUS - FOREIGN MARRIAGE
MAIDEN NAME -
TYPE OF PERSON - PRIVATE PERSON

PERSON NAME AND ID		CONTRACTS/INTERDICTS	NOTED ON MICROFILM REF
COURT CHRISTOPHER JOHN	450910	H542/1966	0
	450910	PA712/1981	0

** Please Note : The Information appearing on this printout is furnished for purposes of information only.
For more detailed information, please refer to the registered source documents.

*** END OF REPORT ***

For Information On

Prod DEEDS REGISTRATION SYSTEM - CAPE TOWN
Prepared By : DRS08073 - MORROW LUCRETIA/TEMP



20080220 TIME : 08:17:44.0 PAGE : 1

TRACK NUMBER : 80004030726

BLACK-BOOKING ENQUIRY ON NAME - COURT CHRISTOPHER JOHN B-E
ID NUMBER -
BIRTH DATE - 0
MARITAL STATUS -
MAIDEN NAME -
TYPE OF PERSON -

PERSON DOES NOT EXIST

** Please Note : The Information appearing on this printout is furnished for purposes of information only.
For more detailed information, please refer to the registered source documents.

*** END OF REPORT ***

For Information On

Prod DEEDS REGISTRATION SYSTEM - CAPE TOWN
Prepared By : DRS08073 - MORROW LUCRETIA/TEMP

(7)

DATE: 20080220 TIME : 08:18:15.1 PAGE : 1

TRACK NUMBER : 80004030726

BLACK-BOOKING ENQUIRY ON NAME - COURT JANE FRANCES SEYMOUR
ID NUMBER - 600826
BIRTH DATE - 19600826
MARITAL STATUS - FOREIGN MARRIAGE
MAIDEN NAME -
TYPE OF PERSON - PRIVATE PERSON

PERSON HAS NO CONTRACTS/INTERDICTS

** Please Note : The Information appearing on this printout is furnished for purposes of information only.
For more detailed information, please refer to the registered source documents.

*** END OF REPORT ***

For Information Only

Prod DEEDS REGISTRATION SYSTEM - CAPE TOWN
Prepared By : DRS08073 - MORROW LUCRETIA/TEMP



20080220 TIME : 08:16:21.4 PAGE : 1

TRACK NUMBER : 80004030726

PROPERTY DETAILS PRINT FOR PORTION 0
ERF NO 1450
TOWNSHIP KNYSNA
REG DIV KNYSNA RD

PROVINCE WESTERN CAPE
PREV DESCRIPTION
DIAGRAM DEED NO T5411/1945
EXTENT 721 SQM
CLEARANCE KNYSNA MUN

NO INTERDICTS

NO DOCUMENTS

OWNER DETAILS

FULL NAME & SHARE	PURCH DATE	AMOUNT/REASON	O/P/A	IDENTITY	TITLE DEED	MMDD	MICROFILM REF
COURT CHRISTOPHER JOHN				450910	7106425/2004	1101	2005 0034 2282
0.500000 1/2	20040903	R1800000.00	0				
COURT JANE FRANCES SEYMOUR				600826	T106425/2004	1101	2005 0034 2282
0.500000 1/2	20040903	R1800000.00	0				

THE SUM OF THE SHARE TOTALS IS : 1.000000

* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

** Please Note : The information appearing on this printout is furnished for purposes of information only.
For more detailed information, please refer to the registered source documents.

*** END OF REPORT ***

For Information Only

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

KNYSNA, 1450, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2020/06/24 14:15
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference PR2022

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 1450
Portion Number 0
Township KNYSNA
Local Authority KNYSNA MUN
Registration Division KNYSNA RD
Province WESTERN CAPE
Diagram Deed T5411/1945
Extent 721.0000SQM
Previous Description -
LPI Code C03900050000145000000

OWNER INFORMATION**Owner 1 of 1**

Type PRIVATE PERSON
Name SMITH DENISE
ID / Reg. Number 6502280145086
Title Deed T15389/2008
Registration Date 2008/02/28
Purchase Price (R) 6,250,000
Purchase Date 2007/12/10
Share 0.00
Microfilm 2008 0323 0509
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS

No documents to display

HISTORIC DOCUMENTS (3)

#	Document	Owner	Amount (R)	Microfilm
1	T13954/1982	DEY ALEXANDER ROBBIE DAVIDSON	UNKNOWN	2005 0034 2277
2	T106425/2004	COURT CHRISTOPHER JOHN	1,800,000	2008 0323 0526
3	T106425/2004	COURT JANE FRANCES SEYMOUR	1,800,000	2008 0323 0526

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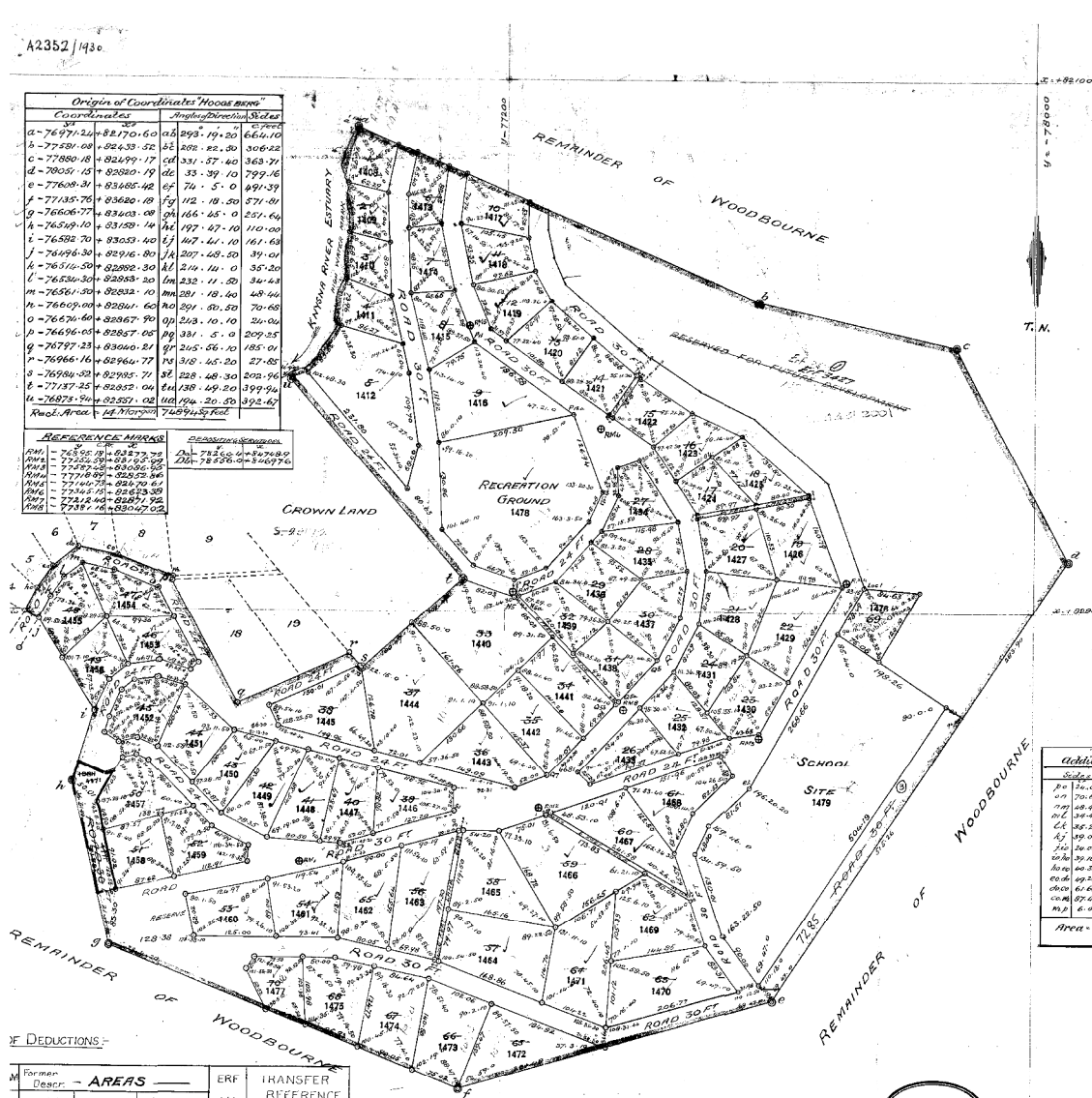
ANNEXURE D:

General Plan 5088/55

① In terms of Section 80(2) of 1927 this plan has been amended by the addition of a new Lot numbered 70. Vide Admin. Approval dated 12-12-1941.
S. 1917/3, Dgr. 3510/1941.
New Lot 1477 Keyana
for Surveyor-General
9-7-1942

Origins of Coordinates "Moos men"				
Coordinates	Longitude	Latitude	Notes	
A = 77-58.10	82° 10' 00" E	55° 20' 00" N		
B = 77-58.10	82° 43.33' E	55° 20' 00" N		
C = 77-58.10	82° 46.67' E	55° 17' 00" N		
D = 77-58.10	83° 05.00' E	55° 33' 00" N		
E = 77-58.10	83° 05.00' E	55° 35' 00" N		
F = 77-15.75	83° 40.00' E	57° 12' 00" N		
G = 76-06.77	83° 43.00' E	56° 16.65' N		
H = 76-30.10	83° 53.59' E	56° 19.77' N		
I = 76-30.10	83° 55.44' E	56° 46.64' N		
J = 76-30.10	83° 55.44' E	56° 46.64' N		
K = 76-31.50	82° 29.00' E	56° 21.00' N		
L = 76-30.30	82° 58.33' E	56° 23.22' N		
M = 76-31.50	82° 58.33' E	56° 20.00' N		
N = 76-31.50	82° 58.33' E	56° 18.00' N		
O = 76-27.40	82° 58.33' E	56° 18.00' N		
P = 76-46.95	82° 58.33' E	56° 38.31' N		
Q = 76-57.23	82° 40.00' E	56° 21.00' N		
R = 76-56.66	82° 46.67' E	56° 33.33' N		
S = 76-56.66	82° 46.67' E	56° 33.33' N		
T = 76-57.23	82° 46.67' E	56° 33.33' N		
U = 76-57.23	82° 55.00' E	56° 40.00' N		
V = 76-57.23	82° 55.00' E	56° 40.00' N		
W = 76-57.23	82° 55.00' E	56° 40.00' N		
X = 76-57.23	82° 55.00' E	56° 40.00' N		
Y = 76-57.23	82° 55.00' E	56° 40.00' N		
Z = 76-57.23	82° 55.00' E	56° 40.00' N		
AA = 76-57.23	82° 55.00' E	56° 40.00' N		
BB = 76-57.23	82° 55.00' E	56° 40.00' N		
CC = 76-57.23	82° 55.00' E	56° 40.00' N		
DD = 76-57.23	82° 55.00' E	56° 40.00' N		
EE = 76-57.23	82° 55.00' E	56° 40.00' N		
FF = 76-57.23	82° 55.00' E	56° 40.00' N		
GG = 76-57.23	82° 55.00' E	56° 40.00' N		
HH = 76-57.23	82° 55.00' E	56° 40.00' N		
II = 76-57.23	82° 55.00' E	56° 40.00' N		
JJ = 76-57.23	82° 55.00' E	56° 40.00' N		
KK = 76-57.23	82° 55.00' E	56° 40.00' N		
LL = 76-57.23	82° 55.00' E	56° 40.00' N		
MM = 76-57.23	82° 55.00' E	56° 40.00' N		
NN = 76-57.23	82° 55.00' E	56° 40.00' N		
OO = 76-57.23	82° 55.00' E	56° 40.00' N		
PP = 76-57.23	82° 55.00' E	56° 40.00' N		
QQ = 76-57.23	82° 55.00' E	56° 40.00' N		
RR = 76-57.23	82° 55.00' E	56° 40.00' N		
SS = 76-57.23	82° 55.00' E	56° 40.00' N		
TT = 76-57.23	82° 55.00' E	56° 40.00' N		
UU = 76-57.23	82° 55.00' E	56° 40.00' N		
VV = 76-57.23	82° 55.00' E	56° 40.00' N		
WW = 76-57.23	82° 55.00' E	56° 40.00' N		
XX = 76-57.23	82° 55.00' E	56° 40.00' N		
YY = 76-57.23	82° 55.00' E	56° 40.00' N		
ZZ = 76-57.23	82° 55.00' E	56° 40.00' N		
AAA = 76-57.23	82° 55.00' E	56° 40.00' N		
BBB = 76-57.23	82° 55.00' E	56° 40.00' N		
CCC = 76-57.23	82° 55.00' E	56° 40.00' N		
DDD = 76-57.23	82° 55.00' E	56° 40.00' N		
EEE = 76-57.23	82° 55.00' E	56° 40.00' N		
FFF = 76-57.23	82° 55.00' E	56° 40.00' N		
GGG = 76-57.23	82° 55.00' E	56° 40.00' N		
HHH = 76-57.23	82° 55.00' E	56° 40.00' N		
III = 76-57.23	82° 55.00' E	56° 40.00' N		
JJJ = 76-57.23	82° 55.00' E	56° 40.00' N		
KKK = 76-57.23	82° 55.00' E	56° 40.00' N		
LLL = 76-57.23	82° 55.00' E	56° 40.00' N		

REFERENCE MARKS		DESIGNATION & SCATTER	
	Y C.R.		Y S.E.
RM1	-763.95.18 + 832.77.72	Da	-752.60.4 + 547.68
RM2	-77254.59 + 881.95.99	Db	-78556.0 + 54697
RM3	-77487.55 + 830.08.95		
RM4	-77710.99 + 925.52.86		
RM5	-77146.73 + 894.70.61		
RM6	-77345.15 + 826.23.39		
RM7	-77212.40 + 828.71.92		
RM8	-77381.16 + 880.67.02		



ENDORSEMENTS		ENDORSEMENTS.	
<p>EXTRACTED FROM THE 1914-15 AND 1915-16 FISCAL YEARS REPORTS OF THE COLLEGE OF THE CITY OF NEW YORK</p>			
NO.	DESCRIPTION.	REMARKS.	DATE.
①	Payment of Bonds for 1915-16 Road Bonds.	1,556,110.00 1,556,110.00 1,556,110.00	12/14
②	Closure of Road E 47th	175 notice del 1898-10-14 of 5/5387/21/15 Approved 11/15/92 At 1905. 175 notice dated 1900-01-01. P. 662. 5,4581/21/15. 1900-01-01 dated 1900-01-01.	12/14
③	Road Closed E 72nd		12/14
④	Payment of Int 1897	Interest 1897 1,827.15	12/14

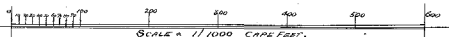
Additional Data of <i>Escherichia coli</i>				
Salts	Proteins	Carbohydrates		
Bo 136.00	62.10	Bo	76.67	83.87
Bo 70.68	111.50	Bo	76.76	82.87
Bo 68.84	88.10	Bo	74.69	82.84
Bo 68.84	25.10	Bo	76.66	83.85
Bo 56.30	50.40	Bo	74.76	83.85
Bo 59.01	0.00	Bo	76.50	82.83
Bo 26.00	126.36	Bo	74.69	82.81
Bo 38.00	3.00	Bo	74.20	82.84
Bo 60.00	3.14	Bo	74.73	82.86
Bo 60.00	3.14	Bo	74.71	82.86
Bo 66.66	10.00	Bo	74.66	82.85
Bo 66.66	10.00	Bo	74.66	82.85
Bo 6.00	0.50	Bo	74.67	82.85
Bo 6.00	0.50	Bo	74.67	82.85

Area = 6126 Square feet, *Tabular method*

Beacons of EF 1423 repl

FORM	DESCR - AREAS		ERF	TRANSFER	
	LOT#	MORGEN		SQ.FEET	NO
1	2	5886	1408	1840	76 3778
2	1	4453	1409	1847	189 1009
3	4	4887	1410	1848	213 1009
4	6	6816	1411	1849	231 19324
5	5	22367	1412	1845	109 5412
6	3	5542	1413	1846	105 109 5412
7	2	5690	1414	1845	109 5412
8	7	7147	1415	1849	238 11621
9	10	10430	1417	1954	271 10010
10	10	6330	1418	1847	232 10010
11	10	7058	1419	1846	39 1928
12	10	7543	1419	1846	39 1928
13	13	7921	1420	1847	396 1928
14	16	6752	1421		
15	16	6259	1422		
16	16	6799	1423	1947	499 24423
17	16	5681	1431	1948	860 24423
18	16	6913	1432	1948	890 24423
19	16	7066	1436	1947	832 10010
20	20	8981	1427	1847	332 10569
21	20	9289	1428	1936	779 3461
22	20	12000	1429	1940	340 3461
23	23	8309	1430	1946	77 3913
24	24	7635	1431	1946	77 3913
25	24	8426	1432	1947	281 3913
26	26	7659	1433		
27	27	6681	1434	1938	88 5001
28	27	8750	1435	1935	291 5001
29	27	7749	1436	1935	98 5001
30	27	9080	1437	1935	198 5001
31	30	7612	1438	1947	181 6063
32	30	6825	1439	1947	181 6063
33	30	21832	1440	1937	171 1804
34	30	9080	1441	1948	235 23461
35	30	10763	1442	1948	343 2448
36	34	11753	1443	1948	44 2485
37	34	23115	1444	1948	271 13523
38	34	71358	1445	1948	240 2448
39	39	7968	1446	1945	119 26109
40	39	8027	1447	1945	119 26109
41	39	80928	1448	1946	343 2448
42	39	89259	1449	1946	343 2448
43	39	7877	1450	1945	191 2443
44	39	8066	1451	1945	191 2443
45	40	6077a	1452	1938	61 3476
46	40	7286	1453	1943	271 10024
47	40	68447	1454	1942	20424
48	40	7917	1455	1938	106 19843
49	40	6564	1456	1943	271 10024
50	40	9244	1457	1937	106 19843
51	40	8141	1458	1937	99 5733
52	40	8538	1459	1940	271 10022
53	40	9346	1460	1943	271 10022
54	40	10616	1461	1943	282 27299
55	40	10996	1462	1943	109 2412
56	40	16102	1463	1945	334 10023
57	50	13774a	1464	1945	271 10023
58	50	18125	1465	1946	843 27198
59	50	12121	1466	1946	843 27198
60	50	10224	1468	1946	843 24143
61	50	12017	1469	1943	843 271 10023
62	50	13279	1470	1943	201 10023
63	50	14076	1471	1945	201 10023
64	50	12806	1472		
65	50	12847	1473		
66	50	11660	1474	1935	67 3226
67	50	11131	1475	1935	75 3771
68	50	7006	1476	1935	75 3771
69	50	00000	1479	1935	75 3771
70	50	00000	1480	1935	75 3771
71	50	00000	1481	1935	75 3771
72	50	00000	1482	1935	75 3771
73	50	00000	1483	1935	75 3771
74	50	00000	1484	1935	75 3771
75	50	00000	1485	1935	75 3771
76	50	00000	1486	1935	75 3771
77	50	00000	1487	1935	75 3771
78	50	00000	1488	1935	75 3771
79	50	00000	1489	1935	75 3771
80	50	00000	1490	1935	75 3771
81	50	00000	1491	1935	75 3771
82	50	00000	1492	1935	75 3771
83	50	00000	1493	1935	75 3771
84	50	00000	1494	1935	75 3771
85	50	00000	1495	1935	75 3771
86	50	00000	1496	1935	75 3771
87	50	00000	1497	1935	75 3771
88	50	00000	1498	1935	75 3771
89	50	00000	1499	1935	75 3771
90	50	00000	1500	1935	75 3771
91	50	00000	1501	1935	75 3771
92	50	00000	1502	1935	75 3771
93	50	00000	1503	1935	75 3771
94	50	00000	1504	1935	75 3771
95	50	00000	1505	1935	75 3771
96	50	00000	1506	1935	75 3771
97	50	00000	1507	1935	75 3771
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103	50	00000	1513	1935	75 3771
104	50	00000	1514	1935	75 3771
105	50	00000	1515	1935	75 3771
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115	50	00000	1525	1935	75 3771
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126	50	00000	1536	1935	75 3771
127	50	00000	1537	1935	75 3771
128	50	00000	1538	1935	75 3771
129	50	00000	1539	1935	75 3771
130	50	00000	1540	1935	75 3771
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144	50	00000	1554	1935	75 3771
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147	50	00000	1557	1935	75 3771
148	50	00000	1558	1935	75 3771
149	50	00000	1559	1935	75 3771
150	50	00000	1560	1935	75 3771
151	50	00000	1561	1935	75 3771
152	50	00000	1562	1935	75 3771
153	50	00000	1563	1935	75 3771
154	50	00000	1564	1935	75 3771
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160	50	00000	1570	1935	75 3771
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163	50	00000	1573	1935	75 3771
164	50	00000	1574	1935	75 3771
165	50	00000	1575	1935	75 3771
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172	50	00000	1582	1935	75 3771
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175	50	00000	1585	1935	75 3771
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180	50	00000	1590	1935	75 3771
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182	50	00000	1592	1935	75 3771
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203	50	00000	1613	1935	75 3771
204	50	00000	1614	1935	75 3771
205	50	00000	1615	1935	75 3771
206	50	00000	1616	1935	75 3771
207	50	00000	1617	1935	75 3771
208	50	00000	1618	1935	75 3771
209	50	00000	1619	1935	75 3771
210	50	00000	1620	1935	75 3771
211	50	00000	1621	1935	

KNYSNA
GENERAL PLAN OF THE HEADS TOWNSHIP T.T.P. 11



THE FIGURE LETTERED *a b c d e f g h i j k l m n o p q r s t u x* HIGH WATER MARK Y REPRESENTS

14-MORGEN, ⁷²²⁸³~~66157~~ SQUARE FEET OF LAND CALLED "THE HEADSTOWNSHIP" HELD BY

J.C. Duthie & T.H. Duthie

* (Now erf 1407, Knysna) dgm. A. 235//330, D.T. 1933-78-3981

The beacons of each plot represented on this plan are in accordance with regulation, and have been placed under my supervision.

Surveyed in 1927 by me

by me
R. L. Dumbleton
Land Surveyor
E. Reg 1976 S 4587/31/3
\$ 29775

[illegible]

100-411881

Noting AM-INC/V34 & W32.

19/7/71

2. Allegations of a conspiracy to defraud - The Surveyor-General

Revised:- 

For Surveyor General:
18. 1. 1855

19.1.1955

A photograph of a document titled "DEPOSITING SERVITUDES" in bold, capital letters. Above the title, the word "JULY" is handwritten. Below the title, there are two columns labeled "Nº 1" and "Nº 2". In the center, between these two columns, is a large crosshair symbol. The document is tilted and appears to be a scan of a physical page.

Allot
 Mair
 Noth
 Degi

 Dedt
 Part
 Knys

ANNEXURE E:

Pre-application Minutes



Knysna

Municipality • Munisipaliteit • uMasipala
INCLUSIVE. INNOVATIVE. INSPIRED.

KNYSNA MUNICIPALITY
PRE –APPLICATION MEETING
Minutes of meeting held on the
18 June 2020
At
09:00
Microsoft Teams
MINUTES

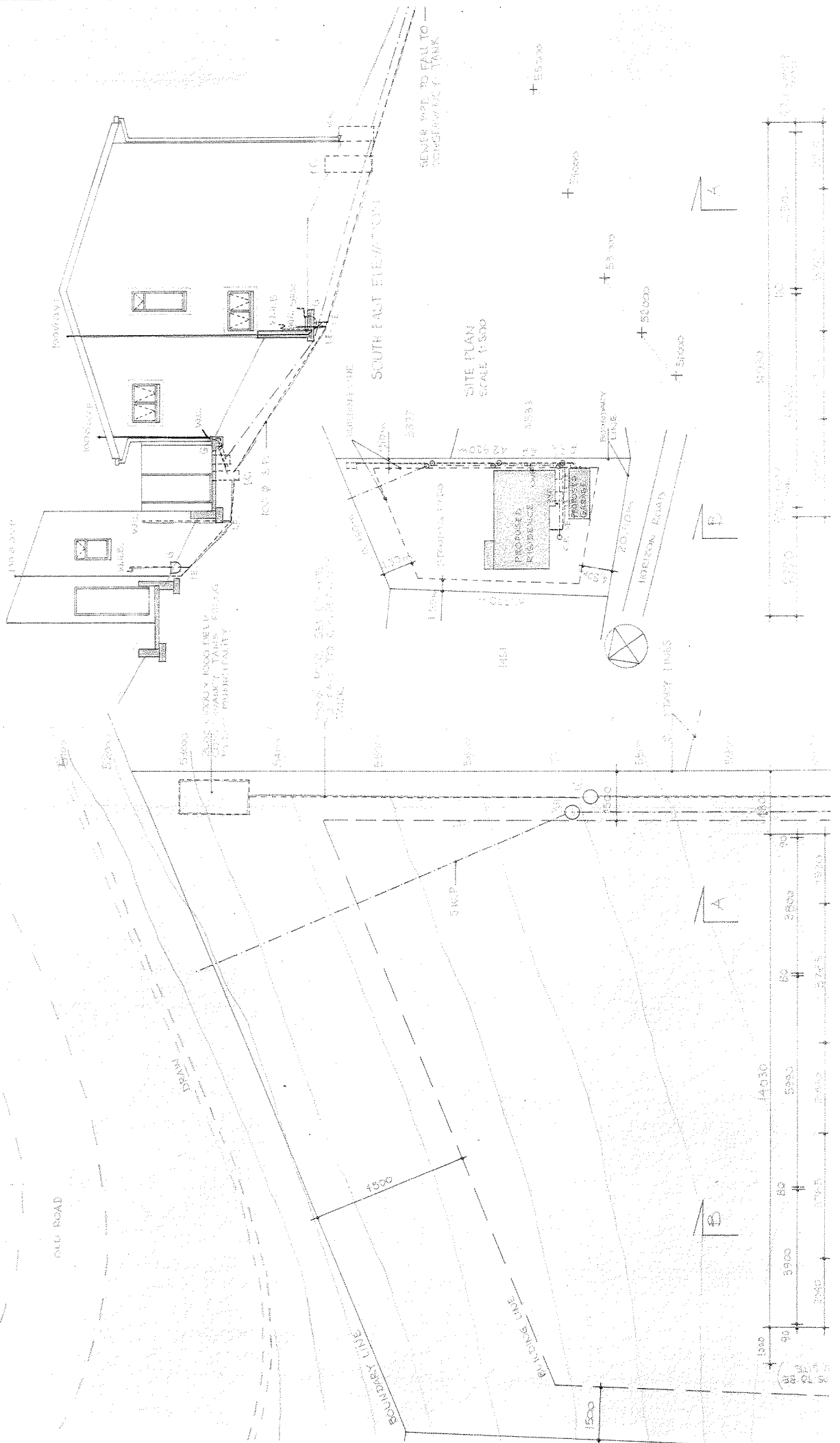
No	Item	Presentation
1.	Opening and Welcoming	Mr S Madumbo
2.	Attendance Mr S. Madumbo (Chairperson) – KM : Town Planning Mr S. Mqhele – KM : Town Planning Ms N. Vonya – KM : Town Planning Ms L. Mniki – KM : Town Planning Mr R. Hardnick – KM : Properties Mr P. van Niekerk – KM : Economic Development (for Item 3.2) Beverly Oosthuizen – Applicant Brigitte Butler and Colleagues – Applicant Hans Labuschagne - Applicant Apologies No Apologies	
3.	Items for consideration	
3.1	<u>Portions 61 & 63 of the Farm Uitzig 216 , Knysna RD – Application for Subdivision and Rezoning</u> <u>Discussion:</u> <i>*See attached Pre-Application Form for proposal</i> <ul style="list-style-type: none">• Proposal based on the Draft Integrated Zoning Scheme By-Law• Therefore, this discussion is hypothetical until such time the Scheme By-Law is promulgated and specific guidelines may be undertaken.	All Municipal officials and the relevant applicant(s).

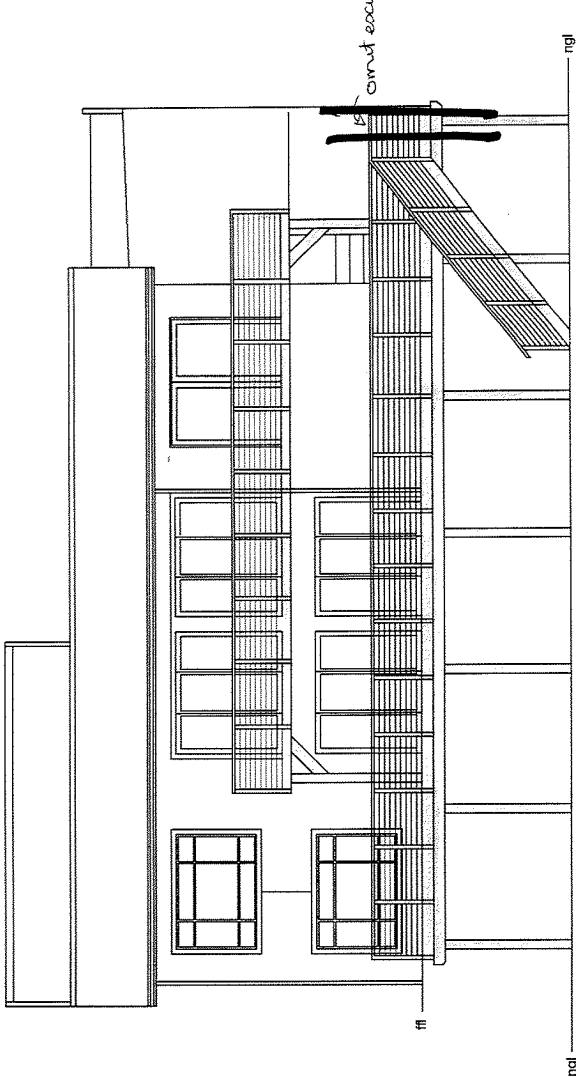
	<ul style="list-style-type: none"> • There seems to be a trend developing on the Western Head whereby land owners wish to have land use rights for nature conservation purposes. <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> • DEA&DP to be notified • Department of Agriculture to be notified • Technical Services and Environmental Considerations to be addressed and required from the applicant prior to circulation • Title Deed needs to be scrutinised by the applicant for any restrictive conditions. • Application to be submitted and processed in terms of the Knysna Municipality By-Law on Municipal Land Use Planning (2016). • Rezone from Agriculture to Open Space Zone IV; and Consent Use for Tourist Accommodation into Integrated Zoning Scheme By-Law, when promulgated • Alternatively, Rezone from Agriculture to Open Space III; into Section 8 Zoning Scheme (1988) as Tourist Accommodation is permitted under the Primary Land Use Rights of Open Space III. 	
3.2	<p><u>Erf 4924, Knysna – Application for Departure, Temporary Land Use Departure and Removal of Restrictions</u></p> <p><u>Discussion</u></p> <ul style="list-style-type: none"> • The proposal was submitted previously on a different property. The current application has been reviewed by the Town Planning officials at New Application Meetings. This discussion is to provide clarity on the outstanding information requested for compliance in terms of Section 38 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) • The Trust is purchasing the property. The site includes two warehouses. Classes to be offered by this registered College include solar, fibre, etc. related skills development. The model ensures that the economy in 	

	<p>Kynysna is not solely reliant on Tourism industry which has been severely affected in recent and previous disasters.</p> <ul style="list-style-type: none"> • Applicant shall submit a Power of Attorney • Submission of the Title Deed is awaiting transfer • Applicant to be mindful of the date of submission in light of the Integrated Knysna Zoning Scheme By-Law which will be promulgated soon. This may have an impact on the type of application to be considered. • Proof of Payment required • Parking rationale must be expressed 	
3.3	<p><u>Erf 1450, Knysna – Application for Permanent Departure and Removal of Title Deed Restrictions</u></p> <p><u>Discussion</u></p> <ul style="list-style-type: none"> • Illegal encroachments to be rectified • Coverage has been exceeded • Restrictive title deed condition B.5 applicable • Therefore, Permanent Departures to allow building line relaxations (east, south, west) for decks/ structures; and Removal of Restriction/ Administrators Consent proposed <p><u>Recommendation</u></p> <ul style="list-style-type: none"> • Application to be submitted and processed in terms of the Knysna Municipality By-Law on Municipal Land Use Planning (2016). • Applicant to be explicit about the Removal of Restrictions application as opposed to Administrator's Consent. 	
4.	The Chairperson closed the meeting.	

ANNEXURE F:

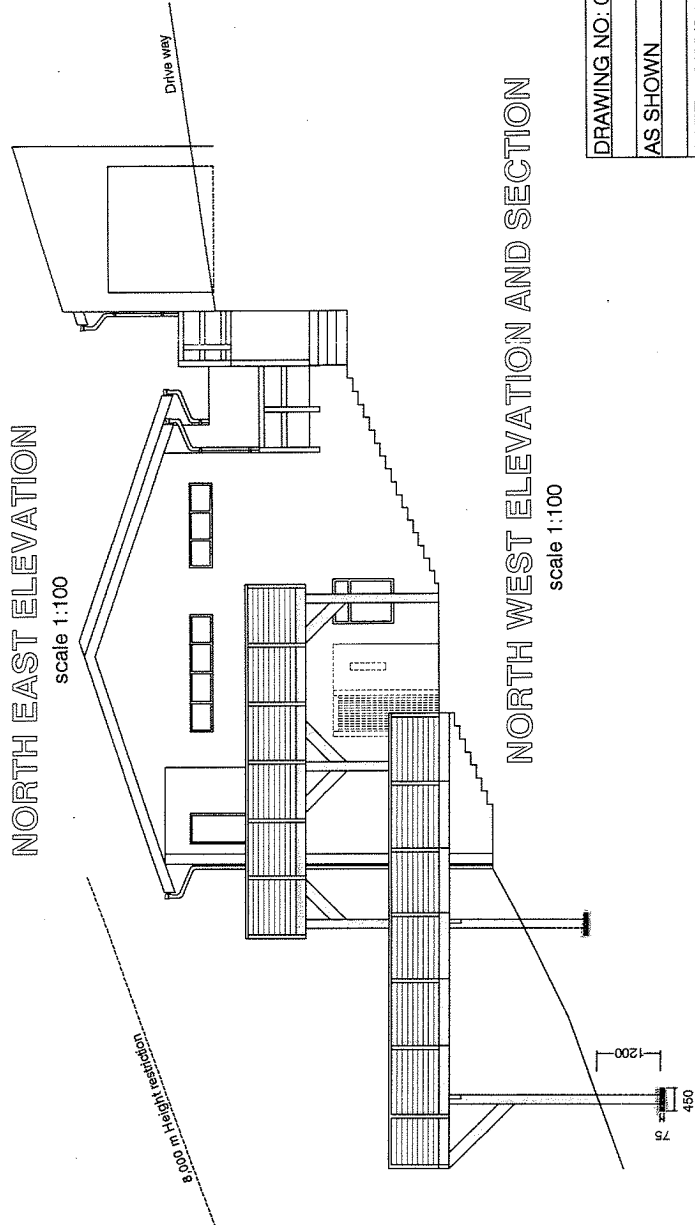
Approved Building Plans





NORTH EAST ELEVATION

scale 1:100



NORTH WEST ELEVATION AND SECTION

scale 1:100

UNIVERSITY PLANNING
MUNICIPALITY / AFRICA
GOETZKEUR / AFRICA
volumes the NPA, must be 103 year old
According to the NPA, must be 103 year old
RECEIVED
4/4/15

THIS APPROVAL DOES NOT ARGUMENT, AND
APPLICANT FROM COMPLIANCE WITH ANY
APPLICABLE TITLE DEED RESTRICTION,
ZONING SCHEME REGULATION OR ANY
OTHER SIMILAR RESTRICTION WHICH MAY

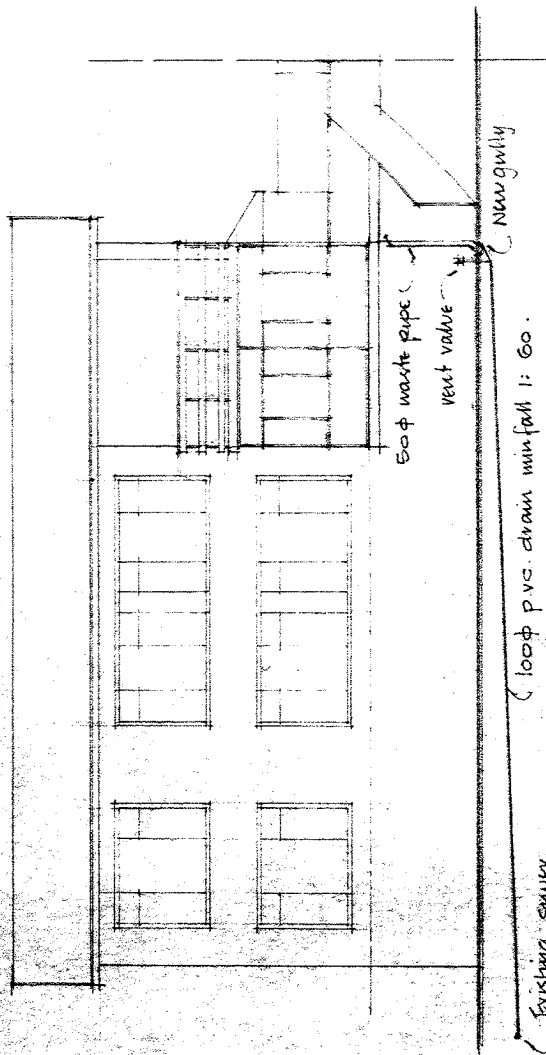
PROJECTION: ELEVATIONS AND SECTION
CLIENT: Mr C. Court
PROJECT: Proposed new alterations and additions
17 Horizon road, The Heads, Knysna
ERF 1450
DRAWN: W.K. Hartley cell no:- 083 654 8879
CHECKED: T.H.
DATE: 08/03/05

DRAWING NO: 03/005

AS SHOWN

DATE: 08/03/05

CLIENT'S SIGNATURE



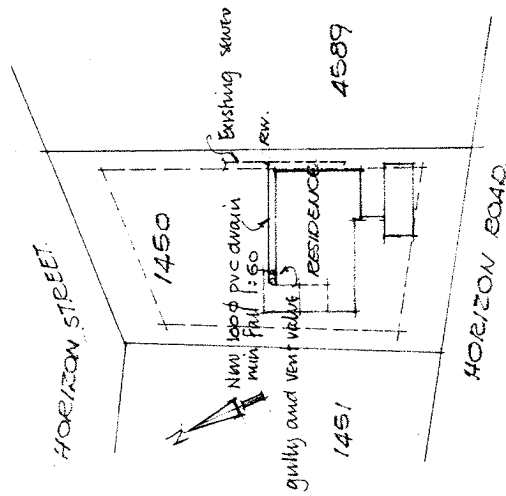
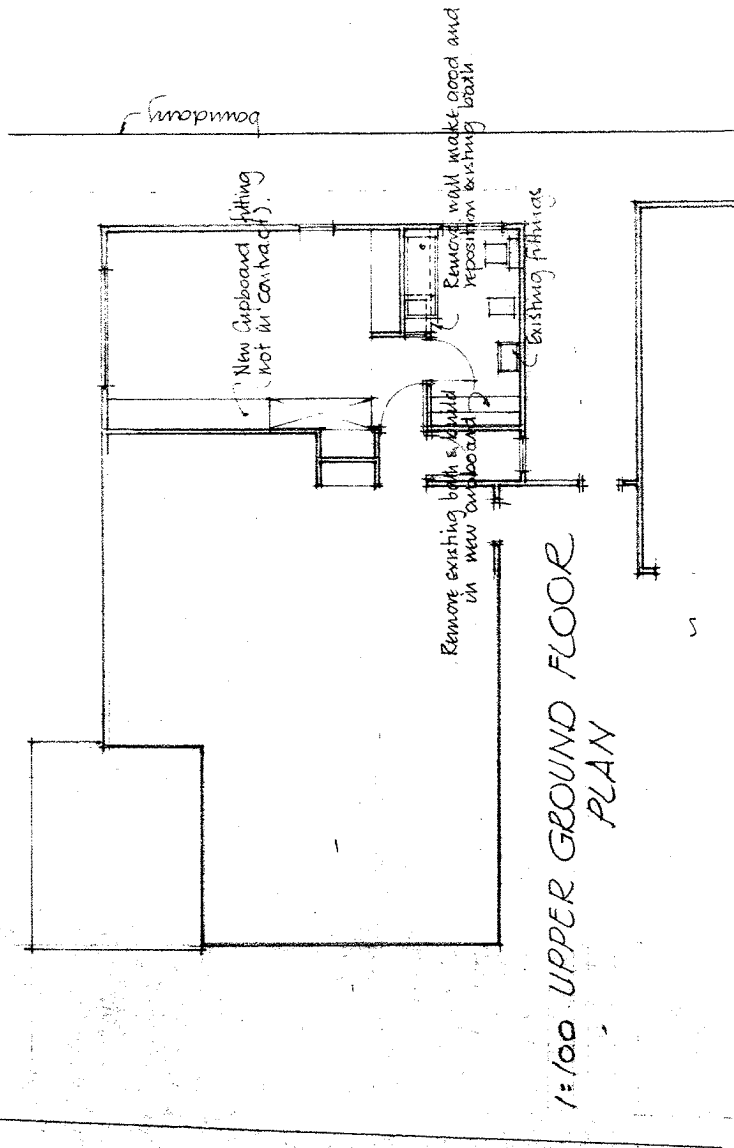
1:100 NORTH ELEVATION.

KWYNNA MUNICIPALITY
APPROVED ACCORDING TO ACT NO. 103 OF
1977, AS AMENDED, ART. 13 MINOR WORKS.
GOEDGEKEUR VOOR GENS WET NO. 103 VAN
1977, SOOS BEWYSIG, ART. 13 KLEENERE
BOUWERK.

Building Control Officer

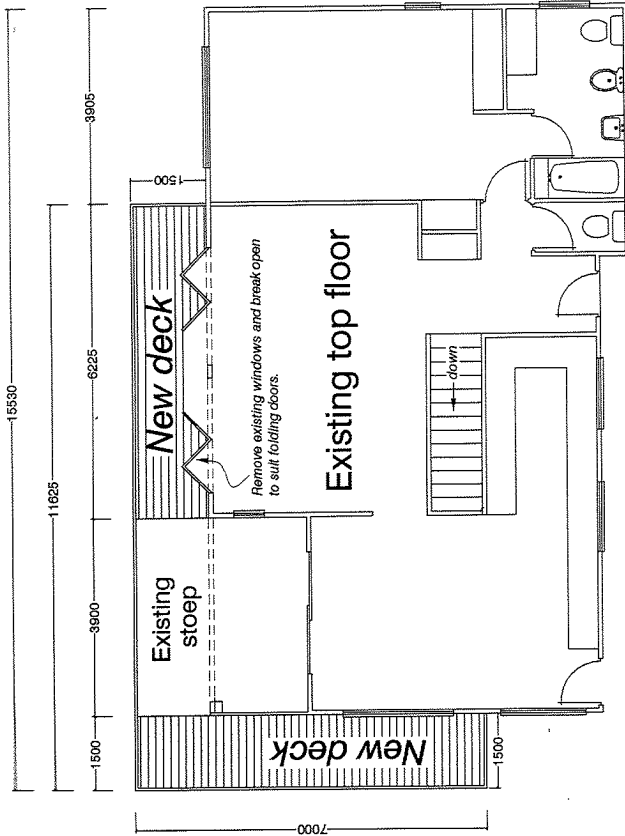
Date

27/3/74



Hi Hans, PSE IGNORE MY
SCRIBBLES BY HAND

Note: New folding doors to specialists specifications



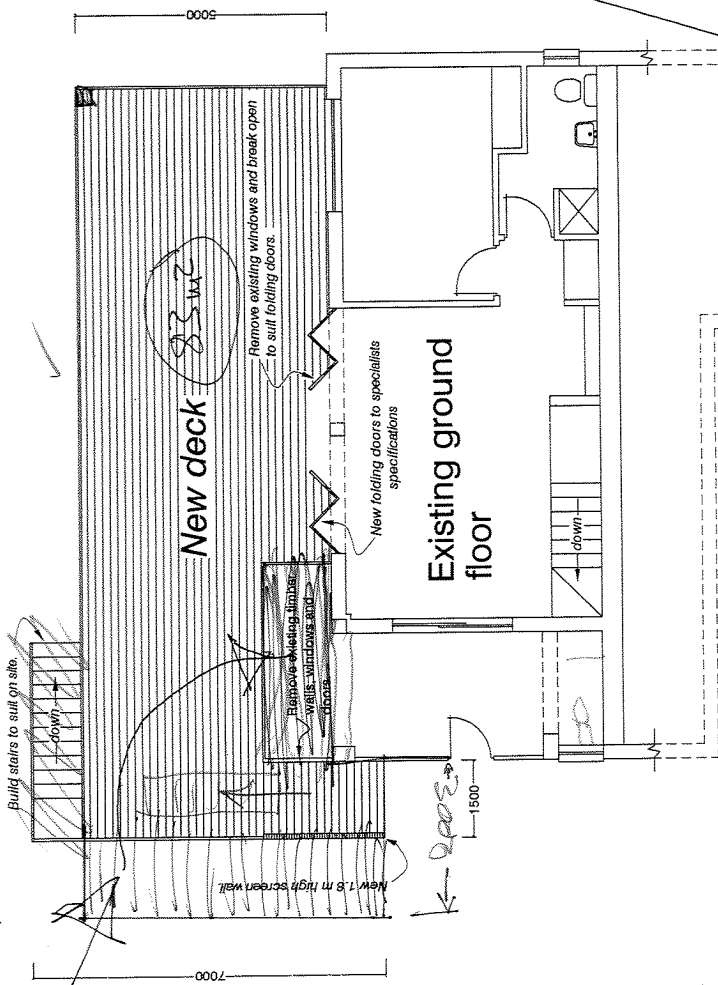
THIS APPROVAL DOES NOT ABSOLVE THE APPLICANT FROM COMPLIANCE WITH ANY APPLICABLE TITLE DEED RESTRICTION, ZONING SCHEME REGULATION OR ANY OTHER SIMILAR RESTRICTION WHICH MAY APPLY TO THE PROPERTY

FIRST FLOOR PLAN

scale 1:100

16500

14905



GROUND FLOOR

scale 1:100

AREAS

Existing ground floor	159.5m²
Existing first floor	114.9m²
Existing deck area	8.37m²
New deck area (first floor)	19.84m²
New deck area (ground floor)	74.47m²
ERF size	721m²

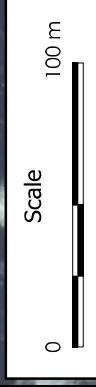
KNYSBURG MUNICIPALITY PLAN NO. 107/05.
GOEDKEUR / APPROVED
Vergeas die MBR Wet No. 103 van 1977 soos gewys
According to NBS Act No. 103 of 1977 as amended.
DATE

PROJECTION: PLAN VIEW

CLIENT: Mr C. Court	
PROJECT: Proposed new alterations and additions	
17 Horizon road, The Heads, Knysna	
DRAWING NO: 03/005	ERF 1450
AS SHOWN	DRAWN: W.K. Hartley cell no.: 083 654 8879
	CHECKED: T.H
DATE: 08/03/05	Rev 28-03-05
	CLIENT'S SIGNATURE

PLAN 1:

Locality Plan



KNYSNA ERF 1450

LOCALITY PLAN

Projection: Transverse Mercator
Centre Lon: 23°3,699' E
Centre Lat: 34°4,613' S
Created: 2020/06/25
Scale: 1:2500

Marikie Vreken
Urban & Environmental Planners

21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
t: (044) 382 0420
f: (086) 459 2987
e-mail: info@vrekens.co.za
web: www.vrekens.co.za

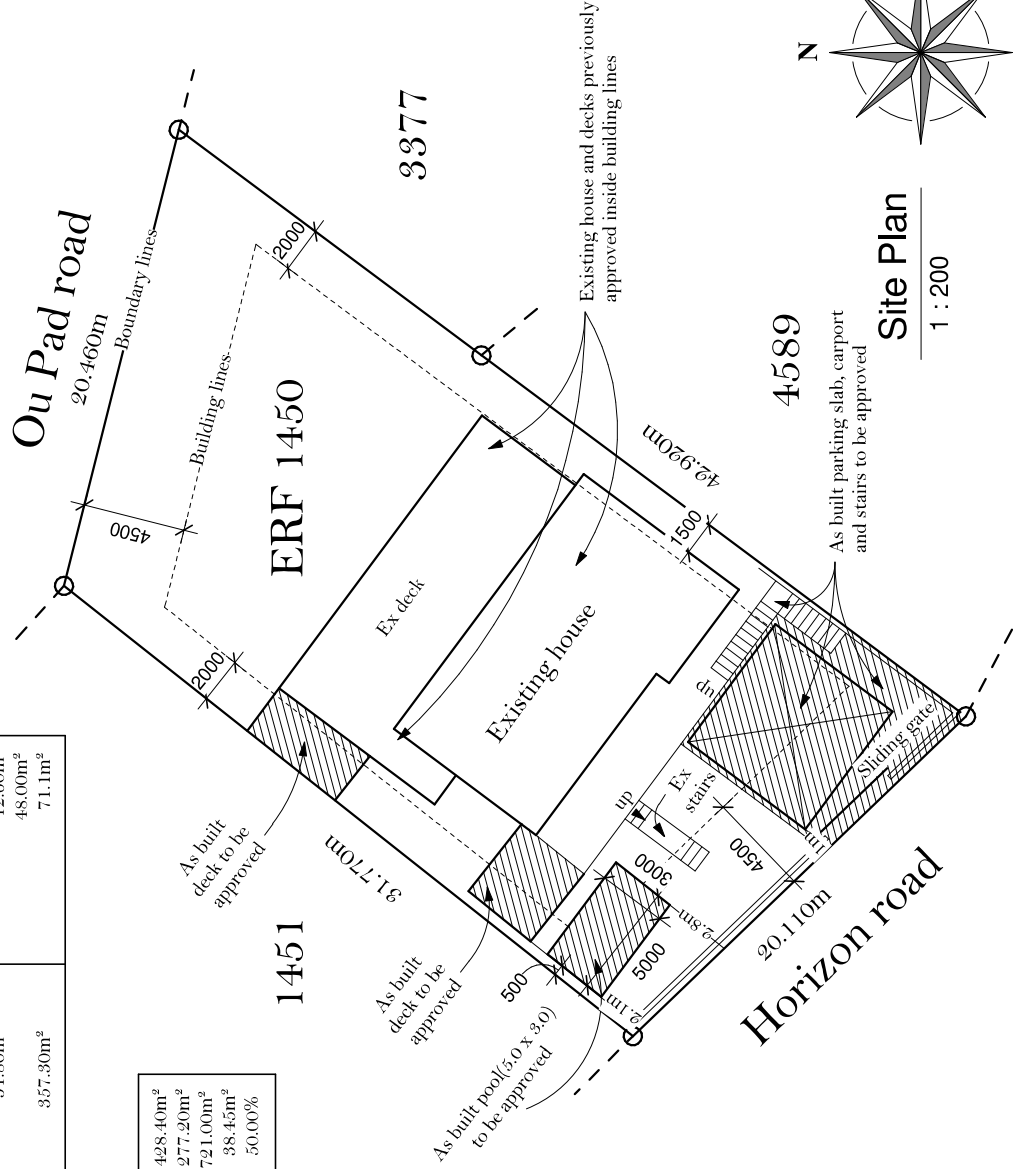
PLAN 2:

Site Development Plan

General notes	
Do not scale	
th Tracy Hepburn Designs Professional Senior Architectural Technologist Call - 082 695 3119 Phone - 044 - 343 1464 Fax - 044 - 343 1421 Email - info@thdesigns.co.za	
Revision	10 March 2020
Number	
Ref	
Client name	Denise Smith
Project name	
Proposed approval	Proposed approval of existing as built structures
Project address	ERF 1450 The Heads Knysna
Drawn by	T.A.Hepburn ST 1651
Sheet number	A3-A103
Date	10/3/2020

TABLE A	PREVIOUSLY APPROVED m ²	AS-BUILT TO BE APPROVED m ²
Existing Gound Level Building	133.50m ²	10.50m ²
Existing Ground Level Deck	79.00m ²	12.60m ²
Existing First Level Building	113.00m ²	48.00m ²
Existing First Level Deck	31.80m ²	71.1m ²
Existing Carport & Stairs	357.30m ²	
Subtotal		

Total Floor Area	428.40m ²
Total Existing Footprint	277.20m ²
ERF Size	721.00m ²
Coverage	38.45m ²
Allowable Coverage	50.00%

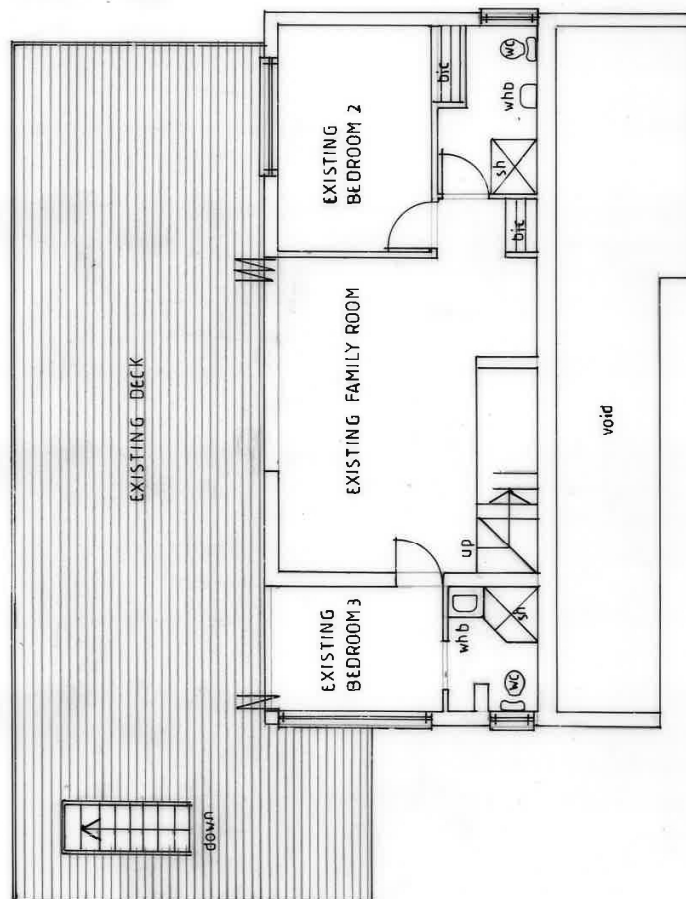


Site Plan

1 : 200

PLAN 3:

Architectural Plans



GROUND STOREY
SCALE 1:100



Cell:- 082 695 3119
Fax:- (044) 343 1421
P O Box 3681
Tracy Hepburn Designs Knysna
6571

Client:- Denise Smith

Project:- Proposed addition to existing house
on ERF 1450
The Heads
Knysna

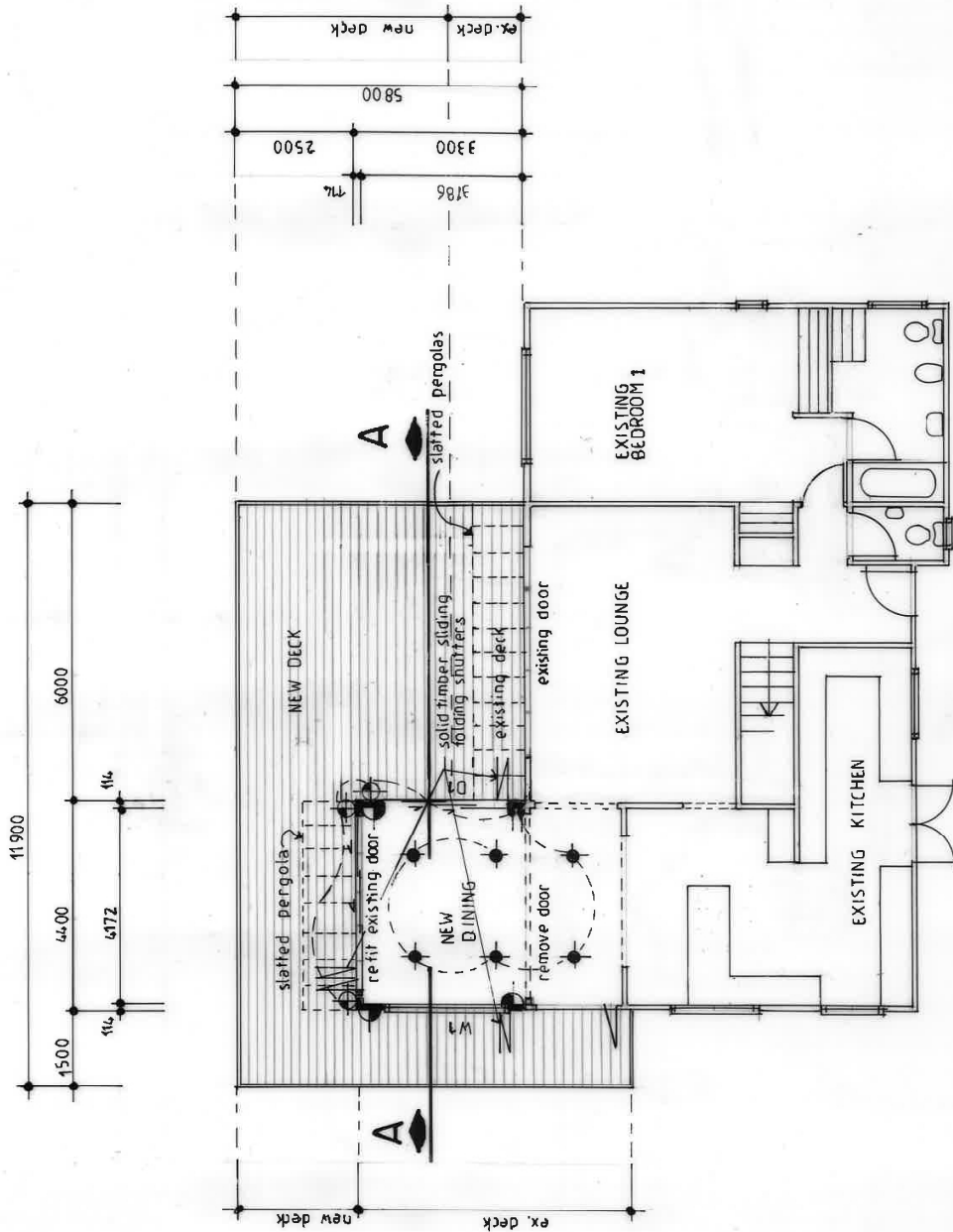
Drawn:- Ms T. Hepburn (ST 1651)

Scale:- As shown

Date:- 10 March 2020

Drawing no:- 26/S/20

Client's signature:-



Areas	
Existing ground floor area	132.58m ²
Existing deck area	74.47m ²
Existing first floor	114.90m ²
Existing deck area	28.24m ²
New addition (first floor)	14.52m ²
New deck area (first floor)	42.78m ²
Existing car port	39.68m ²
ERF size	721m ²



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 Tracy Hepburn Designs P O Box 3681
 Knysna 6571

Client:- Denise Smith

Project:- Proposed addition to existing house
 on ERF 1450
 The Heads

Drawn:- Ms T. Hepburn (ST 1651)

Scale:- As shown

Date:- 10 March 2020

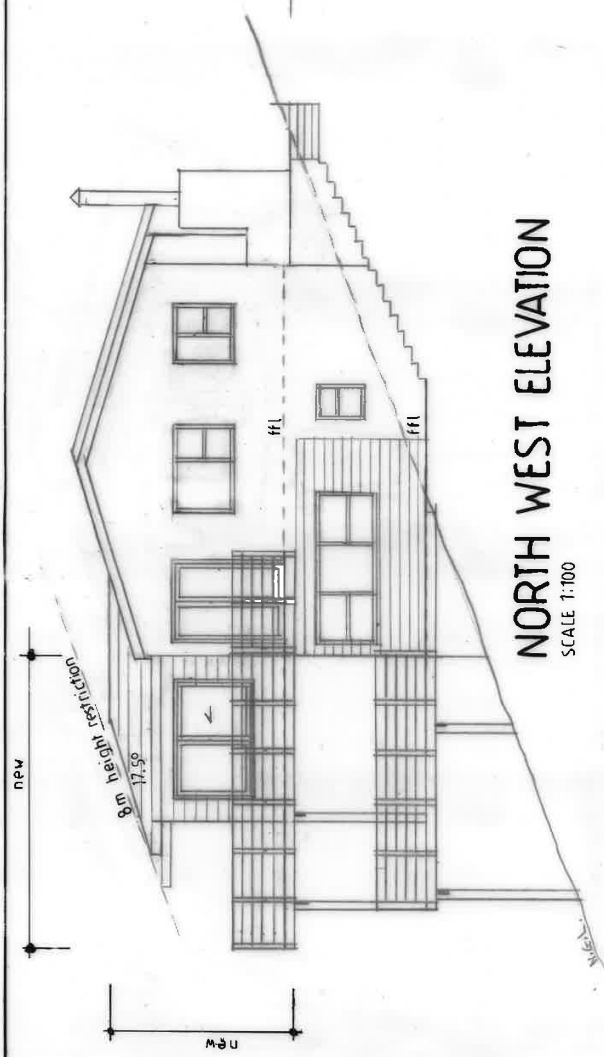
Drawing no:- 26/S/20

Client's signature:-

ELECTRICAL SCHEDULE

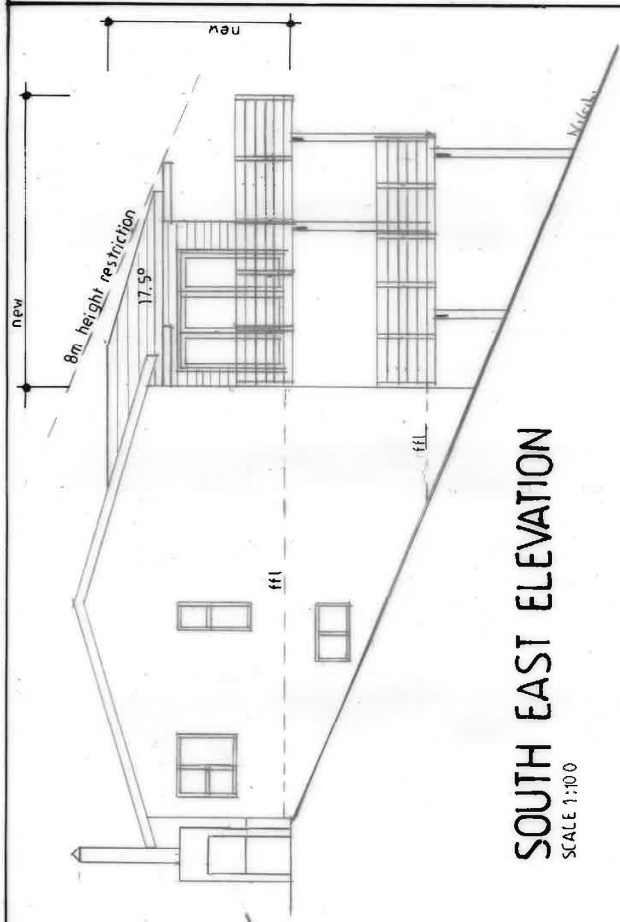
	External wall lights
⊕	Down lights
◆	One - way light point
—	Single plug point

FIRST STOREY
 SCALE 1:100



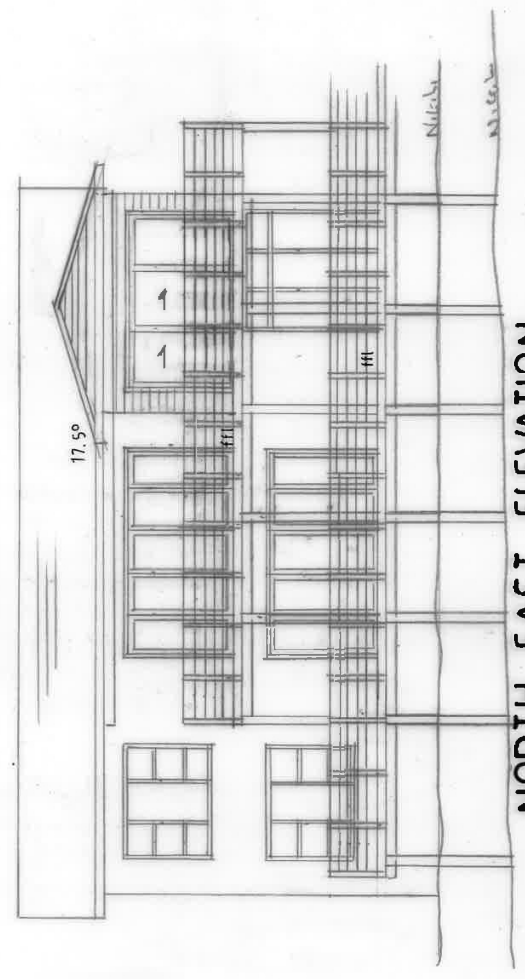
NORTH WEST ELEVATION

SCALE 1:100




SOUTH EAST ELEVATION

SCALE 1:100

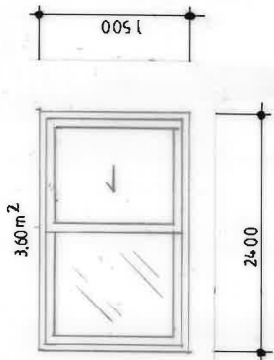


NORTH EAST ELEVATION

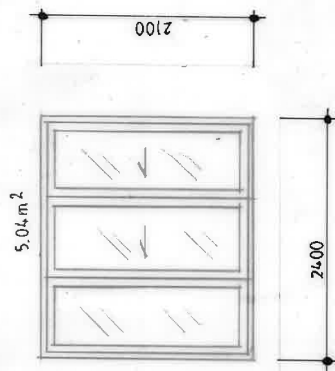
SCALE 1:100


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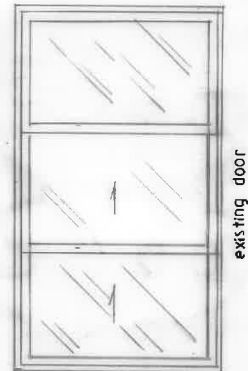
Client:- Denise Smith
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 Knysna
 Drawn:- Ms T. Hepburn (ST 1651)
 Scale:- As shown
 Date:- 10 March 2020
 Drawing no:- 26/S/20
 Client's signature:-



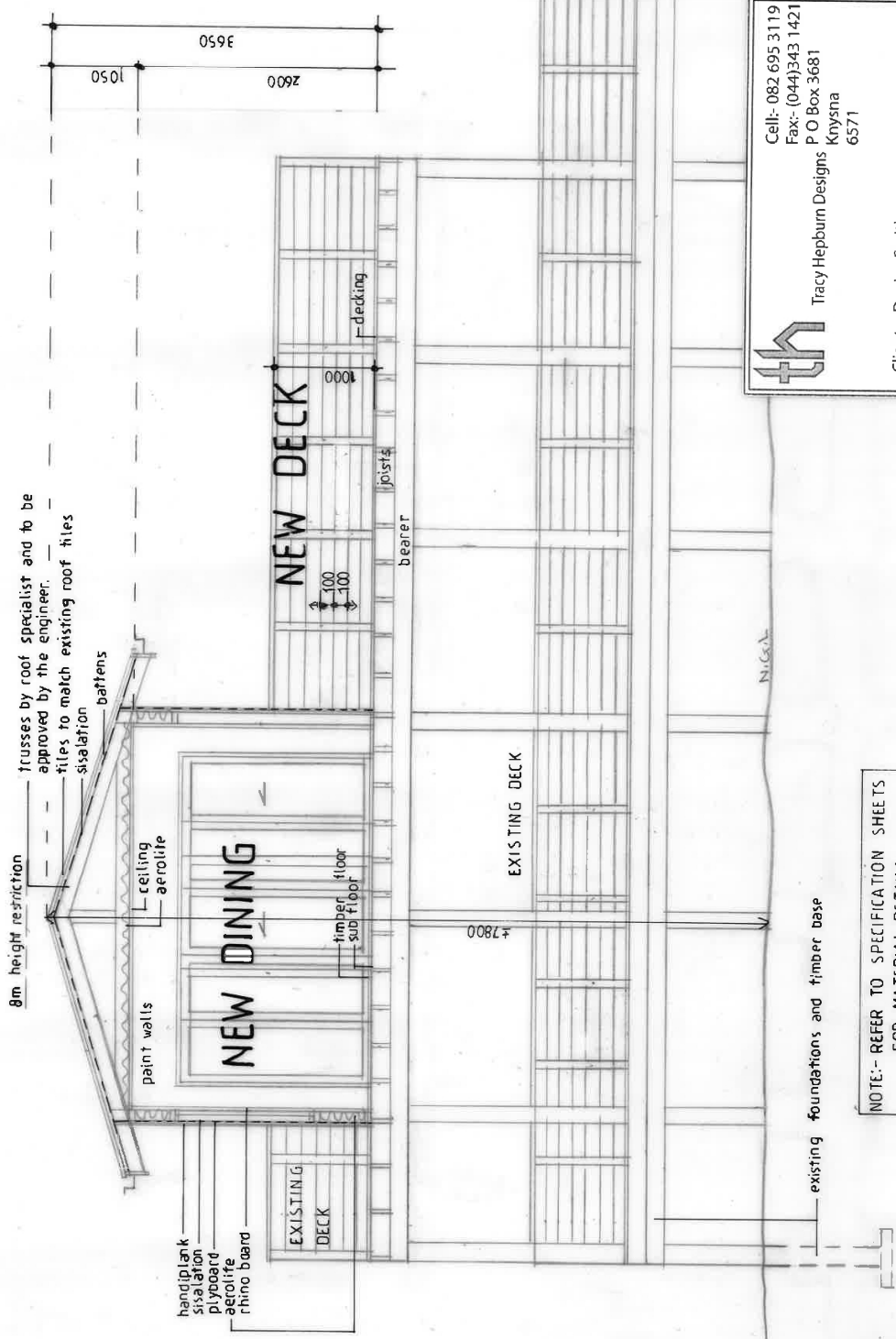
W1



D1



existing door



tkh

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P O Box 3681
Knysna
6571

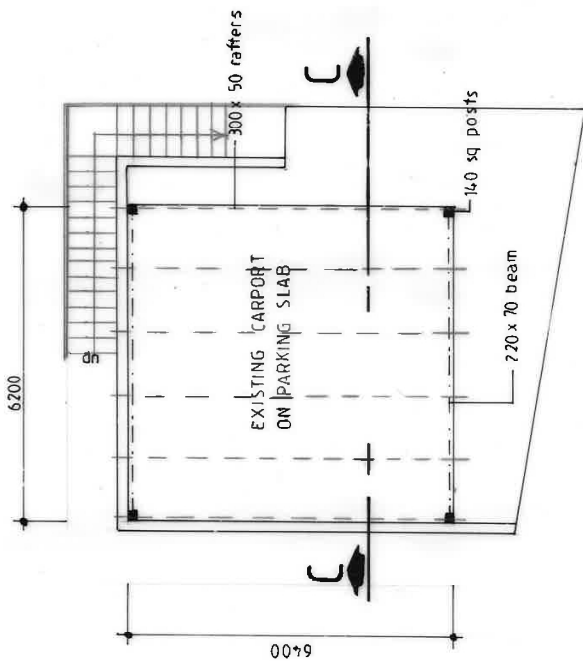
Cell:- 082 695 3119
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Project:- Proposed addition to existing house on ERF 1450 The Heads Knysna

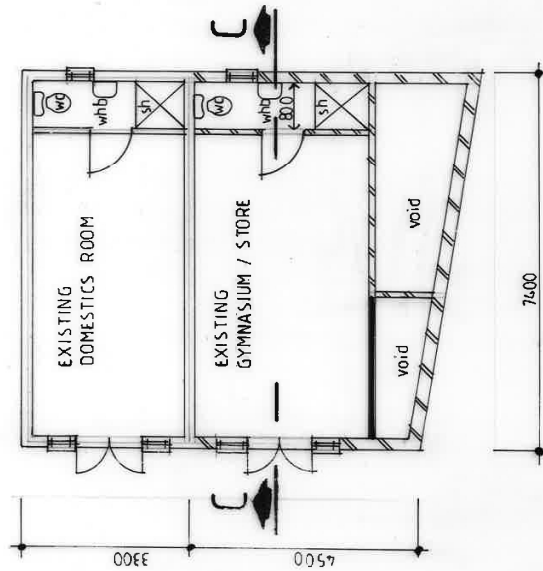
Drawn:- Ms T. Hepburn (ST 1651)
Scale:- As shown
Date:- 10 March 2020
Drawing no:- 26/S/20
Client's signature:-

SECTION - AA
SCALE 1:50



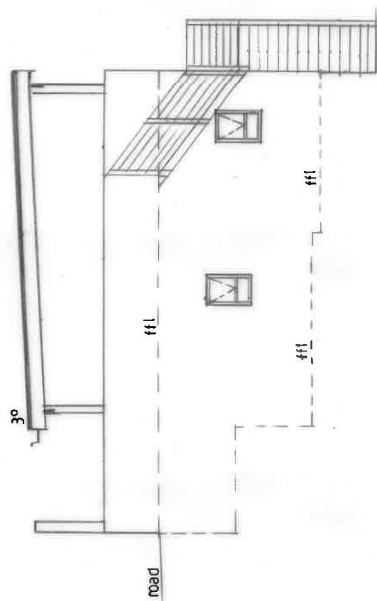
FIRST STOREY

SCALE 1:100



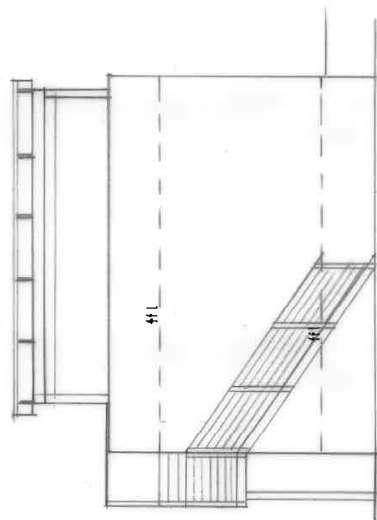
GROUND STOREY

SCALE 1:100



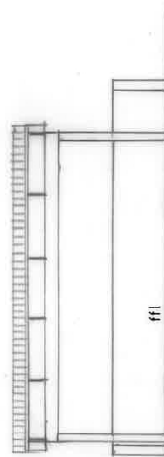
SOUTH EAST ELEVATION

SCALE 1:100



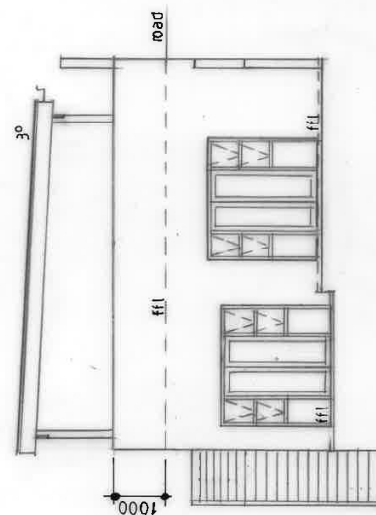
NORTH EAST ELEVATION

SCALE 1:100



SOUTH WEST ELEVATION

SCALE 1:100



NORTH WEST ELEVATION

SCALE 1:100



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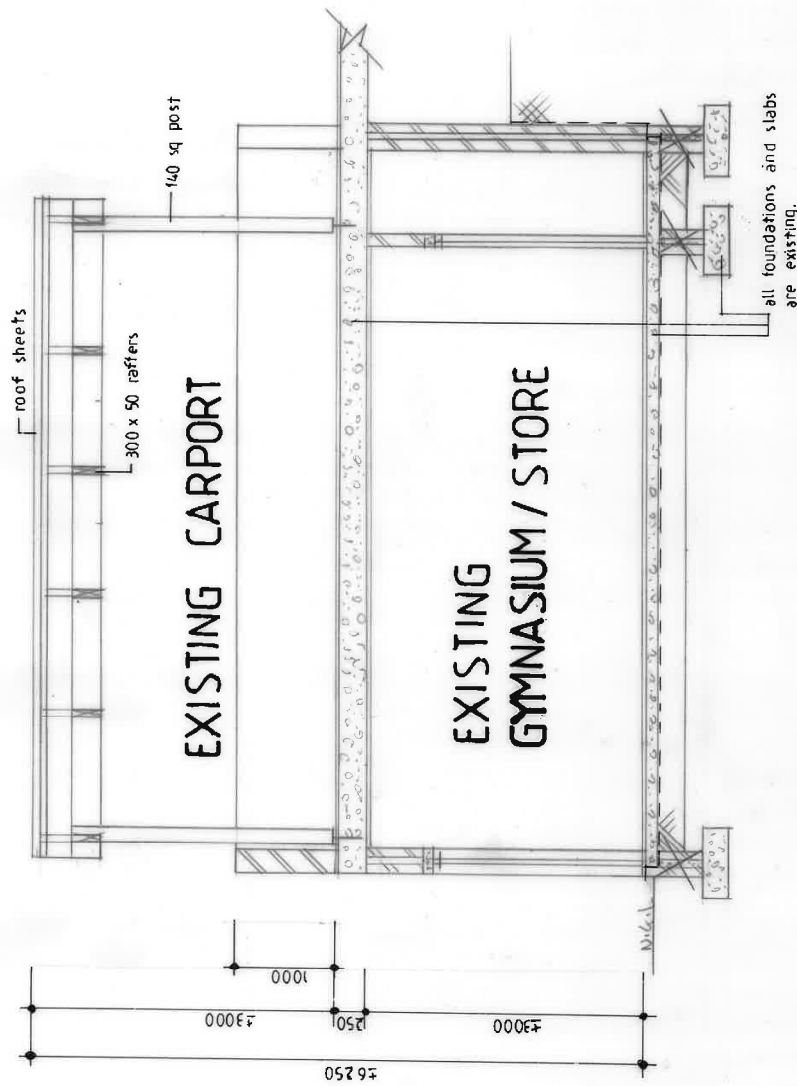
Drawn:- Ms T. Hepburn (ST 1651)

Scale:- As shown

Date:- 10 March 2020

Drawing no:- 20/S/20

Client's signature:-



SECTION-CC
SCALE 1:50

NOTE:-
THIS IS AN EXISTING STRUCTURE AND
NEEDS TO BE CHECKED AND APPROVED
BY AN ENGINEER.



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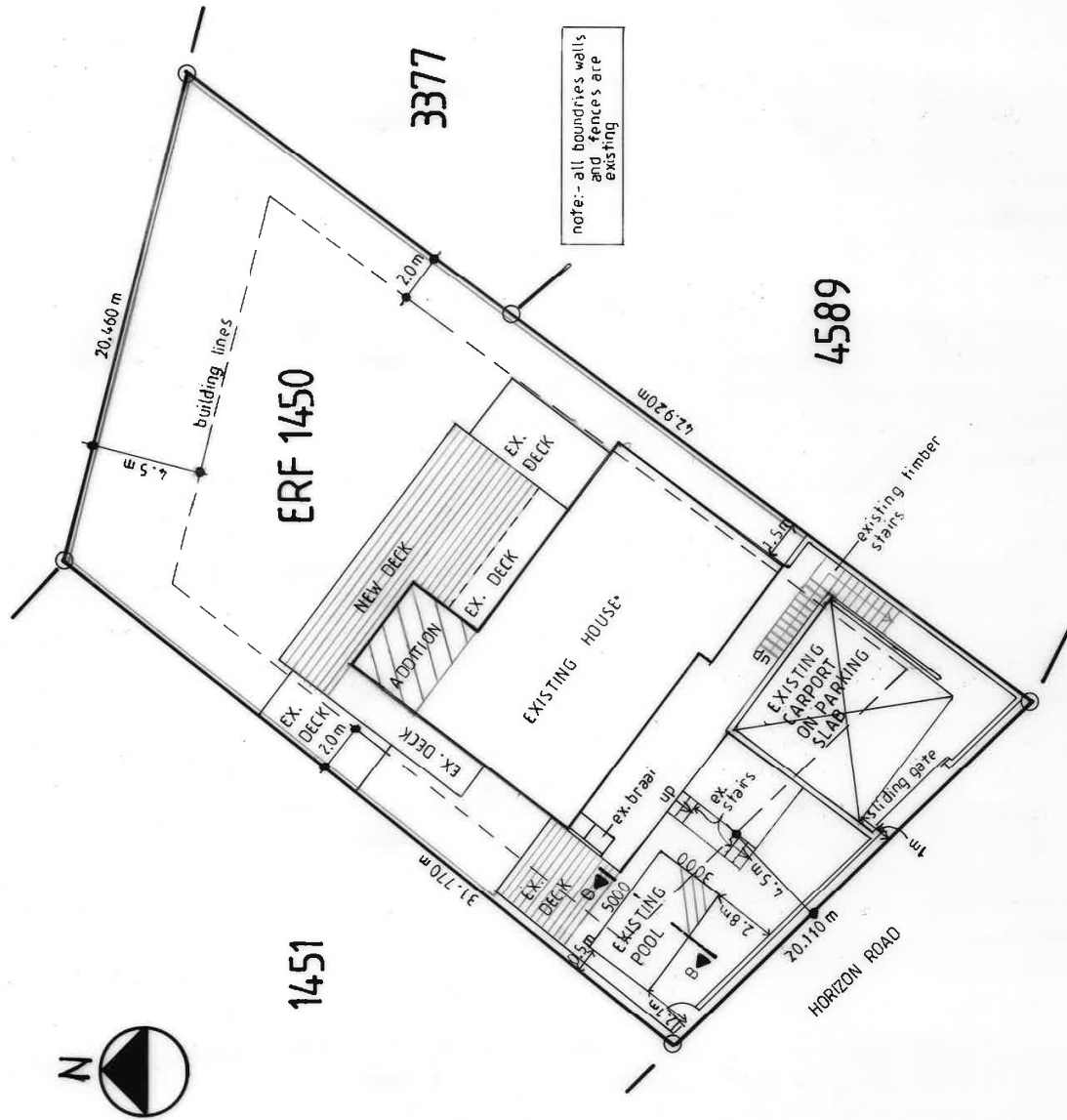
Drawn:- Ms T. Hepburn (ST 1651)

Scale:- As shown

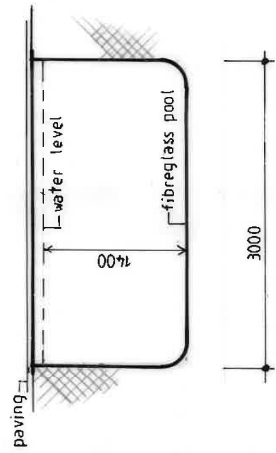
Date:- 10 March 2020

Drawing no:- 26/S/20

Client's signature:-



SITE PLAN
SCALE 1:200



TH
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