KNYSNA ERF 1450

APPLICATION FOR:

PERMANENT DEPARTURES & REMOVAL OF TITLE DEED RESTRICTION

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

JULY 2020
KNYSNA ERF 1450: PERMANENT DEPARTURES & REMOVAL OF TITLE DEED RESTRICTION

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SECTION A : BACKGROUND

1. 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](image)

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 721m² (Seven Hundred and Twenty-One) Square Metres |
| Title Deed Restrictions: | 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” |
| Servitudes: | There are no servitudes registered over the property. |
| Bonds: | There is no bond on the property. |
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.

![Site Development Plan Diagram]

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

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

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](image)

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.

<table>
<thead>
<tr>
<th>SINGLE RESIDENTIAL ZONE I (SRI)</th>
<th>Land use restrictions</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary use</td>
<td>Dwelling house</td>
<td>Comply</td>
</tr>
<tr>
<td>Height</td>
<td>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</td>
<td>Comply</td>
</tr>
<tr>
<td><strong>Coverage</strong></td>
<td>50%</td>
<td>38.45%</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td><strong>Comply</strong></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Building lines</strong></th>
<th>Street: 4,5 metres</th>
<th>Side &amp; rear: 2 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Comply</strong></td>
<td>Northern street building line (Ou Pad Street):</td>
<td>4.5m</td>
</tr>
<tr>
<td></td>
<td>Southern street building line (Horizon Road):</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 2,1m to allow the existing pool</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 2,8m to allow the existing stairs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 1m to allow the existing carport</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Departure required</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Western lateral building line:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 0m to allow the existing deck</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 0,5m to allow the existing pool &amp; deck</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Departure required</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastern lateral building line:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 1,5m to allow the existing carport</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 0m to allow the existing stairs</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Departure required</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Parking</strong></th>
<th>2 bays per dwelling</th>
<th><strong>Comply</strong></th>
</tr>
</thead>
</table>
In order to obtain consent from counsel 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):

<table>
<thead>
<tr>
<th>RESTRICTIVE CONDITION TO BE REMOVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition B (5)</td>
</tr>
<tr>
<td>&quot;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&quot;</td>
</tr>
</tbody>
</table>

**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.
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](image)

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.**
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).

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:

<table>
<thead>
<tr>
<th>PSDF THEME</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESOURCES</strong></td>
<td>Mostly curative interventions</td>
<td>More preventative interventions</td>
</tr>
<tr>
<td></td>
<td>Resource consumptive living</td>
<td>Sustainable living technologies</td>
</tr>
<tr>
<td></td>
<td>Effective protection of natural, scenic and</td>
<td>Proactive management of resources in social,</td>
</tr>
<tr>
<td></td>
<td>agricultural resources</td>
<td>economic and environmental assets</td>
</tr>
<tr>
<td></td>
<td>Fragmented planning and management of</td>
<td>Spacially aligned infrastructure planning,</td>
</tr>
<tr>
<td></td>
<td>economic infrastructures</td>
<td>planned and investment</td>
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<tr>
<td></td>
<td>Limited economic opportunities</td>
<td>Variety of livelihood and income opportunities</td>
</tr>
<tr>
<td></td>
<td>Unbalanced rural and urban space economics</td>
<td>Balanced urban and rural space economics,</td>
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<tr>
<td></td>
<td></td>
<td>built around green and information technologies</td>
</tr>
<tr>
<td>**SPACE-</td>
<td>Suburban approaches to settlement</td>
<td>Urban approaches to settlement</td>
</tr>
<tr>
<td>ECONOMY</td>
<td>Emphasis on greenfields development and</td>
<td>Emphasis on brownfields development</td>
</tr>
<tr>
<td></td>
<td>low density growth</td>
<td>Increased densities in appropriate locations aligned with resources and space-economy</td>
</tr>
<tr>
<td></td>
<td>Segregated land use activities</td>
<td>Integration of complementary land areas</td>
</tr>
<tr>
<td></td>
<td>One dependent neighbourhoods and private</td>
<td>Public transport orientation and walkable</td>
</tr>
<tr>
<td></td>
<td>mobility fossil</td>
<td>neighbourhoods</td>
</tr>
<tr>
<td></td>
<td>Poor quality public spaces</td>
<td>High quality public spaces</td>
</tr>
<tr>
<td></td>
<td>Fragmented, isolated and inefficient</td>
<td>Integrated, clustered and well located</td>
</tr>
<tr>
<td></td>
<td>community facilities</td>
<td>community facilities</td>
</tr>
<tr>
<td></td>
<td>Focus on private property rights and</td>
<td>Balancing private and public property rights and increased public direction on growth</td>
</tr>
<tr>
<td></td>
<td>developer led growth</td>
<td>Exclusionary land marks and partnerships with beneficiaries in delivery</td>
</tr>
<tr>
<td></td>
<td>Exclusionary land marks and leg-down</td>
<td>Exclusionary land marks and partnerships with beneficiaries in delivery</td>
</tr>
<tr>
<td></td>
<td>Limited tenure options and standardised</td>
<td>Diverse tenure options and wider range of housing typologies</td>
</tr>
<tr>
<td></td>
<td>housing types</td>
<td>Progressive, housing improvements and incremental development through public, private and community finance with differentiated levels of service</td>
</tr>
</tbody>
</table>

**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.

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:

<table>
<thead>
<tr>
<th>Knysna IDP Vision</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Encourage all members of society to participate in and support the municipal governance structure and to create opportunities for dialogue.</td>
</tr>
<tr>
<td>- Conserving and managing the natural resources.</td>
</tr>
<tr>
<td>- Planning for the growth and development of quality municipal services to support the community.</td>
</tr>
<tr>
<td>- Creating an enabling environment to foster the development of our people and enabling them to contribute.</td>
</tr>
</tbody>
</table>
The Knysna IDP identified seven Strategic objectives that are aligned to the national strategic focus areas as well as the Provincial Strategic Goals of the Western Cape Government. These objectives applicable to the proposed development are:

<table>
<thead>
<tr>
<th>STRATEGIC OBJECTIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>2. To promote a safe and healthy environment through the protection of our natural resources.</td>
</tr>
<tr>
<td>3. To create an enabling environment for social development and economic growth.</td>
</tr>
<tr>
<td>4. To create an enabling environment for social development and economic growth.</td>
</tr>
<tr>
<td>5. To grow the revenue base of the municipality.</td>
</tr>
<tr>
<td>6. To structure and manage the municipal administration to ensure efficient service delivery.</td>
</tr>
<tr>
<td>7. To encourage the involvement of communities in the matters of local government, through the promotion of open channels of communication.</td>
</tr>
</tbody>
</table>

**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


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.


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 summarizes the criteria and reference to the motivation contained in the report:
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Reference in Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>The integrated development plan, including the municipal spatial</td>
<td>Par 10.3</td>
</tr>
<tr>
<td>development framework;</td>
<td></td>
</tr>
<tr>
<td>The applicable local spatial development frameworks adopted by the</td>
<td>Par 10.2</td>
</tr>
<tr>
<td>Municipality</td>
<td></td>
</tr>
<tr>
<td>The applicable structure plans</td>
<td>No applicable</td>
</tr>
<tr>
<td></td>
<td>structure plans</td>
</tr>
<tr>
<td>The applicable policies of the Municipality that guide decision-making</td>
<td>Par 11.2</td>
</tr>
<tr>
<td>The provincial spatial development framework;</td>
<td>Par 10.1</td>
</tr>
<tr>
<td>The policies, principles and the planning and development norms and</td>
<td>Par 11.1</td>
</tr>
<tr>
<td>criteria set by the national and provincial government;</td>
<td></td>
</tr>
<tr>
<td>The matters referred to in Section 42 of the Spatial Planning and Land</td>
<td>Par 18</td>
</tr>
<tr>
<td>Use Management Act; Principles referred to in Chapter VI (6) of the</td>
<td></td>
</tr>
<tr>
<td>Western Cape Land Use Planning Act; and</td>
<td></td>
</tr>
<tr>
<td>Applicable provisions of the zoning scheme</td>
<td>Par 5.1</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Past spatial and other development imbalances must be redressed through improved access to and use of land.</td>
<td>Not applicable</td>
<td>This policy is not applicable to the application area.</td>
</tr>
<tr>
<td>Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.</td>
<td>Not applicable</td>
<td>This policy is not applicable to the application area.</td>
</tr>
<tr>
<td>Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.</td>
<td>Not applicable</td>
<td>This policy is not applicable to the application area.</td>
</tr>
</tbody>
</table>

## 18.2. Spatial Sustainability

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promote land development that is within the fiscal, institutional and administrative means of the Republic.</td>
<td>Comply</td>
<td>The proposed development is within the urban edge of the Heads and within an established urban environment.</td>
</tr>
<tr>
<td>Ensure that special consideration is given to the protection of prime and unique agricultural land.</td>
<td>Not applicable</td>
<td>This policy is not applicable to the application area.</td>
</tr>
<tr>
<td>Uphold consistency of land use measures in accordance with environmental management instruments.</td>
<td>Comply</td>
<td>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).</td>
</tr>
<tr>
<td>Promote and stimulate the effective and equitable functioning of land markets.</td>
<td>Comply</td>
<td>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.</td>
</tr>
</tbody>
</table>
### 18.3. Spatial Efficiency

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

### 18.4. Spatial Resilience

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

### 18.5. Good Administration

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>All spheres of government ensure an integrated approach to land use and land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criteria</td>
<td>Compliance</td>
<td>Planning Implication</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>development that is guided by the spatial planning and land use management systems as embodied in this Act.</td>
<td></td>
<td>This principle has no direct bearing on the application, however, the Knysna Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</td>
</tr>
<tr>
<td>All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.</td>
<td></td>
<td>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</td>
</tr>
<tr>
<td>The requirements of any law relating to land development and land use are met timely.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

Marike 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 ____________________________ on this ____________________________ day of ____________________________ 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

<table>
<thead>
<tr>
<th>First name(s)</th>
<th>Marike</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname</td>
<td>Vreken</td>
</tr>
<tr>
<td>South African Council for Planners (SACPLAN) registration number (if applicable)</td>
<td>1101</td>
</tr>
<tr>
<td>Company name (if applicable)</td>
<td>Marike Vreken Town Planners</td>
</tr>
<tr>
<td>Postal Address</td>
<td>Po Box 2180 Knysna</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:marike@vreken.co.za">marike@vreken.co.za</a></td>
</tr>
<tr>
<td>Tel</td>
<td>044 382 0420</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Registered owner(s)</th>
<th>DENISE SMITH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical address</td>
<td></td>
</tr>
<tr>
<td>E-mail</td>
<td></td>
</tr>
<tr>
<td>Tel</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Property description [Number(s) of Erf/Erfen/Portion(s) or Farm(s), allotment area.]</th>
<th>Erf 1450 Knysna in the municipality and division of Knysna, Western Cape Province</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Address</td>
<td>17 Horizon Road, the Heads, Knysna</td>
</tr>
<tr>
<td>GPS Coordinates</td>
<td>34° 4’37.17”S and 23° 3’44.90”E</td>
</tr>
<tr>
<td>Town/City</td>
<td>Knysna</td>
</tr>
<tr>
<td>Current Zoning</td>
<td>Single Residential Zone I</td>
</tr>
<tr>
<td>Extent</td>
<td>721m²</td>
</tr>
<tr>
<td>Are there existing buildings?</td>
<td>Y</td>
</tr>
<tr>
<td>Applicable Zoning Scheme</td>
<td>Knysna Municipality: Zoning Scheme By-law (2020)</td>
</tr>
</tbody>
</table>
Current Land Use Single Residential (Dwelling House)

Title Deed number and date T T15398/2008

Any restrictive conditions? Y 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)? Y N If Yes, list the party(ies)

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 condition can be removed with the permission of the Administrator (i.e. Knysna Municipality).

Is the property encumbered by a bond? Y N If Yes, list bondholder(s) N/A

Any existing unauthorized buildings and/or land use on the subject property(ies)? Y N If yes, is this application to legalize the building / land use? Y N

Are there any pending court case(s) / order(s) relating to the subject property(ies)? Y N

Are there any land claim(s) registered on the subject property(ies)? Y N

PART D: PRE-APPLICATION CONSULTATION

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

Official’s name Mr S 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

<table>
<thead>
<tr>
<th>Tick</th>
<th>Section</th>
<th>Type of application</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>2(a)</td>
<td>a rezoning of land;</td>
<td>R</td>
</tr>
<tr>
<td>✓</td>
<td>2(b)</td>
<td>a permanent departure from the development parameters of the zoning scheme;</td>
<td>R1 885.00</td>
</tr>
<tr>
<td>✓</td>
<td>2(c)</td>
<td>a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;</td>
<td>R</td>
</tr>
<tr>
<td>✓</td>
<td>2(d)</td>
<td>a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;</td>
<td>R</td>
</tr>
<tr>
<td>✓</td>
<td>2(e)</td>
<td>a consolidation of land that is not exempted in terms of section 24;</td>
<td>R</td>
</tr>
<tr>
<td>✓</td>
<td>2(f)</td>
<td>a removal, suspension or amendment of restrictive conditions in respect of a land unit;</td>
<td>R 754.00</td>
</tr>
</tbody>
</table>
2(g) a permission required in terms of the zoning scheme;  
2(h) an amendment, deletion or imposition of conditions in respect of an existing approval;  
2(i) an extension of the validity period of an approval;  
2(j) an approval of an overlay zone as contemplated in the zoning scheme;  
2(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;  
2(l) a permission required in terms of a condition of approval;  
2(m) a determination of a zoning;  
2(n) a closure of a public place or part thereof;  
2(o) a consent use contemplated in the zoning scheme;  
2(p) an occasional use of land;  
2(q) to disestablish a home owner’s association;  
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;  
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.

**TOTAL A:** R2 639.00

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

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

**TOTAL B:** R

**TOTAL APPLICATION FEES***(TOTAL A + B)

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

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

**KNYSNA MUNICIPALITY’S BANK ACCOUNT DETAILS**

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

---

**PART F: DETAILS OF PROPOSAL**

Brief description of proposed development / intent of application:
See attached Motivation Report

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

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

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

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

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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**PART H: AUTHORIZATION(S) IN TERMS OF OTHER LEGISLATION**

<table>
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</thead>
<tbody>
<tr>
<td>Y</td>
<td>N/A</td>
<td>Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)</td>
<td>Y</td>
<td>N/A</td>
<td>Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)</td>
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<tr>
<td>Y</td>
<td>N/A</td>
<td>Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations</td>
<td>Y</td>
<td>N/A</td>
<td>Other (specify)</td>
</tr>
<tr>
<td>Y</td>
<td>N</td>
<td>If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.</td>
<td>Y</td>
<td>N</td>
<td>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.</td>
</tr>
</tbody>
</table>

**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: [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:

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

Please do not submit these Annexures with the application form.
ANNEXURE C:
Copy of Title Deed & Win deed Copy
**A. VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER’S USE:**

(a) Gelykydiges met ander registriekekontore/deeltitels: Simul with other registries/sectional titles:

<table>
<thead>
<tr>
<th>Kode</th>
<th>Firma / Firm</th>
<th>Elendom / Property</th>
<th>Kantoor / Office</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
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<td>3</td>
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<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Aard en nommer van akte</th>
<th>Omslag nr.</th>
<th>Parawe van ondersoekers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature and number of deed</td>
<td>Cover no.</td>
<td>initials of examiners</td>
</tr>
</tbody>
</table>

(c) Notas / Notes:

**B. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE:**

<table>
<thead>
<tr>
<th>Interdikte nagesien deur</th>
<th>Interdicts checked by</th>
<th>Opmerkings</th>
<th>Paraat</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Remarks</td>
<td>Initiale</td>
</tr>
</tbody>
</table>

| Datum | Date |                |            |         |
|-------|------|----------------|------------|

| Interdikte nagesien deur | Interdicts checked by |                |            |         |
|--------------------------|-----------------------|----------------|------------|
|                          |                       |                |            |         |

| Datum | Date |                |            |         |
|-------|------|----------------|------------|

Kantoor instruksies / Office instructions:

Seksie / Section:
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
And the appeareer 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
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 extent 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
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.
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,

[Signature]

REGISTRAR OF DEEDS
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
RONELELS

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
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. [Signature]
   [Signature]
   Executrix in the Estate Late CHRISTOPHER JOHN COURT

2. [Signature]
   [Signature]
   JANE FRANCES SEYMOUR COURT

GhostConvey 9.7.3.8ab
SERTIFikaat

Ek bevestig hierna, in termee van Artikel 42(2), Wet No 96, bedryf 1 Section 42(2), Act No 96 el van 1965, dat daar geen onbeperkte teer is ontstaan as gevolg van transfer as stand as gevolg van hier te vermeld.

Mester van die Hoë Hof
MASTER OF THE HIGH COURT

KAAPESTAD/CAPE TOWN 06/01 26/08

Mester van die Hoëgeesem Hof
**Transfer Duty**

**Receipt or exemption certificate**

**Transfer Duty Act, 1949**

---

**Details of seller(s)/transferor(s)**

<table>
<thead>
<tr>
<th>Full name of seller/transferor (1)</th>
<th>ESTATE LATE CHRISTOPHER JOHN COURT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity/Trust/CC/Company number</td>
<td>450910 5112 09 8</td>
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<th>Full name of seller/transferor (2)</th>
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<td>Identity/Trust/CC/Company number</td>
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**Details of purchaser(s)/transferee(s)**

<table>
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<tr>
<th>Full name of purchaser/transferee (1)</th>
<th>DENISE SMITH</th>
</tr>
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<tbody>
<tr>
<td>Identity/Trust/CC/Company number</td>
<td>650228 0145 08 6</td>
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**Details of purchase transaction**

<table>
<thead>
<tr>
<th>Transfer Duty payable on</th>
<th>R6 250 000.00</th>
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<tr>
<td>Date of acquisition</td>
<td>16 January 2008 - 10 December 2007</td>
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<tr>
<td>Consideration</td>
<td>R6 250 000.00</td>
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<td>Any other consideration payable</td>
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<td>Total consideration payable</td>
<td>R6 250 000.00</td>
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**Description of property (as per Deeds Registry)**

ERF 1490 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**

<table>
<thead>
<tr>
<th>Deon Boshoff (Vowles Callaghan &amp; Boshoff Incorporated)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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).</td>
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**Signature**

<table>
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**RECEIPT/EXEMPTION**

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<td>31 Jan 2008</td>
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**Vowles Callaghan & Boshoff Incorporated**

Ref: DB/es/C16
TRANSFEROR:
1. ESTATE LATE CHRISTOPHER JOHN COURT
   NO 9985/2007
2. JANE FRANCES SEYMOUR COURT
   IDENTITY NUMBER 600826 6209 08 2
   WIDOW

TRANSFEREE:
DENISE SMITH
IDENTITY NUMBER 650226 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

DATE: 30 JUNE 2008

MUNICIPALITY

[Signature]
<table>
<thead>
<tr>
<th>PERSON NAME AND ID</th>
<th>CONTRACTS/INTERDICTS</th>
<th>NOTED ON MICROFILM REF</th>
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<tr>
<td>COURT CHRISTOPHER JOHN 450910</td>
<td>4542/1966</td>
<td>0</td>
</tr>
<tr>
<td>COURT CHRISTOPHER JOHN 450910</td>
<td>PA012/1981</td>
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**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 * * *
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 ***
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 ***
PROVINCE: WESTERN CAPE
PREV DESCRIPTION: T5411/1945
EXTENT: 721 SQM
CLEARANCE: KNYSNA MUN

NO INTERDIETS

NO DOCUMENTS

OWNER DETAILS

FULL NAME & SHARE: COURT CHRISTOPHER JOHN
PURCH DATE: 20040903
AMOUNT/REASON: R1800000.00
O/P/A IDENTITY: 459910
TITLE DEED: TJ06429/2004
MD0: 1101
MICROFILM REF: 2005 0034 2282

FULL NAME & SHARE: COURT JANE FRANCES SEYMOUR
PURCH DATE: 20040903
AMOUNT/REASON: R1800000.00
O/P/A IDENTITY: 600826
TITLE DEED: TJ06429/2004
MD0: 1101
MICROFILM REF: 2005 0034 2282

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 * * *
## WinDeed Database Deeds Office Property

**KNYSNA, 1450, 0 (CAPE TOWN)**

### GENERAL INFORMATION

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<td>CAPE TOWN</td>
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<td>Information Source</td>
<td>WINDEED DATABASE</td>
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<td>Reference</td>
<td>PR2022</td>
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### PROPERTY INFORMATION

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<th>Extent</th>
<th>Previous Description</th>
<th>LPI Code</th>
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<td>KNYSNA MUN</td>
<td>KNYSNA RD</td>
<td>WESTERN CAPE</td>
<td>T5411/1945</td>
<td>721.0000SQM</td>
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<td>C0390005000014500000</td>
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### OWNER INFORMATION

**Owner 1 of 1**

<table>
<thead>
<tr>
<th>Type</th>
<th>PRIVATE PERSON</th>
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<tbody>
<tr>
<td>Name</td>
<td>SMITH DENISE</td>
</tr>
<tr>
<td>ID / Reg. Number</td>
<td>65022801450086</td>
</tr>
<tr>
<td>Title Deed</td>
<td>T15389/2008</td>
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<tr>
<td>Registration Date</td>
<td>2008/02/28</td>
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<tr>
<td>Purchase Price (R)</td>
<td>6,250,000</td>
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<td>Purchase Date</td>
<td>2008/12/10</td>
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<td>Share</td>
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<td>2008 0323 0509</td>
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<td>Multiple Owners</td>
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### ENDORSEMENTS

No documents to display

### HISTORIC DOCUMENTS (3)

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<td>2008 0323 0526</td>
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<td>COURT JANE FRANCES SEYMOUR</td>
<td>1,800,000</td>
<td>2008 0323 0526</td>
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### DISCLAIMER

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ANNEXURE D: General Plan 5088/55
KNYSNA
GENERAL PLAN of THE HEADS TOWNSHIP

The Town of Knysna & Districts (including the Heads Township) are shown in this plan, with all boundaries and features represented accurately.

[Drawn by: L. H. Smerdon
Surveyed in May 1927]
ANNEXURE E:

Pre-application Minutes
<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>Presentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Opening and Welcoming</td>
<td>Mr S Madumbo</td>
</tr>
<tr>
<td>2.</td>
<td>Attendance</td>
<td>All Municipal officials and the relevant applicant(s).</td>
</tr>
<tr>
<td></td>
<td>Mr S. Madumbo (Chairperson) – KM : Town Planning</td>
<td></td>
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<td></td>
<td>Mr S. Mqhele – KM : Town Planning</td>
<td></td>
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<td></td>
<td>Ms N. Vonya – KM : Town Planning</td>
<td></td>
</tr>
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<td></td>
<td>Ms L. Mniki – KM : Town Planning</td>
<td></td>
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<td></td>
<td>Mr R. Hardnick – KM : Properties</td>
<td></td>
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<td></td>
<td>Mr P. van Niekerk – KM : Economic Development (for Item 3.2)</td>
<td></td>
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<td></td>
<td>Beverly Oosthuizen – Applicant</td>
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<td></td>
<td>Brigitte Butler and Colleagues – Applicant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hans Labuschagne - Applicant</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Items for consideration</td>
<td></td>
</tr>
<tr>
<td>3.1</td>
<td>Portions 61 &amp; 63 of the Farm Uitzig 216 , Knysna RD – Application for Subdivision and Rezoning</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Discussion:</strong> <em>See attached Pre-Application Form for proposal</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Proposal based on the Draft Integrated Zoning Scheme By-Law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Therefore, this discussion is hypothetical until such time the Scheme By-Law is promulgated and specific guidelines may be undertaken.</td>
<td></td>
</tr>
</tbody>
</table>
• There seems to be a trend developing on the Western Head whereby land owners wish to have land use rights for nature conservation purposes.

**Recommendation:**

• 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 ito Integrated Zoning Scheme By-Law, when promulgated
• Alternatively, Rezone from Agriculture to Open Space III; ito Section 8 Zoning Scheme (1988) as Tourist Accommodation is permitted under the Primary Land Use Rights of Open Space III.

3.2 **Erf 4924, Knysna – Application for Departure, Temporary Land Use Departure and Removal of Restrictions**

**Discussion**

• 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
Kynsna is not solely reliant on Tourism industry which has been severely affected in recent and previous disasters.
- 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

<table>
<thead>
<tr>
<th>3.3</th>
<th><strong>Erf 1450, Knysna – Application for Permanent Departure and Removal of Title Deed Restrictions</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Discussion</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Illegal encroachments to be rectified</td>
</tr>
<tr>
<td></td>
<td>Coverage has been exceeded</td>
</tr>
<tr>
<td></td>
<td>Restrictive title deed condition B.5 applicable</td>
</tr>
<tr>
<td></td>
<td>Therefore, Permanent Departures to allow building line relaxations (east, south, west) for decks/structures; and Removal of Restriction/Administrators Consent proposed</td>
</tr>
</tbody>
</table>

**Recommendation**
- 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
New deck

Note: New holding doors to specialists specifications.

NEW DECK

NEW DECK

Remove existing windows and break open to suit holding doors.

New holding doors to specialists specifications.

Enlarged windows.

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New holding doors to specialist
PLAN 1:  

Locality Plan
PLAN 2: Site Development Plan
### Table A

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<th>As-Built To Be Approved m²</th>
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<td>135.50 m²</td>
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<tr>
<td>Existing Ground Level Deck</td>
<td>79.00 m²</td>
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<tr>
<td>Existing First Level Building</td>
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<tr>
<td>Existing First Level Deck</td>
<td>81.80 m²</td>
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<tr>
<td>Existing Carport &amp; Stairs</td>
<td>527.80 m²</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>557.80 m²</strong></td>
</tr>
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</table>

**Total Floor Area**  488.60 m²
**Total Existing Footprint**  377.20 m²
**ERF Site**  721.00 m²
**Coverage**  38.85 m²
**Allowable Coverage**  50.00%
PLAN 3:  

Architectural Plans
EXISTING CARPORT

EXISTING GYMNASIUM / STORE

SECTION-CC
SCALE 1:50

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