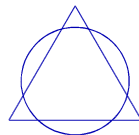


# ERVEN 12481 & 12482 KNYSNA APPLICATION FOR CONSOLIDATION

in terms of Sections 15. 2. (e) of the  
Knysna Municipality's Spatial Planning and Land Use Management By-law 2021

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July 2022

## CONSOLIDATION OF ERVEN 12481 & 12482 KNYSNA

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## CONSOLIDATION OF ERVEN 12481 &amp; 12482 KNYSNA

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**MOTIVATION REPORT : PROPOSED  
CONSOLIDATION OF ERVEN 12481 & 12482 KNYSNA**

**PROPOSALS:**

Application is being made for the following:

THE CONSOLIDATION OF ERVEN 12481 & 12482 KNYSNA in terms of  
Sections 15. 2. (e) of the  
Knysna Municipality's Spatial Planning and Land Use Management By-law 2021

**MUNICIPAL APPLICATION FEES:**

The application fee for the consolidation, in the amount of R 1 236.64 has been paid and the receipt is attached to the application form. The receipt is number 031730 dated 2020-07-22 shown below.

**KNYSNA Municipality Munisipaliteit uMasipala**  
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☎ 044 302 6300  
 ✉ 21 KNYSNA 6570  
 FAX 044 302 6333

VAT INVOICE/RECEIPT  
 RECEIPT: 031730 DATE: 22/07/2022 MC NO:020 TIME: 14:09  
 KNYSNA MUNICIPALITY VAT REG: 4360193876

QST#9/242-13-15	Application Fees	ZY	161.30	1236.64 *
CREDIT CARD			TOTAL:	1236.64
ERF RN 12481 & 12482 KNYSNA			VAT:	161.30 *
			TENDERED:	1236.64
			CHANGE:	0.00

**BRIEF DESCRIPTION OF LAND, ZONING AND CURRENT LAND USE:**

**Extent:** Erf 12481 = 1 200 m<sup>2</sup>  
 Erf 12482 = 1 371 m<sup>2</sup>

**Consolidated size:** Consol. = 2 571 m<sup>2</sup>

**Improvements:** Erf 12481 has a dwelling house on it and Erf 12482 is vacant

**Current Zoning:** Single Residential I

**Current Land Use:** Erf 12481 is currently vacant.  
 Erf 12482 has a dwelling house on it.

**OWNERSHIP AND POWER OF ATTORNEY:**

Both erven 12481 and 12482 are registered in the name of Churchill Orthodontics Ltd., Registration number 2011/126194/10, A special power of attorney has been granted by the director of the company who was duly authorised to do so.

The special power of attorney and a resolution of the trust are submitted with the application. See annexure 12 and 13.

**LIFE USUFRUCT RIGHTS OVER ERF 12482 KNYSNA:**

Luc Pierre Marie Tourne, born 28 January 1956 and Godlieve Yvonne Fernand Michiels, born 5 October are the holders of life usufructs over Erf 12482 Knysna, which erf is registered in the name of Churchill Orthodontics Limited. They have given their consent to the consolidation of the two erven in annexure 14. The consolidation will not affect their rights. The life usufruct rights were registered under title deed T14686/2016

**LOCALITY:**

The erven are situated at 15 and 17 Fairlead Way in Pezula Golf Estate.

- *Please also refer to the locality as annexures 4 and 5.*



## STREET NAME AND STREET NUMBERS



AERIAL PLAN SHOWING LOCALITY OF ERVEN 12481 AND 12482

**SURROUNDING LAND USE:**

The surrounding land uses are all residential with large areas of open space as can be seen in the aerial plan above.

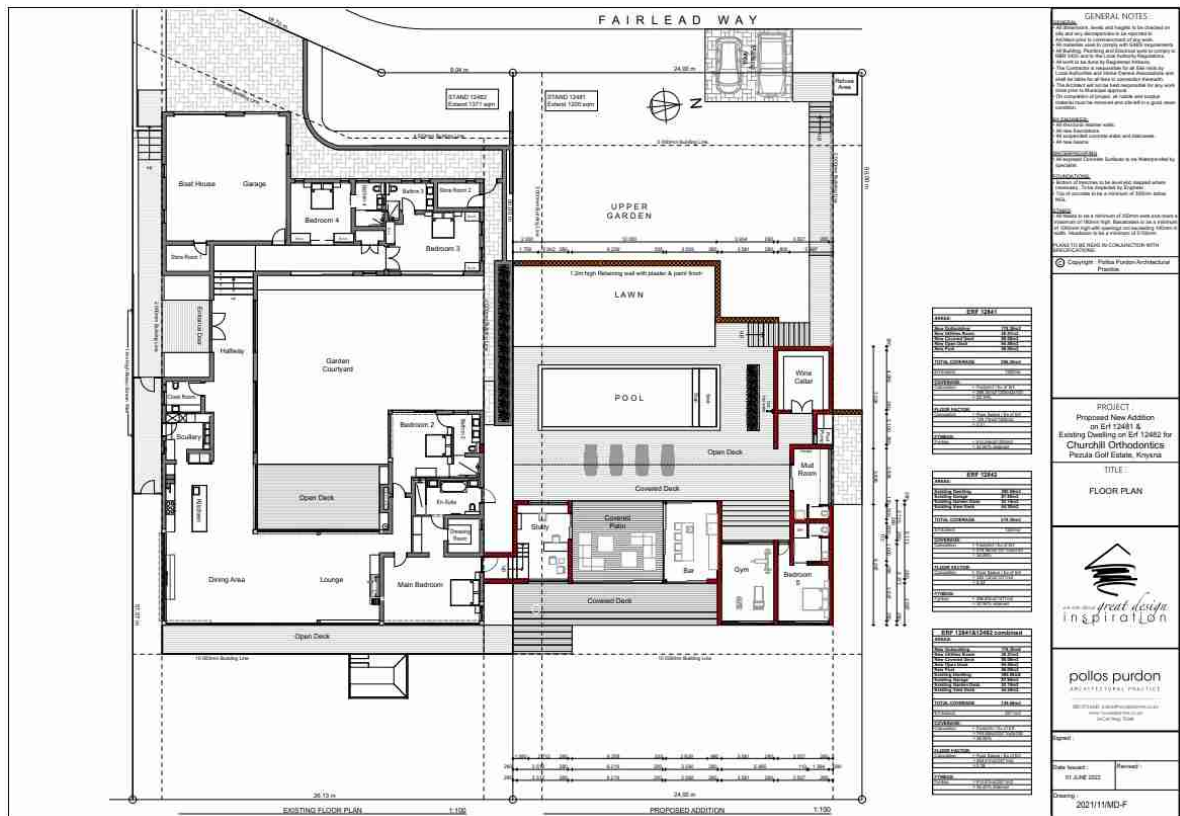
Erven 12481 and 12482 are situated in Pezula Golf Estate where the erf sizes are the order of 1 000 m<sup>2</sup>. The adjoining development to the east is known as Pezula Private Estate and there the development density is a lot lower and the erf sizes are in the order of 5 000 m<sup>2</sup> and much larger.

**REASON FOR THE CONSOLIDATION:**

The owners want to extend the existing house on Erf 12482 and can only do this by consolidating this erf with the vacant Erf 12481 as shown in the draft architect's site plan below.



**ARCHITECT'S DRAFT SITE PLAN**



**ARCHITECT'S DRAFT FLOOR PLAN**

**ACCESS:**

The access point to the property will remain as it is at present, coming off Fairlead Way and into the garage on Erf 12482. It is planned to provide a guest parking area just off, what is now Erf 12481 once the consolidation has been granted and the new additions to the house have been completed.

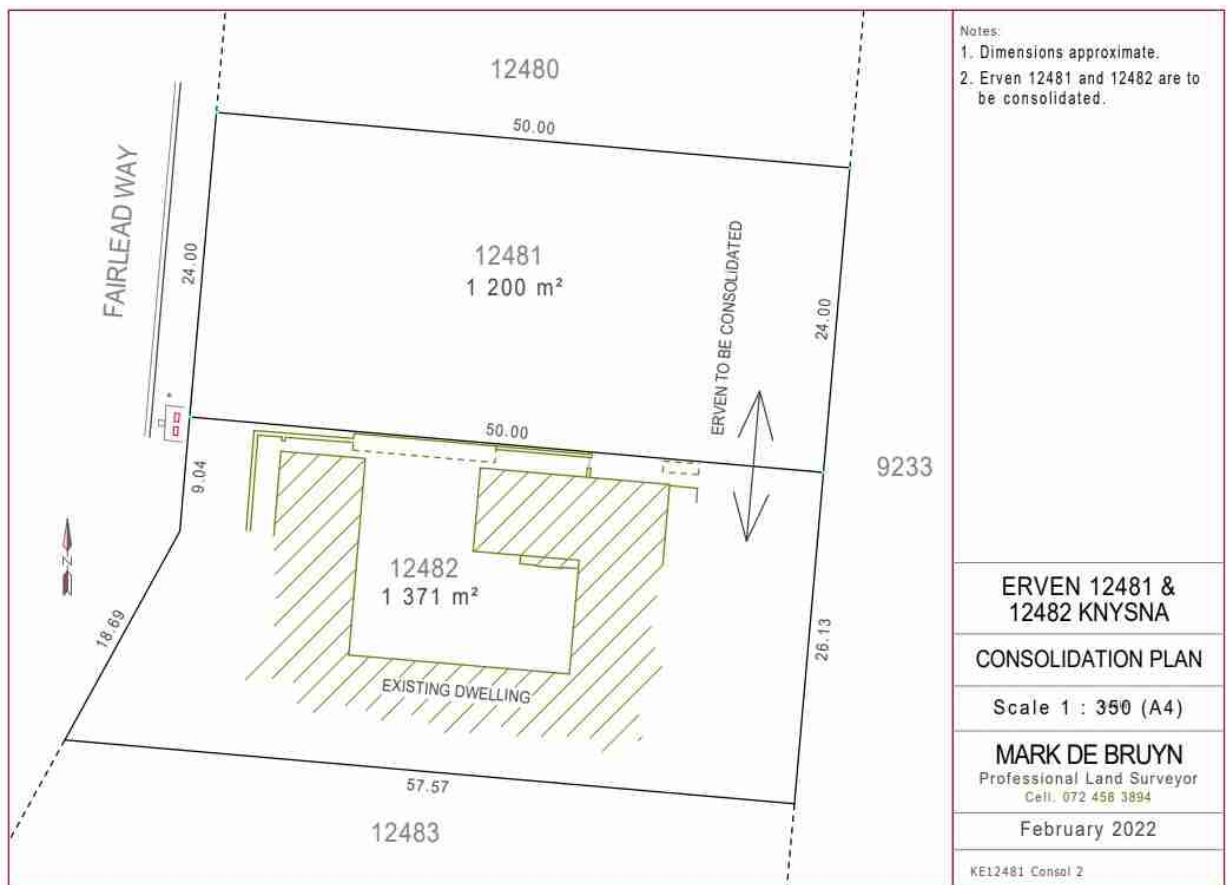
**SERVICES:**

All services are in place and no changes are required. At a previous pre-planning meeting, for a consolidation in Sedgefield, the Town Engineer requested that the owners contact the Municipality once the consolidation has been registered, for them to remove or disconnect the connection points that will no longer be relevant.

No Municipal services should otherwise be affected by the consolidation.

**LAYOUT OF CONSOLIDATION:**

The two erven will simply be consolidated and therefore there will be no development involved, other than the extension of the new dwelling house. No services will be affected.



Consolidation Layout Plan – Street numbers (as shown) can be retained

**PLANNING CONTEXT:**

No change of land use is required, and no new property is created.



**INFLUENCE ON SURROUNDING PROPERTIES:**

The proposed consolidation will not have a negative influence on the surrounding area and will just formalise the fact that the erven will be used as one erf.

**PRE-APPLICATION MEETING:**

A pre-application meeting was held at the Municipal Planning offices on 23 June 2022. The following issue was highlighted at the meeting:

1. The loss of one residential erf with respect to the efficiency principle referred to in the Western Cape Land Use Planning Act and Section 42 of SPLUMA (Spatial Planning and Land Use Management Act).

The formal minutes of the meeting as received as shown below:

**KNYSNA MUNICIPALITY**  
**PRE -APPLICATION MEETING**  
**Minutes of meeting held on the**  
**23 June 2022**  
**At**  
**14:00**  
**Microsoft Teams**  
**MINUTES**

No	Item	Presentation
1.	<b>Opening and Welcoming</b>	Mr S Madumbo
2.	<p><b>Attendance</b></p> <p>Mr S Madumbo (Chairperson) – KM : Town Planning <b>(KM)</b></p> <p>Ms N Vonya – KM : Town Planning <b>(KM)</b></p> <p>Ms L Mniki – KM : Town Planning <b>(KM)</b></p> <p>Mr R Hardnick – KM : Properties <b>(KM)</b></p> <p>Mr S Nelo – KM : Properties <b>(KM)</b></p> <p>Ms N Nkoane – KM : Aesthetics and Heritage <b>(KM)</b></p> <p>Mark de Bruyn – Applicant : <b>(MDB)</b></p> <p>Shane Jantjies – Applicant : <b>(SJ)</b></p> <p>Theodor &amp; Edward John – Applicant : <b>(TEJ)</b></p> <p>Martin Janker – Applicant : <b>(MJ)</b></p> <p><b>Apologies</b></p> <p>Mr M Radiopane – KM : Town Planning <b>(KM)</b></p>	
3.	<p><b>Items for consideration</b></p> <p><i>*Please note: Meeting minutes do not reflect verbatim discussions</i></p>	

<p>3.1</p>	<p><b><u>Erven 12481 &amp; 12482, Knysna – Application for Consolidation</u></b></p> <p><b><u>Discussion:</u></b></p> <ul style="list-style-type: none"> <li>• MDB: The subject properties are situated in the Pezula Golf Estate (South East). The average size of the properties in the estate is ±1000m<sup>2</sup>. One of the subject properties are vacant, the other has a small house which would then be extended to build the dream home for the owners, as indicated on the architects plan. The intent is to construct a larger house and maximise the uniqueness of the location which has great views to the seaside. No departure applications are proposed.</li> <li>• KM: It seems more of the properties in Pezula are being consolidated which may raise concern regarding the the loss of residential properties on the estate. The applicant is to discuss the implications of de-densification.</li> <li>• KM: The applicant is to discuss the implications of proposal against the SPLUMA Principle of Efficiency, amongst other principles.</li> <li>• KM: What are the implications of the proposal on the registered disturbance footprints?</li> <li>• MDB: This part of Pezula does not have disturbance footprints.</li> </ul> <p><b><u>Recommendation:</u></b></p> <ul style="list-style-type: none"> <li>• The applicant may submit a Consolidation application in terms of Section 15(2) of the Knysna Municipality By-Law on Municipal Land Use Management (2021).</li> <li>• Submit all the relevant documents which are required in terms of Section 38 of the Knysna Municipality By-Law on Municipal Land Use Management (2021).</li> </ul>	<p>Knysna Municipal officials and Mark De Bruyn</p>
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	<ul style="list-style-type: none"> <li>• Motivate the application(s) in terms of Section 65 of the Spatial Planning and Land Use Management By-Law (2021).</li> <li>• The motivation memorandum should also address the aforementioned discussions which have taken place during this pre-application meeting.</li> </ul>	
4.	<b>The Chairperson closed the meeting.</b>	

/lm

The point raised in the meeting regarding the efficiency addressed in the chapter that deals with the SPLUMA development principles – see page 13.

Whereas there is a loss of one residential erf this is not regarded as significant. The loss is offset by the development that will take place on the consolidated property leading to new investment and job creation. The diversification of the erf sizes can be seen as a natural progressing as a suburban development evolves and matures.

#### **TITLE DEEDS:**

There are no conditions in the title deeds that will preclude subdivision.

Erf 12481 is held under title deed T29160/2021

Erf 12481 is held under title deed T29810/2021

A Life Usufruct Right over Erf 12482 is held by Luc Pierre Marie Tourne and Godlieve Yvonne Fernand Michiels. This right is taken from title Deed T14686/2016.

See annexures 9, 10 and 11 for copies of these existing title deeds.

#### **CONSISTENCY WITH SPATIAL POLICY DIRECTIVES:**

The recent shift in legislative and policy frameworks has clearly outlined the roles of the various tiers of government, with spatial planning now being more the responsibility of the local Municipalities. Provincial policy in general however is seen as a mechanism to direct these functions and should therefore also be considered.

#### **SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) AND THE WESTERN CAPE LAND USE PLANNING (ACT 3 OF 2014)**

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. Section 42 of SPLUMA lays sets out the following 5 main development principles applicable to spatial planning, land

use management and land development. The points below indicate how the proposed development will be consistent with the SPLUMA principles, which are also further elucidated in the Western Cape LUPA 2014, with reference to both the Western Cape Provincial Development Framework 2014 and the Knysna Spatial Development Framework 2008.

Spatial sustainability:

- Past spatial and other development imbalances must be redressed through improved access to land and the use of land;
- Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded;
- Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in the access to land;

These principles in relation to the proposal are addressed as follows:

- As the proposal merely involves a consolidation of the two erven and therefore a consolidation of the ownership of the property onto one title deed these factors are not impacted.
- The proposal complies with the provisions of the Zoning Scheme By-laws.
- Development complies with the Knysna Spatial Development Framework (2020) as a spatial tool to guide future development on a Local Municipal Level.
- The erven fall well within the urban edge as identified in the SDF

Spatial justice:

- Promote land development that is within the fiscal, institutional and admirative means of the Republic;
- Ensure that special consideration is given to the protection of prime and unique agricultural land;
- Uphold consistency of land use measures in accordance with environmental management instruments;
- Promote and stimulate the effective and equitable functioning of land markets;
- Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
- Promote land development in locations that are sustainable and limit urban sprawl;
- Result in communities that are viable.

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These principles in relation to the proposal are addressed as follows:

- The proposal is supported by private initiative with no burden on any government structure;
- No agricultural land is utilized;
- The proposed Development does not trigger any environmental listed activities according to the National Environmental Management Act (1998);
- The development does not put any burden on the local authority for the provision of services ;
- The character of the area will not be altered ;

Efficiency:

- Land Development optimises the use of existing resources and infrastructure;
- Decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts;
- Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.

These principles in relation to the proposal are as follows:

- There is a loss of once erf in the consolidation process. However, the development process anticipates that land used will become more refined as time passes. The initial layout of a development is usually uniform but as people develop each individual property to its own potential this uniformity changes. The site on which these two erven are situated provides very spectacular views of the sea and the sea-cliffs below. They provide for a site on which a special house can be built that can take advantage of these views and the closeness to the sea.
- The efficiency in this sense is therefore the utilization of the resource of the view and position of the land, to its full potential.
- The proposed development will allow the urban area to be more fully developed. A balance must be allowed for the development of such special houses. If the erven are not consolidated, then the vacant erf will probably stand vacant for a long period as it will not be sold separately by the owners.

Spatial resilience(allow for flexibility in spatial plans):

- The policies and land use management systems in place should be flexible enough to allow for sustainable livelihoods in communities, especially those that are more likely to suffer from economic and environmental changes.

This principle in relation to the proposal is as follows:

- It is unlikely that the erven will be developed further in the near future, other than the current proposal. However, the general layout of the area would allow for redevelopment in the long terms if this became desirable.
- While the proposal is consistent with the Provincial and Municipal Spatial development Frameworks it also allows for continued development and rejuvenation of the property, with a possible second dwelling of less than 60 m<sup>2</sup> in terms of the by-laws. A second dwelling of more than 60 m<sup>2</sup> could be developed with the consent of the Municipality.
- The development complies with the available Spatial Development Frameworks.

Good administration:

- All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial and land use management systems as embodied in the Act.
- All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of the 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 and affords all parties the opportunity to provide inputs on matters affecting them
- Policies, legislation, and procedures must be clearly set to inform and empower members of the public

These points in relation to the proposal are as follows:

- The general 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.
- This principle will be adhered if the normal application process is followed in terms of the Knysna Municipality's Standard By-law on Land Use Planning .

Planning implication:

The proposal is therefore considered to be consistent with the Provincial SDF; it supports the principles of sustainable development and service delivery. It is also considered to be consistent

with the Knysna SDF as it falls within the urban edge and satisfies the directive that development should be limited to urban densification and infill areas, within the urban edge. It allows the owner to best utilize the properties to their full potential.

### ZONING SCHEME REGULATIONS:

The new integrated Zoning Scheme By-laws 2020 for the whole of the Knysna municipal area were published on the 29<sup>th</sup> of June 2020.

#### "dwelling house"

**Land use description:** "dwelling house" means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including:

- (a) a storeroom and garaging;
- (b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m<sup>2</sup>, provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m<sup>2</sup>;
- (c) a braai room;
- (d) renewable energy structures for household purposes;
- (e) home occupation;
- (f) letting to lodgers;
- (g) a bed and breakfast establishment; and
- (h) home childcare.

#### Development parameters:

- (a) Height
  - (i) 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 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.
  - (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
- (b) Coverage and building lines
  - (i) Building lines and coverage are indicated in the table entitled "Coverage and building lines":

COVERAGE AND BUILDING LINES

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m <sup>2</sup>	80%	1 metre	1 metre	1,5 metres
Greater than 250 m <sup>2</sup> , but not exceeding 500 m <sup>2</sup>	65%	3 metres	1,5 metres	1,5 metres
Greater than 500 m <sup>2</sup>	50%	4,5 metres	2 metres	2 metres

- (ii) The Municipality may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling house in Single Residential Zone 1, provided that an adequate means of access, at least 1 metre wide, is provided from a street to every un-built open portion of the property.

#### Zoning scheme By-laws : Dwelling house development parameters

In terms of these By-laws Erven 12481 and 12482, have a Single Residential 1 zoning and the proposal land use is compatible with this zoning.

## KNYSNA MUNICIPALITY'S SPATIAL DEVELOPMENT FRAMEWORK 2020

Whereas the thrust of the SDF 2020 is towards densification, emphasis is also placed on the consideration of the natural environment. The two erven in question can be developed as one to build best utilize the unique locality.

The erven are clearly within the Urban Edge and not on the coastal cliff edge.

There are no factors in the SDF that would restrict the consolidation.

## KNYSNA INTEGRATED DEVELOPMENT PLAN 2012-2017

Erven 12481 and 12482 fall into Ward 9 of the Knysna Municipality. Job creation is highlighted as one of the developmental goals. There will be an inflow of capital with the extension of the house with the resultant creation of jobs during the building phase as well as the maintenance thereafter.

## **SUMMARY OF COMPATIBILITY WITH GENERAL SPATIAL POLICY DIRECTIVES:**

The proposal is in line with the approved relevant spatial policy frameworks:

- The erf is located with the Urban Edge as indicated in the Knysna SDF 2020
- Because of the topography the property can be better utilized as one entity
- The proposal is in line with the Integrated Development Plan.

## **MOTIVATION FOR PROPOSAL:**

The two erven together offer a unique locality. The extension of the existing house will utilize this potential. As can be seen from the architect's site development plan, and layout plan, only one new bedroom is planned to be added to the house. The rest of the building will be taken up by things such as a gym and study. A large part of the development will be a pool, a patio and then garden areas.

The consolidation should have no negative impact on the surrounding area and any impact would most likely be positive. There will be a minor reduction in traffic.

The development would also lead to capital flow into the area and will result in job creation.



26 July 2022

**Mark de Bruyn PLS 0134**