

Collab. Ref.: 1161828  
File Ref.: 88, Buf  
Your Ref.: J VAN DYK/fdn/  
S Madumbo  
Tel: 044-302 6268

Via Electronic Mail

06 May 2022

Van Dyk & Kie, Attorneys  
35 John X Merriman Avenue  
PO Box 3042  
Tyger Valley  
7536

Electronic Mail: [jvd@vandyk.co.za](mailto:jvd@vandyk.co.za)

Dear Sir

**UNAUTHORISED BUILDING WORK: ERF 88 BUFFALO BAY, SAND STREET**

Your correspondence on the above matter dated 20 April 2022 refers.

Herewith the following with respect to the matters raised in your aforementioned correspondence:

- (i) Indeed, an application for departure from the provisions of the Zoning Scheme and removal of restrictive title conditions was submitted on 30 April 2019 and subsequently withdrawn on 27 May 2020 with the applicant conveying that they “*will contact [the Municipality] at a future date if another proposal is put forward...*”
- (ii) With regard to your complaint of 07 January 2021, a site inspection was undertaken by a building inspector later that month and found an unlawful structure of “packed bricks” ostensibly used as a braai structure. The landowner was instructed to demolish and/or remove this structure to ensure compliance which was adhered to at the time.
- (iii) At no point was the Municipality aware that the owners of Erf 88, Buffalo Bay, subsequently erected a building(s) or structure(s) without prior written approval by the Municipality. Therefore, your written correspondence will serve as an official complaint to the matter. Your complaint in this regard is appreciated and hereby acknowledged.

- (iv) Consequently, the Municipality will undertake enforcement as provided for in the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) (the “Planning By-law”) as well as the National Building Regulations and Standards Act, 1977 (Act 103 of 1977) (the “National Building Regulations”).
- (v) As a cause of your complaint, and following a site inspection, and in the effort to ensure compliance, the Building Control Inspectorate has already served the landowner with a notice of non-compliance issued in terms of the National Building Regulations on 03 May 2022. A notice issued in terms of the Planning By-law is to follow shortly.
- (vi) Kindly note that the enforcement of unauthorised building work on the subject property will be undertaken in terms of the aforesaid empowering legislation, specifically Sections 87 to 90 of the Planning By-law and Section 4 of the National Building Regulations.

We trust the above points answer your queries in respect of this matter. Should you have any further queries, you may contact the Senior Town Planner, Mr Shaun Madumbo at [smadumbo@knysna.gov.za](mailto:smadumbo@knysna.gov.za) or telephonically on (044) 302-6268.

Yours faithfully,



**JH SMIT**  
**ACTING DIRECTOR: PLANNING & DEVELOPMENT**

Cc: Senior Town Planner  
Manager: Building Control