ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3636
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	10 February 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 2036 SEDGEFIELD

PART A: APPLICANT DETAILS	
Name & Surname	***Lundikazi Khupiso***
Company name	***Planning Space (Pty) Ltd***
SACPLAN registration number	***C/9271/2020***
Registered owner(s)	***Ian Ralph Gibbon and Gaylene Geraldine Gibbon***
PART B: PROPERTY DETAILS	
Property description	***Erf 2013, Sedgefield in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***811m²***
Physical address	***1 Andries Pretorius Street, Sedgefield Island***
Area/Town	***Knysna***
Current zoning	***Single Residential Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Residential***
Are there existing buildings on the property?	***Yes, dwelling house***
Title Deed number & date	***T29536/2020***
Any restrictive title conditions applicable?	***Yes***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Not Applicable***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☒	☐
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the unauthorised building work that contravenes the lateral and street building lines as specified in the Knysna Zoning Scheme By-law (2020). and failing to obtain prior approval in terms of the restrictive title conditions, in respect of Erf 2036, Sedgefield.

2. BACKGROUND

2.1. The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) with the permissible use of a "dwelling house". The Zoning Scheme By-Law prescribes a 2m lateral building line, as well as a 4,5m street building line.

2.2. The existing structures on the property are a dwelling house, garage and shade port. The garage and house were built in accordance with the approved building plans. Later, the owners enclosed the approved open patio to create a waterproof braai room, without obtaining the necessary approvals, and this resulted in the encroachment of the lateral building line. A shade port was also constructed without building plan approvals and encroaches over the street building line.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	R5 000.00
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	Not Applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 6,850,000.00))	Not Applicable

3.2. Considerations in terms of Section 93(9) of the Planning By-law

3.2.1. The property owners took ownership of the property in, 2020. It is not clear when the building work was undertaken. However, the owners themselves took the initiative to correct the transgression and have conceded to paying the applicable penalty.

3.2.2. Further the applicant argues that the transgression may be considered as minor as it has not shown to have any adverse impact on the surrounding properties. However, a contravention has occurred and has been in existence for over five years. Therefore, the imposition of an administrative penalty is considered reasonable.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 5,000.00 be determined in accordance with Section 93(2,) for the unauthorised building work that encroaches on the prescribed Knysna Zoning Scheme building lines, in respect of Erf 2036, Sedgefield.

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. The administrative penalty applies to the building line encroachments as shown in the plan numbered "N002/10/2025-00" dated 11 November 2025.

5.2. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation is as follows:

The applicant argued that the contravention of the zoning scheme building lines is minor as it has not been shown to have an adverse impact on the neighbouring properties. An offence of the zoning scheme and Planning By-law has occurred nonetheless, and the imposition of the administrative penalty is considered justified.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum*

ANNEXURE B: *Power of attorney*

ANNEXURE C: *Copy of title deed*

ANNEXURE D: *Locality Plan*

ANNEXURE E: *Copies of approved building plan(s)*

ANNEXURE F: *Site Plan & Elevations*

Administrative Penalty: Erf 2036, Sedgefield			
Author Name: SINOVUYO SITINGA Date: 23 MARCH 2026		Author Signature:	
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1810/2012 Date: 23/03/2026		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

APPLICATION DATE: 27 January 2026

APPLICATION TO DETERMINE CONTRAVENTION LEVIES

The Knysna Zoning Scheme By-Law stipulates regulations to control land use and development within the municipal area. The By-Law stipulates how land can be used, what types of buildings can be constructed, and other related regulations. When individuals or entities violate these stipulations, they are considered to be in contravention of the Zoning Scheme Regulations.

Penalties for contravention of the Zoning Scheme By-Laws vary depending on the nature and severity of the violation. Section 93 (1) of the Knysna Municipal Spatial Planning and Land Use Management By-Law (2021) allows a person who is in contravention of this By-Law, and who wishes to rectify the contravention in terms of section 87 (2) (b), to apply to the municipality for the determination of an administrative penalty.

Planning Space has been appointed by **Ian Ralph Gibbon and Gaylene Geraldine Gibbon**, the owners of the Erf 2036 Sedgefield, to prepare and submit an application in terms of Section 15 (2) (r) of the Knysna Municipality Spatial Planning and Land Use Management By-Law to determine contravention levies for the encroaching covered braai room that is existing on the subject property as contemplated in Section 93 of the said By-Law.

1. PROPERTY DETAIL

PROPERTY DESCRIPTION	Erf 2036, in the Municipality & Division of Knysna, Western Cape
PROPERTY EXTENT	811m²
PHYSICAL ADDRESS	1 Andries Pretorius Street, Sedgefield Island
AREA/TOWN	Sedgefield
CURRENT ZONING	Single Residential Zone I
CURRENT LAND USE	Residential
TITLE DEED	T29536/2020 (Attached as Annexure B)

BOND	None

2. BACKGROUND

Erf Erf 2036 is situated on Sedgefield Island, also known as Sedgefield Extension X1. The township was established in 1956 following the approval of General Plan No. 1128. The property contains an existing dwelling house, garage, and shadeport. The dwelling house and garage were constructed in accordance with Building Plans approved in 2003 (refer to Annexure D).

In later years, the owners enclosed the approved open patio to create a weatherproof braai room. This alteration was undertaken without approved Building Plans and encroaches over the lateral building line.

A shadeport was also constructed without approved Building Plans and does not comply with the structural design requirements of the National Building Regulations. The shadeport further encroaches over the street building line, necessitating a departure application as well as the amendment of a restrictive Title Deed condition relating to building lines. The existing shade port will be demolished and, if approved, reconstructed in the same position in full compliance with the National Building Regulations.

A separate application for departure and amendment of restrictive Title Deed condition in order to obtain the necessary authorisation from the Council to regularise the existing braai room and proposed shadeport has been submitted.

3. CONTRAVENTION INFORMATION

UNAUTHORISED BUILDING WORK (BRAAI ROOM)

(Up to and not more than 100% of the value of the building, construction, and engineering work unlawfully carried out.)

Uncontested contravention penalty as set out in the current fee structure of the Planning and Development: Land Use Management Application Fees 2025/2026.	R5000.00 [Unauthorised building work (covered braai room) for residential purposes].

4. DEVELOPMENT PROPOSAL

The original approved Building Plans show an enclosed patio 1.5m away from the north-eastern lateral boundary, in line with the approved house. Several years ago, the owners decided to add a roof over the patio so that they could enjoy the space even when the weather is not good. The braai room forms a covered extension of the main dwelling.

Figure 1: North-eastern lateral boundary.

Updated Building Plans will be submitted to the Building Control Office upon receiving authorisation for the encroaching structure .

5. ACKNOWLEDGEMENT OF GUILT

Upon realising the non-compliance, the owner voluntarily acknowledged the contravention and took immediate steps to address it. This proactive approach demonstrates a sincere commitment to compliance and reflects a willingness to rectify the issues without instruction from Knysna Municipality or delay. There is no evidence to suggest that the owner is a habitual offender or was never involved in any unlawful conduct.

6. ANTICIPATED IMPACTS

The patio, as approved in the original Building Plans, has always been used as the entertainment area of the house. The enclosed braai room has been designed to contain activity within the enclosed structure, thereby mitigating potential noise emissions. This measure ensures that social gatherings do not create a nuisance or adversely affect the amenity of adjoining properties.

The privacy of both the subject property owners and neighbouring residents will be safeguarded. Erf 2036 is screened by mature trees along the rear boundary and a timber fence of approximately two metres in height, which effectively prevents direct views into the property. Furthermore, the door located on the north-eastern side, which serves as external access to the braai room, is similarly screened by the fence and is therefore not expected to have any impact on the neighbour's privacy or amenity. In addition, the north-eastern lateral boundary accommodates a panhandle that provides access to Erf 1614. Accordingly, the proposed building line relaxation is not expected to compromise the privacy of adjoining neighbours or the owners of Erf 2036.

7. COMPATIBILITY WITH THE SPATIAL DEVELOPMENT FRAMEWORK SDF 2020

The property is situated in the designated urban area of Sedgefield, within the residential development zone. Its use complies with the guidelines set forth in the Spatial Development Framework, which oversees the area's planning and development.

For your further consideration, please find the following documentation attached:

1. Proof of Payment of Application Fees.

2. T2 Land Use Application form duly completed.

3. List of Diagrams:

DIAGRAM 1: Locality Plan

DIAGRAM 2: Aerial Photo

DIAGRAM 3: Zoning Map

DIAGRAM 4: Site Plan and Elevations

4. List of Annexures:

ANNEXURE A: Power of Attorney

ANNEXURE B: Title Deed

ANNEXURE C: SG Diagram

ANNEXURE D: Approved Building Plans

ANNEXURE E: F Van Niekerk en Seuns (Eiendoms) Beperk Company Report

I trust that the above will be self-explanatory. Do not hesitate to contact the writer should you wish to discuss the matter or require any additional information/clarification.

Please be so kind as to acknowledge receipt of this application.

Yours faithfully,

Lundikazi Khuphiso.

SPECIAL POWER OF ATTORNEY

We, the undersigned..I R GIBBON.....

duly authorized, do hereby nominate, constitute and appoint Lizemarie Botha/ Lundikazi Khuphiso of the firm **PLANNING SPACE**, with power of substitution to be my lawful agent, in my name, place and stead to make application, as described below, to the relevant Authorities and to sign all application forms, documents and other papers as may be required in such application.

DESCRIPTION OF PROPERTIES

Erf 2036, Sedgefield

NATURE OF APPLICATION

Departure, Removal of Restrictive Conditions, Contravention Levies and Related Applications

SIGNED AT..KNYSNA.....**THIS**..12TH..... **DAY OF** NOVEMBER.....**2025**

.....

OWNERS/ AUTHORISED AGENT

WITNESSES

1. ..N. Mohr.....

2. .....

SPECIAL POWER OF ATTORNEY

We, the undersigned.....GAYLENE.....GIBSON.....
duly authorized, do hereby nominate, constitute and appoint Lizemarie Botha/ Lundikazi Khuphiso of the firm **PLANNING SPACE**, with power of substitution to be my lawful agent, in my name, place and stead to make application, as described below, to the relevant Authorities and to sign all application forms, documents and other papers as may be required in such application.

DESCRIPTION OF PROPERTIES

Erf 2036, Sedgefield

NATURE OF APPLICATION

Departure, Removal of Restrictive Conditions, Contravention Levies and Related Applications

SIGNED AT...KNYSNA.....**THIS**.....14th..... **DAY OF** .....NOVEMBER...**2025**

.....

OWNERS/ AUTHORISED AGENT

WITNESSES

1. .....

2. .....

RAUBENHEIMERS INC
60 CATHEDRAL STREET
GEORGE
6529

TEL: 044-873 2043

Prepared by me

CONVEYANCER
WILLEM MUNRO LUTTIG

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 150 000-00	R 1691-00
Reason for exemption 9	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / VERIFY
22-10-2020
LINDA NCAPAI

CAPTURE
16-10-2020
WENDY FANTI

T 000029536 / 2020

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

MICHELLE VAN WYK

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

1. **GERT PETRUS JOHANNES VAN NIEKERK**
   Identity Number [redacted]
   Married out of community of property

2. **ELIZABETH PATRICIA VAN NIEKERK**
   Identity Number [redacted]
   Married out of community of property

which said Power of Attorney was signed at GEORGE on 14 August 2020

And the appearer declared that his/her said principal had, on 30 July 2020, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1. **IAN RALPH GIBBON**
   Identity Number [redacted]
   Married out of community of property

2. **GAYLENE GERALDINE GIBBON**
   Identity Number [redacted]
   Married out of community of property

their Heirs, Executors, Administrators or Assigns,

ERF 2036 SEDGEFIELD
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
WESTERN CAPE PROVINCE

IN EXTENT 811 (EIGHT HUNDRED AND ELEVEN) Square metres

FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED TITLE NO. T41887/1984 WITH DIAGRAM NO. 979/84 ANNEXED THERETO

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T23697/1969.

B. **ENTITLED** to the benefit of the servitude referred to in an endorsement dated 25th September 1929 on Deed of Transfer No. T822/1928 dated 3rd February 1928, which endorsement reads as follows, namely –

"By Deed of Transfer No. 9658 d.d 25th September 1929 certain two rights of way shown on the diagram annexed thereto are to remain open for the use of the owner of the remainder of the land held hereunder as will more fully appear on reference to the said Deed of Transfer."

C. **SUBJECT FURTHER** to the following special conditions mentioned in Deed of Transfer No. T9233/1957 imposed by Sedgefield Investments Proprietary Limited for the benefit of themselves and their successors in title as owners of the remainder held by virtue of Deed of Transfer No. T26897/1948 namely:-

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

(b) .....

(c) The term "transferors" and "transferee" in these conditions shall be deemed to include the heirs, executors, Administrators, assigns or successors in title of the transferors and transferee.

D. **SUBJECT FURTHER** to the following special conditions mentioned in the said Deed of Transfer No. T23697/1969 imposed by the Transferors therein being F van Niekerk en Seuns Eiendoms Beperk for the benefit of the said Transferors and their Successors in Title (as hereinafter defined) to the remainder of the land held by virtue of Certificate of Consolidated Title No. T4464/1958,namely –

"1. Die Transportnemer sal nie die reg hê om die Transportgewers aan te spreek vir die maak of instandhouding van heinings of vir enige bydrae tot die maak of instandhouding daarvan nie.

2. As die Transportnemer die eiendom vir enige doeleindes gebruik sal hy verplig wees om binne 'n tydperk van ses maande van die begin van gesegde gebruik, die terrein of met 'n heining van nie minder as vyf drade behoorlik opgerig, te omhein, of met sulke soort omheining as die Transportgewers mag goedkeur. Indien hy nie binne die gesegde tydperk aan hierdie voorwaardes voldoen nie sal die Transportgewers geregtig wees om die Transportnemer dertig dae skriftelike kennis te gee om sodanige heining op te rig en by versuim sal die Transportgewers die reg hê om sodanige heining op te rig en die koste daarvan, teen 'n onderlinge vasgestelde prys van R24 per erf, van die Transportnemer te verhaal.

3. Die Transportgewers sal geregtig wees om behoorlike gesondheidsmaatreëls op die Transportnemers in verband met hierdie eiendom toe te pas. Die Transportnemer onderneem om niks op die erf te doen of na te laat wat 'n gevaar vir gesondheid en mede-eienaars sal skep en in geval van die skepping van sulke gevaar onderneem Transportnemer om na skriftelike kennis deur Transportgewers gegee, die gevaar onverwyld to verwyder. Indien die Transportnemer hierdie voorwaardes nie nakom nie, is die Transportgewer geregtig om enige nodige werk aan te rig en die koste van sodanige werk van die Transportnemer te verhaal.

4. Die Transportgewers mag nie enige heining van sinkplaat sonder die skriftelike toestemming van die Transportgewers oprig nie.

5. Sonder die skriftelike toestemming van die Transportgewers sal geen hotel of losieshuis op hierdie eiendom opgerig word, nog sal hierdie eiendom of enige gebou daarop as losieshuis of hotel gebruik word nie.

6. Nagvuil mag nie op hierdie eiendom begrawe word nie.

7. Sonder die skriftelike toestemming van die Transportgewers, sal geen gebou of enige gedeelte daarvan binne 4,72 meter van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie. Geen gebou sal binne 1,57 meter van die sygrens van 'n aangrensende erf opgerig word nie, behalwe in die geval waar een koper twee aangrensende erwe besit. Daar sal nie op meer as twee-derdes van die eiendom gebou word nie.

8. .....

9. Die Transportnemer mag nie die eiendom, of enige deel daarvan, of enige geboue daarop, vir advertensie doeleindes gebruik, of laat gebruik, sonder die skriftelike toestemming van die Transportgewers nie.

10. Hierdie eiendom sal alleenlik vir woon-, landbou -, of tuinboudoeleindes gebruik word, en alle handelsregte daarop word vir die Transportgewers voorbehou.

11. Daar sal nie op hierdie erf enige hinderlike, ongesonde, or gevaarlike bedryf, soos bepaal in die Munisipale Ordonnansie 19 van 1951 of enige wysiging daarvan, gevoer word nie.

12. .....

13. Die Transportnemer sal toelaat dat alle dreinering en riolering van enige ander erf of erwe oor hierdie eiendom sal gaan mits dit noodsaaklik deur enige plaaslike owerheid wat in die lewe geroep mag word, geag word, en in sulke manier in sulke posisie soos van tyd tot tyd deur sodanige plaaslike owerheid nodig gevind mag word."

Die bewoording "Transportgewers en hulle opvolgers in titel" sal beteken die gesegde Maatskappy F VAN NIEKERK EN SEUNS EIENDOMS BEPERK as die geregistreede eienaars van die grond wat in hulle naam geregistreer bly onder Sertifikaat van Gekonsolideerde Titel No. T4464/1958, naamlik -

> SEKER opgehefte erfpaggrond, geleë in die Afdeling Knysna, synde die restant van Erf Nr. 1626 van die dorp Sedgefield (naamlik die restant van Sedgefield Dorp Uitbreiding Nr. 1 wat daarop uitgelê is)."

en hulle opvolgers in titel daartoe, uitsluitende die eienaars van enige onderverdeling van die grond so gehou wat deur die segde Transportgewers vervreem of getransporteer mag word na 27 June 1966 synde die oorspronklike datum van verkoop van die grond hiermee getransporteer.

(the last mentioned date was the date of the original sale of the land)

E. **SUBJECT FURTHER** as contained in Certificate of Registered Title No T41887/1984 to the following conditions imposed by the Administrator in terms of Section 9 of Ordinance 33 of 1934 namely: -

1. The owner of this erf shall, without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven, to be conveyed across this erf, and surface installations such as mini – substations, meter kiosks and service pillars to be installed thereon, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

2. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

WHEREFORE the said Appearer, renouncing all rights and title which the said

1. **ELIZABETH PATRICIA VAN NIEKERK, Married as aforesaid**
2. **GERT PETRUS JOHANNES VAN NIEKERK, Married as aforesaid**

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

1. **IAN RALPH GIBBON, Married as aforesaid**
2. **GAYLENE GERALDINE GIBBON, Married as aforesaid**

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 150 000,00 (TWO MILLION ONE HUNDRED AND FIFTY THOUSAND RAND) .

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 2 October 2020

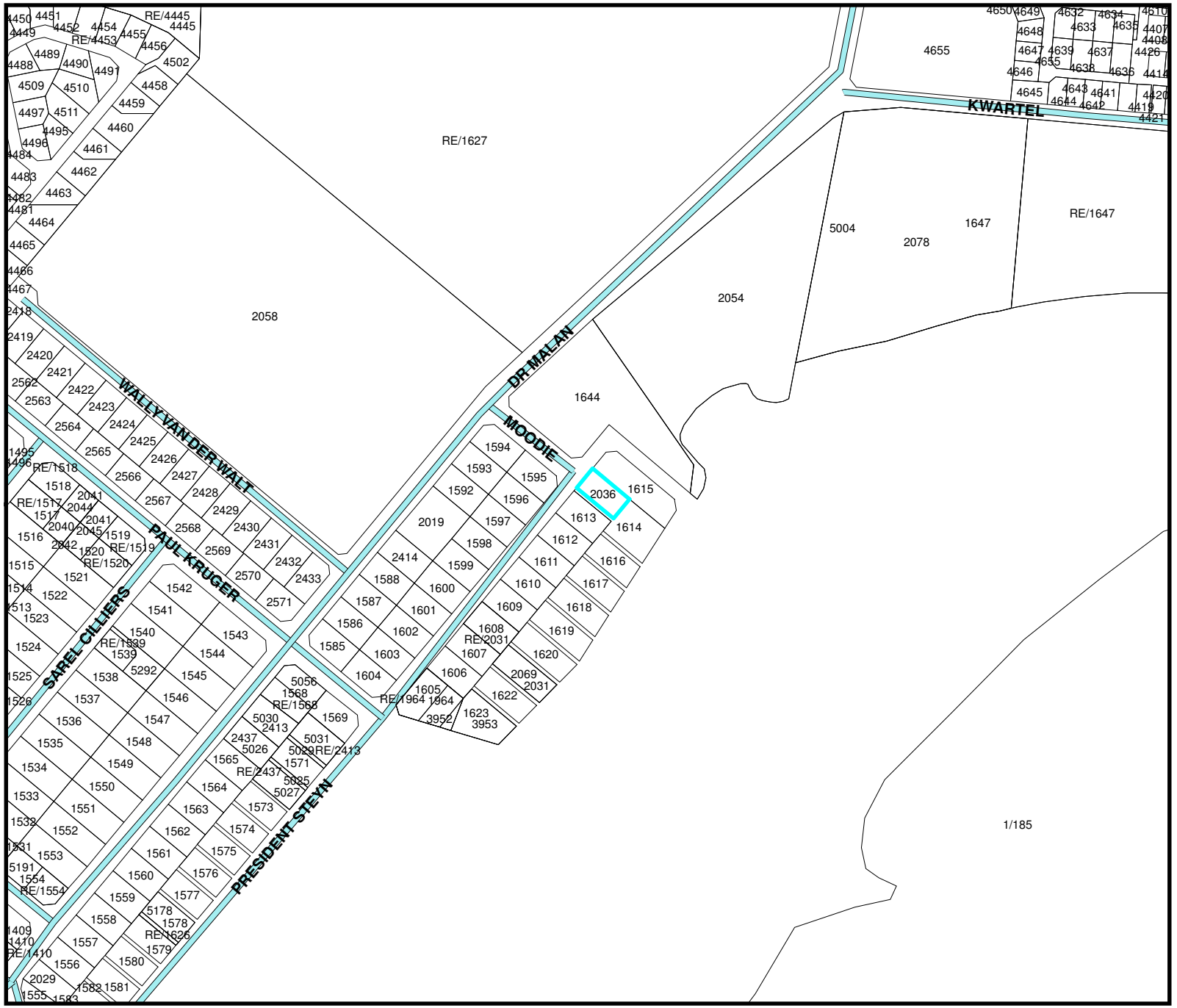
q.q.

In my presence

REGISTRAR OF DEEDS

DIAGRAM 1: LOCALITY MAP

ERF 2036 SEDGEFIELD



N

0 20 40 80 120 160 Meters

Planning Space
Town and Regional Planners

Knysna Municipality

KNYSNA MUNISIPALITEIT PLAN No 2023/26714

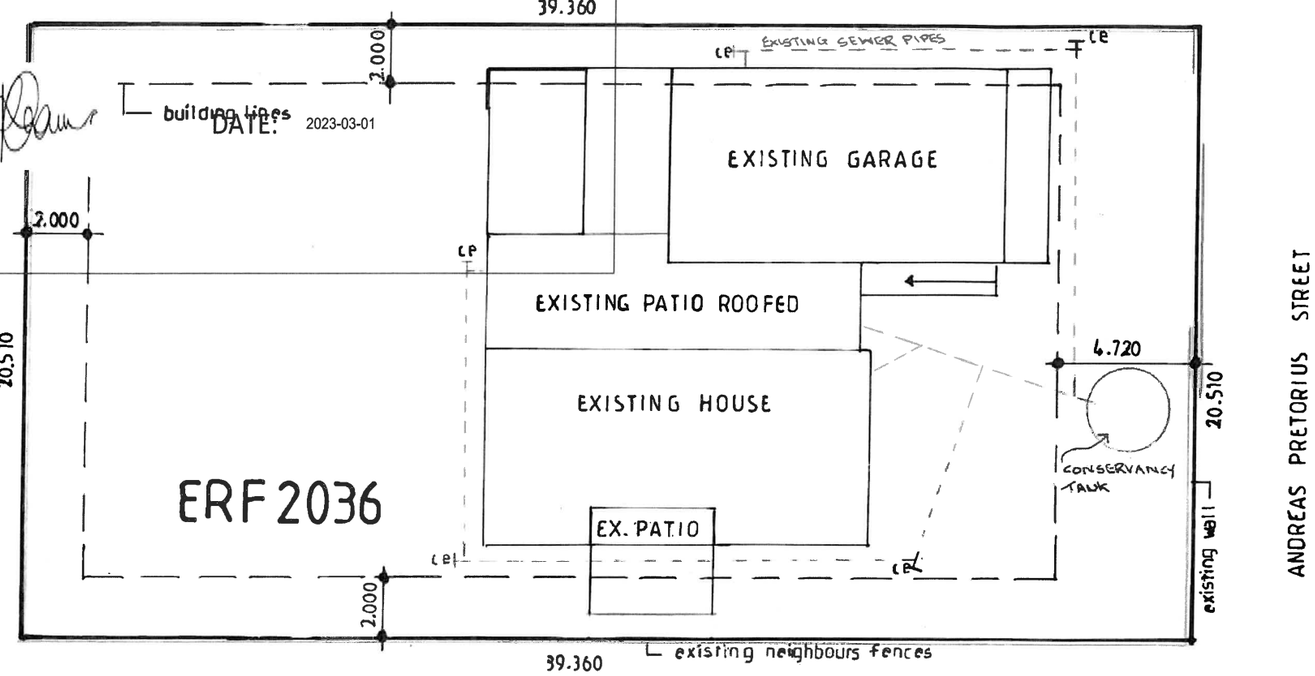
GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2023-03-01

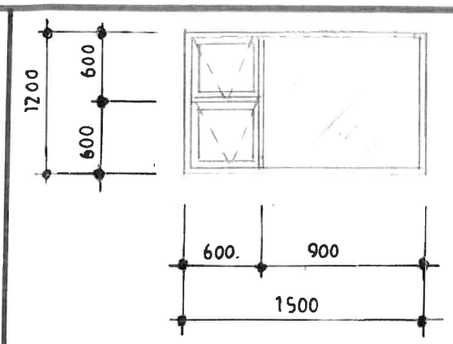
ERF 1613



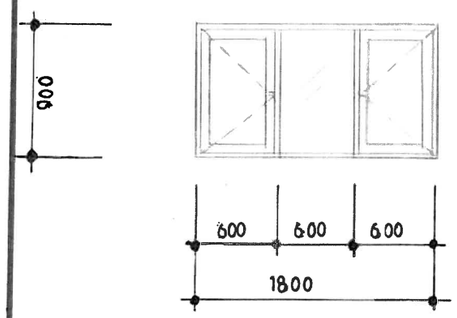
ERF 1615

SITE PLAN

SCALE 1: 200

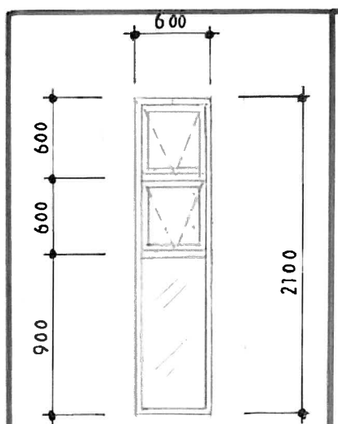


W1

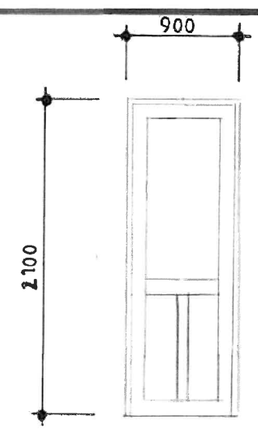


W2

REVISED PLAN 23-11-2022



W3



D1

Cell:- 082 695 3119
P O Box 3681
Knysna
6571

Tracy Hepburn Designs

Client:- Mr & Mrs Gibbon

Project:- **Revised plans**:- The addition to the lounge was not done. Window sizes were changed in the roofed patio area with a window and door being added on ERF 2036
The Island, Sedgefield

Drawn:- Ms T. Hepburn (ST 1651)

Scale:- As shown

Date:- 23 Nov 2022

Drawing:- 42/G/22

Client's signature:-

Knysna Municipality

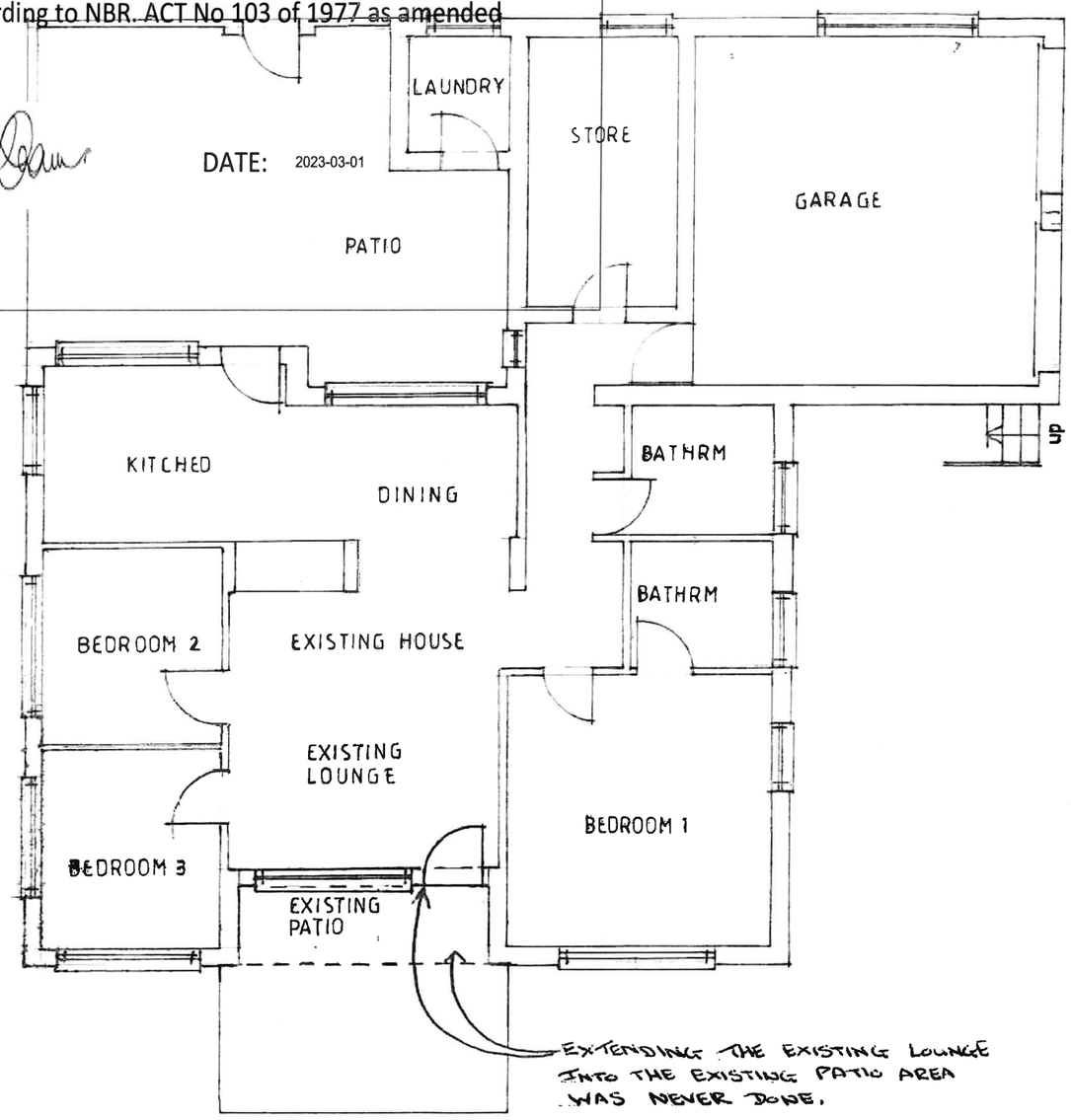
KNYSNA MUNISIPALITEIT PLAN No 2023/26714

GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2023-03-01



GROUND STOREY EXISTING

SCALE 1:100

REVISED PLAN 23-11-2022

AREAS	
Existing ground storey area	194.79m²
Existing patio	5.34m²
Existing first storey area	74.45m²
Existing deck area	6.63m²
Existing balcony area	9.77m²
Existing patio now roofed area	47.94m²
ERF size	811m²
Coverage	26.70%

Cell:- 082 695 3119
P O Box 3681
Knysna
6571

Tracy Hepburn Designs

Client:- Mr & Mrs Gibbon

Project:- **Revised plans**:- The addition to the lounge was not done. Window sizes were changed in the roofed patio area with a window and door being added on ERF 2036 The Island, Sedgefield

Drawn:- Ms T. Hepburn (ST 1651)

Scale:- As shown

Date:- 23 Nov 2022

Drawing:- 42/G/22

Client's signature:-

Knysna Municipality

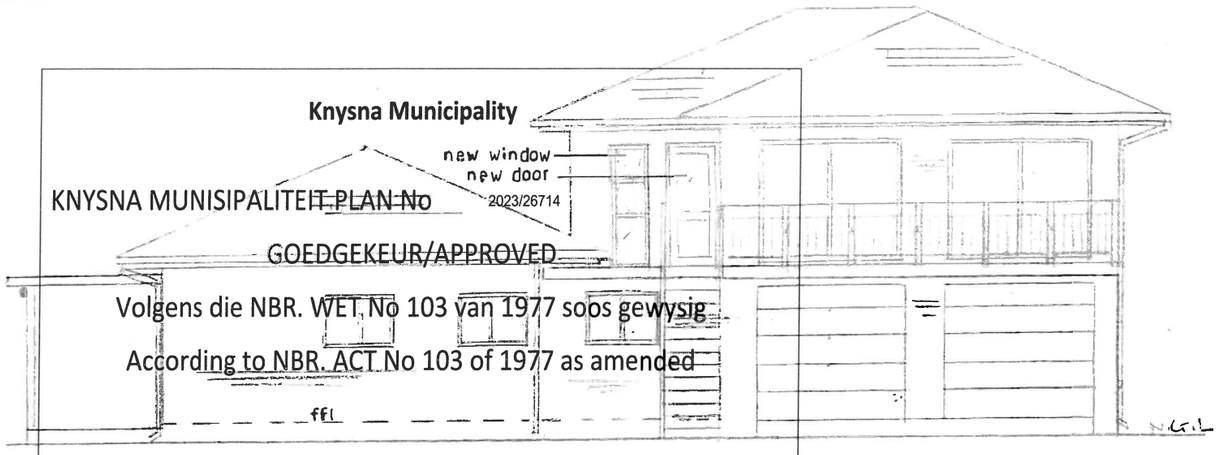
KNYSNA MUNISIPALITEIT PLAN No 2023/26714

GOEDGEKEUR/APPROVED

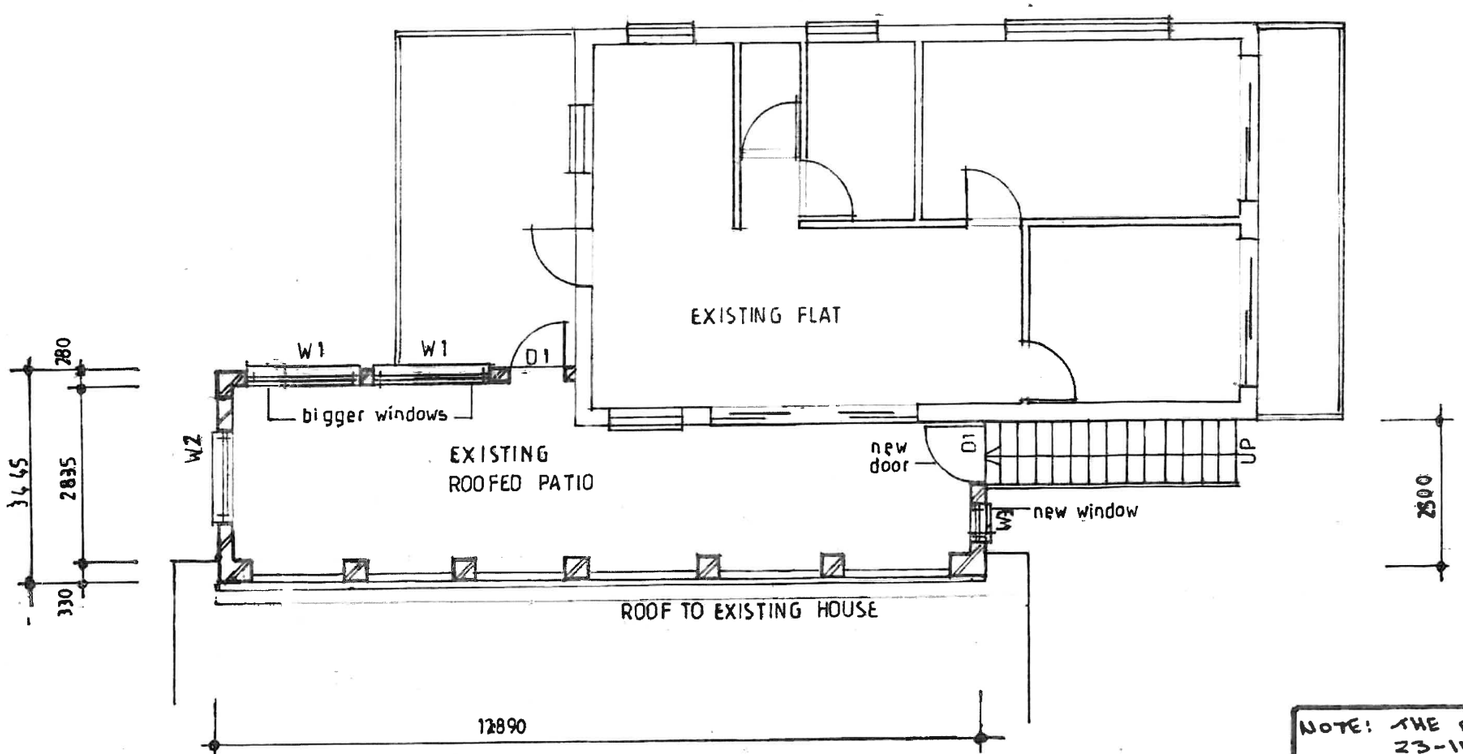
Volgens die NBR. WET No 103 van 1977 soos gewysig

According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2023-03-01



1 WEST ELEVATION



FIRST STOREY

SCALE 1:100

REVISED PLANS 23-11-2022

NOTE: THE REVISED PLANS 23-11-2022 REFLECT WHAT WAS BUILT.

Cell:- 082 695 3119
P O Box 3681
Knysna
6571

Tracy Hepburn Designs

Client:- Mr & Mrs Gibbon

Project:- **Revised plans**:- The addition to the lounge was not done. Window sizes were changed in the roofed patio area with a window and door being added on ERF 2036
The Island, Sedgefield

Drawn:- Ms T. Hepburn (ST 1651)

Scale:- As shown

Date:- 23 Nov 2022

Drawing:- 42/G/22

Client's signature:-

Knysna Municipality

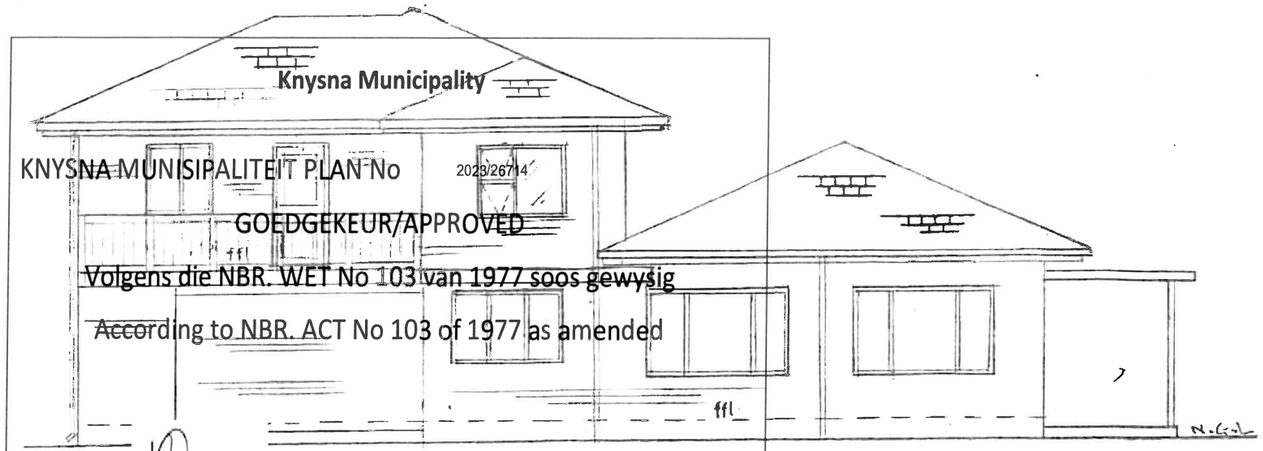
KNYSNA MUNISIPALITEIT PLAN No 2023/267/14

GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

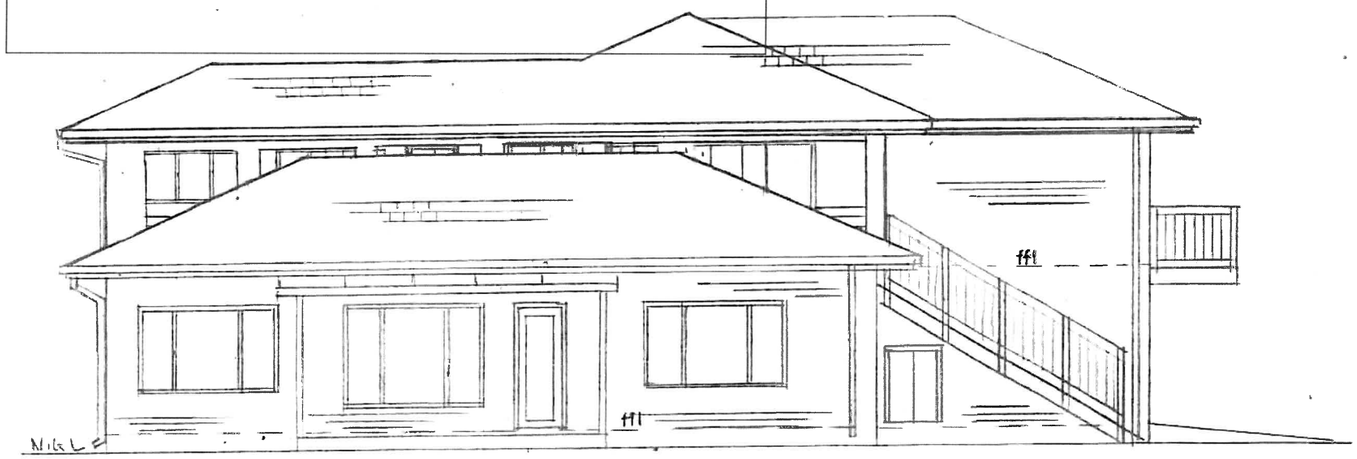
According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2023-03-31



EAST ELEVATION

SCALE 1:100



8,5m height restriction

NORTH EAST ELEVATION

SCALE 1:100

SOUTH WEST ELEVATION

SCALE 1:100

REVISED PLAN 23-11-2022

Cell:- 082 695 3119
P O Box 3681
Knysna
6571

Tracy Hepburn Designs

Client:- Mr & Mrs Gibbon

Project:- **Revised plans**:- The addition to the lounge was not done. Window sizes were changed in the roofed patio area with a window and door being added on ERF 2036 The Island, Sedgefield

Drawn:- Ms T. Hepburn (ST 1651)

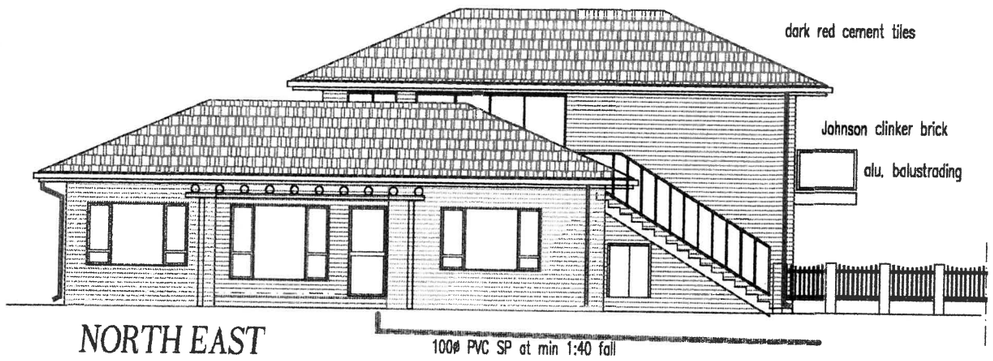
Scale:- As shown

Date:- 23 Nov 2022

Drawing:- 42/G/22

Client's signature:- _____

KNYSNA MUNI - PLANS ON HAND
01/10/2025



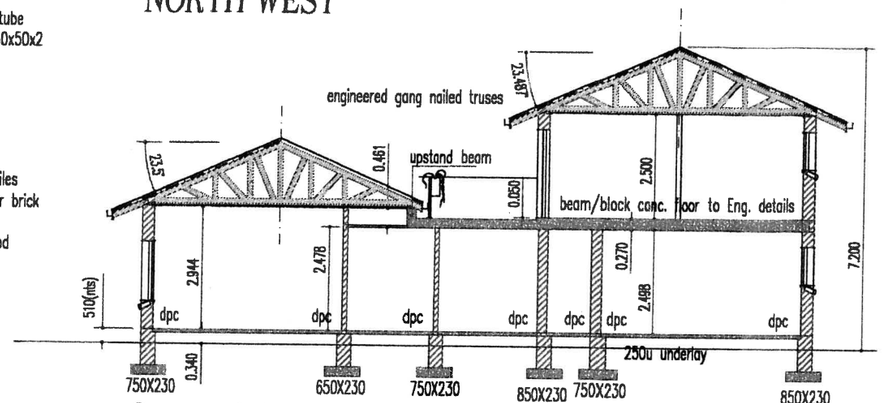
NORTH EAST

NORTH WEST

20x20x2 st. GI tube at 108ctrs on 50x50x2 GI st tube.

SOUTH EAST

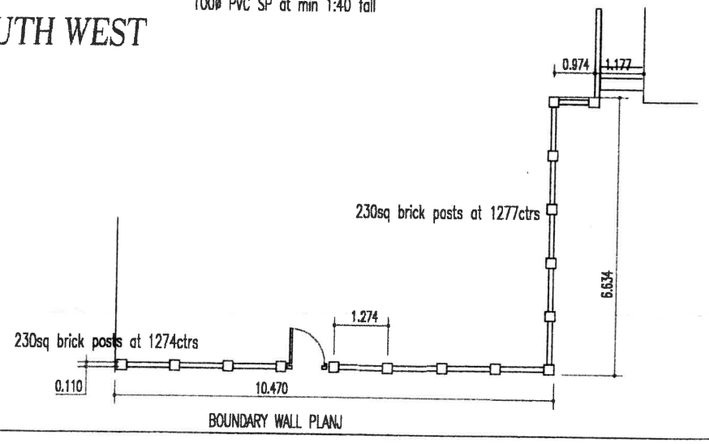
external; finishes:-
Roof- dark red cement tiles
Ext walls -Johnson clinker brick
alu. balustrading
Windows- alu. bronze anod



Section 1-1

foundations to Eng. details

SOUTH WEST



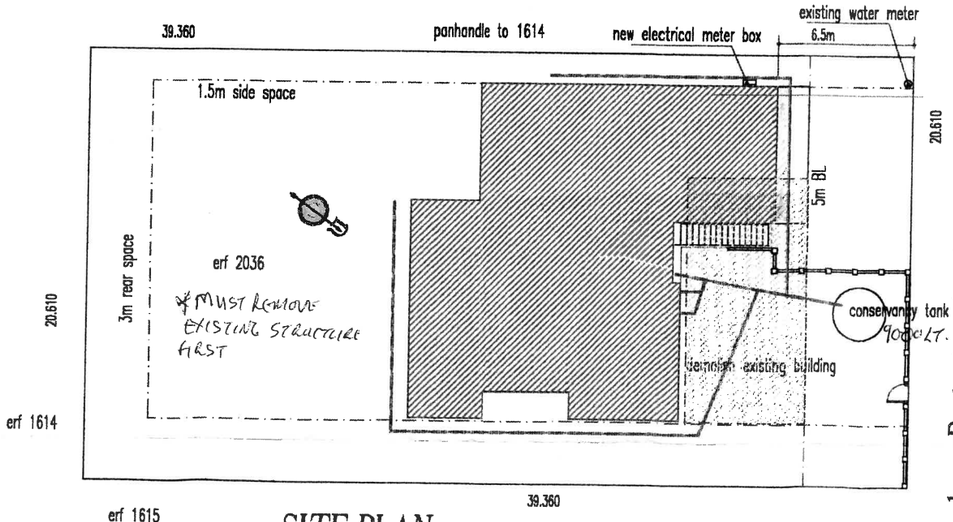
BOUNDARY WALL PLAN

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

KNYSNA MUNISIPALITEIT / KNYSNA MUNICIPALITY PLAN NO. 76/2025
GOEDGEKEUR/APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewysig
According to NBR Act No 103 of 1977 as ammended
BCO/TE
DATE 3/6/2025

INSTALL TWO SMB BOXES
& A LOAD CONTROL RELAY

erf 1613



SITE PLAN 1:200

Andreas Pretorius street

All work to be performed according to Municipal regulations.
Clear vegetation only where required. Form plateau as indicated.
Place chemical toilet as shown.

Follow Engineers instructions for the formation of foundations ground beams columns concrete slabs and retaining wall.

For structures other than Engineers requirements the following proceedure is to be followed:-

FOUNDATIONS 20mPa concrete to be formed DCP tested compacted trenches at min 750 below original GL.
Build 345 brick rising walls, brickforce at 5 course layers.
Fill cavity with 20mPa conc. Consolidate fill in 300mm well watered layers. Cover entire area with 250u Gunplas 500mm overlaps. Place phase 1 electr. chasing. Form 20mPa:75mm wood floated surface beds.
Construct walls out of Johnson cliker bricks externally
Brickforce at 5 course intervals. V form brickforce over cavity.
Use 4:1 mortar. Mortar standing for more than 2 hrs may not be re-used.
Keep cavities clear. Build in air bricks over doors and windows.
Build in frames with DPC at head and cills. Build in lintols over doors and windows with min. 300mm run off at each end.

Build in 16ø roof ties 5 courses below wall plate.
Form cills out of quarry tiles.
Internal walls to be smooth plastered after plumbing and electrical work has been completed and tested
CARPENTER use only tanalised timber
ROOF:- pitch 23.5°
Red cem. interlock tiles on 38x38 battens at 320 ctrs on 114x38 trusses at 450 ctrs

Place MP50 Aerolite insulation over living area.
Ceilings out of 6mm Nutec on 38x38 battens at 450 ctrs.
Fibre cement cornice. Ceiling joints to be skimmed.
Provide trapdoor access to geyser.
Window and door frames out of Aluminium to window schedule.
Cupboards and kitchen fittings out of melamine. Provide 2/3 hanging with CP rails and 1/3 shelving space to cupboards.
Int. frames out of Meranti. Internal doors hardboard hollow core.

Handrails by specialist. Height min. 1m above FL.
Kitchen units by specialist

Floor tiles-non slip kitchen bathrooms/entrance/dining/lounge.
Wall tiles kitchen between units
bathroom up to 1500 AFL

PLUMBER
Fit Waterguard filter to cold water inlet.
Provide a 200L 400kPa geyser situated above bathroom.
Install 19ø hot /cold plumbing via ceilings and walls to all fittings. Insulate hot water pipes.
Provide stop cocks to WCs and rising main to geyser.
Fit all sanware items as chosen by owner.
TEST ALL PLUMBING UNTIL PERFECT.
Rainwater:- white Aluminium gutters and downpipes.
SEWERAGE
Single pipe water borne system into Councils sewer.
100ø PVC, SP at 1:40 fall min. At min 300 below GL
Provide ie's at all junctions and re's at bends and junctions.
Provide grease trap to kitchen. Provide 50ø vent valve to WCs.

ELECTRICIAN
Arrange for a 45Amp single phase Municipal conn. to the meter board and provide a protective pipe to the rising main. Maintain until handover.
Refer to the electrical diagram.
All conduits where practical to be in the floor and out of PVC.
Provide overload control to hob/geyser and an ELR.
Earth wires to be independent from water supply.
Sockets in kitchen to be 1200 AFL: and 300AFL elsewhere.
Light fitting conduit to run through walls and ceilings.
Provide television and telephone conduits with draw wires.
Provide a certificate of compliancy upon completion.

PAINTER
Plaster stop and prepare.
Walls 2 coats bonding primer/ 2 coats PVC.
Ceilings 2 coats bonding primer/ 2 coats PVC.

coverage

ground floor	187m2
first floor	74.6m2
total area	261.6m2
footprint	187m2
area of site	811m2
coverage	23.1%

Le Plan architectural technology
tel. 082 8977544
fax 044 343 1772
leplan@isat.co.za

proposed house on erf 2036 Sedgefield for Mr and Mrs Van Niekerk

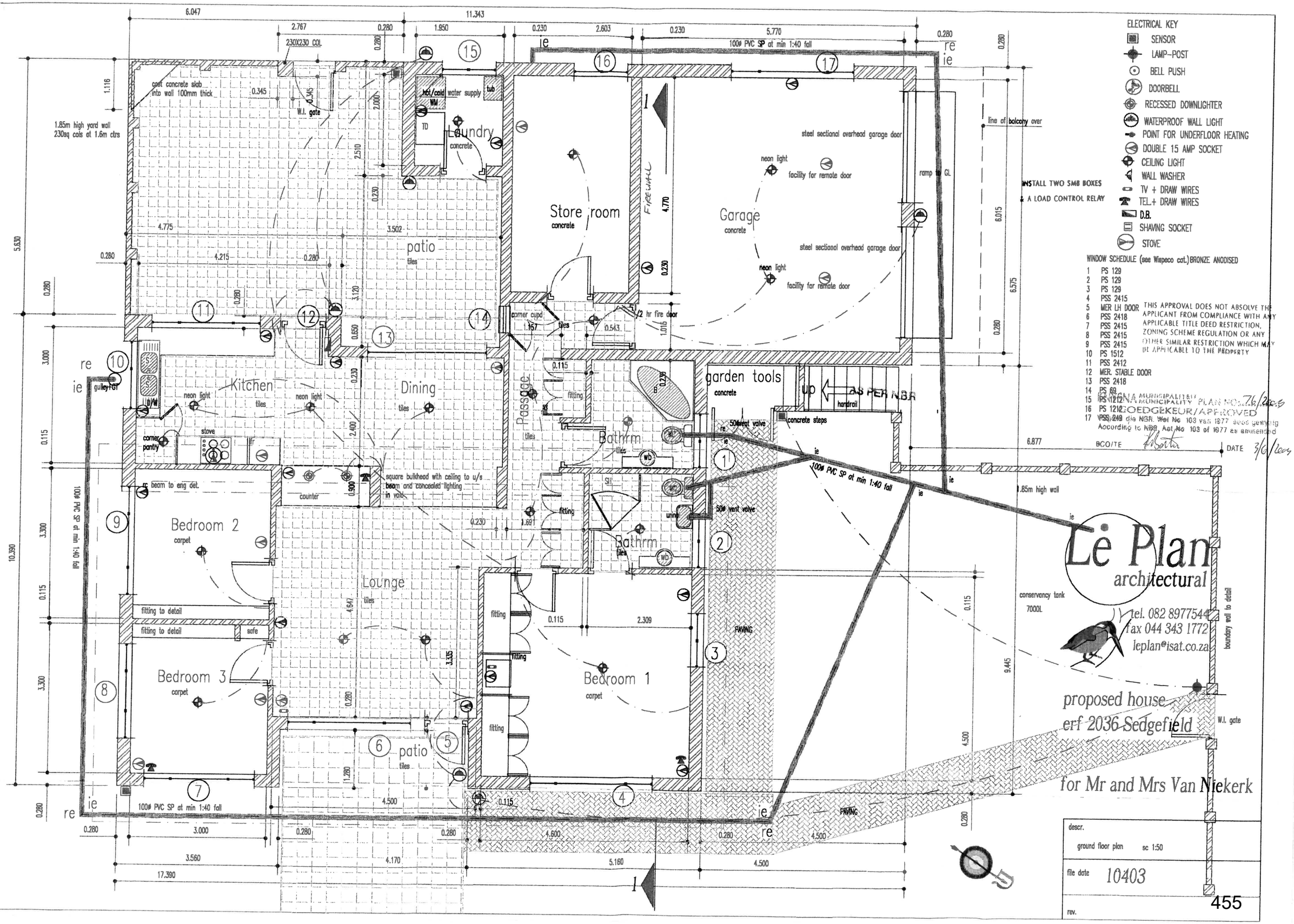
descr. elevations/sections/site

file date 10403

date

454

rev.

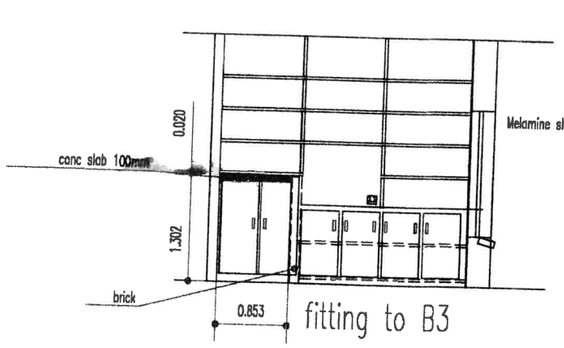

Store room
concrete
Laundry
concrete
Garage
concrete
garden tools
concrete
patio
tiles
Kitchen
tiles
Dining
tiles
Passage
tiles
Bathrm
tiles
Bedroom 1
carpet
Bedroom 2
carpet
Bedroom 3
carpet
Lounge
tiles
patio
tiles
PAVING
steel sectional overhead garage door
steel sectional overhead garage door
neon light
facility for remote door
neon light
facility for remote door
ramp to GL
line of balcony over
INSTALL TWO SMB BOXES
& A LOAD CONTROL RELAY
ELECTRICAL KEY
SENSOR
LAMP-POST
BELL PUSH
DOORBELL
RECESSED DOWNLIGHTER
WATERPROOF WALL LIGHT
POINT FOR UNDERFLOOR HEATING
DOUBLE 15 AMP SOCKET
CEILING LIGHT
WALL WASHER
TV + DRAW WIRES
TEL.+ DRAW WIRES
D.B.
SHAVING SOCKET
STOVE
WINDOW SCHEDULE (see Wispeco cat.) BRONZE ANODISED
1 PS 129
2 PS 129
3 PS 129
4 PSS 2415
5 MER LH DOOR
6 PSS 2418
7 PSS 2415
8 PSS 2415
9 PSS 2415
10 PS 1512
11 PSS 2412
12 MER. STABLE DOOR
13 PSS 2418
14 PS 69
15 PS 1212
16 PS 1212
17 PSS 249
THIS APPROVAL DOES NOT ABSOLVE THE APPLICANT FROM COMPLIANCE WITH ANY APPLICABLE TITLE DEED RESTRICTION, ZONING SCHEME REGULATION OR ANY OTHER SIMILAR RESTRICTION WHICH MAY BE APPLICABLE TO THE PROPERTY
GEORGE MUNICIPALITY PLAN NO. 76/2006
GOEDGEKEUR/APPROVED
According to NBR, Act No 103 of 1977 as amended
BCO/TE
DATE 3/6/2006
Le Plan
architectural
tel. 082 8977544
fax 044 343 1772
leplan@isat.co.za
proposed house
erf 2036 Sedgefield
for Mr and Mrs Van Niekerk
descr.
ground floor plan sc 1:50
file date 10403
rev.
455

ELECTRICAL KEY

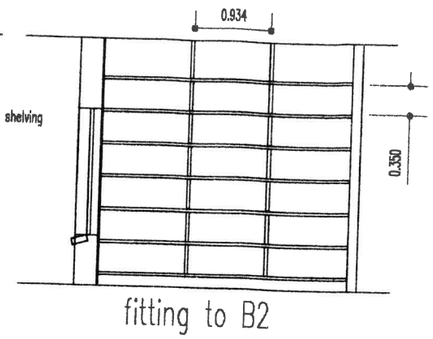
- SENSOR
- LAMP-POST
- BELL PUSH
- DOORBELL
- RECESSED DOWNLIGHTER
- WATERPROOF WALL WASHER
- POINT FOR UNDERFLOOR HEATING
- DOUBLE 15 AMP SOCKET
- CEILING LIGHT
- WALL WASHER
- TV + DRAW WIRES
- TEL.+ DRAW WIRES
- D.B.
- SHAVING SOCKET
- STOVE

WINDOW SCHEDULE
SEE WISPECO CATALOGE
BRONZE ANODISED

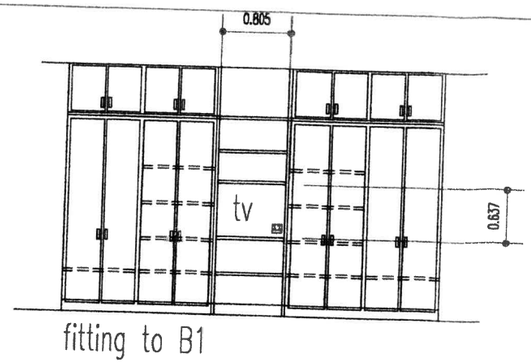
18	SD 3621	OXXO
19	PS 1215	
20	PS 1212	
21	PS 1212	
22	PS 1212	
23	PSS 249	
24	SD 2421	OX
25	SD 2421	XO



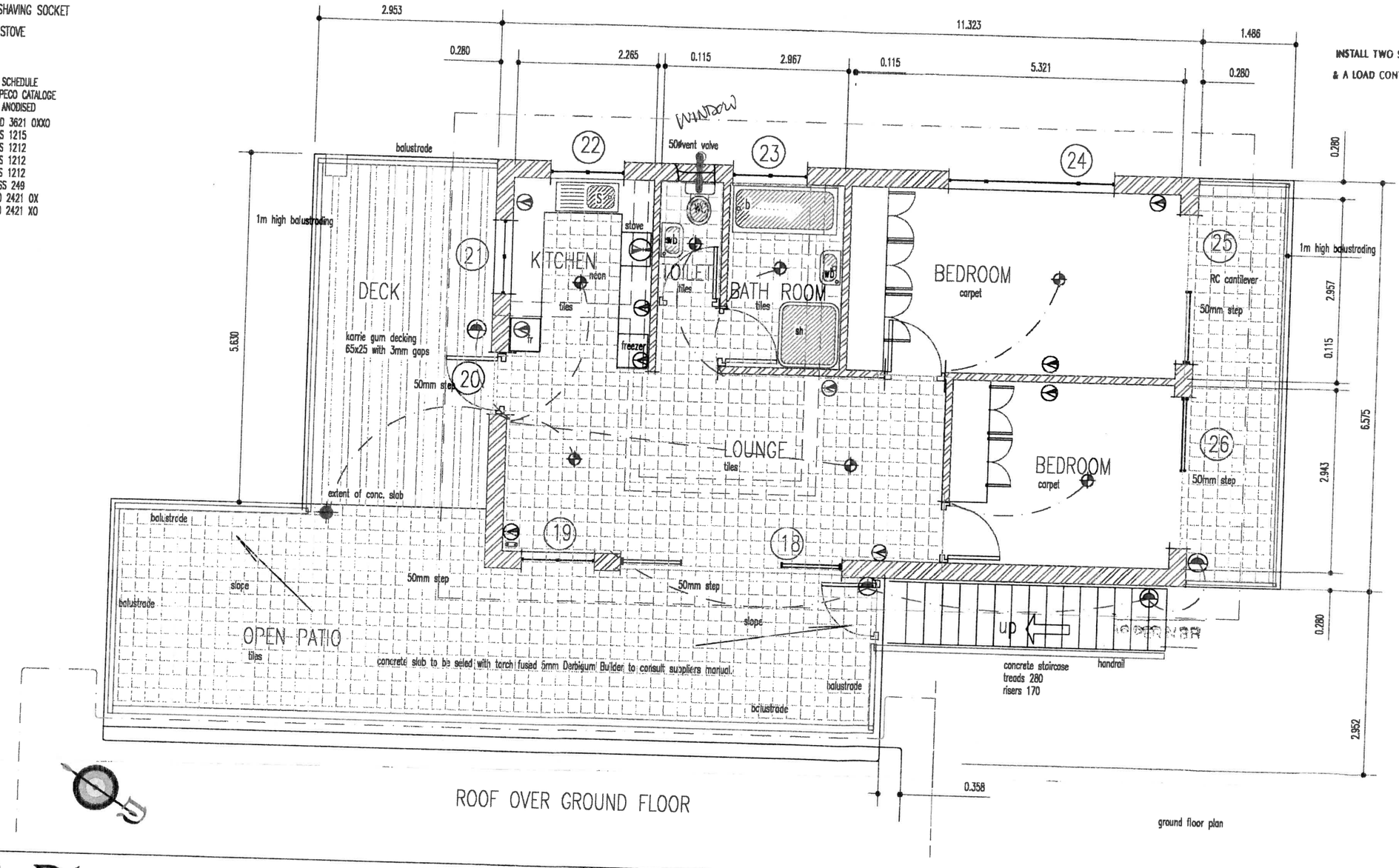
fitting to B3



fitting to B2



fitting to B1



All work to be performed according to Municipal regulations.

These drawings are to be read in conjunction with the relevant engineers details, and his instructions.

Clear vegetation only where required. Form plateau as indicated. Place chemical toilet as shown.
FOUNDATIONS 20mPa concrete to be formed on min DCP20 compacted trenches at min 750 below original GL.
Build 345 brick rising walls with brickforce at 5 course layers.
Fill cavity with 20mPa conc. Consolidate fill in 300mm watered layers. Cover entire area with 250u Gunplas 500mm overlaps. Place phase 1 electr. chasing1rm 20mPa:75mm wood floated surface beds.
Construct walls out of Johnsons rustic puff brick externally and stock bricks internally on Gunplas DPC with brickforce at 5 course intervals. V form brickforce over cavity. Use 4:1 mortar. Mortar standing for more than 2 hrs may not be re-used. Face bricks to be ruled and jointed. Clean face bricks work each day with spirits of salts. Keep cavities clear. Provide air bricks over bathroom and kitchen windows. Build in frames with DPC at head and cills. Build in lintols internally and 5 courses to face brick above openings. Lintol run off to be minimum 300mm each side of frame. Build in 16ø roof ties 54 courses below wall plate.
Form cills out of face bricks. Form soldier course headers.
Internal walls to be smooth plastered.

CARPENTER use only tenalised SA Pine.
ROOF:- pitch 23.5°
Brown cement tiles on 38x38 SA Pine battens at 300 ctrs on Engineered trusses at 500 ctrs.

Ceilings out of 6mm Nutec on 38x38 battens at 450ctrs
Fibre cement cornic&ceiling joints to be skimmed.
Provide trapdoor access to geyser.

Window and door frames out of Aluminium to window schedule.

Cupboards and kitchen fittings out of melamine. Provide 2/3 hanging with CP rails and 1/3 shelving space to cupboards.
Door frames out of Meranti. Internal doors Meranti hollow core.
Kitchen units by specialist

FLOORS
TILER Floors kitchen non slip tiles
bathrooms non slip tiles
Walls kitchen between units
bathroom up to 1500 AFL
CARPET lounge/dining rm /bedrooms

PLUMBER
Fit Waterguard filter to cold water inlet.
Provide a 150L 400kPa geyser situated above bathroom.
Install 19ø hot /cold plumbing via ceilings and walls to all fittings. Insulate hot water pipes.
Provide stop cocks to WCs and rising main to geyser.
Fit all sanware items as chosen by owner.
TEST ALL PLUMBING UNTIL PERFECT.
Rainwater:- white Aluminium gutters and downpipes.

SEWERAGE
Single pipe system into conservancy tank.
100ø PVC, SP at 1:40 fall min. At min 300 below GL.
Provide ie's at all junctions and re's at bends and junctions.
Provide grease trap to kitchen&provide 50ø vent valve to WCs.

ELECTRICIAN
Arrange for a 45Amp single phase Municipal conn. to the meter board and provide a protective pipe to the rising main. Maintain until handover.
Refer to the electrical diagram.
All conduits where practical to be in the floor and out of PVC.
Provide overload control to hob/geyser and an ELR.
Earth wires to be independent from water supply.
Sockets in kitchen to be 1200 AFL: and 300AFL elsewhere.
Light fitting conduit to run through walls and ceilings.
Provide television and telephone conduits with draw wires.
Provide a certificate of compliancy upon completion.

PAINTER
Walls 2 coats bonding primer/ 2 coats PVC.
Ceilings 2 coats bonding primer/ 2 coats PVC.
Ext. walls 2 coats Diesoline.

INSTALL TWO SM8 BOXES
& A LOAD CONTROL RELAY

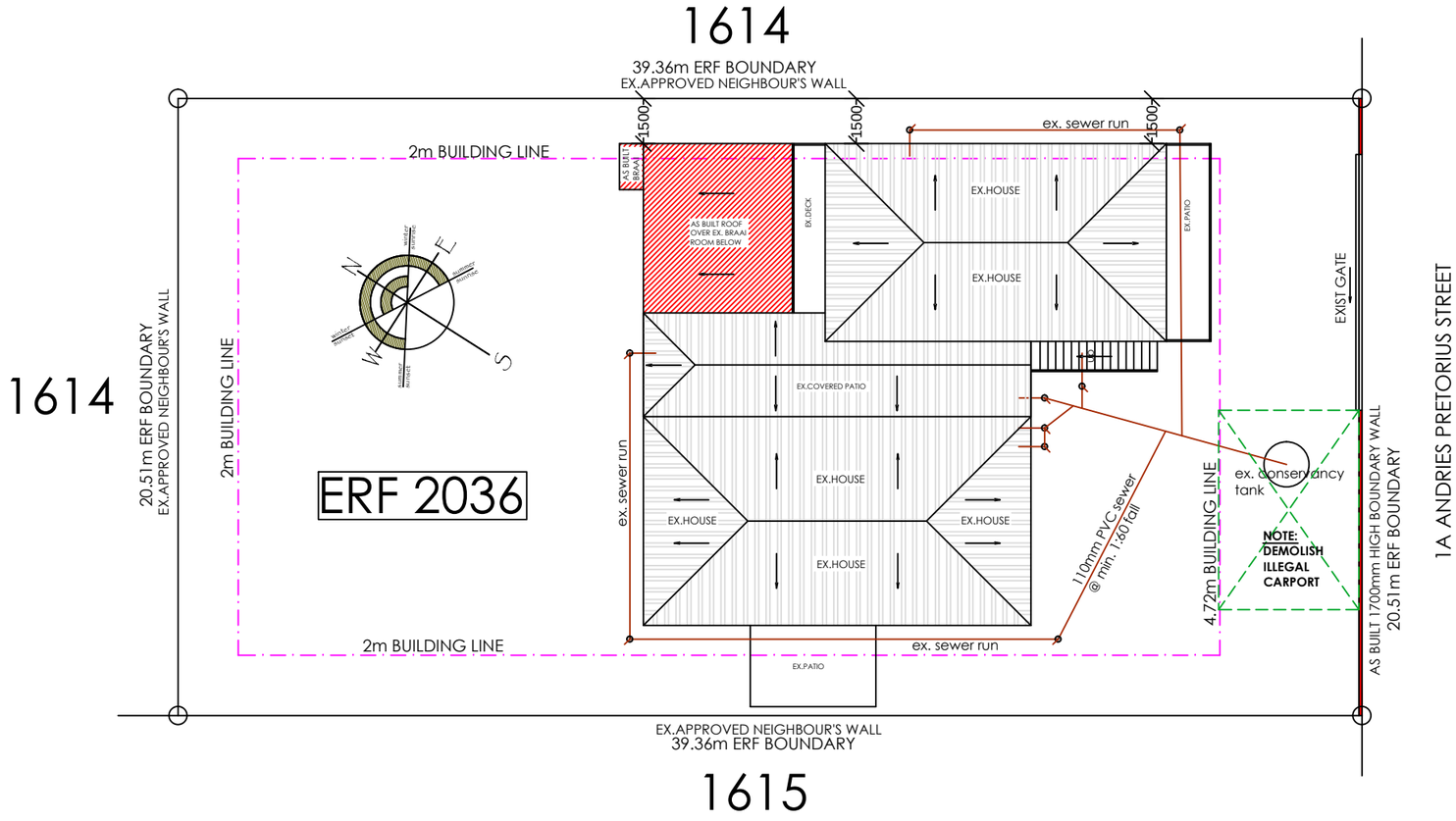
THIS APPROVAL DOES NOT ABSOLVE THE APPLICANT FROM COMPLIANCE WITH ANY APPLICABLE TITLE DEED RESTRICTION, ZONING SCHEME REGULATION OR ANY OTHER SIMILAR RESTRICTION WHICH MAY BE APPLICABLE TO THE PROPERTY.

EDENVALE MUNICIPALITY PLAN NO. 76/2003
GOEDGEKEUR/APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewysig
According to NBR Act No 103 of 1977 as ammended
BCO/TE [signature] DATE 3/6/2003

Le Plan architectural technology
tel. 082 8977544
fax 044 343 1772
leplan@isat.co.za

proposed house on erf 2036 Sedgefield for Mr and Mrs Van Niekerk

descr.	file date	date
first floor plan	10403	456



SITE PLAN
Scale 1:200

N O T E S :

1. Drawings may not be scaled.
2. Any discrepencies on drawings are to be reported to the architect.
3. All dimensions & levels must be verified on site.
4. All RC work to be designed by engineers.
5. All work to be in accordance with SABS, SANS, local building practice, bye-laws,health & fire requirements.
6. Contractor to advise client of any underground services which are to be avoided or removed & to accept instructions before proceeding.
7. TIMBER :
   All timber to be weather and insect treated and to carry the SABS mark.
8. FOUNDATIONS :
   Foundation walls to be 280mm cavity walls reinforced for the last 5 courses below slab. Cavities to be filled with concrete.
9. BRICKLAYER :
   Foundations to be cast in acceptable soil at min. 600mm below level of virgin ground.
   Min. 100mm surface beds to be cast on well consolidated fill. Apply DPC below all walls, cills, door & window uprights. Precast conc. lintols over all windows & doors in accordance with manuf. instructions. Walls to be reinforced every course for 5 courses above openings.
10. ELECTRICAL :
    All electrical work to be tested & approved by Local Electrical Authority.
11. All plumbing & drainage work & installation of sanitary fittings to comply with relevant Local Authority bye-laws, regs & requirements. Min. falls to drain pipes to 1 : 60.
    Provide approved reseal traps to all waste fittings. Provide IE's at foot of all soil stacks. IE's to waste pipes to be fully accessable at all times. All soil pipes passing under buildings or footings to be encased in concrete of min. 100mm thickness all round pipe.
12. Any changes to approved plans, must be submitted to local authority for approval.

N.GENADE
ARCHITECTURAL
DRAUGHTING & DESIGN
SERVICES

PO BOX 346
KNYSNA 6570
CELL : 082 215 7709

TEL : 044-3822673
FAX : 044-3825086
E.MAIL : ngenade@gmail.com

DRAWINGS: N.GENADE
REG. NO. D0049

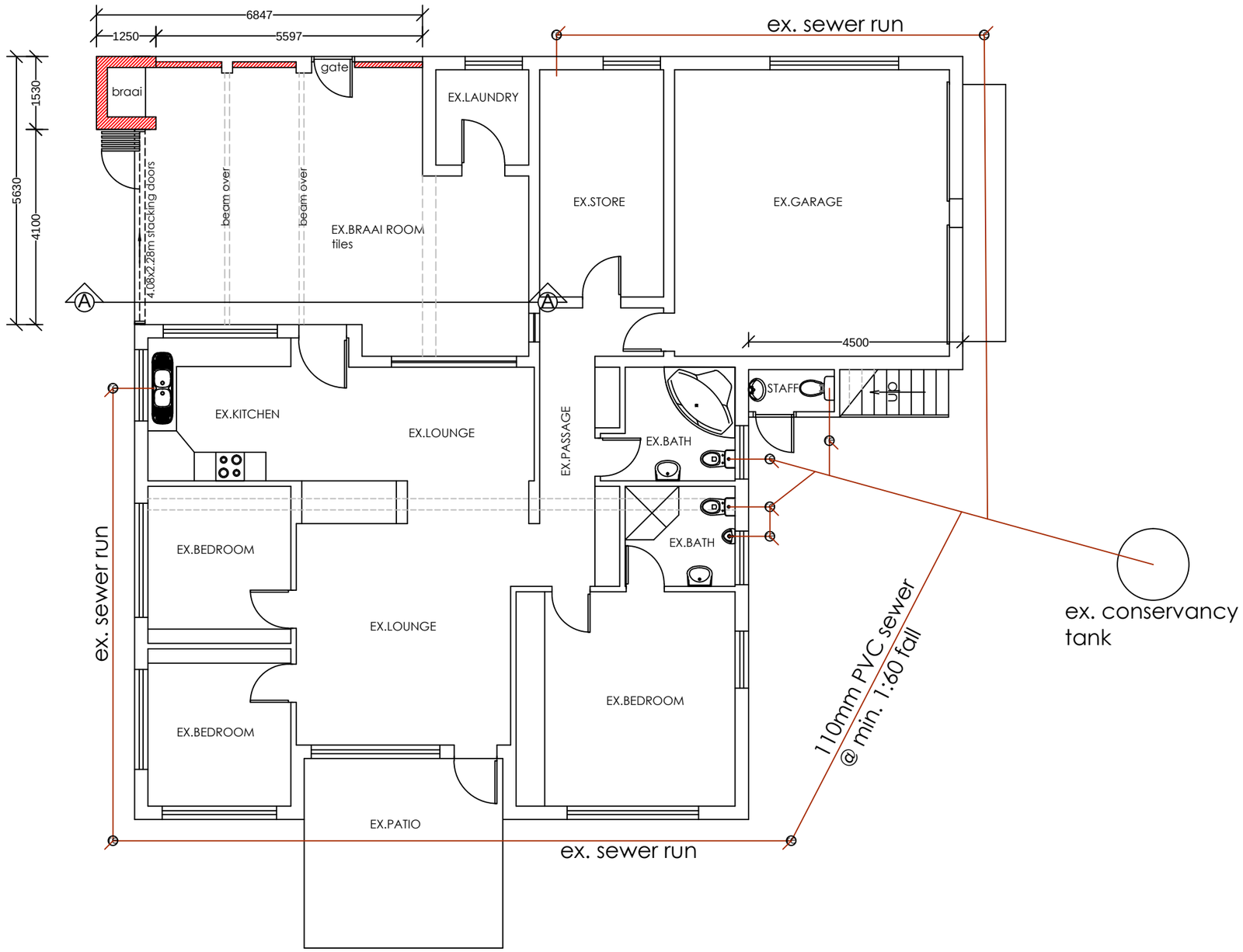
PROJECT
AS BUILT ADDITIONS
ERF 2036
1A ANDRIES PRETORIUS STR
THE ISLAND, SEDGEFIELD

CLIENT
I.R & G.G.GIBBON

TITLE
SITE PLAN

SCALE
1:200

DRW. NO.	REV.	DATE
N002/10/2025	00	11-11-2025



GROUND FLOOR PLAN
Scale 1:100

N O T E S :

1. Drawings may not be scaled.
2. Any discrepencies on drawings are to be reported to the architect.
3. All dimensions & levels must be verified on site.
4. All RC work to be designed by engineers.
5. All work to be in accordance with SABS, SANS, local building practice, bye-laws,health & fire requirements.
6. Contractor to advise client of any underground services which are to be avoided or removed & to accept instructions before proceeding.
7. TIMBER :
   All timber to be weather and insect treated and to carry the SABS mark.
8. FOUNDATIONS :
   Foundation walls to be 280mm cavity walls reinforced for the last 5 courses below slab. Cavities to be filled with concrete.
9. BRICKLAYER :
   Foundations to be cast in acceptable soil at min. 600mm below level of virgin ground.
   Min. 100mm surface beds to be cast on well consolidated fill. Apply DPC below all walls, cills, door & window uprights. Precast conc. lintols over all windows & doors in accordance with manuf. instructions. Walls to be reinforced every course for 5 courses above openings.
10. ELECTRICAL :
    All electrical work to be tested & approved by Local Electrical Authority.
11. All plumbing & drainage work & installation of sanitary fittings to comply with relevant Local Authority bye-laws, regs & requirements. Min. falls to drain pipes to 1 : 60.
    Provide approved reseal traps to all waste fittings. Provide IE's at foot of all soil stacks. IE's to waste pipes to be fully accessable at all times. All soil pipes passing under buildings or footings to be encased in concrete of min. 100mm thickness all round pipe.
12. Any changes to approved plans, must be submitted to local authority for approval.

N.GENADE
ARCHITECTURAL
DRAUGHTING & DESIGN
SERVICES

PO BOX 346
KNYSNA 6570
CELL : 082 215 7709

TEL : 044-3822673
FAX : 044-3825086
E.MAIL : ngenade@gmail.com

DRAWINGS: N.GENADE
REG. NO. D0049

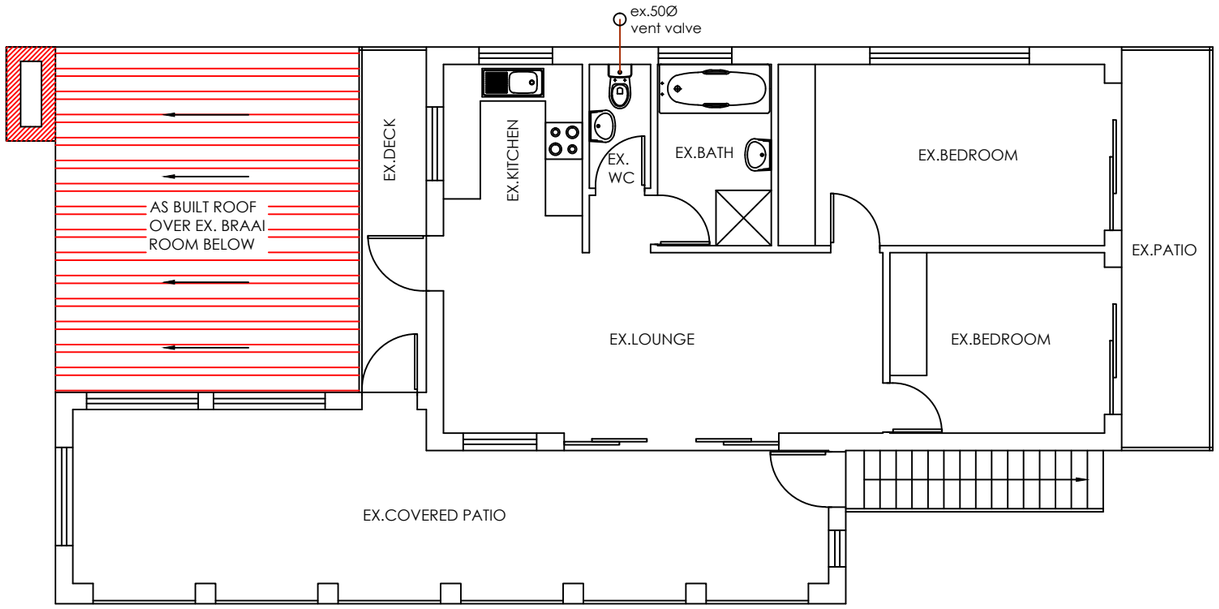
PROJECT
AS BUILT ADDITIONS
ERF 2036
1A ANDRIES PRETORIUS STR
THE ISLAND, SEDGEFIELD

CLIENT
I.R & G.G.GIBBON

TITLE
GROUND STOREY PLAN

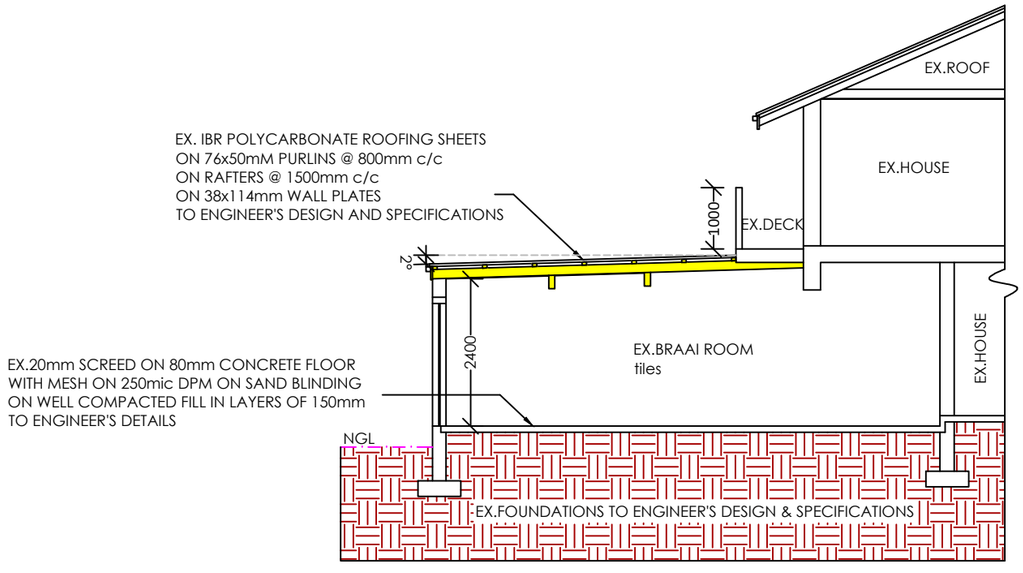
SCALE
1:100

DRW. NO.	REV.	DATE
N002/10/2025	00	11-11-2025



FIRST FLOOR PLAN
Scale 1:100

AREA SCHEDULE:
EXISTING GROUND STOREY: 204.0m²
EXISTING FIRST STOREY: 112.5m²
TOTAL EXISTING AREAS: 316.5m²
AS BUILT BRAAI ROOM: 35.3m²
TOTAL AREAS: 351.8m²
EXIST.FOOTPRINT: 204.0m²
NEW FOOTPRINT: 239.3m²
ERF AREA: 811m²
COVERAGE: 29.5%
MAX. COVERAGE: 50%
SINGLE RESIDENTIAL ZONING
DWELLING HOUSE H4
CLIMATIC ZONE 4



SECTION A-A
Scale 1:100

N O T E S :

1. Drawings may not be scaled.
2. Any discrepencies on drawings are to be reported to the architect.
3. All dimensions & levels must be verified on site.
4. All RC work to be designed by engineers.
5. All work to be in accordance with SABS, SANS, local building practice, bye-laws,health & fire requirements.
6. Contractor to advise client of any underground services which are to be avoided or removed & to accept instructions before proceeding.
7. TIMBER :
   All timber to be weather and insect treated and to carry the SABS mark.
8. FOUNDATIONS :
   Foundation walls to be 280mm cavity walls reinforced for the last 5 courses below slab. Cavities to be filled with concrete.
9. BRICKLAYER :
   Foundations to be cast in acceptable soil at min. 600mm below level of virgin ground.
   Min. 100mm surface beds to be cast on well consolidated fill. Apply DPC below all walls, cills, door & window uprights. Precast conc. lintols over all windows & doors in accordance with manuf. instructions. Walls to be reinforced every course for 5 courses above openings.
10. ELECTRICAL :
    All electrical work to be tested & approved by Local Electrical Authority.
11. All plumbing & drainage work & installation of sanitary fittings to comply with relevant Local Authority bye-laws, regs & requirements. Min. falls to drain pipes to 1 : 60.
    Provide approved reseal traps to all waste fittings. Provide IE's at foot of all soil stacks. IE's to waste pipes to be fully accessable at all times. All soil pipes passing under buildings or footings to be encased in concrete of min. 100mm thickness all round pipe.
12. Any changes to approved plans, must be submitted to local authority for approval.

N.GENADE
ARCHITECTURAL
DRAUGHTING & DESIGN
SERVICES

PO BOX 346
KNYSNA 6570
CELL : 082 215 7709

TEL : 044-3822673
FAX : 044-3825086
E.MAIL : ngenade@gmail.com

DRAWINGS: N.GENADE
REG. NO. D0049

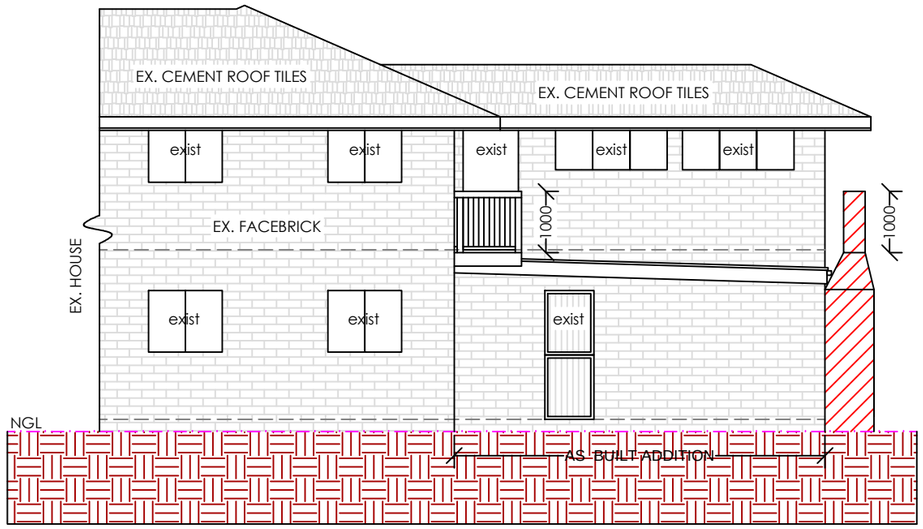
PROJECT
AS BUILT ADDITIONS
ERF 2036
1A ANDRIES PRETORIUS STR
THE ISLAND, SEDGEFIELD

CLIENT
I.R & G.G.GIBBON

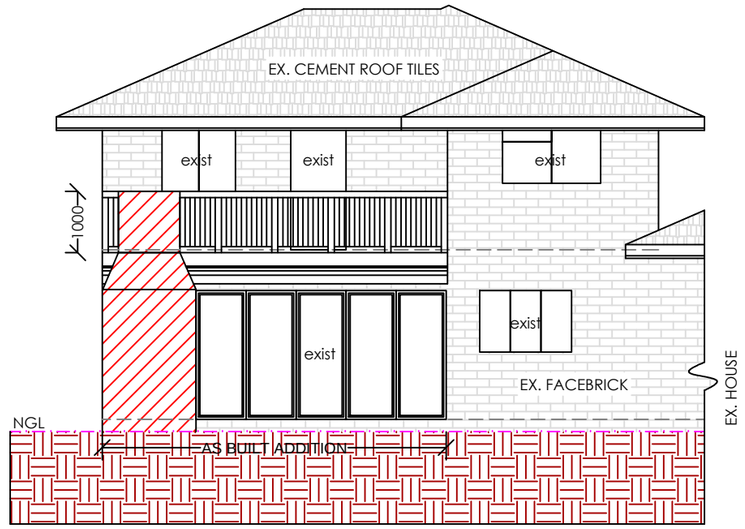
TITLE
FIRST STOREY PLAN
SECTION A-A

SCALE
1:100

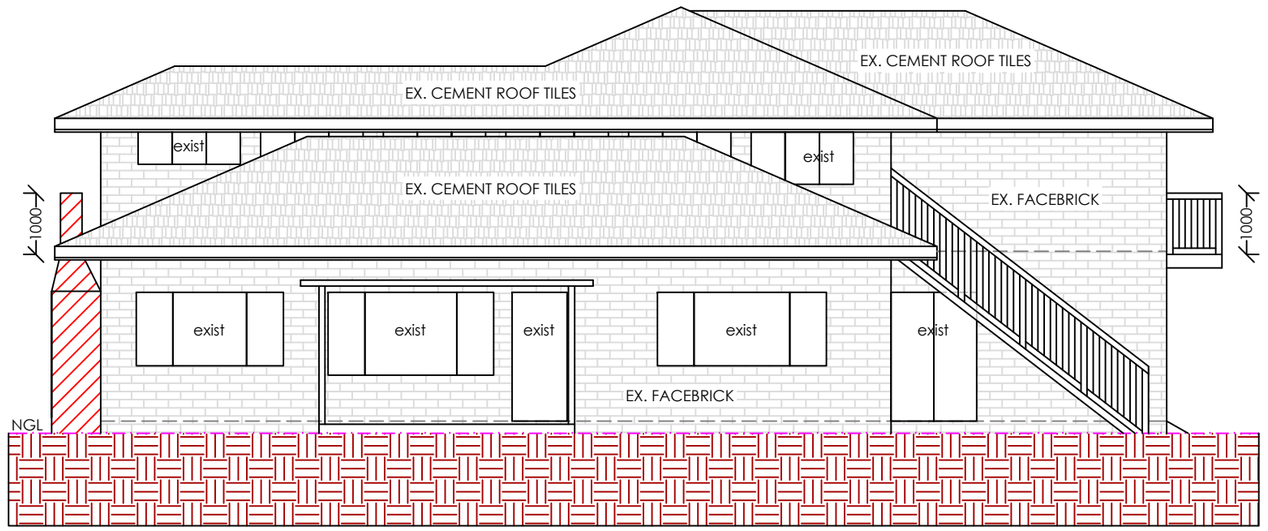
DRW. NO.	REV.	DATE
N002/10/2025	00	11-11-2025



SOUTH-WEST ELEVATION
Scale 1:100



SOUTH-EAST ELEVATION
Scale 1:100



NORTH-EAST ELEVATION
Scale 1:100

N O T E S :

1. Drawings may not be scaled.
2. Any discrepencies on drawings are to be reported to the architect.
3. All dimensions & levels must be verified on site.
4. All RC work to be designed by engineers.
5. All work to be in accordance with SABS, SANS, local building practice, bye-laws,health & fire requirements.
6. Contractor to advise client of any underground services which are to be avoided or removed & to accept instructions before proceeding.
7. TIMBER :
   All timber to be weather and insect treated and to carry the SABS mark.
8. FOUNDATIONS :
   Foundation walls to be 280mm cavity walls reinforced for the last 5 courses below slab. Cavities to be filled with concrete.
9. BRICKLAYER :
   Foundations to be cast in acceptable soil at min. 600mm below level of virgin ground.
   Min. 100mm surface beds to be cast on well consolidated fill. Apply DPC below all walls, cills, door & window uprights. Precast conc. lintols over all windows & doors in accordance with manuf. instructions. Walls to be reinforced every course for 5 courses above openings.
10. ELECTRICAL :
    All electrical work to be tested & approved by Local Electrical Authority.
11. All plumbing & drainage work & installation of sanitary fittings to comply with relevant Local Authority bye-laws, regs & requirements. Min. falls to drain pipes to 1 : 60.
    Provide approved reseal traps to all waste fittings. Provide IE's at foot of all soil stacks. IE's to waste pipes to be fully accessable at all times. All soil pipes passing under buildings or footings to be encased in concrete of min. 100mm thickness all round pipe.
12. Any changes to approved plans, must be submitted to local authority for approval.

N.GENADE
ARCHITECTURAL
DRAUGHTING & DESIGN
SERVICES

PO BOX 346
KNYSNA 6570
CELL : 082 215 7709

TEL : 044-3822673
FAX : 044-3825086
E.MAIL : ngenade@gmail.com

DRAWINGS: N.GENADE
REG. NO. D0049

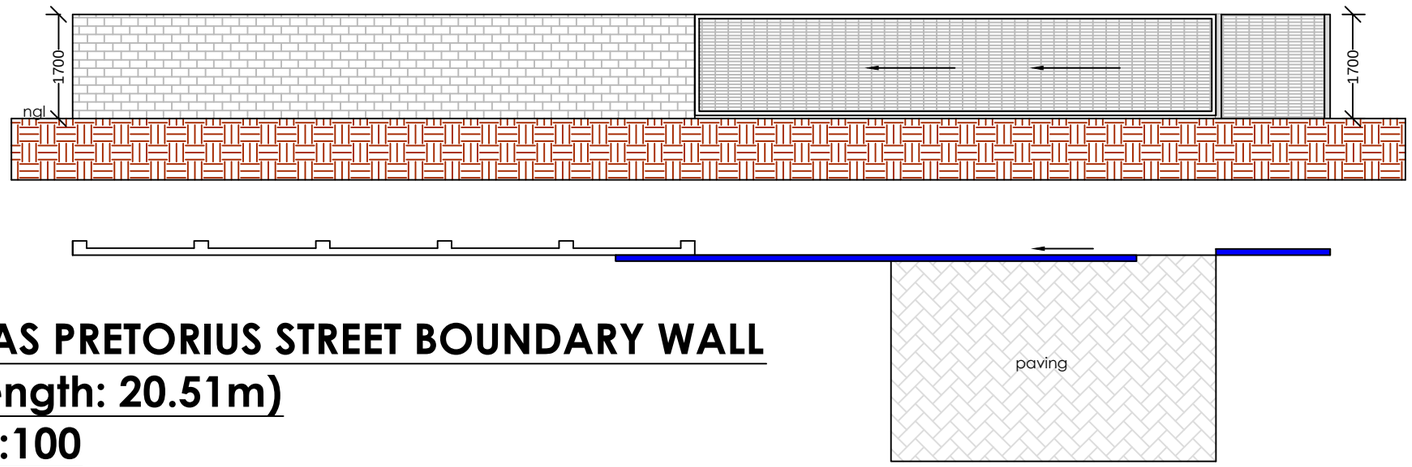
PROJECT
AS BUILT ADDITIONS
ERF 2036
1A ANDRIES PRETORIUS STR
THE ISLAND, SEDGEFIELD

CLIENT
I.R & G.G.GIBBON

TITLE
ELEVATIONS

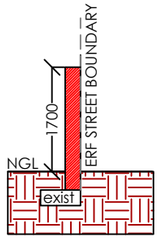
SCALE
1:100

DRW. NO.	REV.	DATE
N002/10/2025	00	11-11-2025



ANDREAS PRETORIUS STREET BOUNDARY WALL
(total length: 20.51m)
Scale 1:100

NOTES
* ALL FOUNDATIONS INSIDE PROPERTY BOUNDARIES
* TOTAL "AS BUILT" WALL ON KAMDEBO STREET: 20.51m



TYPICAL SECTION
Scale 1:100

N O T E S :

1. Drawings may not be scaled.
2. Any discrepencies on drawings are to be reported to the architect.
3. All dimensions & levels must be verified on site.
4. All RC work to be designed by engineers.
5. All work to be in accordance with SABS, SANS, local building practice, bye-laws,health & fire requirements.
6. Contractor to advise client of any underground services which are to be avoided or removed & to accept instructions before proceeding.
7. TIMBER :
   All timber to be weather and insect treated and to carry the SABS mark.
8. FOUNDATIONS :
   Foundation walls to be 280mm cavity walls reinforced for the last 5 courses below slab. Cavities to be filled with concrete.
9. BRICKLAYER :
   Foundations to be cast in acceptable soil at min. 600mm below level of virgin ground.
   Min. 100mm surface beds to be cast on well consolidated fill. Apply DPC below all walls, cills, door & window uprights. Precast conc. lintols over all windows & doors in accordance with manuf. instructions. Walls to be reinforced every course for 5 courses above openings.
10. ELECTRICAL :
    All electrical work to be tested & approved by Local Electrical Authority.
11. All plumbing & drainage work & installation of sanitary fittings to comply with relevant Local Authority bye-laws, regs & requirements. Min. falls to drain pipes to 1 : 60.
    Provide approved reseal traps to all waste fittings. Provide IE's at foot of all soil stacks. IE's to waste pipes to be fully accessable at all times. All soil pipes passing under buildings or footings to be encased in concrete of min. 100mm thickness all round pipe.
12. Any changes to approved plans, must be submitted to local authority for approval.

N.GENADE
ARCHITECTURAL
DRAUGHTING & DESIGN
SERVICES

PO BOX 346
KNYSNA 6570
CELL : 082 215 7709

TEL : 044-3822673
FAX : 044-3825086
E.MAIL : ngenade@gmail.com

DRAWINGS: N.GENADE
REG. NO. D0049

PROJECT
AS BUILT ADDITIONS
ERF 2036
1A ANDRIES PRETORIUS STR
THE ISLAND, SEDGEFIELD

CLIENT
I.R & G.G.GIBBON

TITLE
STREET BOUNDARY WALL

SCALE
1:100

DRW. NO.	REV.	DATE
N002/10/2025	00	11-11-2025

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3631
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	19 January 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 1124 KNYSNA

PART A: APPLICANT DETAILS	
Name & Surname	***Armand Camille Burger***
Company name	***ValGIS Technologies CC***
SACPLAN registration number	***A/767/1994***
Registered owner(s)	***Metelerkamp Family Trust***
PART B: PROPERTY DETAILS	
Property description	***Erf 1124 in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***857***
Physical address	***11 Clyde Street, Knysna***
Area/Town	***Knysna***
Current zoning	***Business Zone II***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Offices and storage related to retail***
Are there existing buildings on the property?	***Yes***
Title Deed number & date	***T23316/2018***
Any restrictive title conditions applicable?	***None***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Yes***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☐	☒
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the unauthorised land use of a "warehouse" on a property zoned "Business Zone II" and building work that encroaches on the building lines as prescribed in the Knysna Zoning Scheme By-law (2020), in respect of Erf 1124, Knysna.

2. BACKGROUND

2.1. The subject property is zoned "Business Zone II" in terms of the Knysna Zoning Scheme By-law (2020) with the primary use of "office/shop". The landowner(s) have been operating a warehouse without prior approval from the municipality for a considerable period of time.

2.2. The current owner acquired the property in 2018 with a double car port, which was approved in terms of the approved plans, dated July 2000. The layout of the parking was amended, and the carport was converted into a storage room, without obtaining the appropriate municipal approvals. At this stage, the storage room encroaches the zoning scheme prescribed building line. The landowners were advised to submit the required applications to rectify this.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	R 12,000.00
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	Not applicable
(c) Repeat Offender (approved tariff in (a) above x2)	Not applicable
2. Unauthorised Land Use	
(a) Unauthorised Business & Industrial Use	R24 000-00
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 0)	Not applicable

3.2. Considerations in terms of Section 93(9) of the Planning By-law

3.2.1. The applicant alleges that the current owners took ownership of the property in 2018 with the contravening structures already in place, whilst the unlawful use was commenced by themselves, sometime later. Therefore, the transgressing structures have been in place for over eight years, whilst the unauthorised use commenced less than eight years ago.

3.2.2. The applicant states that the gravity and extent of the unauthorised land use and building work can be considered minor, citing reasons such as that there was no traffic interference, no other property rights were impacted and there was no impact on the property values of neighbouring properties. However, this is not agreed with, as it has been observed that the use has had negative impact on the traffic flow in the area, as well as being used for other activities other than as depicted in the submission. The imposition of a penalty is therefore considered justified.

4. RECOMMENDATION

it is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R36,000.00 be determined in accordance with Section 93(2), for the unauthorised land use of a "warehouse" on a property zoned "Business Zone II" and unauthorised building work that encroaches the building lines, as specified in the Knysna Zoning Scheme By-law (2020). in respect of Erf 1124, Knysna.

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. 5.1. The administrative penalty in respect of the building line encroachments) applies to the extent as shown on the plan numbered "Kny319-P1-RevO" dated 11 September 2024.

5.2. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation is as follows:

The applicant has conceded to the transgression in terms of their responsibility as landowner and has confirmed their willingness to make payment on the penalty as specified in Council's approved tariff. In considering the circumstances to the application, imposition of an administrative penalty in accordance with Council's approved tariffs) is, therefore, considered justified.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum*

ANNEXURE B: *Power of attorney & Trust Resolution*

ANNEXURE C: *Copy of title deed*

ANNEXURE D: *Locality Plan*

ANNEXURE E: *Bondholders Consent*

ANNEXURE F: *Copies of previous approved plan(s)*

ANNEXURE G: *Proposed Building Plans*

Administrative Penalty: Erf 1124 Knysna	
Author Name: SINOVUYO SITINGA Date: 23 MARCH 2026	Author Signature:
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1510/2012 Date: 23/03/2026	Registered Planner Signature:
Decision maker: Municipal Planning Tribunal	

APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

— MOTIVATING MEMORANDUM —

in support of an application lodged by virtue of

S.15(2)(r) of the Knysna Municipality Spatial Planning

and Land Use Management By-law of 2021

to determine an administrative penalty

in respect of a transgression of the by-law

at

Erf 1124, Knysna

situated in the jurisdiction of the

Knysna Local Municipality

REVISED APPLICATION

INDEX OF CONTENTS

Par.	Heading	Page
1	BACKGROUND	3
2	A SUMMARY OF THE APPLICATION	3
3	THE SUBJECT PROPERTY	3
4	THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE ZONING SCHEME	4
5	CONSIDERATIONS RELATED TO THE DETERMINATION OF AN APPROPRIATE ADMINISTRATIVE PENALTY	4
6	THE PENALTY	6
7	CONCLUSION	6

ANNEXURES

- 301 Knysna, Erf 1124 - Admin penalty - Annexure A1 - Power of Attorney Ver. 2
- 301 Knysna, Erf 1124 - Admin penalty - Annexure A2 - Minutes of meeting of trustees
- 301 Knysna, Erf 1124 - Admin penalty - Annexure A3 - Trust Deed
- 301 Knysna, Erf 1124 - Admin penalty - Annexure A4 - ID of Trustee
- 302 Knysna, Erf 1124 - Admin penalty - Annexure B - Locality Plan
- 303 Knysna, Erf 1124 - Admin penalty - Annexure C - Title Deed T23316-2018
- 304 Knysna, Erf 1124 - Admin penalty - Annexure D - SG Diagram
- 305 Knysna, Erf 1124 - Admin penalty - Annexure E - Zoning plan
- 306 Knysna, Erf 1124 - Admin penalty - Annexure F1 - Building Plan - Approved carport
- 307 Knysna, Erf 1124 - Admin penalty - Annexure G - Land Use

1. BACKGROUND

When the current landowner acquired this property in 2018, a double carport was found in the position of the structure in question. A building plan for this carport was approved in July of 2000. Over time the layout of the parking spaces on the stand was amended and the carport was converted into a storage room. This conversion was done without the owner appreciating the requirement of first relaxing the building lines.

On professional advice the landowner commissioned an architect and town planner to submit the required applications to rectify their omissions as shown in the attached authorisations numbered **Annexures A1** to **A4**.

After submission of the application, the municipality found that it did not comply with the relevant legislation and decided to interview the author to discuss the issues they have identified. Following on this meeting, the landowner agreed to amend the original application by this version.

This report, which motivates the S.15(2)(r) application for the determination of administrative penalties, should thus be deemed as a complete replacement of the original application. Where the original application only applied to the irregular conversion of an approved carport to a lockable garage, this application applies to perceived irregularities related to the zoning of the property which is explained in depth in the accompanying main application, lodged in terms of S.15(2)(a), (b), (l) and (o) of the applicable bylaw.

2. A SUMMARY OF THE APPLICATION

This application is lodged by virtue of Section 15(2)(r) of the Knysna Municipality Spatial Planning and Land Use Management By-law of 2021, for the determination of an administrative penalty in respect of irregular building work and land use found on the subject property.

As the levying of an administrative penalty is not contested, it is proposed that, according to 2025/2026 scale of tariffs, the following administrative penalties be imposed:

1. Scale of Tariffs item 8(a)(iii): R12 000-00.
2. Scale of Tariffs item 8(b)((ii): R24 000-00.
3. TOTAL: R36 000-00.

3. THE SUBJECT PROPERTY

3.1. Property description

The subject property is Erf 1124, Knysna.

3.2. Locality

The position of the property is indicated on the attached Locality Plan, attached as **Annexure B.** The physical address is 11 Clyde Street situated on the eastern side of Knysna's CBD. This location places the subject property in the jurisdiction of the Knysna Local Municipality which falls within the boundaries of the Eden District Municipality of the Western Cape Province.

3.3. Title Deed

The subject property is currently registered by virtue of Deed of Transfer T23316/2018 as per attached **Annexure C**.

No condition of title restricts the relevant structure.

3.4. Ownership

The subject property has been registered in the name of the **Metelerkamp Family Trust**, with registration number IT0037758/2015(G). The authorised trustee is of the trust is **John William Metelerkamp**.

3.5. Surveyor General Diagram

The subject property appears on SG General Plan 2179/1898 which is shown in **Annexure D**.

3.6. Size

According to its Title Deed, the subject property is 857 m^2 in extent.

3.7. Zoning Scheme

As shown on the Zoning Plan (**Annexure E**), which contains an extract of Zoning Scheme Map KN C3 of the Knysna Zoning Scheme By-law of 2020, the subject property is zoned **Business Zone II**. In this zone the primary land uses are Shops and Offices.

3.8. Topography

The topography of the area has no influence on the use of the subject property and cannot be deemed as a causal factor for the building line encroachment.

4. THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE ZONING SCHEME

4.1. Description of the existing development

The development of the property consists of a large building designed for shops and offices and related subservient storage rooms. This building is now used for storage related to the retail activity on Erf 1323, Knysna.

On the southern side of the main building is an approved double carport which was converted into a lockable garage without submitting building plans.

4.2. Analysis of the transgressions

In summary, the transgressions on the subject property can be summarized as follows:

1. An irregular conversion of an approved carport (**Annexure F1**), to an enclosed garage/storeroom without obtaining a building line relaxation; and
2. The irregular use of the main building for a warehouse in service of the retail activity of Erf 1323, Knysna.

4.3. Quantification of the transgression

With availability of the option to concede the transgression and pay a pre-determined administrative penalty without contest, it is of no use to spend the time and money to calculate the value of the encroaching structures.

5. CONSIDERATIONS RELATED TO THE DETERMINATION OF AN APPROPRIATE ADMINISTRATIVE PENALTY

With the above as background, the contraventions can now be analysed in terms of the criteria outlined in S.93(9) of the applicable Bylaw.

5.1. The nature, duration, gravity and extent of the contravention

Nature

The nature of the contraventions has been described in depth in paragraphs 4 and 5 above.

Duration

The irregular building was in place before the landowner bought it. The irregular use of the main building commenced after new owner bought the property in May 2018.

Gravity

To evaluate the gravity of the contravention, it will be helpful to consider to what extend it impacted negatively on the neighbours, the neighbourhood and the town. Although the relevant by-law was not fully adhered to in this case, it is argued that the gravity of the transgressions were negligible, because:

- It did not cause harm, physical or otherwise, to private or public property.
- It did not threaten the security or well-being of society.

- It did not interfere with traffic movements and/or traffic safety or block lines of sight.
- It did not detract from the amenity of the neighbourhood which is characterised by a mix of land uses – see **Annexure G**.
- It did not restrict the ventilation of air between neighbouring buildings.
- It did not potentially obstruct the firefighters or prevent them from fulfilling their duties.
- It did not cause buildings to be positioned too close to each other to potentially allow fires from running uninterrupted from building to building.
- It did not interfere with the space required for the provision of engineering services (water, electricity and sewage) and other utilities (i.e. telecommunication lines).
- It did not encroach upon land required for planned new roads or road widenings.
- It did not prevent the creation of attractive streetscapes.
- It did not contribute to the creation of unacceptable high development densities.
- It did not interfere with the creation of private living conditions on other properties.
- It did not impact on any of the rights of other landowners.
- It did not affect property values in the neighbourhood negatively.
- It did not impact nature detrimentally.

To summarise – the transgression cannot be regarded as having any significant negative influence on neighbours, the neighbourhood or the town. In fact, not been reported by neighbours or getting noticed by the responsible municipal employees, is ultimate proof of the insignificant gravity of the transgression.

Extend

The irregular enclosure of the approved double carport actually improved the local traffic situation by reducing entrances and can thus not be deemed as and thoughtless action.

The activities of the church were limited because (1) it was restricted to a few hours every week, mostly on weekends, and (2) only a portion of the building was used.

The retail-warehouse is also of a low intensity in that (1) it is restricted to a portion of the building, (2) very little traffic is generated (3) the regular on-site parking of vehicles is limited to company vehicles visiting the site a few times a day and occasionally, by visiting customers. Until today this frequency of use remains the same. Due to this low intensity if activities as well as the existence of this building for decades, the impact on the surrounding neighbourhood is inconsequential.

5.2. The conduct of the persons involved in the contravention

Upon becoming aware of the transgression, the landowner immediately issued instructions to his professional team to rectify the matter.

5.3. Whether the unlawful conduct was stopped

Due to the symbiotic relationship of the Metelerkamps shop (Erf 1323), and the subject property, the landowner could not cease the use. His only alternative was to apply for the land use rights which will, to the opinion of the municipality, align with the land use.

Although there was a delay due to difficulties to obtain a revised consent from the bondholder, the landowner did not hesitate to follow the prescribed procedures to submit an alternative application in terms of S.15(2) and to prepare revised building plans.

5.4. Previous contraventions of the applicable and/or related by-laws

The landowner declared that he was not responsible for any other contravention of Knysna's town planning by-laws before.

6. THE PENALTY

As the levying of an administrative penalty is not contested, it is proposed that, according to 2025/2026 scale of tariffs, the following administrative penalties be imposed:

1. Scale of Tariffs item 8(a)(iii): R12 000-00.
2. Scale of Tariffs item 8(b)((ii): R24 000-00.
3. TOTAL: R36 000-00.

7. CONCLUSION

It is clear that the landowner unknowingly caused the irregular use of the property for a warehouse. The irregular enclosed garage he was not aware of as he bought the land with it being in place. The use of a part of the main building for a church was allowed out of goodwill and to support the local community.

It is also clear that the landowner acted in good faith once he became aware of the transgressions by immediately and voluntarily mandating remedial actions.

The massive contribution of the Metelerkamp family to the fiscus and the good name of the town, their voluntary effort to correct the irregularities as well as their expenses incurred to:

(a) correct the transgression by means of a S.15(2)(b) application; and
(b) to apply for the determination of an administrative penalty;

give enough reason to accept their willingness to pay the predetermined penalties as discussed above.

A.C. Burger Pr. Planner
Reg. no. A/767/1994

Special Power of Attorney

I, **John William Metelerkamp**, with identity number [redacted], the duly authorised trustee of the **Metelerkamp Family Trust Registration number: IT003775/2015(G)** hereinafter called "The Trust" being the registered owner of owner of **Erf 1124, Knysna** situated in the area of jurisdiction of the Knysna Local Municipality, do hereby nominate, constitute and appoint Armand Camille Burger Professional Planner with registration number A/767/1994 of ValGIS Technologies CC as well as its authorised agents and/or employees with power of substitution to be our lawful representatives to:

a. Prepare and submit an application by virtue of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management By-law of 2021 to seek for the approval of land use rights as prescribed by the relevant legislation in order to allow unapproved improvements of the said property on the understanding that such application may include requests for permanent and/or temporary departures from the development control parameters of the Knysna Zoning Scheme Bylaw of 2020; and/or the rezoning of the property to align the land use rights with the existing land use; and/or for consent uses to obtain land use rights required to allow the property being used for the purposes it is being used now; and

b. Prepare and submit an application in terms of Section 15(2)(r) of said by-law to determine an administrative penalty in respect of the existing transgression(s) on the said property; and

c. Generally to do whatever may be necessary or desirable to obtain approval for the proposed development.

Signed at Knysna on this 15 day of August 2024.

JOHN WILLIAM METELERKAMP

in the presence of the undersigned witnesses:

Witness 1

Witness 2

Resolution of the Trustees of the Metelerkamp Family Trust Registration number: IT003775/2015(G) hereinafter called "The Trust"

TO WHOM IT MAY CONCERN

MINUTES OF A MEETING OF TRUSTEES OF THE METELERKAMPFAMILY TRUST HELD ON // APRIL 2024: AUTHORISATION OF TRUSTEE TO MAKE DECISIONS

From this day forward, unless recalled by a later resolution taken by the trustees of The Trust, the following trustee is fully authorized to make all decisions pertaining to the application for additional land use rights in respect of **Erven 1124 and 1323, Knysna**, being properties owned by The Trust:

PARTICULARS OF AUTHORISED TRUSTEE	
Full names and surname:	John William Metelerkamp
ID number:	[redacted]
Email address:	[redacted]
Telephone/Mobile phone number:	[redacted]

Certified a true extract of the minutes of the meeting

[redacted]

For: THE METELERKAMP FAMILY TRUST

DOCUMENT NO CASTLEDEX
D0002668462

Sharon Prinsloo Attorneys
3 Varing Street
Windsor Park
Block G4
George
6529

Prepared by me

CONVEYANCER
SHARON PRINSLOO

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R 2200 000,00	R 1250,00
Mortgage capital Amount	R	R
Reason for exemption	Cat	Exempt i.t. o section Art

VERKOOP / SALE

MORTGAGED

VIR / FOR R 1 750 000,00

000010672/2018

24 MAY 2018

REGISTRATEUR/REGISTRAR

T 00002316/2018

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JANINE FOUCHE

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 DURBAN on 19 APRIL 2018 granted to him/her by

ROBFAIR INVESTMENTS NO 53 CC

Registration number 2000/008244/23

DATA / CAPTURE
25 MAY 2018
PENELOPE NGOGOWANA

DATA / VERIFY
28 MAY 2018
VAN WYK JENNY

And the appearer declared that his/her said principal had, on 8 February 2018, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

METELERKAMP FAMILY TRUST
Registration Number IT003775/2015(G)

its Successors in Office or assigns, in full and free property

ERF 1124 KNYSNA in the Municipality and Division of Knysna
Province of the Western Cape.

IN EXTENT 857 (EIGHT HUNDRED AND FIFTY SEVEN) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 7277/1898 dated the 5th of September 1898 with Diagram relating thereto and held by Deed of Transfer Number T59884/2012

SUBJECT to the conditions referred to in Deed of Transfer number T3245/1909.

WHEREFORE the said Appearer, renouncing all rights and title which the said

ROBFAIR INV NO 53 C C

Registration number 200000824423

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

METELERKAMP FAMILY TRUST

Registration Number IT003775/2015(G)

its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 200 000,00 (TWO MILLION TWO HUNDRED THOUSAND RAND) .

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

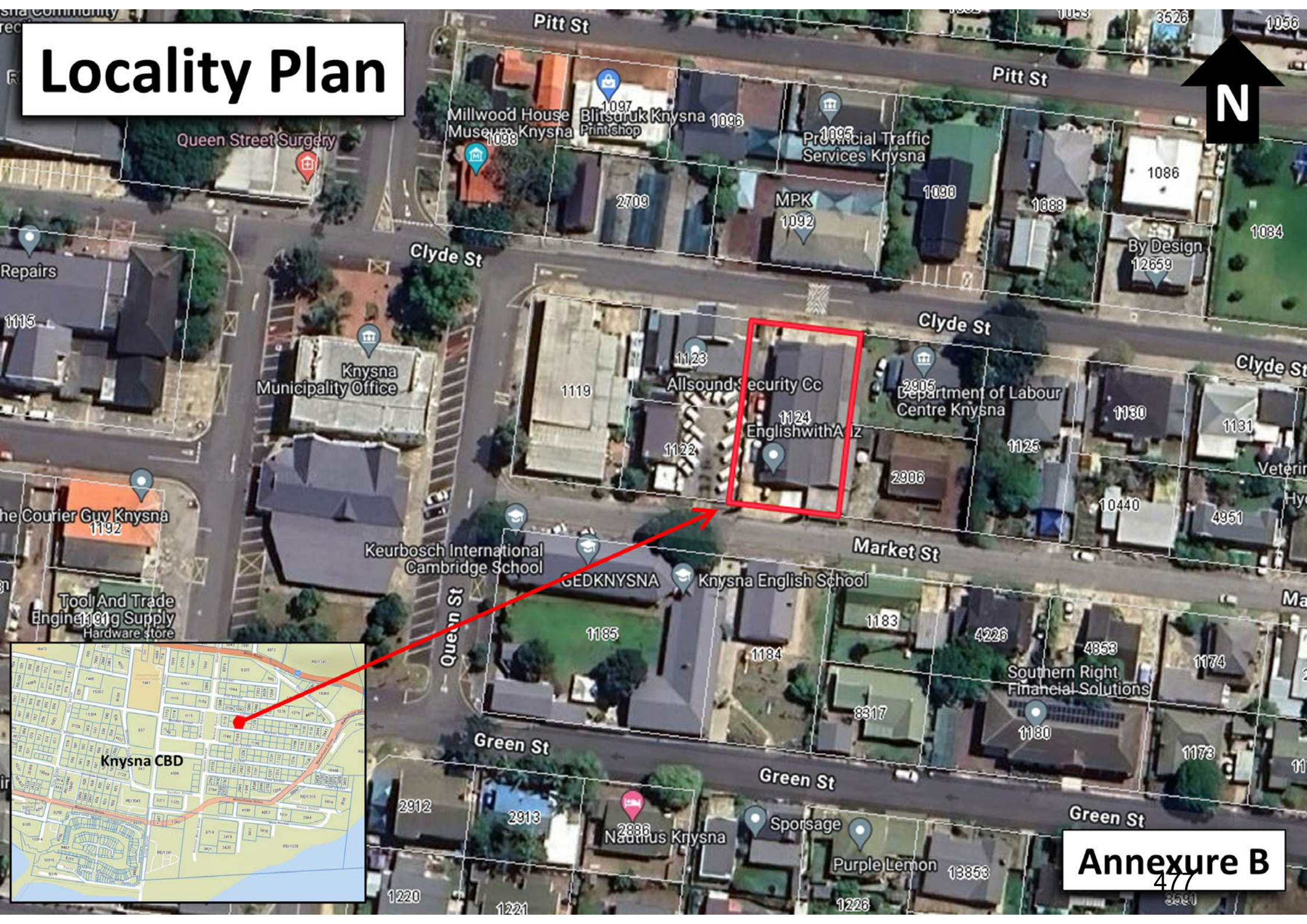
THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 24 May 2018.

q.q.

In my presence

REGISTRAR OF DEEDS

Locality Plan



COMMERCIAL PROPERTY FINANCE
1st Floor Wesbank Building
Enterprise Road, Fairlands
Johannesburg, 2170

YOUR REF: James Porter/La-Nell van Eyk

OUR REF: 3000014303242

2025/06/02

Rushmere Noach Inc

Email: [redacted]

BOND HOLDER'S CONSENT

Dear Sir / Madam,

With reference to your written request, we are pleased to confirm that FNB Commercial Property Finance, a division of First National Bank – a Division of FirstRand Bank Limited, Reg. No 1929/001225/06, as registered Bondholder has no objection to, and consent to:

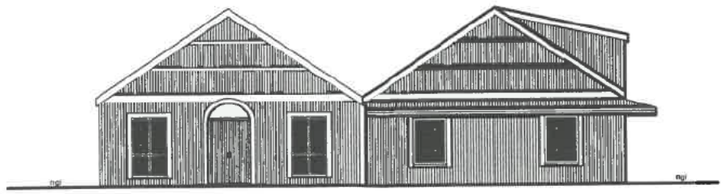
CONSENT APPLIED FOR:	• Rezoning the property from Business II to Business I
	• Use the main building as a warehouse as allowed for under the business Zone I
	• Relax the following building lined in respect of the lockable garage added onto the southern side of the existing building:
	  ⬇ The street building line among Market Street from 4.5m to 0.20m
	  ⬇ The eastern side building line from 1.5m to 0.40m
	  ⬇ To relax the eastern side building line to 0.00 m in respect of the main building

APPLICANT / MORTGAGOR:	METELERKAMP FAMILY TRUST
SUBJECT PROPERTY:	ERF 1124 KNYSNA
TITLE DEED NUMBER:	T23316/2018
MORTGAGE BOND NUMBER:	B10672/2018
VALUATION FEE:	[redacted]
ACCOUNT NUMBER:	[redacted]
SPECIAL CONDITIONS:	Updated insurance for Erf 1124 Knysna for an amount of [redacted]

LAUREL RUDOLPH
AUTHORISED SIGNATORY

PHUMZILE NKOSI
AUTHORISED SIGNATORY

For an on behalf of FNB Commercial Property Finance, a division of First National Bank – a Division of FirstRand Bank Limited, Reg. No 1929/001225/06



PROPOSED BULIDING ON ERF 1124, CLYDE STREET, KNYSNA, FOR MR. & MRS. P. RADEMEYER.

DESIGNED BY :

ST0103

DRAWN BY: Stephen Cox

TELEPHONE/FAX: (044) 3822012
CELLULAR : 0828119681

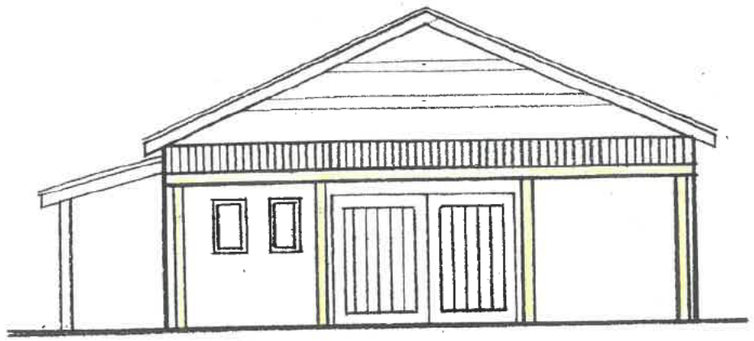
KNYSNA MUNISIPALITEIT / MUNICIPALITY PLAN No. .....

GOEDGEKEUR / APPROVED

Volgens die NBR, Wet No. 103 van 1977, soos gewysig
According to NBR, Act No. 103 of 1977 as ammended

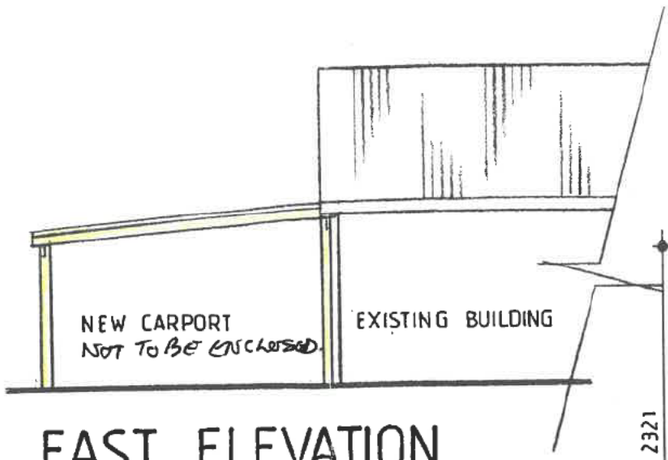
26/7/2000
DATE

BOUTE



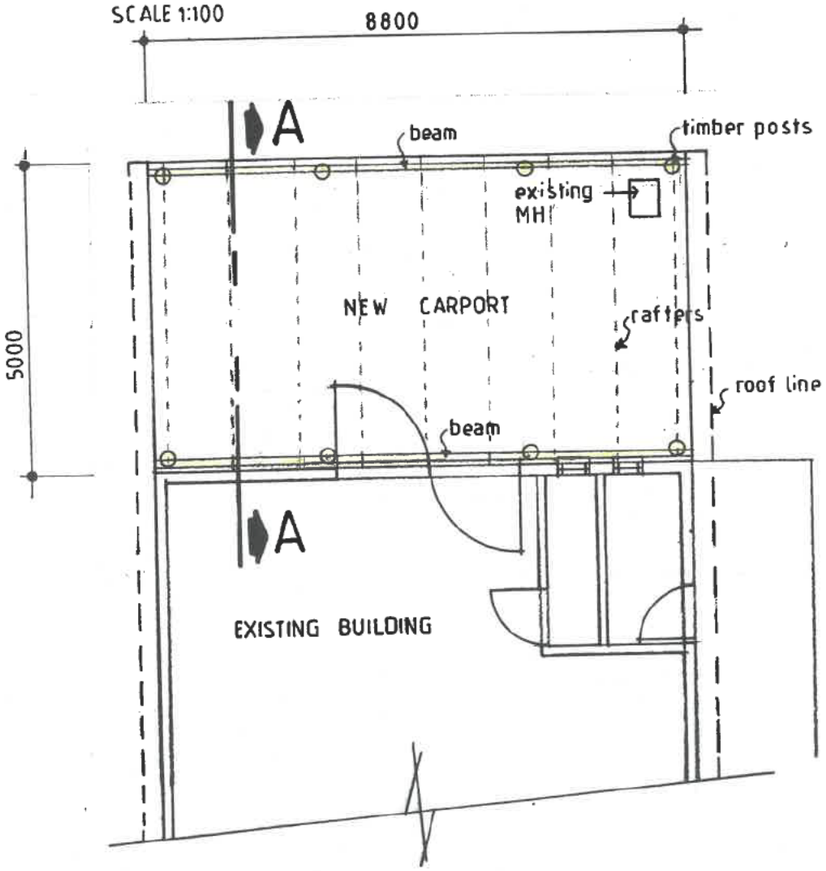
SOUTH ELEVATION

SCALE 1:100



EAST ELEVATION

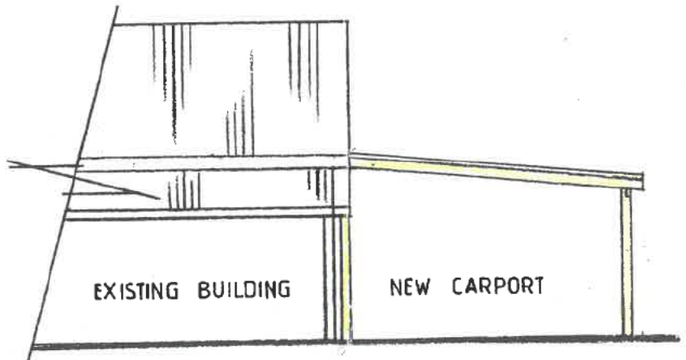
SCALE 1:100



FLOOR PLAN

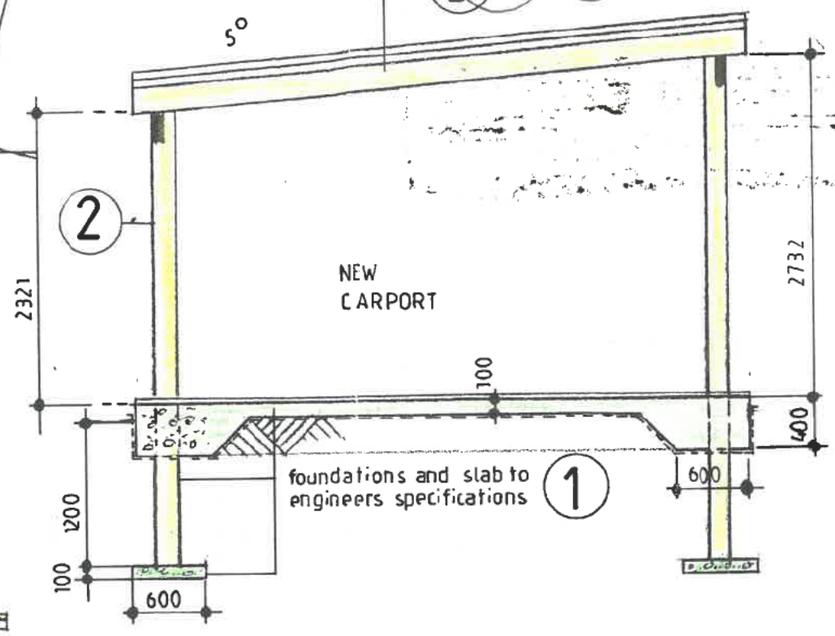
SCALE 1:100

CARPORT AREA 44.0m²
EXISTING BUILDING AREA 259.1m²



WEST ELEVATION

SCALE 1:100



SECTION AA

SCALE 1:50

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

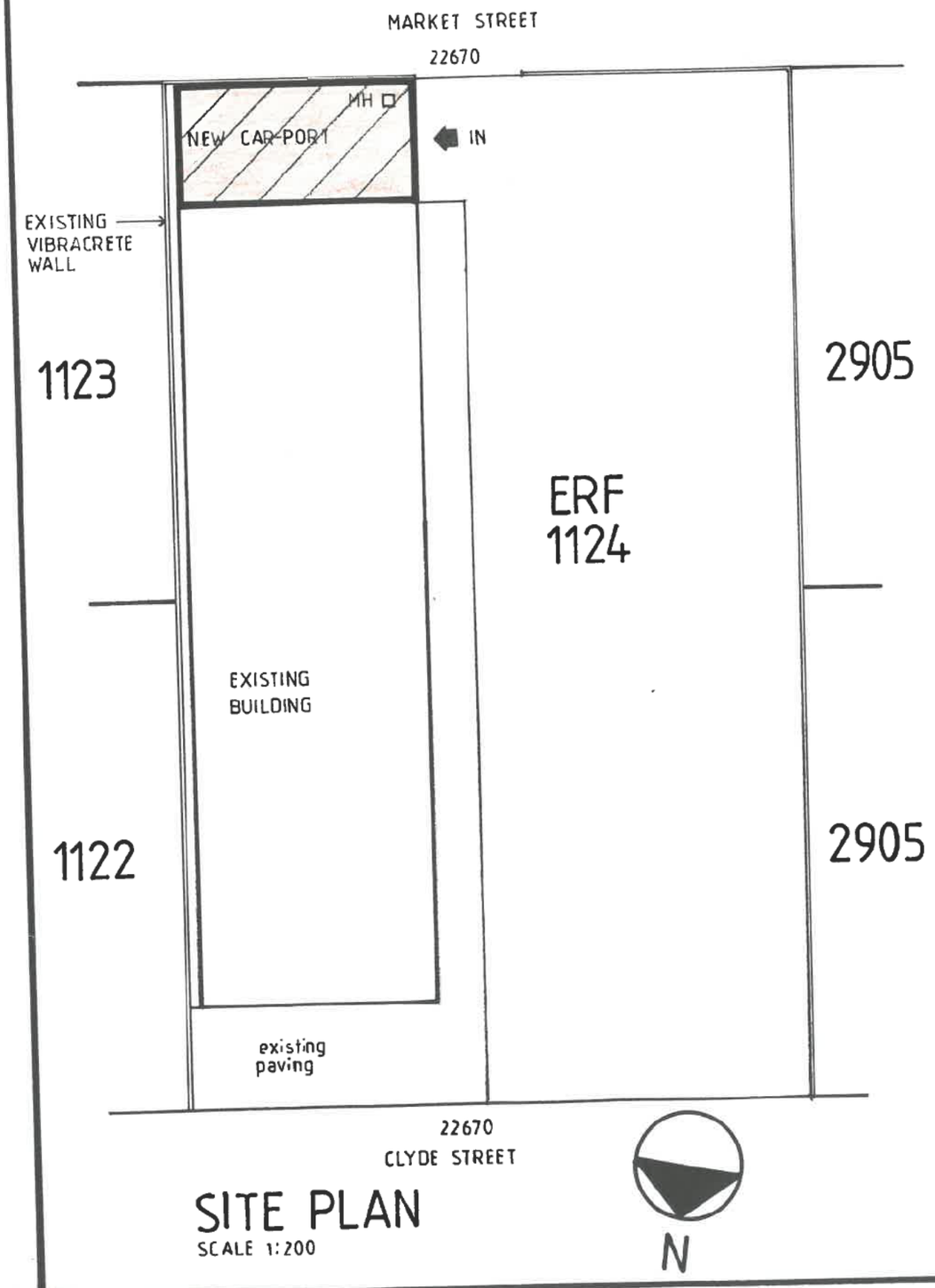
TH

CLIENT:- THE AUCTION HOUSE
PROPOSED NEW CARPORT
ON
ERF NO. 1124
KNYSNA

DRAWN BY:- T. HEPBURN (MISS)

SCALE:- AS SHOWN

DATE:- 08/ 06/ 2000



SITE PLAN
SCALE 1:200

SPECIFICATIONS

FOUNDATIONS & SLAB

1. CONCRETE RAFT FOUNDATIONS REINFORCED TO ENGINEERS SPECIFICATIONS, CONFER FOUNDATION SIZE WITH ENGINEER.
   30mm SCREED FLOATED SMOOTH ON 100mm THICK 20mPa CONCRETE SLAB REINFORCED TO ENGINEERS SPECIFICATIONS, ON 250 MICRON DPC ON 300mm WELL COMPACTED HARDCORE.
2. PINE ROUND POSTS 180-200mm DIM CCA (16Kg/CUBE) TREATED AND PAINTED WITH CREOSOTE, ON 600x600x150mm REINFORCED CONCRETE SLABS, AT MIN 1200mm DEPTHS.
3. ROOF
   ROOF COVERING CORRUGATED SHEETING TO MATCH EXISTING, FIXED TO MANUFACTURES SPECIFICATIONS ON 38x76mm PURLINS ON 228x38mm PINE RAFTERS @ ± 800mm CNTS, ON 228x70mm PINE RING BEAMS, TREATED TO SABS REQUIREMENTS. REFER TO ROOF SPECIALISTS SPECIFICATIONS.

GENERAL

- NOTE:- THIS IS AN AS BUILT CARPORT SET OF DRAWINGS.
- THIS SET OF DRAWINGS IS FOR APPROVAL APPLICATION ONLY AND MAYNOT BE SCALED.
- ALL BUILDINGS WORK TO BE DONE AS PER SABS 1200 AND NBR.
- ALL DIMENSIONS INDICATED ON THE PLAN ARE TO BE SET OUT ON A LEVEL HORIZONTAL PLANE.
- ALL DIMENSIONS AND DRAWINGS ARE TO BE CHECKED BEFORE COMMENCEMENT
- THE CONTRACTOR IS TO HAVE A FULL SET OF STRUCTURAL DRAWINGS ON SITE AT ALL TIMES DURING CONSTRUCTION
- THE RESPONSIBILITY OF SETTING OUT AND POSITIONING THE BUILDING LIES WITH THE CONTRACTOR.
- REFER TO ENGINEER FOR ALL STRUCTURAL DETAILS.
- ALL TIMBER COMPONENTS PRESERVATIVE TREATED TO SABS CODE.

KNYSNA MUNISIPALITEIT / MUNICIPALITY PLAN No. .....
GOEDGEKEUR / APPROVED
Volgens die NBR, Wet No. 103 van 1977, soos gewysig
According to NBR, Act No. 103 of 1977 as ammended
..... 26/7/2000
BCO / IE DATE

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

TH

CLIENT:- THE AUCTION HOUSE
PROPOSED NEW CARPORT
ON
ERF NO. 1124
KNYSNA

DRAWN BY:- T. HEPBURN (MISS)
SCALE:- AS SHOWN
DATE:- 08/06/2000

AREAS

EXISTING BUILDING : 242,6m²

PROPOSED BUILDING : 236,1m²

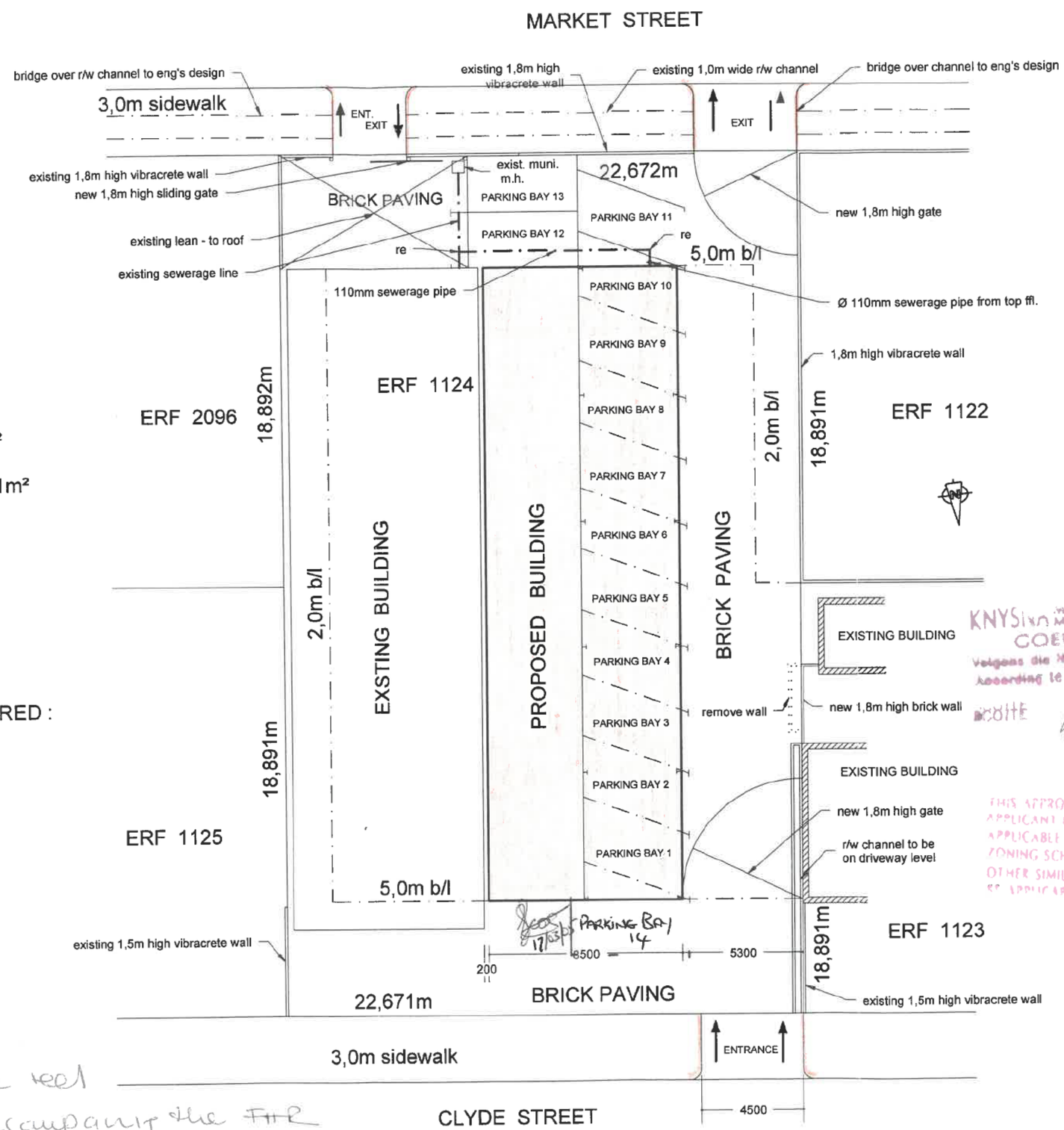
TOTAL FOOTPRINT: 478,7m²

ERF : 857m²

COVERAGE : 56%

NO. OF PARKING BAYS REQUIRED :

EXISTING BUILDING - 4
PROPOSED BUILDING - 9



KNYSNA MUNISIPALITEIT / MUNICIPALITY PLAN NO: 97/05
GOEDGEKEUR / APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewys
According to NBR, Act No 103 of 1977 as amended
DATE 29/3/05

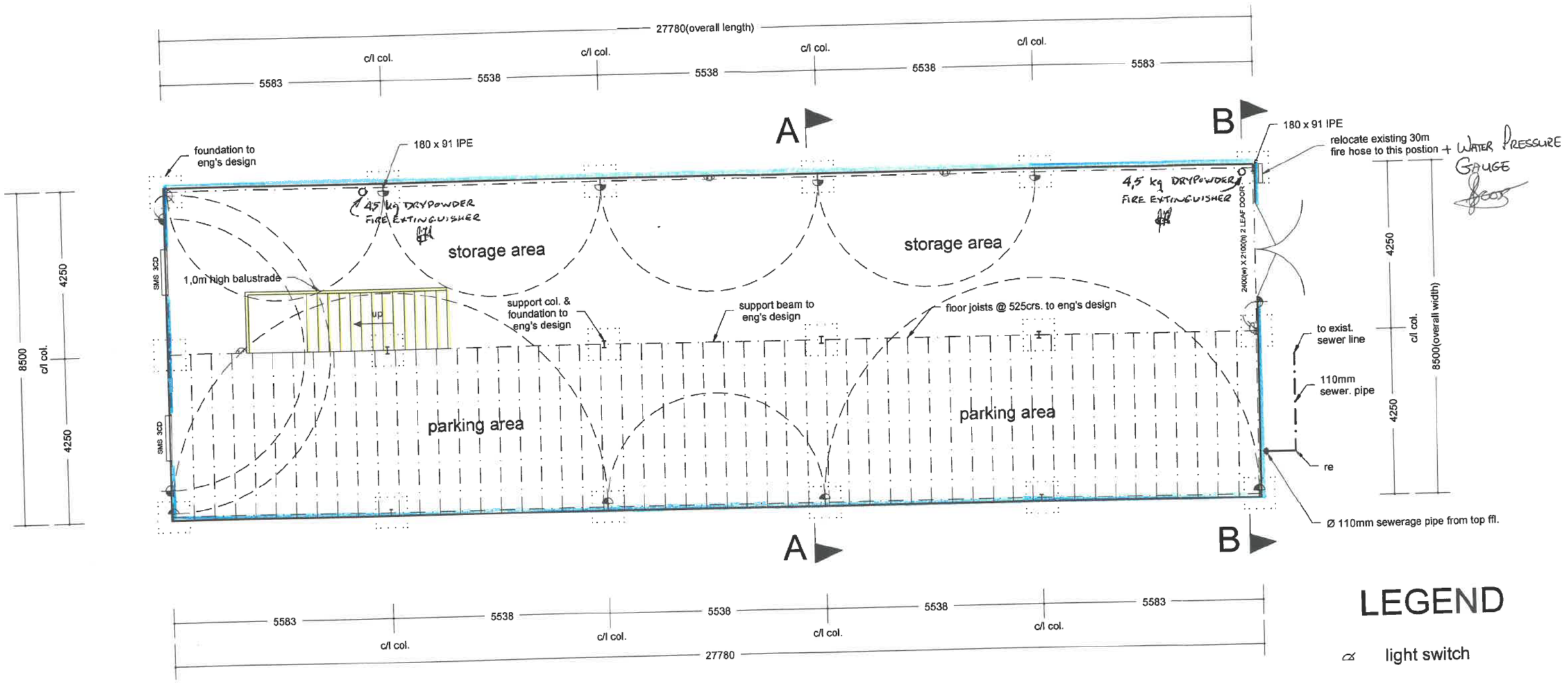
THIS APPROVAL DOES NOT ABSOLVE THE APPLICANT FROM COMPLIANCE WITH ANY APPLICABLE TITLE DEED RESTRICTION, ZONING SCHEME REGULATION OR ANY OTHER SIMILAR RESTRICTION WHICH MAY BE APPLICABLE TO THE PROPERTY

* ADDITIONAL ELECTRICAL SUPPLY WILL BE FOR Account of applicant

* 50mm water Connection for fire hose reel
1 x Water pressure gauge must accompany the ~~FIRE~~
2 x 4,5 kg dry powder fire extinguishers

SITE PLAN

SCALE 1 : 200



NOTE : Wooden Stairs 14Risers @184mm(max)
Treads to be 280mm

GROUND FLOOR LAYOUT

SCALE 1 : 100

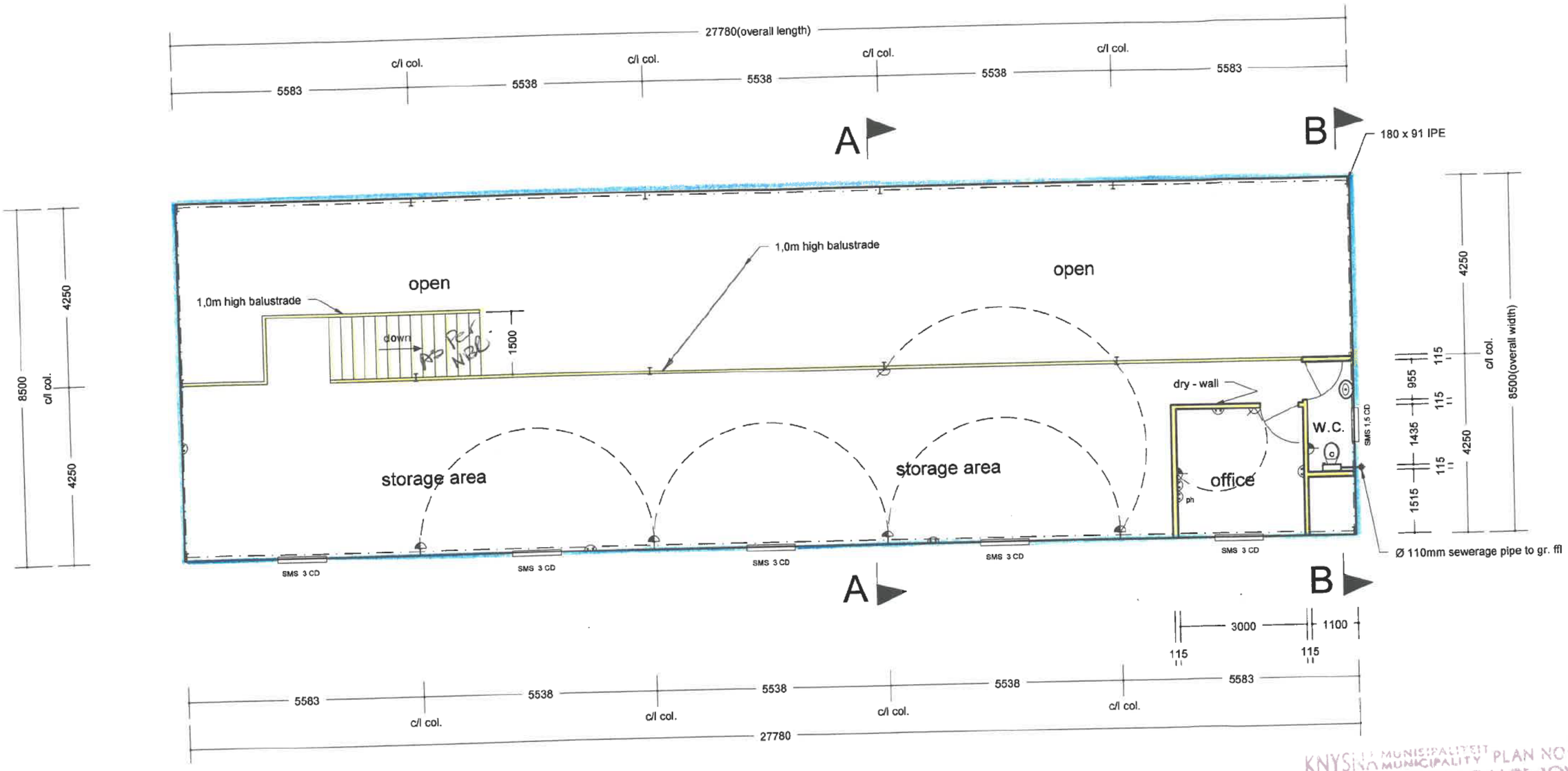
LEGEND

- light switch
- wall light
- double power plug
- phone plug

* 30m

KNYSNA MUNICIPALITY PLAN NO. 4 | 05
GOEDGEKEUR/APPROVED
Volgens die NBR, Wet No 103 of 1977 soos gewysi
According to NBR, Act No 103 of 1977 as ammended
ACCEPTED DATE 29/3/15

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



NOTE : Wooden Stairs 14Risers @184mm(max)
Treads to be 280mm

FIRST FLOOR LAYOUT

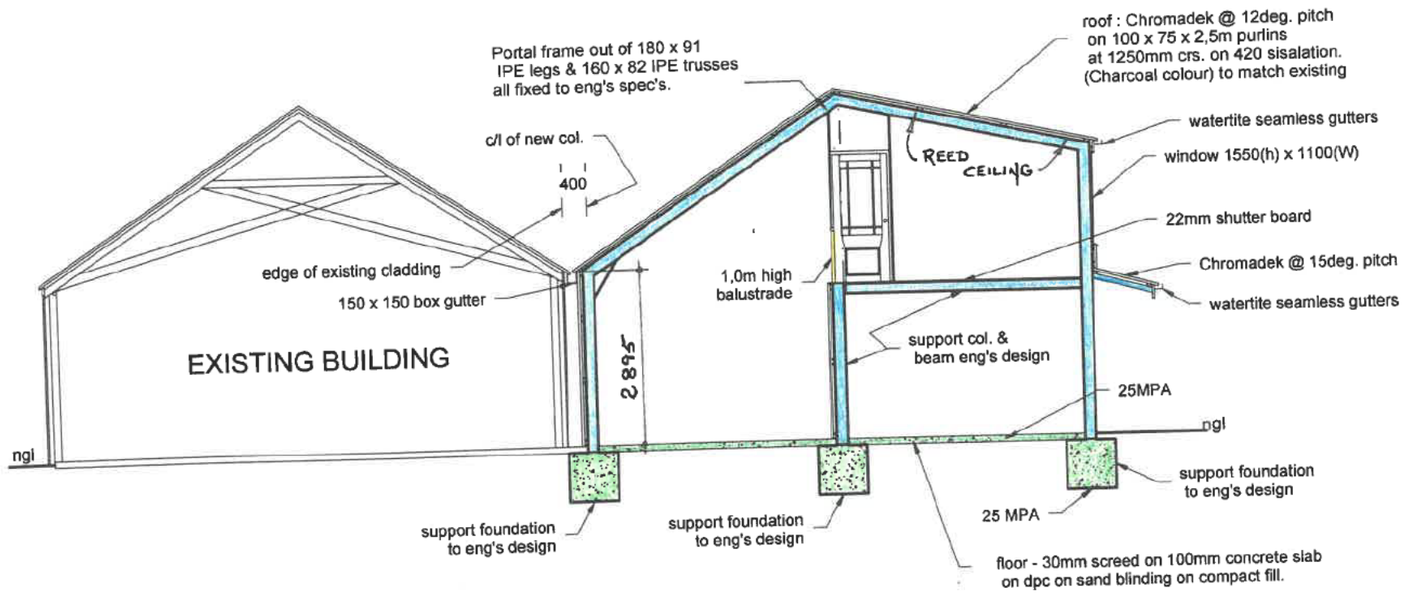
SCALE 1 : 100

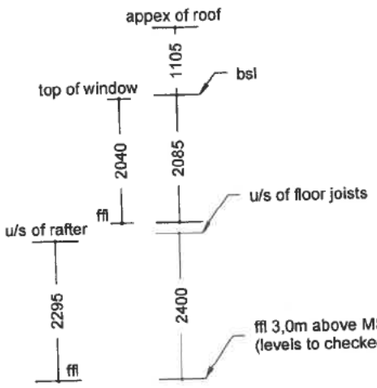
KNYSNA MUNISIPALITEIT / MUNICIPALITY PLAN NO: 97/05
GOEDGEKEUR/APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewysi
According to NBR, Act No 103 of 1977 as ammended
BCO/ITE
DATE 29/3/15

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

BUILDING HEIGHT MAY NOT
EXCEED HEIGHT INDICATED ON PLAN
WITHOUT A CERTIFICATE FROM A REGISTERED SURVEYOR TO CERTIFY
HEIGHT ON COMPLETION

N.B.R. REG. A 25(1)&(5)
ANY CHANGE IN PLAN OR THE
USE OF THE STRUCTURE WITHOUT
APPROVAL IS AN OFFENCE





All work to comply with NBR
All work to match existing

Windows : Meranti small - pane mock sash,
Ex swartland " Cape Culture " catalogue.

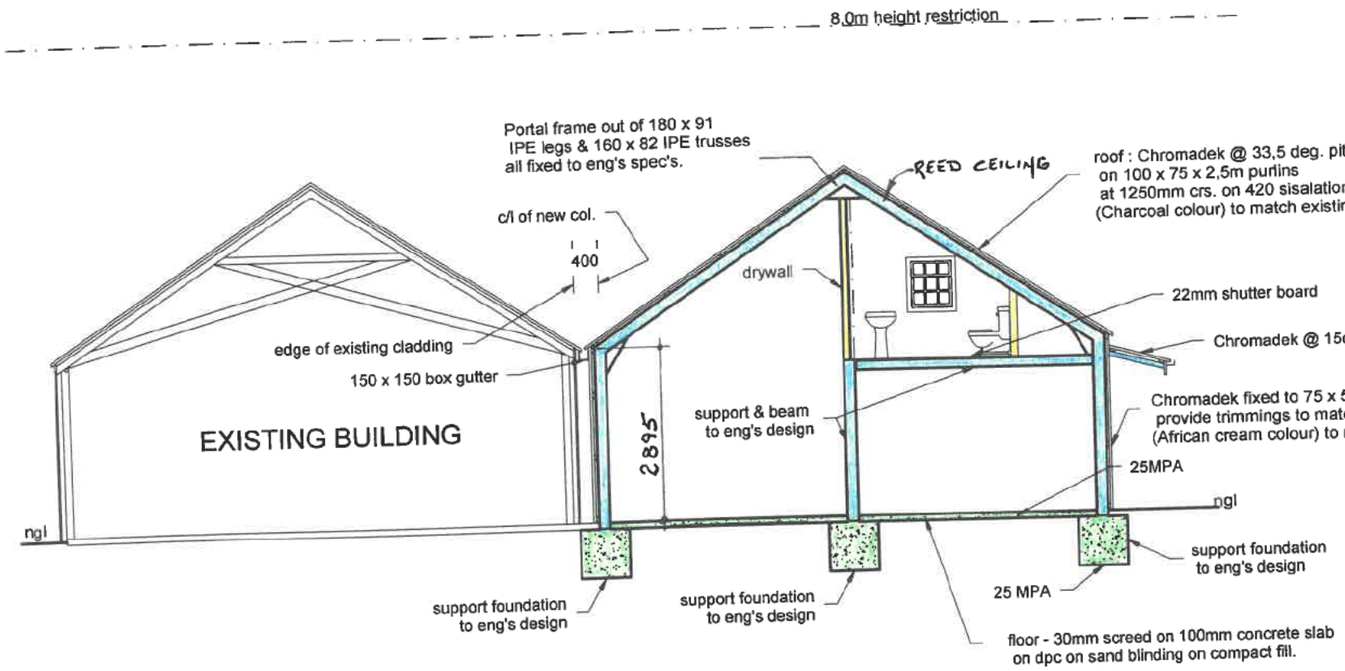
SECTION A - A

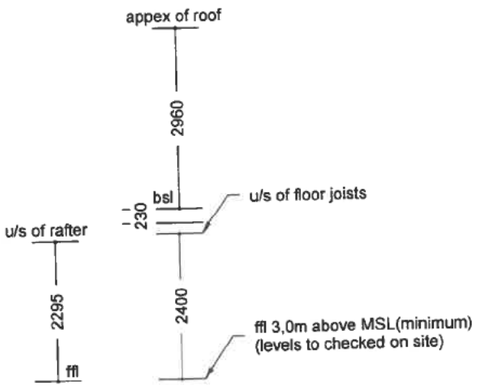
SCALE 1 : 100

KNYSNA MUNISIPALITEIT / MUNICIPALITY PLAN NO: 97/05
GOEDGEKEUR / APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewysig
According to NBR, Act No 103 of 1977 as ammended
BEOEITE
DATE 29/3/5

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

BUILDING HEIGHT MAY NOT
EXCEED HEIGHT INDICATED ON PLAN
REGISTERED SURVEYOR TO CERTIFY
HEIGHT ON COMPLETION





All work to comply with NBR
All work to match existing

Windows : Meranti small - pane mock sash,
Ex swartland " Cape Culture " catalogue.

SECTION B - B

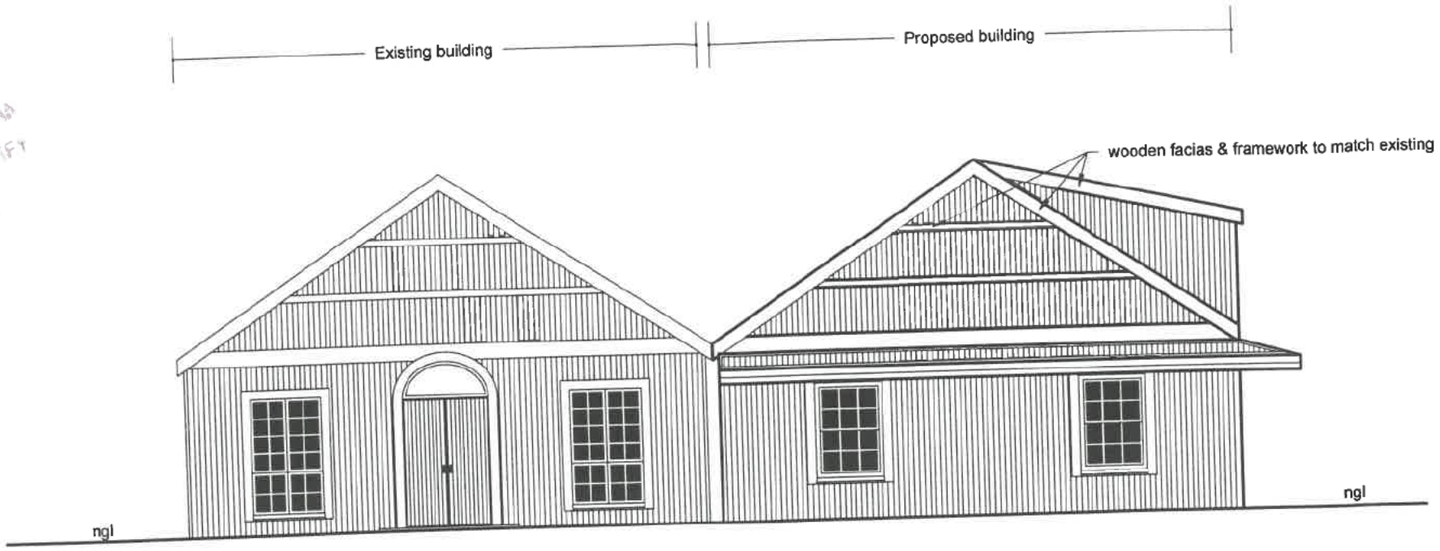
SCALE 1 : 100

N.B.R. REG. A 25(1)&(5)
ANY CHANGE IN PLAN OR THE
USE OF THE STRUCTURE WITHOUT
APPROVAL IS AN OFFENCE

KNYSNA MUNISIPALITEIT/MUNICIPALITY PLAN NO: 97/05
GOEDGEKEUR/APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewysi
According to NBR, Act No 103 of 1977 as ammended
BCO/TE
DATE 29/3/5

IS APPROVAL DOES NOT ABSOLVE THE
PLICANT FROM COMPLIANCE WITH ANY
PLICABLE TITLE DEED RESTRICTION,
NING SCHEME REGULATION OR ANY
SIMILAR RESTRICTION WHICH MA

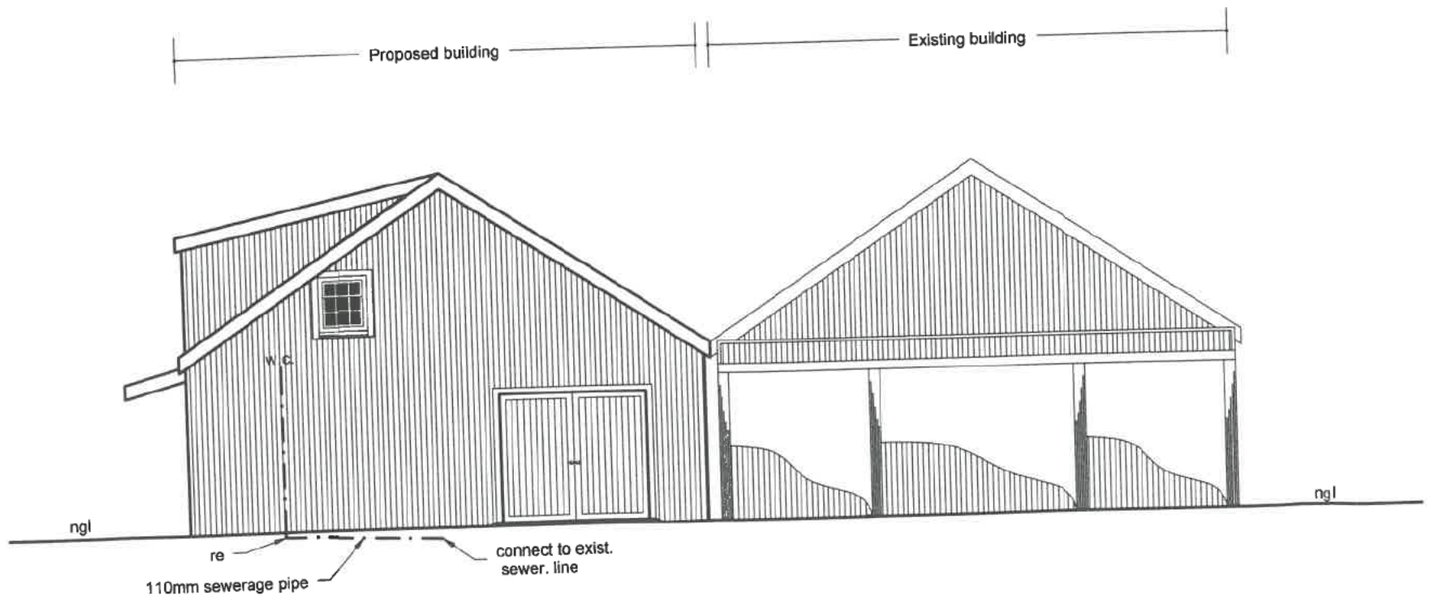
BUILDING HEIGHT MAY NOT
EXCEED HEIGHT
REGISTERED
HEIGHT



NORTH ELEVATION

SCALE 1 : 100

KNYSNA MUNISIPALITEIT / MUNICIPALITY PLAN NO. 97/05
GOEDGEKEUR / APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewysi
According to NBR, Act No 103 of 1977 as amended
AGOITE
DATE 29/3/05
THIS APPROVAL DOES NOT ABSOLVE THE
APPLICANT FROM COMPLIANCE WITH ANY
APPLICABLE TITLE DEED RESTRICTION,
ZONING SCHEME REGULATION OR ANY
OTHER SIMILAR RESTRICTION WHICH MA
APPLICABLE TO THE PROPERTY

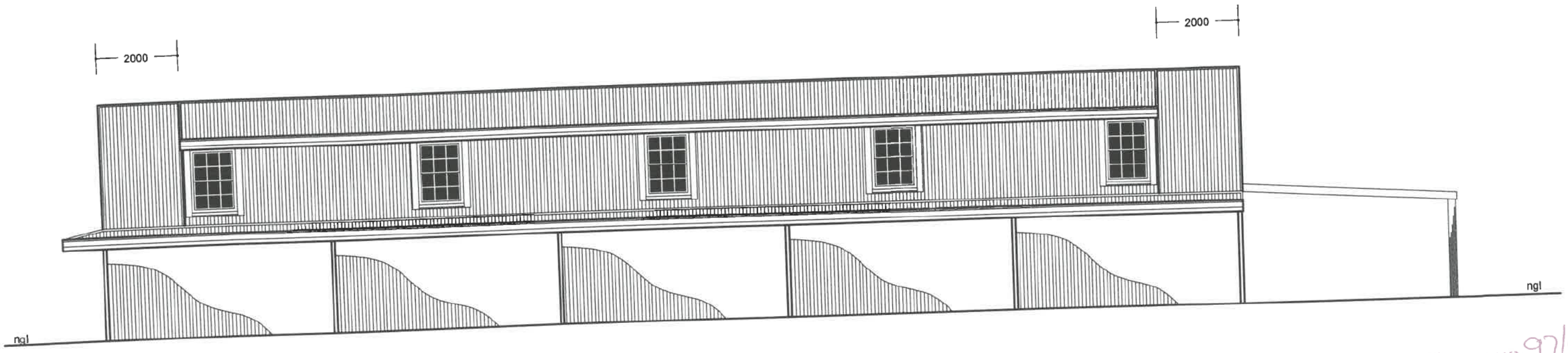


SOUTH ELEVATION

SCALE 1 : 100

N.B.R. REG. A 25(1)&(5)
ANY CHANGE IN PLAN OR THE
USE OF THE STRUCTURE WITHOUT
APPROVAL IS AN OFFENCE

BUILDING HEIGHT MAY NOT
EXCEED HEIGHT INDICATED ON
REGISTERED SURVEYOR'S
HEIGHT ON COUNCIL ROW



WEST ELEVATION

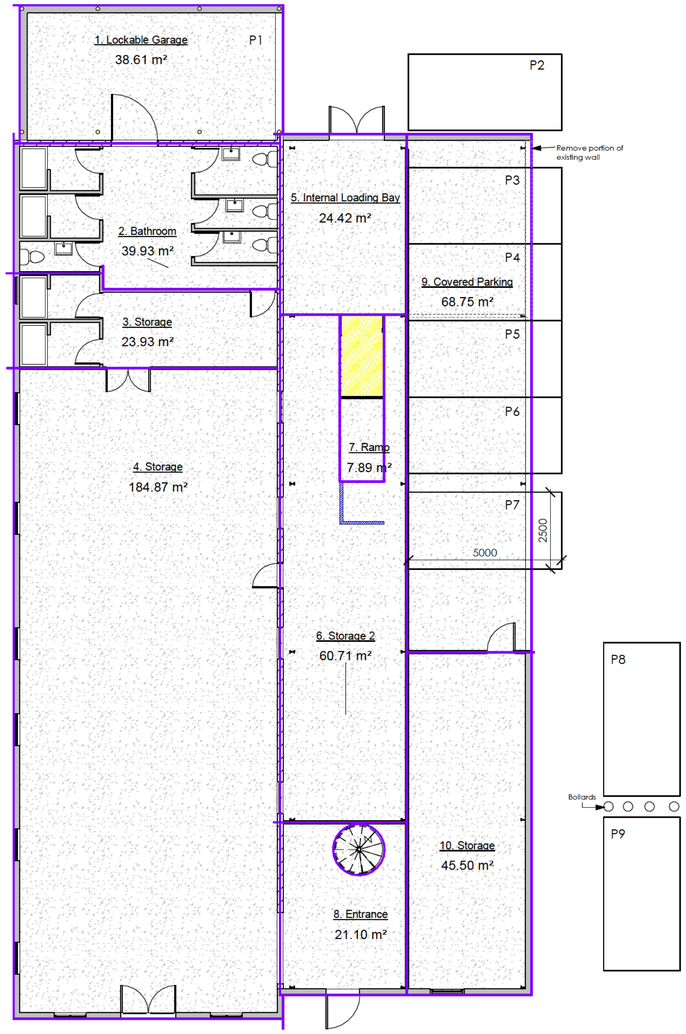
SCALE 1 : 100

N.B.R. REG. A 25(1)&(5)
ANY CHANGE IN PLAN OR THE
USE OF THE STRUCTURE WITHOUT
APPROVAL IS AN OFFENCE

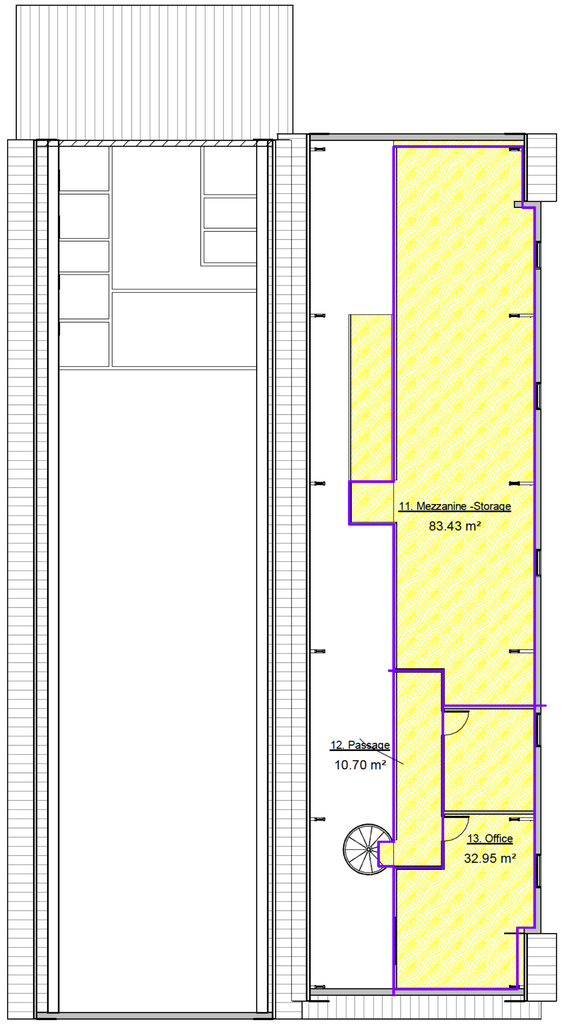
KNYSNA MUNICIPALITY PLAN NO: 97/05
GOEDGEKEUR/APPROVED
Volgens die NBR, Wet No 103 van 1977 soos gewysi
According to NBR, Act No 103 of 1977 as ammende
AGOITE DATE 29/3/5

This approval does not absolve the
APPLICANT FROM COMPLIANCE WITH ANY
APPLICABLE TITLE DEED RESTRICTION,
ZONING SCHEME REGULATION OR ANY
OTHER SIMILAR RESTRICTION WHICH ...
... APPLICABLE TO THE PROPERTY

MUNICIPAL STAMP

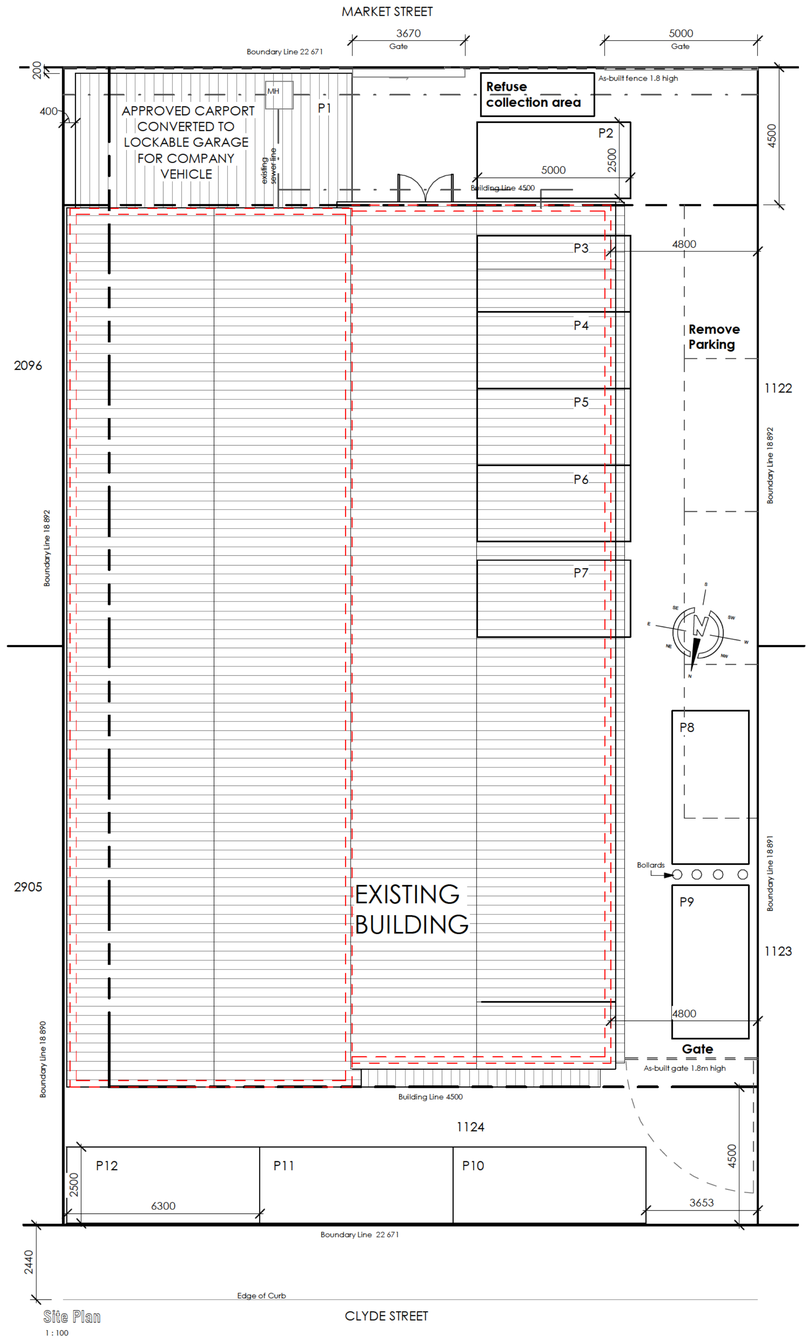


Ground Floor - Areas
1 : 100



Mezzanine - Areas
1 : 100

P12	P11	P10



Site Plan
1 : 100

This is a CAD generated drawing. Figured dimensions have preference over scaled dimensions and large scaled drawings supercede small scaled drawings.
Please Note:
All 3D renders/pictures are for illustrative purposes only, actual buildings/structures may differ.

COPYRIGHT:
This drawing is protected by the Copyright Act No 98 of 1978 and may not be used or reproduced in any form whatsoever without the written consent of Plans R Us. The designs herein remain the property of Plans R Us unless otherwise explicitly stipulated in the contract.

CONTRACTORS NOTE:
These drawings are issued on the understanding that competent and experienced builders will use them. Contractor is to verify and check all levels and boundary pegs on site, and check the same against drawings before putting work in hand. Any errors, discrepancies and omissions to be reported to the Architect/draughtsman immediately. All work and levels to be strictly in accordance with SABS 0400 requirements and Council regulations. No work to encroach site boundaries. Site is to be kept neat and all unnecessary rubble to be moved off site timeously. Levels of adjacent site are to be re-instated where disturbed after completion of work.

ZONING: Business Zone II

AREAS & COVERAGE	
STRUCTURE	**AREA**
EXISTING AREAS	
Ground Floor	476.80 m²
Carport	38.61 m²
Total Existing	**515.41 m²**
NEW AREAS	
Mezzanine	127.08 m²
Total New	**127.08 m²**
TOTAL EXISTING & NEW	**642.49 m²**
EXISTING COVERAGE	
Building	476.80 m²
Carport	38.61 m²
Total Existing	**515.41 m²**
NEW COVERAGE	
None	0.00 m²
Total New	**0.00 m²**
COVERAGE	
Existing coverage	515.41 m²
New Coverage	0.00 m²
TOTAL COVERAGE	515.41 m²
Site Area	857 m²
Coverage Percentage	60.14 %

As-built existing 1.8m steel fence
Total length 18.4m

Sheldon van Onselen
Arch. Draht.
Reg. No. PAD41217798

PLANS R US
ARCHITECTURAL SERVICES

Sheldon van Onselen
Professional Architectural Draughtsperson
Reg. No. PAD41217798

Knysna Office:
43 Waterfront Drive, Knysna
Telephone: 044 386 0127 Cellular: 082 457-7616
Email: sheldon@plansrus.co.za

SHEET NAME: SDP	
PURPOSE OF ISSUE: Submission	
PROJECT DETAILS: John Metelerkamp Erf 1124 Knysna	
CLIENT DETAILS: John Metelerkamp Erf 1124 Knysna	
Scale: As shown	Drawn: FS/SvO
Date: 11/09/2024	Checked: SvO
Project Number: Kny 319	Drawing No.: P1
Client's Signature:	Revision: 0
Print Size: A1	
Note:	

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3504
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	06 June 2025

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 3724 SEDGEFIELD

PART A: APPLICANT DETAILS	
Name & Surname	***Lloyd Druce***
Company name	***VBGD Town Planners***
SACPLAN registration number	***A/543/1987***
Registered owner(s)	***Madeleine Bekker***
PART B: PROPERTY DETAILS	
Property description	***Erf 3724 Sedgefield in the Municipality of Knysna, Province of the Western Cape***
Property Extent (m^2)	***893***
Physical address	***59 Dover Street, Cola Beach***
Area/Town	***Sedgefield***
Current zoning	***Single Residential Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Dwelling house (under construction)***
Are there existing buildings on the property?	***Yes***
Title Deed number & date	***T8677/2023 dated March 2023***
Any restrictive title conditions applicable?	***Not Applicable***
Any third party conditions applicable?	***Not Applicable***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Not Applicable***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☐	☒
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the unauthorised building work that contravenes the prescribed building lines and maximum permissible height of retaining walls as specified in the Knysna Zoning Scheme By-law (2020), in respect of Erf 3724, Sedgefield.

2. BACKGROUND

2.1. The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) with the permissible use of a "dwelling house." The Zoning Scheme By-law prescribes a 4.5m building line on the street boundary, while a 2.0m building applies on the lateral boundary within which no buildings or structures are permitted unless exempted in terms of Clause 21 of the By-law.

2.2. The landowner seemingly constructed retaining walls in support of their new dwelling house without prior written approval – these retaining walls encroach on the street and lateral building lines as prescribed in the Zoning Scheme By-law which does not exempt such structures within this space.

2.3. The applicant puts forward two primary reasons for the transgressions of the provisions of the zoning scheme; the first being their lack of awareness that prior approval by way of permanent departure was necessary for the retaining walls that encroach the prescribed building lines. It is stated that neither the architect nor the contractor advised the landowner in respect of this matter, while the Municipality did not inform accordingly on the approval of the first building plan in 2024.

2.4. Secondly, the landowner asserts that they were compelled to continue with building work as they were unable to afford the delay caused by the need to lodge an application for departure to allow for the retaining walls within the prescribed building lines.

2.5. In terms of the gravity of the transgression, the application asserts that the retaining walls serve in the sound construction of the dwelling house and has shown to have a detrimental impact. Due to limited space, the retaining wall could not be stepped, therefore, the maximum permissible height of a retaining wall was exceeded. However, the retaining wall was certified by an engineer during construction.

2.6. The applicant argues that the landowner has no direct knowledge of zoning scheme requirements but has taken "*every opportunity to obtain approved building plans.*" It is further noted that the landowner has no record of any previous contraventions.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	Not Applicable
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	**Estimated at 20% of total build value = R50,000.00**
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 9,073,000.00))	Not Applicable

3.1.1. The applicant did not provide the value of the building work in terms of the area encroaching the building line but has confirmed the value of all the building work (as provided by the contractor) at R252,000.00. In terms of apportionment to only those portions encroaching the building line, an assumption of 20% of the total value, based on the plan proposal, is made. This means that the total maximum value for the determination of the penalty is set at R50,000.00.

3.2. Considerations in terms of Section 93(9) of the Planning By-law

3.2.1. The retaining walls within the building lines have been in existence for several months and were built as part of a platform to hold the dwelling house. There has been no evidence that the retaining walls posed harm to affected and surrounding properties. It is noted that the significance of obtaining prior approval is that retaining walls may collapse or cause stormwater damage on neighbouring properties. However, it can be agreed that the extent and impact of the retaining walls can be considered minor given the professional engineering oversight.

3.2.2. In their submission the applicant states that they were in a "predicament" and "*decided to rather construct the building and then submit 'as-built' plans and in doing so, accept liability for the payment of an administrative penalty.*" It is thus evident that the landowner did not maliciously contravene the zoning scheme but has nonetheless, contravened the by-law's provisions with intent. For this reason, it is found that the imposition of a reasonable penalty is justified. A nominal/reduced penalty (5% of the total value of the building work) can also be considered due to the transgression being the first offence of the landowner as far as can be determined with available municipal records.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of **R 1,250.00** be determined in accordance with Section 93(2,) for the unauthorised building work that contravenes the prescribed building lines and maximum permissible height of retaining walls as specified in the Knysna Zoning Scheme By-law (2020), in respect of Erf 3724, Sedgefield.

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. The administrative penalty as specified herein applies to the building line encroachments as shown on the plan numbered "*3724-SITE-Rev5*" dated 19 September 2023.

5.2. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation is as follows:

(i) The Zoning Scheme By-law does not allow for retaining walls/structures within the prescribed building lines. On their own admission, the landowner of the subject property has intentionally commenced with building work that contravenes the zoning scheme in this respect.

(ii) However, in considering the merits and circumstances to the application, it was found that there are reasonable grounds to impose a nominal penalty – as opposed to the maximum. The landowner has not demonstrated malice in their conduct; it is the owner's first known offence and employed an engineering professional oversight in the retaining wall construction.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum & Correspondence*

ANNEXURE B: *Power of attorney*

ANNEXURE C: *Copy of title deed*

ANNEXURE D: *Cost Estimate by Contractor*

ANNEXURE E: *Copies of approved building plan(s)*

ANNEXURE F: *Proposed site plan(s)*

Administrative Penalty: Erf 3724, Sedgefield Application No.: 3504	
Author Name: SINOVUYO SITINGA Date: **20/03/2026**	Author Signature:
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1520/2017. Date: **20/03/2026**	Registered Planner Signature:
Decision maker: Municipal Planning Tribunal	

APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

VBGD Town Planners

Town Planners and Development Consultants

JOHANNESBURG: Tel : 27 011 706 2761 or KNYSNA 079 158 6699
Email : druce@mweb.co.za website: https://vbgdtownplanners.co.za/

POSTAL ADDRESS: P.O.Box 3506 Knysna 6570

PHYSICAL ADDRESS: 154 Watsonia Avenue Brenton WC

Celebrating 35 Years service to our clients (1985 to 2020)

V B G D

Date: 20/5/2025 Reference:

The Manager: Land Use Management
Planning and Development Department
Knysna Municipality
P O Box 21
Knysna
6570
Attention: Hennie Smit

Dear Sir,

APPLICATION: SEDGEFIELD 3724 : DETERMINATION OF ADMINISTRATIVE PENALTY

Our firm was appointed by the owner of the above erf to submit, an application to permit encroachments on the site due to erection of retaining walls which require approval by the Planning Department in terms of the Knysna Zoning Scheme 2020. The application was submitted in April 2025 and which elicited the following comments from your department:

(i) ***"The application appears to be for retaining walls within the prescribed building lines of the Zoning Scheme By-law (2020). These walls are structures and not permitted within the building lines and not exempted in terms of Clause 21(1) of the Zoning Scheme By-law. The retaining walls are built and existing and the application is to regularise these structures.***

(ii) ***In order to regularise these structures which required prior written approval, the Planning By-law requires an application for the determination of an administrative penalty. Such application would thus need to be lodged before a land use application can be considered.***

(iii) ***A key question we have is how the existing house was built on a platform comprising retaining walls? Was this aspect not considered in the building plan application for the existing house? Clarification on this would be appreciated.***

(iv) ***A typical section of the retaining wall is provided. Are there (reasonable) actual sections that demonstrate how the retaining walls do or do not comply with the Zoning Scheme By-law?***

(v) ***Kindly attach a copy of the surveyor-general diagram or plan to the application.***

This serves to address the above, and **in particular item (ii) and (iii)** in connection with determination of an administrative penalty in terms of Section 93 of the Knysna Spatial Planning and Land Use Management Bylaw (2021). The background and response is is as follows:

1. **OWNER:** The site is owned by MADELEINE BEKKER by virtue of the attached Deed of Transfer T 8677/23 and is 893m² in extent.

2. LOCATION :

The erf is located in Dover Street Cola Beach Sedgefield as shown below:

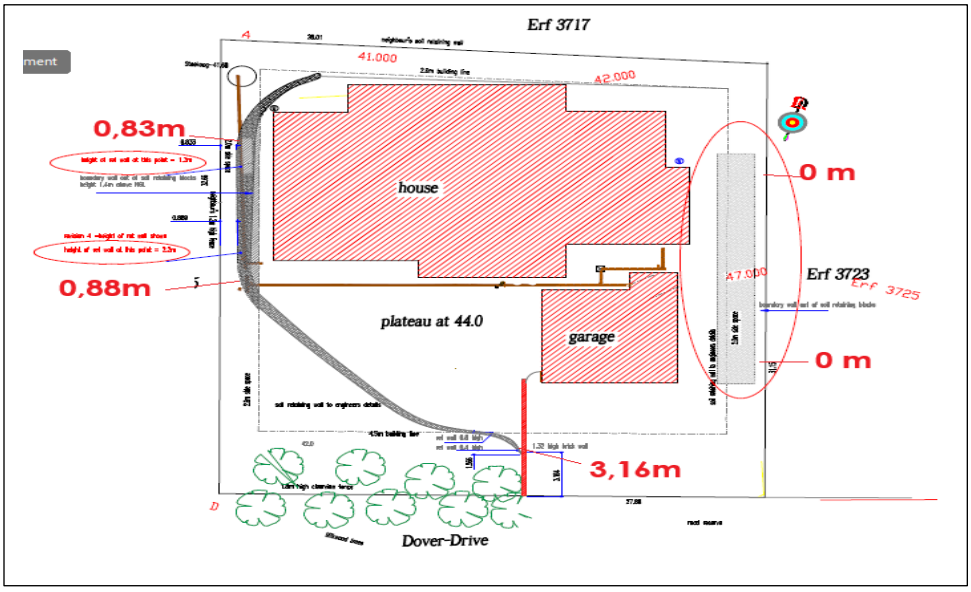
3. BACKGROUND:

The nature of the applications submitted in April were the following:

(i) On the **western** boundary from **2m to 0,83m**, on the **Eastern** boundary from **2,0m to 0m** and on the street boundary from **4,5m to 3,16m** for the retaining walls

(ii) **Permission** in terms of Clause 26 of the Zoning Scheme to allow a retaining wall exceeding 2,0m or a series of retaining walls of 2,5m, as shown on the attached plans.

These are shown below:



4. EVENTS LEADING TO THE STATUS QUO:

4.1 Our Brief:

Our understanding of the required applications were as a consequence of protracted interaction with the municipality regarding the current plans for the house, and the initial

ones which were approved in May 2024, but which were subsequently changed due to cost constraints necessitating the reduction of the building into a single storey development and construction of retaining structures on the property.

4.2 Events leading to the current position:

In response to our request, our client has summarized the events as follows:

- *"We secured building plan approval in May 2024 for the initial residential structure that we intended to construct on our erf, after an approval process that took more than 6 months at the Knysna Municipality. These plans were for a bigger house (double storey) which involved expensive slab designs and internal retaining walls. The garages and the rooms would have been located under the house.*
- *After obtaining quotes and estimates for the project we realised that it would simply be unaffordable for us to construct such a design. It would have been a very expensive project.*
- *We were then faced with two choices: either sell the stand or go cheaper on the design and the construction.*
- *We decided to redesign the house to be on one single level with only two bedrooms. We also planned to cut on the costs of the construction. It also entailed levelling the stand and the construction of retaining walls. Costing on the redesign however became more affordable.*
- ***We did not realise at the time that the construction of the retaining walls required specific approvals from the Municipality. We were not advised so by our architect or our project manager at the time. It was only after our revised plans were rejected that this aspect became known.***
- *We immediately instructed our architect to prepare revised plans and resubmit the plans to the Municipality. These revised plans were submitted before we commenced with any groundworks, with the revised plan fees also being paid to the Municipality.*
- *The revised plans were identical to the upper level of our initial approved plans. We only omitted the 3rd bedroom and garage under the house and indicated a separate garage on street level in front of the house.*
- *We were under pressure to start with ground works and with building as we secured a project manager who provided us with quotes valid for a limited period. These plans indicated the retaining walls. The project manager was also appointed to construct a house on the stand adjoining our property on the northwestern boundary owned by friends of ours. It was planned for the two projects to be undertaken jointly to save on certain construction costs. This added to the pressure to commence with construction.*
- *Approximately two months after the revised plans were submitted but before we started with ground works, I addressed a letter to the Municipality in terms which I demanded that the plans should either be approved or rejected as is the requirements in terms of the National Building Regulations (which provides for a 30-day period for either approval or rejection). We were still hopeful that the revised plans would be approved before we would commence with construction.* (**Note: The letter and responses thereto are attached as an ANNEXURE1)**
- *The Municipality immediately responded to my letter by rejecting the revised plans based on what they advised as being the building line encroachment of the retaining walls as well as the height thereof.*
- *We were then faced with a predicament in that we had to start with groundworks and could not delay our project for another 6 to 9 months to obtain approvals for the retaining walls and then only approval for the revised building plans.*
- *We consequently decided to rather construct the building and then submit "as built" plans and in doing so, accept liability for the payment of an administrative penalty. We simply had no choice.*
- *The fact of the matter is that we are unable to get our revised plans approved until such time that we have resolved the issue relating to our retaining walls.*

- *If an administrative penalty needs to be paid, then we would have to do so. We still intend to comply with all the Municipality's requirements and ensure that we legalise our constructed building. The revised plans and building are less complicated than what we initially approved. Our engineer has designed all the required structures and conducted all the requires inspections."*

4.3 Correspondence with the municipality:

The attached letter under the letterhead of Prinsloo Bekker Attorneys and addressed to the Municipal Manager dated 3 October is clearly a criticism of the events up to that point, however for the purposes of this application, the content of paragraph 3 on page 3 is important, which reads as follows:

> For the past 2 months, our client's contractors have conducted groundwork and preparations on our client's property in anticipation of the approval of our client's revised application. This included, at a substantial costs to our client, levelling and the construction of retaining walls on the eastern, western and northern boundaries of the property, to stabilize the soil for compaction and eventually for the construction of foundations. The next steps would therefore involve soil compaction and the excavation and construction of foundations. This is expected to occur within the next 3 weeks. These processes cannot be delayed.

The letter arises from the submission of revised and reduced plans on 27 August 2024, and the frustration due to the urgent need to commence building works on the building, which was identical to the approved plans in May 2024, but with the elimination of the lower floor altogether. It was therefore decided to commence on that basis and submit "as built" plans in due course.

It is clear from the letter that the client confirmed the need to level the site and construct the necessary retaining walls, however, it was not known to him that such retaining walls were items which required special permission in terms of Clause 26 of the zoning scheme, otherwise that would have been stated in the letter. It was only upon the rejection of the second set of plans that this came to his attention, which led to our application, as submitted in April 2025.

As the client has confirmed in his explanations and correspondence, neither the architect nor the project manager advised that retaining walls as intended, were items requiring special permission from the municipality.

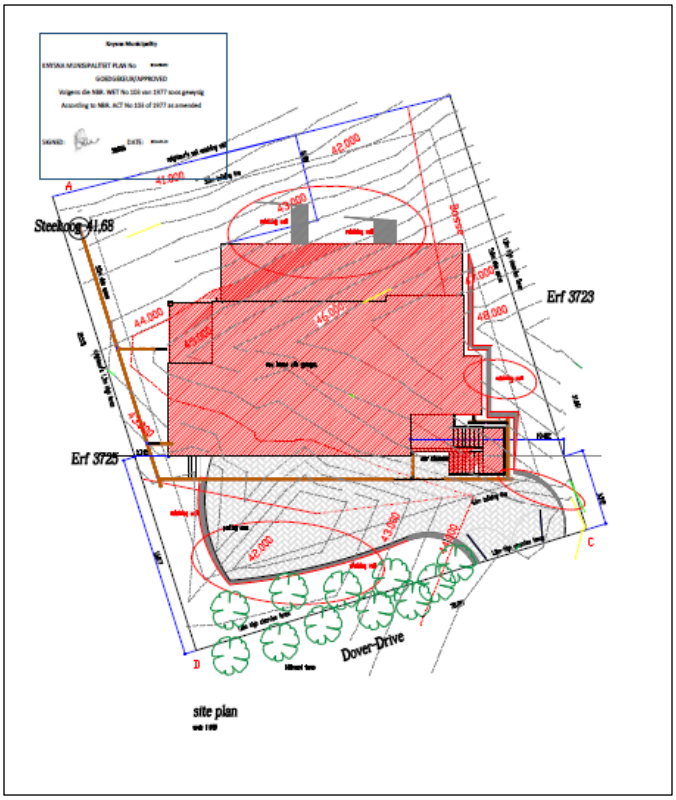
The status quo is therefore a result of unknown consequences regarding the construction of retaining walls, which a layperson would never know.

4.4 Points in Mitigation:

As discussed above, the landowner submitted and had approved building plans in April 2024 for a two-storey structure. This plan shows retaining walls on the western side and street side

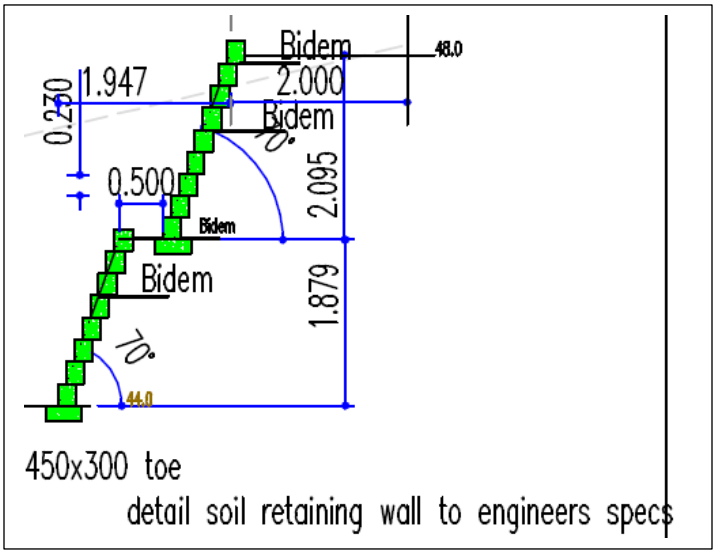
of the building as shown below. The only stipulated condition of approval related to the presence of milkwood trees, which was one of the reasons for the retaining walls being designed to protect these trees.

Approved Building Plans:



The walls are clearly shown, and although there are no details of the wall's height and dimensions, there is also no warning to the landowner and contractor regarding Clause 26 of the Zoning Scheme needing to be considered.

In the second set of plans to reduce the structure to a single storey house, the detail of the eastern retaining wall is included on the plans as shown below:



The above detail indicates a two-step wall of 1,879m from the base and then 2,095m to the top, with a total height of 3,974m for the full wall. The requirement in Clause 26 is for successive retaining structures above 2m in height to be separated by a 2m level step. However, there are many instances where there is insufficient space to provide a 2m step and hence the need for a departure as has been applied for. However, the retaining wall is constructed with the necessary engineering supervision, and is a common practice in circumstances such as this.

The western retaining wall is lower than 2m inside the building line and is also shown on the revised plans, but is not detailed on the submitted plans, because the necessity of Clause 26 was not known.

From the above, it is clear that the owners have submitted the necessary plans at all stages but clearly, neither them nor the contractor and architect were aware of Clause 26 requirements.

Had the first approval letter for two storey structure alerted all to this requirement, the current need to apply administrative penalties would have been avoided.

5. CONSIDERATIONS IN TERMS OF SECTION 93 KNYSNA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW (2020)

The provisions of Section 93 of the By-Law have the following components:

(a) **Section 93(1):** The applicant is desirous to rectify the existing contravention in terms of this section of the By -Law and has not been served with any compliance notice.

(b) **Section 93(9):** In consideration of the terms and extent of an administrative penalty the following are considerations:

5.1. **The nature, duration, gravity and extent of the contravention:**

As mentioned above, the buildings on the property were constructed within the scope of the approved building plans, albeit with the elimination of the lower level. It was this component of the building, which necessitated the retaining walls.

The retaining walls serves directly for the sound construction of the house, and has no detrimental effects on anyone else. Indeed, the western retaining wall is supported by the adjoining owner.

The eastern retaining wall is essentially a boundary wall, although built in the form of a retaining wall.

In terms of the Knysna Zoning Scheme, a boundary wall is defined as follows:

> "**boundary wall**" means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, including entrance gates and doors;

The above stipulates ***"any wall"…. , "on or directly next to the cadastral boundary",*** and therefore the eastern wall is essentially a structure permitted along the boundary.

It is therefore the requirements of Clause 26 of the Zoning Scheme, requiring stepped walling which is not permitted without approval. The wall as constructed, was certified by an engineer and could not have been erected if stepping was provided, as there is insufficient space between the boundary and the building.

The western retaining wall while erected inside the building line is lower and any stepping, if at all necessary, would seem inappropriate.

5.2. **The conduct of the person involved:**

The person involved is a normal homeowner with no direct knowledge of Town Planning requirements which are as detailed as those applicable to retaining walls. It is nevertheless clear that the owners took every opportunity to obtain approved building plans, to the point that letters of complaint were issued in the attempt to have the necessary plans available.

If the landowner wanted to act in a non-compliant manner and build the retaining walls without plans, he would not have submitted the second set of plans showing them, and would not have attempted to place pressure on the municipality, as was done.

This shows that there was no wilful ignoring of prescribed process, but rather the need to urgently commence construction under the circumstances which have been described.

Again, in mitigation, neither the architect nor the project manager, and even the municipality building control letter of approval, alerted the landowner to these requirements.

5.3. **Has the unlawful conduct stopped:**

The assumed contravention has been completed as it could not be stopped, but is the reason for our application in April 2025 to rectify the matter and approve the retaining of walls accordingly.

5.4. **Previous contraventions:**

The landowner has no record of any previous contraventions of this or any other By-Laws

6. CALCULATION OF PENALTY:

In terms of the provisions of the By-Laws fee scales, Section 8(v) stipulates that for unauthorized building works , up to 100% of the value of construction works can be levied as a penalty.

The imposing of a penalty needs to be fair, and commensurate with the circumstances which led to the deemed contravention. In this case, the landowner has acted in the best interest of the stability of the site conditions, which required the retain walls to be constructed. Plans for these were indeed submitted, but unbeknown to all (including the architect and contractor), there was a need to comply with Clause 26 of the Zoning Scheme.

This clause is indeed a rather obscure provision, as there are literally many examples where stepping of walls has not been done, as there was no such requirement in earlier Zoning Schemes, such as the Sedgefield Zoning Scheme 1980 and the Section 8 Regulations. Many retaining structures of 4m and even higher are commonplace in areas with steep terrain and therefore the provisions of Clause 26 are not apparent in an area such as this.

While it is accepted that the provisions of Clause 26 are valid in the context of the Knysna Zoning Scheme and need to be complied with, the walls as constructed will be structurally compliant and legal once the already submitted departure applications are processed.

No-one has been prejudiced by the walls as they are needed in the form constructed, and therefore it would seem unreasonable to unduly penalize the landowner in the described circumstances, as the intentions to comply in every respect have been the approach of the landowner all along. Plans for the original proposal and the revised version of a single storey building have been submitted, and planning fees already paid.

Considering the above and the nature of the transgressions it is requested that an arbitrary penalty be imposed **of no more than R1000,** which is fair in the context described above.

7. ACCOMPANYING DOCUMENTS

The following documents accompany the application:

1. A completed application form
2. A Copy of the Title Deeds **(*Already submitted*)**
3. Power of Attorney from the registered owners ***(Already submitted)***
4. Proof of payment for the application
5. Copies of approved building plans.
6. Copies of the revised building plans.
7. Engineers correspondence

We trust the above is in order and look forward to acknowledgement of the application.

Yours sincerely,

Lloyd Druce
VBGD Town Planners

SPECIAL POWER OF ATTORNEY

I, THE UNDERSIGNED

MADELEINE BEKKER

DO HEREBY NOMINATE, CONSTITUTE AND APPOINT
Lloyd Druce and/or Jeanette Erasmus of the firm

VBGD TOWN PLANNERS

with power of Substitution, to be my/our lawful Attorney(s) and Agent(s) in my/our name, place and stead,

THE SUBMISSION OF AN APPLICATION FOR A DEPARTURE FROM DEVELOPMENT PARAMETERS RELATING TO HEIGHT OF RETAINING WALLS ON ERF 3724 SEDGEFIELD

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, for all intents and purposes, as I might or could do if personally present and acting herein, hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these present.

Signed at Sedgefield this 3rd day of March 2025.

In the presence of the undersigned witnesses:

AS WITNESSES:

1. .....

.....
M BEKKER

2. .....

DEED OF TRANSFER

in favour of

M BEKKER

regarding

ERF 3724 SEDGEFIELD

COETZER & PARTNERS
P O BOX 6023
PRETORIA
0001
TEL: 012 - 343 2560

Coetzer & Partners
343 Farenden Street
ARCADIA
0083

Prepared by me

CONVEYANCER
ARNO WATSON (80234)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 940 000.00	R 1220.00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA CAPTURE
13 -03- 2023
YOLANDI LARNEY

T 008677/23

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA LPCM 82076

~~ARNO WATSON (80234)~~

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him by:

DATA / VERIFY
14 -03- 2023
YOLANDI OLIVIER

The Trustees for the time being of the
HALI TRUST
Registration Number: IT5780/1996

which said Power of Attorney was signed at PRETORIA on 19 JANUARY 2023.

And the appearer declared that his said principal had, on **11 NOVEMBER 2022**, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these present, cede and transfer to and on behalf of:

MADELEINE BEKKER
Identity Numbe[redacted]
Married out of community of property

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

ERF 3724 SEDGEFIELD
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
WESTERN CAPE PROVICE

IN EXTENT: 893 (EIGHT HUNDRED AND NINETY THREE) square metres

FIRST TRANSFERRED and still held by Deed of Transfer T96025/1996 with General Plan SG No. 5369/1996 relating thereto

A. **SUBEJECT FURTHER** to the following conditions referred to in Deed of Transfer No. T500 dated 19 August 1878, No. T3201 dated 5 April 1928, No. T10213 dated 11 October 1929, No. T5927 dated 2 July 1924 and No. T10085 dated 5 November 1924 and No. T3556 dated 17 March 1950 and No. T3304 dated 16 March 1962 and No. T18925 dated 27 December 1956 and No. T9483 dated 12 July 1962.

B. **SUBJECT FURHTER** to the conditions contained in Deed of Transfer No. T500 dated 19 August 1878, namely:

That all drinking places for cattle and the use of fountains on the different portions of the farm shall remain as heretofore and that the right of all roads shall be respected.

C. **ENTITLED** to the benefits under the following conditions contained in Deed of Partition No. T3555 dated 17 March 1950, namely:

Entitled to a right of way along the old game track passing through Lot J.J.H. 'Greenmere' this day transferred to the said Ethel Florence Hooper (born

Morris), married without community of property to Humphrey Cecil Hooper, No. 3552 and to Humphrey Cecil Hooper, No. 3553, which 'old game track' intersects the lines B.C. and H.G. on Diagrams of Lot J.J.H No. A 1453/1930 at points approximately half way between the said points B. and C and G. and H.

D. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T96025/1996 in favour of the Municipality of Sedgefield:

"Die eienaar of sy opvolger in titel sal nie, sonder die skriftelike toestemming van die Munisipaliteit van Sedgefield, enige van die volgende handeilnge verrig, naamlik:

1. Verwydering of versteuring van inheemse plantegroei
2. Die aanplant van indringende plant spesies
3. Grondwerke benodig vir bouprojekte
4. Stabilisering van grond
5. Toegang tot steiltes van seefront eiendomme.

Indien daar nie aan bogemelde voorwaardes voldoen word nie, sal die Munisipaliteit van Sedgefield gemagtig wees om sodanige sanksies of boetes teen die eienaar of sy opvolger in titel van die eiendom in te stel ten einde beheer, rehabilitasie van huidige of toekomstige skade en enige koste verbonde daaraan te verhaal van die geregistreerde eienaar."

WHEREFORE the said Appearer, renouncing all rights and title which the said

Trustees for the time being of HALI TRUST
Registration Number: IT5780/1996

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these present, the said

MADELEINE BEKKER, Married as aforesaid

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 purchase price to be the sum of **R940 000,00** (NINE HUNDRED AND FORTY THOUSAND RAND) .

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

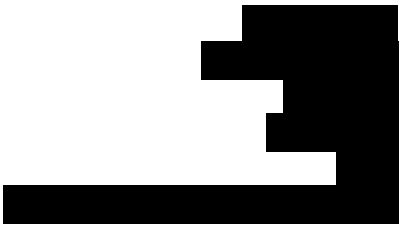
THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 9 March 2023.

q.q.

In my presence

REGISTRAR OF DEEDS

RenuCon Construction & Renovation



RenuCon

Billed To
Anton Bekker
Erf 3724
Dover Street
Sedgefield
6573

Date of Issue
11/09/2024

Due Date
11/09/2024

Tax Invoice Number
0000343

Amount Due (ZAR)
R252,036.20

Description	Rate	Qty	Line Total
Earthworks - Stand 3724 The following works were carried and costs incurred; Establishing of levels. Excavation and levelling of site. Plant hire. Ordering of "filling" and compaction of site (access path). Retainer footing / foundation excavations. Ordering and installation of reinforcing steel. Ordering and placing of concrete. Ordering and installation of vertical steel reinforcing. Installation of "geotextile" membrane. Construction of retaining walls. Supply and installation of "core drain" drainage systems. Ordering and installation of horizontal steel in order to create an in-situ "beam". TOTAL COST TO DATE - R 339 068.36 PAYMENTS RECEIVED - R 87 032.16 PAYMENT DUE - R 252 036.20	R252,036.20	1	R252,036.20
Management Fee Project management by qualified civil engineering technician. Sub-contractor liaison, transport and fuel costs. Included in the above.	R0.00	1	R0.00

Subtotal	252,036.20
Tax	0.00
Total	252,036.20
Amount Paid	0.00

Amount Due (ZAR)	R252,036.20

Notes

Thank You For Your Prompt Payment.

Terms

Banking Details:

[redacted]

Please forward proof of payment to: [redacted]

KNYSNA
Municipality
Munisipaliteit
uMasipala

REF NO: 1815589 DATE: 2024-05-20

Dear Sir / Madam

Approval of Building Plan No **2024/35063** in respect of Erf 203724000.

I am pleased to inform you that your building plan 2024/35063,

in respect of erf 203724000 has been approved on 2024-05-20. An electronic copy is attached.

The approval is subject to the following conditions:

Please take note of the following regulations (contained in Section A22 of the National Building Regulations)

1. A certified copy of approved plans and particulars shall be available at the site where the building or any other structure as approved, is being erected until a Certificate of Occupancy or Completion has been issued by the local authority.

2. We must be informed of your intention to begin work on the implementation of these plans at least four days before you begin work on site. All inspections should be requested on a fully completed inspection form attached to the approval email. No inspections will be arranged if this notification has not been received and acknowledged by the office.

3. You may not construct any foundation until the trenches have been inspected and approved. You must make an appointment for such inspection at least two working days in advance of the day of inspection. Failure to comply with this requirement is an offence and will lead to the imposition of a fine. In addition, no further inspections will be carried out if this inspection has not been carried out.

4. Your drainage installation must be inspected and tested. You must make an appointment for such inspection at least two working days in advance of the day of inspection. No further inspections will be carried out if this inspection has not been carried out. In addition, a certificate must be provided by a registered plumber.

5. Before the municipality can Refund you your builders deposit, a Completion or Occupancy Certificate should be issued by the Building Control department. No Refund will be processed if the above has not been complied with.

In addition, in terms of Section 14(4) of the National Building Regulations and Building Standards Act you may not occupy the building unless and until a certificate of occupation has been issued. No such certificate will be issued unless the regulations listed in 1, 2 and 3 above have been complied with and all necessary certificates of compliance in respect of the structure of the building, the fire protection system,

the electrical system, the plumbing, and any other elements that the Building Control Department deems necessary have been provided.

Occupation of a building without a valid occupation certificate is an offence which is liable to prosecution. In addition, we will levy a penalty fee to carry out a completion inspection if the building is already occupied.

Please take note that if you wish to change the plans during the building process new plans must be submitted BEFORE the changed part of the structure is built. No Occupation or Completion certificate will be issued if the structure is different from the approved plans and if plans are submitted after the change has been made “AS BUILT” fees will be charged for the scrutiny of the plans.

The attached approved plan is valid for 12 months from the date of approval. You must start construction before the expiry of this period unless you have applied in writing for the extension of the period of validity. If you no not start construction or apply for extension the plan will lapse and will have to be resubmitted (together with all applicable plan fees) before construction can commence.

The approval is subject to the following conditions:

Multiple Milkwood's on Site. DFFE has indicated they will provide a license for the trees disturbed. Driveway is designed to go around the larger Milkwood's on site.

Thank you for your continued co-operation and I wish you every success with your building process.

Yours faithfully

Randolph Daames

Manager Building Control

2024-02-21

SERTIFIKAAT VAN LANDMETER

Hiermee sertifiseer ek dat ek bakens A, B, C en D opgespoor het, of waar nodig vervang en bevestig het met verwysing na die goedgekeurde Algemene plan LG No 5369/1996

JD Conradie
PLS 0973-D
Junie 2023

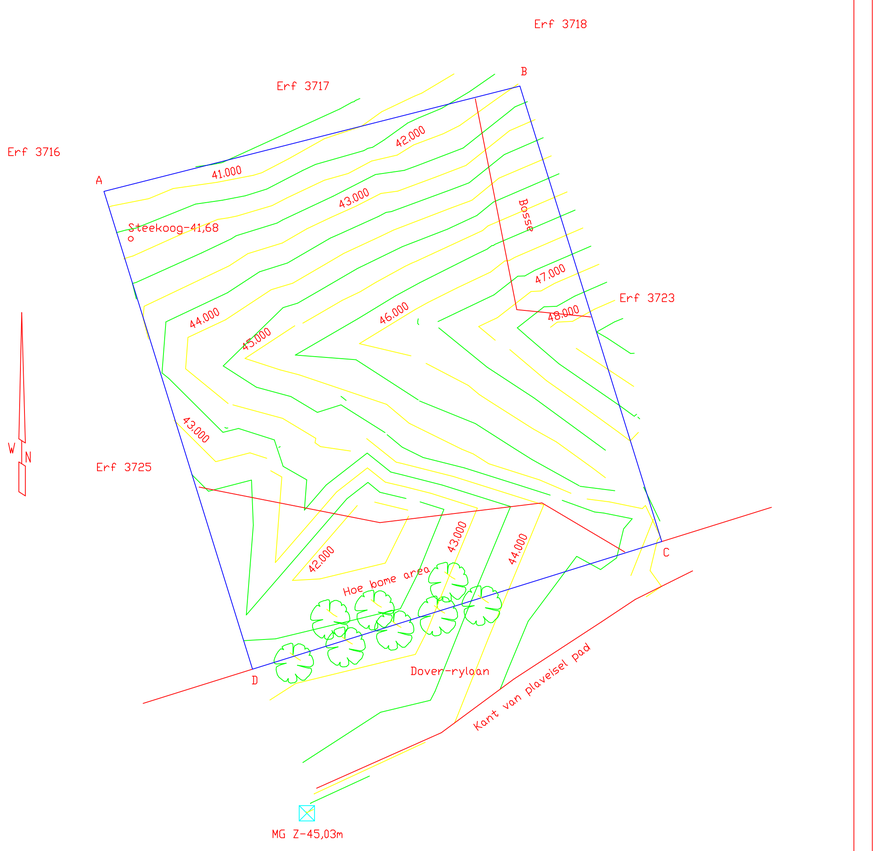
KONTOERPLAN

SEDGEFIELD

ERF 3724

Provinsie Wes Kaap

SKAAL 1 : 200



Bakenbeskrywing
A, B, C .... 12mm Ysterpen
D ..... Houtpaal

Ons verw no G0455

Opgemeet in Junie 2023
Hoogtes - bo gemiddelde seevlak

Tel 044 874 0991
admin@landmeet.co.za

CONRADIE LANDMETER

sensor
lampost
bell push
footlight
doorbell
downlighter
waterproof wall light
underfloor heating switch
double 15amp socket
ceiling light
wall light
tv+draw wires
tel.
D.B.
shaving socket
stove
FE
D light dimmer

1
2
3
4

3.844 11.150 5.077

lam bearer 300x80

0.280 3.549 0.230 2.962 4.320 3.428 0.230 4.791 0.280 1.272

3.570

patio
tile
18

covered stoep
tiles
20
fireplace to detail

21

patio
tile
22

1.595 1.975 1.595 0.280

bedrm
cemcrete
TW

living rm
cemcrete

dining rm
cemcrete
TW TW

clerestorey window
38

bedrm
cemcrete
W 0.992
0.280
2350x400
TW
23

3.722 4.775 3.856 4.126

sliding
bathrm
cemcrete
cupd
0.896 0.600
17

c/l roof

lam bearer 383x104
lam bearer 383x104
counter
kitchen
cemcrete

2mm polycarbonate panel
sh
25
1.495

8.084

0.230 3.572 0.280

6

entrance
cemcrete
study
cemcrete
3.468 2.596 0.970 1.827

bathrm
cemcrete
1.756
cupd
whb whb
wc
24
1.828 0.115 3.948

fr.
micro
oven
pres
battery inverter DB solar
gas bottles
high level window
50ø vent valve
30
2.460
2.000
0.727

15
14
0.600

pantry
scullery
cemcrete
s
d wm S
29 28
W re

25
yard
tiles
0.230 0.230
slope into MH
ie
1.230
wc
toilet
drano
1.000

6.669 0.280

RE
ie
100ø PVC SP at min. 1:40 fall

0.280 1.500 0.115 3.284 0.230 1.583 0.230 2.932

0.788
4.336 0.230 2.167 0.230 1.258 0.230 2.234 0.115 0.759
0.280 0.230

4.524

double LED tube light
+-870
garage
self levelling concrete

10.433 4.566 6.343
21.342
building
228x38 rafters
228x76 bearer

7.920
6.230
line of toe

lateral building line
erf line

socket for motor
steel sectional overhead garage door
4.5m building line

0.230 6.500 0.230
6.960

4.500

Bidem 48.0
2.000
Bidem
70.000°
1.947
0.230
0.500
Bidem
2.095
Bidem
1.879
70.000°
44.0
450x300 toe

detail soil retaining wall to engineers specs

external door and window schedule upper level
aluminium powder coated frames as manufactured by messrs Wispeco

glazing to comply with SANS 1040 B

12		0.6	24	0.9
13		0.6	25	high level to shr
14	hardwood door with sidelight	3.0	28	0.6
15	sliding oxxo	4.6	29	0.6
16		0.6	30	high level window
17		0.6	31	0.9
18	sliding type oxxo	5.0 (shgc value reduction) 2.0%	32	0.7
20	sliding type oxxo	3.6 (shgc value reduction)	33	0.7
21	sliding type oxxo	5.0 (shgc value reduction)	34	0.7
22	sliding type oxxo	6.5 (shgc value reduction)	35	1.2
23		1.3	36	0.7
38		1.3		

sub t 27.8

total glass
total window area 27m2 = A
upper level living area 238m2 = B
A/B % = 11.3

sub t 9.9

2.821 1.683 1.683 3.362

36 35 34 flue 33 32 31 38

drywall cladding
Nutex Hanyplank on 114x38 studs and tracks
interior cladding out of Nutec 8mm sheet

0.080
300x80 saligna mullions
300x80 lam. saligna beam

clearstorey windows above braai area

ground floor level level plan

scale 1:50

area of house= 229m2
area of garage = 51m2

boundary line

PROFESSIONAL SENIOR ARCHITECTURAL TECHNOLOGIST
NICHOLAS BEECH
South African Council for the Architectural Profession
11:43 AM (Africa/Johannesburg) on 28 Jan 2022

add garage
include water points
floor plan revised

Nicholas Beech
(Pr S Arch T)
SACAP Reg. No. ST0302
tel. 082 8977544
leplan@isat.co.za
25 Pelican Lane
Sedgefield
Western Cape

revisions to approved plan for house on erf 3724 Sedgefield (Cola Beach) for M. Bekker

owner's signature

Arch T. signature

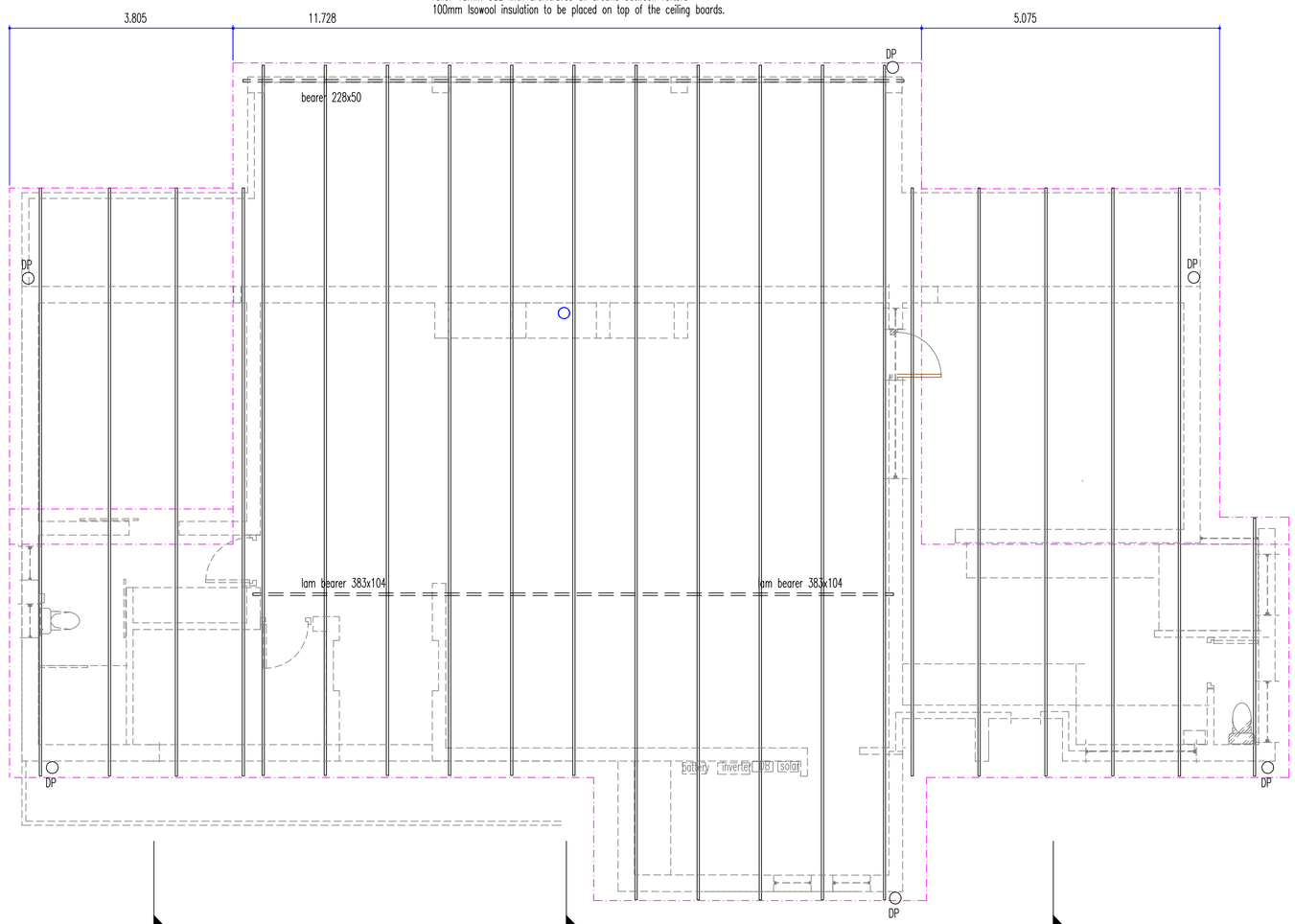
file date	19/09/23
date	26/07/2024
drg no	3724 UPPER
rev.	3

Zincalume "clip-lock" roofing sheets assembled to manufacturer's specifications
on 76x50 purlins at max. 1.3m ctrs
on 114x38 SA Pine hgangnailed trusses at 1m ctrs
fit Sisalation to u/s purlins
place 100mm Isowool over ceilings
Tailor 18mm OSB with architraves all around between rafters

Zincalume "clip-lock" roofing sheets assembled to manufacturer's specifications
on 76x50 purlins at max. 1.3m ctrs
on 228x38 exposed rafters at 1m ctrs
fit Sisalation to u/s purlins

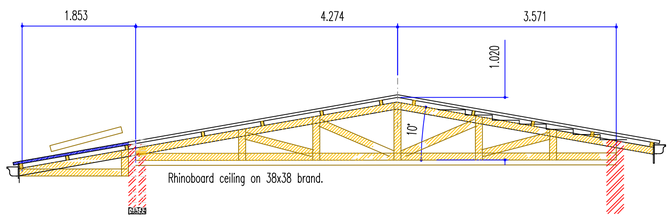
Tailor 18mm OSB with architraves all around between rafters
100mm Isowool insulation to be placed on top of the ceiling boards.

Zincalume "clip-lock" roofing sheets assembled to manufacturer's specifications
on 76x50 purlins at max. 1.3m ctrs
on 114x38 SA Pine hgangnailed trusses at 1m ctrs
fit Sisalation to u/s purlins
place 100mm Isowool over ceilings
Tailor 18mm OSB with architraves all around between rafters

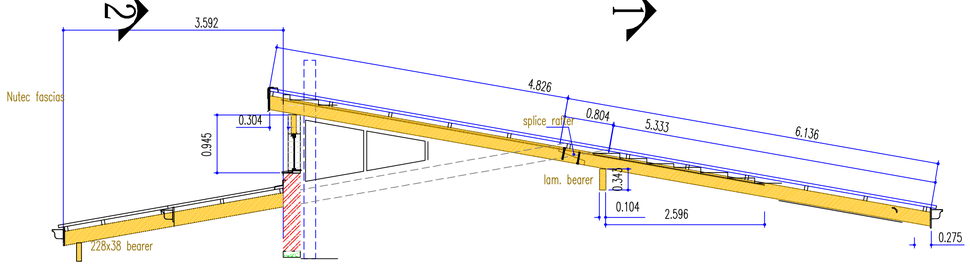


PLAN roof members

scale 1:50



SECTION 1-1



SECTION 2-2

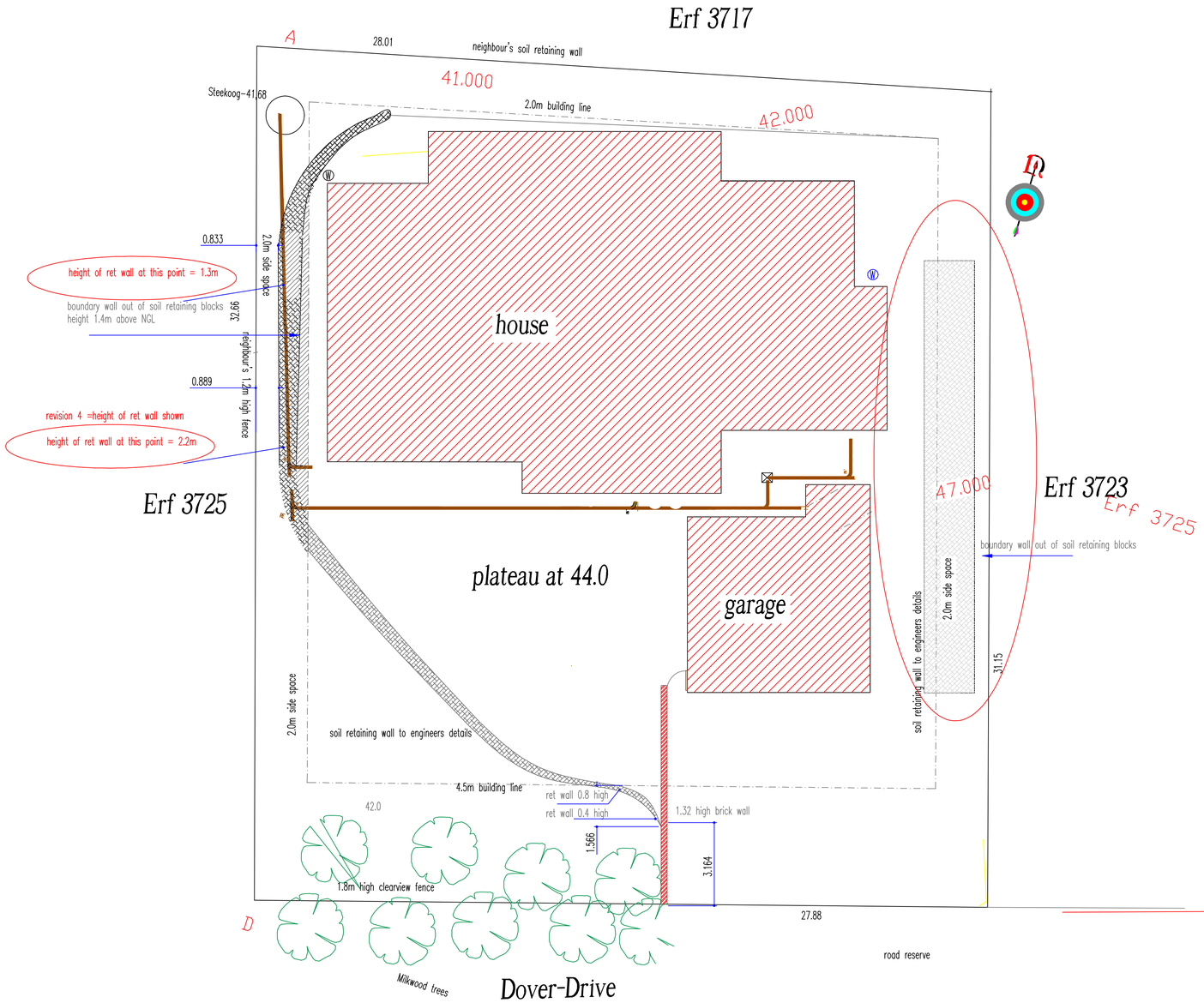
PROFESSIONAL SENIOR ARCHITECTURAL TECHNOLOGIST
NICHOLAS BEECH
11:43 AM (Africa/Johannesburg) on 28 Jan 2022

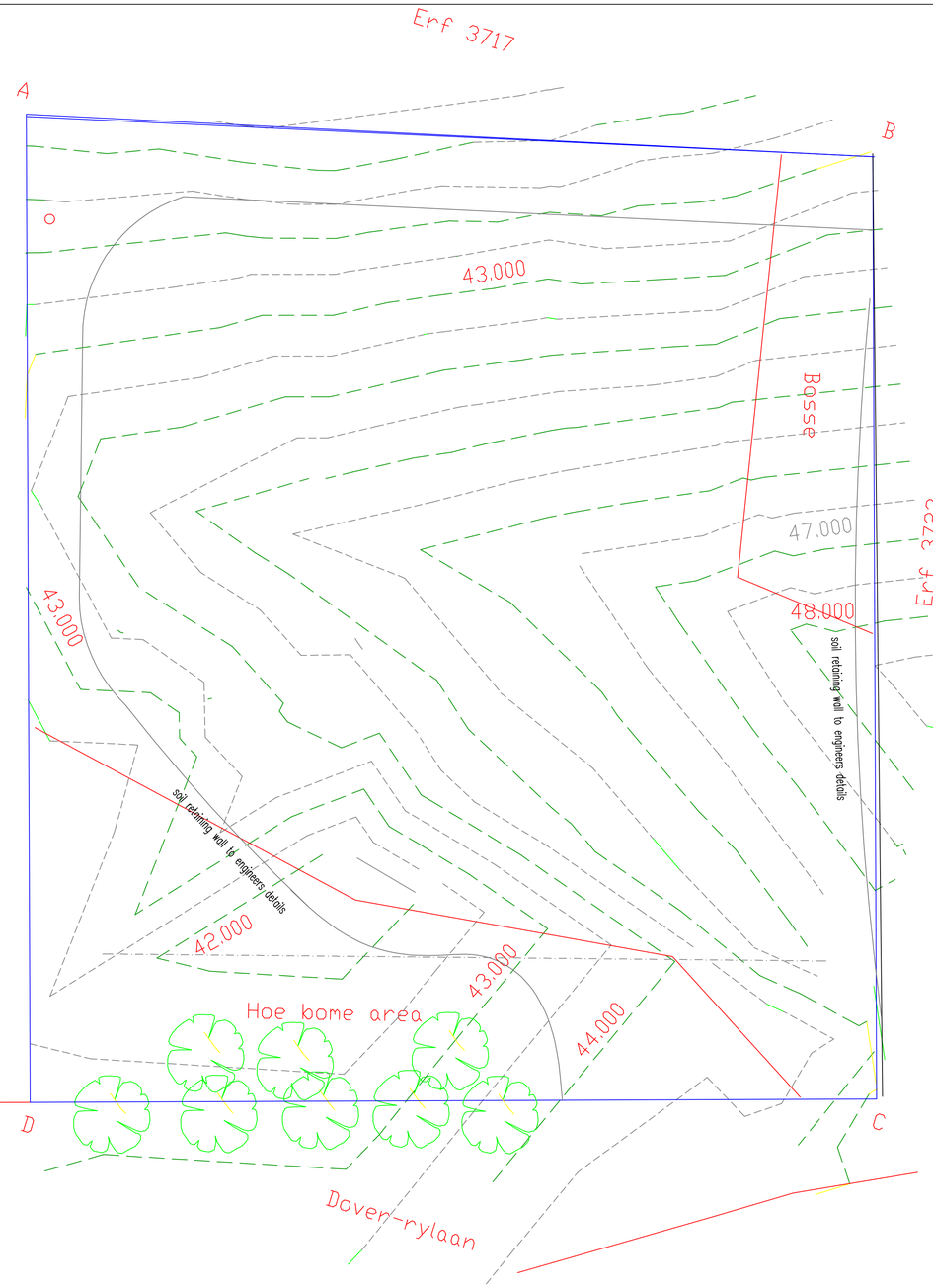
Nicholas Beech
(Pr S Arch T)
SACAP Reg. No. ST0302
tel. 082 8977544
leplan@isat.co.za
25 Pelican Lane
Sedgefield
Western Cape

revisions to approved plan for house on erf 3724 Sedgefield (Cola Beach) for M. Bekker

Arch T. signature

file date 19/09/23	date
drg no 3724 ROOF	rev.





site plan

scale 1:100

red hatched areas = proposed revisions
grey hatched areas = previously approved footprint

coverage

	previously approved	revised
lower level	154	area of house= 229m2
upper level	212	area of garage = 51m2
patios/covered stoep/staircase		
Total bulk	366m2	280
footprint	212m2	280
area of erf	893m2	
coverage	23.7%	31.3%

PROFESSIONAL SENIOR ARCHITECTURAL TECHNOLOGIST
NICHOLAS BEECH
South African Council for the Architectural Profession
11:43 AM (Africa/Johannesburg) on 28 Jan 2022

driveway wall incl. dimensions boundary to sr wall	5	11 /04/2025
revised siting of house height of ret wall shown sr walls rev	4	26/03/2025
revised lower level	3	22/10/2024

Nicholas Beech
(Pr S Arch T)
SACAP Reg. No. ST0302
tel. 082 8977544
leplan@ isat.co.za
25 Pelican Lane
Sedgefield
Western Cape

proposed new house with garages on erf 3724 Sedgefield (Cola Beach) for M. Bekker

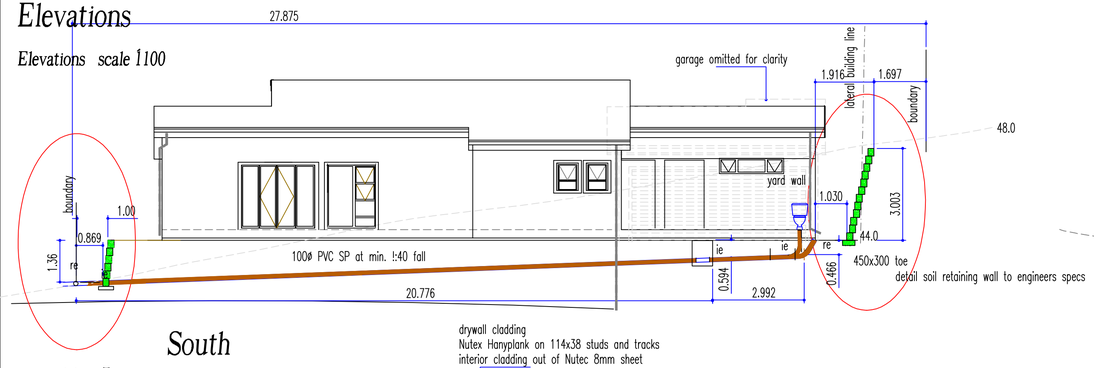
owner' s signature

Arch T. signature

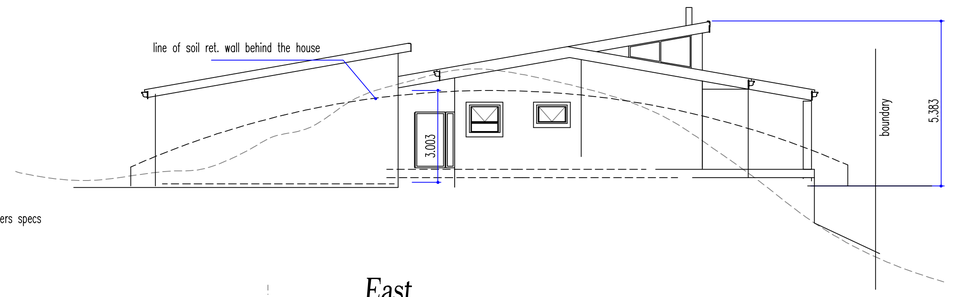
file date	19/09/23	date	11 /04/2025
drg no	3724 SITE	rev.	5

Elevations

Elevations scale 1100



South



East

external finishes

grey coloured zincalume "Cliplock" roofing sheet 0.5mm#

barge boards and fascias colour grey

brick cavity walls type "fairface" to be flush grouted.

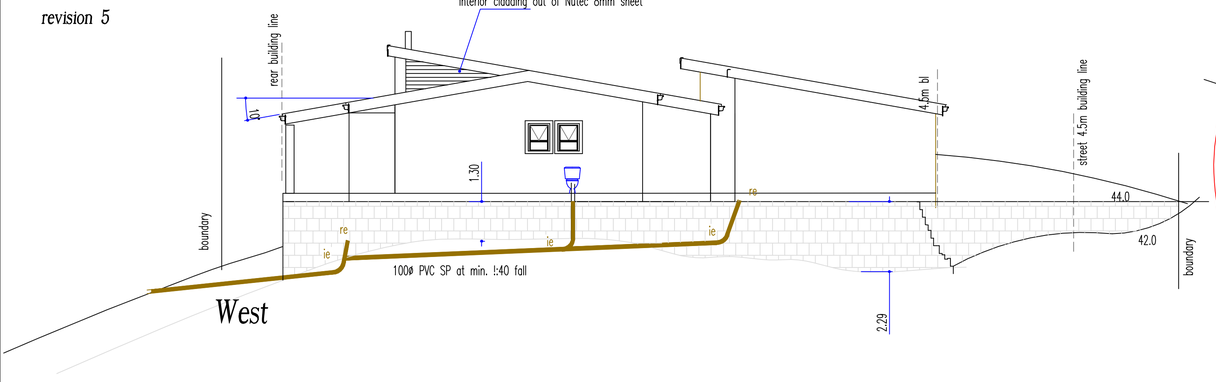
Window frames out of powder coated aluminium extruded sections colour white

balustrading out of recycled plastics colour grey

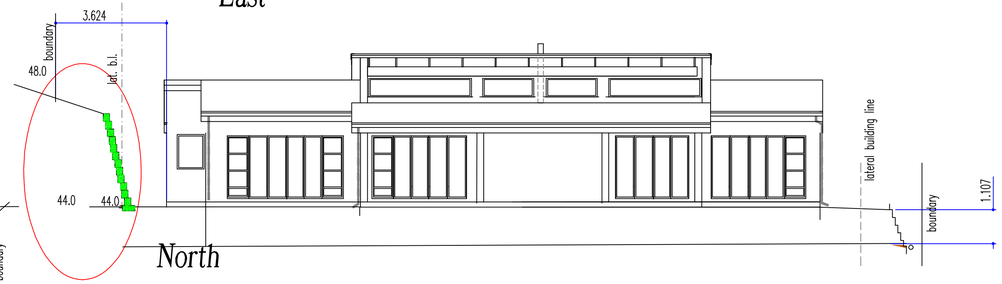
expressed window reveals colour grey

rainwater seamless white painted Zincalume gutters with 75ø downpipes

revision 5

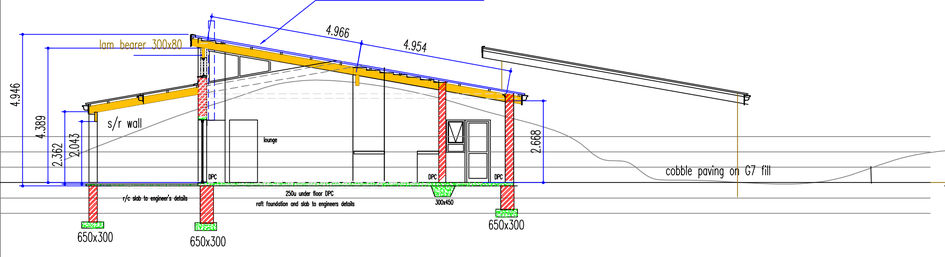


West

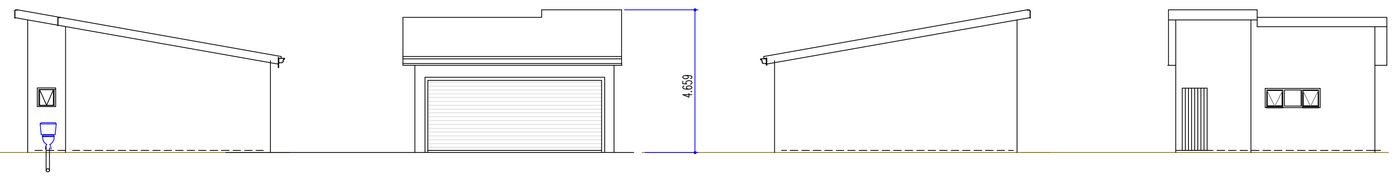


North

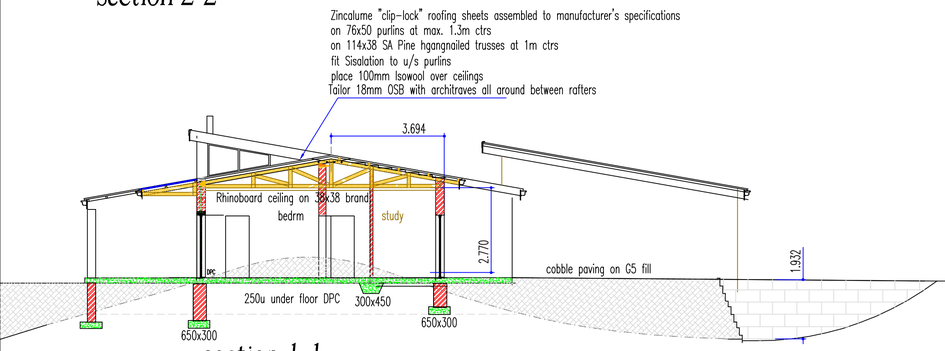
Zincalume "clip-lock" roofing sheets assembled to manufacturer's specifications
on 76x50 purlins at max. 1.3m ctrs
on 228x38 exposed rafters at 1m ctrs
fit Sisalation to u/s purlins
100mm Isowool insulation to be placed on top of the ceiling boards.
Tailor 18mm OSB with architraves all around between rafters



section 2-2

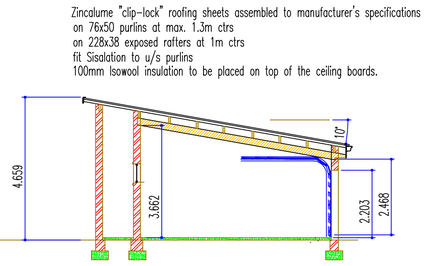


Zincalume "clip-lock" roofing sheets assembled to manufacturer's specifications
on 76x50 purlins at max. 1.3m ctrs
on 114x38 SA Pine hgangnailed trusses at 1m ctrs
fit Sisalation to u/s purlins
place 100mm Isowool over ceilings
Tailor 18mm OSB with architraves all around between rafters

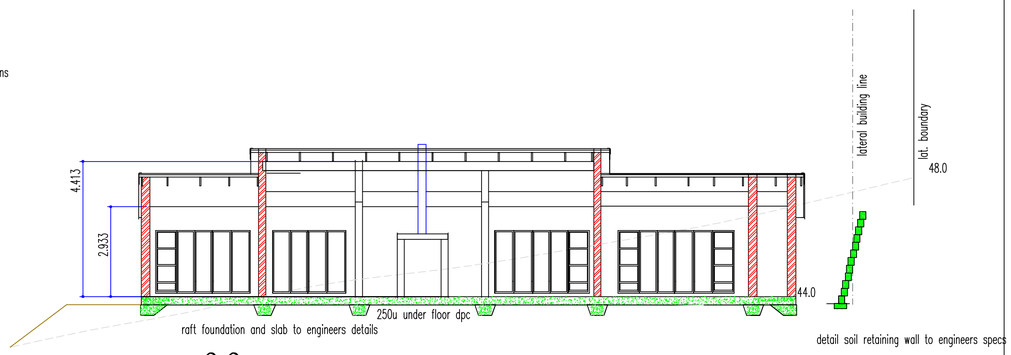


section 1-1

Zincalume "clip-lock" roofing sheets assembled to manufacturer's specifications
on 76x50 purlins at max. 1.3m ctrs
on 228x38 exposed rafters at 1m ctrs
fit Sisalation to u/s purlins
100mm Isowool insulation to be placed on top of the ceiling boards.



section 4-4



section 3-3

street elevation of "Clearview "fencing

PROFESSIONAL SENIOR ARCHITECTURAL TECHNOLOGIST
NICHOLAS BEECH
11:43 AM (Africa/Johannesburg) on 28 Jan 2022

complete revision
retaining walls labelled 12/04/24
dimensions added 5/02/2024 Western retaining wall measured

Nicholas Beech
(Pr S Arch T)
SACAP Reg. No. ST0302

tel. 082 8977544
leplan@isat.co.za

25 Pelican Lane
Sedgefield
Western Cape

revisions to approved plan for house on erf 3724 Sedgefield (Cola Beach) for M. Bekker

owner's signature

Arch T. signature

file date 19/09/23
date 25/03/2025
3724 E
drg no
rev. 5

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3320
REPORT AUTHOR	Sihle Phungula
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3320/2022
TELEPHONE NO.	044 302 6339
APPLICATION DATE	29 October 2024

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 18817 KNYSNA

PART A: APPLICANT DETAILS	
Name & Surname	***Armand Camille Burger***
Company name	***ValGIS Technologies CC***
SACPLAN registration number	***A/767/1994***
Registered owner(s)	***The Bamboo Lodge in Knysna (Pty) Ltd***
PART B: PROPERTY DETAILS	
Property description	***Erf 18817, Knysna in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***4,192***
Physical address	***9 Bolton Street, Hunter's Home***
Area/Town	***Knysna***
Current zoning	***Single Residential Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Guest lodge***
Are there existing buildings on the property?	***Yes***
Title Deed number & date	***T73101/2024 dated 20 November 2024***
Any restrictive title conditions applicable?	***Yes***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Not Applicable***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☒	☐
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the unauthorised land use of a "guest lodge" and failure to obtain prior written approval for building work that contravenes restrictive title condition(s) on Erf 18817, Knysna.

2. BACKGROUND

2.1. The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) with its primary use being "dwelling house." The property is the consolidation of Erf 5106 and Erf 5153, Knysna first registered in 2012.

2.2. The property is used as a guest lodge comprising of multiple guest rooms for a considerable period of time. In 2009, the rezoning of Erf 5106, Knysna was granted for guest house purposes while Erf 5153, Knysna was rezoned for the same purpose in 2010 on condition that the two properties be consolidated and building plan approval be obtained within the lapsing period. The consolidation followed in 2012; however, no building plans were ever approved in accordance with the use rights granted. These rights, therefore, lapsed and are no longer applicable.

2.3. The subject property has several restrictive title conditions contained in the deed that imposes restrictive building lines on the subject property. The landowner has constructed buildings which encroaches on these building lines. The failure to obtain prior written approval for the removal of restrictive title conditions to allow for building work that contravenes the restrictive title condition is considered a transgression in terms of the provisions of the Planning By-law, therefore, in order to regularise the building work, the consideration and determination of an administrative penalty apply.

2.4. In terms of gravity, the applicant argues that the transgression cannot be regarded as having a significant negative impact on the affected neighbours. It is stated that the Municipality "did not enforce title restrictions in the past" and that the Municipality failed to issue a non-compliance notice on the subject property as the owner was not aware of the transgression.

2.5. In their mitigation, the applicant emphasised the landowner's conduct in that these remedial actions are voluntary, immediately undertaken, and suggest the landowner's willingness to follow rules. It is noted that the sale of the property prompted the landowner's awareness of the transgression.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with the Planning By-law/ requires a permission in terms of zoning	*Not Applicable – application was lodged prior to 01 July 2025*
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	Not Applicable
(c) Repeat Offender	Not Applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	*Not applicable – application was lodged prior to 01 July 2025*
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 4,674,741.00))	Up to and not more than **R 4,674,741.00**
(c) Repeat Offender	Not Applicable

3.2. Considerations in terms of Section 93(9) of the Planning By-law

3.2.1. The nature, duration, gravity and extent of the contravention

(a) The key argument of the applicant is that the unauthorised land use has operated for several years without concern or adverse impact on the surrounding area. No evidence has come to light that the land use has affected the neighbouring properties or municipal infrastructure in any meaningful way.

(b) However, it is noted that the failure to lodge building plans meant that the subject property and the unauthorised land use have been operating without making any contribution to municipal services infrastructure capacity. The importance of having building plan approval following a change in land use rights is that it allows the Municipality to calculate and determine the landowner's contribution to municipal services capacity, with payment made prior to the approval of the building plan.

(c) The fact that no contribution may have been made to the Municipality's service capacity suggests that the transgression may be considered significant as the Municipality was deprived of revenue in support of its infrastructure; for this reason, the imposition of an administrative penalty is considered justified.

(d) The second transgression is the landowner's failure to make a prior application to remove or amend a restrictive title condition that prohibits their development proposal (*see Section 15(1) of the Planning By-law*). This offence may be considered minor, and

the imposition of any penalty should encourage compliance or adherence to the zoning scheme.

3.2.2. The conduct of the person involved in the contravention

(a) The applicant emphasises that the landowner was not aware of their obligations regarding obtaining building plan approval and compliance with the land use approval granted and has promptly appointed a professional team to compile an application.

(b) In terms of this argument, it must be clarified that the landowner should have been reasonably aware of the conditions to the approval, as a notice of decision was issued in respect of the land use application specifying the relevant conditions. The primary responsibility is that of the landowner to ensure compliance with the Planning and Zoning Scheme By-laws. It is further noted that the landowner was able to secure the registration of the consolidated property in accordance with the condition but did not secure the building plan approval in terms of the national building regulations.

(c) For this reason, it is held that the imposition of an administrative penalty is justified as the landowner would have been made aware of his obligations in the notice of decision issued by the Municipality.

3.2.3. Whether the unlawful conduct was stopped

The unauthorised land use was not terminated and continues to operate.

3.2.4. Whether a person involved in the contravention has previously contravened the Planning By-law or any other planning law

The municipal archives do not show any history of previous transgressions in terms of the Planning or Zoning Scheme By-law by the landowner.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 24,000.00 be determined in accordance with Section 93(2) for the following in respect of Erf 18817, Knysna:

4.1. The unauthorised land use of a "guest lodge" on a property zoned as "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020).

4.2. The failure to obtain prior written approval in terms of Section 15(2) of the Planning By-law for the removal and/or amendment of the restrictive condition of title that imposes building lines on the subject property.

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

5.2. The administrative penalty for the encroachment of the prescribed building lines applies to the extent as shown on the plan numbered "KNY18817_Gertenbach SDP Rev1" dated 06 August 2024.

5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation is as follows:

(i) The contravention of the zoning scheme by the use of the single residential property as a guest lodge is considered significant in that it has operated for several years without making contributions to the Municipality's infrastructure service capacity following the approval of the rezoning of the property.

(ii) Furthermore, the landowner should have been reasonably aware of the conditions to the land use approval granted in 2009 and 2010 prior to the consolidation of the property. The condition of approval in the notice of decision dated 02 June 2010 required the consolidation of Erf 5106 and Erf 5153, Knysna with a further condition in the same letter requiring the submission of building plans for approval that would allow for the confirmation of the new use rights. The landowner was able to secure the registration of the consolidated property in terms of this approval but alleges that they were not aware of their obligation to lodge building plans.

(iii) It is held that the primary responsibility of ensuring compliance with the Planning and Zoning Scheme By-law is that of the landowner. For this reason, and those as set out herein, the imposition of an administrative penalty in respect of the transgressions on the subject property is considered justified.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum*

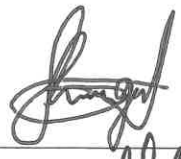
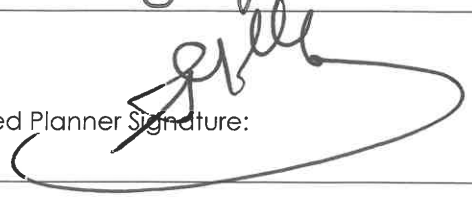
ANNEXURE B: *Power of attorney & resolution*

ANNEXURE C: *Copy of title deed(s)*

ANNEXURE D: *Copy of previous planning approval(s)*

ANNEXURE E: *Locality map*

ANNEXURE F: *Site plan(s)*

Administrative Penalty: Erf 18817, Knysna			
Author Name: SIHLE PHUNGULA Date: ***16/03/2026***		Author Signature: 	
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1510/2012 Date: ***16/03/2026***		Registered Planner Signature: 	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

— MOTIVATING MEMORANDUM —

in support of an application lodged by virtue of
S.15(2)(r) of the Knysna Municipality Spatial Planning
and Land Use Management By-law of 2021
to determine an administrative penalty
in respect of a transgression of the by-law
at

Erf 18817, Knysna

situated in the jurisdiction of the
Knysna Local Municipality

Ver. 3
Adapted to reflect change of ownership and recalculate penalty

INDEX OF CONTENTS

Par.	Heading	Page
1	BACKGROUND	3
2	A SUMMARY OF THE APPLICATION	3
3	THE SUBJECT PROPERTY	3
4	CURRENT LAND USE RIGHTS	3
5	PREVIOUS REZONING APPLICATIONS	4
6	THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE ZONING SCHEME AND TITLE DEED	4
7	CONSIDERATIONS RELATED TO THE DETERMINATION OF AN APPROPRIATE ADMINISTRATIVE PENALTY	5
8	EXTENUATING CIRCUMSTANCES	7
9	CONCLUSION	7

ANNEXURES

301 Erf 18817, Knysna - S15(2) - Annexure A - Power of Attorney
301 Erf 18817, Knysna - S15(2) - Annexure B - Locality Plan
303 Erf 18817, Knysna - S15(2) - Annexure C - Title Deed T27714-2019
304 Erf 18817, Knysna - S15(2) - Annexure D - SG Diagram 2199-2011
308 Erf 18817, Knysna - S15(2) - Annexure H - SDP - KNY18817_Gertenbach SDP Rev1
309 Erf 18817, Knysna - S15(2) - Annexure I1 - Approval - Erf 5106 - 23 Sep 2009
309 Erf 18817, Knysna - S15(2) - Annexure I2 - Approval - Erf 5153 - 27 May 2010
309 Erf 18817, Knysna - S15(2) - Annexure I3 - Decision - departures cannot be considered - 29 Jun 2018
310 Erf 18817, Knysna - S15(2) - Annexure J1 - Zoning certificate - 29 April 2016
310 Erf 18817, Knysna - S15(2) - Annexure J2 - Zoning certificate - 11 Aug 2023
312 Erf 18817, Knysna - S15(2) - Annexure L1 - Comparables - Hunters Home
317 Erf 18817, Knysna - S15(2) - Annexure Q - Photos
318 Erf 18817, Knysna - S15(2) - Annexure R - Building costs

Annexures replacing original submissions:

Replacements of original Annexure A:

- 301 Erf 18817 Knysna - S15 - New owners - Annexure A1 - Company resolution
- 301 Erf 18817 Knysna - S15 - New owners - Annexure A2 - Power of Attorney
- 301 Erf 18817 Knysna - S15 - New owners - Annexure A3 - CIPC certificate
- 301 Erf 18817 Knysna - S15 - New owners - Annexure A4 - ID of director

Replacement of original Annexure C:

303 Erf 18817 Knysna - S15 - New owners - Annexure C - Title Deed T73101-2024

1. BACKGROUND

In 2019 the subject property was sold to the present owner as a running concern, with him being under the impression that the land use was permitted. By that time the guest house activities were established on the entire erf, meaning that the conditional approval of land use rights for guest houses on Erven 5106 and 5153 were acted upon.

Because the conditions of approval of these rezoning applications were not met, the related approvals lapsed as confirmed by a Zoning Certificate issued in 2023 (**Annexure J2**).

When the present landowner decided to sell the establishment in 2023, he uncovered these facts and decided to regularise the development. In June 2024, he appointed the undersigned to lodge the prescribed applications as shown in the Power of Attorney (**Annexure A**).

Due to the change of ownership as discussed in paragraphs 3.3 and 3.4 below, the original **Annexure A** must be replaced by the attached **Annexures A1, A2, A3 and A4**.

2. A SUMMARY OF THE APPLICATION

This application is lodged by virtue of Section 15(2)(r) of the Knysna Municipality Spatial Planning and Land Use Management By-law of 2021 (hereinafter referred to as the SPLUM Bylaw), to enable the Municipal Planning Tribunal to:

a) decide on the imposition of an administrative penalty; and

b) determine the amount of the penalty

in respect of contraventions of this by-law prevailing on the subject property and where the Municipality has not issued a S.87(2)(a) compliance notice.

3. THE SUBJECT PROPERTY

3.1. Property description

The subject property is Erf 18817, Knysna.

3.2. Locality

The position of the property is indicated on the attached Locality Plan, attached as **Annexure B.** The physical address is 9 Bolton Street which is situated in the Knysna precinct known as Hunters Home.

3.3. Title Deed

The subject property is currently registered by virtue of Deed of Transfer T27714/2019 as per attached **Annexure C**.

The title conditions that are relevant to this application are:

a) Condition I.C.(c) – Street building line of 20 feet (6,30 m) and lateral building lines of 5 feet (1,57 m).

b) Condition II.D.(c) – Street building line of 6,30 m.

After the change of ownership on 20 November 2024, the property is held by virtue of Title Deed T73101/2024. The numbering of the abovementioned problematic clauses remained the same.

3.4. Ownership

The subject property has been registered in the name of the **Henry Dennis Gertenbach**.

On 20 November the ownership was transferred to **The Bamboo Lodge in Knysna Proprietary Limited** Registration number 2024/41840/07. During the sale of the property to the new owners, the previous landowner revealed the issues related to the non-compliance with the Zoning Scheme Bylaw.

3.5. Surveyor General Diagram

The subject property appears on SG General Plan 2199/2011 which is shown in **Annexure D**.

3.6. Size

According to its Title Deed, the subject property is 4 192 m^2 in extent.

4. CURRENT LAND USE RIGHTS

According to the Zoning Certificate issued in 2023, the property is zoned **Single Residential Zone I**. See **Annexure J2**.

5. PREVIOUS REZONING APPLICATIONS

Before its consolidation in 2011, the subject property consisted of Erven 5106 (1 826 m^2), and 5153 (2 366 m^2).

On 23 September 2009, the rezoning of Erf 5106 to General Residential for a guesthouse consisting of 8 guest suites was approved, subject to conditions as shown in **Annexure I1**. The approval, read with the application, allowed for the following:

- Number of rooms: 8.
- Maximum coverage: 16%.
- Maximum Floor Area Ratio [FAR]: 0,25.
- Maximum height: 2 storeys with a maximum of 8 m.
- Parking spaces to be provided: 10.
- Building lines relaxed in respect of existing buildings:
  - Street BL from 8 m to 5,2 m.
  - Southern lateral BL from 4,5 m to 2,30 m.
  - Northern lateral BL from 4,5 m to 3,5 m.
  - Rear BL from 4,5 m to 2,0 m.

On 27 May 2010, the rezoning of Erf 5153 to General Residential for a guesthouse consisting of 12 guest suites/rooms was approved, subject to conditions shown in **Annexure I2**. One of the conditions of approval, namely the consolidation of Erven 5106 and 5153 to for the subject property – Erf 18817 – was complied with in 2011 as mentioned above (see **Annexure D**). This approval determined the following development parameters for the future consolidated erf:

- Number of rooms: 12.
- Maximum coverage: 10,5%.
- Maximum Floor Area Ratio [FAR]: 0,19.
- Maximum height: 2 storeys with a maximum of 8 m.
- Parking spaces to be provided: 17 on the consolidated property.
- Building lines relaxed in respect of existing buildings:
  - Rear BL from 4,5 m to 2,0 m.

To comply with conditions of approval of the said rezonings, new building plans were to be submitted and it was then discovered that there were building line encroachments. In 2018 the ensuing application for a permanent departure to relax these building lines could not be considered by the Knysna Planning Tribunal, inter alia because the removal of a title restriction was not attempted. See **Annexure I3**.

Since 29 April 2016 when a zoning certificate was issued, the abovementioned two approvals lapsed due to non-compliance with certain conditions of establishment.

6. THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE ZONING SCHEME AND TITLE DEED

6.1. Description of the existing development

Refer to the Site Development Plan (**Annexure H**) and the photographs (**Annexure Q**), which illustrate the nature of the development.

The property consists of a guest lodge of 18 rooms with the potential to accommodate 36 guest per night. These rooms are found in 7 buildings spread all over the property and supplement by facilities such as two swimming pools, a covered braai area, and parking areas for 20 motor vehicles.

6.2. Analysis of the transgressions

(a) The unauthorised land use

The entire property is used as an accommodation establishment which qualifies as a **Guest Lodge** according to the parameters of the Zoning Scheme.

(b) Unauthorised buildings

A thorough analysis of previously approved building plans was conducted by the architects responsible for the Site Development Plan, attached as **Annexure H**. Refer to the SDP's table titled "Schedule of previously approved drawings".

- **Zoning Scheme building lines**

  None of the Zoning Scheme's building lines are transgressed upon by unapproved buildings.

- **Title Deed building lines**

  The following table serves to indicate how existing buildings are affected by the building lines of the Title Deed:

BUILDING No.	CLOSEST POINT TO BOUNDARY	TRANSGRESSION OF TITLE CONDITION	STATUS OF BUILDING PLANS
1	1,372 m	Over lateral B.L. of 1,57 m	Approved in 1998 and 2004.
4	5,114 m	Over street B.L. of 6,30 m	Approved in 2008. A section transgressing the B.L. was added later without approval.
5	4,154 m	Over street B.L. of 6,30 m	Approved in 1998 as a garage. Later converted to single room unit.
6	1,118 m	Over lateral B.L. of 1,57 m	Approvals obtained in 1991, 1992, 1998 and 2003.

6.3. Quantification of the transgression

Irregular building works

As shown in **Annexure R**, the cost of creating the encroachments was estimated to be R241 650-00 by Messrs HG Architectural Design and Draughting and analysed in the table below.

BUILDING No.	CLOSEST POINT TO BOUNDARY	FLOOR AREA OVER B.L.	CONSTRUCTION RATE	CONSTRUCTION COST
1	1,372 m	0,083 m^2	R12 500 per m^2	R1 037-50
4	5,114 m	8,385 m^2	R12 500 per m^2	R104 812-50
5	4,154 m	9,940 m^2	R12 500 per m^2	R124 250-00
6	1,118 m	0,924 m^2	R12 500 per m^2	R11 550-00
			TOTAL	**R241 650-00**

Irregular land use

The value of the property is R5 350 000 according to the 2023 General Valuation Roll found on the internet at the following location: www.knysna.gov.za/wp-content/uploads/2022/11/KNYSNA-FULL-GV.pdf

According to the schedule of the Land Use Management section of relevant municipal department entitled "APPLICATION FEES 2024/2025", the administrative penalty for the unauthorised use of land can be "up to and not more than 100% of the municipal valuation of the area that is used unlawfully".

To determine the area that is used unlawfully, it is argued that the area taken up by the main dwelling house as well as a second dwelling of less than 60 m^2, should be deducted from the whole because those are primary land use rights applicable under the zoning of **Single**

Residential Zone I. Furthermore, by virtue of the definition of a **dwelling house**, a **bed and breakfast establishment**, is also included as a primary land use right.

For this reason, the Buildings 1 and 4 shown on the SDP (**Annexure H**), can be excluded when determining the penalty. To accomplish this, the following table was prepared to calculate the proportional share of regular and irregular buildings.

BUILDING NUMBER	BEDROOMS	ERF COVERAGE (m^2)	% OF TOTAL COVERAGE	LAND USE ALLOCATION	PROPORTIONAL ALLOCATION OF LAND ACCORDING TO LEGAL STATUS	
					Within primary rights	Irregularly used
1	3	97,22	11,09%	Dwelling house	11,09%	
2	7	193,31	22,06%	Guest house		22,06%
3	1	51,15	5,84%	Guest house		5,84%
4	2	52,98	6,05%	Second dwelling	6,05%	
5	1	54	6,16%	Guest house		6,16%
6	2	369,79	42,19%	Guest house		42,19%
7	2	57,94	6,61%	Guest house		6,61%
	18	876,39	100,00%		17,14%	82,86%

Thus, working on a property value of R5 350 000, the proportional value of the area used irregularly is R5 350 000 X 82,86% = **R4 433 091**.

For the determination of the penalty, the calculations can be summarised as follows:

Construction cost of irregular buildings:	R 241 650
Value of portion of land used irregularly:	R4 433 091
Total amount for calculation of penalty:	**R4 674 741**

7. CONSIDERATIONS RELATED TO THE DETERMINATION OF AN APPROPRIATE ADMINISTRATIVE PENALTY

With the above as background, the contraventions can now be analysed in terms of the criteria outlined in S.93(9) of the applicable Bylaw.

7.1. The nature, duration, gravity and extent of the contravention

Nature

The nature of the contraventions has been described in depth in paragraph 6 above.

Duration

The subject property has been in use as an accommodation establishment from before 2009 when land use rights were applied for in respect of one of its previous components, namely Erf 5106.

According to the Zoning Certificate issued on 29 April 2016 (**Annexure J1**), the erf was zoned **General Residential** which allowed for the accommodation establishment to be there. On 11 August 2023, another Zoning Certificate was issued (**Annexure J2**), this time stating that the property is zoned **Single Residential I**, the latter of which does not allow for an accommodation establishment of this size.

It is believed that the last Zoning Certificate was issued on the basis of the lapsing of land use rights granted before. Exactly when those rights lapsed, is not known.

Gravity

To evaluate the gravity of the contravention, it will be helpful to consider to what extend it impacted negatively on the neighbours, the neighbourhood and the town. Although the relevant by-law was not fully adhered to in this case, it is argued that the gravity of the transgressions was not severe, because:

- It did not cause harm, physical or otherwise, to private or public property.
- It did not threaten the security or well-being of society.
- It did not interfere with traffic movements and/or traffic safety or block lines of sight.
- It did not detract from the amenity of the neighbourhood which is characterised by a regular occurrence of properties being used as accommodation establishments of varying size – see **Annexure L1**.
- It did not restrict the ventilation of air between neighbouring buildings.
- It did not block sunlight from neighbouring buildings.
- It did not potentially obstruct the firefighters or prevent them from fulfilling their duties.
- It did not cause buildings to be positioned too close to each other to potentially allow fires from running uninterrupted from building to building.
- It did not interfere with the space required for the provision of engineering services (water, electricity and sewage) and other utilities (i.e. telecommunication lines).
- It did not encroach upon land required for planned new roads or road widenings.
- It did not prevent the creation of attractive streetscapes.
- It did not contribute to the creation of unacceptable high development densities.
- It did not interfere with the creation of private living conditions on other properties.
- It did not impact on any of the rights of other landowners.
- It did not affect property values in the neighbourhood negatively.
- It did not impact nature detrimentally.

To summarise – the transgression cannot be regarded as having any significant negative influence on neighbours, the neighbourhood or the town. In fact, not been reported by neighbours or getting noticed by the responsible municipal employees, is ultimate proof of the insignificant gravity of the transgression.

Extend

The transgression cannot be regarded as significant or of such nature and extent that it can be regarded as incompatible with the surrounding neighbourhood which is characterised by a high frequency of accommodation establishments as shown in **Annexure L1**.

7.2. The conduct of the persons involved in the contravention

Upon becoming aware of the transgression, the landowner immediately issued instructions to his professional team to rectify the matter.

7.3. Whether the unlawful conduct was stopped

In the case of the building line transgressions, the wrongful conduct could not be stopped unless drastic steps such as the demolition of buildings occurred. Once the landowner became aware of the transgressions, he proceeded to apply for the required permissions so as to avoid demolishing valuable assets.

As far as the wrongful use of the property is concerned, the termination of the property being used as an accommodation establishment did not happen because:

(a) The landowner only recently became aware of the transgression; and

(b) Terminating the land use would have led to the financial demise of the landowner.

7.4. Previous contraventions of the applicable and/or related by-laws

The landowner declared that he was not responsible for any other contravention of Knysna's town planning by-laws before.

8. EXTENUATING CIRCUMSTANCES

Before determining the penalty, the Planning Tribunal is respectfully requested to consider the following extenuating circumstances:

- It is clear from the history of building plan approvals that the municipality did not enforce title restrictions in the past. This created a false impression which eventually led to the dilemma the new landowner has to solve at this late stage.
- Similarly, the non-compliance of the Zoning Scheme by the wrongful use of the property was not known to the previous landowner because he was under the wrong impression that the approvals of 2009 and 2010, shown in **Annexures I1 and I2**, could be acted upon. According to his witness, this situation was caused during the time when the property was sold to him. What also aggravated the situation, was the silence of the municipality – if only they issued non-compliance notices, the previous landowner would have known better and done something about it earlier.
- As discussed before, the previous landowner's management of the property was much better than before as shown by his elimination of sources of nuisance to the neighbours. The result was that the affected community have been living in peace with the situation ever since.
- The good faith of the previous landowner to voluntarily take remedial actions once the transgressions became known, should also be considered as a very important indicator of his willingness to follow the rules.
- Over and above the potential of severe penalties, the Tribunal should consider the expenses incurred by the landowner to follow the S.15(2) procedures to take remedial actions (application fees, notification costs, professional fees plus the monetary loss due to the effect of the delay in the free use of the property on the time value of money).

9. CONCLUSION

It is clear that when the landowner bought the property to continue with the business of a guest lodge, he was under the impression that the land use rights approved in 2009 and 2010 were fixed and that all buildings were approved and accordance with the relevant legislation.

It is also clear that the landowner acted in good faith once he became aware of the transgressions by immediately and voluntarily mandating remedial actions.

This, as well as the significant contribution the landowner has made to the economy of the town and the improvement of the tourism sector, provide enough reason to request the Knysna Planning Tribunal to set the administrative penalty at a minimum amount.

In view of the extenuating circumstances described in this report, it is recommended that the administrative penalty be calculated as follows:

PENALTY COMPONENT	FACTOR USED AS BASIS FOR THE PENALTY	BASE (see par.6.3)	FACTOR	PENALTY
Irregular buildings and structures	Replacement cost of those components encroaching upon building lines	R241 650	0,5%	R1 208,50
Irregular land use	Valuation of property (proportion used irregularly)	R4 433 091	0,5%	R22 165,46
			Subtotal	R23 373,71
			Discount based on extenuating circumstances as per paragraph 8: 75%	R17 530,28
			Amount due	**R5 843,43**

A.C. Burger Pr. Planner
Reg. no. A/767/1994

Resolution of the sole director of THE BAMBOO LODGE IN KNYSNA PROPRIETARY LIMITED with registration number 2024/418240/07 hereinafter called "The Company"

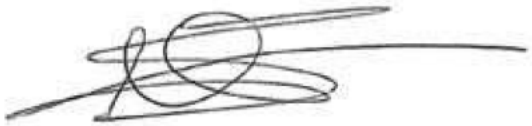
TO WHOM IT MAY CONCERN

MINUTES OF A DECISION OF THE SOLE DIRECTOR OF THE BAMBOO LODGE IN KNYSNA (PTY) LTD ON 5 JUNE 2025: AUTHORISATION OF DIRECTOR TO MAKE DECISIONS

From this day forward, unless recalled by a later resolution taken by the directors of The Company, the following director is fully authorized to make all decisions pertaining to the application for additional land use rights in respect of **Erf 18817, Knysna**, being a property owned by The Company:

PARTICULARS OF AUTHORISED DIRECTOR	
Full names and surname:	Scott Cameron Smith
ID number:	[redacted]
Email address:	[redacted]
Mobile phone number:	[redacted]

Certified a true extract of the minutes of the meeting



For: THE BAMBOO LODGE IN KNYSNA (PTY) LTD

Special Power of Attorney

I, **Scott Cameron Smith**, with ID number [redacted] the authorised director of **The Bamboo Lodge in Knysna (Pty) Ltd**, being registered owner of **Erf 18817, Knysna** situated in the area of jurisdiction of the Knysna Local Municipality, do hereby nominate, constitute and appoint Armand Camille Burger Professional Planner with registration number A/767/1994 of ValGIS Technologies CC as well as its authorised agents and/or employees with power of substitution to be my lawful representatives to prepare and submit an application to seek for the approval of land use rights as prescribed by the relevant legislation, including applications for:

a. The rezoning of the property to **General Residential Zone IV** under which zoning a **Guest Lodge** is a primary land use right and suitable for the intended land use; and
b. The permanent departure from the parameters of the Knysna Zoning Scheme in respect of encroachments of the development parameters of the new zoning; and
c. The removal of restrictive conditions contained in the property's Title Deed T73101/2024; and
d. The approval of a Site Development Plan; and
e. The determination of an administrative penalty in respect of existing irregular structures.

And generally, to do whatever may be necessary or desirable to obtain approval for the proposed development.

Signed at Knysna on this 5th day of June 2025.

Scott Cameron Smith

in the presence of the undersigned witnesses:

Witness 1

Witness 2

KAPLAN BLUMBERG
1st Floor, Block A
Southern Life Gardens
70 Second Avenue
Newton Park
Port Elizabeth
6045

Prepared by me

CONVEYANCER
PETER IAN WIEHAHN (85501)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 5 400 000,00	R 2596,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

T0000731 01 / 2024

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT
Jean Alexandra Meltzer **WESTERN CAPE**
LPCM Number 104972
appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

HENRY DENNIS GERTENBACH
Identity Number [redacted]
Married out of community of property

DATA / CAPTURE
21 -11- 2024
PHUMELELA MNAMATA

which said Power of Attorney was signed at KNYSNA on 18 September 2024

Lexis® Convey 18.4.4.2

And the appearer declared that his/her said principal had, on 8 July 2024, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

THE BAMBOO LODGE IN KNYSNA PROPRIETARY LIMITED
Registration Number 2024/418240/07

or its Successors in Title or assigns, in full and free property

ERF 18817 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4192 (FOUR THOUSAND ONE HUNDRED AND NINETY TWO) SQUARE METRES

FIRST REGISTERED BY CERTIFICATE OF CONSOLIDATED TITLE NUMBER T49834/2012 WITH DIAGRAM SG NUMBER 2199/2011 RELATING THERETO AND HELD BY DEED OF TRANSFER NUMBER T27714/2019.

I. INSOFAR as the figures g B C D on the annexed Diagram SG Number 2199/2011 is concerned:

A. SUBJECT to the conditions referred to in Deed of Transfer Number T3003/1907.

B. SUBJECT to the following conditions contained in Deed of Transfer Number T3003/1907 but as is mentioned in Deed of Transfer Number T2653/1953 not entitled to any benefits thereunder the land having been originally sold without any water rights, namely:

"That the Proprietors of said Lot B and Lot A this day transferred to the said Thomas George Anderson Horn shall each have the free right to take out any point of the stream marked on the diagram of the said properties, half of the water flowing in said stream."

C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T2653/1953, it being understood:

"That words and expressions used in these conditions shall have the same meaning assigned to them in the Regulations published under Provincial Notice Number 401 dated 17 October 1935" namely:

As being in favour of the registered owner of any Erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18 (3) of Ordinance No 33 of 1934:

(a) That this erf be used for residential purposes only.

(b) That not more than half the area of this Erf be built upon.

(c) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 20 feet to the street line which forms a boundary of this Erf. No such building or structure shall be situated within 5 feet of the lateral boundary common to any adjoining Erf.

As being in favour of the Administrator:

"That the owner of this Erf shall be obliged to allow the drainage or sewerage of any other Erf to be conveyed over this Erf if deemed necessary by the Council of the Municipality of Knysna and in such manner and in such position as may from time to time be reasonably required by the said Municipal Council. "

(Reference to the Township in this condition shall be deemed to be Knysna Township Extension No 1)

D. SUBJECT FURTHER to the following conditions created in Deed of Transfer No T79350/1994 imposed by the Municipality of Knysna in terms of Ordinance 33 of 1934 when approving f the subdivision of Erf 2110 Knysna, namely:

(a) "The owner of this erf shall without compensation be obliged to allow gas mains, electricity, telephone and television cables and / or wires and main and / or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven to be conveyed across this erf, and surface installations such as mini substations, meter kiosk and service pillars to be installed thereon if deemed necessary by the Local Authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

(b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority."

II. INSOFAR as the figures A g E F on the annexed Diagram S Number 2199/2011 is concerned:

A. SUBJECT to such conditions as are referred to in Deed of Transfer Number T3003/1907.

B. SUBJECT FURTHER to the special condition contained in the said Deed of Transfer Number T3003/1907, but as mentioned in the Deed of Transfer Number T2859/1957 not entitled to any of the benefits thereunder, which said special conditions read as follows:

"That the Proprietors of said Lot B and of Lot A this day transferred to the said Thomas George Anderson Horn shall each have the free right to take out at any point the stream marked on the diagrams of said properties, half of the water flowing in said stream."

C. SUBJECT FURTHER to the following special conditions contained in the said Deed of Transfer Number T2859/1957, namely:

"That words and expressions used in these conditions shall have the meaning assigned to them in the Regulation published under Provincial Notice Number 401, dated 17 October 1935."

D. SUBJECT FURTHER to the following special conditions contained in the said Deed of Transfer Number T2859/1957, as being in favour of the registered owner of any erf in the Township subject to amendment or alteration by the Administrator under provisions of Section 18(3) of Ordinance Number 33 of 1934:

(a) That this erf be used for residential purposes only.

(b) That no more than half the area of this erf be built upon.

(c) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6.30 metres to the street line which forms a boundary common to any adjoining erf.

E. SUBJECT FURTHER to the following special conditions contained in said Deed of Transfer Number T2859/1957 as being in favour of the Council of the Municipality of Knysna:

"That the owner of this erf shall be obliged to allow drainage or sewage of any other erf to be conveyed over this erf if deemed necessary buy the Council of the Municipality of Knysna, and in such manner and in such position as may from time to time be reasonably required by the said Municipal Council. "

F. SUBJECT FURTHER to the conditions contained in the said Certificate of Registered Title Number T56678/1990 imposed by the Administrator of the Cape of Good Hope in terms of section 9 of Ordinance Number 33 of 1934, when approving of the sub–division of Erf 2109 Knysna, reading as follows:

(a) The owner of this erf shall without compensation , be obliged to allow gas mains, electricity, telephone and television cables and / or wires and main and / or other waterpipes and the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf, and surface installation such as mini – substations ,meter kiosk and service pillars to be installed thereon, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

(b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to eh satisfaction of and within a period to be determined by the local authority."

WHEREFORE the said Appearer, renouncing all rights and title which the said

HENRY DENNIS GERTENBACH, Married as aforesaid

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

THE BAMBOO LODGE IN KNYSNA PROPRIETARY LIMITED
Registration Number 2024/418240/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R5 400 000,00 (FIVE MILLION FOUR HUNDRED THOUSAND RAND) excluding VAT in the sum of R0,00 (NIL RAND), total consideration paid by the transferee to the transferor being the amount of R5 400 000,00 (FIVE MILLION FOUR HUNDRED THOUSAND RAND).

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

WESTERN CAPE

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 20 NOV 2024 ~~2024~~

q.q.

In my presence

REGISTRAR OF DEEDS

M MAUGHAN-BROWN
5106 KNY

Tel: 044-3021605
Fax: 044-3026338

2009-10-26

REGISTERED MAIL

W J & K M Fletcher
Auscliffe Farm
Cookley
Kidderminster
WORCESTERSHIRE
DY10 3UR
ENGLAND

Sir/Madam

PROPOSED REZONING FROM SINGLE RESIDENTIAL TO GENERAL RESIDENTIAL AND DEPARTURE TO ALLLOW EXISTING BUILDING OVER BUILDING LINES: ERF5106 KNYSNA

Your letter dated 14 May 2009 refers.

Please be advised that my Council, at its Council meeting of 23 September 2009, resolved as follows:

"[a] That the following documentation be noted:

(i) application from M Vreken dated April 2009;
(ii) comments from the Director Planning & Development dated 6 May 2009;
(iii) comments from the Acting Chief Town Planner dated 12 May 2009;
(iv) comments from SJB & M Jordaan dated 12 May 2009;
(v) comments from WJ & KM Fletcher dated 14 May 2009;
(vi) comments from T & ME Winship dated 21 May 2009;
(vii) comments from the Town Electro Technical Engineer dated 29 May 2009;
(viii) comments from the Director Technical Services dated 19 May 2009;
(ix) comments from the applicant dated 11 June 2009;

[b] That the application for rezoning from Single Residential to General Residential, (Limited to the Buildings Existing on Site on the Date of Approval), in terms of Section 17, and the departures in terms of Section 15 of the Land Use Planning Ordinance (No. 15 of 1985) be approved, subject to the following conditions:

[i] The General Residential zone is limited to the existing buildings only.

[ii] That the coverage, floor factor, height and building lines for the property will be as defined in this approval and not those generally applicable to General Residential Zone.

[iii] That any deviation from this approval will require a rezoning application and not an Section 42 application for amendment of conditions.

[iv] Augmentation shall be payable as determined by the Director Technical Services;

[v] Erf shall be limited to 60 amp single phase electricity;

[vi] Access and parking layouts to be to the approval of Director Technical Services;

[vii] The land use be limited to 8 guest suites and no self catering units;

[viii] Height being restricted to 8 m, to stay within character of residential area;

[ix] Under no circumstances may the next door property be used as an accommodation establishment, unless the two properties are consolidate and an application for rezoning is approved;

[x] The building line relaxation only applies to the existing structures, as applied for, and no other structure;

[xi] The applicant is to make provision for the accommodation of load switches;

[xii] Dual flush toilet cisterns and low-volume taps shall be installed in the proposed buildings on the Erf;

[xiii] Knysna Municipality will not entertain complaints from the applicants related to the normal activities as expected in a residential area;

[xv] Normal building plan approval in terms of the National Building Regulations shall be obtained and penalties imposed in terms of Council's policies must be paid to legalize all the existing structures."

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

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

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

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

Yours faithfully

J B DOUGLAS
MUNICIPAL MANAGER

/ac

cc: Director: Corporate Services

Collab No 061699.

M MAUGHAN-BROWN
5153 KNY

Tel: 044-3021605
Fax: 044-3021631

2010-06-02

REGISTERED MAIL 3/06/2010
Betty Tshal.

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

Madam

PROPOSED REZONING AND DEPARTURE: ERF 5153 KNYSNA

Your application dated November 2009 refers.

Please be advised that my Council, at its Council meeting of 27 May 2010, resolved as follows:

"[a] That the following correspondence be noted:

[i] Application from Marike Vreken dated November 2009

[ii] Comments from the Town Electrotechnical Engineer dated 30 November 2009;

[iii] Comments from the Director: Technical Services dated 27 November 2009;

[iv] Applicant's responses to comments dated 25th January 2010;

[v] Memorandum from the Director: Technical Services dated 1st February 2010;

[vi] Email from the Applicant dated 12the February 2010 with string including email from Director: Technical services dated 12th February 2010;

[vii] Letter from the applicant dated 24th March 2010;

[b] That notwithstanding the objections of the Director: Technical Services and the Town Electrotechnical Engineer, the Rezoning of Erf 5153 Knysna from Single Residential to General residential be **Approved** in terms of Section 17 of the Land Use Planning Ordinance subject to the following conditions, imposed in terms of Section 42 of the Ordinance:

a. That Erf 5153 is to be consolidated with Erf 5106 within six months of the date of approval;

b. The number of guest rooms or guest suites on the consolidated site shall be limited to 12 and that no self catering units will be permitted;

c. The coverage on the consolidated site will be limited to 10,5%;

d. The FAR on the consolidated site will be limited to 0,19;

e. The height restriction on the consolidated site is to be 2 storeys (as defined in the Knysna Scheme regulations and 8 metres (as determined in accordance with the Knysna Scheme regulations.

f. 17 parking bays will be provided;

g. Any deviation from this approval will require a full rezoning application and not an amendment in terms of Section 42 of the Land Use Planning Ordinance.

h. Once the Knysna Scheme regulations have been amended to provide for a more appropriate zone that would accommodate the use on the consolidated site the owner of the consolidated site shall be obliged not to oppose the rezoning of the property on the initiative of Council, in terms of Section 18 of the Land Use Planning Ordinance.

i. Electrical augmentation is to be payable as determined by the Electrotechnical Engineer;

j. The consolidated erf shall be limited to one 80 amp single phase supply;

k. Solar-assisted water heating systems or gas water heaters shall be retrofitted to all bathrooms and other installantions requiring hot water where they have not already been fitted, to the satisfaction of the Town Electrotechnical Engineer;

l. Dual / gas electric hob installations shall be retrofitted to all cooking installations that currently rely on electrical appliances to the satisfaction of the Town Electrotechnical Engineer;

m. Load switching relays shall be installed wherever appropriate, at the discretion of the Town Electrotechnical Engineer;

n. CFL light bulbs shall be installed in all light fittings, where feasible;

o. Augmentation for water and sewer services, as determined by the Director: Technical Services is to be paid within 30 days of approval of the rezoning;

p. Access and parking layouts are to be to the satisfaction of the Director: Technical Services;

q. The Council must be indemnified against any claims for stormwater damage on the property and adequate provision must be made for stormwater across the property to the Director: Technical Services' approval;

r. The consolidated property shall have only one water connection and all services are to be to the Council's approval.

s. Knysna Municipality will not entertain complaints from the owners of the consolidated property related to the normal activities to be expected in a residential area;

t. Normal building plan approval in terms of the National Building Control and Building Regulations Act shall be applicable.

[c] That in the event that the Council Approves the rezoning, that the Relaxation of the rear and Lateral Building Lines in order to accommodate structures already on the site only be **Approved** in terms of Section 15 of the Ordinance."

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

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

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

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

Yours faithfully

J B DOUGLAS
MUNICIPAL MANAGER

/ac

cc: Director: Corporate Services
Director: Finance
Director: Technical Services
Director: Planning & Development
Director: Community Services
TEE
BCO

KNYSNA
Municipality Munisipaliteit uMasipala

Collab. Ref.: 714388
File Ref.: 18817 Kny
J.H. Smit
Tel: 044-302 6318

Via Registered Mail

2018-06-29

Henry Greyling
HG Architectural Design & Draughting
Shop 15, Forest Lodge Complex
Main Street
SEDGEFIELD
6573
Email: henry@hgdesign.co.za & office@hgdesign.co.za

Dear Sir/Madam,

PROPOSED DEPARTURE: ERF 18817, KNYSNA

1. Your application dated 18 November 2016, refers.

2. Please be advised that Knysna Municipality Planning Tribunal, on 8 May 2018, unanimously resolved the following:

   "That Knysna Municipal Planning Tribunal could not consider the application in terms of Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for the application in terms of Section 15(2)(b) for the relaxation of the street building line from 8m to 5,5m; north-western lateral building line from 4,5m to 3,25m and south-east lateral building line from 4,5m to 2,7m as indicated on plans drawn by HG Architectural Design & Draughting, drawing number KNY 188717_COURT siteplan_rev2; dated 02/09/206. "

   Reasons for the above decision are as follows:

   Relevant Law & Policy:

   - Section 60 Knysna Municipality Bylaw on Municipal Land Use Planning (2016)
   - Knysna Spatial Development Framework

Findings of Fact:

- Conditions C(c) of the Deed of Transfer in favour of other owners of the township restricts the conditions as requested.

Rationale:

- The application is in conflict with the condition of the transfer deed.

3. You are hereby informed of your right to appeal to the Appeal Authority in terms of Section 79(2) of the said legislation.

3.1 The attached appeal form must be completed and should be directed to the Appeal Authority and received by the Municipal Manager, P.O Box 21, Knysna or via email to knysna@knysna.gov.za , within 21 days of notification of this decision together with proof of payment of the appeal fee.

3.2 You are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

3.3 The notice must be served in accordance with Section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

4. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

5. Should you have any further enquiries, please contact Zinhle Thwala on telephone number: 044-302 6268 or via e-mail address: zthwala@knysna.gov.za.

Yours faithfully,

K CHETTY
MUNICIPAL MANAGER
/lb

CC - Acting Director: Technical Services – R Parring
Building Control Officer – R Daames

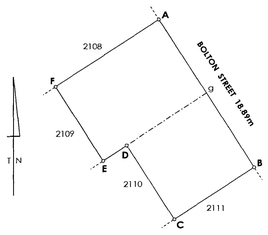
Locality Plan
Knysna Golf Club
howard st, water wetland hazard
Howard St
Thesen St
Kennet St
Bolton St
Hope St
Fraser St
Wilson St
Strydom St
Rexford Rd
Caroline Cres
Duthie Dr
Marr Rd
Andrew Ave
Lynne Cl
47th on Howard Lodge
Mossflower Montessori
Bamboo Guest House Accommodation Knysna
3 star hotel
THE PRIVATE GUEST HOUSE
Stannards Guest Lodge 4 Star B&B
4-star hotel
Knysna Seafield Hospice
Wilson Street Lodge
Birds of a Feather Bed and Breakfast
Rose Cottage
Loeriewood Garden Apartment
Annexure B
N

OFFICE COPY

geomatics africa version 2

Components:
1. The figure AgEF represents Erf 5153 Knysna, vide Dgm. No 903/1984, annexed to D/T 1990 ..... 56478.
2. The figure gBCD represents Erf 5106 Knysna, vide Dgm.No.3214/1983 annexed to D/T 1994. ..... 79350.

S.G. No.
2199/2011
Approved
Surveyor-General
2011.07.19



Scale 1:1000

The figure A B C D E F
represents 4192 Square Metres of land, being

ERF 18817 KNYSNA (Comprising 1 and 2 as above)

situate in Knysna Township Ext.No.1 on the Knysna Municipality
Administrative District of Knysna Province Western Cape
Compiled in June 2011
by me

NA Clark
Professional Land Surveyor
Registration Number PLS 1072

This diagram is annexed to	The original diagrams are	File No.S/4548/30/2 Vol5
No. CCT 49834 /2012 dated	as indicated above.	S.R. No. Compiled Comp.AM-1AA/Z4(717)
i.f.o. Registrar of Deeds		LPI C0390005

S

Erf 18817, Knysna Ext 1

6/12/2024, 3:59:25 PM

Registered Properties (Deeds Office) — Streets
Suburbs — Wards (2020)

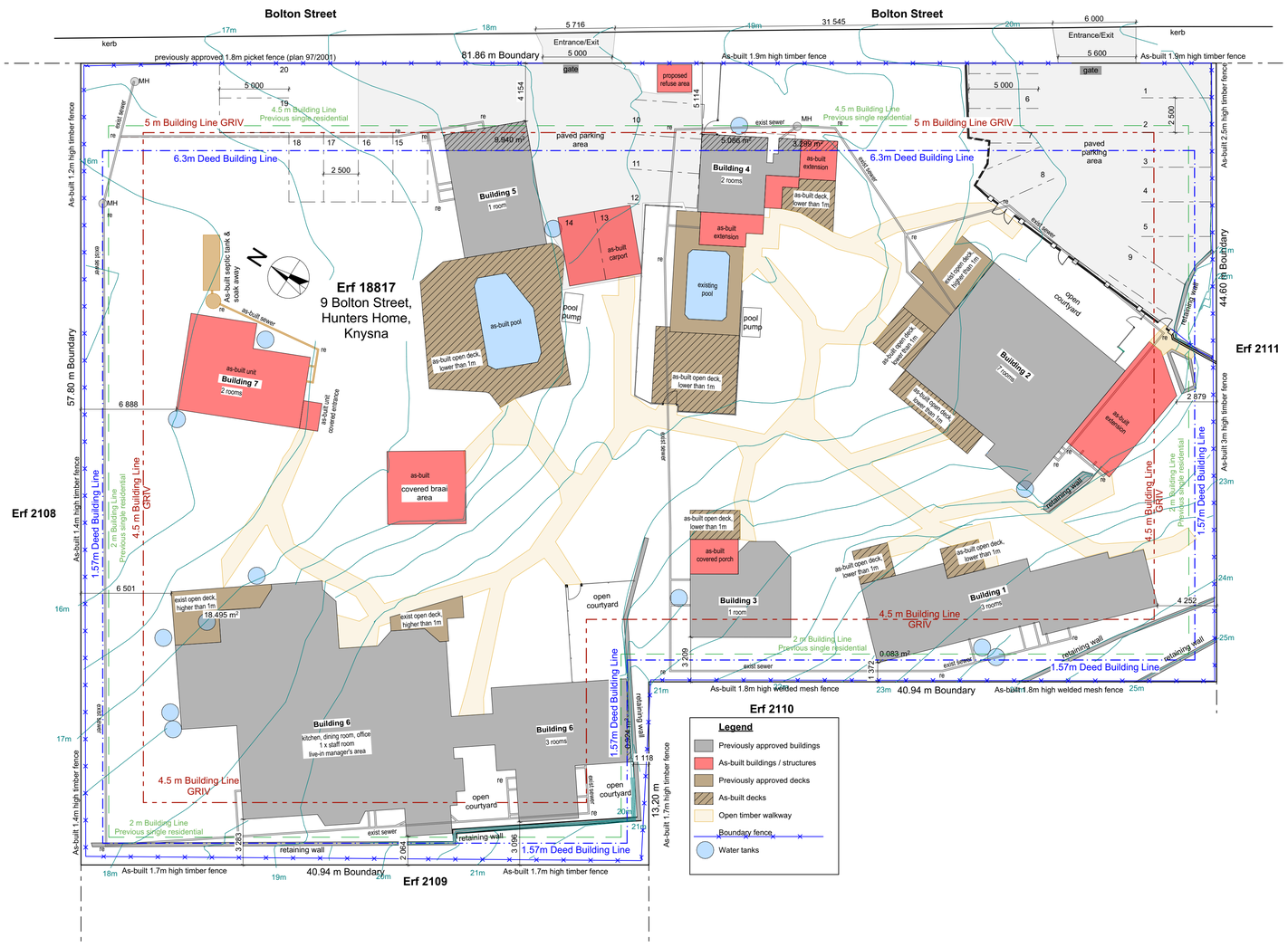
1:1,122
0 40 80 160 ft
0 12.5 25 50 m

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Esri Community Maps Contributors, Esri South Africa, Esri, TomTom, Garmin, Foursquare, METI/NASA, USGS

Schedule of previously approved drawings

Building no	Approved plan no	Date of approval	Description of drawing
1	38/98	141/98	Cottage appears on original house site drawing as staff room, no details for internal layout.
	195/04	16/09/2004	Sun Lounge addition to existing cottage to replace veranda 2 new bedrooms, 1 bathroom & 1 kitchen addition to SE boundary
2	210/94	14/09/1994	Original drawings for house
	113/97	7/5/1997	Proposed additions which was never done
	141/98	3/8/1998	First floor enclose a portion of the existing veranda, extend veranda
	215/2002	26/7/2002	Internal changes both floors, Ground fl: add room to SE side, add deck First floor: add room (never built), carport
	145/08	8/8/2008	Small entrance changes
3	90/95	2/5/1995	New cottage with open veranda.
	141/98	3/8/1998	Enclose veranda
	Letter	22/10/2002	Building 3 changed to servant's room and building 1 changed to Second Dwelling
4	145/08	8/8/2008	Existing pool area, new Boma and full bathroom
5	?	2/4/1998	New 3 car garage
6	169/91	11/6/1991	Original house & double garage. House much bigger than actually built
	?	18/9/1992	Carport & Pergolas around double garage
	?	2/4/1998	Internal changes on Ground floor
	324/2003	15/10/2003	Convert double garage to studio with 1 bathrm. Added bathroom to Gr floor house New decks to NW & NE side of house
7	n/a	n/a	no previous submission
General	79/2001	4/7/2001	Erf 5153: New sliding gate & 1,8m picket fence to Bolton St.

Note: All changes and updates to structures will be submitted on as-built drawings after rezoning application outcome.



Schedule of Rights

Property Description			
Erf / Portion	18817	Site Area	4 192m²
Township	Knysna Ext 1	Title deed no	T000027714/2019
Zoning Information			
Town planning Scheme	Knysna Zoning Scheme June 2020	Ammendment Scheme no	
Use Zone	proposed GRIV	Annexure no	

Area Schedule		
Disturbed areas		**Areas (m²)**
Ground floors	*	780.22
First floors		245.90
Open decks higher than 1m from NGL	*	50.92
Covered decks, entrances, walkways	*	45.25
Covered braai area	*	29.83
Covered carport	*	26.50
Proposed refuse area	*	5.00
Paved parking areas		475.97
Open walkways, decks lower than 0.5m from NGL		439.40
* areas to be included in coverage calculation		
Total built area (m²)		937.72
Total disturbed area (m²)		1853.09

Coverage Schedule	
Total coverage	937.72
Total FAR	1183.62

Parking Schedule	
Guest bedrooms	18
Manager's quarters	1
Total required	19

Development Control Measures		
Permissable	Control	Actual
Guest Lodge	Zone	Guest Lodge
8.5m	Height of Buildings (highest)	7.3m
60%	Coverage	22.37%
1	FAR	0.22
19	Parking	20

Floor Area breakdown

Building	Bedrooms for guest lodging	Floor areas (m²) Ground	Floor areas (m²) First	Open decks higher than 1m from NGL (m²)	Covered decks/ balconies/ entrances / walkways (m²)	Total coverage (m²)	Total FAR (m²)	Building height (m)
Building 1	3	97.22	0.00	0.00	0.00	97.22	97.22	3.3
Building 2	7	148.59	118.54	23.54	21.18	193.31	311.85	7.1
Building 3	1	41.00	0.00	0.00	10.15	51.15	51.15	3.7
Building 4	2	52.98	0.00	0.00	0.00	52.98	52.98	4.7
Building 5	1	54.00	0.00	0.00	0.00	54.00	54.00	4.0
Building 6	2	331.18	127.36	27.38	11.23	369.79	497.15	7.3
Building 7	2	55.25	0.00	0.00	2.69	57.94	57.94	3.1
Braai area	0	0.00	0.00	0.00	29.83	29.83	29.83	3.5
Carport	0	0.00	0.00	0.00	26.50	26.50	26.50	3.0
Refuse area	0	0.00	0.00	0.00	5.00	5.00	5.00	3.0
Totals	18	780.22	245.90	50.92	106.58	937.72	1183.62	

0. Site Layout 1:200

ALL WORK TO BE PERFORMED TO MUNICIPAL & NATIONAL BUILDING REGULATIONS SANS 10400

GENERAL NOTES:
All work to comply with National Building Regulations SANS 10400. No measurements to be scaled. All levels and dimensions to be verified on site. ANY DISCREPANCIES MUST BE BROUGHT TO THE ATTENTION OF THE ARCHITECT / DESIGNER IMMEDIATELY. Read drawings in conjunction with Engineer's detail. ALL REINFORCED CONCRETE WORK TO BE ACCORDING TO STRUCTURAL ENGINEER'S DESIGN AND DETAIL. **The building owner is responsible for ensuring that their project is SANS compliant and signed off by a qualified Engineer.**

STAIRS AND RAILING: A NON COMPLIANT BALUSTRADE IS A SAFETY RISK. ENSURE THE BALUSTRADE SYSTEM IS INSTALLED CORRECTLY: SANS 10400 Part B, Part D and Part M, SANS 10160-2:2011. Steps and risers as shown. Risers as indicated on drawing and run as indicated on drawing, minimum balustrade height 1000mm. Opening between rails and / or droppers not to exceed 100mm. Any balustrade or wall provided to protect a change in level shall comply with the requirements of SANS 10400-B.

FIRE PROTECTION: SANS 10400 Part T:
The requirements of the Act will be deemed to have been satisfied if the design, construction and equipment of buildings complies with SANS 10400 Part T and satisfies the local authority.

STORM WATER: SANS 10400 Part R:
The owner of any site shall provide suitable means for the control and disposal of accumulated stormwater which may run off from any earthworks, building or paving. CONTRACTOR MUST ENSURE THAT STORM WATER DOES NOT DAMAGE EXISTING BUILDING WORK OR NEIGHBOURING PROPERTIES DURING CONSTRUCTION AND THAT STORMWATER DRAINAGE IS SUFFICIENT.

RAINWATER DISPOSAL:
Provide 1m paving around building with fall away from structure where practical. GUTTERS & DOWN PIPES TO BE INSTALLED WHERE PRACTICAL. We highly recommend installing as many rainwater tanks as practically possible.

SEWERAGE: All sanitary appliances to be supplied with antisuction traps and/or ventilated according to NBR requirements. ie's at all bends, connections and changes of gradient with marked covers on ground level. Sufficient access panels to be installed in all shafts over ie's. -all sanitary pipes to be accessible. Sewage pipes under floors or buildings not to change direction and must be encased in 100mm concrete.

SITE PREPARATION:
Remove top-soil and organic material within interior footprint of building and paving. Above material not to be used as backfill. Keep site dry. Stockpile top-soil and re-use where possible.

FOUNDATION: SANS 10400 Part H:
All foundations concrete strip foundations unless specified. Concrete minimum 15MPa after 28 days.

FILLING: SANS 10400 Part J (JJ2.3):
Backfill to be compacted in layers not more than 150mm layers to minimum. Compact to min. 98% MOD. AASHTO or otherwise as specified by Engineer.

SURFACE BEDS:
Minimum 100mm thick 15MPa on DPC. Expansion joints to be provided 20m² max.

WATERPROOFING: SANS 10400 Part J(JJ3) and Sec. K(KK15): Provide 250 micron USB DPC underneath all surface beds and 375 micron Black DPC in walls with min. 100mm overlap at joints. Provide "Brickgrip" DPC underneath all window sills. All joints according to specifications.

BRICKWORK: SANS 10400 Part K: Brickwork in stretching bond with minimum joint thickness of 10mm. Interior walls minimum 110mm thick. Brick as indicated. Stock bricks to be kept clean of mortar. Provide brickforce in each layer for foundation walls, (5 layers minimum), each layer above windows and doors and at 4 course intervals: use alternate layer of 75mm brickforce and butterfly tie-wires for all other 280mm brickwork. Use 75mm brickforce in each course every 4 layers for 110mm and 220mm brick walls.

PLASTER WORK:
One layer plaster minimum 12mm thick.

ROOF:
Construction & Material to comply with SANS 10400 Part L and SANS 1900:2009

GLAZING:
SANS 10400 Part N, SABS 0137-200, SABS 1263: Clear Glass unless specified. Mark all sliding doors visible. SAFETY GLASS IN ALL DOORS AND WINDOWS LOWER THAN 300mm FROM GROUND LEVEL AND LARGER THAN 1 m².

SKIRTING AND CORNICING:
Skirting & cornicing where required as specified.

GEYSERS: SABS 0254
With drip-tray.

SPACE HEATING & CHIMNEYS:
To comply with SANS 10400: Part V.

COPYRIGHT NOTICE: Copyright © 2024 HG Architectural Design & Draughting PTY Ltd. Copyright subsists in this drawing. The person or entity, whose name appears in the title block of this drawing, is hereby granted a non-exclusive license to use, display, and print and / or reproduce this drawing to the extent necessary to carry out and complete the project described in the title block of this drawing. This license in respect of the copyright is expressly limited as aforesaid and the person and/or entity referred to above shall not be entitled to grant sub-licenses in respect of the copyright in this drawing to any other entity. This license confers no ownership rights in the copyright vesting in the drawing and this drawing and the copyright subsisting therein will, at all times, remain the property of HG Architectural Design & Draughting PTY Ltd.
Any unauthorized reproduction, publication, transmission, adaptation and/or inclusion of this drawing in a cinematograph film or television broadcast is an act of copyright infringement which will render the doer of the act liable for civil law copyright infringement and may in certain circumstances render the doer liable to criminal prosecution. Requests and enquiries concerning this drawing and the rights subsisting therein should be addressed to the copyright owner.
ACTS OF PARLIAMENT: All Contractors shall ensure that, before any work is put in hand, they comply with all the necessary Acts of Parliament of the Republic of South Africa.

5cm on original A1 drawing
0 1 2 3 4 5

STAMPS / SIGNATURES:

OCCUPANCY CLASSIFICATION = H5

DRAWN BY	RH	
REVISION	**DATE**	**REVISION DETAILS**
0	11/06/2024	SDP - Issued for submission
1	06/08/2024	Added deed building lines - Issued for submission

PROJECT: As built drawings on erf 18817, Knysna
For owner: Mr Gertenbach

DRAWING TITLE: Site Plan
SHEET: 1 of 1

DRAWING: KNY18817_Gertenbach SDP Rev1.pln
SCALE as shown | **PAPER SIZE** A1 | **REVISION** 1

HG architectural design & draughting
HG Architectural Design & Draughting
JM Hattingh - registered SACAP PAT43759499 | SAIAT 32538
044 343 2206 | 083 272 9122
office@hgdesign.co.za | www.hgdesign.co.za
G7, Gondwana Game Reserve, Mossel Bay Farms, WC

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3633
REPORT AUTHOR	Sihle Phungula
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3320/2022
TELEPHONE NO.	044 302 6339
APPLICATION DATE	28 January 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 14621 & 14622 KNYSNA

PART A: APPLICANT DETAILS	
Name & Surname	***Seretse Mthembu***
Company name	
SACPLAN registration number	***A/2210/2015***
Registered owner(s)	***Thembalethu Xolani and Diketso Adelaide Xolani***
PART B: PROPERTY DETAILS	
Property description	***Erf 14621 & 14622 Knysna in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***542m² (271m² + 271m²)***
Physical address	***No.14198 ,Rhobololo***
Area/Town	***Knysna***
Current zoning	***Single Residential Zone II***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Gymnasium and Tarven***
Are there existing buildings on the property?	***Yes, Business premises***
Title Deed number & date	***T43800/2020 & T43801/2020***
Any restrictive title conditions applicable?	***None***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Not Applicable***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☒	☐
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2) (r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management, read with Section 93(1) for the following contraventions on Erf 14621 and Erf 14622, Knysna:

1.1. The unauthorised land uses of a "gymnasium" and "place of entertainment" (tavern) on a property zoned "Single Residential Zone II" of the Knysna Zoning Scheme By-law (2020).

1.2. The encroachment of the prescribed building lines as specified for "dwelling house" in the Knysna Zoning Scheme By-law (2020).

2. BACKGROUND

2.1. The application seeks the determination of an administrative penalty to regularise unauthorised structures and land uses on the property. This application forms part of a broader set of planning applications, including rezoning to Business Zone II and the consolidation of the two erven, aimed at formalising the existing uses on the site.

2.2. The applicant states that the gymnasium and tavern have existed for many years and developed organically in response to the needs of the surrounding Concordia West community. Some of these uses reportedly date back to the late 1990s, when the area functioned largely as an informal settlement.

2.3. It is further argued that the current residential zoning was introduced during the formalisation of the area through the Vision 2020 housing project. According to the applicant, the project primarily focused on housing delivery and did not adequately make provision for existing or emerging non-residential community facilities.

2.4. The applicant maintains that the unauthorised structures and land uses have minimal to no negative impact on the surrounding area. It is argued that the gymnasium and tavern provide services to the local community and have become established features within Concordia West.

2.5. Furthermore, the applicant states that the structures and associated activities do not adversely affect the health, safety, or welfare of neighbouring property owners, nor do they limit the reasonable use

and enjoyment of adjacent properties. The buildings are also not considered unsightly or objectionable, and are therefore unlikely to constitute a nuisance.

2.6. The applicant therefore contends that the transgressions do not undermine the character or functioning of the area, particularly given the long-standing presence of these uses and the evolving mixed-use nature of Concordia West.

2.7. The applicant has conceded that transgressions of the zoning scheme occur and accepts that a penalty may be imposed in respect of those transgressions. It is evident that these transgressions were intentional as construction proceeded to completion and the businesses continue to operate. The imposition of a penalty in accordance with Council's approved tariff where an applicant concedes to the transgression is, therefore, considered reasonable.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	***R 5,000***
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	Not Applicable
(c) Repeat Offender	Not Applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Business Use	***R 24,000***
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 392 998 + 418001.24))	Up to and not more than **R810 99.24**
(c) Repeat Offender	Not Applicable

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 29,000.00 be determined in accordance with Section 93(2), for the following contraventions on Erf 14621 and Erf 14622, Knysna:

4.1. The unauthorised land uses of a "gymnasium" and "place of entertainment" (tavern) on a property zoned "Single Residential Zone II" of the Knysna Zoning Scheme. By-law (2020).

4.2. The encroachment of the prescribed building lines as specified for "dwelling house" in the Knysna Zoning Scheme By-law (2020).

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

5.2. The administrative penalty for the encroachment of the prescribed building lines applies to the extent as shown on the plan numbered "POP-SHOP 021/KNY-A" dated November 018.

5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason (s) for the above recommendation is as follows:

The transgressions of the zoning scheme in terms of land use and building lines were found to be intentional in that the applicant has conceded to these described transgressions. In considering the nature of the transgressions, the imposition of an administrative penalty in accordance with Council's approved tariffs is considered reasonable.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum*

ANNEXURE B: *Power of attorney*

ANNEXURE C: *Copy of title deed(s)*

ANNEXURE D: *Locality map*

ANNEXURE E: *Copies of previous approvals (s)*

ANNEXURE F: *Site plan(s)*

ADMINISTRATIVE PENALTY: ERF 1461 & 14622 , KNYSNA			
Author Name: SIHLE MHLONGO Date: ***16/03/2026***		Author Signature:	
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1520/2012. Date: **16/03/2026**		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Daimcon Personnel Collaborative
Urban Planners & Development Facilitators

No. 1 Fourth Street, Dinangwe
Concordia East
KNYSNA
6570

Cell: 0835834132
E-mail: seretsem@gmail.com
Tax No: 3357441140
WhatsApp: 0835834132

26 January 2026

Ref: 14621 & 14622 Kny

The Manager: Town Planning
Knysna Municipality
PO Box 21
KNYSNA
6570

Attention: Mr Hennie Smit

APPLICATION FOR THE DETERMINATION OF AN ADMINISTRATIVE PENALTY (UNCONTESTED): ERF 14621 and 14622 KNYSNA

1. APPLICATION OVERVIEW

1.1. PURPOSE OF THE APPLICATION AND APPOINTMENT

This application relates to the following properties:

- Erf 14621 Knysna, and
- Erf 14622 Knysna.

The main purpose of this memorandum is to obtain approval for the '*uncontested determination of the administrative penalty*' to allow the continued existence of the as-built structures on the respective properties. The purpose for submitting a combined application for administrative penalty instead of separating the two is due to the fact there is a pending consolidation application which is meant to run hand in hand with this application. If the consolidation application were to succeed, the two properties involved would by any means become one.

These properties are in Concordia West along Concordia Road, approximately 3,5m north-east (*as the crow flies*) of the Knysna main commercial and administrative centre. These properties are affectionately known by the Concordia community as "the Gym" (The Body Fitness Club) and "Popshop" (Pop in Shop). A wide-angle locality map and a more detailed version (local locality map) are attached as **Annexure A** and **B** respectively.

The applicant, Mr Seretse Mthembu of Daimcon Personnel CC, was appointed to prepare and submit the current application by Mr and Mrs Xolani, the joint property owners as per power of attorney attached as **Annexure C**.

The purpose of the appointment is to obtain approval for the determination of an Administrative Penalty in respect of the following:

- **Portions of as-built structures encroaching building lines i.e.**

	ERF No.	ERF SIZE (m²)	BUILDING EXTENT (m²)	AREA OVER BUILDING LINES (m²)
1	14621	271 m²	146,635	26,614
2	14622	271 m²	154,81	31,697
	Total			**56,537**

- **The unauthorised usage of the as built structure on the subject erven being as follows:**

	ERF No.	PROPER USE (legal per current zoning)	CURRENT USE (illegal per current zoning)	AREA OF SITE ILLEGALLY USED (m²)
1	14621	Single residential	Gymnasium	146,635
2	14622	Single residential	Tavern	154,81

This application forms part of a comprehensive application to obtain approval for the rezoning of the two properties from '**Single Residential Zone II**' to '**Business Zone II**' for the purpose of a '*place of assembly*' and '*place of entertainment*' in line with their historical use, and the consolidation of same in order to allow them to be administered as a single entity under the joint ownership of the Xolani family. The proposal also, as it will be noted, triggers applications for permanent departure and consent use as mandatory secondary requirements in terms of planning by-law.

1.2. APPLICATION BACKGROUND

At the time of the preparation of this report no records could be found within the town planning or building control files at Knysna Municipality relating to the subject properties. Therefore, every document that is being submitted as part of this application shall henceforth form the base information upon which future applications could be submitted. Attempts to obtain information from several secondary sources relating to the properties in question were made, and such information will be unpacked in the following paragraphs.

For instance, according to the General Plan No. 5087/2004 (**Annexure D**) the two erven in question were approved by the Surveyor-General on 3 November 2004 as part of the subdivision of the larger Erf 14307 Knysna. Erf 14307 Knysna is effectively a consolidation of Erven 14304, 14305 and 14306 Knysna. These properties can trace their origins back to the original Farm Melkhoutkraal which was acquired by George Rex in the early 1800s. The farm was subsequently regranted to George Rex in 1816 as a perpetual quitrent.

Later in 1825, the village of Knysna was founded and in 1890 Erf 214 (which formed part of the original Melkhout Farm) was acquired by the municipality of Knysna. Erven 214, 243, and 5043, which are essentially the parent properties to the subject erven, all trace their origin back to the George Rex regrant of 1816, thus forming part of the Melkhout Farm.

The subject properties are currently located within the area, commonly referred to as Concordia West. It is noted that, prior to year 2000, the area within which Concordia West is located consisted of an informal settlement on unsubdivided and unsurveyed municipal land. Concordia West was, subsequently, designated as a less formal township on or about the year 2000, as part of the Knysna Vision 2002 project. The Knysna Municipal Vision 2002's aims were to upgrade and provide the necessary civil infrastructure for the provision of low-income houses and to, furthermore, upgrade the existing informal settlements situated in Knysna's Northern areas. This was followed by the approval of its spatial layout and subsequently the approval of the general plan in 2004, followed by the implementation of the housing project. It is noted that the focus in relation to Vision 2002 was the upgrading of the Knysna's Northern areas with the focus largely being the laying out of infrastructure for and the rollout of RDP housing to the communities of the northern areas. Naturally, most properties were granted a residential zoning irrespective of whatever the pre-existing land use – especially non-residential uses – may have been in place at the time.

Given the current proliferation of informal businesses and non-residential land uses in the area, it is not unreasonable to ascribe the situation to the unintended consequences of excessive focus on housing delivery, with insufficient focus being directed towards the provision for complementary non-residential land uses e.g. business sites, public open spaces and other community-related facilities – including those that had been well-established at the time.

Given that buildings and land uses on the subject properties were established on municipal commonage land (on portions of Erf 14304, 14305 and 14306 Knysna) their ownership remained with the Knysna Municipality from the date of establishment in 2004, until they were sold and legally registered to the current owners in 2020. At the time of transfer these properties were already utilised for business purposes, i.e. tavern and gym.

1.1. PROPERTY PARTICULARS

The table below provides a snapshot of the basic particulars of the subject property.

PROPERTY PARTICULAR	DESCRIPTION
Cadastral Description	Erf No. 14621 and 14622 Knysna, in the Municipality and Division of Knysna, Province of the Western Cape
Location	Concordia Road, Concordia West, Knysna (**Annexure A** and **B – Locality Map**)
Vehicular & pedestrian access	Concordia Road
Property size	271 m² (each)
Ownership	Thembalethu and Diketso Adelaide Xolani
Title deed number	Deed of Transfer No. **T43800/2020** and **T43801/2020** (**Annexures I** and **J**

	respectively)
Title deed restrictions	*None that have a bearing on the subject application.*
Bondholder	N/A
General Plan No.	G. P. No. 50872004 (**Annexure D**)
S. G. Diagram No.	N/A
Zoning	Residential Zone II (**Annexure K – Zoning Map**)
Land use	Business – Gymnasium (14621) and combined Restaurant and Liquor Store (14622)

Table 1: Property particulars

1.2. EXISTING DEVELOPMENT ON SITE

A survey of the site which was recently conducted been conducted (November 2024) by Eden Geomatics Topographical and Engineering Surveys is presented in **Annexure E** and **Figure 1** below.

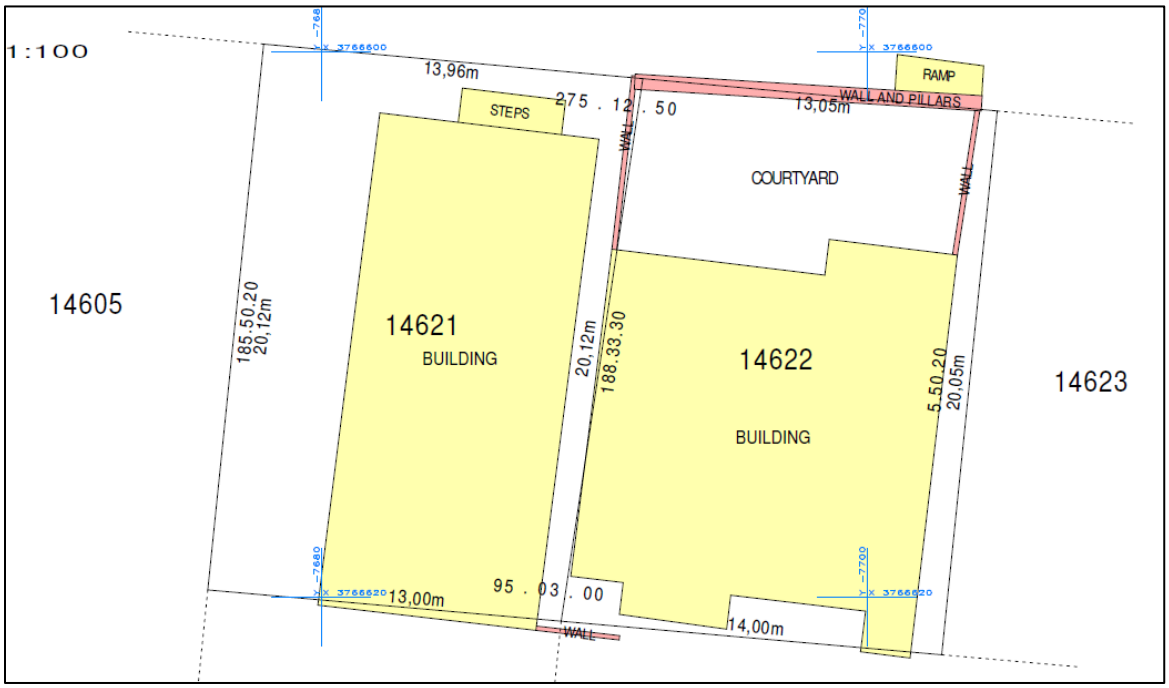


Figure 1: Extent of existing development on both sites

On Erf 14621 the development consists of a ±146,64m² building (as per surveyed site plan) which is being used as a gymnasium known as The Body Fitness Club. As can be observed on the site plan, a portion of the building slightly encroaches the rear boundary onto Erf 14604 Knysna. An application for exempted subdivision aiming at the consolidation of the portion of Erf 14604 Knysna being encroached on by the gymnasium building on Erf 14621 Knysna was approved on 24 July 2025. The approval letter is attached as **Annexure L**. The boundary wall which traverses both Erf 14606 and 14603 is to be summarily demolished before building plans to formalise the as-built structures can be submitted.

The image below represents the frontage of both properties, and the gym building can be clearly identified as a white structure towards the left end of the image.

Figure 2: Gym building on Erf 14621 Knysna (red) and Liquor Store / Restaurant (yellow)

The interior orientation of the gymnasium can clearly be identified in the photo below.

Figure 3: Interior view of the gym

In respect of Erf 14622, the property is developed with a building which is split into two. The main portion is used as a liquor store whilst the secondary section is used as a restaurant / eatery. Both these uses fall under the description of a '*place of entertainment*.' The restaurant serves local cuisines to residents and often takes orders for delivery in and around the Knysna town and environs.

A closer view of the *place of entertainment* consisting of spaces for liquor sales and for catering services (tavern) can clearly be identified in the photo below.

Figure 4: Erf 14622 Courtyard indicating Liquor Store (red) and Restaurant (yellow)

No copies of approved plans could be found with the current owner or in the municipality's building control records. However, the erven to which this proposal relates, and the outline of the building work thereon are indicated on Drawing Number K14621-2SP prepared by Eden Geomatics dated November 2024 (**Annexure E**). Detailed drawings indicating floor layouts indicating the current use of various portions of each building are also attached to this report. The detailed drawings were prepared by **X-Cube Designs (Dwg. No. POP-SHOP 021/KNY-A dated November 2018)** and **Thank.X.Cube (Dwg No. LAD 01 – LAD 03 dated 2 December 2024)** are attached herewith as **Annexures F** and **G** respectively.

A copy of the completed application form is attached as **Annexure H**.

2. PURPOSE OF THE REPORT

This report serves as an explanatory memorandum and motivation for the '*uncontested determination of an administrative penalty*' in terms of Section 15.2(r) read with S.93(3) of the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021. As indicated earlier, this application is to be considered together with applications for rezoning, consolidation and permanent departure that preceded the submission of the current application.

As indicated on the architectural drawings, the total extent of encroachment is only **56,537**.

The following supporting documents are submitted:

Annexure A: Locality Map

Annexure B: Local locality

Annexure C: Power of attorney

Annexure D: General Plan

Annexure E: Site survey plan

Annexure F: Architectural drawing (Tavern)

Annexure G: Architectural drawing (Gymnasium)

Annexure H: Application form

Annexure I: Title Deed for 14621

Annexure J: Title Deed for 14622

Annexure K: Zoning Map

Annexure L: Exempted subdivision approval

Annexure M: Consolidation diagram

Annexure N: Land Use Map

Annexure O: Area over building line (Erf 14621)

Annexure P: Combined Architectural Drawings for Erf 14621 & 14622

3. APPLICATION FOR AN ADMINISTRATIVE PENALTY

This application is submitted in fulfillment of Section 15.2(r), read with Section 93.3 of the Knysna Municipality Spatial Planning and Land Use Management By-Law, 2021.

Application is made on Erven 14621 and 14622 Knysna for the '*determination of an administrative penalty*' in respect of land use transgressions detailed in the following tables:

- **Portions of as-built structures encroaching building lines i.e.**

	ERF No.	ERF SIZE (m²)	BUILDING EXTENT (m²)	AREA OVER BUILDING LINES (m²)
1	14621	271 m²	146,642	24,840
2	14622	271 m²	165,081	31,697
	TOTAL			**56,537**

- **The unauthorised usage of the as built structure on the subject erven being as follows:**

	ERF No.	PROPER USE (legal per current zoning)	CURRENT USE (illegal per current zoning)	AREA OF SITE ILLEGALLY USED (m²)
1	14621	Single residential	Gymnasium	146,642
2	14622	Single residential	Tavern	165,081
	TOTAL			**311,723**

The architectural drawings relating to these transgressions are attached as Annexures **F** & **G** and more clearly in **Annexure P**.

A copy of the application form is attached as **Annexure I**.

Section 93.3 of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021) deals with the "administrative penalty" which reads as follows:

93 Contravention penalties

1) A person who is in contravention of this by-law, and who wishes to rectify the contravention in terms of section 87(2)(b), may apply to the municipality for the determination of an administrative penalty if the municipality has not issued a compliance notice in terms of sub-section 87(2)(a) in respect of the land or building or part thereof concerned.

2) The Municipal Planning Tribunal may, where any person has contravened this by-law:

a) decide to impose an administrative penalty; and

b) determine the amount of the penalty.

3) A person making an application contemplated in sub-section (2) must:

a) submit an application;

b) pay the prescribed fee; and

c) provide the information contemplated in sub-sections (8) and (9).

4. CALCULATION OF ADMINISTRATIVE PENALTY

4.1. Section 86(4) of the Knysna Planning By-law

This sub-section makes provision for the local authority to adopt fines and contravention penalties to be imposed in the enforcement of this by-law.

According to the Planning and Development: Land Use Management application fees *2025/2026* the fee for the submission of a rectification of contravention fee (administrative penalty) fee is calculated as 50% of the tariff of the relevant application required for legalisation of the land use i.e.

- **Determination of Administrative Penalty Fee: R 3 427.75**

  being

- **50% of R 6 855.50**

  The R 6 855.50 being made up of the following fees

- **R294.82 (consent use),**

  R4523.42 (rezoning),

  R2037.26 (consolidation)

  R0.00 (departure)

4.2. Levy rate (unauthorised building work)

The levy rate (buildings) is calculated as 50% of the value of the ordinary plan fee applicable to the contravention portion of the building.

According to our measurements, the contravening portions of the as-built structures is as per the following table.

	ERF No.	ERF SIZE (m²)	BUILDING EXTENT (m²)	AREA OVER BUILDING LINES (m²)
1	14621	271 m²	146,642	24,840
2	14622	271 m²	165,081	31,697
	TOTAL			**56,537**

The cost of unauthorized building work has been calculated as per the following table.

ERF No.	EXTENT OF BUILDING WORK (m²)	COST PER m²	TOTAL COST OF BUILDING WORK
14621	24.840	R3 000.00	R74 520.00
14622	31.697	R3 000.00	R95 091.00
TOTAL	**56.537**	**R3000.00**	**R142 611.00**

4.3. Levy rate (unauthorised land use)

The cost of unauthorised land use has been calculated according to the following table.

ERF No.	AREA USED UNLAWFULLY (m²)	VALUATION OF SITE PER m²	TOTAL VALUATION OF AREA USED UNLAWFULLY
14621	146,642	R1 450,18	R212 657.30
14622	165,081	R1 542.44	R254 627.54
TOTAL	**311,723**	**R2992.62**	**R467 284.84**

Additionally, Paragraph 8 of the Planning and Development: Land Use Management Application fees (2025/2026) require the payment of up to and not more than 100% of the value of the building, construction and engineering work unlawfully carried out in respect of unauthorised building work contravening the zoning scheme.

4.4. Calculation of the Levy Rate (Building Control)

The Levy Rate has been calculated as per the below steps:

- Total Contravening portion: **56.537m²**
- Building Control Scrutiny fee: **R1026.73 (R 922.60 + 104.13)**
- 50% of scrutiny fee: **R513,37**
- Proportional cost of building works (including cost of engineering) in respect of the as-built transgressions (***56,537 m²***): **R142 611.00** (total cost of the encroaching portions of the additions **@ R3000,00 / m²**)

- **<u>Total cost of building work (inclusive of Building Control Levy Rate): R143 124,37</u>**

To give effect to the calculations above, please refer to the table below taken from Tariffs, charges and fees for 2025/2026 MTREF.

Item	Details	Frequency Measure Occasion	Tariff 2024 / 2025 (15% Vat Incl.)	Tariff 2025 / 2026 (15% Vat Incl.)	% Increase
15.1.1.1	Where gfa (after additions) up to 50m2	Minimum Scrutiny Fee	R884.56	922.60	4.3%
15.1.1.2	Where gfa (after addition) from 51m2 to 100m2	Per m2	R15.28	R15.93	4.3%

Figure 5: Tariffs, charges and fees for 2025/2026 MTREF.

4.5. Total cost of unauthorised building work and land use

COST DRIVER	COST
Building Work	R143 124,37
Land Use	R467 284.84
TOTAL	**R610 409.21**

5. Consistency with Section 93(9) of the Knysna Municipal Planning By-law, 2021

Section 93(9) prescribes a set of factors that must be considered by the Knysna Municipality when considering an appropriate administrative penalty. These factors are dealt with on a point basis below.

(a) The nature, duration, gravity and extent of contravention:

The as-built structures constituting Gymnasium and Tavern have existed in various shapes and forms from as early as 1998. For instance, the building currently used as a gym on Erf 14621 Knysna initially served as a local convenience shop. The shop was later converted into a gym in 2020. The Tavern on Erf 14622 Knysna had operated as local shebeen prior to 1998. From then on It underwent various renovations and it was formally converted into a tavern shortly after the turn of the century and underwent further renovations slightly before the 2010 Soccer World Cup.

The land uses on site evolved organically to serve the immediate needs of the surrounding communities that serve and have always been in tune with the rhythm of the transformation of the vicinity area. The extent of the contravention, as it were, could only be minimal in as far as their impact aligns with the nature and character of the area. Furthermore, the uses themselves have evolved alongside the transformation of the area from purely an informal settlement to a more formalized settlement. The formalization of these uses is well within the development pace of the area.

(b) The conduct of the person involved in the convention:

The current property owner acquired the properties from the Municipality at the beginning of 2020. From the date of acquisition until recently there are no records of the owner getting in conduct that is discordant with laws and other regulations administered by the Municipality. Instead, the property owner has sought services of professional surveyors, architectural practitioners, and Town Planning consultants to drive the project of obtaining all necessary authorisations for all existing structures and associated land uses on site. It is therefore our considered view that the conduct of the property owner should be considered exemplary and worthy of being emulated. The current application for rezoning, consolidation, departures and consent use act as perfect examples of the steps that the property owner has embarked on to comply with the local laws and customs.

The owner is amenable to any penalties that the local authority may deem appropriate, trusting that these would reflect the constitutional imperatives of fairness and justice.

(c) whether the contravention was stopped

The operations on the subject erven in the form of the gym and tavern are currently still in operation and have not been discontinued. The structures within which these land uses are conducted, which also offend building line parameters, are also in place. No instruction has been received by any authorized body to cease the

unauthorised land use or demolish the offending structures. In addition, the portions of the buildings over the building line were already in in existence when the approval of the general plan in 2004 was made by the Surveyor-General – including some of the non-residential land for which approvals are requested per the current application. In other words, the property owner has not contravened any direct instruction from the local authority.

(d) whether a person involved in the contravention has previously contravened this by-law or a previous planning law

No records have been found as evidence that the current owners once contravened some local authority regulations applicable within the municipal area of Knysna – and specifically Concordia West. Transgressions on the property can only be narrowed down to the as-built structures for which application is being made. These structures were by and large already in existence prior to the transfer of the property onto the current owners' names in 2020. This was more than ±22 years after the structures in question and related land uses (with the convenience shop being replaced by the gym) had been in place.

Under the circumstances it is our view that the actions that have been undertaken by the property owner to legalise the contravention should at the very least be commended, and the as-built structures condoned.

6. PROPOSED ADMINISTRATIVE LEVY AMOUNT

Considering the motivating statements under Paragraph 4.3 and the fact that the determination of the applicable penalty is uncontested, we would like to further propose that the penalty be governed at **R29 000.00** (i.e. **R5 000.00** in respect of unauthorised building and **R24 000.00** in respect of unauthorised land use). Further to the proposed levy amount, it is proposed that regard be had to the following factors:

- The structures and associated land uses predate the approval of the general plan (2024) and the subsequent allocation of the zoning of Single Residential Zone II (2020). The building lines that the structures are contravening did not exist when the structures were erected.

- Given that the subject properties had been used for non-residential purposes prior to the allocation of the residential zoning on the properties, and since no RDP houses were built on the erven in question, it is our view that current zonings are inaccurate and may have been a result of a bona fide error which occurred when the current zoning map and register were constructed.

- The subject structures are not known by either the local authority or the surrounding property owners to have prevented the affected neighbouring property owners from fully enjoying the beneficial use and enjoyment of their properties.

- The owner of the Erf 14604 Knysna has already granted permission for the adjustment of boundaries between the Erf 14621 and 14604 Knysna.

- The structures cannot be considered unsightly, or objectionable and are, in all probability, not a nuisance to the occupiers of adjoining or neighbouring properties.

- The property owner has elected '***not to contest the determination of the penalty.***'

With due regard having been given to *inter alia* the above factors, it is our legitimate expectation that the tribunal will consider the administrative penalty application and motivation accordingly. It is our submission that the as-built structure serves an important purpose without being intrusive to the ordinary comfort and convenience of the adjacent property owners. In this regard it is our proposal that the Knysna Municipal Planning Tribunal confines the penalty to **R5000.00** as is the local norm with uncontested applications.

7. CONCLUSION

It is our contention that the nature of contraventions has no negative impact on the surrounding property owners' safety, health or welfare and the property owner has done all that necessary and appropriate to comply with other planning and zoning scheme by-laws. It is therefore our contention that this report, read with the application for the temporary and permanent departures submitted as the first installment provides compelling factors to the effect that the as-built structures do not lack desirability. To that end it is our proposal that the Knysna Municipality considers this application in a positive light and that the owner be afforded the opportunity to pay the permissible minimum levy given the history of the building work and the property owner's election to and undertaking to suspend any challenge relating to the payment of the uncontested penalty fee.

SPECIAL POWER OF ATTORNEY

I, **THEMBALETHU XOLANI** and **DIKETSO ADELAIDE XOLANI**, the registered owners of the under-mentioned properties, do hereby nominate, constitute and appoint **Seretse Mthembu (ID No. [redacted]) of Daimcon Personnel CC** with power of substitution to be our lawful representative in our name, place and stead to make any necessary Town Planning applications in order to obtain local authority approvals in respect of **ERF 14621** and **14622 KNYSNA**, including the following:

(a) To make any other necessary applications and further to represent me/us in any enquiry or inspection and hearing in relation to the aforementioned matters and generally do whatever may be necessary or desirable to procure Town Planning approvals, authorisations and related matters on the said land;
(b) To alter and amend the application(s) as may be required from time to time, or to withdraw it;
(c) And generally for effecting the purposes aforementioned, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our representative shall lawfully do or cause to be done, by virtue of these presents and whatever our said representatives have to date done herein.

1. **SIGNATURE** _____ **ON THIS THE** 26 **DAY OF** November **2024**

and

2. **SIGNATURE** _____ **ON THIS THE** 26 **DAY OF** November **2024**

In the presence of the under-signed witnesses.
AS WITNESSES:

1. .....
2. .....

NANDI BULABULA INCORPORATED Attorneys & Conveyancers
11
Tel: (044) 533-6721

DEED OF TRANSFER

In Favour of

T. XOLANI

AND

D.A XOLANI

In respect of ERF 14621 KNYSNA

NANDI BULABULA INCORPORATED
SHOP 20 & 21, UPPER MALL
FLORINA PLACE
MAIN STREET
PLETTENBERG BAY
6600
TEL: (044) 533-6721
FAX: (044) 533-5587

NANDI BULABULA ATTORNEYS
C/O SMITH TABATA BUCHANAN BOYES
8TH FLOOR, 5 St GEORGE MALL
CAPE TOWN
8000

Prepared by me

CONVEYANCER
NANDIPA BULABULA
LPCM 88360

36 528.00
39,00

1-4
1

T 000043800 / 2020

DEED OF TRANSFER

(In terms of the provisions of Section 9(1) of Act 113 of 1991)

Whereas I, **LOUIS ADRIAN SCHEEPERS**

in my capacity as Acting Municipal Manager duly authorized to act on behalf of Knysna Municipality

do hereby declare that

KNYSNA MUNICIPALITY

legally sold the undermentioned on **14 November 2019** for the amount of [redacted]

Now therefore I hereby cede and transfer, the State, however, reserving its rights to and on behalf of

THEMBALETHU XOLANI
IDENTITY NUMBER: [redacted]

And

DIKETSO ADELAIDE XOLANI
IDENTITY NUMBER: [redacted]
Married in community of property to each other

His/Her/Their Heirs, Executors, Administrators or Assigns,

In full and free property

ERF 14621 KNYSNA, in the Knysna Municipality, Division Knysna, Province of the Western Cape.

IN EXTENT: 271 (Two Hundred and Seventy One) Square Metres

AS WILL APPEAR from General Plan No. 5087/2004 and held by Certificate of Consolidated Title No. T40670/2015

A. **SUBJECT** to the conditions referred to in Certificate of Registered Title No. T40669/2015

B. **SUBJECT FURTHER** to the Servitude referred to in Deed of Transfer No. T834/1941.

C. .....

D. .....

E. .....

F. .....

G. .....

H.

I. .....

II. SUBECT to the conditions referred to in Deeds of Transfer No 99037 dated 11th June 1952 and No 16304 dated 6th October 1952.

III.

(A) .....

(B) .....

(C) .....

(D) **SUBJECT FURTHER** to the conditions contained in the following endorsement dates 3rd May 1985 on Deeds of Transfer No T10272/1979, No T13853/1980, No. 9037/1952, No.2639/1972, No. 16304/1952 and No. T27528/1979 namely –

Remainder

By Deed of Transfer No. T15692/1985 the remainder of the within property meas. 438,9785 hectares is subject to the following conditions imposed by the Administrator in terms of Section 9 Ordinance 33/194 viz:

1) The owner of this erf shall, without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven to be conveyed across this erf, if deemed necessary by the Local Authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

2) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority."

(E) .....

SIGNED AT KNYSNA on this 2ND day of SEPTEMBER 2020.

TRANSFEROR/AGENT OF TRANSFEROR

in my presence

CONVEYANCER
NANDIPA BULABULA

Registered at CAPE TOWN on 15 DEC 2020

.....
REGISTRAR OF DEEDS

NANDI BULABULA INCORPORATED Attorneys & Conveyancers
11
Tel: (044) 533-6721

DEED OF TRANSFER

In Favour of

T. XOLANI

AND

D.A XOLANI

In respect of ERF 14622 KNYSNA

NANDI BULABULA INCORPORATED
SHOP 20 & 21, UPPER MALL
FLORINA PLACE
MAIN STREET
PLETTENBERG BAY
6600
TEL: (044) 533-6721
FAX: (044) 533-5587

NANDI BULABULA ATTORNEYS
C/O SMITH TABATA BUCHANAN BOYES
8TH FLOOR, 5 St GEORGE MALL
CAPE TOWN
8000

FEE
36 528.00
39.00

Prepared by me

CONVEYANCER
NANDIPA BULABULA
LPCM 88360

1-4
1

DEED OF TRANSFER

T 000043801/2020

(*In terms of the provisions of Section 9(1) of Act 113 of 1991*)

Whereas I, **LOUIS ADRIAN SCHEEPERS**

in my capacity as Acting Municipal Manager duly authorized to act on behalf of Knysna Municipality

do hereby declare that

KNYSNA MUNICIPALITY

legally sold the undermentioned on **14 November 2019** for the amount of [redacted]

Now therefore I hereby cede and transfer, the State, however, reserving its rights to and on behalf of

THEMBALETHU XOLANI
IDENTITY NUMBER: [redacted]

And

DIKETSO ADELAIDE XOLANI
IDENTITY NUMBER: [redacted]
Married in community of property to each other

His/Her/Their Heirs, Executors, Administrators or Assigns,

In full and free property

ERF 14622 KNYSNA, in the Knysna Municipality, Division Knysna, Province of the Western Cape.

IN EXTENT: 271 (Two Hundred and Seventy One) Square Metres

AS WILL APPEAR from General Plan No. 5087/2004 and held by Certificate of Consolidated Title No. T40670/2015

A. **SUBJECT** to the conditions referred to in Certificate of Registered Title No. T40669/2015

B. **SUBJECT FURTHER** to the Servitude referred to in Deed of Transfer No. T834/1941.

C. .....

D. .....

E. .....

F. .....

G. .....

H.

I. .....

II. SUBECT to the conditions referred to in Deeds of Transfer No 99037 dated 11th June 1952 and No 16304 dated 6th October 1952.

III.

(A) .....

(B) .....

(C) .....

(D) **SUBJECT FURTHER** to the conditions contained in the following endorsement dates 3rd May 1985 on Deeds of Transfer No T10272/1979, No T13853/1980, No. 9037/1952, No.2639/1972, No. 16304/1952 and No. T27528/1979 namely –

Remainder

By Deed of Transfer No. T15692/1985 the remainder of the within property meas. 438,9785 hectares is subject to the following conditions imposed by the Administrator in terms of Section 9 Ordinance 33/194 viz:

1) The owner of this erf shall, without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven to be conveyed across this erf, if deemed necessary by the Local Authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

2) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority."

(E) .....

SIGNED AT KNYSNA on this 2ND day of SEPTEMBER 2020.

TRANSFEROR/AGENT OF TRANSFEROR

in my presence

CONVEYANCER
NANDIPA BULABULA

Registered at CAPE TOWN on 15 DEC 2020

.....
REGISTRAR OF DEEDS

LOCALITY MAP

ERF 14621 & 14622, CONCORDIA ROAD, CONCORDIA WEST, KNYSNA

SCALE: NTS

Collab. Ref.: 2592558
File Ref.: Erf 14604, 14621 & 14622 Kny
JH Smit

Knysna
Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

2025-07-24

Via Electronic Mail

Mr Seretse Mthembu
Daimcon Personnel Collaborative
No. 1 Fourth Street, Dinangwe
Concordia East
KNYSNA
6570
E-mail Address: seretsem@gmail.com

Dear Sir,

ERF 14604, 14621 & 14622 KNYSNA: REQUEST FOR AN EXEMPTION CERTIFICATE (BOUNDARY ADJUSTMENT) IN TERMS OF SECTION 24 OF THE KNYSNA MUNICIPALITY: SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW (2021)

Your electronic correspondence dated 25 June 2025 refers.

The following documentation supplied by the applicant has reference to this correspondence:

[1] Subdivision and Consolidation Diagram to be endorsed;
[2] Proof of Payment of Exemption Application Fee;
[3] Power of Attorney and Company Resolutions;
[4] Motivation and request for confirming exemption in terms of Section 24 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021).

It is herewith confirmed that the endorsement of the attached Subdivision and Consolidation Diagram No. K14621-2SP, as contemplated in terms of Sections 24(1)(a) and (c) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), is exempted in terms of Section 24(2) of the By-law.

Kindly furnish our office with a copy of the approved Surveyor-General diagram or plan, once it is available.

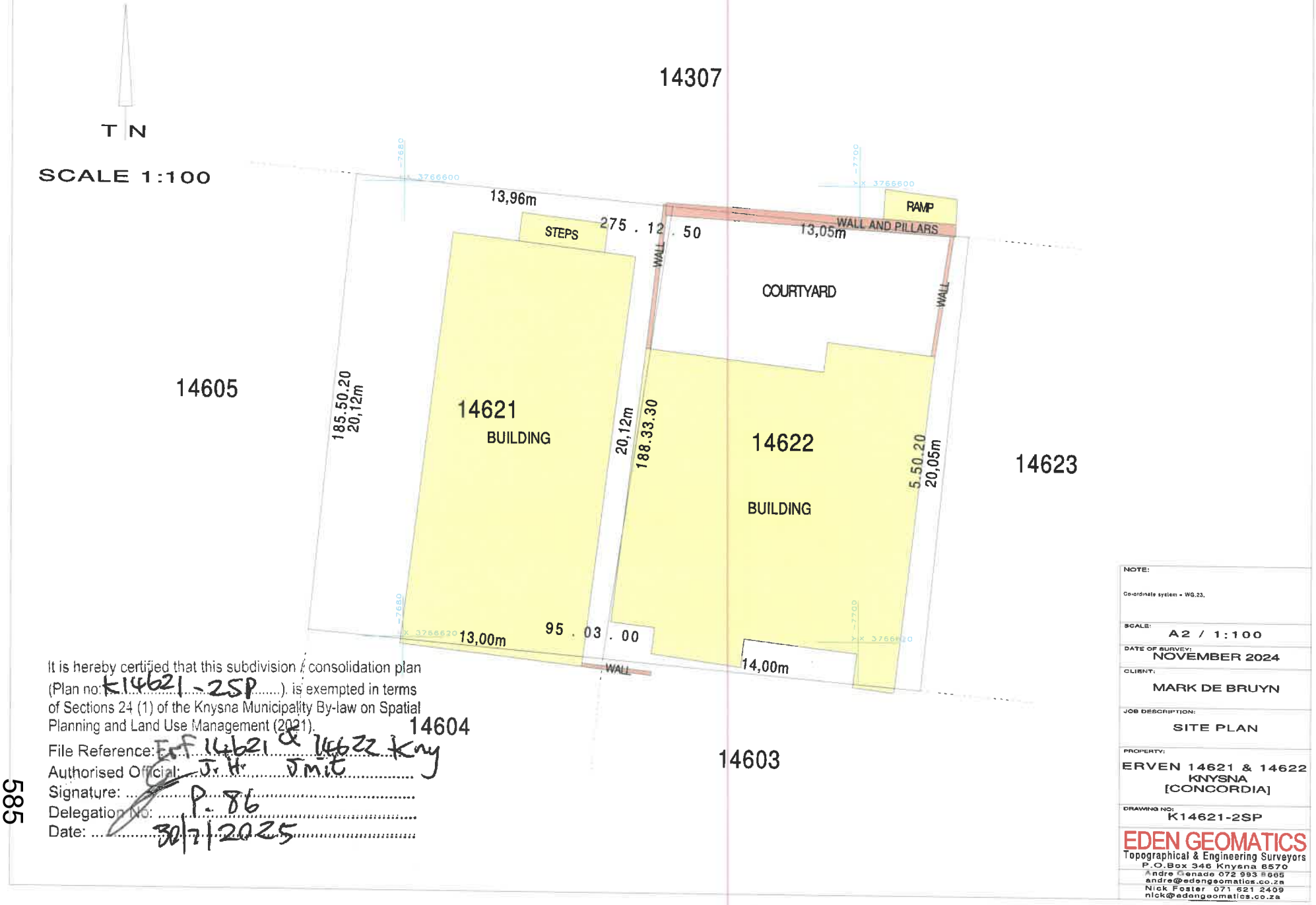
This decision has been taken by the Manager: Land Use Management, under authority delegated in terms of *Delegation P.86* of Council's register of delegated powers of decision making, dated 31 August 2022.

Should you have any further enquiries, please contact the Manager: Land Use Management, Mr. Hennie Smit on telephone number: 044-302-6319 or via e-mail address: hsmit@knysna.gov.za .

Yours faithfully

J.H. SMIT
MANAGER: LAND USE MANAGEMENT
/hs
Delegation P.86

cc Finance: GIS Officer
Finance: Revenue Services – B Kova



It is hereby certified that this subdivision / consolidation plan (Plan no: K14621-2SP). is exempted in terms of Sections 24 (1) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021).

File Reference: Erf 14621 & 14622 Kny
Authorised Official: J. H. Smit
Signature: [signature]
Delegation No: P. 86
Date: 30/7/2025

NOTE:
Co-ordinate system = WG.23.

SCALE: A2 / 1:100

DATE OF SURVEY: NOVEMBER 2024

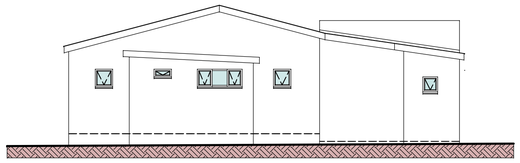
CLIENT: MARK DE BRUYN

JOB DESCRIPTION: SITE PLAN

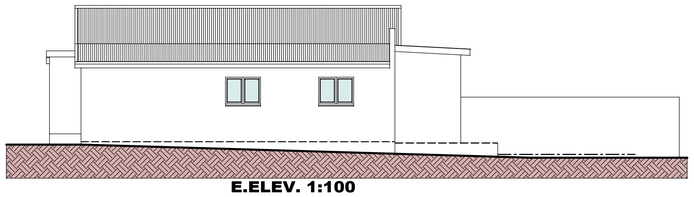
PROPERTY: ERVEN 14621 & 14622 KNYSNA [CONCORDIA]

DRAWING NO: K14621-2SP

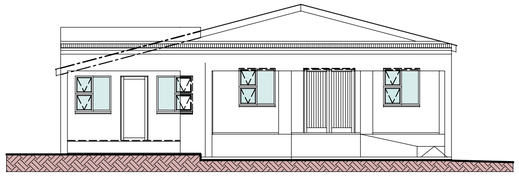
EDEN GEOMATICS
Topographical & Engineering Surveyors
P.O.Box 346 Knysna 6570
Andre Grenade 072 993 8665
andre@edengeomatics.co.za
Nick Foster 071 621 2409
nick@edengeomatics.co.za



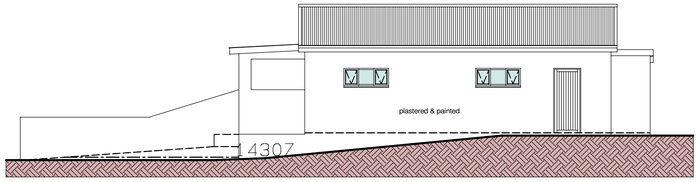
S.ELEV. 1:100



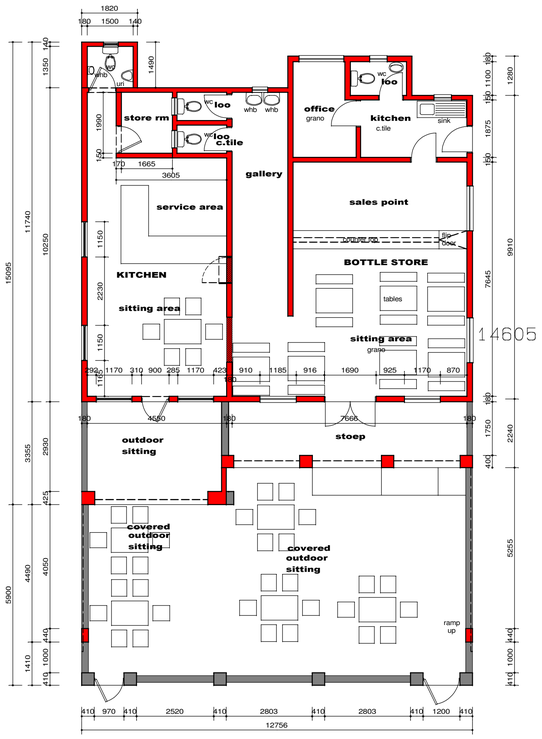
E.ELEV. 1:100



N.ELEV. 1:100

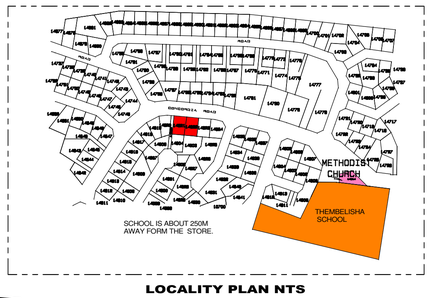


W.ELEV. 1:100



GROUND FLOOR PLAN 1:100

SITE PLAN 1:100



LOCALITY PLAN NTS

NOTES

MUNICIPAL BY-LAWS AND THOSE OTHERS AFFECTED AUTHORITES MUST BE ADHERED TO

POSITION OF BOUNDARY PEGS TO BE CHECKED BY A REGISTERED SURVEYOR .

ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE TO BE CHECKED BY THE CONTRACTOR ON SITE BEFORE COMMENCING WORK AND ANY OF DISCREPENCIES TO BE REPORTED TO THE AUTHOR /ARCHITECT IMMEDIATLY.

NEVER SCALE THIS DRAWING ON SITE BUT RATHER USED FIGURED DIMENSIONS & REFER TO DETAILS

ALL WORKS TO BE DONE IN ACCORDANCE TO NBR SANS 10400 AND SANS 10400- XA REQUIREMENTS

ALL BRICK CAVITY WALLS BELOW FLOOR FINISH LEVEL TO BE FILLED WITH CONCRETE AND DPC TO BE STEPPED

ALL PLUMBING TO BE INSTALLED BY A PLUMBER REGISTERED/COMPETENT.

ALL HOT WATER PIPES TO BE INSULATED AS PER SANS 10254 & 10252-1 REQUIREMENTS , AND TO MEET MUNICIPALITY BY-LAWS.

ENGINEER TO BE APPOINTED FOR ANY STEEL , TIMBER & CONCRETE STRUCTURAL WORKS AND NO SITE AMMENDMENT TO BE DONE WITHOUT ARCHITECTS APPROVAL.

HEALTH & SAFETY INSPECTOR TO BE APPOINTED BY THE CONTRACTOR/CLIENT BEFORE ANY WORK STARTS ON BUILDING SITE.

THIS DRAWING BELONGS TO X-CUBE DESIGNS & THE COPYRIGHT THEREOF IS STRICTLY RESERVED BY THEM .

A COMPETENT PERSON IS TO BE APPOINTED FOR ELECTRICAL & MECHANICAL WORKS AS PER SANS REQUIREMENTS AND MUST BE ON LA DATABASE.

ALL INSTALLATIONS TO BE DONE DONE AS PER REQUIREMENTS OF THE L.A AND SANS 1025.1, 10400 AND 10254:2012.

ANY DEVIATION FROM APPROVED DRAWINGS EXEMPT THE ARCHITECT/AUTHOR FROM ANY LIABILITY THEREOF.

CLIENT'S SIGNATURE.....

ARCHITECT'S SIGNATURE .....

X-CUBE DESIGNS

PROFESSIONAL & INTELLIGENT SPACE DESIGNS

SACAP REG No PAD21059

UNIT 19A PLEDGE SQUARE
48 MAIN ROAD CBD
KNYSNA
6571

CELL: +27 (0)71 341 8641
TEL/FAX:
EMAIL: xcincube@gmail.com
xcubedesigns01@gmail.com

This drawing is the property of X-CUBE DESIGNS and may not be copied without prior consent of the owner

Client

SHOP
POP-SHOP

drwg description

LIQUOUR BOARD SUBMISSION

Project

AS-BUILT KITCHEN AND BOTTLE STORE ON ERF 14622 CONCORDIA
POP SHOP
MUNICIPALITY

Occupancy Classification

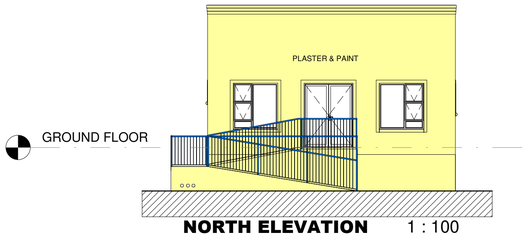
H4

ckd	date	drn	rev	sht - size
AUTHOR	NOV 018	XOLANI	A0	1 OF 1-A1

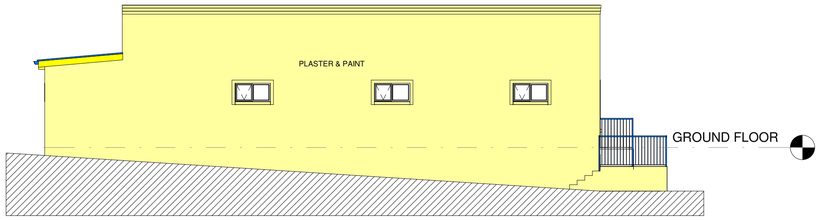
drwg number

POP-SHOP 021/KNY-A

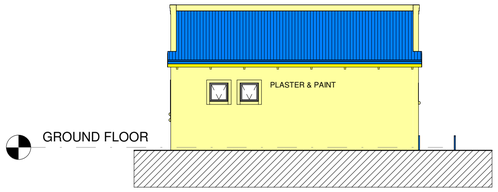
Copyright ©



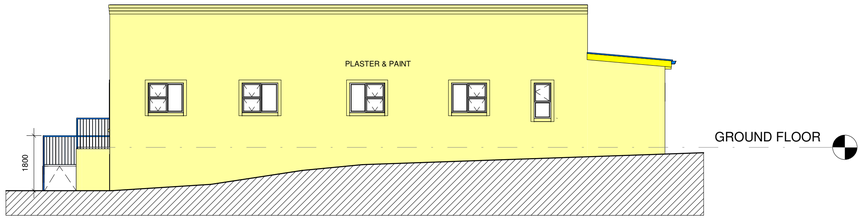
NORTH ELEVATION 1 : 100



EAST ELEVATION 1 : 100



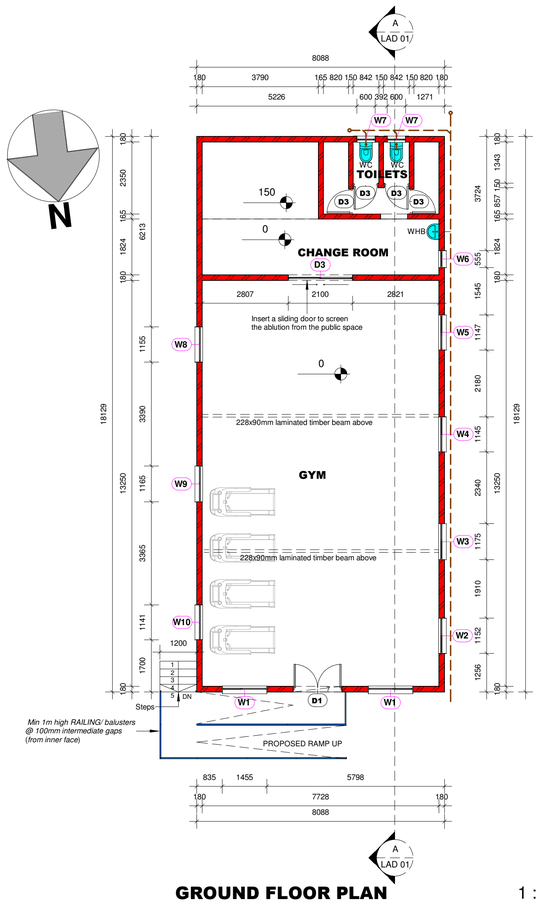
SOUTH ELEVATION 1 : 100



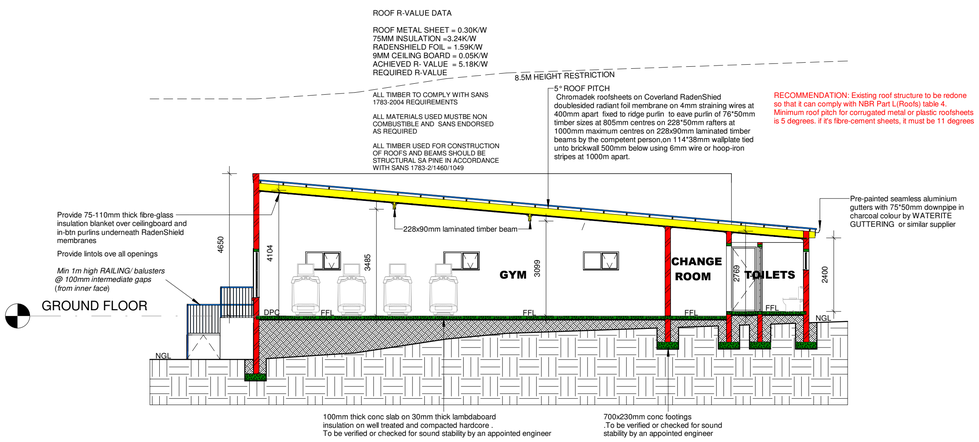
WEST ELEVATION 1 : 100

ROOF ASSEMBLY THERMAL

ROOF TO BE ENDORSED BY ENGINEER According to SANS10400-XA and SANS204 to min. thermal resistivity value is as follows:			
METAL ROOF SHEETING			
NOTES	Climate Zone	Total Required resistivity R=(m².K/W)	Direction
Total R-Value is a combination of roof assembly + INSULATION	4	3,7 (min required)	UP
R-Value of roof & ceiling material calculated for metal roof sheets & rhinoboard ceiling		0.4	
MINIMUM ADDED R-VALUE OF INSULATION (m².k/w)		3.3	



GROUND FLOOR PLAN 1 : 100



SECTION A-A 1 : 100

IMAGE OF THE BUILDING (NTS)

NOTE **A1**

* municipal by-laws and those other affected authorities must be adhered to.
* positions of pegs/ site boundaries must be checked by a registered land surveyor
* all dimensions and levels on the building site must be checked by the contractor on site before commencing of works and any discrepancies to be reported to the author/ design architect prior commencing works.
* never scale this drawing on site but use figured dimensions and refer to details.
* all work to be done in accordance with NBR SANS 10400 XA requirements
* all cavity walls below floor finish to be filled with concrete and DPC to be stepped
* all plumbing to be installed by a registered/ competent plumber
* all hot water pipes to be insulated per SANS 10254 & 10252-1 and meet municipal by-laws
* strucutral engineer to be appointed for steel work, concrete and timber and no site amendments to be done without architects approval
* health & safety inspector to be appointed by the contractor/ client before commencement on site.
* information contained herein belongs to Authored architectural designs.
* COPYRIGHT is strictly reserved.
* competent person is to be appointed for all mechanical & electrical works as per SANS requirements and must be on LA database.

ALL INSTALLATIONS TO BE DONE AS PER LA, SANS 1025.1 , 10400 & 10254:2012 REQUIREMENTS
* ANY DEVIATION FROM APPROVED DRAWINGS EXEMPT THE ARCHITECT/ AUTHOR FROM ANY LIABILITY THEREOF.

No.	Description	Date

CLIENT'S SIGNATURE :

ARCHITECTURAL DRAUGHTPERSON'S SIGNATURE:

THANKOA & XCUBE
THANK.X.CUBE
FOR ALL YOUR BUILDING PLANS
ARCHITECTURAL STUDIO
PROFESSIONAL & INTELLIGENT SPACE DESIGNS

PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
XOLANI NCUBE
South African Council for the Architectural Profession
14:59 PM (Africa/Johannesburg) on 29 Mar 2023

CONTACT
c : 071 341 8641 - XOLANI
c : 083 227 6001 - THABISO
e-mail : thank.x.cube@gmail.com
MERRICK HOUSE 2nd FLOOR,12 LONG STREET, KNYSNA,6570

THIS DRAWINGS IS **COPYRIGHT** AND MAY NOT BE COPIED WITHOUT PRIOR CONSENT WITH THE AUTHOR.

PROJECT **BODY FITINESS CLUB**
CLIENT **THEMBALETHU & DIKETSO ADELAIDE XOLANI**

SCOPE **AS-BUILT BUILDING STRUCTURE**

CLASSIFICATION **A1**
ENTERTAINMENT AND PUBLIC ASSEMBLY

ERF 14621 CONCORDIA,KNYSNA

Drwg description
FLOORPLAN , ELEVATIONS AND SECTION

Scale	**1 : 100**
Project number	**CONC24-01**
Date	**2024_12_02**
Drawn by	**JN**
Checked by	**XN**
Drawing	**LAD 01**

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3320
REPORT AUTHOR	Sihle Phungula
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3320/2022
TELEPHONE NO.	044 302 6339
APPLICATION DATE	03 March 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 103 BRENTON

PART A: APPLICANT DETAILS	
Name & Surname	***Seretse Mthembu***
Company name	
SACPLAN registration number	***A/2210/2015***
Registered owner(s)	***Mark Thompson***
PART B: PROPERTY DETAILS	
Property description	***Erf 103 Brenton in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***1337m^2***
Physical address	***103 Watsonia Avenue, Brenton-on-Sea***
Area/Town	***Brenton***
Current zoning	***Single Residential Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Dwelling house***
Are there existing buildings on the property?	***Yes, dwelling house***
Title Deed number & date	***T50687/2023***
Any restrictive title conditions applicable?	***Yes***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Not Applicable***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☒	☐
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021),read with Section 93(1), for the following contraventions on Erf 103, Brenton :

1.1. The unauthorised land use of a "second dwelling" that exceeds 60m^2 in extent on a property zoned "Single Residential Zone I" of the Knysna Zoning Scheme By-law (2020).

1.2. The encroachment of the prescribed building lines as specified for "dwelling house" in the Knysna Zoning Scheme By-law (2020) by retaining walls.

2. BACKGROUND

2.1. The applicant stated that transgressions arose when certain building works were undertaken on Erf 103 Brenton, without obtaining the required planning approvals beforehand. These works included the construction of retaining walls and portions of a deck that encroaches over prescribed building lines as prescribed in terms of the Knysna Zoning Scheme By-law (2020), as well as the conversion of an approved outbuilding into a second dwelling, which is not compliant with the same by-law.

2.2. According to the applicant, the alterations to the outbuilding were minor and largely internal in nature, and the extent of the second dwelling only exceeds the permissible size marginally. In addition, the retaining structures were constructed due to the steep terrain and geotechnical conditions of the area, which necessitated such structures for site development.

2.3. The applicant has conceded that transgressions of the zoning scheme occur and accepts that a penalty may be imposed in respect of those transgressions. It is evident that these transgressions were intentional, as construction work was not stopped but continued to completion. The imposition of a penalty in accordance with the Council's approved tariff where an applicant concedes to the transgression is, therefore, considered reasonable.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	***R 5,000***
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	Not Applicable
(c) Repeat Offender	Not Applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	***R 5,000***
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully	Not applicable
(c) Repeat Offender	Not Applicable

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 10,000.00 be determined in accordance with Section 93(2), for the following contraventions on Erf 103, Brenton:

4.1. The unauthorised land use of a "second dwelling" that exceeds 60 m² in extent on a property zoned "Single Residential Zone I" of the Knysna Zoning Scheme By-law (2020).

4.2. The encroachment of the prescribed building lines as specified for "dwelling house" in the Knysna Zoning Scheme By-law (2020) by retaining walls.

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.

5.2. The administrative penalty for the encroachment of the prescribed building lines applies to the extent as shown on the plan numbered "House Quickleap-025Kny-Bos" dated February 2025.

5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation is as follows:

It is evident that the transgressions of the zoning scheme by way of an unauthorised use and building line encroachments were intentional. For this reason, and to encourage behaviour change towards compliance with the zoning scheme, the imposition of an administrative penalty in accordance with Council's approved tariffs is considered justified.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum*

ANNEXURE B: *Power of attorney*

ANNEXURE C: *Copy of title deed(s)*

ANNEXURE D: *Locality map*

ANNEXURE E: *Copies of approved building plan(s)*

ANNEXURE F: *Site plan(s)*

ADMINISTRATIVE PENALTY: ERF 103, BRENTON			
Author Name: SIHLE PHUNGULA Date: ***16/03/2026***		Author Signature:	
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1510/2012 Date: ***16/03/2026***		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Seretse Mthembu Town Planning
Urban Planners & Development Facilitators

No. 1 Fourth Street, Dinangwe
Concordia East
KNYSNA
6570

Cell: 0835834132
E-mail: seretsem@gmail.com
Tax No: 3357441140
WhatsApp: 0835834132

4 February 2026

Ref: 103 Bre

The Manager: Land Use Management
Knysna Municipality
PO Box 21
KNYSA
6570

Attention: Mr Hennie Smit

APPLICATION FOR THE DETERMINATION OF ADMINISTRATIVE PENALTY (UNCONTESTED): ERF 103 BRENTON

1. PURPOSE OF THE APPLICATION AND APPOINTMENT

This application relates to **Erf 103 Brenton** (referred to hereinafter as either "*the subject property*", "*the erf*", or simply "*the site*") which is located at 103 Watsonia Avenue, Brenton-on-sea (see **Annexure A – Locality Map**). This application is submitted by Seretse Mthembu on behalf of the property owners, Mr Mark Thompson, as per power of attorney attached as **Annexure B** and **C**.

The purpose for this appointment is to facilitate the approval of certain as-built structures which entail the following:

- The as-built retaining walls which can be identified on the architectural drawings per the following characteristics (clock-wise):-
    - A 14,612m² retaining wall within 0m of the street boundary,
    - A 18,50m² portion of an as-built deck within 1,177m of the street boundary,
    - A 1,484m² portion of an as-built deck within 1,80m of the western lateral common boundary adjacent to Erf 104 Brenton.
    - A 2,816m² portion of retaining wall within 0,348m of the western lateral common boundary adjacent to Erf 104 Brenton.
    - A 0,983m² portion of retaining wall within 1,123m of the western lateral boundary adjacent to Erf 104 Brenton.
- The conversion of an approved outbuilding consisting of a garage, servant's room, laundry and store into a second dwelling measuring 70,72m².

Other improvements that include portions of retaining walls, a garden shed and two water tanks do not require town planning approval.

The following documents are attached in support of the subject application:

Annexure A : Locality map

Annexure B	:	Power of Attorney (Anel Thompson)
Annexure C	:	Power of Attorney (Mark Thompson)
Annexure D	:	Architectural drawings
Annexure E	:	Application form
Annexure F	:	Title Deed
Annexure G	:	Bondholder's Consent
Annexure H	:	General Plan
Annexure I	:	Approved Building Plans

2. PROPERTY PARTICULARS

The following table offers a snapshot of the basic particulars of the subject property.

PROPERTY PARTICULAR	DESCRIPTION
Cadastral Description	Erf No. 103 BRENTON, in the Municipality and Division of Knysna, Province of the Western Cape
Location	No. 103 Watsonia Avenue, Brenton-on-sea, Knysna (**Annexure A – Locality Map**)
Vehicular & pedestrian access	Watsonia Avenue
Property size	1337 m²
Ownership	Mark Thompson
Title deed number	Deed of Transfer No.T50687/2023 (**Annexure F**)
Title deed restrictions	*Conditions No. D.6(b) and D.6(d) in as far as they prohibit the following:* • *The erection of more than one dwelling per erf, and* • *The erection of structures closer than 4,7m from the street boundary.*
Bondholder	FNB Home & Structured Lending Solutions (**Annexure G**)
General Plan No.	GP No. 1680 L.D. (**Annexure H**)
S. G. Diagram No.	N/A
Zoning	Single Residential Zone I
Land use	Residential - living accommodation of a single family

Table 1: Property particulars

3. APPLICATION FOR AN ADMINISTRATIVE PENALTY

In terms of **Section 15.2(r)**, read with **Section 93.3** of the Knysna Municipality Spatial Planning and Land Use Management By-Law (2021), an application is made on Erf 103 Brenton for an uncontested determination of an administrative penalty in respect of the following:

- The as-built retaining walls which can be identified on the architectural drawings per the following characteristics (clock-wise):-
    - A 14,612m² retaining wall within 0m of the street boundary,
    - A 18,50m² portion of an as-built deck within 1,177m of the street boundary,
    - A 1,484m² portion of an as-built deck within 1,80m of the western lateral common boundary adjacent to Erf 104 Brenton.
    - A 2,816m² portion of retaining wall within 0,348m of the western lateral common boundary adjacent to Erf 104 Brenton.
    - A 0,983m² portion of retaining wall within 1,123m of the western lateral boundary adjacent to Erf 104 Brenton.

- The conversion of an approved outbuilding consisting of a garage, servant's room, laundry and store into a second dwelling measuring 70,72m².

The drawing indicating the as-built retaining structures and the improvements on the outbuilding (into a second dwelling) is attached as **Annexure D (HOUSE QUICKLEAP 025KNY-BOS dated February 2025)**.

Section 93.3 of the Knysna Municipal Spatial Planning and Land Use Management By-Law (2021) deals with the "administrative penalty" and reads as follows:

93 Contravention penalties

1) A person who is in contravention of this by-law, and who wishes to rectify the contravention in terms of section 87(2)(b), may apply to the municipality for the determination of an administrative penalty if the municipality has not issued a compliance notice in terms of sub-section 87(2)(a) in respect of the land or building or part thereof concerned.

2) The Municipal Planning Tribunal may, where any person has contravened this by-law:
a) decide to impose an administrative penalty; and
b) determine the amount of the penalty.
3) A person making an application contemplated in sub-section (2) must:
a) submit an application;
b) pay the prescribed fee; and
c) provide the information contemplated in sub-sections (8) and (9).

4. CALCULATION OF ADMINISTRATIVE PENALTY

4.1. Section 86(4) of the Knysna Planning By-law

This sub-section makes provision for the local authority to adopt fines and contravention penalties to be imposed in the enforcement of this by-law.

According to the Planning and Development: Land Use Management application fees 2025/2026 the fee for the submission of a rectification of contravention fee (administrative penalty) is calculated as 50% of the tariff of the relevant application required for legalisation of the land use i.e.

- **Determination of Administrative Penalty Fee: R 3 421.66,**

being

- **50%** of **R6 843,31** being a combined application fee in respect of a '*Consent Use, a Permanent Departure and a Removal of Restrictions applications.*'

The levy rate (buildings) is calculated as 50% of the value of the ordinary plan fee applicable to contravention portion/s of a building/structure. According to our measurements:

- The contravention portion of the retaining structures is **38,395m²** in total (see **Annexure D - Plan showing encroaching structures**).

Additionally, Paragraph 8 of the Planning and Development: Land Use Management Application fees (2025/2026) requires *the payment of up to and not*

more than 100% of the value of the building, construction and engineering work unlawfully carried out in respect of unauthorised building work contravening the zoning scheme.

1.1. Calculation of the Levy Rate (unauthorised building work)

The Levy Rate has been calculated as per the below steps:

- Contravention portions: **38.40m²**
- Building Control Scrutiny fee: **R 922.60**
- 50% of scrutiny fee: **R 461,30**
- Proportional cost of building works (including cost of engineering): **R1500.00 / m²**
- Proportional cost of building works **R57 600.00**

- **Total cost of building work: R58 061,30** (57 600.00 + 461.30)

To give effect to the calculations above, please refer to the table below taken from Tariffs, charges and fees for 2024/2025 MTREF.

Item	Details	Frequency Measure Occasion	Tariff 2023 / 2024 (15% Vat Incl.)	Tariff 2024 / 2025 (15% Vat Incl.)	% Increase
15.1.1.1	Where gfa (after additions) up to 50m2	Minimum Scrutiny Fee	884.56	R922.60	4.3%
15.1.1.2	Where gfa (after addition) from 51m2 to 100m2	Per m2	R15.28	R15.93	4.3%

1.2. Levy rate (unauthorised land use)

The cost of unauthorised land use has been calculated according to the following table.

ERF No.	AREA USED UNLAWFULLY (m²)	VALUATION OF SITE PER m²	TOTAL VALUATION OF AREA USED UNLAWFULLY
103 Brenton	47,533m² (excluding 23,185m² being storage and covered stoep)	R2 201.20	R104 629.64
TOTAL	**47,533m²**	**R2 201.20**	**R104 629.64**

1.3. Total cost of unauthorised building work and land use

COST DRIVER	COST
Building Work	R58 061,30
Land Use	R104 629.64
TOTAL	**R162 690,94**

4.2. Implications of Section 93(9) of the Planning By-law

This subsection stipulates certain factors that are to be considered by the Knysna Municipality when considering an appropriate administrative penalty. It is important to consider that this application is only concerned with essential structures which were built over building lines and minor alterations to an approved outbuilding to convert it into a secondary dwelling.

(a) The nature, duration, gravity and extent of the contravention:

The nature of the as-built retaining structures and alterations to the outbuilding resulting in the creation of the as-built second dwelling and its gravity is miniscule given the fact that the visible portion of the retaining structures fall below the natural ground level and that the entire conversion is internal in nature and not discernible from the outside observer. The conversion of the outbuilding was completed in November 2023 and has, according to municipal records and the observation of the property owner, no negative impact from a visual and usage point of view. Considering that a 60m² second dwelling is permissible on the subject property as of right and that the subject second dwelling only exceeds the maximum permissible extent by a measly 6,92m² supports our view that the extent is minimal and undetectable from a mere observation of an outside observer.

It is our considered view, therefore, that the proposal does not warrant a negative outcome on the basis of its nature, duration, gravity and extent.

(b) The conduct of the person involved in the contravention:

According to records at both the town planning and building control offices, no notices or correspondence have been filed painting the property owners in a negative light. In the absence of any evidence to the contrary it can only be concluded that the conduct of the property owner has not been stained as a citizen within the greater municipal area. The initiative to submit the applications necessary to legalise the second dwelling and pay the necessary fees can only be regarded as exemplary, warranting a positive outcome from the decision maker.

(c) Whether the unlawful conduct was stopped:

No notices or any stop-works orders were served on the landowner to demolish the as-built structures. It is important to grant the decision-maker surety that as currently no further illegal building work is being undertaken on the subject property. The fact that the as-built structures and land uses have, having existed for a long period of time, have not attracted the attention of the neighbouring property owners is testament to its negligible status and should thus be supported.

(d) Whether a person involved in the contravention has previously contravened this By-law or a previous planning law:

No records have been found in support of the notion that the applicant might be a serial offender. This is effectively the applicant's first accidental mistake and was made in good faith whilst using a normal degree of caution and attention. Even under the circumstances it is our view that the actions that have been undertaken by the property owner to legalise the contraventions should be commended and the as-built second dwelling and retaining structures condoned.

5. PROPOSED CONTRAVETION LEVY

Before we conclude, it is important to bring the attention of the decision maker to the attributes of the as-built second dwelling and retaining structures that make them less offensive – if at all – to the affected property owners and the public in general. For instance:

- The second dwelling exceeds the maximum permissible (as of right) extent of a second dwelling by 6,92m² only, approximately 11,5% above what is permitted. This is by all accounts a negligible area and should be condoned.
- The conversion of the outbuilding entails only minor additions and alterations and is undertaken at a lower altitude than the street level, and is as such hardly detectible by members of the public.
- The additions and alteration to the second dwelling are internal in nature and therefore cannot be detectible by mere external observation.
- The retaining structure fall below the street level and are, such hardly detectible by mere observation.
- Therefore, it is recommended that a fair contravention levy which does not exceed **R5 000,00** be levied against the contravening structures and uses.
- Second dwelling units are generally permitted as a policy of the Knysna Municipality and allowed as of right in terms of the Zoning Scheme By-law. Therefore, whilst the property owner may have not followed proper procedure when undertaking the conversion of part of the main dwelling into a second dwelling, the outcome of their actions remains positive and in line with the settlement restructuring goals of the municipality.
- The retaining structures are a necessity in the Brenton-on-sea area due to the natural terrain and geotechnical composition of the area.

6. CONCLUSION

It is our contention that the nature of the contraventions has, therefore, little or no negative impact on the surrounding property owners' health or welfare and the property owners have done that which is necessary and appropriate to comply with the zoning scheme by-laws. It is therefore our contention that this report, read with the application for a departure, consent use, administrator's consent and removal of

restrictions, which was submitted as the first installment, provides compelling factors to the effect that the as-built structures does not lack desirability. To that end it is our proposal that this application be considered in a positive light and that the property owner be allowed to settle the required penalty so as to legitimize the structures in question.

SPECIAL POWER OF ATTORNEY

I, **Anél Thompson (néé De Bruin) (ID No.** [redacted], duly authorised thereto by way of **General Power of Attorney No. PA 482/2019** given by **Mark Thompson (Identity No.** [redacted], him being the registered owner of the under-mentioned property, do hereby nominate, constitute and appoint **Seretse Mthembu (ID No.** [redacted] **of Daimcon Personnel CC** with power of substitution to be our lawful representative in our name, place and stead to make any necessary Town Planning applications in order to obtain local authority approvals in respect of **ERF 103 BRENTON**, including the following:

(a) To make any other necessary applications and further to represent me/us in any enquiry or inspection and hearing in relation to the aforementioned matters and generally do whatever may be necessary or desirable to procure Town Planning approvals, authorisations and related matters on the said land;

(b) To alter and amend the application(s) as may be required from time to time, or to withdraw it;

(c) And generally for effecting the purposes aforementioned, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our representative shall lawfully do or cause to be done, by virtue of these presents and whatever our said representatives have to date done herein.

Signed at Knysna on the 19th day of November 2025

In the presence of the under-signed witnesses.

AS WITNESSES:

1. .....

2. .....

.....

Anél Thompson

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R	R 3300
Mortgage capital Amount	R	R
Reason for exemption	Exempt i.t.o Sec	Act

GEREGISTREER
REGISTERED
REGISTRATEUR/REGISTRAR
18 JUN 2019

Prepared by me,

CONVEYANCER
JACQUES MARAIS DE VILLIERS

GENERAL POWER OF ATTORNEY

Know all Men whom it may concern:

CAPE TOWN/KAAPSTAD
PA 000000482/2019

That I, the undersigned,

MARK THOMPSON
Identity Number: [redacted]
Unmarried

DATA / VERIFY
20-06-2019
TAMARA MASIU

do hereby nominate, constitute and appoint

ANÉL DE BRUIN
Identity Number: [redacted]
Unmarried

to be my/our Attorney(s) and Agent(s) for managing and transacting my/our business in THE REPUBLIC OF SOUTH AFRICA AND IN EVERY TERRITORY OR COUNTRY ANYWHERE IN THE WORLDwith full power and authority for me/us and in my/our name and for my/our account and benefit to ask, demand, sue for, recover and receive all debts or sums of money, goods, effects and things whatsoever which now are or hereafter may become due, owing, payable or belong to me/us;

AND to adjust, settle, compromise and submit to arbitration all accounts, debts, claims, demands, disputes and matters which may subsist or arise between me/us and any person, persons, Company(ies), Corporation(s) or body(ies) whatsoever and for the purpose of arbitration to make the necessary appointments and sign and execute the necessary acts and instruments in that behalf;

20-06-2019

AND to let, either on lease or otherwise, and also to improve, alter or otherwise deal with any stands, houses or other property belonging to me/us or with which I/we am/are entitled to deal;

AND to collect and receive rents, and, if necessary, cancel any lease or other tenancy and take all legal proceedings for ejection or otherwise in connection with such lease or other tenancy, or the cancellation thereof;

AND to open and operate any account with a Financial Institution and to overdraw such account; to draw, sign and endorse cheques; to draw, accept and endorse bills of exchange and promissory notes; to negotiate for and take discounts and loans with or without security; to pledge and species of security for the repayment thereof; and to withdraw securities and to sign receipt therefore; to establish credits for others; to guarantee payment of any liability or indebtedness of others; to bind me/us as surety "in solidum" as co-principal debtor and under renunciation of the benefits of division and excursion;

AND to buy or sell movable or immovable property (including stands) and also Claims and other Mining Rights of all kinds and in connection with any purchase or sale to make the necessary Declaration as to the truth of the amount of the purchase price; to receive or to make and give, as the case may be, the necessary contracts or acts and deeds of transfer or leases of and relating to any immovable or leasehold property, stands, claims or mining rights or mining titles in due and customary form according to the local laws and usages;

AND to invest any money in my/our hands on Mortgage or movable, immovable or leasehold property and from time to time to vary or alter such investments should it be deemed necessary or expedient to do so, and to consent to the modification of all or any of the terms, or to the cancellation of any Bond or Bonds and to cede the same or any interest thereunder to any person or persons acquiring the same;

AND to take up money under security of property (movable and/or immovable) and to appear before any Registrar of Deeds, or any official with like duties and powers, or any Magistrate, Notary Public or other competent authority, and to make and execute all such Mortgage Bonds or other Securities as may be requisite or necessary in that behalf or to secure debts due by me/us before the passing of such Bonds or that may become due thereafter under obligation of my/our person and property of every description;

AND to waive any rights that I/we may have or be or become entitled to as usufructuary(ies) in respect of any property in favour of the holder or holders of any bond or bonds thereover;

AND to commence, and prosecute and to defend, compound and abandon all actions, suits, claims and demands and proceedings in regard to me/us or my/our property or in relation to my/our affairs in or before any Court or other body of persons in the Republic of South Africa and in any territory or Country anywhere in the world;

AND to suffer judgement or decree to be given against me/us in any of such proceedings by default as my/our Attorney shall deem fit;

AND to attend all meetings of Creditors of any person or persons, Company or Companies, Syndicate of Syndicates, indebted to me/us whether in insolvency of otherwise and to prove my/our claim at any such meeting or meetings and to vote for the election of a Trustee or Trustees or to consent to the assignment of the Estate of any of my/our Debtors to sign the necessary deeds and to vote for the election of an Assignee of Assignees, and also to vote on all questions submitted to any such meeting of Creditors and generally to exercise all rights attaching to me/us as Creditor;

AND to attend meetings of persons interested in any Estate, Testate, or Intestate, with which I/we may be concerned as next of kin, heir, legatee, creditor or otherwise, to vote for the appointment of any Executor or Executors Dative to do whatever may be required to prove my/our claim, and to act for me/us in all matters pertaining to such Estate;

AND make application in my/our name for shares in any Company or Syndicate, to receive such shares as may be allotted to me/us and to sign any Memorandum and Articles of Association and other documents requiring the signature of Shareholders;

AND to appear in person or by proxy at the Meetings of Shareholders of any Company or Syndicate in which I/we may hold a share or shares and to vote thereat on my/our behalf;

AND to buy, sell, and exchange Script or Shares and to sign the necessary transfers and documents to pass title thereto;

AND further to give and grant receipts, releases or other effectual discharges for any sum of money or thing recovered on my/our behalf, which receipt whether given in my/our name or in the name of my/our Attorney shall exonerate the person or persons paying such moneys from seeing to the application thereof;

AND for me and in my name to enter into Partnership, dissolve or liquidate any Partnership and to sell or transfer any Partnership property and to represent me in all matters relating to any Company or Companies that may at any time hereafter be registered or incorporated in the Republic of South Africa or in any Territory or Country anywhere in the world;

AND to sign or execute any Deed or Instrument in writing as effectually as I/we might or could do if personally present;

AND to choose "*domicilium citandi et executandi*", AND GENERALLY to do, execute and suffer any such act, deed, matter or thing whatsoever, as the said Attorney may deem necessary or expedient in or about my/our concerns, HEREBY GIVING and GRANTING to the said Attorney power to appoint a substitute or substitutes, and the same at pleasure to displace or remove and appoint another or others, hereby ratifying and agreeing to ratify whatsoever shall be done or suffered by virtue of these presents;

AND without in any way restricting or limiting the aforementioned general powers and authorities, I/we do hereby specially authorise my/our said Attorney and Agent to do all or any of the following acts, matters and things in relation to any Company or Companies in the Republic of South Africa or in any Territory or Country anywhere in the world:

1) To sign and subscribe my/our name to the Memorandum and Articles of Association of any such Company or Companies as a member thereof, and to undertake to purchase from such Company of Companies as a member thereof, and to undertake to purchase from such Company or Companies for such number of shares in the Share Capital of the Company or Companies as my/our said Attorney and Agent may deem fit.

2) In my/our name and on my/our behalf and in respect of all or any such Company or Companies to sign, execute and deliver and cause to be lodged with the Registrar of Companies or other competent official, a consent in writing to act as a Director on the Board of Directors of any such Company of Companies and in terms of the Companies Act, 1973, of the Republic of South Africa or any similar legislative provision in any Territory or Country anywhere in the world.

3) If so deemed necessary and in lieu and instead of subscribing the Memorandum of Association of any such Company or Companies, in my/our name and on my/our behalf to sign, execute and deliver and lodge with the Registrar of Companies aforesaid a contract in my/our name and on my/our behalf to take from and pay unto any such Company or Companies such number of shares in the Share Capital of the Company concerned as will be necessary to quality me/us as a Director(s) in terms of the Companies Act 1973, of the Republic of South Africa or any similar legislative provision in any Territory or Country anywhere in the world.

4) Upon my/our being named as a Director or proposed Director in any Prospectus or statement in lieu of Prospectus, to be lodged by any such Company or Companies, to sign and execute such Prospectus or statement in lieu of Prospectus in my/our name and on my/our behalf.

THUS DONE and EXECUTED at **KNYSNA** on this 18 day of **APRIL 2019** in the presence of the undersigned witnesses.

AS WITNESSES:

1. _____

2. _____

_____
MARK THOMPSON

DOCUMENT NO CASTLEDEX
D0015709911

1382

Logan - Martin Inc
P O Box 6
Knysna
6570

Prepared by me

CONVEYANCER
FLORIS ALBERTUS HANEKOM
LPCM 90928

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 2300 000-00	R 2014-00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

VERBIND MORTGAGED

VIR FOR R 3 050 000-00

B 000025621 / 2023

2023 -11- 27

REGISTRATEUR/REGISTRAR

T 000050687 / 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

FLORIS ALBERTUS HANEKOM (90928)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

LITTLE SWIFT INVESTMENTS 163 PROPRIETARY LIMITED
Registration Number 2004/031215/07

which said Power of Attorney was signed at KNYSNA on 12 October 2023

Lexis® Convey 18.2.14.1

And the appearer declared that his/her said principal had, on 14 September 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

MARK THOMPSON
Identity Number [redacted]
Married out of community of property

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

ERF 103 BRENTON
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1337 (ONE THOUSAND THREE HUNDRED AND THIRTY SEVEN) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T33798/1969 with Diagram relating thereto and held by Deed of Transfer Number T34781/2005

A. SUBJECT to the conditions as referred to in Deed of Transfer No. 18197/1956.

B. SUBJECT FURTHER to and entitled to the benefits of the following conditions as mentioned in Certificate of Partition Title No. 8082 dated 14 August 1928 which makes provision for certain rights of access, use of roads, and rights of way in favour of the owner for the time being of Belvidere held in terms of Certificate of Partition Title No. 8083 dated 14 August 1928 and in favour of the owner for the time being of the property herewith transferred, namely:

"(a) The proprietors of Belvidere and their successors in title shall have access to BRENTON and by and along the whole course of the line of road marked on the diagram of the farm annexed to the amended Grant thereof dated 30th March, 1914 (the commencement and termination of the said line of road being marked P and Q respectively) and from the termination of road to the river at or near the picnic place by the existing path. (The termination of the said road and the termination of the said path at the Picnic Place being marked Q & R respectively the said road and path being similarly marked and lettered on the diagram hereto annexed.

(b) That if the proprietors of BRENTON or any of their successors in title construct a road or use a road for traffic to any point on the Knysna River below the Picnic Place the proprietors of Belvidere and their successors in title shall be entitled to the use thereof and if it does not connect with any line or road mentioned in clause (a) aforesaid to a right of way from the line mentioned in clause (a) to the same.

Lexis® Convey 18.2.14.1

(c) That the proprietors of BRENTON and their successors in title shall have a right of way by the line or road marked on the Diagram annexed to the grant aforesaid to where it joins with the existing public road at or near ASHFORD (the commencement and termination of the said road over which the right of way operates being marked P and O respectively) or with any public road to be hereafter proclaimed in lieu of the said Public road or of which the public have the use in lieu thereof provided that the proprietor for the time being (i.e. the proprietor for the time being of Belvidere) may require the proprietor of BRENTON for the time being to exercise such right of way by a line deviating as may from time to time mutually be agreed upon along the whole or any part of such line not more than one thousand (1 000) yards on either side thereof."

(The Grant dated 30th March, 1914 and referred to in condition (a) above is Knysna Freeholds Volume 3 No. 5)

C. ENTITLED to the benefits of the servitude as referred to in the following note dated 7 July 1950 on Deeds of Transfer Nos. 21572 & 21573 both dated 9 December 1946, namely-

"By virtue of Deed of Transfer No. 9837 dated 7th July, 1950 the owner or his successors in title of the remaining extent of within property measuring as such 927,9051 morgen is entitled and subject to the following conditions-

(i) entitled to enforce certain conditions against certain portion 17 of within mentioned farm, measuring 6.3430 morgen held under Deed of Transfer No. 9837 dated 7th July, 1950 relating inter alia to use,.....buildings, fencing, passage of wires for electric light, laying of water, piping, construction of drains, sewers and piggeries.

(ii) entitled to a right of way 20 feet wide marked abcFde on diagram No. 6680/1948 over said Portion 17.

all of which conditions are more fully set forth in said Deed of Transfer No. 9837/50.

Lexis® Convey 18.2.14.1

D. SUBJECT FURTHER to the following conditions as mentioned in the said Deed of Transfer No. 33798/1969 imposed by the Administrator upon approval of the establishment of the Township Brenton in terms of Section 18(3) of Ordinance 33 of 1934, namely:-

1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan, geheg word by die regulasies afgekondig by Kennisgewing van die Provinsiale Administrasie Nr. 401 van 17 Oktober 1935 en in die memorandum wat genoemde regulasies vergesel het.

2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is, voorkeur geniet. Enige bepalings van hierdie voorwaardes moet nie opgevat word as sou dit die bepalings van Artikel 146 van Ordonnansie Nr. 15 van 1952, soos gewysig, vervang nie.

3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteitskabels en hoofwaterpype en die rioolvuil en dreinering, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie onderverdeling oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd to tyd rederlikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om riole, mangate, vore, waterleidings en ander werke wat daarmee in verband staan, aan te lê onderhou, te verander, te verwyder of te ondersoek.

4. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebuik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê op die erf tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk van die plaaslike owerheid bepaal.

Lexis® Convey 18.2.14.1

5. Geen gebou op hierdie erf mag alleenlik gebruik work of van gebruik verander word vir 'n ander doel as wat in hierdie voorwaardes bepaal word nie.

6. Hierdie erf is onderworpe aan die volgende verdere voorwaardes, met dien verstande dat indien die Administrateur, na oorleg met die Dorpekommissie en die Plaaslike Owerheid, dit raadsaam ag dat die beperking in enige sodanige voorwaarde te enige tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan die voorwaardes wat hy oplê:

   (a) dit mag nie onderverdeel word nie;

   (b) dit mag alleen gebruik word vir die doel om een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop te rig;

   (c) nie meer as helfte van die oppervlakte daarvan mag bebou word nie;

   (d) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 4,72 meter van die straatlyn, wat 'n grens van hierdie erf uitmaak, opgerig word nie, asook nie binne 3,15 meter van die agtergrens of 1,57 meter van die sygrens gemeen daaraan en aan 'n aangrensde erf nie, met dien verstande dat 'n buitegebou van nie hoër as 3,05 meter nie, gemeet van die vloer tot by die muurplaat, met die toestemming van die plaaslike owerheid binne die hierbo voorgeskrewe agterruimte en binne die hierbo voorgeskewe syruimte vir 'n afstand van 9,45 meter gereken van die agtergrens, opgerig mag word. Wanneer enige twee of meer erwe gekonsolideer word, is hierdie voorwaarde op die gekonsolideerde oppervlakte as een erf van toepassing.

Lexis® Convey 18.2.14.1

WHEREFORE the said Appearer, renouncing all rights and title which the said

LITTLE SWIFT INVESTMENTS 163 PROPRIETARY LIMITED
Registration Number 2004/031215/07

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

MARK THOMPSON, Married as aforesaid

his 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 purchase price to be the sum of R2 800 000,00 (TWO MILLION EIGHT HUNDRED THOUSAND RAND) .

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

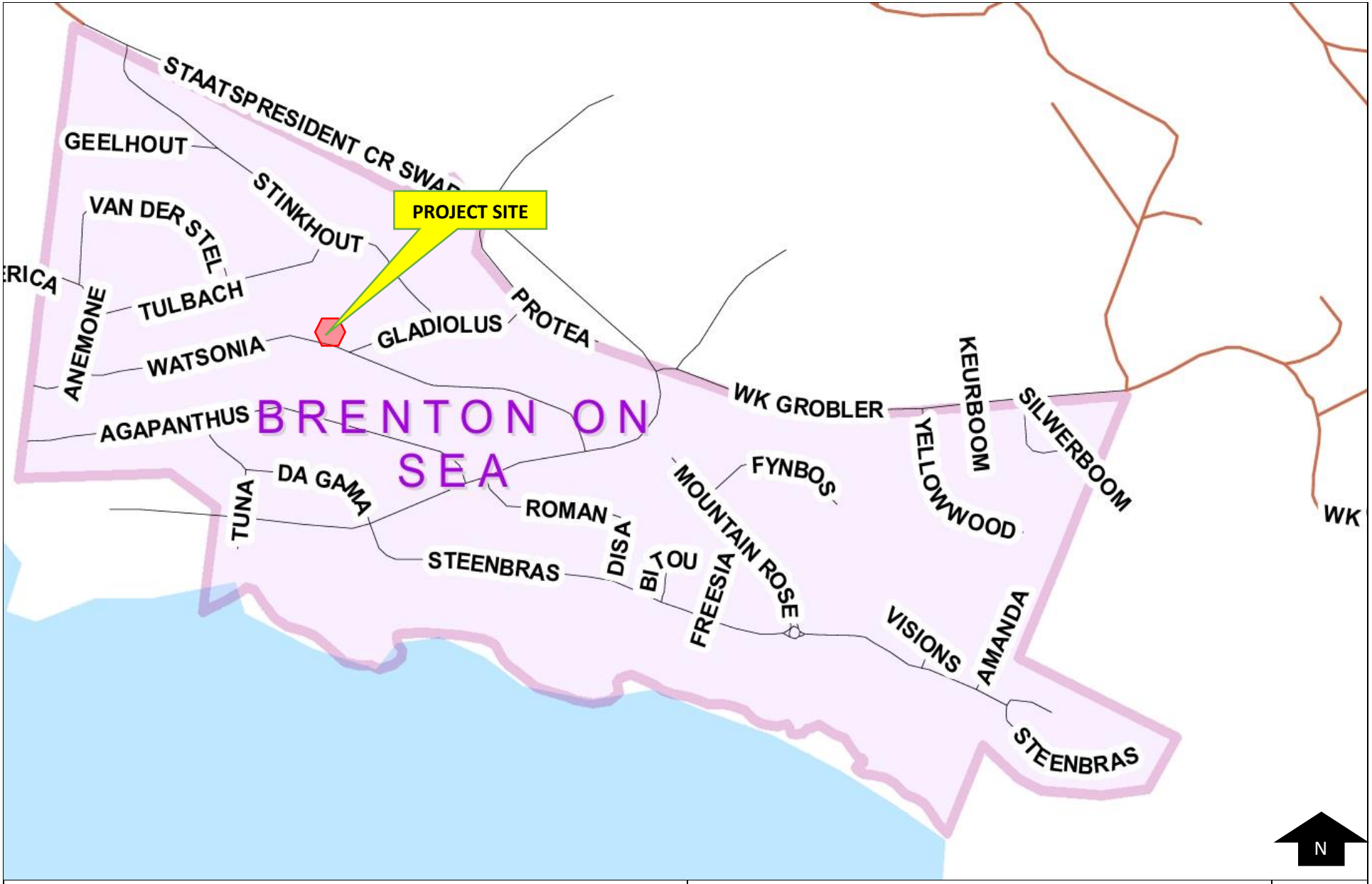
THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 27 NOV 2023

a.a.

In my presence

REGISTRAR OF DEEDS

Lexis® Convey 18.2.14.1



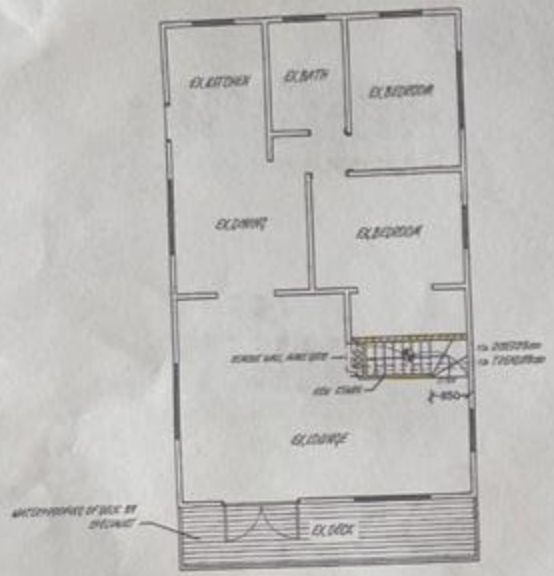
LOCALITY MAP

ERF 103, No. 103 WATSONIA AVENUE, BRENTON-ON-SEA

SCALE: NTS

DATE: MAY 2025

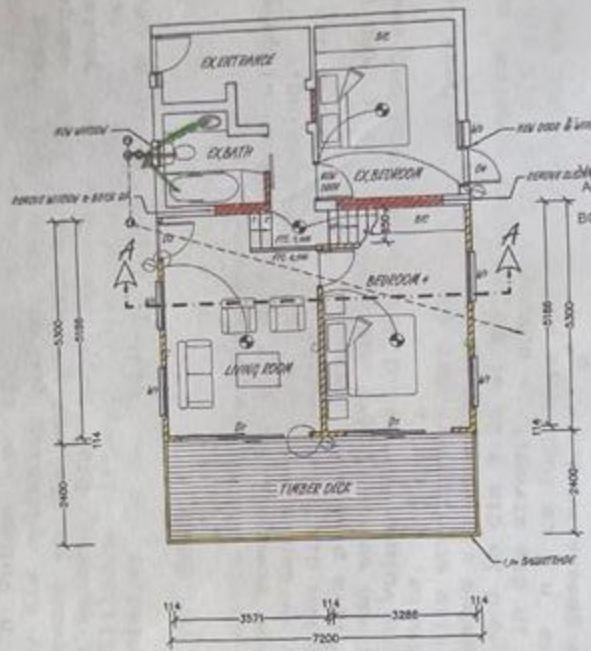
AREAS:
EX. GROUND FLOOR: 83,5sqm



GROUND FLOOR LAYOUT
1:100

AREAS:
EX. LOWER FLOOR: 30,4sqm
ADDITION: 38,1sqm
NEW TIMBER DECK: 17,2sqm
TOTAL AREA: 70,5sqm

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



LOWER GROUND FLOOR
1:100

NOTE:
ALL EXPOSED RETAINING WALLING TO BE RENDERED IN CONCRETE

LEGEND

	EXTERNAL LIGHT
	CEILING LIGHT POINT
	WALL LIGHT
	DIMMER SWITCH
	15AMP PLUG DOUBLE
	HOT WATER CYLINDER
	TV POINT & DOUBLE PLUG
	DISTRIBUTION BOARD
	METER BOX
	TELEPHONE
	DOUBLE ELEMENT STAT

OSCAER Permit hereby granted for minor relaxation

611

SITE PLAN
1:200

WATSONIA AVENUE

26,76m

4,72m BUILDING LINE

EXISTING GARAGE, LAUNDRY, MAIDS ROOM
45,3sqm

EXISTING HOUSE
115,4sqm

EXISTING DECK

EXISTING CONC TANK & TRENCH 32MM

2,4m BUILDING LINE

60,60m

104

2,4m BUILDING LINE

66,75m

102

ERF 103
1337sqm

3,15m BUILDING LINE

15,96m

94

N

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

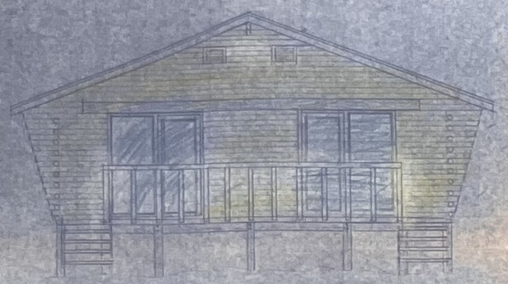
KNYSNA MUNISIPALITEIT/ PLAN No. 24/23
GOEDGEKEUR/ APPROVED

Volgens die NBR, Wet No 103 van 1977 soos gewysig
According to NBR, ACT No 103 of 1977 as ammended

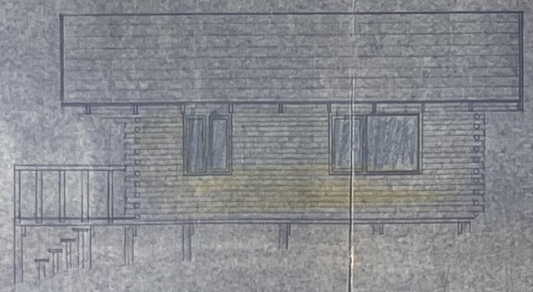
BCO / DATE: 11/09/23

TIMBERLOG MODULAR BUILDING SYSTEM

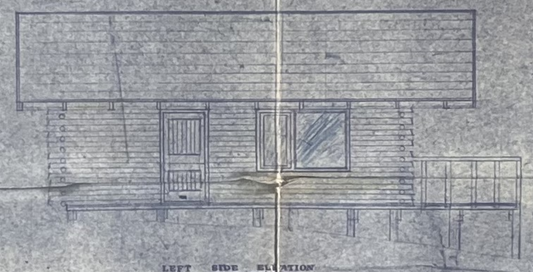
Plan No. M/9320



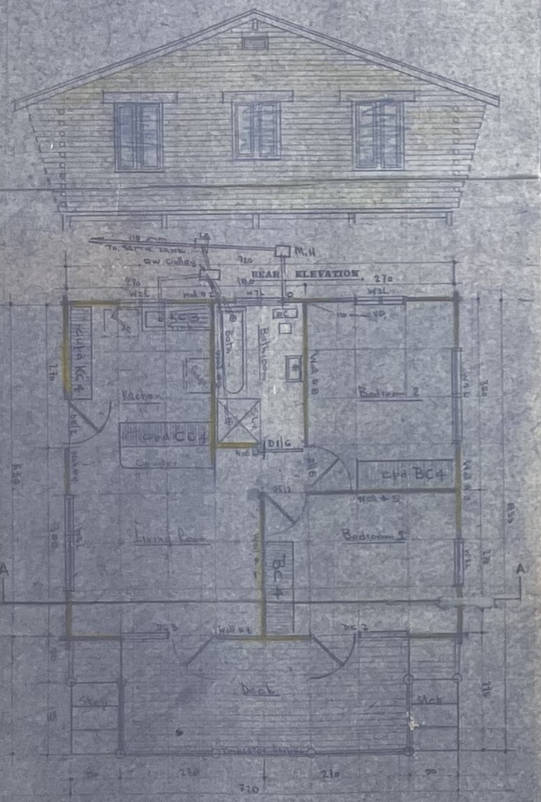
FRONT ELEVATION



RIGHT SIDE ELEVATION

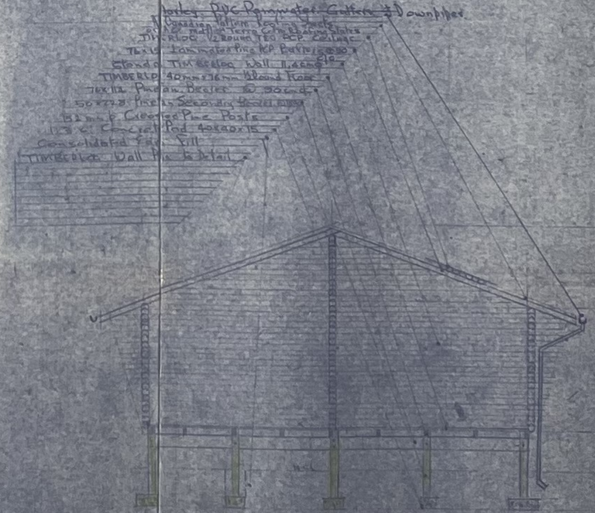


LEFT SIDE ELEVATION



Floorplan Design TL 10 B

GROUND PLAN



SECTION A-A

KEUDELINGSRAAD/DIVISIONAL COUNCIL
KNYSNA

Building Inspector

LOG SCHEDULE

CODE	IDENTIFICATION SYMBOL	QTY.	U.Price	COST
110				
110				
1121				
1122				
120				
1212				
1211				
1222				
1221				
130				
131				
310				
3122				
3124				
320				
3221				
3222				
330				
240				
2421				
2421				
250				
2521				
2922				
640				
450				
5631				
5632				
5231				
5731				
6431				
6432				
6531				
8532				
710				
730				
720				
7222				
7221				
7122				
7121				
840				
850				
780				
980				
980				
150				
680				
810				
810				
8820				
8731				
8730				
811				
481				

TITLE TWO BEDROOM CHALET DESIGN No. TL 10 B Scale: 1:50 Drawn Released

NST CONSTRUCTION (Pty) Ltd. P.O. Box 431 KNYSNA Tel. 840

REVISION DATE 15-7-75

ERF NO 34

15.74 M

a

b

TN

104

102

ERF NO 103

W 60.60 M

E 59.75 M

1.5 M

1.5 M

TL 10 B
RESIDENCE

TL 18
OUTBUILDING

c

26.76 M

c

WATSONIA STREET

Mon. P. van Eck.

ERF NO 35

AFDELINGSRAAD/DIVISIONAL COUNCIL
KNYSNA.

Goedgekeur onderhewig aan endossement hieronder
Approved, subject to endorsement below.

Plan No. 73/77

12/5/77
Datum/Date

Building Inspector

110 mm dia uPVC sewer main above Road

Sink
Bath
Basin
WC
RESIDENCE

110 mm dia uPVC sewer pipe

WC

Trough
Basin
Bath
OUTBUILDING

IE

1:40

IE

IE

M. man hole line

PREFAB HC
SEPTIC TANK &
FRENCH DRAIN

EW Gulley &
M.H. & Cover

DRAINAGE PLAN

NOT TO SCALE

PROPOSED SUMMER RESIDENCE FOR MR & MRS. P VAN ECK

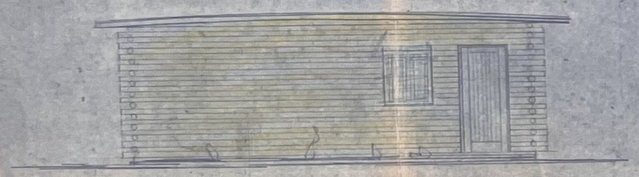
ERF NO 103 BRENTON ON SEA

DRAWN: [illegible] DATE:- 4.5.77 SCALE:- 1:200

MBERLOG Modular Building System

S. African Patent No. 71/0639

Front Elevation

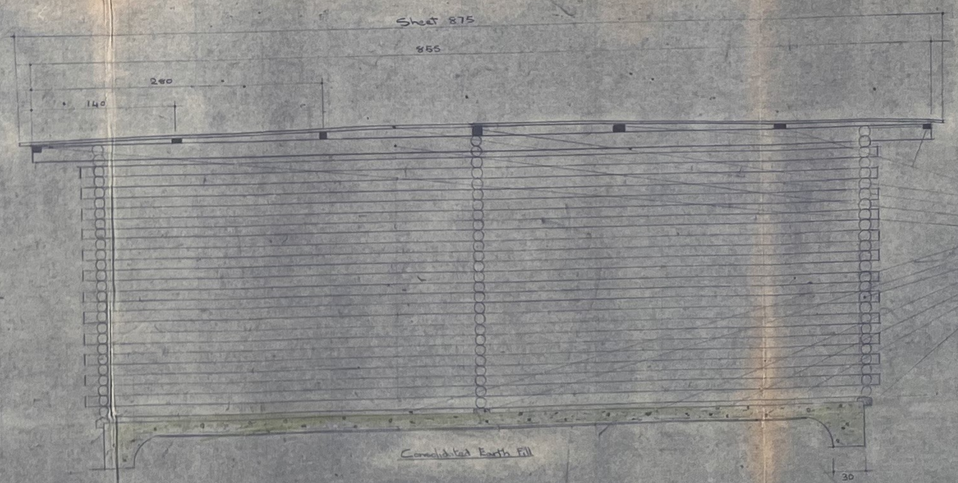


Rear Elevation

Ground Plan

Right Side Elevation

Left Side Elevation



Scale 1:25

Section A-A

- 50x76 Pine PCP Purlins @ 1.4 c/c
- 38x114 Pine PCP Purlins
- Longspan Custom Aluminium Roofing Sheets
- 50x152 Laminated PCP Beams @ 3.0 c/c
- 114x76 T & G PCP Ceiling Straps (SHEET Only)
- 15mm gyprock Boarded
- With Plaster to Detail
- Standard 11.2 m h TIMBERLOG Wall
- Galvanized wire Mesh Reinforcing Wire
- 10 cm Concrete 1:3:6
- 10 mm Tungsten DPC
- Concrete Ringbeam to Detail

ADDELINGSBRAND/DIVISIONAL COUNCIL
KNYSNA

Plan No. 72/77
12/6/77
Datum/Date

Building Inspector

ENDORSEMENTS

Knysna Municipality

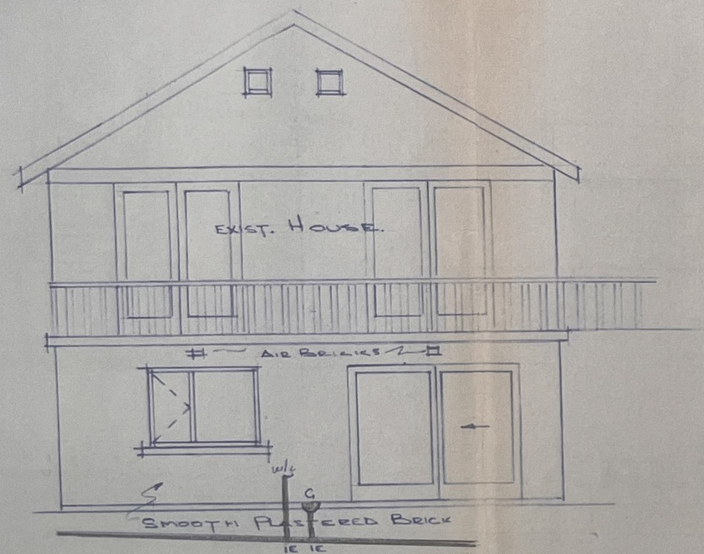
Water

Electricity

TITLE Garage & Utility Unit DESIGN No. TL 10/1 Drawn _____ Released _____ Scale 1:50

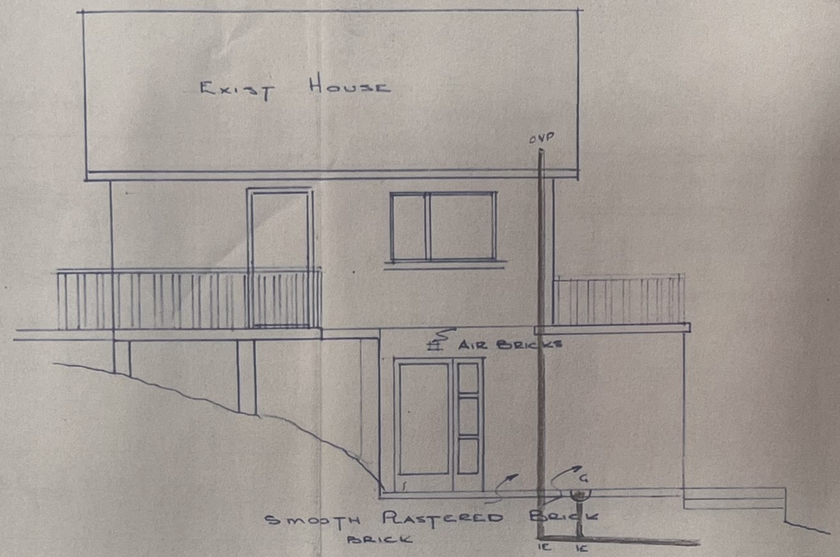
NST Construction (Pty) Ltd. P.O. Box 431 Phone 840 KNYSNA

615



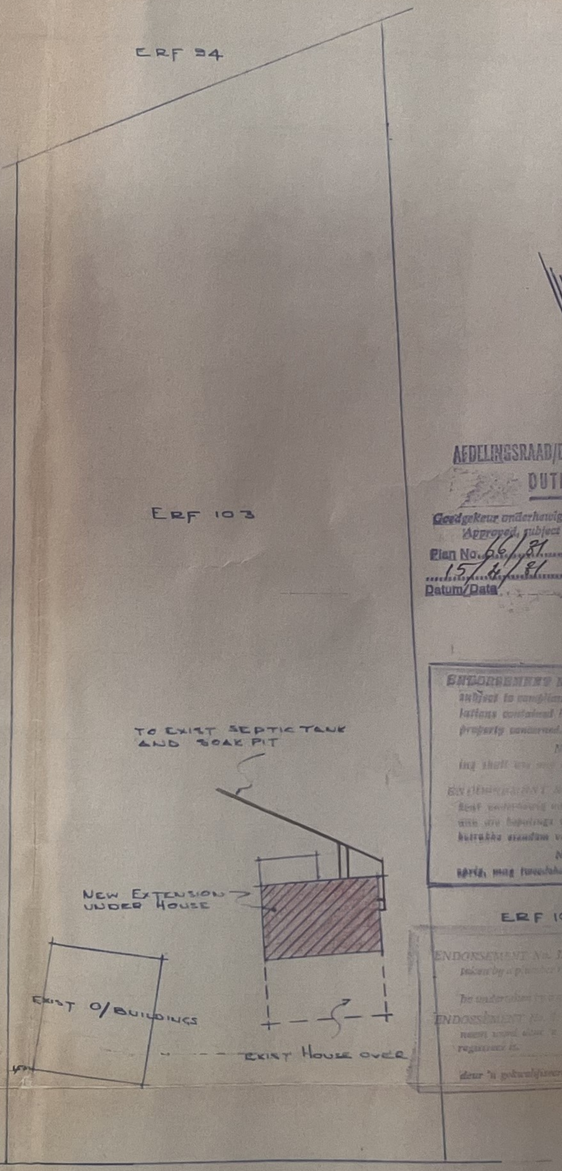
NORTH ELEVATION

1:50



EAST ELEVATION

1:50



SITE PLAN

1:200

AEDILITEITSRAAD/DIVISIONAL COUNCIL
DUTENIQUA

Goedgekeur onderhewig aan endossement hierop
Approved, subject to endorsement below

Plan No. 66/81
15/4/81
Datum/Date

Goedgekeurde Inspekteur
Building Inspector

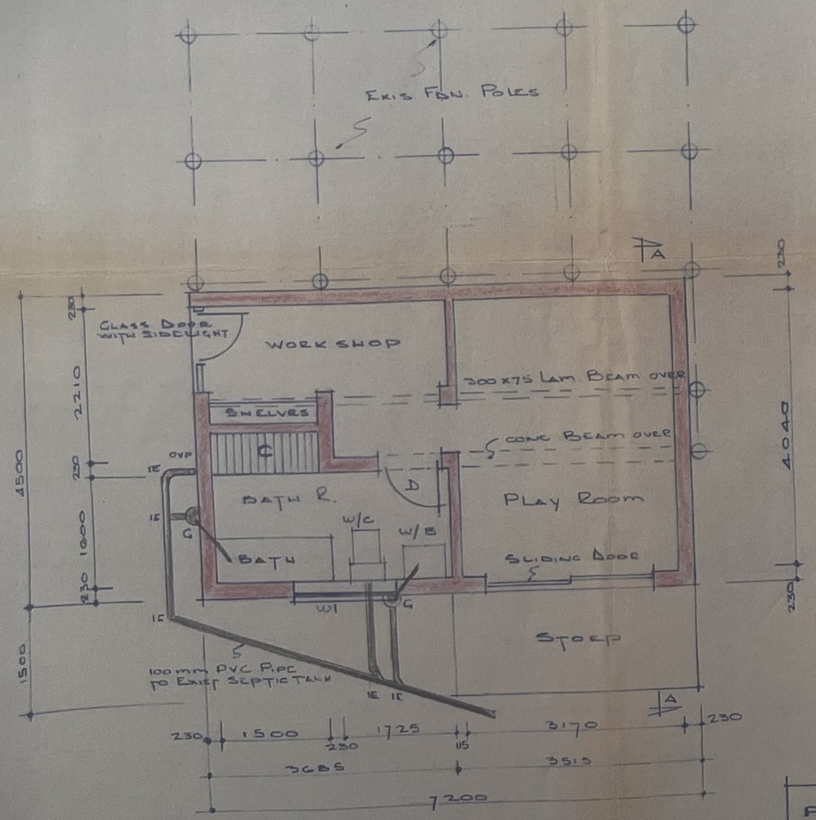
ENDORSEMENT No. 1 — This plan is approved subject to compliance by the applicant with the various conditions contained in the Deed of Transfer of the property concerned.

No. 2 — Reserved for

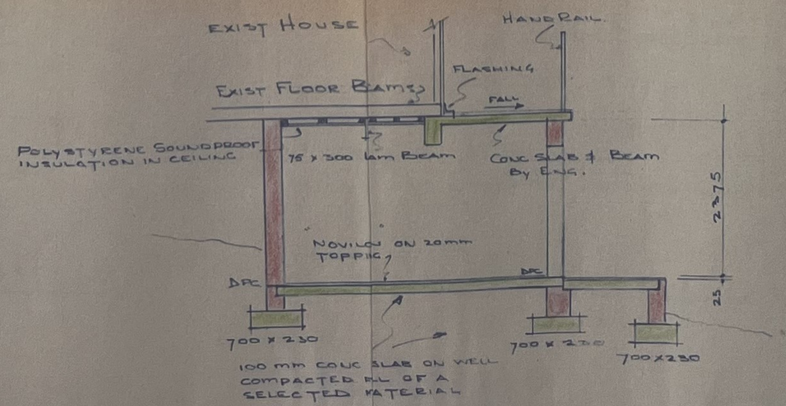
ENDORSEMENT No. 3 — Reserved for

NOTE

1. ALL LEVELS AND DIMENSION TO BE CHECKED ON SITE BEFORE WORK IS STARTED
2. PVC. DPC TO BE BUILT INTO WALLS AT ALL LINTOLS, CILLS AND AT FLOOR LEVEL.
3. 100 mm Ø SOIL PIPE TO HAVE A MAX FALL OF 1:10 AND A MIN. OF 1:40
4. I.E.'s AT ALL BENDS AND JUNCTIONS
5. CONTRACTOR TO ENSURE THAT ALL FLOOR BEAMS ARE ADEQUATELY AND SAFELY PROPPED BEFORE EXIST FOUNDATION POLES ARE REMOVED TO BUILT WALL FOUNDATIONS.
6. PROPS ARE ONLY TO BE REMOVED WHEN BRICK WALLS ARE THOROUGHLY DRY AND BEAMS ARE IN POSITION.



PLAN

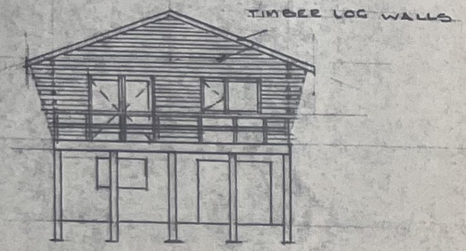


SECTION A-A

PROPOSED ADDITIONS TO EXISTING HOUSE FOR MR. P. VAN ECK ON ERF 103
BLENTON-ON-SEA DISTRICK KNYSNA

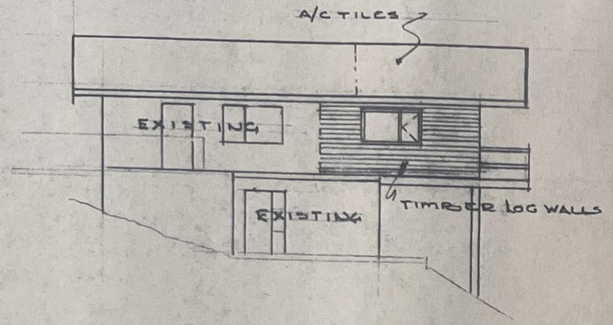
SCALE	DRAWN BY	DATE
1:50 1:200	E H VORSTER	2.4.81

616



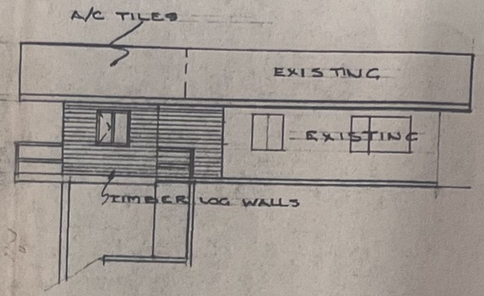
NORTH ELEVATION

1:100



EAST ELEVATION

1:100

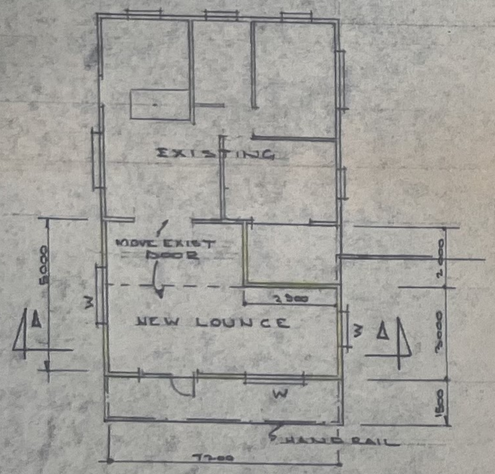


WEST ELEVATION

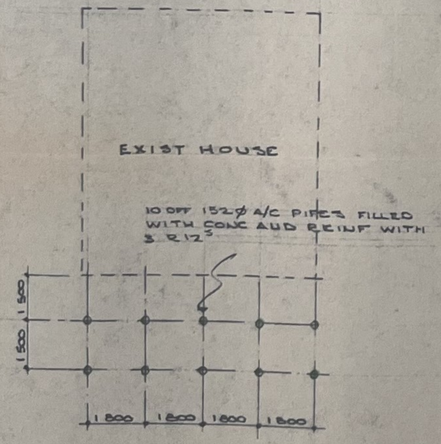
1:100

NOTE

1 ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE BY THE CONTRACTOR BEFORE WORK IS STARTED
2 ALL FINISHES AND CONSTRUCTION TO MATCH THOSE OF EXISTING BUILDING

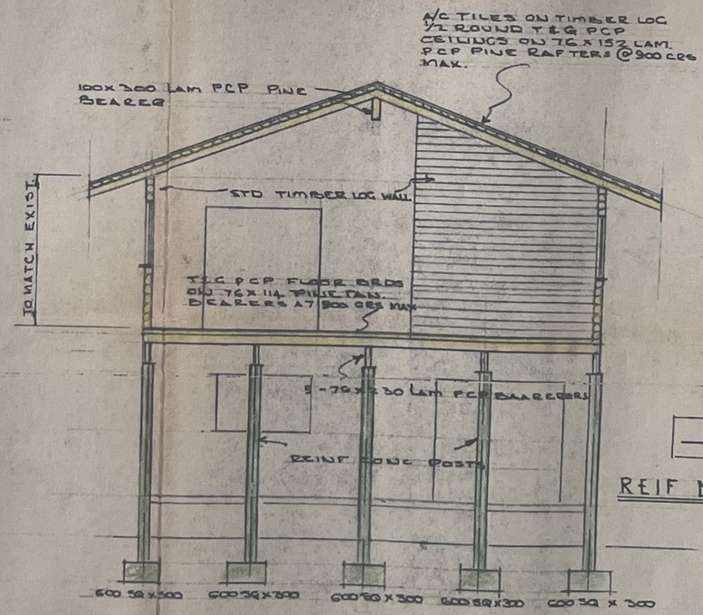


PLAN 1:100



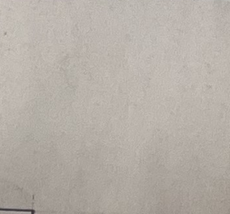
PLAN ON POSTS

1:100

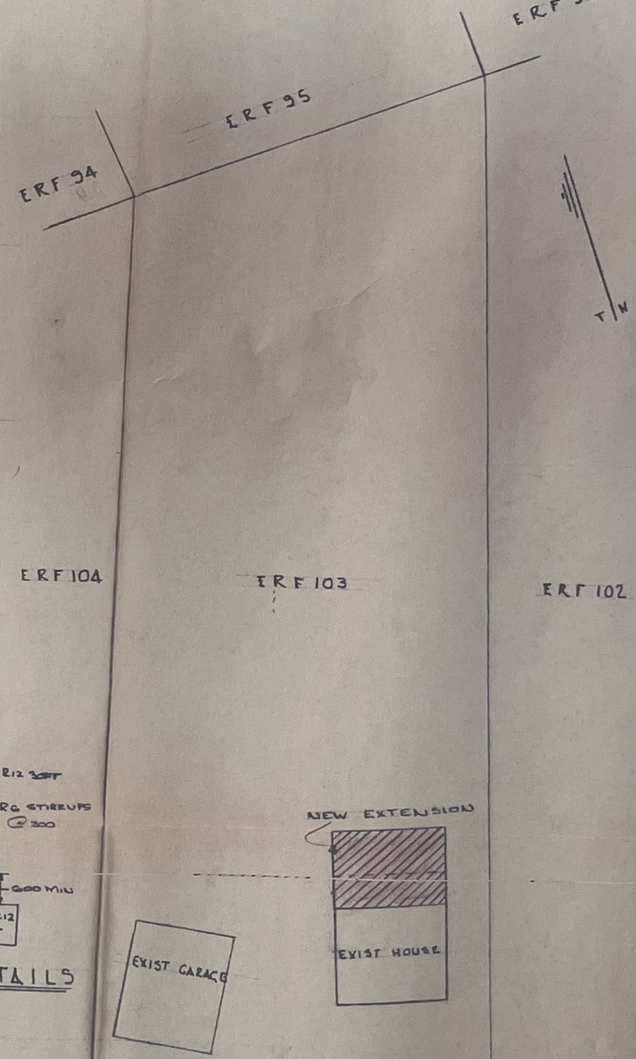


SECTION A-A

1:50



REIF DETAILS



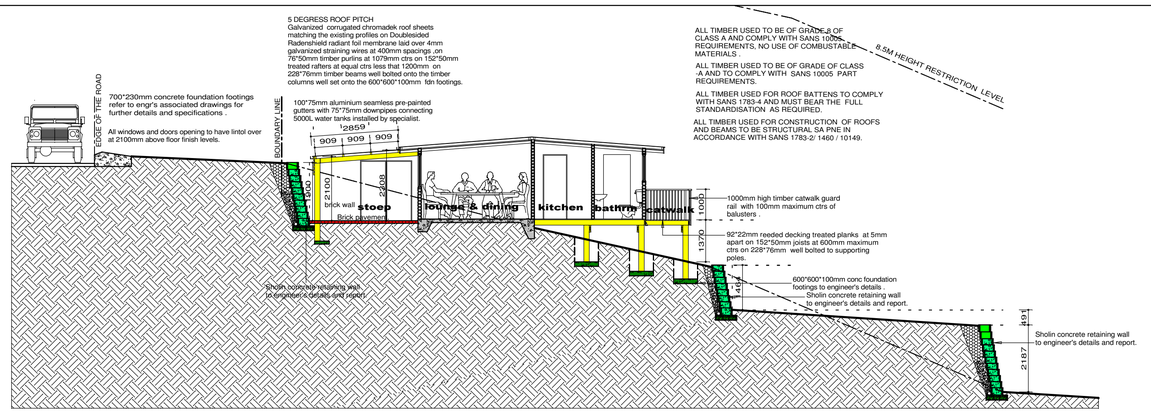
SITE PLAN

1:200

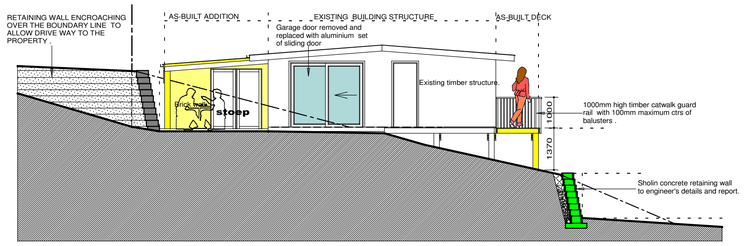
AFDELINGSRAAD/DIVISIONAL COUNCIL
OUTENIQUA
Approved, subject to ordinances
Plan No. 147/87
15/9/87
Datum/Date

PROPOSED EXTENSION TO EXISTING HOUSE FOR MR E BARNARD ON ERF 103 BRENTON-ON-SEA DIST KNYSNA

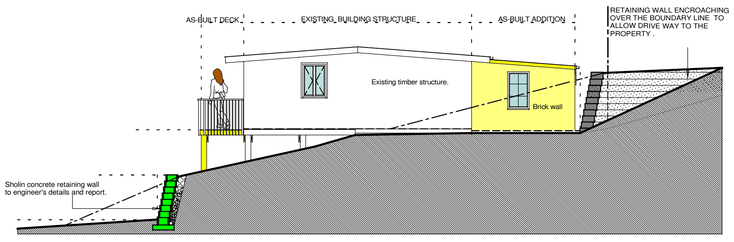
DRAWN BY	DATE	SCALES	DRG Nº
EH VORSTER	3.9.87	1:200 1:100 1:50	D87/14



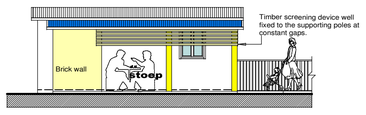
SECTION A-A 1:100



WEST ELEV. 1:100

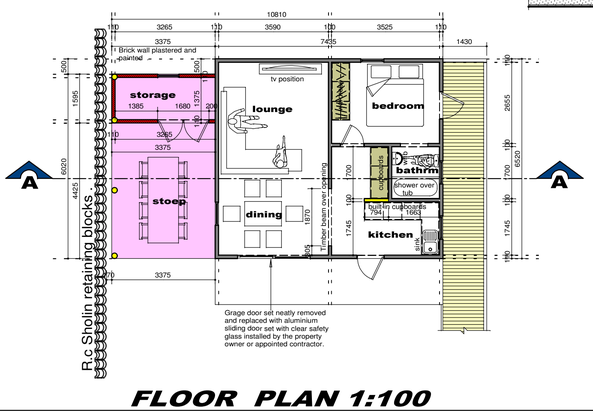


WEST ELEV. 1:100



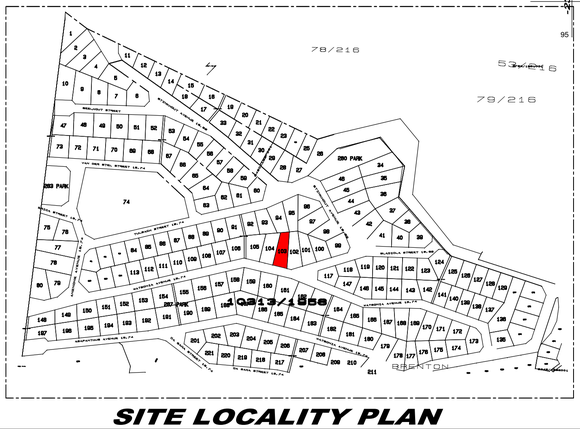
SOUTH ELEV. 1:100

NORTH ELEV. 1:100



FLOOR PLAN 1:100

SITE PLAN 1:200



SITE LOCALITY PLAN

SITE LOCALITY IMAGE

NOTES

MUNICIPAL BY-LAWS AND THOSE OTHERS AFFECTED AUTHORITES MUST BE ADHERED TO

POSITION OF BOUNDARY PEGS TO BE CHECKED BY A REGISTERED SURVEYOR .

ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE TO BE CHECKED BY THE CONTRACTOR ON SITE BEFORE COMMENCING WORK AND ANY OF DISCREPANCIES TO BE REPORTED TO THE AUTHOR /ARCHITECT IMMEDIATLY.

NEVER SCALE THIS DRAWING ON SITE BUT RATHER USED FIGURED DIMENSIONS & REFER TO DETAILS

ALL WORKS TO BE DONE IN ACCORDANCE TO NBR SANS 10400 AND SANS 10400- XA REQUIREMENTS

ALL BRICK CAVITY WALLS BELOW FLOOR FINISH LEVEL TO BE FILLED WITH CONCRETE AND DPC TO BE STEPPED

ALL PLUMBING TO BE INSTALLED BY A PLUMBER REGISTERED/COMPETENT.

ALL HOT WATER PIPES TO BE INSULATED AS PER SANS 10254 & 10252-1 REQUIREMENTS , AND TO MEET MUNICIPALITY BY-LAWS.

ENGINEER TO BE APPOINTED FOR ANY STEEL , TIMBER & CONCRETE STRUCTURAL WORKS AND NO SITE AMMENDMENT TO BE DONE WITHOUT ARCHITECTS APPROVAL.

HEALTH & SAFETY INSPECTOR TO BE APPOINTED BY THE CONTRACTOR/CLIENT BEFORE ANY WORK STARTS ON BUILDING SITE.

THIS DRAWING BELONGS TO X-CUBE DESIGNS & THE COPYRIGHT THEREOF IS STRICTLY RESERVED BY THEM .

A COMPETENT PERSON IS TO BE APPOINTED FOR ELECTRICAL & MECHANICAL WORKS AS PER SANS REQUIREMENTS AND MUST BE ON LA DATABASE.

ALL INSTALLATIONS TO BE DONE DONE AS PER REQUIREMENTS OF THE L.A AND SANS 1025.1, 10400 AND 10254:2012.

ANY DEVIATION FROM APPROVED DRAWINGS EXEMPT THE ARCHITECT/AUTHOR FROM ANY LIABILITY THEREOF.

rev	date	description

PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
XOLANI NCUBE
14:59 PM (Africa/Johannesburg) on 29 Mar 2023

CLIENT'S SIGNATURE.....

ARCHITECT'S SIGNATURE .....

THANK.X.CUBE

PROFESSIONAL & INTELLIGENT SPACE DESIGNS

SACAP REG No PAD21059

23 MAIN ROAD
MERRICK HOUSE CBD
KNYSNA
6571

CELL: +27 (0)71 341 8641
CELL: +27 (0)83 227 6001
EMAIL: thank.x.cube@gmail.com

This drawing is the property of TBEP(THANK.X.CUBE and may not be copied without prior consent of the owner

Client

HOUSE QUICKLEAP

project

AS-BUILT ADDITIONS & ALTERATIONS TO THE OUT-BUILDING ERF 103 BRENTON ON SEA KNYSNA MUNICIPALITY

drwg description

MUNICIPAL SUBMISSION

drawings

SITE PLAN
FLOOR PLAN
ELEVATIONS
SECTION A-A

Occupancy Classification

H4

ckd	date	drn / designed	rev	sht - size
THABISO	FEB 025	XOLANI	A0	1 OF 1-A1

drwg number

HOUSE QUICKLEAP 025KNY-BOS

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3647
REPORT AUTHOR	Sihle Phungula
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3320/2022
TELEPHONE NO.	044 302 6339
APPLICATION DATE	19 February 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 45,46,47,48,49 & 50 RHEENENDAL

PART A: APPLICANT DETAILS	
Name & Surname	***Seretse Mthembu***
Company name	
SACPLAN registration number	***A/2210/2015***
Registered owner(s)	***Jaco Heinrich Barnard***
PART B: PROPERTY DETAILS	
Property description	***ERF 45,46,47,48,49 & 50 Rheenendal in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***1284m^2(i.e.214m^2 x 6 erven)***
Physical address	***No.677 & 678 Rheenendal***
Area/Town	***Knysna***
Current zoning	***Business Zone II***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Shop***
Are there existing buildings on the property?	***Yes, dwelling house***
Title Deed number & date	***T15694/2011 & T2951/2004***
Any restrictive title conditions applicable?	***No***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***Not Applicable***

PART C: CONTRAVENTION INFORMATION	Yes	No	Not Applicable
Has the landowner applied for the determination of an administrative penalty?	☒	☐	☐
Has the Municipality applied to the Municipal Planning Tribunal for an order that a person who is contravening the Zoning Scheme By-law must pay a contravention penalty?	☐	☒	☐
Has the Municipality served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of a contravention penalty?	☐	☒	☐

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2) (r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management(2021) in accordance with Section 93(1) for the unauthorised building work comprising of the portion of the building encroaching the prescribed building line as specified under " Shop" on the Knysna Municipality Zoning Scheme By-law(2020) in respect of Erf 45, Erf 46, Erf 47, Erf 48, Erf 49 and Erf 50, Rheenendal.

2. BACKGROUND

2.1. The application arises from the discovery that a portion of the existing shop building encroaches over the prescribed 4.5 m street building line along Watson Street. The encroaching portion measures approximately 53.5 m² and forms part of an as-built structure that already exists on the property. The owner is therefore seeking the determination of an administrative penalty to regularise this contravention.

2.2. According to the applicant, the building additions that resulted in the encroachment were constructed many years ago, with some components dating back to approximately 1978 and later additions around 1999. The applicant argues that these structures pre-date the Knysna Zoning Scheme By-law (2020), which introduced the current 4.5 m street building line applicable to the property. Under the previous planning framework governing the area, Business Zone II properties were subject to a 0 m building line, meaning that the structure would not have constituted a contravention at the time of construction.

2.3. The applicant further states that the encroaching portion is set back approximately 16 m from the Watson Street carriageway, making the encroachment largely indistinguishable from the public realm and not detrimental to the surrounding streetscape. It is also argued that the additions are architecturally consistent with the existing building and have no negative impact on neighbouring properties or public safety.

2.4. The applicant submits that the gravity of the contravention is minimal. It is stated that the encroaching portion of the shop building is located approximately 16 m from the Watson Street carriageway, making the encroachment largely indistinguishable from the public realm. The applicant further indicates that the additions are architecturally consistent with the existing building and do not

negatively affect the surrounding streetscape or the amenity of the area. Accordingly, the applicant contends that the encroachment has no material impact on the surrounding environment.

2.5. Based on these considerations, the applicant motivates that the contravention was not deliberate, arose due to changes in planning regulations, and has no adverse planning impacts. Consequently, the applicant proposes that the Municipal Planning Tribunal consider the circumstances and impose no punitive penalty, or limit the penalty to 0% of the construction value of the contravening portion.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	***R12 000***
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	**Up to R96 300**
(c) Repeat Offender	Not Applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully.	Not Applicable
(c) Repeat Offender	Not Applicable

3.2. Considerations in terms of Section 93(9) of the Planning By-law

3.2.1. The nature, duration, gravity and extent of the contravention

(a) The applicant's motivation asserts that the unauthorised additions are historically established, minimal in scale, visually unobtrusive, and contextually compatible, resulting in no negative planning or streetscape impact.

(b) However, the argument that the additions have existed for approximately 26 years is noted, but passage of time alone does not extinguish a planning contravention. While the applicant highlighted the spatial and visual impact of the contravention. However, in terms of the Planning bylaw, it can be said that the absence of harm does not equate to the absence of wrongdoing.

(c) The key issue is that the owner failed to submit a building plan for approval, demonstrating a disregard for and undermining of the Planning By-laws and building control regulations. Notably, there is no record of any building plans for the property in the municipal archives.

3.2.2. The conduct of the person involved in the contravention

(a) While the applicant presents the conduct in a positive light, it can be inferred that the owner continued to utilise a non-compliant structure without approved building plans, which suggests a lack of due diligence in ensuring compliance.

(b) It is further noted that in July 2010, the landowner obtained approval for the consolidation of the subject site from the Surveyor-General's Office, but subsequently failed to register the consolidation. This indicates a pattern of non-compliance associated with the property.

(c) In light of the above, the imposition of an administrative penalty is considered justified, as the landowner would have been made aware of their obligations through the notice of decision issued by the Municipality.

3.2.3. Whether the unlawful conduct was stopped

The encroaching structure continues to be utilised.

3.2.4. Whether a person involved in the contravention has previously contravened the Planning By-law or any other planning law

The municipal archives do not show any history of previous transgressions in terms of the Planning or Zoning Scheme By-law by the landowner.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R6,000.00 be determined in accordance with Section 93(2) for contravening the prescribed 4.5m building line as specified under "Business Zone II" in the Knysna Zoning Scheme By-law (2021) in respect of Erf 45, Erf 46, Erf 47, Erf 48, Erf 49 and Erf 50, Rheenendal.

5. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW

The above recommendation is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021):

5.1. The landowner/applicant shall pay the administrative penalty within 30 days, reckoned from the date of the notice of decision.

5.2. The administrative penalty for the encroachment of the prescribed building lines applies to the extent as shown on the plan numbered "RHE25-01-LADO1" dated 01 July 2025.

5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

The reason(s) for the above recommendation are as follows:

(i) Although the applicant argues that the encroachment has existed for decades, the structure continues to be utilised in contravention of the Knysna Zoning Scheme By-law (2020). The ongoing use of a non-compliant building indicates that the unlawful conduct has not been stopped and that regulatory obligations have not been fully respected.

(ii) The owner did not lodge building plans for approval prior to construction. The absence of approved building plans in municipal records demonstrates a disregard for planning and building control by-laws, undermining the regulatory framework designed to ensure orderly and compliant development. Passage of time does not legalise non-compliant structures.

(iii) Considering the historical nature of the building, its minimal visual impact, and the absence of prior offences, a reduced penalty of R6 000 is appropriate. This amount balances the enforcement of the Planning Bylaw with recognition of mitigating factors. Granting a full waiver would fail to uphold the integrity of the zoning by-law and could set an undesirable precedent.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum*

ANNEXURE B: *Power of attorney & resolution*

ANNEXURE C: *Copy of title deed(s)*

ANNEXURE D: *Locality map*

ANNEXURE E: *Proposed site plan*

ADMINISTRATIVE PENALTY: ERF 45,46,47,48,49 & 50 RHEENENDAL			
Author Name: SIHLE PHUNGULA Date: ***16/03/2026***		Author Signature:	
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1519/2012. Date: **16/03/2026**		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Daimcon Personnel Collaborative
Urban Planners & Development Facilitators
No. 1 Fourth Street, Dinangwe
Concordia East
KNYSNA
6570
Cell: 0835834132
E-mail: seretsem@gmail.com
Tax No: 3357441140
WhatsApp: 0835834132

10 February 2026

The Manager: Town Planning
Knysna Municipality
PO Box 21
KNYSNA
6570

Ref: 45 – 50 Rhe

Attention: Mr Hennie Smit

APPLICATION FOR THE DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 45 – 50 RHEENENDAL

1. APPLICATION OVERVIEW

1.1. Background and appointment

This application is submitted by Seretse Mthembu (Sacplan Reg. No. A/2210/2015) of Daimcon Personnel CC on behalf of the property owner, Jaco Heinrich Barnard, as per power of attorney attached as **Annexure A**.

This application relates to six Erven being **Erven 45, 46, 47, 48, 49 and 50 Rheenendal** (hereinafter referred to as 'the subject properties') which are located at No. 677 and 678 Watson Street, Rheenendal. A locality map is attached as **Annexure G**.

1.2. Property details

Pertinent details relating to the subject property are presented on the table below:

PROPERTY PARTICULAR	DESCRIPTION
Cadastral Description	ERVEN 45, 46, 47, 48, 49 and 50 Rheenendal in the Municipality and Division of Knysna, Province of the Western Cape
Location	No. 677 and 678 Watson Street, Rheenendal (**Annexure G – Locality Map**)
Vehicular & pedestrian access	Watson Street
Property size	1284 m² (i.e. 214m² X 6 erven)
Ownership	Jaco Heinrich Barnard
Title deed number	Deed of Transfer Nos. T2951/2004 (**Annexure H**) and T15694/2011 (**Annexure H**)
Title deed restrictions	There are no title deed restrictions that have a bearing on the current proposal.[1]
Bondholder	The properties are not bonded

[1] Condition C.4(e) provides that 'in the event of the provisions of a Town Planning Scheme being made applicable to this erf, which provisions are more restrictive than the provisions contained in the above, then the provisions of such scheme shall apply.,

General Plan No.	General Plan No 7932 of Rheenendal Township (**Annexure B**).
S. G. Diagram No.	See SG Nos for Erf 677 (1621/2010) and 678 (1796/2015) Rheenendal attached as **Annexures C** and **D** respectively.
Servitudes	None
Current Zoning	Business Zone II
Predominant zoning	Residential, with a sprinkling of Business Zone II (vacant), Authority Zone (vacant), Community Zone I (school), Utility Zone (informal residential and water treatment works), Open Space Zone I (Public Open Space) and Transport Zone II (Roads)
Current land use	Shop
Predominant land use	The surrounding area consists predominantly of residential erven on the eastern section of the site. The immediate south is mainly vacant with low-cost residential development further south. The western periphery is largely occupied by a school and a library with the northern boundary is flanked by the Rheenendal Community Centre and Clinic complex.
Existing development	Shop (**Annexure E – As-built Architectural Drawings**).

Table 1: Property Details

2. Application history

2.1. Historical Land Use Approvals

The subject properties (Erven 45 - 50) were created in 1969 by means of the approval of General Plan No 7932 of Rheenendal Township (Annexure B).

In July 2010 the Surveyor-General approved the consolidation of Erven 45, 46 and 47 Rheenendal to form Erf 677 Rheenendal (Annexure C). The Surveyor-general also approved the consolidation of Erven 48, 49 and 50 Rheenendal to form Erf 678 Rheenendal in August 2015 (Annexure D).

Erven 677 and 678 Rheenendal were, however, never registered with the Deeds Registrar. The property owner is instead in the process desirous of selling off all the affected properties to a prospective buyer.

2.2. Historical Building Plan Approvals

Although there are existing structures on site depicted accordingly in **Annexure E**, no records exist of the municipality (or any previous local authority) of approved building plans on site. The existing structures are, for the sake of this application, deemed to be as-built.

2.3. Object of the application

The purpose of this application is to obtain approval for the following: -

- A portion of the as-built shop building measuring 53,5m².

The structure encroached the 4,5m street building line and is depicted as such in **Annexure E**.

The improvement in question is already in place, hence the application for the determination of an administrative penalty.

No other structures or land uses are in variance with applicable zoning scheme parameters.

3. PURPOSE OF THE REPORT

The purpose of this report is to apply for the determination of an administrative penalty in terms of Section 15.2(r) read with S.93(3) of the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021. As already indicated, this application is to be considered together with the applications for Consolidation and Permanent Departure that preceded the submission of the current application.

As indicated on the site development plan the total extent of encroachment is only 53,5m²

The following supporting documents are submitted:

ANNEXURE A	:	Power of Attorney
ANNEXURE B	:	General Plan
ANNEXURE C	:	Survey diagram (Erf 677)
ANNEXURE D	:	Survey diagram (Erf 678)
ANNEXURE E	:	As-built architectural drawings (SDP)
ANNEXURE F	:	Consolidation diagram
ANNEXURE G	:	Locality Map
ANNEXURE H	:	Title Deed (Erf 45-47)
ANNEXURE I	:	Title Deed (Erf 48-50)
ANNEXURE J	:	Application Form

4. APPLICATION FOR AN ADMINISTRATIVE PENALTY

This application is submitted in fulfillment of Section 15.2(r), read with Section 93.3 of the Knysna Municipality Spatial Planning and Land Use Management By-Law, 2021.

Application is made on Erf 45, 46, 47, 48, 49 and 50 Rheenendal for the determination of an administrative penalty in respect of a 53,5m² portion of the main shop structure, which is encroaching the 4,5m street building line along Watson Street indicated as such under **Annexure E – As-built Architectural Drawings**.

A copy of the application form is attached as **Annexure J**.

Section 93.3 of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021) deals with the "administrative penalty" which reads as follows:

93 Contravention penalties

1) A person who is in contravention of this by-law, and who wishes to rectify the contravention in terms of section 87(2)(b), may apply to the municipality for the determination of an administrative penalty if the municipality has not issued a

compliance notice in terms of sub-section 87(2)(a) in respect of the land or building or part thereof concerned.

2) The Municipal Planning Tribunal may, where any person has contravened this by-law:
a) decide to impose an administrative penalty; and
b) determine the amount of the penalty.
3) A person making an application contemplated in sub-section (2) must:
a) submit an application;
b) pay the prescribed fee; and
c) provide the information contemplated in sub-sections (8) and (9).

5. CALCULATION OF ADMINISTRATIVE PENALTY

5.1. Section 86(4) of the Knysna Planning By-law

This sub-section makes provision for the local authority to adopt fines and contravention penalties to be imposed in the enforcement of this by-law.

According to the Planning and Development: Land Use Management application fees *2025/2026* the fee for the submission of a rectification of contravention fee (administrative penalty) fee is calculated as 50% of the tariff of the relevant application required for legalisation of the land use i.e.

- **Determination of Administrative Penalty Fee:** **R 1 235.77**, being
- **50% of R 2,471.53**
  being the application fee for Permanent Departure.

The levy rate (buildings) is calculated as 50% of the value of the ordinary plan fee applicable to the contravention portion of the building.

According to our measurements, the contravening portion of the as-built additions is 53,5m² (see **Annexure E** – **As-built Architectural Drawings**).

Additionally, Paragraph 8 of the Planning and Development: Land Use Management Application fees (2025/2026) require the payment of up to and not more than 100% of the value of the building, construction and engineering work unlawfully carried out in respect of unauthorised building work contravening the zoning scheme.

5.2. Calculation of the Levy Rate

The Levy Rate has been calculated as per the below steps:

- Contravention portion: **53,5m²**
- Building Control Scrutiny fee: **R 922.60**
- Where gfa (after addition) from 51m2 to 100m2: **R 15.93/m²**
- Total scrutiny fee: **R 978.36 (i.e. R 922.60 + R 55.76)**

- 50% of scrutiny fee: **R 489,18**
- Proportional cost of building works (including cost of engineering) in respect of the contravening portion of the shop (***53,5 m²***): **R 96 300,00** (total cost of the encroaching portions of the additions **@ R1 800,00 / m²**)

- **<u>Total cost of building work: R 97 789,18</u>**

To give effect to the calculations above, please refer to the table below taken from Tariffs, charges and fees for 2025/2026 MTREF.

Item	Details	Frequency	Tariff	Tariff	% Increase
		Measure	2024 / 2025	2025 / 2026	
		Occasion	(15% Vat Incl.)	(15% Vat Incl.)	
15.1.1.1	Where gfa (after additions) up to 50m2	Minimum Scrutiny Fee	R884.56	922.60	4.3%
15.1.1.2	Where gfa (after addition) from 51m2 to 100m2	Per m2	R15.28	R15.93	4.3%

Figure 1: Tariffs, charges and fees for 2025/2026 MTREF.

5.3. Implications of Section 93(9) of the Planning By-law

This subsection prescribes which factors must be considered by the Knysna Municipality when considering an appropriate administrative penalty.

It is important to consider that this application is only concerned with a portion of as-built portions of the shop depicted under **Annexure E**.

(a) The nature, duration, gravity and extent of the contravention:

- The as built portion of the shop consists of the original shop structure that was built around 1978. An addition to the building consisting of the veranda with ATM were done around 1999.
- The most recent additions, considering that they were made around 1999, have been around for at least 26 years.
- With the extent of these contraventions being 23,5m², it must be noted that these are offset from the Watson Street carriageway by ±16m.
- This makes gravity of encroachment almost impossible to discern from the perspective of a general member of the public or a seasoned construction practitioner.
- The nature of the additions is in keeping with the current aesthetic of the older structure and are by and large in keeping with its architectural features. It is therefore our considered view that the as-built structures have no negative impact on the Watson Street streetscape in as far as they are indiscernible and are not in variance with the familiar presence of the building within its cultural landscape.

(b) The conduct of the person involved in the contravention:

- The current property owner sought the services of a professional land surveyor and architectural practitioner and furthermore applied to obtain authorization for the as-built structures on site.
- A permanent departure and consolidation application has already been submitted, and this second installment is also being submitted as the property owners' effort to comply with the prescriptions of the local by-laws.
- The owner is amenable to any penalties that the local authority may deem appropriate, which are expected to reflect the constitutional imperatives of fairness and justice.

(c) Whether the unlawful conduct was stopped:

- The portion of the shop in question has been in existence since August 1999, and no notice has been received ordering the property owner to remove the additions.
- These portions in question predate the implementation of the Knysna Zoning Scheme By-law (2020) which imposes a 4,5m street building line.
- No records exist to the effect that the owner was ever instructed to cease the usage of or demolish the additions in question.
- In addition, the portion of the dwelling over the building was completely legal at the time of the construction (i.e. between 1978 and 1999) since the building lines under Business Zone 2 were effectively 0m.

(d) Whether a person involved in the contravention has previously contravened this By-law or a previous planning law:

- No records have been found to the effect that the current owners have once been, at any stage, involved in the contravention of any regulations applicable within the municipal area of Knysna.
- The portion of the shop building over the building line was completely legal prior to the implementation of the current Knysna Zoning Scheme By-law (2020).

6. PROPOSED ADMINISTRATIVE LEVY AMOUNT

Considering the motivating statements under Paragraph 4.3 we would like to further propose that regard be had to the following factors when determining the penalty to be levied to the property owner:

- The subject portions of the shop that transgress the 4,5m street building line pre-date the implementation of the Knysna Zoning Scheme By-law (2020). Prior to the Knysna Zoning Scheme By-law (2020), land use management of the settlement of Rheenendal was administered in terms of Section 8 Zoning Scheme Regulations (1988). Building lines in respect of the Business Zone II erven were effectively 0m for street, lateral and rear boundaries. The overall permissible was also 100%.
- The portion of the shop building in question did not constitute a building line transgression until the coming into effect of the 2020 Zoning Scheme By-law.

- It is our proposition that the recent development parameters which came with the implementation of the Knysna Zoning Scheme By-law (2020) be not applied retrospectively.
- If the above proposition is accepted by the Knysna Planning Tribunal, it is our proposal that any punitive penalties on the property owner be reserved on the basis that no transgressions were deliberately effected at the time of the construction of the portion of the structure in question.

With due regard having been given to *inter alia* the above factors, it is our legitimate expectation that the tribunal will consider the administrative penalty application and motivation accordingly. It is our submission that the as-built portion of the shop serves an important purpose without being intrusive to the ordinary comfort and convenience of the surrounding property owners or the public. In this regard it is our proposal that the Knysna Municipal Planning Tribunal confines the penalty to ***0%*** of the total cost of construction.

7. CONCLUSION

It is our contention that the nature of contravention has no negative impact on the surrounding property owners' safety, health or welfare and that the property owner has done all that necessary and appropriate to comply with the planning and zoning scheme by-laws. It is therefore our contention that this report, read with the application for the permanent departure and consolidation submitted as the first installment provides compelling factors to the effect that the as-built portion of the shop does not lack desirability. To that end it is our proposal that the Knysna Municipal Planning Tribunal considers this application in a positive light and that the owner be absolved from paying any levies relating to the offending portion of the structure.

SPECIAL POWER OF ATTORNEY

I, **JACO HEINRICH BARNARD**, the owner of the under-mentioned property, do hereby nominate, constitute and appoint **Seretse Mthembu (ID No. [redacted]) of Daimcon Personnel CC** with power of substitution to be our lawful representative in our name, place and stead to make any necessary Town Planning applications and related enquiries in order to obtain local authority approvals in respect of **ERF 45, 46, 47, 48, 49 & 50 RHEENENDAL (UNREGISTERED ERVEN 677 & 678 RHEENENDAL)**, including the following:

(a) To make any other necessary applications and further to represent me/us in any enquiry or inspection and hearing in relation to the aforementioned matters and generally do whatever may be necessary or desirable to procure Town Planning approvals, authorisations and related matters on the said land;
(b) To alter and amend the application(s) as may be required from time to time, or to withdraw it;
(c) And generally for effecting the purposes aforementioned, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our representative shall lawfully do or cause to be done, by virtue of these presents and whatever our said representatives have to date done herein.

Signature _____

Signed at Swakopmund **on this the** 29 **day of** October **2025**

In the presence of the under-signed witnesses.
AS WITNESSES:

1. .....

2. .....

CamScanner

293

MILLERS INC.
BEACON HOUSE
123 MEADE STREET
GEORGE
6530

Prepared by me

CONVEYANCER
Goldie M

FEE
R 70,00

CAPE
04 APR 2011
MARIAM DEBRA

T 015694/11

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Mariam Solomon

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 GEORGE on 25 November 2010 granted to him by

Ashiek Hoosain Dawood Kasker
Identity Number [redacted]
Married according to Muslim rites

herein represented by Mohamed Kasiem Dawood Kasker
In terms of a General Power of Attorney signed at Cape Town on 22 September 2010 and registered under number PA (1)

DATA / VERIFY
06 MAY 2011
BARLOW M

For Information Only

GhostConvey 13.0.5.6

And the appearer declared that his said principal had, on 26 October 2010, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer in full and free property to and on behalf of:

Jaco Heinrich Barnard
Identity Number [redacted]
Unmarried

his Heirs, Executors, Administrators or Assigns,

1. Erf 45 Rheenendal, in the Municipality and Division of Knysna, Province of the Western Cape;

   IN EXTENT: 214 (TWO HUNDRED AND FOURTEEN) SQUARE METRES;

   FIRST TRANSFERRED by Deed of Transfer No. T 85983/1997 with General Plan Nr. TP7932 relating thereto and held by Deed of Transfer No. T 67466/98.

   A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T 17668/1950.

   B. **SUBJECT FURTHER** to the conditions contained in Certificate of Registered Title No. T 54913/1987 imposed by the Administrator of the Cape of Good Hope when approving the establishment of Rheenendal Township in terms of the provisions of Ordinance No. 33 of 1934, namely:-

   "(a) Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 383 dated 13th June 1958.

   (b) In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.

   (c) The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other water pipes and the sewerage and drainage, including stormwater, of any other erf or erven inside our outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

MG

GhostConvey 13.0.5.6

For Information Only

(d) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

(e) No building on this erf shall be used or converted to use for any purpose other than the permitted in terms of these conditions."

2. Erf 46 Rheenendal, in the Municipality and Division of Knysna, Province of the Western Cape;

IN EXTENT: 214 (TWO HUNDRED AND FOURTEEN) SQUARE METRES;

FIRST TRANSFERRED by Deed of Transfer No. T 85983/1991 with General Plan Nr. TP7932 relating thereto and held by Deed of Transfer No. T 67466/98.

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T 17668/1950.

B. **SUBJECT FURTHER** to the conditions contained in Certificate of Registered Title No. T 54913/1987 imposed by the Administrator of the Cape of Good Hope when approving the establishment of Rheenendal Township in terms of the provisions of Ordinance No. 33 of 1934, namely:-

"(a)Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 383 dated 13th June 1958.

(b) In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.

MA

For Information Only

GhostConvey 13.0.5.6

(c) The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other water pipes and the sewerage and drainage, including stormwater, of any other erf or erven inside our outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

(d) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

(e) No building on this erf shall be used or converted to use for any purpose other than the permitted in terms of these conditions."

3. Erf 47 Rheenendal, in the Municipality and Division of Knysna, Province of the Western Cape;

IN EXTENT: 214 (TWO HUNDRED AND FOURTEEN) Square Metres;

FIRST TRANSFERRED by Deed of Transfer No. T 85983/1991 with General Plan Nr. TP7932 relating thereto and held by Deed of Transfer No. T 67466/98.

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T 17668/1950.

B. **SUBJECT FURTHER** to the conditions contained in Certificate of Registered Title No. T 54913/1987 imposed by the Administrator of the Cape of Good Hope when approving the establishment of Rheenendal Township in terms of the provisions of Ordinance No. 33 of 1934, namely:-

"(a)Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 383 dated 13th June 1958.

MG

GhostConvey 13.0.5.6

For Information Only

(b) In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.

(c) The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other water pipes and the sewerage and drainage, including stormwater, of any other erf or erven inside our outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

(d) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

(e) No building on this erf shall be used or converted to use for any purpose other than the permitted in terms of these conditions."

MG

GhostConvey 13.0.5.6

For Information Only

WHEREFORE the said Appearer, renouncing all right and title which the said

ASHIEK HOOSAIN DAWOOD KASKER, Married according to Muslim rites

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

JACO HEINRICH BARNARD, Unmarried

his 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 purchase price to be the sum of R75 000,00 (SEVENTY FIVE THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on 23 MAR 2011 2011.

q.q.

In my presence

REGISTRAR OF DEEDS

MG

GhostConvey 13.0.5.6

For Information Only

14
Van der Spuy and
Partners
Tel: 419-3622

Prepared by me,
Conveyancer
JAN BRAND ROBERTSON

GEELREG
DUTY R .....
FOOI
FEE R 200 00

T0002951 / 2004

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

~~ANDRE GERHARD VAN DER SPUY~~ **JAN BRAND ROBERTSON** Conveyancer,

appeared before me, Registrar of Deeds at Cape Town, he/she being duly authorised thereto by a Power of Attorney executed at **KNYSNA** on the **14th OCTOBER 2003** by

DUDLEY JOHN SASS
Identity Number: [redacted]
and
YELANDA LOUWRINA SASS
Identity Number: [redacted]
Married in community of property to each other

AND THE APPEARER THUS AUTHORISED DECLARED THAT:

ISSUED FOR INFORMATION ONLY
ALLEEN VIR INFORMASIE DOELEINDES UITGEREIK

WHEREAS his Principal aforesaid sold the hereinaftermentioned property to the hereinaftermentioned Transferee/s on **27 SEPTEMBER 2003**

NOW THEREFORE the Appearer in his capacity as aforesaid do hereby cede and transfer in full and free property to and on behalf of:-

JACO HEINRICH BARNARD
Identity Number: [redacted]
Unmarried, Minor

his Heirs, Executors, Administrators or Assigns;

1. **ERF 48 RHEENENDAL**
in the Municipality and Division of Knysna
Western Cape Province

IN EXTENT: 214 (Two Hundred and Fourteen) square metres

FIRST TRANSFERRED by Deed of Transfer No. T28204/1976 with General Plan T.P. 7932 relating thereto and

HELD by Deed of Transfer No T.39869/1997.

A. **SUBJECT** to the conditions referred to in Deed of Transfer No T17668/1950.

B. **SUBJECT FURTHER** to the following conditions mentioned in the said Deed of Transfer No. T28204/1976 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving the establishment of Rheenendal Township, namely:-

"1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 383 dated 13th June 1958.

ISSUED FOR INFORMATION ONLY
ALLEEN VIR INLIGTINGSDOELEINDES UITGEREIK

2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in the conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.

3. The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.

6. (1) This erf shall be used solely for the purpose of erecting thereon a building comprising shops and business premises with the right to include residential accommodation above the ground floor or such other buildings as the Administrator may, from time to time after reference to the Townships Board and the local authority,

ISSUED FOR INFORMATION ONLY

approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other uses as are permitted by the scheme, subject to the conditions and restrictions stipulated by the scheme.

(2) Except with the prior consent of the Administrator-

(a) not more than 80% of the area of this erf shall be built upon, provided that any floor used wholly or in part for residential purposes shall not have a total floor area of more than half the area of the erf:

(b) no building on this erf shall exceed 2 storeys in height:

(c) the design and external appearance of the façade of any building erected on this erf shall confirm to such canopy and cornice lines as the local authority may prescribe and the materials used in the facing thereof shall be in conformity with standards laid down by the local authority.

(3) No residential accommodation shall be provided on this erf, unless provision shall simultaneously be made, to the satisfaction of the local authority, for parking bays to accommodate not less than one motor car for every flat or in the case of other residential accommodation for every 2 bedrooms contained in the building, provided that:-

(a) if situated under the building the said parkin area shall not be enclosed for more than 50% of its perimeter;

(b) the said parking area and the access and exit thereto shall be located, hardened and surfaced to the satisfaction of the local authority;

ISSUED FOR INFORMATION ONLY

(c) if in erecting his buildings the owner provides lock-up garages on the erf, the required parking area may be reduced by one parking bay for each garage up to a maximum of 50% of the original area required in terms of the foregoing.

(4) On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as are herein set forth these conditions shall apply to the consolidated houlding as if it was one erf.

(5) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

2. **ERF 49 RHEENENDAL**
in the Municipality and Division of Knysna
Western Cape Province

IN EXTENT: 214 (Two Hundred and Fourteen) square metres

FIRST TRANSFERRED by Deed of Transfer No. T28204/1976 with General Plan T.P. 7932 relating thereto and
HELD by Deed of Transfer No T.39869/1997.

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T17668/1950.

B. **SUBJECT FURTHER** to the conditions mentioned in the said Deed of Transfer No. T28204/1976 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving the establishment of Rheenendal Township and which reads as follows:-

"1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the

ISSUED FOR INFORMATION ONLY

regulations published under Provincial Notice No. 383 dated 13th June 1958.

2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in the conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.

3. The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.

6. (1) This erf shall be used solely for the purpose of erecting thereon a building comprising shops and business premises with the right to

include residential accommodation above the ground floor or such other buildings as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other uses as are permitted by the scheme, subject to the conditions and restrictions stipulated by the scheme.

(2) Except with the prior consent of the Administrator-

(a) not more than 80% of the area of this erf shall be built upon, provided that any floor used wholly or in part for residential purposes shall not have a total floor area of more than half the area of the erf:

(b) no building on this erf shall exceed 2 storeys in height:

(c) the design and external appearance of the façade of any building erected on this erf shall confirm to such canopy and cornice lines as the local authority may prescribe and the materials used in the facing thereof shall be in conformity with standards laid down by the local authority.

(3) No residential accommodation shall be provided on this erf, unless provision shall simultaneously be made, to the satisfaction of the local authority, for parking bays to accommodate not less than one motor car for every flat or in the case of other residential accommodation for every 2 bedrooms contained in the building, provided that:-

(a) if situated under the building the said parkin area shall not be enclosed for more than 50% of its perimeter;

(b) the said parking area and the access and exit thereto shall be located, hardened and surfaced to the satisfaction of the local authority;

(c) if in erecting his buildings the owner provides lock-up garages on the erf, the required parking area may be reduced by one parking bay for each garage up to a maximum of 50% of the original area required in terms of the foregoing.

(4) On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as are herein set forth these conditions shall apply to the consolidated houlding as if it was one erf.

(5) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

3. **ERF 50 RHEENENDAL**
in the Municipality and Division of Knysna
Western Cape Province

IN EXTENT: 214 (Two Hundred and Fourteen) square metres

FIRST TRANSFERRED by Deed of Transfer No. T28204/1976 with General Plan T.P. 7932 relating thereto and

HELD by Deed of Transfer No T.39869/1997.

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T17668/1950.

B. **SUBJECT FURTHER** to the conditions mentioned in the said Deed of Transfer No. T28204/1976 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving the establishment of Rheenendal Township and which reads as follows:-

"1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 383 dated 13th June 1958.

2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in the conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.

3. The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.

6. (1) This erf shall be used solely for the purpose of erecting thereon a building comprising shops and business premises with the right to include residential accommodation above the ground floor or such other buildings as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other uses as are permitted by the scheme, subject to the conditions and restrictions stipulated by the scheme.

(2) Except with the prior consent of the Administrator-

(a) not more than 80% of the area of this erf shall be built upon, provided that any floor used wholly or in part for residential purposes shall not have a total floor area of more than half the area of the erf:

(b) no building on this erf shall exceed 2 storeys in height:

(c) the design and external appearance of the façade of any building erected on this erf shall confirm to such canopy and cornice lines as the local authority may prescribe and the materials used in the facing thereof shall be in conformity with standards laid down by the local authority.

(3) No residential accommodation shall be provided on this erf, unless provision shall simultaneously be made, to the satisfaction of the local authority, for parking bays to accommodate not less than one motor car for every flat or in the case of other residential accommodation for every 2 bedrooms contained in the building, provided that:-

(a) if situated under the building the said parking area shall not be enclosed for more than 50% of its perimeter;

(b) the said parking area and the access and exit thereto shall be located, hardened and surfaced to the satisfaction of the local authority;

(c) if in erecting his buildings the owner provides lock-up garages on the erf, the required parking area may be reduced by one parking bay for each garage up to a maximum of 50% of the original area required in terms of the foregoing.

(4) On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as are herein set forth these conditions shall apply to the consolidated houlding as if it was one erf.

(5) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

WHEREFORE the Appearer, renouncing all the right and title the said Transferor(s)

heretofore had to the premises, did, in consequence also acknowledge him/her/them to be entirely dispossessed of and disentitled to the same; and that, by virtue of these presents, the said Transferee(s)

his Heirs, Executors, Administrators or Assigns, now is/are and henceforth shall be entitled thereto, conformably to local custom. The State, however, reserving its rights, and finally acknowledging the Purchase Price of **R117 000-00 (ONE HUNDRED AND SEVENTEEN THOUSAND RAND)** being paid in full or duly secured.

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

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds, at Cape Town on this 16th day of January 2008

In my presence

REGISTRAR OF DEEDS

LOCALITY MAP

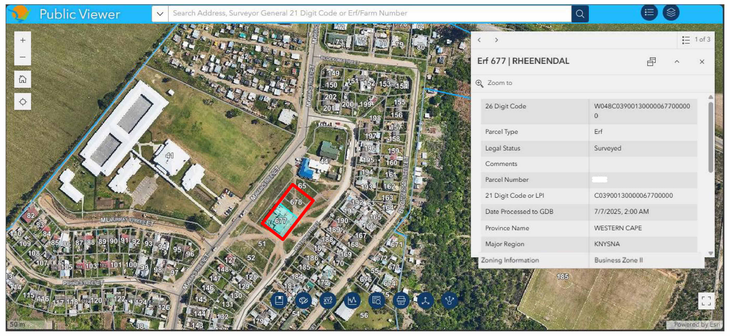
ERVEN 677 & 678 RHEENENDAL, 677 & 678 WATSON STREET, RHEENENDAL

SCALE: NTS
DATE: November 2025
Dwg. No.: LOCALITY PLAN 1

SHOP

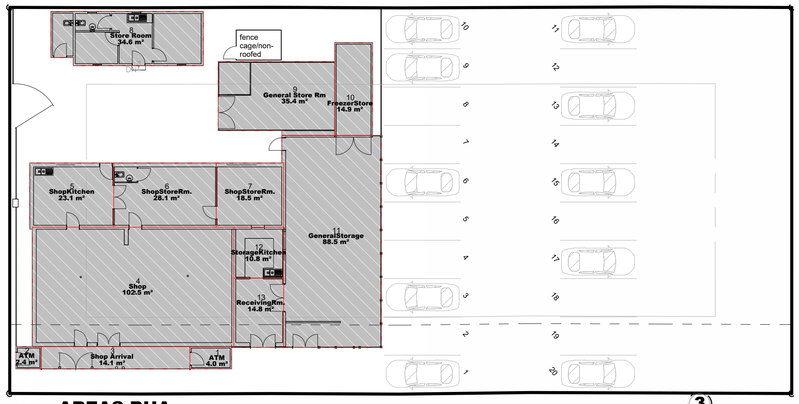
property used for the retail sale of goods and services to the public

Zoning Category	Floor Factor	Coverage	Height	Building Lines		
				Street	Side	Rear
Business Zone I	3	100%	12 m	0 m	0 m	0 m
Business Zone II	1	80%	8,5 m	4,5 m	0 m	0 m



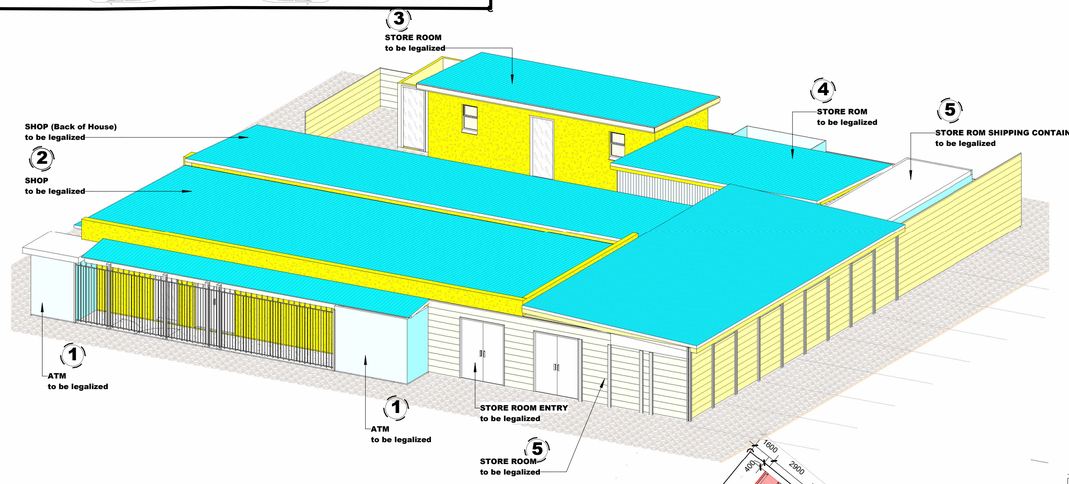
LOCALITY PLAN - PUBLIC VIEWER

LP **SITE/ LOCALITY PLAN**
1 : 500



m² **AREAS BUA**
1 : 200

BUA / GROSS m²		
1	ATM	4.0 m²
2	ATM	2.4 m²
3	Shop Arrival	14.1 m²
4	Shop	102.5 m²
5	ShopKitchen	23.1 m²
6	ShopStoreRm.	28.1 m²
7	ShopStoreRm.	18.5 m²
8	Store Room	34.6 m²
9	General Store Rm	35.4 m²
10	FreezerStore	14.9 m²
11	GeneralStorage	88.5 m²
12	StorageKitchen	10.8 m²
13	ReceivingRm.	14.8 m²
TOTAL		**391.7 m²**



DEVELOPMENT PARAMETERS **Business Zone II**

S H O P	Max.	Achived
Floor facor	1	0.3
Coverage	80%	30%
Height	8.5m	3.6m
Parking		20
Refuse Rm.		
BUILDING LINES		
STREET		4.5m
SIDES		0m
REAR		0m

SP **SITE PLAN**
1 : 200

NOTE : ALL SPECIFICATION TO COMPLY SANS 10400 (SABS 0400)
– *The application of the National Building regulations (NBR)*
WITH REFERENCE TO KNYSNA MUNICIPALITY BY-LAWS **Copyright ©**

sheet A1

- municipal by-laws and those other affected authorities must be adhered to.
- positions of pegs/ site boundaries must be checked by a registered land surveyor
- all dimensions and levels on the building site must be checked by the contractor on site before commencing of works and any discrepancies to be reported to the author/ design architect prior commencing works.
- never scale this drawing on site but use figured dimensions and refer to details.
- all work to be done in accordance with NBR SANS 10400 XA requirements
- all cavity cavity walls below floor finish to be filled with concrete and DPC to be stepped
- all plumbing to be installed by a registered/ competent plumber
- all hot water pipes to be insulated per SANS 10254 & 10252-1 and meet municipal by-laws
- strucutral engineer to be appojnted for steel work, concrete and timber and no site amendments to be done without architects approval
- health & safety inspector to be appointed by the contractor/ client before commencement on site.
- information contained herein belongs to THANK.X.CUBE architectural designs.
- COPYRIGHT is strictly reserved.
- competent person is to be appointed for all mechanical & electrical works as per SANS requirements and must be on LA database.

ALL INSTALLATIONS TO BE DONE AS PER LA, SANS 1025.1 , 10400 & 10254:2012 REQUIREMENTS
- ANY DEVIATION FROM APPROVED DRAWINGS EXEMPT THE ARCHITECT/ AUTHOR FROM ANY LIABILITY THEREOF.

REVISION

No.	Description	Date
1	Draft 1 issue	'25.10.06
2	Draft 2 - Townplanning	'25.11.24

CLIENT'S SIGNATURE :

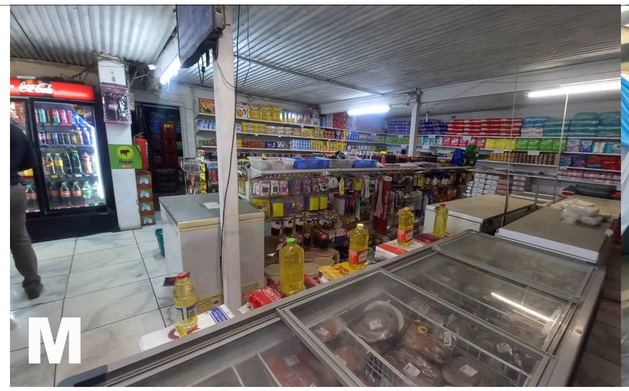
(Agent)

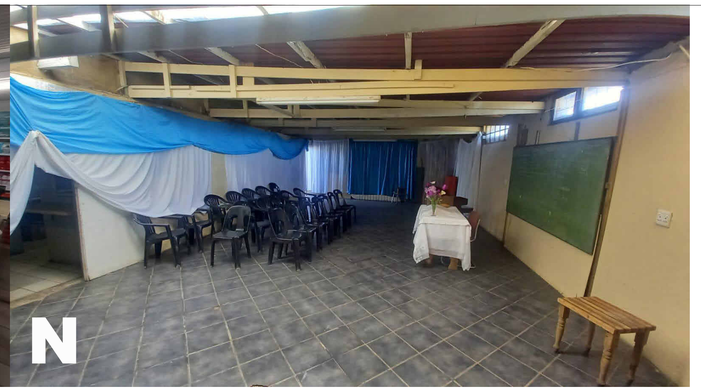
ARCHITECT'S SIGNATURE:

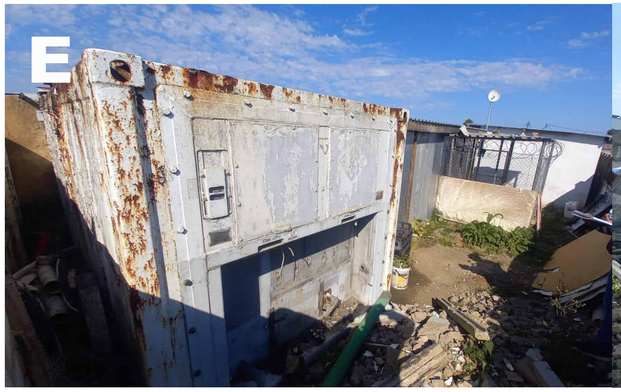
THANKOA & XCUBE
THANK.X.CUBE
FOR ALL YOUR BUILDING PLANS
ARCHITECTURAL STUDIO
PROFESSIONAL & INTELLIGENT SPACE DESIGNS
PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
XOLANI NCUBE
South African Council for the Architectural Profession
08:27 AM (Africa/Johannesburg) on 21 Jan 2025
CONTACT
c : 071 341 8641 - XOLANI
SACAP : PAD 21059
c : 083 227 6001 - THABISO
e-mail : thank.x.cube@gmail.com
MERRICK HOUSE 2nd FLOOR, 12 LONG STREET, KNYSNA,6570

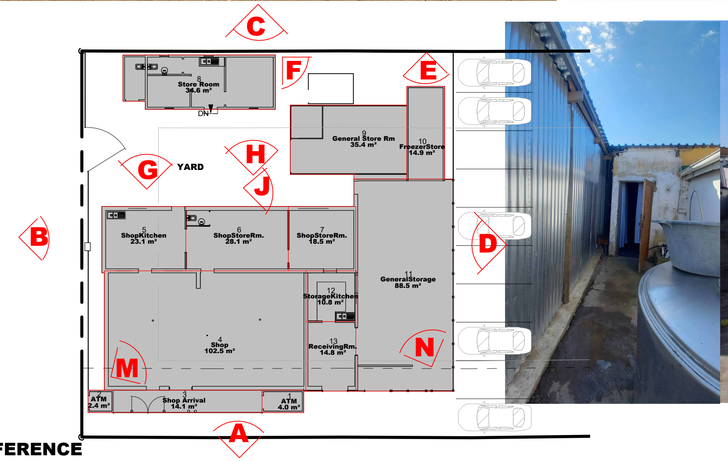
THIS DRAWINGS IS **COPYRIGHT** AND MAY NOT BE COPIED WITHOUT PRIOR CONSENT WITH THE AUTHOR.

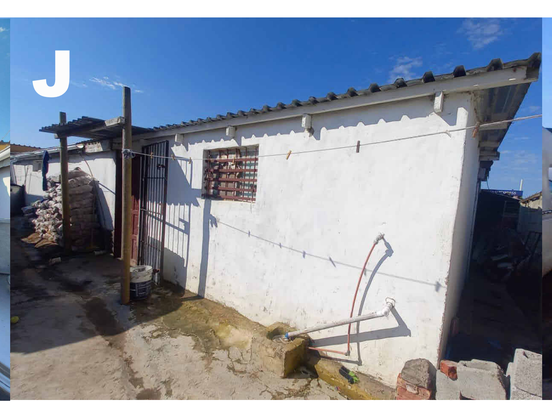
PROJECT / CLIENT	**SAM SHOP** FOR **Jaco Heinrich BARNARD**
SCOPE	**AS-BUILT STRUCTURES SUBMISSION**
CLASSIFICATION	**F2** BUSINESS ZONE II
	Erf 45,46,47,48,49,50 306 Lentegeur Street RHEENENDAL KNYSNA DISTRICT
Drwg description	SITE INFO
Scale	As indicated
Project number	RHE25-01
Date	2025_07_01
Drawn by	TN
Checked by	XN
Drawing	**LAD01**

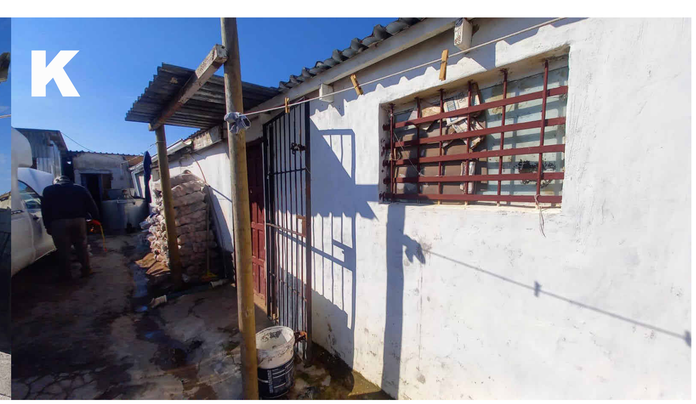












PICTURES REFERENCE

NOTE : ALL SPECIFICATION TO COMPLY SANS 10400 (SABS 0400)
– *The application of the National Building regulations (NBR)*
WITH REFERENCE TO KNYSNA MUNICIPALITY BY-LAWS

Copyright ©

sheet A1

- municipal by-laws and those other affected authorities must be adhered to.
- positions of pegs/ site boundaries must be checked by a registered land surveyor
- all dimensions and levels on the building site must be checked by the contractor on site before commencing of works and any discrepancies to be reported to the author/ design architect prior commencing works.
- never scale this drawing on site but use figured dimensions and refer to details.
- all work to be done in accordance with NBR SANS 10400 XA requirements
- all cavity cavity walls below floor finish to be filled with concrete and DPC to be stepped
- all plumbing to be installed by a registered/ competent plumber
- all hot water pipes to be insulated per SANS 10254 & 10252-1 and meet municipal by-laws
- strucutral engineer to be appojnted for steel work, concrete and timber and no site amendments to be done without architects approval
- health & safety inspector to be appointed by the contractor/ client before commencement on site.
- information contained herein belongs to THANK.X.CUBE architectural designs.
- COPYRIGHT is strictly reserved.
- competent person is to be appointed for all mechanical & electrical works as per SANS requirements and must be on LA database.

ALL INSTALLATIONS TO BE DONE AS PER LA. SANS 1025.1 , 10400 & 10254:2012 REQUIREMENTS

- ANY DEVIATION FROM APPROVED DRAWINGS EXEMPT THE ARCHITECT/ AUTHOR FROM ANY LIABILITY THEREOF.

REVISION

No.	Description	Date
1	Draft 1 issue	'25.10.06
2	Draft 2 - Townplanning	'25.11.24

CLIENT'S SIGNATURE :

(Agent)

ARCHITECT'S SIGNATURE:

THANKOA & XCUBE
THANK.X.CUBE
FOR ALL YOUR BUILDING PLANS
ARCHITECTURAL STUDIO
PROFESSIONAL & INTELLIGENT SPACE DESIGNS

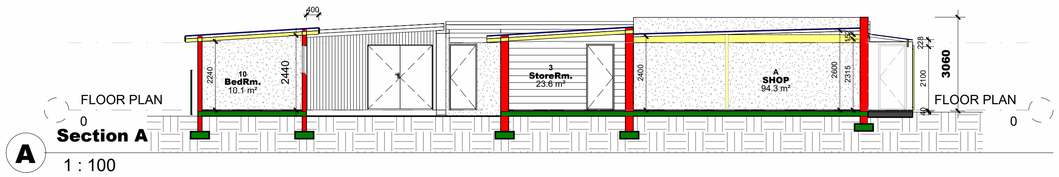
PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
South African Council for the Architectural Profession
XOLANI NCUBE
08:27 AM (Africa/Johannesburg) on 21 Jan 2025

CONTACT
c : 071 341 8641 - XOLANI
SACAP : PAD 21059

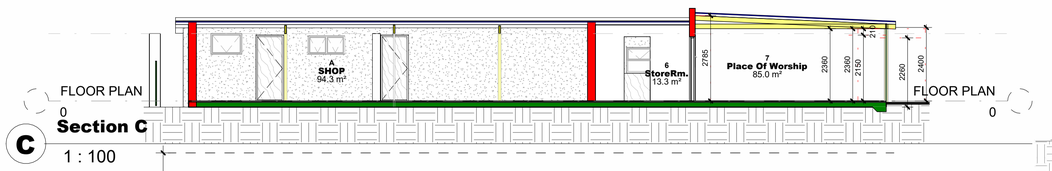
c : 083 227 6001 - THABISO
e-mail : thank.x.cube@gmail.com
MERRICK HOUSE 2nd FLOOR, 12 LONG STREET, KNYSNA,6570

THIS DRAWINGS IS **COPYRIGHT** AND MAY NOT BE COPIED WITHOUT PRIOR CONSENT WITH THE AUTHOR.

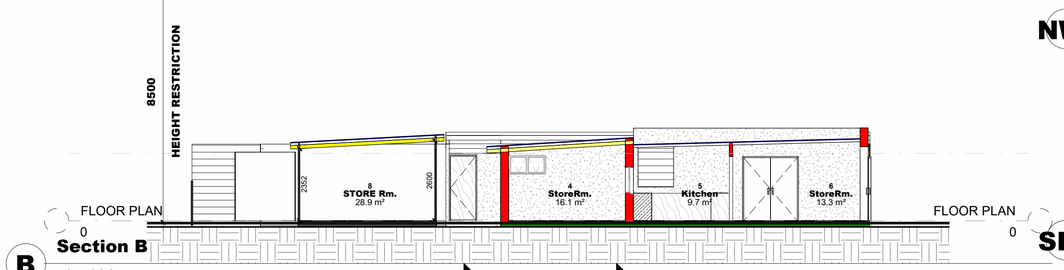
PROJECT / CLIENT	**SAM SHOP** FOR **Jaco Heinrich BARNARD**
SCOPE	**AS-BUILT STRUCTURES SUBMISSION**
CLASSIFICATION	**F2** BUSINESS ZONE II
	Erf 45,46,47,48,49,50 306 Lentegeur Street RHEENENDAL KNYSNA DISTRICT
Drwg description	**Site Status-Quo Pictures**
Scale	**1 : 200**
Project number	**RHE25-01**
Date	**2025_07_01**
Drawn by	**TN**
Checked by	**XN**
Drawing	**LAD02**



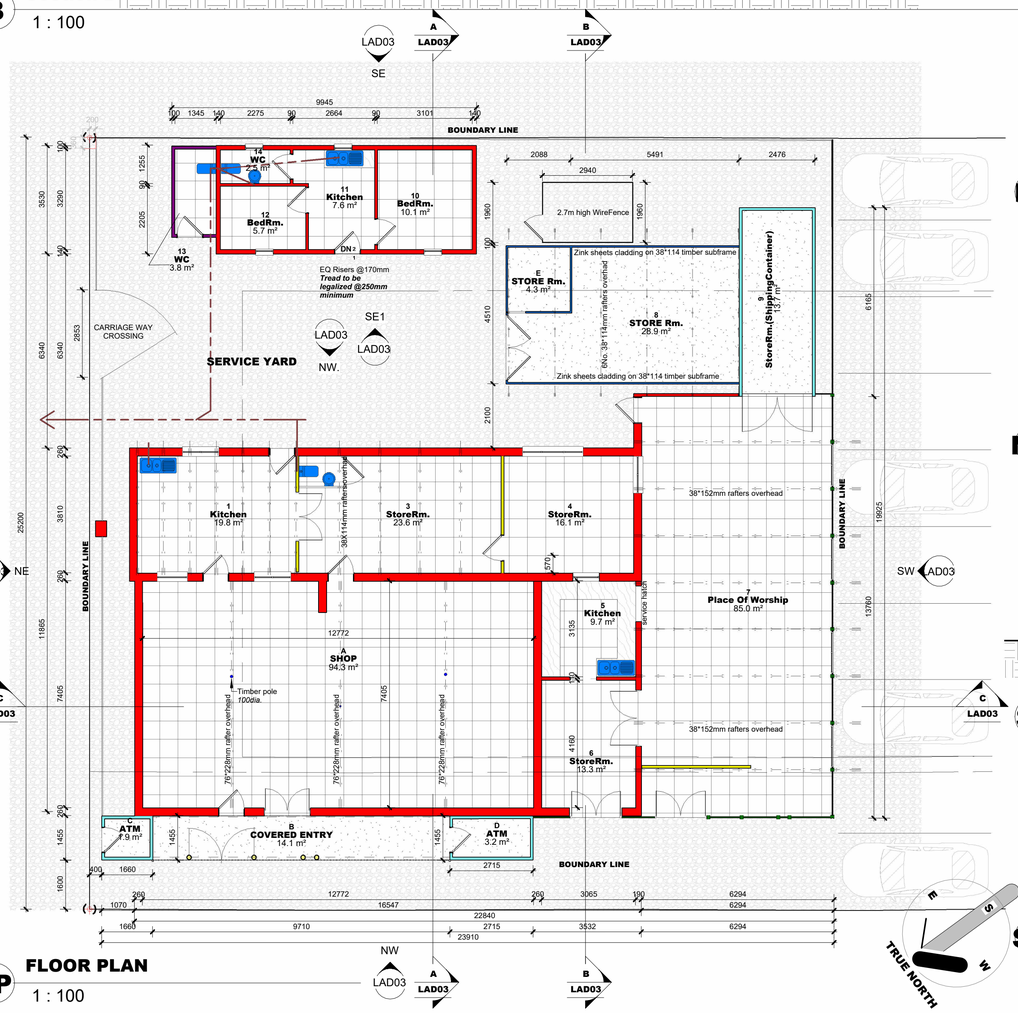
A
Section A
1 : 100



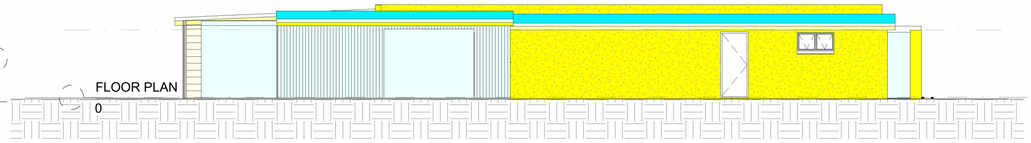
C
Section C
1 : 100



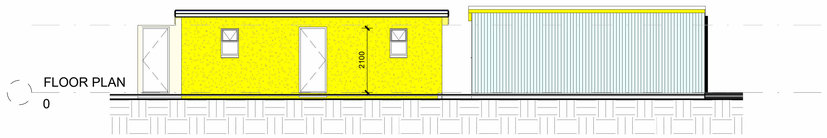
B
Section B
1 : 100



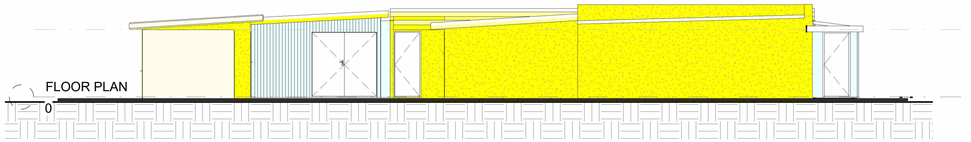
FP
FLOOR PLAN
1 : 100



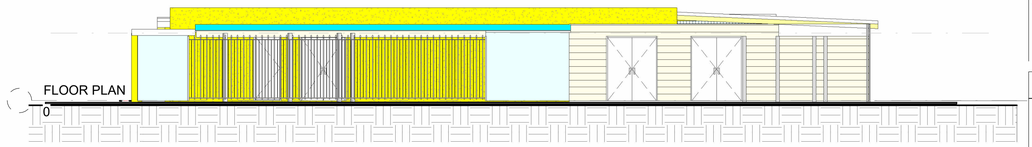
NW.
Elevation North West
1 : 100



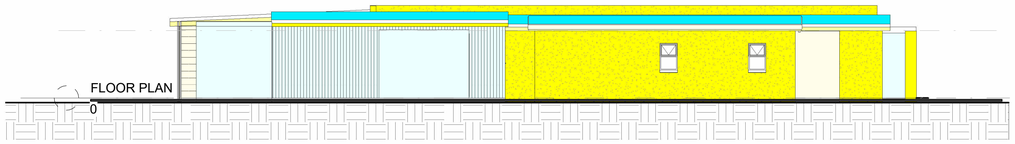
SE1
Elevation_REAR
1 : 100



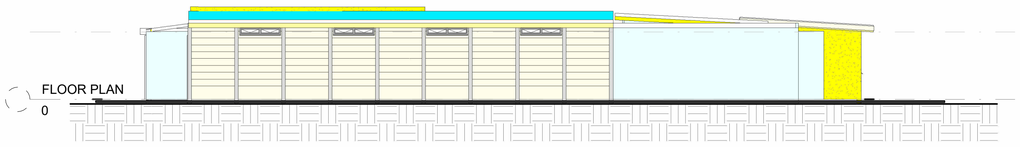
NE
Elevation NE
1 : 100



NW
Elevation NW
1 : 100



SE
Elevation SE
1 : 100



SW
Elevation SW
1 : 100

NOTE : ALL SPECIFICATION TO COMPLY SANS 10400 (SABS 0400)
– *The application of the National Building regulations (NBR)*
WITH REFERENCE TO KNYSNA MUNICIPALITY BY-LAWS

Copyright ©

sheet A1

- municipal by-laws and those other affected authorities must be adhered to.
- positions of pegs/ site boundaries must be checked by a registered land surveyor
- all dimensions and levels on the building site must be checked by the contractor on site before commencing of works and any discrepancies to be reported to the author/ design architect prior commencing works.
- never scale this drawing on site but use figured dimensions and refer to details.
- all work to be done in accordance with NBR SANS 10400 XA requirements
- all cavity cavity walls below floor finish to be filled with concrete and DPC to be stepped
- all plumbing to be installed by a registered/ competent plumber
- all hot water pipes to be insulated per SANS 10254 & 10252-1 and meet municipal by-laws
- strucutral engineer to be appojnted for steel work, concrete and timber and no site amendments to be done without architects approval
- health & safety inspector to be appointed by the contractor/ client before commencement on site.
- information contained herein belongs to THANK.X.CUBE architectural designs.
- COPYRIGHT is strictly reserved.
- competent person is to be appointed for all mechanical & electrical works as per SANS requirements and must be on LA database.

ALL INSTALLATIONS TO BE DONE AS PER LA. SANS 1025.1 , 10400 & 10254:2012 REQUIREMENTS

- ANY DEVIATION FROM APPROVED DRAWINGS EXEMPT THE ARCHITECT/ AUTHOR FROM ANY LIABILITY THEREOF.

REVISION No.	Description	Date
1	Draft 1 issue	'25.10.06
2	Draft 2 - Townplanning	'25.11.24

CLIENT'S SIGNATURE:

(Agent)

ARCHITECT'S SIGNATURE:

THANKOA & XCUBE
THANK.X.CUBE
FOR ALL YOUR BUILDING PLANS
ARCHITECTURAL STUDIO
PROFESSIONAL & INTELLIGENT SPACE DESIGNS

PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
South African Council for the Architectural Profession
XOLANI NCUBE
08:27 AM (Africa/Johannesburg) on 21 Jan 2025

CONTACT
c : 071 341 8641 - XOLANI
SACAP : PAD 21059

c : 083 227 6001 - THABISO
e-mail : thank.x.cube@gmail.com
MERRICK HOUSE 2nd FLOOR, 12 LONG STREET, KNYSNA,6570
THIS DRAWINGS IS **COPYRIGHT** AND MAY NOT BE COPIED WITHOUT PRIOR CONSENT WITH THE AUTHOR.

PROJECT / CLIENT	**SAM SHOP** FOR **Jaco Heinrich BARNARD**
SCOPE	**AS-BUILT STRUCTURES SUBMISSION**
CLASSIFICATION	**F2** BUSINESS ZONE II
	Erf 45,46,47,48,49,50 306 Lentegeur Street RHEENENDAL KNYSNA DISTRICT
Drwg description	**PLAN - SECTIONS - ELEVATIONS**
Scale	**As indicated**
Project number	**RHE25-01**
Date	**2025_07_01**
Drawn by	**TN**
Checked by	**XN**
Drawing	**LAD03**