

**MEMORANDUM IN SUPPORT OF APPLICATIONS
FOR SUBDIVISION, CONSOLIDATION AND ADMINISTRATOR'S
CONSENT: ERF 1712 AND 1713 KNYSNA**



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SUMMARY OF APPLICATION:

1. The applications are to apply for subdivision of Erf 1712 and then the consolidation of part of the erf with the adjoining property, Erf 1713.
2. Administrator's consent for subdivision is also requested.

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ANNEXURES

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PLANS:

Zoning Plan

1. BACKGROUND INFORMATION

1.1 Pre- Application Consultation

No pre-Application consultation was held.

1.2 Application details:

Location: The site is located in the Leisure Isle area, as shown below:



1.2.1. **The Applications:**

The applications are for the subdivision of Erf 1712 into Portion A and the Remainder, and the consolidation of Portion A with Erf 1713.

Secondly, to deal with Administrators Consent as detailed in the Title Deed.

The details are more specifically as follows as shown on the Draft diagrams Annexure C:

- (i) Erf 1712 to be divided into Portion A (143m²) and a Remainder (762m²) respectively
- (ii) Divided Portion A of Erf 1712 (143m²) to be consolidated with Erf 1713 (612m²) with an area of 755m².

The Knysna Spatial Planning and Land Use Management By-Laws 2021 requires the following application:

Secondly, consent as below is required:

- **Administrator's** consent as indicated in Condition D(j) of the Erf 1712 Title Deed. **The applicable Deed is T26207/2019.**

1.3 Property Details and Ownership:

The sites are owned by THE HAIDEN FAMILY TRUST by virtue of the attached Deeds of Transfer T 26207/2019 and T18427/2021, and are 905m² and 612m² respectively, in extent.

1.4 Legal Matters:

1.4.1 Conditions of Title: Condition D (j) in Title Deed for Erf 1712 refers to subdivision permitted with the consent of the Administrator.

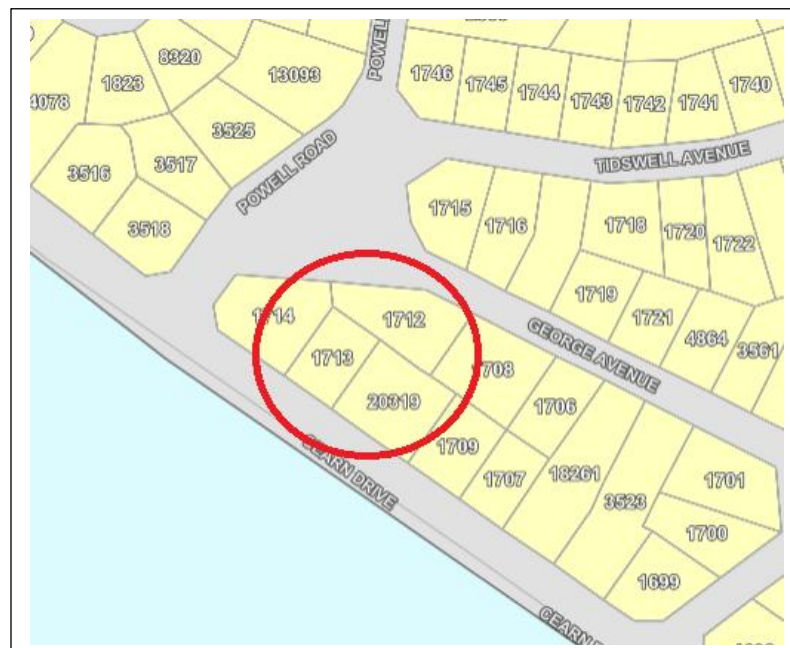
1.4.2 Bond holders' consent:

There is a bond over Erf 1712 and the bondholder's consent is attached.

1.4.3 Legal Jurisdiction and zoning:

The properties fall within the Knysna area and are zoned “**SINGLE RESIDENTIAL ZONE I**” in terms of the Knysna Municipality Zoning Scheme By-Law 2020. See attached Zoning Plan and below:

ZONING: Single Residential Zone 1

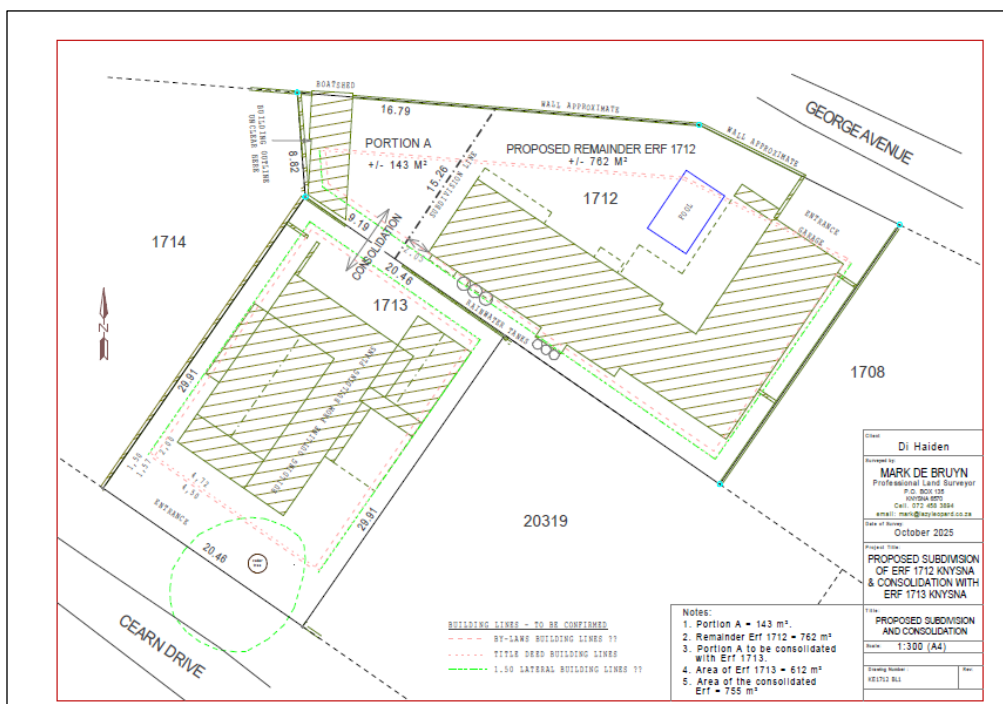


2. APPLICATION AND DEVELOPMENT PROPOSALS

2.1 Requirements of the Application

2.1.1 Subdivision and Consolidation of the erven:

The two properties are in the same ownership, and the requirement is to reconfigure both properties by the subdivision of Erf 1712, and the incorporation of part of the subdivided erf into Erf 1713 as shown below and attached:



The new portions to be created will result in the following Erf dimensions:

- Consolidated Erf 1713 with Portion A = 755m²
- Divided Erf 1712 = 762m²

The procedures as described will create erven of similar proportions.

2.1.2 Administrator's Consent:

- Condition D(j) in the Title Deed of Erf 1712 stipulates that the erf may be subdivided with the consent of the Administrator. **The applicable Deed is T26207/2019.**

It is common cause that the Administrator is a redundant reference, as it is an administrative entity no longer in existence, nevertheless the consent is sought from the municipality, which is the entity responsible for such consents.

3. SITE CONTEXT

3.1 Location and surrounding uses:

In terms of site considerations, it can be noted that the properties are located within the Leisure Isle area between George Avenue and Cearn Drive as shown below.

While the two properties have access to these streets, the part of Erf 1713 which will be subdivided as Portion A, abuts on open space, because George Avenue is not accessible at this point and is essentially a local public park.



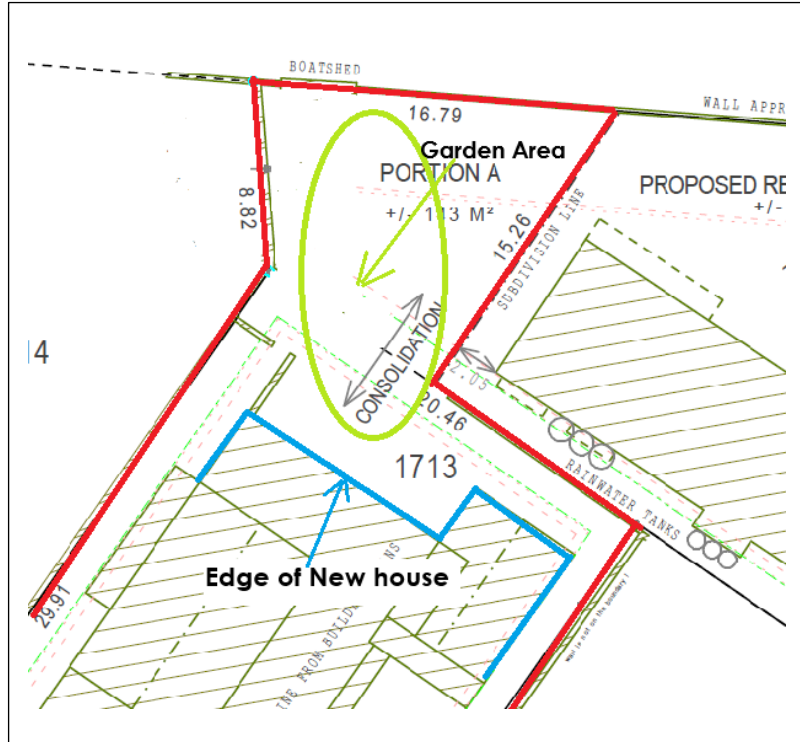
It is also to be noted that the house shown on the above aerial photograph has been replaced with a new residence, which faces directly onto the subdivided portion of Erf 1712.

It means that the subdivided Portion A, is essentially the garden area for the consolidated Erf 1713.

The new configuration is shown diagrammatically overleaf. It is significant to note that the existing house on Erf 1712 does not utilise the portion of the site to be divided from the erf, as the house and its pool and entertainment area is on the northern and eastern part of the site.

The subdivided portion and its consolidation with Erf 1713, will greatly enhance the liveability of Erf 1713 without detracting from the functioning of Erf 1712.

Schematic layout of consolidated site with 1713:



4. POLICY FRAMEWORKS

4.1 Spatial Development Frameworks, SPLUMA and IDP's

4.1.1 Current Policy Implications

The proposals anticipated for the site are to rationalise the configuration of the two properties without impacts on any party. The nature of the application is to improve the functionality of the property with its new house and which has no direct influence on any policy pronouncements.

In the case of SPLUMA, there are overall guiding principles contained in Chapter 2 of the Act, such as spatial sustainability and spatial efficiency, however the use is in terms of an existing zoning and therefore not in conflict with any of these principles. Similarly, there are no conflicts with policy pronouncements such as the Spatial Development Frameworks for the area, which do not pronounce on matters of such fine detail.

5. MOTIVATION OF APPLICATIONS

5.1 Reasons for the application:

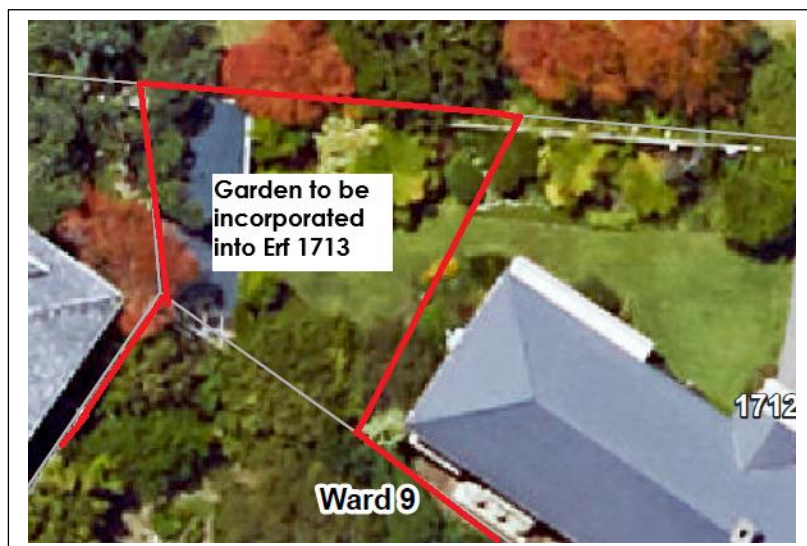
The reasons for the components of this application arise because the recently constructed house on Erf 1713 will benefit from additional garden space which already exists on Erf 1712. The house on Erf 1712 faces north and has its access onto George Avenue on the eastern boundary as shown below. The subdivision of Portion A will not affect the functioning of Erf 1712:

Reconfiguration of Erf 1712:



Likewise, Erf 1713 will benefit from the additional garden space as shown:

Reconfiguration of Erf 1713:



5.2 Title Deed Stipulations:

- Condition D(j) contained in the deed for Erf 1712 is a redundant stipulation in the context of the status quo in relation to references to the Administrator. **The applicable Deed is T26207/2019.**

Section 45(6) of SPLUMA (Act 13 of 2013), makes provision for the substitution of the consent by the then Administrator to the Municipality, and therefore the so called "Administrator's Consent" to allow subdivision as requested, can be granted in terms of this provision in SPLUMA. Such consents are therefore vested in the municipality.

5.3 Impacts on the area:

As mentioned above, the nature of the area is one of a typical residential precinct within the suburb of Leisure Isle.

The applications as applied for will reconfigure the functionality of these two erven , but will have no impact on the area in general.

5.4 Need and Desirability:

The application components as requested are both necessary and desirable, and will enhance the functional space for the recently constructed house on Erf 1713, without any negative consequences for Erf 1712.

The result will be the creation of two reconfigured properties, which can function independently without any negative consequences.

In order to achieve this, the application is both necessary and desirable.

5.5 Services for the sites:

There are no implications as far as services are concerned, as there are no new buildings proposed for the reconfigured sites.

The two houses function independently and will continue to do so after the reconfiguration.

5.6 Other zoning parameters:

While the reconfiguration of the two properties means that the one erf becomes smaller and the other increases in size, there will be no impacts on the development parameters stipulated in Knysna Zoning Scheme.

All parameters such as building lines, height and coverage remain well within the stipulations of the zoning scheme for the newly created erven.

6. SUMMARY AND RECOMMENDATIONS

6.1 In summary the applications are for the following:

- A **subdivision** and **consolidation** of the two sites into reconfigured properties.
- **Administrator's Consent** for subdivision, as contained in the Title Deeds for Erf 1712

6.2. Recommended approval:

The application as motivated and the implications thereof will facilitate the new properties in a format which benefits both sites, without any negative consequences. There is therefore no reason not to support and approve the applications as presented.