

ITEM TO:

Municipal Planning Tribunal



APPLICATION NO.	3658
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	03 March 2026

LAND USE PLANNING REPORT**ADMINISTRATIVE PENALTY: PORTION 92 OF FARM 203, ELANDS KRAAL****PART A: APPLICANT DETAILS**

Name & Surname	Lloyd Druce
Company name	VBGD TOWN PLANNERS
SACPLAN registration number	A/543/1987
Registered owner(s)	CINDARELLA CATHERINE KOEHLER AND CHERYL FRANCKEN

PART B: PROPERTY DETAILS

Property description	Portion 92 of the farm Elands Kraal No. 203, in the Municipality and Division of Knysna, Province of the Western Cape
Property Extent (m ²)	5,3120HA
Physical address	Barrington/Karatara Rd Elands Kraal
Area/Town	Knysna
Current zoning	Agricultural Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Rural Residential
Are there existing buildings on the property?	Yes
Title Deed number & date	T29003/2020
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) read with Section 93(1) for the unauthorized building work that encroaches the 30m building line of the Knysna Zoning Scheme By-law (2020), under "Agriculture Zone I", in respect of Portion 92 of the Farm Elands Kraal No. 203, Knysna.

2. BACKGROUND

- 2.1. The subject property is zoned "Agricultural Zone I" in terms of the Knysna Zoning Scheme By-law (2020), which permits "agriculture" as the permissible primary use. This zone prescribes a 30m building line within which no buildings or structures are permitted without prior approval in terms of the provisions of the Knysna Municipality By-law on Spatial Planning and Land Use Management.
- 2.2. The applicant states that the current owners purchased the subject property just before 2020, and the property was previously destroyed by the 2017 Knysna fires. During the 2020 COVID pandemic, the property owner commenced with building work on the property, without obtaining approved building plans. The building work entailed a residence, a shed and a glasshouse. The glasshouse encroaches on the 30m zoning scheme building line, as applicable to "Agricultural Zone I" properties. Further the property owners later altered the shed to accommodate a storage room as well as three habitable rooms.

1. ASSESSMENT OF APPLICATION

1.1. 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 5,000.00
(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 Business 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 applicant states that unlawful structures were built by the previous owner around the 2020 COVID period where there was limited contact with the Municipality, and for this reason, the building plans were not submitted. The applicant also highlights that the property was then sold to the current owner around the same period and that although these structures were built by the previous owner, the current owner was informed that they needed to submit building plans.

3.2.2. The applicant did not provide the estimated cost of construction for the unlawful structures. However, they propose that a penalty of not more than R1 000. 00 be imposed, stating that in terms of the use of the property, the house and the shed are compliant, and given the circumstances above, they believe that the proposed penalty would be appropriate.

3.2.3. Considering the above, it is believed that the proposed maximum penalty of R1 000 .00 is not reasonable. The lack of contact with the Municipality cannot be substantiated. Additionally, the applicant has stated that the new owner was made aware of the need to submit building plans in 2020, and yet that was only done over 5 years later.

3. 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 **R5 000.00** be determined in accordance with Section 93(2), for the unauthorized building work encroaching the 30m building line in terms of the Knysna Zoning Scheme By-law (2020), in respect of Portion 92 of the Farm Elands Kraal No. 203, Knysna.

4. CONDITIONS OF APPROVAL 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):

- 4.1. The administrative penalty applies to the buildings and structures encroaching the prescribed building line as shown on the plan numbered "26.03", dated January 2026.
- 4.2. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- 4.3. This decision and the 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 Portion 92 of the Farm Elands Kraal No. 203, Knysna.

5. REASONS FOR RECOMMENDATION

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

The applicant argues that the lack of contact with the Municipality during the COVID lockdown in 2020 is the main reason that the property owners failed to obtain prior municipal approvals for the structures in question. However, they also add that the new owner was informed of the need to submit building plans around the same time and yet it has taken the owners a considerable lengthy period to rectify the contravention. It is therefore considered reasonable that a significant administrative penalty be imposed.

6. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: Applicant's Motivating Memorandum

ANNEXURE B: Copy of Title Deed

ANNEXURE C: Power of Attorney

ANNEXURE D: Site Plan

Portion 92 of the Farm Elands Kraal No. 203, Knysna.			
Author Name: S. SITINGA Date: 16 APRIL 2026		Author Signature: 	
Registered planner name: SHAWN MADUMBO SACPLAN registration number: A/1510/2012 Date: 16/04/2026		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)



Date: 30/01/2026

Reference:

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

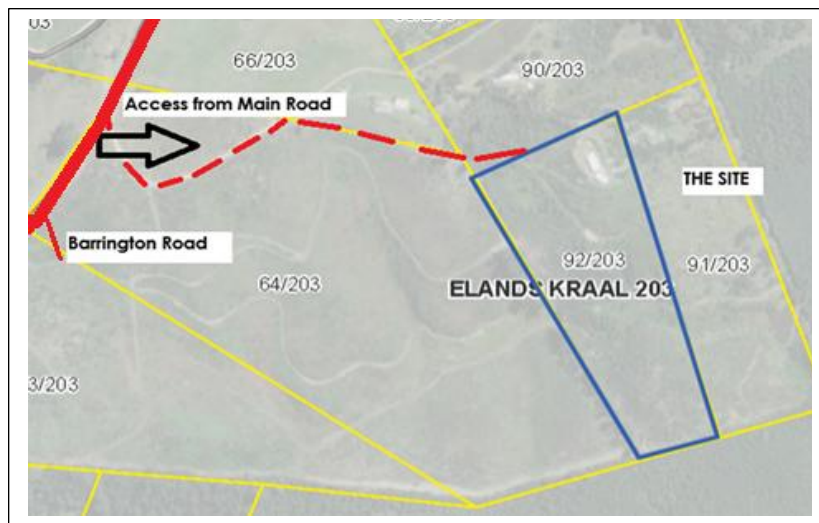
Dear Sir,

APPLICATION: FARM ELANDS KRAAL PORTION 92 FARM 203 : DETERMINATION OF ADMINISTRATIVE PENALTY

Our firm has been appointed by the owner of the above erf to submit this application , for the determination of an administrative penalty, as contemplated in Section 93 of the Knysna Spatial Planning and Land Use Management Bylaw (2021). The background is as follows:

- 1. OWNERS:** The site is owned by CINDARELLA CATHERINE KOEHLER AND CHERYL FRANCKEN by virtue of the attached Deed of Transfer T 19007/2023 and is 5,3120Hha in extent.
- 2. LOCATION and SIZE:**

The portion is located approximately 11km along the Karatara/Barrington Road from the N2 as shown below:

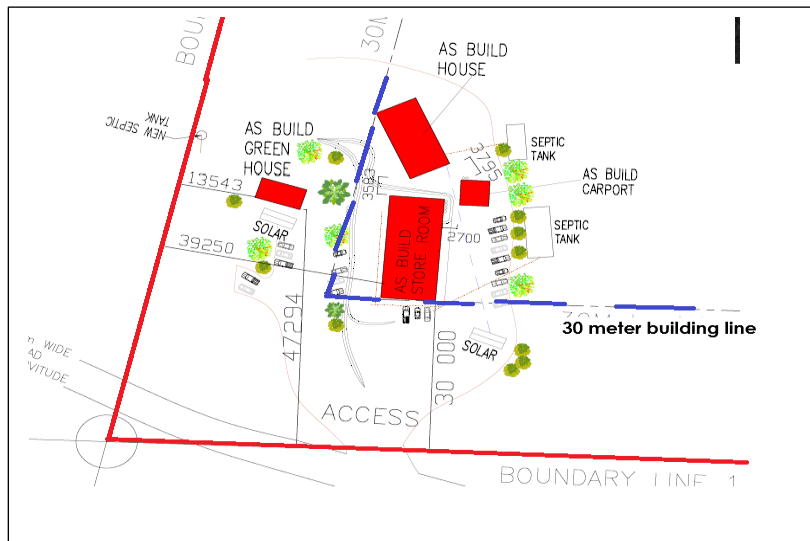


3. BACKGROUND:

The site was purchased shortly before the COVID pandemic after the site was destroyed by the 2017 fires. It appeared as follows at the time:

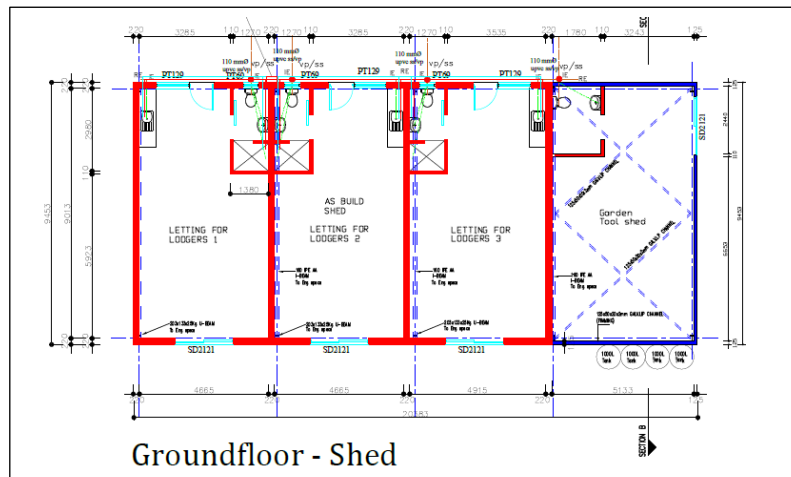


Due to the lockdown conditions prevailing at the time of COVID, the landowner commenced and completed the structures on the property, which contained a residence, a shed and a glasshouse as shown diagrammatically below. Due to lack of contact with the municipality, there were no approved building plans obtained for the structures::



As can be seen, with the exception of the glasshouse, the other structures were built within the 30m building lines. The glasshouse is a light structure on top of raised vegetable beds with no foundations and with a roof supported by poles. It was not known that this type of structure even required plans at the time, however the zoning scheme defines a building as any roofed structure and therefore the building line is applicable.

Internally, the building erected as a shed was altered to accommodate a store as well as three habitable rooms which are used as lodger accommodation as shown on the attached plans and in the sketch below:



4. THE CURRENT APPLICATION:

The application to determine an administrative penalty is therefore twofold:

- To rectify the greenhouse structure within the 30m building line and
- A penalty for erecting the structures without approved building plans

The glasshouse structure is a permitted use, and therefore the penalty is purely for non-compliance with the building line parameter.

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:

- Section 93(1):** The applicant is desirous to rectify the existing contraventions in terms of this section of the By -Law. No notice has been served on the owner.
- Section 93(9):** In considering 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 structures were built during the COVID Pandemic when interaction with the municipality for plan submission and approvals was significantly constrained.

The land owner needed to build the structures, and not knowing how long the lockdown conditions would last they were built without the necessary approvals being obtained.

Regarding the glasshouse, it was not known that it constituted a building because it is a light structure with no foundation and covers a raised vegetable bed. It can easily be

moved, but that would be detrimental to the vegetable bed, and therefore relaxation of the building line is a more appropriate measure. That application has been submitted simultaneously with this one.

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

The owner of the property is a new owner and was only made aware of the need for approved building plans after purchase of the property. The previous owner is thus facilitating the correction of the matter to regularise the status quo, and eventually have a set of approved plans.

5.3. **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(ii) stipulates that for an unauthorized building work which require a departure from the zoning scheme parameters a penalty can be levied.

The land use of a glasshouse is not an unauthorised land use, and the structure does not contravene any other provisions of the Knysna Zoning Scheme. Therefore, the departure from the 30m building line as applied for, will rectify this aspect as well.

We would therefore ask that due to the landowners' willingness to comply with the provisions of the zoning scheme, that a nominal penalty be levied of not more than R1000, as the contravention is innocuous and will not have any detrimental impacts.

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

In the context of the erection of the other structures such as the house and the shed with the internal adjustments, the building plans will be submitted, and a penalty can be imposed at the time when they are considered. Neither the house nor the shed are non-compliant uses.

7. **PAYMENT OF FEES:**

The fees payable are usually 50% of the prescribed fee, which in the instance of a building line departure consent use would be R1235-76

8. **ACCOMPANYING DOCUMENTS**

The following documents accompany the application:

1. A completed application form
2. A Copy of the Title Deeds
3. Power of Attorney from the registered owners
4. Proof of payment : R1235.76

5. ANNEXURE: Proposed Building Site Plan.

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

Yours sincerely,



Lloyd Druce
VBGD Town Planners

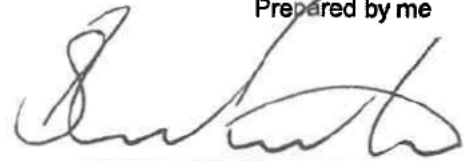
1514

JOHANN H COETZEE ING.
CONSTITUTION HOUSE
KAAPSTAD 8001

TEL: 021 424 8341

CHRISTO MULDER ATTORNEYS
15 DALE LACE AVE
RANDPARK RIDGE

Prepared by me



CONVEYANCER

ABRAHAM CHRISJAN MULDER 14901

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 400 000,00	R. 1900,00
		R. 2 014,00
Reason for exemption	Category Exemption	Exemption i t o. Sec/Reg. Act/Proc.

DATA / CAPTURE
30-05-2023
FATGEYAH LARNEY

T000019007 / 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Lise Coetzee LCPM 85098

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

GWENEVIERE TEMPLE HEYDON

Identity Number [REDACTED]

Unmarried

which said Power of Attorney was signed at WILDERNESS on 15 DECEMBER 2022

WENDY FANT
01-05-2023
LexisConvey 2.6.2

And the appearer declared that his/her said principal had, on 21 November 2022, 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:

CINDERELLA CATHERINA KOEHLER
Born on 30 November 1970
and
CHERYL FRANCKEN
Born on 16 June 1973
Married in community of property to each other

their Heirs, Executors, Administrators or Assigns, in full and free property

PORTION 92 (A PORTION OF PORTION 41) OF FARM ELANDS KRAAL NO.
203
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF WESTERN CAPE

IN EXTENT 5,3120 (FIVE COMMA THREE ONE TWO ZERO) Hectares

FIRST REGISTERED by Certificate of Registered Title No. T115880/2004 with
Diagram SG No. 6305/1999 relating thereto and held by Deed of Transfer
Number T18127/2020

- A. SUBJECT to the conditions referred to in Deed of Transfer No. T6836/1911.
- B. In terms of Notarial Deed K336/1987S the within mentioned property is entitled to a servitude right of road 5 metres wide, the middle line of which road is indicated by the curved line a b on Diagram 2117/84 annexed to the said Notarial Deed, over Portion 66 (Portion of Portion 39) of the farm Elandskraal No 203, in the Division of Knysna, Extent 6, 1354 hectares held under Deed of Transfer No. T50317/1984 as will more fully appear from the said Notarial Deed, which endorsement dated 3 June 1987 is endorsed on Deed of Transfer No. T4266/78.
- C.
- D. SUBJECT further as contained in Certificate of Registered Title No. T115880/2004 to the following condition imposed in terms of Act 21 of 1940 as is referred to in Consent dated 13 November 1998 filed with Deed of Transfer No. T33631/2004 reading as follows: -

Dat geen advertensietekens binne die padreserwe van Hoofpad 351 opgerig mag word sonder die skriftelike toestemming van die beherende owerheid nie.

- E. By Deed of Transfer No T48178/2005 the within mentioned property is subject to a road servitude 6 metres wide depicted by the line e f on diagram SG No. 6305/1999 in favour of portion 91 a Portion of Portion 41 of the Farm Elands Kraal No. 203 measuring 5,1363 ha.

As will more fully appear from said Deed of Transfer.

- F. ENTILED to the endorsement dated 1 September 2011 on Deed of Transfer No. T83908/2005, which reads as follows: -

By virtue of notarial deed of servitude No K773/2011S dated 2 August 2011, the within mentioned property is entitled to:

A road servitude 6 metres wide, the centre lines of which is indicated by the curved lines a,bf,fg REPRESENTED ON Revised Diagram S.G Number 6306/1999

over:

1. Portion 90 (a portion of portion 41) of the Farm Elands Kraal No. 203 measuring 4,9471 ha, held by Deed of Transfer T33650/2010

Together with ancillary rights.

As will more fully appear from said notarial deed



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

GWENEVIERE TEMPLE HEYDON, Unmarried

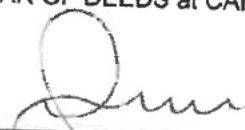
heretofore had to the premises, did in consequence also acknowledge her to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

CINDERELLA CATHERINA KOEHLER and CHERYL FRANCKEN, 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 R4 000 000,00 (FOUR MILLION 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 2023 -05- 19



q.q.

In my presence



REGISTRAR OF DEEDS



SPECIAL POWER OF ATTORNEY

I, THE UNDERSIGNED..... duly authorise by Company
Resolution of:

Cinderella Catherina Koehler and Cheryl Francken.

DO HEREBY NOMINATE, CONSTITUTE AND APPOINT
Lloyd Druce 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,

**TO APPLY FOR AN ADMINISTRATIVE PENALTY APPLICATION AND A DEPARTURE
APPLICATION TO THE KNYSNA MUNICIPALITY RELATING TO PORTION 92 (A PORTION OF
PORTION 41) FARM ELANDS KRAAL NO 203**

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/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 my/our said Attorney(s) and Agent(s) shall lawfully do, or
cause to be done, by virtue of these present.

Signed at Sedgefield..... this 23rd day of January.....2026

In the presence of the undersigned witnesses:

SIGNATURES:



AS A WITNESS:

1.

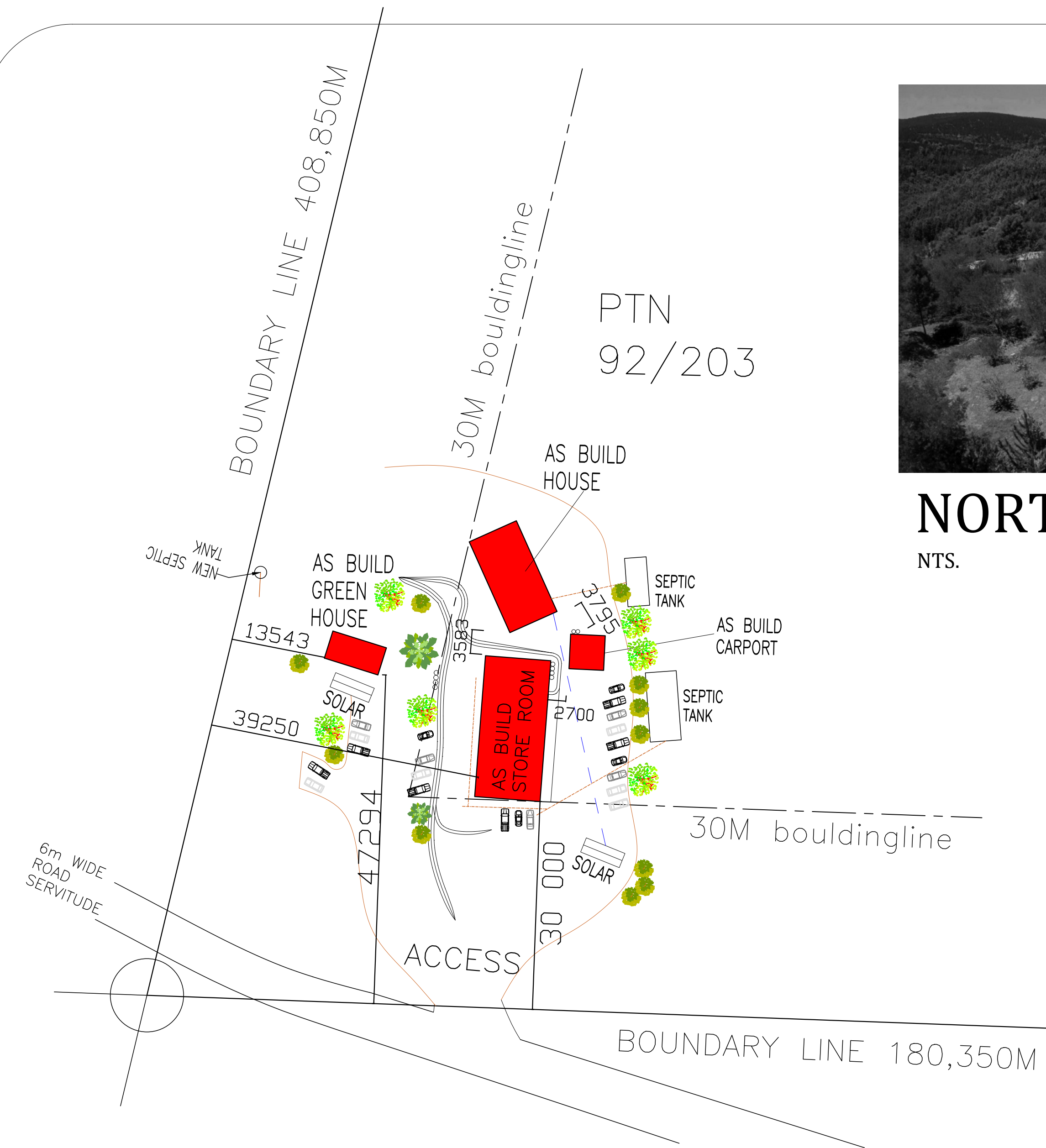
Cinderella Catherina Koehler



2.

.....

Cheryl Francken.



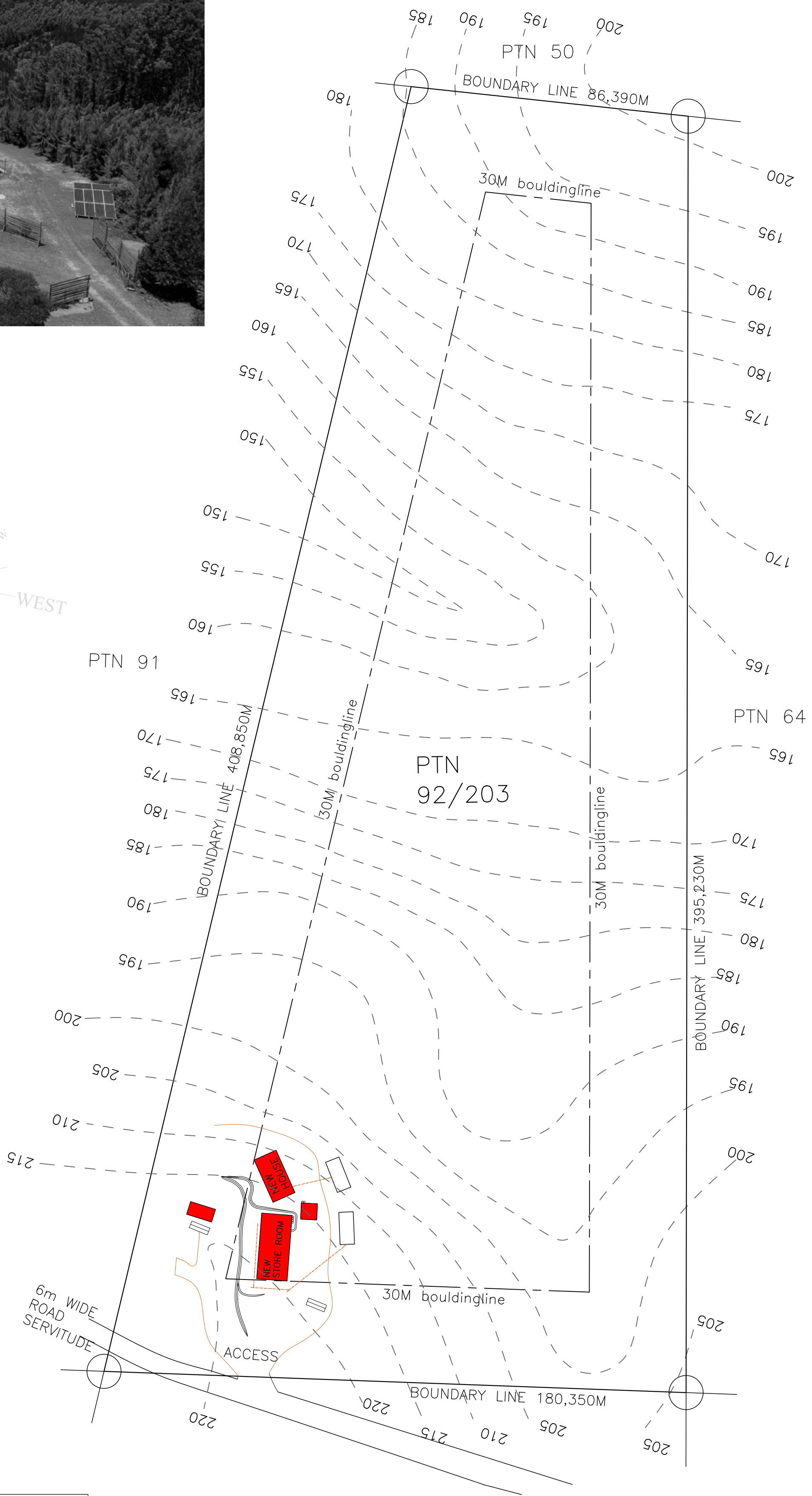
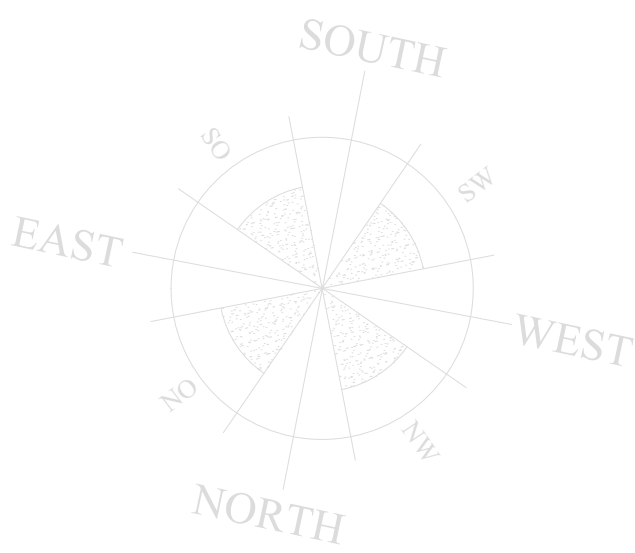
SITE DEVELOPMENT PLAN
NTS.



SOUTH VIEW
NTS.



NORTH VIEW
NTS.



SITELAN
1:1000

NO DEVIATIONS IN ROOF PITCH, ROOF OVERHANGS, CEILING HEIGHTS, BALCONY WIDTHS, WINDOW SIZES AND DEPTHS OR GLASS DESCRIPTION MAY TAKE PLACE WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER. DESIGNER ASSUMES NO RESPONSIBILITY FOR CLIENTS/BUILDERS WHO START CONSTRUCTION BEFORE BUILDING PLANS HAVE BEEN APPROVED.

GENERAL NOTES

1. ALL WORK TO COMPLY WITH LOCAL AUTHORITIES REQUIREMENTS, BYLAWS AND NATIONAL BUILDING REGULATIONS. (ACT No. 103 OF 1977) AND ESCOM WIRING REGULATIONS.
2. ALL THE DIMENSIONS ON THE PLAN ARE TO BE CHECKED BEFORE PUTTING WORK IN HAND.
3. WRITTEN DIMENSIONS TO TAKE PREFERENCE TO SCALING FROM DRAWINGS.
4. ALL DETAILS TO BE READ IN CONJUNCTION WITH PLANS AND SECTIONS.
5. ALL GROUND LEVELS TO BE CHECKED ON SITE PRIOR TO ANY WORK. GROUND LEVELS ON PLAN ARE ONLY FOR INDICATION.
6. ALL CONNECTIONS TO BE CHECKED.
7. STAIRS: RISERS 175mm – TREADS 270mm

AREA SCHEDULE

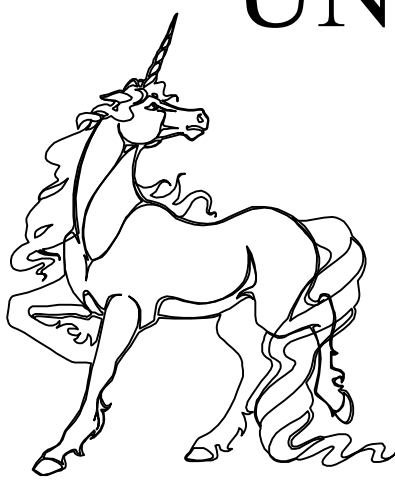
HOUSE:	107m ²
STORE ROOM:	192m ²
CARPORT:	25m ²
GREENHOUSE:	33m ²
TOTAL NEW WORKS:	357m ²
STAND SIZE:	5 312Ha
F.A.R:	0,0692
COVERAGE:	6,92%

No	WYSIGINGS	DATUM
----	-----------	-------

Professionele Argiteksontwerper

Posbus 241
Mosselbaai
6500
Sel : 079 150 8455
e-pos: nickydeswardt38@gmail.com

FIRMA : UNIPLANS



D0276

PROJEK :

C Koehler & C Francken
Portion 92/203
Elandskraal
Sedgfield, Knysna

OWNER/POA
SIGNATURE

NdeSwardt

Geteken: Nicky de Swardt	Blodsy: 1
Datum: January 2026	Plan no: 26.03 +
Skaal: 1:100,50 - A1	

ITEM TO:

Municipal Planning Tribunal



KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3643
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	19 February 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 8322 KNYSNA

PART A: APPLICANT DETAILS

Name & Surname	Marike Vreken
Company name	Marike Vreken Town Planners
SACPLAN registration number	1101
Registered owner(s)	BESTVEST 67 (PROPIETARY) LIMITED Number 2004/021167/07

PART B: PROPERTY DETAILS

Property description	Erf 832 Knysna in the Municipality and Division of Knysna, Province of the Western Cape
Property Extent (m ²)	2379
Physical address	23 Nelson St, Knysna Central, Knysna
Area/Town	Knysna
Current zoning	Business Zone II
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Liquor Store
Are there existing buildings on the property?	Yes
Title Deed number & date	T33291/1994
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) read with Section 93(1) for the unauthorized land use of "liquor store" on a property zoned "Business Zone II" in respect of Erf 8322, 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 "shop/office". According to the applicant, the owners of the subject property have been using the property as a liquor store for over 20 years. A zoning certificate issued recently confirmed that this property is zoned for business purposes and no other changes were made on the site.

2.2. The applicant alleges that after the adoption of the 2020 Knysna Zoning Scheme By-law, the original zoning of the property lapsed and the "Business Zone II" zoning came into effect, which allowed for the primary use of a "shop/office" and "liquor store" listed as a consent use. Therefore, the existing use was deemed unlawful. Further the applicant states that the owners allege that they were not notified of the changes by the Municipality and continued operating.

1. ASSESSMENT OF APPLICATION

1.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	<i>as per Council tariff</i>
(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)	Not Applicable
2. Unauthorised Land Use	

(a) Uncontested: Unauthorised Business Use	R 24,000.00
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 6,850,000.00))	Up to R 8,142,000.00

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

3.2.1. The applicant states that the subject property is zoned "Business Zone II", with all structures on the property built accordingly and a zoning certificate issued in 2015, confirming such. However, the applicant states that the zoning lapsed due to the introduction of the Knysna Zoning Scheme By-law (2020).

3.2.2. According to municipal records, the subject property had received approval for a rezoning from "Local Business Zone" to "Business Zone", in terms of the 1992 Knysna Scheme Regulations. This approval included a specific condition of approval requiring the submission of access and parking layout (Site Development Plan) submission before the rights could be considered to have been exercised. The applicant could not provide any evidence to this effect, and therefore the approval is considered to have lapsed. It is viewed that it is disingenuous for the applicant to state that the rights lapsed due to the introduction of the Knysna Zoning Scheme By-law (2020).

3.2.3. However, considering that the liquor store has been operating for a significant period and has not shown to have any adverse impact on the neighboring properties, the gravity of the contravention is considered minor in nature. Additionally, upon realizing that the liquor store was in contravention of the current zoning scheme bylaw, the landowner took the initiative to legalize the operation on the property.

3. 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 **R24 000.00** be determined in accordance with Section 93(2), for the unauthorized land use of a "liquor store" on a "Business Zone II" property of the Knysna Zoning Scheme By-law (2020), in respect of Erf 8322, Knysna.

4. CONDITIONS OF APPROVAL 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):

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

4.2. This decision and the 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 Erf 8322, Knysna.

5. REASONS FOR RECOMMENDATION

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

- 5.1. The applicant argues that the property owners were not aware that the current use of the property was unlawful in terms of the Knysna Zoning By-law (2020), as it was legal under the 1992 Knysna Scheme Regulations and that they were not aware of the newly introduced changes.
- 5.2. However, it is believed that the lapsing of the rights was not due to the introduction of a new zoning scheme, but due to the failure of the property owners to comply with the specified conditions of approval, as contained in decision letter dates 07 October 2010. The imposition of an administrative penalty is therefore considered justified.

6. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: Applicant's Motivating Memorandum

ANNEXURE B: Copy of Title Deed

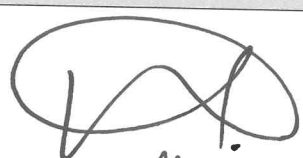
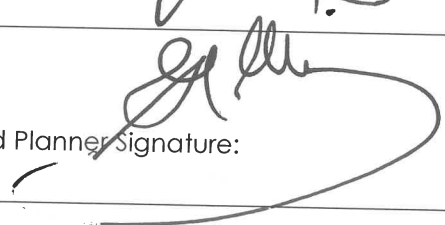
ANNEXURE C: Power of Attorney and Company Resolution

ANNEXURE D: Locality Map

ANNEXURE E: Zoning Map

ANNEXURE F: Land Use Map

ANNEXURE G: Site Plan & Approved Building Plans

Administrative Penalty: Erf 8322 Knysna			
Author Name: S. SITINGA Date: 16 APRIL 2026		Author Signature: 	
Registered planner name: SHAWN MADUMBO SACPLAN registration number: A/1510/2012 Date: 16/04/2026		Registered Planner Signature: 	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Our Ref: Pr25/66b04

22 January 2026

Your Ref:

BY E-MAIL: hsmit@knysna.gov.za
knysna@knysna.gov.za
smadumbo@knysna.gov.za

The Manager: Land Use Management
Knysna Municipality
P.O. Box 21
Knysna
6570

FOR ATTENTION: MR HENNIE SMIT

Dear Sir,

**KNYSNA ERF 8322: DETERMINATION OF AN ADMINISTRATIVE PENALTY AS
CONTEMPLATED IN SECTION 93 OF THE KNYSNA SPATIAL PLANNING AND LAND USE
MANAGEMENT BYLAW (2021)**

Marike Vreken Urban and Environmental Planners have been appointed by **BESTVEST 67 (PTY) LTD** (See attached **Annexure A: Signed Power of Attorney**) to prepare and submit the required application documentation for the determination of an administrative penalty as contemplated in Section 93 of the Knysna Spatial Planning and Land Use Management Bylaw (2021) on Knysna Erf 8322.

1. BACKGROUND

PROPERTY DETAILS	
Erf Number (s):	Erf 8322 Knysna in the Municipality and Division of Knysna Province of the Western Cape
Suburb / Town	Knysna
Current Zoning:	Business Zone II (BII)
Property Size:	2379m ² (Two Thousand Three Hundred and Seventy Nine) Square Meters
Registered Owner (s):	BESTVEST 67 (PTY) LTD
Title Deed No:	T33291/1994 (Refer to Annexure B)
Title Deed Restrictions:	N/A
Bonds:	N/A
Servitudes:	N/A

- 1.1. Knysna Erf 8322 (hereafter referred to as "*the application area*") is situated in Nelson Street, Knysna Central. The application area is located in the Knysna Central Business area, only one street south of Main Road the main access corridor George and Plettenberg Bay. The coordinates to the centre of the Application Area are located at **34° 2'10.97"S** and **23° 2'44.00"E**.
- 1.2. The application area is 2379m² in extent and is zoned "Business Zone II" in terms of the Knysna Municipality Zoning Scheme By-law, 2020 (***Annexure C: Locality Plan***).



FIGURE 1: LOCALITY OF KNYSNA ERF 8322

- 1.3. The property has been used as a liquor store for several years, and the applicant envisages keeping the property as a liquor store. The property has been operating as liquor store for over 20 years and held a valid liquor license, this was confirmed with a zoning certificate that was issued in 2015, confirming business zoning. The business has stayed the same and did not change on the building plans.
- 1.4. Then, during 2020, when the new Knysna Zoning Scheme Bylaw came into operation, that meant that the original zoning of the property lapsed, the new zoning as Business Zone II allowed for a store as a primary use and a "liquor store" is permitted under a consent use. This render the existing use of the liquor store as unlawful and required the property owner to apply for a consent use to apply for a new liquor license.
- 1.5. As the owners continued to operate the liquor store after 2015, due to not being notified of the Knysna Zoning Scheme being change and the land use was not in accordance with the Knysna Municipality Zoning Scheme Bylaw (2020). All structures that are constructed on the property adhere to the development parameters set out.

2. THE APPLICATION

An application for the consent use has been submitted to Knysna Municipality, but the application will not be considered without an accompanying application for the determination of an Administrative Penalty, to legalise the illegal land use.

Application is therefore made for:

- (i) The determination of an administrative penalty as contemplated in Section 93 of the Knysna Spatial Planning and Land Use Management Bylaw (2021) for Knysna Erf 8322 (See attached **Annexure D: Application Form**) to enable the legalisation of the operation of a liquor store on the application area.

3. EXISTING LAND USE AND EXISTING STRUCTURES

3.1. Built Environment

The proposed land use for the property is to remain unchanged, maintaining its current status as a Liquor Store. This application does not propose any new activities, nor does it seek to introduce physical expansion or alterations to the existing structure. The objective is to formally sustain the long-standing commercial use of the site, ensuring that the land-use rights are consistent with the previously approved building plans and the established operational history of the business. By regularising this use, the property will remain fully integrated into the local commercial fabric without changing the character of the area.

The existing Building Plans have been attached to this application as **Annexure D**



FIGURE 2: EXISTING STRUCTURES ON THE APPLICATION AREA

3.2. Compliance with the Zoning Scheme Bylaw (2020)

A summary of the prescribed development parameters for "Business Zone II (BII)" - 'liquor store' and a comparison of the proposed development's parameters are shown in the table below:

Prescribed Development Parameter		Proposal	Compliance
Primary Use:	'shop'	'shop'	Comply
		'liquor store'	Consent Use Required
Coverage:	80%	40.35%	Comply
Floor Factor:	1	0.40	Comply
Height:	The highest point of a building may not exceed 8.5m metres above NGL	One story	Comply
Building Lines:	Street building line (north): 4.5m	5m	Comply
	Side building line (east): 0m	4.5m	Comply
	Side building line (south): 0m	4.5m	Comply
	Side building line (west): 0m.	4.5m	Comply
Parking:	4x parking bay per 100m ² GLA 960m ²	Parking bays required: 39x	Comply Non-conforming parking layout
	Parking For Physically Disabled: 1x required	Parking Bays provided: 40x	
	1001 – 2500m ² <u>1x required</u>	1x provided (Parking Bay#1)	Comply
Loading Bay:	1x refuse area required	1x loading bay provided	Comply
Refuse Room:		1x provided	Comply

3.2.1. The Applicant has been operating a liquor store on Knysna Erf 8322 for several years. The property currently accommodates for Business Zone II and allows primary use as "store". The Applicant proposes to continue as a liquor

store and therefor has to apply for consent use, which will be explained in depth with the submission of the consent use application.

- 3.2.2. The Applicant was unaware that the operation of the property as a liquor store was not allowed following the lapse of the previous land-use approval. The changes were not notified to the Applicant. As such, the Applicant continued operating the liquor store in good faith, in line with previous municipal practices and expectations and with the confirmed 2015 zoning certificate.
- 3.2.3. The Knysna Municipality Zoning Scheme By-law (2020) prescribes the primary use as "store" for the property. While the property is currently used as a liquor store, which is permitted under the zoning of Business Zone II as a consent use, meaning it is considered a non-conforming land use without the consent.
- 3.2.4. In summary, the only aspect in which the Applicant's current operations do not comply with municipal regulations is the land use, due to the lapse of the previous land-use approval. All physical development parameters, including coverage, building lines, height, parking, access, and civil services, comply fully with the Knysna Zoning Scheme By-law (2020) or are otherwise non-conforming in terms of approved plans. The Applicant therefore seeks the determination of an administrative penalty, recognizing that the non-compliance was unintentional, and that the development otherwise meets all municipal planning and service requirements.

Determining Factor	Contravention on Knysna Erf 8322
The nature, duration, gravity and extent of the contravention.	(i) <u>Nature</u>: Knysna Erf 8322 is zoned "Business Zone II". All structures were constructed in accordance with the development parameters, whilst 2015 zoning certificate was in effect, allowing the land use. The previous land-use approval lapse without the landowner being notified and they continued to operate the liquor store. (ii) <u>Duration</u>: Since the lapse of the previous approved land-use, the land use has been considered unlawful, meaning the duration of the illegal land use extends from 2020 to the present (2026). (iii) <u>Gravity and extent</u>: The development on the property is in accordance with the development parameters as set out in the Knysna Municipality Zoning Scheme By-law (2020), and the structures on the property have been approved as indicated on the previous building plans attached as Annexure E. Only the land use on the property does not comply with what is allowed on the property. The application will be submitted once the Contravention application is considered complete by Knysna Municipality.

Determining Factor	Contravention on Knysna Erf 8322
The conduct of the person involved in the contravention.	Once the landowner was informed that the land use on the property was not permitted under the Business Zone II zoning, they initiated the process to legalise the use. The Applicants became aware of the status of the land use when they sought to renew their liquor licence, as discussed in the consent use application's motivation report. The proposed application will result in the legalisation of all existing structures and land uses on the application area; therefore, no further application will be required. However, the applicant is submitting this request for the determination of an administrative penalty, as the land use was unlawful, despite the landowner not having been informed of the lapse of the previous approved land-use.
Whether the unlawful conduct was stopped.	Given the severe implications (e.g. job losses, etc.), that would result from halting the operation of the liquor store, for the duration of the consent use application process with the municipality, the landowner has continued to operate the establishment while the application is being processed. If operations were to cease, the business would be unable to generate any income, directly affecting its financial viability and sustainability. Furthermore, the liquor store currently provides stable employment. Suspending operations would therefore result in the immediate loss of employment for these individuals, many of whom rely solely on this income to support their families. In light of these socio-economic considerations, and given that the land use is in the process of being legalised through the current application, the decision to allow the continued operation of the liquor store is regarded as reasonable and necessary to prevent significant hardship to the employees and their dependents.
Whether a person involved in the contravention has previously contravened this by-law or a previous planning law.	No

4. CALCULATION FOR CONTRAVENTION LEVY ON KNYSAN ERF 8322

The Applicant was unaware that the previous approved land-use had lapsed in 2020, and therefore continued operating the liquor store in good faith under the assumption that the use rights previously applicable to the property remained in place. It was only during the liquor licence renewal process that the landowner became aware that the current land use was no longer permitted as a primary right and required formal approval. All structures on the property comply with the development parameters prescribed by the Knysna Municipality Zoning Scheme By-law (2020).

An application to regularise the existing liquor store use, will be submitted simultaneously with this contravention application. The landowner does not dispute the need for an administrative penalty; however, given that the non-compliance resulted from the lack of notification regarding lapse of the previous land-use approval. the Applicant respectfully requests that the minimum applicable penalty be imposed. In accordance with Section 8(b) (ii) of the Knysna Municipality Application Fees (2025–2026), the applicable administrative penalty for unauthorised residential land use, such as an Unauthorised Business & industrial use, is R24, 000.00.

5. PRE-APPLICATION CONSULTATION

The required pre-application consultation was conducted with Knysna Municipality on 11 December 2025 for the proposed application. The pre-application consultation panel did not highlight any red flags or major concerns regarding the intended application. A copy of the pre-application consultation meeting minutes is attached as **Annexure F**.

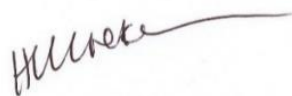
6. CONCLUSION

- 6.1. The Applicant has operated the liquor store on Knysna Erf 8322 in good faith, unaware of the lapse of the previous land-use approval. Therefore, the land use on the property was illegal since 2020, due to the landowners not being notified of the lapsed approval.
- 6.2. The current structures that are constructed on the property are all in compliance with the Knysna Municipality Zoning Scheme By-law (2020)
- 6.3. Once the landowner was informed that the land use on the property was not permitted under the Business Zone II without consent, they immediately initiated the process to legalise the use.
- 6.4. The owners of Knysna Erf 8322 wish to apply for the determination of an administrative penalty to legalise the existing land use that has been in operation for more than 10 years. The landowners are not contesting the administrative penalty and have agreed to pay the fine of R24, 000.00.
- 6.5. A land use application in terms of Section 15 of the Knysna Spatial Planning and Land Use Management Bylaw (2021) will be submitted simultaneously with this application.
- 6.6. The following is a list of Annexures in support of the application:
 - Annexure A.** Signed Power of Attorney
 - Annexure B.** Title Deed (T33291/1994) – Knysna Erf 8322
 - Annexure C.** Locality Plan
 - Annexure D.** Application form dated 21 January 2026
 - Annexure E.** Building plans
 - Annexure F.** Pre-Application dated, 11 December 2025

Application is now made for the determination of an administrative penalty as contemplated in Section 93 of the Knysna Spatial Planning and Land Use Management Bylaw (2021).

We trust the above is in order. Please do not hesitate to contact us should you require any additional information in this regard.

Kind regards,

A handwritten signature in dark ink, appearing to read 'Marike Vreken', with a long horizontal flourish extending to the right.

MARIKE VREKEN

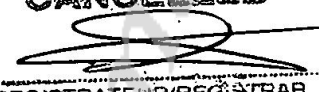
Pr. Pln A/1101/1999 M SAPI 10233

Prepared by me

CONVEYANCER
CALLAGHAN A.D.

SEELS STAMPS	
SEELREG DUTY R.....	
GELD FEE R. 500,00	

VERBIND MORTGAGED	
VIR FOR R. 3.741.440,00	
B000089158 / 2004	 REGISTRATEUR/REGISTRAR
2004-11-02	

B00055447 / 2004
GEKANSLEER CANCELLED
 REGISTRATEUR/REGISTRAR
2004-12-10

T 000106761 / 2004

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN

THAT

RONEL ELS

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

KNYSNA PROPERTY ENTERPRISES CC
Number 1986/023028/23

which said Power of Attorney was signed at KNYNSA on 8 October 2004

DATA / CAPTURE
22 NOV 2004
VAN WYK L

DATA / VERIFY
22 NOV 2004
WENTZEL L

...../2

And the appearer declared that his said principal had, on **3 JUNE 2004**, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

BESTVEST 67 (PROPRIETARY) LIMITED
Number 2004/021167/07

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

**ERF 8322 KNYSNA, IN THE MUNICIPALITY AND DIVISION OF
KNYSNA, PROVINCE OF THE WESTERN CAPE;**

**IN EXTENT : 2379 (TWO THOUSAND THREE HUNDRED AND SEVENTY
NINE) SQUARE METRES**

**FIRST REGISTERED AND STILL HELD BY VIRTUE OF CERTIFICATE
OF CONSOLIDATED TITLE NO T 33291/1994 WITH DIAGRAM SG NO
424/1994 ANNEXED THERETO**

- I. INSOFAR as the land represented by the figure AabD on said Diagram S.G. No 424/94 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No 10224/1906

- II. INSOFAR as the land represented by the figure aBCb on said Diagram S.G. No 424/94 is concerned:

SUBJECT to such conditions as are referred to in Deed of Transfer No 8914/1908.

...../3


726

WHEREFORE the said Appearer, renouncing all right and title which the said TRANSFEROR heretofore had to the premises, did in consequence also acknowledge her to be entirely dispossessed of, and disentitled to the same, and that by these presents, the said

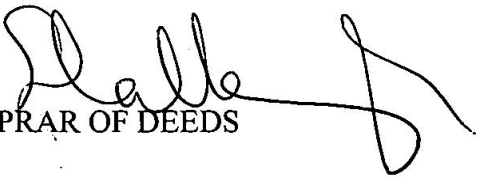
BESTVEST 67 (PROPRIETARY) LIMITED
Number 2004/021167/07

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 **R4 218 000.00 (FOUR MILLION TWO HUNDRED AND EIGHTEEN 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
 21/11/2004

In my presence


 REGISTRAR OF DEEDS


 g.g.



SPECIAL POWER OF ATTORNEY

I/We LOUIS JOHANNES DE SCHMIDT

the undersigned,

do hereby nominate, constitute and appoint
THE AUTHORISED AGENTS OF MARIKE VREKEN TOWN & REGIONAL PLANNERS CC and duly
authorised employees of Marike Vreken Town Planners CC
with power of Substitution to be *my/our lawful representatives in *my/our application for:

CONSENT USE & ADMINISTRATIVE PENALTY

on

KNYSNA ERF 8322

In addition to apply for such amendments of any zoning schemes / structure plans / Removal of Title Deed Restrictions as may be deemed necessary and to make other necessary application and further to represent *me/us at any inquiry in relation to the abovementioned matters and generally do whatever may be necessary or desirable to procure the approval of the application, by virtue of those present and whatever our said representative have to date done herein.

Signed at KNYSNA on this 17 day of DECEMBER 2025

SIGNED: 

SIGNED: _____

SIGNED: _____

In the presence of the undersigned witnesses:

AS WITNESSES:

1. _____

2. _____

BESTVEST 67 (PTY) LTD

(Name of Company, Partnership, Trust or Close Corporation)

RESOLUTION

Resolution passed at the meeting of the Shareholders/ Partners/ Trustees/ Members held in Knysna on the 12 day of DECEMBER, 2025.

Resolved that I.J De Swart in his capacity as Member, be and is hereby authorized to do whatever may be necessary to give effect to this resolution and to enter into and to sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Company/ Partnership/ Trust/ Close Corporation with such modification as he/ she in his/ her sole discretion shall deem fit, his/ her signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

DESCRIPTION OF PROPERTY:

KNYSNA ERF 8322

NATURE OF APPLICATION:

CONSENT USE & ADMINISTRATIVE PENALTY

SIGNATURE OF SHAREHOLDERS/ PARTNERS/ TRUSTEES/ MEMBERS:

NAME:

LOUIS JOHANNES DE SWART

SIGNATURE:

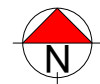
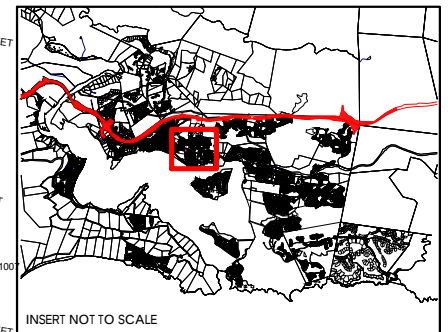




PLAN 1

KNYSNA
ERF 8322

LOCALITY PLAN



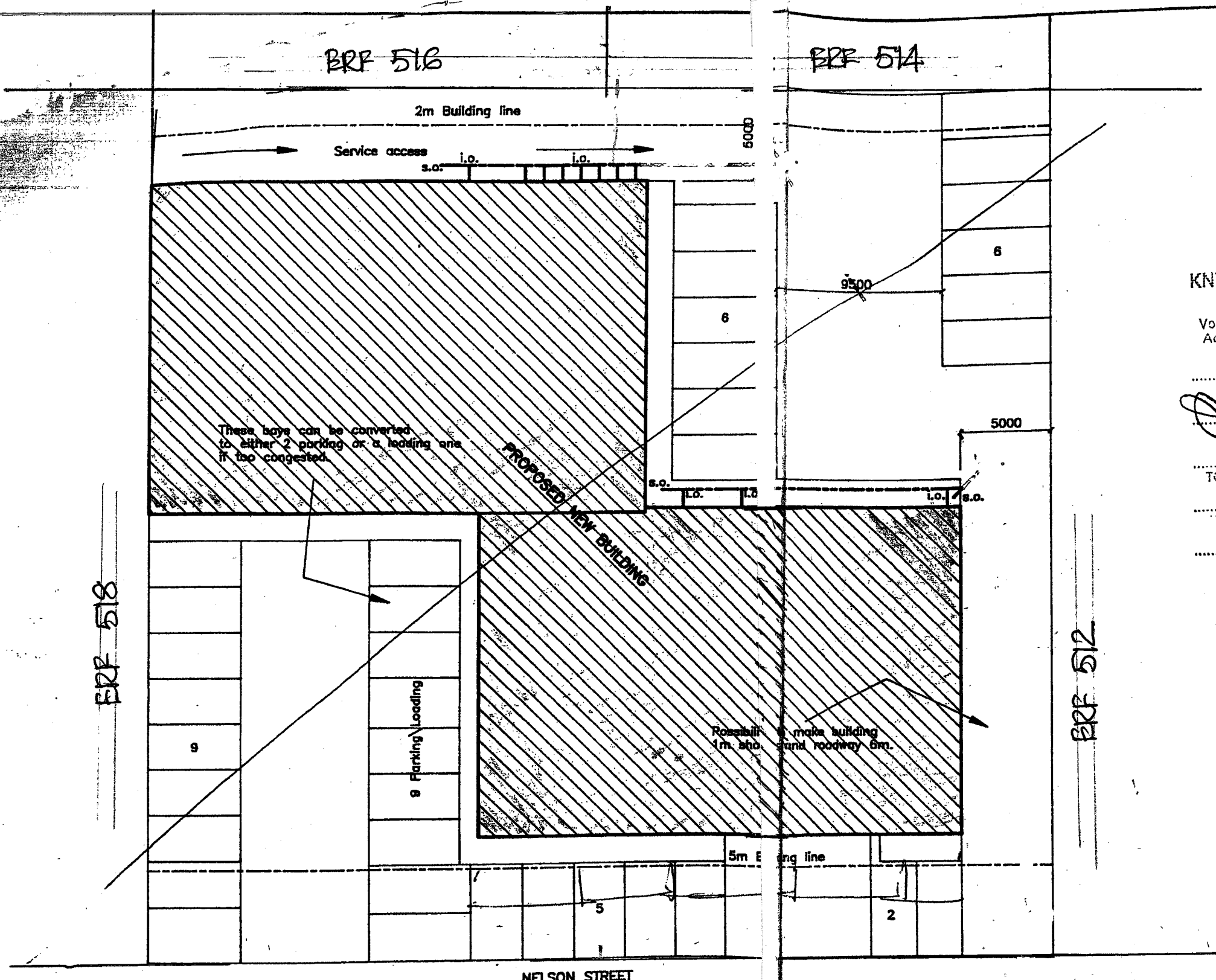
SCALE 1:5 000

Graphic Scale



21 Trotter Street, PO Box 2180
KNYSNA 6570

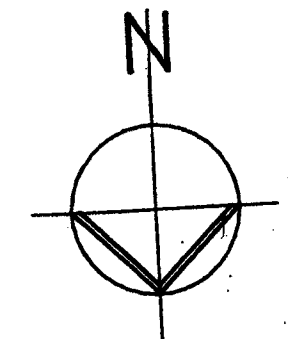
(044) 382 0420
086 459 2987
e-mail: marike@vreken.co.za
www.vreken.co.za



SITE PLAN
SCALE: 1:250

KNYSNA MUNICIPALITEIT / MUNICIPALITY
GOEDGEKEUR / APPROVED
Volgens die NBR, Wet No. 103 van 1977, soos gewysig
According to NBR, Act No. 103 of 1977 as amended

BCO / TE: *[Signature]* DATE: 1/12/93
HEALTH INSPECTOR: *[Signature]* DATE: 1/12/93
TOWN ELECTRICAL ENGINEER: *[Signature]* DATE: 1/12/93
TOWN PLANNER: *[Signature]* DATE: 1/12/93



André Vercueil & Buys
ARCHITECTS CC
REGISTERED ARCHITECTS

KNYSNA CRAFT CENTRE
52 MAIN STREET
KNYSNA 6570
TEL: 0445 825853
FAX: 0445 24064

TITLE: PROPOSED NEW COMMERCIAL BUILDING FOR KNYNSA PROPERTY ENTERPRISES ON ERV 8322, NELSON STREET, KNYNSA.
CONTENTS: SITE LAYOUTS, FLOORPLAN LAYOUTS, ELEVATIONS

DATUM	DATE	SKAAL	SCALE
NOVEMBER 1993		AS SHOWN	
ONTWERP	DESIGNED	GETEKEN	DRAWN
CVZ PROJECTS		F. VAN ZYL	
AREA	AREA	TEK.NO.:	DRAW.NR.:
972m ²		INH 21\93	

ITEM TO:

Municipal Planning Tribunal



APPLICATION NO.	3639
REPORT AUTHOR	LV Mniki
JOB TITLE	Town Planner
SACPLAN REG. NO.	
TELEPHONE NO.	044 302 6338
APPLICATION DATE	16 February 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 1967 KNYSNA

PART A: APPLICANT DETAILS

Name & Surname	Armand Camille Burger
Company name	ValGIS Technologies
SACPLAN registration number	A/767/1994
Registered owner(s)	Bogenhofer Ontwikkelings (Eiendoms) Beperk

PART B: PROPERTY DETAILS

Property description	Erf 1967 Knysna in the Municipality and Division of Knysna, Province of the Western Cape
Property Extent (m ²)	496
Physical address	6 Recreation Drive, Leisure Island
Area/Town	Knysna
Current zoning	Single Residential Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Dwelling house with associated buildings
Are there existing buildings on the property?	Yes, dwelling house
Title Deed number & date	T68439/1999 dated 26 August 1999
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 on Erf 1967, Knysna:

- 1.1. The encroachment of the 2.0m eastern lateral building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an existing braai stand.
- 1.2. The encroachment of the 2.0m eastern lateral building line and the 4.5m street building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an existing verandah.
- 1.3. The failure to lodge an application in terms of Section 15(2)(f) of the Planning By-law for the removal of a restrictive title condition.

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." This land-use has a street building line of 4.5m and lateral and rear building line spaces of 2.0m within which no buildings or structures are permitted unless by prior written approval of the Municipality or permitted in terms of the zoning scheme.
- 2.2. It appears that unlawful building work that contravenes the zoning scheme development parameters were undertaken by the landowner comprising a braai area and verandah encroaching the eastern lateral and street building lines. The landowner seeks to regularise these unlawful structures in terms of an application for departure and removal of restrictive title conditions as contemplated in the Planning By-law.

3. APPLICANT'S MOTIVATION

The applicant motivated the application as follows:

- 3.1. The applicant states that the braai area was built several decades ago with the covered pergola being a recent addition, without prior written approval. It is further argued that the gravity of the alleged transgressions is negligible for several reasons as set forth in the motivating memorandum.

The transgressions cannot be regarded as having a significant negative influence on neighbours or the neighbourhood.

3.2. The transgressions cannot be regarded as significant or of such a nature and extent that it can be regarded as incompatible with the surrounding area. Also, upon becoming aware of the transgressions, the landowner immediately issued instructions to their professional team to rectify the matter. The landowner also declared that they have not contravened the Municipality's planning by-laws before.

3.3. The applicant has also argued extenuating circumstances by stating that the landowner commenced the process of regularising the transgression, admission of guilt is made, the offending structures are not habitable, the structures are of a lesser size and impact and did not cause an adverse impact on the neighbouring properties. The applicant requests that 1% (R 210) of the value of the building work be imposed as an administrative penalty.

4. ASSESSMENT OF APPLICATION

4.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	<i>as per Council tariff</i>
(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 5,000.00
(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)	R 21,000.00
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)	Not Applicable

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

4.2.1. The applicant argues that the gravity of the transgressions is not significant as the structures are considered common appurtenances to a dwelling house and has not caused an adverse impact on the affected neighbouring properties. It can be agreed that the verandah and braai area is in keeping with the residential use of the property and the character of the area. However, it is important that due process be followed prior to the commencement of any building work in order to allow any affected adjacent landowner to submit written representations on a matter that may affect them.

4.2.2. Importantly, the applicant has conceded to the transgressions and accepts responsibility in terms of consequences. In this regard, the imposition of a monetary penalty in accordance with the tariff framework is considered justified. The applicant, however, suggests that a nominal penalty be applied.

- 4.2.3. Once again, the applicant argues the severity of the transgressions as extenuating circumstances in requesting a lesser penalty. Whether the transgressing building work had an adverse impact on the neighbouring or affected properties is not known as they may not have been aware of their rights in respect of this building work. For this reason, it is critical that prior application be made before building work is commenced.
- 4.2.4. Importantly, it is argued that the primary reason for the imposition of an administrative penalty is to effect behaviour change towards compliance with the zoning scheme and planning by-laws of the Municipality. Therefore, any penalty imposed should serve in this purpose. In considering the penalty framework approved by Council, it is argued that a reduced penalty can be considered that still supports the primary objective of an administrative penalty. In this instance, a maximum penalty of R 21,000.00 is applicable whereas an amount of R 5,000.00 in the event of an uncontested application applies. Therefore, an amount of R 2,500.00 is suggested as a proportionate response that considers the extenuating circumstances and supports the effort of the Planning By-law to encourage compliance.

5. 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 2,500.00 be determined in accordance with Section 93(2,) for the following transgressions on Erf 1967, Knysna:

- 5.1. The encroachment of the 2.0m eastern lateral building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an existing braai stand as shown on the plan numbered "Annexure H1."
- 5.2. The encroachment of the 2.0m eastern lateral building line and the 4.5m street building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an existing verandah, as shown on the plan numbered "Annexure H1."
- 5.3. The failure to lodge an application in terms of Section 15(2)(f) of the Planning By-law for the removal of a restrictive title condition.

6. 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):

- 6.1. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- 6.2. 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.

7. REASONS FOR RECOMMENDATION

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

- (i) The applicant has appealed for a penalty of 1%-2% of R21 000,00 to be levied. However, the application has been submitted in the 2025/2026 financial year, whereby new tariffs have been resolved by Council and therefore, the 'precedence' of previous Tribunal Decisions for similar

applications is not considered to be a compelling argument. A general principle provides that, when changing legislations/ policies/ resolutions have been founded, proposals must be interrogated in accordance.

- (ii) Of importance is that the primary reason for the imposition of an administrative penalty is to effect behaviour change towards compliance with the zoning scheme and planning by-laws of the Municipality. The imposed penalty is, therefore, considered a proportionate response to the transgressions whilst considering the extenuating circumstances and supporting efforts that encourage compliance.
- (iii) The applicant argued that the gravity of the transgressions is not significant as the structures are considered common appurtenances to a dwelling house and has not caused an adverse impact on the affected neighbouring properties. However, it is important that due process be followed prior to the commencement of any building work in order to allow any affected adjacent landowner to submit written representations on a matter that may affect them.

8. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: Applicant's motivating memorandum & correspondence

ANNEXURE B: Power of attorney & resolution

ANNEXURE C: Copy of title deed

ANNEXURE D: Accompanying plans and maps

Administrative Penalty: Erf 1967, Knysna			
Application No.: 3639			
Author Name: LV Mniki Date: 17/04/2026		Author Signature: 	
Registered planner name: Shaun Madumbo SACPLAN registration number: A/1510/2012 Date: 17/04/2026		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 Section 15(2)(r)
of the
Knysna Spatial Planning and Land Use Planning Management Bylaw of 2021
for the determination of an administrative penalty
in respect of irregular structures
on
Erf 1967, Leisure Island, Knysna
Version 2, 6 February 2026



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4	THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE ZONING SCHEME	4
5	CONSIDERATIONS RELATED TO THE DETERMINATION OF AN APPROPRIATE ADMINISTRATIVE PENALTY	6
6	THE DETERMINATION OF THE PENALTY	7
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ANNEXURES

-  301 Knysna, Erf 1967 - S15(2)(r) - Annexure A1 - Company decision
-  301 Knysna, Erf 1967 - S15(2)(r) - Annexure A2 - Power of Attorney
-  301 Knysna, Erf 1967 - S15(2)(r) - Annexure A3 - CIPC certificate of company
-  301 Knysna, Erf 1967 - S15(2)(r) - Annexure A4 - ID of director
-  302 Knysna, Erf 1967 - S15(2)(r) - Annexure B - Locality plan
-  303 Knysna, Erf 1967 - S15(2)(r) - Annexure C - Title Deed T68439 of 1999
-  304 Knysna, Erf 1967 - S15(2)(r) - Annexure D - SG General Plan
-  305 Knysna, Erf 1967 - S15(2)(r) - Annexure E - Land Use Plan
-  307 Knysna, Erf 1967 - S15(2)(r) - Annexure G - Zoning Plan
-  308 Knysna, Erf 1967 - S15(2)(r) - Annexure H1 - SDP
-  308 Knysna, Erf 1967 - S15(2)(r) - Annexure H2 - Encroachments in 3D
-  309 Knysna, Erf 1967 - S15(2)(r) - Annexure J - Costing by Plans R Us

Notes on Version 2

The table in paragraph 4.3 has been amended

1. BACKGROUND

The matriarch of the Bogenhofer family bought this property in 1984. In 1998 she established the company Bogenhofer Ontwikkeling (Eiendoms) Beperk, which company took transfer of the property in 1999.

Since 1984 this property was the holiday residence of the family and over time, as the family grew older, things changed. Mr. Hans-Rudi Bogenhofer (the authorised director of the company) bought their interests in the property from his siblings and is effectively the present landowner.

To improve the property, the landowner approached the Knysna company Plans R Us to prepare the required building plans. During the preparation of the building plans it became apparent that a land use application will be required to obtain certain permissions for existing and planned improvements to the original property. The matter was then referred to the author, who investigated the case and found irregularities. It was then determined that town planning applications will have to be submitted for the following purposes:

- (a) For permanent departures from the development parameters of the Zoning Scheme By-law to relax building lines; and
- (b) For the removal of title restrictions; and
- (c) For the determination of an administrative penalty in respect of transgressions of the Zoning Scheme By-law.

To address these, new landowner then issued an authorisation to the author for the lodging of the required land use applications, as per the attached Company resolution (**Annexure A1**) and Power of Attorney (**Annexure A2**).

This application serves to address (c) above while the applications mentioned in (a) and (b) above, will be submitted separately.

2. 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, 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. The Subject Property

The application applies to Erf 1967, Knysna, hereinafter referred to as the subject property.

3.2. Locality

As indicated on the locality plan attached as **Annexure B**, the subject property is situated at 6 Recreation Drive, Leisure Island. This is 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. Ownership

The property is now registered in the name of **Bogenhofer Ontwikkeling (Eiendoms) Beperk** registration number 98/19789/07.

For the purposes of the authorisation to lodge this application, also refer to **Annexures A3 and A4** which are the CIPC certificate of the holding company and a copy of the ID document of the sole director.

3.4. Title Deed

The subject property is currently registered by virtue of Deed of Transfer T6439/1999 as per attached **Annexure C**.

Title condition B(f) which determines street and lateral building lines of 4,72 m and 1,57 m respectively, is restrictive to the existing and proposed development of the property. This will be dealt with in more detail later in this memorandum.

Because of the negative impact of this condition, it is proposed to be removed. In paragraph 11.4 this proposal is discussed in the context of Section 33(4) of the Knysna Municipality Spatial Planning and Land Use Management By-law of 2021.

3.5. SG Diagram

The subject property appears on page 2 of the SG General Plan for the township of Leisure Isle, SG General Plan no. 2395/1936 as shown on **Annexure D**.

3.6. Bonds

The property is currently not bonded.

3.7. Size

According to its Title Deed, the subject property is 496 m² in extent. This corresponds with the SG General Plan.

3.8. Land use

The use of land in the vicinity of the subject property is shown on **Annexure E**.

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 double storey dwelling house with the following external features:

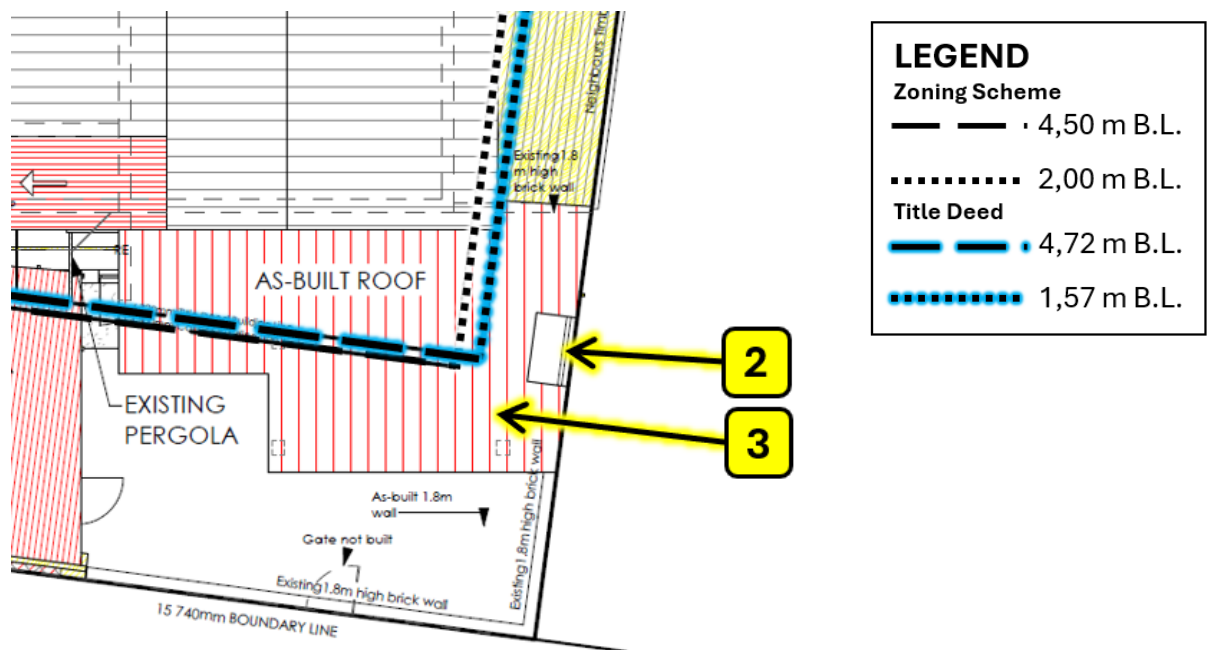
- A covered veranda on the southern side of the house; and
- A built-in braai integrated with the veranda; and
- A small pergola connecting to the roof of the veranda; and
- A small Wendy house on the western side of the dwelling.

The veranda roof and built-in braai, which are the topics of this application, are shown in the photo below.



4.2. Analysis of the transgressions

The following extract from **Annexure H1** (SDP - BL encroachments) serves to assist with the tabular analysis of the irregular encroachments of the building lines.



Annex. H1 ref.	STRUCTURE	EXISTING AND POTENTIAL TRANSGRESSIONS AND REMEDIES
2	Existing braai	Encroaching the eastern side building line of the Zoning Scheme and the Title Deed. ☒ Apply in terms of S.15(2)(b) to relax the eastern side building line to 0,00 m. ☒ Apply in terms of S.15(2)(f) to remove condition B(f) of the Title Deed.
3	Existing veranda roof	Encroaching the street building line and eastern side building line of the Zoning Scheme and the Title Deed. ☒ Apply in terms of S.15(2)(b) to relax the eastern side building line to 0,00 m and the street building line to 2,26 m.

Annex. H1 ref.	STRUCTURE	EXISTING AND POTENTIAL TRANSGRESSIONS AND REMEDIES
		❌ Apply in terms of S.15(2)(f) to remove condition B(f) of the Title Deed.

4.3. Quantification of the value of buildings and structures transgressing

The landowner's architect, Messrs Plans R Us of Knysna, provided an estimation of the construction cost of the transgressions as analysed in the table below – see **Annexure J**.

PLAN REF NO	COMPONENT	DESCRIPTION	AMOUNT
2	Built-in braai	The fixed brick structure of the braai	R4 000,00
		The stainless-steel insert of the braai	R12 000,00
3	Veranda roof	Only sheeting and purlins installed on existing pergola	R5 000,00
			TOTAL
			R21 000,00
Penalty percentage			2%
			R420,00

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 paragraph 4 above.

Duration

The braai was built before 1984 when the house was purchased by the family.

The covering of the pergola to form a roof was done in circa 2019.

Gravity

To evaluate the gravity of the contraventions, it will be helpful to consider to what extent 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 is 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.
- It did not restrict the ventilation of air between neighbouring buildings.
- It did not interfere with the scenic view of neighbours.
- It did not restrict sunlight from reaching streets and/or neighbours' properties.
- 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 so as 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 transgressions 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 transgressions.

Extent

The transgressions cannot be regarded as significant or of such nature and extent that it can be regarded as incompatible with the surrounding neighbourhood. This aspect has been elaborated upon in the application submitted in terms of S.15(2)(b) of the relevant bylaw.

5.2. The conduct of the persons involved in the contravention

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

5.3. Whether the unlawful conduct was stopped

In this case the transgression should not be deemed as ongoing wrongful conduct that can be stopped (such as a factory on a residential property). What is dealt with in this case, is the perpetual consequences of past wrongful conduct.

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

The landowner declared that they have never been responsible for any other contravention of Knysna's town planning by-laws before.

6. THE DETERMINATION OF THE PENALTY

Extenuating circumstances

Although the municipality may in terms of s.93(2) of the relevant bylaw decide to levy an administrative penalty where a person has contravened the relevant bylaw(s), it is not compulsory.

To determine if the levying of a penalty is justified, the following circumstances should first be considered:

- The landowner commenced a process of regularising the mistakes of the past without being forced by the municipality.
- The landowner admitted guilt and is willing to face the consequences of the law.
- None of the transgressions involve habitable structures.
- All of the transgressions are of lesser size and impact.
- None of the transgressions caused any negative impact on the neighbours, the neighbourhood or the town.

The percentage to apply

Although the municipality may levy an administrative penalty of up to 100% of the value of the building, construction, and engineering work unlawfully carried out, the following circumstances should be considered before the fraction/percentage is determined:

- It is argued that most of the administrative penalties approved by the Planning Tribunal are less than 5% with a probable average of 2%.
- In this case we are dealing with minor transgressions which had no negative impact.
- We are also dealing with a landowner who does not resist being "disciplined".

- (d) The expenses the landowner had to incur to get to this point should be seen as sufficient “punishment”.

For these reasons it is proposed that the appropriate fraction/percentage to be applied is not more than 1%.

7. CONCLUSION

The willingness of the landowner to correct mistakes of the past and to accept accountability despite the circumstances which led to the transgressions, as well as the costs of effecting these corrections, should be taken as important reasons to keep the penalty to a minimum.

In the light of the above background, the Knysna Planning Tribunal is respectfully requested to keep the administrative penalty to an amount of less than 1% of the cost of the transgressing structures.



A.C. BURGER Pr. Planner (A/767/1994)

12

Jan S. de Villiers en Seun
Prokureurs
Kaapstad

GRP/ek

Opgestel deur my
[Handwritten Signature]
Aktebesorger
PRETORIUS, G.R.

SEELREG
DUTY R.....
FOOI
FEE R. 250,00

BC 000008091 / 2020
GEKANSELLEER
CANCELLED
[Handwritten Signature]
REGISTRATEUR/REGISTRAR

VERBOD MORTGAGED
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REGISTRATEUR/REGISTRAR

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BESTAAT/IS FILLD
68439199

TRANSPORTAKTE

T

HIERBY WORD BEKEND GEMAAK DAT

HANS WERNER MENNEN
GUILLAUME RONÉL PRETORIUS

Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik daartoe gemagtig deur 'n Volmag geteken te KLERKSDORP op 4 DESEMBER 1998 en aan hom verleen deur

WILHELMINA HERRIMINA SUSANNA BOGENHOFER

Identiteitsnommer

Getroud buite gemeenskap van goedere

EN die Komparant q.q. het verklaar dat sy lasgewer op **4 DESEMBER 1998** werklik en wettig verkoop het en dat hy, die genoemde Komparant in sy hoedanigheid voormeld, hiermee in volkome en vrye eiendom sedeer en transporteer aan en ten gunste van

BOGENHOFER ONTWIKKELING (EIENDOMS) BEPERK

NR 98/19789/07

dié se opvolgers in titel of regverkrygendes

ERF 1967 KNYSNA

In die Munisipaliteit en Afdeling Knysna
Provinsie Wes-Kaap

GROOT 496 (Vierhonderd Ses en Negentig) vierkant meter;

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T15583⁴⁷ met Kaart Nr. 5165/47 daarby aangeheg en gehou kragtens Transportakte Nr. T40481/1983

- A. ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr 15583/1947.
- B. ONDERHEWIG VERDER** aan die volgende voorwaardes vervat in Transportakte Nr 15583/1947 opgelê deur en ten gunste van George William Cearn met goedkeuring van die Administrateur, as eienaar van die restant van die grond gehou kragtens Sertifikaat van Verenigde Titel Nr 5131/1937, naamlik:

1. No structure or other building shall be erected by the Transferee on this erf before a dwelling house is erected of the value of not less than R1 700,00. Any such dwelling house or other structure to be erected must be constructed of bricks, stones, concrete or of such material as the Transferor may in his entire discretion and in writing permit.
2. The Transferee shall not keep on the erf any live goat, pig, ox bull, cow, sheep or donkey without the written permission of the Transferor first had and obtained.
3. The Transferee shall not erect any corrugated iron fence or screen on this erf without the permission of the Transferor first had and obtained.
4. That this erf shall not be used for the burial of night soil.

(Die terme "Transferor" en "Transferee" in bogenoemde voorwaardes 1, 2, 4 en 5 word geag hul opvolgers in Titel, Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes in te sluit).

B. **ONDERHEWIG VERDER** aan die volgende voorwaardes vervat in Transportakte Nr. 15583/47 opgelê deur die Administrateur ingevolge die Dorpe Ordonnansie Nr 13 van 1927 as synde ten gunste van die geregistreerde eienaar van enige erf in Leisure Isle Dorp.

- (a) That the erf be used for residential purposes only except erven 47, 48, 49, 50, 51, 53, 55, 57, 59, 60, 201, 202, 203, 206, 212, 213, 214, 215, 216 and 217, which may be used for business purposes, and Erf No 357 which may be used for hotel purposes, but if not so used it may be subdivided into residential erven subject to the approval of the Administrator - any such sub-division to allow the roadway along the sea front being continued through the erf.
- (b) That no more than one dwelling, together with the necessary outbuildings, and appurtenances be erected on any residential erf or business erf, or on Erf No. 357 if subdivided and used for residential purposes. No flats or tenement houses to be erected on any erf.
- (c) That the erven 16 to 26, 28, 30, 32, 33, 52, 54, 56, 58, 63 to 66, 67, 69, 97, 121, 122, 138 to 141, 39, 273, 274, 280, 281, 388 to 391, 414, 412, 413, 440, 441, 452 to 455, 439, 415 to 417, and 428 to 438 and 456 to 478 may be used for other than residential purposes according to the discretion of the Transferor.
- (d) That not more than one dwelling be erected on Erf No 154 without the written sanction of the Transferor or his Successors in Title.
- (e) That not more than two-thirds the area of the erf be built upon.
- (f) That no building shall be erected within 4,72 metres of any street line which forms a boundary on the erf. No building shall be situated within 1,57 metres of any adjoining erf, provided that this restriction shall

not apply to the common boundary of erven hold as one erf under consolidated title.

(g) That the 4,72 metres building line restriction referred to in Condition (f) shall not apply to Erven Nos. 121, 122, 124, 126, 128, 130, 132, 134, 137 to 139, 143, 145, 147, 149, 150, 151, 153, 154, 260, 261, 262, 265, 266 to 268, 272 to 280, 361 to 368, 399 to 402, 405, 406, 409, 410, 412, 440 to 442, 444, 446, 448, 450, 453, 455, in respect of a garage if such erven are used for residential purposes.

(h) That the present existing water line boundary of Erven 487 to 499 shall be maintained and preserved along its present existing line by the respective abutting owners.

(i) That no erf shall be used for the carrying on of any offensive, unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amending Ordinance,

as synde ten gunste van die Administrateur

(j) That the erf shall not be subdivided, except in the special circumstances, and then only with the consent in writing of the Administrator,

as synde ten gunste van die Plaaslike Owerheid

(k) That the owner of each erf, whether the applicant for the establishment of the township or any future owner shall be obliged to allow drainage or sewerage of any other erf or erven to be conveyed over such erf if deemed necessary by the Local Authority, and in such manner and in such position

as may from time to time be reasonably required by the Local Authority.

WESHALWE die Komparant afstand doen van al die regte en titel wat WILHELMINA HERRIMINA SUSANNA BOGENHOFER voorheen op genoemde eiendom gehad het en gevolglik ook erken dat sy, geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie; en dat, kragtens hierdie akte, bogenoemde BOGENHOFER ONTWIKKELING (EIENDOMS) BEPERK, diese Opvolgers in Titel of Regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en erken hy ten slotte dat die koopprys die som van R360 000,00 (DRIEHONDERD EN SESTIGDUISEND RAND) beloop.

TEN BEWYSE WAARVAN EK, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD

op 26 Augustus 1999.

W. M. M. M.

q.q.

IN MY TEENWOORDIGHEID,

[Signature]

REGISTRATEUR VAN AKTES

[Signature]

Special Power of Attorney

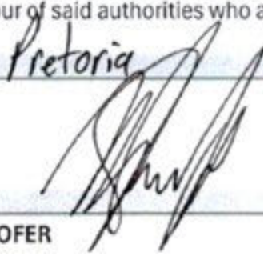
I, **Hans-Rudi Bogenhofer** with ID number [REDACTED] being the duly authorised director of **Bogenhofer Ontwikkeling (Eiendoms) Beperk** Registration number **98/19789/07**, being the registered owners of **Erf 1967**, Knysna situated on Leasure Island in the area of jurisdiction of the Knysna Local Municipality, do hereby nominate, constitute and appoint **Armand Camille Burger** Professional Planner with registration number **A/767/1994** of **ValGIS Technologies CC**, hereinafter referred to as the Mandated, as well as its authorised agents and/or employees with power of substitution to be our lawful representatives to:

- a. Access the municipal files related to the subject property to investigate all information related to the use of the property and buildings and structures found on the property; and
- b. Discuss the future use of the property and buildings and structures found upon it with the relevant municipal officers; and
- c. Inspect the property and collect information related to the use of the property and the buildings and structures, subject to prior approval of any site visit.
- d. Prepare, submit and administer the required applications as prescribed by the relevant Spatial Planning and Land Use Management laws and bylaws of the municipality, to:
 - (i) Obtain permanent departures from land use development parameters in respect of existing buildings and/or structures which are irregular as well as planned structures that will encroach development parameters; and
 - (ii) Let administrative penalties in respect of irregular building and/or structures be determined; and
 - (iii) Generally, obtain any other land use permissions required for the approval of building plans as well as represent the landowner at the municipal Planning Tribunal, if required.

I hereby declare, agree and accept that the Mandated cannot and will not guarantee a positive outcome on any land use application such as intended in this case and that the Mandated also not, in any manner, created the impression that the intended application will be successful.

I hereby declare that I am aware that some of my personal information as well as information of the holding company related to this case will become known to the Mandated and may be discussed by the Mandated with the relevant municipal officers and that the Mandated undertook to protect such information as prescribed in the relevant legislation, but will not and cannot be held liable if such information is leaked and/or made available to the public due to the behaviour of said authorities who are in possession of such information.

Signed at Pretoria (town) on this 10 day of November 2025.


H-R BOGENHOFER

in the presence of the undersigned witnesses:


Witness 1


Witness 2

Resolution of the Directors of Bogenhofer Ontwikkeling (Eiendoms) Beperk
Registration number 98/19789/07 hereinafter called “The Company”

TO WHOM IT MAY CONCERN

MINUTES OF A MEETING OF THE DIRECTORS OF BOGENHOFER ONTWIKKELING (EIENDOMS) BEPERK HELD ON 10 NOVEMBER 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 1967, Knysna, being a property owned by the Company:

PARTICULARS OF AUTHORISED DIRECTOR	
Full names and surname:	Hans-Rudi Bogenhofer
ID number:	[REDACTED]
Email address:	[REDACTED]
Telephone/Mobile phone number:	[REDACTED]

Certified a true extract of the minutes of the meeting



For: BOGENHOFER ONTWIKKELING (EIENDOMS) BEPERK

Land Use Plan



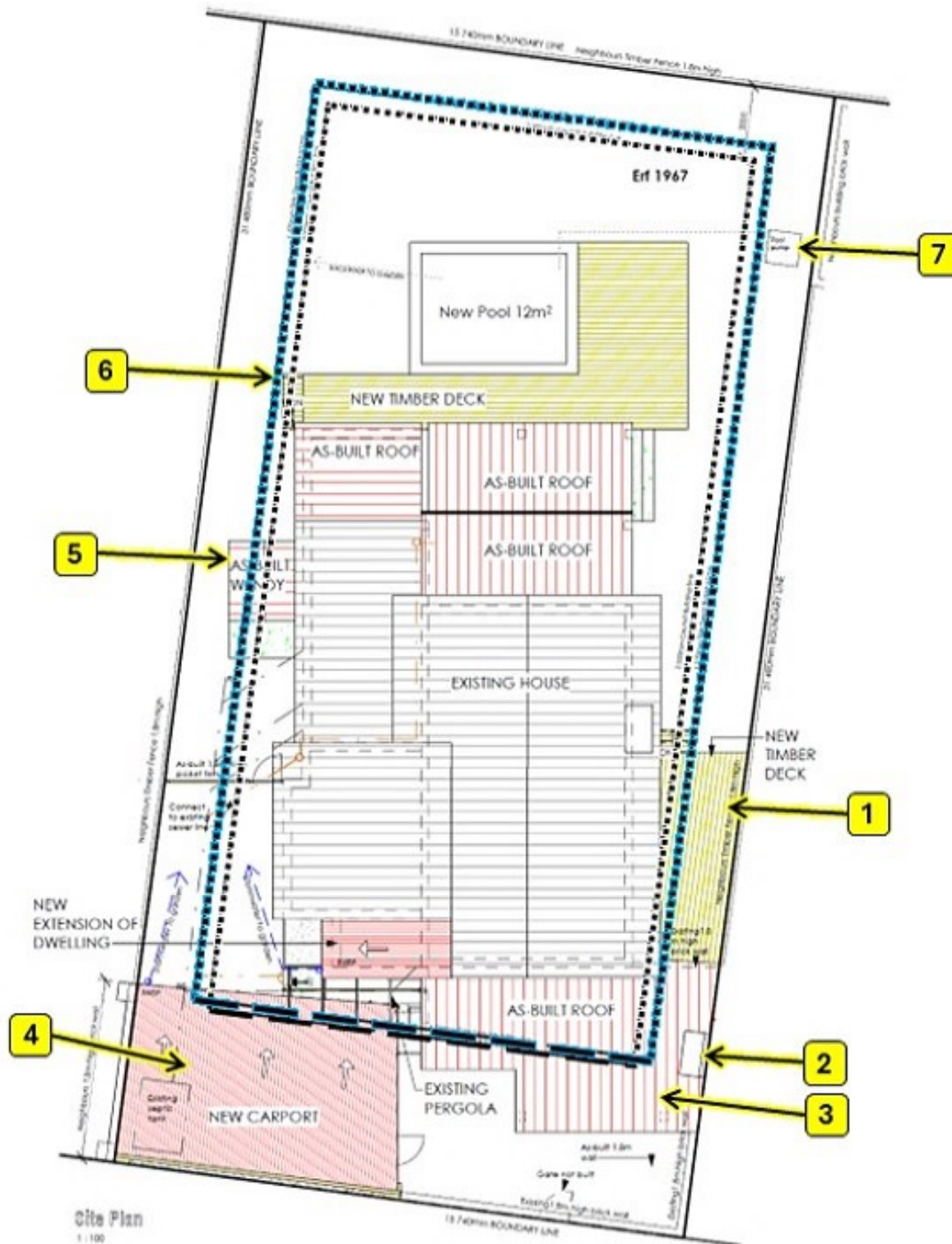
Zoning Plan



LEGEND

- General Residential Zone I
- General Residential Zone III
- Open Space Zone I
- Transport Zone II
- Single Residential Zone I

Site Development Plan



BUILDING LINE AND OTHER ENCROACHMENTS

- 1. New timber deck:**
From western side boundary = 0,00 m
Height above NGL = 600 mm
- 2. As-built braai:**
From western side boundary = 0,00 m
- 3. As-built veranda roof:**
From western side boundary = 0,00 m
From street boundary = 2,26 m
- 4. New carport:**
From street boundary = 0,00 m
From eastern side boundary = 0,00 m
Width of access/exit = 7,00 m
- 5. As-built Wendy house:**
From eastern side boundary = 0,88 m
- 6. New timber deck:**
From eastern side boundary = 1,76 m
Height above NGL = 600 mm
- 7. New pool pump:**
From western side boundary = 0,40 m

LEGEND

Zoning Scheme	— — — — —	4,50 m B.L.
		2,00 m B.L.
Title Deed	— — — — —	4,72 m B.L.
		1,57 m B.L.



View from street



Encroachments in 3D

- 2 Braai over side building line.
- 3 Veranda roof over side and street building lines.
- 4 Carport over side and street building lines and more than 4 m wide.

View from back yard



Note:
The 3D images were extracted from the proposed building plan of Messrs. Plans R US, attached as **Annexure I** to the application.

- 5 Wendy over side building line.
- 6 Deck over side building line and more than 500mm above NGL.

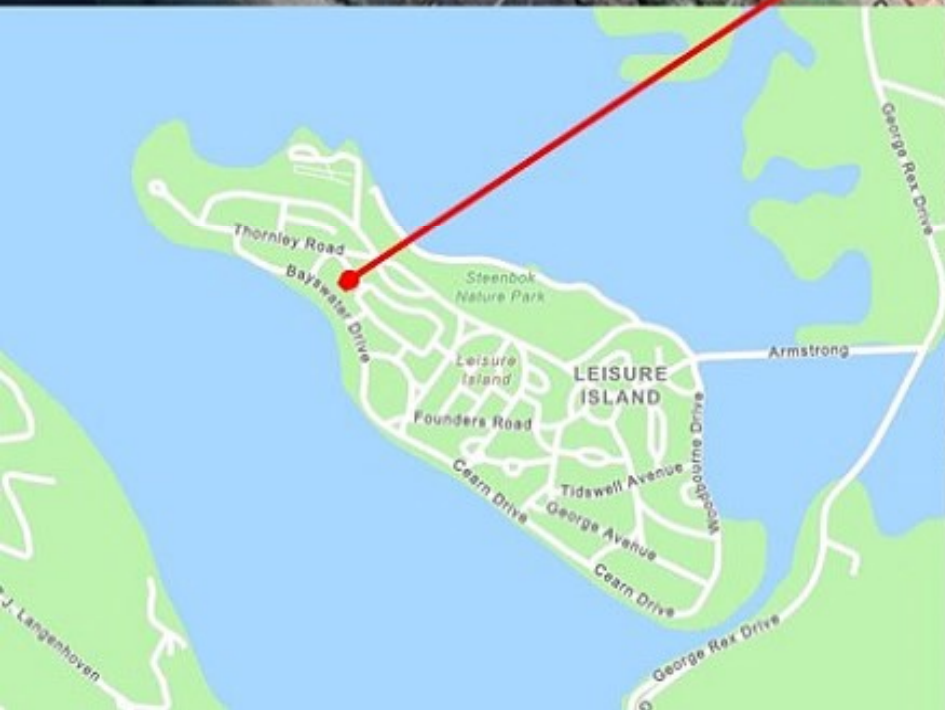
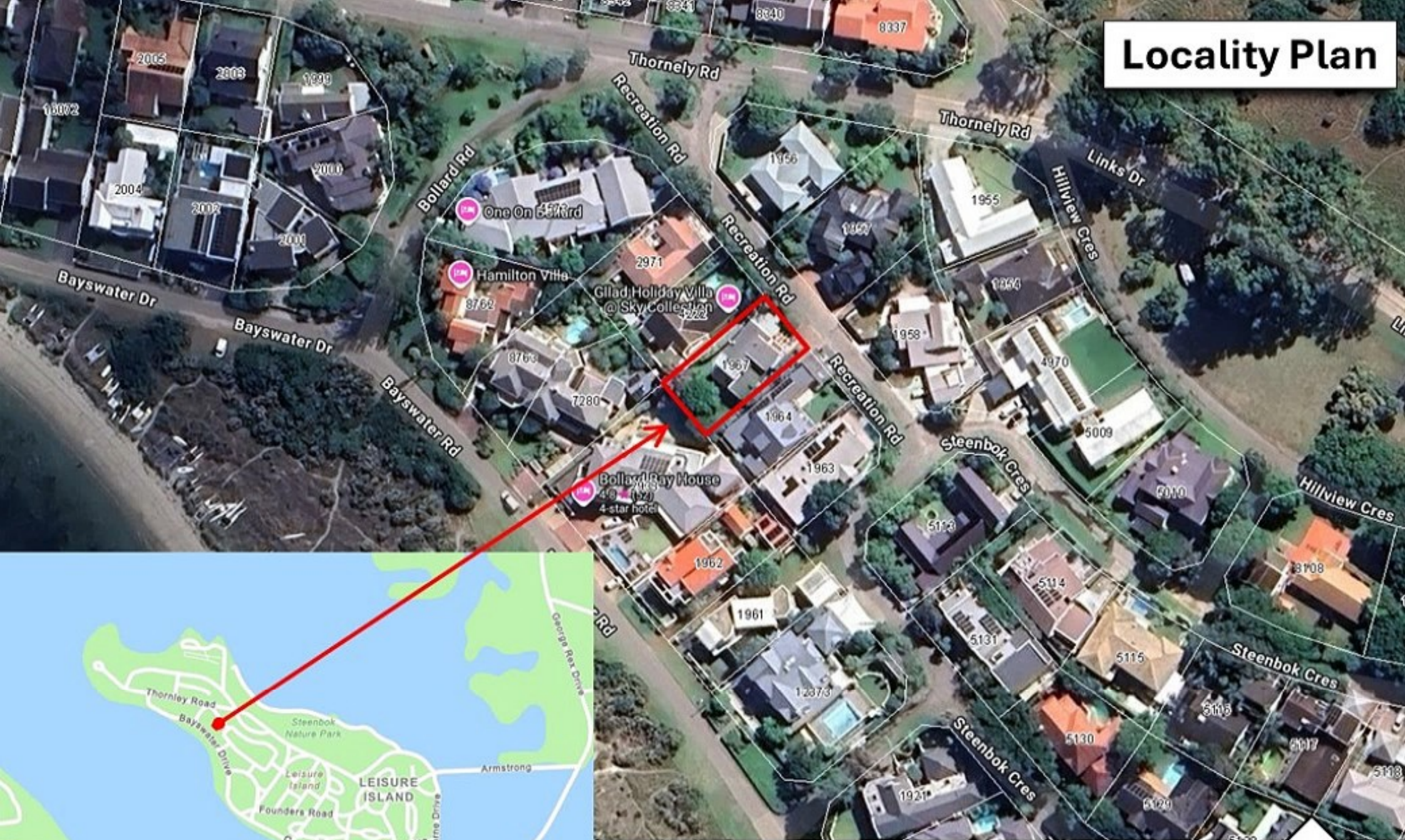
View from east



- 1 Deck over side building line and more than 500mm above NGL.

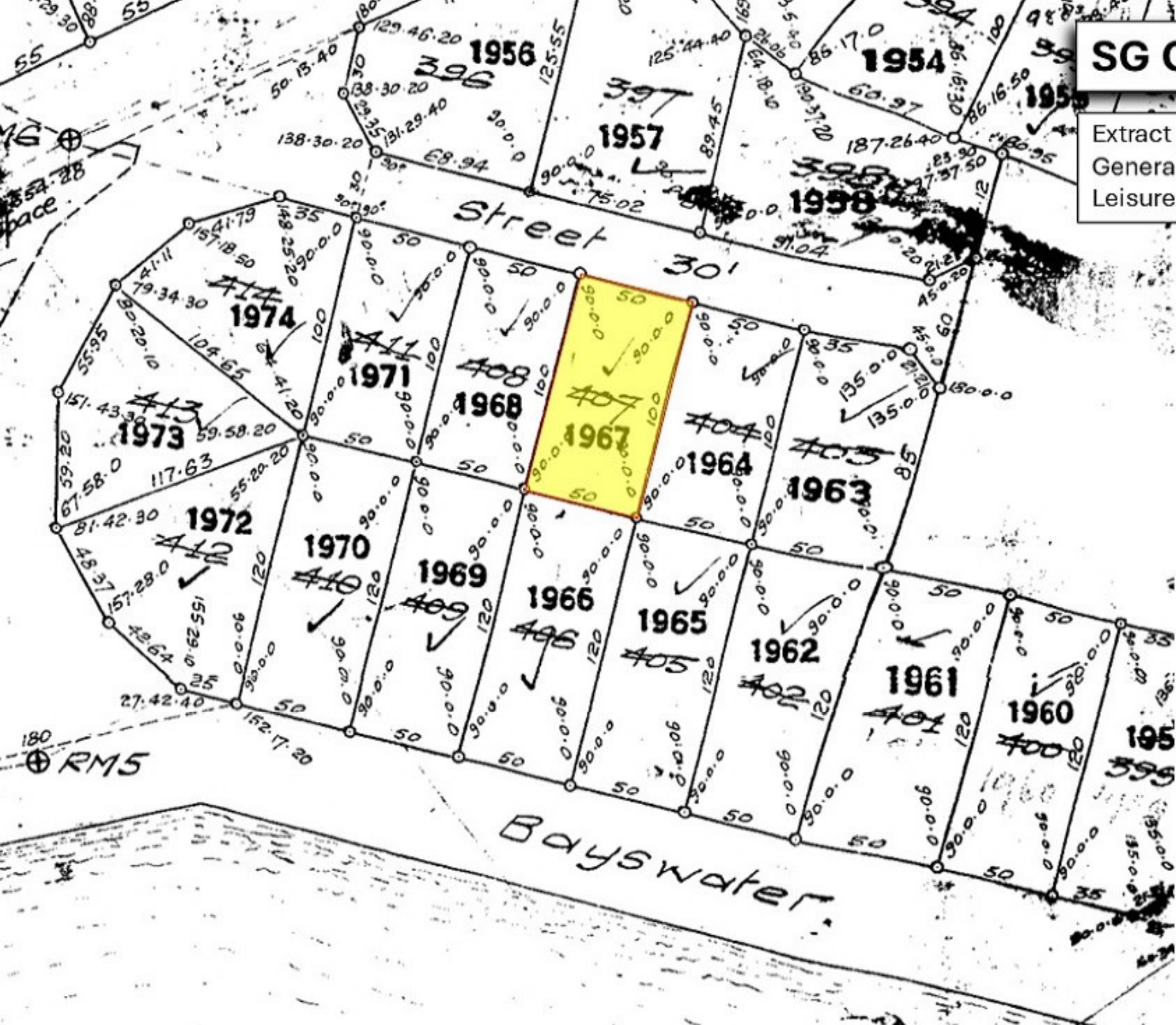


Locality Plan



SG General Plan

Extract from Sheet 2 of the
General Plan 2395/1936 of
Leisure Isle Township



750 Annexure D