

ITEM TO:

Municipal Planning Tribunal

APPLICATION NO.	3361
REPORT AUTHOR	S Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044-302-6276
APPLICATION DATE	16 January 2025

LAND USE PLANNING REPORT**DEPARTURES, REMOVAL OF RESTRICTIONS, & CONSENT USE: REMAINDER 2173, KNYSNA****PART B: APPLICANT DETAILS**

Name & Surname	<i>Lundikazi Khuphiso</i>
Company name	<i>PLANNING SPACE PTY LTD.</i>
SACPLAN registration number	<i>C/9271/2020</i>
Registered owner(s)	<i>Stanley Patric Truby and Eivir Joan Truby</i>

PART C: PROPERTY DETAILS

Property description	<i>Remainder 2173, Knysna in the Municipality and Division of Knysna, Province of the Western Cape</i>
Property Extent (m ²)	<i>2674m²</i>
Physical address	<i>6 Bolton Street, Hunters Home</i>
Area/Town	<i>Knysna</i>
Current zoning	<i>Single Residential Zone I</i>
Applicable zoning scheme	<i>Knysna Zoning Scheme Bylaw (2020)</i>
Current land use	<i>Residential</i>
Are there existing buildings on the property?	<i>Yes</i>
Title Deed number & date	<i>T000026522/2021</i>
Any restrictive title conditions applicable?	<i>Yes</i>
Any third party conditions applicable?	<i>No</i>
Any unauthorised land use/building work	<i>Yes</i>
Bondholder's Consent	<i>No</i>

1. APPLICATION DESCRIPTION

The application is for the following:

- 1.1. The removal of Restrictive Title Deed Conditions in terms of Section 15(2)(f) of the Knysna Municipality By-law on Spatial Planning and Land Use Management, condition(s) C (2)(a) and (2)(d) as specified in Title deed numbered T26522/2021, in respect of Remainder of Remainder of Erf 2173, Knysna.
- 1.2. The permanent departure from the development parameters of the Knysna Zoning Scheme By-law, (2020) in terms of Section 15(2)(b) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) for the relaxation of the rear building line from 2m to 0,9m, on Remainder of Erf 2173, Knysna.
- 1.3. The consent use in terms of Section 15(2)(o) of the Knysna Municipality bylaw on Spatial Planning and Land Use Management as contemplated under "Single Residential Zone I" of the Knysna Municipality Zoning Scheme By-law in respect of Remainder Erf 2173, Knysna for the following;
 - 1.3.1. a second dwelling that exceeds 60m²; and;
 - 1.3.2. a creche that permits up to 15 children.

2. BACKGROUND

- 2.1. The subject property is located on 6 Bolton Street, Knysna and is zoned "Single Residential Zone I". The property was formed from the subdivision of Erf 2173 into a portion (Erf 4286, Knysna) and a remainder.
- 2.2. The current owners purchased the remainder in 2021, with approved building plans. However, some structures were also constructed without prior approval. The property also operates a childcare facility, which the owners wish to expand. This application is therefore to legalise the existing unlawful structures as well as the childcare facility.

3. PRE-APPLICATION CONSULTATION

There was no pre-application meeting held regarding this application.

4. SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation can be summarised as follows:

- 4.1. The subject property is zoned for single residential purposes, where a creche of no more than 20 children may be permitted as a consent use. Therefore, the proposal is to obtain consent in this regard. Additionally, a second consent use is applied for, in order to allow for a second dwelling, where the creche operates. There is also an application for the relaxation of building lines to allow for the second

dwelling, as well as the removal of restrictive title conditions which are in relation to building lines and prohibit any uses other than residential purposes

- 4.2. The applicant states that the property is accessible via a panhandle from Bolton Street. Further the applicant argues that the property has sufficient on-site parking provision, as well as stop and drop facility on the property.
- 4.3. The applicant also argues that the property is located within an area that is already serviced, and that no additional municipal services will be required.
- 4.4. Regarding anticipated impact, it is argued that the proposal is not foreseen to have any substantial negative impact on the surrounding properties, as the second dwelling already exists and is screened by vegetation on the rear boundary. It is further argued that, instead, the facility is anticipated to generate social and economic benefits by providing for a learning environment.
- 4.5. Motivation is also provided for in terms of 33(4) of the Knysna Municipality bylaw on Spatial Planning Land Use Management, in that the proposal is not anticipated to have any negative impact on the financial, public, social and personal benefits enjoyed by the property owner or neighboring property owners.
- 4.6. Lastly the applicant argues that the proposal is consistent with the principles of SPMUA, specifically spatial reliance, sustainability, justice and efficiency. Further the applicant adds that the proposal is consistent with the Knysna Municipality Spatial Development Framework, in that it facilitates soft densification through the proposed second dwelling and further aligns the property to the current Knysna Zoning Scheme Bylaw.

5. PUBLIC PARTICIPATION

Method of Advertising				Date Published	Closing Date
	Yes	No	N/A		
Press	☐	☐	☒	13 February 2025	17 March 2025
Gazette	☐	☒	☐		
Notices	☒	☐	☐	17 February 2025	17 March 2025
Ward Councillor	☐	☒	☐		
Site Notice	☐	☒	☐		
Community Organisations	☐	☒	☐		
Public Meeting	☐	☒	☐		
Third Parties	☐	☒	☐		

Total Valid Comments	4			Total comments and petitions refused			
Valid Petitions	Y ☐		N ☒	No of signatures			
Community organisation(s) response	Y ☐	N ☐	N/A ☒	Ward Councillor response	Y ☐	N ☒	N/A ☐
Was public participation undertaken in accordance with section 45- 49 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021)						Y ☐	N ☒

5.1. Summary of Comments Received during Public Participation

The following public comments and objections were received against the application:

Public comments were received from the following persons and agents.

ERF NUMBER	OBJECTOR/REPRESENTATIVE	DATE RECIEVED
4286	Brenda Loubser	02 March 2025
2804	Peter Morse	16 March 2025
2176	Philip Burns (Edmund Richie Steele)	17 March 2025
2174	John Cooper	17 March 2025

- 5.1.1. The objections received from the public participation process were from four neighbouring property owners, namely Brenda and Nick Loubster, Peter Morse, Edmund Richie and John Cooper. The concerns raised relate to traffic and parking issues. The comments from Mrs and Mr Loubster were of no objection to the proposal, but rather sought clarity on how traffic and noise would be managed. Similarly, Mr Morse raised concerns that there is already traffic issues related to the proposed consent use. Further, Mr Morse adds that the number of children stated on the application is not the actual number, which is 9.
- 5.1.2. The comments received from Edmund Richie were specifically in objection to the proposal to expand on the creche to allow for up to twenty children. Mr Richie highlights his reasons for objecting to the expansion of the creche, concerns such as perceived impact of the creche on neighbouring properties, noise, and the general character of the neighbourhood. He further proposes that the creche be limited to 6- 8 children.
- 5.1.3. Additionally, the comments received from Mr Cooper raised concerns relating to traffic flow on Bolton Street, as well as the parking arrangements for drop-offs at the creche. The objectorfurther adds that this congestion poses access difficulties for surrounding properties as well as exposes the children from the creche to danger when crossing the road.

5.2. Summary of Comments from Departments/Organs of State

Name	Date Received	Summary of Comments	Recommendation
Infrastructure Services	26 March 2025	No objection	Positive

5.3. Summary of Applicant's Reply to Comments

The applicant's reply can be summarised as follows:

- 5.3.1. Regarding the concerns with traffic, the applicant stated that the childcare facility will not operate like a traditional one with fixed start and finish times, the drop-offs will occur sparingly throughout the day and therefore congestion will be avoided. With regards to noise, the applicant responded that the facility would adhere to municipal noise regulations and if there is a need, a Noise Impact Assessment will be done.
- 5.3.2. Further, the applicant responded to the specific objections raised by Mr Edmund Richie, the first one being the proposed number of children, the applicant has submitted that they will reduce the maximum number, from 20 to 15 children. The second objection was on the relaxation of building lines, the applicant responded that the proposed departure is not for the entire property, but as specified on the submitted site plan.
- 5.3.3. The applicant further highlighted that the proposal would not result in parking on the road reserve and that once the layout has been approved and implemented, there will be enough space for cars to drop off exactly on the site.

6. PROPOSAL ASSESSMENT

6.1. Considerations in terms of SPLUMA

- 6.2.1. The applicant submits that the proposal is consistent with the principles of SPLUMA, specifically the principles of spatial sustainability, justice, resilience and efficiency. This is highlighted by that the proposal promotes optimization of land use to achieve effective and sustainable spatial planning. Further the applicant states that the proposal consideration to sustainability is linked to environmental, social and economic impact, bringing forward that the subject property is not environmentally sensitive, and the proposal is designed to minimize any negative environmental impact.
- 6.2.2. It is therefore agreed with the applicants' sentiments that the proposal is indeed consistent with the principles of SPLUMA, as it promotes the use of available resources, and is not foreseen to have any detrimental impact on the environment.

6.2. Consistency with SDF, IDP and applicable Policies

- 6.2.3. The applicant highlights that the proposal falls within an established residential development zone, and that the use of the subject property aligns with the guidelines outlined in the Knysna Municipality Spatial Development Framework. Further, it is highlighted that the SDF outlines the requirements to legalize secondary dwellings as a means of facilitating soft densification and addressing housing demand. This can be agreed with, as the proposed second dwelling can also easily revert to residential use, thus addressing housing demand, and the overall use of the property remains residential.
- 6.2.4. The applicant also brings forward that the SDF highlights the need for educational facilities in Knysna, whilst the IDP also outlines objectives to enhance educational facilities. In this regard, the sentiments of the applicant are also agreed with, as the growing working population of Knysna has resulted in the growing need for education facilities, and therefore this proposal facilitates such needs.

6.3. Outcomes of Investigations/Applications i.t.o. other Legislation

No other investigations pertaining to this application were conducted or required.

6.4. Desirability of the Proposal

The desirability of the proposal was assessed as follows;

Elements for Consideration		Assessment Response
01	Socio-economic Impact	It is argued that the proposal is anticipated to generate significant socio-economic benefits, by providing much needed educational facilities.
02	Compatibility with surrounding land uses	Although the proposal does not entail any particular change in the zoning of the property, the proposed consent use is compatible with the surrounding residential character of the area.
03	Traffic impact, parking, access & other transport considerations	The proposal is foreseen to have some impact on the traffic in the surrounding area. However, it is viewed that this will be minimal and can be managed by the reduced number of

Elements for Consideration		Assessment Response
		children and the control of the drop-off and pick-up arrangement.
04	Impact on quality of life (incl. views, sunlight, privacy, visual impact, etc.)	The proposal is not foreseen to have any negative impact on the quality of life for the surrounding area. The applicant stated that the privacy concerns on the proposed relaxation are mitigated against by the existing vegetation on the portion of the property where the relaxation of building lines is applied for (the rear boundary).

6.5. Considerations to the Removal of Restrictive Title Conditions

- 6.5.1. A proposal for the removal of restrictive title conditions is submitted. The specific conditions relate to the building lines as well as prohibiting the use of the property other than residential purposes.
- 6.5.2. The proposal is evaluated in consideration of the fact that the conditions imposed for the purpose of preserving the character of the area and protecting its identity. However, it is viewed that, with the existing Knysna Zoning Scheme By-law, this will remain maintained through the upholding of the development parameters applicable to "Single Residential Zone I" zoning.
- 6.5.3. The applicant further argued for the proposed removal of restrictive title conditions in terms of Section 33(4) of the Knysna Municipality Bylaw on Spatial Planning and land Use management (2021) and demonstrated that the proposal will have no detrimental impact on the personal, social, financial and public rights enjoyed by the existence of the conditions. This can be agreed with, and it is viewed that all the other conditions will remain in place and applicable to the subject property, thus not all the rights will be renounced.

6.6. Assessment of Comments

- 6.6.1. The comments received from the public raised valid concerns, in terms of impact, traffic and noise. The applicant responded to these adequately and further offered a compromise to reduce the proposed maximum number of children at the childcare facility from 20 to 15. Additionally, the objections received specifically to the proposed rear building line relaxation and the maximum number of children, which is perceived as that it will lead to all the other concerns raised, such as noise and traffic congestion. The objectors' concerns are viewed as valid and significant; it is therefore believed that with the objection to the relaxation of the rear building lines, this can be addressed and managed through the Knysna Zoning Scheme Bylaw. The proposed relaxation is

only pertaining to the rear building line, and all other structures must remain compliant to the building line regulations of the Knysna Zoning Scheme Bylaw (2020).

- 6.6.2. With objections to the number of children at the facility and its possible impact on noise and traffic, it is believed that this may be managed through the imposition of conditions relating to traffic management.

7. RECOMMENDATION

It is recommended:

- 7.1. That, **Approval be Granted**, in terms of Section 60 of the Knysna Municipality bylaw on Spatial Planning and Land Use Management (2021) for the removal of restrictive title deed condition(s) C (2)(a) and (2)(d) as specified in Title deed numbered T26522/2021, in respect of Remainder of Erf 2173, Knysna.
- 7.2. That, **Approval be Granted**, in terms of Section 60 of the Knysna Municipality Bylaw on Spatial Planning and Land Use Management (2021) for the permanent departure to allow for the relaxation of the rear building line from 2m to 0,9m, on Remainder of Erf 2173, Knysna.
- 7.3. That, **Approval be Granted**, in terms of Section 60 of the Knysna Municipality Bylaw on Spatial Planning and Land Use Management (2021) for the consent use to allow for the following:
- 7.1.1. A second dwelling that exceeds 60m²; and;
- 7.1.2. A creche that permits up to 15 children.

8. CONDITIONS OF APPROVAL IMPOSED IN TERMS OF THE PLANNING BY-LAW

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

- 8.1. The applicant shall, after publication of a notice in the Provincial Gazette, to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive title deed conditions, prior to submission of building plans.
- 8.2. The proposed building line relaxations shall be in accordance with the site development plan numbered "SP/E2173/KNY" dated 01 November 2024.
- 8.3. The proposed childcare facility shall be limited to a maximum of 15 children in terms of total enrolment.
- 8.4. No vehicular drop-offs and pick-ups to the childcare facility shall occur on Bolton Street. All vehicular drop-offs and pick-ups must be on-site, on the proposed drop off area, as indicated on plan numbered "SP/E2173/KNY" dated 01 November 2024.

9. REASONS FOR RECOMMENDATION

The reasons for above recommendation are as follows:

- 9.1. The application for the removal of restrictive title conditions is supported as it was not found to be an unreasonable deprivation of a right to the affected and adjacent landowners. Furthermore, the Municipality's zoning scheme is in place and offers similar rights to the restrictive title conditions being removed. Any deviation or relaxation of the parameters set out in the zoning scheme would be subject to public consultation.
- 9.2. The relaxation of the prescribed rear building line extends around 6.0m on a boundary length of 47m - the relaxation is, therefore, considered minimal and is unlikely to cause undue harm or offence on the affected and neighbouring properties. The impact on privacy is further mitigated by dense vegetation along the rear boundary line.
- 9.3. The consent use to allow for a second dwelling is considered favourably as it is consistent with the Municipality's spatial planning policy as contemplated in Council's spatial development framework. The second dwelling is a form of soft densification that is compatible with the existing, established residential character of Hunter's Home.
- 9.4. The childcare facility in the form of a creche is also found to be supportive of spatial planning policy of the Municipality in that it would provide for additional educational facilities in the area. A creche is considered compatible within a residential area provided it is of an appropriate size and responsive to the character of the surrounding area. Herein, the applicant has lowered the proposed maximum number of children from 20 to 15 in an effort to address the affected landowners' concerns regarding impact.
- 9.5. Furthermore, a condition of approval is imposed that compels the vehicular drop-off and pick-up of children to occur on-site as a further means of mitigating impact on the adjacent properties and overall vehicle movement on Bolton Street.
- 9.6. Overall, the concerns of the objectors are considered valid, however, it is held that if appropriate control is exercised, the impact of the childcare facility on the adjacent properties can be managed to an appropriate level.

10. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A – *Applicant's Motivating Memorandum*

ANNEXURE B – *Locality Plan*

ANNEXURE C – *Copy of Title Deed(s)*

ANNEXURE D – *Power of Attorney*

ANNEXURE E – *Site Plan and Elevations*

ANNEXURE F – *SG Diagram*

ANNEXURE G – *Approved Building Plans*

ANNEXURE H – *Subdivision Approval*

ANNEXURE I – *Departmental Comments*

ANNEXURE J – *Objections Received*

ANNEXURE K – *Applicants Response to Comments and Objections*

LAND USE PLANNING REPORT			
DEPARTURES, REMOVAL OF RESTRICTIONS, & CONSENT USE: REMAINDER OF ERF 2173, KNYSNA			
Author Name: <u>SINOVUYO SITINGA</u> Date: <u>21 JULY 2020</u>		Author Signature: 	
Registered planner name: <u>S. MADUMBO</u> SACPLAN registration number: <u>A/1514/2012</u> Date: <u>21/07/2020</u>		Registered Planner Signature: 	
Decision Maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

DEPARTURE, CONSENT USE & REMOVAL OF TITLE DEED RESTRICTION CONDITION APPLICATIONS



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Diagram 1: Locality Plan

Diagram 2: Aerial Photo

Diagram 3: Zoning Map

Diagram 4: Site Plan and Elevations

LIST OF ANNEXURES:

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Annexure B: Title Deed

Annexure C: SG Diagram

Annexure D: Approved Building Plans

Annexure E: Subdivision Approval

Annexure F: Neighbour's Consent (Remainder of Erf 2176)

Annexure G: Affidavit from the Estate Agent

INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW

COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED

	REMOVAL OF RESTRICTIVE CONDITION	CONSENT USE	DEPARTURE	ANNEXURE REFERENCE
Completed & signed application form	√	√	√	T2
Power of Attorney / Owner's consent (1)	√	√	√	Annexure A
Resolution (2)	√	√	√	N/A
Proof of registered ownership (3)	√	√	√	Annexure B
Bondholder's consent (if any)	√	√	√	N/A
Written motivation (4)	√	√	√	Main document
S.G. diagram / Extract of the general plan	√	√	√	Annexure C
Locality plan	√	√	√	Diagram 1
SDP / conceptual layout plan	√	√	√	Diagram 4
Subdivision plan [incl street name(s) & no]	-	-	-	Not required
Proof of payment of application fees	√	√	√	Attached
Copy of title deed	√	√	√	Annexure B
Conveyancer certificate (7)	√	√	√	Not required
Minutes of pre-application meeting (8)	√	√	√	Not available
Zoning plan	-	-	-	Diagram 3
Phasing plan	-	-	-	No Phasing required
Consolidation plan	-	-	-	Not required
Proof of lawful use right	-	-	-	Not required
Proof of failure of HOA (9)	-	-	-	Not required
Copy of original approval letter (s)	-	-	-	Not required
ADDITIONAL INFORMATION				
Approved Building Plans	√	√	√	Annexure D
Subdivision Approval	√	√	√	Annexure E
Neighbour's Consent	√	√	√	Annexure F
Affidavit from the Estate Agent	√	√	√	Annexure G

1. INTRODUCTION

Planning Space has been appointed by **Stanley Patric Truby** and **Eivir Joan Truby**, the owners of the Remainder of Erf 2173 Knysna, to prepare and submit the following applications in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021, to the Knysna Municipality (See Power of Attorney attached as Annexure A).

- i. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law for a building line relaxation along the rear boundary from 2m to 0.9m in order to allow the unauthorised second dwelling extension as depicted in the proposed Site Plan Nr. SP/E2173/KNY attached as Diagram 4.
- ii. Section 15 (2) (f): Application for the removal of Title Deed Restrictive of:
 - a) Condition C (2) (a) which limits the use of the property to only one dwelling to permit the planned Crèche and existing second dwelling.
 - b) Condition C (2) (d) which relates to building lines to allow the existing second dwelling that encroaches over the rear building line.
- iii. Section 15 (2) (o): Application for Consent Use in order to:
 - a) Allow the existing unauthorised second dwelling which measures 68.11m² in extent.
 - b) Permit a Crèche that will accommodate up to 20 kids.

2. BACKGROUND

In 1975, Erf 2173 was subdivided into two portions: Erf 4286 and a remainder (refer to Annexure E). The current owners purchased the remaining portion of the property in 2021 as can be seen in the Title Deed attached as Annexure B. The site consists of existing buildings. Building Plans for these structures were submitted and approved (see Annexure D). However, the previous owner constructed additions to some of the authorised structures without any approval from the Local Authority.

Additionally, there is a home childcare facility on the premises and the owners would like to expand this facility to cater to more children. The expansion will require permission from the municipality.

The purpose of this application is to obtain the necessary authorisations to permit the existing unauthorised structures and expansion of the existing home childcare facility. A detailed proposal outlining the requests made to the Council is discussed further in paragraph 4 of this motivational memorandum.

3. PROPERTY INFORMATION

3.1 LOCALITY

The subject property is located in the Hunters Home residential suburb (Knysna Township Extension No. 1) at Nr. 6 Bolton Street, Knysna as can be seen from the attached Diagram 1: Locality Plan.

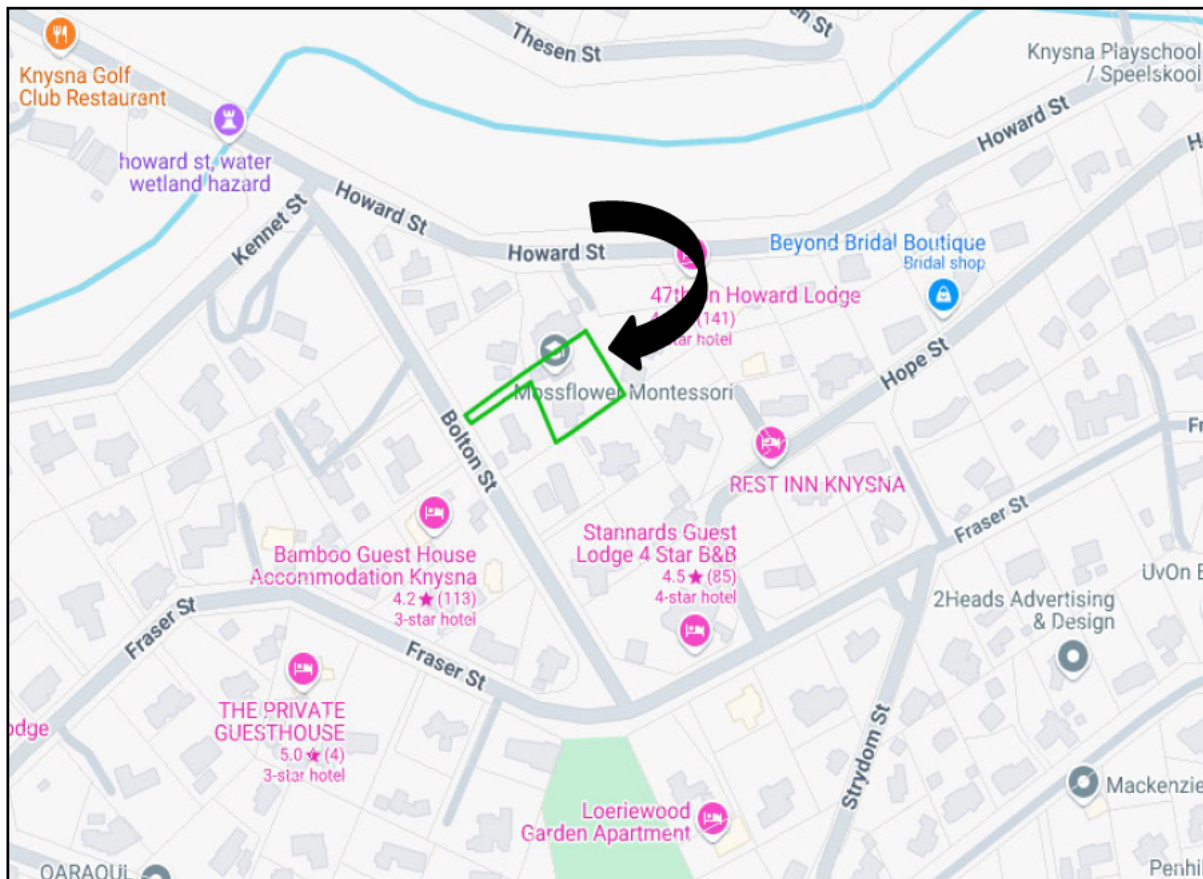


Figure 1: Extract indicating the locality of the subject property.

3.2 PROPERTY DETAIL

Title Deed Description	The remainder of Erf 2173, in the Municipality & Division of Knysna, Western Cape
21 Digit code	C03900050000217300000
Title Deed Number	T000026522/2021
S.G./GP Diagram Nr	SG 3899/1945
Title Deed Restrictions	Conditions C (2) (a) and C (2) (d)
Property Size	2674 m ²
Property Owner	Stanley Patric Truby and Eivir Joan Truby
Bonds	None
Land Use	Residential
Zoning	Single Residential I

4. PROPOSAL

The Remainder of Erf 2173 Knysna is a Single Residential Zone I property with existing structures which include a dwelling house, garage, swimming pool, outbuilding, and a second dwelling. The structures were built as per the approved Building Plans attached as Annexure D. However, the outbuilding approved as servant's quarters and laundry was at some point extended with $\pm 18.87\text{m}^2$ and converted to a second dwelling. The garage structure was also extended by the previous owner without obtaining any authorisation.

The current owners wish to legalise these existing unauthorised structures and have appointed an Architect to compile a new set of Building Plans for the property. Upon appointing the Architect, they discovered that a Town Planning application was also necessary for the authorisation of the existing unlawful second dwelling. Thus, Planning Space was appointed to submit the required Town Planning application.

Additionally, there is a home childcare facility on the premises, which is currently limited to six children according to the Zoning Scheme By-Law. The owners intend to expand this facility to accommodate 20 children, necessitating a consent use to permit this expansion.

The aim is to submit revised Building Plans to the Building Control and authorisation of the existing unlawful structures is required before submitting the revised plans hence this application is being submitted to the Council (see paragraphs 4.1 to 4.3 for a detailed proposal).

A separate application for the determination of contravention levies has been submitted to the Council.

4.1 CONSENT USE

4.1.1 Second Dwelling

Knysna Zoning Scheme By-Law defines a dwelling house as “a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including—

- a second dwelling or additional dwelling, with a floor area that **does not exceed 60m²**; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m².

The existing second dwelling on-site measures 68.11m² in size. Thus, consent must be obtained from the local authority.

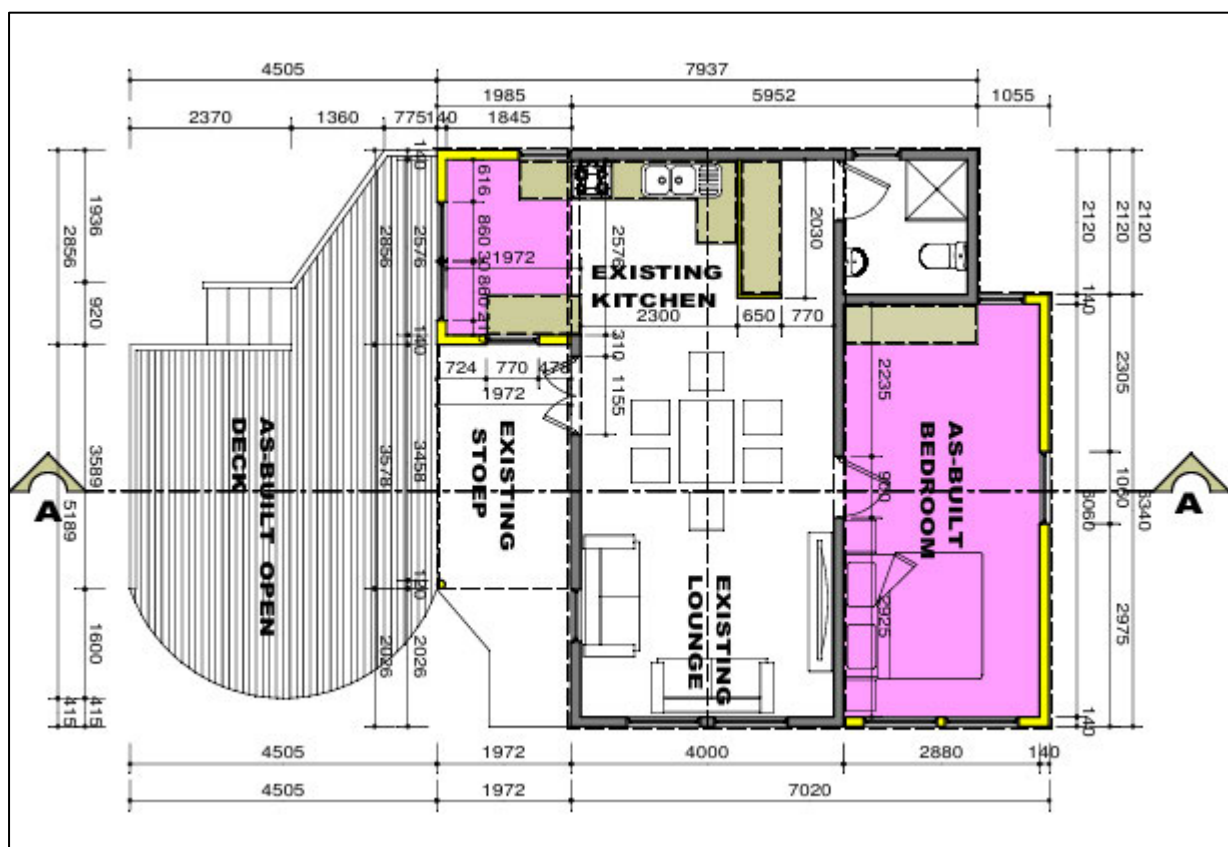


Figure 2: Floor Plan (Second Dwelling).

PARAMETER	SRI		TITLE DEED	COMPLIANCE
BUILDING LINES	Street	4.5m	6.30m	The proposal complies
	Lateral	2m	1.57m	The proposal complies
	Rear	2m	1.57m	The proposal does not comply
HEIGHT	8.5m		Not specified	The proposal complies
COVERAGE	50%		50%	The proposal complies

All the existing buildings on the premises comply with the applicable building lines except for the second dwelling that encroaches over the rear building lines of both the Title Deed and Zoning Scheme By-Law.

An application for a Departure from the provisions of the Knysna Zoning Scheme By-Law is hence being submitted to the Council to relax the rear building line from 2m to 0.9m in order to permit the transgressing second dwelling as indicated in the Site Plan Nr: SP/E2173/KNY attached as Diagram 4

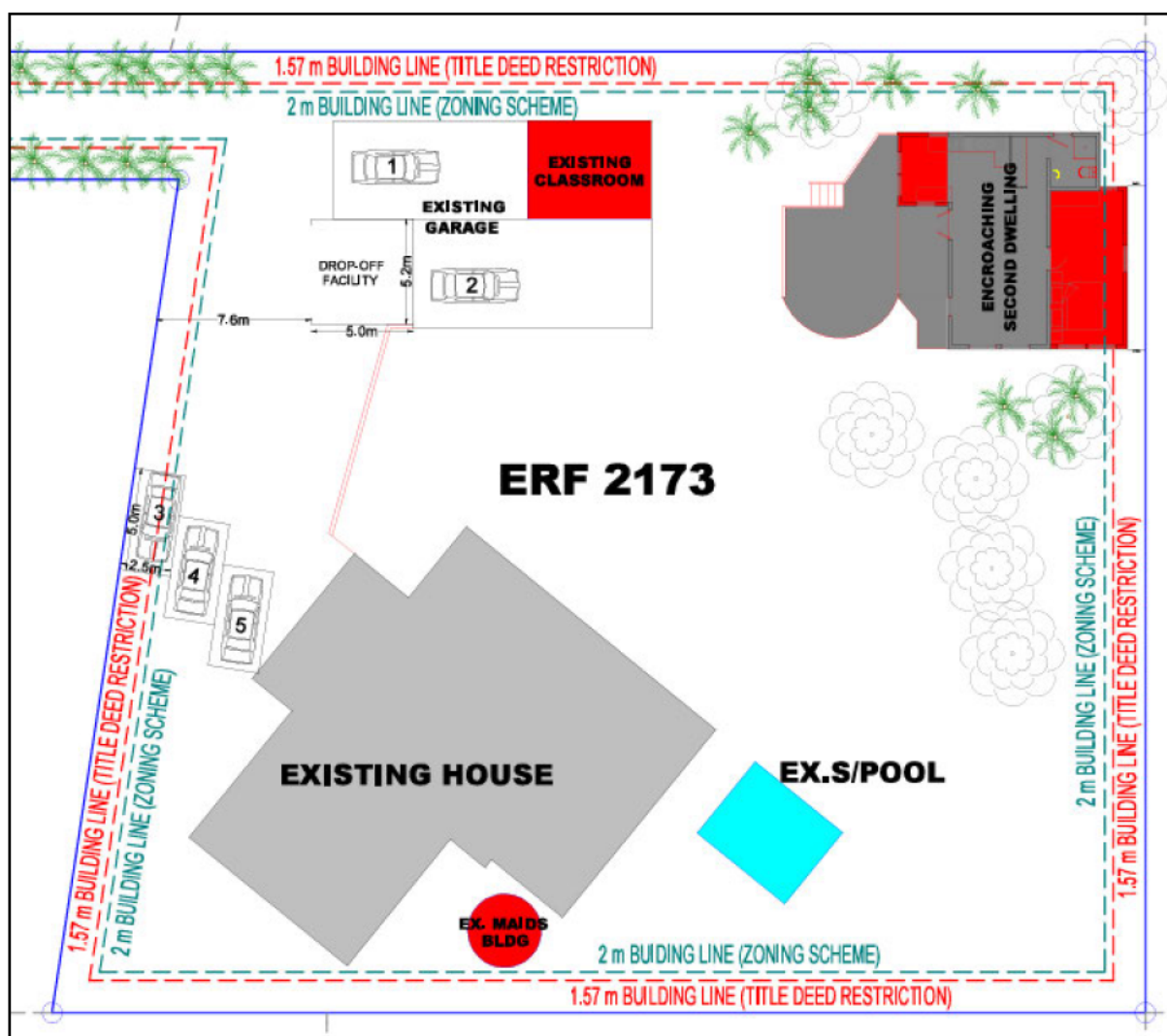


Figure 4: Extract from the proposed Plan).

4.3 REMOVAL OF RESTRICTIVE CONDITIONS

Certain additional building restrictions apply to the Remainder of Erf 2173 Knysna as a result of conditions incorporated into the relevant Title Deed.

4.3.1 Condition C (2) (a)

The remainder of Erf 2173 comprises an existing second dwelling and home childcare facility. As aforementioned, the owners wish to expand the educational facility into a Crèche.

Condition C (2) (a) limits the use of the site to only a dwelling unit. Therefore, the proposed Crèche and the existing second dwelling conflicts with the Title Deed. To allow the intended educational facility and existing second dwelling, removal of this restrictive condition is required. Thus, it is requested that the Council remove Condition C (2) (a).

(a) this erf shall be used for residential purposes only;

Figure 5: Condition C (2) (a).

4.3.2 Condition C (2) (d)

Condition C (2) (d) relates to the building lines of the property.

The existing second dwelling transgresses over the rear building line specified in the Title Deed.

The Council is respectfully requested to remove Condition C (2) (d) in order to permit the existing encroaching second dwelling.

(d) that no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6.30 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1.57 metres of the lateral boundary common to any adjoining erf;

Figure 6: Condition C (2) (d).

5. FACTORS TO CONSIDER

5.1 DEVELOPMENT RIGHTS AND UNAUTHORISED STRUCTURES

The property is zoned for single-residential purposes, allowing a Crèche with a maximum of 20 children as a consent use. The proposal is for a Crèche accommodating 20 children, which does not exceed the permitted limit. The purpose of this application is to obtain the necessary consent from the Local Authority.

This proposed development will serve the community by offering a vital service that addresses the increasing demand for early childhood education facilities due to population growth. Additionally, the educational facility will comply with all development parameters for Single Residential Zone I.

A second dwelling with a maximum floor area of 60m² is permitted as a primary right. Should it exceed this limit, a consent use can be applied for. Currently, the existing second dwelling measures 68.11m². The proposal includes an application for consent use. This structure is located at the rear of the property and is not visible from the street, ensuring it does not affect the visual character of the neighbourhood or obstruct views from adjacent properties.

The owners intend to authorise the structures which are already in place and were constructed by the previous owner by obtaining the necessary permissions (refer to Annexure G: Affidavit from the Estate Agent). Furthermore, the aim is to expand the existing home childcare facility and submit updated plans to the Building Control Office for all the existing unauthorised buildings as well as the intended use.

5.2 ACCESS AND PARKING

Access to the property is currently obtained from a panhandle from Bolton Street, which is the only access point and will remain unchanged.

The parking requirements are outlined in the Zoning Scheme By-Law. For the proposed development, the following parking bays are required:

- Crèche - 1 bay per 10 children, plus 1 stop-and-drop facility (for 20 children - 2 bays).
- Dwelling house - 2 bays.
- Second dwelling - 1 additional bay.

The proposed Site Development Plan (SDP) makes provision for 5 parking bays as well as a stop-and-drop facility on site. The stop-and-drop area is located in front of the existing approved garage, which accommodates 2 cars. Additionally, three extra parking bays will be provided on-site, as shown in the SDP.



Figure 7: Panhandle.

5.3 CONSIDERATION OF SECTION 33 (5) OF THE KNYSNA MUNICIPAL BY-LAW

Section 33 (5) of the Knysna By-Law on Municipal Land Use Planning lays down the following criteria that must be considered in a removal/suspension of restrictions application:

- **The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vested in the person as the owner of a dominant tenement:**

The Title Deed conditions date back to the time when Knysna Township Extension No. 1 was established in the 1950s. At the time, the conditions of the township establishment had to be included in the Title Deed as it was the only statutory control mechanism available. Today, the older neighbourhoods in towns and cities are restricted by two sets of legally binding but often conflicting parameters. For example, The Zoning Scheme permits second dwellings while the Title deed prohibits second dwellings. This is not in the public interest as it often causes confusion among the public and also creates an unnecessary administrative burden for the Local Authority. With the introduction of the Zoning Scheme Regulations in

1992 and the current ruling Knysna Zoning Scheme By-Law (2020), the need for this type of land use control has become redundant.

The restrictive conditions relate to the use of the property and building lines. They do not hold any financial or other value to the owner of the dominant tenement or the Administrator.

➤ **The personal benefits which accrue to the holder of the rights in terms of the restrictive condition:**

The conditions set out in Section C of the Title Deed do not hold any personal benefit to the owner. The conditions in the Title Deed have not been laid down in favour of a third party.

➤ **The personal benefits that will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition, if it is amended, suspended, or removed:**

The personal benefit to the owners of the Remainder of Erf 2173 is that they will be able to keep the existing unauthorised second dwelling and operate the planned educational facility from the premises which will benefit local residents. Updated Building Plans will be submitted to the Building Control Office for the authorisation of the existing unlawful structures.

➤ **The social benefits of the restrictive conditions remaining in place in their existing form:**

The primary benefit of keeping the restrictions in place is that development will be limited to only a dwelling house and the position of structures will have to be within the prescribed Title Deed building lines. This may offer a perceived social benefit by maintaining the current character and use of the area. It should be noted that the existing structures will remain as they are. No additional structures will be built. All other structures on site comply with single residential development parameters.

➤ **The social benefit of the removal, suspension, or amendment of the restrictive condition:**

The Crèche serves a vital role in the community by providing early childhood development and offering essential educational services to young children that lay the foundation for their future academic success. In addition, the Crèche creates job opportunities, not only for educators and support staff but also for local service providers, contributing to the overall economic growth of the area. Furthermore, it will generate a sustainable source of income for the owner of the Remainder of Erf 2173, supporting both the Crèche's operations and the local economy.

Refusal to remove the restrictive Title Deed conditions will not only affect the owner but also the community as a whole. The educational services, employment opportunities, and economic activity that will be created by the Crèche will be hindered and, access to quality early childhood education for local families will be limited. Permitting the Crèche and allowing its operation will ensure that these benefits are accessible to many. Furthermore, the second dwelling offers affordable accommodation, which could provide additional income for the property owner or serve as housing for a family member.

➤ **Whether the removal, suspension, or alteration of the restrictive will completely remove all rights enjoyed by the beneficiary or only some of those rights:**

The removal of the restrictive Title Deed conditions will not remove all the rights enjoyed by the Knysna Township Extension No. 1 property owners. The property will still be restricted in terms of the other conditions contained in the Title Deed, as well as the provisions of the Knysna Zoning Scheme By-Law.

➤ **Whether the removal, suspension, or alteration of the restrictive conditions will be in the public interest:**

It is believed that the proposed removal of restrictive Title Deed conditions is not a matter of public interest. By removing the conditions discussed above, the primary land use will not change, and the character of the area will not be affected as the zoning of the property will remain residential. The proposal relates to the removal of restrictive Title Deed Conditions on a private property.

5.4 THE NEED FOR CRÈCHE

The proposed Crèche directly addresses the high demand for Early Childhood Development services in the community. By providing a nurturing environment for young children, the Crèche supports families and contributes to the holistic development of children aged 2.5 to 6 years. In doing so, it helps lay a solid foundation for their future education and social development.

Furthermore, the establishment of the Crèche creates opportunities for local employment, as trained educators and support staff are needed to operate the facility effectively. This not only benefits the children and their families but also contributes positively to the local economy by fostering job creation and skill development in the community.

5.5 ENGINEERING SERVICES

The property is situated in an area that benefits from existing municipal service infrastructure. The property is currently provided with a connection to municipal services (water, sewer, and electricity). No additional services are required.

Furthermore, waste disposal will continue to be managed through the regular municipal domestic waste collection service.

5.6 ANTICIPATED IMPACTS

It is believed that the removal of restrictive conditions, departure, and consent use applications for the proposed educational facility and existing unauthorised second dwelling will not have any substantial negative impact on the surrounding properties. The encroaching structure already exists and has been used as a second dwelling for more than 3 years and is not causing any major negative impact on the neighbouring properties as it is situated at the back of the Remainder of Erf 2173 and screened by the existing vegetation.



Figure 8: Existing second dwelling.

The Crèche will consist of only one classroom that is currently used as a home childcare facility, accommodating up to 20 children, and will operate during daytime hours. Thus, noise levels will not negatively impact adjacent properties. The establishment of this educational facility in the area is anticipated to generate significant social and economic benefits. By providing a nurturing environment for early childhood development, the Crèche will contribute to the foundational learning and growth of young children, which in turn fosters community well-being and supports the overall development of the local area.



Figure 9: Existing classroom.

Additionally, the owner of the Remainder of Erf 2176, the most affected property in terms of the building line relaxation, has provided written and signed consent (refer to Annexure F).

5.7 CONSTITUTION OF SOUTH AFRICA

Section 29 (1) of The Constitution of South Africa stipulates that everyone has the right to basic education, including adult basic education. Although this section does not explicitly mention early childhood development (ECD), the concept of basic education begins in the foundational phase, which includes early childhood. Developing a Crèche is a direct action to ensure that young children begin their educational journey early and receive quality care and development, preparing them for formal schooling and ultimately realising their right to education.

In terms of Section 28 (1) (d) of the Constitution, every child has the right to be protected from neglect, abuse, and maltreatment. A well-established Crèche ensures that children are not neglected but rather nurtured in a safe, educational environment. Additionally, Section 28 (1) (c) guarantees the right of every child to basic nutrition, shelter, healthcare services, and social services, which are often provided in quality early childhood development centers.

5.8 COMPATIBILITY WITH THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK (SDF) AND INTEGRATED DEVELOPMENT PLAN (IDP)

The property is located within the designated urban area of Knysna, which falls under the residential development zone. The property's utilisation aligns with the guidelines outlined in the Knysna Spatial Development Framework, which governs the overall planning and development of the area. It is important to note that departure applications, such as the one under consideration, are not specifically addressed in the Spatial Planning documents. Each departure application is evaluated based on its unique circumstances and merits, considering the specific characteristics of the site. This approach acknowledges the site-specific nature of such applications and ensures that each case is thoroughly assessed on its individual strengths and considerations.

The SDF outlines the requirement to legalise secondary dwelling accommodations, whether formal or informal, as a means of facilitating soft densification and addressing housing demand. In line with this objective, the current governing Knysna Zoning Scheme By-Law aligns with the densification policies specified in the SDF by permitting the inclusion of small "granny flats" as part of the primary rights for Single Residential I properties. Unfortunately, the outdated Title Conditions are not in harmony with the

provisions set forth in the Knysna Spatial Development Framework. As a result, the proposition to remove the conflicting Title Condition is per the guidelines established by the Spatial Development Framework. By removing this contradictory condition, the proposed action aligns with the principles and goals outlined in the SDF, ultimately supporting the objectives of soft densification and addressing housing demand in the area.

The SDF highlights a growing need for educational facilities in Knysna, driven by population growth and ongoing development. Early Childhood Development services are the foundation of proper education and skills development. The IDP outlines objectives for enhancing community infrastructure, which includes educational facilities such as preschools and Crèches.

Therefore, this proposal aligns with the SDF and supports the vision outlined in the IDP.

5.9 COMPATIBILITY WITH SPLUMA DEVELOPMENT PRINCIPLES

In considering the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of the Spatial Planning and Land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

➤ Spatial justice

Spatial justice is an important principle within the context of SPLUMA that focuses on ensuring fair and equitable distribution of resources, opportunities, and services across different areas and communities. The availability of a Crèche and second dwelling within the area promotes inclusivity, accessibility, and social cohesion. An educational facility provides training and education opportunities for children, helping them acquire foundational learning. Furthermore, the existing second dwelling unit has the potential to yield economic advantages for the homeowners, as it caters to the flexible housing needs of young individuals, families, and retirees.

➤ Spatial Efficiency

The principle of spatial efficiency emphasises the optimisation of land use and development patterns to achieve effective and sustainable spatial planning. By promoting smart growth strategies, spatial efficiency aims to maximise the utility of available land while minimising waste and negative impacts on the environment.

The proposed land uses align with this principle by integrating seamlessly into the existing urban fabric. The proposal enhances the overall efficiency of urban land usage, as it addresses critical needs in the community.

Furthermore, the Crèche and second dwelling structures serve to enhance the functionality of the neighbourhood, supporting families and contributing to the local economy as well as housing needs. By optimising land use in this manner, the proposal ensures that the community benefits from increased access to essential services, ultimately promoting sustainable development and improving the quality of life for residents.

➤ **Spatial Sustainability**

The principle of spatial sustainability emphasises the importance of considering long-term environmental, social, and economic impacts in spatial planning and development. The site in question is not classified as environmentally sensitive, and the proposal is designed to minimise any negative environmental effects while delivering positive social and economic benefits. Being situated within the urban edge, in an area that has been identified as an urban area, the proposal incorporates energy-efficient design and sustainable building practices. This commitment to sustainability ensures that the proposed land uses not only serve immediate community needs but also contribute positively to the environment in the long run.

➤ **Spatial resilience**

Spatial resilience refers to the ability of a place or community to withstand and recover from various shocks and stresses, such as natural disasters, climate change, economic downturns, or social disruptions. The establishment of the educational facility and the existence of the second dwelling address a significant need within the community, providing essential resources and support for families. By offering the proposed land uses, the community's capacity to adapt and thrive in the face of challenges, fostering a stronger, more resilient population will be enhanced.

6. CONCLUSION

Council is humbly requested to consider the following proposed applications:

- i. Section 15 (2) (f): Removal of the Title Deed Restrictive Conditions C (2) (a) and C (2) (d) which relate to the allowed structures on site as well as building lines.

- ii. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law for a building line relaxation along the rear boundary from 2m to 0.9m in order to permit the unauthorised second dwelling extension.
- iii. Section 15 (2) (o): Application for Consent Use in order to allow the existing unauthorised second dwelling and the planned Crèche.

- **Compliance with Zoning Regulations:** The primary usage of the property will remain residential to ensure that the proposed development does not distract from the surrounding character.

Approval of the proposed departure will allow ratification of the existing unauthorised rear building line encroachment.

The additional uses applied for (second dwelling and Crèche) are uses that are permitted within Single Residential Zones I with the Council's consent and are regarded as compatible with the residential character of the area.

- **Community Benefits:** The Crèche will provide essential early childhood education, creating job opportunities and fostering community engagement. It will support families by offering a safe and nurturing environment for their children, contributing to the overall well-being of the community.

The existing second dwelling addresses the housing needs of young individuals, families, and retirees.

- **Minimal Impact:** The approval of the application will have no negative impact on the surrounding properties. It ensures the optimal utilisation of urban land, allowing for efficient use of available resources while maintaining the character of the neighbourhood. Furthermore, the neighbouring owner of the Remainder of Erf 2176 provided written and signed consents for the proposal.

- **Compliance with Spatial Planning Policies:** The proposal aligns with spatial planning policies and guidelines, ensuring effective land use and supporting sustainable development principles within the community.

- **Compliance with SPLUMA:** The proposal adheres to the development principles stipulated in Section 7 of the Spatial Planning and Land Use Management Act (SPLUMA), ensuring that it does not conflict with its provisions.

- **Support for Economic Growth:** The educational facility will stimulate local economic growth by creating jobs and attracting families to the area, thereby enhancing the local economy.
- **Alignment with Community Needs:** The proposal is responding to demographic changes and the increasing need for educational facilities and housing in the area.
- **Right to Education:** The availability of an educational facility aligns with the constitutional right to education enshrined in Section 29 of the South African Constitution, which guarantees access to basic education for all children. By providing early childhood education, the Crèche will support this fundamental right and ensure that children in the community have access to vital learning opportunities.

1382

Logan - Martin Inc
P O Box 6
Knysna
6570

Prepared by me

CONVEYANCER
FLORIS ALBERTUS HANEKOM
LPCM 90928

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 3 200 000,00	1778,00
Reason for exemption	Category Exemption	Exemption i to. Sec/Reg..... Act/Proc.....



T 000026522 / 2021

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

FLORIS ALBERTUS HANEKOM LPCM 90928

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

ANNE KATHLEEN FRIELICK

Identity Number [REDACTED]

Unmarried

which said Power of Attorney was signed at KNYSNA on 20 April 2021

And the appearer declared that his/her said principal had, on 13 April 2021, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1. **STANLEY PATRICK TRUBY**
Identity Number [REDACTED]
Married out of community of property
2. **EIVIR JOAN TRUBY**
Identity Number [REDACTED]
Married out of community of property

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

REMAINING EXTENT OF ERF 2173 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF THE WESTERN CAPE

IN EXTENT 2674 (TWO THOUSAND SIX HUNDRED AND SEVENTY FOUR)
Square metres

FIRST TRANSFERRED by Deed of Transfer Number T10472/1950 with
Diagram Number 3899/1945 relating thereto and held by Deed of Transfer
Number T14806/2007

- A. SUBJECT to the conditions referred to in Deed of Transfer No T3003/1907.
- B. SUBJECT FURTHER but not entitled to any benefits under the following special condition contained in Deed of Transfer No T3003/1907, namely:-

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

- C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No T10472/1950 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No 33 of 1934 when approving of the establishment of Knysna Township (Extension No 1) namely:-

"1. That words and expressions used in these conditions shall have the meaning assigned to them in the regulations published under Provincial Notice No 401 dated 17 October 1935.

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

(a) this erf shall be used for residential purposes only;

(c) that not more than one-half the area of this erf be built upon;

(d) that no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6.30 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1.57 metres of the lateral boundary common to any adjoining erf;

3. As being in favour of the Council of the Municipality of Knysna"

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

- D. SUBJECT FURTHER to the following endorsement dated 26 May 1976 on Deed of Transfer No T28595/1974, namely:-

"By Deed of Transfer T15420/1976 dated this day,

Remainder: the following conditions have been imposed by the Administrator of the Cape of Good Hope in terms of Section 9 of Ordinance 33 of 1934:-

1. The owner of this erf shall without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven, to be conveyed across this erf, is deemed necessary by the Local Authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

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

As will more fully appear from the said Deed of Transfer."



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

ANNE KATHLEEN FRIELICK, Unmarried

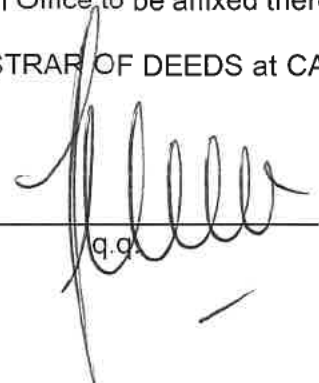
heretofore had to the premises, did in consequence also acknowledge her to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

1. **STANLEY PATRICK TRUBY, Married as aforesaid**
2. **EIVIR JOAN TRUBY, 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 R3 200 000,00 (THREE MILLION TWO HUNDRED THOUSAND RAND) .

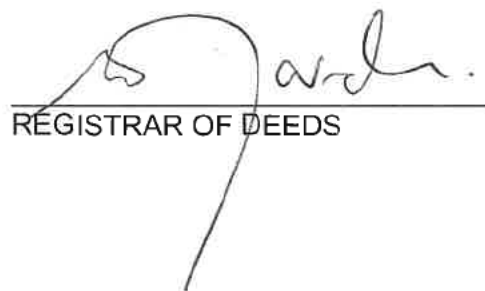
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on **31 MAY 2021**



A handwritten signature in dark ink, appearing to be 'J. G.', written over a horizontal line.

In my presence



A handwritten signature in dark ink, appearing to be 'J. G.', written over a horizontal line.

REGISTRAR OF DEEDS

SPECIAL POWER OF ATTORNEY

I, the undersigned E. J. Truby (Eivir Joan Truby)
S. P. Truby (Stanley Patrick Truby)
duly authorized, do hereby nominate, constitute and appoint Lizemarie Botha/
Lundikazi Khuphiso of the firm **PLANNING SPACE**, with power of substitution to
be my lawful agent, in my name, place and stead to make application, as
described below, to the relevant Authorities and to sign all application forms,
documents and other papers as may be required in such application.

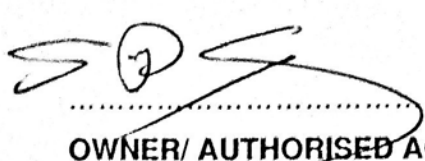
DESCRIPTION OF PROPERTY

Trf 2173, Knysna

NATURE OF APPLICATION

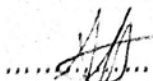
*Consent Use, Departure, Contravention Levies,
Removal of Restrictive Title Deed Conditions and
Related Applications*

SIGNED AT Knysna THIS 3rd DAY OF October 2024

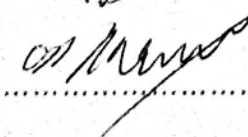
 Joan Truby
OWNER/ AUTHORISED AGENT

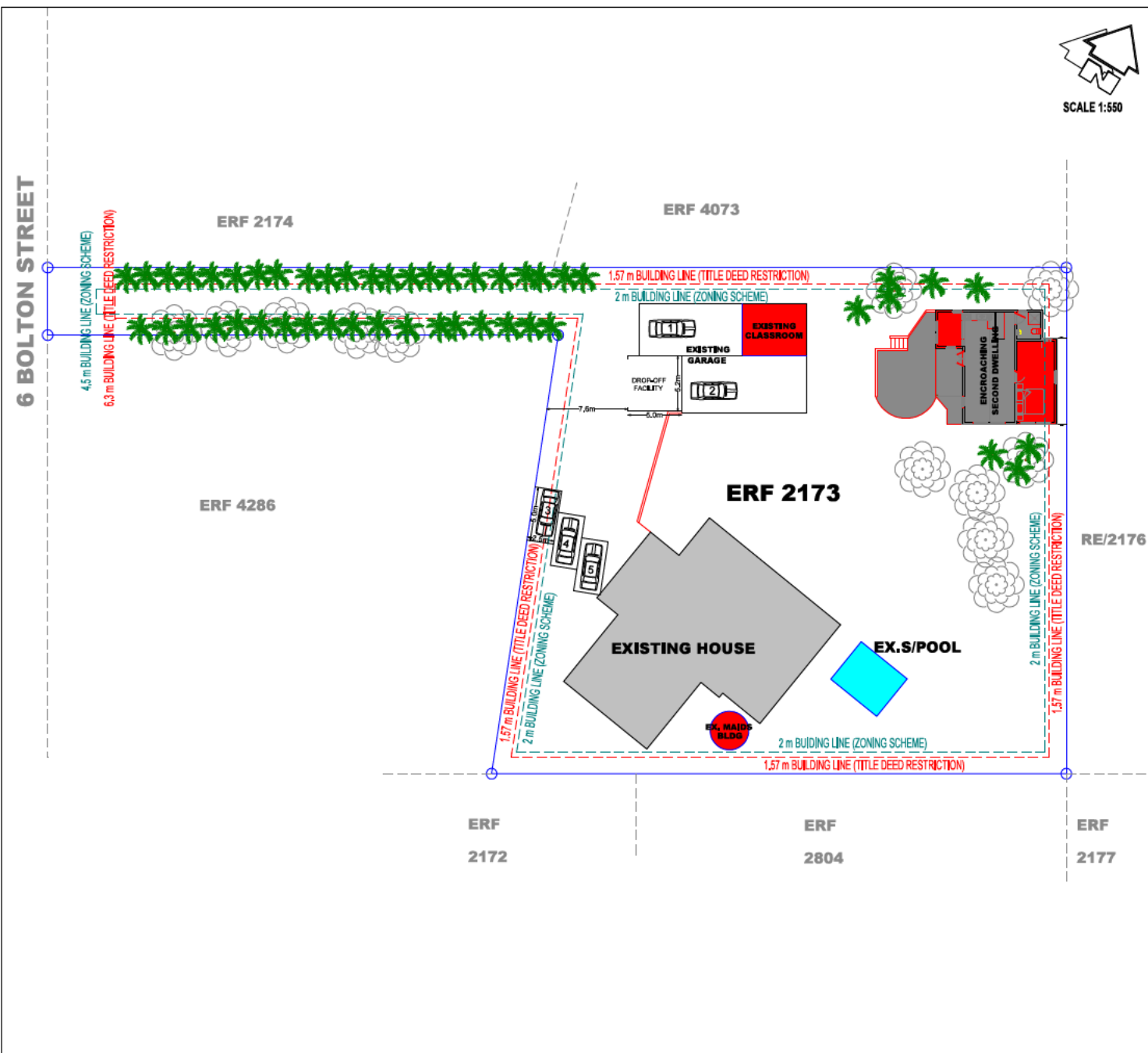
WITNESSES

1.



2.





LEGEND

■ Unauthorised additions

AREA SCHEDULE

EXISTING MAIN HOUSE	300,39 m²
EXISTING GARAGE	138 m²
EXISTING SERVANT RM	5,55 m²
EXISTING SECOND DWELLING	45,24 m²
AS-BUILT ADDITIONS	18,87 m²
TOTAL SECOND DWELLING	65,11 m²
TOTAL BUILDINGS AREA	512,34 m²
EXISTING FOOTPRINT	493,46 m²
NEW FOOTPRINT	512,34 m²
ERF SIZE	2674 m²
COVERAGE (%)	19,16%

NOTES:

Sizes and dimensions are approximate and subject to final survey.

COPY RIGHT:

This plan must not be copied or amended without the consent from Planning Space.

REMAINDER OF ERF 2173 KNYSNA

DRW. NR: SP/E2173/KNY

KNYSNA MUNICIPAL AREA

DATE: 1 NOVEMBER 2024



ANY DEVIATION FROM APPROVED DRAWINGS
EXEMPT THE ARCHITECT/AUTHOR FROM ANY
LIABILITY THEREOF.

HOUSE TRUBY 024KNY-HH

General Plan No TP549LD

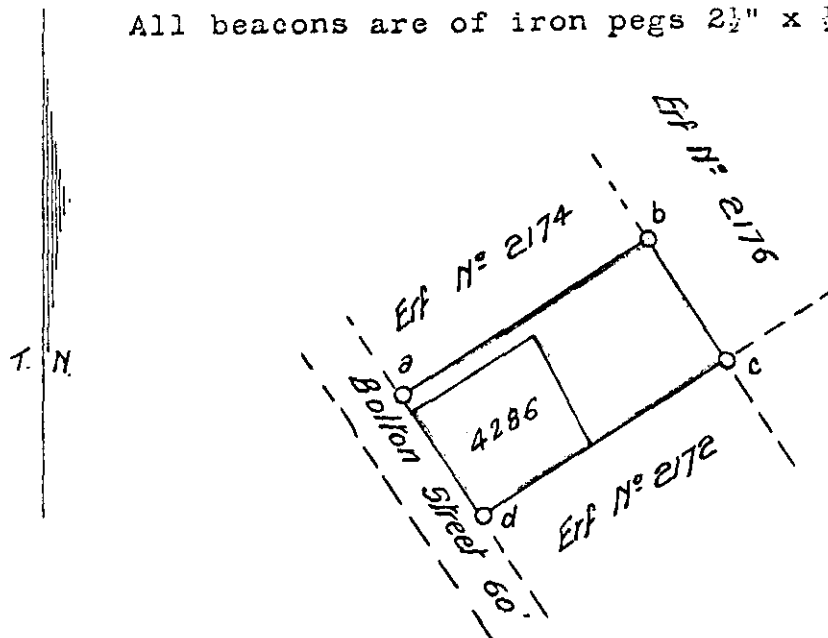
SIDES		ANGLES		
Cape Feet				
ab	301.42	a	90	0 0
bc	150.00	b	90	0 0
cd	301.42	c	90	0 0
da	150.00	d	90	0 0

Approved

W. A. Smith
 Surveyor-General
 12-10-1943

Description of Beacons:

All beacons are of iron pegs $2\frac{1}{2}$ " x $\frac{1}{2}$ " x 18"



250 0 250 500 Cape Feet
 Scale 1 : 2500

The figure a.b.c.d. represents 45213 Sq. Feet of land being

Erf. No. 2173 KNYSNA

situate in the Municipality and Division of Knysna, Province of
 Cape of Good Hope.

Surveyed in March-December, 1943, by me. *P. A. H. Melville*

Land Surveyor.

This diagram is annexed to the
Deed of Transfer No 10472 dated 2.8.7.1950
passed in favour of E. J. Dicks

Survey Records: E1027/44
 File No. S4537/30/2
 Plan 45ax
 General Plan T.P. 549LD

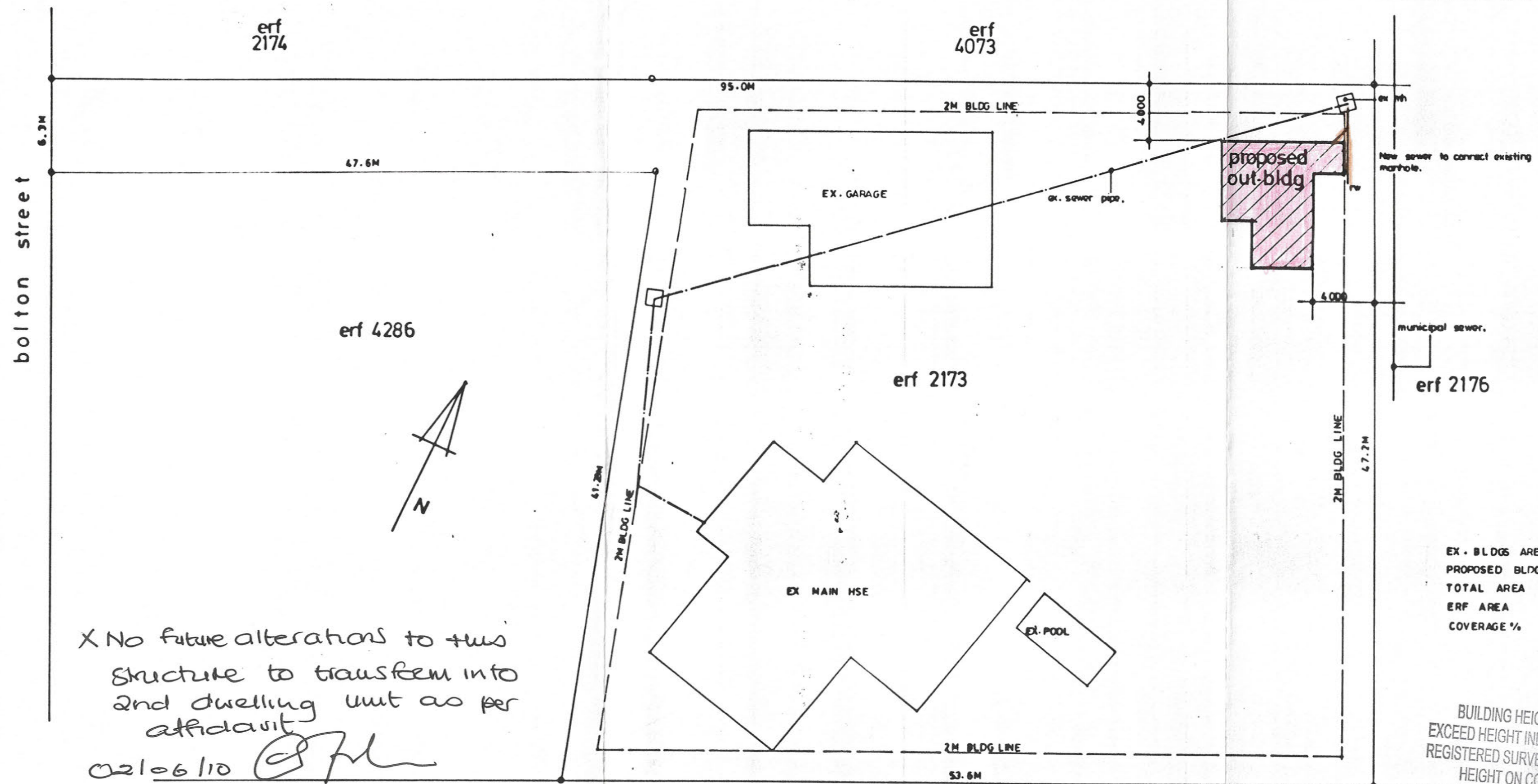
Form 11175/3/45

P. A. H. Melville
 Registrar of Deeds.

FOR THE REGISTRAR
 SEE PLAN - DIAGRAM

2173

COPIES OF THIS DIAGRAM HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SURVEY NO.	AREA LA 100.0 L.	TRANSFER NO.	INITIALED	REMR.
E 1543/75	5620/75	Erf 4286	1808	15420/76	W. J. L.	



X No future alterations to this structure to transform into 2nd dwelling unit as per affidavit
02/06/10

EX. BLDGS AREA	490.9 sq. m
PROPOSED BLDG	49.24 sq. m
TOTAL AREA	540.14 sq. m
ERF AREA	2 675.00 sq. m
COVERAGE %	20.19 %

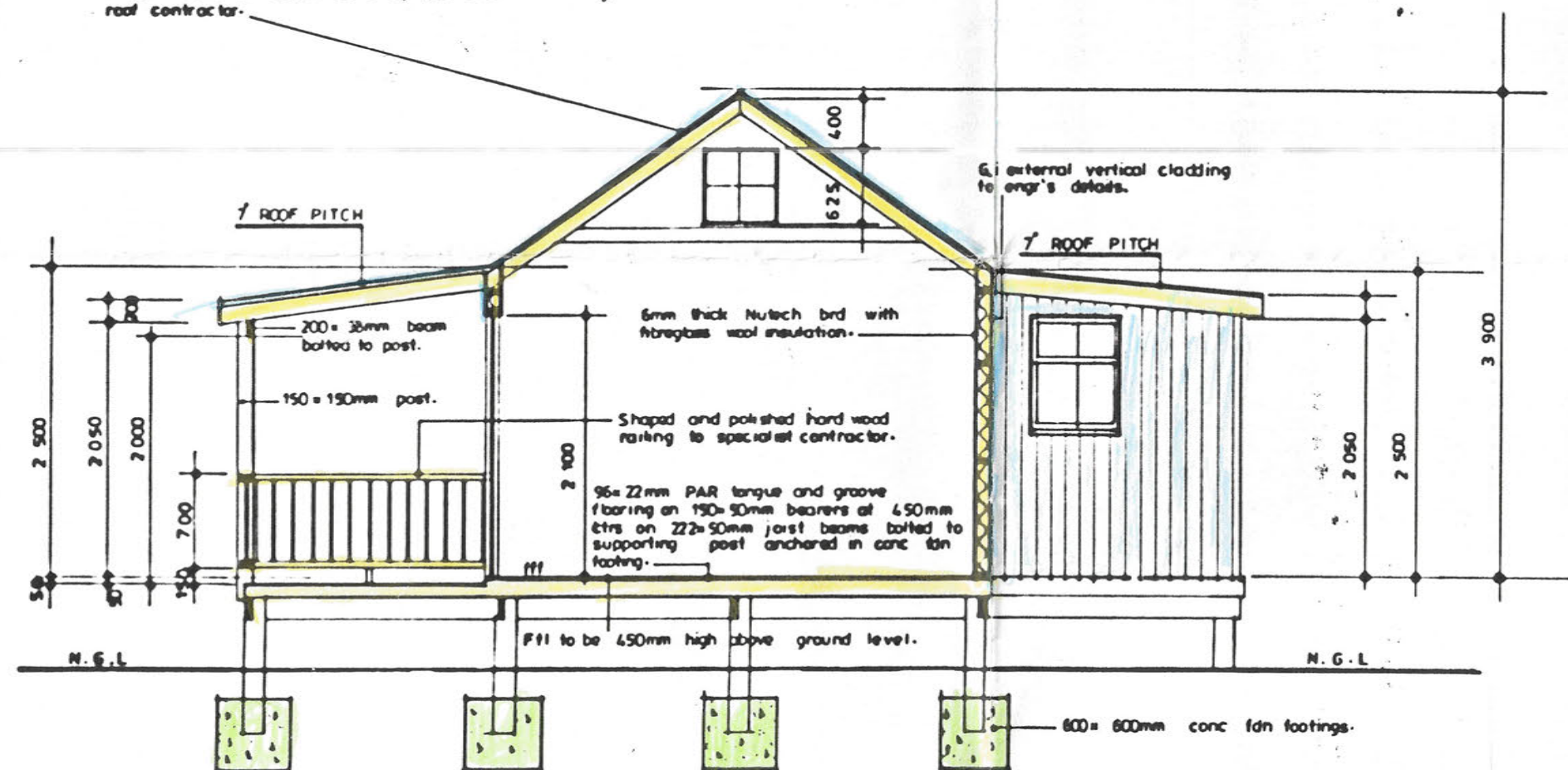
BUILDING HEIGHT MAY NOT EXCEED HEIGHT INDICATED ON PLAN REGISTERED SURVEYOR TO CERTIFY HEIGHT ON COMPLETION

KNYSNA MUNISIPALITEIT PLAN No
GOEDGEKEUR / APPROVED
Volgens die NBR WET No 103 van 1977 soos gewysig
According to NBR, ACT No 103 of 1977 as amended
DATE: 02/06/10

SITE PLAN 1:250

ROOF PITCH 36

Corrugated iron roof sheets on thermal insulation on 75 x 50 mm posts at 1000mm ctrs on 6mm thick Nu-tech ceiling brd on treated exposed timber trusses at 1000mm ctrs by specialist roof contractor.



SECTION A-A 1:50

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

copyright Arch-images Arts Studio 7 REG No PAD 21059 P.O. BOX 2148 KNYSNA 6570 CELL 071 341 8641 (IN GOD I TRUST)				
job PROPOSED NEW SERVANT OUT BLDG ON ERF No 2173 BOLTON STREET HUNTERS HOME KNYNSA FOR H. VAN NIEKERK				
drawn	checked	date	scale	rev
XOLANI	AUTHOR	28/02/2010	AS SHOWN	0
drawing number HHM05/010				



N.E. ELEV. 1: 50

KNYSNA MUNICIPALITEIT PLAN No
GOEDGEKEUR / APPROVED

Volgens die NBR, WET No 10 van 1977 soos gewysig
According to NBR, ACT No 10 of 1977 as amended
DATE: 02/06/10

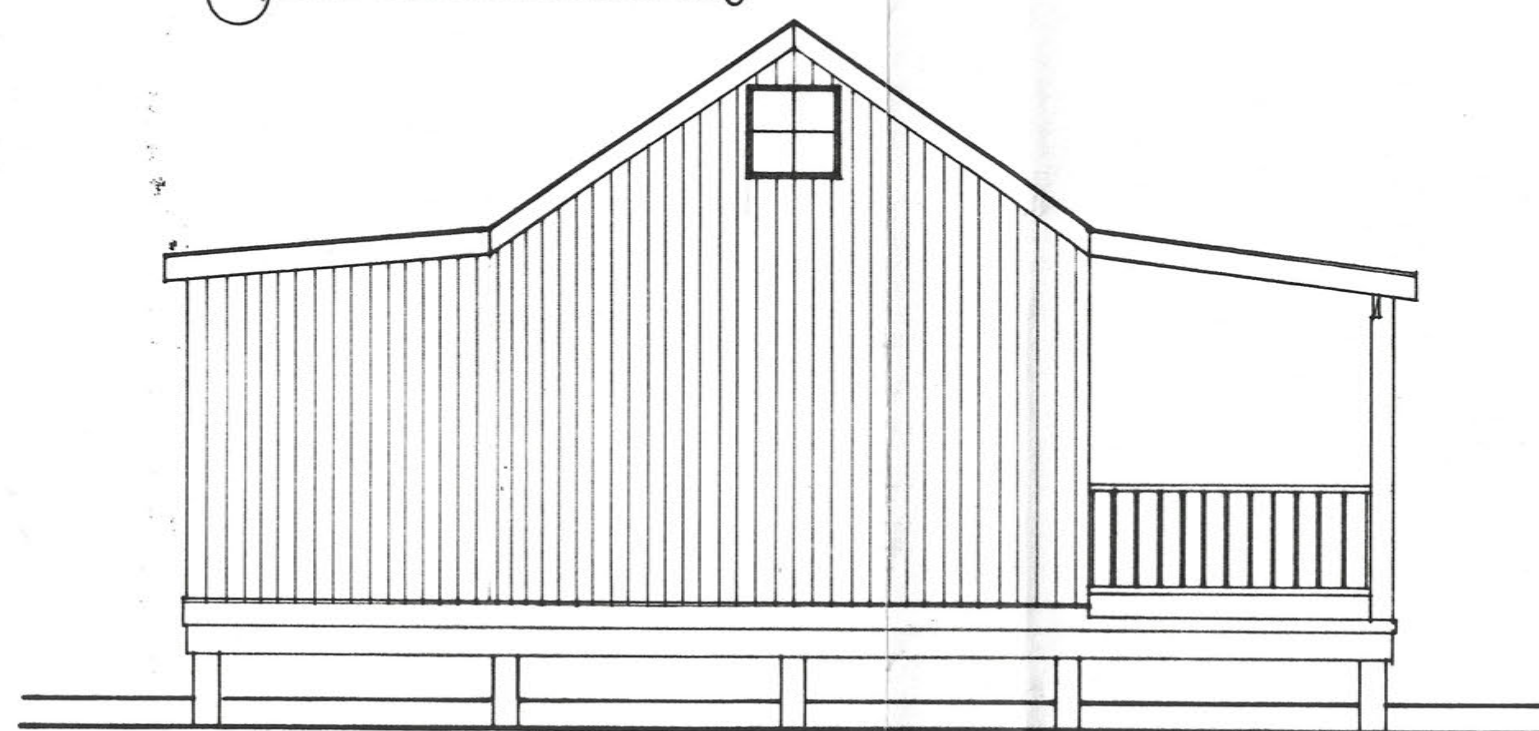


S.W. ELEV. 1: 50

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

THIS APPROVAL IS
APPLICANT FROM COMPLIANCE WITH AN
APPLICABLE TITLE DEED RESTRICTION,
ZONING SCHEME REGULATION OR ANY
OTHER SIMILAR RESTRICTION WHICH MAY

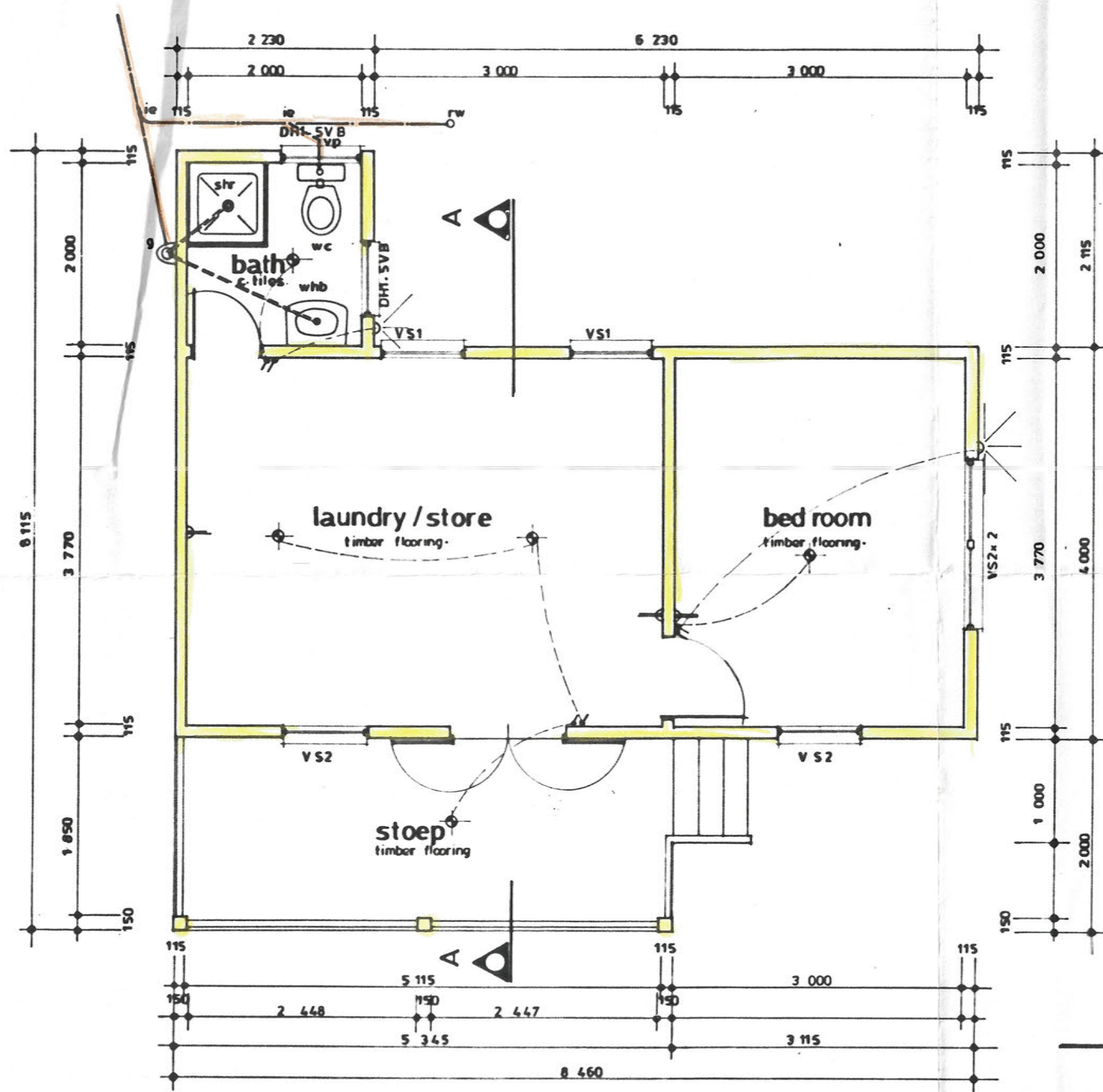
BUILDING HEIGHT MAY NOT
EXCEED HEIGHT INDICATED ON PLAN
REGISTERED SURVEYOR TO CERTIFY
HEIGHT ON COMPLETION



S.E. ELEV. 1: 50

electric legend

- ceiling light
- 15amp plug point
- security light
- switch point



GROUND FLOOR PLAN 1: 50



N.W. ELEV. 1: 50

copyright
Arch-Images Arts Studio 7
REG N° PAD 21099
P.O BOX 2148
KNYSNA
6570
CELL 071 341 8641

(IN GOD I TRUST)

job
PROPOSED NEW SERVANT OUT BLDG
ON ERF N° 2173 BOLTON STREET
HUNTERS HOME KNYNSA

FOR H. VAN NIEKERK

drawn	checked	date	scale	rev
XOLANI	AUTHOR	28/02/2010	1: 50	0
drwg number HHM05/010				

PROVINSIALE ADMINISTRASIE
VAN DIE KAAP DIE GOEIE HOOP

PROVINSIALE GEBOU, WAALSTRAAT, KAAPSTAD

POSADRES: POSBUS 459, KAAPSTAD 8000



TELEGRAMADRES:
TELEGRAPHIC ADDRESS:
"PROVADMIN"

PROVINCIAL ADMINISTRATION
OF THE CAPE OF GOOD HOPE

PROVINCIAL BUILDING, WALE STREET, CAPE TOWN

POSTAL ADDRESS: P.O. BOX 459, CAPE TOWN 8000

Memo Van Vaart Pwson & Marce
P.O. Box 173
Krugersdorp
6570

NAVRAE
ENQUIRIES

Mr

TELEFOON
TELEPHONE

45- 9315

VERWYSING
REFERENCE

AF. 56/1/13 /30

5. 3. 75

Sir/Sirs

SUBDIVISION OF *Eg 2073, Krugersdorp* : *Ad. Robertson*

1. Your application *K 51/1* dated *23rd Sep 74*
2. Attached are two copies of the subdivisational plan, on which the Administrator's approval has been endorsed as well as two copies of the conditions imposed.
3. ~~The endowment referred to in the second annexure is not payable on the last two portions (i.e. the remainder and one other portion)~~
4. ~~Attached is a copy of the local authority's comments~~

Yours faithfully

B. D. DE BEER

DIRECTOR OF LOCAL GOVERNMENT

Endorsement

- 1) THE SURVEYOR-GENERAL, PRIVATE BAG 9028, CAPE TOWN (S/ *no ref.*)
8000
- 2) THE TOWN CLERK/ ~~SECRETARY/CITY ENGINEER~~
P.O. Box 21 Krugersdorp
6570

B.386/12/74

Van

ANNEXURE

SUBDIVISION APPROVED IN TERMS OF SECTION 9 OF ORDINANCE NO. 33 OF 1934, ~~SECTION 198 OF ORDINANCE NO. 15 OF 1952 AND SECTION 2 OF ACT 10 OF 1944~~, SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER, AND IN THE ~~SECOND, THIRD, FOURTH, FIFTH AND SIXTH~~ ANNEXURES AND PROVIDED THAT -

1. No deducted portion shall be sold, transferred, separately registered or built upon until the local authority has certified that -
 - 1.1 all abutting streets have been ~~I~~ cleared, graded and constructed to its satisfaction to give practicable vehicular access to such portion, and
 - 1.2 satisfactory arrangements have been made for the provision of services. No certificate issued by the local authority shall be valid for a period in excess of 12 months from the date of issue thereof. The local authority should be consulted for further particulars.
2. Temporary servitude access to be ~~I~~ registered in favour of portion(s) until such time as public access thereto has been provided, the position of the servitude to be indicated on the servient property.
3. The provisions of Act No. 88/1967 appear to apply to the abovementioned subdivision. You should accordingly approach the Department of Planning to ascertain whether the Minister's approval is in fact necessary and in the event of the Minister imposing conditions, such conditions must be registered against the title deeds as conditions of the Minister and not of ~~the~~ Administrator.
4. This approval cannot be acted on until any registered condition prohibiting subdivision has been expunged and except with the approval of the Administrator no conditions other than those specified in the succeeding paragraph may be registered against any portion of the subdivision.

5./.....

B.386/12/74

Var

5. The following conditions are to be inserted as conditions of title against every deducted portion and the remainder unless they already appear in the parent title:-
- 5.1 The owner of this erf shall without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including storm-water of any other erf or erven to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
- 5.2 The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

NOTES

1. The Surveyor-General will, when approving the diagrams, indicate on the back by means of a rubber stamp, whether the subdivision is subject to conditions. The Registrar will not register the transfer of such land until the diagrams have been further endorsed by the Provincial Secretary authorising the transfer. This endorsement will be given on submission of proof that the conditions of establishment have been complied with. If conditions of title have been imposed these must be quoted in the Power of Attorney, which document must be submitted together with the diagrams for endorsement by this office.
2. These documents may be lodged at Room 138, 1st Floor, Provincial Building, Wale Street, during office hours.
3. This approval lapses unless separate registration of at least one erf, lot, plot or piece therein is effected in the Deeds Registry within twenty-four months of the date of this letter in which case application should be made in writing to the Administrator for the extension of the validity of this approval, together with a letter of consent from the relevant local authority to such extension.

B.386/12/74

Ver

1

MUNICIPAL ADMINISTRATION

THIRD ANNEXURE

1. This subdivision has been approved subject to the conditions contained in the preceeding annexures and provided that a building of a valuation of not less than R7 000 shall be erected on each vacant deducted portion (including the first deducted portion) within a period of 2 (two) years from the date of registration in the Deeds Office, of each such deducted portion. (Section 14.A of Ordinance No. 33 of 1934.)
2. The owner shall disclose the existence of the aforesaid condition in any deed of sale in respect of these portions.
3. The effect of the aforesaid building clause is that if that condition is not complied with, every rate which is levied by the local authority, shall be payable on such deducted portion as if a building with the specified valuation has been erected thereon.

Scale 1:2500



This plan traced from an existing plan.

August 1974

Ver

e/Sirs/~~Madam~~

MOVAL OF RESTRICTI
YSNA. A.D. ROBER

Your Mr.

The releva
No. 62
for your

Deed of T
of 1
returned

urs faithful

B. D. DE B
RECTOR OF L

This subdivision has been approved by the
Hierdie onderverdeling is deur die Admini-
Administrator in terms of section 9 of
Administrateur goedgekeur kragtens artikel 9 van
strateur No. 33 of 1934 subject to
Ordinance No. 33 van 1934 onder-
Ordonnansie No. 33 van 1934.
Conditions as per Annexure.
worp aan voorwaardes volgens ~~Aanhangsel~~
~~E 4-3-1975~~ PROVINSIALE SEKRETARIS
PROVINSIALE SEKRETARIS

"It's hard to hold
the hand of anyone
who is reaching
for the sky just to
surrender"

FREE!

HOMEGROWN, IT JUST READS
BETTER!

ACTION ADS

15/2/5/1
15/2/5/4

KNYSNA MUNICIPALITY BY-LAW ON SPATIAL PLANNING & LAND USE MANAGEMENT (2021)

PROPOSED DEPARTURE, CONSENT USE & REMOVAL OF RESTRICTIVE TITLE CONDITION: REMAINDER OF ERF 2173. KNYSNA

Notice is hereby given in terms of Section 45 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) that the abovementioned application has been received from:

Applicant's Name: Stanley & Eivir Truby
Contact Person: c/o Planning Space (Pty) Ltd
Email: lundi@planningspace.co.za
Reference number: Application number 3361
Property Description: Remainder of Erf 2173, Knysna
Physical Address: 6 Bolton Street, Knysna

Nature of application:

- Application for a **Departure** in terms of **Section 15(2)(b)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), to relax the rear building line from 2m to 0.9m in order to allow the unauthorised second dwelling extension as depicted in the proposed Site Plan Nr. "SP/E2173/KNY";
- Application for the **Removal of a Restrictive Title** Deed condition C(2)(a) and C(2)(d) applicable to Title Deed T26522/2021 in terms of **Section 15(2)(f)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) to allow a second dwelling and building in the rear building line, respectively; and
- Application for a **Consent Use** in terms of **Section 15(2)(o)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) to allow the existing unauthorised second dwelling and to permit a Crèche to accommodate 20 children.

<https://www.knysna.gov.za/do-business/planning-development/current-land-use-applications/>

Members of the public are invited to submit written comments, together with the reasons therefore in terms of Section 50 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021). Comments must be addressed to the Municipal Manager and submitted via email at knysna@knysna.gov.za and ssitinga@knysna.gov.za on or before **17 March 2025**, quoting your name, address, electronic contact details and telephone number, interest in the application and reasons for comment. The municipality may refuse to accept comments received after the closing date. Persons who cannot write may contact the Town Planner, Sinovuyo Sitinga at 044-302 6276 or via email ssitinga@knysna.gov.za.

Telephonic enquiries may be made during office hours to the Town Planner, Sinovuyo Sitinga at 044-302 6276 or via email ssitinga@knysna.gov.za.

LULAMILE MAPHOLOBA
MUNICIPAL MANAGER



Knysna

Municipality || Munisipaliteit || uMasipala
Inclusive || Innovative || Inspired

KNYSNA MUNISIPALITEIT VERORDENING OP RUIMTELIKE BEPLANNING & GRONDGEBRUIKSBESTUUR (2021)

VOORGESTELDE AFWYKING VERGUNNINGSGEBRUIK & OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES: RESTANT VAN ERF 2173. KNYSNA

Kennis geskied hiermee ingevolge Artikel 45 van die Knysna Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruiksbestuur (2021) dat die bogenoemde aansoek ontvang is vanaf:

Naam van Aansoeker: Stanley & Eivir Truby
Kontak Persoon: c/o Planning Space (Pty) Ltd
Epos: lundi@planningspace.co.za
Verwysing nommer: Aansoek nommer: 3361
Elendom beskrywing: Restant van Erf 2173, Knysna
Fisiese Adres: Boltonstraat 6, Knysna

Aard van aansoek:

- Aansoek vir 'n **Afwyking** ingevolge **Artikel 15(2)(b)** van die Knysna Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruiksbestuur (2021) langs die agtergrens van 2m tot 0.9m ten einde die ongemagtigde tweede woninguitbreiding soos uitgebeeld in die voorgestelde Terreinplan Nr. "SP/E2173/KNY";
- Aansoek om die **Opheffing van Beperkende itelakte** voorwaardes C(2)(a) en C(2)(d) wat van toepassing is op Titelakte T26522/2021 ingevolge **Artikel 15(2)(f)** van die Knysna Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruiksbestuur (2021) om onderskeidelik 'n tweede woning en 'n gebou in die agterste boulyn e te laat; en
- Aansoek vir 'n **Vergunningsgebruik** ingevolge **Artikel 15(2)(o)** van die Knysna Munisipaliteit ordening op Ruimtelike Beplanning en Grondgebruiksbestuur (2021) om die bestaande ongemagtigde tweede woning en 'n Crèche toe te laat om 20 kinders te akkommodeer.

'n Volledige afskrif van die aansoek is beskikbaar op die munisipale webtuiste: <https://www.knysna.gov.za/do-business/planning-development/current-land-use-applications/>

Lede van die publiek word uitgenooi om skriftelik kommentaar te lewer, saam met die redes daarvan ingevolge Artikel 50 van die Knysna Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruiksbestuur (2021). Kommentaar mag aan die Munisipale Bestuurder gerig word, en per epos ingedien word aan knysna@knysna.gov.za en ssitinga@knysna.gov.za op of voor **17 Maart 2025**, met vermelding van u naam, adres, elektroniese kontak besonderhede en telefoon nommer, belang in die aansoek en redes vir kommentaar. Die munisipaliteit mag weier om kommentaar wat na die sluitingsdatum ontvang is, te aanvaar. Persone wat nie kan skryf nie mag die Stadsbeplanningskantoor per telefoon nader tydens kantoorure, waar die betrokke amptenaar u sal help om u kommentaar op skrif te stel.

Telefoniese navrae kan gedurende kantoorure aan die Stadsbeplanner, Sinovuyo Sitinga by 044-302 6276 of per epos: ssitinga@knysna.gov.za gerig word.

Collab. Ref.
File Ref.: 2173 Kny
App No: 3361
JH Smit
Tel: 044-302 6318

Via Electronic Mail

2025-02-17

JP Theron
PO Box
KNYSNA
6570
Email: [REDACTED]

Dear Sir/Madam,

**PROPOSED DEPARTURE, CONSENT USE & REMOVAL OF RESTRICTIVE
TITLE CONDITIONS: REMAINDER OF ERF 2173, KNYSNA**

Notice is hereby given in terms of Section 15 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) that the abovementioned application has been received from:

Applicant's Name: Stanley & Eivir Truby
Contact Person: c/o Planning Space (Pty) Ltd
Email: lundi@planningspace.co.za
Reference number: Application number 3361
Property Description: Remainder of Erf 2173, Knysna
Physical Address : 6 Bolton Street, Knysna
Nature of application:

- (i) Application for a **Departure** in terms of **Section 15(2)(b)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021), to relax the rear building line from 2m to 0.9m in order to allow the unauthorised second dwelling extension as depicted in the proposed Site Plan numbered "SP/E2173/KNY";
- (ii) Application for the **Removal of a Restrictive Title** Deed condition C(2)(a) and C(2)(d) applicable to Title Deed T26522/2021 in terms of **Section 15(2)(f)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) to allow a second dwelling and building in the rear building line, respectively; and
- (iii) Application for a **Consent Use** in terms of **Section 15(2)(o)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) to allow the existing unauthorised second dwelling and to permit a Crèche to accommodate 20 children.

A full copy of the application is available for inspection on the municipal website:
<https://www.knysna.gov.za/do-business/planning-development/current-land-use-applications/>

Members of the public are invited to submit written comments, together with the reasons therefore in terms of Section 15 of the Knysna Spatial Planning and Land Use Management By-Law (2021). Comments must be addressed to the Municipal Manager and submitted via email at knysna@knysna.gov.za and ssitinga@knysna.gov.za on or before **17 March 2025**, quoting your name, address, electronic contact details and telephone number, interest in the application and reasons for comment. The municipality may refuse to accept comments received after the closing date. Persons who cannot write may contact the Town Planning Office during office hours, where the responsible official will assist you in putting your comments in writing.

Telephonic enquiries may be made during office hours to Sinovuyo Sitinga at 044-302 6276 or via email ssitinga@knysna.gov.za.

Yours faithfully,



JH SMIT
MANAGER: LAND USE MANAGEMENT
/lb

MAILING LIST FOR ERF 2173 KNYSNA

2174	JP THERON	Via electronic mail
4073	GA KOLBE	Via electronic mail
2176	ER STEELE	Via electronic mail
2177	MW ANDREWS	Via electronic mail
2804	PETER MORSE	Via electronic mail
2172	PP O'RIORDAN	Via electronic mail
4286	NC LOUBSER	Via electronic mail
4973	JH & PM COOPER	Via electronic mail
2108	AJ & ME STEERS	Via electronic mail
18817	HD GERTENBACH	Via electronic mail



KNYSNA
Municipality
Munisipaliteit
uMasipala

LAND USE APPLICATION DEPARTMENT COMMENTS

Erf Number: Rem of Erf 2173

Application Type: Departure;Consent Use;Removal of Restrictions

Application Number: 3361

Application Date: 2025-01-16

Department	Comment Requested (T=Yes / F=No)	Comment Received
Corporate Services	F	
Legal Services	F	
Financial Services	F	
Community Services	F	
Fire Services	F	
Traffic	F	
Waste Removal	F	
Infrastructure Services	T	--oOo-- Wed Mar 26 2025 14:36:06 GMT+0200 (South Africa Standard Time) Comment by JOYAN: No objection
Infrastructure Services Roads	F	
Infrastructure Services Sewer	F	
Electro Technical	F	
Housing	F	
Environmental Services	F	
Building Control	F	
Aesthetics Committee	F	
Street Naming Committee	F	

Sinovuyo Sitinga

From: Sinovuyo Sitinga
Sent: Monday, 22 June 2026 13:51
To: Knysna Municipality
Subject: FW: App No:3361. File Ref: 2173 Kny

From: John Cooper [REDACTED]
Sent: Monday, 17 March 2025 14:52
To: Sinovuyo Sitinga <ssitinga@knysna.gov.za>
Subject: App No:3361. File Ref: 2173 Kny

Dear Sir,

With reference to your email of the 17th February I would like to make the following comments.

A) Bolton Street is narrow and busy thoroughfare at all times of the day being a major road access to the upper areas of Hunters Home. Up to 20 cars parked on this road is just not feasible. There is a constant stream of taxis, lorries and private cars taking this road.

B) When the children are dropped off and collected from the Creche at 6 Bolton St there will be a problem with the lack of parking spaces. Some cars are parking on the wrong side of the road as there is no parking for them on the other side.

C) With cars parked on the verge of 5 and 5A Bolton St it is very difficult to exit our properties safely. There is only one verge for any possible parking and this is outside No.5.

D) We think it is unsafe to allow young children to exit their cars directly onto the road to cross over to the other side.

We are available to discuss this matter and meet to explain further should this be required.

Yours faithfully,

JH & PM Cooper
[REDACTED]

Knysna

Liesl Bailey

From: Nick Loubser [REDACTED]
Sent: Sunday, March 2, 2025 3:23 PM
To: planning; Brenda Loubser
Subject: Re: Request for Comment: Erf 2173 Knysna

Good day

We have read through all the attached documents concerning the consent applications and have no issues against these.

However, we just want to highlight the potential increase in traffic entering and exiting the property with children being dropped off and picked up since the panhandle entrance is close to our property entrance.

Also, we trust the noise from the creche will not be a problem, but if it becomes an issue how would we be able to address this?

Kind regards,
Nick and Brenda Loubser
(8 Bolton Street)

From: planning <planning@knysna.gov.za>
Sent: Tuesday, 18 February 2025 10:35
To: [REDACTED]
Subject: Request for Comment: Erf 2173 Knysna

Good day,

Kindly find attached hereto correspondence for your attention.

Kind regards,

Knysna Municipality: Land Use Management
P O Box 21, Knysna, 6570, Western Cape, South Africa
Tel +27 (0)44 302 6300 (switchboard) or 302 6318



inclusive
innovative
inspired

Knysna

Municipality || Munisipaliteit || uMasipala



Tutuzelwa Tse

From: Peter Morse [REDACTED]
Sent: Sunday, 16 March 2025 12:13
To: Knysna Municipality
Cc: Sinovuyo Sitinga
Subject: Re: Request for Comment: Erf 2173 Knysna

File No.: 15/5/1

Good day,

I have read the attached application; I had previously completed a form brought to me by Nicole last November and on that form I raised my concerns about parking.

Currently there are 9 children at the creche (not 6 as stated in the motivation). This already causes issues passing in the street as Bolton Street is a relatively narrow road with only space for 2 vehicles to pass. Add a factor of parking on the very limited kerbside outside No.5 - there is no offroad parking elsewhere on the street because there are ditches/gulleys, (that is, not completely off the road) and this has already caused issues (eg the refuse lorry being unable to pass, parking over private entrances). Last week I had to wait for upcoming traffic and then the lady who was carrying a baby in a travel seat walked straight into the road without looking and I pulled up and advised her to check oncoming traffic before crossing. There simply is not sufficient on-street parking to safely accommodate an increase to 20 children. The driveway access to Erf 2173 is single-lane and there is very limited parking on site.

My objection is therefore concerned purely with the proposed increase in the number of children to 20; this I believe will cause great and unacceptable risk to children and drivers in this small residential street.

Please confirm receipt of this email.

Regards
Peter Morse
Erf 2804

From: planning <planning@knysna.gov.za>
Sent: 18 February 2025 08:33
To: [REDACTED]
Subject: Request for Comment: Erf 2173 Knysna

Good day,

Kindly find attached hereto correspondence for your attention.

Kind regards,

Knysna Municipality: Land Use Management
P O Box 21, Knysna. 6570, Western Cape, South Africa
Tel +27 (0)44 302 6300 (switchboard) or 302 6318

MUNICIPALITEIT / MUNICIPALITY
KNYSNA
2025 -03- 17
Action: IS Setting
CC: Sir P.O. S. Ndumbe
H. Smit
N Vorwa
L Bailey

Colab No.:

Tutuzelwa Tsese

From: Philip Burns [REDACTED]
Sent: Monday, 17 March 2025 17:09
To: Knysna Municipality; sstinga@knysna.co.za
Subject: COMMENT ON ERF 2173
Attachments: Call For Comments Remainder of Erf 2173.pdf; POWER OF ATTORNEY.pdf

File No.: 15/2/5/1
15/2/5/4

Dear Sir

Good day

Please find attached comments provided in terms of the application Remainder of Erf 2173 Knysna subject to administration.

Kindly acknowledge receipt of the information supplied in writing.

Sincerely

Philip Burns



S Madumbo
L Bailey
NVanya

Knysna Municipality

Attention: The Municipal Manager
Email: knysna@knysna.co.za

Attention: Sinovuyo Sitinga
Email: sstinga@knysna.co.za

Date: 17 March 2025

Reference: 2176 Comments

**COMMENTS PROVIDED ON: THE PROPOSED DEPARTURE, CONSENT USE, &
REMOVAL OF RESTRICTIVE TITLE CONDITIONS: REMAINDER OF ERF 2173, KNYSNA.**

We act for and on behalf of our client **Mr Edmund Richie Steele**, the registered property owner of **ERF 2176 Knysna**, situate at 45 Howard Street, Hunters Home, Knysna with respect to the legal right granted to make bona fide comments in the application with respect to notice by the Knysna Municipality delivered via electronic mail, dated 17-02-2025: -

- Conrad Reference: **2344003**
- File Reference: **2173 KNY**
- Application No: **3361**

And

In the matter of the applicant:

- Applicant's Name: **Stanley & Eivir Truby**
- Contact Person: **C/O Planning Space (Pty)Ltd**
- Email: **lund@planningspace.co.za**
- Reference Number: **Application Number 3361**
- Property Description: **Remainder of Erf 2173, Knysna**
- Physical Address: **6 Bolton Street, Knysna**

Comments on the Application: -

- Property Owner: **Edmund Richie Steele**
- Contact Person/Authorisation: **Special Power of Attorney to Philip Burns**
- Property Description: **Erf 2176, Knysna**
- Physical Address: **45 Howard Street, Hunters Home, Knysna**
- Declared Interest in Matters: **Remainder of Erf 2173 butts directly onto Erf 2176, and the properties share a rear/common boundary.**
- Email: [REDACTED]
- Telephone: [REDACTED]

General Comments:

The property owner E R Steele was invited to comment on the application via Knysna Municipality.

The property owner of Erf 2176, Knysna, legal rights are fully reserved for the duration that issues between Knysna Municipality and the lapsing of the subdivision and/ or subdivision of Erf 2176, Knysna, remain unresolved.

It is imperative that Knysna Municipality take necessary action to have these issues resolved to the satisfaction of the property owner and/or his representative. Knysna Municipality is respectfully requested to take note of conditions specific to the Knysna Municipality as contained in the Knysna Municipality By-Law on 'Spatial Planning and Land Use Management' (2021) when dealing with ERF 2176, Knysna and by extension the implications of same to any abutting property(s).

1. Applicant's request and motivation:

"Application for a departure in terms of Section 15(2)(b) of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2011), to relax the rear building line from 2.0m to 0.9m to allow the unauthorised second dwelling extension depicted in the Site Plan "SP/E 2713/KNY"."

1.1 Impact on Erf 2176, Knysna: -

- There is no bona fide rational to reduce the entire rear boundary line from 2.0m to 0.9m to accommodate a minor encroachment of the second dwelling onto and into the area comprising the rear boundary line restrictive zone 0.m to 2.0m owing to the contravention created by building coverage encroachment arising from the second dwelling as it is situated on the property.
- It is logical, that consent be granted to accommodate a minor encroachment of the building line where the contravention has occurred and exists as a footprint, and that the boundary line be maintained at the prescribed 2.0m along the full rear boundary or common boundary established by Remainder of Erf 2173, and in relation to the abutting Erf 2176.
- The established 2.0m boundary between the given properties is vital to secure privacy, mitigate against general nuisances, for instance noise, and to prevent and constrain an arising incident should fire break out on one of the properties and potentially threaten the other.
- No objection to a minor encroachment being established in respect of the contravention. Opposed, fully, to rear boundary/common boundary building line reduction from 2.0m to 0.9m, for the reasons provided.

2. Applicant's Request and motivation:

"Application for the **Removal of Restrictive Title Deed** Conditions C(2)(a) and C(2)(d) applicable to Title Deed T26522/2021 in terms of Section 15 (2)(f) in terms of the Knysna Municipality By- Law on Spatial Planning and Land Use Management (2011) to allow a second dwelling and building in the rear boundary building line, respectively."

2.1 Impact on Erf 2176, Knysna

- The second dwelling has been constructed, and we accept the owner's motivation to legalise the structure, as is, against the earlier contravention by the previous property owner.
- We have no objection to minor modifications as document to ensure practical and reasonable space use is achieved for a second dwelling pursuant to its functional use purpose.
- We accept the current proposed building plan is deemed the final version as per plans provided in the application pack, and no further extension or modification should be considered or be permitted.

3. Applicant's Request and motivation:

"Application for a Consent Use right in terms of section 15(2)(o) of the Knysna By-Law on Spatial Planning and Land Use Management (2021) to allow the existing unauthorised second dwelling and to permit a Creche for 20 children".

3.1 Impact on Erf 2176, Knysna

- No objection to permit a second dwelling being erected on the property consistent with the given proposal as documented in the application.
- An objection is levelled at the request for a second consent to accommodate 20 children in the format of a formalised creche on the premises, premised on the following reasons:
 - A second dwelling has been consented to without objection to permit the structure developed on the property- albeit this infringes on the common or rear boundary, and *de facto*, imposing an infringement against Erf 2176, in terms of accepted general spatial and planning norms in the township development as it relates to properties in Hunters Home. Be as it may, the property owner of 2176 is willing to accept the "encroachment"
 - The proposed creche has perceived adverse impacts for Erf 2176 most notable, but not necessarily exclusive of the following perceived and actual adverse impacts read in context to general norms and standards for residential properties: -
 - (a) The proposed environment in which the volume of children is intended to be housed both indoor and in outdoor play areas, is within twenty-five (25m) to two of the three bedrooms in the homestead of Erf 2176. The bedrooms are located at ground level

and in an elevated first floor level and it is trite that noise generated by children intending to frequent the facility will pose a perceived and actual nuisance for the current and future homeowners of the property as the volume of noise is likely to be carried over a 25m distance, to the location audible from bedrooms during the operational hours of the creche facility.

- (b) Homes in Hunters Home have been established on large plots, and /or when subdivided, are constrained to a minimum of 1500m² for same to ensure privacy and to contribute to a quiet zone for residential living as the primary use right. The consent use right seeks enhanced rights in the residential zone but has not proposed any mechanism to resolve the de facto nuisance of noise exceeding what would be reasonable anticipated at a single-family homestead and which is likely to be generated from the voluminous formalised crèche format. The consent use right presents a real risk for the current and future homeowner's ambient living environment, as they would be forced to accept the operation of a creche in the residential area, indefinitely, and on terms and conditions at the elective of the creche operator.
- (c) Erf 2176, is already impacted by the guest house establishment operated at 47 Howard Street, situated on its eastern common boundary line. The Property owner is opposed to abutting properties taking on more commercial orientated uses o-particularly, uses not in keeping with the primary residential use or second dwelling combination-, as the residential ambiance and neighbourhood quality is at risk to a saturation of axillary land use activities, i.e. in the form of guest house establishments, creches, home based offices, etc, -which impose another level of activities beyond single residential development for which the residential area was originally designed and intended. It is the area's residential appeal that has attracted residents to the area and as such these qualities and associated values require conservation and protection. The property owner has a reasonable belief that to permit the creche to be established would have significant material impact on the character attributes and ambiance created in the neighbourhood, as well as for his property. Should the second consent be applied, it is likely to adversely impact, the established prima facie ambiance that is associated with large allotment properties and would translate into a risk for the resale potential of the property in the future, thus, diminishing the property owner or future property entitlement holder's property value and equity status, and financial investment. The preservation of the residential zone -its character and qualities- is important to, essentially, large allotment properties, which inherent value is derived from privacy, a sense of peace and quiet.

- (d) Knysna Municipality building control and/ or law enforcement do not rigidly monitor land use activities in residential zones- the contraventions at the applicant's property, albeit not of the applicants making, speaks to this fact-nor are they inclined to intervene in formalised complaints pertaining to noise disturbances caused by activities owing to consent use rights having been acquired to the benefit of the recipient property owner.
- (e) The property owner is not opposed to a partial use of the property to accommodate children at the lowest ratio, not giving rise to a need for a consent use "right" say a maximum of 6-8 children as a combined gathering on the property, on the proviso that this right attaches direct to the property owner and is expunged should the property owner cease to operate such a facility or consulting practice in the future. The objection is essentially levelled at the consent use right, to formalise a creche entailing formalised trade practices of a permanent and consistent practice which constitutes a permanent right and long-lasting unwanted activity. In addition, it appears the consent use right once established is transferable should the property be sold and a new owner/operator assume a similar practice or activity. As such, this land use practice as augmented is not typical to residential living and is a distinctive land use practice more suited to community, educational, and/or commercial land use zoning, for which these general land use zones are purposed to accommodate the nature and impacts of this activity, appropriately. As such it represents encroachment of an adverse or contentious land use practice into a quite zone of a single residential use or residential suburb, and is, thus, grossly unacceptable and undesirable.

Our client's legal right in this matter is expressively reserved. This submission represents an official response, is independent of and supersede any previous comments framed on the application in the preparation stages or in any unofficial application documentation.

It is purposed that the submission be beneficial to Knysna Municipality in determining land use management practices in Hunters Home.

Sincerely

Philip Burns

Agent for E R Steele via Special Power of Attorney.

Annexure A: Special Power of Attorney -provided subject to due diligence under the POPIA, not for public circulation or duplication.

Special Power of Attorney

It is herewith resolved to enter and record a Special Power of Attorney:-

1. Introduction

This Power of Attorney is made on 11th March 2025, by Edmund Richie Steele [with South African Identification Numbers: [REDACTED] residing at 45 Howard Street, Hunters Home, Knysna, Western Cape, in the Republic of South Africa (hereinafter referred to as the "Principal").

2. Appointment of Agent

The Principal hereby appoints Philip John Burns, [South African, Identity Number: [REDACTED] residing at 45c Howard Street, Hunters Home, Knysna, Western Cape, in the Republic of South Africa as the Principal's true and lawful representative -in-fact (hereinafter referred to as the "Agent").

3. Grant of Authority

The Principal grants the Agent the full power and authority to act on behalf of the Principal in any lawful way with respect to the following matters:

- All elements considered to constitute property and/or property transactions, inclusive of any matters where legal title is principle or requires, inter alia;- a material endorsement, an amendment or alteration to a registered title, or to inform any material conditions to that title affecting the underlying material status of the property with respect to any activity, regulation, or legislation being applicable to the property asset, by virtue of the rights and entitlement held in property with respect to any such relevant Act, or regulation or legislation, imposed/to be imposed and /or revoked, and/or to be rejected with respect to latter being incidental to its use, legal rights and/or *locus standi* in law -whatever, being the applicable condition or circumstances - as this pertains to any rights and interests held, in that property and/or to be transferred and/or rights and entitlements in or to be affirmed/ conferred upon the that property, at any instance in time, and/or extendable for or in favour of and/or to be revoked against an ancillary third party, and/ or to be waived, revoked or rejected,-in part of fully,- in that property, being applicable to any said property transactional exchange, procession, or disposal of the property asset.
- Financial transactions, including banking and investment activities
- Personal property transactions
- Business operations
- Tax matters
- Legal claims and litigation
- Health care decisions
- Appointment of: **Executor of Personal Estate**- being the nominated, legally valid and binding, Executor for and/or on behalf of E. R. Steele, and at the instance of the Estate of E. R. Steele being established/legislatively, applicable or formed, and this appointment supersedes any or all others in existence and/ or that may have been



lodged in any format of a formalised document and/or Executorship, -and which may have been conceded to and/ or instructed, prior to this agent's appointment.

4. Duration

This Power of Attorney came into force and effect on the 11 March 2025 and shall remain in effect until 11 April 2040, unless revoked earlier by the Principal in writing, or on conditions precedent of the appointed agent, having deceased and/or being unable, or incapacitated to the extent that he is not in a position to fulfil any or all of the legal duties attaching to the agent's appointment.

5. Revocation

The Principal retains the right to revoke this Power of Attorney at any time by providing written notice to the Agent. Upon such revocation, the Agent's authority to act on behalf of the Principal shall cease immediately.

6. Governing Law

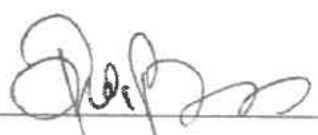
This Power of Attorney shall be governed by and construed in accordance with the laws of the South Africa Republic.

7. Signatures

In witness whereof, the Principal has executed this Power of Attorney on the date first above written.

Principal: 
(Principal's Signature)

Date: 11-03-2025

Agent: 
(Agent's Signature)

Date: 11-03-2025

8. Notarization/Commissioner of Oaths

South Africa Republic

On 11 March 2025 before me, BRYONY MATTHEE personally appeared Edmund Richie Steele, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the



instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the South African Republic that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

(Notary's Signature)

Bryony Lindiwe Matthee
20 WOODMILL LANE - KNYSNA
COMMISSIONER OF OATHS
KOMMISSARIS VAN EDE
LOGAN-MARTIN INC/ING
PRACTISING ATTORNEY R.S.A.
PRAKTISERENDE PROKUREUR R.S.A.

Seal: _____

DEPARTURE, CONSENT USE & REMOVAL OF RESTRICTIONS APPLICATIONS ON ERF 2173 KNYSNA



RESPONSE TO COMMENTS AND OBJECTIONS RECEIVED 12 MAY 2025

MUNICIPAL DEPARTMENTS	
COMMENT FROM INFRASTRUCTURE SERVICES DATED 26 MARCH 2025	
No objection.	Noted.
PUBLIC	
COMMENT FROM NICK & BRENDA LOUBSER (ERF 4286) DATED 2 MARCH 2025	
No objection.	Noted.
Concerned with traffic increase due to dropping off and picking up the kids as the panhandle is close to our property.	The proposed crèche will not operate like a traditional school with fixed start and end times. Staggered drop-offs and collections will occur throughout the morning and afternoon, thereby spreading any traffic impact over a longer period and preventing congestion on the panhandle access.
Concerned with potential noise emanating from the creche. How will it be addressed should it become an issue?	The crèche will comply with all municipal noise regulations , including any requirements from the Department of Health. If needed, a Noise Impact Assessment can be done to demonstrate compliance.
OBJECTION FROM PETER MORSE (ERF 2804) DATED 16 MARCH 2025	
The number of children at the creche does not correlate with the number mentioned in the motivation.	The number of children varies from day to day. While the current primary right on the property allows for a maximum of six children, the crèche is growing in popularity. As a result, they are applying to increase the number of children permitted.
Concerned about the narrow street.	See the comment above on traffic.
Concerned with limited on-street parking.	The property has sufficient on-site space for safe drop-off and turning, ensuring that vehicles do not obstruct neighbouring driveways or shared access.
Safety concerns for the parents and kids.	
Very limited on-site parking.	Application has been made for 20 children as this is the maximum permitted in terms of the consent use. Regulations Relating to the Children's Act: Early Childhood Development Services (2010/2016 revisions) stipulate a maximum of 12–15 children per educator (varying by age group and specific type
Objecting to the proposal to increase the number of children to 20 as it poses a great risk to children and drivers on the narrow street.	

	of service). The applicant agrees to reduce the number of permitted children to 15 , which will address some of the concerns raised by the objectors, and there is already one educator responsible for the existing home childcare facility.
OBJECTION FROM EDMUND RICHIE STEELE (ERF 2176) DATED 17 MARCH 2025	
Objection to the building line relaxation along the entire boundary	The concern is noted. The departure application is Site Plan specific and is not a blanket approval relaxation of the entire boundary line; it only permits the existing building as indicated. It is proposed that the 1.57m Title Deed restriction be removed, as this is in any event less restrictive than the imposed 2m restriction of the Zoning Scheme By-Law that still needs to be adhered to if any new structures or extensions are planned in the future.
It will infringe on our privacy.	
Poses as a risk should a fire break out.	
The building lines help in mitigating general nuisances like noise.	
No objection to a minor encroachment in respect of the contravention.	Noted.
We have no objection to minor modifications.	Noted.
We have no objection to the legalisation of the structure.	Noted.
No objection to permitting a second dwelling on the property.	Noted.
Does not object to the operation of the creche with a maximum of 6 – 8 children.	A creche is permitted as a consent use in the Single Residential I zone and permits a maximum number of 20 children. A home childcare facility of up to 6 children does not require any consent as it is a primary right. The number of children can be limited to 15 as the creche only has one educator and 1 classroom.
We object to the consent to accommodate 20 children.	
The increased number of children will cause a noise nuisance as the proposed structure to accommodate the children is within 25m of two bedrooms in the homestead of Erf 2176.	We acknowledge the concerns raised regarding potential noise from the proposed home-based crèche. However, it is important to distinguish between ordinary child-related daytime noise and unreasonable or disturbing noise as defined in the Knysna Municipality Noise Control By-Law. The proposed crèche will operate during day hours only (07:30–15:00), and noise will be typical of small-scale childcare activity — limited to the sounds of children playing during the day. This is not considered “disturbing noise” in legal terms, as it does not involve amplified music, shouting, or disruption beyond what is expected in a residential environment.

	Importantly, the number of children has been reduced to 15 to further limit the impact. Outdoor play will be managed with supervision and for limited periods during the day.
Concerned about the residential character of the area being changed.	Hunters Home is experiencing gradual changes in its residential character. Traditionally a quiet, low-density suburb, the area has seen an increase in small-scale commercial activities, such as guesthouses and home-based businesses, and also subdivisions and group housing developments, reflecting a broader trend in Knysna towards mixed-use and higher-density development. Municipal policy supports the integration of low-impact educational and childcare facilities into residential areas, particularly where there is demand and limited available land.
Concerned about the operation of the creche with the number of children increased could adversely affect the value of their property.	There is no consistent or objective evidence that a small, well-managed crèche causes property values to decline. In fact, proximity to educational and childcare facilities can increase neighbourhood desirability for young families.

ITEM TO:

Municipal Planning Tribunal



KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3718
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	08 May 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 124 BUFFALO BAY

PART A: APPLICANT DETAILS

Name & Surname	<i>Jocelyn Elkin</i>
Company name	<i>N/A</i>
SACPLAN registration number	<i>N/A</i>
Registered owner(s)	<i>Jocelyn Elkin</i>

PART B: PROPERTY DETAILS

Property description	<i>Erf 124, Buffalo Bay, in the Municipality and Division of Knysna, Province of the Western Cape</i>
Property Extent (m ²)	<i>379</i>
Physical address	<i>124 Walker Drive</i>
Area/Town	<i>Buffalo Bay</i>
Current zoning	<i>Single Residential Zone I</i>
Applicable zoning scheme	<i>Knysna Zoning Scheme By-law (2020)</i>
Current land use	<i>Dwelling House</i>
Are there existing buildings on the property?	<i>Yes</i>
Title Deed number & date	<i>T5696/2021</i>
Any restrictive title conditions applicable?	<i>None</i>
Any third party conditions applicable?	<i>None</i>
Any unauthorised land use/building work	<i>Yes</i>
Bondholder's Consent	<i>Not Applicable</i>

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

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the unauthorised boundary wall that exceeds the maximum permissible height for boundary walls on the lateral and the street boundaries in terms of the Knysna Zoning Scheme By-law (2020), on Erf 124, Buffalo Bay.

2. BACKGROUND

The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) and is currently utilised for a "dwelling house", in line with its zoning. The property owner built a boundary wall on that is on the lateral and the street boundary of the subject property. The height of the existing wall was found to have exceeded the maximum permissible height of 1,8m on the street boundary and 2,1m on the lateral boundary by 0,68m and 0,33m, respectively. And therefore, the owner seeks to regularise the existing boundary wall.

3. ASSESSMENT OF APPLICATION

3.1. 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)	58, 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.	Not Applicable

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

3.2.1. The Knysna Zoning Scheme By-law (2020) prescribes a boundary wall height of 1.8m on the street boundary whilst a maximum permissible height of 2.1m applies to boundary walls on the lateral and rear boundaries, all measured from the natural ground level.

- 3.2.2. The landowner constructed a boundary wall along the lateral and street boundary that exceeds these permissible heights up to 2.4m from the natural ground level.
- 3.2.3. The applicant alleges that the height of the boundary wall was due to a technical error and is essential for safety and security as the lateral boundary wall is along a small public walkway.
- 3.2.4. It is found that the transgression of the zoning scheme's provision regarding the height of the boundary wall is not egregious as there has been no evidence to suggest it caused an adverse impact on the neighbouring area. There is also no evidence to suggest malice in the applicant's conduct in respect of the unauthorised building work with no evidence of prior offences either.
- 3.2.5. Furthermore, the transgression accounts for a minor area (measuring around 4.0m in length) of the total area of the boundary with the wall mostly compliant with the zoning scheme and the approved building plan. For these reasons, it is argued that a penalty in this case be waived for the specified transgression of the provisions of the zoning scheme.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty of R0.00 be determined in accordance with Section 93(2), for the boundary wall that exceeds the maximum permissible height of 1.8m and 2.1m as prescribed in the Knysna Zoning Scheme By-law (2020) on the lateral and street boundary, respectively, in respect of Erf 124, Buffalo Bay

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

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

- 5.1. The waived administrative penalty applies to the existing boundary wall that exceeds the maximum permissible height of 2.1m and 1.8m as shown on the plan numbered "N003/11/2023, Rev 04", dated, 10 March 2025.

6. REASONS FOR RECOMMENDATION

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

- 6.1. It is found that the transgression of the zoning scheme's provision regarding the height of the boundary wall is not egregious as there has been no evidence to suggest it caused an adverse impact on the neighbouring area. There is also no evidence to suggest malice in the applicant's conduct in respect of the unauthorised building work with no evidence of prior offences either.
- 6.2. Furthermore, the transgression accounts for a minor area (measuring around 4.0m in length) of the total area of the boundary with the wall mostly compliant with the zoning scheme and the approved building plan. For these reasons, the waiver of a penalty in this case is supported for the specified transgression of the zoning scheme.

7. **SUPPORTING APPLICATION DOCUMENTS**

ANNEXURE A: Applicant's motivating memorandum

ANNEXURE B: Copy of title deed

ANNEXURE C: Site Plan and Approved Building Plans

Administrative Penalty: Erf 124 Buffalo Bay			
Author Name: SINOVUYO SITINJA Date: 16/07/2026		Author Signature: 	
Registered planner name: SHAUN MADUMBO SACPLAN registration number: A/1510/2012 Date: 16/07/2026		Registered Planner Signature: 	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Determination of an administrative penalty

My application is for the existing eastern boundary fence which exceeds the maximum permissible height as prescribed in the zoning scheme.

This fence was erected and completed in early December of 2026. Due to a technical error where measurements were taken from incorrect ground levels, the finished height exceeds the maximum permissible limit prescribed by the zoning scheme. This discrepancy is limited to a portion of the total perimeter—approximately 4 meters in length. While I initially misunderstood some of the procedural requirements, I have since worked diligently to rectify the matter, as evidenced by this formal submission.

I humbly request that the Council looks favourably upon this application for the following reasons:

Security: The property borders a busy public pathway that lies in direct view of my front door and yard. The current height is necessary for the safety of my household and provides a necessary security barrier against the foot traffic on the path.

Aesthetic and Structural Integrity: The fence is well-constructed, structurally sound, and designed to be visually pleasing. It does not negatively impact the streetscape or the character of the neighborhood.

No Adverse Impact: The height does not obstruct the views, sunlight, or access of any neighbours, nor does it interfere with road safety or sightlines for motorists.

Good Faith: This was an honest construction error, not an intentional disregard for regulations. We have been actively engaging with the Council since January to regularise the structure.

In conclusion. Given that we have been proactive in addressing this since the inspector's report and that the error affects only a section of the boundary fence, I respectfully ask that the height requirement be relaxed. Furthermore, I request that the Council considers waiving any associated fines, as this was an honest error which we have moved quickly to correct. I have attached the completed application form, Title Deed, building plans, and proof of payment for the application tariff.

The cost of construction of the eastern boundary wall was R58,000.00

Thank you for your time and consideration.

Sincerely,

Jo Elkin

Picket fence from walkway



Photos of Picket fence taken from inside the property



**MOLENAAR GRIFFITHS PORT
ELIZABETH INC**
28 5th Avenue
Newton Park
PORT ELIZABETH

Fee endorsement		Office
	Amount	
Purchase Price/Value	6850 000-00	2568-00
Mortgage Capital		
Amount		
Stamp		

Prepared by me

[Signature]
TRANSPORTBESORGER
MASUNET STRYDOM
LPCNUMBER: 58878



TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

AMBER LOTZ
(LPC NUMBER 95949)

T 000056960 / 2021

voor my verskyn het, REGISTRATEUR VAN AKTES te KAAPSTAD, hy die genoemde komparant synde behoorlik daartoe gemagtig kragtens Volmagte aan hom verleen deur

1. ELIZABETH DOJÉMA THERON

Identiteitsnommer [REDACTED]

Getroud buite gemeenskap van goed

geteken te STELLENBOSCH op 7 Oktober 2021

2. GERTRUIDA JOHANNA SUSANNA TERBLANCHE

Identiteitsnommer [REDACTED]

Ongetroud

geteken te GEORGE op 7 Oktober 2021

3. MARTHA JOHANNA HITGE

Identiteitsnommer [REDACTED]

Ongetroud

geteken te PORT ELIZABETH op 11 Oktober 2021

4. JAN MELCHIOR PETRUS LOTZ

Identiteitsnommer [REDACTED]

Getroud buite gemeenskap van goed

geteken te GEORGE op 7 Oktober 2021

En genoemde Komparant het verklaar dat sy prinsipaal, op 20 Mei 2021, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

EN DAT hy, die vermelde komparant, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

JOCELYN ANNE ELKIN

Identiteitsnommer [REDACTED]

Getroud buite gemeenskap van goed

hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, in volkome en vrye eiendom

ERF 124 BUFFALO BAY

IN DIE MUNISIPALITEIT EN AFDELING VAN KNYSNA

PROVINSIE WES-KAAP

GROOT: 379 (DRIE HONDERD NEGE EN SEWENTIG) Vierkante Meter

AANVANKLIK OORGEDRA kragtens Akte van Transport Nommer T31861/1979 met Algemene Plan TP9939 wat daarop betrekking het en gehou kragtens Transportakte Nommer T38725/2018

- A. ONDERHEWIG** aan die voorwaardes waarna verwys word in die Kroongrondbrief Nommer 41/1948 uitgereik op 15 Maart 1948 en geregistreer op 31 Maart 1948;
- B. ONDERHEWIG VERDER** aan die volgende voorwaardes vervat in die gemelde Kroongrondbrief Nommer 41/1948, naamlik:-

- (5) Die grondbriefnemer, sy opvolgers-in-titel of regverkrygendes moet voldoende voorsorgmaatreëls tref om die ontstaan van waaisand op die grond te voorkom.

Indien daar ten spyte van sodanige voorsorgmaatreëls nogtans waaisand op die grond ontstaan, sal die grondbriefnemer, sy opvolgers-in-titel of regverkrygendes verplig wees om sodanige waaisand op eie koste te herwin tot bevrediging van die Departement van Bosbou.

Indien die grondbriefnemer, sy opvolgers-in-titel of regverkrygens sou versuim om betyds stappe te doen om enige waaisand wat op die grond mag ontstaan tot bevrediging van die Departement van Bosbou te herwin, sal genoemde Departement die reg hê om die nodige herwinningswerk self te doen of te laat doen en om die koste daaraan verbonde van die grondbriefnemer, sy opvolgers-in-titel of regverkrygendes te verhaal."

- C. ONDERHEWIG VERDER** aan die volgende voorwaardes, vervat in Akte van Transport T31861/1979, opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop ingevolge Ordonnansie Nommer 33 van 1934 met die goedkeuring van die stigting van die Buffalo Bay Dorp:-

1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by dier regulasies afgekondig by Provinsiale Kennisgewing Nr. 623 van 14 Augustus 1970.

2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgevat word as sou dit die bepalings van Artikel 146 van Ordonnansie Nr. 15 van 1952, soos gewysig, vervang nie.
3. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.
4. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteits-, telefoon- of televisiekabels of —drade en hoof- en/of ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie dorp, oor hierdie erf gevoer word indien dit deur die plaaslike of 'n ander statutêre owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te 'ê, te wysig, te verwyder of te inspekteer.
5. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wat veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.
6. (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpekommissie en die plaaslike owerheid, goedkeur, met dien verstande dat, indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.

(b) Geen gebou of sturktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5

meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid —

- i 'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige syen agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens;
 - ii 'n buitegebou ingevolge subparagraaf (i) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afstand hierbo voorgeskryf, opgerig mag word indien geen vensters of deure in enige muur, wat op die sodanige grens front, aangebring word nie.
- (c) By die konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as dié wat hierin uiteengesit word, is hierdie voorwaardes op die gekonsolideerde eiendom van toepassing asof dit een erf is.
- (d) Ingeval hierdie erf onderverdeel word, is elke onderverdeelde gedeelte, uitgesonderd 'n gedeelte afgesny vir pad- of dergelike doeleindes, onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is.

WESHALWE die komparant afstand doen van al die regte en titel wat

1. ELIZABETH DOJÉMA THERON , Getroud soos vermeld
2. GERTRUIDA JOHANNA SUSANNA TERBLANCHE , Ongetroud
3. MARTHA JOHANNA HITGE , Ongetroud
4. JAN MELCHIOR PETRUS LOTZ , Getroud soos vermeld

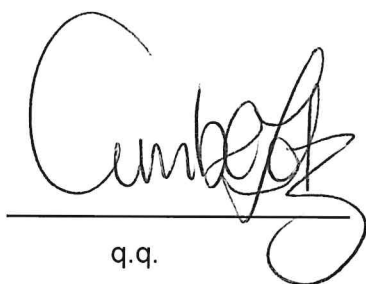
voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat hy geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

JOCELYN ANNE ELKIN, Getroud soos vermeld

hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hulle dat die waarde van die eiendom die bedrag van R6 850 000,00 (SES MILJOEN AGT HONDERD EN VYFTIG DUISEND RAND) beloop.

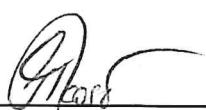
TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op hede die 17 November 2021



q.q.

In my teenwoordigheid



REGISTRATEUR VAN AKTES

PO BOX 348
KNYSNA 6570
CELL : 082 215 7709
TEL : 044-3822673
FAX : 044-3825086
MAIL : ngenade@gmail.com

REVISIONS & ADDITIONS

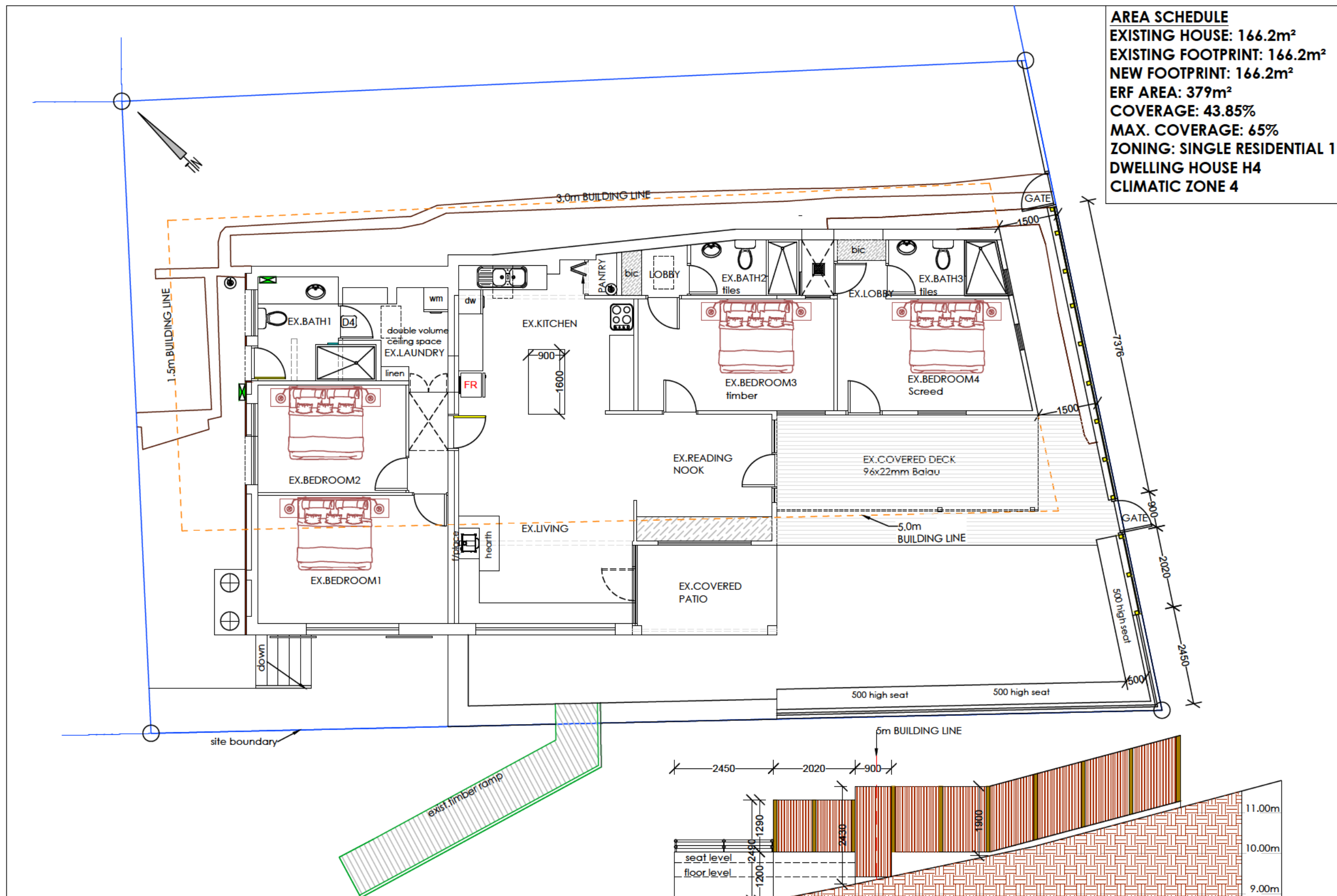
DOCELYN ANNE ELKIN

WHITE LAYOUT PLAN

150

DRW. NO.	REV.	DATE
003/11/2023	04	10-03-2025

EDEN GEOMATICS
Topographical & Engineering Surveyors
P.O.Box 346 Knysna 6570
Andre Genade 072 993 8665
andre@edengeomatics.co.za
Nick Foster 071 621 2409
nick@edengeomatics.co.za



AREA SCHEDULE
EXISTING HOUSE: 166.2m²
EXISTING FOOTPRINT: 166.2m²
NEW FOOTPRINT: 166.2m²
ERF AREA: 379m²
COVERAGE: 43.85%
MAX. COVERAGE: 65%
ZONING: SINGLE RESIDENTIAL 1
DWELLING HOUSE H4
CLIMATIC ZONE 4

- NOTES :**
1. Drawings may not be scaled.
 2. Any discrepancies on drawings are to be reported to the architect.
 3. All dimensions & levels must be verified on site.
 4. All RC work to be designed by engineers.
 5. All work to be in accordance with SABS, NBR, local building practice, bye-laws, health & fire requirements.
 6. Contractor to advise client of any underground services which are to be avoided or removed & to accept instructions before proceeding.
 7. **TIMBER :**
All timber to be weather and insect treated and to carry the SABS mark.
 8. **FOUNDATIONS :**
Foundation walls to be 280mm cavity walls reinforced for the last 5 courses below slab. Cavities to be filled with concrete. Rc pad footings for poles
 9. **TIMBER STRUCTURE :**
CCA treated timber to carry SABS mark 38x114mm timber stud frame with studs @ 450mm c/c with noggings between. External cladding on 405 Sisalation on 8mm OSB board with 100mm fibre insulation in all internal /external walls. 12.5mm skimmed Rhinoboard internally. Floor structure to engineer's design & specifications.
Timber lintols over all openings as per SANS
 10. **ELECTRICAL :**
All electrical work to be tested & approved by Local Electrical Authority.
 11. All plumbing & drainage work & installation of sanitary fittings to comply with relevant Local Authority bye-laws, regs & requirements. Min. falls to drain pipes to 1 : 60.
Provide approved reseal traps to all waste fittings. Provide IE's at foot of all soil stacks. IE's to waste pipes to be fully accessible at all times. All soil pipes passing under buildings or footings to be encased in concrete of min. 100mm thickness all round pipe.
 12. Any changes to approved plans, must be submitted to local authority for approval.

N.GENADE
ARCHITECTURAL
DRAUGHTING & DESIGN
SERVICES

PO BOX 346
KNYSNA 6570
CELL : 082 215 7709
TEL : 044-3822673
FAX : 044-3825086
E.MAIL : ngenade@gmail.com

DRAWINGS: N.GENADE
REG. NO. D0049

PROJECT
SE BOUNDARY FENCE
ERF 124
WALKER DRIVE
BUFFALO BAY , KNYSNA

CLIENT
JOCELYN ANNE ELKIN

TITLE
GROUND STOREY PLAN

SCALE
1:100

DRW. NO.	REV.	DATE
N003/11/2023	06	12-02-2026

GROUND STOREY PLAN
Scale 1:50

SE BOUNDARY WALL ELEVATION 1:100

ITEM TO:

Municipal Planning Tribunal



KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3695
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	10 April 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 102 BRENTON

PART A: APPLICANT DETAILS

Name & Surname	Armand Camille Burger
Company name	ValGIS Technologies
SACPLAN registration number	A/767/1994
Registered owner(s)	Raylene Oudmayer

PART B: PROPERTY DETAILS

Property description	Erf 102, Brenton in the Municipality and Division of Knysna, Province of the Western Cape
Property Extent (m ²)	1417
Physical address	102 Watsonia Avenue
Area/Town	Brenton
Current zoning	Single Residential Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Dwelling House
Are there existing buildings on the property?	Yes
Title Deed number & date	T62719/2024
Any restrictive title conditions applicable?	Yes
Any third party conditions applicable?	None
Any unauthorised land use/building work	Yes
Bondholder's Consent	Not Applicable

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

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the following transgressions of the Knysna Zoning Scheme By-law (2020), in respect of Erf 102, Brenton

- 1.1. The second dwelling house that exceeds the maximum permissible number of two (2) storeys with one (1) additional storey.
- 1.2. The unauthorised second dwelling that exceeds the maximum permissible extent of 60m² as contemplated under "dwelling house".
- 1.3. The encroachment of the prescribed street and lateral building lines of 4,5m and 2,0m respectively, as shown on plan numbered "Annexure H1".

2. BACKGROUND

The subject property is zoned "Single Residential Zone I", with the primary use of "dwelling house". The previous owner of the property owner passed away in 2024. The family now intends to construct a garage complex, comprising of a covered parking and entertainment rooms above the garage. During the building plan preparation process, it was discovered that some of the improvements previously done on the property were in contravention of the zoning scheme parameters, as well as title deed conditions.

3. ASSESSMENT OF APPLICATION

3.1. 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)	Not Applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	R 5,000.00
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully.	Not Applicable

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

The applicant alleges that all the contravening structures were already in existence when the current owner took ownership of the property in 2024. In terms of gravity, the applicant states that the structures have had no adverse impact on the surrounding properties or the area. Further the applicant adds that upon learning of the contraventions, the current owner took initiative to rectify the transgressions, and that the landowner has no history of any zoning scheme contraventions or any other bylaws of the Knysna Municipality.

It is agreed with the applicant that the structures contravening the zoning scheme parameters have been in existence for a significant period and have had no adverse impact as the encroachments are considered minor. However, the applicant has conceded to pay the minimum applicable uncontested fee, and this is considered reasonable.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of **R 10,000.00** be determined in accordance with Section 93(2,) for the following transgressions of the Knysna Zoning Scheme By-law (2020), in respect of Erf 102, Brenton;

- 4.1. The second dwelling house that exceeds the maximum permissible number of two (2) storeys with one (1) additional storey.
- 4.2. The unauthorised second dwelling that exceeds the maximum permissible extent of 60m² as contemplated under "dwelling house".
- 4.3. The encroachments of the prescribed street and lateral building lines of 4,5m and 2,0m respectively, as shown on plan numbered "Annexure H1".

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

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

- 5.1. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- 5.2. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

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

The transgressions of the zoning scheme comprise an unauthorised land use, encroachments of the building lines and an unauthorised additional storey. The applicant conceded to the transgressions and is willing to make payment on a penalty in accordance with Council's tariffs. Although the transgressions together may be considered significant, it was found the penalty is relatively reasonable in relation to these offences.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: Applicant's motivating memorandum

ANNEXURE B: Power of attorney

ANNEXURE C: Copy of title deed

ANNEXURE D: Locality plan

ANNEXURE E: Site Development Plan

ADMINISTRATIVE PENALTY: ERF 102 BRENTON			
Author Name: SINOVUYO SITINGA Date: 17 JULY 2026		Author Signature: 	
Registered planner name: STAN MADUMBO SACPLAN registration number: K1510/202 Date: 17/07/2026		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 102, Brenton, Knysna



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3	THE SUBJECT PROPERTY	3
4	THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE ZONING SCHEME	5
5	CONSIDERATIONS RELATED TO THE DETERMINATION OF AN APPROPRIATE ADMINISTRATIVE PENALTY	10
6	THE DETERMINATION OF THE PENALTY	11
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ANNEXURES

-  301 Erf 102 Brenton - S15(2)(r) - Annexure A - Power of Attorney
-  302 Erf 102 Brenton - S15(2)(r) - Annexure B - Title Deed T62719-2024
-  303 Erf 102 Brenton - S15(2)(r) - Annexure C - Locality Plan
-  304 Erf 102 Brenton - S15(2)(r) - Annexure D - SG General Plan
-  305 Erf 102 Brenton - S15(2)(r) - Annexure E - Land Use Plan
-  306 Erf 102 Brenton - S15(2)(r) - Annexure F1 - General topography
-  306 Erf 102 Brenton - S15(2)(r) - Annexure F2 - Slope profile
-  307 Erf 102 Brenton - S15(2)(r) - Annexure G - Zoning Plan
-  308 Erf 102 Brenton - S15(2)(r) - Annexure H1 - Site Development Plan
-  Backup of 300 Erf 102 Brenton - S15(2)(r) - Motivating memorandum v2
-  309 Erf 102 Brenton - S15(2)(r) - Annexure I3 - Building Plan 17 Jul 25 Sheet 3
-  309 Erf 102 Brenton - S15(2)(r) - Annexure I1 - Building Plan 17 Jul 25 Sheet 1
-  309 Erf 102 Brenton - S15(2)(r) - Annexure I2 - Building Plan 17 Jul 25 Sheet 2

1. **BACKGROUND**

The subject property was acquired by the matriarch of the Oudmayer family in 2024. The family intends to construct a garage complex on the property, comprising covered parking for two vehicles and an entertainment room above.

To facilitate this development, the family engaged **Plans R Us** (Knysna) to prepare the necessary building plans. During the plan preparation process, it emerged that certain existing and proposed improvements do not fully comply with the applicable development parameters and restrictions under the **Knysna Zoning Scheme By-law (2020)** and relevant title deed conditions.

Upon referral to the undersigned town planner for investigation, the following irregularities and non-compliances were identified:

- Existing and/or proposed encroachments on prescribed building lines and height parameters set by the Knysna Zoning Scheme By-law.
- Restrictive title deed conditions that prohibit or limit the existing development.
- Historical contraventions of the zoning scheme provisions.

To regularise these matters and enable lawful construction of the proposed garage complex, separate land use applications are required in terms of **Section 15(2) of the Knysna Spatial Planning and Land Use Management By-law (2021)** (as amended), specifically:

- (a) Permanent departure(s) from the development parameters of the Knysna Zoning Scheme By-law, in terms of **Section 15(2)(b)**, to address existing and/or proposed non-compliances (e.g., building line relaxations, coverage, or height deviations).
- (b) Removal, suspension, or amendment of restrictive title deed conditions, in terms of **Section 15(2)(f)**, to permit the proposed improvements.
- (c) Consent in terms of **Section 15(2)(o)** to permit the existing second dwelling of larger than 60 m².
- (d) Determination of an administrative penalty for past contraventions of the zoning scheme, in terms of **Section 15(2)(r)** read with **Section 93** (enforcement provisions allowing for penalties in lieu of or alongside regularisation).

The landowner has duly authorised the undersigned to lodge the required applications, as evidenced by the attached **Power of Attorney (Annexure A)**.

The present application is confined to item (c) above: the determination of an administrative penalty in respect of identified transgressions of the Knysna Zoning Scheme By-law. Separate applications for the matters in (a) and (b) will be submitted concurrently to ensure comprehensive regularisation.

2. **LEGAL CONTEXT AND 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 pertains to **Erf 102, Brenton** (also known as Brenton-on-Sea), hereinafter referred to as the subject property.

3.2. **Locality**

As shown on the Locality Plan (**Annexure B**), the property is situated at 102 Watsonia Avenue, at its intersection with Gladiolus Avenue, in the township of Brenton-on-Sea. It falls within the jurisdiction of Knysna Local Municipality, Garden Route District Municipality, Western Cape Province.

3.3. **Ownership**

The property is registered in the name of **Raylene Oudmayer**.

3.4. **Title Deed**

The property is held under **Deed of Transfer T62719/2024** (copy attached as **Annexure C**).

Title condition **D.6(b)** determines that only one dwelling may be erected on the property while a second dwelling is contained in the main building.

Title condition **D.6(d)** prescribes street, rear, and side building lines of 4,72 m, 3,15 m, and 1,57 m respectively. These conditions restrict the existing and proposed development on the property and are addressed in detail later in this memorandum.

A separate application in terms of Section 15(2)(f) will seek the removal, suspension, or amendment of these restrictive conditions to regularise the existing building and structures.

3.5. **SG Diagram**

The subject property appears on **Sheet 1** of the **General Plan 10313/1958** of Brenton Township as shown on **Annexure D**.

3.6. **Bonds**

The property is not bonded.

3.7. **Extent**

The property measures **1 417 m²** in extent per the Title Deed, corresponding to **14 295 Cape feet²** as reflected on the SG General Plan.

3.8. **Current and Surrounding Land Use**

The subject property is in a predominantly residential suburb, as illustrated on the Land Use Plan (**Annexure E**). Surrounding properties are characterised by single residential dwellings, consistent with the area's established residential character.

3.9. **Land Use Zoning**

The subject property is zoned **Single Residential Zone I (SRI)** in terms of the Knysna Zoning Scheme By-law, 2020 as shown on **Annexure G** (Zoning Plan).

The primary use right is a **dwelling house**. Relevant development parameters and use rights applicable to this case include:

- **Second dwelling:** A second dwelling unit up to **60 m²** in floor area is permitted as of right (without consent), provided it complies with other parameters (e.g., similar style to main dwelling, height limits). A second dwelling exceeding **60 m²** requires consent use rights in terms of **Section 15(2)(o)** of the Knysna Municipality Spatial Planning and Land Use Management By-law, 2021 (read with the Zoning Scheme table for SRI).
- **Building lines:** For erven $\geq 500 \text{ m}^2$ in extent (applicable here), the standard building lines for dwelling houses and structures are:
 - Street boundary: 4,5 m.
 - Side and rear boundaries: 2 m.

Certain exclusions and relaxations apply per **Clause 21** of the Zoning Scheme (e.g., for minor projections, outbuildings, or site-specific conditions). Encroachments on these lines form part of the non-compliances addressed in this application.

- **Height:** Dwelling houses are generally limited to 2 storeys (or a maximum height of approximately 8,5 m from natural ground level, as per typical SRI parameters in the Zoning Scheme).

3.10. Topography

The topography of the area is illustrated by **Annexure F1** (General topography) and **Annexure F2** (Slope profile). These annexures, together with supporting photographs in this memorandum, demonstrate that the property features a sloping terrain typical of many areas in Knysna.

To accommodate the natural gradient and ensure structural stability, safe access, and functional use of the site, mitigation measures such as elevated decking, external staircases, and retaining walls were implemented. While these adaptations achieved practical outcomes, they resulted in encroachments beyond the prescribed development parameters (e.g., building lines) in the Knysna Zoning Scheme By-law (2020). The specific transgressions, as depicted on the Site Development Plan in **Annexure H1** (SDP), are:

- Transgression 1: Decking encroaching over the eastern and street building lines.
- Transgression 3: External staircase encroaching over the street building line.
- Transgressions 4, 5, 6, and 7: Retaining walls encroaching over building lines.
- Transgression 8: Utility room at the third level below the lower basement level.

These encroachments arose primarily as necessary responses to the site's challenging topography rather than deliberate non-compliance, and they have had no adverse impact on neighbouring properties, views, safety, or the surrounding environment (as motivated elsewhere in this memorandum).

4. THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE ZONING SCHEME

4.1. Description of the existing development

The subject property is developed with a multi-level dwelling house adapted to the site's sloping topography. Key features include:

- A primary dwelling house, constructed over two split levels to accommodate the natural gradient.
- A second dwelling unit of approximately 80 m² situated at the lower end of the basement level.
- A utility room of approximately 18 m², with a toilet and used as a laundry and storage space for garden tools, on a third (lowest) level below the second dwelling.

No separate outbuildings exist. However, ancillary garden and outdoor improvements have been installed, including decking, staircases, and retaining structures around the house and within the garden area.

Certain of these structures (including portions of the dwelling house, second dwelling, and garden improvements) encroach on the prescribed building lines and/or other development parameters of the Knysna Zoning Scheme By-law, 2020, as well as restrictive conditions in the title deed.

A detailed analysis of all identified encroachments, violations, and non-compliances is provided in paragraph 4.2 below.

4.2. Analysis of the transgressions

The table below analyses existing and proposed non-compliances based on the **Knysna Zoning Scheme By-law, 2020** and title deed conditions (Deed T62719/2024). Encroachments are cross-referenced to **Annexure H1** (Site Development Plan). Also refer to **Annexure H2** as well as **Annexure I1 to I3** for the naming of the levels of the building.

Annex. H1 reference	Structure	Transgressions	Proposed Remedy/Application
1	Decking	Encroaches street and eastern side building lines – Zoning Scheme; exceeds 500 mm above NGL; contravenes title condition D.6(d) building lines.	Permanent departure (S.15(2)(b)) to relax street B.L. to 0,00 m and eastern side to 0,26 m; removal of D.6(d) (S.15(2)(f)).
2	Room at basement level	Encroaches street and eastern side building lines – Zoning Scheme and title D.6(d).	Permanent departure (S.15(2)(b)) to relax street B.L. to 0,82 m; removal of D.6(d) (S.15(2)(f)).
3	External staircase	Encroaches street building line – Zoning Scheme and title D.6(d).	Permanent departure (S.15(2)(b)) to relax street B.L. to 0,13 m; removal of D.6(d) (S.15(2)(f)).
4	Retaining wall	Encroaches street building line – Zoning Scheme and title D.6(d).	Permanent departure (S.15(2)(b)) to relax street B.L. to 0,58 m; removal of D.6(d) (S.15(2)(f)).
5 & 6	Retaining walls	Encroach western side building line – Zoning Scheme and title D.6(d).	Permanent departure (S.15(2)(b)) to relax western side B.L. to 0,00 m; removal of D.6(d) (S.15(2)(f)).
7	Retaining wall	Encroaches eastern side building line – Zoning Scheme and title D.6(d).	Permanent departure (S.15(2)(b)) to relax eastern side B.L. to 0,87 m; removal of D.6(d) (S.15(2)(f)).
8	Utility room at 3rd level	Exceeds maximum 2 storeys (Zoning Scheme). No title restriction.	Permanent departure (S.15(2)(b)) for height relaxation to allow 3 storeys.
9	Second dwelling (>60 m ²)	Exceeds 60 m ² limit for second dwelling as of right (Zoning Scheme definition of "dwelling house"); contravenes title condition D.6(b) (one dwelling only). Approx. 80 m ² .	Consent use (S.15(2)(o)) to retain second dwelling of >60 m ² ; removal of D.6(b) (S.15(2)(f)).
10	External wall of main dwelling	Encroaches eastern side building line – Zoning Scheme); complies with title side line (1,57 m).	Permanent departure (S.15(2)(b)) to relax eastern side B.L. to 1,80 m.

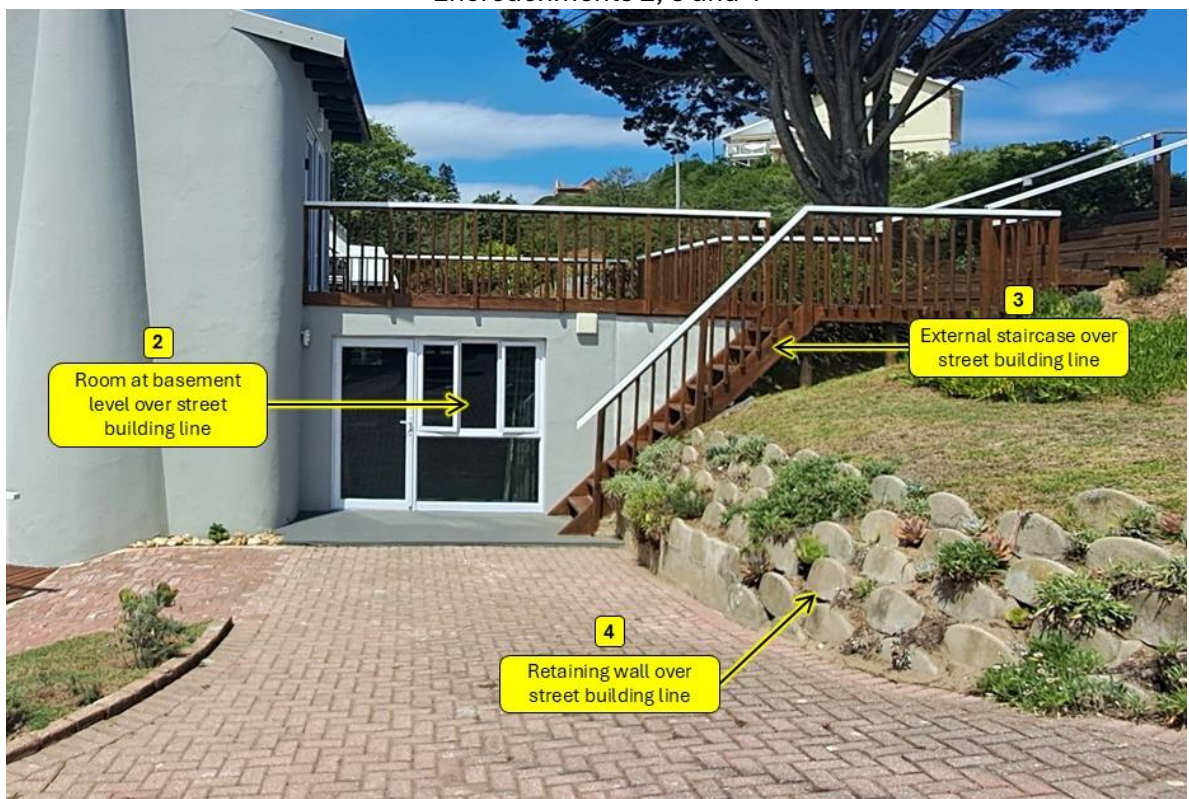
4.3. Photographs of the encroachments

Below follows a series of annotated photographs which illustrates the encroachments.

Encroachments 1, 2 and 10



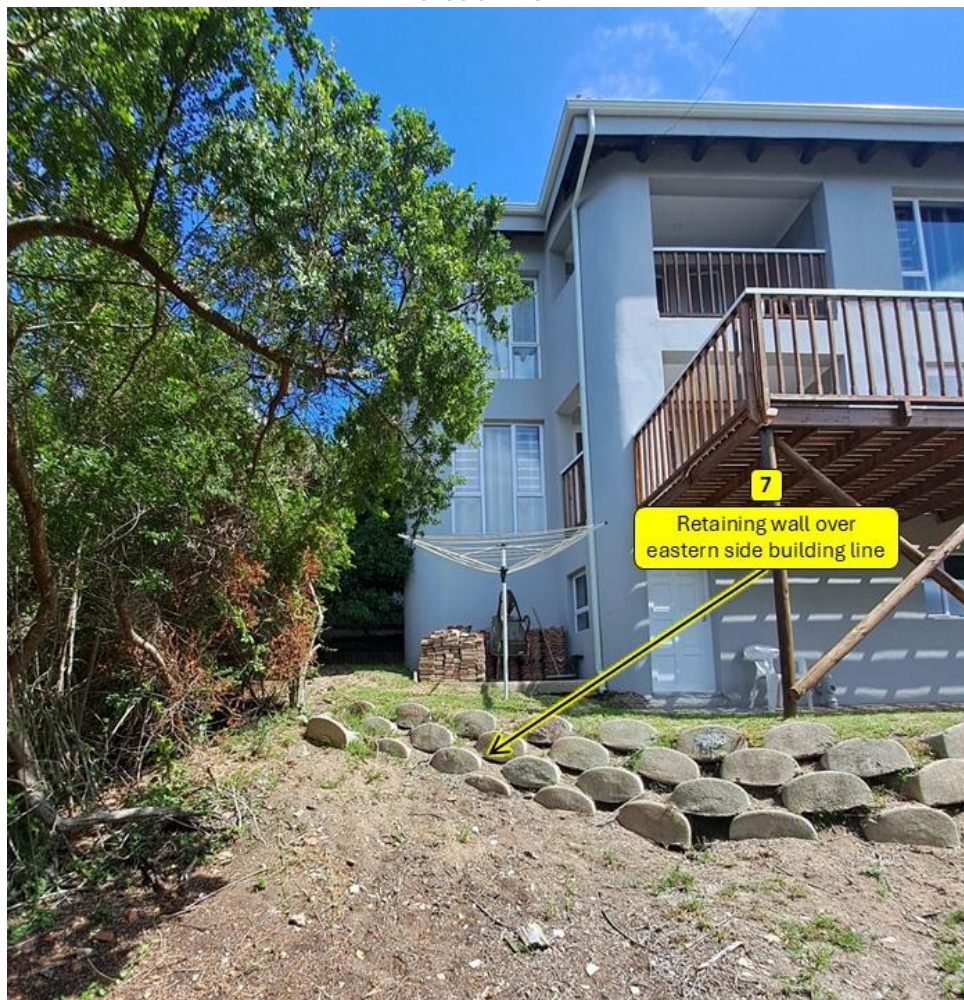
Encroachments 2, 3 and 4



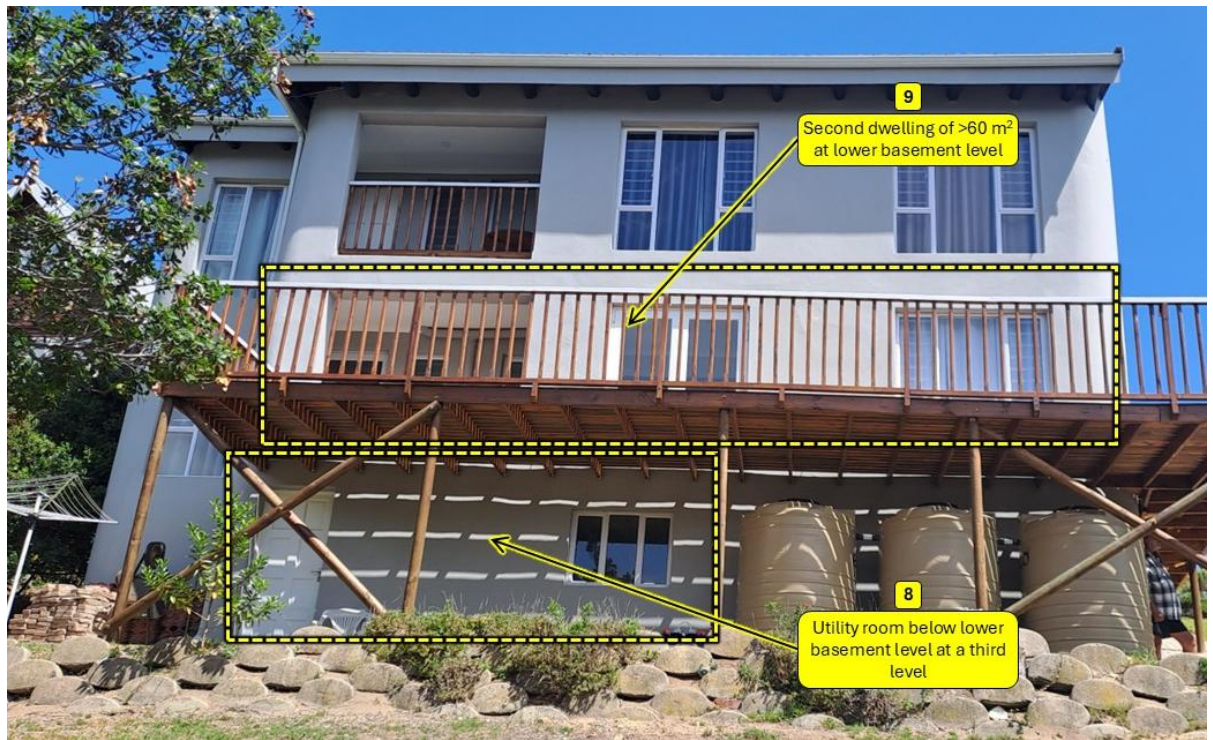
Encroachments 5 and 6



Encroachment 7



Encroachments 8 and 9



Encroachments 8 and 10



4.4. **Quantification of the value of buildings and structures transgressing**

In terms of the **Knysna Municipality Land Use Management Application Fees 2025/2026** (Tariff Schedule, Item 8 – Rectification of a Contravention, under Section 86 of the By-law), the Municipality provides for predetermined administrative penalties in uncontested cases as an alternative to value-based calculations (up to 100% of the unlawful building work value or municipal valuation of unauthorised land use area).

Relevant predetermined penalties include:

- **Item 8(a)(ii):** Building work involving departures from development parameters in the Zoning Scheme (Agriculture, Single Residential, General Residential zones) – R5 000,00 (uncontested).
- **Item 8(b)(i):** Unauthorised residential use – R5 000,00 per occurrence (uncontested).

These fixed tariffs apply to contraventions such as the identified building line encroachments, height exceedance, and second dwelling (>60 m²), which fall under departures **(S.15(2)(b))** and unauthorised residential use/consent requirements **(S.15(2)(o))**.

The landowner elects to concede the transgressions without contest, pay the predetermined administrative penalty (totaling R5 000,00 per relevant occurrence, as applicable), and avoid the time and cost of quantifying the value of encroaching structures or unauthorised areas. This approach aligns with municipal policy for efficient regularisation under **Section 93** of the By-law, facilitating approval of the proposed garage complex and associated building plans.

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

In accordance with **Section 93(9)** of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021), the following factors are relevant to determining an appropriate administrative penalty for the identified contraventions (as detailed in paragraph 4 above).

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

All encroaching structures, with the exception of Encroachment 1 (decking on the eastern and street side of the dwelling) and Encroachment 2 (external staircase linking this decking to the lower garden level), were already in existence at the time the current landowner acquired the property in 2024. The contraventions are therefore largely historical and pre-date the current ownership.

Gravity

The gravity of the contraventions is considered low, as they have had no material adverse impact on neighbours, the broader neighbourhood, or the town as a whole. Specifically:

- No harm (physical, environmental, or otherwise) has been caused to private or public property.
- No threat exists to public security, safety, or well-being.
- There has been no interference with traffic flow, safety, or sight lines.
- The structures do not detract from the visual amenity or character of the neighbourhood.
- No restrictions are imposed on ventilation, sunlight access, scenic views, or neighbouring properties.
- Fire safety and emergency access (including for firefighters) remain unaffected, with no increased risk of fire spread between buildings.

- No interference occurs with engineering services (water, electricity, sewage, telecommunications) or utilities.
- No encroachment affects land reserved for future roads, widenings, or streetscapes.
- Development density remains acceptable and compatible with the area.
- Private living conditions and rights of neighbouring landowners are unaffected.
- No negative impact on property values or the natural environment has been identified or reported.

The absence of any complaints from neighbours or observations by municipal officials over an extended period further supports the conclusion that the contraventions are of negligible gravity and have not given rise to any substantive concerns.

Extent

The contraventions are limited in scale and do not render the development incompatible with the surrounding neighbourhood or zoning intent. This is elaborated in the supporting application submitted in terms of Sections 15(2)(b) and (o) of the By-law.

5.2. The conduct of the persons involved in the contravention

Upon becoming aware of the contraventions, the landowner promptly instructed her professional team (including planners, architects, and/or surveyors) to address the matter through regularisation processes. This demonstrates responsible and proactive conduct aimed at achieving compliance.

5.3. Whether the unlawful conduct was stopped

The contraventions do not involve ongoing unlawful activity (such as a factory on a residential property). Rather, they constitute the enduring physical consequences of past development actions. No active or continuing breach requires cessation in the conventional sense.

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

The landowner has confirmed that neither she nor any associated parties have any prior history of contravening the Knysna Municipality's town planning by-laws or related legislation

6. THE DETERMINATION OF THE PENALTY

In terms of **Section 93(2)** of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021), the Municipality has the discretion to levy an administrative penalty where a contravention of the By-law has occurred, but it is not obligatory to do so. The authority may determine an appropriate penalty (or elect not to impose one) after considering the relevant circumstances, including those set out in Section 93(9) (as addressed in Section 1 above).

Extenuating / mitigating circumstances

The following factors weigh heavily against the imposition of a substantial penalty and support either no penalty or the application of the lowest predetermined tariff in uncontested cases:

- (a) The landowner proactively initiated a regularisation process upon becoming aware of the contraventions, without any enforcement action or directive from the Municipality. This demonstrates voluntary compliance intent and responsible ownership.
- (b) The landowner has fully admitted the contraventions and expressed willingness to comply with all legal requirements and consequences.
- (c) The contraventions are minor in scale (limited encroachments and departures) and of low overall impact, as detailed in sections 4.2 and 4.3 above.
- (d) No material negative effects have arisen for neighbours, the neighbourhood character, amenity, safety, environmental aspects, property values, or the broader town, with no complaints received over time.

These circumstances collectively indicate negligible culpability, historical rather than willful or ongoing breaches, and prompt remedial action—factors that align with the By-law's intent to facilitate efficient regularisation rather than punitive measures in appropriate cases.

The penalty proposed

While Section 93 allows for an administrative penalty of up to 100% of the value of the unlawful building work, construction, or engineering (or municipal valuation of unauthorised land use area), the 2025/2026 Land Use Management Application Fees Tariff Schedule (Item 8 – Rectification of a Contravention) provides for predetermined fixed penalties in uncontested cases as a practical alternative. These fixed tariffs promote administrative efficiency and are particularly suitable here:

- Item 8(a)(ii): Building work involving departures from development parameters in the Zoning Scheme (e.g., Agriculture, Single Residential, General Residential zones) – **R5,000.00** (uncontested).
- Item 8(b)(i): Unauthorised residential use – **R5,000.00** per occurrence (uncontested).

The identified contraventions (building line encroachments, height exceedance, and second dwelling >60 m²) fall within these categories, qualifying as departures under Section 15(2)(b) and/or unauthorised residential use/consent requirements under Section 15(2)(o).

The landowner elects to concede the transgressions without contest, pay the applicable predetermined administrative penalty totaling R10,000.00 as detailed in paragraph 4.4), and thereby avoid the delays, costs, and uncertainties of a value-based calculation. This approach is fully consistent with municipal policy for streamlined rectification under Section 93, supports expeditious approval of the proposed garage complex and related building plans, and reflects the low gravity of the matters.

Considering the extenuating circumstances and the landowner's cooperative stance, it is respectfully submitted that the predetermined fixed penalties represent a fair, proportionate, and appropriate determination.

7. CONCLUSION

The landowner has shown strong accountability by voluntarily starting regularisation, fully admitting the contraventions, and committing to compliance and rectification costs—despite the issues being largely historical and pre-dating current ownership.

Given the minor scale of the transgressions, absence of any harm or negative impact on neighbours, the neighbourhood, safety, or the town and the landowner's proactive cooperation, these are compelling extenuating circumstances under Section 93(9) of the By-law.

It is respectfully requested that the Knysna Municipal Planning Tribunal determine a proportionate administrative penalty by applying the predetermined fixed tariffs for uncontested cases (2025/2026 Tariff Schedule, Item 8):

- R5,000.00 per relevant occurrence for departures from development parameters (Item 8(a)(ii)); and/or
- R5,000.00 per relevant occurrence for unauthorised residential use (Item 8(b)(i)),

as set out in paragraph 4.4.

This outcome would be fair, aligned with municipal policy for efficient regularisation in low-gravity matters, and enable prompt approval of the proposed garage complex and building plans.

The landowner is prepared to pay the determined penalty immediately and complete all required rectifications.


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

Special Power of Attorney

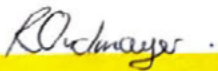
I, **Raylene Oudmayer** with ID number [REDACTED] being the registered owner of **Erf 102, Brenton** held by virtue of Title Deed T62719/2024 and situated at 102 Watsonia Avenue, Brenton-on-Sea in the area of jurisdiction of the Knysna Local Municipality, do hereby nominate, constitute and appoint **Armand 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) Obtain a special consent to regularise the second dwelling of larger than 60 m² situated at the lower basement level on the northern side of the dwelling house; and
 - (iii) Obtain permission for the removal of restrictive title conditions; and
 - (iv) Let administrative penalties in respect of irregular building and/or structures be determined; and
 - (v) 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.

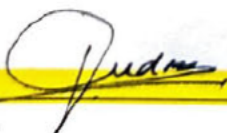
I hereby declare that I am aware that some of my personal information as well as information of the holding company related to this case will become known to the **Mandated** and may be discussed by the **Mandated** with the relevant municipal officers and that the **Mandated** undertook to protect such 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.

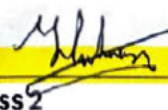
Signed at Johannesburg (town) on this 30 day of January 2026.



R. OUDMAYER

in the presence of the undersigned witnesses:


Witness 1


Witness 2

Q

Prepared by me

Free endorsement Amount <u>2 500 000.00</u>		Office fee <u>2140.00</u>
R _____		Amount paid _____
on for caption	Cat. _____	Exempt ☒ section _____ Act _____

CONVEYANCER
TARIEN MARIÉ PELSER (75633)

DATA / VERIFY
11 -08- 2024
WENDY FANTI

BE IT HEREBY MADE KNOWN THAT

T. 000062719 / 2024

SANDRA OUDMAYER

Identity Number

Unmarried

DATA / CAPTURE
10-10-2024
NOLIVO MTYATYAMB

And the appearer declared that his/her said principal had, on 23 August 2024, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

RAYLENE OUDMAYER

Identity Number [REDACTED]

Married out of community of property

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

ERF 102 BRENTON IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1417 (ONE THOUSAND FOUR HUNDRED AND SEVENTEEN)
Square metres

FIRST TRANSFERRED by Deed of Transfer Number T30426/1972 with Plan
No. 5607/72 relating thereto and held by Deed of Transfer Number T2715/2014

- A. SUBJECT to the conditions referred to in Deed of Transfer Number 18197 dated 13 December 1956.
- B. SUBJECT FURTHER to and with the benefits of special conditions (a), (b) and (c) contained in the Certificate of Partition Title Number 8082 dated 14 August 1928 which conditions make provisions for certain rights of access, use of rights of way in favour of the owners for the time being of Belvidere held by Certificate of Partition Title Number 8083 dated 14 August 1928 and in favour of the owners of the abovementioned property, which conditions are as follows:-
- "(a) The proprietors of Belvidere and their successors in title shall have access to BRENTON by and along the whole course of the line of road marked on the diagram of the farm annexed to the amended Grant thereof dated 30th March 1914 (the commencement and termination of the said line of road being marked P and Q respectively) and from the termination of road to the river at or near the picnic place by the existing path. (The termination of the said Road and the termination of the said path at the Picnic Place being marked Q and R respectively, the said road and path being similarly marked and lettered on the diagram hereto annexed).
- (b) That if the proprietors of BRENTON or any of their successors in title shall construct a road or use a road for traffic to any point on the Knysna River below the Picnic Place the proprietors of Belvidere and their successors in title shall be entitled to the use thereof and if it does not connect with any line or road mentioned in clause "a" aforesaid to a right of way from the line mentioned in clause "a" to the same.

- (c) That the proprietors of Brenton and their successors in title shall have a right of way by the line or road marked on the diagram annexed to the Grant aforesaid to where it joins with the existing public road at or near ASHFORD (the commencement and termination of the said road over which the right of way operates being marked P and Q respectively) or with any public road to be hereafter proclaimed in lieu of the said public road or of which the public have the use in lieu thereof provided that the proprietors for the time being (i.e. the proprietor for the time being of Belvidere) may require the proprietor of BRENTON for the time being to exercise such right of way by a line deviating as may from time to time mutually be agreed upon along the whole or any part of such line not more than 944,58 metres on either side thereof."

- C. ENTITLED to the Servitude referred to in the endorsement dated 7 July 1950 endorsed on Deed of Transfer Numbers 21572 and 21573 dated 9 December 1946 which endorsement reads as follows: -

"By virtue of Deed of Transfer No. 9837, dated 7th July 1950 the owner or his successors in title of the remaining extent of within property, measuring as such 794,7804 hectares, is entitled and subject to the following conditions: -

- (i) entitled to enforce certain conditions against certain portion 17 of within mentioned farm, measuring 5,4330 hectares held under Deed of Transfer No T 9837 dated 7th July, 1950, relating inter alia to use buildings, fencing, passage of wires for electric light, laying of water, piping, construction of drains, sewers and piggeries.
- (ii) entitled to right of way 6,30 metre wide marked abcFde on diagram No 6680/1948 over said Portion 17.

all of which conditions are more fully set forth in said Deed of Transfer No 9837/50."

- D. SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. 30426/72 imposed by the Administrator when approving of the establishment of the Township BRENTON in terms of Section 18(3) of Ordinance No. 33 of 1934 namely:-

- "1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Kennisgewing van die Provinsiale Administrasie No 401 van 17 Oktober 1935, en in die memorandum wat genoemde regulasies vergesel het.
2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepalings van hierdie Voorwaardes moet nie opgeval word al sou dit die bepalings van Artikel 146 van Ordannansie nr. 15 van 1952, soos gewysig, vervang nie.
3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteitskabels en hoofwaterpype en die rioolvuil en

dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie onderverdeling oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om riole, mangate, vore, waterleidings en ander werke wat daarmee in verband staan, aan te lê, te onderhou, te verander, te verwyder, of te ondersoek.

4. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word, en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal.
5. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat in hierdie voorwaardes bepaal word nie.
6. Hierdie erf is onderworpe aan die volgende verdere voorwaardes, met dien verstande dat indien die Administrateur, na oorleg met die Dorpekommissie en die Plaaslike Owerheid, dit raadsaam ag dat die beperking in enige sodanige voorwaarde te eniger tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan die voorwaardes wat hy oplaë:-
 - (a) dit mag nie onderverdeel word nie;
 - (b) dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik in verband daarmee geruik word, daarop te rig;
 - (c) nie meer as die helfte van die oppervlakte daarvan mag bebou word nie;
 - (d) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 4,72 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, opgerig word nie, asook nie binne 3,15 meter van die agtergrens of 1,57 meter van die sygrens gemeen daaraan en aan 'n aangrensende erf nie; met dien verstande dat 'n buitegebou van nie hoër as 3,05 meter nie, gemeet van die vloer tot by die muurplaat, met die toestemming van die plaaslike owerheid binne die hierbo voorgeskrewe agterruimte en binne die hierbo voorgeskrewe syruimte vir 'n afstand van 9,45 meter gereken van die agtergrens, opgerig mag word. Wanneer enige twee of meer erwe gekonsolideer word, is hierdie voorwaarde op die gekonsolideerde oppervlakte as een erf van toepassing.

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

SANDRA OUDMAYER, 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

RAYLENE OUDMAYER, Married as aforesaid

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 500 000,00 (TWO MILLION FIVE HUNDRED THOUSAND RAND).

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

THUS, DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 9 October 2024


q.q.

In my presence



REGISTRAR OF DEEDS

Locality Plan

Stinkwood St
Tulbagh St
Stinkhout Ave
Gladiolus Ave
Watsonia Ave
Agapanthus Ave

Ver Gese
Hass
Go Self-Drive Tours
Finn's Place in Brenton On-Sea
Picnics of the Forest

Annexure C

Base plan attached as
Annexure I1 prepared by



AS-BUILT TIMBER WALKWAY 3

EXISTING DWELLING

AS-BUILT TIMBER WALKWAY 2

PROPOSED GARAGE COMPLEX

Site Development Plan

Showing existing non-compliances

BUILDING LINE AND OTHER TRANSGRESSIONS

1. Timber deck:

From eastern side boundary = 0,26 m
From street boundary: 0,00 m

2. As-built room in basement:

From street boundary = 0,82 m

3. External timber staircase:

From street boundary = 0,13 m

4. Retaining wall:

From street boundary = 0,58 m

5. Retaining wall:

From western side boundary = 0,00 m

6. Retaining wall:

From western side boundary = 0,00 m

7. Retaining wall:

From eastern side boundary = 0,87 m

8. Utility room below lower basement level:

Utility room at 3rd level

9. Second dwelling of >60 m²

10. Side of dwelling house:

From eastern side boundary = 1,80 m

AS-BUILT EXTENSION OF DWELLING

PLAN #: BRE102/H1
DATE: 14 Mar 2026

Annexure H1

ITEM TO:

Municipal Planning Tribunal



KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3698
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	13 April 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 989 SEDGEFIELD

PART A: APPLICANT DETAILS

Name & Surname	Lloyd Druce
Company name	VBGD TOWN PLANNERS
SACPLAN registration number	A/543/1987
Registered owner(s)	DICK MARIO CRAMER AND LINDA CAROL CRAMER

PART B: PROPERTY DETAILS

Property description	Erf 989, Sedgefield in the Municipality and Division of Knysna, Province of the Western Cape
Property Extent (m ²)	929
Physical address	Cormorant Street
Area/Town	Sedgefield
Current zoning	Single Residential Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Dwelling House
Are there existing buildings on the property?	Yes
Title Deed number & date	T21594/2023
Any restrictive title conditions applicable?	None
Any third party conditions applicable?	Yes
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(9) for encroachments of the street and lateral building lines as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law 2020) in respect of Ert 989, Sedgefield.

2. BACKGROUND

- 2.1. The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) and is used in accordance with its primary use of "dwelling house." A street building line of 4.5m and lateral building lines of 2.0m apply in terms of the zoning scheme.
- 2.2. Following their recent purchase of the property, the landowners discovered that portions of the existing dwelling house encroach on the prescribed building lines. Additionally, it was also discovered that the existing retaining walls were not shown on previously approved building plans. The applicant argues that at the time there were no zoning scheme regulation governing retaining walls. The landowner seeks to regularise unlawful additions to the existing dwelling house.

3. ASSESSMENT OF APPLICATION

3.1. 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 Provided
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully.	Not Applicable

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

- 3.2.1. The first transgression is that of the 4.5m street building line by a portion of the existing dwelling house by the "lower ground-floor level." The applicant stated that during construction, the dwelling house was moved forward to allow for easier level access on a driveway to the house. The landowners made use of this opportunity to convert the empty space below the level driveway into a laundry room without obtaining prior written approval. This room encroaches on the prescribed 4.5m street building line.
- 3.2.2. It is agreed with the applicant that the encroaching portion of the dwelling house has not shown to cause an adverse impact on the public street and adjacent properties. Due to the topography of the site, it is notable that the offending portion of the dwelling house is below natural ground level and street level meaning that its impact on the street-front has been considerably mitigated. Despite the building work being completed unlawfully, it has not shown itself to be a detriment to the public street and may be considered minor in terms of its gravity.
- 3.2.3. The second component to the application is that of the retaining walls encroaching the lateral building lines of 2.0m. It is evident that these retaining structures were originally established at the construction of the main dwelling house decades ago as they are essential in allowing for the dwelling house.
- 3.2.4. The applicant would be correct in their statement that at that time there was no zoning scheme regulation governing retaining walls and structures within the prescribed building lines. It is thus reasonable to conclude that the retaining walls are non-conforming structures which means that the retaining walls were permissible at the time of its construction and is lawful in terms of the zoning scheme. It is argued that no administrative penalty should apply in this specific transgression.
- 3.2.5. On the transgression of the street building line, the applicant argues that the transgression was inherited at the purchase of the subject property and were not aware of the encroachment of the street building line. Despite their lack of awareness and culpability, it is the landowner that ultimately accepts liability in respect of transgressions on their property. However, due to the gravity and nature of the transgression as explained in paragraph 3.2.2 above, it is argued that there are reasonable grounds to forego the imposition of an administrative penalty.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty of R0.00 be determined in accordance with Section 93(2), for encroachments of the street and lateral building lines as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law(2020) in respect of Erf 989, Sedgefield, and as shown on the plan numbered "24/07-101-rev05/10" dated February 2026.

5. REASONS FOR RECOMMENDATION

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

5.1. Due to the steep topography of the site, the encroaching portion of the dwelling house has not shown to cause an adverse impact on the public street and adjacent properties – the portion of the dwelling house is below natural ground level and street level meaning that its impact on the street-front has been considerably mitigated and may be considered minor in terms of its gravity.

5.2. It is evident that the retaining structures were originally established at the construction of the main dwelling house decades ago as they are essential in allowing for the dwelling house. It was found that the retaining walls are non-conforming structures which means that the retaining walls were permissible at the time of its construction and is lawful in terms of the zoning scheme. It is argued that no administrative penalty should apply in this specific transgression.

5.3. On the transgression of the street building line, the applicant argues that the transgression was inherited at the purchase of the subject property and were not aware of the encroachment of the street building line. Despite this, it is the landowner that should ultimately accept liability in respect of transgressions on their property. However, due to the gravity and nature of the transgression as explained above, it is argued that there are reasonable grounds to forego the imposition of an administrative penalty.

6. SUPPORTING APPLICATION DOCUMENTS

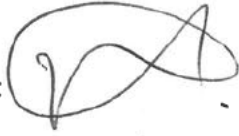
ANNEXURE A: Applicant's motivating memorandum

ANNEXURE B: Power of attorney

ANNEXURE C: Copy of title deed

ANNEXURE D: Copies of approved building plan(s)

ANNEXURE E: Site Plan

ADMINISTRATIVE PENALTY: ERF 989 SEDGEFIELD			
Author Name: SINOVUJO SITINGA Date: 16 JUL 2026		Author Signature: 	
Registered planner name: SHAWN MADUMBO SACPLAN registration number: A1510/2012 Date: 16/07/2026		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 [REDACTED]
Email : druce@mweb.co.za website: <https://vbgd-townplanners.co.za/>

POSTAL ADDRESS: P.O.Box 3506 Knysna 6570

PHYSICAL ADDRESS [REDACTED]

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



Date: 23/3/2026

Reference:

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

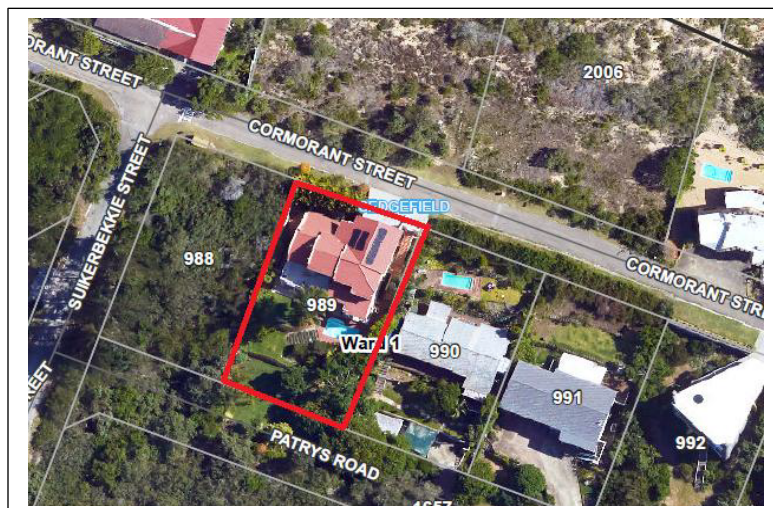
Dear Sir,

APPLICATION: SEDGEFIELD 989 : 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 DICK MARIO CRAMER and LINDA CAROL CRAMER by virtue of the attached Deed of Transfer T 21594/2023 and is 929m² in extent.
- 2. LOCATION:**

The erf is located in Cormorant Street Sedgefield, as shown below:



3. BACKGROUND:

The property was purchased in 2023 with confirmation of approved building plans given by the seller to the new owners. While there were indeed plans available, and the house was built according to plans, it was discovered that the position of the house on the site was not as shown

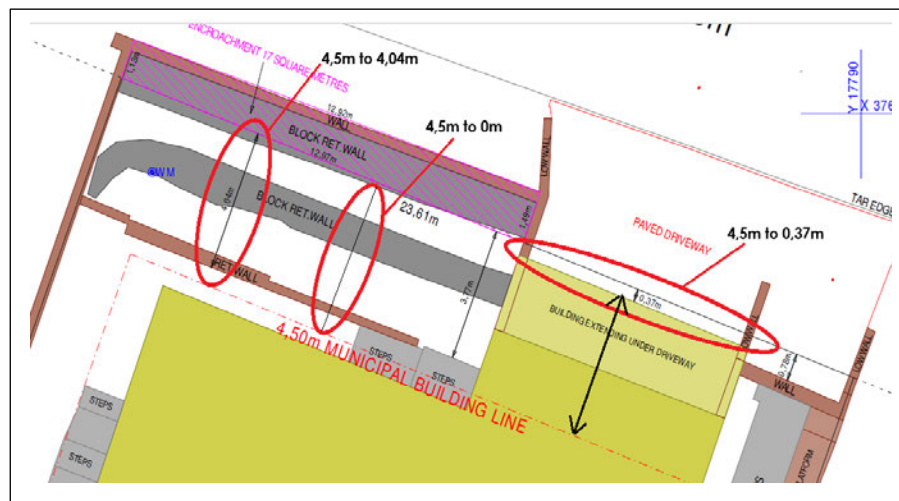
on the approved plans and that in fact there were encroachments on the building lines, and even into the street reserve.

The problems as mentioned were discovered when additions/alterations were required to the house, where it became evident that the position of the house on the street boundary placed the structures within the street building lines.

It was also evident that retaining walls were in existence on the property, but that these were never shown on approved building plans although they were constructed nearly 30 years ago. This was because there were no requirements for retaining walls at the time. The retaining walls on the street boundary and the encroaching area in the road reserve was also done a number of years ago, however, additions had been undertaken below the driveway/garage which were not on previously approved plans. The process entails the submission of applications in terms of the Planning By-Laws to depart from current parameters and these applications to relax the building lines where necessary is submitted simultaneously with this application. .

4. THE CURRENT APPLICATION:

The application to determine an administrative penalty is for the encroachment of the building line as shown below:



The necessary land use applications are also submitted for the above.

It is important to note that none of the above deviations into the building lines was done by the current owner, who purchased the house with these structures in place.

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

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

- (a) **Section 93(1):** The applicant is desirous to rectify the existing contravention in terms of this section of the By -Law. The required land use applications are in progress and have been submitted by the current owners of their own accord as it became known to them that

these relaxations are necessary to rectify the contraventions. No notice has been served on the owner.

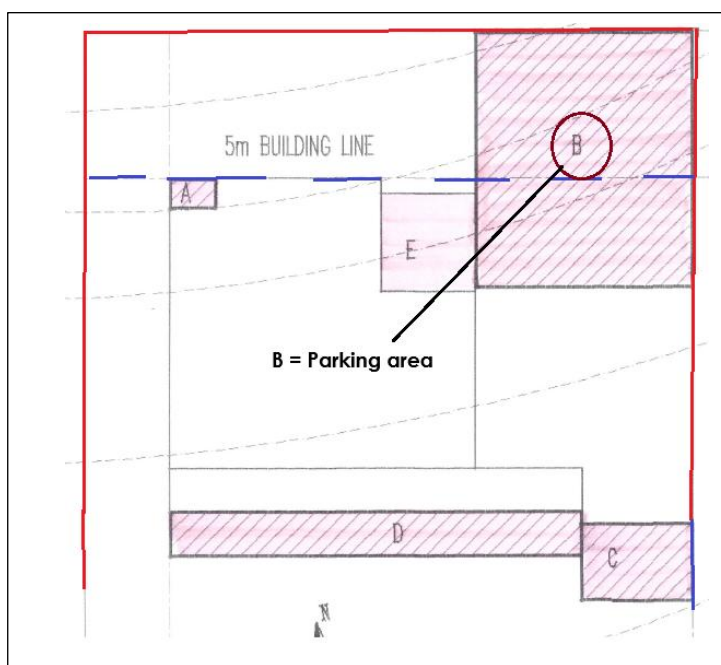
- (b) **Section 93(9):** In considering the terms and extent of an administrative penalty the following are considerations:

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

The various retaining walls were built as a necessity at the time of construction many years ago, which are required on such a steep site.

The walls are essential and have been in existence since the house was built. The fact that the house was moved closer to Cormorant Street than was shown on the plans, was to facilitate level access off the street, but it created a contravention of the street building lines.

Plans approved in 1999, which were for additions at the time, show one of the components to be a "Parking Area" and marked "B" as shown below:



The parking area was a concrete slab giving driveway access to the garage, however, when the building was moved closer to the street, it created an opportunity to utilise the space below the parking area/garage for a laundry. The laundry was therefore created without any approved plans.

The presence of the retaining wall and the laundry below the garage have no detrimental impacts on the adjoining properties or the area in general.

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

The owner of the property is a new owner and was only made aware of the encroachments into the building lines when new plans were prepared for minor

alterations. Their intentions are therefore to see to it that there is compliance with any building requirements.

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 retaining wall and the laundry below the garage, are not unauthorised land uses. The wall on the street boundary in its present form does contravene Section 26 of the Knysna Zoning Scheme, although when constructed, that was not an applicable consideration.

The new property owners want to own the property without any impediments, with the necessary approved building plans, and therefore regard this application as a necessity.

We again reiterate that none of the transgressions were created by the current owners, and therefore due to their landowners willingness to comply with the provisions of the zoning scheme, an administrative penalty should be waived.

Considering the above and the flexibility in the By-Law with no minimum amount payable, it is requested that a **penalty be imposed of zero Rand (R0)**, which is fair in the context described above.

7. PAYMENT OF FEES:

The fees payable are usually 50% of the prescribed fee, which in the instance of a building line departure 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. ANNEXURES: previous building plans.
6. A locality plan

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

Yours sincerely,



Lloyd Druce
VBGD Town Planners



Director: L.D.Druce B Sc TRP PrPin (A543/1987) Prog Law (UNISA)

Assisted by : J. Erasmus BA (Hons)PrPin

SAACPP

SOUTH AFRICAN ASSOCIATION OF
CONSULTING PROFESSIONAL PLANNERS

SPECIAL POWER OF ATTORNEY

WEI, THE UNDERSIGNED

DICK MARIO CRAMER AND LINDA CAROL CRAMER

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,

**APPLICATIONS TO THE KNYSNA MUNICIPALITY FOR AN ENCROACHMENT AGREEMENT,
DEPARTURES AND ATTENDING TO CONDITIONS OF TITLE PERTAINING TO ERF 989
SEDFIELD.**

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.

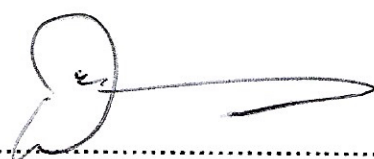
We hereby undertake to bear the costs of the above applications, as advised by VBGD Town Planners

Signed at SEDFIELD this 14 day of FEBRUARY 2026

In the presence of the undersigned witnesses:

AS WITNESS:

1. 


(SIGNATURES OF BOTH OWNERS)

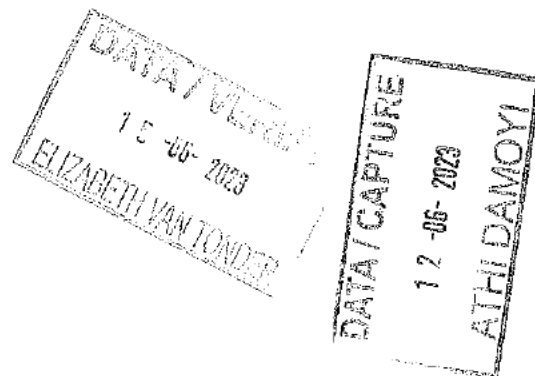
2. 

Roux Attorneys
P O Box 4411
George East
6539

Prepared by me

CONVEYANCER
JANINE FOUCHE
LPCM60411

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 6 600 000,00	R. 909,00
Reason for exemption	Category Exemption.....	Exemption i to. Sec/Reg..... Act/Proc.....



T000021594 / 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JANINE FOUCHE (60411)

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

MARK JURGENS
Identity Number [REDACTED]
Married out of community of property

which said Power of Attorney was signed at George 11 April 2023.

And the appearer declared that his/her said principal had, on 27 March 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

DICK MARIO CRAMER

Identity Number [REDACTED]

and

LINDA CAROL CRAMER

Identity Number [REDACTED]

Married in community of property to each other

their Heirs, Executors, Administrators or Assigns,

ERF 989 SEDGEFIELD in the Municipality and Division of Knysna, PROVINCE
WESTERN CAPE

IN EXTENT 929 (NINE HUNDRED AND TWENTY-NINE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T28713/1967 with
Diagram No. 5884/1967 relating thereto and held by Deed of Transfer
T3142/2013

A. SUBJECT to the conditions referred to in Certificate of Consolidated Title No
T2542/1926.

B. ENTITLED to the benefits of the servitude referred to in the following
endorsement dated 25th September 1929 on Deed of Transfer No T822/1928
namely:

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

C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer
No. T28713/1967 imposed for the benefit of Sedgefield Holdings Proprietary
Limited as owner of the remainder of Sedgefield Township, held under Deed of
Transfer No. T8581/1960 and the successors in title of the said Company,
namely:

1. The Transferee shall not be entitled to claim against the Transferors as
owner of the remaining extent for the time being of Sedgefield Township
and/or the farm Sedgefield for any consideration or compensation or be
entitled to make any claim whatever in respect of the construction, erection
or maintenance of any gates or fences which may at present exist on the
boundary line of any lot or lots purchased or which may in future be erected
by the Transferee on the boundary line of such land, provided, however,
that the said Transferee shall not be debarred from claiming in this regard
from any purchaser of a lot other than the said Transferors.
2. The Transferee shall be obliged to observe uniformity in respect of the
fencing line of any fence that may abut on any road, pathway, open space
or property of the Transferors and to maintain all boundary fences on the lot
in good order and repair.

3. The Transferors shall be entitled to enforce proper sanitation and cleanliness upon the Transferee in respect of the property hereby sold and may make and enforce all such regulations as the Transferors shall see fit to that end, provided that such regulations shall not require anything in excess of that which a Village Management Board or other like local might require. In the event of the Transferee failing to conform to the requirements of the Transferors, they may carry out such work or do such acts which may be necessary to ensure such sanitation and cleanliness and shall be entitled to recover the costs of such from the Transferee.
4.
5. The Transferee shall not be entitled to erect any corrugated iron fence or screen on this lot without the written consent of the Transferors first had and obtained.
6. No boarding house or hotel shall be erected on this lot nor shall the lot or any building hereon be used for the purpose of a boarding house without the written permission of the Transferors first had and obtained.
7. Burial of night soil on this lot is forbidden.
8. No building shall be erected on this lot within 4,72 metres of any street line which forms the boundary of the lot save where the transferors shall have in writing permitted otherwise. No building shall be erected within 1,57 metres of any adjoining lot, provided that this restriction shall not apply to the common boundary of lots held by one Transferee. Not more than 2/3rds of any lot sold shall be built upon.
9. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement houses may be erected on any lot.
10. The Transferee shall not use or suffer to be used the property sold or any portion thereof or any buildings or erections thereon for the purpose of advertising or displaying any advertisement except first having received written permission from the Transferors.
11. This property shall not without the written consent of the Transferors be used for other than residential and/or agricultural and/or horticultural purposes, and all trading rights thereon shall be and are hereby reserved to the Transferors.
12. This lot shall not be used for the carrying on of any offensive unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amendments thereto.
13. This lot shall not be subdivided without the written consent of the Company.
14. The Transferee shall be obliged to allow the drainage and sewerage of any other lot or lots to be conveyed over the lot hereby sold if deemed necessary by any Local Authority as may hereafter be established, and in such manner and in such position as may from time to time be required by such Local Authority.

15. The Transferors and their successors in title shall be entitled to assign or delegate all or any the rights conferred by virtue hereof to and in favour of any Local Authority which may hereafter be constituted or established in respect of the whole or any part of the Sedgefield Township.
16. The terms "TRANSFERORS" and "TRANSFeree" in these conditions shall be deemed to include the heirs, executors, administrators, assigns or successors in title of the Transferors and Transferee.

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

MARK JURGENS, Married as aforesaid

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

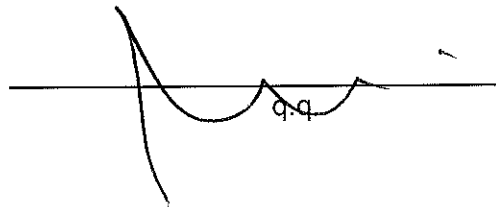
DICK MARIO CRAMER and LINDA CAROL CRAMER, Married as aforesaid

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 R6 600 000,00 (SIX MILLION SIX HUNDRED THOUSAND RAND).

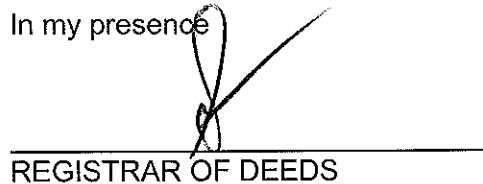
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

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

01 JUN 2023



In my presence


REGISTRAR OF DEEDS

APPROVED PLANS 1999 ERF 989 SEDGEFIELD



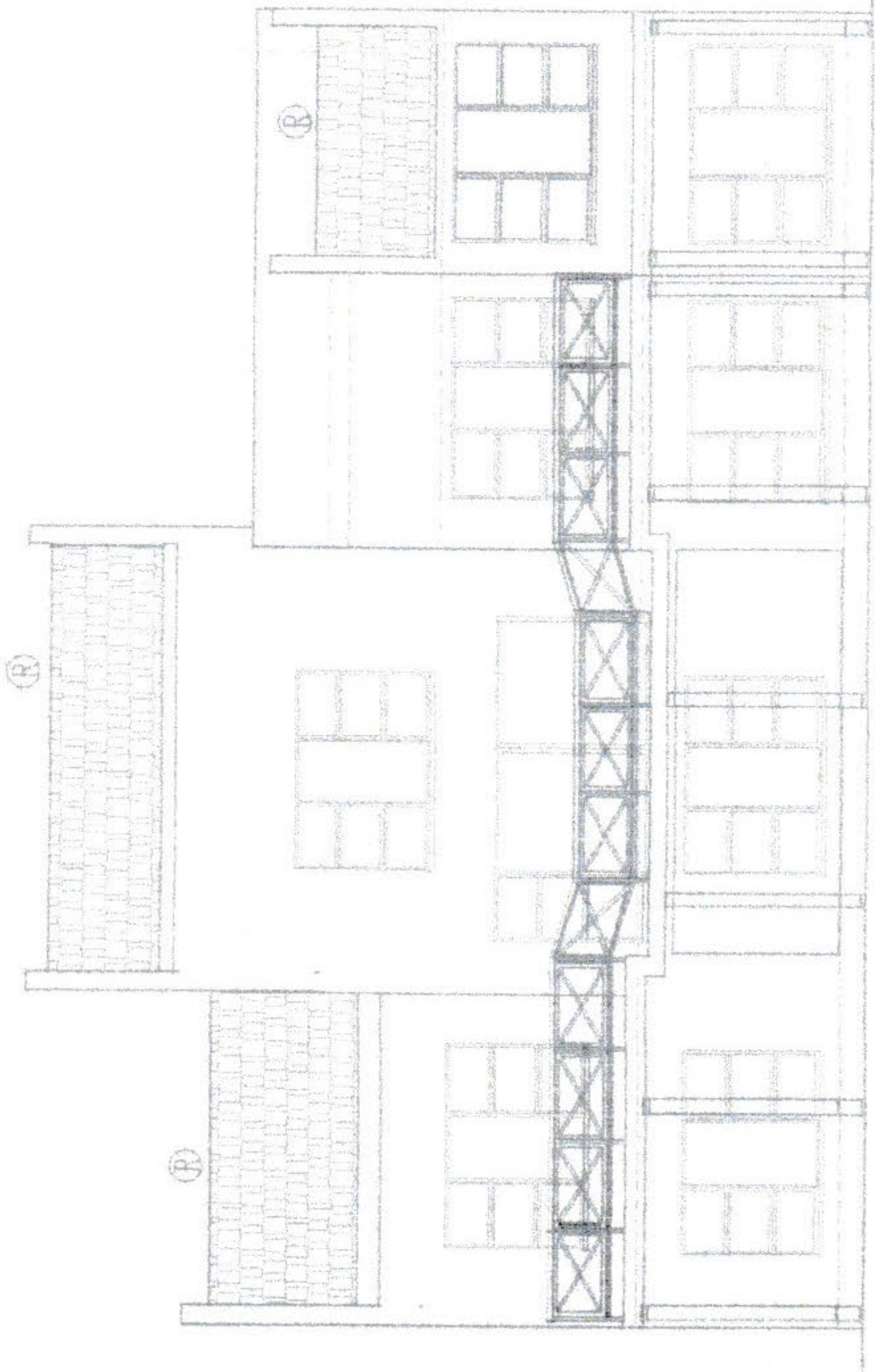
Le Plan design services

Alterations and additions erf 989 Sedgefield for Sedgefield CC

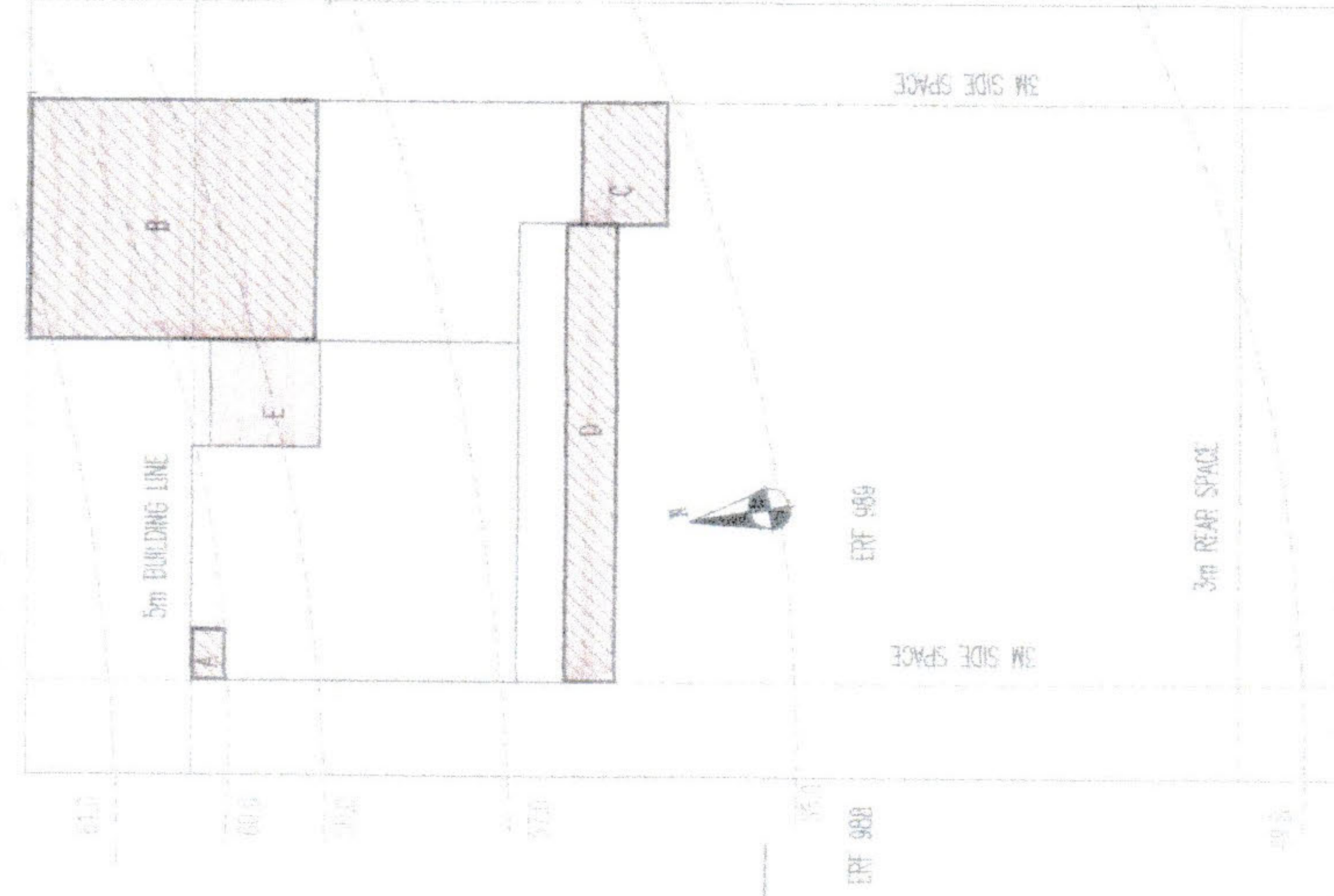
tel. 082 8977544
fax. 044 3432777

DRM No 616--a

CORMORANT ROAD



SOUTH



ERF 988

ERF 989

ERF 990

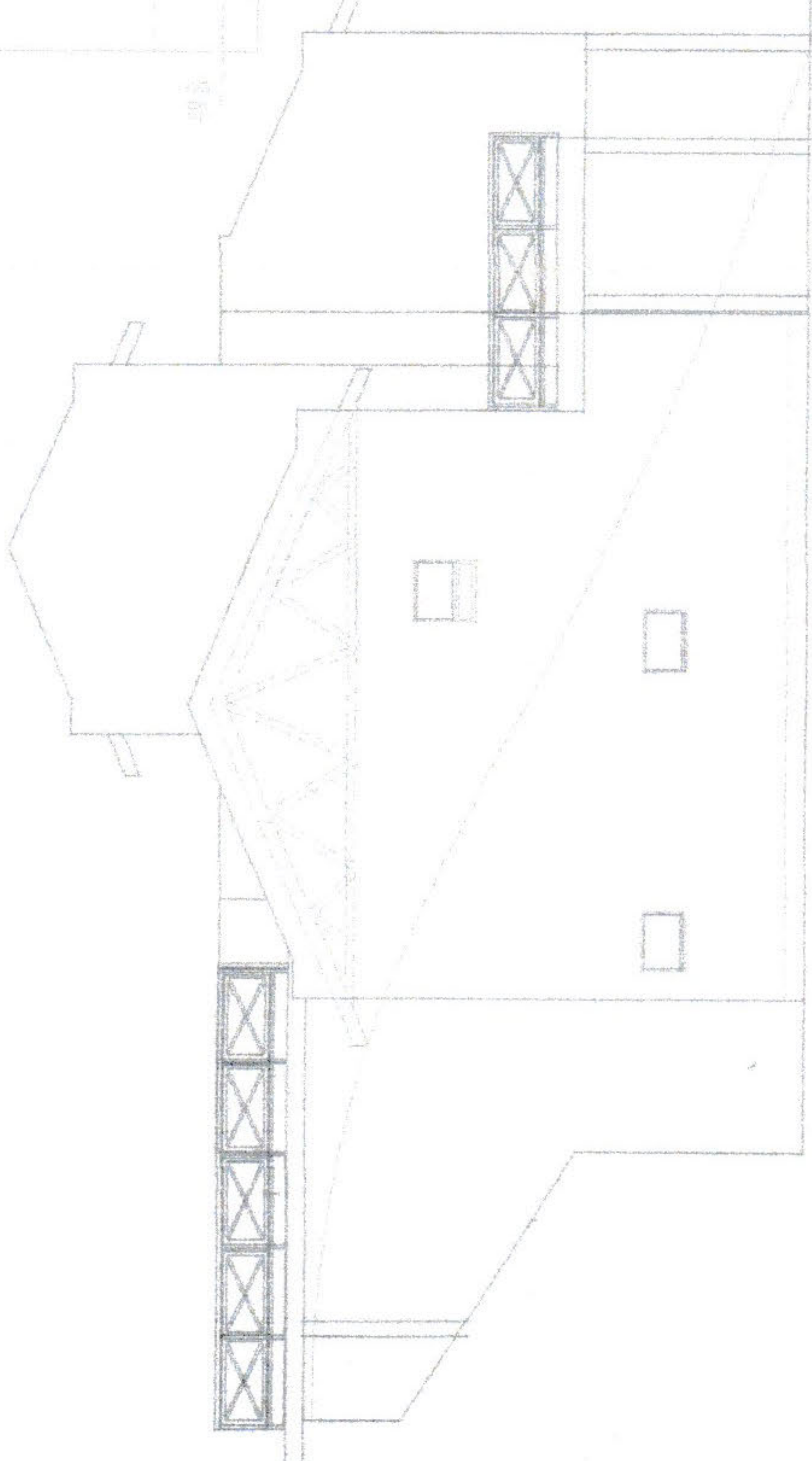
NORTH

PAIRYS AVENUE

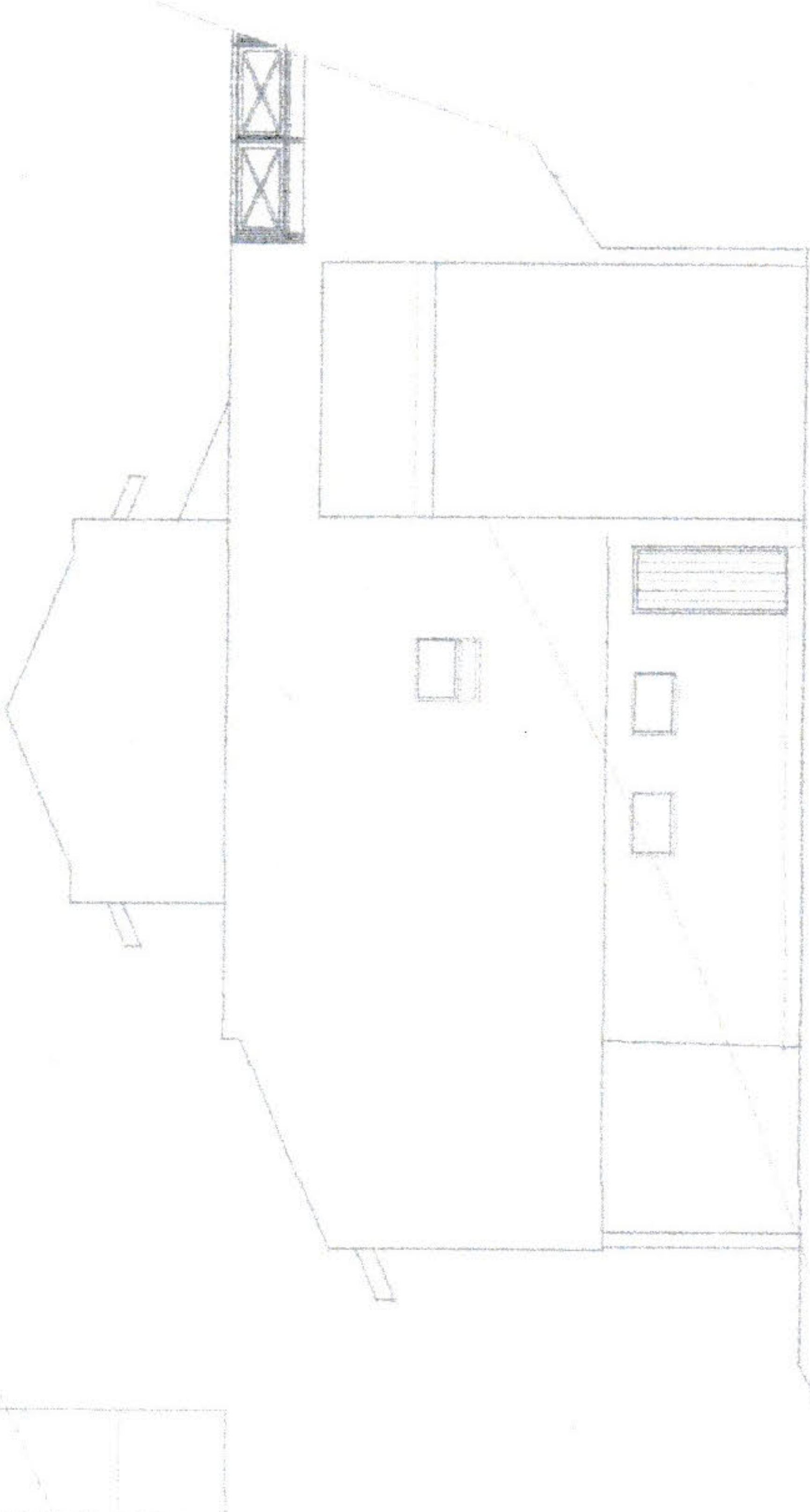
SITE PLAN 1:200

AREAS	A-LAUNDRY EXTENSION	4.6m ²
	B-PARKING AREA	114.6m ²
	C-BEDROOM EXT.	11.1m ²
	D-EXTENDED SIDEWALK	19.2m ²
	E-ENTRANCE SLOPE	10.7m ²
	TOTAL	149.5m ²

(R) = new roof-pitch 22°
grey cement tiles on 35x38 battens
and 114x38 trusses at 450 ctrs



WEST



EAST

Le Plan design services

tel. 082 8877544
fax. 044 3432777

Alterations and additions erf 989 Sedgefield for Sedgefield CC

DRN

No 616 b

TOWN ENG

MUNICIPALITY MUNISIPALITEIT
SEDGEFIELD

Goedgekeur onderhouw goedgekeurde regulasies van
Ar of the

and information
will be hereby

22/99/989
Plan Nr./No.
5/5/99
Datum/Date

[Signature]
Building Inspector

Electrician/Elektisien

Council/Raad

ENDORSEMENT No. 1: — These plans are approved subject to the by all stipulations and transfer of the property.

ENDOSSEMENT No. 1: — Hierdie is goedgekeur onderhouw aan die applikant aan alle bepalinge wat in die dispozitake van die betrokke eiendom oervat is.

ENDORSEMENT
The verification of boundary pegs are the responsibility of the applicant and pegs must be pointed out before building operations may commence.

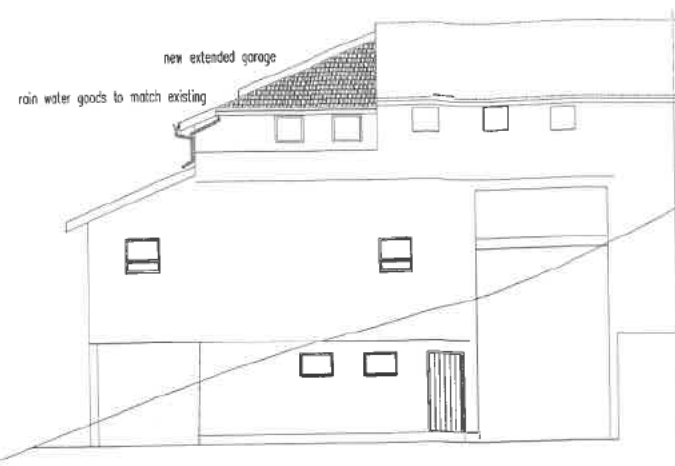
ENDOSSEMENT
Die onus berus op die applikant om die bepaling van erfenne en perke voor aanvang van alvorens bouwerke te begin.

ENDORSEMENT
Energy-control unit/s to be installed in electrical distribution board between cooking appliance/s and geyser/s.

ENERGIE-RELE
Lasbeheer-rele/s moet geïnstalleer word in die elektriese verdeelbord tussen kooktoestel en warmwater-toestel/le.

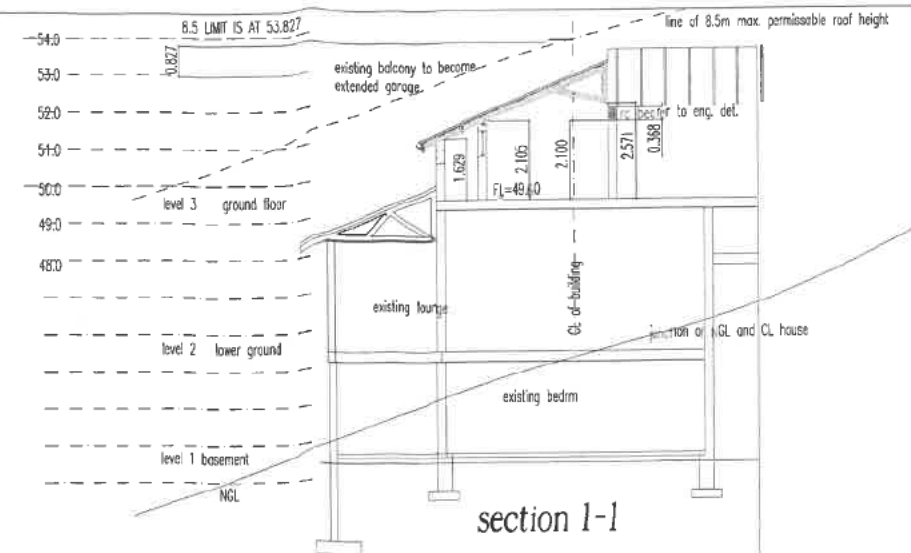


south

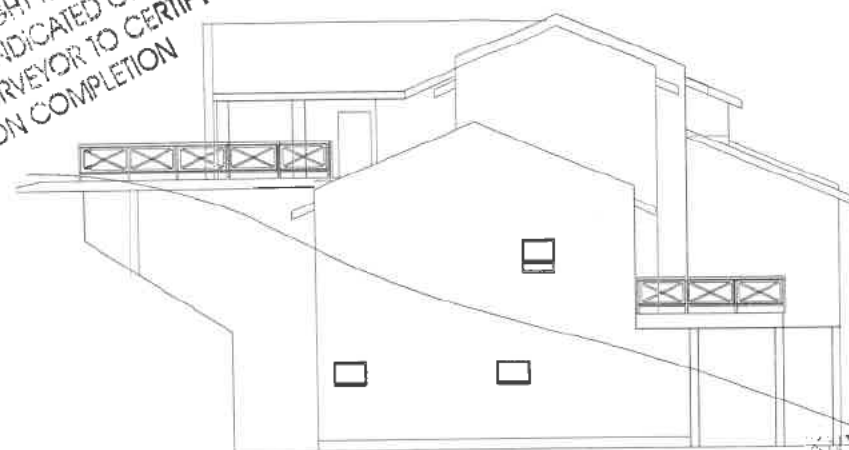


west

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



section 1-1



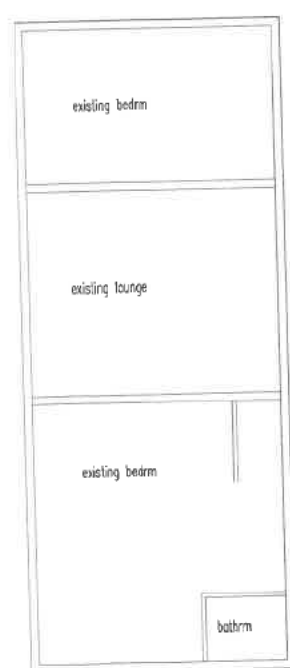
section 2-2

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

GOEDGEKEUR / APPROVED

Volgens die N.B.N. Wet No 103 van 1977 soos gewysig Volgens die N.B.N. Wet No 103 van 1977 as amended

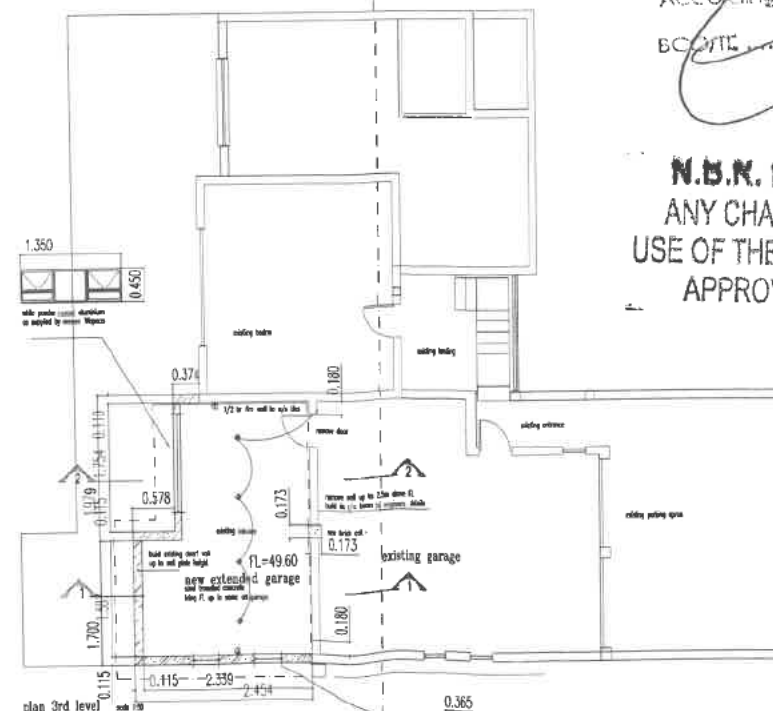
N.B.N. REG. A 25(1) & (5) ANY CHANGE IN PLAN OR THE USE OF THE STRUCTURE WITHOUT APPROVAL IS AN OFFENCE



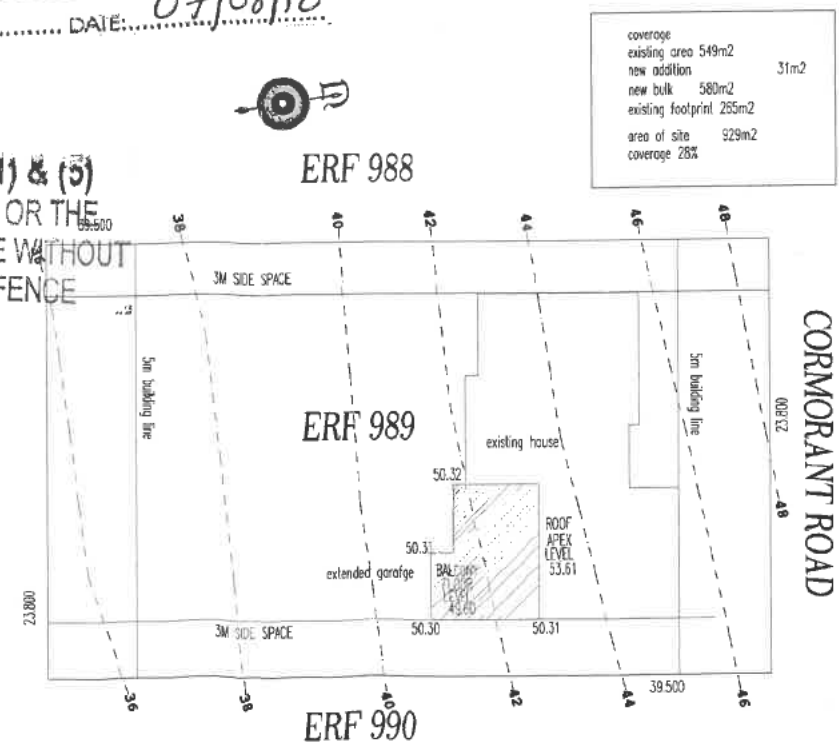
basement plan
129m²



lower ground floor plan
217m² + 48m² balcony



ground floor plan
155m²



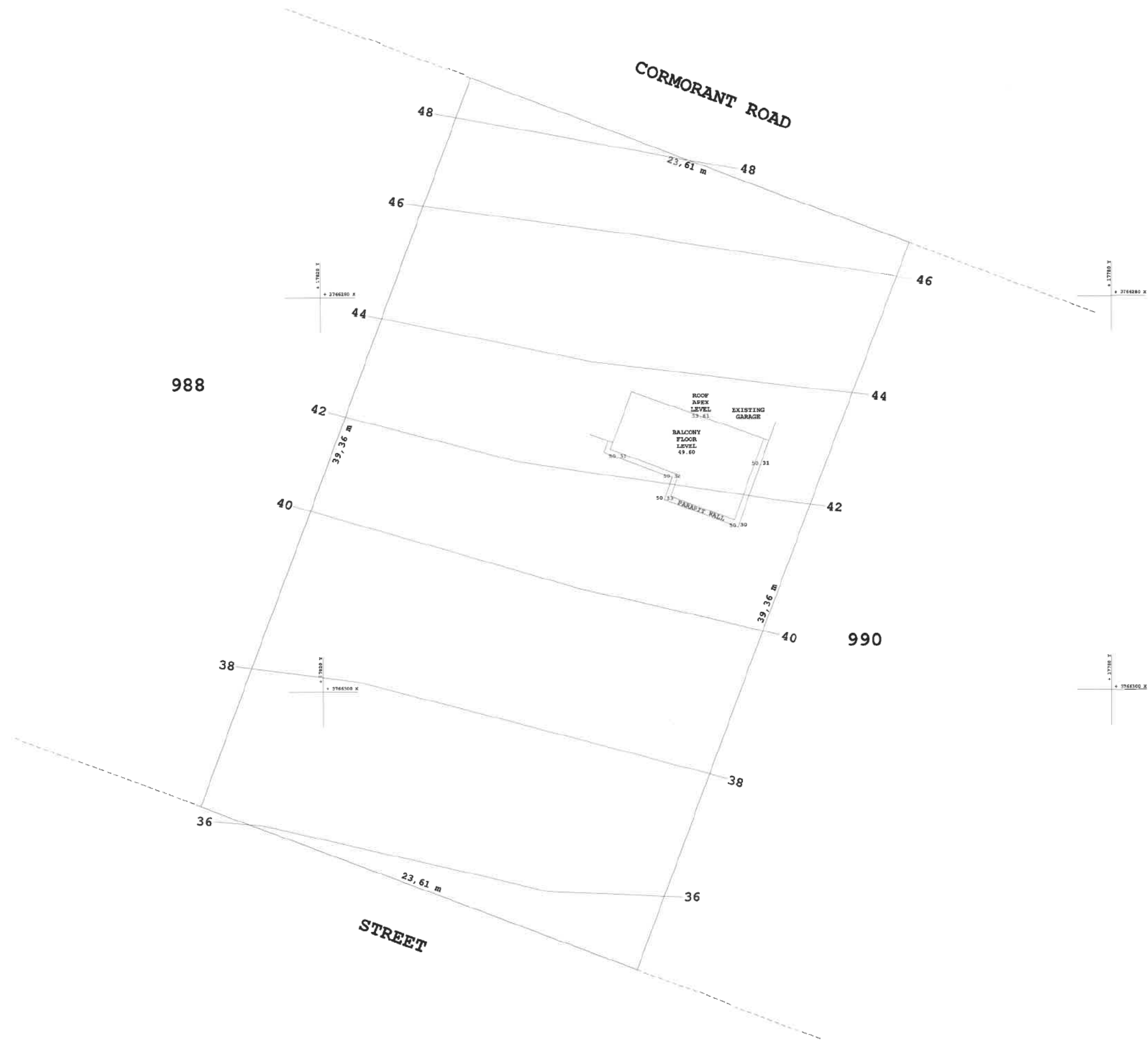
site plan 1200

coverage	existing area 549m ²	31m ²
new addition	new bulk 580m ²	
existing footprint	255m ²	
area of site	929m ²	
coverage	28%	





SCALE 1:100



NOTES:

1. HEIGHTS ARE BASED ON MEAN SEA LEVEL.
2. CANASTRA BEACONS HAVE NOT BEEN VERIFIED IN THE FIELD BY SURVEY.
3. CONTOURS SHOWN IN THIS COLOUR HAVE BEEN TAKEN FROM PLANS IN THIS OFFICE ALSO BASED ON MEAN SEA LEVEL AND ARE AN APPROXIMATION OF NATURAL GROUND LEVEL.
3. CO-ORDINATE SYSTEM = NS.23.

NO	DATE	DESCRIPTION
1	14 JUNE 2012	SCALE 1:100
2	15 JUNE 2012	SURVEYOR: N.D. FOSCH
THIS DRAWING STORED IN FILE: ALLYATES\BOSCH\BOSCH.P		



Professional Land Surveyors
Township Planners, GIS & GPS Consultants
Topographic, Boundary & Engineering Surveys
16 Glen Street P.O. Box 173 Kiyasa NSW
Tel: (044) 532020 Fax: (08) 888 8808
e mail: info@vpm.co.za

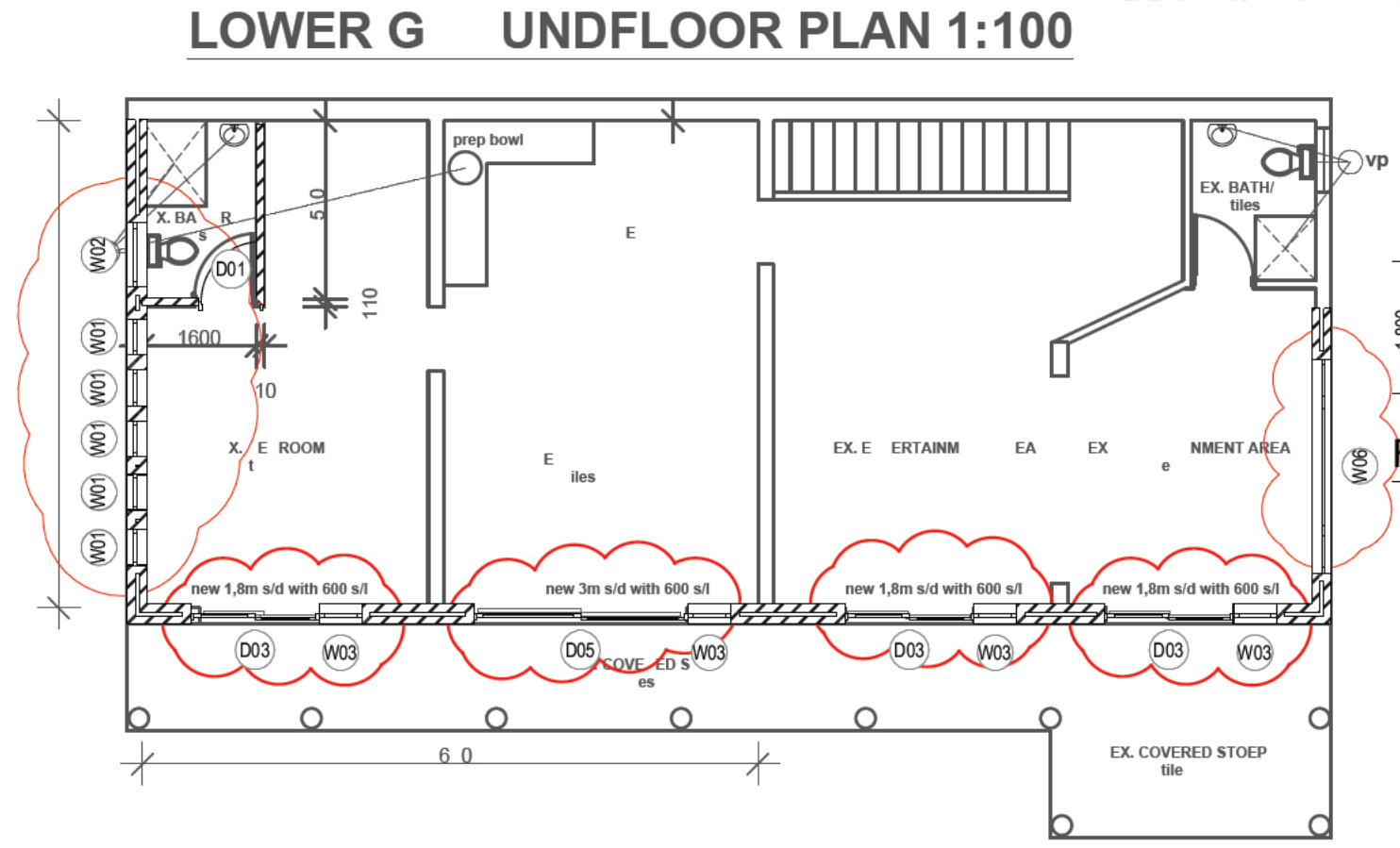
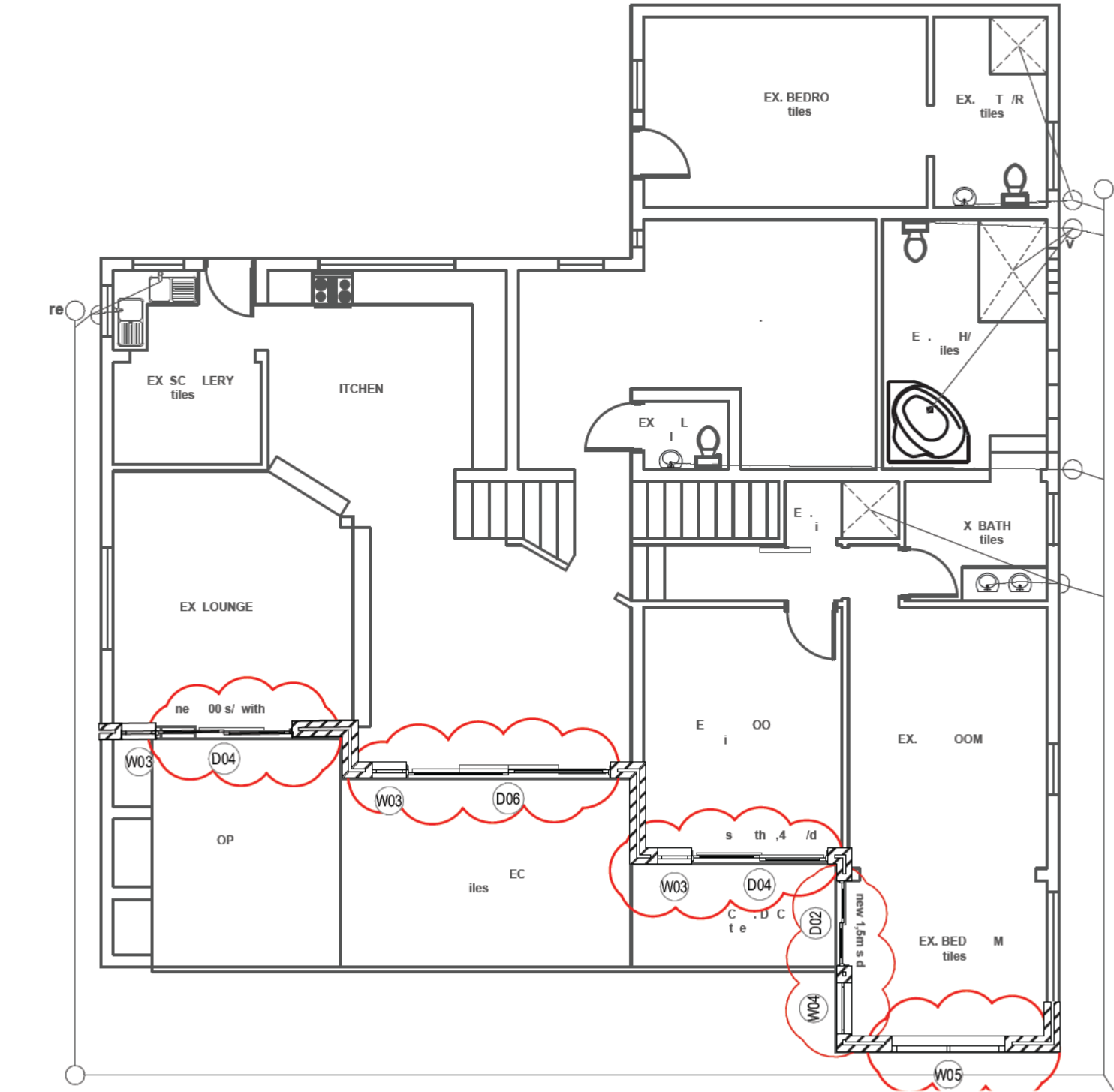
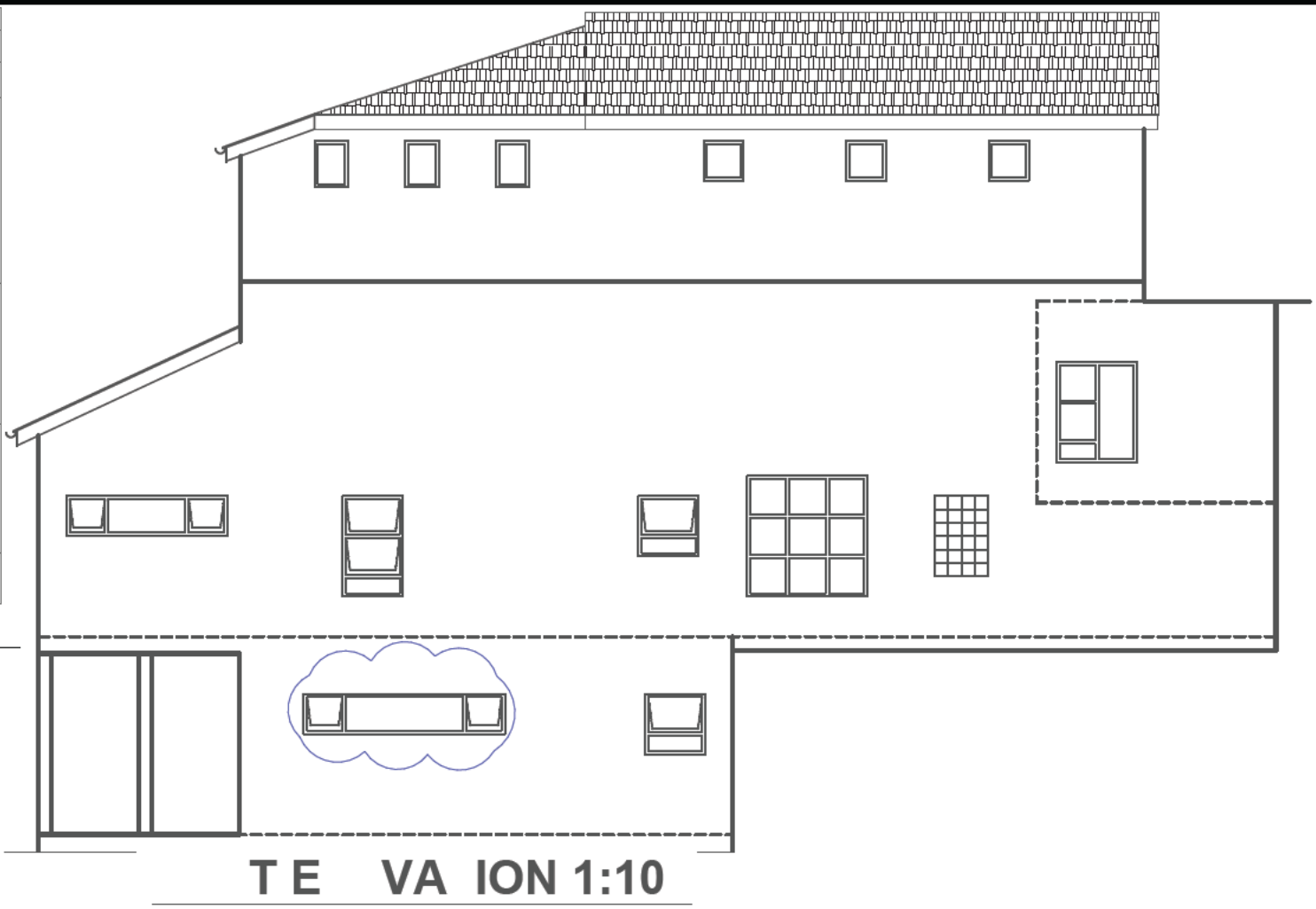
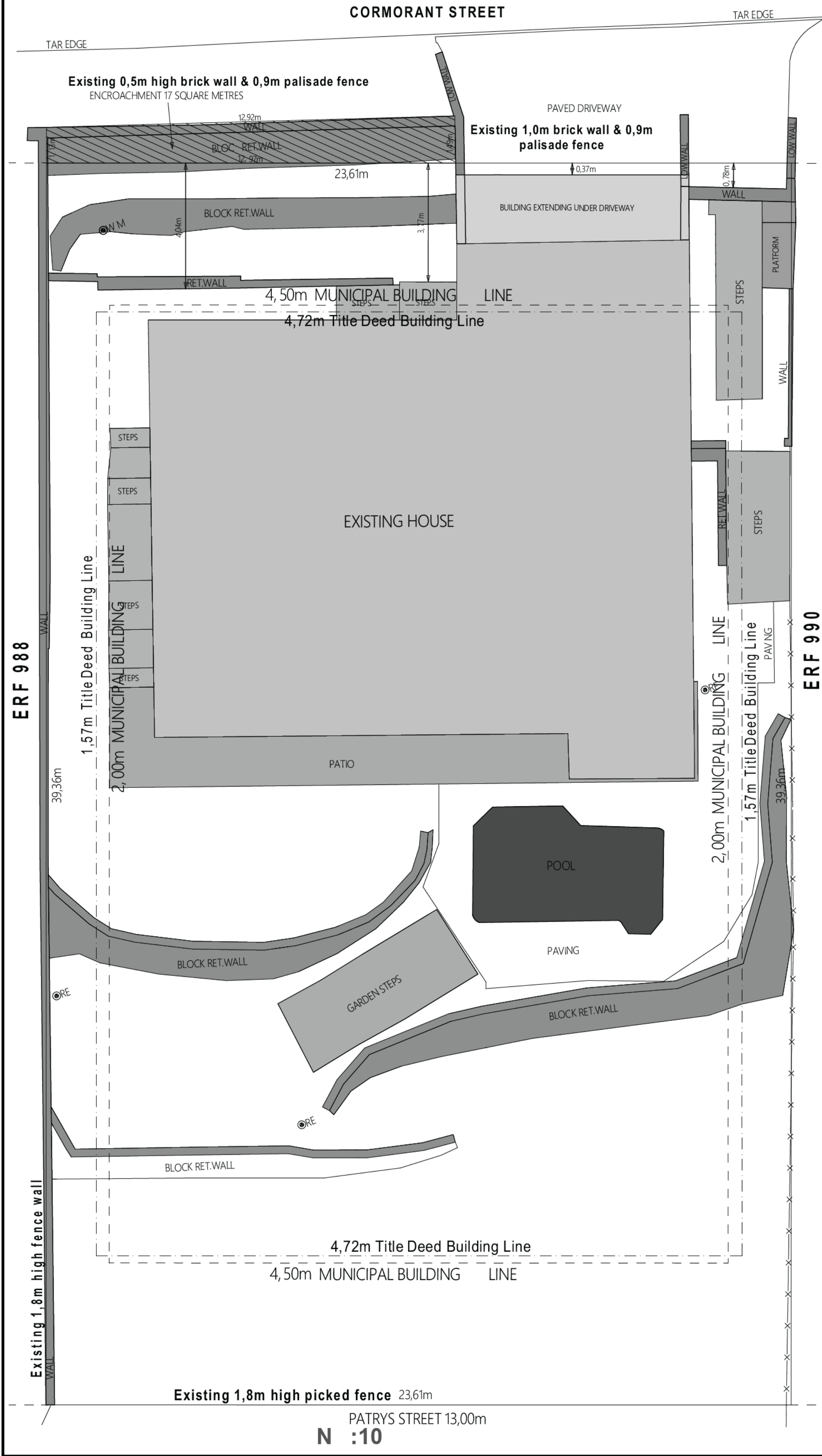
CLIENT
JGEE CONSTRUCTION

PROJECT
CONTOUR/DETAIL PLAN

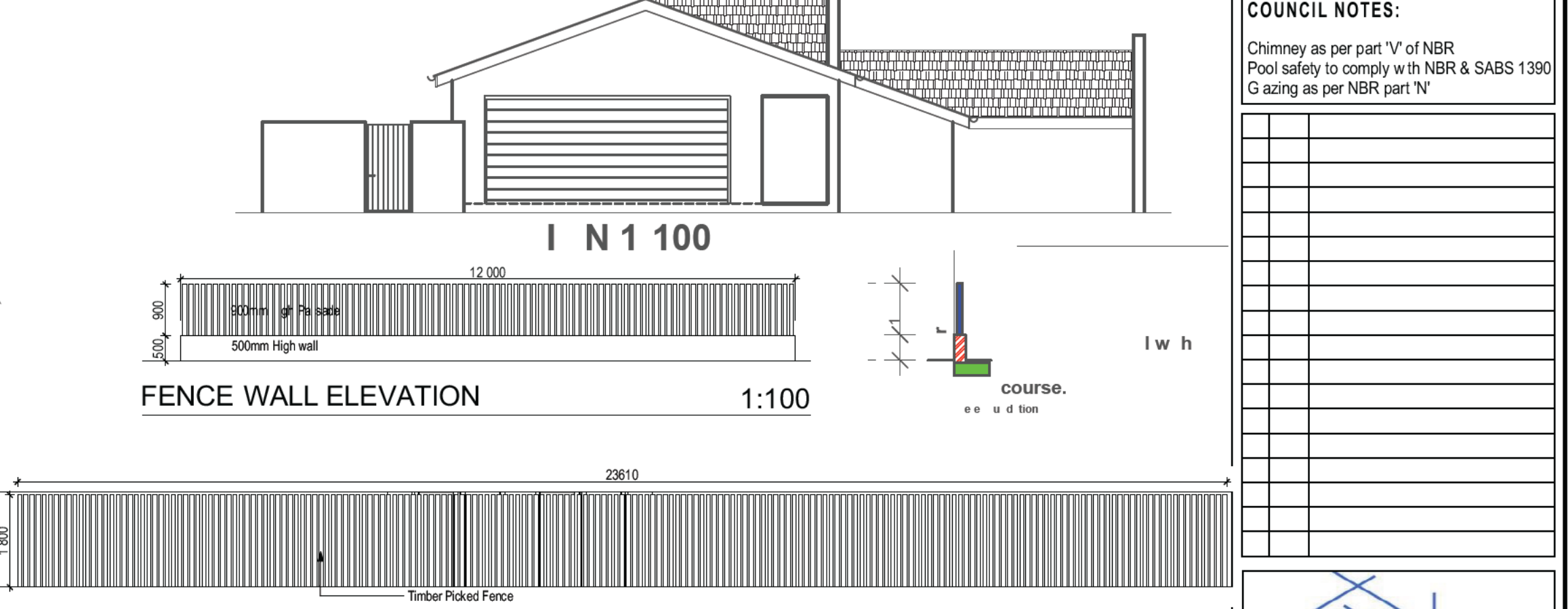
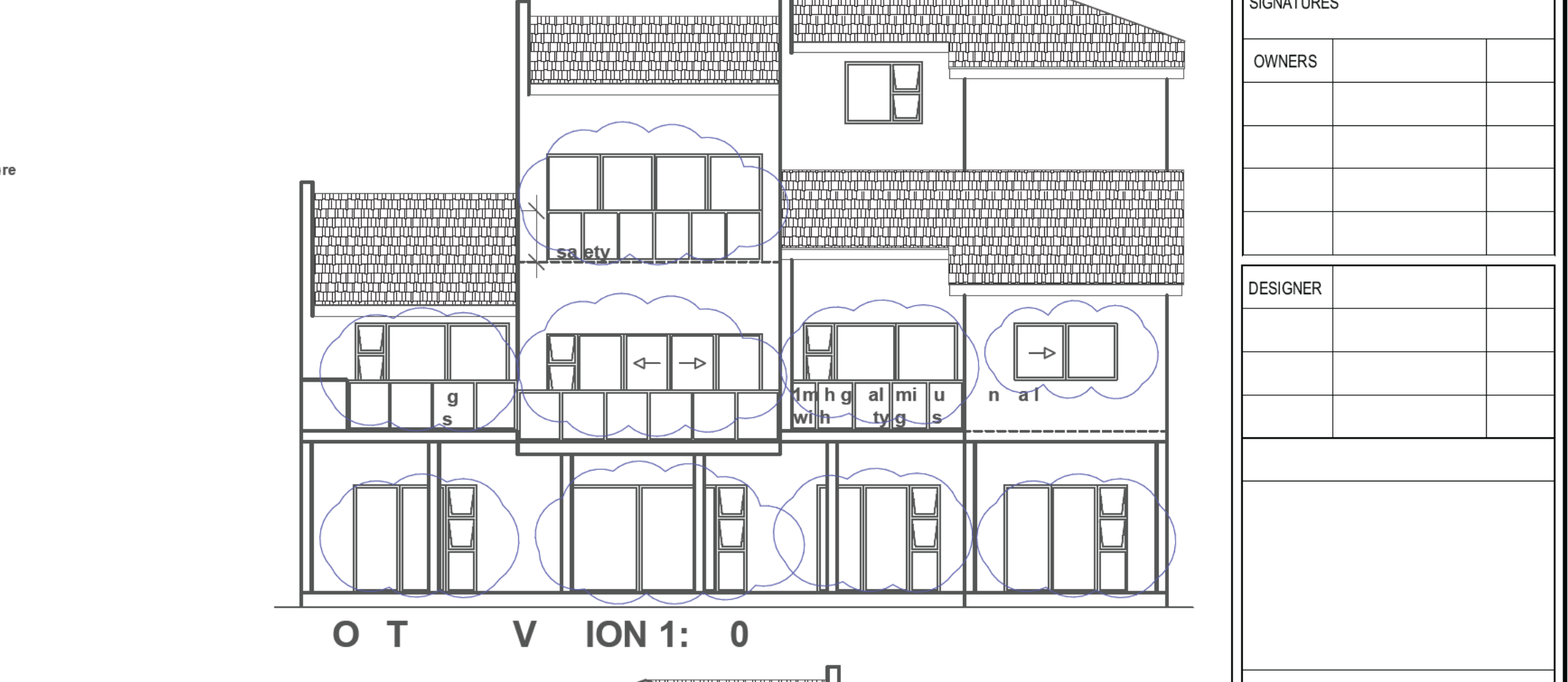
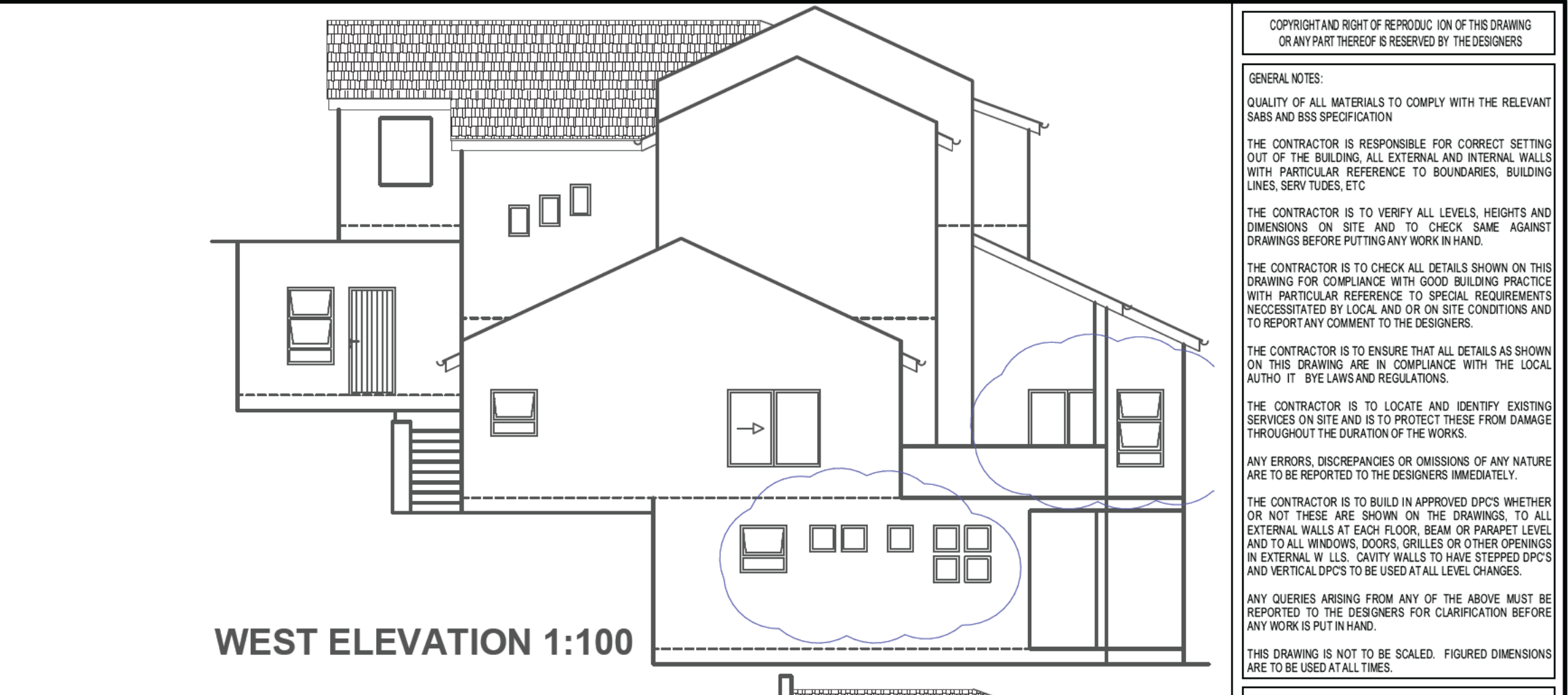
TITLE
ERF 989 SEDGEFIELD

PROJECT
S989CP-1

Door ID	D01	D02	D03	D04	D05	D06	D07
QUANTITY	1	1	3	2	1	1	1
W x H Size	900x2 100	1 500x2 100	1 800x2 100	2 400x2 100	3 000x2 100	3 600x2 100	4 200x2 100
3D FRONT VIEW							
2D SYMBOL							
DOOR DESCRIPTION	INTERIOR TIMBER DOOR	POWDERCOATE D ALUMINIUM SLIDING DOOR WITH SAFETY GLASS PANELS.	POWDERCOATE D ALUMINIUM SLIDING DOOR WITH SAFETY GLASS PANELS.	POWDERCOATED ALUMINIUM SLIDING DOOR WITH SAFETY GLASS PANELS.	POWDERCOATED ALUMINIUM SLIDING DOOR WITH SAFETY GLASS PANELS.	POWDERCOATED ALUMINIUM SLIDING DOOR WITH SAFETY GLASS PANELS.	POWDERCOATED ALUMINIUM SLIDING DOOR WITH SAFETY GLASS PANELS.
GLAZING	N/A	SAFETY GLASS	SAFETY GLASS	SAFETY GLASS	SAFETY GLASS	SAFETY GLASS	SAFETY GLASS
DOOR SCHEDULE							



Window ID	W01	W02	W03	W04	W05	W06
Quantity	7	1	7	1	1	1
W x H Size	500x500	900x900	600x1 800	900x1 500	2 000x900	3 000x600
3D Front View						
DESCRIPTION	WINBLOK WITH FIXED GLASS	POWDERCOATE D ALUMINIUM WINDOW FRAME. TOP HUNG CASEMENT WINDOW.	POWDERCOATE D ALUMINIUM WINDOW FRAME. 2 X TOP HUNG CASEMENT WINDOW.	POWDERCOATE D ALUMINIUM WINDOW FRAME. TOP HUNG CASEMENT WINDOW.	POWDERCOATED ALUMINIUM WINDOW FRAME. SLIDING WINDOW.	POWDERCOATED ALUMINIUM WINDOW FRAME. 2 X TOP HUNG CASEMENT WINDOW.
GLAZING	SAFETY GLASS	SAFETY GLASS	SAFETY GLASS	SAFETY GLASS	SAFETY GLASS	SAFETY GLASS



DRAINAGE NOTE:
ALL DRAINAGE INSTALLATION TO COMPLY WITH SANS 10400 PART P.
PROVIDE INSPECTION EYES AT ALL BENDS AND JUNCTIONS.
WASTE PIPES EXCEEDING 6 m TO BE VENTED GRADIENT OF DRAINS TO BE 1:60 FALL MINIMUM, 1:40 FALL MAXIMUM.
ALL TO COMPLY WITH NATIONAL BUILDING GUIDELINES THE DISCHARGE STACK VENT WILL CONTINUE PASSED THE STACK VENT EVERY WASTE FIXTURE SHALL BE EITHER A P TRAP WITH WATERSEAL NOT LESS THAN 75 mm OR A RESEALING TRAP OF THE P - TYPE THE FIXTURE.
BRANCH OF ALL SANITARY FIXTURES IN THE SANITARY GROUP SHALL BE SEPARATELY CONNECTED TO THE DISCHARGE STACK. THERE IS ONLY ONE GROUP PER STOREY CONNECTED TO ONE STACK ACCESS TO THE DRAINAGE INSTALLATION, TO BE PROVIDED BY ADEQUATELY MARKED AND PROTECTED AND PERMANENTLY ACCESSIBLE RODDING EYES.
PROVIDE INSPECTION EYES AT ALL BENDS AND JUNCTIONS.
PROVIDE A RE @ 1500 mm FROM THE MUNC SEWER CONNECTION.
NO SUB-SOIL DRAINAGE SYSTEM REQUIRED FOR THIS SITE.
NEW STRUCTURE NOTE:
NO STRUCTURE OR ANY PORTION THEREOF TO ENCROUCH ONTO NEIGHBOURING PROPERTY.
NO PART OF THE NEW STRUCTURE INCLUDING THEIR FOUNDATIONS ARE TO ENCROUCH THE STAND BOUNDARY.
BOUNDARY WALLS ALL WALLS BUILD ON ERF BOUNDARY TO BE FINISH TO THE SATISFACTION OF THE ADJOINING OWNER.

SECTION A-A 1:100

SCHEDULE OF AREA

	AREA
SITE	929m ²
EXISTING DWELLING	580m ²
AS BUILD POOL	18m ²
EXISTING FOOTPRINT	265m ²
FAR	265/929
COVERAGE	28,5 %

PLAN, ELEVATIONS & SITE PLAN

24/07/ 101

DATE 2026/03/13 **LAST PRINT DATE** 2026/03/13 **REVISION** 05/10 **WYSING**

COPYRIGHT AND RIGHT OF REPRODUCTION OF THIS DRAWING OR ANY PART THEREOF IS RESERVED BY THE DESIGNERS.

GENERAL NOTES:

QUALITY OF ALL MATERIALS TO COMPLY WITH THE RELEVANT SABS AND BSS SPECIFICATION.

THE CONTRACTOR IS RESPONSIBLE FOR CORRECT SETTING OUT OF THE BUILDING. ALL EXTERNAL AND INTERNAL WALLS WITH PARTICULAR REFERENCE TO BOUNDARIES, BUILDING LINES, SERVITUDES, ETC.

THE CONTRACTOR IS TO VERIFY ALL LEVELS, HEIGHTS AND DIMENSIONS ON SITE AND TO CHECK SAME AGAINST DRAWINGS BEFORE PUTTING ANY WORK IN HAND.

THE CONTRACTOR IS TO CHECK ALL DETAILS SHOWN ON THIS DRAWING FOR COMPLIANCE WITH GOOD BUILDING PRACTICE WITH PARTICULAR REFERENCE TO SPECIAL REQUIREMENTS NECESSITATED BY LOCAL AND/OR ON SITE CONDITIONS AND TO REPORT ANY COMMENT TO THE DESIGNERS.

THE CONTRACTOR IS TO ENSURE THAT ALL DETAILS AS SHOWN ON THIS DRAWING ARE IN COMPLIANCE WITH THE LOCAL AUTHORITY BYE LAWS AND REGULATIONS.

THE CONTRACTOR IS TO LOCATE AND IDENTIFY EXISTING SERVICES ON SITE AND IS TO PROTECT THESE FROM DAMAGE THROUGHOUT THE DURATION OF THE WORKS.

ANY ERRORS, DISCREPANCIES OR OMISSIONS OF ANY NATURE ARE TO BE REPORTED TO THE DESIGNERS IMMEDIATELY.

THE CONTRACTOR IS TO BUILD IN APPROVED DPCS WHETHER OR NOT THESE ARE SHOWN ON THE DRAWINGS. TO ALL EXTERNAL WALLS AT EACH FLOOR, BEAM OR PARAPET LEVEL AND TO ALL WINDOWS, DOORS, GULLIES OR OTHER OPENINGS IN EXTERNAL WALLS, CAVITY WALLS TO HAVE STEPPED DPCS AND VERTICAL DPCS TO BE USED AT ALL LEVEL CHANGES.

ANY QUERIES ARISING FROM ANY OF THE ABOVE MUST BE REPORTED TO THE DESIGNERS FOR CLARIFICATION BEFORE ANY WORK IS PUT IN HAND.

THIS DRAWING IS NOT TO BE SCALED. FIGURED DIMENSIONS ARE TO BE USED AT ALL TIMES.

SIGNATURES

OWNERS

DESIGNER

COUNCIL NOTES:

Chimney as per part 'V' of NBR

Pool safety to comply with NBR & SABS 1390

Gazing as per NBR part 'N'

PGL ARCH

PIETER LIEBENBERG

PROPOSED AS-BUILD PLANS FOR MR DM & MRS LC CRAMER

ON ERF 989, SEDGEFIELD

PLAN, ELEVATIONS & SITE PLAN

24/07/ 101

DATE 2026/03/13 **LAST PRINT DATE** 2026/03/13 **REVISION** 05/10 **WYSING**

ITEM TO:

Municipal Planning Tribunal

**KNYSNA**

Municipality Munisipaliteit uMasipala

APPLICATION NO.	3663
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	13 March 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 5110 KNYRNA

PART A: APPLICANT DETAILS

Name & Surname	Lloyd Druce
Company name	VBGD TOWNPLANNERS
SACPLAN registration number	A/543/1987
Registered owner(s)	RICARDO VAN HOEWIJK AND PIETERNELLA ADRIANA VERMARE

PART B: PROPERTY DETAILS

Property description	Erf 5110, Knysna in the Municipality and Division of Knysna, Province of the Western Cape
Property Extent (m ²)	3435
Physical address	Corner Orbit & Circular Drive
Area/Town	Knysna
Current zoning	Single Residential Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Guest House
Are there existing buildings on the property?	Yes
Title Deed number & date	T17963/2024
Any restrictive title conditions applicable?	None
Any third party conditions applicable?	None
Any unauthorised land use/building work	Yes
Bondholder's Consent	Not Applicable

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

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2) (r) of the Knysna Municipality Bylaw on Spatial Planning and Land Use Management (2021) read with Section 93(9) for unauthorised retaining walls encroaching the 4.5m building lines as prescribed for "dwelling house" in the Knysna Zoning Scheme By-law (2020), in respect of Erf 5110, Knysna.

2. BACKGROUND

The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) and is used in accordance with its primary use of "dwelling house" with a consent use for a "guest house." A street building line of 4.5m apply in terms of the zoning scheme. The landowners wish to regularise portions of retaining walls which encroach on the street building line as shown on the plans accompanying the application.

3. ASSESSMENT OF APPLICATION

3.1. 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 Provided
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully.	Not Applicable

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

3.2.1. The transgression in terms of this application is a retaining wall encroaching the prescribed 4.5m street building line. The applicant did not provide any information on when it was built but stated that the structure was extended following the current landowners obtaining title.

3.2.2. Historic aerial imagery suggests that the retaining wall has been in existence prior to 2019. Consequently, it may be considered as a non-conforming structure as such structures were not

regulated in terms of the previous zoning scheme regulations and would have been considered permissible at the time.

3.2.3. However, the applicant did acknowledge that the retaining wall and platform was extended during 2025 to accommodate increased space for parking for visitors to the property. The alteration and extension of a non-conforming structure must be compliant with the current scheme, and, therefore, the consideration of the imposition of an administrative penalty is applicable.

3.2.4. The applicant's primary grounds for mitigation in the imposition of a penalty are that the landowners, as foreign nationals, were not aware of the regulations governing retaining walls and that the retaining walls are not offensive to its local environment. It is argued that the landowner should accept liability for transgressions on the subject property and should exercise reasonable care and seek advice before embarking on building works on the property. On the other hand, it is agreed with the applicant that the retaining walls do not seem offensive due to its frontage on an unmade road and its impact and gravity may be considered minor.

3.2.5. Following on the above assessment, it is found that the imposition of a nominal and proportionate penalty for the transgression of the prescribed building line is justified.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management 2021), an administrative penalty of **R1,500.00** be determined in accordance with Section 93(2), for the retaining wall encroachments of the street building lines as prescribed under "dwelling house" of the Knysna Zoning Scheme Bylaw 2020) in respect of Erf 5110, Knysna.

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

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

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

6. REASONS FOR RECOMMENDATION

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

- 6.1. The offending retaining walls may be considered as a non-conforming structure as all indications are that it existed prior to 2019 when such structures would have been considered permissible at the time. However, the applicant did acknowledge that the retaining wall and platform was extended to accommodate increased space for parking for visitors to the property. The alteration

and extension of a non-conforming structure must be compliant with the current scheme, and, therefore, the consideration of the imposition of an administrative penalty is applicable.

- 6.2. Despite inheriting the retaining walls, it is argued that the landowner should accept liability for transgressions on the subject property and should have seek advice before embarking on building works on the property to extend the retaining wall and platform. On the other hand, it is agreed with the applicant that the retaining walls do not seem offensive due to its frontage on an unmade road and its impact and gravity may be considered minor. However, it is found that the imposition of a nominal and proportionate penalty for the transgression of the prescribed building line is justified.

7. SUPPORTING APPLICATION DOCUMENTS

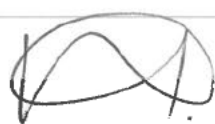
ANNEXURE A: Applicant's motivating memorandum

ANNEXURE B: Power of attorney

ANNEXURE C: Copy of title deed

ANNEXURE D: Locality plan

ANNEXURE E: Site Plan

ADMINISTRATIVE PENALTY: ERF 5110 KNYSNA			
Author Name: <u>SINDUVUJO SITINGA</u>		Author Signature: 	
Date: <u>16/07/20</u>			
Registered planner name: <u>S. MADUMBO</u>		Registered Planner Signature: 	
SACPLAN registration number: <u>A/1510/2012</u>			
Date: <u>16/07/20</u>			
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 [REDACTED]
Email : druce@mweb.co.za website: <https://vbgdtownplanners.co.za/>

POSTAL ADDRESS: P.O.Box 3506 Knysna 6570

PHYSICAL ADDRESS [REDACTED]

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



Date: 13/2/2026

Reference:

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

Dear Sir,

APPLICATION: KNYSNA 5110 : 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 RICARDO VAN HOEWIJK AND PIETERNELLA ADRIANA VERMARE by virtue of the attached Deed of Transfer T 17963/2024 and is 3435m² in extent.
- 2. LOCATION and SIZE:**

The erf is located in Circular Drive/Orbit St Knysna, as shown below and on the attached plan:

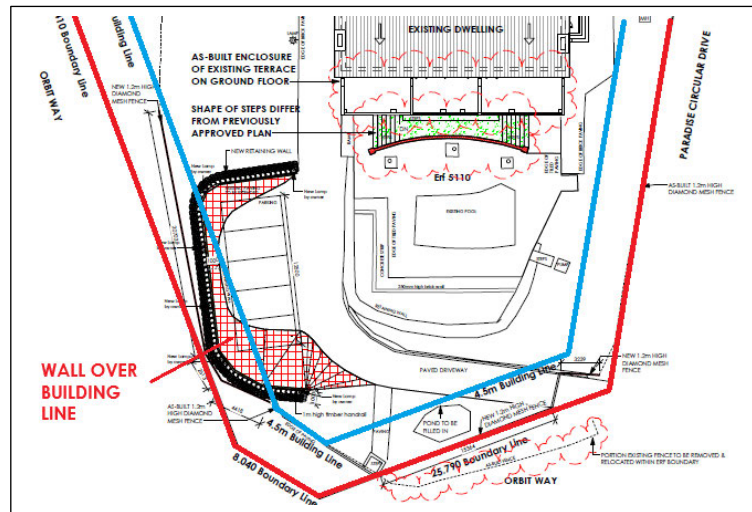


3. BACKGROUND:

An application for the use of the site for a guesthouse was approved in 2020, for a temporary period of 5 years, which is currently being transformed into a permanent application as the temporary use has proved to be successful. The application is in the course of preparation. This application is however for an administrative penalty, for retaining walls which were constructed to accommodate parking, within the building lines on the street boundary. The retaining wall is necessary to create parking off the driveway into the guesthouse.

4. THE CURRENT APPLICATION:

The application to determine an administrative penalty is for the encroachment of the building line as shown below:



As mentioned above, an application to permit the guesthouse on a permanent basis is currently being prepared to replace the temporary departure which expires in 2025. At the same time a relaxation of the building line will be submitted for this retaining wall. The view of the wall from Orbit Street is shown below. It is within the height limit of 2m.



It is significant to note that parking has been in existence for a number of years, however, to improve parking facilities, the retaining walls were erected as shown below:



NOTE: Erf 16363 and 16362 as shown on the GIS, are not registered.

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

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

- (a) **Section 93(1):** The applicant is desirous to rectify the existing contravention in terms of this section of the By -Law. No notice has been served on the owner.
- (b) **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 retaining wall was built as a necessity to safely accommodate additional parking off the existing driveway. This is the most practical part of the site where parking can be suitably provided and is additional parking for the functioning of the guesthouse.

Although the retaining wall is on the street boundary, Orbit Street is not constructed as the terrain is too steep and terminates at this point, providing only private access to two houses, one of which no longer exists due to the fires in 2017.

The presence of the retaining wall therefore has no detrimental impacts on the adjoining properties or the area in general.

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 building plans for a retaining wall very recently. His intentions are therefore to see to it that there is compliance with any building requirements.

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 retaining wall is not an unauthorised land use, and the wall does not contravene Section 26 of the Knysna Zoning Scheme.

The attached quote indicates that the wall was extended at a cost of R73550, and although approximately 60% of the wall is outside the building line, we do not believe it fair to levy a significant penalty.

The owners of the property are from the Netherlands who took ownership in 2024 and moved to South Africa later that year, to undertake renovations to the property. Although there were existing parking bays in the same position, it was decided that the extension of the parking area would benefit the functioning of the arrival of guests close to the entrance. Therefore, the owners obtained a quote to extend the wall in January 2025, and the work was commissioned in July 2025. As they are from Holland, they had no knowledge of the requirements for retaining walls, and the contractor did not alert them. It was only when they consulted local architects to do plans for alterations that this became known.

We would therefore ask that due to the landowners' willingness to comply with the provisions of the zoning scheme, who are foreign internationals and were unaware of the contravention, that a nominal penalty be levied of not more than R1000, as the contravention is innocuous and unintended.

Considering the above and the flexibility in the By-Law which allows for "up to 100%" with no minimum amount payable, it is requested that a **penalty be imposed of no more than R1000** , which is fair in the context described above.

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.
6. A locality plan

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

Yours sincerely,



Lloyd Druce
VBGD Town Planners

SPECIAL POWER OF ATTORNEY

WEI , THE UNDERSIGNED

1. **RICARDO VAN HOEWIJK**
Born on 4 December 1970
Unmarried
2. **PIETERNELLA ADRIANA VERMARE**
Born on 29 March 1968
Unmarried

DO HEREBY NOMINATE, CONSTITUTE AND APPOINT
Lloyd Druce of the firm

VBGD TOWN PLANNERS

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

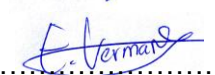
THE SUBMISSION OF AN APPLICATION FOR A PERMANENT DEPARTURE TO CONDONE AND RELAX BUILDING LINES AS WELL AS APPLICATION FOR AN ADMINISTRATIVE PENALTY. FOR ERF 5110 KNYSNA TO ACCOMMODATE EXISTING RETAINING WALLS. THE SUBMISSION OF A CONSENT USE APPLICATION FOR A GUESTHOUSE

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 Knysna, this 29th day of November 2025.

In the presence of the undersigned witnesses:

AS WITNESSES:

1. R. van Hoewijk 
2. P.A. Vermare 

Signed : (Both Owners)

320

Marise Hefer Attorneys
104 Harfield Road
Kenilworth
CAPE TOWN
Tel: +27861007776

Prepared by me


CONVEYANCER
MARISE HEFER
(LPCM No 81086)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 5 700 000-00	R. 2 443 -00
Reason for Exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

T 000017963 / 2024

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS (LPCM No. 80715)

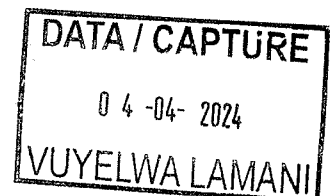
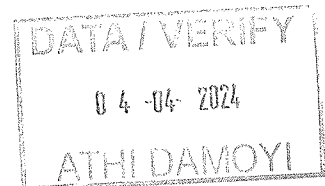
appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney granted to him by

SHALLDOWISELY 1 (PROPRIETARY) LIMITED
Registration Number 2016/182079/07

signed at **KNYSNA** on **14 FEBRUARY 2024**

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on **20 December 2023** by Private Treaty




⑩

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer to and on behalf of

1. **RICARDO VAN HOEWIJK**
Born on 4 December 1970
Unmarried
2. **PIETERNELLA ADRIANA VERMARE**
Born on 29 March 1968
Unmarried

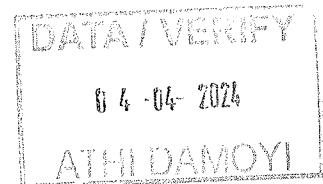
their heirs, executors, administrators or assigns, in full and free property

**ERF 5110 KNYSNA
IN THE MUNICIPALITY OF KNYSNA
KNYSNA DIVISION
PROVINCE OF THE WESTERN CAPE**

**IN EXTENT 3435 (THREE THOUSAND FOUR HUNDRED AND THIRTY FIVE)
SQUARE METRES**

**FIRST REGISTERED BY CERTIFICATE OF CONSOLIDATED TITLE NUMBER
T46272/1983 WITH DIAGRAM SG NUMBER 3918/1983 RELATING THERETO AND
HELD BY DEED OF TRANSFER NUMBER T75404/2016**

A. SUBJECT to the conditions referred to in Deed of Transfer No. T48233/1982.



WHEREFORE the appearer, renouncing all the rights and title the said

SHALLDOWISELY 1 (PROPRIETARY) LIMITED

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

- 1. RICARDO VAN HOEWIJK, Unmarried**
- 2. PIETERNELLA ADRIANA VERMARE, Unmarried**

their heirs, executors, administrators or assigns, now are and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of **R5 700 000,00 (Five Million Seven Hundred Thousand Rand)**.

IN WITNESS WHEREOF I, the said Registrar, together with the appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds at Cape Town on

27 MAR 2024

Signature of appearer *q.q.*

In my presence



Registrar of Deeds

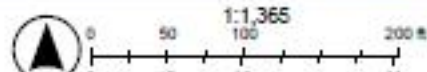




Locality Plan 5110 KNYSNA



13/02/2026, 13:07:59



ITEM TO:
Municipal Planning Tribunal



APPLICATION NO.	3726
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	19 May 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 663 SEDGEFIELD

PART A: APPLICANT DETAILS	
Name & Surname	Seretse Mthembu
Company name	
SACPLAN registration number	A/2210/2015
Registered owner(s)	JLD HOLDINGS PROPRIETARY LIMITED
PART B: PROPERTY DETAILS	
Property description	Erf 663, Sedgefield in the Municipality and Division of Knysna, Province of the Western Cape
Property Extent (m ²)	1115 m²
Physical address	No. 29 Makou Street
Area/Town	Sedgefield
Current zoning	Single Residential Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Dwelling House
Are there existing buildings on the property?	Yes
Title Deed number & date	T 15267/2026
Any restrictive title conditions applicable?	None
Any third party conditions applicable?	None
Any unauthorised land use/building work	Yes
Bondholder's Consent	Yes

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

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the following in respect of Erf 663, Sedgfield:

- 1.1. The unauthorised second dwelling that exceeds 60m² as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020).
- 1.2. The unauthorised retaining wall that encroaches the 2.0m lateral building line prescribed by the Knysna Zoning Scheme By-law (2020).

2. BACKGROUND

- 2.1. The subject property is zoned "Single Residential Zone I" with the primary use of "dwelling house" in terms of the Knysna Zoning Scheme By-law (2020). Currently, the structures on the property include a main dwelling, a second dwelling, an as-built shed and as-built retaining structures. The structures pertaining to this application are an existing unlawful second dwelling and retaining wall.
- 2.2. The applicant argues that the main dwelling was constructed with existing approved building plans, with the ground floor remaining open, with a small servant's cottage in the middle of the floor. Later, building plans depicting proposed additions to the existing approved main dwelling were submitted in 1986, when the second dwelling was erected.
- 2.3. The applicant alleges that a second set of building plans was submitted but was never approved, however the property owner proceeded with the developments without obtaining the required approvals.
- 2.4. In 2026, the property was purchased by the current owners with the existing structures in place. Therefore, the current owners now seek to regularise the existing unlawful structures.

3. ASSESSMENT OF APPLICATION

3.1. 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)	R17, 111.30
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.	R115, 331.13

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

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

The contravention is in the form of an unlawful conversion of the ground floor into a second dwelling and an unlawful retaining wall. The applicant argues that this contravention can be considered minor, as the visible portion of the retaining wall fall below natural ground level and the conversion for a dwelling unit is internal, and not visible to the outside. The conversion took place between 1986 and 1987 and has therefore been in existence for almost 40 years. The applicant argues that this contravention has not resulted in any negative impact. Additionally, the applicant notes that second dwellings are permissible as a primary right on "Single Residential Zone 1" properties, and that the second dwelling in question only exceeds the permissible extent by 17,28m², and thus considers the contravention minimal.

The contravening structures have been in existence for a significant period and considering that there has been an unlawful change in the use of a portion of the property, the contravention is viewed as significant. An important consideration in a second dwelling is whether services capacity is available and for many years the municipality was unable to determine this.

3.2.2. The conduct of the person involved in the contravention

The applicant alleges that the transgressions were committed by two owners prior to the current owner taking ownership of the property. Further the applicant adds that no contravention notices were served on the property, and that it was at the current owners' initiative to rectify the transgressions. This can be agreed with; however, it is also the property owner's responsibility to ensure that all requirements are adhered to at the time of purchase.

3.2.3. Whether the unlawful conduct was stopped

The applicant argues that no notices or stop orders were issued on the property and further highlights that no additional unlawful work has been undertaken on the property.

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

The applicant argues that there are no records that have been found to indicate that the current owner has historically contravened the Knysna Zoning Scheme by-law (2020). It can be agreed with that there is no record of contraventions by the current owner that could be found on municipal archival records.

The applicant proposed that the penalty be waived. However, based on the above assessment, it is believed that a waiver would be unreasonable. A transgression of the zoning scheme occurred and the landowner bears responsibilities of its use. It is therefore proposed that a minimal penalty of no more than 2% **(R1,500.00)** of the total value of unlawful use be imposed.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) an administrative penalty in the amount of **R1,500.00** be imposed in accordance with Section 93(2) for the following in respect of Erf 663. Sedgfield:

- 4.1. The unauthorised second dwelling that exceeds 60m² as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020).
- 4.2. The unauthorised retaining wall that encroaches the 2.0m lateral building line prescribed by the Knysna Zoning Scheme By-law (2020).

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

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

- 5.1. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- 5.2. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

6. REASONS FOR RECOMMENDATION

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

- 6.1. The visible portions of the existing retaining wall fall below natural ground level and does not exceed the prescribed height of 2m above natural ground level. It is therefore believed that the existing retaining wall has not shown to have any adverse impact on the surrounding properties.
- 6.2. The existing unlawful second dwelling unit entails a change in the use of a portion of the subject property, and this it is viewed that the gravity of such an offence is extensive. Additionally, the existing unlawful second dwelling has been in existence for a significant amount of time.

- 6.3. Although the current owner states that they inherited the contraventions, it is also the property owner's responsibility to ensure that all requirements are adhered to at the time of purchase. Therefore, the proposed minimal penalty is considered reasonable.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: Applicant's motivating memorandum

ANNEXURE B: Power of attorney & resolution

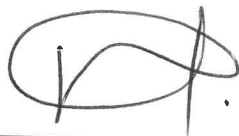
ANNEXURE C: Copy of title deed

ANNEXURE D: Bondholders Consent

ANNEXURE E: Locality plan

ANNEXURE F: Architectural Drawings

ANNEXURE G: Copies of approved building plan(s)

ADMINISTRATIVE PENALTY: ERF 663 SEDGEFIELD			
Author Name: <u>SINOVUYO SITINQA</u> Date: 16 July 2026		Author Signature: 	
Registered planner name: <u>SHAWN MADUMBO</u> SACPLAN registration number: <u>A/1510/2012</u> Date: <u>16/07/2026</u>		Registered Planner Signature: 	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Daimcon Personnel Collaborative

Urban Planners & Development Facilitators

2nd Floor Merrick House
12 Long Street
KNYSNA
6570

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

22 April 2026

Ref: 663 Sed

The Manager: Land Use Management
Knysna Municipality
PO Box 21
KNYSNA
6570

Attention: Mr Hennie Smit

APPLICATION FOR THE DETERMINATION OF ADMINISTRATIVE PENALTY: ERF 663 SEDGEFIELD

1. PURPOSE OF THE APPLICATION AND APPOINTMENT

This proposal relates to Erf 663 Sedgefield (referred to hereinafter as either "the subject property", "the erf", or simply "the site") located at No. 29 Makou Street, Sedgefield (see **Annexure A – Locality Map**). The property measures 1115 m² in extent and is developed with a double storey dwelling consisting of the following:

- A 148,10m² main dwelling (first floor);
- A 127,62m² second dwelling (ground floor);

The site is also developed with the following as-built structures:

- A 6,01m² as built tool shed; and
- A series of as-built retaining structures.

The extent of the existing and as-built building work is depicted in **Annexure B – Architectural Drawings**. The current application is submitted to, specifically, legalise the as-built additions and alterations to the main dwelling (resulting in the creation of a second dwelling) and a portion of the as-built retaining structures.

The report is submitted by Seretse Mthembu of the Daimcon Personnel Collaborative (the applicant's agent) on behalf of the property owner, JLD Proprietary Limited, as per the company resolution and power-of-attorney attached as Annexure C and D respectively.

2. APPLICATION HISTORY

According to the erf diagram (**S.G. No. 11273/73 - Annexure E**) Erf 663 Sedgefield came into existence in April 1974.

Records also show that a building plan with details of the main dwelling that was erected on site was approved in August 1980 (see **Annexure F – Approved Building**

Plans). It is worth noting that the ground floor was indicated as being open on all sides with a small servant's quarters located in the middle of the floor.

A second installment of building plans was submitted in 1986 (**Annexure K**) which showcased some proposed additions to the main dwelling which have the effect of converting the ground floor into a second dwelling – by virtue of the addition of a second dwelling. According to these new additions, the ground as well as the first floors is linked by means of an internal staircase.

It is noted that the second installment of the building plans submitted in 1986 (**Annexure K**) was never approved by the local authority. Despite this being the case, it is observed that the then property owner i.e. Kevin Hilton Humbey (see **Annexure L – Old Title Deed**) proceeded to authorise the construction of these additions and no further attempts were made to legalise these new additions upon completion. When the recent previous owners (D & J Whittaker CC) took ownership in 2008, the second dwelling was already in place. These structures were therefore already in place when the new owners, JDL Holding Proprietary Limited took transfer of the property in 2026 (see **Annexure J – Title Deed**). It is to, furthermore be noted that the as-built retaining structures indicated on the current building plans were also in place when the new owners took transfer of the property. These structures had been erected by the previous owner, D & J Whittaker CC.

Having acquired the property fairly recently (in March 2026) the new owners are thus desirous of ensuring that all building work on the property is in line with the legal framework governing the construction of buildings within the municipal area. As a result the new owners have sought the services of EV Vinnies Enterprises to prepare and submit building plans for municipal approval. Furthermore the new owners have sought the services of Daimcon Personnel in order to obtain approval for all town planning applications that are required for the approval of building plans. This application serves as a direct outcome of the new owners' desire to adhere to local laws and customs.

The following documents are attached in support of the subject application:

Annexure A:	Locality Map
Annexure B:	Architectural Drawings
Annexure C:	Company Resolution
Annexure D:	Power of Attorney
Annexure E:	Erf diagram
Annexure F:	Approved Building Plans
Annexure G:	Waiver of Conditions of Title
Annexure H:	Title Deed
Annexure I:	Bondholders' Consent
Annexure J:	Application Form
Annexure K:	Building Plans Submitted in 1986
Annexure L:	Old Title Deed

3. PROPERTY PARTICULARS

The following table offers a snapshot of the basic particulars of the subject property.

PROPERTY PARTICULAR	DESCRIPTION
---------------------	-------------

Cadastral Description	Erf No. 663 SEDGEFIELD in the Municipality and Division of Knysna, Province of the Western Cape
Location	No. 29 Makou Street, Sedgefield (Annexure A – Locality Map)
Vehicular & pedestrian access	Makou Street
Property size	1115 m ²
Ownership	JLD Holdings Proprietary Limited
Title deed number	Deed of Transfer No. T 15267 / 2026 (Annexure H)
Servitudes	There are no services registered on the property that might have a bearing on the current application
Title deed restrictions	Condition C.7 and C.8 which relate to the number of buildings that are permissible on site and the distance from which buildings are forbidden from each boundary.
Bondholder	Standard Bank (Annexure I)
General Plan No.	N/A
S. G. Diagram No.	SG Diagram No. 11273 / 73 (Annexure E – SG Diagram)
Zoning	Single Residential Zone I
Land use	Residential

Table 1: Property particulars

4. APPLICATION FOR AN ADMINISTRATIVE PENALTY

In terms of **Section 15.2(r)**, read with **Section 93.3** of the Knysna Municipality Spatial Planning and Land Use Management By-Law (2021), an application is made on Erf 663 Sedgefield for the determination of an administrative penalty in respect of the following:

- A 127,62m² second dwelling (ground floor); and
- A 11,10m² Portion of as-built retaining wall.

The drawing indicating the above improvements is attached as **Annexure B**.

Section 93.3 of the Knysna Municipal Spatial Planning and Land Use Management By-Law (2021) deals with the “administrative penalty” and reads as follows:

93 Contravention penalties

1) A person who is in contravention of this by-law, and who wishes to rectify the contravention in terms of section 87(2)(b), may apply to the municipality for the determination of an administrative penalty if the municipality has not issued a compliance notice in terms of sub-section 87(2)(a) in respect of the land or building or part thereof concerned.

2) The Municipal Planning Tribunal may, where any person has contravened this by-law:

- decide to impose an administrative penalty; and
- determine the amount of the penalty.

3) A person making an application contemplated in sub-section (2) must:

- submit an application;
- pay the prescribed fee; and
- provide the information contemplated in sub-sections (8) and (9).

5. CALCULATION OF ADMINISTRATIVE PENALTY

5.1. Section 86(4) of the Knysna Planning By-law

This sub-section makes provision for the local authority to adopt fines and contravention penalties to be imposed in the enforcement of this by-law.

According to the Planning and Development: Land Use Management application fees 2025/2026 the fee for the submission of a rectification of contravention fee (administrative penalty) is calculated as 50% of the tariff of the relevant application required for legalisation of the land use i.e.

- **Determination of Administrative Penalty Fee: R 1 643.77,**

being

- **50% of R3 287.54** being an application fee in respect of a 'Consent Use application.'

The levy rate (buildings) is calculated as 50% of the value of the ordinary plan fee applicable to contravention portion/s of a building/structure. According to our measurements:

- The contravention portion of the retaining structures is **11,10m²** in total (see **Annexure B - Plan showing encroaching structures**).

The levy rate (unauthorised land use) is calculated as up to and not more than 100% of the municipal valuation of the area that is used unlawfully

Additionally, Paragraph 8 of the Planning and Development: Land Use Management Application fees (2025/2026) requires *the payment of up to and not more than 100% of the value of the building, construction and engineering work unlawfully carried out in respect of unauthorised building work contravening the zoning scheme.*

1.1. Calculation of the Levy Rate (unauthorised building work)

The Levy Rate has been calculated as per the below steps:

- Contravention portions: **11.10m²**
- Building Control Scrutiny fee: **R 922.60**
- 50% of scrutiny fee: **R 461,30**
- Proportional cost of building works (including cost of engineering): **R16 650.00** (at **R1500.00/m²**).
- **Total cost of building work: R17 111,30** (R16 650.00 + R461.30)

To give effect to the calculations above, please refer to the table below taken from Tariffs, charges and fees for 2025/2026 MTREF.

Item	Details	Frequency	Tariff	Tariff	% Increase
		Measure	2024 / 2025	2025 / 2026	
		Occasion	(15% Vat Incl.)	(15% Vat Incl.)	
15.1.1.1	Where gfa (after additions) up to 50m2	Minimum Scrutiny Fee	884.56	R922.60	4.3%
15.1.1.2	Where gfa (after addition) from 51m2 to 100m2	Per m2	R15.28	R15.93	4.3%

1.2. Levy rate (unauthorised land use)

The cost of unauthorised land use has been calculated according to the following table.

ERF No.	AREA USED UNLAWFULLY (m ²)	VALUATION OF SITE PER m ²	TOTAL VALUATION OF AREA USED UNLAWFULLY
663 Sedgefield	77,28m ²	R1 492.38	R115 331.13
TOTAL	77.28m²	R1 492.38	R115 331.13

1.3. Total cost of unauthorised building work and land use

COST DRIVER	COST
Building Work	R17 111,30
Land Use	R115 331.13
TOTAL	R132 442,43

5.2. Implications of Section 93(9) of the Planning By-law

This subsection stipulates certain factors that are to be considered by the Knysna Municipality when determining an appropriate administrative penalty. It is important to consider that this application is only concerned with essential structures which were built over building lines and certain alterations to the ground floor of the main dwelling house to convert it into a secondary dwelling.

(a) The nature, duration, gravity and extent of the contravention:

The nature of the as-built retaining structures and alterations to the main dwelling resulting in the creation of the as-built second dwelling and its gravity is miniscule given the fact that the visible portion of the retaining structures fall below the natural ground level and that the entire conversion is internal in nature and not discernible from the outside observer. The conversion of the outbuilding was completed between 1986 and 1987 and has, according to municipal records and the observation of the property owner, no negative impact from a visual and usage point of view. Considering that a 60m² second dwelling is permissible on the subject property as of right and that the subject second dwelling only exceeds the maximum permissible extent by a paltry 17,28m² supports our view that the extent is minimal and undetectable from a mere vantage point of an outside observer.

It is our considered view, therefore, that the proposal does not warrant a negative outcome on the basis of its nature, duration, gravity and extent.

(b) The conduct of the person involved in the contravention:

According to records at both the town planning and building control offices, no notices or correspondence have been filed compelling the property owner to

address the question of illegality thus painting the property owner in a negative light. In the absence of any evidence to the contrary it can only be concluded that the conduct of the property owner is, by virtue of the owner's effort in addressing the illegal status of as-built structure on site, is exemplary and a good example within the greater municipal area. The initiative to submit the applications necessary to legalise the second dwelling and pay the necessary fees can only be regarded as exemplary, serving as motivation towards a positive outcome from the decision maker's side.

(c) Whether the unlawful conduct was stopped:

No notices or any typical stop-works orders were served on the landowner to demolish the as-built structures. It is important to grant the decision-maker assurance that, currently, no further illegal building work is being undertaken on the subject property. The fact that the as-built structures and land uses, having existed for a long period of time, have not attracted the attention of the neighbouring property owners is testament to their negligible status and should thus be supported.

(d) Whether a person involved in the contravention has previously contravened this By-law or a previous planning law:

No records have been found in support of the notion that the applicant might be a serial offender. This is effectively the applicant's first accidental mistake and was made in good faith whilst using a normal degree of caution and attention. Even under the circumstances it is our view that the actions that have been undertaken by the property owner to legalise the contraventions should be commended and the as-built second dwelling and retaining structures condoned.

6. PROPOSED CONTRAVENTION LEVY

As we conclude, it is important to bring the attention of the decision maker to the factors regarding the as-built second dwelling and portion of the retaining structures that warrant a full waiver of the contravention penalty. For instance:

- The second dwelling was built between the 1986 and 1987 and has existed for close to four generations. It has since its construction served to shape the character of the surrounding landscape and not once has there been any issues raised by the local property owners in relation to its existence.
- The as-built second dwelling was commissioned by the previous property owner and the property has exchanged owners twice after the as-built structure came to existence.
- The conversion of the second dwelling entails only very predictable logical additions and alterations and was undertaken at a lower level than the main dwelling making it less prominent on the skyline of the local street. As such its footprint is almost negligible and hardly detectible by members of the public.

- The second dwelling cannot be detected from the outside. The main and second dwelling houses both resemble a single double-storey house from external observers.
- The portion of the retaining structure is on the cut side and a cut-and-fill platform and as such it falls below the natural ground level. For this reason and the fact that it falls behind natural vegetation it is hardly detectible from the street by mere observation.
- The retaining structures are essential in nature and in most cases cannot be avoided if the stability of the ground is to be preserved. Such has been the case with the current property.
- The retaining structures were themselves erected by the previous property owner.
- Therefore, it is recommended that a contravention penalty be waived in its totality e.g. a **R0.00** penalty is proposed.

Furthermore:

- Second dwelling units are generally permitted as a policy of the Knysna Municipality and allowed as of right in terms of the Zoning Scheme By-law. Therefore, whilst the property owner may have not followed proper procedure when undertaking the conversion of part of the main dwelling into a second dwelling, the outcome of their actions remains positive and in line with the settlement restructuring goals of the municipality.
- The retaining structures are a necessity in the Brenton-on-sea area due to the natural terrain and geotechnical composition of the area.

7. CONCLUSION

It is our contention that the nature of the contraventions has, therefore, little or no negative impact on the surrounding property owners' health or welfare and the property owner has done that which is necessary and appropriate to comply with the zoning scheme by-laws. It is therefore our contention that this report, read with the application for consent use and permanent departures which was submitted as the first installment, provides compelling factors to the effect that the as-built structures do not lack desirability. To that end it is our proposal that this application be considered in a positive light and that the property owner be absolved from any penalties and that the legitimization of the structures in question be promoted.

COMPANY RESOLUTION

At a special meeting of **JLD HOLDINGS PROPRIETARY LIMITED** (Company registration No: **2023/563374/07** ("The Company") held on **06 March 2026**, which took place at **29 MAKOU STREET, SEDGEFIELD**, it was resolved as follows:

1. That, **BRAD ANTHONY PEPLER** (SA ID No: [REDACTED]), in his capacity as the **MEMBER**, is hereby duly authorised by the under-signed Company Directors/Members to sign the Special Power of Attorney for the proposed town planning application on **ERF 663 SEDGEFIELD** ("subject property") to be lodged by **SERETSE MTHEMBU** (ID No. **781215 5530 083**) on behalf of **JLD HOLDINGS PROPRIETARY LIMITED**, the registered owner of the subject property.

Signed at 29 Makou ST on this, the 16th day of April 2026

Signature 

Brad Anthony Pepler

CLIFFE DEKKER HOFMEYR INC
12th Floor
11 Buitengracht Street
Cape Town
8001

Prepared by me

Allen

CONVEYANCER
SIMONE FRANKS (81168)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3 475 000,00	R. 2281,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

SV

VERBIND MORTGAGED	
VIR FOR R. 3 475 000,00	
B ² 000007956 / 2026	<i>mm</i> REGISTRAR/REGISTRAR

T000015267 / 2026

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

RONELLE WILKINSON (97489)

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

D & J WHITTAKER CC
Registration Number 1996/024419/23

which said Power of Attorney was signed at Sandton on 19th February 2026.

And the appearer declared that his/her said principal had, on 15 January 2026, 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:

JLD HOLDINGS PROPRIETARY LIMITED
Registration Number 2023/563374/07

or its Successors in Title or assigns,

ERF 663 SEDGEFIELD, IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1115 (ONE THOUSAND ONE HUNDRED AND FIFTEEN) Square
metres

FIRST TRANSFERRED by Deed of Transfer Number T 18750/1974 with
Diagram No. 11273/73 annexed thereto and held by Deed of Transfer Number
T44990/2008

A. SUBJECT to the conditions referred to in Certificate of Consolidated Title No.
2542 dated 22nd March 1926.

B. ENTITLED to the benefit of the servitude, a reference to the terms of which
dated 25th September 1929 appears on Deed of Transfer No 822 dated 23rd
February 1928, reading as follows :

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

C. SUBJECT to the following special conditions imposed for the benefit of
Sedgefield Holdings (Proprietary) Limited and its successors in title as owner of
the remaining extent of Sedgefield Township held under Deed of Transfer No
8561 dated 8th June 1960, contained in Deed of Transfer No 18750 dated 21st
June 1974, namely :-

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

2. The Transferee shall be obliged to observe uniformity in respect of the
fencing line of any that may abut on any road, pathway, open space or
property of the Transferors and to maintain all boundary fences on the
lot in good order and repair.

3. The Transferors shall be entitled to enforce proper sanitation and cleanliness upon the Transferee in respect of the property hereby sold and may make and enforce all such regulations as the Transferors shall see fit to that end, provided that such regulations shall not require anything in excess of that which a Village Management Board or other like local authority may require. In the event of the Transferee failing to conform to the requirements of the Transferors, they may carry out sanitation and cleanliness and shall be entitled to recover the costs of such from the Transferee.
4. The Transferee shall not be entitled to erect any corrugated iron fence or screen on this lot without the written consent of the transferors first had and obtained.
5. No Boarding House or Hostel shall be erected on this lot nor shall the lot or any building thereon be used for the purpose of a boarding house without the written permission of the Transferors first had and obtained.
6. Burial of night soil on this lot is forbidden.
7. No building shall be erected on this lot within 4,72 metres of any street line which forms the boundary of the lot save where the Transferors shall have in writing permitted otherwise. No building shall be erected within 1,57 metres of any adjoining lot, provided that this restriction shall not apply to the common boundary of lots held by one Transferee. Not more than two-thirds of any lot sold shall be build upon.
8. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement houses may be erected on any lot.
9. The Transferee shall not use or suffer to be used the property sold or any portion thereof or any buildings or erections thereon for the purpose of advertising or displaying any advertisement except first having received written permission from the Transferors.
10. This property shall not without the written consent of the Transferors be used for other than residential and/or agricultural and/or horticultural purposes, and all trading rights thereon shall be and are hereby reserved to the Transferors.
11. This lot shall not be used for the carrying on of any offensive, unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amendments thereto.
12. This lot shall not be subdivided without the written consent of the Company.
13. The Transferee shall be obliged to allow the drainage and sewerage of any other Lot or Lots to be conveyed over this Lot if deemed necessary by any Local Authority as may hereafter be established, and in such manner and in such position as may from time to time be required by such Local Authority.

14. The Transferors and their successors in title shall be entitled to assign or delegate all or any of the rights conferred by virtue hereof to and in favour of any Local Authority which may hereafter be constituted or established in respect of the whole or any part of the Sedgefield Township.
15. The terms "TRANSFERORS" and "TRANSFeree" in these conditions shall deemed to include the heirs, executors, administrators, assigns or successors in title of the Transferors and Transferee.

10

2

3

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

D & J WHITTAKER CC
Registration Number 1996/024419/23

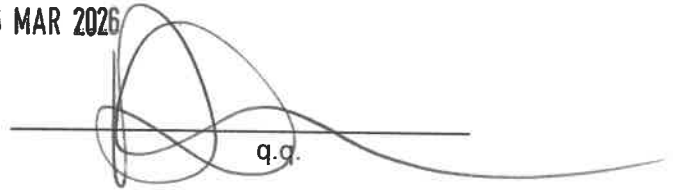
heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

JLD HOLDINGS PROPRIETARY LIMITED
Registration Number 2023/563374/07

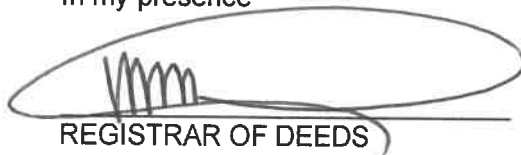
or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R3 475 000,00 (THREE MILLION FOUR HUNDRED AND SEVENTY FIVE THOUSAND RAND) .

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS:
WESTERN CAPE at CAPE TOWN on **16 MAR 2026**


q.q.

In my presence


REGISTRAR OF DEEDS





JLD HOLDINGS PTY LTD
19 BRYN ROAD
LAKESIDE
CAPE TOWN
7945

Additions and Alterations Consent

15 April 2026

Dear Sir / Madam

Subject: Request for the approval of consent to build a second dwelling

Account number: 538956038

In the name of: JLD Holdings Pty Ltd

Property description: ERF 663 Sedgefield

We are pleased to advise that Standard Bank has no objection to your request, subject to our rights being protected and on the following conditions:

- Local municipality bylaws being adhered.
- All municipal and town planning bylaws are to be adhered to.
- A copy of the approved plan will have to be sent to the bank on receipt.
- The bank reserves the right to review rate structures under the account and attend to frequent assessment updates whilst the property/stand is bonded to SBSA.
- The residential component is not to be compromised.
- Any further development to the property or rezoning must be referred to the bank for consent.
- No buildings to be demolished without the bank's consent.
- The building must comply with SBSA minimum specifications, should there be any further development.
- Client must advise bank when building works are done so that we can revalue/reinsure.
- The correct Insurance must be applied.
- The bank is not committing to finance this or any new development.
- Please note that the bank holds the right to withdraw or amend the given consent.
- All compliance on customer first is met.

Should you have any queries, please do not hesitate to contact us at CSAdminHLJHB@standardbank.co.za

Yours sincerely



Bianca Fisher
Customer Service Consultant

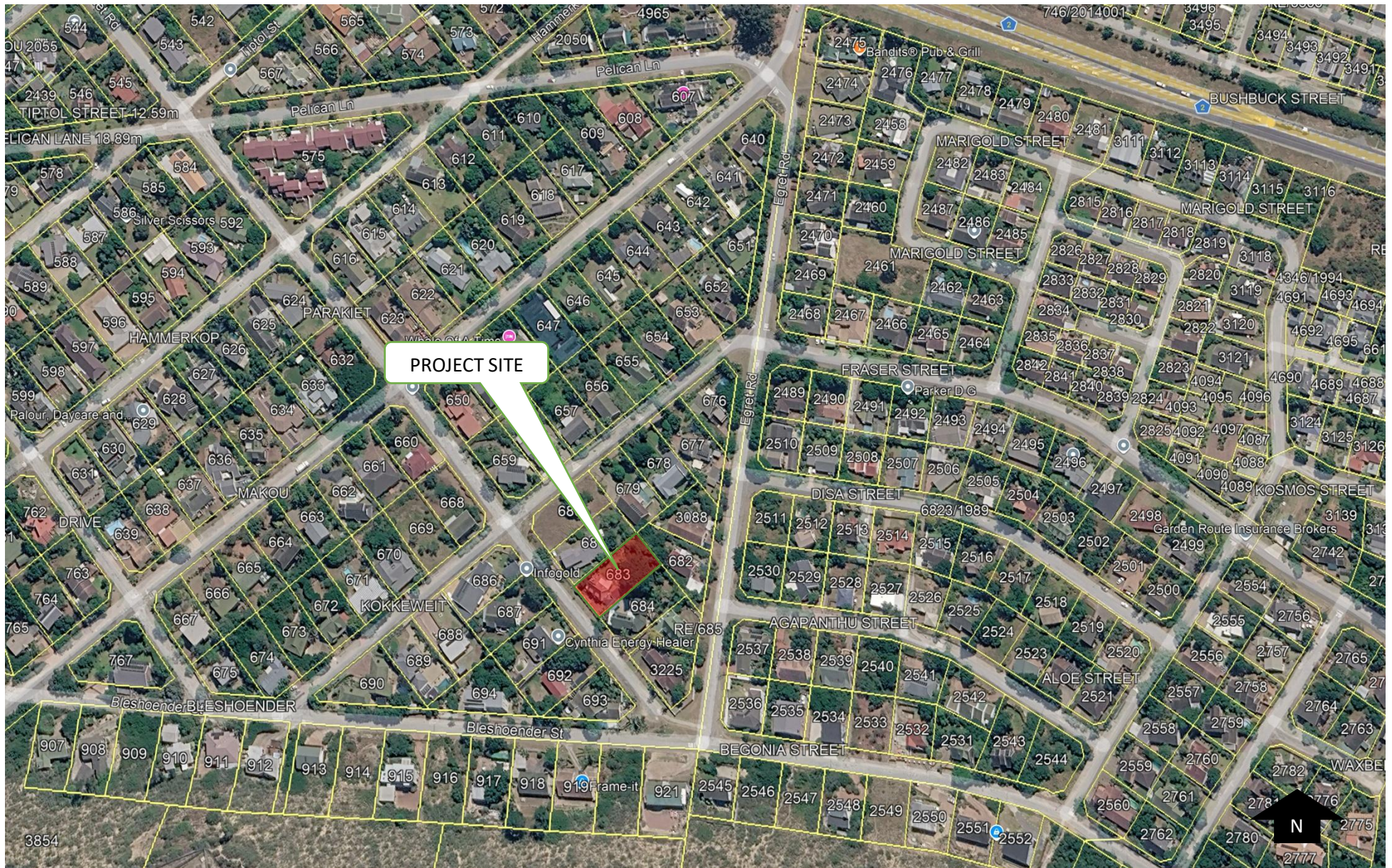
Standard Bank Centre 1st Floor 5 Simmonds Street Johannesburg 2001 PO Box 61690 Marshalltown 2107 South Africa
Tel. Switchboard: +27 (0)11 636 9112 www.standardbank.co.za

The Standard Bank of South Africa Limited (Reg. No. 1962/000738/06) Authorised financial services and registered credit provider (NCRCP15) D

Directors: NMC Nyembezi (Chairman) DWP Hodnett* (Chief Executive Officer) LL Bam HJ Berrange PLH Cook A Daehnke* OA David-Borha1 GJ Fraser-Moleketi GMB Kennealy BJ Kruger LI L2
JH Maree NNA Matyunza RN Ogega3 Fenglin Tian2 SK Tshabalala*

Company Secretary: K Froneman - 2025/10/10

*Executive Director 1 Nigerian 2 Chinese 3 Kenyan



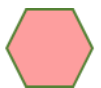
LOCALITY MAP

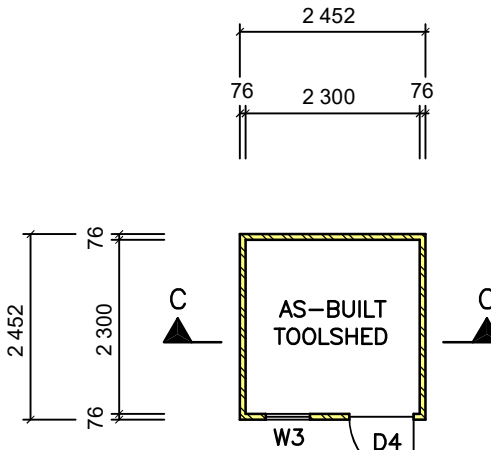
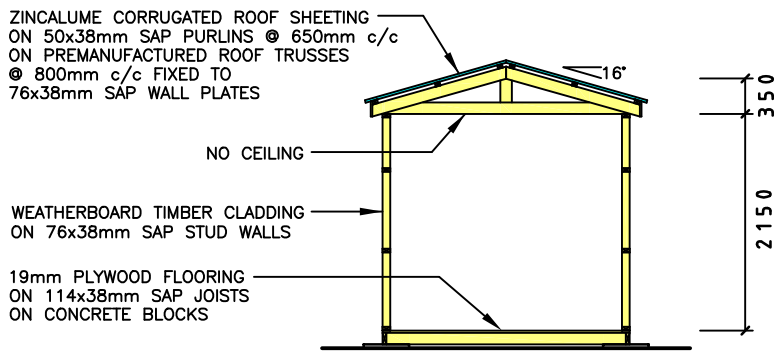
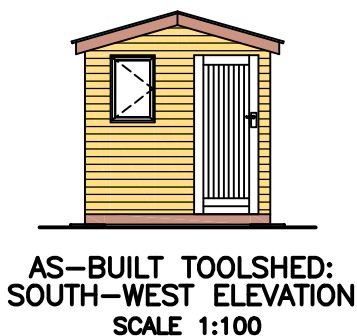
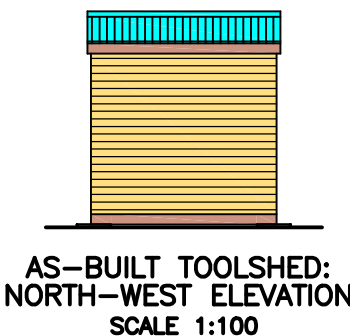
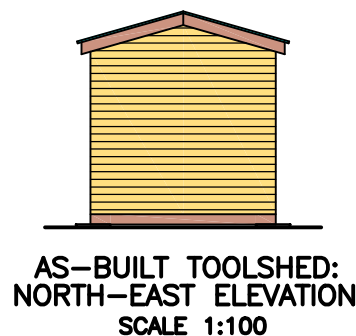
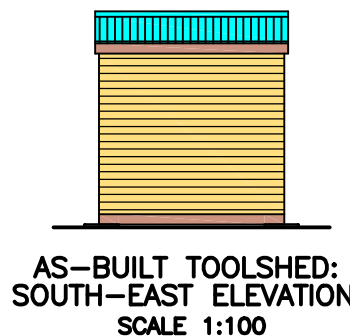
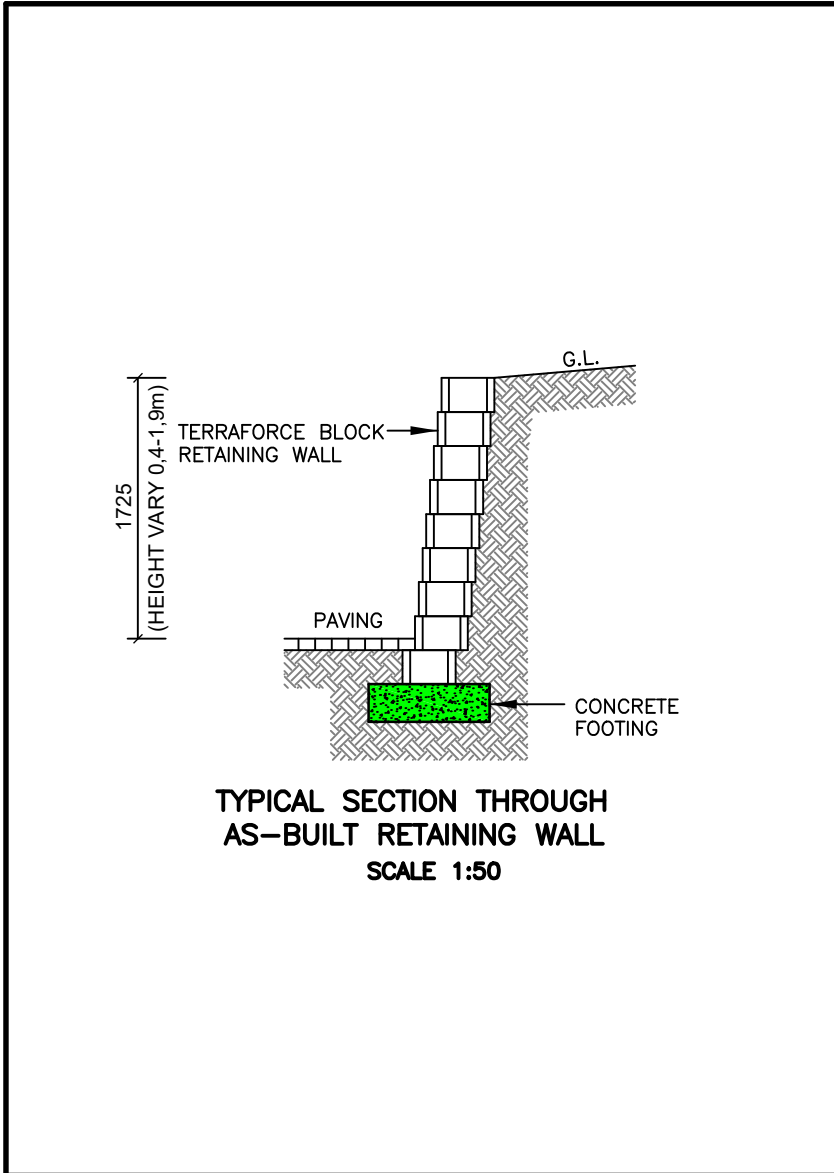
ERF 663, 29 MAKOU STREET, SEDGEFIELD

SCALE: NTS

DATE: APRIL 2026

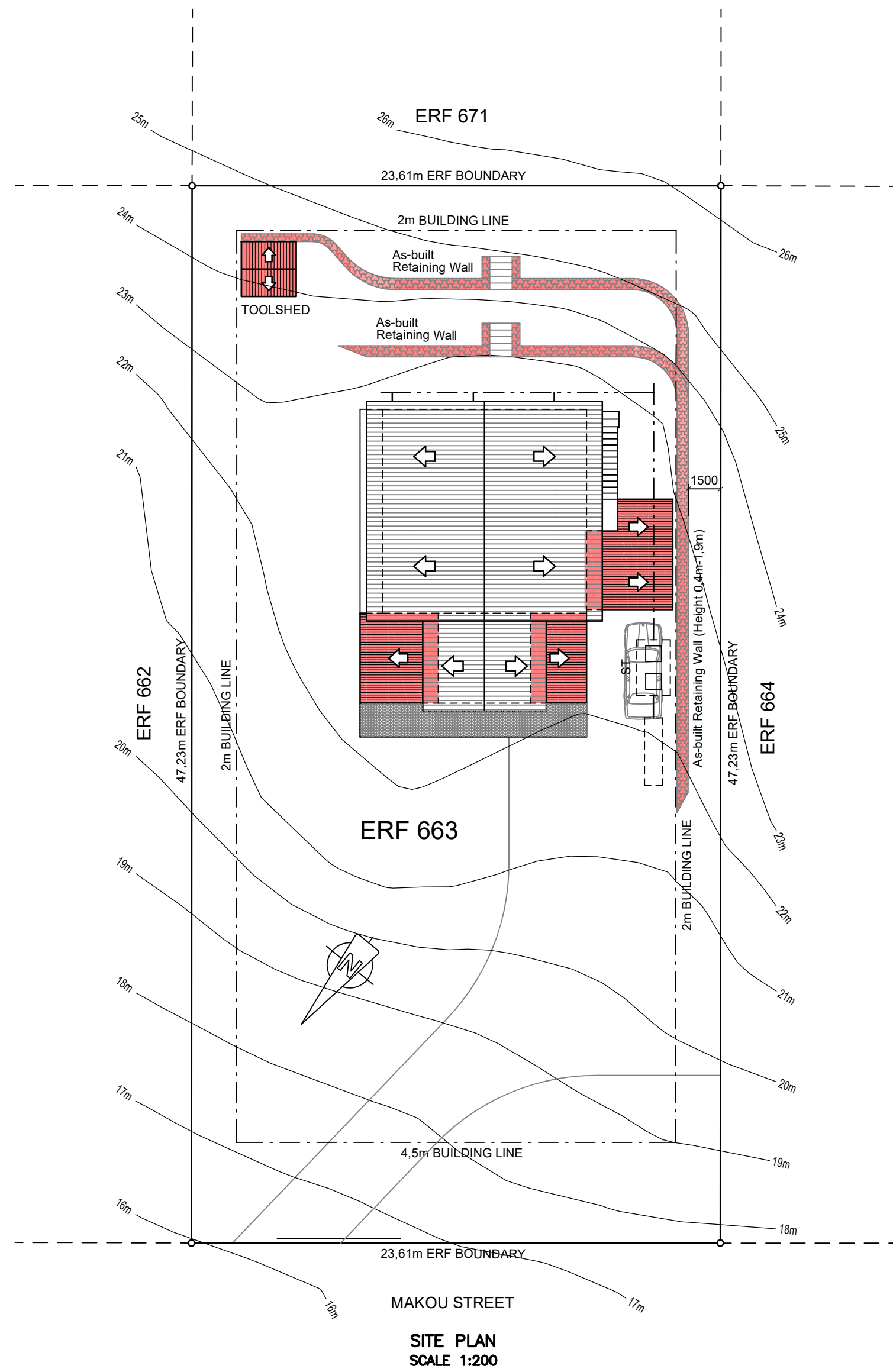
DWG No: LOCALITY PLAN 1



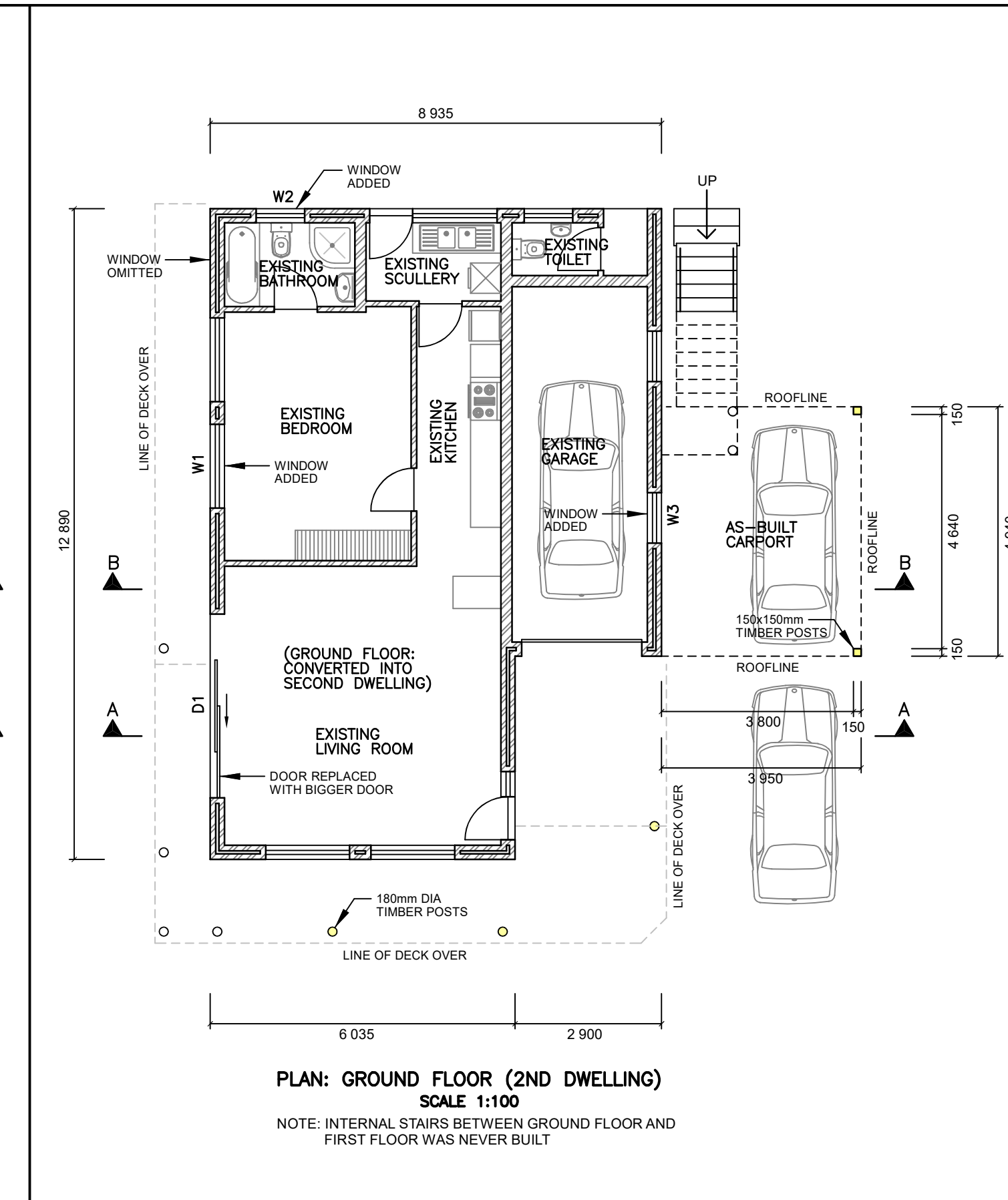
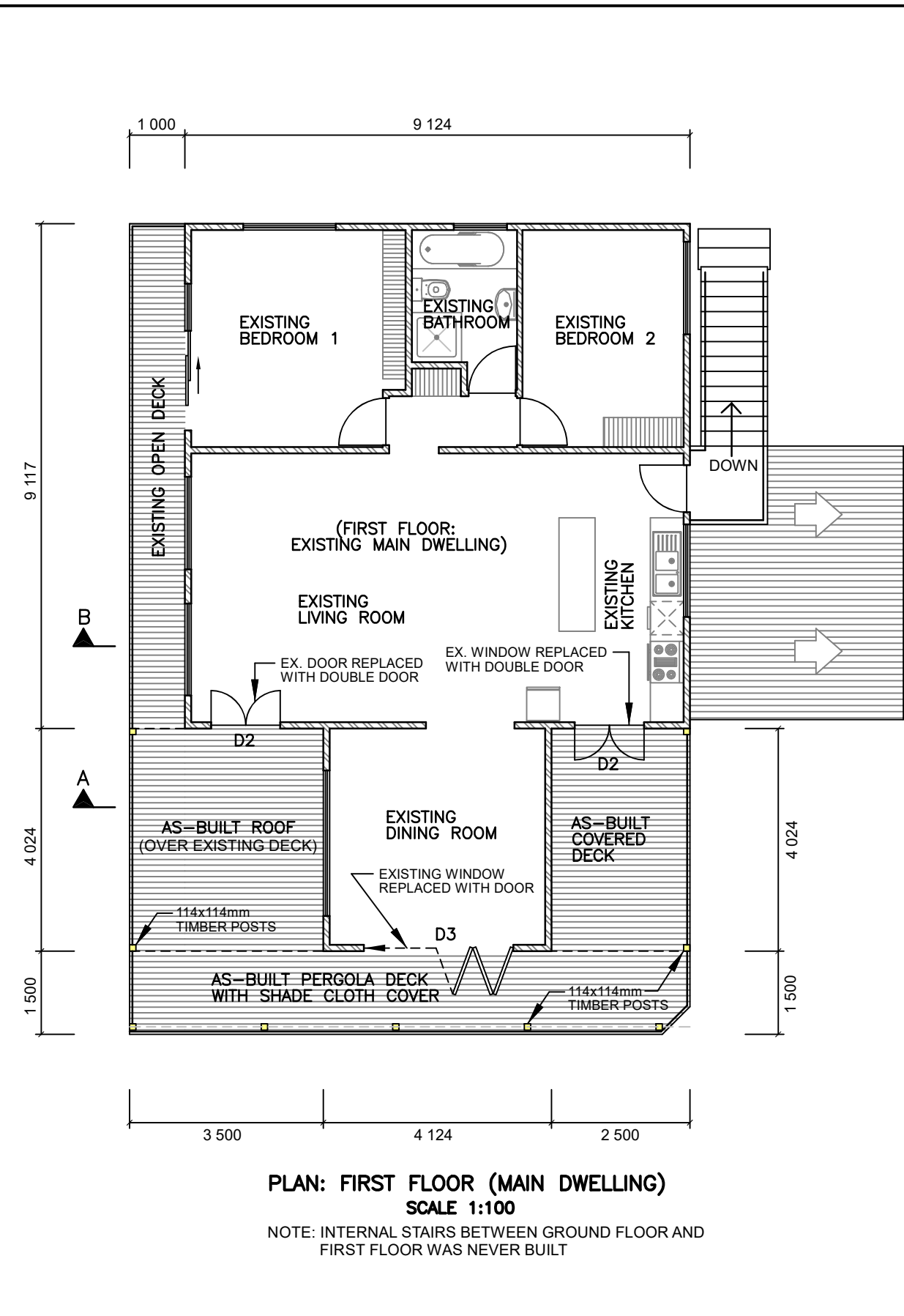
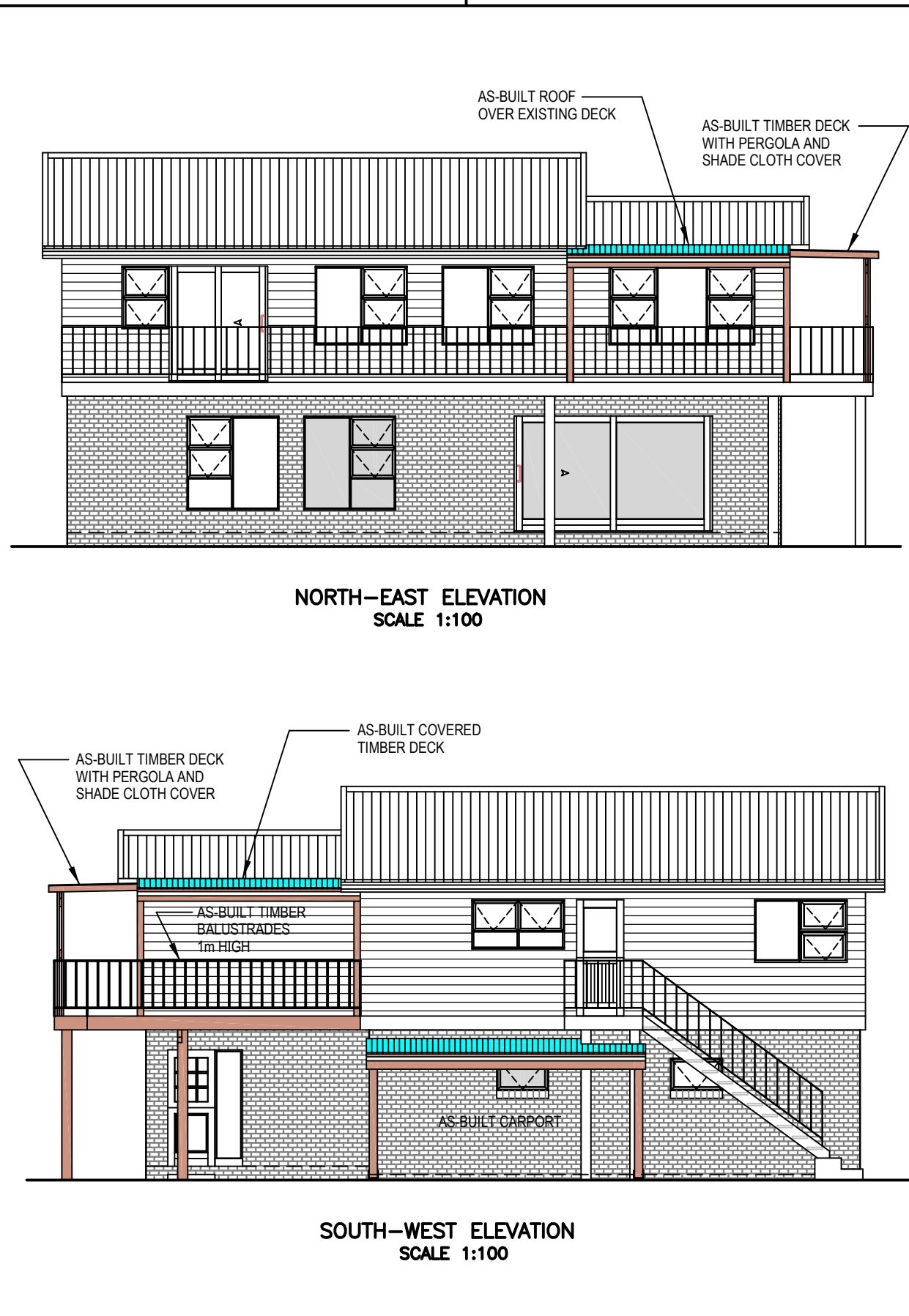
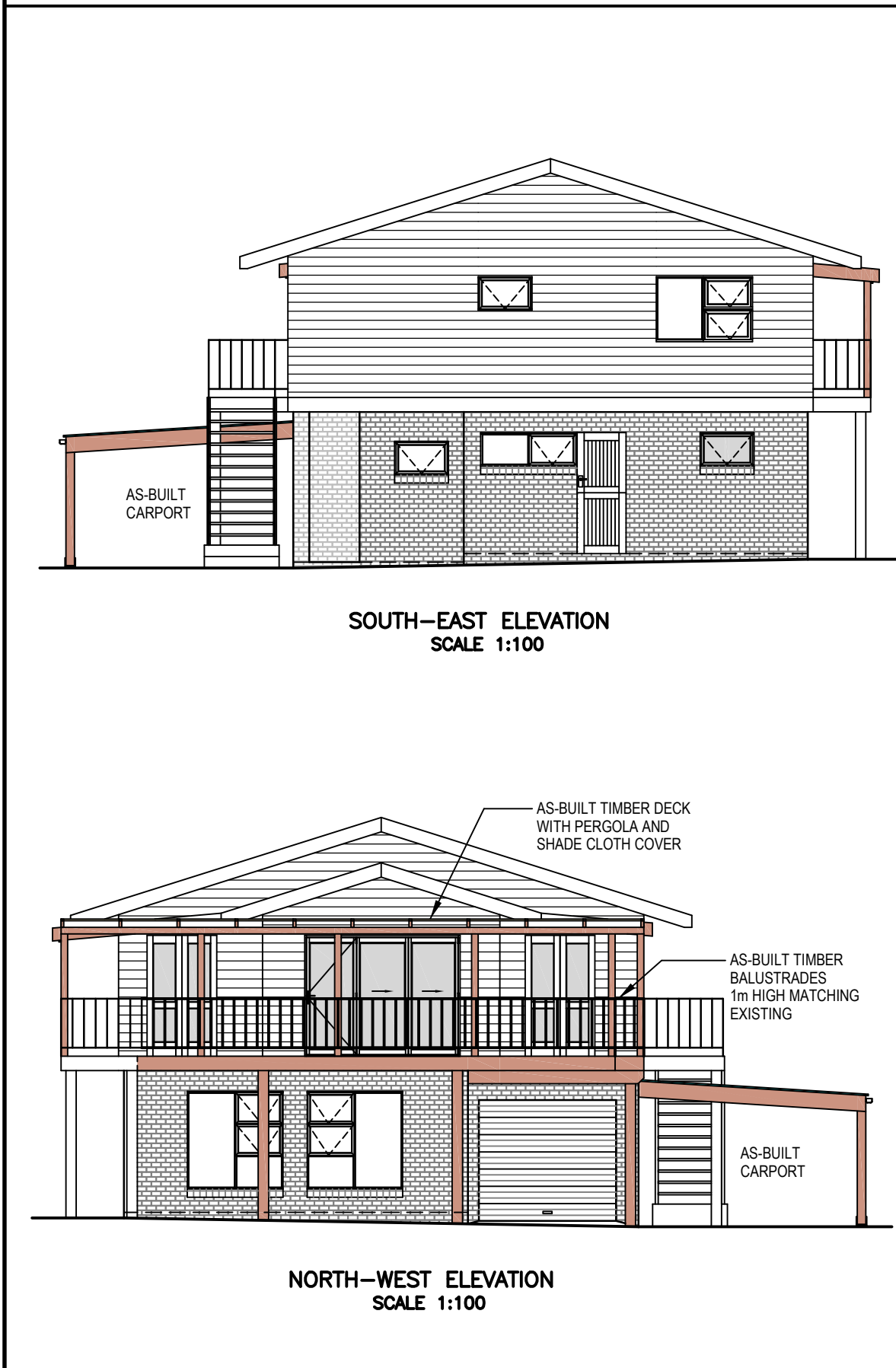
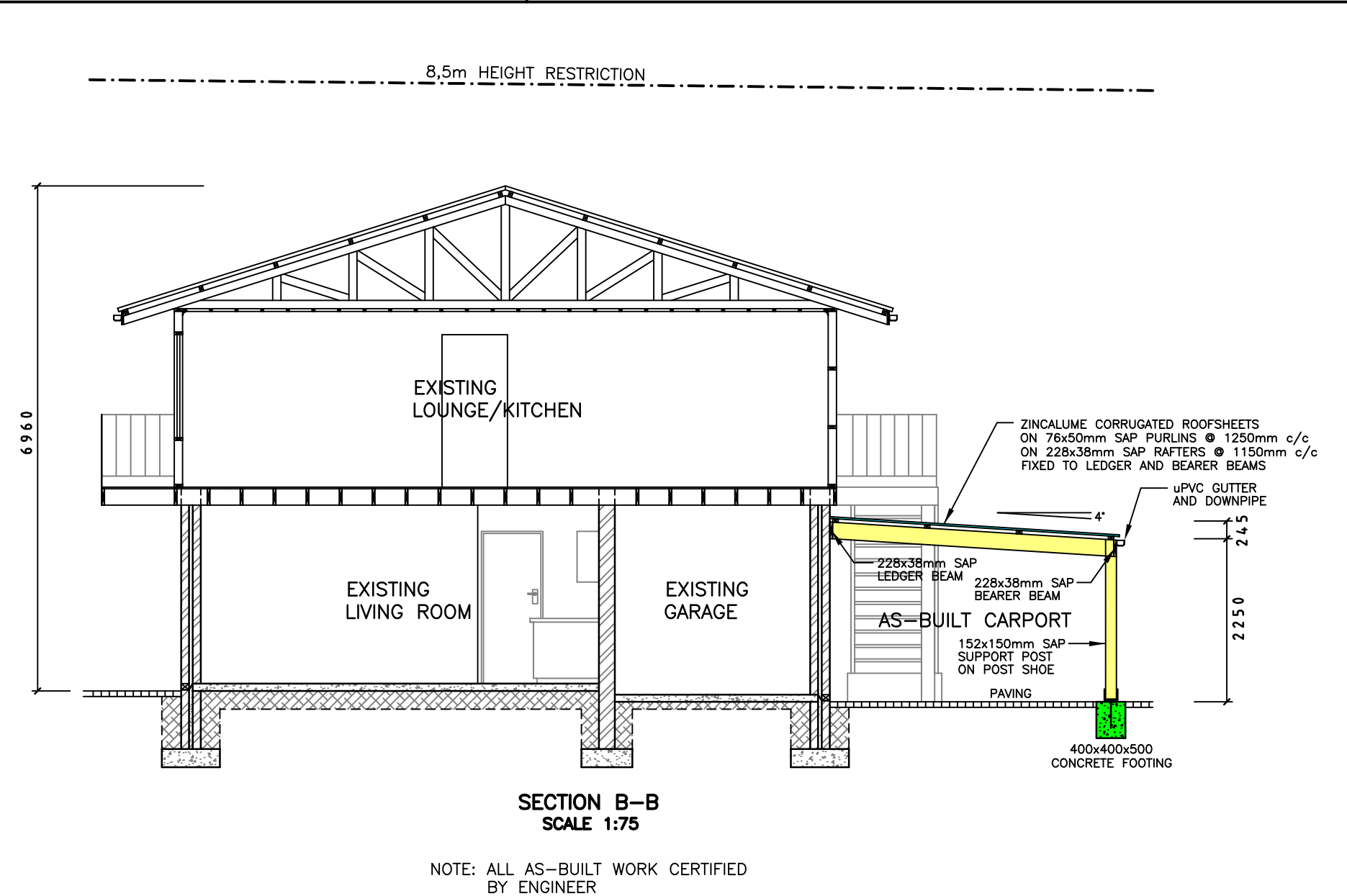
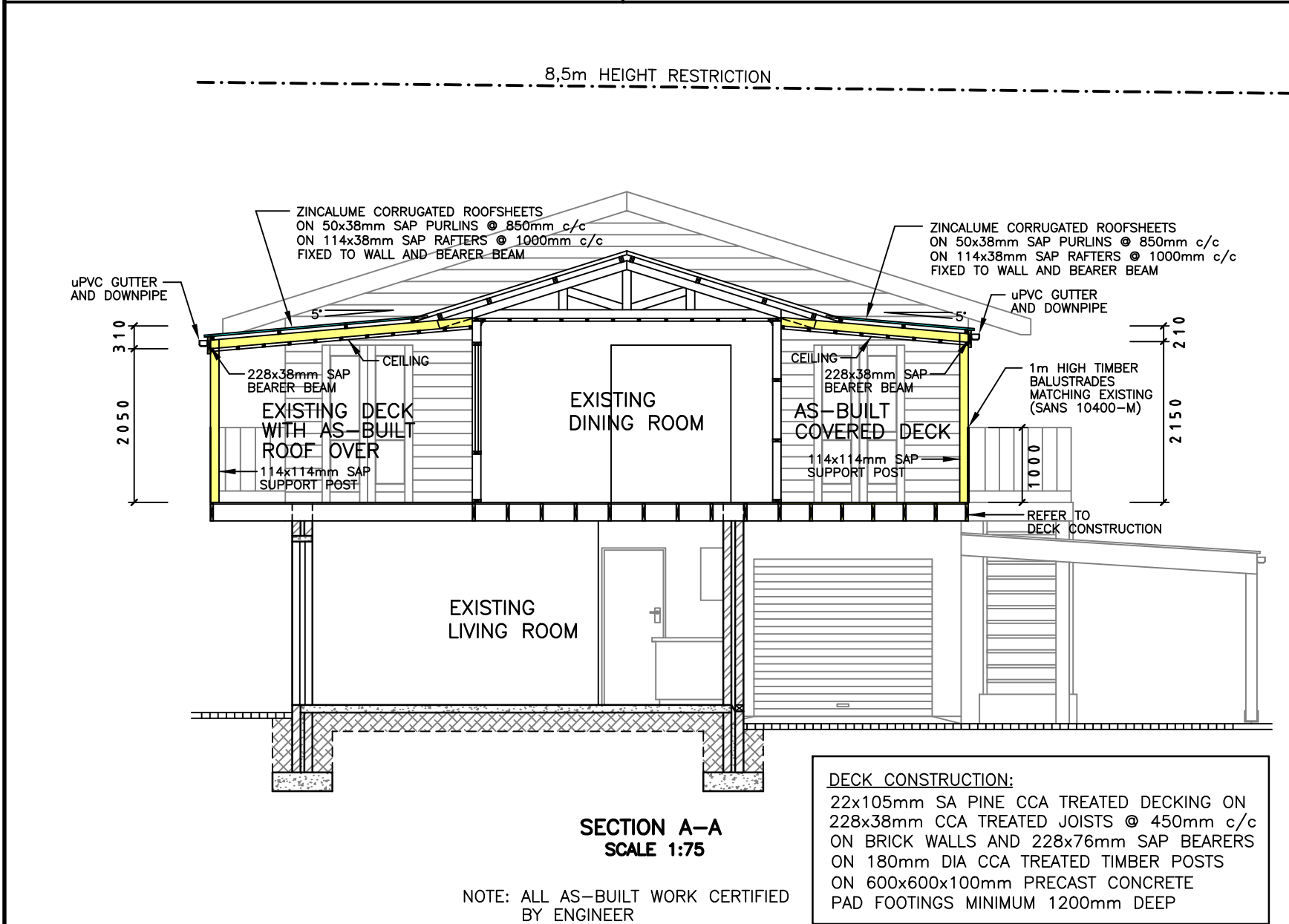


WINDOW SCHEDULE					
WINDOW NO.	CODE	WINDOW TYPE	DIMENSIONS (WIDTHxHEIGHT)	QUANTITY	LOCATION
W1	WJ2R	TIMBER	1670x1697mm	1	BEDROOM 2ND DWELL
W2	WE1	TIMBER	937x584mm	2	BATHROOM, GARAGE
W3	WC1R	TIMBER	584x887mm	1	TOOLSHED

DOOR SCHEDULE			
DOOR NO.	DESCRIPTION	QUANTITY	LOCATION
D1	TIMBER SLIDING DOOR 3600mm WIDE	1	LIVING ROOM
D2	DOUBLE TIMBER GLASS DOOR (PD3/1210)	2	LOUNGE, KITCHEN
D3	3 PANEL ALUMINIUM STACKING DOOR 2700mm WIDE	1	DINING ROOM
D4	MERANTI BACK DOOR	1	TOOLSHED



- NOTES:**
- GENERAL**
1. ALL BUILDING WORK MUST COMPLY WITH THE S.A. NATIONAL BUILDING REGULATIONS, SANS 10400, SANS 10082 AND LOCAL AUTHORITY BY-LAWS.
 2. PLEASE REFER TO THE APPROVED PLAN FOR EXISTING APPROVALS.
- AS-BUILT CHANGES**
1. PROPOSED STAIRS BETWEEN GROUND FLOOR AND FIRST FLOOR WAS NEVER BUILT.
 2. EXISTING GROUND FLOOR DWELLING AREA (LIVING ROOM, BEDROOM, BATHROOM, KITCHEN, SCULLERY) WAS CONVERTED INTO A SECOND DWELLING.
 3. ADDITIONAL WINDOWS ADDED AS INDICATED.
 4. WINDOWS WERE REPLACED WITH DOORS AS INDICATED.
- STRUCTURAL WORK**
1. ALL STRUCTURAL WORK MUST CONFORM TO ENGINEER'S SPECIFICATIONS.
 2. ENGINEER TO INSPECT & CERTIFY AS-BUILT WORK.
 3. ENGINEER TO CERTIFY STORMWATER MANAGEMENT.
- ROOFS**
1. AS SPECIFIED ON PLAN.
- TIMBER DECK**
1. AS SPECIFIED ON PLAN.
- BALUSTRADES**
1. 1000mm HIGH BALUSTRADES PER SANS 10400-M.
 2. MAX. 100mm GAPS BETWEEN BALUSTERS.
 3. NEW BALUSTRADES MATCH EXISTING.
- GLAZING**
1. GLAZING MUST COMPLY WITH SANS 10400-N.
 2. SAFETY GLASS TO ALL DOORS AND SIDELIGHTS AND WINDOW PANES LARGER THAN 1m² AND LOWER THAN 500mm FROM F.F.L.
- STORMWATER MANAGEMENT**
1. STORMWATER MANAGEMENT PER ENGINEER'S SPECIFICATIONS.
- SEWER**
1. SEWER REMAINS THE SAME AS PER PREVIOUS APPROVAL.
- ELECTRICITY**
1. ELECTRICITY REMAINS THE SAME AS PER PREVIOUS APPROVAL.



AREA SCHEDULE:

Existing Dwelling (2 nd Dwelling)	=	77.28 m ²
Existing Garage	=	22.32 m ²
Existing Outside Toilet	=	3.92 m ²
As-built Carport	=	18.09 m ²
As-built Toolshed	=	6.01 m ²
Total	=	127.62 m²

FIRST FLOOR

Existing Dwelling (Main Dwelling)	=	99.78 m ²
Existing Open Deck	=	9.12 m ²
As-built Roof Over Existing Deck	=	14.08 m ²
As-built Covered Deck	=	10.06 m ²
As-built Pergola Deck	=	15.06 m ²
Total	=	148.10 m²

TOTAL COVERED AREA = 251.54 m²

EXISTING FOOTPRINT = 109.08 m²

NEW FOOTPRINT = 141.63 m²

ERF AREA = 1115.0 m²

COVERAGE = 12.70 %

PREPARED BY:

ER VINNIES ENTERPRISES

691 HARKER STREET, KNYSNA, 6571

EMAIL: ervinnies.enterprises@gmail.com

CELL: 081 270 5882

ELTON VINNIES

Pr Arch. Draughtsman

SACAP Reg. No. D0806

SIGNATURE:

PROJECT

AS-BUILT CHANGES TO EXISTING DWELLING ON ERF 663

29 MAKOU STREET

SEDGEFIELD

OWNER/S

JLD HOLDINGS (PTY) LTD

SIGNATURE/S:

TITLE

LAYOUT PLANS, ELEVATIONS, SECTIONS & SITE PLAN

DATE

16 FEBRUARY 2025

SCALE

AS SHOWN

DRAWING NO.

AW/02/2026/B

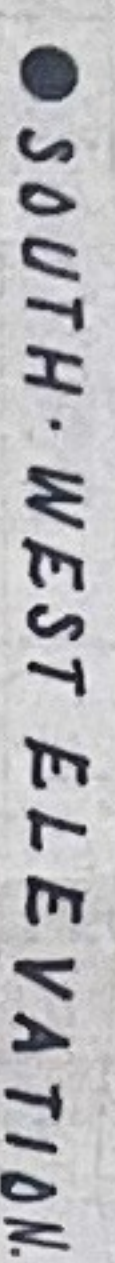
SHEET

1 OF 1

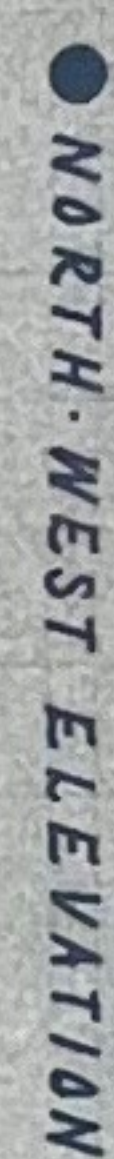
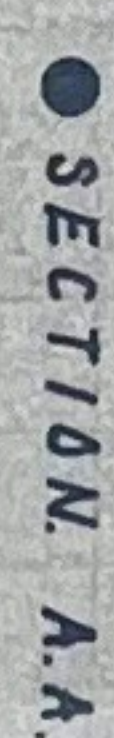
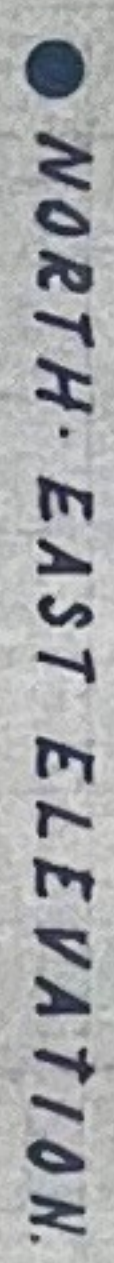
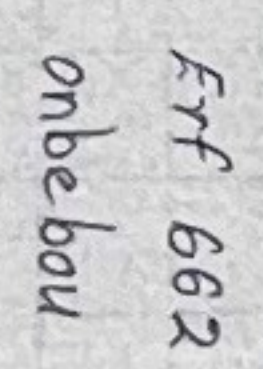
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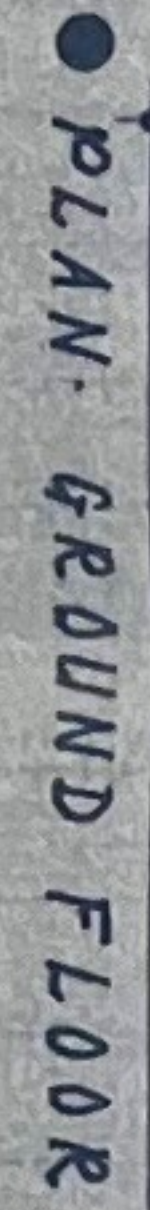
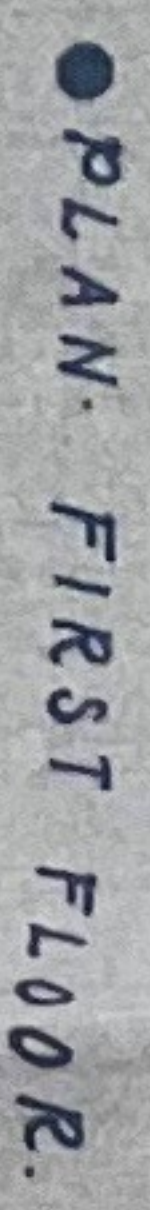
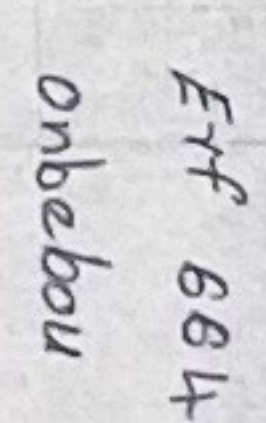
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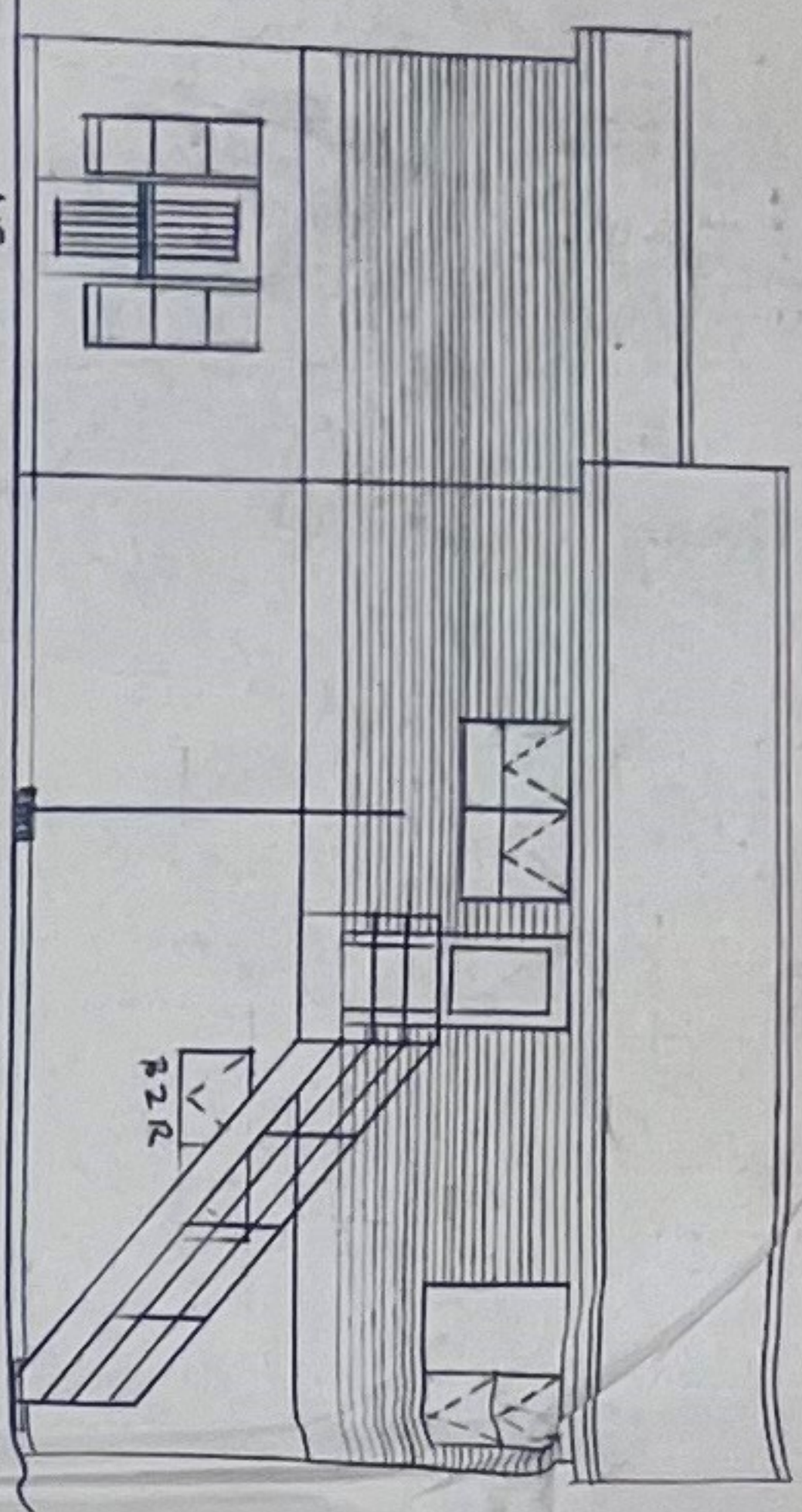


● SOUTH-EAST ELEVATION.

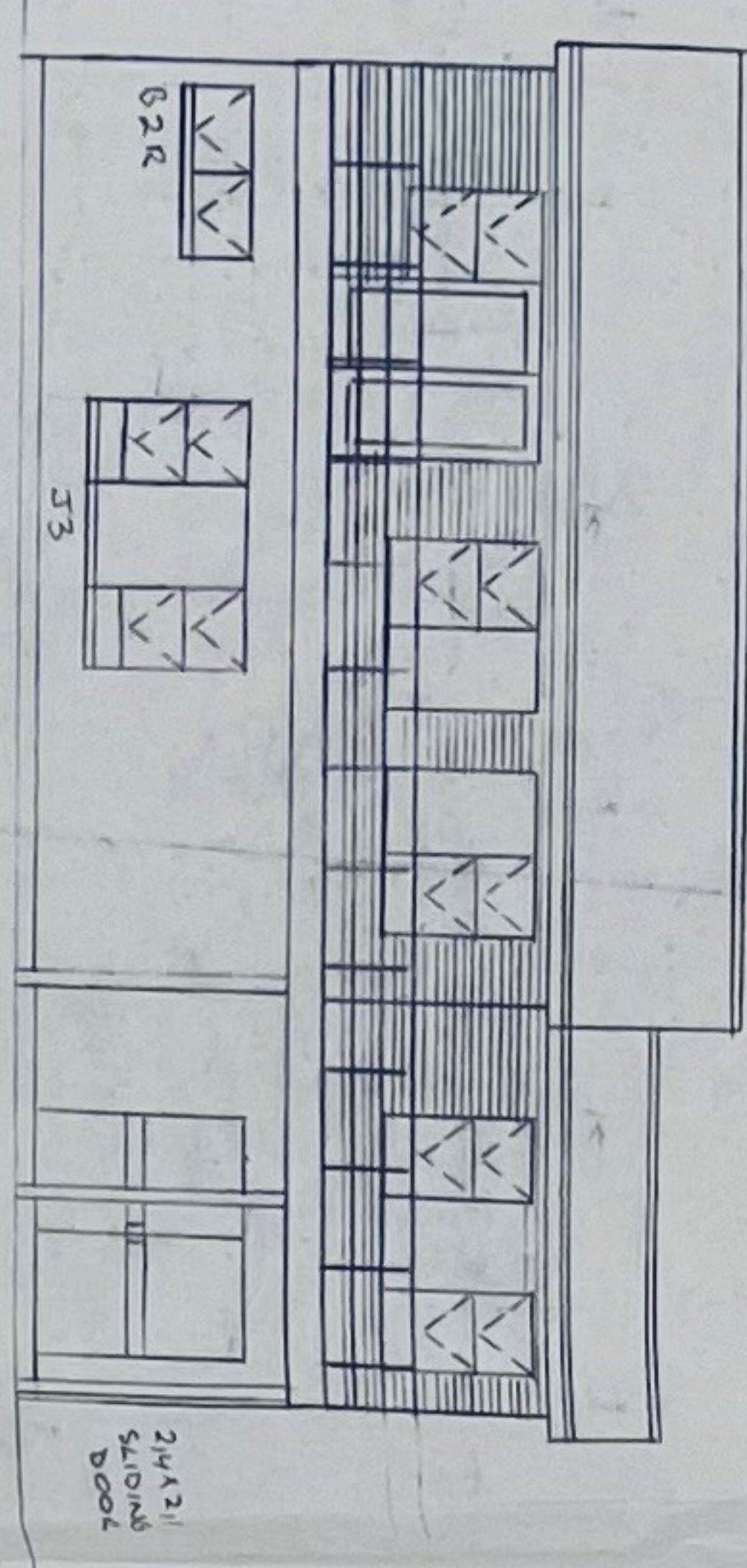


MAKOU STREET.
EPOCH. 1:200

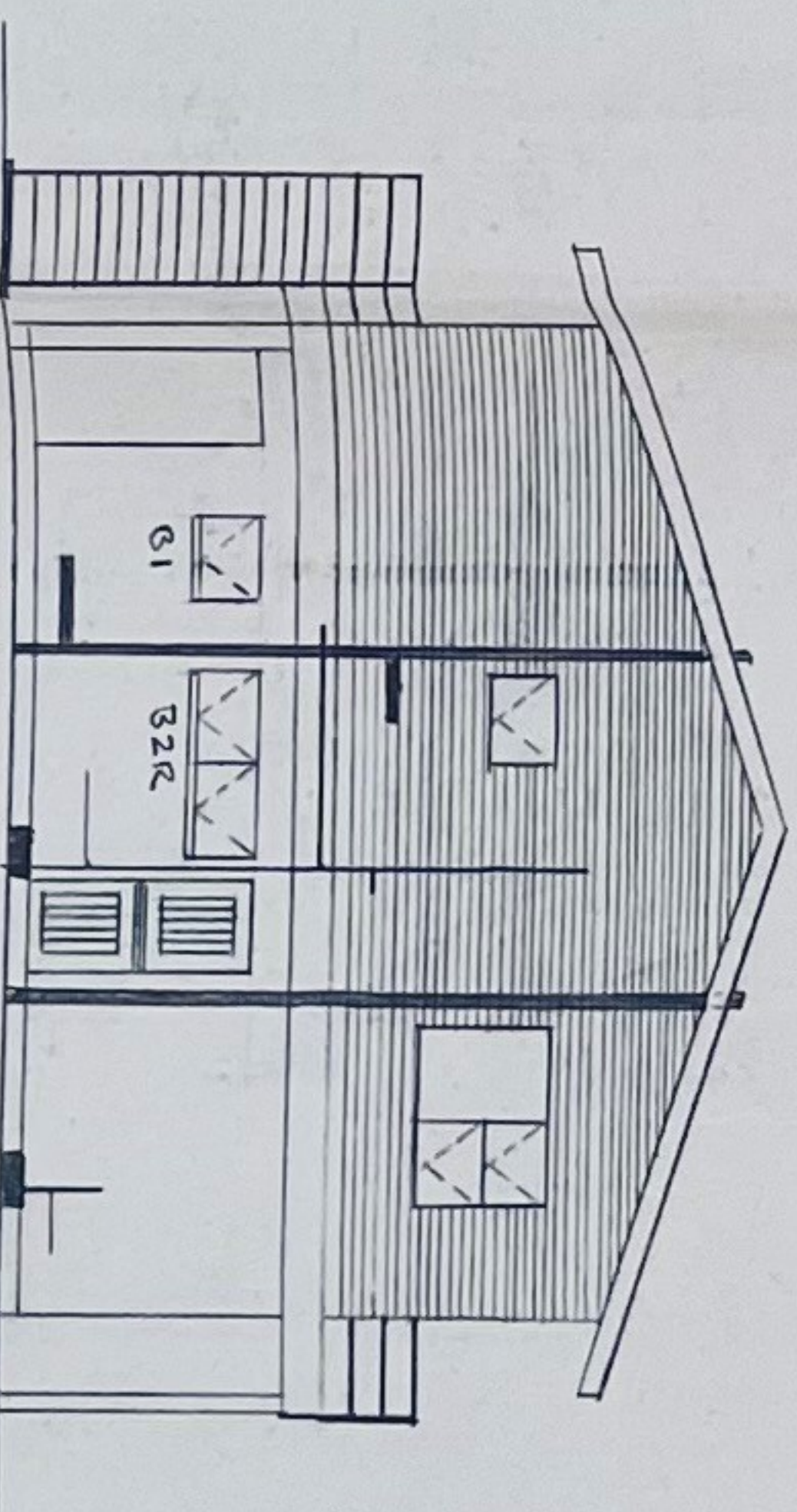
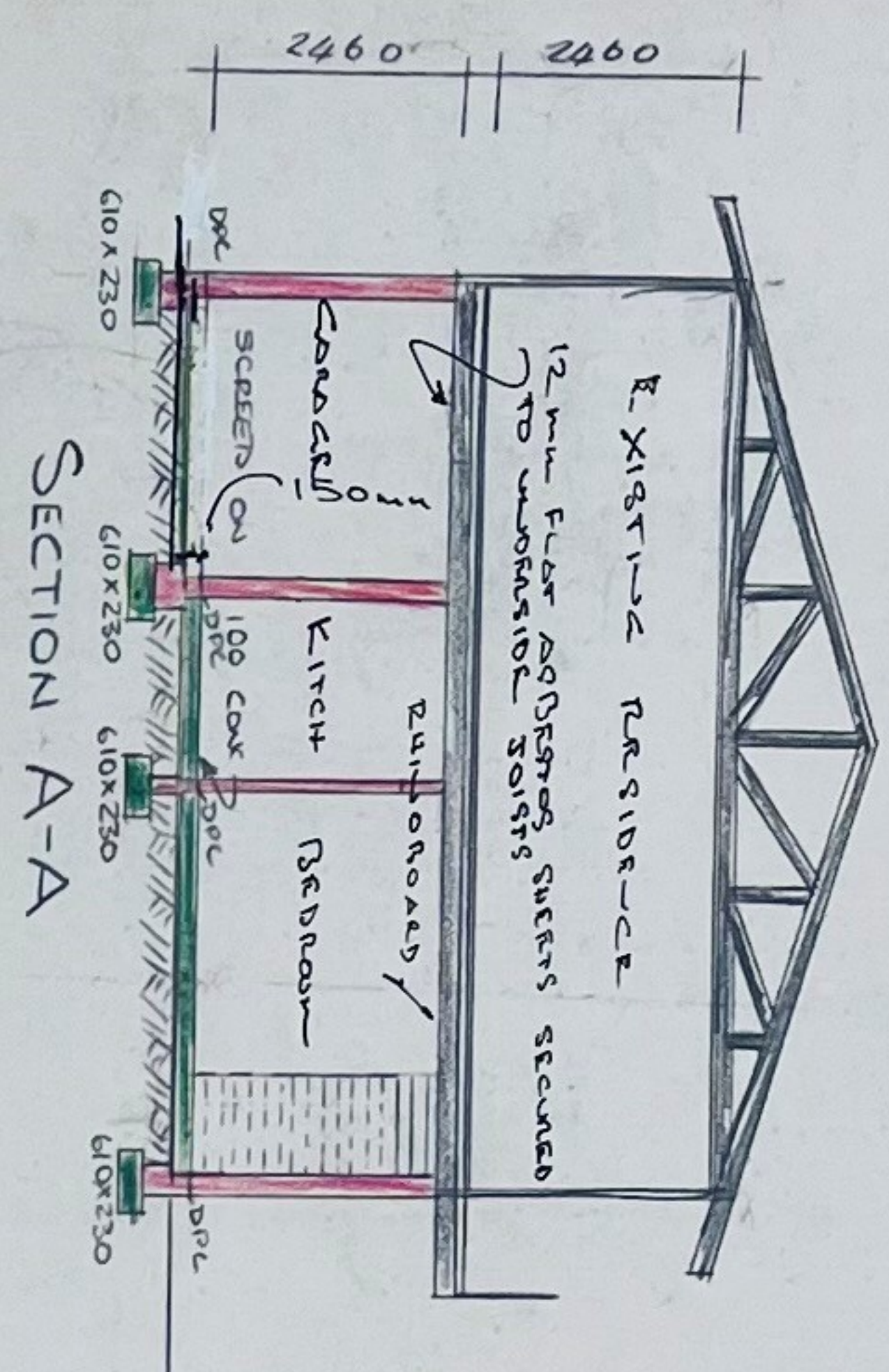




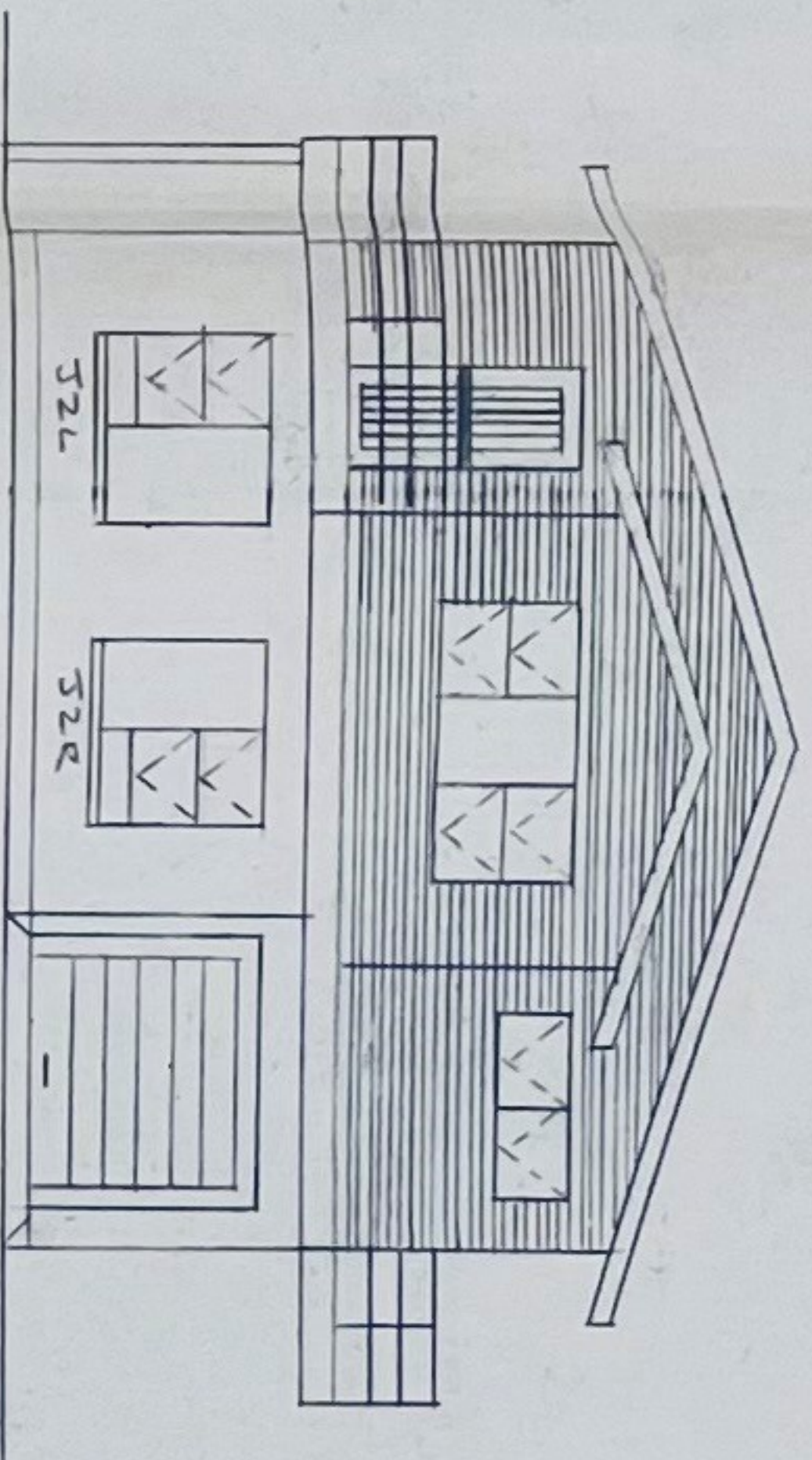
South West Elevation



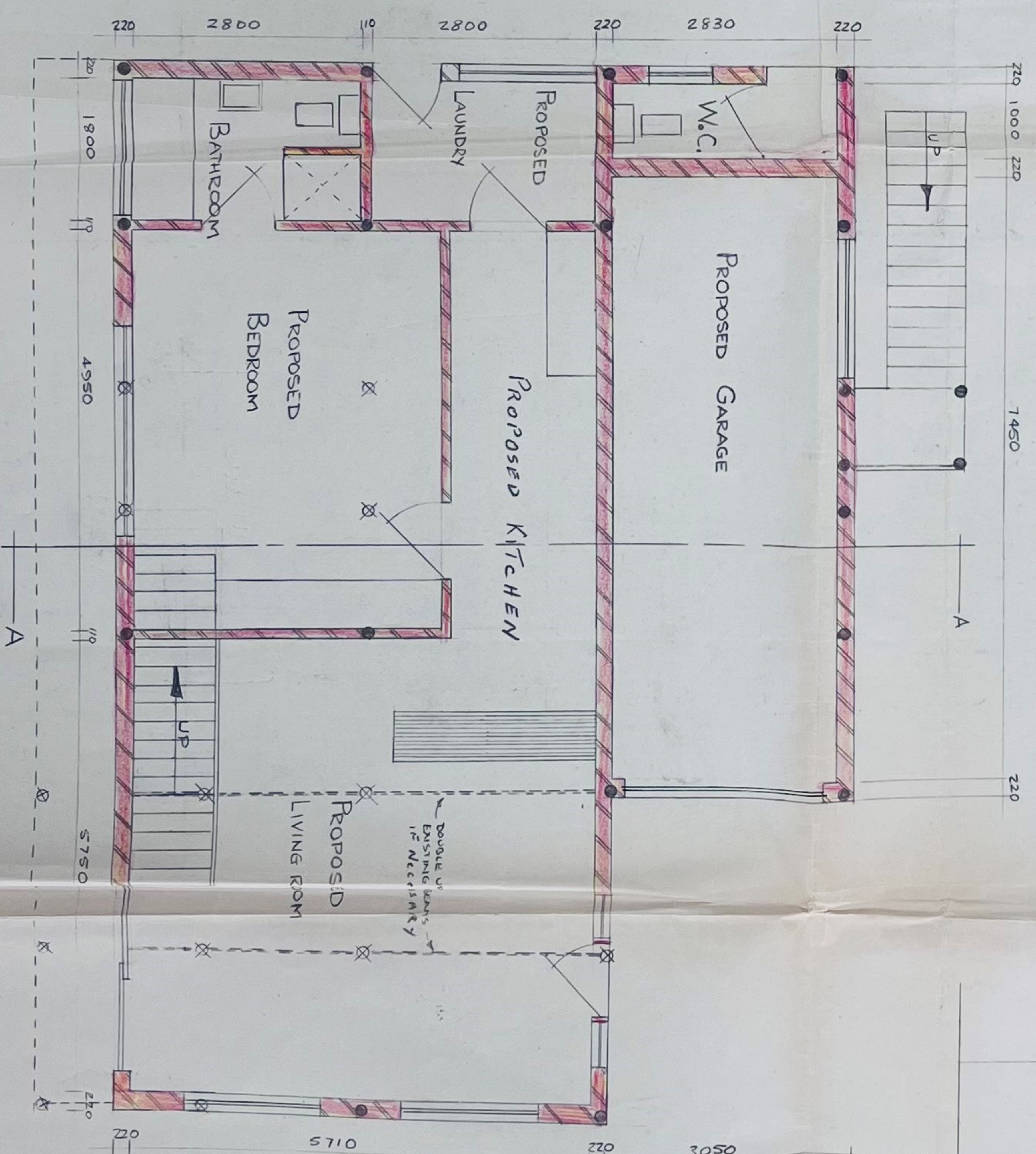
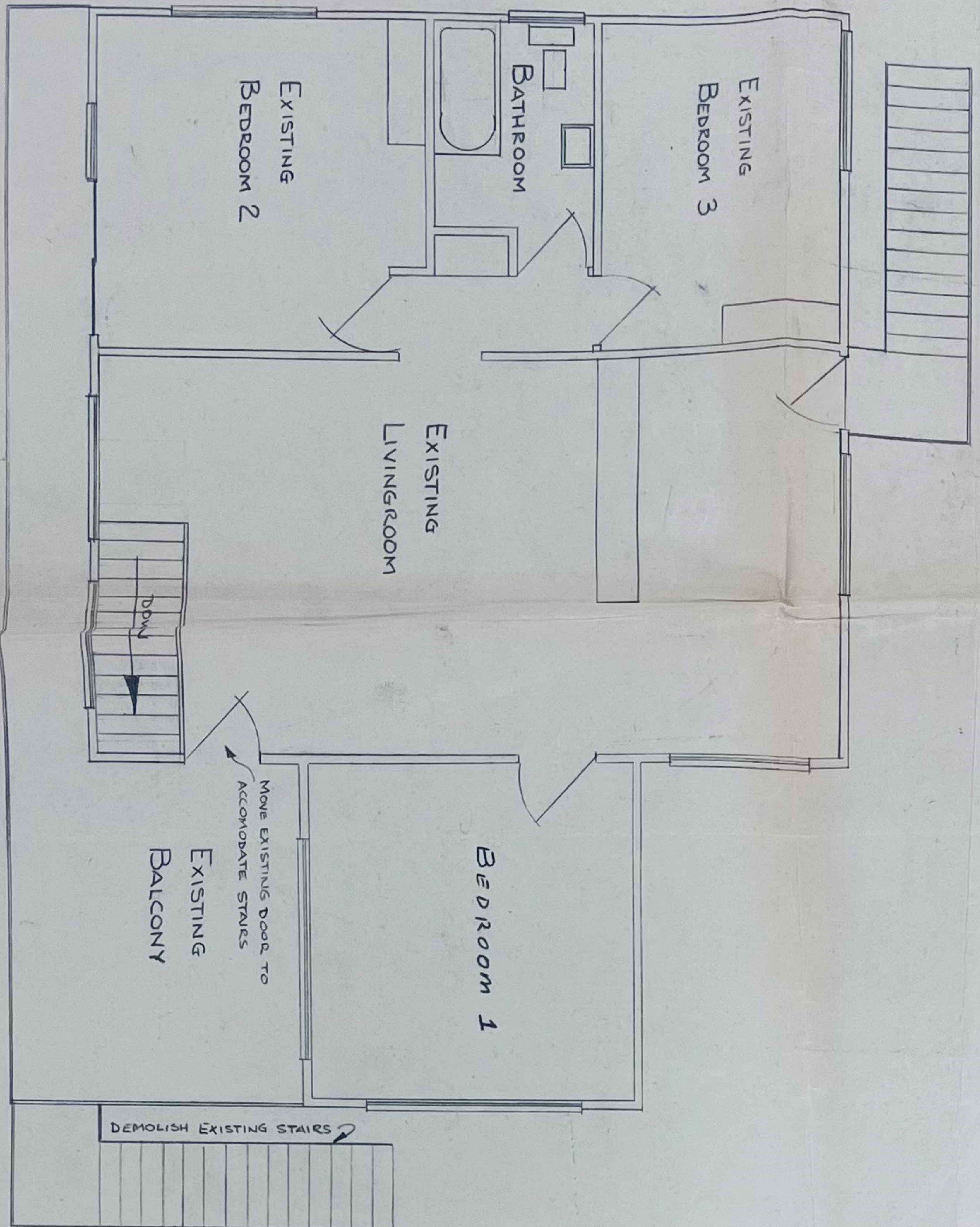
North East Elevation



South East Elevation



North West Elevation

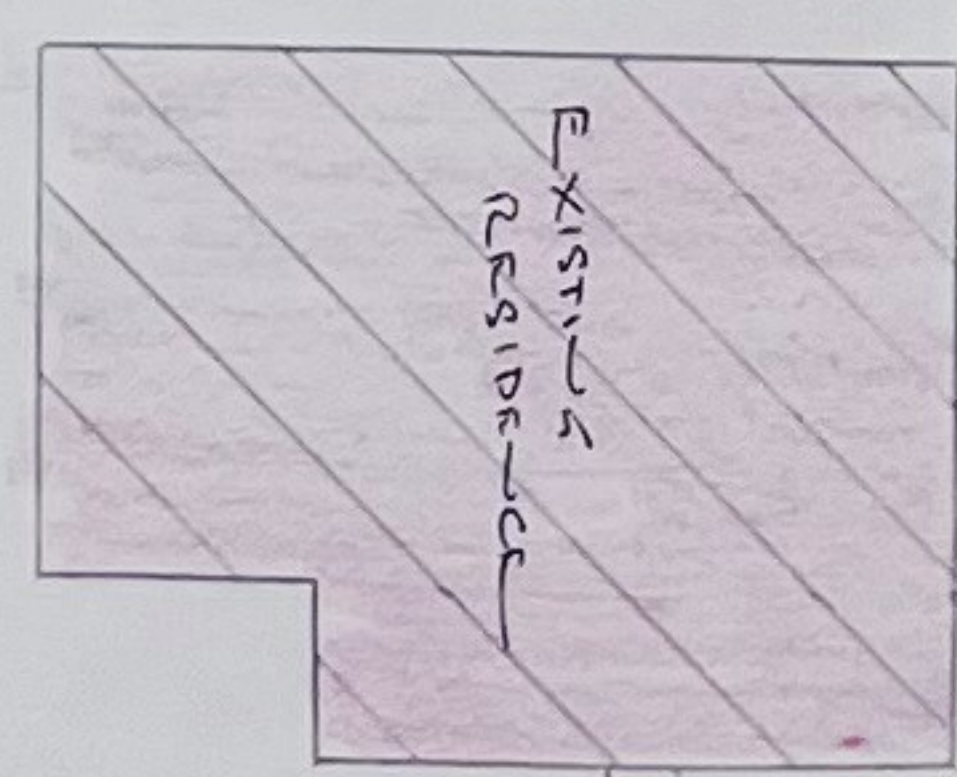
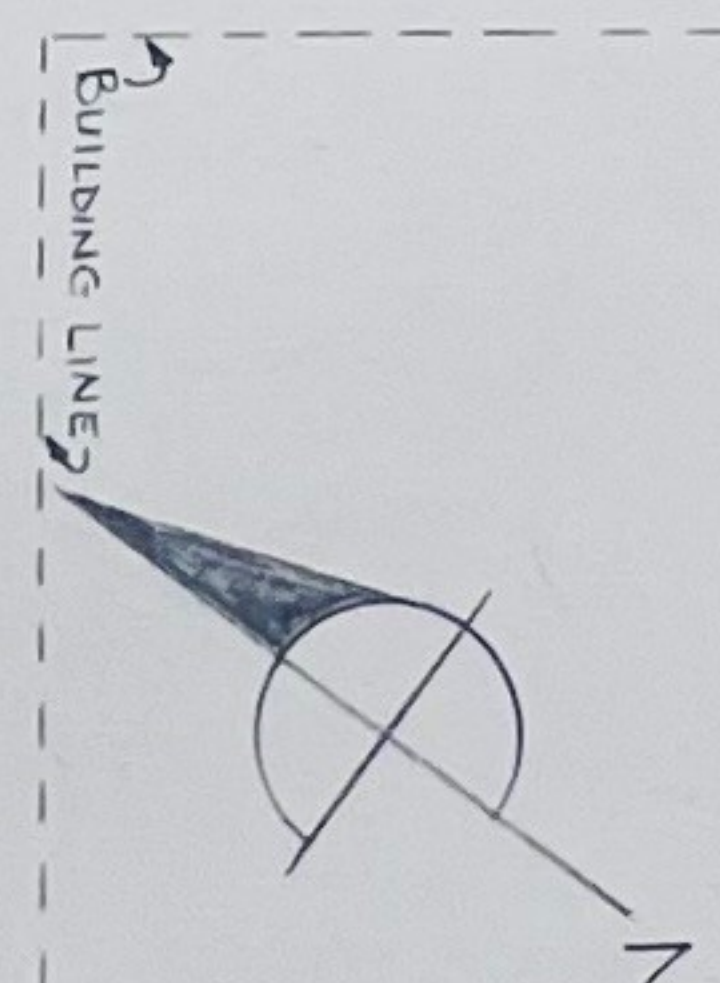


NOTES

- 12" Flat Asbestos sheeting on Proposed Roofing PVC Under Existing Kitchen
- 12" Flat Asbestos sheeting with water on Proposed Living Room
- Facilitate on Pine or Bealed ceiling on 38' x 38' Scandling
- D.C. Under all walls and windows
- Airbricks above all windows and doors

REMAINING DIMENSIONS INDICATED AS INDICATED

MAKOU STR.
SCALE 1:200



ERF 662
UNDEVELOPED

ERF 663

ERF 664
UNDEVELOPED

DEPARTMENTAL	
DEPT.	CHECKED
B.I.	
H.I.	
ELLECT.	
BLDG. COM.	<i>[Signature]</i>
T.P. COM.	<i>[Signature]</i>
COUNCIL	<i>[Signature]</i>

MUNICIPALITY / MUNISIPALITEIT
SEDFIELD

Goedgekeur onderhewig aan blygemaak van alle regulasies van
Approved subject to compliance with all stipulations of the
die Raad en endorsement hieronder.
Council and endorsement below

Plan Nr./No.
1st 8. 86
Datum/Date

Bouinspekteur/Building Inspector

[Signature]
Bouinspekteur/Building Inspector
Council/Kraad

ENDORSEMENT No. 1: -- These plans are approved
subject to compliance by the applicant with all stipu-
lations contained in the Deed of Transfer of the
property concerned.

ENDOSSEMENT Nr. 1: -- Hierdie planne is goedgekeur
onderhewig aan voldoen aan deur die applikant aan
alle bepalinge wat in die Transferakte van die be-
trokke eiendom vervat is.

ITEM TO:

Municipal Planning Tribunal



KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3686
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	07 April 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 692 Brenton

PART A: APPLICANT DETAILS

Name & Surname	Alexander Havenga
Company name	Nel & de Kock Town and Regional Planners
SACPLAN registration number	A/3313/2023
Registered owner(s)	Christo de Klerk

PART B: PROPERTY DETAILS

Property description	Erf 692, Brenton in the Municipality and Division of Knysna, Province of the Western Cape
Property Extent (m ²)	670
Physical address	10 Candleberry Drive
Area/Town	Brenton
Current zoning	Single Residential Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Dwelling House
Are there existing buildings on the property?	Yes
Title Deed number & date	T61931/2015
Any restrictive title conditions applicable?	None
Any third party conditions applicable?	None
Any unauthorised land use/building work	Yes
Bondholder's Consent	Not Applicable

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

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the following in respect of Erf 692, Brenton:

- 1.1. The unauthorised extensions to the existing dwelling house (i.e. covered entrance, new room, garage) that encroach the street building line as prescribed in terms of the Knysna Zoning Scheme By-law (2020).
- 1.2. The unauthorised covered braai area that encroaches the 2.0m lateral building line prescribed by the Knysna Zoning Scheme By-law (2020).

BACKGROUND

The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) with the permissible use of a "dwelling house." The applicant alleges that the current owner purchased the property in 2015 with approved building plans. The applicant states that the property owner was advised that they did not need to submit any applications, as the building work to be undertaken was a replacement and the other was to cover an existing structure. It was then also discovered that the existing main dwelling was in contravention of the street building line and there were no approved plans for the encroaching portion of the dwelling house.

2. ASSESSMENT OF APPLICATION

2.1. 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)	R147,620.82
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully.	Not Applicable

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

- 2.2.1. The contraventions on the subject property are in the form of minor additions to the existing dwelling house. These are the covered entrance to the dwelling house, a portion of a domestic workshop as a room extension to the house, an awning on the first-floor level that encroaches the street building line while an existing covered braai area is within the lateral building lines.
- 2.2.2. The gravity of the street building line encroachments may be considered minor as it does not extend more than 1.0m beyond the 4.5m street building line with the additions consistent with the single residential nature of the property. The same can be said regarding the covered braai area encroaching the lateral building lines, however, obtaining prior municipal approval would be important to ensure fire safety for the site and buildings as well as that of neighbouring properties.
- 2.2.3. The applicant requests that the penalty in respect of these contraventions be waived as these offences were allegedly committed by the previous owner. There is no substantive evidence provided to suggest that this is the case. However, it is ultimately the responsibility of a landowner to ensure compliance with the Planning and Zoning Scheme By-laws. It is also noted that municipal archives indicate that the current landowners have not contravened the zoning and planning by-laws previously.
- 2.2.4. In considering the above assessment, it was found that a contravention of the zoning scheme occurred and that the imposition of a nominal penalty is appropriate and justified and would also be in an effort to encourage behaviour change towards compliance. It is suggested that the penalty be a percentage of the total building cost as provided by the applicant rounded to R1,500.00.

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 R1,500.00 be imposed in accordance with Section 93(2) for the following in respect of Erf 692, Brenton:

- 3.1. The unauthorised extensions to the existing dwelling house (i.e. covered entrance, new room, garage) that encroach the street building line as prescribed in terms of the Knysna Zoning Scheme By-law (2020).
- 3.2. The unauthorised covered braai area that encroaches the 2.0m lateral building line prescribed by the Knysna Zoning Scheme By-law (2020).

4. 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):

- 4.1. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- 4.2. 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.

5. REASONS FOR RECOMMENDATION

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

- 5.1. The gravity of the street building line encroachments is considered minor as it does not extend more than 1.0m beyond the 4.5m street building line with the additions consistent with the single residential nature of the property. The same can be said regarding the covered braai area encroaching the lateral building lines, however, obtaining prior municipal approval would be important to ensure fire safety for the site and buildings as well as that of neighbouring properties.
- 5.2. The applicant requested that the penalty in respect of these contraventions be waived as these offences were allegedly committed by the previous owner. There is no substantive evidence provided to suggest that this is the case. However, it is ultimately the responsibility of a landowner to ensure compliance with the Planning and Zoning Scheme By-laws. It is also noted that the current landowners have not contravened the zoning and planning by-laws in other instances.
- 5.3. However, it was found that a contravention of the zoning scheme occurred and that the imposition of a nominal and proportionate penalty is justified and would encourage behaviour change towards compliance.

6. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: Applicant's motivating memorandum

ANNEXURE B: Power of attorney

ANNEXURE C: Copy of title deed

ANNEXURE D: Locality plan

ANNEXURE E: HOA Consent

ANNEXURE F: Site Plan

Administrative Penalty: Erf 692 Brenton			
Author Name: <u>SINOVUYO SITINXA</u>		Author Signature: 	
Date: <u>16 JULY 2026</u>			
Registered planner name: <u>SHAUN MADUMBO</u>		Registered Planner Signature: 	
SACPLAN registration number: <u>A/1910/2010</u>			
Date: <u>16/07/2026</u>			
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED



Stads- en Streekbeplanners
Town and Regional Planners

Yorkstraat 56 York Street | Posbus 1186/P.O. Box 1186 | George 6530 | Tel: (044) 874 5207 | Fax: (044) 8736354
Cell: 082 569 2438 E-pos/E-mail: neldek@mweb.co.za

7 July 2025

The Municipal Manager
P.O. Box 21,
Knysna,
6570

Sir

PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 692, BRENTON, SITUATED IN THE MUNICIPALITY AND DIVISION OF KNYSNA, IN THE PROVINCE OF THE WESTERN CAPE.

Duly authorised by the registered owner of the subject property, application is being made for the determination of an administrative penalty in terms of Section 15.(2)(r) of the Spatial Planning and Land Use Management By-Law of Knysna Municipality, 2021, regarding unauthorised structures on Erf 692, Brenton.

The current owner of Erf 692, Brenton, purchased the property in 2015. At the time, he requested approved building plans from the seller and was assured that everything was in order. After moving in, he noticed water leakage in the braai area during rain and hired Keens Kenmar to install louvres as a replacement for the faulty awning. He also asked them to install an awning over the first-floor patio above the garages. The installers advised that building plans were not required, as one awning was a replacement and the other covered an existing structure.

However, a real estate agent later informed the owner that approved plans were in fact necessary. He then appointed an architect to assist with the matter. During the drafting process, it was discovered that the main dwelling encroaches the street building line and that no approved plans existed for the covered braai area. The current owner, a law-abiding citizen, is now taking steps to rectify the unauthorised building work carried out by the previous owner.

In light of the aforementioned it is evident that the current owner of the property had no intention of illegally altering the structures on his property. The current owner has

not previously contravened Knysna Municipality's By-Law or previous planning law. Therefore, the applicant wishes to request that the Municipality decides on the administrative penalty with mitigation as this was the owner's first offence. Should the previous owners have submitted building plans on cadastrally accurate plans for the dwelling house and braai area, this process would not have been necessary.

The following calculation is made by the applicant for the determination of the administrative penalty:

1. Replaced Louvres over braai area = 12.42m²:

- The owner paid R40 371.90 for the replacement of the leaking structure over the braai area. Therefore, $R40\,371.90 / 12.42\text{m}^2 = R3\,250.56$ per square meter.
- According to the Site Development Plan, the louvres installed by the current owner encroaching over the building line is 9.1m².
- Therefore, the total costs of the louvres which encroaches over the building line equates to R29 580.10.
 - The owner did not construct the unauthorised braai area and therefore only a calculation is made for the louvres which he replaced. Bearing in mind that this is the owner's first offence and the fact that the installers misled the owner and he appointed professionals as soon as he was made aware of the fact that he does in fact have to submit building plans, mitigation is sought. Therefore, the applicant wishes to seek a 0% administrative penalty for this structure which is commendable considering that he is in process of submitting building plans after he was misled by the installers.

2. New awning over first floor patio = 33.12m²:

- The owner paid R107 248.92 for the awning over the patio on the first floor. Therefore, $R107\,248.92 / 33.12\text{m}^2 = R3\,238.19$ per square meter.
- According to the Site Development Plan, the awning installed by the current owner encroaching over the building line is 1.1m².
- Therefore, the total costs of the awning which encroaches over the building line equates to R3 562.01.
 - The owner did not construct the garage over the building line and therefore only a calculation is made for the louvres which he installed. Bearing in mind that this is the owner's first offence and the fact that the installers misled the owner and he appointed professionals as soon as he was made aware of the fact that he does in fact have to submit building plans, mitigation is sought. Therefore, the applicant wishes to seek a 0% administrative penalty for this structure which is commendable considering that he is in process of submitting building plans after he was misled by the installers.

3. Garage/ hobby workshop and covered entrance:

- The owner bought the property with the applicable structures already constructed on the property. Therefore, it is unknown what the costs for this

structures are. In light of the aforementioned, the applicant cannot make a calculation of the penalty, but would like to seek a 0% penalty as it was not the current owner who erected the structures in the building lines and he merely wants to rectify the situation due to the potentially wrongful placement of the dwelling house.

In support of the application, the following documentation is attached for your consideration:

- a) Application form fully completed and signed (**Annexure 1**);
- b) Power of Attorney by the registered owner (**Annexure 2**);
- c) Motivation is included in this cover letter;
- d) General Plan No. 6239/2005 (**Annexure 4**);
- e) Locality Map (**Annexure 5**);
- f) Site Development Plan with Drawing No. Moo4 of Project No. 2025/007 by Bauhaus Architektur (**Annexure 6**);
- g) Proof of payment (**Annexure 7**);
- h) Copy of Title Deed No. T61931/2015 (**Annexure 8**);
- i) Conveyancer Certificate by Herman Swanepoel (**Annexure 9**);
- j) The Woods Architectural Guidelines (**Annexure 10**); and
- k) HOA consent (**Annexure 11**).

It is trusted that our application will enjoy your favourable consideration and to hear from you at your earliest convenience. However, if there is any ambiguity or additional information required, we would be pleased to assist.

Yours Sincerely



Nel & de Kock Town and Regional Planners
Per: Alexander Havenga Pr. Pln A/3313/2023

POWER OF ATTORNEY

I, the undersigned,

Christo de Klerk

In my capacity as the Registered owner of Erf 692, Brenton, situated in the Municipality and division of Knysna, Province of the Western Cape.

hereby nominate and appoint:

NEL & DE KOCK TOWN & REGIONAL PLANNERS

With power of substitution, to be my true and lawful Agent in my name, place and stead, to apply to Knysna Municipality for **Permanent Departures for building line relaxations and a subsequent application for the determination of an administrative penalty w.r.t. Erf 692, Brenton**, and I hereby ratify, allow and confirm, and promise and agree to ratify, allow and confirm all and whatsoever our said Agent shall lawfully do or cause to be done by virtue of these presents.

SIGNED at KNYSNA on this 25/06/2025 in the presence of
the under mentioned witnesses.

AS WITNESSES:

1. 

2. 

1382

Annexure 8

Logan - Martin Inc
P O Box 6
Knysna
6570

Prepared by me

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R. 3745 000-00	R. 1160-00
Mortgage capital Amount	R.	R.
Reason for exemption	Cat.	Exempt i.e. o section Act

BC 000012510 / 2018

FLORIS ALBERTUS HANEKOM

GEKANSLEER CANCELLED

REGISTRAR

3 APR 2018

DATA / CAPTURE

04 NOV 2015

MADAMAL

VERBIND MORTGAGE

VR FOR R. 2800 000-00

B 000030445 / 2015

30 OCT 2015

REGISTRAR

DEED OF TRANSFER

T 000061931 / 2015

BE IT HEREBY MADE KNOWN THAT

FLORIS ALBERTUS HANEKOM

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at KNYSNA on 20 August 2015 granted to him by

MARTIN VAN STADEN

Identity Number [REDACTED]

and

HEIDI VAN STADEN

Identity Number [REDACTED]

Married in community of property to each other

DATA / VERIFY

2015 -11- 04

NCAPAI LINDA

And the appearer declared that his said principal had, on 17 August 2015, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

CHRISTO DE KLERK

Identity Number [REDACTED]

Married out of community of property

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

ERF 692 BRENTON IN THE MUNICIPALITY AND DIVISION OF KNYSNA,
PROVINCE OF THE WESTERN CAPE

IN EXTENT 670 (SIX HUNDRED AND SEVENTY) Square metres

First Transferred and still held by Deed of Transfer No. T15677/2009 with General Plan No 6239/2005 relating thereto

- A. SUBJECT to the conditions referred to in Certificate of Registered Title No T17263/1955.
- B. SUBJECT further and ENTITLED to the following conditions contained in Certificate of Partition Transfer No T8082/1928 which provides for certain rights of access, use of roads and right of way in favour of the owners from time to time of Belvidere, held by Certificate of Partition Transfer No T8083/1928 and the owners from time to time of the hereinmentioned property hereby transferred:
- (a) The proprietors of Belvidere and their successors in title shall have access to Brenton by and along the whole course of the line of road marked on the diagram of the farm annexed to the Amended Grant thereof, dated 30 March 1914 (the commencement and termination of the said line or road being marked P and Q respectively) and from the termination of the road to the river at or near the picnic place by the existing path (the termination of the said road and the termination of the said path at the picnic being marked Q and R respectively the said road and path being similarly marked and lettered on the diagram hereto annexed.
- (b) That if the proprietors of Brenton or any of their successors in title construct a road or use a road for traffic to any point on the Knysna River below the

picnic place, the proprietors of Belvidere and their successors in title shall be entitled to the use thereof and if it does not connect with any line or road mentioned in clause (a) aforesaid to a right of way from the line mentioned in clause (a) aforesaid to a right of way from the line mentioned in clause (a) to the same.

- (c) That the proprietors of Brenton and their successors in title shall have a right of way by the line or road marked on the diagram annexed to the grant aforesaid to where it joins with the existing public road at or near Ashford (the commencement and termination of the said road over which the right of way operates being marked P and O respectively) or which any public road to be hereafter proclaimed in lieu thereof provided that the proprietors for the time being (i.e the proprietor for the time being of Belvidere) may require the proprietor of Brenton for the time being to exercise such right of way by a line deviating as may from time to time mutually be agreed upon along the whole or any part of such line not more than one thousand (1000) yards on either side thereof.

The Deed of Granted dated 20 March 1914 referred to in condition (a) is Knysna Freeholds volume 3 no 5.

- C. ENTITLED FURTHER to the benefit of the terms of a servitude referred to in the following endorsement dated 27 January 1956 on Deed of Partition Transfer No T17264/1955:

By Deed No T699/56 dated 27 January 1956 portion 20 of the farm Belvidere thereby conveyed is subject to conditions contained in annexure marked A in favour of the land hereunder as will more fully appear on reference to the said deed.

The said annexure A reading as follows:

1. the land shall be used purely for residential and/or agricultural purposes which use shall particularly not include the carrying on of an hotel, boarding house, restaurant or used for any trading or business purposes whatsoever.
2. The aforesaid condition 1 constitutes a reservation solely for the benefit of the transferors and their successors who shall at all times at their sole discretion have the power to, at their own free will and election and on such conditions as they may deem, meet, modify, amend or alter the same at will,

with the consent of the transferee, it being clearly understood that the like or similar condition (as in clause 2 herein contained) in any other agreement or deed in respect of any other land now or later sold in or about the remaining extent of Brenton aforesaid, shall likewise be deemed to be solely for the benefit of the transferors and the transferee shall have no claim or action against any transferor or transferee of land by reason that any alterations or amendment of the clause 2 herein contained has been altered or amended by virtue of the reservation in favour of and for the benefit of the transferors.

3. Any future buildings which may be built on the said land shall be set at least 9.45 metres away from the road or street or boundary fence and the sale shall further be subject to the approval of all plans and specifications by the transferors of any buildings to be erected on the said land, such plans and specifications to be submitted to the transferors prior to the erection of any buildings for the approval of the transferors.
4. The transferee shall fence the said land to the satisfaction of the transferors within six months after transfer has been registered in his name, if called upon by any of the transferors to do so.
5. The transferors reserve to themselves, their successors and assigns, the right at any time hereafter to the free and undisturbed passage of wires for electric light, telephones or power over and under any portion of the said land, with further right causing them to be affixed to any building or erection with access at any time to the said wires for the purpose of maintenance or removal. No compensation shall be payable to the transferors.
6. The transferors reserve to themselves, their successors and assigns the right at any time hereafter to lay and maintain water piping under the said land and at all times access to the said piping for removal, maintenance, extension etc. No compensation shall be payable by the transferors.
7. The transferors reserve to themselves, their successors and assigns the right to construct sewers or drains over and under the above property and shall have reasonable access thereto for the purposes of maintenance, removal and extension and the transferee and his successors shall be obliged to allow the drainage or sewerage of any road or street to be conveyed over this property if deemed necessary by the transferors.

8. The transferee agrees to allow a 4.72 metre wide foot and bridal path as near as possible and as convenient as possible to the high water mark across his frontage on the lagoon for the use and benefit of any landholder now and in future of the original remaining extent of the far Brenton. The transferee undertakes if and when required, to engage upon and enter into and sign any documents and deeds and any other papers calculated to give full effect thereto.

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

MARTIN VAN STADEN and HEIDI VAN STADEN, Married as aforesaid

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

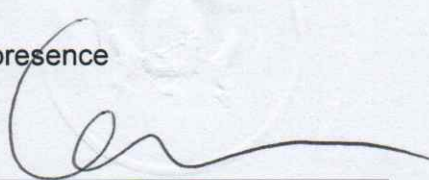
CHRISTO DE KLERK, Married as aforesaid

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R3 745 000,00 (THREE MILLION SEVEN HUNDRED AND FORTY FIVE THOUSAND RAND).

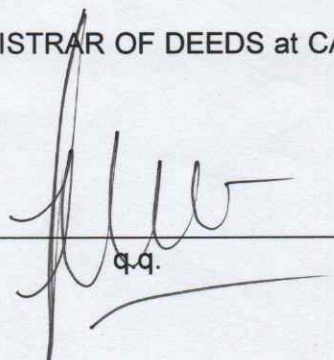
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 30 October 2015

In my presence



REGISTRAR OF DEEDS



q.q.



Legend



Erf

Map Center: Lon: 23°1'35.4"E
Lat: 34°3'35"S

Scale: 1:10,000

Date created: 2025/01/07



Western Cape
Government
FOR YOU



THE WOODS DRC

To whom it may Concern,

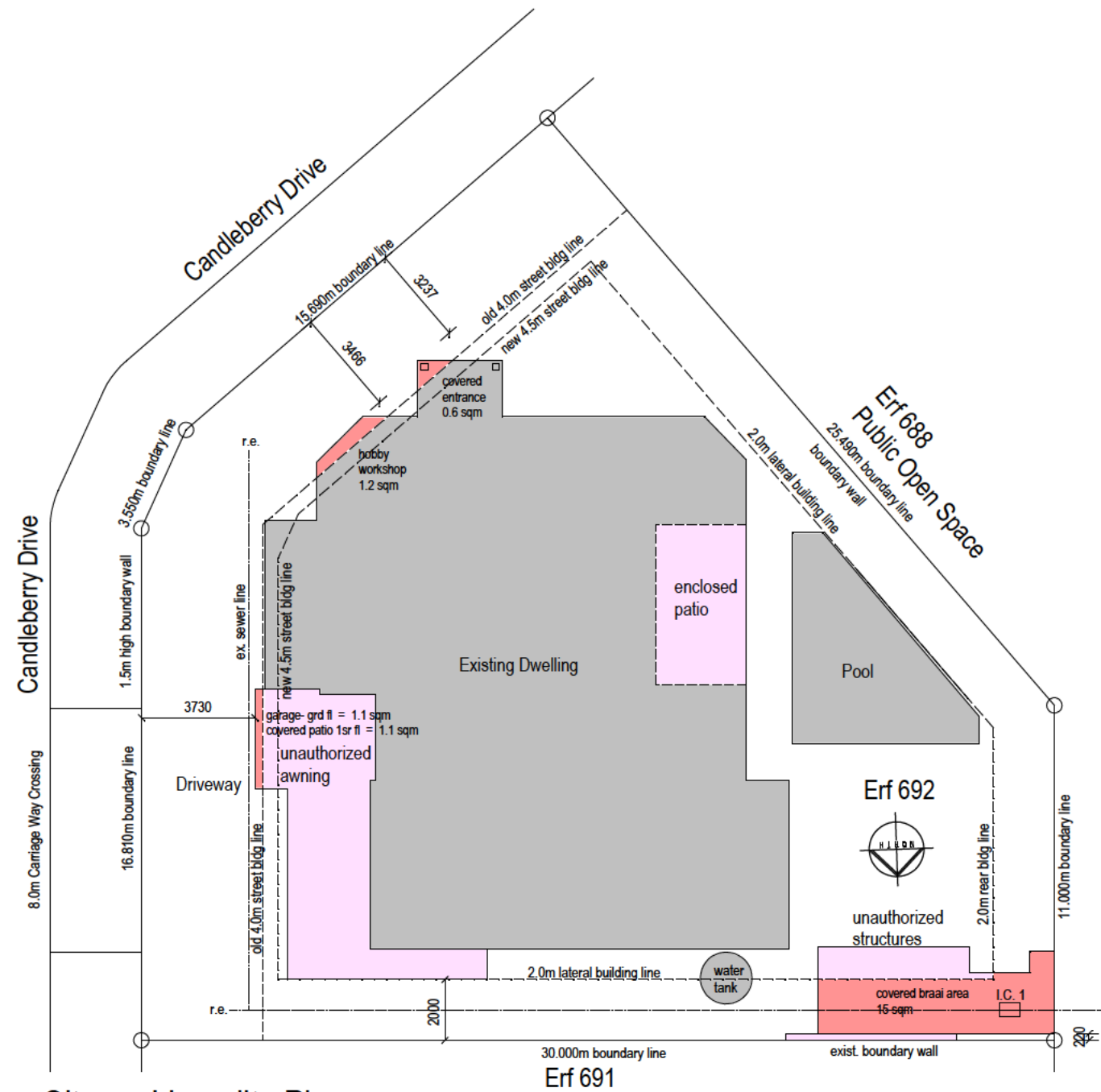
This letter confirms that The Woods DRC has in principal no objection to the relaxation of the building lines for as-built structures on Erf 692, The Woods.

ERF Nr : 692
Drawing Nr : 2025/007-M001
Date : 2025 07 03

Yours Sincerely,



Nico Vreken



Site and Locality Plan
scale 1:200
BLDG LINE ENCROACHMENTS ONLY

Colour Key:

UNAUTHORIZED BUILDING WORK

BUILDING LINE ENCROACHMENTS