

# **KNYSNA LOCAL MUNICIPALITY**

Notice is hereby given of a

## **KNYSNA MUNICIPAL PLANNING TRIBUNAL MEETING**

to be held on

Thursday, 27 August 2026

at

***09:00***

Council Chambers

to consider the following items:

MUNICIPAL OFFICES  
KNYSNA

**ADMINISTRATOR**

### **A G E N D A**

Chairperson:

R Smit

Members:

J Grobler

J Samson-Swartz

Z van Rooyen

N Perring

L Mniki

M Nzuzo

M Musekene

L Goya

R Daames

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27 AUGUST 2026

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## **AGENDA**

1. Opening and Welcome
2. Attendance (as per attendance register)
  - 2.1 Members: Present
  - 2.2 Members: Absent with Leave
  - 2.3 Members: Absent Without Leave
  - 2.4 Councilors Present
  - 2.5 Officials Present
  - 2.6 Members of the Audit Committee Present
  - 2.7 Members of the Public Present
3. Order of Proceedings
  - 3.1 Conflict of Interest
  - 3.2 Points in *Limine*
  - 3.3 Consideration of *Locus Standi*
  - 3.4 Time Allocation for Oral Presentations
4. Noting of Rules of Order
  - 4.1 Confirmation by Members in terms of Rule 6.3.
5. Approved Minutes of Previous Meeting
6. New Items
7. Closure

**-oOo-**

# KNYSNA LOCAL MUNICIPALITY

## MINUTES

of the

## MUNICIPAL PLANNING TRIBUNAL

in the Council Chambers

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Main Building

Clyde Street

Knysna

**Tuesday, 28 July 2026**

at

**09h00**

Members Present (9/10):

|                      |      |
|----------------------|------|
| R Smit (Chairperson) | (RS) |
| J Grobler            | (JG) |
| N Perring            | (NP) |
| J Samson-Swartz      | (JS) |
| Z van Rooyen         | (ZR) |
| M Musekene           | (MM) |
| L Mniki              | (LM) |
| L Goya               | (LG) |
| R Daames             | (RD) |



## **1. OPENING AND WELCOME**

The Chairperson, Mr. R Smit opened the meeting and welcomed everyone present.

## **2. ATTENDANCE**

### **2.1. Members Present**

As per the attendance register.

### **2.2. Members Absent with Leave**

M Nzuzo (MN)

### **2.3. Members Absent without Leave**

None

### **2.4. Councillors Present**

None

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### **2.5. Officials Present**

As per the attendance register.

### **2.6. Members of the Public Present**

As per the attendance register.

## **3. ORDER OF PROCEEDINGS**

### **3.1 CONFLICT OF INTEREST**

That it be noted that the Ms. Linda Mniki, member and case official, declared interest in the following items:

- Erf 2494 Knysna
- Erf 8339 Knysna
- Erf 3963 Knysna

### **3.2 POINTS IN LIMINE**

None

### **3.3 CONSIDERATION OF *LOCUS STANDI***

None

### 3.4 REQUESTS FOR ORAL PRESENTATION

That it be noted that the following request oral presentations were received:

- Erf 1684 & 1686 Knysna
- Erf 2173 Knysna

### 4. NOTING OF THE RULES OF ORDER

That it be noted that members present, noted the Rules of Order.

### 5. APPROVED MINUTES OF PREVIOUS MEETING

That the previous approved minutes be noted.

### 6. NEW ITEMS

#### 6.1. KMPT01/07/26: **ERVEN 1684 & 1686, KNYSNA: REMOVAL OF RESTRICTIONS, REZONING, CONSOLIDATION & DEPARTURES**(APPLICATION NO. 2818)

- *That it **be noted** that the Tribunal considered the land use planning report dated 20 July 2026 as submitted by the case officer, Mr. S Madumbo on 22 July 2026 and conducted a site inspection on 27 July 2026.*
- *That it **be noted** that the objectors did oral presentations.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.1.1 That the application, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the removal of restrictive title conditions C.(b) as specified in the deeds of title numbered T33498/2013 dated 16 July 2013 and T58256/2016 dated 23 September 2016, in respect of Remainder Erven 1684 and 1686, Knysna, respectively, **Be Refused**.

6.1.2 That the application, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the Rezoning from "Single Residential Zone I" to "General Residential Zone IV" of the Knysna Zoning Scheme By-law (2020) in respect of Remainder Erven 1684 and 1686 Knysna, to allow for a "guest lodge", **Be Refused**.

- 6.1.3 That the application, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the consolidation of Remainder of Erf 1684 and 1686, Knysna to form an erf measuring 2,490m<sup>2</sup> in extent, **Be Refused**.
- 6.1.4 That the application, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the Departures from the development parameters of "guest lodge" as contemplated in the Knysna Zoning Scheme By-law (2020) for the relaxation of the western lateral building line from 4.5m to 1.5m to allow for the existing approved dwelling, **Be Refused**.
- 6.1.5 That the application, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the Departures from the development parameters of "guest lodge" as contemplated in the Knysna Zoning Scheme By-law (2020) for the relaxation of the provision of the street building line from 5m to 0m to allow for decks and ramps for disabled guests, **Be Refused**.
- 6.1.6 That the application, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the Departures from the development parameters of "guest lodge" as contemplated in the Knysna Zoning Scheme By-law (2020) for the relaxation of the provision of the zoning scheme regarding access and parking to allow reversing of vehicles across the sidewalk, **Be Refused**.
- 6.1.7 **The reasons for above decision are as follows:**  
**Parking and traffic impact**
- (i) The consolidation is required to meet the bylaw development parameters since each property is not able to separately provide the required number of bays for the number of guest rooms i.e. 1 bay per room plus 1 bay for manager.
  - (ii) Erf 1684 (Amanzi Lodge) proposes nine(9) guest rooms and one(1) Manager's units with five(5) parking bays proposed on this property.

- (iii) Erf 1686 (Amanzi Lodge Annex) proposes seven(7) guest rooms and twelve(12) parking bays which ten(10) of the parking bays are proposed to be at the rear of the site. Access to these bays will be via a proposed ramp along the western boundary of the site.
- (iv) The noise and disturbance for the adjacent property (erf 1688) will impact on residential quality with vehicles accessing the rear parking bays via the ramp. The ramp itself runs the full 40m length of the common boundary
- (v) The access to both the properties is from Cearn Drive by means of a one way in access point for both properties. Cearn Drive is a busy road during peak tourism season and where street parking is required along this road, for visitors to access the Knysna Estuary/waterbody.
- (vi) The traffic impact is perceived to be undesirable but cannot be confirmed in the absence of a detailed traffic statement.

#### **Infrastructure and traffic impact**

- (vii) The sewerage infrastructure consists of a conservancy system with septic tanks, serviced by the municipality by means of "honey-suckers" trucks used for emptying and maintaining septic tanks and cesspits. The proposed increase of rooms will result in more frequent emptying and maintenance of septic tanks. This impacts on infrastructure service provision and maintenance, Again, this also impacts on the traffic along Cearn Drive and more so on the direct neighbours and overall residential quality of Leisure Isle.

#### **Environmental risks**

- (viii) The increase in rooms and combined increase in number of persons daily on the two properties will have an impact on services which in turn will have negative impact on the natural environment, particularly as it is located along the Knysna Estuary

#### **Scale of development**

- (ix) The scale of the development is not consistent with the surrounding residential area.

- (x) The consolidation of the two properties will result in building lines being removed between the current two properties which will enable a more bulky seamless building to be constructed. This will result in the residential character of the property being lost and impact on the residential character of Leisure Isle.
- (xi) The engineering services for Leisure Isle including sewage, water and parking does not support rezoning for a more intensive land use and once this application has been approved, it could create a precedent for more commercial land uses. No other similar changes in zoning has been recorded and it could change the development trend away from single residential to commercial zonings especially along Cearn Drive. This may well be the future for this area but the infrastructure, parking and urban design guidelines should first be in place to protect residential investments in the neighbourhood.

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File number: 9/1/2/13

Execution: Municipal Manager  
Director: Planning and Development  
Manager Land Use Management

6.2. KMPT02/07/26: **REMAINDER OF ERF 2173, KNYSNA – DEPARTURE(S), REMOVAL OF RESTRICTIONS & CONSENT USE** (APPLICATION NO. 3361)

- That it **be noted** that the Tribunal considered the land use planning report dated 21 July 2026 as submitted by the case officer, Ms. S Sitinga on 22 July 2026 and conducted a site inspection on 24 June 2026.
- That it **be noted** that the objectors did oral presentations.
- That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:

6.2.1 That the application, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (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, **Be Refused**.

- 6.2.2 That, **Approval be Granted**, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the Permanent Department to allow for the relaxation of the rear building line from 2m to 0.9m on Remainder of Erf 2173, Knysna.
- 6.2.3 That, **Approval Be Granted**, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the Consent Use for a second dwelling that exceeds 60m<sup>2</sup>; and
- 6.2.4 That the application, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management By-law (2021) for the Consent Use for a creche that permits up to 15 children, **Be Refused**.
- 6.2.5 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) The proposed building line relaxations shall be in accordance with the site development plan numbered "SP/E2173/KNY" dated 01 November 2024.

6.2.3 **The reasons for above decision are as follows:**

**Refusal**

- (i) The application for the removal of restrictive title conditions and consent use to allow a creche is not supported due to the following:
- a) The dropoff facility on the property and street is inadequate and cause a safety issue;
  - b) There is not enough suitable space for parking.

**Approval**

- (ii) The relaxation of the prescribed rear building line extends around 6m 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.

- (iii) 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.

File number: 9/1/2/13  
Execution: Municipal Manager  
Director: Planning and Development  
Manager Land Use Management

6.3. KMPT03/07/26: **ERF 124, BUFFALO BAY – ADMINISTRATIVE PENALTY**  
(APPLICATION NO. 3718)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 July 2026 as submitted by the case officer, Ms. Sinovuyo Sitinga on 22 July 2026.*
- *That it be noted that five(5) members voted in favour and four(4) opposed the recommendation.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal resolved as follows:*

6.3.1 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 **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.

6.3.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) 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/Rev04" dated 10 March 2025.

6.3.3 **The reasons for above decision are as follows:**

- (i) 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.
- (ii) 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.

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File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development

Manager Land Use Management

6.4. KMPT04/07/26: **ERF 102, BRENTON – ADMINISTRATIVE PENALTY**  
(APPLICATION NO. 3695)

- That it **be noted** that the Tribunal considered the land use planning report dated 17 July 2026 as submitted by the case officer, Ms. Sinovuyo Sitinga on 22 July 2026.
- That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:

6.4.1 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 **R10 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:



6.4.1.1 The second dwelling house that exceeds the maximum permissible number of two(2) storeys with one(1) additional storey.

6.4.1.2 the unauthorised second dwelling that exceeds the maximum permissible extent of 80m<sup>2</sup> as contemplated under "dwelling house".

6.4.1.3 the encroachments of the prescribed street and lateral building lines of 4.5m and 2m respectively, as shown on plan numbered "Annexure H1".

**6.4.2 The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- (ii) This 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.

**6.4.3 The reasons for above decision are as follows:**

- (i) 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.

File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development

Manager Land Use Management

**6.5. KMPT05/07/26: ERF 989 SEDGEFIELD – ADMINISTRATIVE PENALTY  
(APPLICATION NO. 3698)**

- That it **be noted** that the Tribunal considered the land use planning report dated 16 July 2026 as submitted by the case officer, Ms. S Sitinga on 22 July 2026.
- That it be noted that five(5) members voted in favour and four(4) opposed the recommendation.
- That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal resolved as follows:

6.5.1 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 **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.

6.5.2 **The reasons for above decision are as follows:**

- (i) 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.
- (ii) 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.
- (iii) 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.

File number: 9/1/2/13

Execution: Municipal Manager  
Director: Planning and Development  
Manager Land Use Management

6.6. KMPT06/07/26: **ERF 5110, KNYSNA – ADMINISTRATIVE PENALTY**  
(APPLICATION NO. 3663)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 July 2026 as submitted by the case officer, Ms. S Sitinga on 22 July 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.6.1 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 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 By-law (2020) in respect of Erf 5110, Knysna.

6.6.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- (ii) 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 (2021) on the subject erf.

6.6.3 **The reasons for above decision are as follows:**

- (i) 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.

- (ii) 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.

File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development

Manager Land Use Management

6.7. KMPT07/07/26: **ERF 663, SEDGEFIELD – ADMINISTRATIVE PENALTY**  
(APPLICATION NO. 3726)

- That it **be noted** that the Tribunal considered the land use planning report dated 16 July 2026 as submitted by the case officer, Ms. S Sitinga on 22 July 2026.
- That it be noted that six(6) members voted in favour and three(3) opposed the recommendation.
- That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal resolved as follows:

- 6.7.1 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:

6.7.1.1 The unauthorised second dwelling that exceeds 60m<sup>2</sup> as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020).

6.7.1.2 The unauthorised retaining wall that encroaches the 2.0m lateral building line prescribed by the Knysna Zoning Scheme By-law (2020).

**6.7.2 The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- (ii) 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 (2021) on the subject erf.

**6.7.3 The reasons for above decision are as follows:**

- (i) 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.
- (ii) The existing unlawful second dwelling unit entails a change in the use of a portion of the subject property, and 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.
- (iii) 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.

File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development

Manager Land Use Management

6.8. KMPT08/07/26: **ERF 692 BRENTON – ADMINISTRATIVE PENALTY**  
(APPLICATION NO. 3686)

- That it **be noted** that the Tribunal considered the land use planning report dated 16 July 2026 as submitted by the case officer, Ms. S Sitinga on 22 July 2026.
- That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:

6.8.1 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:

6.8.1.1 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).

6.8.1.2 The unauthorised covered braai area that encroaches the 2.0m lateral building line prescribed by the Knysna Zoning Scheme By-law (2020).

6.8.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- (ii) 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 (2021) on the subject erf.

6.8.3 **The reasons for above decision are as follows:**

- (i) The gravity of the street building lien encroachments is considered minor as it does not extend more than 1.0m beyond the 4.5m street building line with the additions.

File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development  
Manager Land Use Management

6.9. KMPT09/07/26: **ERF 21345 KNYSNA – ADMINISTRATIVE PENALTY**  
(APPLICATION NO. 3721)

- *That it **be noted** that the Tribunal considered the land use planning report dated 16 July 2026 as submitted by the case officer, Ms. S Sitinga on 22 July 2026.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.9.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) an administrative penalty in the amount of **R5 000.00** be determined in accordance with Section 93(2), for the unauthorised building work encroaching on the prescribed building lines under “dwelling house” property of the Knysna Zoning Scheme By-law (2020), in respect of Erf 21345, Knysna.

6.9.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- (ii) 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 (2021) on the subject erf.

6.9.3 **The reasons for above decision are as follows:**

- (i) The property owner has conceded to the transgression and is willing to pay the minimum applicable penalty as specified in Council approved tariffs. This monetary penalty is considered proportionate and reasonable in terms of the offence committed.

File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development  
Manager Land Use Management

6.10. KMPT10/07/26: **ERF 2494 KNYNSNA – ADMINISTRATIVE PENALTY**  
(APPLICATION NO. 3681)

- *That it **be noted** that the Tribunal considered the land use planning report dated 7 July 2026 as submitted by the case officer, Ms. LV Mniki on 22 July 2026.*
- *That it be noted that Ms. LV Mniki abstained from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.10.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) an administrative penalty in the amount of **R5 000.00** be determined in accordance with Section 93(2), for the failure to lodge an application in terms of Section 15(2)(f) prior to the commencement of land development, in respect of Erf 2494, Knysna.

6.10.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- This administrative penalty applies to the second dwelling unit and the carport, as shown on plan numbered "N007/06/2025" and drawn by N Genade.
- The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision.
- 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 (2021) on the subject erf.

6.10.3 **The reasons for above decision are as follows:**

- The transgression is the failure of the landowner to obtain prior approval in terms of an application as contemplated under Section 15(1) and (2) of the Planning By-law which is the removal of a restrictive title condition prior to commencing with building work. The applicant has conceded to the transgression in terms of their



responsibility as landowner and has confirmed their willingness to make payment on the penalty as specified in Council's approved tariff.

- (ii) Furthermore, the gravity and extent of the transgression is considered minor in so far as it is in keeping with primary land use of a property zoned, "Singled Residential Zone I".

File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development

Manager Land Use Management

6.11. KMPT11/07/26: **ERF 8339 KNYSNA – ADMINISTRATIVE PENALTY**  
(APPLICATION NO. 3634)

- *That it **be noted** that the Tribunal considered the land use planning report dated 7 July 2026 as submitted by the case officer, Ms. LV Mniki on 22 July 2026.*
- *That it be noted that Ms. LV Mniki abstained from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.11.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) an administrative penalty in the amount of **R5 000.00** be determined in accordance with Section 93(2), for the unauthorised building work encroaching the building line as prescribed for "group housing" under "General Residential Zone I" of the Knysna Zoning Scheme By-law (2020) in respect of Erf 8339, Knysna.

6.11.2 **The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) This administrative penalty applies to the buildings contravening the prescribed 4.5m perimeter street building line as shown on plan numbered "K8339SP" dated August 2025.
- (ii) The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision.

- (iii) 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 (2021) on the subject erf.

**6.11.3 The reasons for above decision are as follows:**

- (i) The applicant has conceded to the transgression in terms of their responsibility as landowner and has confirmed their willingness to make payment on the penalty as specified in Council's approved tariff.
- (ii) Furthermore, the gravity and extent of the transgression is considered minor and has not shown to cause any adverse impacts on the neighbouring and affected properties. The imposition of an administrative penalty in accordance with Council's approved tariffs is, therefore, considered justified.

File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development

Manager Land Use Management

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**6.12. KMPT12/07/26: ERF 3963, KNYSNA – ADMINISTRATIVE PENALTY  
(APPLICATION NO. 3720)**

- *That it **be noted** that the Tribunal considered the land use planning report dated 20 July 2026 as submitted by the case officer, Ms. LV Mniki on 22 July 2026.*
- *That it be noted that Ms. LV Mniki abstained from voting.*
- *That it further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved as follows:*

6.12.1 That, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) an administrative penalty in the amount of **R5 000.00** be determined in accordance with Section 93(2), for the unauthorised construction of an additional (i.e. third) storey in contravention of the Knysna Zoning Scheme By-law (2020) in respect of Erf 3963, Knysna.

**6.12.2 The above decision is subject to the following condition(s) imposed in terms of Section 66 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021):**

- (i) This administrative penalty applies to the buildings contravention pertaining to an unlawful third storey of the “dwelling house” as indicated on the plan numbered “2025/016-M002-to-M003” drawn by Gunther Toll.
- (ii) The landowner/applicant shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision.
- (iii) 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 (2021) on the subject erf.

**6.11.3 The reasons for above decision are as follows:**

- (i) The gravity of the offence is considered strongly as it entails the construction of an entire storey which has potential adverse implications privacy and/visual impact. However, it is noted that the placement of the third storey has been made on the lower side of the slope and below the existing dwelling, thereby potentially minimizing any adverse impacts as a result. Hence, a higher penalty has not been recommended.
- (ii) The encroachment of the street building line, however, has been considered with relative leniency considering the fact that a shed is a common appurtenance of a residential property and its placement herein, is below the street level where it may have minimal impact on the streetscape.
- (iii) The transgression includes the failure of the landowner to obtain prior approval in terms of an application as contemplated under Section (15)(1) and (2) of the Planning By-law which is the removal of a restrictive title condition prior to commencing with building work. The applicant has conceded to the transgression in terms of their responsibility as landowner and has confirmed their willingness to make payment on the penalty as specified as specified in Council’s approved tariff.

File number: 9/1/2/13

Execution: Municipal Manager

Director: Planning and Development

Manager Land Use Management

**7. Closure**

The Chairperson thanked all attendees and closed proceedings at 13h01.



R SMIT (CHAIRPERSON)

17.8.2026

DATE



**ITEM TO:**

Municipal Planning Tribunal



**KNYSNA**  
Municipality Munisipaliteit uMasipala

|                  |                  |
|------------------|------------------|
| APPLICATION NO.  | 3724             |
| 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: PORTION 19 OF FARM 205, KNYNSA****PART A: APPLICANT DETAILS**

|                             |                               |
|-----------------------------|-------------------------------|
| Name & Surname              | <b>Lundikazi Khuphiso</b>     |
| Company name                | <b>PLANNING SPACE PTY LTD</b> |
| SACPLAN registration number | <b>C/9271/2020</b>            |
| Registered owner(s)         | <b>Lydia Salomina Ras</b>     |

**PART B: PROPERTY DETAILS**

|                                               |                                                                                                                    |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Property description                          | <b>Portion 19 of farm 205, KNYNSA, in the Municipality of Knysna and Division of Knysna, Western Cape Province</b> |
| Property Extent (m <sup>2</sup> )             | <b>4. .8985 ha</b>                                                                                                 |
| Physical address                              | <b>Ruygte Valley Farm 205/19</b>                                                                                   |
| Area/Town                                     | <b>Knysna</b>                                                                                                      |
| Current zoning                                | <b>Agriculture Zone I</b>                                                                                          |
| Applicable zoning scheme                      | <b>Knysna Zoning Scheme By-law (2020)</b>                                                                          |
| Current land use                              | <b>Rural Residential</b>                                                                                           |
| Are there existing buildings on the property? | <b>Yes</b>                                                                                                         |
| Title Deed number & date                      | <b>T65558/2014</b>                                                                                                 |
| Any restrictive title conditions applicable?  | <b>None</b>                                                                                                        |
| Any third party conditions applicable?        | <b>None</b>                                                                                                        |
| Any unauthorised land use/building work       | <b>Yes</b>                                                                                                         |
| Bondholder's Consent                          | <b>Not Applicable</b>                                                                                              |

| <b>PART C: CONTRAVENTION INFORMATION</b>                                                                                                                                                                                   | <b>Yes</b>                          | <b>No</b>                           | <b>Not Applicable</b>               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Has the landowner applied for the determination of an administrative penalty?                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 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?                                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## 1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), read with Section 93(1), for the unauthorised building work encroaching the 30m building line of the Knysna Zoning Scheme By-law (2020) under "Agriculture Zone I" in respect of Portion 19 of the Farm Ruygte Vally No. 205, Knysna.

## 2. BACKGROUND

- 2.1. The subject property is zoned "Agriculture Zone I" in terms of the Knysna Zoning Scheme By-law (2020) which permits agriculture as a primary use. This zoning prescribes a 30m building line along all boundaries within which no buildings or structures are permitted without prior approval in terms of the provisions of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021).
- 2.2. The original dwelling house on the property was constructed in 1960, with approved plans for extension obtained in 1983. A two-building complex (connected by a deck and passage) and a garage were depicted on these approved plans. However, the deck was never constructed, and instead two timber structures were erected on the property.
- 2.3. In June 2000, an approval for the consent was granted in terms of Ordinance 15 of 1985 for the operation of a restaurant, tea garden, and coffee shop on the property. The restaurant was operated within a portion of the previously approved dwelling house. In 2002, the owner applied for an extension of the validity period of this approval due to delays in implementation, primarily arising from conditions imposed by SANRAL.
- 2.4. In 2014, an approval for the relaxation of the western and the northern lateral building lines from 30m to 10m and 15m respectively, to allow for the existing additional dwelling unit, was granted. The approval entailed a condition of approval that required that a consent use for the additional dwelling be obtained. This condition was never complied with, and that has necessitated the current application.

### 3. ASSESSMENT OF APPLICATION

#### 3.1. Administrative Penalty Calculation

|                                                                                                                                                                                | Rand value (R)               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>1. Unauthorised Building Work (i.to. Zoning Scheme By-law)</b>                                                                                                              | <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 provided                 |
| (c) Repeat Offender (approved tariff in (a) above x2)                                                                                                                          | Not applicable               |
| <b>2. Unauthorised Land Use</b>                                                                                                                                                |                              |
| (a) Uncontested: Unauthorised Residential Use                                                                                                                                  | Not applicable               |
| (b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 0)                                            | Not applicable               |
| (c) Repeat Offender (approved tariff in (a) above x2)                                                                                                                          | Not applicable               |

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

3.2.1. The applicant alleges that the property owner has taken initiative to regularise the unlawful structures on the property and that this is proof of willingness to comply with the relevant municipal planning policies. The applicant adds that these structures have been in existence for several years and there is no new structures being proposed, therefore it is not expected that these structures would have any negative impact to the surrounding properties. Granted these arguments, the applicant accepted the minimal applicable penalty of **R 5,000.00**.

3.2.2. It is agreed with the applicants' sentiments that the existing structures are not anticipated to have any negative impact on the surrounding properties or the agricultural character of the area. It is therefore accepted that the imposition of a minimal penalty as proposed by the applicant would be reasonable, as its gravity or the seriousness of the offence is not considered grave.

### 4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 5,000.00 be determined in accordance with Section 93(2,) for the unauthorised building work encroaching the 30m building line in terms of the Knysna Zoning Scheme By-law (2020) under "Agriculture Zone I" in respect of Portion 19 of the farm Ruygte Valley No. 205, 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 administrative penalty applies to the buildings and structures encroaching the prescribed building line as shown on the plan numbered "12-11-A1.0" dated 23 April 2026.
- 5.2. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- 5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

## 6. REASONS FOR RECOMMENDATION

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

The imposition of the penalty in accordance with Council's approved tariff is considered justified, as the offence is not considered grave or of a magnitude that caused harm to its surrounding area. Also, the applicant has conceded to the transgressions and accepts the payment of an administrative penalty as specified in the approved tariff list.

## 7. SUPPORTING APPLICATION DOCUMENTS

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

**ANNEXURE B:** Power of attorney

**ANNEXURE C:** Copy of title deed

**ANNEXURE D:** Locality map

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

**ANNEXURE F:** Site Plan and Elevations

| Administrative Penalty: Portion 19 of the farm Ruygte Valley No. 205, Sedgefield.                                        |                           |                                                                                                                    |         |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------|---------|
| Author Name: <b>SIMOVUYO SITINCA</b><br>Date: <b>17 AUGUST 2026</b>                                                      |                           | Author Signature:             |         |
| Registered planner name: <b>S. MADUMBO</b><br>SACPLAN registration number: <b>A/1510/2012</b><br>Date: <b>17/08/2026</b> |                           | Registered Planner Signature:  |         |
| Decision maker: Municipal Planning Tribunal                                                                              |                           |                                                                                                                    |         |
| APPROVED                                                                                                                 | APPROVED<br>CONDITIONALLY | APPROVED IN PART                                                                                                   | REFUSED |

**APPLICATION DATE: 23 April 2026**

## APPLICATION TO DETERMINE CONTRAVENTION LEVIES

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

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

Planning Space has been appointed by **Lydia Salomina Ras**, the owner of the Remainder of Portion 19 of Farm Ruygte Vally No. 205, to prepare and submit an application in terms of Section 15 (2) (r) of the Knysna Municipality Spatial Planning and Land Use Management By-Law to determine contravention levies for the encroaching structures (main house, additional dwelling unit, farm manager's cottage, garage, and a storeroom/workshop) that existing on the subject property as contemplated in Section 93 of the said By-Law.

### 1. PROPERTY DETAIL

|                             |                                                                                                              |
|-----------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>PROPERTY DESCRIPTION</b> | Remainder of Portion 19 of Farm Ruygte Vally No. 205, in the Municipality & Division of Knysna, Western Cape |
| <b>PROPERTY EXTENT</b>      | 4.8985 ha                                                                                                    |
| <b>PHYSICAL ADDRESS</b>     | Remainder of Portion 19 of Farm Ruygte Vally No. 205                                                         |
| <b>AREA/TOWN</b>            | Sedgefield                                                                                                   |
| <b>CURRENT ZONING</b>       | Agriculture Zone I                                                                                           |
| <b>CURRENT LAND USE</b>     | Rural Residential                                                                                            |

**Planning Space Garden Route Pty Ltd (Co Reg. P2022 / 307865 / 07)**

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**Physical Address: Knysna Branch:** Quayside Office Park, corner of Hedge and Gordon Street, Unit 6 Ground Floor, Knysna

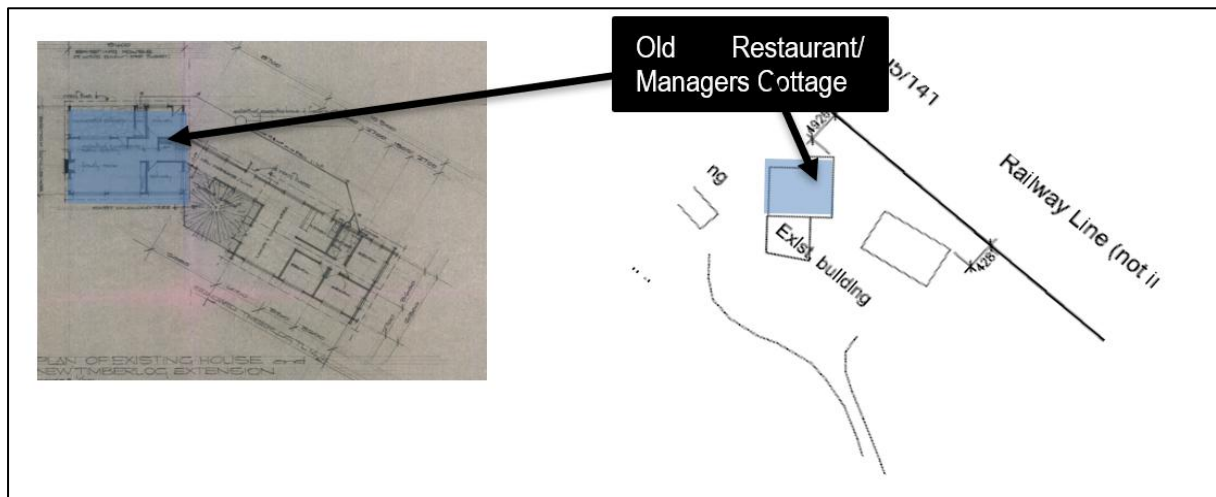
**Plettenberg Bay Branch:** 23 Bowtie Drive, Plettenberg Bay, 6600

**Contact:** Lizemarie Botha-082 855 1125 | Lundikazi Khuphiso-066 222 0016

|                   |                                          |
|-------------------|------------------------------------------|
| <b>TITLE DEED</b> | T000065558/2014 (Attached as Annexure B) |
| <b>BOND</b>       | None                                     |

## 2. BACKGROUND

The Remainder of Portion 19 of Farm Ruygte Vally No. 205 is zoned Agriculture Zone I. The original dwelling house on the property was constructed in 1960, with building plans for extensions approved in 1983. These approved plans depicted a two-building complex connected by a deck and passage surrounding an existing milkwood tree, as well as a garage (refer to Annexure D). However, the deck was never constructed, and instead, two separate timber structures were erected on the property.



**Figure 1: Extracts from the approved Building Plans and proposed Site Development Plan.**

In June 2000, the former South Cape District Council granted consent in terms of Ordinance 15 of 1985 for the operation of a restaurant, tea garden, and coffee shop on the property, subject to specific conditions (see Annexure G). The restaurant was accommodated in a section of the previously approved dwelling house (see Figure 1 above). In 2002, the owner applied for an extension of the validity period of this approval due to delays in implementation, primarily arising from conditions imposed by SANRAL. The restaurant subsequently operated successfully for a number of years.

In 2003, a notice of non-compliance was issued in respect of Condition 4.5 of the Consent Use approval, relating to an advertising signboard. This matter was resolved through the removal of the signboard. Although the restaurant is no longer in regular commercial operation, the structure remains in use and is currently occupied by the farm manager.

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In 2014, the Municipality approved a departure application in terms of the Land Use Planning Ordinance, 1985 (LUPO) (see Annexure E). This approval permitted the following building line relaxations:

- The western lateral building line from 30m to 10m; and
- The northern lateral building line (adjacent to the railway reserve) from 30m to 15m.

These relaxations were granted to accommodate an existing additional dwelling unit. However, Condition (ii) of the approval required that a consent use application for the additional dwelling unit be submitted and approved, and that building plans for the structure be submitted for scrutiny and record purposes prior to approval. These requirements were not fully complied with at the time, which has necessitated the current application.

A separate application for departure, consent use, and approval of a Site Development Plan in order to obtain the necessary authorisation from the Council to regularise the existing encroaching structures on the subject property has been submitted.

### 3. CONTRAVENTION INFORMATION

#### UNAUTHORISED BUILDING WORK (ALL THE EXISTING STRUCTURES)

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

**Uncontested contravention penalty** as set out in the current fee structure of the Planning and Development: Land Use Management Application Fees 2025/2026.

R5000.00 [Unauthorised building work (main house, additional dwelling unit, farm manager's cottage, garage, and a storeroom/workshop) for residential purposes].

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## 4. DEVELOPMENT PROPOSAL

### ➤ **Agricultural Workers' Accommodation:**

A portion of the originally approved main dwelling unit, which was previously utilised as a restaurant, is proposed to be converted into workers' accommodation. The building measures approximately 70m<sup>2</sup>. The restaurant has not been formally operating for more than two years, and as per the conditions of approval, the rights of the consent use have lapsed. The unit currently serves as a manager's residence for an individual appointed to oversee the day-to-day maintenance, security, and general management of the property in the absence of the owner, who is a senior citizen currently residing in town.

The appointed manager will be responsible for ensuring that all buildings and infrastructure on the property are properly maintained and remain in a good state of repair. The property is primarily used by the owner's family for residential purposes during holiday periods and is not actively utilised for bona fide agricultural activities. This is largely due to the site's physical constraints, including steep topography and the presence of a railway reserve traversing the property, which limits its agricultural potential. The larger part of the property sits to the north of the railway and is mainly functioning as natural veld, which in itself requires maintenance and regular alien clearing.

The structure forming the subject of this application is part of the existing built environment on the property and is reflected in previously approved building plans (refer to Annexure D). The proposal, therefore, does not introduce new development or additional rights, but rather seeks to formalise and regularise the use of an existing structure that previously operated as a restaurant.

In terms of the Knysna Zoning Scheme By-Law, properties zoned "Agriculture Zone I" may accommodate agricultural workers' accommodation, which may include a manager's house as a primary right.

### ➤ **Additional Dwelling Unit:**

There is an existing additional dwelling on the farm that does not benefit from approved building plans. The existence of the dwelling has been documented and acknowledged since 2014, when an application for a building line relaxation was approved to regularise this existing structure (see Annexure E). There seems to be evidence that a consent use for an additional application was also

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submitted for the second dwelling, but municipal records did not deliver concrete approval, nor approved building plans. Except for the building line encroachment, the structure complies with the applicable Zoning Scheme provisions.

➤ **Building Line Relaxations:**

Authorisation has been requested to legalise existing building line encroachments for all the existing structures on the subject property.

It must be noted that a similar Departure was previously approved in 2014 (refer to Annexure E). However, the approval lapsed because building plans were never approved, as required by the conditions of approval.

The main house was constructed in the early 1980s, and at the time complied with building lines. The railway line was cadastrally defined in the early 1990s, effectively bisecting the property, which resulted in a new boundary and a new 30m building line. So, although the house and the manager's house technically encroach on the northern building line, these plans were approved before this boundary was created.

➤ **Site Development Plan (SDP):**

In terms of the Knysna Zoning Scheme By-Law, a Site Development Plan (SDP) is required for developments within the "Agriculture Zone I" to ensure that all structures and land uses are appropriately planned and coordinated.

An SDP has been submitted separately as part of the departure and consent use application. The SDP reflects the layout and positioning of all existing structures on the property (refer to Diagram 5). These structures have largely remained unchanged for more than a decade and represent an established development footprint. The structures include a main house, an additional dwelling unit, a farm manager's house, a garage, and a storeroom/workshop, all permitted within the Agriculture 1 Zoning.

The SDP provides a representation of the property, including building footprints, access arrangements, and spatial relationships between structures. Its approval will assist in formalising the existing development footprint and ensuring alignment with municipal planning requirements. Furthermore,

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updated building plans will be submitted to the Building Control Office upon receiving authorisation for the encroaching structures.

## 5. ACKNOWLEDGEMENT OF GUILT

The owner has elected to proactively regularise the existing land uses and structures on the property, without the necessity of a formal notice of non-compliance being issued by the Municipality. This approach reflects a commitment to responsible land use management and sound administrative practice. Although there is clear evidence that the owners did attempt to comply with regulations (e.g., submitting departure and consent use applications to various authorities), there seems to be a lack of record-keeping, rather than disregard for rules.

In this regard, this application demonstrates adherence to good governance principles, including the voluntary submission of required applications, the regularisation of historical approvals, and the provision of outstanding documentation for municipal scrutiny and record purposes. It further indicates a willingness on the part of the owner to cooperate fully with the Municipality, promote transparency, and ensure that all development is authorised in accordance with the applicable legislative and policy framework.

This proactive compliance approach is supported in planning practice, as it facilitates orderly development and reduces the administrative burden associated with enforcement procedures.

## 6. ANTICIPATED IMPACTS

### ➤ Impact on the Neighbours

The existing structures have been present on the property for several years and are well-integrated into the surrounding rural environment. Dense, established vegetation provides effective visual screening from neighbouring properties and the N2, thereby minimising any potential visual impact.

To the east of the property is a cement product manufacturing plant and retail outlet that will not be negatively impacted by the additional dwelling or the building line relaxations. To the south is the N2. To the west is a vacant piece of land.

**Planning Space Garden Route Pty Ltd (Co Reg. P2022 / 307865 / 07)**

**Website:** <https://www.planningspace.co.za> **Email:** [Lundi@planningspace.co.za](mailto:Lundi@planningspace.co.za) **Postal Address:** PO Box 2029, Knysna, 6570

**Physical Address: Knysna Branch:** Quayside Office Park, corner of Hedge and Gordon Street, Unit 6 Ground Floor, Knysna

**Plettenberg Bay Branch:** 23 Bowtie Drive, Plettenberg Bay, 6600

**Contact:** Lizemarie Botha-082 855 1125 | Lundikazi Khuphiso-066 222 0016

The proposal does not introduce new structures or intensify land use, and is therefore not expected to negatively affect the character of the area or the amenity of neighbouring properties.

➤ **Traffic Impact**

Access to the property is obtained via an existing shared access point from the N2, which also serves the adjoining property (Remainder of Portion 18 of Farm No. 205). This access arrangement has been in place for many years and has functioned without reported issues.

The access was originally approved in association with the restaurant's use, and the proposed use as a manager's residence will generate significantly less traffic than the previously approved restaurant use. SANRAL has previously approved the restaurant and the second dwelling.

As such, the proposal is not expected to result in any material increase in traffic volumes or impact on the surrounding road network.

## **7. COMPATIBILITY WITH SPATIAL DEVELOPMENT FRAMEWORKS (SEDGEFIELD LSDF & KNYSNA SDF)**

According to the Sedgefield Local Spatial Development Framework (2026) and the Knysna Spatial Development Framework (2025), the subject property is located outside the designated Urban Edge. Neither the Sedgefield LSDF nor the Knysna SDF explicitly promotes or provides policy support for second dwellings beyond the Urban Edge, as such land uses are generally site-specific in nature, particularly within rural contexts, and are not directly regulated within Spatial Development Frameworks.

Based on the available spatial mapping and its interpretation, the proposed development is considered to be consistent with the broader spatial vision and development principles of both the Sedgefield LSDF (2026) and the Knysna SDF (2025). The proposal does not extend beyond the property's existing primary development rights and associated secondary consent uses.

Furthermore, the identified buffer areas and Critical Biodiversity Area (CBA) designations will remain unaffected, as all existing structures are confined to previously disturbed areas of the site. The proposal is therefore aligned with key policy directives of the Sedgefield LSDF, including principles relating to

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**Contact:** Lizemarie Botha-082 855 1125 | Lundikazi Khuphiso-066 222 0016



environmental harmony and ecological responsibility, as well as self-sufficiency and reduced reliance on municipal services, as contemplated under the off-grid developments policies.

## 8. COMPATIBILITY WITH SPLUMA DEVELOPMENT PRINCIPLES

The proposal aligns with the key principles of the Spatial Planning and Land Use Management Act (SPLUMA) and LUPA, despite its small, site-specific scale. It supports:

- **Spatial sustainability** by reusing existing structures and limiting environmental impact.
- **Spatial efficiency** through optimising an already developed property without needing additional land or services.
- **Spatial resilience** by maintaining and supporting the long-term viability of the property.
- **Good administration** via proactive efforts to regularise existing developments.

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

1. Proof of Payment of Application Fees.

2. T2 Land Use Application form duly completed.

3. List of Diagrams:

**DIAGRAM 1:** Locality Plan

**DIAGRAM 2:** Aerial Photo

**DIAGRAM 3:** Zoning Map

**DIAGRAM 4:** CBA and ESA Map

**DIAGRAM 5:** Site Development Plan and Floor Plans

4. List of Annexures:

**ANNEXURE A:** Power of Attorney

**ANNEXURE B:** Title Deed Annexure

**ANNEXURE C1:** SG Diagram (Remainder of Portion 19 of Farm No. 205)

**ANNEXURE C2:** SG Diagram (Portion 141 of Farm No. 205)

**ANNEXURE D:** Approved Building Plans

**ANNEXURE E:** Departure Approval (March 2014)

**ANNEXURE F:** Pre-Application Minutes

**ANNEXURE G:** South Cape District Council Approval (June 2000)

**Planning Space Garden Route Pty Ltd (Co Reg. P2022 / 307865 / 07)**

**Website:** <https://www.planningspace.co.za> **Email:** [Lundi@planningspace.co.za](mailto:Lundi@planningspace.co.za) **Postal Address:** PO Box 2029, Knysna, 6570

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**Contact:** Lizemarie Botha-082 855 1125 | Lundikazi Khuphiso-066 222 0016

**ANNEXURE H: SANRAL Comment (December 2013)**

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

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

Yours faithfully,



Lundikazi Khuphiso.

**Planning Space Garden Route Pty Ltd (Co Reg. P2022 / 307865 / 07)**

**Website:** <https://www.planningspace.co.za> **Email:** [Lundi@planningspace.co.za](mailto:Lundi@planningspace.co.za) **Postal Address:** PO Box 2029, Knysna, 6570

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**Plettenberg Bay Branch:** 23 Bowtie Drive, Plettenberg Bay, 6600

**Contact:** Lizemarie Botha-082 855 1125 | Lundikazi Khuphiso-066 222 0016

## SPECIAL POWER OF ATTORNEY

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

### DESCRIPTION OF PROPERTIES

*Portion 19 of Farm Ruygtevlei No. 205*

### NATURE OF APPLICATION

*Departure, Consent Use, SDP Approval, Contravention  
Levies and Related Applications*

SIGNED AT Sedgefield THIS 21<sup>st</sup> DAY OF January 2026

L S Ras

OWNER/AUTHORISED AGENT

### WITNESSES

1. Hewald
2. Kobena

| For endorsement         |                |                                       |
|-------------------------|----------------|---------------------------------------|
| Purchase price/Value    | R. 1550 000 00 | Office fee R. 9000 00                 |
| Mortgage capital Amount | R. ....        | R. ....                               |
| Reason for exemption    | Cat. ....      | Exempt i.s.o. section. .... Act. .... |

Prepared by me

CONVEYANCER  
MARK EDGAR WITZMANN

T 000065558 / 2014

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

MARK EDGAR WITZMANN

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 PRETORIA on 6 May 2014 granted to him by

The Executrix in the Estate Late  
WILLEM ADRIAAN RAS  
Number 8802/2009

DATA / VERIFY  
12 DEC 2014  
MURIE LORRAINE

DATA / CAPTURE  
28 NOV 2014  
VAN WYK JENNY

GhostConvey 13.1.10.10

And the said appearer declared that:

WHEREAS the Late WILLEM ADRIAAN RAS died testate on the 3<sup>rd</sup> of April 2009.

AND WHEREAS the surviving spouse LYDIA SALOMINA RAS is entitle to the full share of the undivided property in terms of a Will dated 26 March 2009 and a Redistribution Agreement dated 24 March 2011.

NOW THEREFORE he, the said appearer, in his capacity aforesaid, did, by virtue these presents, cede and transfer to and on behalf of:

**LYDIA SALOMINA RAS**  
Identity Number [REDACTED]  
Unmarried

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

**REMAINDER PORTION 19 (A Portion of Portion 3) OF THE FARM RUYGTE  
VALLY 205  
IN THE MUNICIPALITY AND DIVISION KNYSNA  
WESTERN CAPE PROVINCE**

**IN EXTENT 4,8985 (Four Comma Eight Nine Eight Five) HECTARES**

**FIRST TRANSFERRED by Deed of Transfer Number T3552/1950 with  
diagram No. A.1450/1930 annexed thereto and held by Deed of Transfer  
No. T19464/1983**

**SUBJECT TO THE FOLLOWING CONDITIONS:-**

- A. Not subject to condition A on page 2 of Deed of Transfer No. T19464/1983, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.
- B. SUBJECT to the conditions referred to in Deed of Transfer No. T500 dated 19<sup>th</sup> August 1878; Deed of Transfer No. T3201/1928, Deed of Transfer No. T10213/1929, Deed of Transfer No. T5927/1924 and Deed of Transfer No. T10085/1924 and to the conditions contained in the said Deed of Transfer No. T500/1878, viz:-

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

- C. AND FURTHER SUBJECT to clause number 5 in the said Will dated 26 March 2009:-

GhostConvey 13.1.10.10



"Ons bepaal dat die erfenis van enige begunstigde in terme van hierdie Testament, asook die opbrengs, die herbelegging van die opbrengs en die inkomste daarop, vry sal wees van die regsgevolge, insluitend enige aanwasbedeling, van enige huidige of toekomstige huwelik van enige begunstigde, hetsy getroud binne of buite gemeenskap van goed en dat, in die geval van 'n vroulike begunstigde, die maritale mag van haar eggenoot daarvan uitgesluit sal wees en dat haar kwitansie voldoende vir ons Eksekuteur en Trustee sal wees."

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

**Estate Late WILLEM ADRIAAN RAS**

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

**LYDIA SALOMINA RAS, Unmarried**

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 value of the property to be **R1 550 000,00 (ONE MILLION FIVE HUNDRED AND FIFTY THOUSAND RAND)**.

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

20 NOVEMBER 2014

In my presence

REGISTRAR OF DEEDS

GhostConvey 13.1.10.10

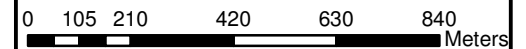
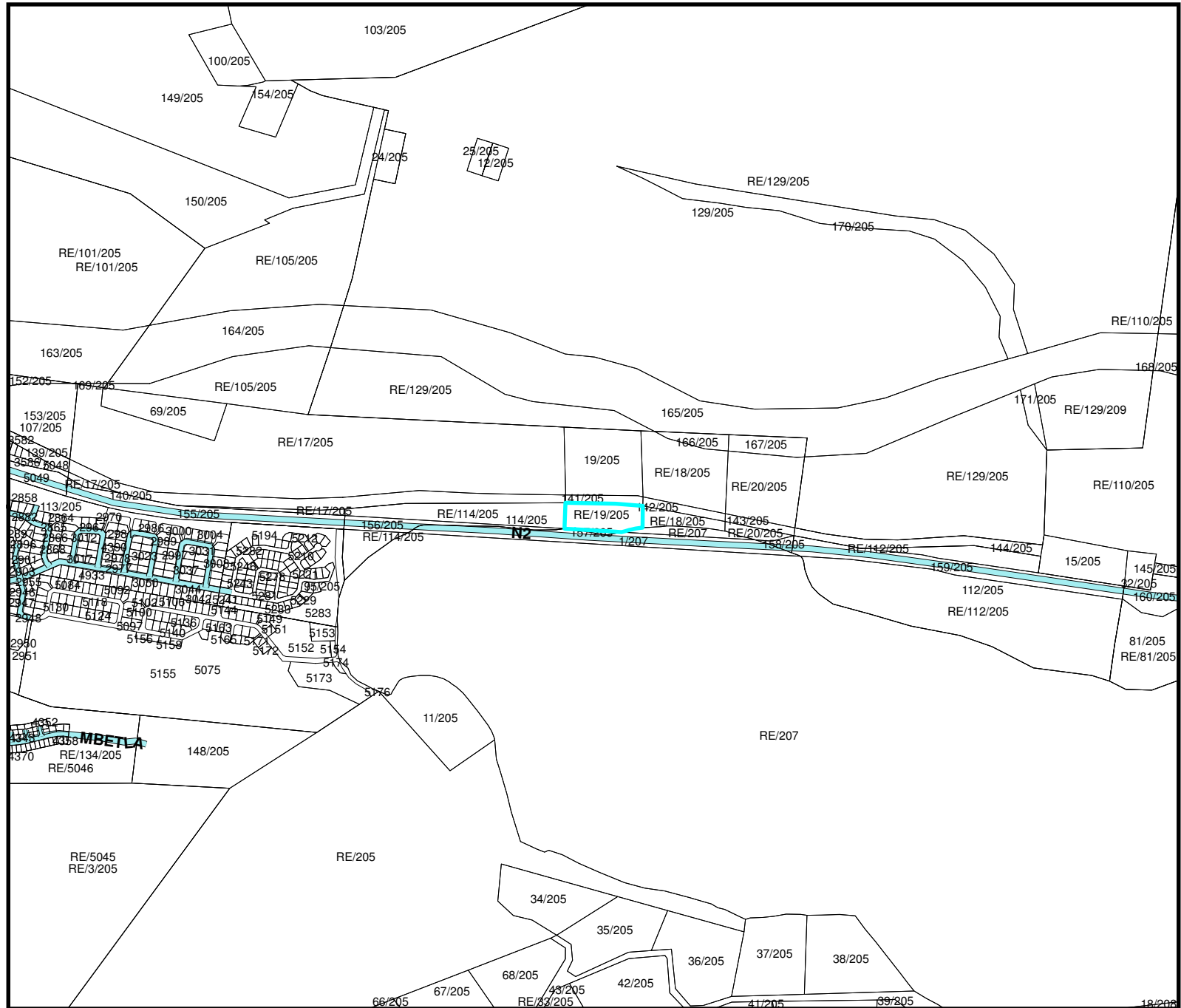
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|                                                                                                                                                                                             |                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| VA                                                                                                                                                                                          | 00000741C / 2019 |
| Certified a true copy of the duplicate original<br>filed of record in this Registry, issued to serve<br>in place of the original thereof under the<br>provisions of Deeds Regulation No 68. |                  |
| Deeds Registry<br>Cape Town                                                                                                                                                                 |                  |
| 28 OCT 2019                                                                                                                                                                                 |                  |
| ASST REGISTRAR OF DEEDS                                                                                                                                                                     |                  |

T65558/2014

## DIAGRAM 1: LOCALITY MAP RE/PORTION 19 OF FARM NO. 205

## DIAGRAM 1: LOCALITY MAP RE/PORTION 19 OF FARM NO. 205





Collab Ref: 259206  
H SMIT  
File ref: KNY 205/19  
Enquiries: S. Mthembu  
Tel: (044) 302 1625  
Fax: 0865 906 796

**BY REGISTERED MAIL**

2014-03-10

L S Ras  
P O Box 796  
DERDEPARK  
0035

Dear Sir

**PORTION 19 OF THE FARM RUYGTE VALLY No. 205 KNYSNA DIVISION:  
APPLICATION FOR BUILDING LINE RELAXATION**

Your application in the above regard dated 28 June 2013 refers.

Approval is hereby granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the relaxation of the western lateral building line from 30m to 10m and the northern lateral building line adjacent to the railway reserve from 30m to 15m for an as-built dwelling unit as indicated on Drawing No. 12-11-A0 drawn by Dwell Designs dated 3 September 2014; subject to the following conditions:

- i) This approval applies to the application as outlined above and may not be construed as authority to depart from any other legal prescriptions or requirements;
- ii) The applicant shall complete an application for consent use for additional dwelling units and the requisite fees prior to the approval of building plans;
- iii) Building plans for the existing additional dwelling shall be submitted for scrutiny and approval and for record keeping purposes;
- iv) Building plans shall not deviate substantially from Plan. No. 13/11/A0 drawn by Dwell Designs dated 03/09/2013;
- v) Any future Development on Farm 205/19 shall be subject to approval by SANRAL;

- vi) The additional dwelling unit shall at all times be used in accordance with Agriculture Zone I as set out in the Section 8 Zoning Scheme Regulations (1988).

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

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

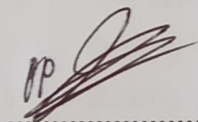
A copy of the appeal must be served on Council simultaneously.

Please note that you may not act in terms of the above decision of Council until it has been confirmed, in writing, that an appeal has not been lodged by an objector against the decision. Should you not have been informed within 30 days of receipt of this letter, you are advised to contact F Kruger on 044 302 1605. Should an appeal have been lodged, the decision of the Premier will have to be awaited, which decision will replace Council's decision on the matter.

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

Should you have any further enquiries, kindly contact the Acting Senior Planner Mr S Mthembu at Tel: (044) 302 1664 during working hours.

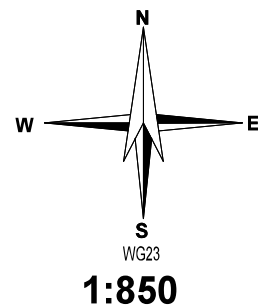
Yours faithfully,



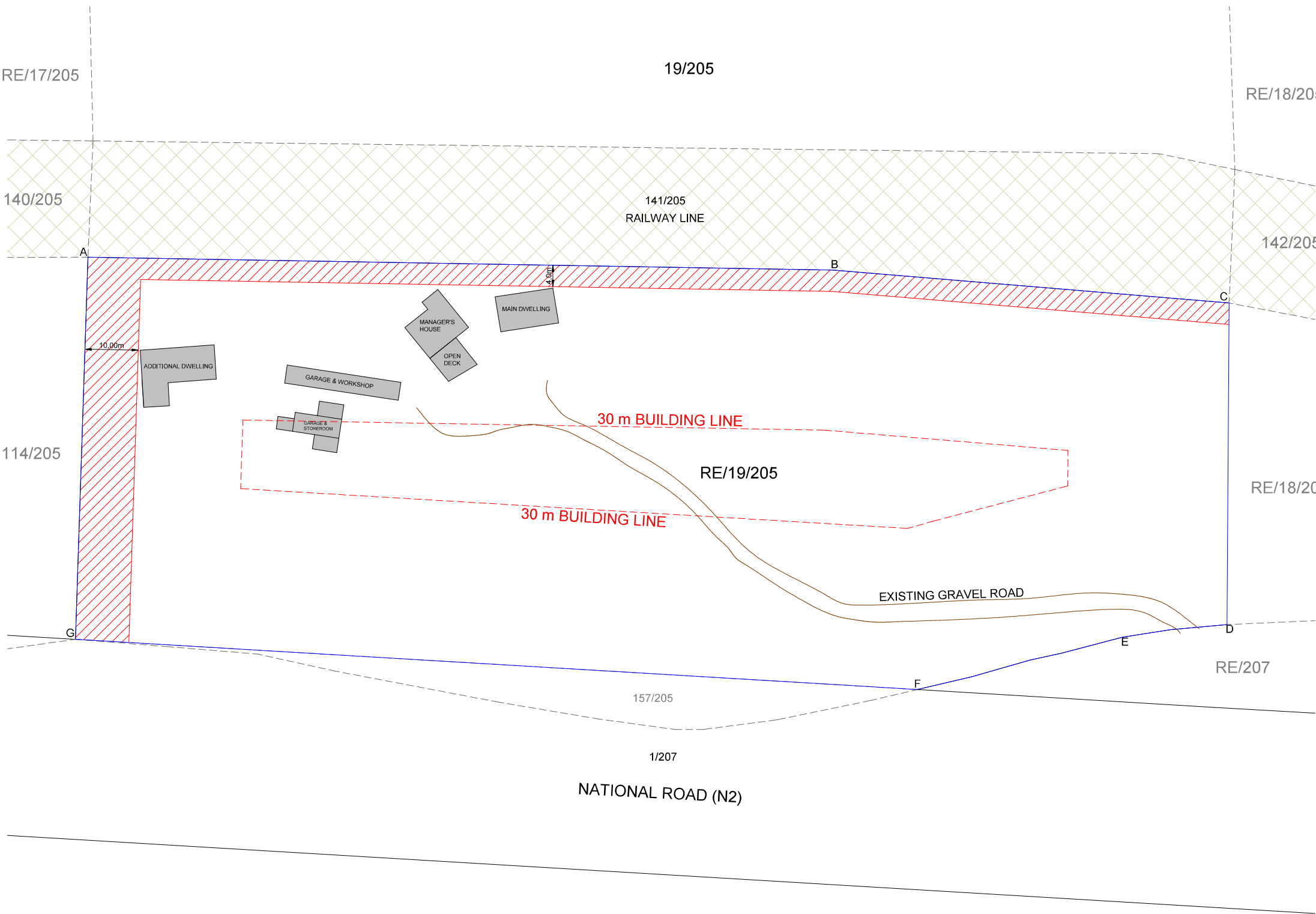
.....  
L WARING  
MUNICIPAL MANAGER

/sm

cc: Director: Corporate Services



# DIAGRAM 5: SITE DEVELOPMENT PLAN

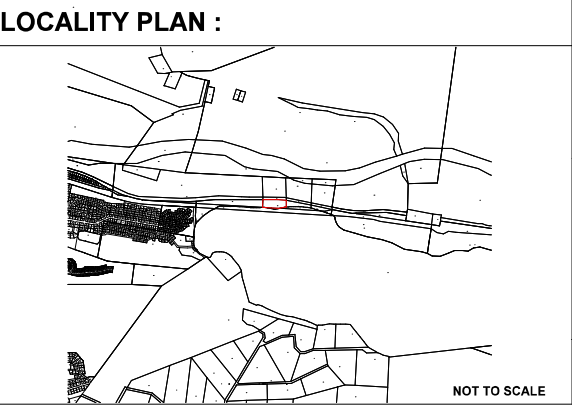


| AREA SCHEDULE:      |           |                |
|---------------------|-----------|----------------|
| AS-BUILT STRUCTURES | AREA (m²) | % OF DEV. AREA |
| ADDITIONAL DWELLING | ±124.1 m² | 0.25%          |
| GARAGE & WORKSHOP   | ±73.6 m²  | 0.15%          |
| GARAGE & STOREROOM  | ±72.8 m²  | 0.15%          |
| MANAGER'S HOUSE     | ±75.7m²   | 0.15%          |
| OPEN DECK           | ±37.1m²   | 0.08%          |
| MAIN DWELLING       | ±69.6 m²  | 0.14%          |
| TOTAL COVERAGE      | ±452.9 m² | 0.92%          |
| TOTAL SITE AREA     | 4.8985 ha |                |

**NOTES:**

Sizes and dimensions are approximate and subject final survey

The figures ABCDEFG represents Remainder of Portion 19 being 4.8985 ha in extent.



RE/PTN 19 RUYGTE VALLEY NO. 205

DRW NR.: 13-11-A1.0

KNYSNA MUNICIPAL AREA

DATE : 23 APRIL 2026



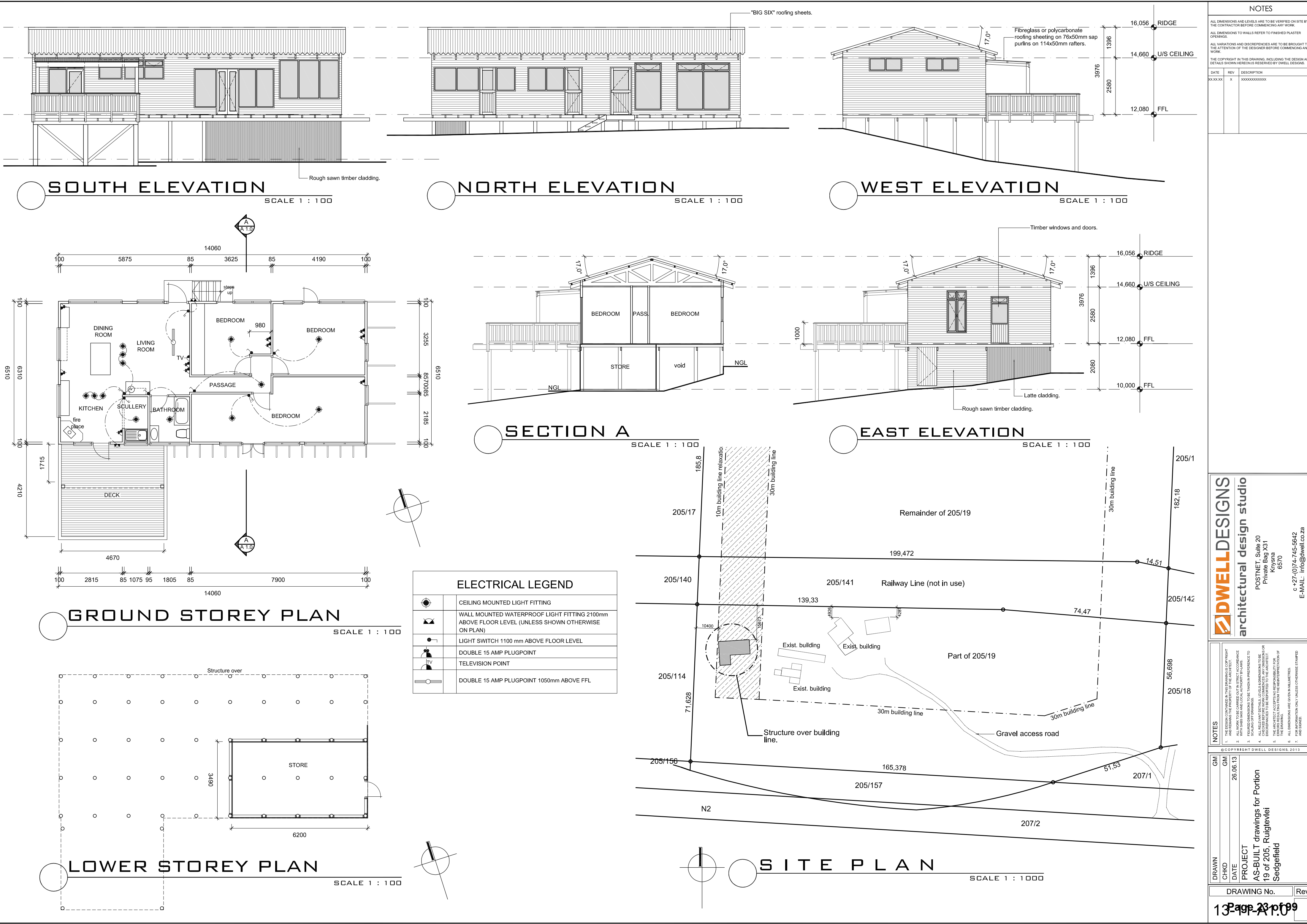
Town and Regional Planners  
Quayside Office Park, Corner of Hedge & Gordon Street, Unit 6 Ground Floor  
Kingscliff, 5570

Cell: (065) - 222 9019  
E-mail: admin@planningspace.co.za  
Website: www.planningspace.co.za

**COPY RIGHT:**

This Plan may not be copied or amended without the written consent of Planning Space





NOTES

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| DATE     | REV | DESCRIPTION  |
|----------|-----|--------------|
| XX.XX.XX | X   | XXXXXXXXXXXX |

DWELLDESIGNS

architectural design studio

POSTNET, Suite 20  
Private Bag X31  
Knysna  
6570  
c +27-(0)745-5642  
E-MAIL: info@dwel.co.za

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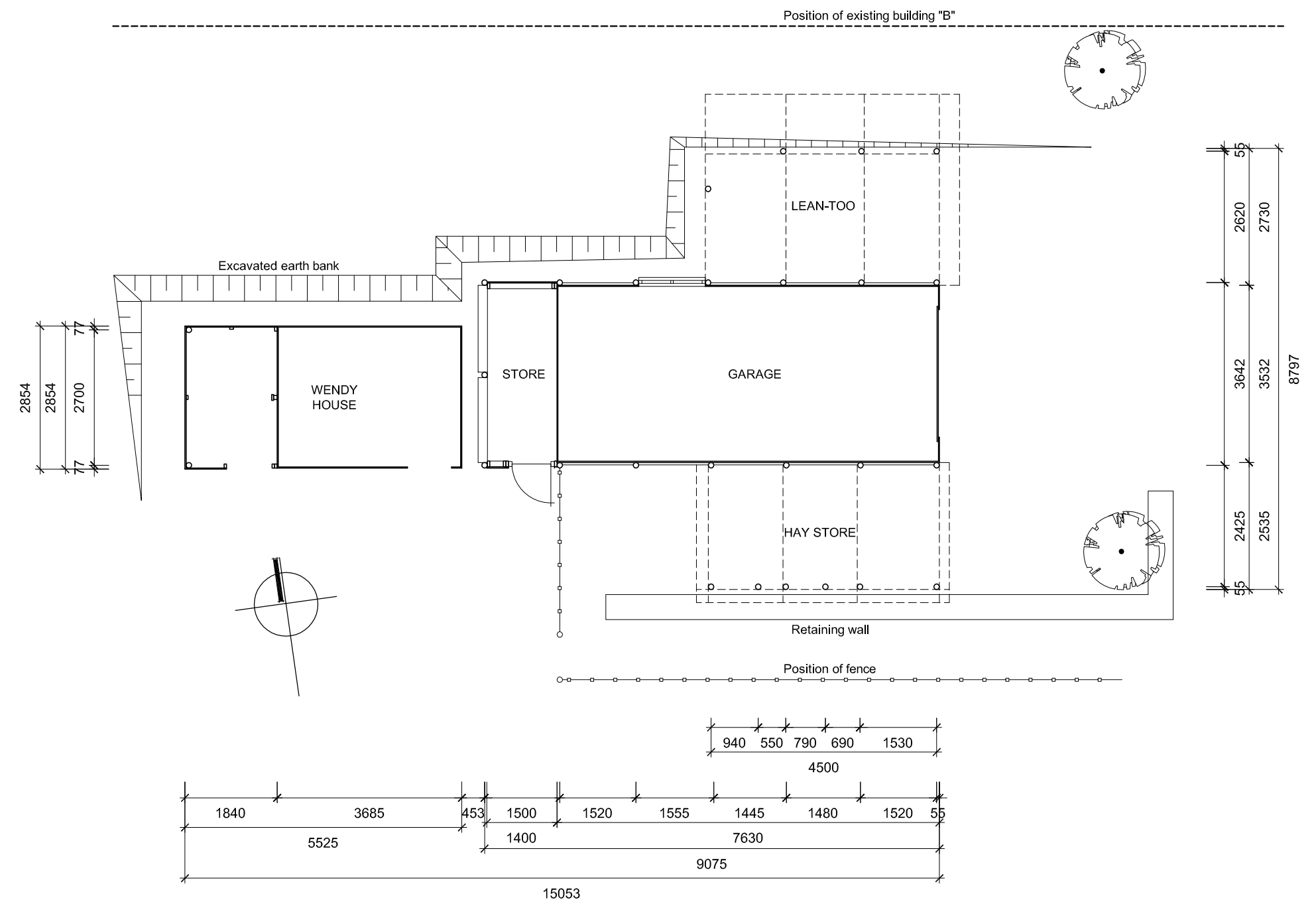
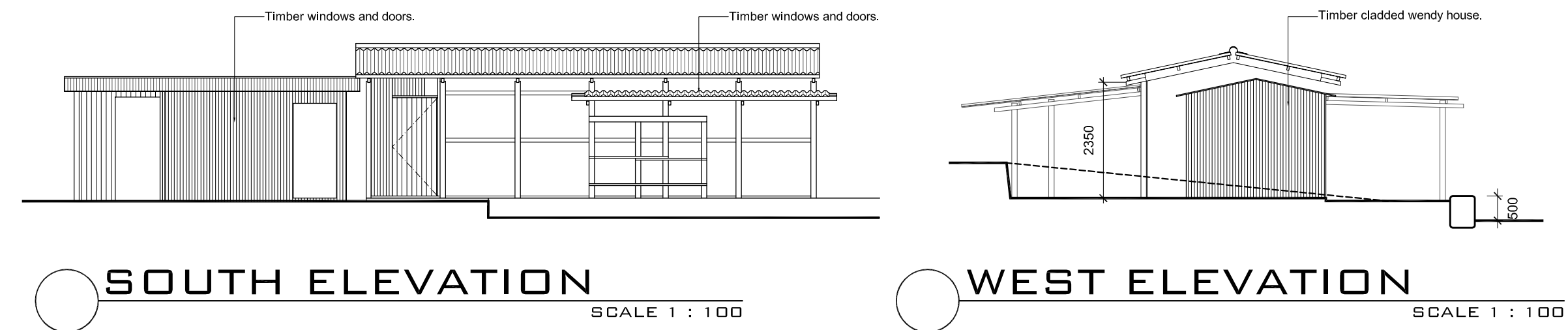
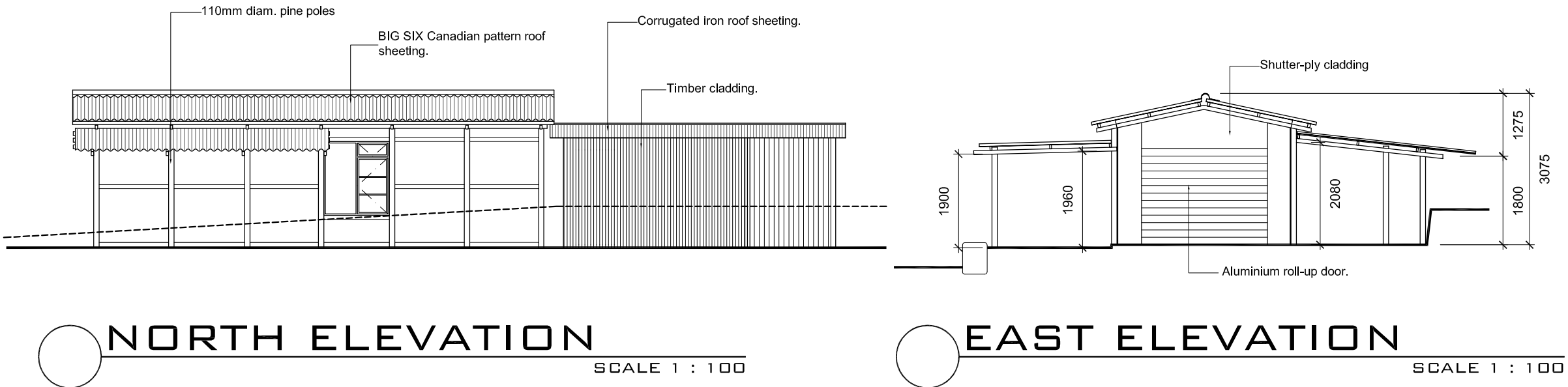
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| DRAWN | CHKD | DATE     | PROJECT                                                        |
|-------|------|----------|----------------------------------------------------------------|
|       |      | 28.08.13 | AS-BUILT drawings for Portion 19 of 205, Ruigtevlei Sedgefield |

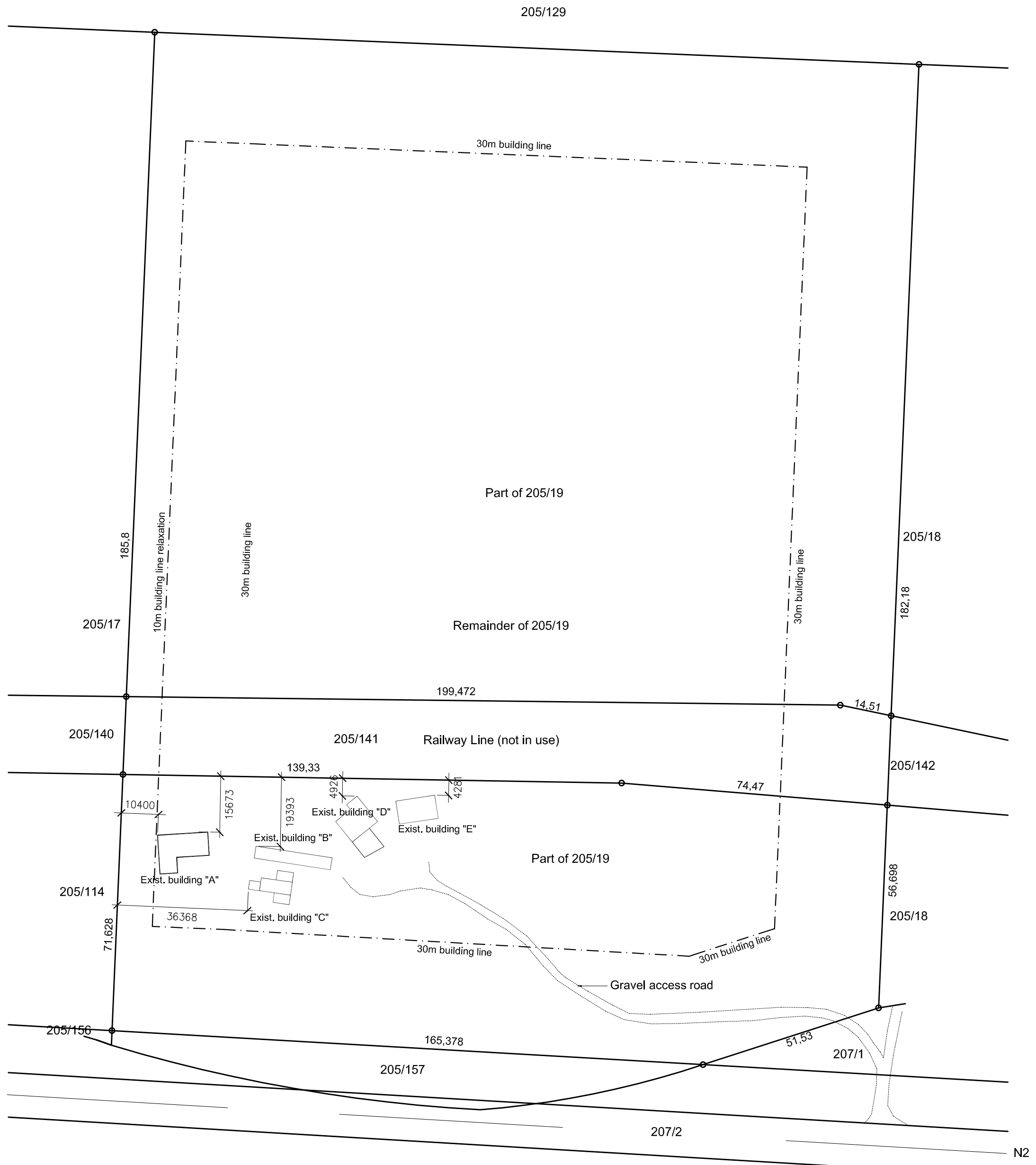
DRAWING No.

Rev

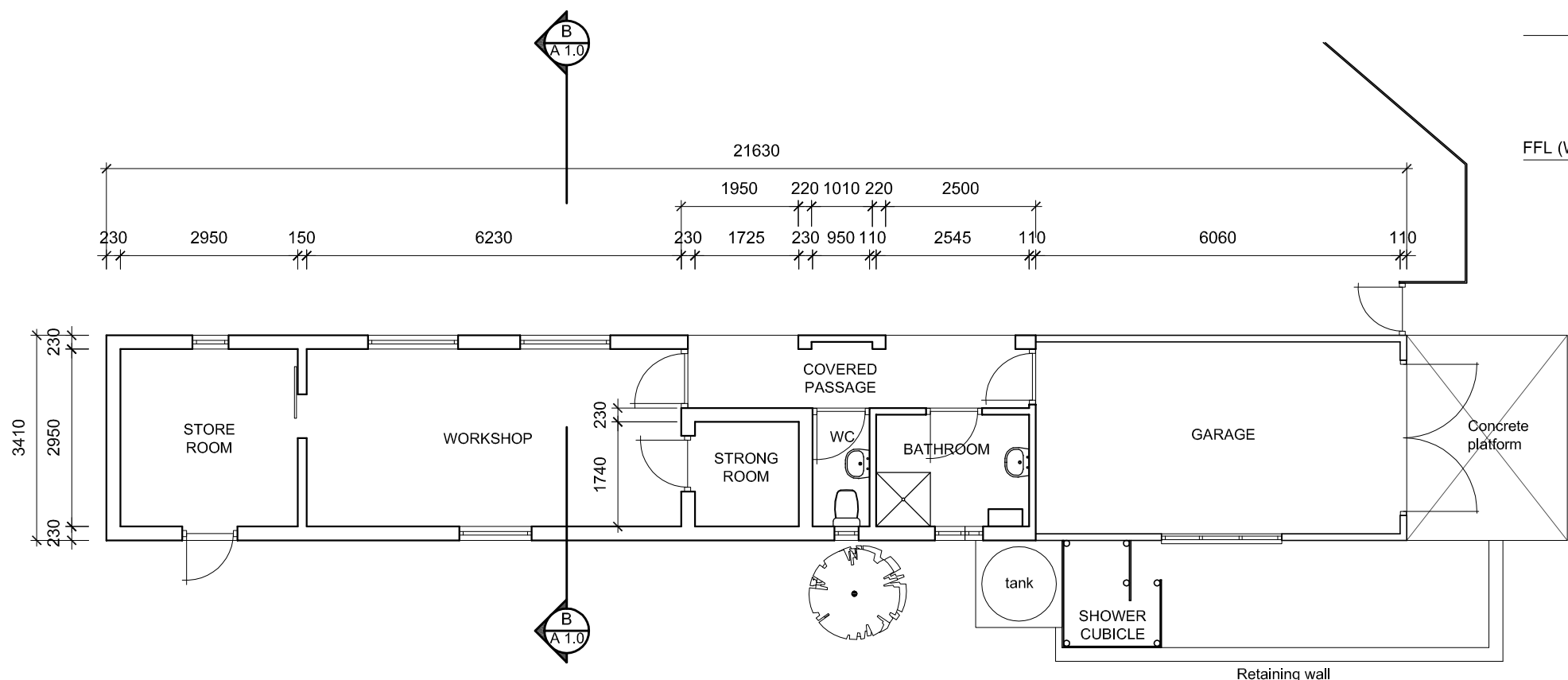
Page 23 of 99



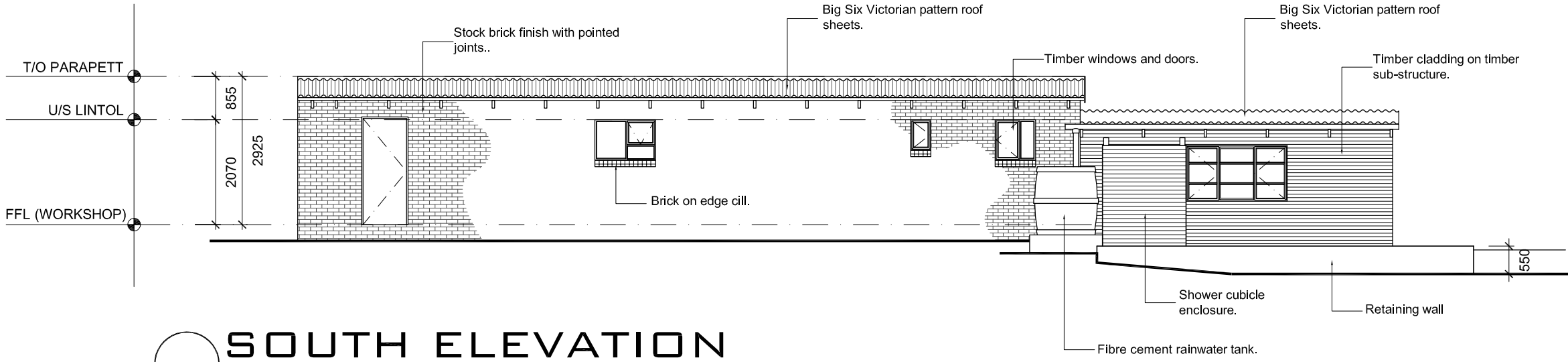
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BUILDING "C"  
SCALE 1 : 100



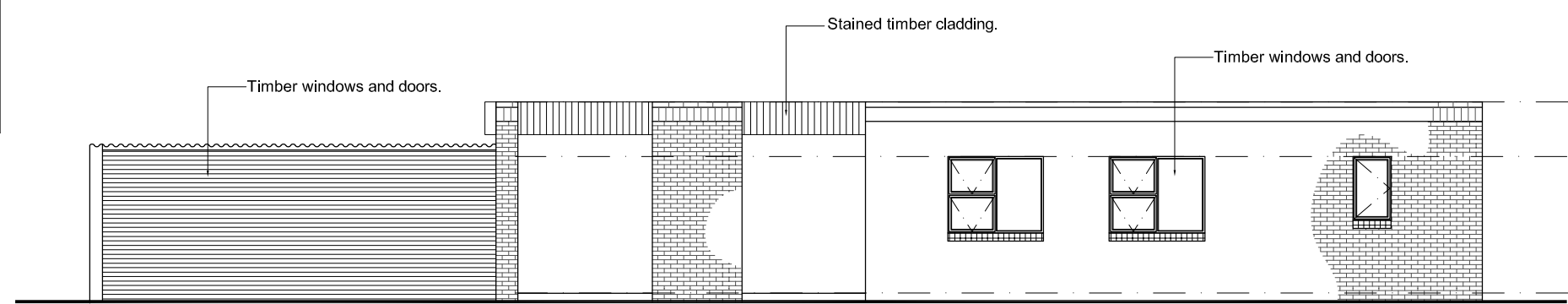
SITE PLAN  
SCALE 1 : 1000



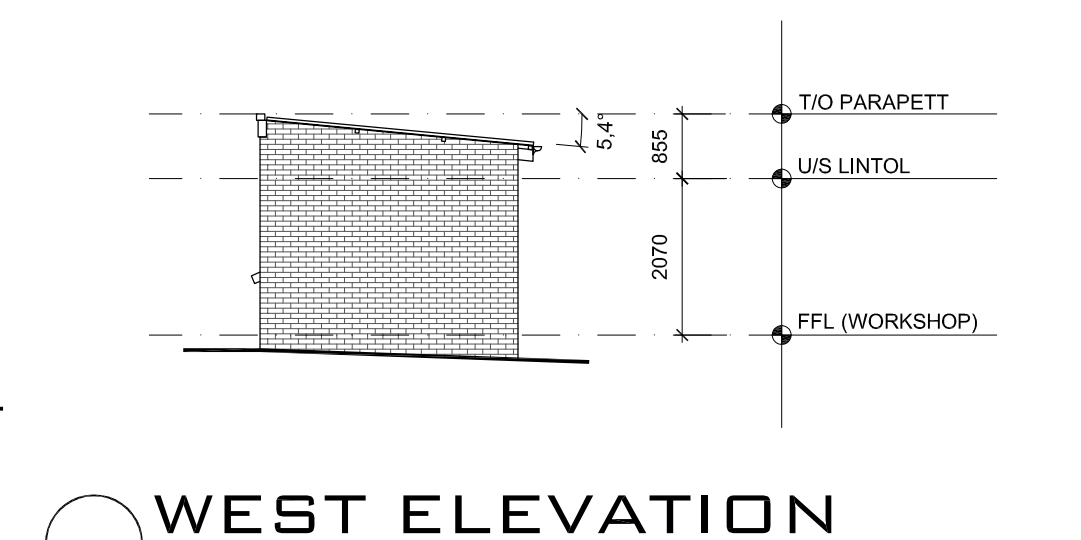
GROUND STOREY PLAN  
BUILDING "B"  
SCALE 1 : 100



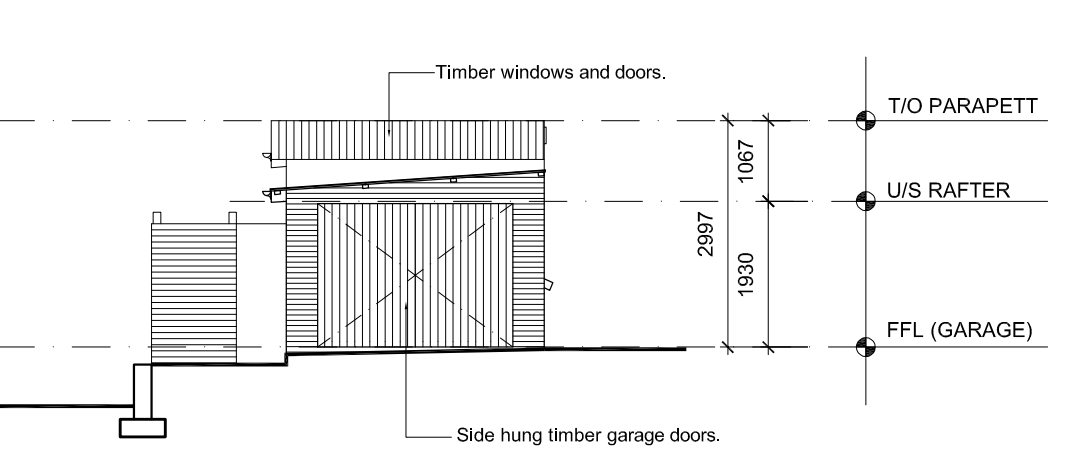
SOUTH ELEVATION  
SCALE 1 : 100



NORTH ELEVATION  
SCALE 1 : 100



WEST ELEVATION  
SCALE 1 : 100



EAST ELEVATION  
SCALE 1 : 100

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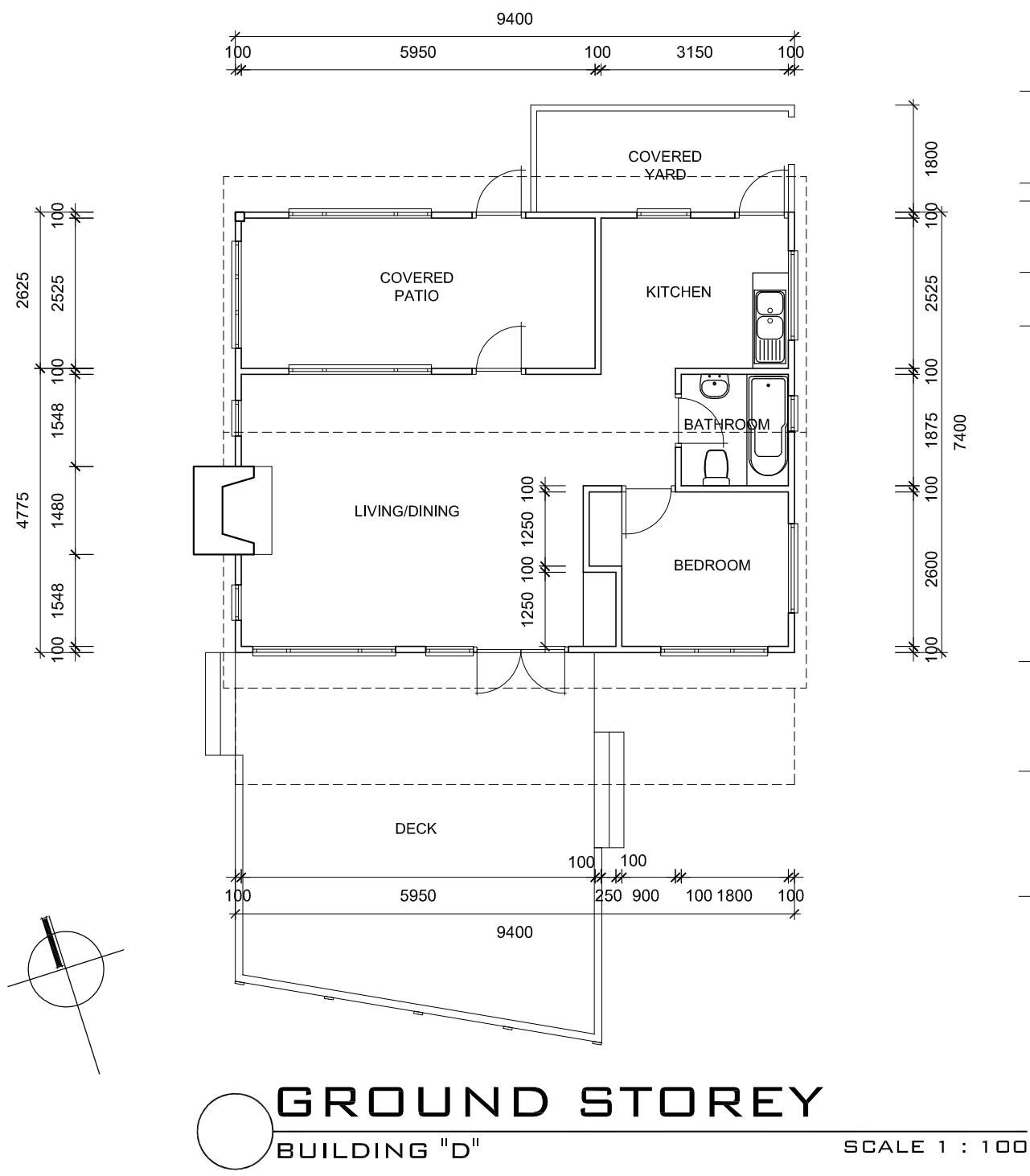
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|-----------|-----|----|-------------|
| DATE      | REV | NO | DESCRIPTION |
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| -         | -   | -  | -           |

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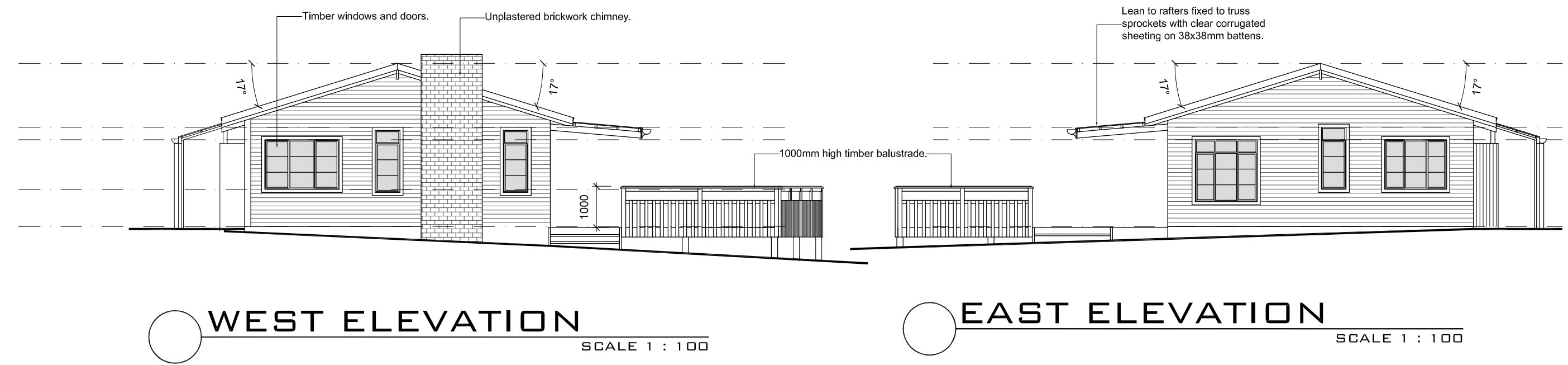
POSTNET, Suite 20  
Private Bag 231  
Kopene, 6270  
c +27-(0)74-745-5642  
E-MAIL: info@dwelldesigns.co.za

|                                              |       |         |                     |
|----------------------------------------------|-------|---------|---------------------|
| PROJECT                                      |       |         |                     |
| AS-BUILT DRAWINGS                            |       |         |                     |
| LOCATION                                     |       |         |                     |
| Erf 205 portion 19, Ruigtevlei<br>Sedgefield |       |         |                     |
| DESCRIPTION                                  |       |         |                     |
| Plans & Elevations                           |       |         |                     |
| DRAWING NUMBER                               |       |         | REV                 |
| 13-12-A1.0                                   |       |         |                     |
| DATE                                         | SCALE | CHECKED | DRAWN               |
| 03.09.13                                     | 1:100 |         | Page 24 of 99<br>GM |



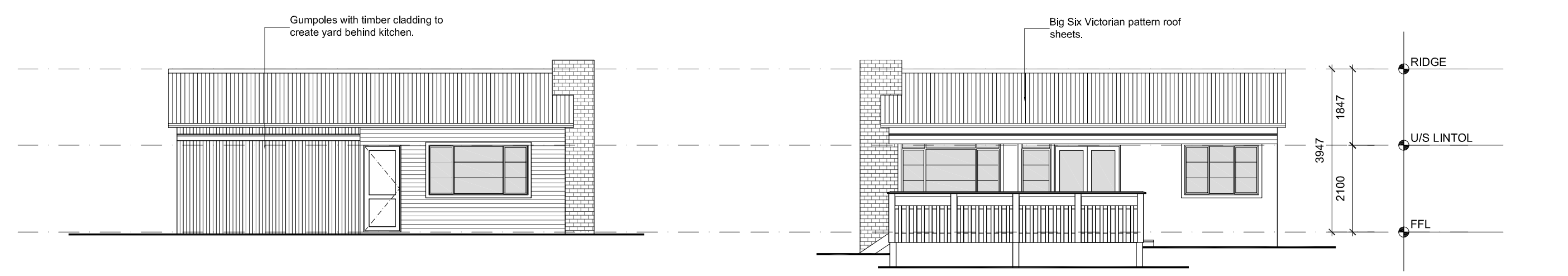


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SCALE 1 : 100



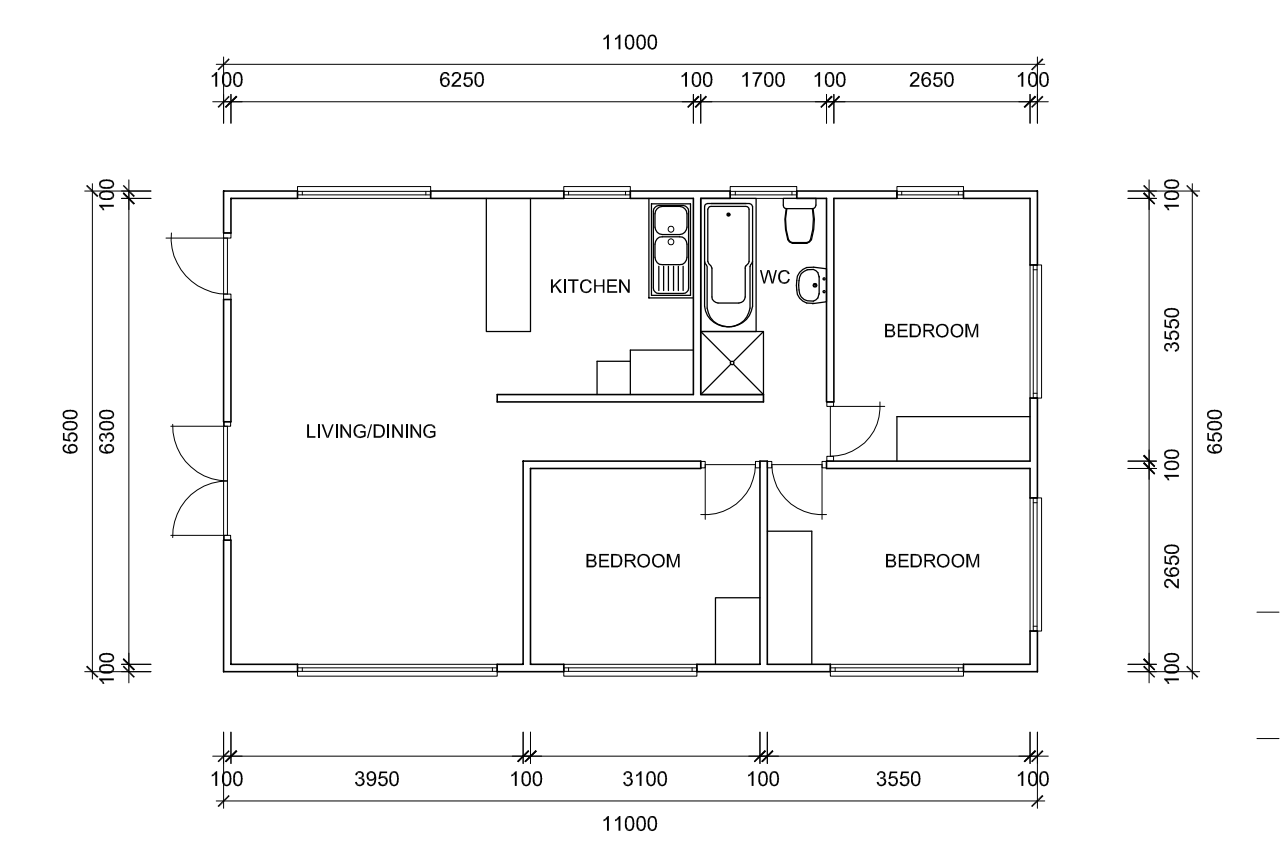
WEST ELEVATION  
SCALE 1 : 100

EAST ELEVATION  
SCALE 1 : 100

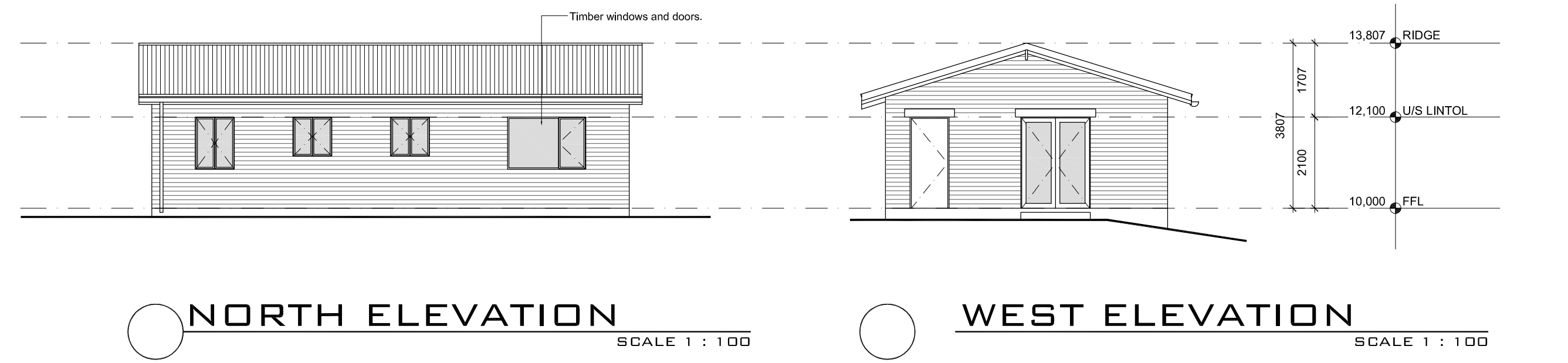


NORTH ELEVATION  
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SOUTH ELEVATION  
SCALE 1 : 100

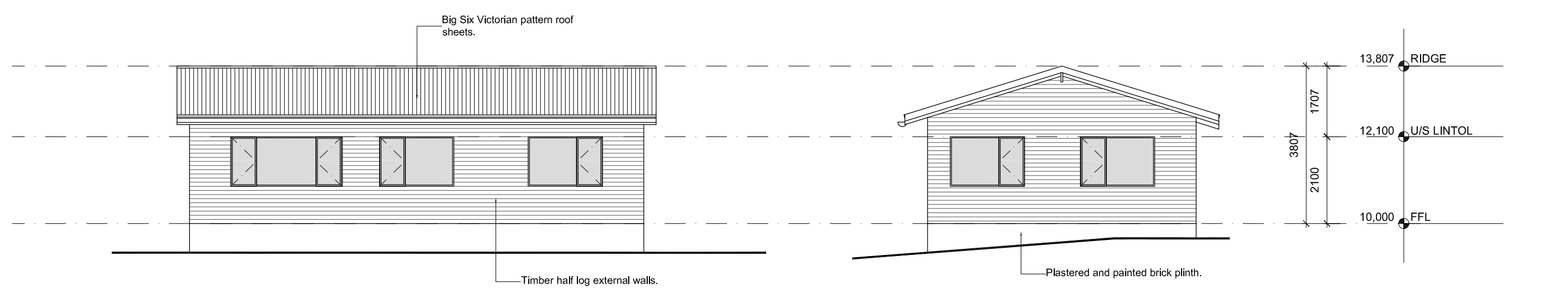


GROUND STOREY  
BUILDING "E"  
SCALE 1 : 100



NORTH ELEVATION  
SCALE 1 : 100

WEST ELEVATION  
SCALE 1 : 100



SOUTH ELEVATION  
SCALE 1 : 100

EAST ELEVATION  
SCALE 1 : 100

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DWELL DESIGNS

architectural design studio

POSTNET, Suite 20

Private Bag X31

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6570

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E-MAIL: info@dwell.co.za

NOTES

1. THE DESIGN CONTAINED IN THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF THE ARCHITECT.

2. ALL WORK TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE DESIGN AND DETAILS SHOWN HEREON.

3. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING OFF DRAWINGS.

4. ALL RELEVANT DETAILS, LEVELS & DIMENSIONS TO BE DISCLOSED TO THE ARCHITECT.

5. THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR THE DIMENSIONS SHOWN FROM THE DESIGNER'S DRAWING.

6. ALL DIMENSIONS ARE GIVEN IN MILLIMETRES.

7. FOR INFORMATION ONLY UNLESS OTHERWISE STAMPED AND SIGNED.

GM

GM

03.09.13

PROJECT

AS-BUILT drawings for Portion 19 of 205, Ruigtevlei Sedgefield

DRAWN

CHKD

DATE

PROJECT

AS-BUILT drawings for Portion 19 of 205, Ruigtevlei Sedgefield

DRAWING No.

Rev

13

Page 25 of 99



**ITEM TO:**

Municipal Planning Tribunal



|                  |                  |
|------------------|------------------|
| APPLICATION NO.  | 3743             |
| REPORT AUTHOR    | Sinovuyo Sitinga |
| JOB TITLE        | Town Planner     |
| SACPLAN REG. NO. | A/2695/2018      |
| TELEPHONE NO.    | 044 302 6276     |
| APPLICATION DATE | 12 June 2026     |

**LAND USE PLANNING REPORT**  
**ADMINISTRATIVE PENALTY: ERF 3958 KNYSNA**

**PART A: APPLICANT DETAILS**

|                             |                                                     |
|-----------------------------|-----------------------------------------------------|
| Name & Surname              | <b>Alexander Havenga</b>                            |
| Company name                | <b>Nel &amp; de Kock Town and Regional Planners</b> |
| SACPLAN registration number | <b>Pr. Pln A/3313/2023</b>                          |
| Registered owner(s)         | <b>Angus Quinton Young</b>                          |

**PART B: PROPERTY DETAILS**

|                                               |                                                                                                     |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Property description                          | <b>Erf 3958 Knysna, in the Municipality of Knysna and Division of Knsyna, Western Cape Province</b> |
| Property Extent (m <sup>2</sup> )             | <b>803</b>                                                                                          |
| Physical address                              | <b>60 Ridge Road</b>                                                                                |
| Area/Town                                     | <b>Knysna</b>                                                                                       |
| Current zoning                                | <b>Single Residential Zone I</b>                                                                    |
| Applicable zoning scheme                      | <b>Knysna Zoning Scheme By-law (2020)</b>                                                           |
| Current land use                              | <b>Dwelling House</b>                                                                               |
| Are there existing buildings on the property? | <b>Yes</b>                                                                                          |
| Title Deed number & date                      | <b>T80393/2024 dated 17 December 2024</b>                                                           |
| Any restrictive title conditions applicable?  | <b>Yes</b>                                                                                          |
| Any third party conditions applicable?        | <b>None</b>                                                                                         |
| Any unauthorised land use/building work       | <b>Yes</b>                                                                                          |
| Bondholder's Consent                          | <b>Yes</b>                                                                                          |

| <b>PART C: CONTRAVENTION INFORMATION</b>                                                                                                                                                                                   | <b>Yes</b>                          | <b>No</b>                           | <b>Not Applicable</b>               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Has the landowner applied for the determination of an administrative penalty?                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 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?                                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## 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 retaining wall encroaching the northern lateral building line of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" in respect of Erf 3958, Knysna.

## 2. BACKGROUND

- 2.1. The subject property is zoned "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020) which permits a dwelling house as a primary use. This zoning prescribes a 2m building line along all boundaries within which no buildings or structures are permitted without prior approval in terms of the provisions of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021).
- 2.2. The applicant states that an approval for an Administrators consent and permanent departure was recently granted on the property, to allow for a second dwelling, timber deck and garage. Due to the steepness of the slope of the property, it was discovered that it would be necessary to create level platforms to place water storage tanks. The retaining walls were constructed prior to obtaining building plans and departure approvals.
- 2.3. The property owner then appointed an architect to prepare updated as-built plans for submission to the Municipality. It was then established that the recently constructed retaining walls were constructed within the prescribed zoning scheme building line and that a land use application to regularise the retaining wall would be required.

## 3. ASSESSMENT OF APPLICATION

### 3.1. Administrative Penalty Calculation

|                                                                                                                                                                                | <b>Rand value (R)</b>        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>1. Unauthorised Building Work (i.to. Zoning Scheme By-law)</b>                                                                                                              | <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 provided                 |



|                                                                                                                                     |                |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------|
| (c) Repeat Offender (approved tariff in (a) above x2)                                                                               | Not applicable |
| <b>2. Unauthorised Land Use</b>                                                                                                     |                |
| (a) Uncontested: Unauthorised Residential Use                                                                                       | Not applicable |
| (b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 0) | Not applicable |
| (c) Repeat Offender (approved tariff in (a) above x2)                                                                               | Not applicable |

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

3.2.1. The applicant argues that the property owner was under the impression that there was no land use application required for the construction of retaining walls. Further, the applicant adds that the this was not intentionally to circumvent municipal processes, and that the retaining walls were a practical response to the steepness of the property. The applicant highlights that the retaining wall has not shown to have any adverse impact on the surrounding properties.

3.2.2. The applicant opted not to contest the minimal penalty and concedes to pay the penalty of **R 5,000.00**. It is agreed with the applicants' sentiments that the retaining wall is not foreseen to have any negative impact on the surrounding properties. However, a contravention of the Zoning Scheme By-law was committed, and therefore the recommended penalty is considered reasonable and proportionate to the nature and gravity of the offence.

## 4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 5,000.00 be determined in accordance with Section 93(2,) for the unauthorised building work encroaching the 2m building line in terms of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" in respect of Erf 3958, 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 administrative penalty applies to the buildings and structures encroaching the prescribed building line as shown on the plan numbered "2025/019-M002-Rev 0" dated 13 May 2026.
- 5.2. The landowner/applicant shall pay the administrative penalty within 30 days reckoned from the date of the notice of decision.
- 5.3. The decision and imposition of an administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject erf.

## 6. REASONS FOR RECOMMENDATION

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

The applicant has conceded to the transgressions and the payment of the penalty as specified in Council's approved tariff list. The applicant further presented their arguments in terms of impact and why construction was needed, however, a contravention of the scheme was committed. Therefore the recommended penalty is considered reasonable and proportionate to the nature and gravity of the offence.

## 7. SUPPORTING APPLICATION DOCUMENTS

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

**ANNEXURE B:** Power of attorney

**ANNEXURE C:** Copy of title deed

**ANNEXURE D:** Bondholders Consent

**ANNEXURE E:** Locality map

**ANNEXURE F:** Site Plan

**ANNEXURE G:** Conveyancer Certificate

**ANNEXURE H:** Municipal Approval

| Administrative Penalty: ERF 3958 KNYSNA                                                                                  |                           |                                                                                                                    |         |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------|---------|
| Author Name: <b>SINOVUYO SITINGA</b><br>Date: <b>17 AUGUST 2026</b>                                                      |                           | Author Signature:              |         |
| Registered planner name: <b>S. MADUMBO</b><br>SACPLAN registration number: <b>A/1510/2012</b><br>Date: <b>17/08/2026</b> |                           | Registered Planner Signature:  |         |
| <b>Decision maker:</b> Municipal Planning Tribunal                                                                       |                           |                                                                                                                    |         |
| APPROVED                                                                                                                 | APPROVED<br>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: [REDACTED] /E-mail: neldek@mweb.co.za

4 June 2026

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

Sir

PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 3958, KNYSNA, SITUATED IN THE MUNICIPALITY AND DIVISION OF KNYSNA, IN THE PROVINCE OF THE WESTERN CAPE.

Duly authorised by the registered owner of Erf 3958, Knysna, application is hereby made in terms of Section 15(2)(r) of the Knysna Municipality Spatial Planning and Land Use Management By-Law, 2021, for the determination of an uncontested contravention penalty relating to the unauthorised construction of two retaining walls within the northern common boundary building line.

Following the approval of an Administrator's Consent and Permanent Departure application on 13 November 2025 relating to a second dwelling, proposed garage and timber deck on Erf 3958, Knysna, the owner proceeded with development on the property. Due to the steeply sloping topography of the site, it became necessary to construct two retaining walls in order to create level platforms for the installation of rainwater harvesting and storage tanks intended to supplement the property's water supply.

The retaining walls were constructed prior to the approval of the relevant building plans and without obtaining the necessary building line relaxations. Upon completion of the works, the owner appointed an architect to prepare updated as-built plans for submission to the Municipality. During this process it was established that the retaining walls had been constructed within the prescribed northern building line and that a further land use application was required to regularise the development.

The owner was under the bona fide impression that the retaining walls did not require separate land use approval and was unaware that such structures were required to be reflected on and approved as part of the building plan process. Furthermore, given that the previous land use application took approximately seven months to finalise following submission to the Municipality, coupled with the pressing need to install rainwater harvesting infrastructure during a period of severe drought, the owner proceeded with the construction of the retaining walls in order to facilitate the timely installation of the water tanks.

The Tribunal is respectfully requested to impose the uncontested contravention penalty of R5 000.00, as provided for in the Knysna Municipality Tariff Schedule for the 2025/2026 financial year.

The owner acknowledges that the retaining walls were constructed without the necessary prior approvals. However, it is respectfully submitted that this was not a deliberate attempt to circumvent the applicable legislative requirements. On the contrary, the owner had previously obtained all approvals required for the related development on the property and reasonably believed that no additional land use approvals were required for the retaining structures. The retaining walls were constructed solely as a practical response to the steep topography of the site and to facilitate the installation of water tanks intended to supplement the property's water supply during the severe drought conditions experienced in Knysna during the previous summer season.

It is further submitted that retaining structures are a common and necessary feature within this part of Knysna due to the steeply sloping nature of the surrounding properties. The retaining walls do not adversely affect neighbouring properties, alter the character of the area, or result in any material planning impacts.

Considering that this constitutes the owner's first contravention and given that the owner has voluntarily appointed the necessary professionals to regularise the development through the prescribed statutory processes, it is respectfully requested that the Tribunal exercise its discretion and limit the penalty imposed to the prescribed uncontested contravention penalty.

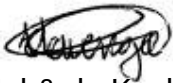
In support of this application, the following documentation is attached for consideration:

- a) Application form fully completed and signed (**Annexure 1**);
- b) Power of Attorney by the registered owner (**Annexure 2**);
- c) Bondholders Consent (**Annexure 3**);
- d) Motivation is included in this cover letter;
- e) Copy of Surveyor General Diagram No. 4941/1971 (**Annexure 5**);
- f) Locality Map (**Annexure 6**);
- g) Site Development Plan with Drawing No. M002 of Project No. 2025/019 by Bauhaus Architektur (**Annexure 7**);

- h) Proof of payment (**Annexure 8**);
- i) Copy of Title Deed No. T80393/2024 (**Annexure 9**);
- j) Conveyancer Certificate by Petrus Postma van Rooyen (**Annexure 10**); and
- k) Municipal Approval dd. 13 November 2025 (**Annexure 11**).

We trust that the above motivation will be favourably considered and that the Tribunal will deem the requested uncontested administrative penalty appropriate under the circumstances. Should any additional information or clarification be required, we remain available to provide further assistance.

Yours Sincerely



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

POWER OF ATTORNEY

I, the undersigned,

Angus Quinton Young

In my capacity as the Registered owner of Erf 3958, 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 a **Building Line Relaxation, Administrator's Consent and Determination of an administrative penalty with regard to Erf 3958, Knysna**, 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 19th Day of May ..... in the presence of the under mentioned witnesses.



.....

AS WITNESSES:



1. ....



2. ....

340

Annexure 9

Dykes van Heerden (Cape) Inc  
Unit E4/2  
Edward IV  
120-122 Edward Street  
Bellville  
7530

Prepared by me

E. Hopkins

CONVEYANCER  
ELANA HOPKINS (85685)

| Fee endorsement         |                         |            |
|-------------------------|-------------------------|------------|
|                         | Amount                  | Office fee |
| Purchase price/Value    | R. 3 100 000,00         | R. 214900  |
| Mortgage capital Amount | R. ....                 | R. ....    |
| Reason for exemption    | Exempt i.t.o            |            |
| Ref. ....               | SECTION ..... Act ..... |            |

|                        |                     |
|------------------------|---------------------|
| <b>VERBIND</b>         | <b>MORTGAGED</b>    |
| VM FOR R. 1 600 000,00 |                     |
| B 000037178 / 2024     |                     |
| 2024-12-12             | REGISTRAR/REGISTRAR |

|                    |
|--------------------|
| T 000080393 / 2024 |
|--------------------|

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ELMAREZIA CARMELITA HENDRICKS (89712)

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

RENÉ ANN KYDD-COUTTS

Identity Number [REDACTED]

Unmarried

|                 |
|-----------------|
| DATA / VERIFY   |
| 17-12-2024      |
| YOLANDI OLIVIER |

which said Power of Attorney was signed at KNYSNA on 13 November 2024

|                |
|----------------|
| DATA / CAPTURE |
| 13 DEC 2024    |
| Unathi Jongqo  |



And the appearer declared that his/her said principal had, on 25 October 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:

**ANGUS QUINTON YOUNG**  
**Identity Number** [REDACTED]  
**Married out of community of property**

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

ERF 3958 KNYSNA  
IN THE MUNICIPALITY AND DIVISION OF KNYSNA  
WESTERN CAPE PROVINCE

IN EXTENT 803 (EIGHT HUNDRED AND THREE) Square metres

**FIRST TRANSFERRED** by Deed of Transfer Number T20090/1975 with General Plan TP 8265 relating thereto and held by Deed of Transfer Number T48796/2001.

- A. **SUBJECT** to the conditions contained in Deed of Transfer No. T20090/1975.
- B. **SUBJECT FURTHER** as reflected in Deed of Grant dated 27 October 1894, Knysna Freeholds Volume 2 No. 10: -

"to all such duties and regulations as are either already or shall in future be established with regard to such land."

- C. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T20090/1975:-

- I. **IMPOSED** by the Administrator when approving the establishment of Knysna Township Extension No. 9 in terms of Section 18 of Ordinance No. 33 of 1934, namely:

- "1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14 August 1970.



2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.
3. The owner of this erf shall, without compensation be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time being reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to the difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
6. (a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the Scheme subject to the conditions and restrictions stipulated by the Scheme.

- (b) No building or structure or any portion thereof except boundary walls and fences shall, except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority –
  - (i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuildings to the wall-plate thereof, may be erected within such side and rear spaces, and any other outbuildings of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary for a distance of 12 metres measured from the rear boundary of one erf, provided that in the case of a corner erf the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf;
  - (ii) an outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary, if no windows or doors are inserted in any wall facing such boundary.
- (c) On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth, these conditions shall apply to the consolidated holding as if it was one erf.
- (d) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf."

II. **IMPOSED** by and in favour of the Municipality of Knysna, namely:-

"This erf shall be consolidated with more than one adjoining erf provided that such adjoining erf is not a consolidated erf."

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

**RENÉ ANN KYDD-COUTTS, 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

**ANGUS QUINTON YOUNG, 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 100 000,00 (THREE MILLION ONE 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  
WESTERN CAPE at CAPE TOWN on 2024-12-12

  
\_\_\_\_\_  
q.q.

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS





**NEL & DE KOCK TOWN & REGIONAL PLANNERS**

Attention: Alexander Havenga

Email: [REDACTED]

26 May 2026

**MR ANGUS QUINTON YOUNG**

[REDACTED]

**KNYSNA**

**6571**

email: [REDACTED]

Dear Sir

**BONDHOLDERS CONSENT**

**APPLICATION FOR RELAXATION OF BUILDING LINES AND TO PERMIT RETAINING WALLS**

**OUR REF: ANGUS QUINTON YOUNG (CLIENT NO. 518378/001)**

**ERF 3958 KNYSNA ("The Property")**

Investec Bank Limited, in its capacity as the holder of a mortgage bond registered over the aforementioned property, consents to:-

1. the relaxation of the northern common boundary building line from 2.0m to 0.0m to permit the retaining walls as indicated on Plan No. M002 of Project No. 2025/019 by Bauhaus Architecture, marked Annexure "A"; and
2. permit retaining walls closer than 5.0m and 1.5m from the street and lateral boundaries respectively.

The consent is granted on condition that the Mortgage Bond in our favour remains in place and that the relevant approvals from the Knysna Municipality is obtained.

Contact Jarryd Patrick on 044 302-1810 should you have any queries.

Yours Faithfully

Investec Bank Limited



Authorised Signatory



Authorised Signatory



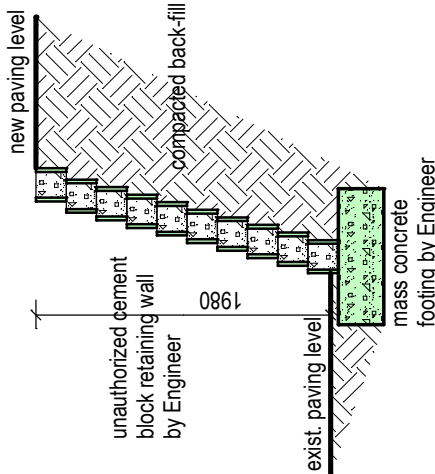


RIDER TO PLAN No. 2025/44683  
APPROVED 2025/04/08

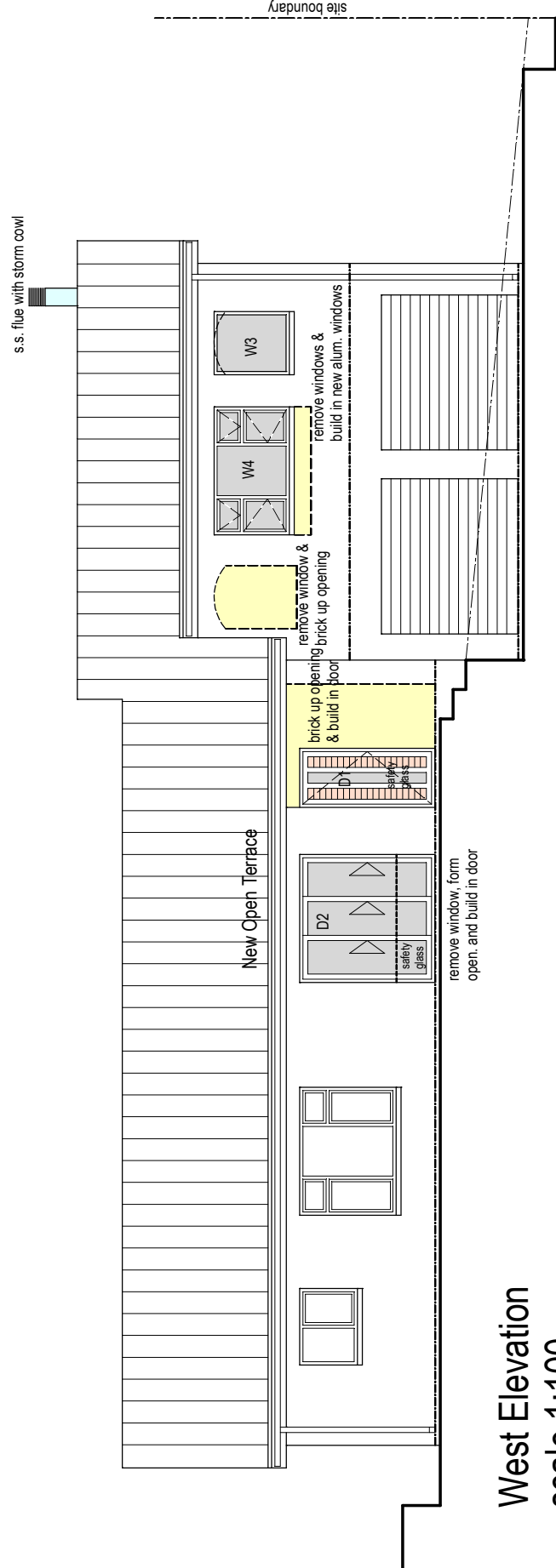
Professional Senior Architectural Technologist  
Signature: *A. J. H.*

Owners Signature: \_\_\_\_\_

|                                                                                                                                                                                              |                               |                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------------------------|
| <b>BAUHAUS ARCHITEKTUR</b><br><b>Gunther M. A. Toll</b><br>Professional Senior Architectural Technologist (SACAP ST2209, SAMT 329865)                                                        |                               |  |
| Office: 067 6552 096 - Email: <a href="mailto:guntherm@512@gmail.com">guntherm@512@gmail.com</a> - P.O. Box 1130<br>George, 6530 - 22 Swarfborg Circle - Mont Fleur Mountain Estate - Blanco |                               |                                                                                     |
| Project:<br>As-built Plans for Erf 3958, 60 Ridge<br>Road, Knysna for Mr. Angus Young                                                                                                        |                               |                                                                                     |
| Drawing Title<br><b>RIDER PLAN</b>                                                                                                                                                           |                               |                                                                                     |
| Scale: 1/42<br>as shown                                                                                                                                                                      | Plot Date:<br>13 may 2026     | E.O.no.<br>erf 3958 young<br>rider plan                                             |
| Project no.<br><b>2025/019</b>                                                                                                                                                               | Drawing Number<br><b>M002</b> | Revision:                                                                           |



Typical Section thru Block Retaining Wall  
scale 1:50



West Elevation  
scale 1:100





Legend



Erf

Map Center: Lon: 23°2'28.8"E  
Lat: 34°2'2.8"S

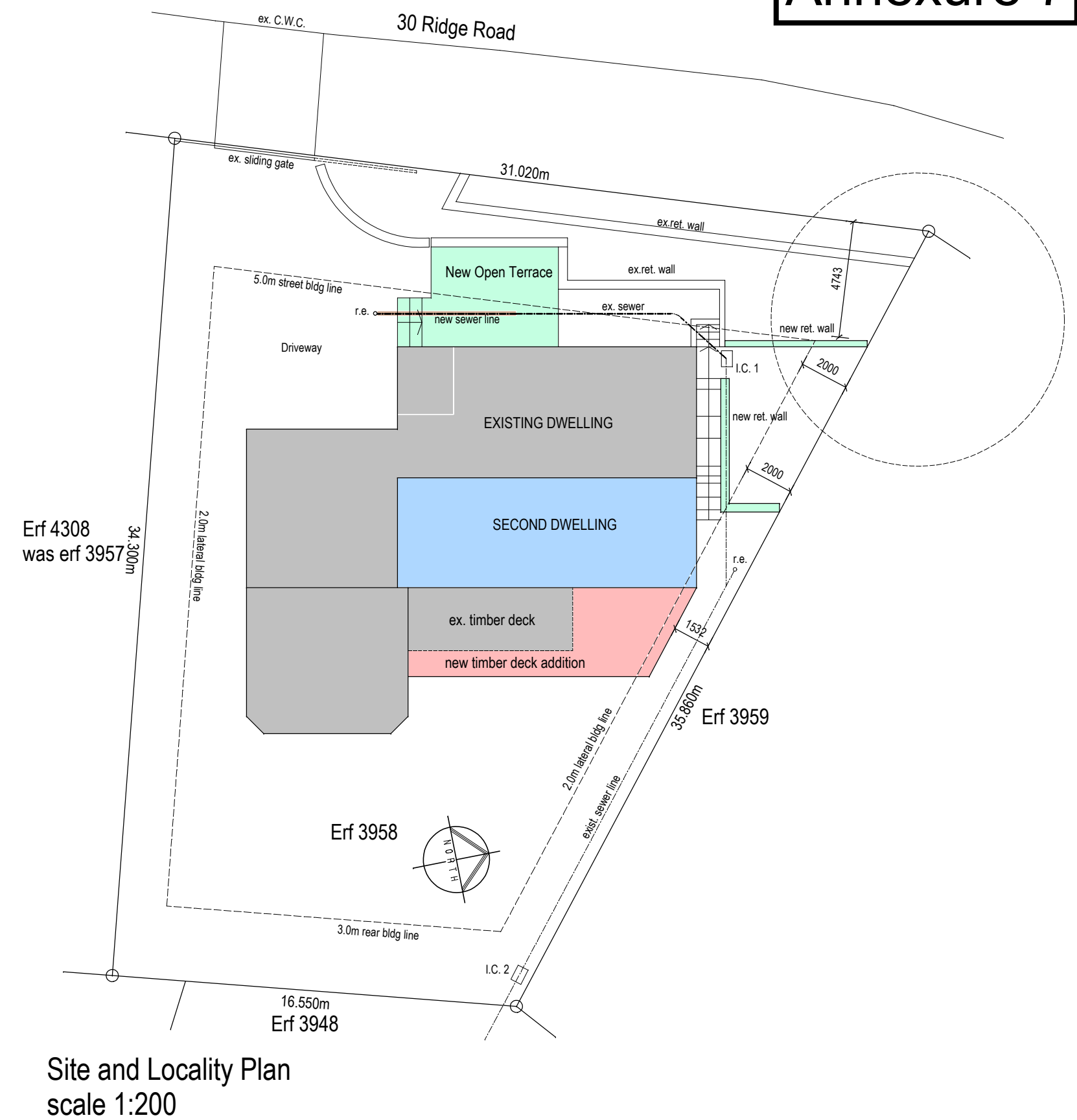
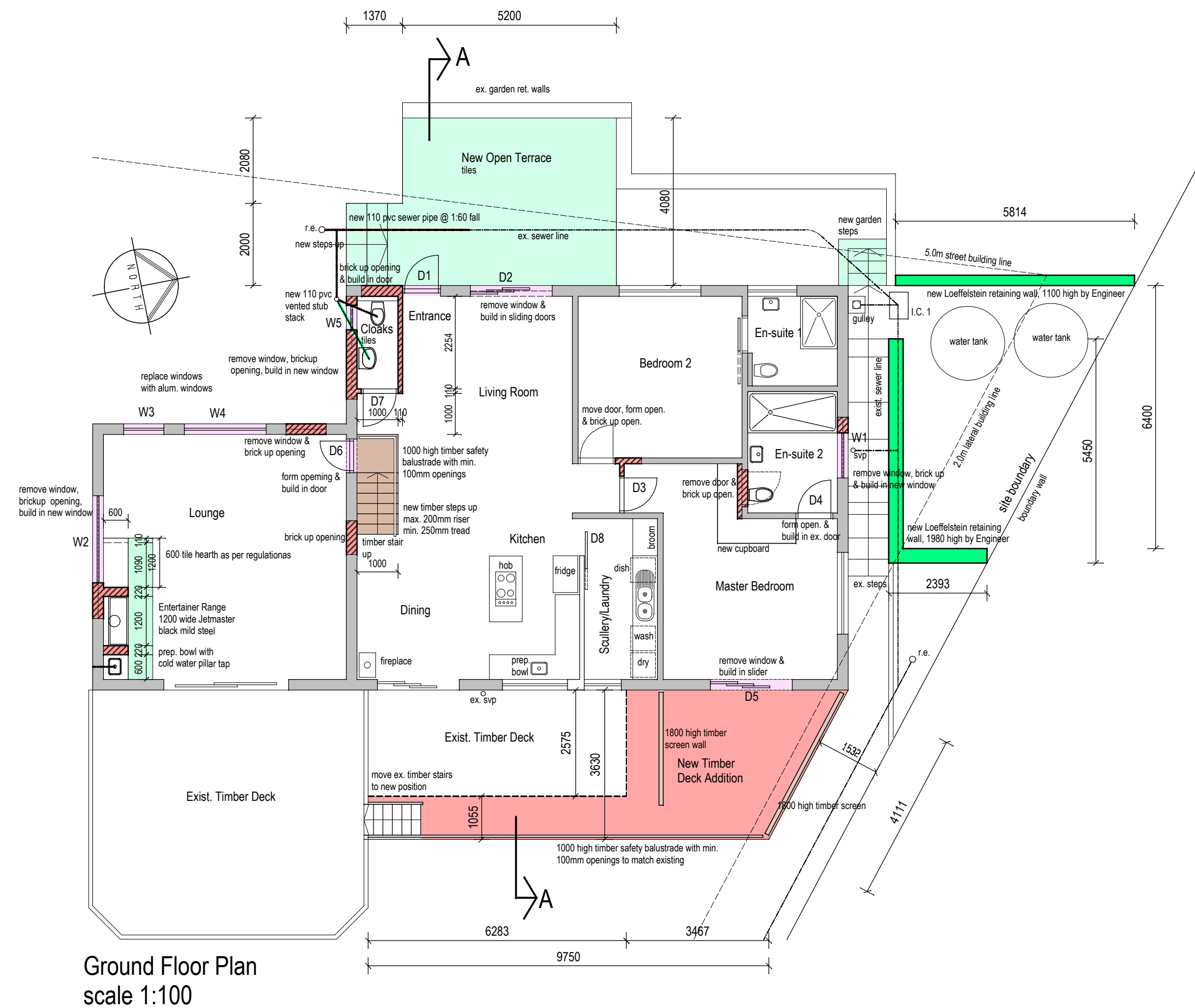
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Date created: 2025/16/04



Western Cape  
Government  
Page 41 of 99  
FOR YOU

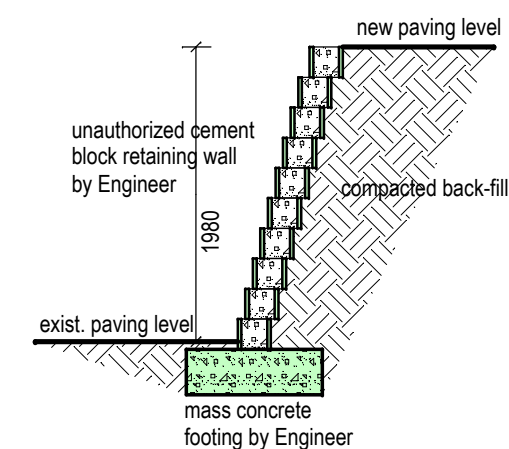
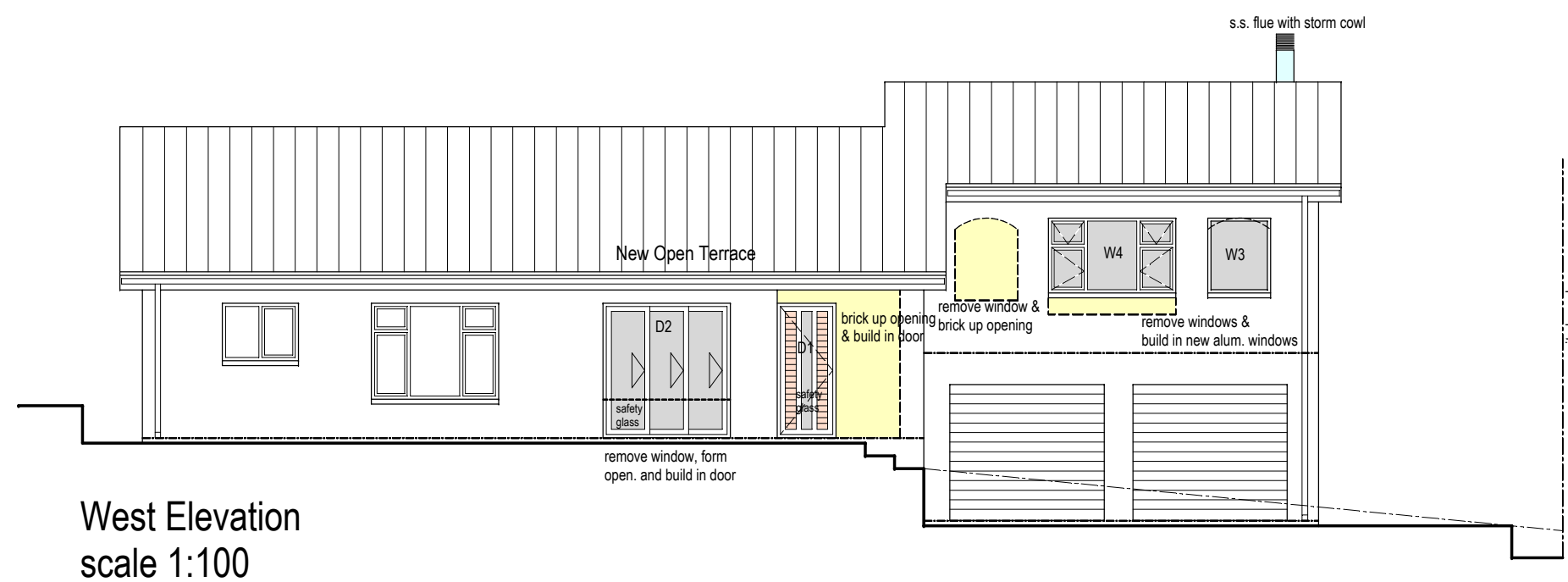




RIDER TO PLAN No. 2025/44683  
APPROVED 2025/04/08

Professional Senior Architectural Technologist  
Signature: 

Owners Signature: A. [Signature]



Typical Section thru Block Retaining Wall  
scale 1:50

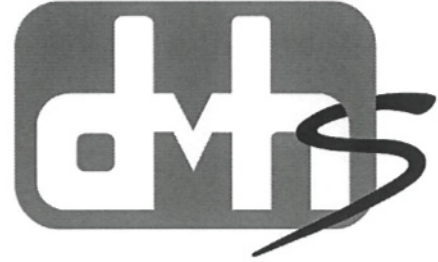
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <h1 style="margin: 0;">BAUHAUS ARCHITEKTUR</h1> <h2 style="margin: 0;">Gunther M. A. Toll</h2>                                                                                                 |  |
| Professional Senior Architectural Technologist (SACAP ST2203, SAIAT 32965)                                                                                                                     |  |
|                                                                                                           |  |
| Office: 062 6252 096 - Email: <a href="mailto:gunthertoll52@gmail.com">gunthertoll52@gmail.com</a> - P.O. Box 1190<br>George, 6530 - 22 Swartberg Circle - Mont Fleur Mountain Estate - Blanco |  |

|          |                                                                        |
|----------|------------------------------------------------------------------------|
| Project: | As-built Plans for Erf 3958, 60 Ridge Road, Knysna for Mr. Angus Young |
|----------|------------------------------------------------------------------------|

|                                                                             |                               |                                         |
|-----------------------------------------------------------------------------|-------------------------------|-----------------------------------------|
| Drawing Title<br><h2 style="text-align: center; margin: 0;">RIDER PLAN</h2> |                               |                                         |
| Scale # A2<br>as shown                                                      | Plot Date:<br>13 may 2026     | E.D.no.<br>erf 3958 young<br>rider plan |
| Project no.<br><b>2025/019</b>                                              | Drawing Number<br><b>M002</b> | Revision:                               |

Unit E4/2  
Edward IV  
120-122 Edward Road  
Bellville 7530  
South Africa

Tel: 0861 110 210  
Fax: 021 910 4911  
E-mail: [REDACTED]  
Website: [www.dvh.law.za](http://www.dvh.law.za)



**DYKES VAN HEERDEN SLABBERT HOPKINS**  
ATTORNEYS & CONVEYANCERS /  
PROKUREURS & AKTEVERVAARDIGERS

PO Box/Posbus 4261  
Tygervally 7536  
South Africa  
Docex 42, Tygerberg

Our Reference/Ons Verwysing:

Your Reference/U Verwysing:

Date/Datum :

Peet Van Rooyen/Y0067/PR

6 May 2025

## CONVEYANCER CERTIFICATE

I, the undersigned, PETRUS POSTMA VAN ROOYEN, a practicing attorney and conveyancer at the firm DYKES VAN HEERDEN SLABBERT HOPKINS INCORPORATED in Bellville, Cape Town, do hereby certify, after investigations at the Cape Town Deeds Office, that the following information is true and correct:

1. **ANGUS QUINTON YOUNG**

Identity number [REDACTED]

Married out of community of property

is the registered owner of

ERF 3958 KNYSNA

IN THE MUNICIPALITY AND DIVISION OF KNYSNA,

IN THE PROVINCE OF THE WESTERN CAPE

IN EXTENT 803 (EIGH HUNDRED AND THREE) square metres

HELD BY Deed of Transfer T80393/2024

(the "Property")

2. I certify that the Property is subject to the following conditions:

2.1 Deed of Transfer T80393/2024:

A. SUBJECT to the conditions contained in Deed of Transfer No. T20090/1975.



B. SUBJECT FURTHER as reflected in Deed of Grant dated 27 October 1894, Knysna Freeholds Volume 2 No. 10:-

“to all such duties and regulations as are either already or shall in future be established with regard to such land.”

C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T20090/1975:-

I IMPOSED by the Administrator when approving of the establishment of Knysna Township Extension No. 9 in terms of Section 18 of Ordinance No. 33 of 1934, namely:

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14 August 1970.
2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.
3. The owner of this erf shall, without compensation be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time tot time being reasonably required. This shall include the right of access to the erf at any reasonable time for the

purpose of constructing, altering, removing or inspecting any works connected with the above.

4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to the difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
6.
  - (a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the Scheme subject to the conditions and restrictions stipulated by the Scheme.
  - (b) No building or structure or any portion thereof except boundary walls and fences shall, except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority –
    - i An outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuildings to the wall-plate

thereof, may be erected within such side and rear spaces, and any other outbuildings of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 metres shall be measured from the point furthest from the street abutting the erf;

- ii An outbuilding in terms of sub-paragraph (i) may on be erected nearer to a lateral or rear boundary, if no windows or doors are inserted in any wall facing such boundary.
- c) On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth, these conditions shall apply to the consolidated holding as if it was one erf.
- d) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set for the as if it were the original erf.

II IMPOSED by and in favour of the Municipality of Knysna, namely:-

“This erf shall be consolidated with more than one adjoining erf provided that such adjoining erf is not a consolidated erf.”

2.2 Conditions contained in historical deeds

2.2.1 Deed of Transfer No. T20090/1975.

- A. SUBJECT, as mentioned in Deed of Grant Knysna Quitrents, Volume 2 No. 10 dated 27 October 1894, to all such duties and regulations as are either already or shall in future be established with regard to such lands.

B. DUE TO situation thereof NOT SUBJECT to the condition mentioned in said Deed of Grant Knysna Quitrents, Volume 2 No. 10, in terms whereof the Government reserves the right of access to and egress from the property marked "Hospitaal Reserve" on the diagram attached to the said Deed of Grant.

C. SUBJECT TO the conditions as mentioned in par 2.1 above.

3. I confirm that, save for the above conditions, I have found no evidence of existing title conditions which restrict the development of the property.

DATED AT BELLVILLE ON THIS 6 DAY OF May 2025

CONVEYANCER  
 PETRUS POSTMA VAN ROOYEN  
 DYKES VAN HEERDEN SLABBERT HOPKINS INC





**Knysna**

Municipality Munisipaliteit uMasipala  
inclusive • innovative • inspired

Collab. Ref.: 2723081

File Ref.: 3958 Kny

App No.: 3503

JH Smit

Tel: 044-302 6318

Via Electronic Mail

2025-11-13

**Angus Q Young**

c/o Nel & de Kock Town & Regional Planners

PO Box 1186

**GEORGE**

6530

Email: [neldek@mweb.co.za](mailto:neldek@mweb.co.za)

Dear Sir/Madam,

**DECISION: DEPARTURE & ADMINISTRATORS CONSENT: ERF 3958, KNYSNA**

Your application in the above regard, received on 23 May 2025 and accepted 3 June 2025, refers.

Please be advised that the Authorised Official, in terms of Council Resolution SC02/03/16 dated 31 March 2016, has made the following decision:

1. That, **Approval Be Granted**, for the Administrator's Consent as contemplated in restrictive title condition 6.(a) and (b) contained in the Title Deed no. T80393/2024, in respect of Erf 3958, Knysna, to allow for a second dwelling unit and the relaxation of the prescribed building lines as shown on plan numbered "2025/001-TP001" dated 15 May 2025.
2. That, **Approval Be Granted**, in terms of Section 60 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) for the following Permanent Departures from the development parameters of "dwelling house" as specified in the Knysna Zoning Scheme on Erf 3958, Knysna, as shown on plan numbered "2025/001-TP001" dated 15 May 2025:
  - 1.1 The relaxation of the southern lateral boundary from 2m to 0.793m to allow for the proposed garage;

- 1.2 The relaxation of the northern lateral building line from 2m to 1.532m to allow for a proposed timber deck and additions; and
  - 1.3 The relaxation of the minimum setback distance of windows facing onto the common boundary from 1.5m to 0.946m in terms of the proposed garage.
3. **The above approval(s) is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipal By-law on Spatial Planning & Land Use Management (2021):**
- (i) The approval as specified herein applies to the permanent departures as outlined and may not be construed as authority to depart from any other legal prescriptions.
  - (ii) The relaxation of the prescribed building lines of the applicable restrictive title conditions, and the Knysna Zoning Scheme By-law (2020), shall be to the extent as shown on the plan numbered “2025/001-TP001” dated 15 May 2025, unless otherwise approved in accordance with the provisions of the Planning By-law.
4. **The reasons for above recommendation are as follows:**
- (i) The relaxation of the title deed’s prescribed building lines is unlikely to diminish the rights enjoyed by its beneficiaries as reasonable space among buildings in relation to the common property boundaries are maintained despite the relaxation. Furthermore, it is noted that Knysna Zoning Scheme By-law (2020) allows for a second dwelling of less than 60m<sup>2</sup> in floor area as a primary right under the zoning of the property. The relaxation of the restrictive condition limiting the dwelling units on the subject property thus be consistent with the current municipal regulatory framework and planning in the area.
  - (ii) Furthermore, the proposed timber deck and additions to the dwelling house within the northern lateral building line is considered minor whilst improving the functionality of the outdoor living space to the property.
  - (iii) Lastly, it is not anticipated that the relaxation of the southern lateral building line to allow for the proposed garage and windows would cause and adverse

impact on the affected neighbouring property. The proposed garage is a non-habitable space only intended for the storage of a single vehicle while the residential character and aesthetic appearance of the single dwelling house will still be maintained.

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

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

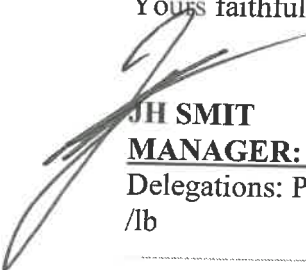
You are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

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

Kindly note that this decision is not subject to a right of appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

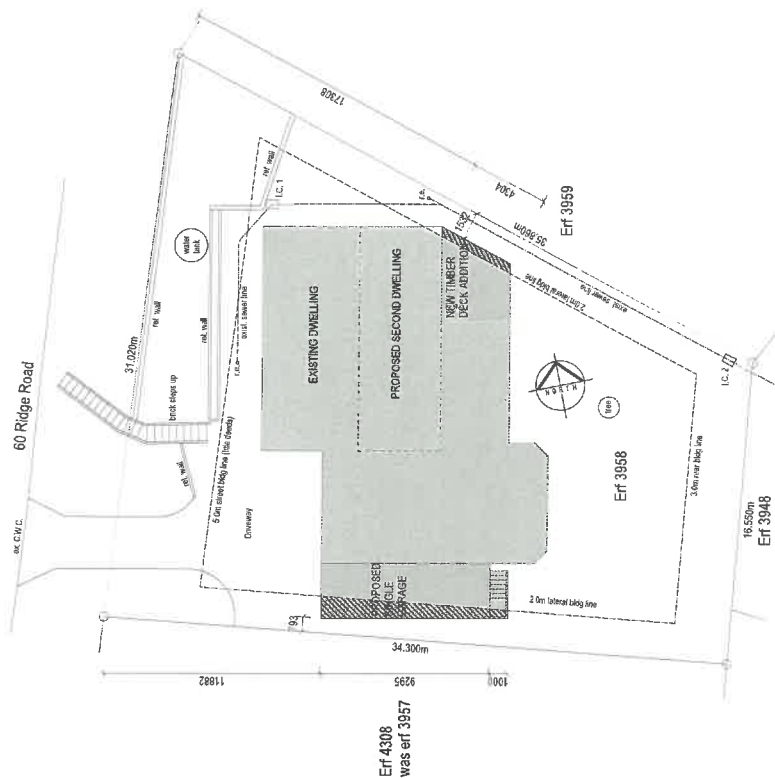
Should you have any further enquiries, please contact Ms. Buhlebenkosi Koti telephone number: 044-302 6318 or via e-mail address: [bkoti@knysna.gov.za](mailto:bkoti@knysna.gov.za) .

Yours faithfully,

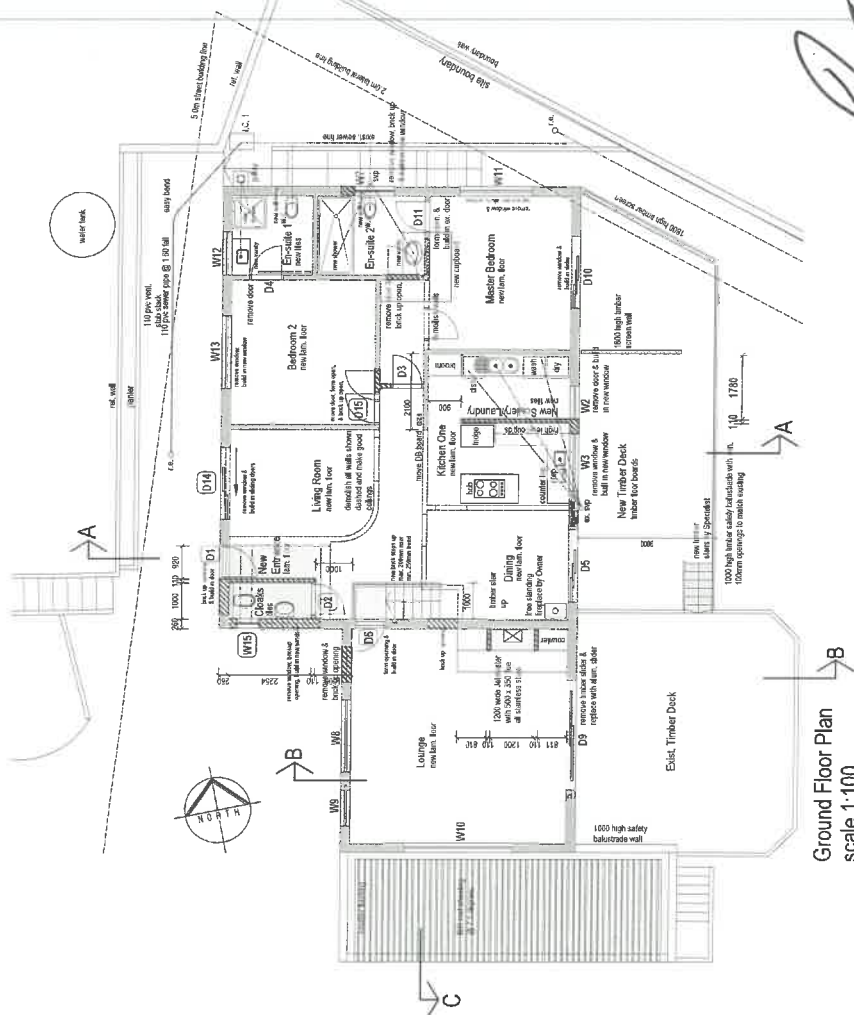


**JH SMIT**  
**MANAGER: LAND USE MANAGEMENT**  
Delegations: P.78  
/lb

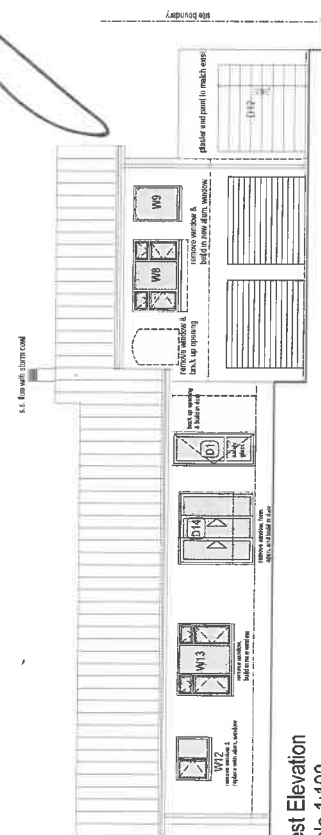




Site and Locality Plan  
scale 1:200



Ground Floor Plan  
scale 1:100



West Elevation  
scale 1:100

# BAUHAUS ARCHITEKTUR

## Gunther M. A. Toll

Praxis am See an der Mühle, Tübingen 44 | D-72074 Tübingen | 07141 226949



07141 226949-1: Email [gunther.toll@bauhaus-architektur.de](mailto:gunther.toll@bauhaus-architektur.de) | P.O. Box 1190  
 72074 Tübingen | Germany | 72074 Tübingen | Germany  
 Project: Additions and Alterations on Eil 3628 R/D Judge  
 Road | Virginia for Mr. Angus Young

Drawing Title:

FOR TOWN PLANNER ONLY

Scale: 1/8" = 1'-0"

Sheet no: 2025/001

Project no: 2025/001

Project name: Dr. Angela Weber

Project date: 15 MAY 2025

Project location: 3628 R/D Judge Road

Project status: 15 MAY 2025

Project owner: 15 MAY 2025

Project address: 15 MAY 2025

Project description: 15 MAY 2025

Project notes: 15 MAY 2025

Project contact: 15 MAY 2025

Project email: 15 MAY 2025

Project phone: 15 MAY 2025

Project fax: 15 MAY 2025

Project website: 15 MAY 2025

Project social media: 15 MAY 2025

Project other: 15 MAY 2025





**Knysna**

Municipality Munisipaliteit uMasipala  
inclusive • innovative • inspired

**Collab. Ref.:**  
**File Ref.:** 3958 Kny  
**App No.:** 3503  
**JH Smit**  
**Tel:** 044-302 6318

**Via Electronic Mail**

**2025-12-09**

**Angus Q Young**  
c/o Nel & de Kock Town & Regional Planners  
PO Box 1186  
**GEORGE**  
6530  
Email: [neldek@mweb.co.za](mailto:neldek@mweb.co.za)

Dear Sir/Madam,

**DECISION: DEPARTURE & ADMINISTRATORS CONSENT: ERF 3958, KNYSNA**

1. This Municipality's letter dated 13 November 2025, refers.
2. I wish to advise that no appeal against the decision specified in the aforementioned letter, has been lodged with the Municipality as contemplated in Section 79(1) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) (the "Planning By-Law").
3. The matter has been finalized and the file is closed.

Yours faithfully,



**JH SMIT**  
**MANAGER: LAND USE MANAGEMENT**  
Delegations: P.78  
/lb


**Knysna**

Municipality Munisipaliteit uMasipala  
inclusive • innovative • inspired

**ITEM TO:**

Municipal Planning Tribunal

|                  |               |
|------------------|---------------|
| APPLICATION NO.  | 3666          |
| CASE OFFICIAL    | Ms LV Mniki   |
| JOB TITLE        | Town Planner  |
| SACPLAN REG. NO. | A/3672/2025   |
| TELEPHONE NO.    | +6383         |
| APPLICATION DATE | 13 March 2026 |

**LAND USE PLANNING REPORT**
**DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 553 BELVEDERE**
**PART A: APPLICANT DETAILS**

|                             |                           |
|-----------------------------|---------------------------|
| Name & Surname              | Lloyd Druce               |
| Company name                | VBGD Town Planners        |
| SACPLAN registration number | A/543/1987                |
| Registered owner(s)         | Hendrik Jeremias Du Bruyn |

**PART B: PROPERTY DETAILS**

|                                               |                                    |
|-----------------------------------------------|------------------------------------|
| Property description                          | Erf 553 Belvedere                  |
| Property Extent                               | 1297m <sup>2</sup>                 |
| Physical address                              | 35 Belvedere Manor                 |
| Area/Town                                     | Belvedere                          |
| Current zoning                                | General Residential Zone V         |
| 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                      | T12225/2024                        |
| Any restrictive title conditions applicable?  | None                               |
| Any third party conditions applicable?        | None                               |
| Any unauthorised land use/building work       | Yes                                |
| Bondholder's Consent                          | None Applicable                    |

| <b>PART C: CONTRAVENTION INFORMATION</b>                                                                                                                                                                                   | <b>Yes</b>                          | <b>No</b>                           | <b>Not<br/>Applicable</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|---------------------------|
| Has the landowner applied for the determination of an administrative penalty?                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>  |
| 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?                                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| 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? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |

### 1. APPLICATION DESCRIPTION

An application has been submitted in terms of Section 15(2)(r) of the Knysna Spatial Planning and Land Use Management By-Law (2021) for the determination of an administrative penalty to regularise the use of Erf 553, Belvedere as a property zoned "Single Residential Zone I", whereas the site is zoned "General Residential Zone V" in terms of the Zoning Scheme Register (2020).

### 2. PRE-APPLICATION CONSULTATION

A pre-application meeting was conducted in terms of Section 37 of the Spatial Planning and Land Use Management By-law (2021), on 27 November 2025. Several aspects pertaining to the historical factors were deliberated upon. The applicant was advised that it may be more appropriate to submit an application to allow "General Residential Zone I" in lieu of "Single Residential Zone I" to be considered, as this would maintain uniformity across the broader Belvedere estate.

### 3. APPLICANT'S BACKGROUND

- 3.1. The applicant provided that there are 34 cottages which form part of the Belvedere Manor precinct, all of which are zoned "General Residential Zone V" which allows for "hotel" use.
- 3.2. They argue that Erf 553, however was viewed differently from the other 33 cottage sites as a "Master Plan" dated 1995, shows the site being for a "Barn", "Services" and "Parking", however there are no records which reflect that the sites were constructed. Furthermore, it is said that during 1995, building plans we approved wherein the said property was labelled "Service Facility: Meeting rooms and staff accommodation for Belvedere Manor".



3.3. The submissions of the applicant state that, "*it was a convenient choice*" to categorise the property as "*hotel*" during the transition from the Section 8 Zoning Scheme Regulations (1988) to the Knysna Zoning Scheme By-law (2020) which does not permit the current use of a "*dwelling house*" nor the previous use(s) as the home of the hotel's chef and other staff accommodation. In addition, the property is of a different size and configuration in comparison to the other 33 cottages of Belvedere Manor.

#### 4. ASSESSMENT OF APPLICATION

##### 4.1. Administrative Penalty Calculation

|                                                                                                                                                                                | Rand value (R)               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>1. Unauthorised Building Work</b>                                                                                                                                           | <i>as per Council tariff</i> |
| (a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning | Not applicable               |
| (b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)                          | Not applicable               |
| (c) Repeat Offender (approved tariff in (a) above x2)                                                                                                                          | Not applicable               |
| <b>2. Unauthorised Land Use</b>                                                                                                                                                |                              |
| (a) Uncontested: Unauthorised 'Other' Use                                                                                                                                      | R 10,000.00                  |
| (b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 0)                                            | R2,600,000.00                |

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

4.2.1. The applicant has requested a waiver for an administrative penalty given that it was an unfortunate consequence of historical transformation of the site from "*Resort Zone*" whereas it was always used as a form of residential use and not accommodation for transient use. Based on the Master Plan and the approved building plans, dated 1995, it is evident that although the floor layout may easily be converted to conform to that of a "*dwelling house*", the use of the premises on Erf 553, Belvedere was not intended for permanent residence.

4.2.2. The conduct of the owner has been responsive, taking steps to regularise the use of the property in spite of unknowingly purchasing a site which is not permitted to be used as a "*dwelling house*". As noted in the applicant's submission, there are several 'cottages' which are no longer utilised for resort-related purposes within Belvedere Manor. This undermines conditions of establishment and may threaten the character of an area/ precinct. Nevertheless, that is a matter to be deliberated upon in a separate application made in terms of Section 15(2) of the Spatial Planning and Land Use Management By-law (2021).



4.2.3. Whilst the owner may be liable to pay a maximum penalty of up to R 2,600,000.00, in terms of the Municipal Valuation of the property, the implications of the residential use are not considered grievous as they neither result in increased activity nor physical harm on the neighbouring property owners. Hence, the standard municipal tariff for 'other' land uses are considered to be proportionate response to the unlawful use of the Erf 553 Belvedere.

## **5. RECOMMENDATION**

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R10,000.00 be determined in accordance with Section 93(2) for the unauthorized land use of a "dwelling house" as contemplated under "Single Residential Zone I" of the Knysna Zoning Scheme By-law (2020).

## **6. CONDITIONS IMPOSED IN TERMS OF THE PLANNING BY-LAW**

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

6.1. The landowner shall pay the administrative penalty within 60 days reckoned from the date of the notice of decision.

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

## **7. REASONS FOR RECOMMENDATION**

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

- (i) The recommended penalty is considered proportionate to the unlawful land use which has been perpetuated over the years. Considering the recent ownership of the property, Council's prescribed penalty for "other" unlawful land use has been recommended, in lieu of the valuation criteria.
- (ii) Although the applicant argues that the zoning is inaccurate, the floor layout of the building on Erf 553 Belvedere includes, staff accommodation and meeting rooms as the intended use for establishment would serve as a support premises, in-keeping with the resort and/or hotel-related land uses in the vicinity of Belvedere Manor. Therefore, the use for "dwelling house" is unlawful.

- (iii) In determining the administrative penalty, the applicant's mitigating circumstances, including financial constraints and efforts to regularise the unauthorised land use and building works, have been taken into account. Accordingly, the imposition of the Municipality's standard administrative penalty is considered fair, reasonable, and appropriate in the circumstances.

**8. SUPPORTING APPLICATION DOCUMENTS**

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

**ANNEXURE B:** Plans

**ANNEXURE C:** Information required in terms of Section 38 of the Spatial Planning and Land Use Management By-law (2021)

**ANNEXURE D:** Extract of the Municipal Valuation Roll

| Administrative Penalty: Erf 553, Belvedere – Application Number 3666                             |                           |                                                                                                                    |         |
|--------------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------|---------|
| Author Name: LV Mniki<br>Date: 17/08/2026                                                        |                           | Author Signature:              |         |
| Registered planner name: S Madumbo<br>SACPLAN registration number: A150/2012<br>Date: 17/08/2026 |                           | Registered Planner Signature:  |         |
| Decision maker: Municipal Planning Tribunal                                                      |                           |                                                                                                                    |         |
| APPROVED                                                                                         | APPROVED<br>CONDITIONALLY | APPROVED IN PART                                                                                                   | REFUSED |

# VBGD Town Planners

## Town Planners and Development Consultants

JOHANNESBURG: Tel : 27 011 706 2761 or KNYSNA [REDACTED]  
Email [REDACTED] 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: 245/2/2026

Reference:

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

Dear Sir,

### **APPLICATION: BELVIDERE ERF 553 : 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 HENDRIK JEREMIAS DU BRUYN by virtue of the attached Deed of Transfer T 12225/2024 and is 1297m<sup>2</sup> in extent.
- 2. LOCATION and SIZE:**

The erf is located within the Belvidere Manor complex just north of Lower Duthie Street as shown below:



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

Assisted by : J. Erasmus BA (Hons)PrPin

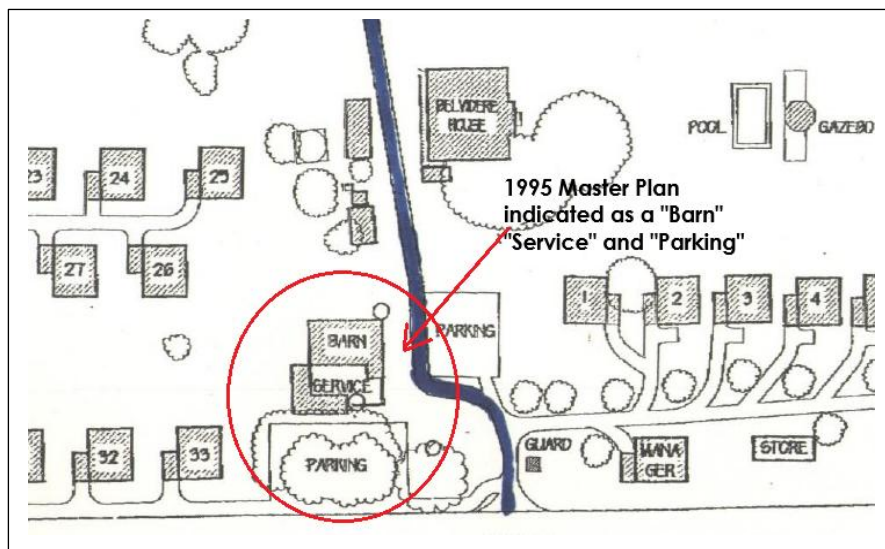
SAACPP  
SOUTH AFRICAN ASSOCIATION OF  
CONSULTING PROFESSIONAL PLANNERS

### 3. BACKGROUND AND HISTORY:

3.1 The Modern Belvidere Estate was commenced in the 1980's and three components were created for development of the estate, consisting of, **Belvidere Estate** a residential precinct, **Belvidere Park** a retirement complex, and **Belvidere Manor** which transformed the original Belvidere House into Belvidere Manor Hotel together with the Bell restaurant and pub. It included the 34 cottages which are part of the Hotel precinct and are all zoned "Hotel".

3.2 Erf 553 was also within the Belvidere Manor precinct, however with different intended uses at the time.

There are varying descriptions of Erf 553 usage, but even from the early days, the site was viewed as different from the other cottage sites. There are various versions of the uses intended for the site, which are not well documented or defined. However, when the Belvidere Manor was planned, the site was viewed as being a specific erf and not the same as the other cottage erven. The diagram below which is from a "Master Plan" in 1995, shows the site as being for a "Barn", "Services" and "Parking", however there are no records which show that these uses were ever constructed.

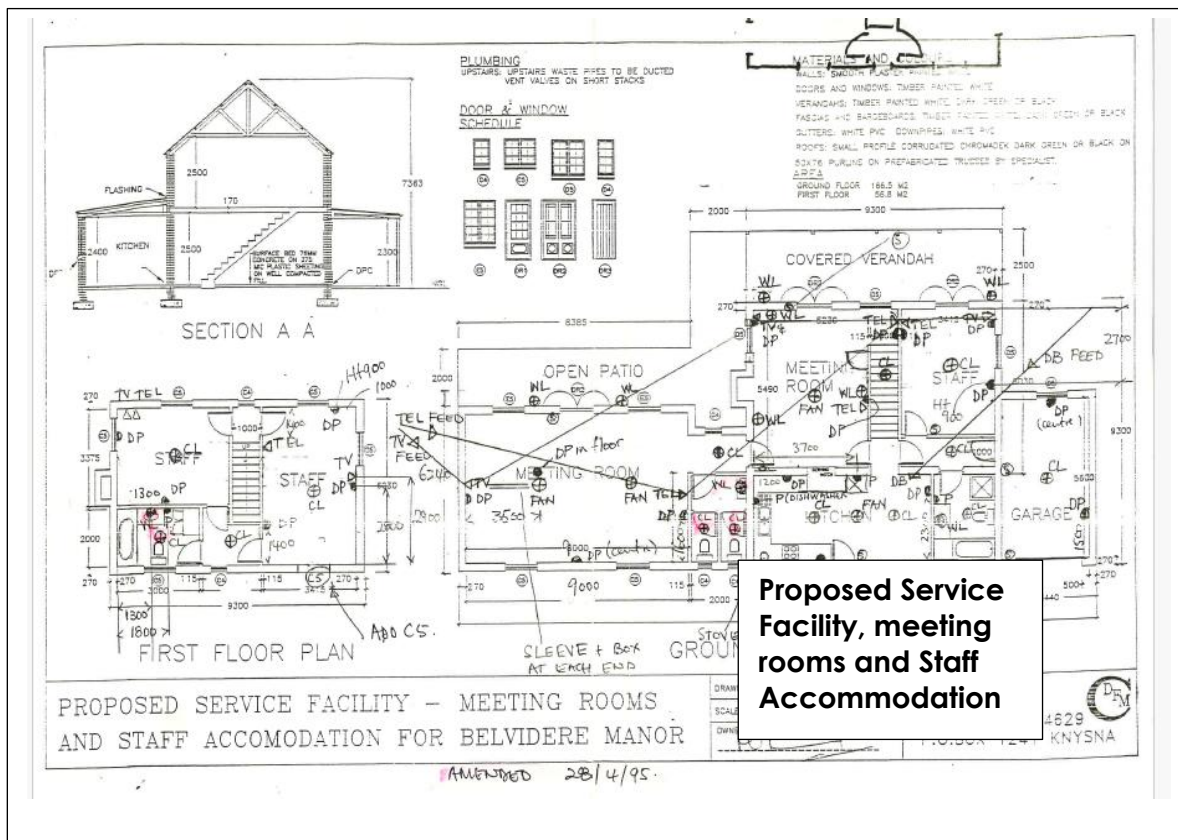


In 1995, plans were approved, which are attached as ANNEXURE C which were labelled as **"SERVICE FACILITY: MEETING ROOMS AND STAFF ACCOMMODATION FOR BELVIDERE MANOR"**

These plans were approved by the Knysna Municipality, and the buildings on the property were erected in accordance with these plans.

An extract from the plans is shown in the diagram overleaf and show a ground floor plan containing two meeting rooms, a kitchen, staff room and garage, and on the first floor, two staff rooms together with bathrooms.





For all practical purposes the structure presents as a residence (dwelling house) as seen below:



#### 4. THE ZONING OF THE PROPERTY:

The zoning of Belvidere Manor has a history which requires consideration.

The current Belvidere Manor is zoned as partially HOTEL or General Residential Zone V which applies to the hotel itself, the 34 cottages, the Bell Pub restaurant and Erf 553, which is shown on the plan overleaf. The communal areas are zoned "Private Open Space", however, this zoning came into effect when the new Zoning Scheme transitioned from the previous scheme, where the entire Belvidere complex was zoned for a "RESORT".

### Current Zoning:



The zoning as it exists allows for hotel uses, which was deemed to be a convenient zoning when the new Zoning Scheme By-Law was created. This zoning does not permit a “dwelling house” as a primary right, which is the issue now for consideration, as Erf 553 is to be used as a residence from now on. A rezoning application to facilitate this use, has also been submitted.

While the “hotel” zoning was a convenient choice when the transition to the new zoning took place, in retrospect, this was possibly not the best choice of zoning.

As described already, Erf 553 has always been different from the other 34 cottages and was constructed as it appears today as a house, even though it was used for the hotel chef's home for many years and other staff member accommodation.

The property is a different size and is configured entirely differently compared with the other 34 units, and therefore the transition from RESORT to the current zoning, an alternative zoning for this site would have been more appropriate.

While the current zoning does not permit a dwelling house for permanent occupation it means that while the land use is best suited for permanent occupation, it contravenes the zoning. Hence the need to apply for an administrative penalty in order to deal with the fact that permanent residence is currently the use while the rezoning takes 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. 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 site is to some extent inappropriately zoned, which came about due to the transition from the previous RESORT zoning.

The site and the structure erected thereon has always been used for some form of residential use and not as part of "letting" which is the primary usage of an hotel.

The house on the site was in fact the permanent residence of the hotel chef for a number of years and the configuration of the structure was built consisting of normal rooms associated with a dwelling house. It has bedrooms, bathrooms, a lounge, dining area , kitchen and garage, which in normal circumstances would be deemed to be a dwelling house.

Our client purchased the site as a residence within the Belvidere Manor, and was unaware that using it for his home, would be any form of contravention.

The home has been immaculately kept and is totally in line with the Victorian/ Georgian themes required in the Belvidere Design manual .

If viewed rationally and fairly, the need for an admin penalty is essentially a consequence of circumstances, and perhaps even inadvertent zoning for which the owner should not be penalised unfairly.

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

The owner of the property is a new owner and was only made aware of the non-compliance with the "HOTEL" zoning after the erf was purchased.

He is in the process of rezoning the site to Single Residential Zone 1 which will regularise the status quo, and which is in progress.

His intentions are therefore to see to it that there is compliance with any zoning 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:**

The owner of the property has caused no harm or detrimental outcomes for the Belvidere Manor complex and he is regarded as a resident within the Belvidere Manor development,

The Home Owners Association which administers the Belvidere Manor complex are aware that the owner wishes to continue using the house as a permanent residence and has no objection to the use.

It is therefore fair to say that the situation which arises to impose an administrative penalty is an unfortunate consequence of historical transformation from one zoning to another. It would therefore be reasonable to waive the penalty under such circumstances. The amount payable as an administrative penalty is therefore recommended to be nil.

#### **7. PAYMENT OF FEES:**

The fees payable are usually 50% of the prescribed fee , which in the instance could only be for rezoning which would be an amount of R2261.71. Full fees have already been paid for the submitted rezoning, however in order to process this application the above amount is to be paid.

#### **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 : R2261.71
5. ANNEXURE: Existing approved Building 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**



# FIRST FLOOR PLAN

# GROUND FLOOR PLAN



## LOCALITY PLAN ERF 553 BELVIDERE



# DEED OF TRANSFER

in favour of

**HENDRIK JEREMIAS DE BRUYN**

Over

**ERF 553 BELVEDERE**

*Original on file  
With Hendrik (personal)*

Sunel Oosthuizen Attorneys  
Suite 4, Waterkloof Rand Centre  
Cnr Rigel Ave & Buffelsdrift Street  
Erasmusrand

Prepared by me,

CONVEYANCER  
**RONEL ELS**  
LPCM No. 86228

| Deeds Office Registration fees as per Act 47 of 1937 |                            |                                                   |
|------------------------------------------------------|----------------------------|---------------------------------------------------|
|                                                      | Amount                     | Office Fee                                        |
| Purchase Price                                       | R 1 500 000,00             | R 1 453,00                                        |
| All other                                            |                            |                                                   |
| Reason for exemption                                 | Category<br>Exemption..... | Exemption I t o.<br>Sec/Reg.....<br>Act/Proc..... |

T 000012225 / 2024

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

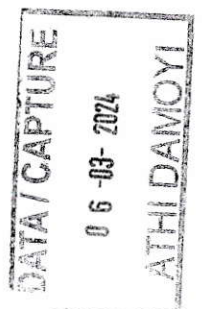
THAT HARRIS GEOFFREY HARDCASTLE  
LPCM No. 93545

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

**BELVIDERE MANOR PROPRIETARY LIMITED** ✓  
Registration Number 2022/612726/07

dated 01 FEBRUARY 2024

and signed at PRETORIA





AND the said Appearer declared that his/her principal had on **14 November 2023** truly and legally sold by Private Treaty and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

**HENDRIK JEREMIAS DU BRUYN**

**Identity Number** [REDACTED]

**Married out of community of property**

his heirs, executors, administrators or assigns in full and free property:

ERF 553 BELVEDERE  
IN THE MUNICIPALITY AND DIVISION OF KNYSNA  
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 1297 (ONE THOUSAND TWO HUNDRED AND NINETY SEVEN)  
SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer Number T67890/1996 with General Plan 9646/1993 relating thereto, and held by Deed of Transfer T59389/2022

- A. Subject to the conditions as are referred to in Certificate of Registered Title nr T71936/1988.
- B. NOT ENTITLED to the benefit of the respective special conditions relating to a reservation of rights to water contained in Deeds of Transfers Nos. 80/1947, 81/1947, 82/1947, 12535/1947, 13088/1950, 13089/1950, 9919/1958 and 16512/1959, whereby Portions 14, 15, 16, 17, 18, 19, 24, 23, 28 and 36 (all portions of Portion 13) of the farm Uitzigt, respectively were conveyed, which conditions are to the effect that such properties were sold and transferred without any of the water rights referred to in condition (3) of the component part No. (I) contained in Certificate of Consolidated Title No. T12326/1944, by reason of the endorsement dated 8<sup>th</sup> February, 1965 on the said Certificate of Consolidated Title No. T12326/1944.
- C. NOT ENTITLED to the conditions contained in the Notarial Deed of Servitude dated 14<sup>th</sup> October 1936 annexed to Deed of Transfer No. T5951/1934 and referred to in the endorsement thereon, dated 15<sup>th</sup> October 1936, relating to certain water rights to a spring called the "Silver Spring" and the water rights arising therefrom by reason of the endorsement dated 8<sup>th</sup> February 1965 on the said Certificate of Consolidated Title No. T12326/1944, which reads as follows:

REMAINDER

By Deeds of Transfer No 13089/1950 and 13090/1950, the following properties conveyed thereby namely Portion 20 measuring 7,2700 morgen (para 2 Transfer 13089/1950) and Portion 21 measuring 7,8016 morgen (Transfer 13090/1950) have been made entitled . . . . . in equal shares to the benefits and obligations under Condition 1(3) herein, as will more fully appear from the said Deed of Transfer."



D. By virtue of Notarial Deed No. K511/1990: ✓

Entitled to a servitude right of way indicated by the figures a' b 'c 'd 'on General Plan 12063 over Erf 499 (Public Place) Belvedere meas 7,6118 HA, as will more fully appear from the said Notarial Deed.

E. SUBJECT to the following condition contained in Deed of Transfer Number T67890/1996 imposed by the TRANSFEROR in favour of BELVIDERE MANOR HOMEOWNERS ASSOCIATION:

"The within property shall not be transferred without the written consent of the BELVIDERE MANOR HOMEOWNERS ASSOCIATION, of which the within transferee and his successors in title to this property automatically shall become and remain a member."



WHEREFORE the Appearer, renouncing all the right, title and interest which the said

**BELVIDERE MANOR PROPRIETARY LIMITED**

**Registration Number 2022/612726/07**

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

**HENDRIK JEREMIAS DU BRUYN, 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 of the property hereby transferred to be the sum of

**R1 000 000,00 (ONE MILLION RAND) EXCLUDING VAT in the amount of R150 000.00 (ONE HUNDRED AND FIFTY THOUSAND RAND), making the total consideration R1 150 000,00 (ONE MILLION ONE HUNDRED AND FIFTY THOUSAND RAND).**

IN WITNESS WHEREOF I, the said Registrar of Deeds 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 MAR 2024



q.q. Signature of Appearer

In my presence:



Registrar of Deeds



## SPECIAL POWER OF ATTORNEY

I, THE UNDERSIGNED

**HENDRIK JEREMIAS DU BRUYN**

Identity Number [REDACTED]

Married out of community of property

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,

**THE SUBMISSION OF AN APPLICATION FOR REZONING OF ERF 553 KNYSNA IN BELVIDERE  
MANOR TO SINGLE RESIDENTIAL 1 ZONING IN TERMS OF THE KNYSNA ZONING SCHEME**

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 24. day of November 2025.

In the presence of the undersigned witnesses:

AS WITNESSES:

1. ....

.....  
H J DU BRUYN

2. ....

[REDACTED]

| Registered or other description of the property |                  |           |         | Full Names of Owner(s) |         | Category determined in terms of Section 8 of the Act | Physical address of the property | Extent of the property (HA) | Market value of the property | Remarks                                                                     |
|-------------------------------------------------|------------------|-----------|---------|------------------------|---------|------------------------------------------------------|----------------------------------|-----------------------------|------------------------------|-----------------------------------------------------------------------------|
| Town Allotment                                  | Suburb           | Erf Nr    | Portion | Unit                   | Section |                                                      |                                  |                             |                              |                                                                             |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000553 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE ESTATE                 | 553 - 0                     | 2 800 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000554 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE                        | 554 - 0                     | 1 800 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000555 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE MANOR                  | 555 - 0                     | 2 000 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000556 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE MANOR                  | 556 - 0                     | 1 500 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000557 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE                        | 557 - 0                     | 2 100 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000558 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE MANOR                  | 558 - 0                     | 2 100 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000559 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE                        | 559 - 0                     | 2 100 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000560 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE MANOR                  | 560 - 0                     | 2 100 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000561 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | BELVEDERE MANOR                  | 561 - 0                     | 2 000 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | PHANTOM VIEW     | 000000565 | 00000   | 00000                  | 0000    | RESIDENTIAL                                          | OLD BELVEDERE                    | 565 - 0                     | 1 300 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BELVEDERE                                       | BELVEDERE ESTATE | 000000620 | 00000   | 00000                  | 0000    | RESIDENTIAL                                          | LE SUEUR CLOSE                   | 439 - 0                     | 1 800 000                    | SECT 78(1)(g) - SUBDIVIDED OR CONSOLIDATED AFTER THE LAST GENERAL VALUATION |
| BRENTON                                         | BRENTON          | 000000001 | 00000   | 00000                  | 0000    | VACANT LAND                                          | C R SWART ROAD                   | 1                           | 600 000                      | SECT 78(1)(g) - THAT MUST BE REVALUED FOR ANY OTHER EXCEPTIONAL REASON      |
| BRENTON                                         | BRENTON ON SEA   | 000000013 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | C R SWART ROAD                   | 13                          | 1 800 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000026 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | PROTEA AVENUE                    | 26                          | 650 000                      | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000111 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | WATSONIA AVENUE                  | 111                         | 1 800 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000116 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | WATSONIA AVENUE                  | 116                         | 3 800 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000139 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | WATSONIA AVENUE                  | 139                         | 2 100 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000198 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | C R SWART ROAD                   | 198                         | 34 000 000                   | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000204 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | AGAPANTHUS AVENUE                | 204                         | 2 300 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000205 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | AGAPANTHUS AVENUE                | 205                         | 2 200 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000206 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | AGAPANTHUS AVENUE                | 206                         | 2 100 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000210 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | AGAPANTHUS AVENUE                | 210                         | 1 200 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000221 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | DA GAMA STREET                   | 221                         | 1 700 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |
| BRENTON                                         | BRENTON ON SEA   | 000000229 | 00000   | 00000                  | 0000    | BUSINESS & COMMERCIAL PROPERTIES                     | C.O DBA and ROMAN STREET         | 229                         | 1 300 000                    | SECT 78(1)(g) - OF WHICH THE CATEGORY HAS CHANGED                           |



|                             |
|-----------------------------|
| <b>ITEM TO:</b>             |
| Municipal Planning Tribunal |



|                  |               |
|------------------|---------------|
| APPLICATION NO.  | 3702          |
| REPORT AUTHOR    | LV Mniki      |
| JOB TITLE        | Town Planner  |
| SACPLAN REG. NO. | A/3672/2025   |
| TELEPHONE NO.    | 044 302 6338  |
| APPLICATION DATE | 15 April 2026 |

**LAND USE PLANNING REPORT**  
**ADMINISTRATIVE PENALTY: ERF 434 SEDGEFIELD**

**PART A: APPLICANT DETAILS**

|                             |                    |
|-----------------------------|--------------------|
| Name & Surname              | Lyndon Graeme Moll |
| Company name                | Coastal Plans      |
| SACPLAN registration number | -                  |
| Registered owner(s)         | Sarah Jane Gibbs   |

**PART B: PROPERTY DETAILS**

|                                               |                                                      |
|-----------------------------------------------|------------------------------------------------------|
| Property description                          | Erf 434 Sedgefield                                   |
| Property Extent (m <sup>2</sup> )             | 670                                                  |
| Physical address                              | 4 Swift Street                                       |
| Area/Town                                     | Sedgefield                                           |
| Current zoning                                | Single Residential Zone I                            |
| Applicable zoning scheme                      | Knysna Zoning Scheme By-law (2020)                   |
| Current land use                              | Dwelling house with associated buildings/ structures |
| Are there existing buildings on the property? | Yes                                                  |
| Title Deed number & date                      | T58850/2025                                          |
| Any restrictive title conditions applicable?  | Yes                                                  |
| Any third party conditions applicable?        | Yes                                                  |
| Any unauthorised land use/building work       | Yes                                                  |
| Bondholder's Consent                          | Not Applicable                                       |



| <b>PART C: CONTRAVENTION INFORMATION</b>                                                                                                                                                                                   | <b>Yes</b>                          | <b>No</b>                           | <b>Not Applicable</b>               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Has the landowner applied for the determination of an administrative penalty?                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 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?                                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## 1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the following on Erf 434, Sedgefield:

- 1.1. The encroachment of the 4.5m Uil street building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an as-built garden shed.
- 1.2. The encroachment of the 4.5m Uil street building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an as-built carport.
- 1.3. The encroachment of the 4.5m Swift street building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an as-built entrance portico.

## 2. APPLICANT'S MOTIVATION

The applicant motivated the application as follows:

- 2.1. The applicant states that the owners late husband built the shed, carports and extended the living room without approved plans many years ago. Since she could not continue to live alone, she decided to sell the property. This is when it was discovered that the approved plans were not up to date. She undertook to rectify this.
- 2.2. Furthermore, the applicant had to estimate the date of construction, stating that it was likely to have occurred prior to 2015. The encroachment was a result of the previous owners whom are no longer contactable.
- 2.3. The consent of Sedgefield Holdings Proprietary Limited has been provided in respect of the restrictive condition C.7 contained in the title deed.

## 3. ASSESSMENT OF APPLICATION

### 3.1. Administrative Penalty Calculation

|                                                                                                                                                                                | <b>Rand value (R)</b>        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>1. Unauthorised Building Work</b>                                                                                                                                           | <i>as per Council tariff</i> |
| (a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning | R 5,000.00                   |
| (b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)                          | R 77,500.00                  |
| <b>2. Unauthorised Land Use</b>                                                                                                                                                |                              |
| (a) Uncontested: Unauthorised Residential Use                                                                                                                                  | Not Applicable               |

|                                                                                                                               |                |
|-------------------------------------------------------------------------------------------------------------------------------|----------------|
| (b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26) | Not Applicable |
|-------------------------------------------------------------------------------------------------------------------------------|----------------|

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

- 3.2.1. It is recognised that the applicant's narrative for the sequence of events is flawed given that they have mentioned that the transgressions were actioned by the late husband and the wife sold the property and sought to regularise the building line encroachments, yet somehow, she is no longer reachable.
- 3.2.2. Nevertheless, the applicant has acknowledged the unlawful structures which are encroaching the building lines. It is considered that the offence is not grievous as the garden shed, entrance portico and carport are considered common appurtenances; and are in-keeping with the zoning of the property, "Single Residential Zone I". Therefore, the standard municipal penalty shall be a proportionate response to unlawful structures which the landowner seeks to regularise.

**4. RECOMMENDATION**

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 5,000.00 be determined in accordance with Section 93(2,) for the following transgressions on Erf 434, Sedgefield:

- 4.1. The encroachment of the 4.5m Uil street building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an as-built garden shed.
- 4.2. The encroachment of the 4.5m Uil street building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an as-built carport.
- 4.3. The encroachment of the 4.5m Swift street building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) by an as-built entrance portico.

**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 60 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:

- (i) The applicant has acknowledged the transgression and accepted responsibility for the contravention in their capacity as the landowner. The applicant has also confirmed their willingness to pay the applicable administrative penalty in accordance with Council's approved tariff.
- (ii) Having regard to the nature, severity and extent of the transgression, the contravention is considered to be of a minor nature. Furthermore, there is no evidence that the transgression has resulted in, or is likely to result in, any material adverse implications. In consideration of the above circumstances, the

imposition of an administrative penalty in accordance with Council's approved tariff is considered reasonable, appropriate and justified.

## 7. SUPPORTING APPLICATION DOCUMENTS

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

**ANNEXURE B:** Power of attorney

**ANNEXURE C:** Copy of title deed and Consent of Sedgefield Holdings

**ANNEXURE D:** Accompanying plans and maps

**ANNEXURE E:** Pre-application Meeting Minutes

| Administrative Penalty: Erf 434 Sedgefield                                                                                  |                           |                                                                                                                   |         |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------|---------|
| Application No.: 3702                                                                                                       |                           |                                                                                                                   |         |
| Author Name: <b>LV Mniki</b><br>Date: <b>17/08/2026</b>                                                                     |                           | Author Signature:               |         |
| Registered planner name: <b>Shaun Madumbo</b><br>SACPLAN registration number: <b>A/1510/2012</b><br>Date: <b>17/08/2026</b> |                           | Registered Planner Signature:  |         |
| <b>Decision maker:</b> Municipal Planning Tribunal                                                                          |                           |                                                                                                                   |         |
| APPROVED                                                                                                                    | APPROVED<br>CONDITIONALLY | APPROVED IN PART                                                                                                  | REFUSED |

## **Motivation in Support of Application**

### **General Information wrt Erf 434, 4 Swift Street, Sedgefield**

The owners late husband built the shed, carports and extended the living room without approved plans many years ago. Since she could not continue to live alone, she decided to sell the property. This is when it was discovered that the approved plans were not up to date. She undertook to rectify this.

The property comprises 308m<sup>2</sup> dwelling, carports and garden shed, zoned Single Residential. It is a timber framed and cladded structure which is common in the area. The site area is 670m<sup>2</sup>, and is an awkward shape. The shed is positioned out of way of the driveway and uses an angular space on the property.

The 'as built' structure (encroaching on the Uil Street street building line and erf 435 lateral building line) is an iron roofed, timber framed and cladded garden shed, erected 0.5m from the northern (street) and south-western (lateral) boundary. The shed is used for storage of gardening and other equipment. The shed (25m<sup>2</sup>) is almost entirely over the prescribed building lines, with a value of approximately R45000.

Uil Street is currently a rarely used grass track bordered by open ground to the north.

All neighbours concerned have given their consent, attached to this application.

The owner will not contest the penalty tariff.



Lyndon Moll

SACAP Reg. D145

2 July 2026

Kleinkrantz

ph:

email:

To: Knysna Municipality – Land Use Management

**Motivation in Support of Application**

In Terms of Clause 21 of the Knysna Zoning Scheme By-law (2020)

General Information wrt Erf 434, 4 Swift Street, Sedgefield

The owners late husband built the shed, carports and extended the living room without approved plans many years ago. Since she could not continue to live alone, she decided to sell the property. This is when it was discovered that the approved plans were not up to date. She undertook to rectify this.

The exact dates of construction cannot be ascertained as the owners at this time are no longer contactable, but it is assumed it was all done between the late 2000's and prior to 2015.

The property comprises 308m<sup>2</sup> including a double storey dwelling (approved plans are available) carports and garden shed, zoned Single Residential. It is a timber framed and cladded structure which is common in the area.

The existing double storey is 6.7m high, below the 8.5m height limit. The site area is 670m<sup>2</sup>, and is an awkward shape.

Development Parameters for 'Dwelling' attached.

**'as built' structures**

**Garden Shed**

The structure (encroaching on the Uil Street street building line and erf 435 lateral building line) is an iron roofed, timber framed and cladded garden shed, erected 0.5m from the northern (street) and south-western (lateral) boundary. The shed is used for

storage of gardening and other equipment. The shed (25m<sup>2</sup>) is almost entirely over the prescribed building lines, with a value of approximately R45000. The shed is positioned out of way of the driveway and uses an angular space on the property.

#### Carports

Built on the south-western (lateral) boundary, a total of 45.7m<sup>2</sup> with flat roofs supported by timber posts with a value of approximately R55000. 28m<sup>2</sup> are over the 2m building line.

#### Living Room

29.5m<sup>2</sup> added to the house, but does not encroach over the building lines, with a value of approximately R180000.

#### Entrance Portico

1.7m<sup>2</sup>, 0.5m over the Swift Street building line with a value of approximately R5000.

#### Conclusion

Uil Street is currently a rarely used grass track bordered by open ground to the north.

All neighbours concerned have given their consent, attached to this application.

The owner will not contest the penalty tariff.

Yours Sincerely



.....  
L. Moll



### **Development Parameters – Dwelling:**

(a) Height (i) at most 8.5 metres above natural ground level directly below a given point of the building with a maximum of 2 storeys; provided that a departure from the 2 storey limit may be considered due to the slope of the site; provided further that the 8.5 metre restriction is maintained and that the additional storey is added to the building on the lower side of the slope. (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(b) Coverage and building lines

(i) Building lines and coverage are indicated in the table entitled “Coverage and building lines”:

#### **COVERAGE AND BUILDING LINES**

Erf size Building lines Less than or equal to 250 m<sup>2</sup> Coverage Street Side 80% 1 metre 1 metre Rear 1,5 metres Greater than 250 m<sup>2</sup>, but not exceeding 500 m<sup>2</sup> 65% 3 metres 1,5 metres Greater than 500 m<sup>2</sup> 50% 4,5 metres 2 metres 2 metres

(ii) The Municipality may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling house in Single Residential Zone I, provided that an adequate means of access, at least 1 metre wide, is provided from a street to every un-built open portion of the property. 29 June 2020 51 Province of the Western Cape: Provincial Gazette Extraordinary 8258 (c) (d) (e) (f) (g) Built form Notwithstanding the provisions of Section 20(4), the municipality may consider a departure from the built form of a dwelling unit where environmental considerations justify the fragmentation of the dwelling, provided that the structure still functions as an entity that serves the accommodation requirements of a single dwelling unit.

Window and door placement: Any portion of a building that contains an external window or door facing onto a common boundary must: (i) be set back at least 1,5 metres from the boundary; and (ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.

Garages, carports and outbuildings

(i) Garaging for up to four vehicles is permitted. (ii) A garage, carport and outbuildings are permitted within the common boundary building lines, subject to the provisions of Section 21(2) of this By-law. Parking and access Parking and access must be provided on the land unit in accordance with this By-law.

**Power Of Attorney**

I, the undersigned, Sarah Jane Gibbs (ID [REDACTED]), duly authorized, do hereby nominate, constitute and appoint Lyndon Graeme Moll (ID [REDACTED]) of the firm Coastal Plans, 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 and documents as may be required in such application.

Description of Property: erf 434 4 Swift Street, Sedgefield, 6573

Nature of Application: Building Line Relaxation

Signed at Sedgefield on 21 October 2025:



-----  
S. J. Gibbs



-----  
L. G. Moll



## ERF 1692 SEDGFIELD (PTY) LTD

Reg no: 2019/036188/07, 11 Pitt Street, Knysna, 6570, contact 082 783 6599

Chimone Knoetze

26 September 2025

And to

Knysna Municipality,

By email to [REDACTED]

Dear all,

**RE: ERF 434 SEDGFIELD OWNED BY I S VAN AS AND ALIDA VAN AS:  
RELAXATION OF TITLE DEED RESTRICTION**

We are the registered owners of the remainder of erf 1692 Sedgfield and therefore the successors in title of the remainder of erf 1692 Sedgfield.

We have been approached to provide our consent to the relaxation of a title deed restriction appearing in title deed 33066/22 recording the ownership of erf 434 Sedgfield in the names of the Van As's.

Title deed condition C 7 provides that no building shall be erected on Erf 434 Sedgfield **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.**

We have been provided with a copy of as built drawings reflecting small encroachments over the various building lines.

To the extent required we hereby provide our written consent to all such encroachments.

Yours faithfully,

R A Sohn – Director

For Erf 1692 Sedgfield (Pty) Ltd

**R A Sohn  
Director, duly authorised  
Erf 1692 Sedgfield Proprietary Limited**

1082

Knoetze Attorneys  
Shop 2, The House  
Mosaic Village  
Paul Kruger Street  
Sedgefield  
6573

Prepared by me



CONVEYANCER  
CHIMONE KNOETZE  
(LPC NUMBER 94259)

| Deeds Office Registration fees as per Act 47 of 1937 |                         |                                                   |
|------------------------------------------------------|-------------------------|---------------------------------------------------|
|                                                      | Amount                  | Office Fee                                        |
| Purchase Price                                       | R 2 650 000,00          | R 2 281,00                                        |
| Reason for exemption                                 | Category Exemption..... | Exemption i t o.<br>Sec/Reg.....<br>Act/Proc..... |

|                          |                                                                                                           |
|--------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>VERBIND MORTGAGED</b> |                                                                                                           |
| VR FOR R 970 000,00      |                                                                                                           |
| 000028364 / 2025         | <br>REGISTRAR OF DEEDS |
| 2025 -09- 16             |                                                                                                           |

DATA / CAPTURE  
17 SEP 2025  
Anitha Manyisa

000058850 / 2025

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JANINE FOUCHE

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

**VICKI SUE CRESSEY**  
Born on 29 June 1949  
Unmarried

which said Power of Attorney was signed at SEDGEFIELD on 9 July 2025

And the appearer declared that his/her said principal had, on 3 March 2025, 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:

**SARAH JANE GIBBS**

**Identity Number** [REDACTED]

**Married out of community of property**

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

ERF 434 SEDGEFIELD  
IN THE MUNICIPALITY AND DIVISION OF KNYSNA  
PROVINCE OF THE WESTERN CAPE

IN EXTENT 670 (SIX HUNDRED AND SEVENTY) Square metres

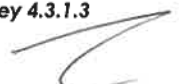
FIRST TRANSFERRED by Deed of Transfer Number T33577/1970 with Diagram Number 1509/1970 relating thereto and held by Deed of Transfer Number T33066/2022

- A. SUBJECT to the conditions referred to in Certificate of Consolidated Title Number T2542/1926.
- B. ENTITLED to the benefits of the servitude, referred to in the following endorsement dated 25 September 1929 on Deed of Transfer Number T822/1928, namely:-

"By Deed of Transfer Number 9658 dated 15<sup>th</sup> 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 the said Deed of Transfer Number T33577/1970 imposed for the benefit of Sedgefield Holdings Proprietary Limited as owner of the remaining extent of Sedgefield Township held under Deed of Transfer Number T8581/1960:

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 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 authority 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. 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 hotel 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 built 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 any lot.
9. The tranferee 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 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.
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 be deemed to include the heirs, executors, administrators, assigns or successors in title of the Transferors and Transferee.

The Transferors referred to above being SEDGEFIELD HOLDINGS PROPRIETARY LIMITED.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a smaller, more complex flourish.

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

**VICKI SUE CRESSEY, 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

**SARAH JANE GIBBS, Married as aforesaid**

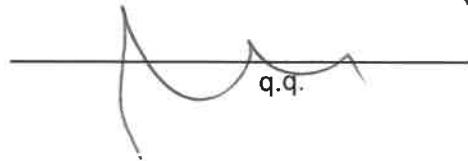
her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 650 000,00 (TWO MILLION SIX HUNDRED AND FIFTY THOUSAND RAND).

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

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

16 SEP 2025

2025

  
q.q.

In my presence

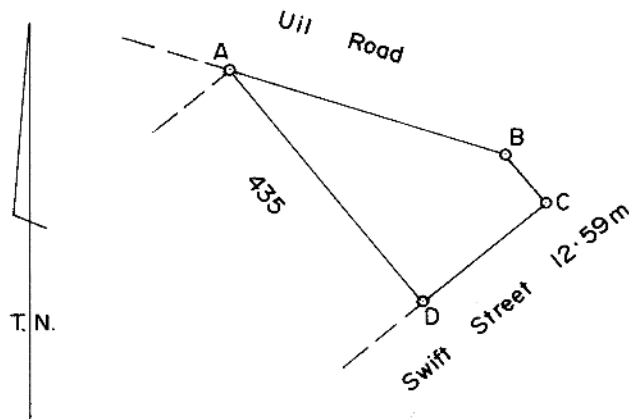
  
REGISTRAR OF DEEDS



GENERAL PLAN S.104 (2070) Sht. 3

|    | SIDES<br>Metres | ANGLES OF<br>DIRECTION | CO-ORDINATES |   | S.G. No.                                                                     |
|----|-----------------|------------------------|--------------|---|------------------------------------------------------------------------------|
|    |                 |                        | Y            | X |                                                                              |
| AB | 43.77           | 287.28.10              |              |   | 1509/70<br><br>Approved<br><i>[Signature]</i><br>Surveyor-General<br>14.9.70 |
| BC | 9.62            | 320.40.20              |              |   |                                                                              |
| CD | 23.97           | 50.40.20               |              |   |                                                                              |
| DA | 46.24           | 140.40.20              |              |   |                                                                              |

All Beacons are 12 mm. Iron Pegs



ERF 434  
SEDFIELD

Scale: 1 : 1000

The figure A. B. C. D.  
represents 670 Square Metres of land, being  
LOT 434 SEDFIELD TOWNSHIP  
situate in the V.M.B. Area of Sedgfield  
Administrative District of Knysna Province of Cape of Good Hope.  
Surveyed in October 1968 - January 1970  
by me, *[Signature]* Land Surveyor

|                                                                             |                                                                                                 |                                                                                                         |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| This diagram is annexed to<br><i>D/T</i><br>No. 33577/70<br>dated<br>i.f.o. | The original diagram is<br><br>No. A.4647/1925 annexed to<br>Transfer/Grant<br>No. 1926.54.2542 | File No. S. 6853/1<br>S.R. No. E 416/70<br>Comp. AL-2BA/W31<br>Gen. Plan S. 104 (2070)<br>Portfolio 244 |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|

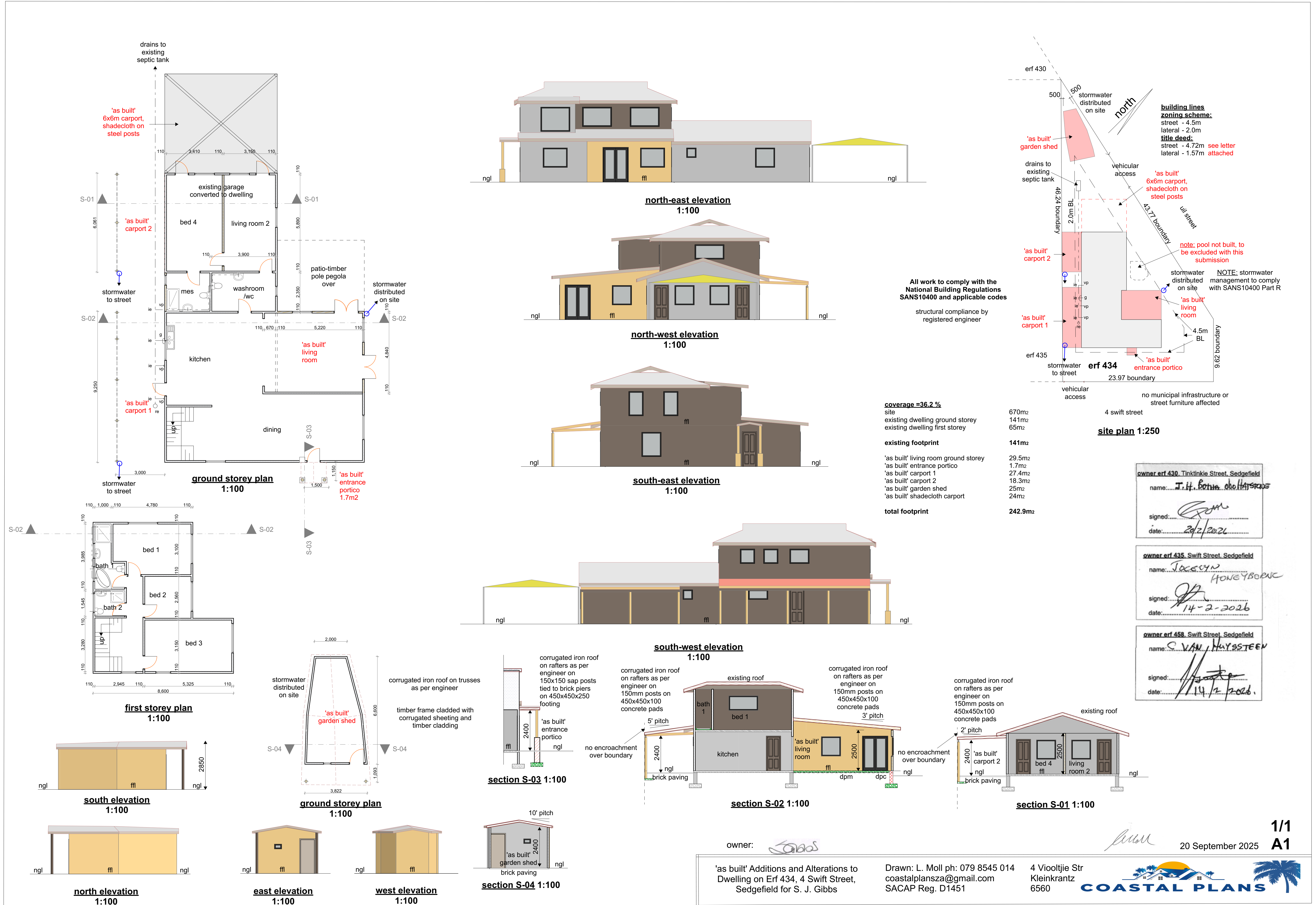
Registrar of Deeds

erf 434



**locality erf 434, Swift Street**  
**NTS**







**Knysna**

Municipality || Munisipaliteit || uMasipala

inclusive || innovative || inspired

**Minutes of the  
PRE-APPLICATION MEETING**

*as contemplated in terms of Section 37 of the Knysna Municipality By-law on Municipal Land Use Planning (2016)*

**which was held on  
Thursday, 12 March 2026  
at 09:00**

**on  
Microsoft Teams**

**MINUTES**

| No  | Items                                                                                                                      | Person                        | Time               |
|-----|----------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------|
| 1.  | <b>Opening and Welcoming</b>                                                                                               | Shaun Madumbo                 | 09h00              |
| 2.  | <b>Attendance &amp; Apologies</b>                                                                                          | Shaun Madumbo                 | 09h05              |
| 3.  | <b>Pre-application items for discussion:</b>                                                                               |                               |                    |
| 3.1 | <b>Remainder of Portion 19 of Farm Ruygte Valley No. 205 –<br/>Application for Departure, Consent Use and SDP Approval</b> | <b>Lundikazi<br/>Khuphiso</b> | <b>09h05-09h30</b> |

The purpose of the item was to obtain clarity on the planning status of the property, specifically relating to existing land use rights, the validity of a historical consent use, and the need for any further applications to regularise development on the site.

Ms Lizemarie provided an overview of the property, noting that it is located along the N2 between Knysna and Sedgefield and is physically divided by a railway line traversing through it. The property is situated adjacent to an industrial-type operation described as a cement or pottery facility and has historically been used for agricultural purposes. In outlining the development history, it was explained that the original dwelling on the property was a wooden structure constructed in the 1960s. In 1983, building plans were submitted for extensions to the main dwelling, although these were only partially implemented.

Further historical approvals include a consent granted in 2000 by the South Cape District Council for the operation of a restaurant or tea garden on the property. This use was implemented and operated for a number of years, but has since ceased regular operation. According to the applicant, the building is currently used intermittently for private functions and in association with short-term rental activities. It was noted, however, that the original approval contains a condition stipulating that the consent use would lapse if the activity is discontinued for a period exceeding two years. Uncertainty was raised as to whether the current intermittent use is sufficient to maintain the validity of the approval, or whether the consent use has lapsed.

Ms. Lizemarie further indicated that in 2014, approval was granted for a relaxation of the western lateral building line to accommodate existing structures associated with the main dwelling. These structures comprise two buildings that were intended to be connected by a deck or passageway, which was never constructed due to the presence of a large milkwood tree situated between them. Ms. Du Toit (representing the owner) confirmed that the tree is mature and of significance, and that it constrained the intended development at the time.



A key issue arising from the 2014 approval is a condition requiring the submission of an application for a second dwelling. While there is some indication that the matter may have been circulated to commenting authorities, including SANRAL, no formal approval could be located in the municipal records. In addition, no endorsed building plans could be found for certain structures on the property, despite references to such plans in the approval documentation. This has created uncertainty regarding the legality and compliance status of some of the existing buildings.

The applicant indicated that the property owner, who is of advanced age and no longer resides on the property, wishes to ensure that all land use rights and structures are properly regularised. The current use of the property includes a main dwelling, a former restaurant building, a secondary dwelling believed to be used by a manager, and various outbuildings such as a garage and workshop. The applicant's preliminary proposal is to retain the main dwelling and, subject to confirmation of rights, retain the restaurant use. Should it be determined that the consent use has lapsed, the intention would be to consider converting the restaurant building into a second dwelling through the appropriate application process.

During the discussion, Mr. Madumbo noted that the approval documentation for the restaurant had not been included in the submission and requested that it be provided for review. Ms Lizemarie confirmed that the approval exists and is referenced as a condition in a 2002 approval and undertook to submit the relevant documentation.

In conclusion, the meeting highlighted several outstanding matters requiring further investigation and action. These include confirming the validity of the restaurant consent use, establishing whether a second dwelling has been lawfully approved, and addressing the absence of approved building plans for certain structures. The applicant was advised to submit the outstanding documentation and to consider the need for appropriate land use and building plan applications to ensure full compliance with applicable planning and building control regulations.

|     |                                                                                   |                       |                    |
|-----|-----------------------------------------------------------------------------------|-----------------------|--------------------|
| 3.2 | <b>Erf 18847, Knysna – Application for Departure &amp; Administrative Penalty</b> | <b>Walter Coetzee</b> | <b>09h30-10h00</b> |
|-----|-----------------------------------------------------------------------------------|-----------------------|--------------------|

Mr. Coetzee explained that the application process was initiated as a building line relaxation; however, during a previous engagement, he was advised to first submit an application for the determination of an administrative penalty before proceeding with the building line departure. Consequently, the most recent submission relates specifically to the determination of an administrative penalty.

By way of background, Mr. Coetzee indicated that at the time the current owners purchased the property, an existing retaining wall was already present on the site. During the preparation and submission of building plans, it was identified that portions of this retaining wall encroached beyond the prescribed building line and had not been formally approved. In response, the initial building plan submission proposed that the encroaching sections of the wall would be demolished.

Mr. Coetzee further explained that demolition of the retaining wall was partially undertaken; however, it became evident that removing the wall would necessitate substantial regrading of the site. This, in turn, would result in the loss of established vegetation supported by the retaining structure. Due to these environmental and practical considerations, the owners elected to halt the demolition works.

As a result, the approach shifted from demolition to seeking approval to retain and legalise the existing wall through a departure application. Mr. Coetzee confirmed that portions of the wall have already been partially reconstructed due to safety concerns, as certain areas were deemed hazardous if left in their altered state.

In response, Mr. Madumbo noted that while the application had been submitted, there appeared to be ambiguity in the documentation regarding the nature and historical circumstances of the development. He indicated that this lack of clarity had prompted the request for the meeting, as the municipality required a more comprehensive understanding of how the situation arose. Mr. Madumbo initially queried whether the retaining wall had been constructed within the building line during development; however, Mr. Coetzee clarified that this was not the case and reiterated that the wall predated the current ownership of the property.

Mr. Coetzee then referred to the approved site plan, explaining that it illustrated the portions of the retaining wall intended for demolition (indicated in blue) and those to remain (indicated in grey). He reiterated that the intention at the time of submission was to remove the encroaching sections, but that this approach was reconsidered due to the associated environmental impact.

Mr. Madumbo acknowledged the explanation and confirmed his understanding that the applicant now wishes to retain the wall rather than demolish it. Mr Coetzee confirmed that the preferred approach is to obtain approval to legalise the existing wall in its current position.

It was further clarified that the administrative penalty application is being treated as a separate process and that a more detailed report outlining the background circumstances has been submitted in support thereof.

Towards the conclusion of the discussion, it was noted that additional information, including input from the relevant Home owners' Association, is still outstanding. Mr. Madumbo advised that once the required documentation has been submitted, it should be attached to the application, after which the municipality will proceed with an acceptance assessment to determine whether the application is complete.

|     |                                                                                                                                                                                 |                        |                    |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|
| 3.3 | <b>Erven 1-29, 65-67, 142-146 &amp; 180-189, Karatara – Application for Subdivision, Consolidation, Removal of Restrictive Conditions (if any) and Closure of Public Places</b> | <b>Seretse Mthembu</b> | <b>10h00-10h30</b> |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|

Mr Mthembu explained that the application involved the subdivision and consolidation of properties, the removal of restrictions, and, where necessary, the closure of certain public places. The primary aim of the subdivision was to make individual properties available for private residential acquisition. Each erf would be divided into two portions, with one retaining direct street access and the other accessed via a panhandle configuration. Similar subdivisions had been approved previously, and the current project sought to create additional erven to meet yield requirements set by the Department of Integrated Human Settlements.

Mr. Mthembu highlighted that obtaining targeted deeds had been challenging because the properties remain registered in the name of the Western Cape Provincial Government, requiring coordination with the Department of Integrated Human Settlements. Reference was made to a previous project where a single conveyancer's certificate had covered multiple properties, and guidance was sought on whether a similar approach could be applied. It was clarified that any certificate must explicitly reference all erven in the current application, which could involve 80 to 90 properties, and accurately reflect any restrictive title conditions.

The discussion also addressed environmental and technical requirements. The applicant queried whether prior environmental authorisations could be applied to the current project, given the proximity and similarity of the properties. It was confirmed that statutory processes must be followed, including public participation through local media advertisement, obtaining environmental authorisation from the competent authority, and submitting a services report prepared by a qualified engineer.

Ownership and procedural matters were further clarified. The applicant was advised that, as a municipal project, the Directorate of Integrated Human Settlements could request a waiver of application fees from the Planning and Development Directorate. If approved, formal written confirmation would be required at the time of submission. It was emphasised that the Land Use Management and Town Planning section would not intervene in fee-related matters.

Throughout the meeting, plans and locality maps were reviewed, and the rationale for the subdivision was confirmed. The proposed development involves redeveloping previously vacant erven within Karatara, originally created during the establishment of the settlement but left undeveloped. The project aims to maximise residential yield by subdividing large existing erven and closing public spaces no longer required for their original purpose, subject to confirmation from the Surveyor-General's office.

Mr. Madumbo concluded by confirming that the application's focus is the lawful subdivision of the properties, with closure of public spaces where necessary, while efforts to secure the required deeds, approvals, and supporting documentation continue.

|     |                                                                                                                                               |                        |                    |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|
| 3.4 | <b>Erf 4712, Knysna - Application for Subdivision, Consolidation, Removal of Restrictive Conditions (if any) and Closure of Public Places</b> | <b>Seretse Mthembu</b> | <b>10h30-11h00</b> |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|

Mr. Mthembu explained that the subject property had previously been approved for an affordable housing development. It was noted that this formed part of a broader initiative involving approximately five properties in the area, where applications for rezoning, subdivision, and the closure of public places had been approved. However, it was understood that the approval had since lapsed.

It was indicated that the previous application process had been comprehensive, including environmental assessment, conveyancer's certification, public participation, and internal departmental input, all of which culminated in approval. The applicant highlighted prior involvement in the project and expressed the view that the Department of Integrated Human Settlements remains interested in proceeding with the development.

It was explained that the original approval was informed by site-specific constraints, particularly the steep topography, which limited the extent of developable land. In addition, access challenges were identified, with an informal road on the site deemed unsuitable for formal development due to engineering constraints. As a result, it had been proposed that this road be closed, as it was not feasible to upgrade or utilise it effectively.

The current intention is for the municipality, as the landowner, to make the property available for individual ownership and residential use. The applicant sought confirmation on whether previously compiled reports, including the engineering services report and environmental assessment, could be reused for the purposes of a new application, in order to streamline the process. It was further suggested that the guidance provided in relation to the Karatara project would largely be applicable to this case, with the primary distinction being that this property is municipally owned, whereas the Karatara properties are under provincial ownership.

In response, it was advised that the applicant should first consult the municipal records and archives to review the details of the previous approval. Access to the file would require appropriate authorisation from the landowner. This review would assist in determining the extent to which the previous approval aligns with the current proposal and whether any changes would necessitate a new or amended application.

Specific attention was drawn to the status of the closure of public places. It was recommended that the applicant verify whether the closure had been formally finalised and gazetted. If the closure had been gazetted, no further application in that regard would be required. If not, a new application process would need to be undertaken.

With regard to the reuse of technical reports, it was reiterated that while previous engineering and environmental studies may be relevant, the authority to determine their continued validity rests with the competent authority, likely the provincial department responsible for environmental affairs and development planning. The municipality cannot make this determination, and the applicant must seek formal guidance from the relevant authority.

The issue of application or administration fees was briefly revisited, with confirmation that the same process discussed in the previous item would apply, namely that the Director of Integrated Human Settlements may approach the Planning and Development Directorate to request consideration for a waiver of such fees.

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| <b>3.5</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Erf 8977 &amp; 4932, Knysna – Application for Subdivision, Consolidation, Removal of Restrictive Conditions (if any) and Closure of Public Places</b> | <b>Seretse Mthembu</b> | <b>11h00-11h30</b> |
| <p>Mr. Mthembu explained that Erf 8977, located at the end of Welbedacht Road in Eastford, is in close proximity to the sports fields associated with Oakhill High School. The property was described as being situated north of the sports complex, with a portion of the adjoining Erf 4932, forming part of the broader sports grounds, identified as land currently under negotiation for possible incorporation into the development.</p> <p>It was explained that the proposal entails the potential consolidation of Erf 8977 with a portion of Erf F4932, should negotiations be successful. However, it was noted that even if such consolidation does not materialise, the applicant intends to proceed with development on Erf 8977 independently. The existing improvements on the property include a main dwelling and an outbuilding (carport), which the owner proposes to retain and utilise for short-term accommodation purposes.</p> <p>The broader development concept involves rezoning the property to a resort zone to enable a mixed development. This includes the retention of the main dwelling for short-term letting, the addition of approximately nine smaller units (chalets) of roughly 100 square metres each for resort accommodation, and a further subdivision of the remainder of the property into approximately nine single residential erven. These erven are relatively large, ranging from approximately 1,000 to over 3,000 square metres, with an anticipated development of dwellings of around 250 square metres each.</p> <p>It was further highlighted that the property has recently been incorporated within the urban edge and falls within a designated services edge according to the applicable spatial framework. However, despite this designation, it was acknowledged that there is currently no confirmed availability of municipal engineering services to support the development of this scale. The applicant indicated that, due to the absence of bulk services and the potentially high cost of extending such infrastructure, alternative servicing solutions—such as septic tanks or similar on-site systems—are being considered.</p> <p>In addition, the property falls within a Critical Biodiversity Area, and it was confirmed that an Environmental Impact Assessment (EIA) would be mandatory for the proposed development. The site also forms part of the broader Eastford private nature reserve context, further heightening environmental sensitivity.</p> <p>In response, it was emphasised that the key considerations for the application would be access and services. It was pointed out that the property does not appear to have direct access to a public road, which presents a significant concern. While an existing servitude may provide access, the nature, legality, and adequacy of this servitude would need to be clearly established, specifically whether it constitutes a private servitude or a public right of way, and whether it can support the intensity of the proposed development.</p> <p>Furthermore, it was stressed that the lack of confirmed engineering services represents a major constraint. A detailed engineering services report would be required to demonstrate how sustainable water, sanitation, and other essential services would be provided to support the development. This report would need to satisfy the municipality's engineering department, as the planning department cannot make determinations on service feasibility.</p> <p>Overall, it was indicated that the proposal raises significant concerns relating to access, service provision, and environmental sensitivity. These factors would be critical in determining the likelihood of success of the application, and the applicant was advised that substantial supporting information and technical justification would be required to improve the prospects of approval.</p> |                                                                                                                                                          |                        |                    |
| <b>3.6</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Erf 21, Brenton – Application for Departure, Administrator's Consent and Administrative Penalty</b>                                                   | <b>Seretse Mthembu</b> | <b>11h30-12h00</b> |
| <p>Mr. Mthembu explained that a building plan had originally been approved for the property, situated in Brenton-on-Sea, and that construction commenced in accordance with this approval. However, during construction, it became evident that significant excavation was required due to site conditions. As a result of these excavations, retaining structures had to be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                          |                        |                    |

constructed, which ultimately led to encroachments beyond the approved building lines and, in some instances, into the road reserve.

It was noted that these encroachments were only identified after a land surveyor prepared an as-built survey, which confirmed that portions of the retaining structures extended into the road reserve. The applicant acknowledged that the contraventions would need to be regularised through a building line relaxation (departure) as well as the imposition of an administrative penalty.

In response, it was clarified that while the administrative penalty process could proceed independently and be undertaken immediately, the departure application could not be finalised until the encroachment into the road reserve had been formally addressed. It was advised that a lease agreement or encroachment agreement with the relevant authority would first need to be secured in respect of the portion of the structure located within the road reserve. Only once this process had been concluded could the departure application be considered.

It was further confirmed that the administrative penalty application could run concurrently with the process of securing the lease or encroachment agreement, as it is not dependent on other approvals.

The applicant also raised a related issue concerning a neighbouring property, Erf 22, where a portion of the retaining structure extends across the boundary. Clarity was sought on whether this would require a separate application. It was confirmed that a single consolidated application could be submitted covering both affected properties. However, it was emphasised that each property remains legally distinct, and therefore separate title deeds and powers of attorney from the respective property owners would be required.

It was further advised that the application documentation, including the motivation and application forms, must clearly distinguish between the two erven and accurately reflect the specific circumstances applicable to each property.

The applicant indicated that all planning-related issues had been adequately addressed and expressed satisfaction with the guidance provided.

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| <b>3.7</b> | <b>Erf 3091, Sedgefield – Application for Consent Use</b> | <b>Lyndon Moll</b> | <b>12h00-12h30</b> |
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Mr. Lyndon clarified that the consent use application had already been completed and approved, and that the current submission relates to the approval of a Site Development Plan (SDP). In response, Mr. Madumbo noted that the documentation submitted included the report for the consent use application, which had already been finalised, and therefore was not required for the current process. He indicated that this had created confusion, as the municipality is aware that the consent use had already been granted.

Mr. Madumbo further advised that the primary concern is that the current application does not meet the requirements for a valid SDP submission. He explained that an SDP constitutes a standard application process, requiring the prescribed application form, payment of the applicable tariffs, and submission of the necessary supporting information. He noted that the submission, as received, does not contain the required documentation to enable the municipality to accept or assess the application.

Mr. Lyndon acknowledged this and indicated that he would need to compile and submit the correct information.

Mr. Madumbo proceeded to explain the purpose and requirements of a Site Development Plan. He noted that an SDP must demonstrate compliance with both the applicable zoning scheme and the conditions of the previously granted consent use approval. In this instance, approval had been granted for a warehouse as a consent use, and the SDP must clearly reflect compliance with all relevant conditions attached to that approval.

He further advised that the SDP drawings should illustrate key development parameters, including aspects such as parking and other relevant site considerations, even where standard controls such as building lines may not be applicable due to the zoning of the property. In addition to the plans, a schedule should be included, typically in tabular format, demonstrating compliance with the relevant zoning scheme provisions and approval conditions.

Mr. Madumbo emphasised the importance of submitting a written covering letter or narrative to accompany the SDP. While a full motivation is not required, the submission should provide sufficient background, outlining the history of the application, including the consent use approval, and clearly describing the proposal. He noted that the narrative should be sufficiently detailed to allow the application to be understood independently of the plans, as good planning practice requires both graphical and written components to complement one another.

He concluded by reiterating the need for a complete and compliant submission, including the standard application form, payment of fees, company resolution, SDP drawings, and supporting narrative. The discussion on this item was then concluded, with agreement that the applicant would revise and resubmit the application accordingly.

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| <b>3.8</b> | <b>Erf 434, Sedgefield – Application for Departure</b> | <b>Lyndon Moll</b> | <b>12h30-13h00</b> |
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Mr. Lyndon explained that the application arose from a property sale, during which it was identified that the building plans were not up to date. A timber-framed garden shed had been constructed on the property, located in the rear corner, which encroaches over both the street building line and a lateral building line. He indicated that the previous owner had undertaken to regularise the structure as part of the sale process, necessitating both a building plan submission and a departure application to address the building line encroachments.

Mr. Madumbo confirmed that, based on this description, the structure constitutes unlawful building work in terms of the zoning scheme, due to its encroachment beyond prescribed building lines. Mr. Lyndon concurred with this assessment and further noted that no approved building plans exist for the shed.

Mr. Madumbo explained that, in such circumstances, two separate applications are required, namely an application for an administrative penalty and an application for departure. He emphasised that these are distinct processes, each requiring its own application form, supporting documentation, and motivation. The administrative penalty application is considered by the Municipal Planning Tribunal and deals specifically with the unlawful nature of the building work, including the circumstances under which it was undertaken and the determination of an appropriate penalty.

He further explained that the departure application addresses a separate planning consideration, namely the relaxation of building line restrictions, and may be decided either by an authorised official or the Municipal Planning Tribunal, depending on the outcome of the public participation process. While the administrative penalty application is typically required to be finalised prior to the departure application, Mr. Madumbo indicated that the municipality does allow both applications to be processed simultaneously, as the administrative penalty process is generally concluded more quickly and can align with the timelines of the departure application.

It was noted that the current submission had combined the two applications, which is not procedurally correct. Mr. Madumbo advised that the applications must be separated entirely, with each submission including its own application form, supporting documents, and motivations.

With regard to the administrative penalty application, Mr. Madumbo highlighted that the submission must specifically address the requirements set out in the applicable planning by-law, including a clear explanation of the circumstances that led to the unlawful construction. This information is necessary to enable the Municipal Planning Tribunal to assess the gravity and extent of the contravention and to determine an appropriate penalty. He also noted that applicants may elect to concede to the contravention and opt for the minimum prescribed penalty, although this remains subject to consideration.

In contrast, the departure application must focus on the planning merits of the proposal, including justification for the encroachment and compliance with relevant development parameters. Each application must be supported by the necessary documentation, including title deeds, plans, powers of attorney, and any other required supporting information.

The discussion concluded with clarity that the applicant is required to separate the applications and resubmit them in accordance with the prescribed procedures.



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| 3.9                                                                      | Erf 1252, Sedgefield – Application for Departure | Lyndon Moll   | 13h30-13h50 |
| It was said that the advice provided in the two preceding items applies. |                                                  |               |             |
| 4.                                                                       | Closure                                          | Shaun Madumbo | 14h00       |