KNYSNA LOCAL MUNICIPALITY

Notice is hereby given of a

KNYSNA MUNICIPAL PLANNING TRIBUNAL MEETING

to be held on

Tuesday, 27 October 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	M Nzuzo
	J Samson-Swartz	M Musekene
	Z van Rooyen	L Goya
	N Perring	R Daames
	L Mniki	

TABLE OF CONTENTS

1.	**OPENING AND WELCOME**	**PAGES**
2.	**ATTENDANCE**	
2.1	MEMBERS: PRESENT	
2.2	MEMBERS: ABSENT WITH LEAVE	
2.3	MEMBERS: ABSENT WITHOUT LEAVE	
2.4	COUNCILLORS PRESENT	
2.5	OFFICIALS PRESENT	
2.6	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	REQUEST AND 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**	4-12
6.	**REFERED BACK ITEMS**	
	ERF 3944 SEDGEFIELD: REMOVAL OF RESTRICTIVE TITLE CONDITION(S), CONSENT USE & DEPARTURE(S)	13-43
7.	**NEW ITEMS**	
7.1	ERF 4016 KNYSNA – PERMANENT DEPARTURE AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME	44-194
7.2	ERF 2352 KNYSNA – DETERMINATION OF ADMINISTRATIVE PENALTY	195-254
7.3	ERF 1493 SEDGEFIELD – DETERMINATION OF ADMINISTRATIVE PENALTY	255-275
7.4	ERF 770 BRENTON – DETERMINATION OF ADMINISTRATIVE PENALTY	276-293
7.5	ERF 24 BRENTON – DETERMINATION OF ADMINISTRATIVE PENALTY	294-320
8.	**CLOSURE**	

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. Referred back items

7. New Items

8. Closure

-oOo-

KNYSNA LOCAL MUNICIPALITY

MINUTES

of the

MUNICIPAL PLANNING TRIBUNAL

in the Council Chambers

Main Building

Clyde Street

Knysna

Tuesday, 29 September 2026

at

09h00

Members Present (6/10):

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

Powered by CamScanner

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

L Goya (LG)

2.3. Members Absent without Leave

M Nzuzo (MN)

R Daames (RD)

2.4. Councillors Present

None

2.5. Officials Present

As per the attendance register.

2.6. Members of the Public Present

As per the attendance register. Ms. S Campbell was present in her private capacity

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 553 Belvidere

3.2 POINTS IN LIMINE

None

3.3 CONSIDERATION OF *LOCUS STANDI*

None

Powered by CamScanner

3.4 **REQUESTS FOR ORAL PRESENTATION**

- Erf 553 Brenton – Mr. L Druce & Ms. S Campbell

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. REFERED BACK ITEMS

6.1. KMPT03/08/26: **ERF 553 BELVEDERE: ADMINISTRATIVE PENALTY** (APPLICATION NO. 3666)

- That it **be noted** that the Tribunal considered the land use planning report dated 17 August 2026 as submitted by the case officer, Ms. LV Mniki on 18 August 2026.
- That it further **be noted** that the report was presented by the case officer at the meeting.

6.1.1 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 unauthorised land use of a "dwelling house" as contemplated under "Single Residential Zone I" of the Knysna Zoning Scheme By-law (2020) in respect of Erf 553, Belvedere.

6.1.2 **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 60 days reckoned from the date of the notice of decision.

(iii) 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.

Powered by CamScanner

6.1.3 **The reasons for above decision are 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.

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

7. NEW ITEMS

7.1. KMPT01/09/26: **ERF 3944 SEDGEFIELD – REMOVAL OF RESTRICTIVE TITLE CONDITION(S), CONSENT USE & DEPARTURE(S)** (APPLICATION NO.3441)

- *That it **be noted** that the Tribunal considered the land use planning report dated 21 September 2026 as submitted by the case officer, Ms. Sinovuyo Sitinga on 22 September 2026.*
- *That it **be noted** that only some members of the Tribunal attended a site inspection on 28 September 2026*
- *It further **be noted** that the report was presented by the case officer at the meeting and the matter was deliberated and resolved by the Tribunal however, a request was received by Ms. L Mniki who voted against the recommendation, to **refer the matter back** for further discussion regarding the conditions of approval.*

File number: 9/1/2/13
Execution: Municipal Manager

Powered by CamScanner

Director: Planning and Development

Manager Land Use Management

7.2. KMPT02/09/26: **PORTION 44 OF THE FARM WESTFORD NO. 191, KNYSNA – SUBDIVISION** (APPLICATION NO.3558)

- That it **be noted** that the Tribunal considered the land use planning report dated 21 September 2026 as submitted by the case officer, Ms. S Sitinga on 22 September 2026.
- *That it **be noted** that only some members of the Tribunal attended a site inspection on 28 September 2026.*
- *It further **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved the following:*

7.2.1 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 subdivision of Portion 44 of the Farm Westford No. 191, Knysna, into three(3) portions and a remainder portion as shown on the plan numbered "*F4358-1*" dated 11 March 2025.

7.2.2 **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 subdivision of the subject farm shall generally be in accordance with the subdivisional plan numbered "*F4358-1*" and dated 11 March 2025.

(ii) The landowner/developer shall lodge a site development plan in accordance with Clause 23 of the Knysna Zoning Scheme By-law (2020) in respect of each subdivided farm portion, prior to the submission of building plans, and shall include detail on access, services, use areas, and agricultural areas, amongst others, and demonstrate compliance to the provisions of the Zoning Scheme By-law and any conditions of approval, including any conditions imposed by an organ of state.

Powered by CamScanner

(iii) The landowner/developer shall install services to each subdivided farm unit to be satisfaction of the Director: Infrastructure Services, prior to or at the submission of building plans.

(iv) The landowner/developer shall register a 'right-of-way' servitude at the simultaneous registration of a subdivided farm portion and shall be in accordance with the access arrangements as granted by the Western Cape: Department of Infrastructure.

Condition(s) of Subdivision

(v) The landowner/developer shall submit the endorsed Surveyor-General plans or diagrams to the Municipality at certification in terms of Section 20(6) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021).

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

(i) The application does not entail a change in land use with the agricultural use of the property to be kept. The applicant obtained permission in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970) for the subdivision of the farm. This permission suggests that the subdivision does not compromise the agricultural viability of each of the proposed farm units. It is thus held that the applicant's proposal will not result in the loss of valuable agricultural land.

(ii) The subject farm measures more than 627 hectares, and upon subdivision, each farm portion will not be below 100 hectares. It is thus argued that the applicant's proposal for subdivision does not constitute a smallholding development as smallholdings typically is less than 5 hectares in size or less. The Municipality's spatial objective of safeguarding its agricultural land can thus be maintained and upheld.

(iii) the subject farm is not connected to the municipal services network with the applicant stating that water will be obtained from borehole extraction and wastewater will be in terms of the appropriate wastewater solution. The applicant will need to obtain the appropriate permissions prior to installation of any domestic services infrastructure to each farm portion.

(iv) The sizes of the subdivided farm portions were found to be reasonable and consistent with the character of and nature of farm sizes in the

Powered by CamScanner

surrounding rural area. In fact, the subdivided farm portions will still remain larger than most farms in the surrounding area. As the applicant states, the existing grazing areas will remain with the subdivision only allowing a single dwelling house and outbuildings on each farm portion.

(v) Considerable concerns have been raised regarding the potential environment impact of the proposed subdivision and that it may harm the sensitive local natural environment. The applicant contends that they only seek the rights allowed in terms of the zoning of the farm, i.e. the development of a single dwelling house and outbuildings while the existing grazing and agricultural activities will continue.

(vi) Importantly, any development and/or building work on any agricultural land unit is subject to the consideration of a site development plan. This will allow the Municipality and organs of state to evaluate the impact of the proposal in terms of site-specific conditions and general acceptability of the intended use and building work.

(vii) It is considered that the applicant responded satisfactorily to the public concerns raised and that the development of the subject farm (and subdivided farm portions) is limited by the topographical features inherent to the farm (i.e. the natural ravine and steep slopes). Most of the practical and developable portions of the farm are already used for grazing or agricultural purposes.

7.2.4 **Matters for Noting**

(i) The decision applies to the subdivision as outlined above and may not be construed as authority to depart from any other legal prescriptions.

(ii) The applicant/landowner is advised of the conditions and recommendations made by SANParks in terms of their correspondence dated 08 May 2026.

(iii) The applicant/landowner is advised of the conditions as set out by the Western Cape: Department of Infrastructure in terms of their correspondence dated 26 March 2026.

(iv) The applicant is advised of the correspondence and comment of Cape Nature in terms of the letter dated 16 April 2026.

Powered by CamScanner

File number: 9/1/2/13

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

7.3. KMPT03/09/26: **ERF 3945 KNYSNA – ADMINISTRATIVE PENALTY** (APPLICATION NO.3784)

- *That it **be noted** that the Tribunal considered the land use planning report dated 17 September 2026 as submitted by the case officer, Mr, S Madumbo on 22 September 2026.*
- *It **be noted** that the report was presented by the case officer at the meeting and after deliberations the Tribunal unanimously resolved the following:*

7.3.1 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 **R5 000.00** be determined in accordance with Section 93(2), for the unlawful building work encroaching the 4.5m street building line as prescribed under "dwelling house" in the Knysna Zoning Scheme By-law (2020), in accordance with plan numbered "*Bloemhof001-A0-1/1*" dated 10 April 2026, in respect of Erf 3945, Knysna.

7.3.2 **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 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.

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

(i) The applicant has conceded to the transgression and based on the gravity and duration of the transgression the imposition of an administrative penalty is considered reasonable and is an appropriate response to encourage compliance with the zoning scheme. The

unauthorised building work appears to have existed for a considerable period of time and has not shown to cause an adverse impact in terms of the general welfare of the local surroundings.

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

8. Closure

The Chairperson thanked all attendees and closed proceedings at 11h05.

R SMIT (CHAIRPERSON)

16.10.2026
DATE

Powered by CamScanner

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3441
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044-302-6276
APPLICATION DATE:	13 March 2025

LAND USE PLANNING REPORT

REMOVAL OF RESTRICTIVE TITLE CONDITIONS, CONSENT USE & DEPARTURE(S): ERF 3944 SEDGEFIELD

PART B: APPLICANT DETAILS	
Name & Surname	***Thomas Dillon***
Company name	***Fineline***
SACPLAN registration number	***Not applicable***
Registered owner(s)	***Manuel de Andrade***
PART C: PROPERTY DETAILS	
Property description	***Erf 3944, Sedgefield in the Municipality and Division of Knysna, Province of the Western Cape***
Property Extent (m^2)	***704***
Physical address	***16 Cycad Street***
Area/Town	***Sedgefield***
Current zoning	***Single Residential Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Dwelling house***
Are there existing buildings on the property?	***Yes***
Title Deed number & date	***T56620/2024 dated 09 September 2024***
Any restrictive title conditions applicable?	***Yes***
Any third party conditions applicable?	***Yes***
Any unauthorised land use/building work	***None***
Pre-Application Consultation	***Yes***

1. APPLICATION DESCRIPTION

The application is for the following:

1.1. The removal of restrictive title condition in terms of Section 15(2)(f) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) of condition D.(7) as specified in deed of title numbered T56620/2024, in respect of Erf 3944, Sedgefield.

1.2. The consent use in terms of Section 15(2)(o) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) for a "second dwelling" that exceeds 60m² in floor space as contemplated under "Single Residential Zone I" of the Knysna Zoning Scheme By-law (2020), in respect of Erf 3944, Sedgefield.

1.3. The permanent departures in terms of Section 15(2)(b) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) from the development parameters of "dwelling house" as contemplated in the Knysna Zoning Scheme By-law (2020), for the following in respect of Erf 3944, Sedgefield:

1.3.1. the relaxation of the prescribed street building line from 4.5m to 1.5m to allow for portions of a garage on ground floor level and second dwelling on first floor level.

1.3.2. the relaxation of the prescribed lateral building line from 2.0m to 1.5m to allow for portions of the garage on ground floor level and second dwelling on first floor level.

2. BACKGROUND

2.1. The subject property is located at 16 Cycad Street, Sedgefield, and is zoned as "Single Residential Zone I" in terms of the Knysna Zoning Scheme By-law (2020). This zoning allows for a "dwelling house" as primary use and is used for such purposes.

2.2. This land use imposes a street building line of 4.5m and a lateral building line of 2.0m while the zoning allows a "second dwelling" of more than 60m² as a secondary use right. The landowner wishes to extend the existing dwelling house towards the street side in the form of a new garage at ground floor level and a second dwelling at first floor level. These extensions to the existing dwelling house encroach the street and lateral building lines, hence the current application. The subject property is also subject to restrictive title conditions as specified in the title deed which imposes more restrictive street building lines.

3. PRE-APPLICATION CONSULTATION MEETING

A pre-application consultation meeting was held for this application on 28 November 2024.

4. SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation can be summarised as follows:

3.1. The applicant states that the proposed removal of restrictive title deed conditions is desirable as it will allow for better use of the property. Additionally, the applicant states that the proposal will not detract from anyone's rights, instead, the applicant argues that the proposal will improve the value of the property.

3.2. With regards to the proposed relaxation of the building lines, the applicant argues that the street pattern in the surrounding area is not linear and the dwelling houses are of various setbacks with a combination of building forms. Therefore, the applicant argues that the absence of a uniform building line supports a degree of flexibility in the application of setback controls where appropriate. Further the applicant asserts that the proposed second dwelling would be constructed in a manner that mitigate potential visual impact.

3.3. The applicant also adds that the proposal is in keeping with the character surrounding area and the existing dwelling, and that the proposal will have no negative aesthetic, environmental, or socio-economic impact.

5. PUBLIC PARTICIPATION

Method of Advertising				**Date Published**	**Closing Date**
	Yes	**No**	**N/A**		
Press	☐	☐	☒	-	-
Gazette	☐	☒	☐	-	-
Notices	☒	☐	☐	**07 April 2025**	**09 May 2025**
Ward Councillor	☐	☒	☐	-	-
Site Notice	☐	☒	☐	-	-
Community Organisations	☐	☒	☐	-	-
Public Meeting	☐	☒	☐	-	-
Third Parties	☐	☒	☐	-	-

Total Valid Comments	**1**			Total comments and petitions refused	**1**		
Valid Petitions	**Y☐**	**N☒**		No of signatures	**Not Applicable**		
Community organisation(s) response	**Y☐**	**N☐**	**N/A☒**	Ward Councillor response	**Y☐**	**N☐**	**N/A☒**
Was public participation undertaken in accordance with section 45- 49 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021)						**Y☒**	**N☐**

5.1. Summary of Comments Received during Public Participation

5.1.1. Comments and objection to the application was received from a neighbouring property owner, Mr Andrè Els, of Erf 3945, Sedgefield, within the prescribed notice period specified on the public notice.

5.1.2. The objector opposes the application and describes the applicant's proposal as "misleading" and "not truthful." The subject property has a rental tenant with two (2) vicious dogs. The objector describes his current situation as "compromised" in terms of their privacy and enjoyment of their property. It is stated that an additional tenant would further frustrate the already strained reality.

5.1.3. The objector states that the "*further addition of another dwelling would infringe on [their] privacy already challenged by the current situation*".

5.2. Summary of Comments from Departments/Organs of State

Name	Date Received	Summary of Comments	Recommendation
Infrastructure Services	05 May 2025	*Drawing A106 must be amended to indicate the distance from the edge of the road to the building on the street boundary. A fence detail must also be included.*	**Comment**
	17 September 2025	*Director Infrastructure Services:* *Not Approved* *Manager Roads, Transport, Stormwater & Building Maintenance:* *Fence detail was not supplied - it still refers to "Palisade by specialist."* *The street boundary length is less than 30m thus two access points are not permitted. (Zoning Scheme By-law 2020. cl 45(4)(b). and the access points are closer than 12m apart cl. 45(4)(c).*	**Negative**
	20 March 2026	*Comments from Manager Public Works:* *No Objection, subject to the walls in between the columns being limited to 1.2m high.* *Comments from Director Infrastructure Services:* *Supported, subject to requirements by Manager Public Works*	**Comment**

5.3. Summary of Applicant's Reply to Comments

The applicant replied to the objection(s) and comments as follows:

5.3.1. In their written correspondence dated 14 July 2025, the applicant responded that the proposal entails all the information regarding their plans for the property.

5.3.2. Furthermore, the applicant stated that the owner had discussions with the objector and indicated that he had clarified his plans to the neighbour and objector. The applicant also submitted an amended site plan as a response to the comments from the Infrastructure Services Directorate and stated that they had removed the second carriageway crossing and included details on the boundary wall as requested.

6. PROPOSAL ASSESSMENT

6.1. Application History

There is no history of previous land use applications or decisions in respect of Erf 3944, Sedgefield, that could have a bearing on the current proposal.

6.2. Considerations in terms of SPLUMA

All land use applications must be assessed on the five principles contained in the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013), as well as the Western Cape Land Use Planning Act, 2014 (Act No.3 of 2014). These include spatial justice, sustainability, resilience, efficiency and good administration. The applicant did not provide any arguments in this regard, however, on the face of it, it can be argued that the application does not present any adverse implications in respect of its consistency with the development principles. Furthermore, the development principles may have limited bearing on an application at this scale and are most relevant when considering a change in land use.

6.3. Consistency with SDF, IDP and applicable Policies

As with the discussions above, the applicant did not provide any arguments in this regard. However, considering the scale of the proposal, it is believed that it is challenging to demonstrate its applicability to broader municipal planning policies. The proposal for a second dwelling does, however, support broad densification objectives as expressed by the Municipality's spatial development framework.

6.4. Impact on Municipal Engineering Services

The applicant responded to the initial comments from the Infrastructure Services Directorate that was not in support of the proposal and advised the applicant to comply with the provisions of the Knysna Zoning Scheme By-law (2020) regarding the number of permissible carriageway crossings. The applicant submitted a revised site plan which indicated a single carriageway crossing in compliance with zoning scheme.

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

Not applicable.

6.6. Zoning Considerations

The proposal does not entail any change in the current zoning of the property.

6.7. **Desirability of the Proposal**

The desirability of the applicant's proposal was considered in terms of the following:

6.7.1. The application is for the relaxation of the street building line to allow for an extended garage on ground floor level as well as a second dwelling on first floor level. The applicant wishes to relax the street building line by 3.0m to allow these extensions around 1.5m from the street boundary.

6.7.2. The applicant provided supplementary arguments for the relaxation of the street building line and argues the relaxation based on the varying setbacks found along Cycad Street and describes this character as not having a consistent or formalised setback pattern.

6.7.3. However, there is no evidence to suggest that this varying setback involves the encroachment of the 4.5m building line along this street by a double storey dwelling. All indications are that the residential properties along Cycad maintain the 4.0m/4.5m building setback space. There is thus no precedent found along Cycad Street, particularly that of a double storey building, at 1.5m from the street boundary. Single storey garages may, however, be found within the street building line in the area.

6.7.4. When considering the existing streetscape along Cycad Street, the extended double storey building would be significantly obtrusive in terms of its scale, bulk and form. This would establish a dominant built form from the proposed extended building in relation to the setbacks on neighbouring properties. This dominant built form would be a material change to the character along Cycad Street.

6.7.5. On the other hand, a single storey garage encroaching the street building line may be considered favourably due to its scale, form and intended use. This would be consistent with the urban residential character along the street.

6.7.6. The extended dwelling house encroaching the street building line may also compromise sunlight, privacy and views on the neighbouring property to the east. Based on the scale of the applicant's proposal, the relaxation of the street building line may be considered excessive and unreasonable in terms of the interest and general enjoyment of the neighbouring property.

6.7.7. Importantly, the relaxation of the street building line as proposed would most likely set a negative precedent that would be inconsistent with the current character and built form along Cycad Street.

6.7.8. The consent use for a "second dwelling" that exceeds 60m^2 can be considered favourably for the reason that the intended land use was found compatible with the character of the area. Furthermore, the Infrastructure Services directorate did not advise of any bulk service capacity constraints that would affect the desirability of such use. This consideration, however, is in terms

of principle and not based on a plan proposal as the relaxation of the street building line to allow for a portion of the second dwelling is not considered desirable for the reasons as specified above.

Assessment Criteria	Y	N	N/A
Has the motivation of the applicant been considered in the assessment of the application?	☒	☐	☐
Will the proposal have a negative impact on the character of the surrounding area in terms of form, density, and aesthetics?	☒	☐	☐
Does the proposal affect the residential amenity of the adjacent landowners negatively in terms of sunlight, privacy, views, and general enjoyment?	☒	☐	☐
Will the intended building proposal affect the adjacent land uses negatively?	☒	☐	☐
Will the proposal and/or building work have a negative effect on the architectural character of the streetscape?	☒	☐	☐
Will the proposal and/or building work have an impact on the municipal bulk services network?	☐	☒	☐
Does the proposal cause a negative impact on vehicular and pedestrian movement on the public street(s), including vehicle sight distances?	☐	☒	☐
Are there adequate on-site parking (including loading bays, where applicable) in accordance with the provisions of the Zoning Scheme By-law?	☒	☐	☐
Does the property have adequate and suitable vehicle access and egress in accordance with the provisions of the Zoning Scheme By-law?	☒	☐	☐
Will the proposal affect the natural and/or open space system negatively, including resulting in the removal of indigenous/protected trees on the site and/or road reserve?	☐	☒	☐
Does the proposal have any negative impact on heritage resources?	☐	☒	☐
Will the proposal and/or building work affect the surrounding property values negatively?	☐	☒	☐
Will the proposal cause or result in a nuisance and or disturbance to adjacent and surrounding landowners?	☐	☒	☐
Will the approval of the application cause or set a negative precedent?	☒	☐	☐

6.8. **Considerations to the Removal of Restrictive Title Conditions**

6.8.1. The application includes the removal of a restrictive title condition that imposes restrictive building lines including the street and lateral spaces. The applicant argued the removal of the restrictive title condition in terms of Section 33(4) of the Planning By-law stating that it would *"not detract from anyone else's rights."*

6.8.2. The applicant does not present strong arguments in favour of the removal of the restrictive title condition, however, the removal of the condition can be considered favourably for the reason that the restrictive title condition is in favour of a third-party company who is now defunct and

no longer exist based on information from the Companies and Intellectual Property Commission ("CIPC").

6.8.3. Importantly, the envisaged and established character of the neighbourhood can still be maintained despite the removal of the restrictive title condition.

6.9. **Assessment of Comments**

6.9.1. The applicant responded to the neighbour's objection by declaring that discussions were had with the objector where it was confirmed that the proposal is in no way misleading or untruthful. However, there is no substantiated response from the objector to support the applicant's assertion. The objector's concern regarding the proposal's impact on privacy, therefore, is still considered valid.

6.9.2. Herein, the applicant did not provide a response other than stating in their supplementary motivation that "no significant" overlooking or loss of privacy is introduced by the building proposal. The applicant, therefore, suggests that there would be some impact from the building line encroachment – however, the question is whether such impact on privacy would be reasonable in relation to the neighbouring properties and the streetscape. As discussed in this report, it was found that a double-storey building would be obtrusive to the established character along the public street and lacks desirability with no compelling argument in support thereof.

6.9.3. The applicant amended the number of carriageway crossings to the subject erf from the initial plan from two (2) to one in accordance with the permissible number allowed in the zoning scheme. The applicant's proposal now comprises a single carriageway crossing.

6.9.4. The Infrastructure Services directorate had concern regarding the boundary wall height at the access point to the public street and suggests that the height of the boundary wall be limited. The applicant revised the plan to show a palisade boundary wall with the Infrastructure Services directorate requiring that the solid wall below the palisading be limited to 1.2m. This is considered reasonable to ensure safe vehicular movement from the subject property.

7. RECOMMENDATION

It is recommended:

7.1. 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 removal of restrictive title condition D.(7) as specified in the deed of title numbered T56620/2024, in respect of Erf 3944, Sedgefield.

7.2. 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 consent use of a "second dwelling" that exceeds 60m^2 in floor space, in respect of Erf 3944, Sedgefield.

7.3. 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 relaxation of the street building line as contemplated under "dwelling house" of the Knysna Zoning Scheme By-law (2020) from 4.5m to 1.5m to allow for a garage at ground floor level only.

7.4. That, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), the permanent departure(s) from the development parameters as contemplated under "dwelling house" of the Knysna Zoning Scheme By-law (2020), in respect of Erf 3944, Sedgefield, **be refused**, in terms of the following:

7.4.1. the relaxation of the street building line from 4.5m to 1.5m to allow for the first-floor additions above the garage (second dwelling).

7.4.2. the relaxation of the lateral building line from 2.0m to 1.5m to allow for first-floor additions above the garage (second dwelling).

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

The above approval(s) are 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):

8.1. The permanent departure from the prescribed street building line applies to a single-storey garage only, and to the extent and footprint as shown on plan numbered "*AND2024-A106-rev02*" dated 15 September 2019 and drawn by T. Dillon.

8.2. The applicant shall, after the publication of a notice in the Provincial Gazette, apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed, to reflect the removal of the restrictive title condition, prior to the submission of building plans.

8.3. The "second dwelling" shall be subject to its development parameters and those of "dwelling house" as specified in the Knysna Zoning Scheme By-law (2020), unless otherwise approved in terms of the provisions of the Planning By-law.

8.4. The palisade boundary wall shall be limited to 1.2m of solid wall below the palisading, and/or to the satisfaction of the Director: Infrastructure Services, with details and specifications shown on the building plan submission.

9. REASONS FOR RECOMMENDATION

The reasons for the above recommendation are as follows:

9.1. The applicant does not present strong arguments in favour of the removal of the restrictive title condition, however, the removal of the condition can be considered favourably for the reason that the restrictive title condition is in favour of a third-party company who is now defunct and no longer exist based on information from the Companies and Intellectual Property Commission ("CIPC"). Importantly, the envisaged and established character of the neighbourhood can still be maintained despite the removal of the restrictive title condition.

9.2. The consent use for a "second dwelling" that exceeds 60m^2 can be considered favourably for the reason that the intended land use was found compatible with the character of the area. Furthermore, the Infrastructure Services directorate did not advise of any bulk service capacity constraints that would affect the desirability of such use. This consideration, however, is in terms of principle and not based on a plan proposal.

9.3. A single storey garage that encroaches the street building line is considered favourably due to its scale, form and intended use (i.e. non-habitable garaging space). This would be consistent with the urban residential character along the public street.

9.4. The applicant provided supplementary arguments for the relaxation of the street building line to allow a double storey extended dwelling house and garage, and argues the relaxation based on the varying setbacks found along Cycad Street and describes the street character as not having a consistent or formalised setback pattern.

9.5. However, there is no evidence to suggest that this varying setback involves the encroachment of the 4.5m building line along this street by a double storey dwelling. All indications are that the residential properties along Cycad maintain the 4.0m/4.5m building setback space, except for single-storey garaging. When considering the existing streetscape along Cycad Street, the extended double storey building would be significantly obtrusive in terms of its scale, bulk and form. This would establish a dominant built form from the proposed extended building in relation to the setbacks on neighbouring properties. This dominant form would be a material change to the character along Cycad Street.

9.6. The extended dwelling house encroaching the street building line may also compromise sunlight, privacy and views on the neighbouring property to the east. Based on the scale of the applicant's proposal, the relaxation of the street building line may be considered excessive and unreasonable in terms of the interest and general enjoyment of the neighbouring property.

9.7. Importantly, the relaxation of the street building line as proposed would most likely set a negative precedent that would be inconsistent with the current established character, setbacks and built form along Cycad Street.

9.8. The applicant responded to the neighbour's objection by declaring that discussions were had with the objector where it was confirmed that the proposal is in no way misleading or untruthful. However, there is no substantiated response from the objector to support the applicant's assertion. The objector's concern regarding the proposal's impact on privacy, therefore, is still considered valid.

10. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A – *Applicant's Motivating Memorandum (incl. supplementary motivation)*

ANNEXURE B – *Locality Plan*

ANNEXURE C – *Copy of Title Deed(s)*

ANNEXURE D – *Copy of Power of Attorney from landowner*

ANNEXURE E – *Copy of public notice and mailing list*

ANNEXURE F – *Objection (Andre Els)*

ANNEXURE G – *Comments from municipal departments*

ANNEXURE H – *Applicant's response to comments and objection*

ANNEXURE H – *Applicant's building plan proposal*

<table>
<tr><th colspan="4">Removal of Restrictive Title Condition, Consent Use & Departures: Erf 3944, Sedgefield
Application No.: 3441</th></tr>
<tr><td colspan="2">Author Name: Ms. Sinovuyo Sitinga
Date: 21/09/2026</td><td colspan="2">Author Signature:</td></tr>
<tr><td colspan="2">Registered planner name: Shaun Madumbo
SACPLAN registration number: A/1510/2012
Date: 21/09/2026</td><td colspan="2">Registered Planner Signature:</td></tr>
<tr><td colspan="4">Decision Maker: Municipal Planning Tribunal</td></tr>
<tr><td>APPROVED</td><td>APPROVED CONDITIONALLY</td><td>APPROVED IN PART</td><td>REFUSED</td></tr>
</table>

15 December 2024

To Whom It May Concern,

MOTIVATION FOR LUM APPLICATION FOR PROPOSED ADDITIONS AT ERF 3944, CYCAD CR, SEDGEFIELD

1. **15(2)o: Second dwelling > 60msq consent**

Actual second dwelling = 94msq

Does not exceed 150msq. Main house = 339msq

LUM departure is required for second dwelling > 60msq.

In terms of SECTION 33(4):

We request permanent amendment of the restrictive condition to 94msq in lieu of 60msq

It is desirable to do so:

It increases the financial value of the property and surrounding properties enjoyed by owners

It does not detract from anyone else's rights

It will benefit the owner in particular as he will have more room for family to stay with him in comfort when they visit.

In terms of SECTION 65:

A submission is being made in terms with the bylaw, and procedure is being followed.

This will not detract from the value of neighbouring properties, but improve them by valuing the properties in the area. The proposed work has been discussed with the neighbours and all are in agreement with the proposed work. It remains in keeping with the surrounding neighbourhood and the existing house. The aesthetics, environmental impact, heritage, and socio-economics of the area have been taken into account, and will not be compromised.

We are willing to pay for any fair increase through rates bills that will be induces by impact on municipal engineering services.

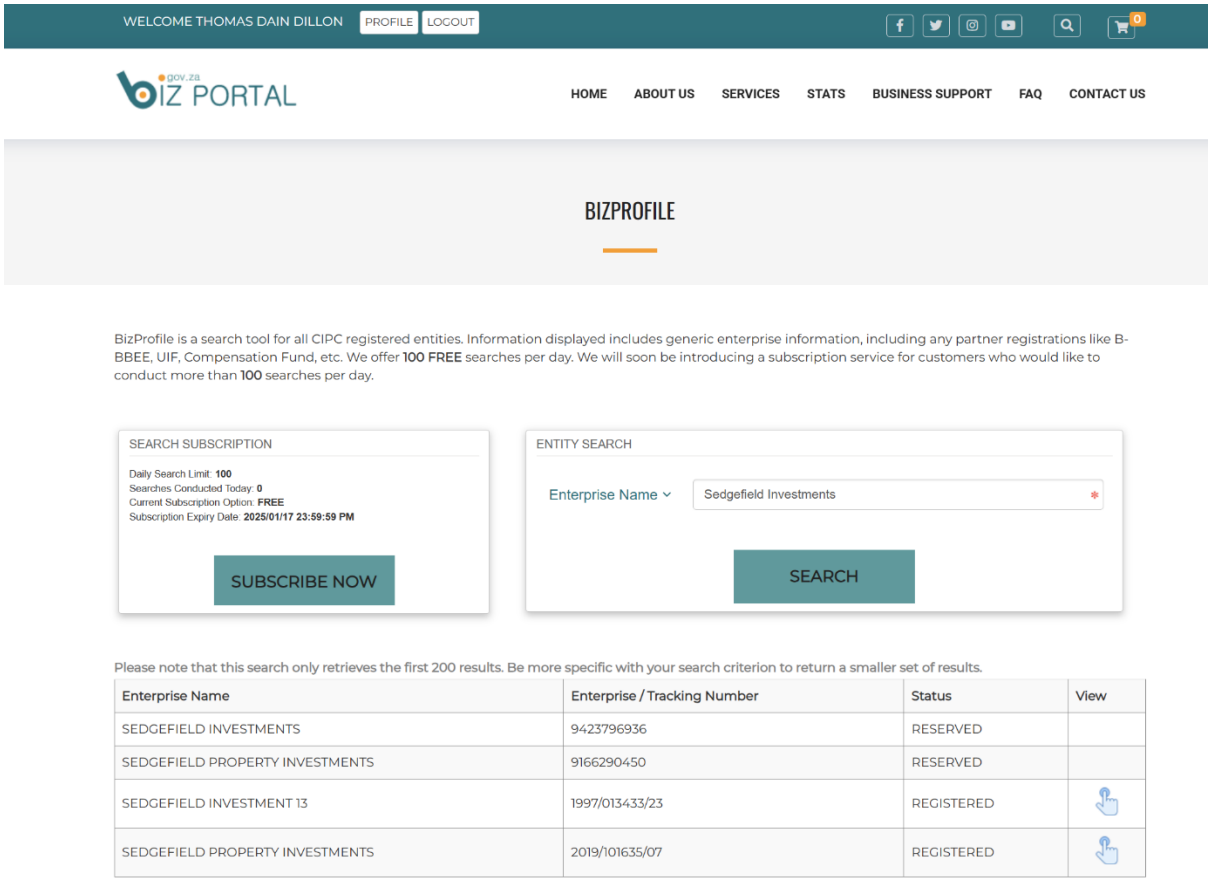
The plan is in keeping with the applicable local spatial development frameworks adopted by the municipality, and we are working with the policies.

There is provision for consent to be given in this case and we kindly request you consider our proposal.

2. **15.2(f) r2estriction removal from title deed**

The title deed point D7 indicates that no building may be built within 15 feet of any street line and 5 feet of any adjoining lot ***without written permission of the transferers***.

The transferrers are SEDGEFIELD INVESTMENTS and a CIPC search shows that they are not in business – they are defunct and no permission is obtainable. We request that as per 15(2)f condition D7 of the title deed may be removed.



3. **<u>15(2)b: Relaxation of Street building line for garage and second dwelling 1.5m in lieu of 4.5m street building line and 2.0m common building line</u>**

   In terms of SECTION 33(4):

   We request a permanent departure from the restrictive conditions of the town planning scheme by-law, i.e: Street building line to allow garage and flat 1.5m in lieu of 4.5m and common side boundary line to allow garage and house 1.5m in lieu of 2.0m.

   It is desirable to do so because it makes better use of the available space. The proposed garage entrance is being re-orientated to allow for more comfortable parking for home owners, as well as guests and visitors, as well as better safer moving room for vehicles.

   In conjunction with this drainage will be improved and the site will look better.

It does not detract from anyone else's rights. All overlooking features will be screened or will be high level. The effected neighbour has been contacted and is in agreement that this does not detract from his rights and he will support it.

In terms of SECTION 65:

A submission is being made in terms with the bylaw, and procedure is being followed. This will not detract from the value of neighbouring properties, but improve them by valuing the properties in the area. The proposed work has been discussed with the neighbours and all are in agreement with the proposed work. It remains in keeping with the surrounding neighbourhood and the existing house. The aesthetics, environmental impact, heritage, and socio-economics of the area have been taken into account, and will not be compromised.

We are willing to pay for any fair increase through rates bills that will be induces by impact on municipal engineering services.

The plan is in keeping with the applicable local spatial development frameworks adopted by the municipality, and we are working with the policies.

There is provision for consent to be given in this case and we kindly request you consider our proposal.

As per the Pre-consultation meeting, the fees for this application will be:
R3,152.00 Consent
R2,369.24 Departure
R1039.54 Remove restrictive condition.

Please send an invoice so payment can be made.

Please let me know if you need any further information

Tommy Dillon
[redacted]

15 December 2024

To Whom It May Concern,

ADDENDUM TO MOTIVATION MEMORANDUM

ERF 3944, CYCAD STREET, SEDGEFIELD
RE: STREET BUILDING LINE RELAXATION (DOUBLE STOREY COMPONENT)

Following comments received from the Municipality regarding the proposed relaxation of the street building line to accommodate a double storey component, the following additional motivation is provided:

1. STREETSCAPE CONTEXT

A review of the immediate streetscape along Cycad Street indicates that the area does not exhibit a rigid or uniform street building line. Dwellings are positioned at varying setbacks, and the street edge is characterised by a combination of building forms, including forward-facing garage elements and articulated façades.

As such, the streetscape reflects a **degree of visual variation**, rather than a consistent or formalised setback pattern.

While no identical example of a double storey structure at a similar reduced setback was identified, the absence of a uniform building line supports a degree of flexibility in the application of setback controls where appropriate.

2. VISUAL IMPACT OF DOUBLE STOREY COMPONENT

It is acknowledged that a double storey component positioned closer to the street is less common within the immediate context. However, the proposed design has been developed to mitigate potential visual impact through:

- Articulation of the building façade to reduce perceived bulk
- Use of roof forms and proportions consistent with surrounding residential character
- Overall scale that remains comparable to neighbouring dwellings

Accordingly, the structure will not present as visually dominant or intrusive within the streetscape.

3. FUNCTIONAL AND SITE-SPECIFIC CONSIDERATIONS

The relaxation of the street building line is required to achieve a practical and functional layout on the site, specifically:

- To enable improved vehicular access and manoeuvrability
- To accommodate the re-orientated garage in a safe and usable manner
- To allow efficient use of the site without unnecessary spatial constraints

Maintaining the full 4.5m setback would result in a compromised layout with no corresponding planning benefit.

4. IMPACT ON SURROUNDING PROPERTIES

The proposal does not result in material negative impacts on neighbouring properties:

- No significant overlooking or loss of privacy is introduced
- Potential visual impacts are mitigated through design measures
- The development remains consistent with the residential character of the area

5. CONCLUSION

While the proposed condition is acknowledged as less typical, it is considered **appropriate and supportable in this specific context** due to:

- The varied and non-uniform nature of the existing streetscape
- The mitigation of visual impact through considered design
- The functional necessity of the reduced setback
- The absence of adverse impacts on neighbouring properties

The proposal is therefore compatible with the surrounding environment and is respectfully submitted for favourable consideration by the Municipal Planning Tribunal.

EXTRACT FROM ORIGINAL SUBMISSION (FOR CONTEXT)

1. ***15(2)b: Relaxation of Street building line for garage and second dwelling 1.5m in lieu of 4.5m street building line and 2.0m common building line***

   In terms of SECTION 33(4):

   We request a permanent departure from the restrictive conditions of the town planning scheme by-law, i.e: Street building line to allow garage and flat 1.5m in lieu of 4.5m and common side boundary line to allow garage and house 1.5m in lieu of 2.0m.

   It is desirable to do so because it makes better use of the available space. The proposed garage entrance is being re-orientated to allow for more comfortable parking for home owners, as well as guests and visitors, as well as better safer moving room for vehicles.

   In conjunction with this drainage will be improved and the site will look better.

   It does not detract from anyone else's rights. All overlooking features will be screened or will be high level. The effected neighbour has been contacted and is in agreement that this does not detract from his rights and he will support it.

Please let me know if you need any further information

Tommy Dillon

[redacted]

326

TIM DU TOIT & CO. INC
433 Rodericks Road
cnr. Rodericks Road and Sussex Avenue
Lynnwood, Pretoria

Prepared by me

CONVEYANCER
SONJA EMILY FOURIE ((LPCM17395))

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 2 600 000,00	R 2 140,00
Reason for exemption	Category Exemption.....	Exemption I t o. Sec/Reg..... Act/Proc.....

T 000056620 / 2024

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Carla Batt LPCM 86715

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

The Executor in the Estate Late
JUMAT MARLON COLA
Number [redacted]

11-09-2024

which said Power of Attorney was signed at CENTURION on 8 May 2024

For Information Only

And the appearer declared that his/her said principal had, on 11 January 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:

MANUEL DE ANDRADE
Identity Number [redacted]
Unmarried

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

ERF 3944 SEDGEFIELD
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF THE WESTERN CAPE

IN EXTENT 704 (SEVEN HUNDRED AND FOUR) Square metres

FIRST TRANSFERRED BY DEED OF TRANSFER NUMBER T13576/1998 WITH GENERAL PLAN S.G. No. 4303/1997 RELATING THERETO AND HELD BY DEED OF TRANSFER T60110/2017

A. **SUBJECT** to the conditions referred to in Certificate of Consolidated Title T2542/1926.

B. **ENTITLED** to the benefits of the servitude, a reference to the terms of which dated 25th September 1929 appears on Deed of Transfer Number T822/1928 reading as follows:

"By Deed of Transfer Number 9658 25th September 1929, certain two rights of way shown on the diagram annexed thereto are to remain open for the use of the owner of the remainder of the land held hereunder as will more fully appear on reference to the said Deed of Transfer."

C. **ENTITLED** to the benefits of the servitude, a reference to the terms of which dated 9th September 1955, appears on Deed of Transfer No T26897/1948, reading as follows:-

"By Deed of Transfer T14782/1955 d.d 9/9/55 the owner of the remainder of the within property, together with his nominees, servants, employees and successors in title shall be entitled to a right of way 16ft wide over the property thereby conveyed (Para 1) the centre line of which indicated by the brown line b.c. on Diagram 8141/1954. The said right of way shall be for the passage of pedestrian, animal-drawn and vehicular traffic of all kinds as well as for the driving of cattle. Subject to conditions, as will more fully appear on reference to the said Deed of Transfer."

D. **SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer No. T11679/1956 upon which the land was sold for the benefit of the company SEDGEFIELD INVESTMENTS PTY LTD as defined in Clause 12 as owner of the remaining extent of the land held under Deed of Transfer No T26897/1948, namely:

For Information Only

1. The transferee shall not be entitled to claim against the Transferors as owner of the remaining extent for the time being of the Sedgefield Township and/or the farm Sedgefield for any consideration of compensation or be entitled to make any claim whatever in respect of the construction, erection or maintenance of any gates or fences which may be present exist on the boundary line of any lot or lots purchased of which may in future be erected by the 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 Tranferors, and to maintain all boundary fences on the lot in good order and repair.

3. The Transferors shall be entitled to enforce 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. .....

5. The transferee shall not be entitled to erect any corrugated iron fence or screen on this lot without the written consent of the Transferors first had and obtained.

6. Burial of right soil on this lot is forbidden.

7. No building shall be erected on this lot within 15 feet 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 5 feet of any adjoining lot, provided that this restriction shall not apply to the common boundary of lots held by one Transferee.

8. The transferee shall not use or suffer to be used the property sold or any portion thereof or any building or erections thereon for the purpose of advertising or displaying any advertisement except first having received written permission from the transferors.

9. This lot shall not be used for carrying on any offensive, unhealthy or dangerous trade as defined in the Cape Municipality Ordinance No. 1912 or any amendments thereto.

10. 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.

11. The terms "TRANSFERORS" in these conditions shall be deemed to include the heirs, executors, administrators, assigns or successors in title of the Transferors and Transferee.

For information only

12. No licensed hotel shall be erected on his lot nor shall the property or any building thereon be used for the purpose of more than one boarding house without the written permission of the Transferors, which consent shall not be unreasonably withheld.

13. The building erected on this property shall be erected of brick, stone, concrete or other substantial material, save with the written consent of the Transferors, which consent shall not unreasonably withheld.

14. Save for the purpose of a boarding house referred to in paragraph 13 hereof, 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.

E. SUBJECT to the following further conditions contained in Deed of Transfer No T13576/1998 imposed by DE SEDGE INVESTMENTS PROPRIETARY LIMITED at the time of the sale of the property to the TRANSFEREE which shall be binding on the latter and his successors in title namely:-

THE TRANSFEREE shall not be entitled to erect on the property any building or fencing, woodsheet, plywood, composite board or prefabricated concrete panels.

F. By virtue of Expropriation Caveat No. 332/90 dated 14 May 1990, a portion of the within property measuring approximately 1896 Square Metres, was expropriated by the Municipality of Sedgefield in terms of Section 123(6)(a) of Ordinance 20/1974, as will more fully appear on reference to the said Expropriation Caveat No. 332/90 together with the Expropriation Plans filed therewith.

For Information Only

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

Estate Late JUMAT MARLON COLA

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

MANUEL DE ANDRADE, Unmarried

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 600 000,00 (TWO MILLION SIX HUNDRED THOUSAND RAND) .

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 09 SEP 2024

q.q.

In my presence

REGISTRAR OF DEEDS

For Information Only

DURABLE AUTHORITY TO ACT AND POWER OF ATTORNEY

To Whom It May Concern,

I, MANUEL DE ANDRADE ([redacted] registered owner of erf 3944, Sedgefield, hereby appoint

THOMAS DILLON [redacted]) to be the authorised agent and to have power of attorney and authority to act in my behalf for:

Obtaining Land Use Management approval, and all related applications and approvals

For the abovementioned erf

Signed: _____

Manuel De Andrade

Date: 23/1/2025

Signed: _____

Thomas Dillon

Date: 23/1/2025

Knysna
Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

Collab. Ref. 2398444
File Ref.: 3944 Sed
App No: 3441
JH Smit
Tel: 044-302 6318

Via Electronic Mail

2025-04-07

AR King
[redacted]
SEDGEFIELD
6573
Email: [redacted]

Dear Sir/Madam,

PROPOSED DEPARTURE, REMOVAL OF RESTRICTIONS & CONSENT USE: ERF 3944, SEDGEFIELD

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

Owners Details:	Manuel De Andrade
Applicant's Name:	c/o Fineline (Thomas Dillon)
Email:	tom@finelineplans.co.za
Reference number:	Application number 3441
Property Description:	Erf 3944, Sedgefield
Physical Address :	16 Cycad Street, Sedgefield

Nature of application:

(i) Application for a **Permanent Departure** in terms of **Section 15(2)(b)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) for the relaxation of the street building line to allow for a garage and flat to 1.5m in lieu of 4.5m and common side boundary line to allow for a garage and house to 1.5m in lieu of 2.0m;

(ii) Application for the **Removal of a Restrictive Title** Deed condition D(7), relating to building lines, applicable to Title Deed T56620/2024 in terms of **Section 15(2)(f)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021); and

(iii) Application for a **Consent Use** in terms of **Section 15(2)(o)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) to allow a second dwelling unit larger than 60m^2.

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

Members of the public are invited to submit written comments, together with the reasons therefore in terms of Section 15 of the Knysna Spatial Planning and Land Use Management By-Law (2021). Comments must be addressed to the Municipal Manager and submitted via email at knysna@knysna.gov.za and ssitinga@knysna.gov.za on or before **9 May 2025,** quoting your name, address, electronic contact details and telephone number, interest in the application and reasons for comment. The municipality may refuse to accept comments received after the closing date. Persons who cannot write may contact the Town Planning Office during office hours, where the responsible official will assist you in putting your comments in writing.

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

Yours faithfully,

JH SMIT
MANAGER: LAND USE MANAGEMENT
/lb

MAILING LIST FOR ERF 3944 SEDGEFIELD

3095	KING AR	Via electronic mail
3094	A C FAMILY TRUST	Via electronic mail
3093	FORG J & DE BREUNIG	Via electronic mail
3092	VINK JJ & SCHOEMAN E	Via electronic mail
3943	BECKMANN MELINDA	Via electronic mail
3945	K222351767(SOUTH AFRICA)PROPR	Via electronic mail
4709	VAN WYK BG	Via electronic mail
4710	MACKENZIE JE	NO E-MAIL ADDRESS
4711	BRITZ MR & EJM	Via electronic mail
4712	VAN WWK BG & AS	Via electronic mail

Tutuzelwa Tsese

Colab No.:

File No.: 17/1/5

From: planning
Sent: Thursday, 08 May 2025 15:36
To: Knysna Municipality
Subject: FW: Request for Comment: Erf 3944, Knysna

Importance: High

From: Andre Els [redacted]
Sent: Monday, April 14, 2025 11:01 AM
To: planning <planning@knysna.gov.za>
Cc: [redacted] 'Audrey Els' [redacted]
Subject: RE: Request for Comment: Erf 3944, Knysna
Importance: High

Good day – Without Prejudice

I would like to place on record that I am Vehemently apposing the further development of ERF 3944.
The purpose of this application is misleading and NOT truthful.

There is a rental tenant currently in the referenced property with two (2) vicious dogs and the Owner of the property does not reside in said property. The current situation is of such nature where I am already compromised as the owner of my own property to enjoy my privacy, peace and quite. Another dwelling will definitely result in an additional tenant that would further frustrate the already strained reality.

The further addition of another dwelling would infringe on our privacy already challenged by the current situation.

I am reserving my rights to appose this application and seek further legal remedy if it should be approved

Kind Regards

André Els

MUNISIPALITEIT / MUNICIPALITY
KNYSNA
2025 -05- 03
Action: Dir Comm
CC: N Fenari

FROM THE DESK OF
ANDRÉ ELS (CFI - CPO)
ANDRE.ELS@NSA-ASSOCIATES.COM
NSA & ASSOCIATES (PTY) LTD.
+27(0)44 050 4212 +27(0)662918936
NSA & ASSOCIATES (PTY) LTD / PSIRA REGISTRATION NO: 2896850
A PSIRA REGISTERED COMPANY REGISTRATION NR 2018/309615/07

Email Disclaimer: The information contained in this communication is confidential and may be legally privileged. It is intended solely for the person or entity to whom or which it is addressed. If this e-mail has been received in error, please delete it. No reproduction or transmission of this e-mail or its contents may be re-produced in whole or in part without the written consent of the sender to do so. All rights in regards to the content and Copyright of this e-mail is strictly reserved by the sender and as such protected by Local and International Law.

From: planning <planning@knysna.gov.za>
Sent: Thursday, 10 April 2025 10:04
To: [redacted]
Subject: Request for Comment: Erf 3944, Knysna

Good day,

Kindly find attached hereto correspondence for your attention.

Kind regards,

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

KNYSNA
Municipality
Munisipaliteit
uMasipala

LAND USE APPLICATION DEPARTMENT COMMENTS

Erf Number: 203944000
Application Type: Departure;Removal of Restrictions;Consent Use
Application Number: 3441
Application Date: 2025-03-13

Department	Comment Requested (T=Yes / F=No)	Comment Received
Corporate Services	F	
Legal Services	F	
Financial Services	F	
Community Services	F	
Fire Services	F	
Traffic	F	
Waste Removal	F	
Infrastructure Services	T	--oOo-- Mon May 05 2025 10:02:19 GMT+0200 (South Africa Standard Time) Comment by SASSM: Manager Public Works: Drawing A106 must be amended to indicate the distance from the edge of the road to the building on the street boudary. A fence detail must also be included.
Infrastructure Services Roads	F	
Infrastructure Services Sewer	F	
Electro Technical	F	
Housing	F	
Environmental Services	F	
Building Control	F	
Aesthetics Committee	F	
Street Naming Committee	F	

Sinovuyo Sitinga

From: Tommy Dillon <[redacted]>
Sent: Tuesday, 21 October 2025 16:43
To: [redacted]planning; Sinovuyo Sitinga; planning
Subject: Planning application Erf 3944
Attachments: 3944 comments may.pdf; 3944 comments sept.pdf; Andrade4.pdf

Dear Sinovuyo,

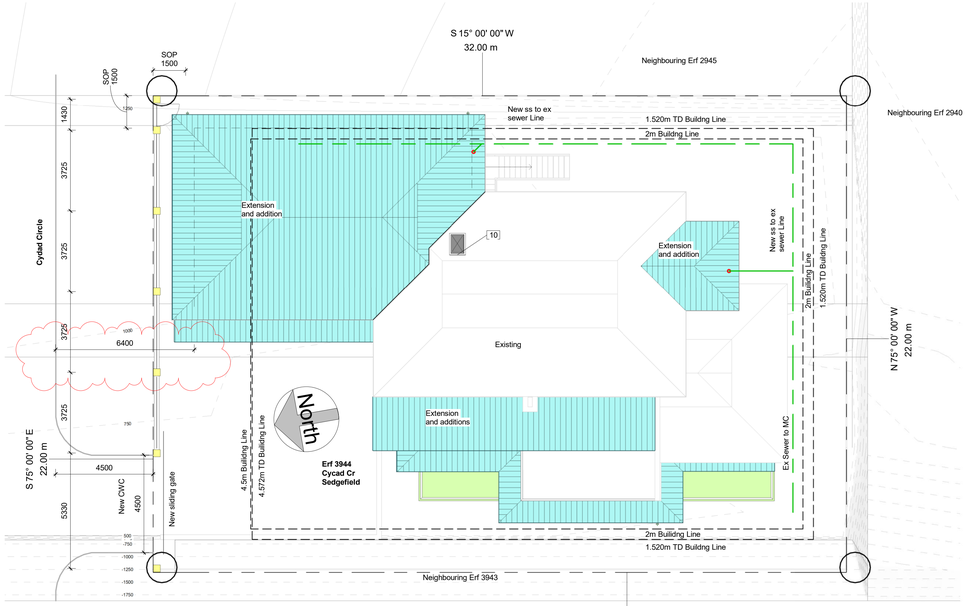
Please see the attached plan. We have removed the second CWC and added details on the boundary wall. Kindly let me know if there is anything else you need. We urgently need this approval so we can continue to the final approval and start work.

Thanks in advance!

Tommy Dillon
[redacted]
www.finelineplans.co.za
Privyseal: https://seals.prod.privyseal.io/5439c52c-1877-4dd9-a729-d81407df8a03

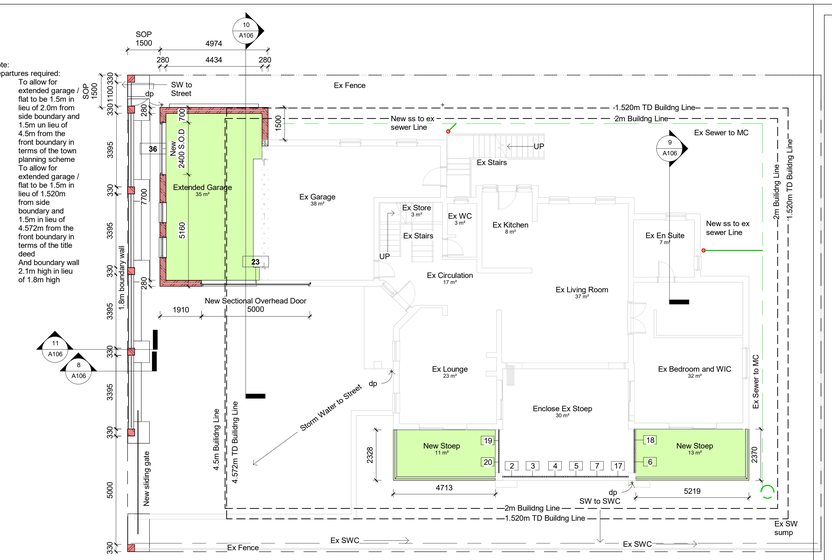
FINELINE
DESIGN | PLANNING | DRAUGHTING

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.



3 Site Plan
1 : 100

Note:
Departures required:
- To allow for extended garage / flat to be 1.5m in lieu of 2.0m from side boundary and 1.5m un lieu of 4.5m from the front boundary in terms of the town planning scheme
- To allow for extended garage / flat to be 1.5m in lieu of 1.520m from side boundary and 1.5m in lieu of 4.572m from the front boundary in terms of the title deed
- And boundary wall 2.1m high in lieu of 1.8m high



1 Ground Storey Plan
1 : 100

NOTES:

ROOF:
As shown
Chromadek dove grey (R- value 1.0) super sisalation 400 on 75X50 purlins at 1200 c/c over prefabricated mitec trusses at max 1200 c/c fixed to 114x38 wallplate with rafters tied down to walls with 1.2x20mm galv hoop iron straps embedded 600mm into walls. Lay aerolite pink insulation (R- value 2.50) - 100mm thick.
R-values:
Roofsheets: R-Value = 0.3
Sisalation 400: R-Value = 1.0
Aerolite: R-Value = 2.5
Skimmed rhino ceiling: R-Value = 0.05
Total R-Value = 3.85

CEILING:
Skimmed and painted rhinoboard fixed to 38x38 battens at 400 c/c nailed to underside of purlins and between exposed rafters over living & dining area.

FLOORS:
To be in accordance with SANS 10400XA 4.4.2
Specified finish applied to 30mm screed on 100mm concrete slab on 250 micron dpm on clean homogenous well compacted fill.
Suspended first floor - t.c slab to engineers details

WALLS:
To comply with sans 10400xa 4.4.3
To comply with sans 10400 part k

Brick walls to receive brick forcing at every third course up to lintel height and rafter every brick course is to recieve brick forcing. top of conc. foundations to be laid 450mm min. below N.G.L.

WINDOWS:
Aluminium.
All glazing to comply with requirements of SANS 10137 & SANS 10400 part N - Access doors and side lights, windows lower than 500mm from floor, window lower than 1800mm above pitch line of stairs and shop fronts to be safety glass and clearly indicated as such on glass at eye level.

p.s. lintels set to Manufacturer's specifications
p.s. lintels and 4 courses brickwork with brickforce every course over all openings not exceeding 3m.Stresso lintels and 4 courses brickwork with brickforce every course over openings exceeding 3m

RAINWATER GOODS:
Alu longspan gutters and downpipes

ELECTRICAL:
SABS approved Low Wattage fittings to be used as per SANS 10400 part XA
SANITARY FITTINGS:
SABS approved products to be used in compliance with SANS 10400 part P

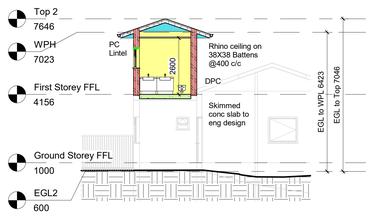
HOT WATER:
Solar heating - to New 250litre Kwikot, Kwikool solar water heater,SABS 400kPa approved split system with 1 500x1 020x0.080 solar roof panel.
Hot water demand : (80-110)L/capita/d as per SANS 10252-1
Storage volume at 60 deg c : (100-150)L/unit as per SANS 10252-1
Heater power : 2-3 kW/unit (SANS 10252-1)
50% Of water heating to be provided other than electricity.
Provide insulation to exposed hot water piping to and from the hot water heater.
R-Value of 1.00 to piping < 80mm dia.
All installations to be done in accordance with SANS 10252-1 and SANS 10106.
All requirement have been met and to comply in terms of PART XA

Site: 705
Existing: 333msq
Extension: 124msq
Footprint: 264msq
% Cover: 37.4

Fenestration:
Habitable Area: 433
Fenestration area: 74.3msq
Fenestration %: 17 - complies with SANS 10400 XA

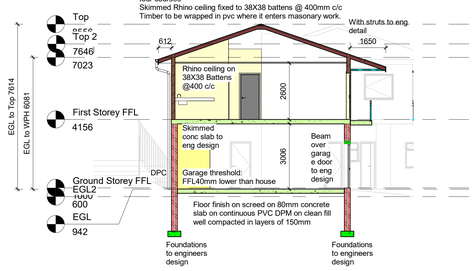
GENERAL NOTES:
All **footings** to be in natural ground
Dpm to be a minimum of 150mm above ground level
Build in air bricks above all new windows
Drainage to be left exposed until approved
All **structural timber** built into walls is to be encased in dpm.
All structural timber to be grade 5/7.
Make good in all trades.
Contractor to verify all levels and setting out dimensions on site.
Do not scale, use figured dimensions only.
Any errors or discrepancies are to be reported immediately for clarification before work is undertaken.
This plan remains the property of Thomas Dillon
This plan is not to be reproduced in any way without written consent of it's author
These plans are for council approval purposes only. All dimensions, including setting out dimensions, to be checked on site before comencement of work.
All building work to comply with National building regulations SANS 10400 & SANS 10400XA
If applicable the engineer is to ensure work done according to their plans and duty as set out in the SANS 10400 Form 2

As per SANS K 4.2.11.
To match
19" Cement tiles on 38X38 battens @ 320mm c/c on 6mic PVC underlay on 150X38 roof trusses by specialist @ 700mm c/c tied to wall with galv hoop iron.
All trusses to be held down and fixed with galv hoop iron (30X1.6mm) built min four courses
Skimmed Rhino ceiling fixed to 38X38 battens @ 400mm c/c
Timber to be wrapped in pvc where it enters masonary work.

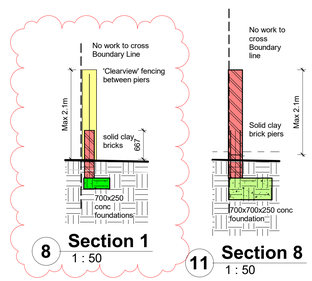


9 Section 6
1 : 100

As per SANS K 4.2.11.
To match
19" Cement tiles on 38X38 battens @ 320mm c/c on 6mic PVC underlay on 150X38 roof trusses by specialist @ 700mm c/c tied to wall with galv hoop iron.
All trusses to be held down and fixed with galv hoop iron (30X1.6mm) built min four courses
Skimmed Rhino ceiling fixed to 38X38 battens @ 400mm c/c
Timber to be wrapped in pvc where it enters masonary work.

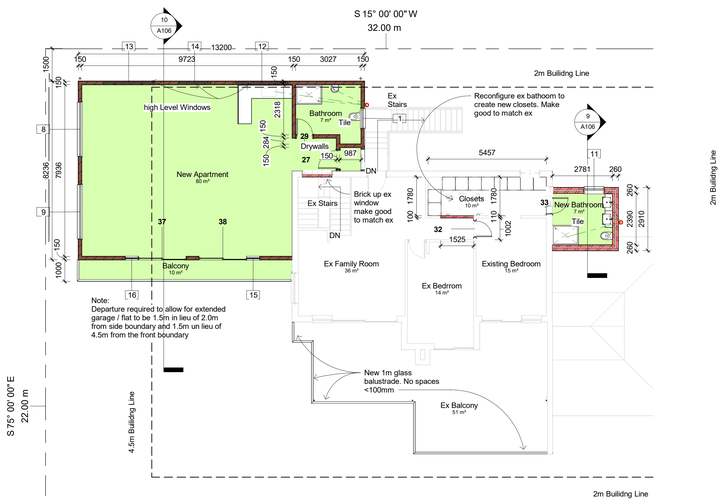


10 Section 7
1 : 100

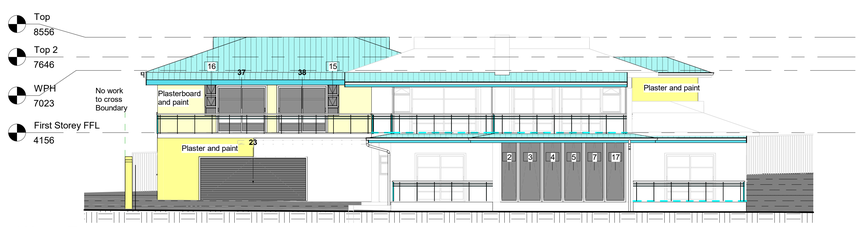


8 Section 1
1 : 50

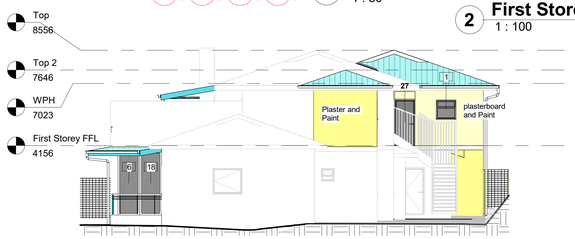
11 Section 8
1 : 50



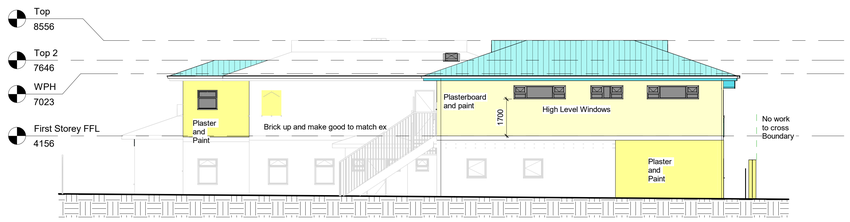
2 First Storey Plan
1 : 100



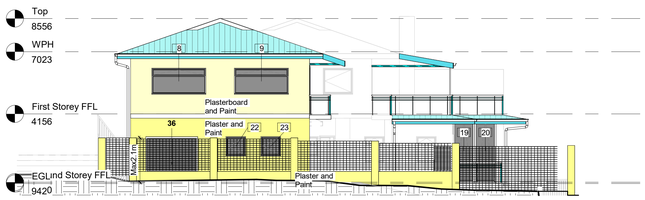
7 West Elevation
1 : 100



6 South Elevation
1 : 100



4 East Elevation
1 : 100



5 North Elevation
1 : 100

Door Schedule

Mark	Count	Height	Width
23	1	2050	5000
27	1	2110	910
29	1	2110	810
32	1	2110	810
33	1	2110	810
36	1	2100	2400
37	1	2134	2200
38	1	2134	2200

Window Schedule

Mark	Count	Width	Height
1	1	910	910
2	1	829	2936
3	1	1105	2936
4	1	967	2936
5	1	967	2936
6	1	1009	2936
7	1	967	2936
8	1	2500	1210
9	1	2500	1210
10	1	600	50
11	1	910	910
12	1	2390	625
13	1	2390	625
14	1	1500	625
15	1	590	1490
16	1	590	1490
17	1	967	2936
18	1	1009	2936
19	1	992	2886
20	1	992	2886
22	1	910	910
23	1	910	910

Rev	Description	Date
1	For Council	22 Oct 24
2	LUM revision	14 Jul 25

SACAP D0231 P.A.D

FINELINE
DESIGN | PLANNING | CONSTRUCTION

Tommy Dillon
0741742583
tom@finelineplans.co.za
www.finelineplans.co.za

Draftsman: Thomas Dillon

Owner: Manuel De Andrade

PROJECT
Alterations and Additions

TITLE
Erf 3944, Sedgefield

CLIENT
Mr De Andrade

DRAWN BY	CHECKED BY	DATE
T Dillon	Checker	2026/09/15 09:35:54

SCALE (@A0)	PROJECT NUMBER
As indicated	AND2024

DRAWNING NUMBER	REV
A106	2

2026/09/15 09:35:54

ITEM TO:
Municipal Planning Tribunal

Knysna
Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

APPLICATION NO.	3506
REPORT AUTHOR	Linda Mniki
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3672/2025
TELEPHONE NO.	044 302 6383
APPLICATION DATE	10 June 2025

LAND USE ASSESSMENT REPORT: ERF 4016 KNYSNA: PERMANENT DEPARTURE AND A PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME

PART B: APPLICANT DETAILS	
Name & Surname	Marike Vreken
Company name	Marike Vreken Town Planners
SACPLAN registration number	1101
Registered owner(s)	Autumn Storm Investments 200 Proprietary Limited
PART C: PROPERTY DETAILS	
Property description	Remainder Erf 4016, Knysna
Property Extent	34,5503 Hectares
Physical address	Welbedacht Lane
Area/Town	-
Current zoning	Agricultural Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-Law (2020)
Current land use	Dwelling House, Outbuilding (Shed) and Water Retaining Dam
Are there existing buildings on the property?	Yes
Title Deed number & date	T45929/2019
Any restrictive title conditions applicable?	None
Any third party conditions applicable?	None
Any unauthorised land use/building work?	Yes
Bondholder's Consent	Not applicable

1. APPLICATION DESCRIPTION

The applications are for the following:

1.1. A permanent departure from the Knysna Zoning Scheme By-law (2020) in terms of Section 15(2)(b) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) from the provisions of the Knysna Zoning Scheme By-law (2020) to allow an agricultural worker's accommodation within 1km of the high-water mark of the sea or a tidal river, in respect of Erf 4016, Knysna.

1.2. The permission required in terms of the zoning scheme in terms of Section 15(2)(g) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) for the consideration of a site development plan, in respect of Erf 4016, Knysna.

2. PRE-APPLICATION CONSULTATION

A pre-application meeting was held on 28 November 2024 wherein the applicant was advised that the permissible extent of the agricultural worker's accommodation may rely on the recommendations of Department of Agriculture. In addition, the proposal must address the implications of the proposal to construct the agricultural worker's accommodation within 1km of the high-water mark of the tidal river.

3. SUMMARY OF THE DEVELOPMENT PROPOSAL AND THE APPLICANT'S MOTIVATION

3.1. The development of Erf 4016, Knysna has commenced with improvements including an unlawful dwelling house, a shed and a water retaining dam. The determination for an administrative penalty was undertaken in this regard and at a meeting held in June 2026, the Municipal Planning Tribunal resolved that an amount of R10,000.00 be payable for failure to obtain approval of a site development plan (SDP) prior to commencing construction. The applicant has indicated that, the process of developing in line with the primary land use rights on the property commenced when the Knysna Zoning Scheme Regulations (1992) were still applicable, which did not require the submission of an SDP.

3.2. The landowner obtained Environmental Authorisation (EIA) which was granted on 19 April 2021, allowing a disturbance area measuring 50 399m², in order to accommodate the aforementioned structures. In addition to these structures and buildings, the proposal includes a farm managers house; and 2 (two) other outbuildings. Furthermore, the clearance area shall also be used as grazing lands for livestock and the cultivation of produce.

3.3. Proof of payment for the unlawful buildings and structures has been received for the administrative penalty in order to allow the consideration of the subject applications for further development of the site. The constructed shed is said to be used for agricultural activities such as the processing of fruit and vegetables (potatoes, cabbage, carrots, onions, beans, tomatoes, etc.). The proposed shed shall

accommodate the processing of olive oil, lavender oil and rosemary oil; and the third shed would be used as a cooling room.

3.4. The applicant highlighted that the Knysna Zoning Scheme By-law (2020) prescribes the submission of a site development plan; and stipulates that a manager's dwelling house cannot be constructed within 1km of the highwater mark. To that, the applicant emphasised that the entire extent of the property falls within the 1km high-water mark. As such, the applicant urges that zoning regulations are important to guide land use decisions and that they should not be applied rigidly when reasonable justifications for departures exist, including that in this instance, agricultural production and responsible farm management can be served. The environmental authorisation further ensures that the integrity of the valuable bio-physical attributes of the site shall be maintained.

3.5. The applicants provide that the property has steep slopes along the boundaries and plateaus in the middle – where the disturbance area has been designated. The site is surrounded by high-income residential uses, recreational, community, home occupational and/ business, educational and tourism-related land uses. There are of course pockets of farms in the area.

3.6. With regards to the infrastructure, the applicants state that the application site is within the existing urban fabric. Water shall be sourced from boreholes as well as rain catchment mechanisms. Sewerage shall be managed through the use of conservancy tanks; and electricity provision will be acquired through solar panels. Therefore, the development of Erf 4016 Knysna is thus motivated to not have a negative implication on municipal infrastructure and the landowner has committed to the payment of costs for service upgrades.

3.7. Other than being within the urban edge, the applicant states that the proposal is on such a small scale, that it will not influence any policies or guidelines contained in the Spatial Development Framework (SDF, 2020) and does not contradict the desired outcomes for the Ward 10 areas which are envisioned in the Integrated Development Plan (IDP, 2023).

3.8. The applicant has provided that the proposal is consistent with the Spatial Planning and Land Use Management Act (SPLUMA, 2013) principles of spatial sustainability, efficiency and resilience.

4. PUBLIC PARTICIPATION

Method of Advertising		Date Published	Closing Date
Press	No		
Gazette	No		
Notices	Yes	24 July 2025	25 August 2025
Ward Councillor	Yes		
Site Notice	No		
Community Organisations	No		
Public Meeting	No		
Third Parties	No		
Total Valid Comments	2 (Two)	Total comments and petitions refused	n/a
Valid Petitions	0	No of signatures	n/a
Community organisation(s) response	None	Ward Councillor response	None
Was public participation undertaken in accordance with Section 45- 49 of the Spatial Planning and Land Use Management By-law (2021)			Yes

4.1. Summary of Comments Received during Public Participation

4.1.1. Public participation was undertaken between 24 July 2025 and 25 August 2025. Only two comments were received from the following neighbouring property owners, during the specified period:

Property Description – Knysna	Objector	Date Received
Erf 21243	Antonio Jose De Sousa	29 July 2025
Erf 21230	Ralph & Tracey Palphramand	29 July 2025
Erf 4015	Gregory Barnes	17 September 2025

4.1.2. The concerns raised by the owner's of Erf 21230, Knysna, related to the visual impact of "*factory-type buildings, within a residential area*". So much so, the objector categorises the proposed development as an industrial business venture which will also contribute to additional traffic on

what is said to be a quiet residential road. Lastly, the said parties questioned how the contamination of the Knysna River will be avoided?

4.1.3. Comment was received from the owner of Erf 21243, Knysna, one of the properties situated within the neighbouring Entabeni Estate objecting to the application for permanent departure to allow the manager's dwelling house, within 1km of the highwater mark of the tidal river. Specifically, it is written that, such a relaxation shall "*have a negative impact on the reasons homeowners at Entabeni Farm invested and building their homes*".

4.1.4. The correspondence received on 17 September 2025 expressed concerns pertaining to the aesthetics of the proposed development of Erf 4016 Knysna. They have insisted that the recommendations of SANParks be made applicable to the application site as well. SANParks had made comments on the adjacent Entabeni Estate (Parent Erf 4015 Knysna), requiring that the development make use of dark blue/ black aluminum colour, in lieu of the green aluminum of the existing shed on Erf 4016 Knysna. In addition, roofs and walls were to be painted grey or darker colour so as to minimise the impact on the streetscape.

4.2. **Summary of Comments from Departments/Organs of State**

Department	Date of Comment	Comment Received	Recommendation
Infrastructure Services	01 September 2025	Public Works: No objection Water & Sewer: The application must make sure that the impoundment of water must have a license from BOCMA/ DWS.	Comment
Environmental Services	11 August 2025	No objection	Positive
Aesthetics Committee	21 August 2025	No mention of Heritage Western Cape. Was the Notice of Intent to Develop, Section 38(1) of the National Heritage Resources Act 25 of 1999 submitted to HWC before construction of the existing building and retaining walls.	Comment

Department	Date of Comment	Comment Received	Recommendation
Western Cape Department of Agriculture	08 September 2025	Given the size of the property, and the lack of commercial agricultural activities on the property, a farm manager's house is not justified. In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, the property is permitted three (3) additional dwelling units, measuring a maximum of 175m².	Objection

4.3. **Summary of Applicant's Reply to Comments**

4.3.1. The applicants provided a response to comments on 28 November 2025. The respondent provided that the concerns pertaining to the development's distortion of the uses, aesthetics and environment within the context of the surroundings, have been deliberated upon through the Environmental Impact Assessment. Therein, the competent authority determined that the proposed structures and uses on Erf 4016 Knysna shall not have a negative impact on the environment. Furthermore, the landowner committed to adherence to any visual mitigation measures. The applicant further reiterated that they are exercising the primary rights applicable to "Agricultural Zone I".

4.3.2. In response to the owners of Erf 21230, Knysna, the applicant stated that amongst the studies conducted, the Aquatic Compliance Statement indicates that the risk to nearby wetlands is low and that the development can be authorised. Furthermore, the applicant expounded upon the use of primary rights to emphasise that the application site does not fall within the objector's residential neighbourhood; and the agricultural zoning does in fact, permit the contested "industrial" use. Specifically, the Knysna Zoning Scheme By-law (2020) allows an "agricultural industry" which is described as "*an enterprise for the processing of agricultural products of which the majority of the products is sourced from that land unit and if not produced on that land unit, then from the land units farmed by the owners of the enterprise with a minority of the products sourced from the surrounding or nearby farms*". This is to say that the agricultural industry is essentially an extension of farming activity at a context-sensitive scale. The applicant goes on to make comparison with ordinary industrial land use, where higher service demands, which in this instance, is not applicable.

4.3.3. The late comment, represented as Erf 4015, Knysna, was contended by the applicants who highlighted that the outcome of the Environmental Authorisation did not prescribe aesthetic-

related conditions. However, they continue to be amenable to any visual mitigation measures imposed by the Municipality/ Organ of State/ Commenting Authority.

4.3.4. With regards to departmental comments, namely, the Infrastructure Services Directorate, the applicant made reference to the submitted Engineering Report as well as the Statement on Groundwater Aspects, thereby addressing the water and sewer requirements.

4.3.5. A response to the enquiries of the Aesthetics Committee, the applicant attached the final decision, dated 14 August 2020, from Heritage Western Cape who conceded that the development will have no impact on heritage resources and that, no further application under Section 38 of the National Heritage Resources Act (Act 25 of 1990) will be required.

4.3.6. The objection from the Department of Agriculture was rebutted by the applicant as they insisted on the need for the Agricultural Worker's Accommodation, in light of the extensive agricultural activities on the property which have been articulated in the motivation memorandum. Whilst the department had noted the allowance of the Rural Development Guidelines that, 3 'additional dwellings' are permitted, the applicant explained how that would not be an option. The semantics indicate the difference between "additional dwelling unit" and "agricultural worker's accommodation", whereby the former is not permitted within the 1km highwater mark as a 'description of use' from which one cannot depart. However, one can depart from the same regulation under 'workers accommodation' as it is contained in the Knysna Zoning Scheme By-law (2020) as a 'development parameter', a deviation from which consideration may be rendered.

4.3.7. Lastly, the applicant took note of the non-objection from the Municipality's Environmental Department and Heritage Western Cape.

5. PROPOSAL ASSESSMENT

5.1. Application History

5.1.1. The most recent historical factors are contained in **See Paragraph 3 – Development Proposal and Applicant's Proposal*, in respect of a determination of an administrative penalty.

5.1.2. Furthermore, at a meeting that was held on 02 October 2008, Council resolved to support the amendment, in terms of Section 4 of Ordinance No. 15 of 1985, of the Knysna- Wilderness-Plettenberg Bay Regional Structure Plan designation of Erf 4016 Knysna, from "Agricultural/ Forestry" to "Township Development" in respect of portions which meet specific criteria. In

addition, approval was granted for the Regional Structure Plan amendment, subject to the issuing of a positive Environmental Authorisation, owing to the then services capacity situation.

5.1.3. An assessment considers the implications of the aforementioned conditional support. Since 2008, the Eastford and Welbedacht area has been extensively developed providing for residential, recreational, educational and agricultural land uses. As such, the changing circumstances make it possible to rely on the recent departmental comments, particularly with regards to the environmental circumstances; as well as infrastructure capacity.

5.2. **Considerations in terms of SPLUMA**

The Spatial Planning and Land Use Management Act (SPLUMA, 2013) is a framework law which sets broad principles for all land use planning and development in South Africa. The proposal is argued to be consistent with the principle of spatial sustainability which is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". The submission of engineering reports and approval of the environmental authorisation are indicative of due diligence that ensures that the functions on the property shall not have a negative impact on the environment, particularly the nearby river.

5.3. **Consistency with SDF, IDP and applicable Policies**

As argued by the applicant, it can be challenging to properly demonstrate the applicability of the SDF for small-scale applications. It is at least argued that the applicant's motivation is consistent with the guidelines of the Spatial Development Framework (SDF, 2020) in so far as the site is within the urban edge and therefore, eligible for development with little to no impact on municipal infrastructure.

5.4. **Impact on Municipal Engineering Services**

As provided in the applicant's motivation memorandum, the development of Erf 4016, Knysna will not have an impact on municipal infrastructure. The Infrastructure Services Directorate have indicated that although no negative impact on public works has been envisaged, water and sewer works on site must be managed in accordance with the regulations of the National Department of Water and Sanitation (DWS), as well as those of the Breede-Olifants Catchment Management Agency (BOCMA). The applicant had provided the relevant engineering reports in this regard, particularly due to the water catchment mechanisms which will be provided on site.

5.5. **Outcomes of Investigations/Applications i.t.o. other Legislation**

Authorisation obtained in terms of the National Environmental Management Act (1999), as enclosed and discussed throughout the subject assessment report.

5.6. **Zoning Considerations**

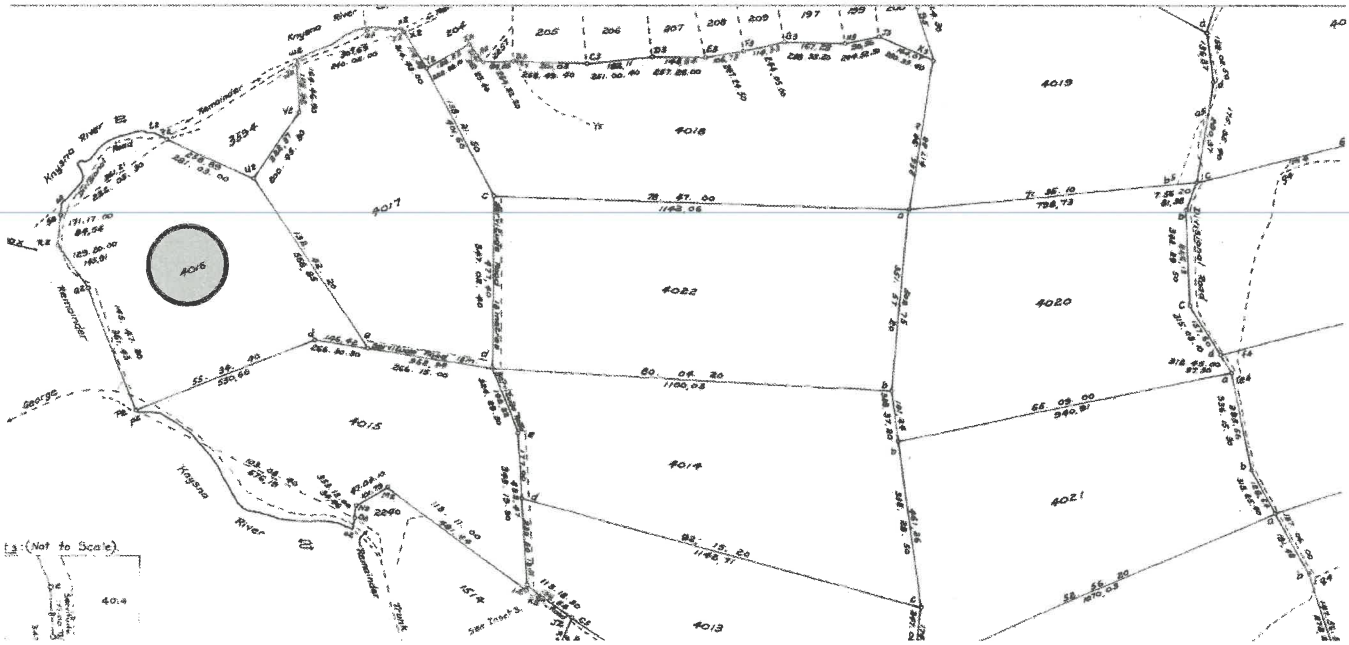
None applicable.

5.7. **Considerations to the removal of Restrictive Title Conditions**

None.

5.8. **Assessment of Comments & The Response of the Applicant**

5.8.1. **Industrial vs Agricultural:**



Extract: General Plan numbered 8320 of the Eastford Township. SG numbered 7962/71

Extract: Knysna Municipality Zoning Map

5.8.2. According to the General Plan, dated 1971, the Eastford Area consisted of large properties which were likely agricultural land. As per the application history which considered the amendment of the regional structure plan, the character of the area was rural and gradually changed over the years to accommodate township establishment, effectively altering the character of the area. The zoning map is indicative of the fact, reflecting multiple zonings which allow varying uses. Indeed, the residential presence in the area is prominent, however, the area is semi-rural, comprising of varying land uses and densities that are harmoniously integrated continuing to accommodate agricultural land uses particularly to the western vicinity where the application area may be found. Hence, the assessment considers that the Knysna Zoning Scheme By-law (2020) accommodates "agricultural industry" as a primary right, and that it is unlikely to be derogatory to the character of the area

5.8.3. **River Contamination:**

As discussed by the applicant, the proposal is agreeable in so far as compliance with the environmental authorisation is fulfilled as it indicates that the development will have a minimal impact on the river. Given the rigorous requirement for environmental and engineering-

related studies, amongst others, the approval is a key informant in determining the implications of the operations as well as the development of Erf 4016, Knysna.

5.8.4. **Traffic:**

Concern was raised in respect of the additional traffic as an implication of the proposed development of Erf 4016, Knysna. This is notable in consideration of the activities of the agricultural industry. However, Municipal department of Public Works, have not provided negative comments or conditions with regards to roads. Therefore, it is not foreseen that the traffic generation may have a detrimental impact on the road network or surrounding environment.

5.8.5. **Dwellings vs Accommodation:**

Whilst the proposed agricultural workers accommodation was met with objection by the Department of Agriculture the applicant contends that an alternative land use, namely "additional dwelling" will not be viable due to the restrictions of the zoning scheme. According to the Knysna Zoning Scheme By-law (2020), "agricultural worker accommodation" means *accommodation provided for bona fide agricultural workers, including accommodation for labourers and farm managers, as determined by the Municipality based on the extent of the bona fide agricultural activities on the land*. By this, it is considered that the Department of Agriculture is a competent authority to advise whether the extent of worker's accommodation is reasonable against the bonafide agricultural activity. It would seem that the allowances made by the Department, for 3 (three) additional dwellings, indicates that the existence of additional residential quarters on the premises is not the issue but that the proposed extent needs to be in keeping with the Western Cape Rural Guidelines as well as the Knysna Zoning Scheme. Therefore, it is understood that the application to allow agricultural workers accommodation within the 1km mark is not contested; but that the proposal for a total floor area of 450m², is unjustified.

5.8.6. **Late Comments**

The comment received on 17 September 2026, after the closing date for public participation. According to Section 50(5)(a), the municipality may only accept comments submitted after the closing date whereby the applicant agrees to the acceptance, amongst other criteria. By virtue of the applicant's response to the said comment, it is recognised that the applicant concedes to the considerations for prescribed aesthetics and design of the agricultural buildings in respect of Erf 4016, Knysna. Whilst the objector's assertion on aesthetics are

understandable so as to ensure that the built form is in harmony with the surroundings, it is imperative to heed guidance from the local authority or other organ of state that is competent to assess the potential visual impact of a development and not only attribute the colours and deign to the conditions applicable to those of the neighbouring estate.

5.9. **Desirability of Proposal**

5.9.1. The application seeks approval of "agricultural worker's accommodation" **within** the 1km highwater mark of a tidal river; **and a site development plan**, as required by the Knysna Zoning Scheme By-law (2020).

5.9.2. The following tabulates the key considerations in determining whether the proposal is desirable.

Assessment Criteria	Y	N	N/A
Has the **motivation** of the applicant been considered in the assessment of the application?	☒	☐	☐
Will the proposal have a negative impact on the **character** of the surrounding area in terms of form, density, and aesthetics?	☐	☐	☐
Does the proposal affect the residential **amenity of the adjacent landowners** negatively in terms of sunlight, privacy, views, and general enjoyment?	☐	☐	☐
Will the intended building proposal affect the **adjacent land uses** negatively?	☐	☒	☐
Will the proposal and/or building work have a negative effect on the architectural character of the **streetscape**?	☐	☐	☒
Will the proposal and/or building work have an impact on the **municipal bulk services** network?	☐	☒	☐
Does the proposal cause a negative impact on **vehicular and pedestrian movement** on the public street(s), including vehicle sight distances?	☐	☐	☒
Are there adequate on-site **parking** bays (including loading bays, where applicable) in accordance with the provisions of the Zoning Scheme By-law?	☒	☐	☐
Does the property have adequate and suitable vehicle **access and egress** in accordance with the provisions of the Zoning Scheme By-law?	☒	☐	☐
Will the proposal affect the **natural and/or open space** system negatively, including resulting in the removal of indigenous/protected trees on the site and/or road reserve?	☐	☒	☐

Assessment Criteria	Y	N	N/A
Does the proposal have any negative impact on **heritage** resources?	☐	☒	☐
Will the proposal and/or building work affect the surrounding **property values** negatively?	☐	☒	☐
Will the proposal cause or result in a **nuisance** and or disturbance to adjacent and surrounding landowners?	☐	☒	☐
Will the approval of the application cause or set a negative **precedent**?	☐	☒	☐

5.9.3. The consideration of a site development plan seeks to determine technical suitability of the built form and placement of buildings and structures within the context of a site's surroundings. Herein, the implications of the proposal on the Knysna River are a key factor. By means of environmental authorisation, it may be surmised that it is unlikely that the use and development of the property, as proposed, shall be detrimental to the functioning of the river system.

5.9.4. Of significance, are the site-specific circumstances. The position of the prescribed disturbance area is well-above the river, thus not easily susceptible to ecological insecurities; and the fact that the entire proximity of the site, is within the 1km high water mark. The latter is not to say that the law is to be strong-armed by the inability to comply. However, deviation mechanisms are provided in the Spatial Planning and Land Use Management By-law (2020), wherein due consideration may be carried out.

5.9.5. The disturbance footprint has been strategically located to ensure that land preservation is upheld in so far as maintaining valuable agricultural space; and the aesthetics shall be in harmony with the surrounding natural environment.

5.9.6. A site visit was conducted on Erf 4016, Knysna, where it was observed that, the 2 (two) other outbuildings shall be visible from the adjacent estate, Erf 4015, Knysna, therefore echoing the sentiments of the objector. Given the positioning, it is encouraged that the landowner seek guidance from the Aesthetics Committee and/ or other competent authority, in order to ensure there is minimal visual impact as a result of the agri-industry buildings to be established.

5.9.7. Although the agri-industry use is permissible, it was determined by the Department of Agriculture, who agreeably determined that there is no extensive commercial agricultural industry which may warrant an elaborate Manager's Farmhouse. In accordance with the Western Cape Land Use

Planning Rural Areas Guidelines (2025); as well as the parameters for an additional dwelling under the Knysna Zoning Scheme By-law (2020), the floor area shall be limited to 175sqm considering the intended residential purpose for the premises. The intention has always been to prevent urban sprawl; and ensure that the development of agricultural properties are consistent with the SPLUMA (2013) spatial principles of sustainability, efficiency and resilience.

5.9.8. In-light of the aforementioned, as well as the discussion provided under 5.8 in respect of comments and responses, the proposal is considered conditionally desirable.

6. RECOMMENDATION

It is recommended that:

6.1. That, **Approval Be Granted** in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) for a permanent departure from the Knysna Zoning Scheme By-law (2020) to allow an agricultural worker's accommodation within 1km of the high-water mark of the sea or a tidal river, in respect of Erf 4016, Knysna.

6.2. 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 permission required in terms of the zoning scheme, to allow a site development plan in respect of Erf 4016, Knysna.

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

The above approval(s) are 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):

7.1. 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;

7.2. The development of the property shall generally be in accordance with the site development plan numbered "*Pr25/02 – SDP02*", dated 29 May 2025 and drawn by Marike Vreken. Any material changes to the site plan and layout may be subject to an amendment plan being lodged in terms of the provisions of the Planning By-law;

7.3. The agricultural worker's accommodation unit shall be limited to a maximum permissible floor area measuring 175m² in extent; and

7.4. The applicant/ landowner shall submit design and aesthetic proposals of buildings to the Municipality's Aesthetics Committee, prior to the submission of building plans.

8. MATTERS FOR NOTING

8.1. The applicant/ landowner shall lodge building plans shall be submitted in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977); and

8.2. The applicant/ landowner shall ensure adherence to the requirements and conditions of the Environmental Authorisation, "*Ref: 14/12/16/3/3/1/2232*" in their correspondence dated 19 April 2021 from the Department of Forestry, Fisheries and the Environment.

9. REASONS FOR THE RECOMMENDATION

The reasons for above recommendation are as follows:

9.1. The restriction on "agricultural workers accommodation" within 1km of the high-water mark, is a development parameter of the Knysna Zoning Scheme By-law (2020) and not a prohibition on the primary land use for a property zoned "Agricultural Zone I". The intended buildings and land uses are considered commensurate and compatible with the existing use rights of agriculture as specified in the farm's zoning. The application site will be able to host the associated agricultural buildings and structures.

9.2. Although the entire proximity of Erf 4016, Knysna is situated within the 1km high-water mark of the sea or tidal river, the key site-specific circumstances which prevail, include that, the developable area is above the mountain, situated on the plateau and that, the valuable natural environment shall be protected by means of the prescribed disturbance area, as contemplated in the environmental authorisation which was approved by the Department of Forestry, Fisheries and the Environment.

9.3. An engineering report has been carried out to ensure optimum functioning of the property in respect of self-sufficient mechanisms for water and sewer; and that these shall have minimal implications for municipal infrastructure. Liken is the fact that, the site is situated within the urban edge as designated within the Spatial Development Framework (SDF, 2020).

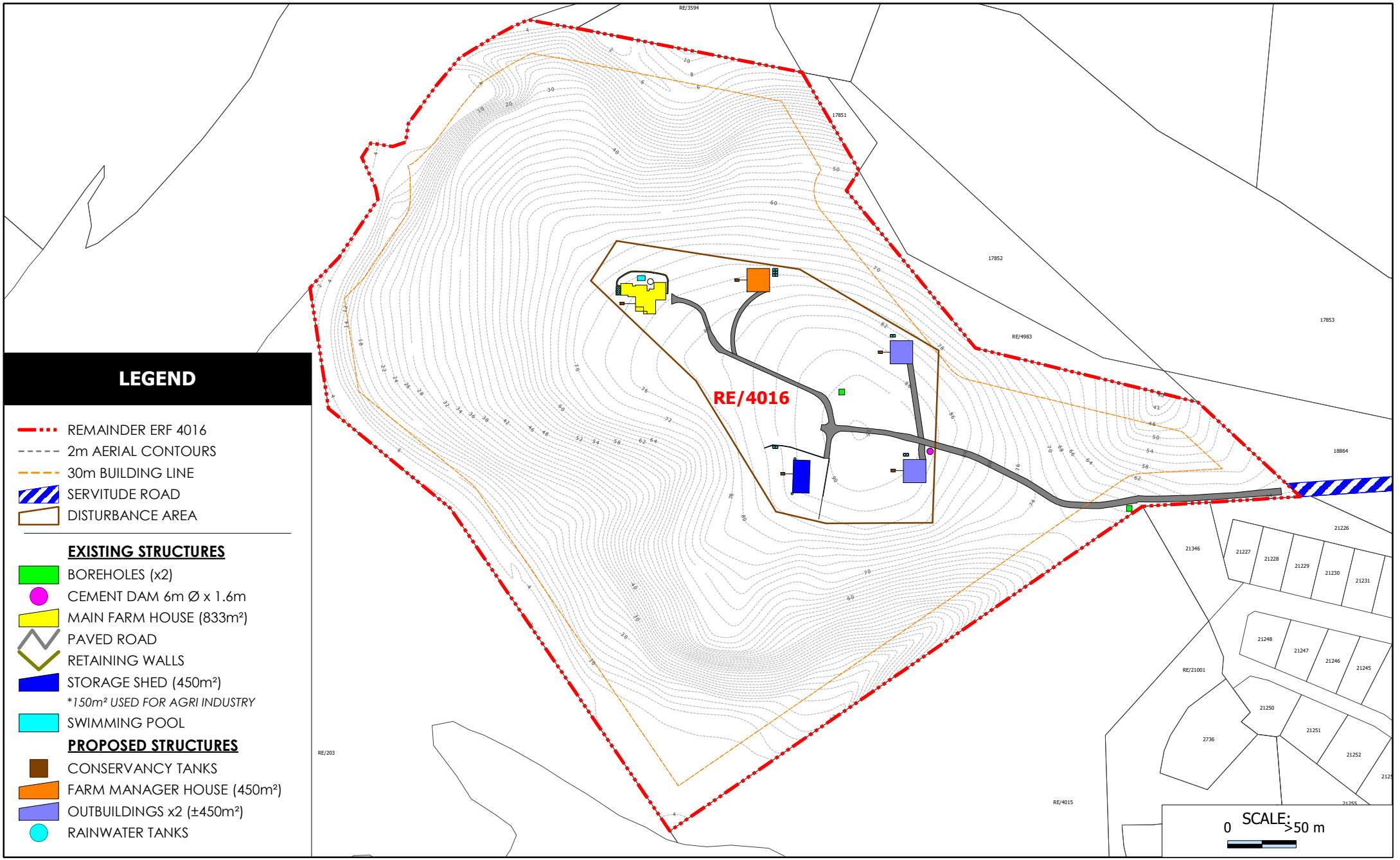
9.4. The Department of Agriculture did not oppose residential accommodation as such but rather, objected to the extent of what was proposed, given the scale of agricultural activity on the property. Limiting the accommodation to 175 m², accepts that advice and brings the development in alignment with the rural areas guidelines and the zoning scheme's requirement that worker accommodation be reasonably connected to bonafide agricultural activity. The proposed development within the highwater mark of the tidal rive, is thus proportionate to its agricultural purpose.

9.5. In light of the concerns raised in the objections, the matters have been thoroughly assessed and addressed in respect of the environmental and engineering implications. Furthermore, the immediate area has been identified as semi-agricultural, given the historical factors as well as the fairly larger tracts of land, be it for the purposes of residential, agricultural, educational, home-occupational, institutional and tourism-related land uses. On this basis, the proposal(s) is considered to indeed meet the criteria of desirability.

10. SUPPORTING APPLICATION DOCUMENTS

Annexure A – Application Plans
Annexure B - Applicant's Motivation Report
Annexure C – EIA Record of Decision
Annexure D – Services Report
Annexure E – Pre-Application Meeting Minutes
Annexure F – Determination of Administrative Penalty
Annexure G – Completed Application Form
Annexure H – Copy of the Title Deed
Annexure I – SG Diagram
Annexure J – Notices and Mailing List
Annexure K - Comments
Annexure L – Applicant's Response
Annexure M - Historical approval

Erf 4016 Knysna – Application Number 3506			
Author Name: LV Mniki Date: 20/10/2026		Author Signature:	
Registered planner name: S Madumbo SACPLAN registration number: A/1510/2012 Date: 20/10/2026		Registered Planner Signature:	
Decision Maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED



LEGEND

- REMAINDER ERF 4016
- 2m AERIAL CONTOURS
- 30m BUILDING LINE
- SERVITUDE ROAD
- DISTURBANCE AREA

EXISTING STRUCTURES

- BOREHOLES (x2)
- CEMENT DAM 6m Ø x 1.6m
- MAIN FARM HOUSE (833m²)
- PAVED ROAD
- RETAINING WALLS
- STORAGE SHED (450m²)
  **150m² USED FOR AGRI INDUSTRY*
- SWIMMING POOL

PROPOSED STRUCTURES

- CONSERVANCY TANKS
- FARM MANAGER HOUSE (450m²)
- OUTBUILDINGS x2 (±450m²)
- RAINWATER TANKS

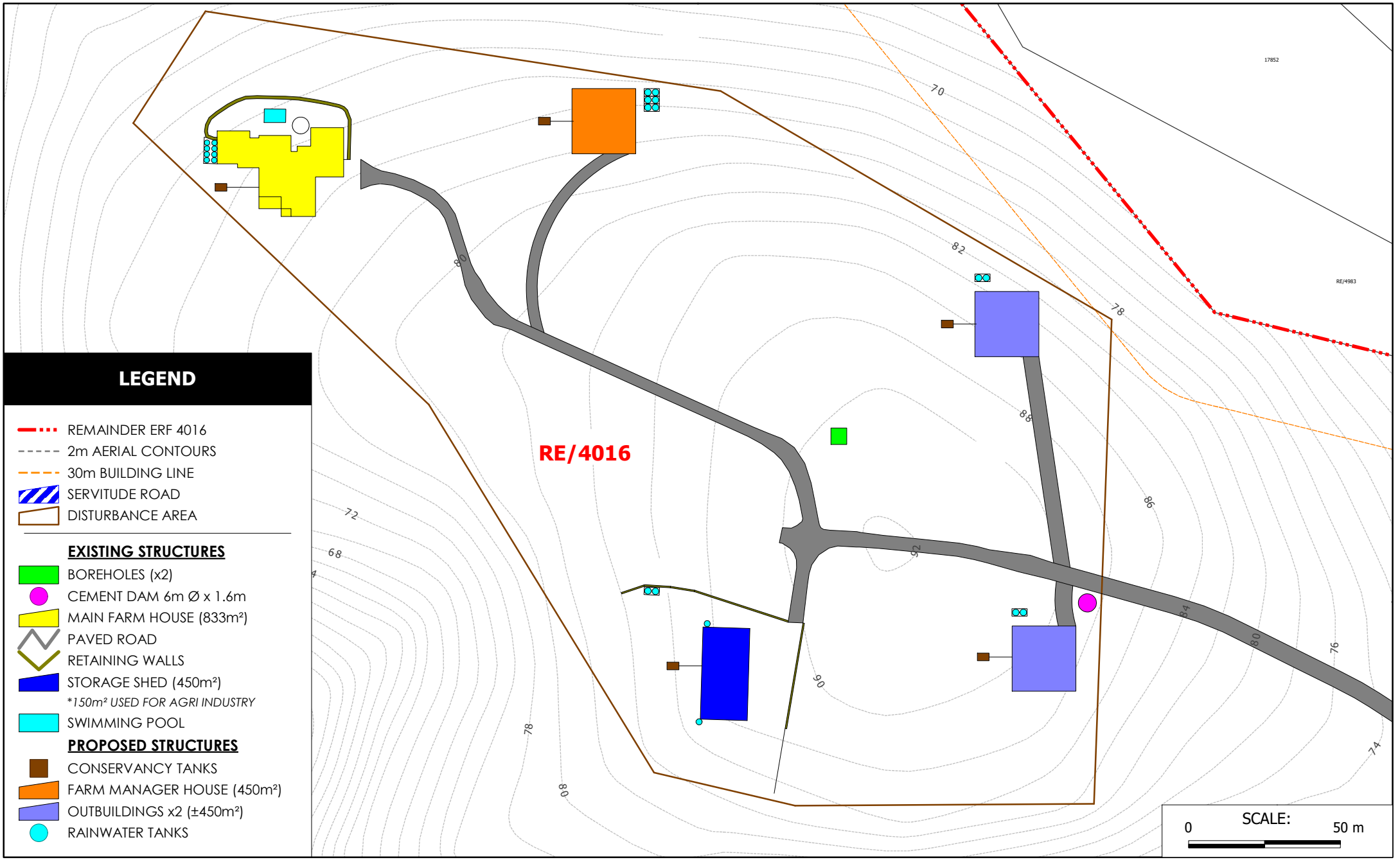
KNYSNA ERF 4016

SITE DEVELOPMENT PLAN

Projection: Transverse Mercator
Centre Lon: 22°59'51" E
Centre Lat: 34°01'25" S
Plan No: Pr25/02 - SDP02
Created: 2025/05/29
Scale: 1:4500

Stored: F:\1.Marike Vreken Town Planners\4.GIS\Appointed Projects\Pr2502- Knysna Erf 4016\Pr2502 - Knysna Erf 40

Marike Vreken
Urban & Environmental Planners
Stads & Omgewingsbeplanners
21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
☎(044) 382 0420
(086) 459 2987
e-mail: info@vreken.co.za
web: www.vreken.co.za



LEGEND

- REMAINDER ERF 4016
- 2m AERIAL CONTOURS
- 30m BUILDING LINE
- SERVITUDE ROAD
- DISTURBANCE AREA

EXISTING STRUCTURES

- BOREHOLES (x2)
- CEMENT DAM 6m Ø x 1.6m
- MAIN FARM HOUSE (833m²)
- PAVED ROAD
- RETAINING WALLS
- STORAGE SHED (450m²)
  **150m² USED FOR AGRI INDUSTRY*
- SWIMMING POOL

PROPOSED STRUCTURES

- CONSERVANCY TANKS
- FARM MANAGER HOUSE (450m²)
- OUTBUILDINGS x2 (±450m²)
- RAINWATER TANKS

SCALE: 0 — 50 m

KNYSNA ERF 4016

SITE DEVELOPMENT PLAN

Projection: Transverse Mercator
Centre Lon: 22°59'54" E
Centre Lat: 34°01'24" S
Plan No: Pr25/02 - SDP02
Created: 2025/05/29
Scale: 1:1600

Stored: F:\1.Marike Vreken Town Planners\4.GIS\Appointed Projects\Pr2502- Knysna Erf 4016\Pr2502 - Knysna Erf 40

Marike Vreken
Urban & Environmental Planners
Stads & Omgewingsbeplanners
21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
☎(044) 382 0420
(086) 459 2987
e-mail: info@vreken.co.za
web: www.vreken.co.za

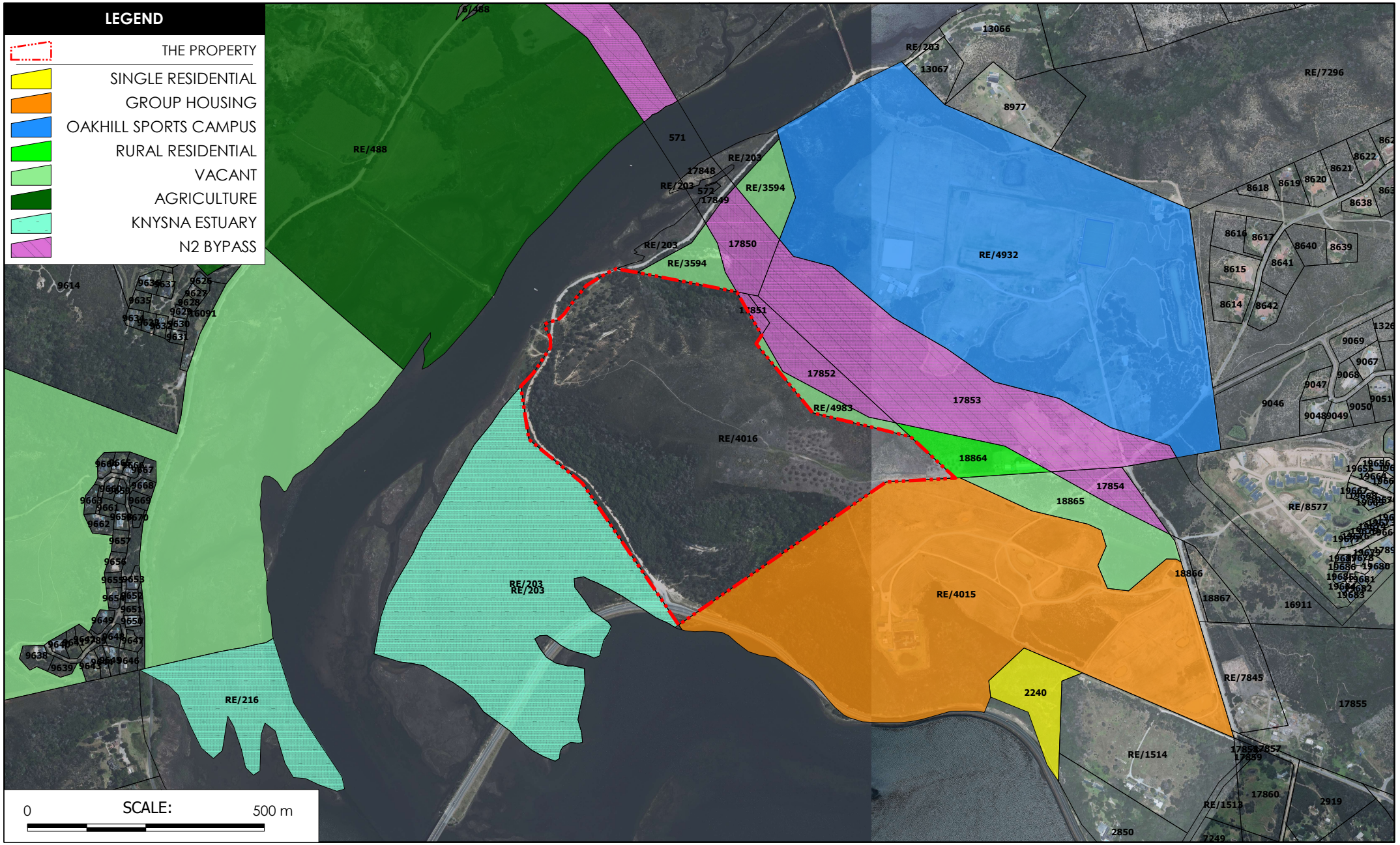
KNYSNA ERF 4016

LOCALITY PLAN

Projection: Transverse Mercator
Centre Lon: 22°59'47" E
Centre Lat: 34°01'25" S
Created: 2020/06/25
Scale: 1:13000

Stored: Y:\GIS\Appointed Projects\Pr1941 - Knysna Erf 4016\GIS - SDP new.map

Marike Vreken
Urban & Environmental Planners
Stads & Omgewingsbeplanners
21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
☎(044) 382 0420
(086) 459 2987
e-mail: info@vreken.co.za
web: www.vreken.co.za



KNYSNA ERF 4016

LAND USE PLAN

Projection: Transverse Mercator
Centre Lon: 22°59'52" E
Centre Lat: 34°01'24" S
Created: 4/17/2025
Scale: 1:10000

Stored: Y:\GIS\Appointed Projects\Pr2502- Knysna Erf 4016\Land Use Plan.map

Marike Vreken
Stads & Omgewingsbeplanners
Urban & Environmental Planners
21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
☎(044) 382 0420
(086) 459 2987
e-mail: info@vreken.co.za
web: www.vreken.co.za

KNYSNA ERF 4016

APPLICATION FOR:

PERMANENT DEPARTURE & SDP APPROVAL

CLIENT: AUTUMN STORM INVESTMENTS 200 PROPRIETARY LIMITED

PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS

APRIL 2025

CONTENTS

(I) TABLE OF CONTENTS

SECTION A : BACKGROUND 1

1. BACKGROUND 1

1.1. Pre-Application Consultation 2

2. THE APPLICATION 2

3. PROPERTY DESCRIPTION, SIZE & OWNERSHIP 3

SECTION B : PROPOSAL: DEVELOPMENT ALTERNATIVES 4

4. DEVELOPMENT SPECIFICATIONS 4

4.1. Access and Parking 5

5. STATUTORY SPECIFICATIONS 6

5.1. Permanent Departure 6

5.2. Permission Required in Terms of the Zoning Scheme (SDP) 7

5.3. Knysna Municipality Zoning Scheme By-law (2020) 7

6. MUNICIPAL SERVICES INFRASTRUCTURE 8

SECTION C : CONTEXTUAL INFORMANTS 9

7. LOCALITY 9

8. CURRENT LAND USE & ZONING 9

8.1. Land Use 9

8.2. Zoning 10

9. SITE CHARACTERISTICS 11

9.1. Topography 11

10. CHARACTER OF THE AREA 12

11. EXISTING POLICY FRAMEWORKS 15

11.1. Western Cape Provincial SDF (2014) 15

SECTION D : STATUTORY REQUIREMENTS 23

12. ASSESSMENT OF APPLICATIONS 23

12.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) 23

12.2. Knysna Spatial planning and Land Use Management Bylaw 2021 23

13. CONSISTENCY WITH SPATIAL PLANNING POLICIES 24

14. REASON FOR DEPARTURE 25
15. NEMA AUTHORISATION 25
16. DESIRABILITY 26
17. NEED FOR ON-SITE FARM MANAGEMENT 26
18. AVAILABILITY OF SERVICES 27
19. CONSISTENCY WITH THE CHARACTER OF THE SURROUNDING AREA 27
20. NO IMPACT ON EXISITNG RIGHTS 27
21. RELEVENT CONSIDERATIONS, WESTERN CAPE – ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING 28
22. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014) 29
22.1. Spatial Justice 30
22.2. Spatial Sustainability 31
22.3. Spatial Efficiency 32
22.4. Spatial Resilience 32
22.5. Good Administration 32
23. CONCLUSION 34

(II) ANNEXURES

ANNEXURE A. Environmental Authorisation dated 5 December 2019
ANNEXURE B. Pre-Application meeting minutes
ANNEXURE C. Determination application
ANNEXURE D. Signed Power of Attorney and Company Resolution
ANNEXURE E. Application Form
ANNEXURE F. Title Deed (T45929/2019)
ANNEXURE G. Surveyor General Diagram (SG No. 4467/85)

(III) PLANS

PLAN 1. Locality Plan
PLAN 2. Site Development Plan
PLAN 3. Land Use Plan

(IV) TABLE OF FIGURES

FIGURE 1. Knysna Erf 4016 1
FIGURE 2. Extract of SG No. 4467/85 3
FIGURE 3. Extract - Site Development Plan 4

FIGURE 4. As-built Main Farmhouse 5
FIGURE 5. Access To The Property 5
FIGURE 6. Access Servitude 6
FIGURE 7. Extract – Knysna Municipality Zoning Scheme By-law (2020) 7
FIGURE 8. Locality 9
FIGURE 9. Land Use 10
FIGURE 10. *MAIN FARM HOUSE* 10
FIGURE 11. Extract - Knysna Zoning 10
FIGURE 12. Contours on Knysna Erf 4016 11
FIGURE 13. Areas Steeper Than 1:4 11
FIGURE 14. Land Uses in the Surrounding Area 12
FIGURE 15. Oakhill School Sport Campus 12
FIGURE 16. Knysna Lifestyle Estate 13
FIGURE 17. Tonquani Lodge & Spa 13
FIGURE 18. Larenhill Estate 13
FIGURE 19. Signpost on Welbedacht Lane Showing Accommodation Establishments in the Area 14
FIGURE 20. Knysna Timber Village 14
FIGURE 21. Key Transition for the PSDF 15
FIGURE 22. POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT 16
FIGURE 23. Extract - Knysna SDF (2020) 21
FIGURE 24. Extract - Wards Map 22

SECTION A : BACKGROUND

1. BACKGROUND

Knysna Erf 4016 (hereafter known as "the application area") is located in the Welbedacht area, southwest of the Oakhill Sport Campus and is 34,5503 ha in extent. The application area is situated within the urban edge of Knysna and is currently zoned 'Agricultural Zone I' in terms of the Knysna Integrated Zoning Scheme Bylaw (2020).

FIGURE 1: KNYSNA ERF 4016

An Environmental Authorisation was granted for a new disturbance are (50 399m²) to allow the land owner to construct 1x main farm house, 1x farm managers house and 3x out buildings (see attached **ANNEXURE A**: EIA ROD). The disturbance area has been fenced to ensure that no activities proposed on the property are conducted outside of the permitted 50 399m². The development that is allowed within the established clearance area is grazing lands for livestock, dry vineyard, a main dwelling house, a farm manager's house and 3x outbuildings. The main farmhouse, one outbuilding (shed) and a water retaining dam have been constructed on the property within the disturbance area.

The owner of the property wishes to further implement the primary rights of his agricultural property by constructing a farm manager's house and two outbuildings The development parameters as per the Knysna Zoning Scheme By-Law, 2020 however prohibits the construction of agricultural worker accommodation within 1 km of the high-water mark of the sea or a tidal river. Section 20(2) states that "…the Municipality may grant a departure from the development parameters in terms of the Planning By-law…"

Therefore, an application is made in terms of Section 15(2)(g) for permission required in terms of the Knysna Spatial Planning and Land Use Management Bylaw (2021) for the approval of a Site Development Plan, and a permanent departure for the relaxation of the 1km high water mark in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021).

1.1. Pre-Application Consultation

The required pre-application consultation was conducted with the Knysna Municipality on 28 November 2024. The pre-application consultation did not highlight any concerns for the intended application. The minutes of the pre-application consultation meeting have been attached (see attached **ANNEXURE B:** Pre-Application meeting Minutes).

Comments	Response
We rely on the guidance from the Department of Agriculture. It seems that 80sqm is what is considered to be reasonable within the context of the purpose.	The reason for the Agricultural worker accommodation's larger size is due to the tenants of the proposed house having a family of four people, and thus the size of 450m². The family of four will permanently reside within this dwelling house and the prescribed size during the pre-application consultation seems unreasonable. It must be noted that the Knysna Zoning Scheme By-Law, 2020 does provide a size limit for agricultural worker accommodation.
The proposal must address the impact on the tidal river.	The Environmental Impact Assessment took all the environmental informants into account and authorisation was granted. The disturbance area clearly marked, may not be further encroached for additional disturbance or structures. Thus, no additional impact on the tidal river.
The Determination of the Administrative Penalty must consider both use and building works. There is unlawful trading which is taking place on the property and must be addressed.	See attached (**ANNEXURE C**) for the Determination of Administrative penalty application submitted.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by **AUTUMN STORM INVESTMENTS 200 PROPRIETARY LIMITED** (**ANNEXURE D**: Signed Power of Attorney and Company Resolution) to prepare and submit the required application documentation (**ANNEXURE E**: Application Form) for:

(i) A permanent departure, in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021), to allow for an 'agricultural worker's accommodation' within 1 km of the high-water mark of the sea or a tidal river; and

(ii) Application in terms of Section 15(2)(g) of the Knysna Spatial Planning and Land Use Management Bylaw (2021) for a permission required in terms of the zoning scheme for the approval of a Site Development Plan on Knysna Erf 4016.

3. PROPERTY DESCRIPTION, SIZE & OWNERSHIP

A copy of the Title Deed (T45929/2019) and Windeed Copy of Knysna Erf 4016, containing the details outlined below are contained in **ANNEXURE F**. The Surveyor General Diagram for the application area (SG No. 4467/85) is included in **ANNEXURE G**.

Title Deed Number:	T45929/2019
Title Deed Description:	Remainder Erf 4016 Knysna, in the Municipality and Division of Knysna, Western Cape Province
Property Owner:	Autumn Storm Investments 200 Proprietary Limited
Title Deed Restrictions:	There are no title deed restrictions that could prevent the proposed development.
Bonds:	There is no bond registered to the property.
Property Size:	34,5503Ha (Thirty-Four Comma Five Five Zero Three) Hectares
Servitudes:	There are no servitudes registered on the property. The property is entitled to a right of way access servitude road..

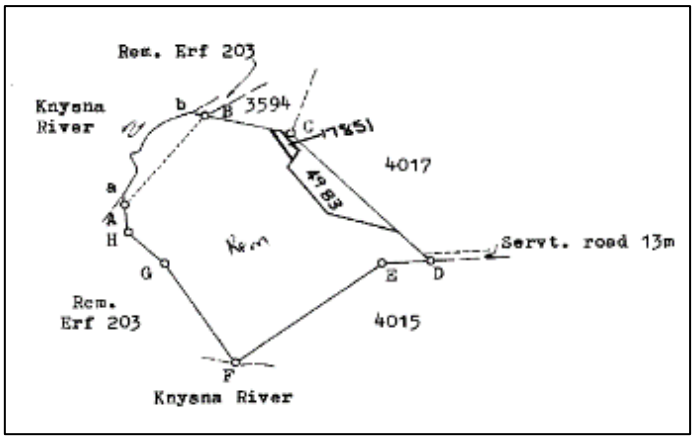


FIGURE 2: EXTRACT OF SG NO. 4467/85

SECTION B : PROPOSAL: DEVELOPMENT ALTERNATIVES

4. DEVELOPMENT SPECIFICATIONS

*(Refer to **Plan 2**: Site Development Plan)*

The owners of Knysna Erf 4016 have constructed a Main Farmhouse with accompanying retaining walls, a storage shed (outbuilding) with accompanying retaining walls and a water retention dam. The Main Farmhouse has eight water tanks located to its west, while the shed has three water tanks situated nearby. Additionally, both the Main Farmhouse and the shed have solar panels installed on their roofs.

Furthermore, the proposed development includes the construction of a Farm Manager's House (450m²) and two additional outbuildings, as indicated on the Site Development Plan. These new buildings will also be equipped with water storage tanks positioned nearby. The already constructed shed is used for agricultural activities such as the processing of fruit and vegetables. The proposed use for the second shed is to process olive oil, lavender oil and rosemary oil, and the third shed will be a cooling room.

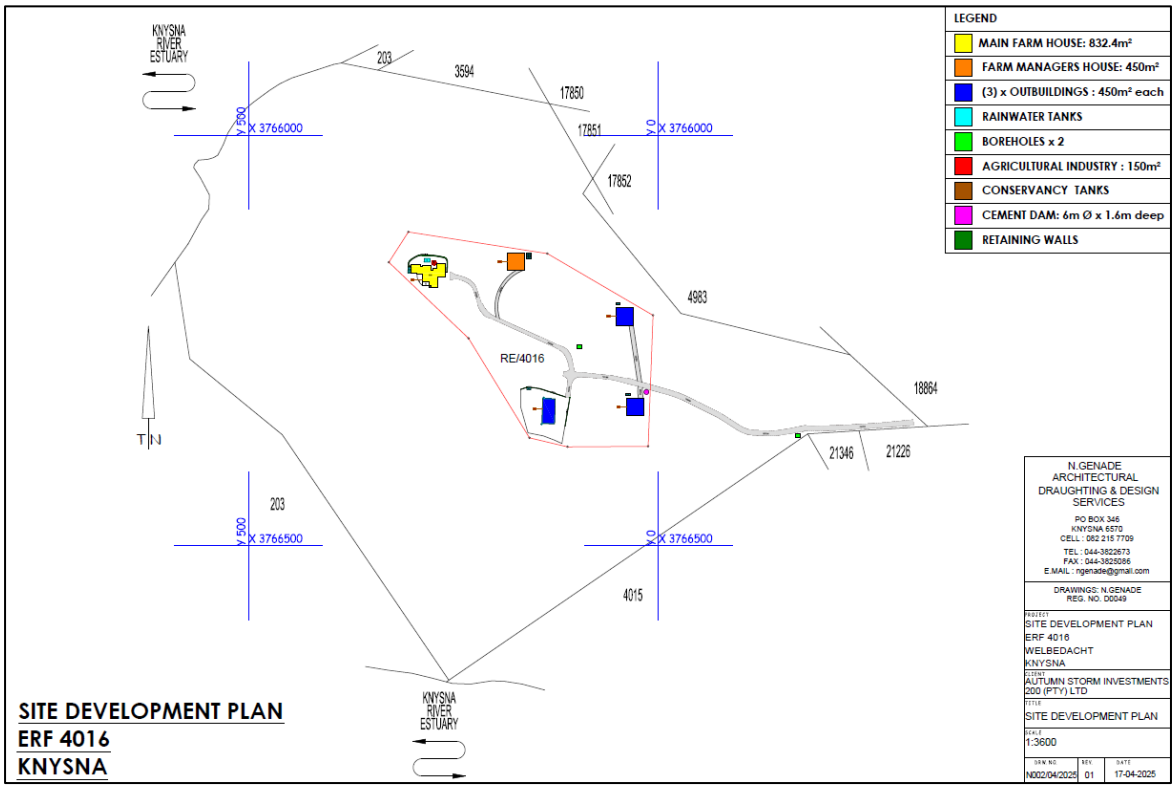


FIGURE 3: EXTRACT - SITE DEVELOPMENT PLAN

The agricultural activities on the property will be divided as follows:

- 1 Ha for planting vegetables (potatoes, cabbage, carrots, onions, beans and tomatos)
- 1.5 Ha to plant lavender and rosemary
- 1 Ha to plant olive trees
- 0.5 Ha for vinyard and fruit

FIGURE 4: AS-BUILT MAIN FARMHOUSE

4.1. Access and Parking

Access to the property is obtained via a servitude road over Erven 17853 and 18864 accessed directly off Welbedacht Lane. Welbedacht Lane is directly connected to the N2 National Road, which is the main access route to Knysna. The servitude road is 13m wide (Gen. Plan No. TP8320).

FIGURE 5: ACCESS TO THE PROPERTY

FIGURE 6: ACCESS SERVITUDE

The Knysna Municipality Zoning Scheme By-law (2020) prescribes 2x parking bays per dwelling. Two dwellings are prescribed on the application area, of which one is already built (Main Farmhouse) and one is proposed (Farm Managers House). The As-Built Main Farmhouse has two double garages, providing parking for four vehicles. The proposed Farm Managers House will comply with the parking provisions as set out in the Knysna Municipality Zoning Scheme By-law (2020). Further buildings situated on the application area are classified as outbuildings and do not have any parking provisions set out, but it must be noted that ample space is available on site for parking.

5. STATUTORY SPECIFICATIONS

The following land development applications are lodged in terms of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021) to achieve the desired outcome:

5.1. Permanent Departure

The development parameters as per the Knysna Zoning Scheme By-Law, 2020 prohibits the construction of agricultural worker accommodation within 1 km of the high-water mark of the sea or a tidal river. Section 20(2) states that ***"...the Municipality may grant a departure from the development parameters in terms of the Planning By-law..."***

Application is therefore made for a permanent departure to allow for agriculture worker accommodation within 1 km of the high-water mark of the sea or a tidal river.

"agriculture" *Land use description: "agriculture" means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, intensive horticulture; intensive animal farming; a riding school or natural veld, and includes:* *(i) the harvesting, cooling, storing, sorting, packing and packaging of agricultural produce grown on that land unit and surrounding or nearby farms.* *(ii) harvesting of natural resources limited to living organisms for delivery to the market;* *(iii) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a* ***dwelling house****, barns,* ***agricultural worker accommodation****.* *(iv) rooftop base telecommunication stations;* *(v) linear infrastructure;* *(vi) agricultural industry;* *and does not include aquaculture, an abattoir, a farm graveyard a farm shop, an animal care centre, any mining activity, utility services and renewable energy structures for commercial purposes.*
"agricultural worker accommodation" *Land use description: "agricultural worker accommodation" means accommodation provided for bona fide agricultural workers, including accommodation for labourers and* ***farm managers****, as determined by the Municipality based on the extent of the bona fide agricultural activities on the land unit.* *Development parameters:* *The development parameters applicable to "agriculture" apply with the following additional development parameters:* *(a) the number of units must be reasonably connected to the bona fide agricultural activities on the land unit; and* ***(b) no agricultural worker accommodation may be erected within 1 km of the high-water mark of the sea or a tidal river.***

5.2. Permission Required in Terms of the Zoning Scheme (SDP)

Knysna Erf 4016 has a primary land use right of agriculture. The development parameters for agriculture require that a Site Development Plan must be submitted for its approval.

(c)	**Site development plan** For any development in this zone, including any part of the land not zoned Agriculture, a site development plan must be submitted to the Municipality for its approval taking specific cognisance of visual impact given the size and scale of the agricultural buildings and facilities and their location in a rural landscape, and their proximity to tourist routes.

FIGURE 7: EXTRACT – KNYSNA MUNICIPALITY ZONING SCHEME BY-LAW (2020)

It is important to note that the process of developing is in line with the primary land use rights on the property commenced when the previous Knysna Zoning Scheme Regulations (1992) were still applicable, which did not require a Site Development Plan to be submitted nor did it prohibit the construction of a farm managers dwelling within 1km of the highwater mark of a tidal river.

An application is made in terms of Section 15(2)(g) of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021) for a permission required in terms of the zoning for the approval of a Site Development Plan.

5.3. Knysna Municipality Zoning Scheme By-law (2020)

A summary of the prescribed development parameters for "Agricultural Zone I (AI)"– 'agriculture' and a comparison of the proposed development's parameters are shown in the table below:

Prescribed Development Parameter		Proposed	Compliance
Primary Use:	'agriculture'	'agriculture'	***COMPLY***
	agriculture worker accommodation	agriculture worker accommodation, *within 1km of the highwater mark*	***APPLICATION REQUIRED***
Building Lines	Road, Street and common boundary: 30m	>30m	***COMPLY***
Height:	Dwelling houses may not exceed 8.5m above NGL ***2 Storeys***	<8.5m <***2 Storeys***	***COMPLY***
	Agricultural Buildings <15m from NGL	<15m	***COMPLY***
Parking	2 parking bays per dwelling unit	4x Garage Parking ***Additional parking will be provided for additional uses and buildings.***	***COMPLY***
	2 bays per 100m² GLA for industry	More than adequate space provided on site, within the disturbance area.	***COMPLY***
Site Development Plan	Site Development Plan must be submitted to the Municipality	Application is made for SDP approval.	***APPLICATION REQUIRED***
Agricultural Industry	Does not exceed total floor area of 2000m².	<2000m²	***COMPLY***

6. MUNICIPAL SERVICES INFRASTRUCTURE

The application area is located within the existing urban fabric. The application area is entirely off the grid. Water is supplied via two boreholes and the catchment of rainwater, while electricity is generated through solar panels installed on the roofs of the buildings. Sewage is managed through the use of conservancy tanks.

The proposed development of the primary land use will not impact the municipality's service infrastructure, and any service upgrades will be at the cost of the applicant.

SECTION C : CONTEXTUAL INFORMANTS

7. LOCALITY

*(Refer to **Plan 1**: Locality Plan)*

The application area is situated north of the Knysna Estuary. It is located along Welbedacht Road, southwest of the Oakhill Sport Campus, it is situated within the urban edge of Knysna, in the residential township known as Eastford. The coordinates for the centre of the property are located at 34° 1'26.69"S and 22°59'57.19"E.

FIGURE 8: LOCALITY

8. CURRENT LAND USE & ZONING

8.1. Land Use

*(Refer to **Plan 3**: Land Use Plan)*

The application area features a Main Farm House (832.4m²) centrally located towards the northwestern central part of the property. A shed (outbuilding) is positioned in the southeastern central part of the property and is used for storing agricultural produce and equipment.

Additional structures on the property include a water-retaining dam. The dam serves as an irrigation source for agricultural activities, such as growing vegetables and maintaining fruit orchards. Several water-retaining tanks are located near both the shed and the Main Farm House, collecting rainwater from the roofs of these structures.

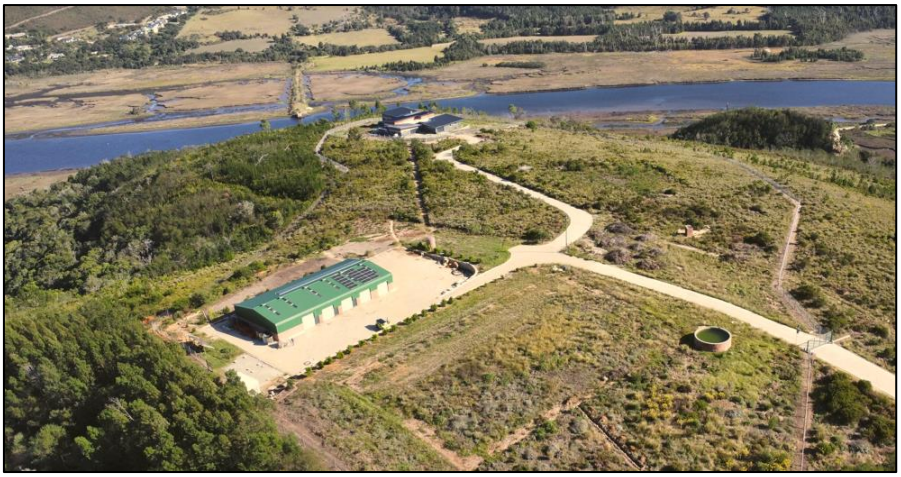


FIGURE 9: LAND USE

FIGURE 10: MAIN FARM HOUSE

8.2. Zoning

Knysna Erf 4016 is currently zoned as 'Agricultural Zone I' in terms of the Knysna Municipality Zoning Scheme By-law (2020).

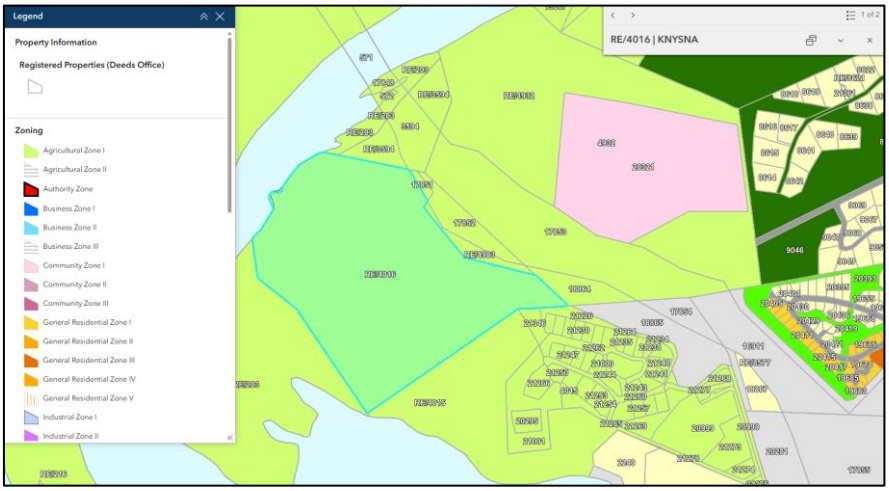


FIGURE 11: EXTRACT - KNYSNA ZONING

9. SITE CHARACTERISTICS

9.1. Topography

The property has steep slopes all along the north, west and south boundaries. The property has a plateau with a gentle slope in the middle of the property. All the proposed structures/buildings are proposed on the plateau, as it is the most level area on the property.

The highest point on the property is at approximately 90msl, which is almost the centre of the property, and the lowest point is at approximately 2msl, which is along the boundary of the property.

No development is proposed in the areas steeper than 1:4, all the structures/buildings are proposed on the flat area (on the plateau).

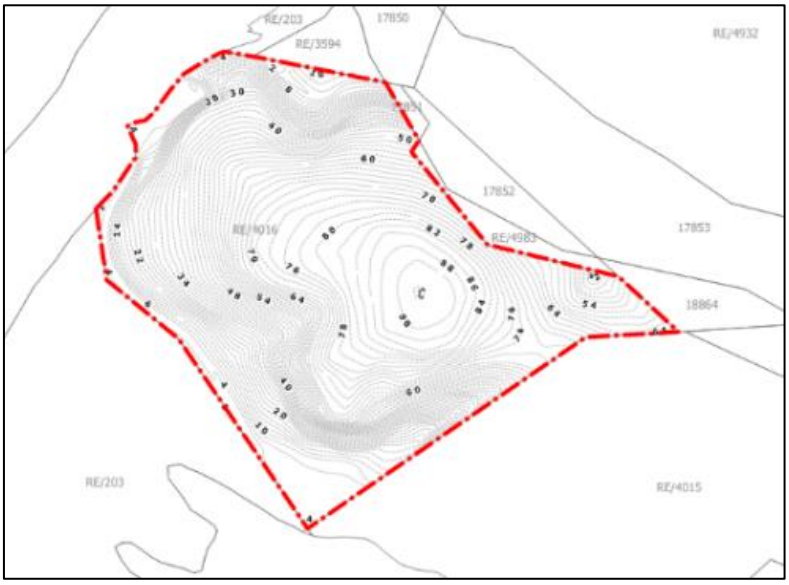


FIGURE 12: CONTOURS ON KNYSNA ERF 4016

FIGURE 13: AREAS STEEPER THAN 1:4

10. CHARACTER OF THE AREA

The area is characterised by mainly high-income residential uses as well as some educational and tourism-related land uses and education/recreation areas. Agricultural uses persist to a limited degree in the area, with some farms on the northern bank of the Knysna River, and other pockets to the south-east. The northern boundary of the property runs along Red Bridge Road. The expropriated future bypass route runs alongside the northeastern portion of the property. The property is effectively wedged between the existing N2, the Knysna River and the new bypass road.

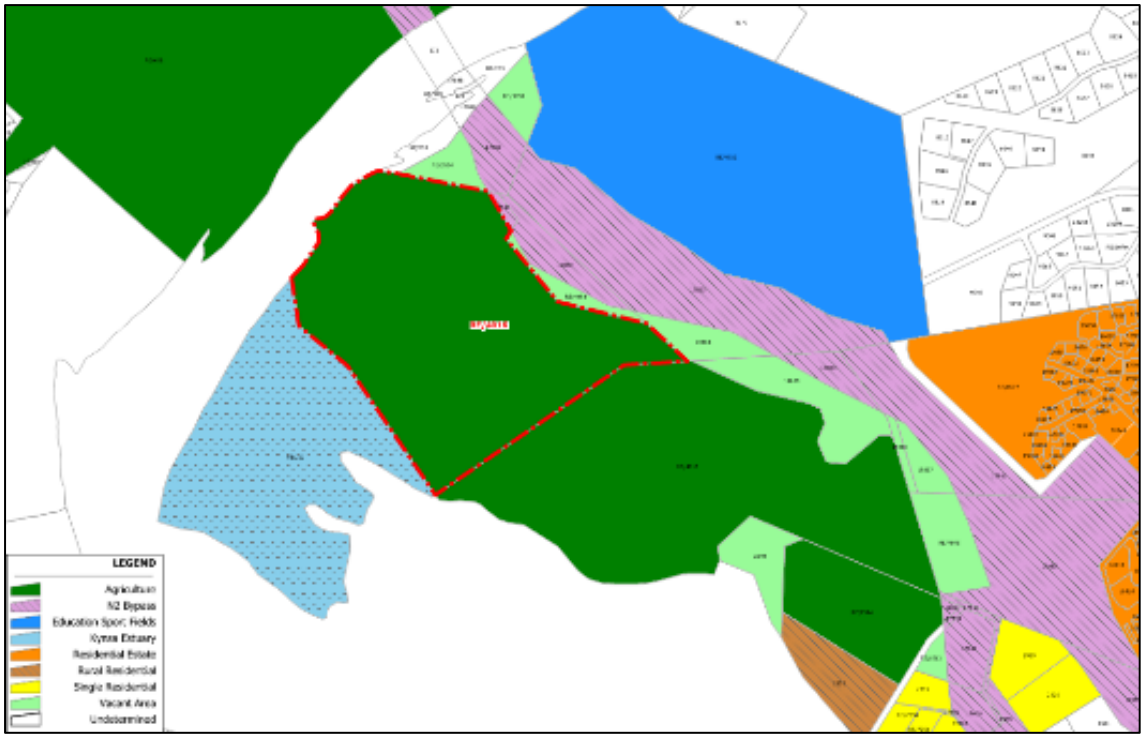


FIGURE 14: LAND USES IN THE SURROUNDING AREA

The Simola Golf and Country Estate which incorporates an extensive golf course is to the northeast of the application area. The Oakhill School Sport Campus is in close proximity of the application area, neighbouring the property on the northern side.

FIGURE 15: OAKHILL SCHOOL SPORT CAMPUS

There has been a considerable increase in residential development in the area in recent years. There are several residential estates in the area, as well as high-income residential land uses on particularly large land parcels. The existing residential estates in the area are generally medium to high income in character and for the most part consist of gated estates that have been harmoniously planned; examples include:

- Knysna Lifestyle Estate
- Welbedacht Estate
- Eastford Ridge Private Nature Reserve
- Eastford Downs Private Nature Reserve
- Knysna Retirement Village
- Kurtzenhof Estate
- Scarteen South Estate
- Larenhill Estate
- Tonquani Lodge & Spa

FIGURE 16: KNYSNA LIFESTYLE ESTATE

FIGURE 17: TONQUANI LODGE & SPA

FIGURE 18: LARENHILL ESTATE

The area is also characterised by tourism related land uses. These include a large proliferation of accommodation establishments, including the 'Knysna Hollow', 'Tonquani Lodge', and 'Badger's Lodge'.

FIGURE 19: SIGNPOST ON WELBEDACHT LANE SHOWING ACCOMMODATION ESTABLISHMENTS IN THE AREA

There are also several tourism and recreation-related land uses in operation in the area. The Knysna Montessori School is located off Welbedacht Lane. The Montessori School is also the site for the 'Friday Market', a public craft market and outdoor entertainment venue that attracts large numbers of visitors on Friday evenings. Also in the area is the Knysna Timber Village, an indigenous woodcarving and furniture-making enterprise that is open to the public.

FIGURE 20: KNYSNA TIMBER VILLAGE

11. EXISTING POLICY FRAMEWORKS

11.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that "communicates the provinces spatial planning agenda".

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Capes strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

The Western Cape's agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth implies the on-going depletion of the Province's natural capital needs to be broken. This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called 'decoupling' of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts. The table below contains a summary of the key transitions promoted in the PSDF:

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastrucutre	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
	Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service

FIGURE 21: KEY TRANSITION FOR THE PSDF

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

The proposed development complements the SDF's spatial goals that aim to take the Western Cape on a path towards:

(i) Greater productivity, competitiveness and opportunities within the spatial economy;
(ii) More inclusive development in the urban areas;
(iii) Strengthening resilience and sustainable development.

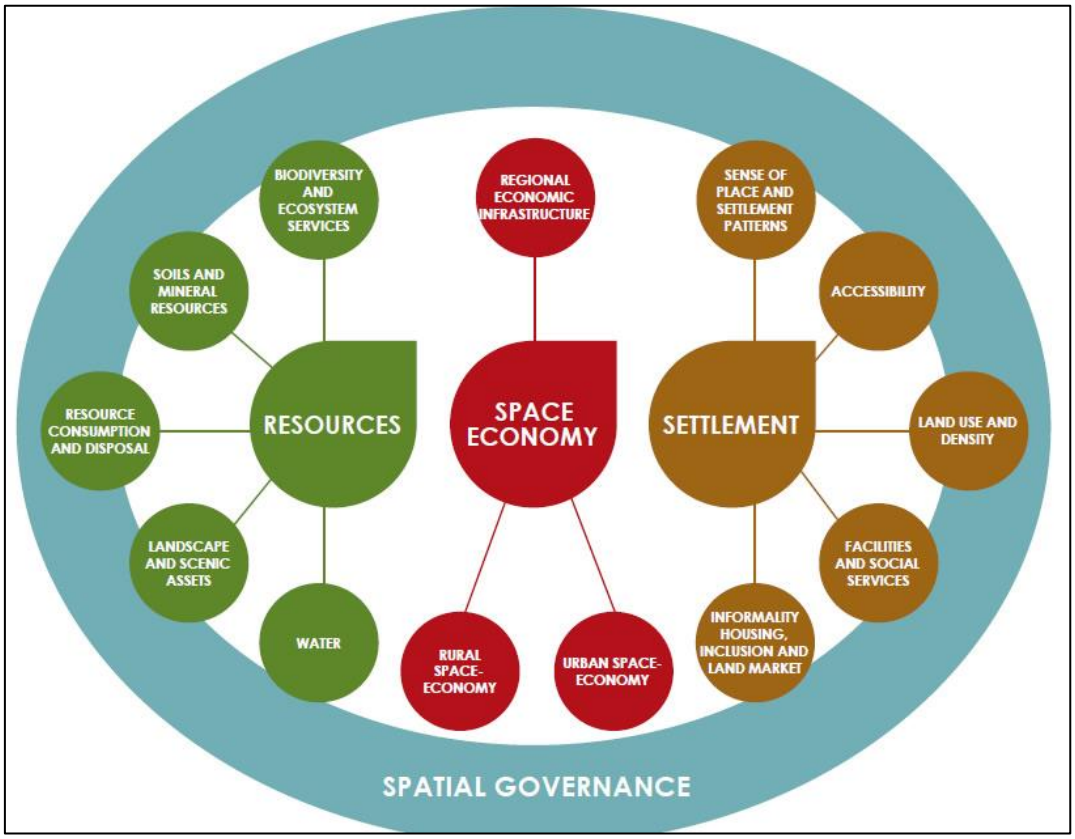


FIGURE 22: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

However, it is important to note some of the key policies laid down by the Western Cape PSDF have a bearing on this application.

POLICY R1: PROTECT BIODIVERSITY & ECOSYSTEM SERVICES

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. The Western Cape's CBA mapping which CapeNature is currently updating and refining, together with the draft priority climate change adaptation corridors delineate the Western Cape's biodiversity network. Continue to use	*Even though large portions of the property are earmarked for CBA's, Environmental authorisation has been granted, permitting a disturbance area of 50 399 m² (**ANNEXURE A**: Record of Decision)*

CBA mapping to inform spatial planning and land use management decisions in the Province.	*The proposed buildings are strategically placed in the permitted disturbed areas. It should be noted that the proposal is merely to allow the land uses that are within the primary rights of the property.*

POLICY R3: SAFEGUARD THE WESTERN CAPE'S AGRICULTURAL & MINERAL RESOURCES, AND MANAGE THEIR SUSTAINABLE USE

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. Record unique and high potential agricultural land (as currently being mapped by the Provincial Department of Agriculture) in municipal SDFs, demarcate urban edges to protect these assets, and adopt and apply policies to protect this resource (especially in areas where raw water is available)	*The proposal seeks to amend the SDP to allow for grazing lands for livestock, a dry vineyard, a main dwelling house, a farm manager's house and 3 outbuildings, which will contribute to the agricultural production on the property.* *The agricultural potential is limited due to the steep slopes and sensitive vegetation areas, however, Environmental authorisation has been granted, allowing the proposal.* *The proposal also ensures that the property retains its agricultural zoning, thereby protecting valuable farmland that relies on raw water sources such as groundwater and rainwater* *It is, therefore, the proposal to allow the proposed uses, in order for the owner to effectively farm the property to generate income of the property while exercising the primary land use on the property.*
4. Use transformed areas first for new farming and mining ventures.	*The proposed development is strategically placed on existing and permitted disturbed areas.*

POLICY E1: USE REGIONAL INFRASTRUCTURE INVESTMENT TO LEVERAGE ECONOMIC GROWTH

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. Consolidate and align the various regional economic infrastructure investment proposals (i.e. SIPs, SOEs, National or Provincial Departments) in integrated regional SDFs for the Cape Metro, greater Saldanha Bay/Vredenburg, and Mossel Bay/ George regions.	*The development proposal is in line with Knysna's 'SDF & IDP'.* *The application area is inside the urban edge and wishes to further develop the primary rights of the property.*
9. Employ off-grid infrastructure technologies to serve new development outside the urban edge. Align public transport planning with spatial planning (i.e. complementary plans for settlement intensification along designated public transport corridors). Use off-grid technologies when the upgrading of infrastructure is required in small towns with no apparent growth potential.	*Even though the property is inside the urban edge, the property makes use of off-grid infrastructure (refer to **Par. 6**) and therefore, no service network upgrades are required.*

POLICY E3: REVITALISE & STRENGTHEN URBAN SPACE-ECONOMIES AS THE ENGINE OF GROWTH

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc) to be targeted to lever the regeneration and revitalisation of urban economies.	*The property currently has one outbuilding and the main farmhouse on the property (within the urban edge); in order for the property owner to effectively use his property, further development is required, as discussed in* ***Par.4.*** *The owner wishes to develop the primary rights of the property in order to farm the property productively and efficiently.* *When the farm manager is able to live onsite, he will be able to contribute to the agricultural sector, reducing travel time and costs to the application area.*

POLICY S1: PROTECT, MANAGE & ENHANCE SENSE OF PLACE, CULTURAL & SCENIC LANDSCAPES

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
2. Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.	*The application area is inside the urban edge. The proposal seeks approval to allow the primary land use right on the property to its fullest potential within a permitted disturbance area of 50 399 m^2.*

Planning Implication:

The Western Cape Spatial Development framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposal development is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework, for the following reasons.

The application area is situated ***inside the urban edge*** *of Knysna. The provincial SDF is a provincial-scale planning document rather than a municipal-scale. This means that an application for a permanent departure and permission required in terms of the zoning scheme are not directly applicable to the spatial planning policies of the PSDF. The proposal is on such a small scale it is difficult to indicate how it will comply or deviate from the Western Cape Spatial Development Framework, which applies to provincial scale planning.*

The proposal ensures the efficient use of the land to obtain the maximum potential, complies with strategic objectives as set out by the Western Cape Spatial Development Framework and is directly in line with policies R1 No 1, R3 No 1, E1 No 1 & 9, E3 No 5 and S1 No 2.

11.2. Draft Garden Route Regional Spatial Development Framework (2019)

The draft Garden Route (Southern Cape) Regional Spatial Development Framework provides development guidelines for the Garden Route District, aligning with the 2014 Provincial

Spatial Development Framework. This framework emphasizes three urban priority regions in the Western Cape: the Greater Cape Functional Region, the Greater Saldanha Region, and the Southern Cape Region. The Southern Cape, identified as a provincial leisure and tourism coastal belt, includes key regional centres like Mossel Bay, George, Knysna, and Plettenberg Bay.

The Southern Cape Regional Plan aims to stimulate inter-municipal growth, support integrated sustainable development, and manage urban and rural areas. Its core objectives include fostering regional development opportunities, promoting a regional approach to sustainable development, and improving urban and rural area management practices. The plan outlines specific roles for identified towns to drive coordinated infrastructure investment and contribute to the provincial economy.

The plan addresses various aspects:

[a]. Provides a coherent spatial vision for the Southern Cape functional region, considering environmental, social, and economic factors.

[b]. Offers guidance on rational and predictable infrastructure, economic, and land use planning within the region.

[c]. Takes a regional approach to address environmental management, human settlement provision, economic development, infrastructure, transport, landscape character, sense of place preservation, and heritage.

[d]. Expresses the Provincial Spatial Development Framework at the regional level, elaborating on the role of specific towns in the growth and development of the region.

[e]. Addresses environmental perspectives.

[f]. Considers social perspectives.

[g]. Examines economic perspectives.

Planning Implication:

The Southern Cape Regional Plan is a comprehensive framework focused on promoting sustainable development, managing growth, and leveraging the economic potential of key towns within the region, taking into account environmental, social, and economic considerations.

The application area is located inside the urban edge of Knysna. The proposal is to allow a Farm Manager's House and two outbuildings. The proposed buildings are permissible within the current zoning and are considered the primary rights of the property and within the approved disturbed area. The proposed land use is sustainable as it is fully of the grid and makes use of no municipal services.

The proposal will also contribute to the economic development of Knysna as agricultural activities are being conducted on the property and job opportunities will be created by the further development on the property. All activities and development will be constructed and

conducted on the permitted disturbance 50 399m²area. It is important to note that the disturbance area is fenced, preventing any further disturbance on the property. Therefore, the proposal is in line with Spatial Policy Statements & Guidelines of the Eden SDF and the vision for Knysna.

11.3. Knysna Municipal Spatial Development Framework (2020)

Knysna Municipality has adopted and implemented a new Spatial Development Framework (June 2020). The purpose of the Knysna SDF is to provide relevant background information regarding the biophysical, economic and social context of the Knysna Municipality. The Knysna Municipality Spatial Development Framework serves as a policy framework for spatial development within the local municipality.

The SDF is the primary spatial tool for guiding development within the municipal area. The SDF echoes the principles laid down by the provincial SDF, including densification, the importance of compact settlements and walkability and the promotion of a mixture of uses in close proximity to one another. The Spatial Vision of the municipality is to create a long-term, sustainable land use pattern and build on the Knysna Municipality's integrated development vision to be Inclusive, innovative and inspired. The complementary spatial planning vision leading the Knysna MSDF is to:

"…Establish Knysna as an authentic place that works for all of its residents and continues to attract visitors. Build an equitable and inclusive society within a sustainable and resilient ecosystem…"

According to the Knysna Municipality Spatial Development Framework (SDF), the application area is:

- Is located inside a Regional Services Centre for Managed Growth.
- Is located inside the urban edge of Knysna.
- Is situated near areas that are marked as Consolidation Area.
- Is situated near areas that are marked as Priority Investment Areas.

The Spatial policies and policy guidelines guide decision-making on resource allocation, sector planning, land use management and land development programmes. The proposal is on such a small scale that it will not influence any of the key policies of the SDF.

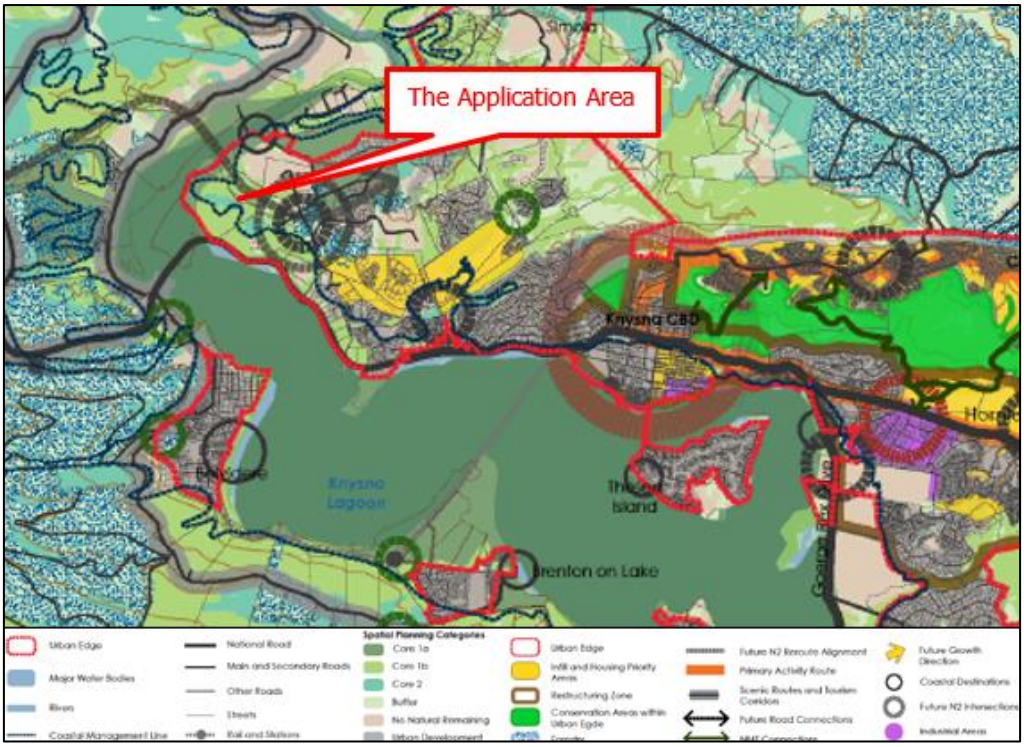


FIGURE 23: EXTRACT - KNYSNA SDF (2020)

Planning Implication:

*The application area is situated **inside the urban edge** of Knysna and is suitable for agricultural development. To lawfully allow for the permanent departure and the permission required in terms of the zoning scheme is on such a small scale that it will not influence any policies or guidelines in the Knysna SDF.*

*The proposed development on the application area will not impact the service supply of Knysna Municipality, as the property is currently and will continue to be off the grid, as discussed in **Par. 6**.*

11.4. Knysna Integrated Development Plan (2023)

The Integrated Development Plan (IDP) serves as the core strategy for Knysna Municipality, unifying various sector and statutory plans. Legislatively mandated by the Municipal Systems Act (Act 32 of 2000, section 25), the IDP integrates input from residents, businesses, and investors through municipal processes. It outlines the municipality's long-term vision and strategies for achieving it, aligning with the legal requirement that the IDP be the principal guide for all municipal planning and development within the jurisdiction, as stipulated by the Municipal Systems Act.

The municipality's primary strategy is driven by section 35 of the Municipal Systems Act (MSA), which designates the Integrated Development Plan (IDP) as the key strategic planning tool. The IDP serves as the overarching guide for all aspects of planning, management, and development within the municipality, aiming to achieve specific objectives outlined in the section.

Knysna IDP Strategic Objectives
• Providing household infrastructure and services where it is most needed; • Create loveable local towns and rural areas; • Building vibrant and inclusive local economies; and • Facilitating community empowerment and development

FIGURE 24: EXTRACT - WARDS MAP

The application area is located in **Ward 10** of the Knysna Municipality. None of the issues raised in the community for Ward 10 apply to the proposed development.

Planning Implications

The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. The proposed land development will provide new and additional economic growth prospects.

The proposed application will not directly contribute to any of the Ward-based issues/priorities, but it is important to note that the proposal does not contradict any of them or the desired outcome for this ward. The property owner will create various permanent and temporary employment opportunities when he is able to develop the primary rights of the property. It is the considered opinion that the proposal to allow the primary rights is in line with the Knysna IDP.

SECTION D : STATUTORY REQUIREMENTS

12. ASSESSMENT OF APPLICATIONS

12.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

(1). Development principles set out in Chapter 2 of SPLUMA

(2). Protect and promote the sustainable use of agricultural land

(3). National and provincial government policies the municipal spatial development framework; and take into account: —

(i) the public interest;

(ii) the constitutional transformation imperatives and the related duties of the State;

(iii) the facts and circumstances relevant to the application;

(iv) the respective rights and obligations of all those affected;

(v) the state and impact of engineering services, social infrastructure and open space requirements; and

(vi) any factors that may be prescribed, including timeframes for making decisions.

12.2. Knysna Spatial planning and Land Use Management Bylaw 2021

The Knysna Spatial Planning and Land Use Management Bylaw (2021) as promulgated by G.N 8492 dated 17 September 2021 states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application. The following criteria must be considered when evaluating the desirability of this land development application:

Decision-making Criteria	Reference in Report
The impact of the proposed land development on **municipal engineering services**.	Par.6
The **integrated development plan**, including the municipal spatial development framework.	Par.11.4
The applicable **local spatial development frameworks** adopted by the Municipality.	Par.11.3

Decision-making Criteria	Reference in Report
The applicable **structure plans**.	*n/a*
The applicable **policies of the Municipality** that **guide decision-making**.	Par.12.2
The **provincial spatial development framework**.	Par.11.1
where applicable, a **regional spatial development framework** contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework.	Par 11.2
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par.12.1
The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act; Principles referred to in **Chapter VI (6) of the Western Cape Land Use Planning Act**; and	Par. 22
applicable provisions of the **zoning scheme**	Par.5.3

13. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in Par.11 of this report, the proposal is consistent with the relevant spatial planning policies (Western Cape Provincial SDF, Knysna SDF and the Knysna IDP) for the following reasons:

(i) The proposal is within the Knysna urban edge, and due to its small scale, it does not significantly affect or contradict the broader provincial-level objectives of the Western Cape SDF.

(ii) The development efficiently utilizes land and complies with several relevant policies outlined in the Western Cape SDF.

(iii) The Southern Cape Regional Plan supports sustainable growth, and the proposal aligns with this by balancing environmental, social, and economic goals.

(iv) The proposed buildings fall within existing zoning rights, are located in a designated disturbed area, and operate off-grid, supporting sustainable land use.

(v) The proposal contributes to Knysna's economic development through agricultural activities and job creation, while adhering to the Eden SDF and Knysna's vision.

(vi) Due to its small scale and location within the urban edge, the required zoning permissions will not impact policies in the Knysna SDF.

(vii) The proposal remains off-grid and will not place any demand on Knysna Municipality's service infrastructure.

(viii) The Integrated Development Plan (IDP) guides municipal planning and funding, and the proposal supports economic growth in line with this vision.

(ix) While the proposal does not directly address ward-specific priorities, it aligns with the overall objectives and will provide employment opportunities through the development of primary property rights.

14. REASON FOR DEPARTURE

The development parameters as per the Knysna Zoning Scheme By-Law (2020) prohibit the construction of agricultural worker accommodation within 1 km of the high-water mark of the sea or a tidal river. With the size of the property and the locality of the application area to Knysna River, most of the property falls within the 1km high water mark.

The entirety of the 50 399 m² permitted disturbance area is located within the 1km high water mark, and therefore, there is no portion of the property where the agricultural worker accommodation can be constructed that does not fall within the 1km high water mark. This approved clearance area includes the proposed site for the agricultural worker accommodation.

Therefore, the application is made to allow for the agricultural worker accommodation within the 1km high water mark, as discussed in **Par. 5.1**.

It is important to note that the process of developing in line with the primary land use rights on the property commenced when the previous Knysna Zoning Scheme Regulations (1992) were still applicable, which did not require a Site Development Plan to be submitted nor did it prohibit the construction of a farm managers dwelling within 1km of the highwater mark of a tidal river.

While zoning regulations are important to guide land-use decisions, they should not be applied rigidly when reasonable justifications for departures exist, especially when the broader public interest, including agricultural production and responsible farm management, can be served. The strict application of the 1km boundary may not be relevant in this specific case, given the environmental authorisation and the limited scope of the proposed development. Therefore, a flexible approach that considers the broader functionality of farm management and environmental sustainability would be more beneficial in this context.

15. NEMA AUTHORISATION

An Environmental Authorisation was granted for a new disturbance area (50 399 m²) to allow the landowner to construct 1x main farmhouse, 1x farm manager's house and 3x out buildings (refer to attached plan), which is a primary land use right for Agriculture Zone I properties. The proposal is now to implement this approval, however, the town planning regulations have since changed.

NEMA also links the desirability of development to the concept of the "best practicable environmental option"; this refers to the option that provides the most benefit and causes the least damage to the environment, at a cost acceptable to society, in the long term as well as in the short term.

The site selection process followed a two-stage approach; firstly, to identify desktop environmental constraints, and secondly, to select the footprint of the proposed development within the property by means of a site selection matrix to determine the suitability of this site. The result shows a score of 100 out of a maximum of 102, thus confirming that the site is the most optimal. The owner has limited areas to place the buildings as the property has large areas that are too steep to develop on.

The most critical point is that environmental authorisation has already been granted for the proposed development. This suggests that the project has been assessed by relevant authorities,

and it has been determined that the proposed farm manager's house will not have significant negative impacts on the local environment, particularly in relation to the tidal river and its surrounding ecosystem. This provides the foundation for the departure from the zoning regulations, as the environmental clearance implies that the necessary precautionary measures have been taken to safeguard the natural environment. The landowners are not planning any other development on the remainder of the property and would like to conserve it undeveloped.

16. DESIRABILITY

The concept "desirability" in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned. This section expresses the desirability of the permanent departure and permission required in terms of the zoning scheme taken in conjunction with the development principles and criteria set out through the statutory planning framework, as well as the degree to which this proposal may be considered within the context of broader public interest. It is the considered opinion that the initial investigation into the desirability of the proposal reveals no obvious negative impacts.

The proposed permanent departure and permission required in terms of the zoning scheme are considered desirable as it is not in conflict with the spatial development policies and provision of services and do not negatively impact any surrounding landowners' rights. Furthermore, the approval of the application will not have a negative impact on the characteristics and functionality of the area, nor will the approval negatively affect any members of the public, as the operation of the site will continue to be as it currently is. The proposal is in line with the spatial patterns of the area.

Allowing the property owner to exercise his primary rights will unlock the full potential of the property (within its current zoning) and it will allow for an increase in local expenditure. The development of the property will create employment opportunities and it will allow the owner to effectively farm his property.

It will be to the benefit of many role-player's if the property is allowed to develop its primary rights. The owner will be able to farm effectively, create permanent and temporary employment opportunities, contribute to local expenditure and will be able to contribute to the economic growth of the town. It is therefore the considered opinion that the timing is correct for this development proposal.

17. NEED FOR ON-SITE FARM MANAGEMENT

A farm manager's house is essential for the day-to-day management of agricultural operations. The proximity of the house to the farm enables the manager to effectively oversee farming activities, attend to emergencies, monitor livestock, and manage the farm's operational needs in real-time. Locating the house within 1km of the tidal river is beneficial for ensuring that farm management can be responsive to both operational and environmental factors, which might affect the farm's productivity.

In cases like this, it can be argued that the development of a farm manager's house within 1km of the tidal river is not only environmentally permissible but also aligns with best practices for sustainable farming. The presence of a manager on-site enables more effective land-use planning and can reduce environmental risks through careful monitoring.

The farm manager's house is also an important component for the economic viability of the farm, ensuring that it remains operational and profitable. In many rural areas, on-site management can lead to improved productivity, better crop/livestock care, and a more responsive approach to market demands. Additionally, the establishment of a permanent residence for the farm manager could contribute to social benefits, including the creation of employment opportunities and fostering rural development.

18. AVAILABILITY OF SERVICES

The application area is located within the urban edge of Knysna and the development that is proposed on the application area is entirely off the grid. No municipal services are required by the proposal, as water is and will be supplied via two boreholes and the catchment of rainwater. Electricity is and will be generated through solar panels situated on the roofs of the houses and outbuildings. Sewage is managed through the use of conservancy tanks.

The proposed development of the primary land use will not impact the municipality's service infrastructure, and any service upgrades will be at the cost of the applicant

19. CONSISTENCY WITH THE CHARACTER OF THE SURROUNDING AREA

The area is characterised by mainly high-income residential uses as well as some educational and tourism-related land uses and education/recreation areas. Agricultural uses persist to a limited degree in the area, with some farms on the northern bank of the Knysna River, and other pockets to the south-east.

Furthermore, the proposed development will introduce a sustainable model of living which is in harmony with the environmental policies of the region. The utilization of renewable energy sources and water management systems ensures minimal environmental footprint, aligning with the principles of sustainable development.

The design and layout of the accommodation aim to integrate seamlessly with the natural landscape, ensuring that visual and ecological impacts are mitigated. The careful planning of the site ensures that the agricultural worker accommodation will not only meet the housing needs but also enhance the aesthetic and environmental quality of the area. As there are further agricultural uses in the area and the fact that the proposal is to utilise the property in accordance with the primary land use, it can be determined that the application area is consistent with the character of the surrounding area.

20. NO IMPACT ON EXISITNG RIGHTS

The application area is situated within the urban edge, with an approved developable area of 50 399 m². The proposal is also in line with the primary land use permitted under the current zoning

of the property. The surrounding area is dominated by mainly high-income residential uses as well as some educational and tourism-related land uses and education/recreation areas. Agricultural uses persist to a limited degree in the area, with some farms on the northern bank of the Knysna River, and other pockets to the south-east.

The proposal does not impact the rights of the surrounding erven and will not prohibit any of the surrounding properties from exercising their rights.

21. RELEVENT CONSIDERATIONS, WESTERN CAPE – ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING

The following key considerations are taken into account to determine the desirability of the proposed land use:

Elements for Consideration	Key Questions to Ask	Proposal's Desirability
Economic impact	Positive or Negative Impact on neighbourhood / settlement?	*(i) Positive impact* *(ii) Creation of temporary and permanent job opportunities.* *(iii) Creation of produce for distribution.* *(iv) No impact on surrounding property owners or their rights.*
Social impact	Greater social justice, equity of access to opportunity	*(i) The surrounding property owners will not be negatively affected by the proposal, the departure will not prohibit any of the adjoining landowners to exercise their primary rights.* *(ii) Creation of job opportunities.*
Scale of capital investment	> capital investment - > positive impact	*Investment by the landowner to develop the property in accordance with the primary land use permitted.*
Compatibility with surrounding land uses		*See **Par.10** & **Par.19** – the proposal is consistent with the surrounding land uses and erf sizes in the area.*
Impact on external engineering services	How much must the developer contribute to municipal costs incurred?	*See **Par.** Error! Reference source not found. **& Par. 18 –** no impact as proposal is and will continue to be fully off the grid.*
Impact on safety, health & wellbeing of the surrounding community		*Refer to **Par. 18, 18 & 19***

Elements for Consideration	Key Questions to Ask	Proposal's Desirability
Impact on heritage		*No Heritage Impact*
Impact on the biophysical environment	Are there negative impacts? Are they adequately mitigated?	*(i) Within urban edge.* *(ii) Approval granted for development within 50 399m² disturbance area. See **ANNEXURE A**.* *(iii) Allowing development within the urban edge prevents urban sprawl.*
Traffic impacts, parking access, other transport considerations	Support for densification & functional public transport system?	*See **Par.**Error! Reference source not found. – no impact – existing accesses will be retained and parking will be provided in accordance with the parking provisions. The proposal will not have any traffic impact.*
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		*(i) No impact.* *(ii) Fits within the character of the area.*
Timing – need to densify or protect urban edges	The best option for the site at this point?	*(i) The application area is within the urban edge.* *(ii) Comply with all the development parameters of the zoning scheme.* *(iii) See **Par.** Error! Reference source not found.*
Cumulative impacts	Unacceptable cumulative impacts?	*Only positive impacts. No impact on any of the surrounding property owners.*
Opportunity costs	Any unacceptable opportunity costs?	*No municipal funding is required.*
Alignment with SDF's		*Refer to **Par. 11***

***Note**: LUPA (Land Use Planning Act) does not refer to a lack of desirability, nor does it require there to be a positive advantage (i.e. the absence of a positive advantage should not automatically lead to a decision to refuse).*

22. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to

provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

Section 59 of this Act prescribes the Land Use Planning Principles that apply to all land development in the Province. These are summarised in the tables below. The tables below aim to summarise how the proposed development on Knysna Erf 4016 complies with these principles.

22.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	**COMPLY**	The site is currently partially developed, with further development proposed on the application area, which will improve the use of land in Knysna.
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Not applicable	• *This policy is not applicable to the application area.* • *Not a Spatial Development Framework or Policy.*
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	This policy is not applicable to the application area.
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	Not applicable	This policy is not applicable to the application area.
Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.	Not applicable	This policy is not applicable to the application area.
A competent authority contemplated in this Act or	**COMPLY**	The proposal has no effect on the surrounding properties and will not decrease the value of

Criteria	Compliance	Planning Implication
other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.		surrounding erven. The proposal is merely to allow the primary rights to develop further a farm manager's house and two outbuildings.
The right of owners to develop land in accordance with current use rights should be recognised.	**COMPLY**	The proposal is directly in line with the primary rights in the current zoning. It allows the landowner to develop the land in accordance with their preferences.

22.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;	**COMPLY**	The proposal will contribute to additional capital income in the form of further development, which contributes to the agricultural use of the property. The as-built structures and proposed structures are resource frugal as they make use of solar panels and the catchment of rainwater, meaning no service capacity is required from the municipality.
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	**COMPLY**	Knysna Erf 4016 will remain agricultural zoned and no land use applications is required for the proposed development as it falls within the primary rights.
Uphold consistency of land use measures in accordance with environmental management instruments.	**COMPLY**	Environmental Authorisation has been granted, permitting a disturbance area of 50 399 m².
Promote and stimulate the effective and equitable functioning of land markets.	Not Applicable	This policy is not applicable to the application area.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	**COMPLY**	No additional service network upgrades are required, the as-built structures and the proposal make use and will make use of off-grind services. Any service upgrades at the cost of the applicant.
Promote land development in locations that are sustainable and limit urban sprawl.	**COMPLY**	The application area is inside the urban edge and the proposed development will not contribute to urban sprawl.
Result in communities that are viable.	**COMPLY**	The land use will create additional permanent & temporary employment opportunities for the area in the construction phase and operation phase.

Criteria	Compliance	Planning Implication
Strive to ensure that the basic needs of all citizens are met in an affordable way.	Not Applicable	This principle is not applicable to the applicant or this development.
The sustained protection of the environment should be ensured.	**COMPLY**	Environmental Authorisation has been granted, permitting a disturbance area of 50 399 m². The disturbance area is fenced to ensure that all activities take place within the 50 399 m² disturbance area.

22.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	**COMPLY**	A Dwelling house, agricultural activities, a shed and a water retaining dam have been constructed on the application area. The applicant wishes to construct an agricultural worker's accommodation and two additional outbuildings for farming activities and to optimize the use of land. All current and proposed land uses are in accordance with the primary land use.
Integrated cities and towns should be developed.	Not Applicable	This principle is not applicable to the applicant or this development.
Policy, administrative practice and legislation should promote speedy land development.	Not Applicable	When the land development application is submitted, the municipality should process this application within the prescribed time frames of the Land Use Planning By-Law for Knysna Municipality.

22.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	**COMPLY**	▪ The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report. ▪ Record of Decision attached as **ANNEXURE A** ▪ The proposed application complies with the requirements of the Land Use Planning By-Law for Knysna Municipality.

22.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government should ensure an integrated approach to land use planning.	**Applicable to Knysna Municipality**	*This principle has no direct bearing on the application; however, the Knysna Municipality is obligated to consider the application fairly and within the*

Criteria	Compliance	Planning Implication
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		*timeframes provided in terms of the municipal planning bylaw.* *What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.*
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and		

Criteria	Compliance	Planning Implication
timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

23. CONCLUSION

In light of this motivation and the information contained in the foregoing report, it is clear that the application for:

(i) A permanent departure, in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021), to allow for an 'agricultural worker's accommodation' within 1 km of the high-water mark of the sea or a tidal river; and

(ii) Application in terms of Section 15(2)(g) of the Knysna Spatial Planning and Land Use Management Bylaw (2021) for a permission required in terms of the zoning scheme for the approval of a Site Development Plan on Knysna Erf 4016.

It is the considered opinion that the proposed development will achieve a sensitive balance between the natural environment, the built environment, and the social economic environment, that is imperative to ensure sustainable development.

Marike Vreken Urban and Environmental Planners
April 2025

forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA ·0001· Environment House ·473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/1/2232
Enquiries: Ms Matlhodi Mogorosi
Telephone: (012) 399 9388 **E-mail:** MMogorosi@environment.gov.za

Mr Piet van Niekerk
Autumn Storm INV 200 (Pty) Ltd
Postnet Suite 24
Private Bag X132
CENTURION
0046

Telephone Number: (012) 653 4222
Email Address: plervn7@gmail.com

PER MAIL / EMAIL

Dear Mr Van Niekerk

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE CLEARANCE OF AN AREA OF APPROXIMATELY 5HA ON ERF 4016 KNYSNA FOR THE DEVELOPMENT OF RESIDENTIAL AND SMALL-SCALE AGRICULTURAL ACTIVITIES, WITHIN THE KNYSNA LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the decision, of the decision, as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully

Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 19/04/2021

cc:	Ms Melissa Mackay	Cape Environmental Assessment Practitioners	Email: mel@cape-eaprac.co.za

forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The clearance of an area of approximately 5ha on Erf 4016 Knysna for the development of residential and small-scale agricultural activities, within the Knysna Local Municipality in the Western Cape Province

Garden Route District Municipality

Authorisation register number:	*14/12/16/3/3/1/2232*
Last amended:	*First issue*
Holder of authorisation:	*Autumn Storm INV 200 (Pty) Ltd*
Location of activity:	*Erf 4016 Knysna;* *Knysna Local Municipality, Ward 10;* *Garden Route District Municipality;* *Western Cape Province.*

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

AUTUMN STORM INV 200 (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Piet van Niekerk
Autumn Storm INV 200 (Pty) Ltd
Postnet Suite 24
Private Bag X132
CENTURION
0046

Tel: (012) 653 4222
Cell: (082) 829 4826
E-mail: plervn7@gmail.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
Listing Notice 1, Item 27: *"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation"*	Clearance of an area of 5ha for the development of grazing lands, dryland vineyard, 2 residential dwellings and 3 outbuildings. Erf 4016 is located inside the urban edge of Knysna.
Listing Notice 3, Item 12: *"The clearance of an area of 300 square metres or more of indigenous vegetation* *(i) Western Cape:* *ii. Within critical biodiversity areas identified in bioregional plans."*	Clearance of an area of 5ha for the development of grazing lands, dryland vineyard, 2 residential dwellings and 3 outbuildings. The development is located inside the urban edge of Knysna, within an area designated as critical biodiversity area (CBA) i.e. CBA1 and CBA2 in the 2017 Western Cape Biodiversity Spatial Plan.

as described in the Basic Assessment Report (BAR) dated December 2020 at:

SG 21 Code

C	0	3	9	0	0	0	5	0	0	0	0	4	0	1	6	0	0	0	0	0

Alternative 1 (preferred site)	Latitude	Longitude
North-West Corner	34° 01'21.51" S	22° 59' 48.67" E
North-East Corner	34° 01' 21.19" S	22° 59' 57.73" E
South-West Corner	34° 01' 28.25" S	22° 59' 52.61" E
South-East Corner	34° 01' 28.61" S	22° 59' 59.11" E

- for the clearance of an area of approximately 5ha on Erf 4016 Knysna for the development of residential and small-scale agricultural activities within the Knysna Local Municipality in the Western Cape Province, hereafter referred to as "the property".

The development will comprise the following:

- Grazing lands for livestock within the 5ha area;
- Dryland vineyard ±0.65ha within the 5ha area;
- A primary residential dwelling of ±450m² within the 5ha area;
- A farm manager's dwelling of ±450m² within the 5ha area; and
- 3 outbuildings, each ±450m² within the 5ha area.

The buildings will accommodate land uses that are all considered to be connected with the main farming activity on the farm. The outbuildings will include a barn, stables, and garage (storage for animal feeds and tools). The main farming activities are expected to include grazing, small scale vegetable growing, fruit orchard / vineyard, chickens, and horses / cattle. The development will be self-sustainable in terms of water, sewage, and electricity requirements. Access to the development will be via the current access servitude via Welbedacht Road. The existing gravel access road will be upgraded, to ensure proper access to the property. All roads inside the property will be private roads.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Alternative 1 (as depicted in the site layout plan in Annexure 2 of this authorisation) for the clearance of an area of approximately 5ha on Erf 4016 Knysna for the development of residential and small-scale agricultural activities within Ward 10 of the Knysna Local Municipality in the Western Cape Province, is approved as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant, or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Construction of the activity must be concluded, and the post construction monitoring requirements finalised, within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
    11.1. specify the date on which the authorisation was issued;
    11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
    11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
    11.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

13. The site layout plan as attached in Appendix D (Site layout plans) of the BAR dated December 2020, and Annexure 2 of this authorisation, is approved.
14. The Environmental Management Programme (EMPr) submitted as part of the BAR dated December 2020 is approved.
15. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development.
16. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.

17. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
21. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation must apply for an amendment of the EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act, for a period of at least 30 days.

Monitoring

23. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
    23.1. The ECO must be appointed before commencement of any authorised activities.

23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.

23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

24. All documentation e.g., audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.

25. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.

26. The frequency of auditing during the construction phase must be monthly, and the submission of the construction phase environmental audit reports must be biannually (every 6 months), taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.

27. The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.

28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.

29. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

30. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site

preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

31. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

32. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

Specific conditions

33. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
34. Vegetation clearing must be limited to the required footprint for actual construction works.
35. Mitigation measures as specified in the Terrestrial Biodiversity Impact Assessment, Aquatic Impact Assessment, and Butterfly Sensitivity Impact Assessment, as included in Appendix E of the BAR dated December 2020, must be implemented.
36. A permit must be obtained from the relevant Department for the removal or destruction of indigenous, protected, or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
37. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
38. Construction must include design measures that allow surface and subsurface movement of water along drainage lines, so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
39. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use, and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

40. Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material, be discovered during construction work, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

General

41. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
    41.1. at the site of the authorised activity;
    41.2. to anyone on request; and
    41.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
42. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 19/04/2021.

Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia,* the following into consideration -

a) The listed activities as applied for in the application form received on 10 September 2020.

b) The information contained in the BAR dated December 2020.

c) The comments received from Heritage Western Cape, SANParks, Breede Gouritz Catchment Management and interested and affected parties as included in the BAR dated December 2020.

d) Mitigation measures as proposed in the BAR and the EMPr.

e) The information contained in the specialist studies / compliance statements contained within the appendices of the BAR dated December 2020 and as appears below:

Title	Prepared by	Date
Terrestrial Biodiversity Impact Assessment	Cape Vegetation Surveys	July 2020
Aquatic Impact Assessment	Confluent Environmental (Pty) Ltd	November 2020
Butterfly Sensitivity Impact Assessment	Dave Edge & Associates	November 2020
Heritage Impact Assessment	Perception Planning	June 2020

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

a) The findings of all the specialist studies conducted and their recommended mitigation measures.

b) The need for the project was adequately addressed. The property owner wishes to implement the primary rights associated with the agricultural property by developing residential and small-scale agricultural activities on approximately 5ha of the property, for own use (subsistence) and low intensity use. The property, Erf 4016 is located inside the urban edge of Knysna and is currently zoned 'Agricultural Zone". The development is permissible within the current zoning and is considered the primary rights of the property. No change in zoning is proposed, thus no change to the character of the

area. The proposal merely exercises the primary rights of the property. The development is consistent with all the various spatial policies and does not have any significant environmental impacts associated with it. The residential dwellings will not exceed the zoning scheme requirements, will comply with municipal requirements in terms of height and bulk, and are located at lower contours, so as to minimise visual impacts. The 5ha that will be used for agriculture have been identified on areas that avoid sensitive areas. The remaining 29ha of the ±34.55ha property will be managed as natural vegetation

c) The preferred Alternative 1 is located on the flattest area of the property, in order to avoid impacting on steep slopes and watercourses. It is also best placed to make use of the existing road access. Alternative 1 was mitigated to lessen possible agricultural activity impacts on the area that contains butterfly habitat. The mitigated Alternative 1 does not significantly change the layout, as the dwelling and outbuilding locations and sizes do not change, neither does the boundary of the development area. The changes are related to management styles of any agricultural activities on the site as follows:

- The north / north eastern portion of the development area is to be managed as a conservation agriculture area which means that no tilling, crop planting and or domestic livestock grazing may take place. This will ensure the vegetation that supports butterflies remains intact, in order to continue its spread into the areas previously under wattle and other alien invasive species (particularly to the north, northeast and east of the development area). The manager's house and outbuildings and single vehicle road is acceptable in this area;
- The remaining agriculture lands (approximately 3ha) will allow for domestic grazing and a small orchard / vineyard;
- The main house and 3rd outbuilding is acceptable in the agriculture area; and
- Ongoing alien invasive vegetation removal will take place in the remainder of the property in support of conservation outcomes.

d) None of the specialists identified any impacts that would be considered high after mitigation. A risk adverse approach was followed, and all the high and very-high sensitive features were avoided and excluded from the preferred Alternative 1. Impacts on the remainder of the features can be effectively mitigated.

e) The site is currently vacant with no built structures. The site selected for the development has been impacted on by fire and alien invasive vegetation and is rated as Low Sensitivity. On site verification of a section of the primary CBA within the development footprint has shown that it is highly degraded due to the presence of Invasive Alien Species. Clearing of Black Wattle and other invasive plants has occurred, but with the emerging vegetation composed of ruderal and pioneer species of Low Botanical Sensitivity, the site is no longer pristine. The reduction of the opportunity to undertake or plan conservation, including effects on CBAs, as well as on the opportunity to conserve any part of the landscape, has been determined to be of negligible significance inside an urban edge.

f) The BAR dated December 2020 identified all legislation and guidelines that have been considered in the preparation of the BAR.

g) The location of the development.

h) The methodology used in assessing the potential impacts identified in the BAR dated December 2020 and the specialist studies have been adequately indicated.

i) A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

a) The identification and assessment of impacts are detailed in the BAR dated December 2020 and sufficient assessment of the key identified issues and impacts have been completed.

b) The procedure followed for impact assessment is adequate for the decision-making process.

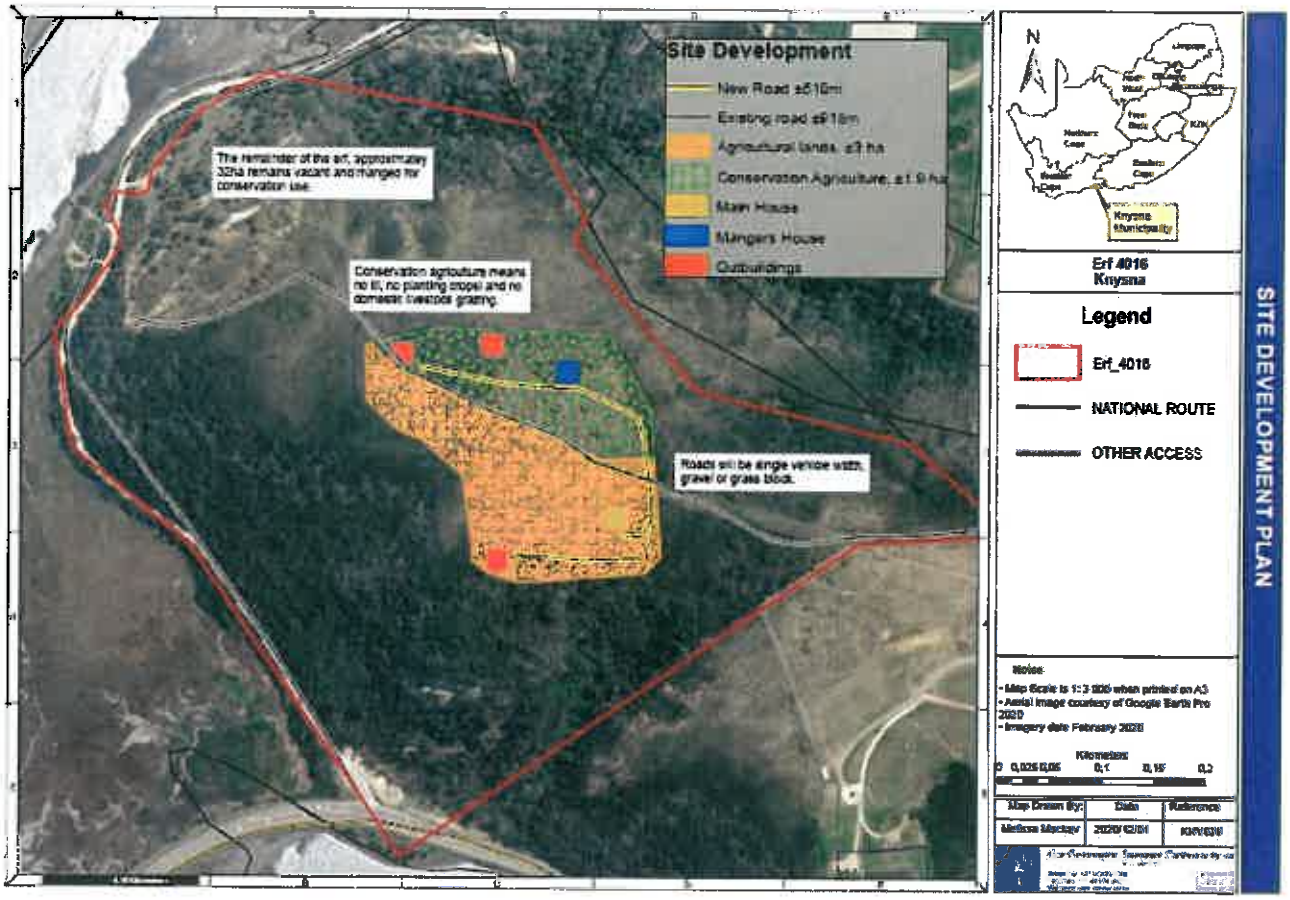
c) The information contained in the BAR dated December 2020 is deemed to be accurate and credible.

d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

Annexure 2: Locality and Site Layout Plan



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · Cnr Soutpansberg & Steve Biko Roads · Pretoria Tel (+ 27 12) 399 9000

Enquiries: Devinagie Bendeman Tel: 012 399 9337 Email:Vbendeman@environment.gov.za

Ms. Solomons
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 19 APRIL 2021 UNTIL 21 APRIL 2021.

This serves to confirm your appointment as Acting Chief Director: integrated environmental authorisations, from 19 April 2021 until 21 April 2021, whilst Mr Sabelo Malaza is on Sick l Leave.

You will act in this capacity with the full responsibilities and duties attached to the post, including the activities entrusted to the Acting Chief Director: integrated environmental authorisations by or in terms of the Acts administered by the Department.

You appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1998), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Devinagie Bendeman
Acting Deputy Director-General: RCSM (Regulatory Compliance and Sector Monitoring)
Date: 19/04/2020

ACKNOWLEDGEMENT
I ACCEPT / ~~DO NOT ACCEPT~~ appointment as Acting Chief Director: integrated environmental authorizations

Signed: _____

Date: 19/04/2021.

CIVIL SERVICES REPORT

FOR

ERF 4016,
EASTFORD EXT. 1, KNYSNA

ROADS, STORMWATER,
WATER AND SEWER

OCTOBER 2020 – REV. 1

TK1508

TUINIQUA CONSULTING ENGINEERS

PO Box 2862
Knysna
6570

Phone: 044 382 3474
E-mail:
serett@tuiniqua.co.za

INDEX

Item	Description
1	**Introduction**
2	**Location**
3	**Topography and Access**
4	**Supply Authority**
5	**Bulk Services**
	5.1 Water Reticulation
	5.2 Sewer Reticulation
	5.3 Roads
	5.4 Stormwater
6	**Internal Services**
	6.1 Outline Scheme
	6.2 Water Reticulation
	6.3 Sewer Reticulation
	6.4 Internal Roads
	6.5 Internal Storm water
	6.6 Waste Management

Annexure

A	Locality Plan
B	Layout Plan
C	Slope Analysis

1. INTRODUCTION

This report has been prepared by Tuiniqua Consulting Engineers at their Knysna office. They have been appointed by the Developer, Autumn Store Investments 200 Proprietary Limited, represented by Mr. Piet van Niekerk, as the Civil Consultants. The purpose of this report is to provide the necessary information on the proposed civil services within this Development and the connections to the bulk infrastructure in the area.

2. LOCATION

The property to be developed is situated on Erf 4016, Eastford Ext. 1, Knysna. The property is approximately 34.5503 hectares in extent. The developer's proposal is to develop approximately 5 hectares of the property. The property currently zoned "Agricultural Zone" and is undeveloped at this point in time. Erf 4015 is situated on the southern side of the property and erf 4017 is on the eastern boundary, while the remainder of 206 is on the south western side of the property. Erf 3594 and Knysna River is located on the northern boundary.

3. TOPOGRAPHY AND ACCESS

The site has a plateau area roughly in the centre of the property, with gentle slopes in all directions. The property has steep slopes along the north, west and south boundaries. The height difference from the highest point to the lowest point of the property is significant, the contours range from 90m to approximately 2m. The contours of the proposed development area, ranges from 90m to 74m. A slope analysis was done for the property and no development is proposed on areas steeper than 1:4. All structures are proposed on the plateau area.

Access to the site is provided via a 13m wide servitude road, which is connected to the Welbedacht Lane. Welbedacht Lane is connected to the N2 National Road. The access to the property is currently by means of a dirt track and will need to be upgraded, to provide access to the development.

4. SUPPLY AUTHORITY

The supply authority for the area is Knysna Municipality, and therefore their Technical Services Department was consulted on all matters relating to the civil services. Discussions with the municipality however confirmed that water and sewage bulk services are not available. Therefore, this development needs to be self-sustainable.

The proposed development is planned to be completely self-sufficient regarding all the required services. A service agreement regarding water, sewerage, storm water management and access will be entered into with the Municipality. It is anticipated that no increase in the demand of civil services will be required. It is our opinion that augmentation fees and capital contributions in this regard, will not be applicable.

5. BULK SERVICES

5.1 WATER RETICULATION

i. Domestic

In terms of relevant accepted guidelines, the developer will be held responsible for the construction and/or upgrading of bulk services required to service the development. There is no existing bulk water network to service the proposed development. The developer will need to make provision for supply of all potable water.

The proposed development will consist of the following:

- Main farmhouse
- Farm Manager's House
- Outbuildings x3

The domestic potable water demand will be as follows:

	Kl/month
Main farmhouse (600l/day)	18
Farm Manager's house (600l/day)	18
Shed/stable 50l/head/d (large stock) (10 animals)	15
TOTAL DEMAND	51

The average daily demand will be 1.7kl per day, with a total demand of 621kl per year. A portion of the water demand will be provided for by collecting rainwater. The total roof areas will be approximately 2,250m^2 and with an average rainfall for the Knysna area of 500mm per year will supply 1125kl. The rainwater supply will be supplemented by the proposed new borehole/s, if needed.

The boreholes can be considered as on-site storage capacity, should the boreholes be equipped with power from on-site generators.

ii. Fire

The building classification for this development, according to SANS 10400, is as follows:

- Dwellings H3
- Outbuildings A1

According to SANS 10400-T (Fire Protection) clause 4.34.1**, "***Hose reels for the purposes of firefighting shall be installed in any building of two or more storeys in height or in any single-storey building of more than 250 m2 in floor area, at a rate of one hose reel for every 500 m2 or part thereof of floor area in any storey, provided that such hose reels shall not be required in any building classified as H4 or in any dwelling unit in an occupancy classified as H3 where each unit is provided with independent access to ground level."*

and

4.34.5 **"***Where no water supply is available, two 9 kg or equivalent fire extinguishers that comply with the requirements of 4.37 shall be provided in place of each required hose reel."*

Table 11 — Provision of portable fire extinguishers

1	2	3	4	5	6
Class of occupancy	Number of portable fire extinguishers required per m2	Minimum charge			
		Water	Foam	Carbon dioxide	Dry chemical powder
A1	1/200	9L	9L	5kg	4.5kg
H3	1/400	9L	9L	5kg	4.5kg

Portable fire extinguishers need to be provided for the development, due to the fact that no municipal water network is available in the vicinity of the development. The following portable fire extinguishers are required according to SANS 10400-T:

- Each dwelling 1 x 9kg extinguisher
- Each outbuilding 1 x 9kg extinguisher

5.2 SEWER RETICULATION

Currently there aren't any municipal bulk sewer services available in this area. The Technical Department of Knysna Municipality has been consulted and it was agreed that septic tanks with soakaways may be utilized to manage the effluent.

5.3 ROADS

There is an existing road network servicing this area, all roads leading to the road servitude are tarred and of good quality. The dirt track along the road servitude will need to be upgraded.

5.4 STORM WATER

No formal storm water system exists in the immediate vicinity of the development.

6. INTERNAL SERVICES

6.1 OUTLINE SCHEME

The design of the services for the development will be based on the principles contained in the Guidelines for Human Settlement Planning and Design published but the Department of Housing and to the Council's requirements for engineering services. The services will be installed according to SANS 1200 and materials will comply with ISO standards.

6.2 WATER RETICULATION

The required demand is 1.7kl/day, based on the proposed development. As stated above there is no bulk municipal network available for this development. The development will make provision of borehole/s and rainwater storage. The quality and delivering capacity of the borehole/s need to be confirmed once the hole/s have been

sunk. Furthermore, water may be purchased from Knysna Municipality, supplied by water tanker.

We recommend that the borehole water be analysed, to determine if it is safe for potable usage. A water filtration system may be required depending on the quality, to ensure that water is potable at all times.

Minimum standards:

- The borehole water will be tested to ensure it is safe for potable use.
- Rainwater tanks to be installed to assist with water storage.

6.3 SEWER RETICULATION

The development will utilize septic tanks and soakaways, due to the fact that there is no municipal sewerage network available. Care will be taken when positioning the soakaways in regard to the position of the borehole/s. The design of the soakaways will be finalized once a permeability tests has been done for the soil. It is proposed that a septic tank is installed at each house as well as at the outbuildings.

Vehicle access to the septic tanks need to be provided, to allow suction of the tanks if and when required.

6.4 INTERNAL ROADS

The development has one vehicular access on the eastern boundary, via a road servitude. The quality of existing gravel access road is not good and will need to be upgraded, to ensure proper access to the property. The level of the upgrade will depend on the available budget, but a minimum of one G5 layer is proposed. All roads inside the property will be private roads consisting of a single imported G5 layer.

6.5 INTERNAL STORM WATER

The storm water will not be accumulated or concentrated at any point but will be allowed to drain naturally over the surface. Care will be taken when designing the access road to ensure that storm water is properly addressed, according to SUDS principles.

6.6 WASTE MANAGEMENT

Disposal of all waste shall be undertaken by the development to ensure it is transported safely to the relevant and appropriate waste sites and recycling centres. Any green waste as a result of the development will be chipped on-site and/or disposed of at an approved site.

ANNEXURE A

Locality Plan

KNYSNA ERF 4016

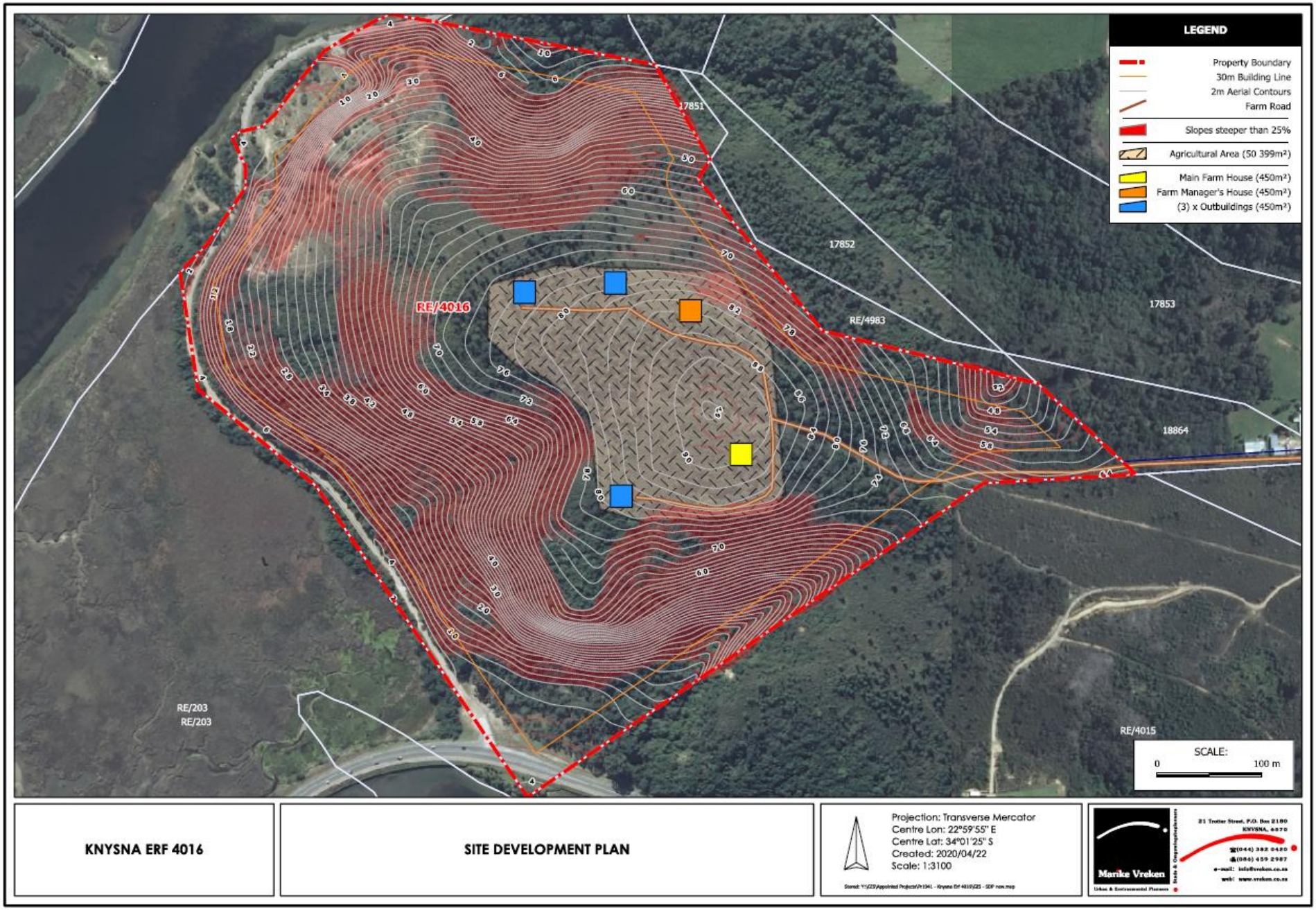
LOCALITY PLAN

Projection: Transverse Mercator
Centre Lon: 22°59'47" E
Centre Lat: 34°01'25" S
Created: 2020/06/25
Scale: 1:13000

Marike Vreken
Urban & Environmental Planner
21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
(044) 382 0420
(066) 459 2987
e-mail: info@vreken.co.za
web: www.vreken.co.za

ANNEXURE B

Layout Plan



KNYSNA ERF 4016

SITE DEVELOPMENT PLAN

Projection: Transverse Mercator
Centre Lon: 22°59'55" E
Centre Lat: 34°01'25" S
Created: 2020/04/22
Scale: 1:3100

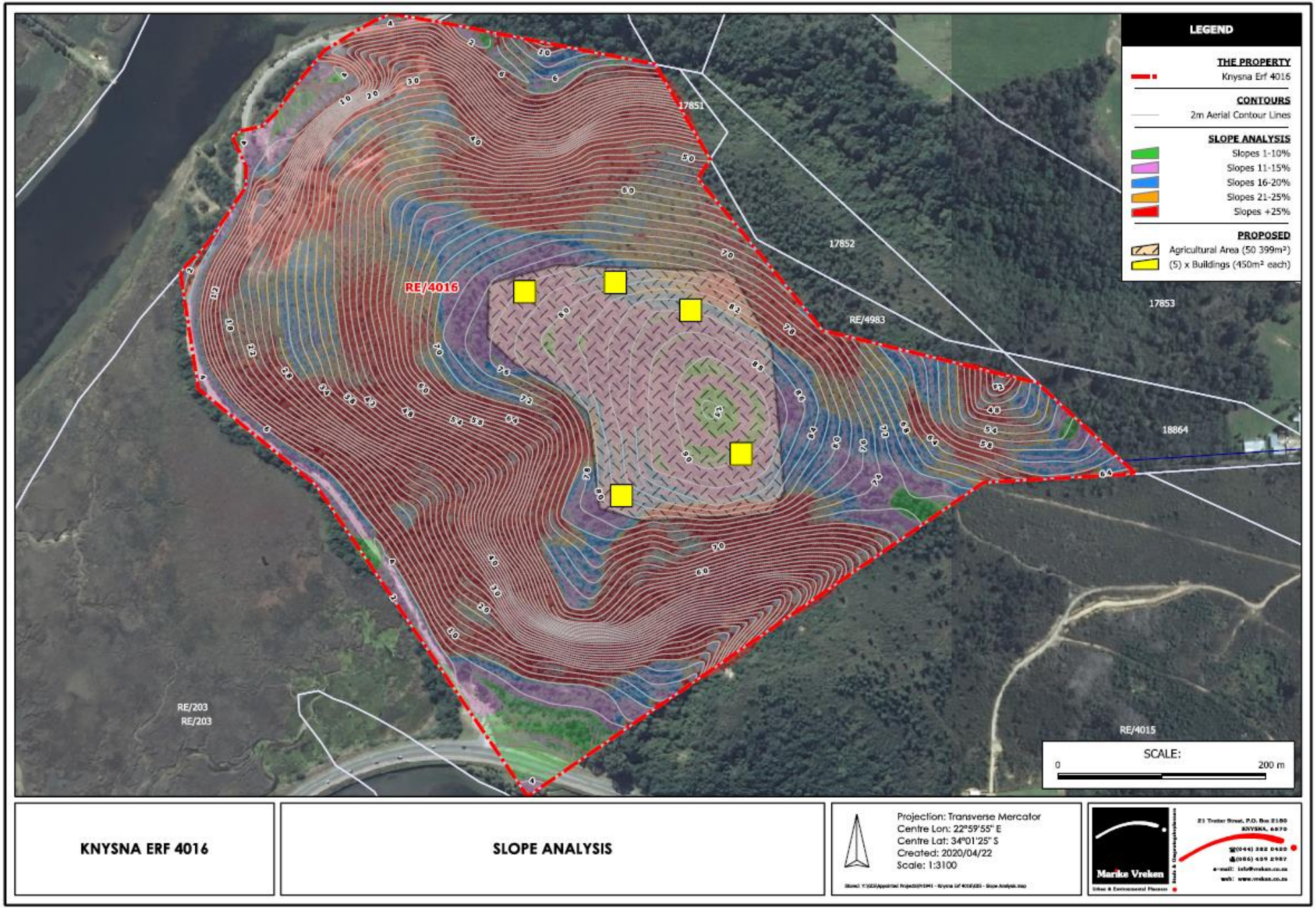
Stored: Y:\GIS\Appointed Projects\Pr1341 - Knysna Erf 4016\GIS - SDP nov.mxp

Marike Vreken
Urban & Environmental Planners

21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
☎(044) 382 0420
(086) 459 2987
e-mail: info@vreken.co.za
web: www.vreken.co.za

ANNEXURE C

Slope Analysis


LEGEND
THE PROPERTY
Knysna Erf 4016
CONTOURS
2m Aerial Contour Lines
SLOPE ANALYSIS
Slopes 1-10%
Slopes 11-15%
Slopes 16-20%
Slopes 21-25%
Slopes +25%
PROPOSED
Agricultural Area (50 399m²)
(5) x Buildings (450m² each)
RE/4016
17851
17852
RE/4983
17853
18864
RE/203
RE/203
RE/4015
SCALE:
0
200 m
KNYSNA ERF 4016
SLOPE ANALYSIS
Projection: Transverse Mercator
Centre Lon: 22°59'55" E
Centre Lat: 34°01'25" S
Created: 2020/04/22
Scale: 1:3100
Marike Vreken

Knysna
Municipality • Munisipaliteit • uMasipala
INCLUSIVE. INNOVATIVE. INSPIRED.

KNYSNA MUNICIPALITY

PRE –APPLICATION MEETING

Minutes of meeting held on the

28 November 2024

At

09:00

On MS Teams &

Planning and Economic Development Boardroom

MINUTES

No	Item	Presentation
1.	**Opening and Welcoming**	Mr S Madumbo
2.	**Attendance** Mr S Madumbo (Chairperson) – KM : Town Planning **(KM)** Ms L Mniki – KM : Town Planning **(KM)** Ms M Musekene – KM : Environmental Management **(KM)** Ms S Sitinga – KM : Town Planning **(KM)** Mr S Phungula – KM : Town Planning **(KM)** Ms N Vonya – KM : Town Planning **(KM)** Mr R Talmaagies – KM : Infrastructure Services Directorate **See Meeting Register for other attendees* **Apologies** None	
3.	**Items for consideration** **Please note: Meeting minutes do not reflect verbatim discussions*	

	Erf 2477, Sedgefield – Application for Departure and Removal of Restrictive (ROR) Conditions **Discussions and Recommendations:** • MV: Single Residential Zoned property. Owner seeks to establish a new patio along the side of the property which is abutting a National Road; and a carport that exceeds the permissible width. • KM: Rear building line encroachment will require a Permanent Departure application to allow a carport. Secondly, the 10mm building line restriction "D" contained in the Title Deed which is in favour of a third party - Transport Commission (SANRAL) and therefore will not require a Land Use Planning application (ROR), only the said department's written consent. • KM: It is recommended that SANRAL's consent is obtained prior to the submission of the application for a Permanent Departure for the building line relaxation.	KM Officials & Lourens Du Toit and Ruben van Schalkwyk (MV)
	Erf 4016, Knysna – Application for Permanent Departure **Discussions and Recommendations:** • MV: **See pre-application application form submitted.* A Farm Manager's House (Agricultural Worker's Accommodation) is not permitted within 1Km of the highwater mark/ tidal river, who will manage vegetable gardens. The environmental ROD was granted. The Building Plan was rejected owing to an outstanding Permission Required In Terms Of The Zoning Scheme (SDP) on an Agricultural property. We will specify the type of outbuildings and use appropriate terminology in accordance with the Scheme, in the motivation memorandum. Is there a limit on the extent of the Farm House? There are unlawful building works even though there is no development parameter which had been contravened. • KM: We rely on the guidance from the Department of Agriculture. It seems that 80sqm is what is considered to be reasonable within the context of the purpose. • KM: The proposal must address the impact on the tidal river.	KM Officials & Lourens Du Toit and Ruben van Schalkwyk (MV)

	• KM: The Determination of the Administrative Penalty must consider both use and building works. There is unlawful trading which is taking place on the property and must be addressed.	
3.5	**Erf 10392, Knysna – Permanent Departure** **Discussions and Recommendations:** • MV: **See pre-application application form submitted.* There are 80 people employed who use lift clubs and very few staff use private vehicles. The use only entails manufacturing and no retail. Hence we believe that there is merit for the proposal to relax the parking requirements to accommodate the extension of the building. • KM: There is a difference between the Knysna Zoning Scheme of 1992 and 2020, wherein now, your proposal may include a Permanent Departure for a building line relaxation. Changes in legislation often occurs to accommodate changing socio-economic demands, population growth, etc. • KM: How will the extended building impact on sight distances? Indicate width between the road edge and the property boundary. • KM: How will the additional workforce (following expansion of the building) impact on parking requirements? • KM: The purpose of this meeting is to provide guidance on submission requirements, not to pre-empt a decision. It is an integrated (public participation/ circulation) process for a reason. • KM: You cannot only consider the current needs of the business. Should someone wish to exercise different rights which aren't solely manufacturing, what will be the implications of the parking departure. • MV: Is it possible to expedite the process? • KM: No. • KM: It is important to check compliance with both Clause 45 and Clause 46 of the Knysna Zoning Scheme (2020). Any deviations shall require an application in terms of Section 15(2) of the Spatial Planning and Land Use Management By-law (2021). In addition, the plans should also demonstrate compliance with these, using all relevant dimensions and notations.	KM Officials & Lourens Du Toit and Ruben van Schalkwyk (MV)

	The Chairperson closed the meeting.	

/lm

Collab. Ref.: 3019179
File Ref.: 4016 Kny
Application No.: 3505
JH Smit
Tel: 044-302 6318

Knysna
Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

Via Electronic Mail

2026-07-21

Autumn Storm Investments 200 (Pty) Ltd
c/o Marike Vreken Town Planners
21 Trotter Street
KNYSNA
6570
Email: info@vreken.co.za

Dear Sir/Madam,

DECISION: ADMINISTRATIVE PENALTY: ERF 4016, KNYSNA

Your application in the above regard dated 17 April 2025 and accepted 10 June 2025, refers.

Please be advised that the Knysna Municipality Planning Tribunal at a meeting held on 25 June 2026, unanimously resolved the following:

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 made payable in terms of Section 93(3) for failure to lodge an application for the consideration of a site development plan in respect of Erf 4016, Knysna.

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 60 days reckoned from the date of the notice of decision, or such period determined by the Municipality by prior arrangement.
   (ii) This approval and imposition of the administrative penalty shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law (2021) in respect of Erf 4016, Knysna.

Please address all correspondence to the Municipal Manager and quote the above reference
P O Box 21 • Knysna • 6570 • Tell: 044 302 6300 • Fax: 044 302 6333 • E-mail: knysna@knysna.gov.za

3. **The reasons for above recommendations are as follows:**

(i) The contravention entails a failure to obtain planning permission to allow a site development plan on a property plan, "Agricultural Zone I", prior to the commencement of building works on Erf 4016, Knysna. Thus far, a dwelling house, water retaining dam and a shed have been constructed on the property. The buildings/structures and the use thereof are not in conflict with the zoning of the property.

(ii) The conduct of the owner is considered deliberate inspite the alleged unfortunate circumstances caused by the previous architect. The construction works are said to be in compliance with the environmental authorisation which is an indication that the bio-physical attributes of the site may not have been adversely affected by the unlawful development.

(iii) The landowner has since appointed consultants to engage with the Municipality to obtain approval for the site development plan to allow the further development of Erf 4016, Knysna.

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 Acting Municipal Manager, P.O Box 21, Knysna or via email to knysna@knysna.gov.za within 21 days of notification of this decision together with proof of payment of the appeal fee.

Should you have any further enquiries, please contact Ms. Linda Mniki telephone number: 044-302 6383 or via e-mail address: lmniki@knysna.gov.za.

Yours faithfully,

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

86

Minde Schapiro & Smith Inc.
Tyger Valley Office Park
2nd Floor Building 2
Cnr. Willie van Schoor and Old Oak Roads
Bellville
7530

Prepared by me

CONVEYANCER
LOUIS GERRIT MEYER

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 9000000,00	R 1020,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / CAPTURE
31 -10- 2019
DEBRA TALJAARD

T 000045929 / 2019

DEED OF TRANSFER

DATA / VERIFY
31 -10- 2019
LINDA NCAPAI

BE IT HEREBY MADE KNOWN THAT

PIETER CARLISLE HENNING

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

GARDEN ROUTE QUARRIES PROPRIETARY LIMITED
REGISTRATION NUMBER 2000/031667/07

which said Power of Attorney was signed at **BELLVILLE** on **11 OCTOBER 2019.**

For Information Only

And the Appearer declared that his/her said principal had, on **29 JUNE 2019,** 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:

AUTUMN STORM INVESTMENTS 200 PROPRIETARY LIMITED
REGISTRATION NUMBER 2004/026900/07

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

REMAINDER ERF 4016 KNYSNA, IN THE MUNICIPALITY AND DIVISION OF KNYSNA, WESTERN CAPE PROVINCE;

IN EXTENT 34,5503 (THIRTY FOUR COMMA FIVE FIVE ZERO THREE) HECTARES.

FIRST TRANSFERRED AND STILL HELD by Deed of Transfer No. T 17698/1977 with General Plan T.P. 8320 relating thereto.

A. **SUBJECT** to the conditions contained in Certificate of Amended Title No. T 3583/1926.

B. **SUBJECT FURTHER** to the terms of the Endorsement dated 16th October 1969 on Certificate of Amended Title No. T 3583/1926, reading as follows :

"REMAINDER MEASURING 1201.4765 MORGEN.

By Notarial Deed No. 546/69 dd 30.6.69 the rem. of the within ppty. (meas. 1201,4765) is subject to the following servitude right in favour of the Municipality of Knysna –

(1) To construct lay and maintain a pipe and power line to convey water and electricity.

(2) To construct roads and use existing roads.

(3) To construct Pump Houses etc. along routes and position still to be determined.

With ancillary rights and subject to conditions. As will more fully appear from the said Notarial Deed."

For information only

C. **ENTITLED** to the terms of the Endorsement dated 20th August 1971 on Certificate of Amended Title No. T 3583/1926, reading as follows :

"REMAINDER

By Deed of Transfer No. 22038 dated this day the remainder of the within property is entitled to a servitude right of way 12,59 metres wide relating to the pedestrian and vehicular traffic and driving of animals over erf 3594 measuring 4,6108 ha. thereby conveyed, the southern boundary of which right of way is depicted by the line D.C. on diagram 6407/67 thereto annexed. As will more fully appear from said Deed of Transfer."

D. **SUBJECT FURTHER** to the following condition contained in Deed of Transfer No. T 17698/1977 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No. 33 of 1934 when approving the establishment of Eastford Township Extension No. 1 :-

This portion shall only be used for single residential purposes or 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 building as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.

For Information Only

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

GARDEN ROUTE QUARRIES PROPRIETARY LIMITED
REGISTRATION NUMBER 2000/031667/07

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

AUTUMN STORM INVESTMENTS 200 PROPRIETARY LIMITED
REGISTRATION NUMBER 2004/026900/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R9 000 000,00 (NINE MILLION RAND)**.

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 30 October 2019.

q.q.

In my presence

REGISTRAR OF DEEDS

For Information Only

TP. 8320

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System Lo 23			X	
		Constant				± 0,00	+3760 000,0	
AB	361,21	222 05 30	A	+	536,98	+	5 893,78	
BC	258,89	281 03 00	B	+	294,86	+	5 625,73	
CD	566,85	312 42 20	C	+	40,77	+	5 675,36	
DE	146,42	86 30 30	D	-	375,78	+	6 059,81	
EF	530,66	55 34 40	E	-	229,63	+	6 068,73	
FG	361,43	145 47 20	F	+	208,10	+	6 368,71	
GH	145,91	129 20 00	G	+	411,31	+	6 069,82	
HA	84,54	171 17 00	H	+	524,17	+	5 977,34	
Aa		171 17 00						
Bb		101 03 00						

S.G. No.

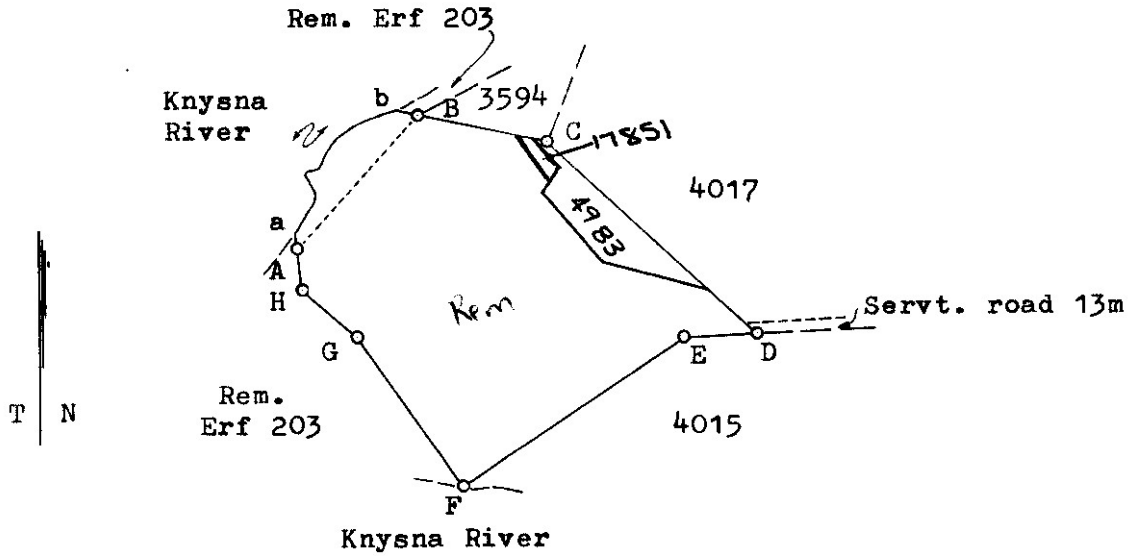
4467-85

Approved

for Surveyor-General
1985-07-22.

Description of beacons

A.B.C.D.E.F.G.H... 20mm iron peg in stone cairn.



Scale 1: 15 000

The figure a high water mark Knysna River b C D E F G H

represents 37,5602 hectares of land, being

Erf No. 4016 ~~Eastford Township Ext. No.1~~ Knysna
in Eastford Township Ext.No 1

situate in the Municipality of Knysna and

Administrative District of Knysna Province of Cape of Good Hope.

~~Surveyed in~~ Framed in terms of Section 39 of Act 9 of 1927

by me, in May 1985

Land Surveyor

This diagram is annexed to D/T

No. T 17698/77

dated

i.f.o.

Registrar of Deeds

The original diagram is

No. annexed to

Transfer/Grant

No.

File No. S/4587/21/33

S.R. No. Framed

Comp. AM-1AA (3599) AL-2BBB (6406) AM-1AA/X1 (698)

Gen.Plan TP No.8320

Knysna
Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

Collab. Ref.
File Ref.: 4016 Kny
JH Smit
Tel: 044-302 6318

Via Electronic Mail

2025-07-24

Department of Transport & Public Works
Private Bag X9160
CAPE TOWN
8000
Email: TPW.PropertyPayments@westerncap.gov.za

Dear Sir/Madam,

PROPOSED DEPARTURE & SITE DEVELOPMENT PLAN: ERF 4016, KNYSNA

Notice is hereby given in terms of Section 35 of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) that the abovementioned application has been received from:

Applicant's Name:	Autumn Storm Investments 200 (Pty) Ltd
c/o	Marike Vreken Town Planners
Email:	info@vreken.co.za / marike@vreken.co.za
Reference number:	Application number 3506
Property Description:	Erf 4016, Knysna
Physical Address:	Welbedacht Road, Eastford, Knysna
Nature of application:	

(i) Application for a **Departure** in terms of **Section 15(2)(b)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) to allow for an 'agricultural worker's accommodation' within 1km of the high-water mark of the sea or a tidal river; and

(ii) Application in terms of **Section 15(2)(g)** of the Knysna Municipality By-Law on Spatial Planning and Land Use Management (2021) for a permission required in terms of the zoning scheme, for the approval of the **Site Development Plan** of Erf 4016, Knysna.

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

Members of the public are invited to submit written comments, together with the reasons therefore in terms of Section 50 of the Knysna Spatial Planning and Land Use Management By-Law (2021). Comments must be addressed to the Municipal Manager and submitted via email at knysna@knysna.gov.za and lmniki@knysna.gov.za on or before **25 August 2025.**

quoting your name, address, electronic contact details and telephone number, interest in the application and reasons for comment. The municipality may refuse to accept comments received after the closing date. Persons who cannot write may contact the Town Planning Office during office hours, where the responsible official will assist you in putting your comments in writing.

Telephonic enquiries may be made during office hours to Ms. Linda Mniki at 044-302 6383 or via email lmniki@knysna.gov.za .

Yours faithfully,

JH SMIT
MANAGER: LAND USE MANAGEMENT
/lb

MAILING LIST FOR ERF 4016 KNYSNA

203	DEPARTMENT TRANSPORT & PUBLIC	Via electronic mail
3594	MUNICIPALITY	No email Address
17851	SOUTH AFRICAN NAT RD AGENCY	Via electronic mail
17850	S.A NATIONAL ROADS AGENCY SOC	Via electronic mail
17853	SOUTH AFRICAN NATIONAL ROADS	Via electronic mail
20321	OAKHILL SPORTS CAMPUS PTY LTD	Via electronic mail
4983	S.A NATIONAL ROAD AGENCY LT	Via electronic mail
18864	SOUTH AFRICAN NATIONAL ROADS	Via electronic mail
21226	ENTABENI FARM VILLAGE HOME OWNER	Via electronic mail
4015	AXON INVESTMENT SERVICE PROPERTY	NO EMAIL ADDRESS

Western Cape Government

Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/6/362
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Knysna Municipality
Email: hsmit@knysna.gov.za

Att: Hennie Smit

PROPOSED PERMANENT DEPARTURE: DIVISION KNYSNA

ERF NO 4016

Your application of 11 July 2025 has reference.

Given the size of the property, and the lack of commercial agricultural activities on the property, a farm manager's house is not justified. In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, the property is permitted three (3) additional dwelling units, measuring a maximum of 175m².

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2025-09-08

Copy:
Marike Vreken Town Planners
PO Box 2180
KNYSNA
6570

KNYSNA
Municipality
Munisipaliteit
uMasipala

LAND USE APPLICATION DEPARTMENT COMMENTS

Erf Number: 104016000
Application Type: Departure;Permission in Terms of Zoning Scheme
Application Number: 3506
Application Date: 2025-06-10

Department	Comment Requested (T=Yes / F=No)	Comment Received
Corporate Services	F	
Legal Services	F	
Financial Services	F	
Community Services	F	
Fire Services	F	
Traffic	F	
Waste Removal	F	
Infrastructure Services	T	--oOo-- Mon Sep 01 2025 09:23:13 GMT+0200 (South Africa Standard Time) Comment by SASSM: Manager Public Works: No objection Manager Water and Sewer: The application must make sure that the impoundment of water must have a lisence from BOCMA / DWS.
Infrastructure Services Roads	F	
Infrastructure Services Sewer	F	
Electro Technical	F	
Housing	F	
Environmental Services	T	--oOo-- Mon Aug 11 2025 11:05:06 GMT+0200 (South Africa Standard Time) Comment by MUSEKENEM: No objection
Building Control	F	
Aesthetics Committee	T	--oOo-- Thu Aug 21 2025 12:31:25 GMT+0200 (South Africa Standard Time) Comment by NKOANEN: No mention of Heritage Western Cape. Was the Notice of Intend to Development, Section 38(1) of the National Heritage Resources Act 25 of 1999 submitted to HWC before construction the existing buildings and retain walls?
Street Naming Committee	F	

Tutuzelwa Tsese

File No.: 15/5/1

From: Tony De Sousa <[redacted].com>
Sent: Tuesday, 29 July 2025 6:37 PM
To: Knysna Municipality; lmninki@knysna.gov.za
Subject: OBJECTION - KNYSNA ERF 4016 APPLICATION FOR PERMANENT DEPARTURE & SDP APPROVAL
Attachments: 2025 0729 - Commenting-form.pdf

To whom it may concern,

Attached please find my duly completed "COMMENTS/OBJECTION FORM, regarding the application submitted by Autumn Storm Investments 200 Proprietary Limited (ERF 4016, Knysna) for the relaxation of the agricultural worker's accommodation within 1 km of the high-water mark of the sea or a tidal river, as set out in Section 15(2)(b) of the Knysna Municipality By-Law.

Kind regards,

AJ De Sousa
Cell: +27[redacted]

MUNISIPALITEIT / MUNICIPALITY
KNYSNA
2025 -07- 30
Action: L Mniki
CC: Dir: PtD, ITSmit
SMadumbo
L Bailey
NVonya

KNYSNA MUNICIPALITY

Manager: Town Planning
And Building Control
P.O. Box 21
Knysna
6570

Tel: (044) 302-6318
Fax: (044) 302-1631

www.knysna.gov.za

COMMENT/OBJECTION FORM

I.T.O SECTION 50 OF THE
KNYSNA MUNICIPALITY LAND USE PLANNING BY-LAW (2016)

APPLICATION INFORMATION

Nature of Application: **Proposed** APPLICATION FOR PERMANENT DEPARTURE & SDP APPROVAL

Erf KNYSNA ERF 4016 Address: .....

COMMENT/OBJECTOR INFORMATION

Please tick relevant box (x): **COMMENT:** [ ] **OBJECTION:** [X]

Full Name: ANTONIO JOSE DE SOUSA

Address: 18 Hudson Heights, Entabeni - ERF 21243 ENTABENI FARM, EASTFORD

Contact details: [redacted]

Email address: [redacted]

Interest in Application: I am a home owner - ERF 21243 ENTABENI FARM, EASTFORD

Reason for comment/objection[i]:

I, Antonio J De Sousa, home owner of ERF 21243 ENTABENI FARM, EASTFORD,
do hereby OBJECT to the application submitted by Autumn Storm Investments 200 Proprietary Limited (ERF 4016, Knysna) for the relaxation of the agricultural worker's accommodation within 1 km of the high-water mark of the sea or a tidal river, as set out in Section 15(2)(b) of the Knysna Municipality By-Law.

Relaxation of Section 15(2)(b) will greatly impact the entire Entabeni Farm area and surroundings, de-face the surroundings, degrade the natural beauty, flora and wildlife in the area – AS WELL AS, have a negative impact on the reasons homeowners at Entabeni Farm invested and building their homes.

I, the undersigned, hereby declare that I am familiar with the contents of the building plan(s) and site plan by signing the building plan(s):

Signed: .....

Date: 29 July 2025

---

[i] ***Section 50(4): The reasons for any comment must be set out in sufficient detail in order to-***

- ***(a) Indicate the facts and circumstances that explain the comments;***
- ***(b) Where relevant demonstrate the undesirable effect the application will have if approved;***
- ***(c) Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and***
- (d) ***Enable the applicant to respond to the comments.***

Tutuzelwa Tsese

Colab No.:

File No.: 15/2/5/1

From: Hennie Smit
Sent: Wednesday, 17 September 2025 2:14 PM
To: Knysna Municipality
Cc: Shaun Madumbo; Liesl Bailey
Subject: FW: Pr2502 - Knysna Erf 4016
Attachments: Pr2502 - Knysna Erf 4016

Incoming mail

Hennie Smit Manager: Land Use Management
P O Box 21. Knysna. 6570. Western Cape. South Africa
Tel +27 (0)44 302 6319 (switchboard) or +27 (0)60 998 7124 (Mobile)
e-mail hsmit@knysna.gov.za

From: Gregory Barnes [redacted]
Sent: Wednesday, 17 September 2025 08:47
To: dale@vreken.co.za; cathy <cathy@hilland.co.za>; Marike Vreken <marike@vreken.co.za>; Hennie Smit <hsmit@knysna.gov.za>
Cc: 'Bianca Lotz' <info@vreken.co.za>; lourens@vreken.co.za
Subject: RE: Pr2502 - Knysna Erf 4016

Hi Dale / Hennie

Please let me know what is happening with this development.
Some of the co-owners on Entabeni, erf 4015, have objected to the further development of 4016.

My wish is that the barn buildings that are erected be of a dark blue /black aluminium colour so that they do not stand out like the green aluminium barn that Mr Van Niekerk currently has on the property. This was a requirement by SANParks on the Entabeni property – all roofs and the painted walls of our structures had to be grey or of a darker colour of other shades so that the buildings did not impact the skyline when viewed from surrounding properties. The SANParks requitements for Entabeni does not appear to have been followed through on surrounding properties (even by the KMP with its nearby pump station property is a bright green building that stands out on the horizon).

Please make the SANParks Entabeni requirements applicable to Mr van Niekerk's property.

Regards

Gregory Barnes
Director | Axon Investment Services Pty Ltd
| Hudson Guest Services Pty Ltd
| Praxon Property Management Pty Ltd

Mobile Number [redacted]

MUNISIPALITEIT / MUNICIPALITY
KNYSNA
2025 -09- 18
Action: S Madumbo
CC: D.I.R.H.S., R.Daames
H Smit
L Bailey
N Vanga
A De Jongh

KNYSNA
Municipality Munisipaliteit uMasipala
INCLUSIVE. INNOVATIVE. INSPIRED.

Collab Ref: 823809
File Ref: 4016 KNY
Enquiries: Environmental Management Department

2019-12-04 **REGISTERED MAIL**

Mr PL Boshoff
Treepro
P.O. Box 891
PLETTENBERG BAY
6600
Tel: 044 532 7970
Cell: 082 901 3444
Email: info@treepro.co.za

ATTENTION: Mr PL Boshoff

Dear Sir

PERMIT ISSUED IN TERMS OF SECTION 6 OF THE REGULATIONS UNDER SECTION 21(1) OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT 73 OF 1989) REGARDING IDENTIFIED ACTIVITIES CONCERNING THE OUTENIQUA SENSITIVE COASTAL AREA EXTENSION (GOVERNMENT NOTICE R.1528 DATED 27 NOVEMBER 1998) ON ERF 4016 KNYSNA.

Permit No: 4016 Knysna–P2

The Outeniqua Sensitive Coastal Area Extension Regulations (OSCAER) Permit Application submitted for proposed activities on Erf 4016 Knysna dated and received by the Knysna Municipality on 12 November2019,

A permit is hereby issued in terms of the above regulations, for the **removal and control of *Acacia mearnsii*, *Hakea sericea* and *Acacia saligna***, subject to the following conditions.

1. As specified in the OSCAER Permit application, the activities shall be limited to:
   a) The further removal of listed invasive alien vegetation to a maximum of **55 000m²**
2. The control and monitoring of the listed invasive alien plants must be done in accordance with the method statement in the approved Invasive Alien Plant Control Plan, dated 22 November 2019.
3. The remainder of the property must be managed for conservation of localised indigenous vegetation as far as reasonably possible.
4. The transition zones between dense stands of invasive alien species and fynbos thickets must be treated manually to ensure minimum damage to the fynbos.
5. Dead trees that are felled must remain on site to reduce further disturbance to the environment.
6. No indigenous vegetation outside of the demarcated disturbance area may be removed or disturbed;
7. No animals shall be handled, removed, killed or interfered with during the activities;
8. Please note disturbance of protected tree species is not included in this permit and should such pruning or removal of protected species be desired it will require a National Forest Act (Act No. 84 of 1998) Permit as issued by the Department of Agriculture, Forestry and Fisheries.
9. In the case of expiration of this permit prior to the activities been completed, the permit must be reapplied

Danie Swanepoel
044 805 8602
071 326 2100 ✓
082 7811 7558

for.

In the event of the applicant failing to comply with any of the above conditions, the Municipality reserves the right to halt construction activities and require that appropriate remedial measures be undertaken to its satisfaction prior to construction recommencing. Such remediation and any associated costs are to be covered in their entirety by the applicant;

This permit is valid for twenty-four (24) months from date of issue, and a copy must be kept on-site for inspection for the duration of the authorised activity / activities.

For any further queries, kindly contact the Environmental Management Department, Tel: 044 302 6374 or Email: andlanga@knysna.gov.za during office hours.

Yours faithfully

5/12/2019

P BOOTH
MANAGER: ENVIRONMENTAL MANAGEMENT
Delegation Reference number: P.50

cc: Director: Planning and Development
Plans Receiver

Colab No.:

Tutuzelwa Tsese

File No.: 15/5/1

From: Ralph Palphramand <[redacted]
Sent: Tuesday, 29 July 2025 11:08 AM
To: Knysna Municipality; lmninki@knysna.gov.za
Subject: Request for Comment: Erf 4016 Knysna
Attachments: Pr2502 - Knysna Erf 4016_Report.pdf; Plan 1 - Locality Plan.pdf; Site Development Plan 02_merged.pdf; Entabeni Farm.pdf; Objection Form.pdf

To The Municipal Manager.

Dear Sir/Madam

Please see attached our objection to the proposed further developments at ERF 4106 Welbedacht.

Regards

Ralph Palphramand
General Manager

Bosch Rexroth Africa

[redacted]

Hydraulic & Automation Warehouse (RF) (Pty) Ltd
&
Hytec Fluid Technology (RF) (Pty) Ltd

www.boschrexroth.africa

How would you rate the service you received?

E-mail Disclaimer

Important Fraud Notification

Criminal syndicates may attempt to induce you to make payments due to Bosch Rexroth South Africa (RF) (Pty) Ltd ("BRSA") or any of its subsidiaries into bank accounts that do not belong to BRSA or the subsidiaries. Fraud of this nature may be perpetrated using emails, letters or other forms of correspondence that may appear to have emanated from BRSA or is subsidiaries. Before making any payment to BRSA or its subsidiaries, please verify that the account into which payments will be made is a legitimate bank account of BRSA or the subsidiary that you have transacted with, as we will not be liable for any loss suffered as a result of payment made by you into an incorrect account. Please note that our bank account details will not change during the course of a transaction and we will not change our bank details by way of email. Please telephone us to confirm such banking details.

MUNISIPALITEIT / MUNICIPALITY
KNYSNA
2025 -07- 29
Action: L Mniki
CC: Dir. PTS, H Smit
S Mpadumbo
S Sitinga
L Bailey
N Vonya

KNYSNA MUNICIPALITY

Manager: Town Planning
And Building Control
P.O. Box 21
Knysna
6570

Tel: (044) 302-6318
Fax: (044) 302-1631

www.knysna.gov.za

~~COMMENT~~/OBJECTION FORM

I.T.O SECTION 50 OF THE
KNYSNA MUNICIPALITY LAND USE PLANNING BY-LAW (2016)

APPLICATION INFORMATION

Nature of Application: **Proposed** AGRICULTURE WORKERS ACCOMODATION, WITHIN 1KM OF HIGH WATER MARK OF THE SEA OR TIDAL RIVER

Erf 4106 Address: WELBEDACHT

~~COMMENT~~/OBJECTOR INFORMATION

Please tick relevant box (x): **COMMENT:** ☐ **OBJECTION:** ☒

Full Name: RALPH + TRACEY PALPHRAMAND

Address: [redacted]

Contact details

Email address:

Interest in Application: LAND OWNER

Reason for ~~comment~~/objection[1]: a) WHAT STEPS WILL BE PUT IN PLACE TO AVOID CONTAMINATION OF THE KNYSNA RIVER?

b) THIS IS AN INDUSTRIAL BUSINESS VENTURE, IN AN AGRICULTURE AND HIGH DENSITY RESIDENTIAL AREA: SHOULD BE RESTRICTED AS SUCH.

c) EYE-SORE OF FACTORY-TYPE BUILDINGS WITH-IN OUR RESIDENTIAL AREA.

d) ADDITIONAL TRAFFIC ON A QUIET RESIDENTIAL ROAD.

I, the undersigned, hereby declare that I am familiar with the contents of the building plan(s) and site plan by signing the building plan(s):

Signed:

Date: 29 JULY 2025

[1] ***Section 50(4): The reasons for any comment must be set out in sufficient detail in order to-***

- ***(a) Indicate the facts and circumstances that explain the comments;***
- ***(b) Where relevant demonstrate the undesirable effect the application will have if approved;***
- ***(c) Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and***
- ***(d) Enable the applicant to respond to the comments.***

Marike Vreken Town Planners CC
21 Trotter Street | P.O. Box 2180 | KNYSNA | 6570
044 382 0420 | 044 382 0438
info@vreken.co.za | www.vreken.co.za

Our Ref: Pr25/02b06 28 November 2025
Your Ref: Application Number: 3505

By E-mail: hsmit@knysna.gov.za
lmniki@knysna.gov.za

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

FOR ATTENTION: MR. HENNIE SMIT

Dear Sir,

PROPOSED PERMANENT DEPARTURE & SDP APPROVAL: KNYSNA ERF 4016

Our application for the Permanent Departure & SDP Approval on Knysna Erf 4016, dated 17 April 2025 has reference. Herewith our response to the comments and objections received:

1. Letter from the Western Cape Department Agriculture, dated 08 September 2025

1.1. Comment: Given the size of the property, and the lack of commercial agricultural activities on the property, a farm manager's house is not justified. In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, the property is permitted three (3) additional dwelling units, measuring a maximum of 175m^2.

Response: *According to the guidance for implementation (10.2.2) for Agri worker housing as set out in the Western Cape Land Use Planning Guideline, Agri-worker housing is regarded as part of the normal farm operations based on the extent of the bona fide agricultural activities on the land unit and applicable to all rural SPCs. The proposed main farming activities to be undertaken on the approved 5ha include grazing, small-scale vegetable growing, fruit orchard / vineyard, chickens, and horses / cattle, as described on page four of the Environmental Authorisation (**Annexure A**:). Refer to Paragraph 17 – NEED FOR ON-SITE FARM MANAGER, of our motivation report, which already discussed why a farm manager's house is required. It is uncertain how all the above activities do not constitute a single agricultural workers' accommodation, as it is quite extensive. We are of the opinion that the above activities more than constitute a workers' accommodation.*

It should also be noted that authorisation has already been granted in terms of the National Environmental Management Act, Act No. 107 of 1998, for the exact

land uses that are depicted on, and described in the submission of the Site Development Plan, which includes the Farm Managers' House (±450m²)

An application to cultivate virgin soil in terms of the Conservation Of Agricultural Resources Act, 1983 (ACT 43 OF 1983) was submitted to the Department of Agriculture, Forestry & Fisheries. A Cultivation of Agricultural Resources Act (CARA) permit is a prerequisite for obtaining Environmental Authorisation (EA) in terms of the National Environmental Management Act (NEMA) when the proposed activity involves the cultivation of virgin soil. Given that Environmental Authorisation has already been granted for the project, it follows that the necessary CARA approval for the cultivation of virgin soil would also have been issued in support of the authorised activity. We are currently in the process of obtaining a copy of the CARA permit and will submit it as soon as it is received. This further justifies the proposed land uses, especially the need for a Farm Manager's residence to oversee these activities.

*Further, an additional dwelling is not a viable option. Both 'additional dwelling' units and 'agricultural worker accommodation' are not permitted within the 1km high water mark in terms of the Knysna Municipality: Zoning Scheme By-law. The restriction that does not allow additional dwelling units within the 1km high water mark is stated within the **definition** of additional 'dwelling units'. According to Section 20 (4) of the Knysna Municipality Zoning Scheme By-law (2020):"…No departure from the land use descriptions or definitions may be granted by the Municipality…". For this reason, an additional dwelling unit is not permitted on the application area, as the entire property falls within 1km of the high water mark. The restriction that does not allow for 'agricultural worker accommodation' within the 1km high water mark is a **development parameter** of 'agricultural worker accommodation'. An application can be made for a permanent departure from the prescribed development parameters, in terms of Section 20 (2) of the Knysna Municipality Zoning Scheme By-law (2020). Therefore, an application can be made to allow the farm managers' accommodation and not an additional dwelling unit within the 1km high water mark.*

The agricultural workers' accommodation forms part of the primary agricultural land use, and in terms of the previous zoning scheme (when the landowner started the process for Environmental Authorization) they only required a building plan submission and no planning approval.

2. Email from Tony De Souza, dated 29 July 2025

2.1. Comment: I Antonio J De Souza, home owner of Erf 21243, Entabeni Farm, Eastford do hereby object to the application submitted by Autumn Storm Investments 200 (Pty) Ltd (Erf 4016, Knysna) for the relaxation of the agricultural worker's accommodation within 1km of the high water mark of the sea or tidal river, as set out in Section 15(2)(b) of the Knysna Municipal By-Law.

Response: Noted.

2.2. Comment: Relaxation of Section 15(2)(b) will greatly impact the entire Entabeni Farm area and surroundings, de-face the surroundings, degrade the natural beauty, flora and wildlife in the area – as well as, have a negative impact on the reasons why homeowners at Entabeni Farm invested and built their homes.

*Response: An Environmental Impact Assessment was undertaken specifically to determine the impact that the structures and land use will have on the environment. As approval was granted, it is clear that the structures and land uses, as listed in the Record of Decision (ROD) (**Annexure A:**), will not have a negative impact on the environment. Furthermore, the landowner is willing to adhere to any visual mitigation measures or requirements (such as colour etc.) that the Municipality or any other relevant Authority may impose. The landowner is exercising their primary right on a Agriculture Zone I property, in line with the development parameters and the Environmental Authorisation granted. A disturbance area of 5ha was approved, in which two dwellings (along with the other land uses specified) are allowed. As the entirety of the property falls within the 1km high water mark, application must be made to allow for the agriculture worker accommodation (which was a primary right previously, before the landowner started with the EIA process).*

3. Email from Ralph & Tracey Palphramand, dated 29 July 2025

3.1. Comment: What steps will be put in place to avoid contamination of the Knysna River?

*Response: An application was submitted to the Western Cape Department of Agriculture to ensure that the proposed development would not result in any negative environmental impacts. The Record of Decision (**Annexure A:**) confirms that all necessary studies were undertaken to safeguard the environment. In addition, the attached Aquatic Compliance Statement (**Annexure B:**) indicates that the risk to nearby wetlands is low and that the development can be authorised. The statement further confirms that the proposed development will not have any adverse impact on the Knysna River.*

3.2. Comment: This is an Industrial Business venture, in an Agriculture and High Density Residential Area, it should be restored as such. Eye sore of factory type buildings within our residential area

Response: All structures proposed on the property are permitted under the primary land use right of the property. No industrial business venture is proposed. An 'agricultural industry' is proposed, which is permitted as a primary land use right as long as the agricultural industry does not exceed a total floor area of 2 000m² which the proposal complies with.

***Agricultural Industry** is defined as:*

(a)	*means an enterprise for the processing of agricultural products of which the majority of the products is sourced from that land unit and if not produced on that land unit, then from the land units farmed by the owners of the enterprise with a minority of the products sourced from the surrounding or nearby farms;*
(b)	*includes a winery, dairy, distillery, brewery, the bottling of water, a sawmill; and*
(c)	*does not include an abattoir."*

An agricultural industry is essentially an extension of farming activity, allowing the processing or value-adding of agricultural produce that mainly originates from the same property or from land farmed by the same owner. It remains directly linked to agriculture, operates at a smaller, context-sensitive scale, and is intended to support farming operations rather than function as an independent business.

In contrast, an industry use is a standalone manufacturing or processing activity with no required connection to agricultural production. It generally occurs on a larger, more commercial or urban scale, can involve a wide range of materials and products, and is better suited to industrial zones where higher service demands and impacts can be accommodated. It must be noted that the Municipality does not allow for industrial uses outside of the designated industrial areas as a general provision.

In short, the agricultural industry is farm-based and agriculturally driven, while the industry is urban-based and commercially driven.

Therefore, as the objector has stated, the area is Agriculture and High Density Residential, and the land use is very suitable as it is classified under Agriculture. Further, there are no factory buildings proposed, and the current agricultural industry building will only be 150m², and the application area (Knysna Erf 4016) does ***not fall within their residential neighbourhood****, as the objector has stated, as it is situated on agriculturally zoned property next to the residential area.*

3.3. Comment: Additional Traffic on a quiet Residential Road.

Response: No further land uses are being applied for, as the application is for the approval of a Site Development Plan and to allow the agricultural workers' accommodation within the 1km high water mark, and eventually submit building plans for approval. Therefore, as the primary land use remains the same, the road infrastructure will be sufficient to sustain the agricultural traffic as is ordinarily allowed under the primary land use.

4. Internal Comment from Infrastructure Services, dated 01 September 2025

4.1. Comment: Manager Public Works: No objection

Response: No Objection Noted

4.2. Comment: Manager Water and Sewer: The application must make sure that the impoundment of water must have a licence from BOCMA / DWS.

Response: Noted and accepted.

*As stated in the Engineering Report (**Annexure C:**): "The development will make provision of borehole/s and rainwater storage. The quality and delivering capacity of the borehole/s need to be confirmed once the hole/s have been sunk.*

Furthermore, water may be purchased from Knysna Municipality, supplied by water tanker.

We recommend that the borehole water be analysed to determine if it is safe for potable usage. A water filtration system may be required, depending on the quality, to ensure that water is potable at all times.

Minimum standards:

- *The borehole water will be tested to ensure it is safe for potable use.*
- *Rainwater tanks to be installed to assist with water storage."*

*A Statement on Groundwater Aspects (**Annexure D:**) was issued by Groundwater Complete. The statement highlights that due to the ground composition of reddish brown and greenish silty mudstone and sandstone with subordinate grey shale, the groundwater quality will in all probability be marginal to poor with respect to potable use and should be usable for non-sensitive purposes such as washing/cleaning and sewage applications.*

5. Internal Comment from Environmental Services, dated 11 August 2025

5.1. Comment: No objection

Response: No Objection Noted.

6. Internal Comment from Aesthetics, dated 21 August 2025

6.1. Comment: No mention of Heritage Western Cape. Was the Notice of Intend to Development, Section 38(1) of the National Heritage Resources Act 25 of 1999 submitted to HWC before construction of the existing buildings and retain walls?

*Response: See attached **Annexure E:**, final decision from Heritage Western Cape stating that they held a meeting on 14 August 2020. In the meeting, the development was discussed, and they are of the opinion that there will be no impact on heritage resources and that no further application under Section 38 of the National Resources Act (Act 25 of 1999) is required.*

7. Email from Greg Barnes, dated 17 September 2025

7.1. Comment: Some of the co-owners on Entabeni, erf 4015, have objected to the further development of 4016. My wish is that the barn buildings that are erected be of a dark blue /black aluminium colour so that they do not stand out like the green aluminium barn that Mr Van Niekerk currently has on the property. This was a requirement by SANParks on the Entabeni property – all roofs and the painted walls of our structures had to be grey or of a darker colour of other shades so that the buildings did not impact the skyline when viewed from surrounding properties. The SANParks requirements for Entabeni does not appear to have been followed through on surrounding properties (even by the KMP with its nearby pump station property is a bright green building that stands out on the

horizon). Please make the SANParks Entabeni requirements applicable to Mr van Niekerk's property.

Response: *All objections received by neighbours are addressed in this response.*

No development restrictions were set out in the Environmental Authorisation relating to the colour of the buildings. The landowners are willing to adhere to any visual mitigation measures or requirements (such as colour etc.) that the Municipality or any other Organ of State or commenting Authority may impose.

8. Conclusion

8.1. The property includes bona fide agricultural activities (grazing, orchards/vines, vegetables, poultry, livestock), which justify agricultural worker accommodation in terms of the Western Cape Land Use Planning Guidelines - Rural Areas March 2019. Environmental Authorisation already approved the proposed agricultural activities, including the 450 m² farm manager's house. Additional dwelling units are *not permitted* within 1 km of the high-water mark, while a departure *may* be granted for agriculture worker accommodation; therefore, the correct application is being made.

8.2. The Environmental Authorisation confirms the structures will not negatively impact the environment. The landowner is exercising primary agricultural rights, and the approved 5 ha disturbance area allows two dwellings and the agricultural activity. All of Erf 4016 falls within 1km of the highwater mark, thus triggering the need for an application to allow for the agricultural worker accommodation.

8.3. The Aquatic assessment and compliance statement confirms that the proposal will have no adverse impact on the existing water sources including the Knysna River, directly west of the application area.

8.4. Only agricultural and agricultural-industry uses are proposed, which are primary land use rights, and no industrial business venture is proposed on the application area. The application area is not situated within a residential neighbourhood as suggested by the objector. The application will also have no additional or negative impact on traffic in the surrounding area.

8.5. The landowners are willing to adhere to any visual mitigation measures or requirements (such as colour etc.) that the Municipality or any other Organ of State / commenting authority may impose.

The following land Annexures have been attached to this response to comments:

Annexure A: Environmental Authorisation

Annexure B: Aquatic Compliance Statement

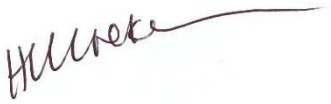
Annexure C: Engineering Report

Annexure D: Groundwater Statement

Annexure E: Final decision from Heritage Western Cape

We trust that this response to the comments received will enable you to assess this application and to make an informed recommendation to the relevant decision maker.

Kind regards,



MARIKE VREKEN
Pr. Pln A/1101/1999 M SAPI 10233

forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA ·0001· Environment House ·473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/1/2232
Enquiries: Ms Matlhodi Mogorosi
Telephone: (012) 399 9388 **E-mail:** MMogorosi@environment.gov.za

Mr Piet van Niekerk
Autumn Storm INV 200 (Pty) Ltd
Postnet Suite 24
Private Bag X132
CENTURION
0046

Telephone Number: (012) 653 4222
Email Address: plervn7@gmail.com

PER MAIL / EMAIL

Dear Mr Van Niekerk

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE CLEARANCE OF AN AREA OF APPROXIMATELY 5HA ON ERF 4016 KNYSNA FOR THE DEVELOPMENT OF RESIDENTIAL AND SMALL-SCALE AGRICULTURAL ACTIVITIES, WITHIN THE KNYSNA LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the decision, of the decision, as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully

Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 19/04/2021

cc:	Ms Melissa Mackay	Cape Environmental Assessment Practitioners	Email: mel@cape-eaprac.co.za

Aquatic assessment and compliance statement for a residential development on Erf 4016, Knysna, Western Cape.

View down a drainage line on the property adjacent to Erf 4016

Prepared by Dr. Jackie Dabrowski of Confluent Environmental (Pty) Ltd

For Cape EAPrac

November 2020

confluent

Email: jackie@confluent.co.za
Tel: 083 256 3159

DECLARATION OF CONSULTANTS INDEPENDANCE

This report was compiled by Jacqueline (Jackie) Dabrowski, the Director of Confluent Environmental (Pty) Ltd. Jackie holds a Ph.D. in Veterinary Science and her post-graduate studies were in the field of freshwater ecology. She has conducted research and published scientific articles on a range of topics including aquatic food webs, fish health, trends in water quality, branchiopod diversity, and land-use impacts on water quality. Her consulting work has focussed on a range of environmental assessments of dams, rivers, estuaries, ephemeral watercourses and wetlands at various locations in Namibia, Liberia and South Africa.

At the time of conducting this study, I declare that:

- I am an independent specialist consulting in the field of Aquatic Science;
- I do not have any financial interest in the undertaking of the activity, apart from remuneration for work performed in terms of the Environmental Impact Assessment Regulations, 2014;
- I do not have any vested interest in the proposed activity proceeding;
- I will not engage in any conflicting interests in the undertakings of the activity;
- I undertake to disclose to the competent authority any relevant information with the potential to influence the decision of the competent authority or the objectivity of the report; and,
- I will provide the competent authority with access to all information at my disposal regarding the application, whether this information is favourable to the applicant or not.

Jackie Dabrowski (Ph.D., Pr.Sci.Nat. *Aquatic Science*)
SACNASP Registration Number 115166

TABLE OF CONTENTS

1. INTRODUCTION 5
1.1 Background 5
1.2 Proposed Development and Proximal Watercourses 5
1.3 Scope of Work 6
1.4 Assumptions and Knowledge Gaps 6
1.5 Catchment Context 6
1.6 Conservation and Protection 7
1.7 Vegetation and Ecoregion 8
1.8 Resource Quality Objectives 9
2. SITE VISIT 10
3. WATERCOURSE CLASSIFICATION 10
3.1 Wetland Classification 10
4. WETLAND DELINEATION 11
4.1 Wetland Delineation Methods 11
4.2 Terrain Unit Indicator 12
4.3 Soil Wetness Indicator 12
4.4 Vegetation Indicator 12
4.5 Wetland Delineation 13
5. PRESENT ECOLOGICAL STATE 13
5.1 Method 13
5.2 Present Ecological State of the Wetland 14
6. ECOLOGICAL IMPORTANCE AND SENSITIVITY (EIS) 16
6.1 Method 16
6.2 Ecological Importance and Sensitivity of the Wetland 17
7. RISK MATRIX 18
7.1 Summary of Risk Matrix Control Measures 22
8. CONCLUSIONS 23
9. APPENDICES 24
9.1 Proposed site layout for Erf 4016, Knysna 24
9.2 Risk Matrix Methods 24
9.3 Soil Features at Erf 4016 27
10. REFERENCES 29

LIST OF TABLES

Table 1. Classification of wetland hydrogeomorphic units using methods described by Ollis *et al*. (2013). 10

Table 2.Wetland Present Ecological State categories and impact descriptions. 14

Table 3. Summarised WET Health assessment to determine the PES for the wetland on Erf 4016. 16

Table 4.Ecological importance and sensitivity categories for wetlands. Interpretation of average scores for biotic and habitat determinants. 17

Table 5. Ecological importance and sensitivity of the wetland at Erf 4016, Knysna. 18

Table 6. Risk Matrix complied for proposed residential development within 500 m of a wetland. 19

Table 7: Scores used to rate the impact of the aspect on resource quality (flow regime, water quality, geomorphology, biota and habitat) 25

Table 8: Scores used to rate the spatial scale that the aspect is impacting on....25

Table 9: Scores used to rate the duration of the aspects impact on resource quality 26

Table 10: Scores used to rate the frequency of the activity....26

Table 11: Scores used to rate the frequency of the activity's impact on resource quality 26

Table 12: Scores used to rate the extent to which the activity is governed by legislation 26

Table 13:Scores used to rate the ability to identify and react to impacts of the activity on resource quality, people and property. 26

Table 14: Rating classes 27

Table 15: Calculations used to determine the risk of the activity to water resource quality...27

LIST OF FIGURES

Figure 1. Proposed layout showing the development footprint at Erf 4016 in relation to watercourses mapped and classified during the site visit. 5

Figure 2. Location of Erf 4016 within quaternary catchment K50B. 7

Figure 3. Location of Erf 4016 within SQR 9117, a Freshwater Ecosystem Priority Area (FEPA). 8

Figure 4. Mean monthly rainfall for Knysna. 9

Figure 5.Cross-section through a typical wetland showing how soil wetness indicators and vegetation change along a gradient of decreasing wetness (DWAF, 2005). 11

Figure 6. Soil auger examples showing a terrestrial (non-wetland) soil (a), a mildly mottled soil from close to the edge of the wetland (b) and a more heavily mottled sample from the middle of the valley-bottom (c). 12

Figure 7. Valley-bottom wetland containing large quantities of recently cleared wattles. 13

Figure 8. Photos showing a) Erosion along the fenceline between Erf 4016 and Erf 4015, b) the road along which erosion is occurring, c) the wetland showing extensive alien clearing that has recently taken place, d) the drainage line to the east showing the steep gradient and

indigenous forest, and e) the 'end' of the large drainage line to the north of the property where it meets the Knysna Estuary. Pictured from Red Bridge Road. 15

Figure 9. Soil auger from surface to showing the relatively light-coloured E-horizon and the abrupt transition to the B-horizon which is enriched in clay. 28

1. INTRODUCTION

1.1 Background

Confluent Environmental (Pty) Ltd were appointed by Cape EAPrac to provide aquatic specialist inputs to a proposed small-scale residential development consisting of primary and secondary housing, outbuildings, and subsistence agricultural areas. The proposed development covers an area of approximately 5 ha which is located within the greater property area of 33.9 ha. The remainder of the property is proposed to be cleared of alien vegetation in order to restore indigenous vegetation and maintain habitat for butterflies and other fauna. The property layout upon which this assessment is based is included in Appendix 1 of this report.

1.2 Proposed Development and Proximal Watercourses

Erf 4016 has a number of mapped watercourses proximal to the property boundary. The Knysna Estuary is located to the south-west of the property. The boundary of the Knysna Estuary is located at the 5 m.a.m.s.l. contour, which is used to define the Estuarine Functional Zone (EFZ). While an estuary is defined as a water resource according to the National Water Act (Act No. 36 of 1998) it is not defined as a watercourse. Activities impacting on estuaries are therefore regulated by the Department of Environmental Affairs. Furthermore, the location of the development area (development footprint) within the property is approximately 80 m above the EFZ and well out of any riparian or estuarine vegetation that could be used to define the regulated area.

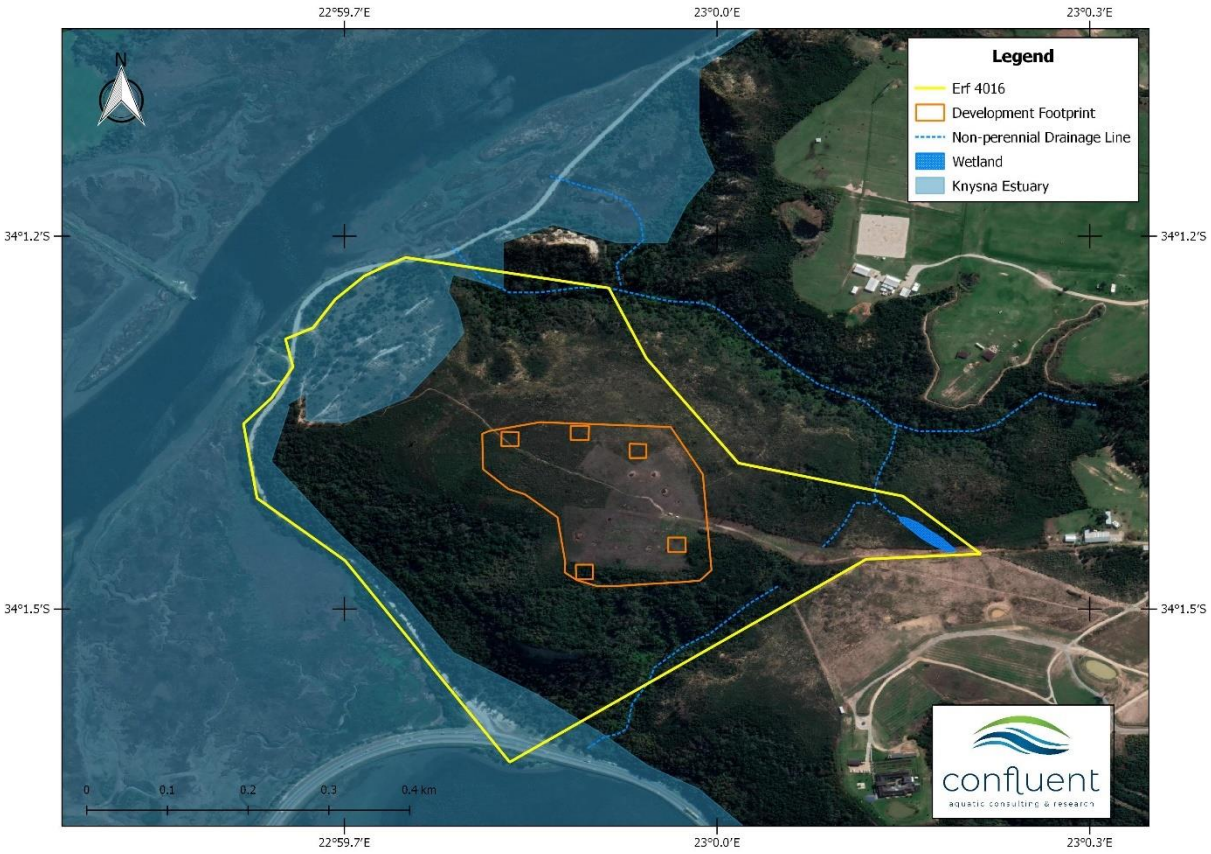


Figure 1. Proposed layout showing the development footprint at Erf 4016 in relation to watercourses mapped and classified during the site visit.

The proposed development consists of two private residential houses, 3 outbuildings, and small-scale agricultural lands for hobby farming (e.g. olive trees). The proposed location of this development is at the 'top' of the property on the flattest area of land. There will not be any water abstraction or storage on the property beyond that defined as a Schedule 1 water use. Rainwater will be used for drinking water, and a Biolytix system will be installed for treatment of wastewater. In terms of activities that require water use authorisation or assessment, where Section 21 c and / or i activities take place within the regulated area of a watercourse these must be assessed to determine their level of risk using the Risk Matrix. The regulated area for a drainage line is defined as the outer edge of the 1 in 100 year flood line and / or delineated riparian habitat. There are three drainage lines located beyond the property boundary that were assessed during the site visit, and both have riparian zones that are well beyond the property boundaries (Figure 1). Therefore, none of the proposed activities on Erf 4016 would require authorisation in respect of the drainage lines.

There is one small wetland located within the property boundary to the east, which does fall within the regulated area of the watercourse. This wetland forms the basis of this assessment which will consider the ecological state of the wetland and potential risks posed by the proposed development.

1.3 Scope of Work

The purpose of this report is to provide the developer and regulating authorities with information regarding the presence, extent, ecological state, and site development constraints and opportunities related to the watercourse on site. The Scope of Work is as follows:

- Verify and classify the watercourse present.
- Determine the Present Ecological State (PES) of the watercourse.
- Determine the Ecological Importance and Sensitivity (EIS) of the watercourse.
- Delineate the wetland.
- Provide a Risk Matrix to assess the proposed activities and recommend control measures to mitigate impacts.

1.4 Assumptions and Knowledge Gaps

- The assessment of proposed activities and anticipated risks to the watercourse(s) are based on the layout provided in Appendix 1 and the activities described in the introduction. If the layout or activities are modified significantly, this may result in an altered risk to watercourses.
- Two of the drainage lines are in very steep terrain that prohibited a visual inspection of the watercourse itself. One would essentially need to abseil into them on a rope over cliff edges to gain direct access to the stream bed.

1.5 Catchment Context

Erf 4016 is located in quaternary catchment **K50B** in the Gouritz Water Management Area (Figure 2). The Gouna River is the major watercourse in this catchment and is a tributary of the Knysna River. The proposed development site is at the top of a high point with very steep terrain (> 50% slope) sloping to the south and west towards the Knysna Estuary, and less steep slopes to the east and steep slopes to the north. The property is surrounded by watercourses located include the Knysna Estuary along the north and western boundary, as

well as the N2 highway. The drainage lines and wetland are located to the east and north of the property boundary.

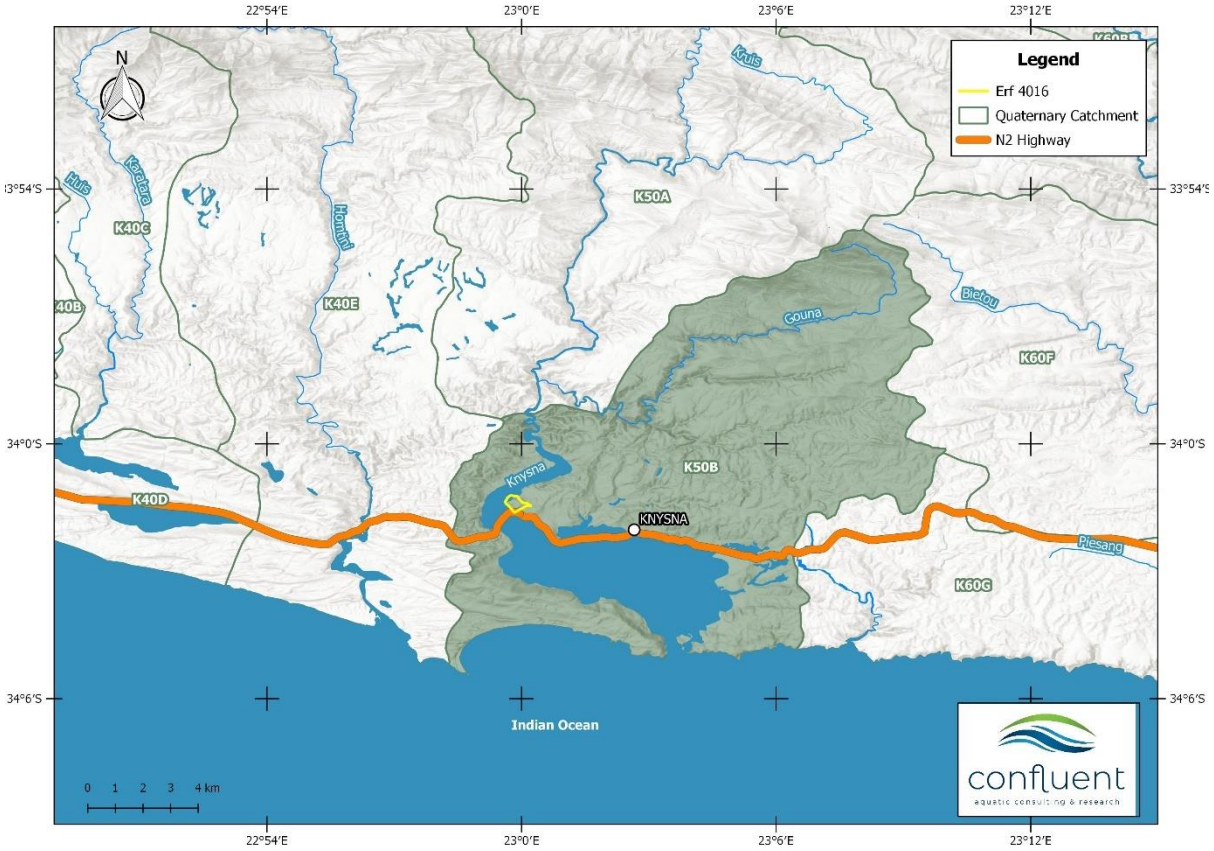


Figure 2. Location of Erf 4016 within quaternary catchment K50B.

The property was largely overgrown with *Acacia mearnsii* (black wattle) and was also extensively burnt during the Knysna Fire of 2017. The landowner is in the process of clearing alien plants with approval and support from the Knysna Municipality.

1.6 Conservation and Protection

The Knysna Estuary forms part of the Garden Route National Park and is ranked 1st out of 273 estuaries in South Africa in terms of biodiversity conservation. The majority of terrestrial areas as well as the wetland within the property are classified as a Critical Biodiversity Area (CBA) 1 according to the Western Cape Biodiversity Spatial Plan. A portion of the vegetation surrounding and upslope of the steep drainage line to the east of the property is classified as forest in a CBA1. The property is located within the Garden Route Biosphere Reserve.

The property is located in a Freshwater Ecosystem Priority Area (FEPA). According to Nel *et al.* (2011) FEPA's are sub-quaternary reaches prioritised for conservation of freshwater ecosystems and their associated biodiversity. They should be managed and maintained in a good condition to conserve these ecosystems and the water resource for human users. Watercourses in FEPAs are recommended to be in an A or B ecological category.

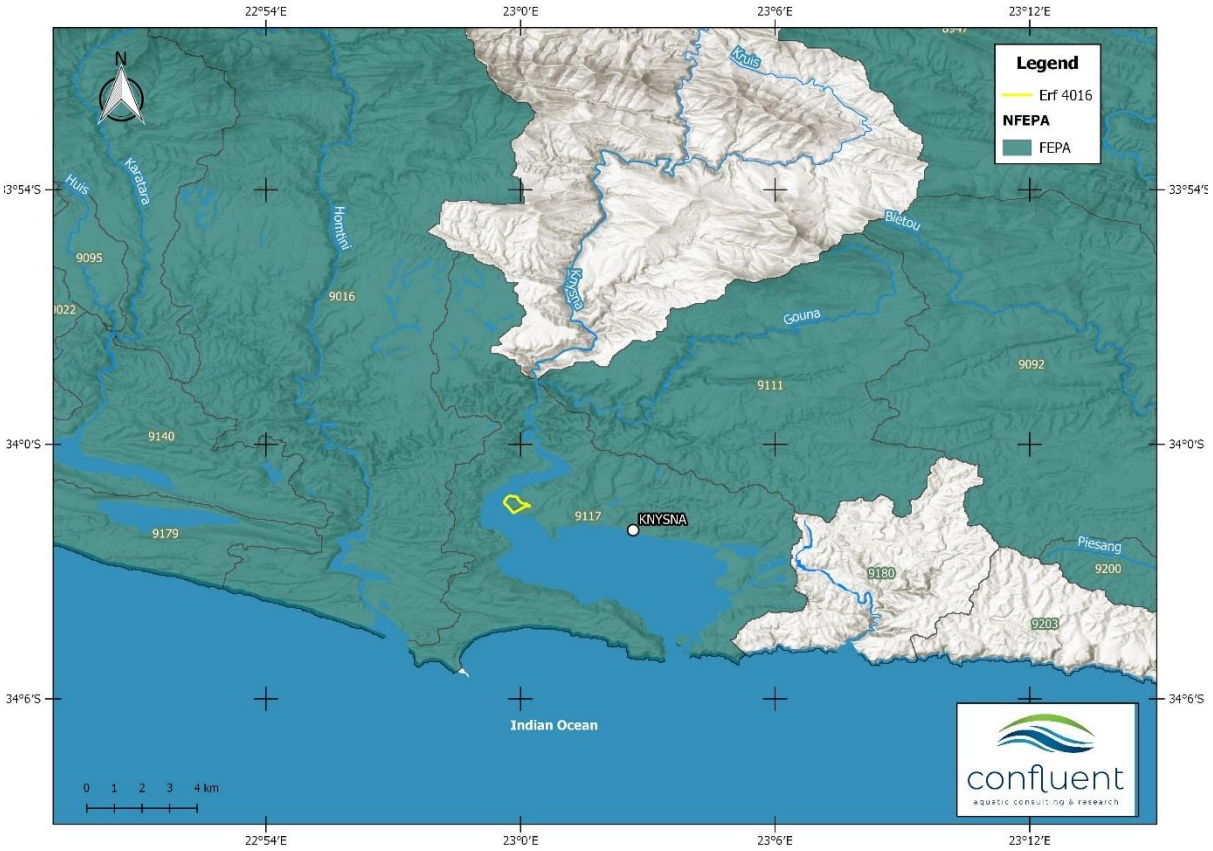


Figure 3. Location of Erf 4016 within SQR 9117, a Freshwater Ecosystem Priority Area (FEPA).

1.7 Vegetation and Ecoregion

Vegetation at the site is mapped as Garden Route Shale Fynbos which is classified as Endangered (Mucina and Rutherford, 2006). No important wetland taxa have been listed for this vegetation type, however, *Cyphia georgica*, *Disa newdigateae* and *Gladiolus roseovenosus* have all been listed as endemic geophytic herbs for Garden Route Shale Fynbos.

The property is located within the South Eastern Coastal Belt (Ecoregion level 2: 20.02). The terrain is described low mountains and moderately undulating plains with moderate relief. Altitude ranges between 0 - 1 300 m.a.m.s.l. The Mean Annual Precipitation (MAP) is between 500- 800 mm with precipitation occurring throughout the year with distinct bimodal peaks in March and October (Figure 4).

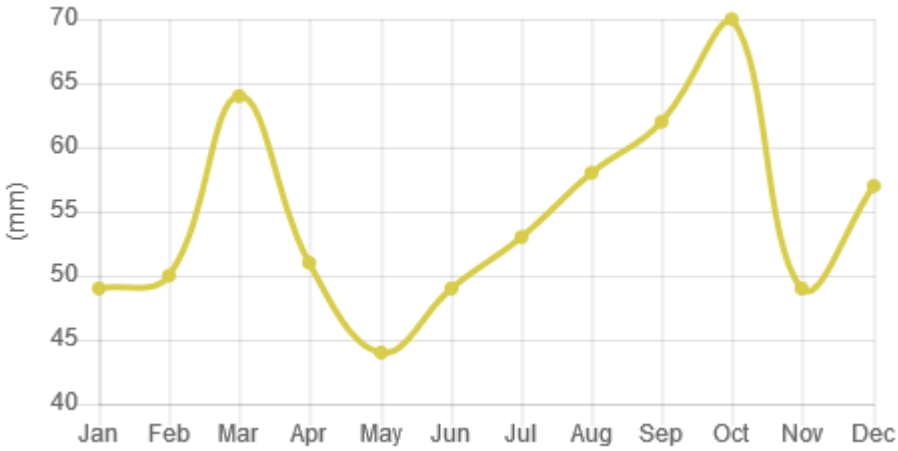


Figure 4. Mean monthly rainfall for Knysna.

1.8 Resource Quality Objectives

Resource Quality Objectives (RQOs) are defined as clear goals (numerical or descriptive statements) relating to the quality of a water resource and are set in accordance to the management class for the resource to ensure the water resource is protected. The purpose of RQOs is to set clear objectives for the resource against which WULs and the related impacts can be evaluated and managed to achieve a balance between the need to protect and utilise the resource.

The Breede-Gouritz Catchment Management Agency recently concluded an assessment of major rivers in the Water Management Area (DWS, 2018). While the assessment excluded wetlands as small as the one on Erf 4016, it did provide important insights into threats affecting the Knysna Estuary which must be considered by all land managers in the catchment. The most important of these are as follows:

- Reduction in freshwater runoff
- Sedimentation
- Loss and degradation of floodplain habitat
- Illegal fishing
- Impaired water quality due to stormwater and sewage inflows
- Barriers to flow and movement of fish and other fauna
- Disturbance due to recreational activities.

The Present Ecological State (PES) for the Knysna Estuary is classified as a B, but there are concerns that this may decline if the catchment and estuary itself are not effectively managed.

2. SITE VISIT

The site was visited once on 26 November 2020 which is considered early Summer season. There was no rainfall recorded at the site within the previous 24 hours, and the area had received good seasonal rainfall during the usual spring peak.

3. WATERCOURSE CLASSIFICATION

According to the National Water Act (NWA; Act No. 36 of 1998), a watercourse is defined as:

a) A river or spring;
b) **A natural channel** in which water flows regularly or intermittently;
c) **A wetland**, lake, or dam into which, or from which, water flows; and
d) Any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse.

According to the NWA, a wetland is defined as "land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil." This definition most closely applies to the watercourse located to the east of the site.

The two drainage lines and their riparian zones area located on the property well beyond the 5 hectare development footprint. Their hydrology would be classified as intermittent flow, and they had zero flow at the time of the site visit.

3.1 Wetland Classification

Classification of the wetland at the site followed the methods developed by Ollis *et al*. (2013) up to Level 4 categorisation for different hydrogeomorphic (HGM) units (Table 1). The slope on either side of the wetland is > 25% which confirms its location along a valley bottom. The upper reaches of the wetland are not channelled, however the wetland becomes a drainage line further downslope where the gradient increases and an incised channel is evident.

Table 1. Classification of wetland hydrogeomorphic units using methods described by Ollis *et al*. (2013).

Level 1	Level 2		Level 3	Level 4	Graphic
System	**DWS Ecoregion**	**Vegetation**	**Landscape Unit**	**4A**	**From Kotze *et al.* (2005)**
Inland	20.02 South Eastern Coastal Belt	Garden Route Shale Fynbos	Valley-bottom	Unchannelled valley-bottom wetland	

4. WETLAND DELINEATION

4.1 Wetland Delineation Methods

The wetland was delineated using methods developed by DWAF (2005). The outer edge of the temporary zone is used to define the edge of the wetland. The outer edge is identified using the following indicators:

1. **Terrain Unit Indicator**
   Identify parts of the landscape where wetlands are more likely to occur and where clear changes in elevation would support formation of a wetland.
2. **Soil Form and Wetness Indicator**
   Identification of soil form as defined by the Soil Classification Working Group. Identifies morphological 'signatures' developed in the soil profile because of prolonged or frequent saturation.
3. **Vegetation Indicator**
   Identifies hydrophilic vegetation associated with permanently, seasonally, or infrequently saturated soils.

Soil wetness indicators are the primary indicator with the other three indicators being used in a confirmatory role. This is because vegetation can respond quickly to changes in soil moisture and may be transformed, while soil wetness indicators are retained in the soil long after a wetland has been drained or altered (Figure 5).

The minimum set of indicators required to qualify an area as a wetland are soil wetness or vegetation indicators. Ideally at least two indicators should be present to confirm wetland conditions. Where site conditions have been significantly modified by recent disturbance, it is possible to use historical aerial and satellite imagery to compliment the assessment.

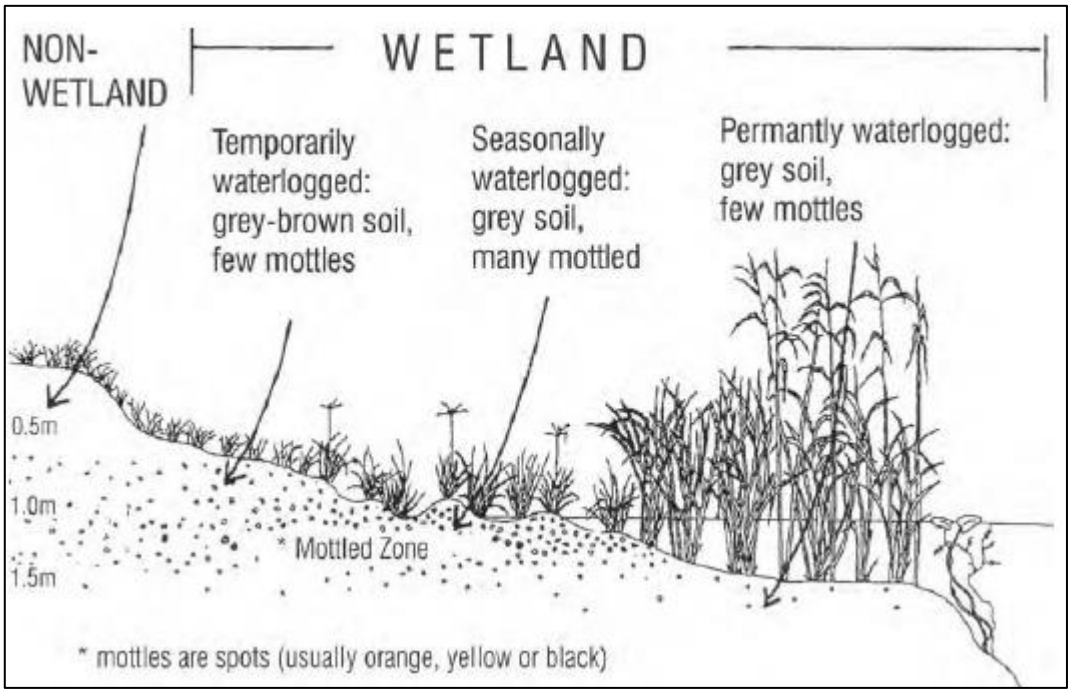


Figure 5.Cross-section through a typical wetland showing how soil wetness indicators and vegetation change along a gradient of decreasing wetness (DWAF, 2005).

4.2 Terrain Unit Indicator

As indicated in the wetland classification section the wetland is located in a valley-bottom. A valley-bottom is favourable for the development of wetland conditions given the movement of water to and along the lowest point in the landscape.

4.3 Soil Wetness Indicator

Soil augering was conducted in transects across the valley bottom. Where wetness indicators were observed, augering was continued until the wetness indicators disappeared indicating the edge of the wetland. Soil wetness indicators were limited to mild mottling within a grey matrix along the valley bottom (Figure 6). This indicates a seasonal wetland with no zone of permanent saturation. A distinct E horizon was present on soils outside of the wetland indicating a significant source of water is via interflow through the soil matrix down the valley slopes.

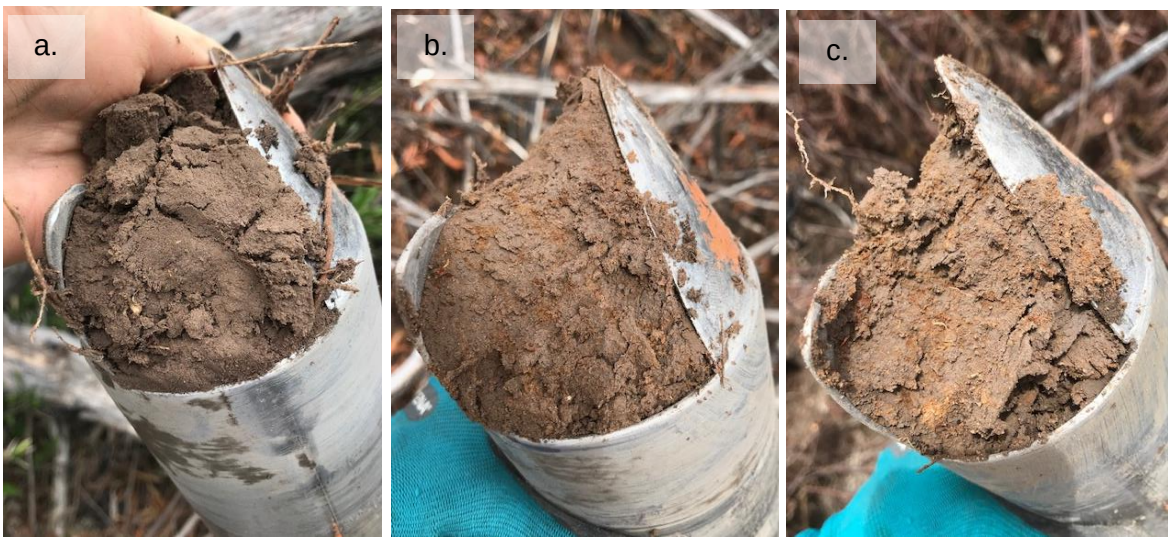


Figure 6. Soil auger examples showing a terrestrial (non-wetland) soil (a), a mildly mottled soil from close to the edge of the wetland (b) and a more heavily mottled sample from the middle of the valley-bottom (c).

4.4 Vegetation Indicator

Vegetation present along the wetland was in the early stages of regenerating and consisted of many terrestrial species in combination with species that commonly grow along seeps and stream banks. The most notable of these was *Cliffortia graminea*. Apart from a few small sedges growing on the valley bottom, there were no other obligate or facultative wetland plants observed. The reason for this is probably due to the extensive wattle growth along the watercourse and upper slopes which have only recently been cleared. Evidence of clearing was still present as large quantities of woody material was accumulated in the wetland itself (Figure 7).

Figure 7. Valley-bottom wetland containing large quantities of recently cleared wattles.

4.5 Wetland Delineation

The delineation relied predominantly on soil auger results, with the boundary of the wetland following the zone of transition between mottled and unmottled soils. The wetland grades into a drainage line with no further wetland soil indicators further downstream where it joins another non-perennial drainage line.

5. PRESENT ECOLOGICAL STATE

5.1 Method

The wetland area was assessed using the Level 1 WET-Health assessment tool developed by Macfarlane *et al*. (2008). The tool aims to assess the integrity of a wetland which is defined as a measure of the deviation of wetland structure and function from the wetland's natural reference condition. The method combines an assessment of hydrological, geomorphological and vegetation health in three modules.

Data collection involved a desktop review of the extent and intensity of catchment land use impacts and was undertaken using aerial imagery of the site (Chief Directorate: National Geo-spatial Information and satellites) and topographic maps. Fieldwork onsite involved the identification and recording of observable impacts to the wetland at the site of relevant activities as well as at reference points upstream. The magnitude of observed impacts to the hydrological, geomorphological and vegetation components of the wetland were calculated and combined as per the tool to provide a measure of the overall wetland condition. The condition ranges in scale from 1-10 and resultant scores were then used to assign the wetland into one of six PES categories as shown in Table 2.

Table 2.Wetland Present Ecological State categories and impact descriptions.

Ecological Category	Description	Impact Score
A	Unmodified, natural.	0 – 0.9
B	Largely natural with few modifications / in good health. A small change in natural habitats and biota may have taken place but the ecosystem functions are still predominantly unchanged.	1 – 1.9
C	Moderately modified / fair condition. Loss and change of natural habitat and biota have occurred, but the basic ecosystem functions are still predominantly unchanged.	2 – 3.9
D	Largely modified / poor condition. A large loss of natural habitat, biota and basic ecosystem functions has occurred.	4 – 5.9
E	Seriously modified / very poor condition. The loss of natural habitat, biota and basic ecosystem functions is extensive.	6 – 7.9
F	Critically modified / totally transformed. Modifications have reached a critical level and the lotic system has been modified completely with an almost complete loss of natural habitat and biota.	8 - 10

5.2 Present Ecological State of the Wetland

The Present Ecological State (PES) of the wetland was classified as C, Moderately Modified (Table 3). The impacts present are mostly related to two factors. Firstly the extensive cover of alien vegetation in the catchment (which has recently been cleared, but is now in the wetland), and secondly, erosion originating on land upslope and associated with the road cutting (Figure 8).

Once the alien vegetation has been removed from the site, it is likely the PES will improve as the indigenous vegetation regenerates. Other areas on the property where alien clearing has concluded have shown a remarkable regrowth in indigenous plants. Erosion from the road is not actually occurring in the wetland itself, but on the slop above the wetland. If left unchecked it may extend into the wetland and is currently causing minor deposition.

Figure 8. Photos showing a) Erosion along the fenceline between Erf 4016 and Erf 4015, b) the road along which erosion is occurring, c) the wetland showing extensive alien clearing that has recently taken place, d) the drainage line to the east showing the steep gradient and indigenous forest, and e) the 'end' of the large drainage line to the north of the property where it meets the Knysna Estuary. Pictured from Red Bridge Road.

Table 3. Summarised WET Health assessment to determine the PES for the wetland on Erf 4016.

PES: Knysna, Erf 4016
HYDROLOGY
Slight increase in water inputs due to runoff from the gravel road
Significant reduction in flows due to extensive cover with black wattles (alien vegetation)
Moderate reduction in surface roughness due to competitive exclusion of vegetation by wattles
Hydrology PES Category: C
GEOMORPHOLOGY
Slight increase in stormwater runoff related to the gravel road
Moderate erosional features associated with runoff from the gravel road
Minor depositional features on the slopes above the wetland
Geomorphology PES Category: A
VEGETATION
Extensive replacement of indigenous vegetation with black wattles
Minor areas of deposition, but not sufficient to smother vegetation
Minor areas of erosion, but not sufficient to cause loss of vegetation
Vegetation PES Category: C
OVERALL PES: C, Moderately Modified

6. ECOLOGICAL IMPORTANCE AND SENSITIVITY (EIS)

6.1 Method

The revised method for the determination of the EIS of a wetland considers the three following ecological aspects (Rountree *et al*., 2013):

- **Ecological importance and sensitivity**
    - Biodiversity support including rare species and feeding/breeding/migration;
    - Protection status, size and rarity in the landscape context;
    - Sensitivity of the wetland to floods, droughts and water quality fluctuations.
- **Hydro-functional importance**
    - Flood attenuation;
    - Streamflow regulation;
    - Water quality enhancement through sediment trapping and nutrient assimilation;
    - Carbon storage
- **Direct human benefits**
    - Water for human use and harvestable resources;
    - Cultivated foods;
    - Cultural heritage;
    - Tourism, recreation, education and research.

Each criterion is scored between 0 and 4, and the average of each subset of scores is used to derive a score for each of the three components listed above. The highest score is used to determine the overall Importance and Sensitivity category of the wetland system (Table 4).

Table 4.Ecological importance and sensitivity categories for wetlands. Interpretation of average scores for biotic and habitat determinants.

Ecological Importance and Sensitivity Category (EIS)	Range of Median	Recommended Ecological Management Class
Very high: Wetlands that are considered ecologically important and sensitive on a national or even international level. The biodiversity of these floodplains is usually very sensitive to flow and habitat modifications. They play a major role in moderating the quantity and quality of water of major rivers.	>3 and <=4	A
High: Wetlands that are considered to be ecologically important and sensitive. The biodiversity of these floodplains may be sensitive to flow and habitat modifications. They play a role in moderating the quantity and quality of water of major rivers.	>2 and <=3	B
Moderate: Wetlands that are considered to be ecologically important and sensitive on a provincial or local scale. The biodiversity of these floodplains is not usually sensitive to flow and habitat modifications. They play a small role in moderating the quantity and quality of water of major rivers.	>1 and <=2	C
Low/marginal: Wetlands that are not ecologically important and sensitive at any scale. The biodiversity of these floodplains is ubiquitous and not sensitive to flow and habitat modifications. They play an insignificant role in moderating the quantity and quality of water of major rivers.	>0 and <=1	D

6.2 Ecological Importance and Sensitivity of the Wetland

Based on the assessment, the EIS of the wetland is classified as **Moderate** (Table 4). Although the watercourse is not particularly large or unique it performs important functions in terms of flood attenuation and water quality improvement. Unchannelled valley-bottom wetlands act as a sponge, absorbing water and releasing it slowly which acts to reduce flood peaks and extreme low flows through the continual release of water. It also maintains landscape connectivity as a migration corridor for wildlife. These functions must be preserved as far as possible through the strategic use of buffers and effective catchment management.

Table 5. Ecological importance and sensitivity of the wetland at Erf 4016, Knysna.

Ecological importance and sensitivity	Score 0-4	Confidence 1-5	Motivation
Biodiversity support	**1.3**		
Presence of Red Data species	0	4	None observed, but not impossible.
Populations of unique species	0	3	None observed, but likely given the mapped vegetation type under unimpacted conditions.
Migration/feeding/breeding sites	2	4	Habitat for amphibians, reptiles, small mammals, birds etc.
Landscape scale	**1.6**		
Protection status of wetland	3	4	Privately owned, not part of GRNP
Protection status of vegetation type	3	4	Listed as Endangered
Regional context of the ecological integrity	2	4	Moderately modified, but will improve with alien veg. removal
Size and rarity of the wetland types present	1	4	Small and relatively common
Diversity of habitat types	1	5	Limited diversity
Sensitivity of the wetland	**2.6**		
Sensitivity to changes in floods	3	3	Small, unchannelled system which is sensitive to increased flooding
Sensitivity to changes in low flows	3	4	Small and therefore sensitive to decreased low flows
Sensitivity to changes in water quality	2	4	Limited surface flows so not very sensitive
Hydrofunctional Importance	**1.5**	**3**	
Direct human benefits	**1.3**	**3**	
ECOLOGICAL IMPORTANCE AND SENSITIVITY	**2.6**	**MODERATE**	

7. RISK MATRIX

Methods used to determine scores in the Risk Matrix are explained in Appendix 2 of this report. The assessment considers the risks in their mitigated state, and it is therefore imperative that control measures to mitigate impacts are fully implemented for the level of risk to apply. The risk matrix considers the severity of risks to the flow regime, water quality, habitat (including geomorphology), and biota.

The results of the Risk Matrix indicate that the anticipated risks of developing the mixed residential and small-scale agricultural use property at Erf 4016 in their mitigated state are **Low**. The planned layout of the development is located approximately 250 m from the wetland and it is therefore unlikely that many of the impacts associated with the construction or operational phase will have a significant impact on the wetland. The proximity of the access road to the wetland is the most serious potential threat and measures to mitigate this aspect have been recommended. Therefore, according to GN509 of the NWA, the Section 21 c) and i) water uses can be **Generally Authorised**. Soil at the site is highly erodible and many of the control measures have been made with this in mind. This factor, coupled with the steep terrain along the margins of the development site, must be considered in general with the proposed development, as any reduction in surface roughness (roads, hardened surfaces) has the potential to cause severe erosion.

Table 6. Risk Matrix complied for proposed residential development within 500 m of a wetland.

RISK MATRIX for Knysna Erf 4016

Risk Matrix completed by Jackie Dabrowski SACNASP registration number 115166.

Impacts assume full implementation of mitigation measures.

					Severity																
No.	**Phases**	**Activity**	**Aspect**	**Impact**	**Flow Regime**	**Water Quality**	**Habitat**	**Biota**	**Severity**	**Spatial scale**	**Duration**	**Consequence**	**Frequency of activity**	**Frequency of impact**	**Legal Issues**	**Detection**	**Likelihood**	**Significance**	**Risk Rating**	**Confidence level**	**Control Measures**	**PES AND EIS OF WATERCOURSE**
1		Increased frequency of heavy vehicle traffic to access the construction site	Expansion of the road footprint	Soil erosion and sedimentation	2	1	2	1	1.5	1	2	4.5	1	2	1	3	7	32	Low	80	• Do not allow vehicles to overtake by driving off the access road. Contractors must be advised, and this must be enforced using temporary fencing along the road. • Sections of erosion on the access road cutting and downslope towards the wetland must be repaired so that increased traffic doesn't exacerbate the situation. • The access road must not be expanded from its current footprint because of the proximity to the wetland and the risk of erosion due to preferential flow paths. • Contractors must be advised to maintain low travelling speeds (<20 kmph) on the access road. • If active erosion results in the formation of erosion rills and / or gullies during construction, these area must be infilled with topsoil and covered with hessian or a geotextile prior to revegetation to control the erosion. • Where sedimentation downstream occurs as a direct result of construction activities this must be assessed and manual removal (using spades) under the supervision of a freshwater ecologist or environmental site officer may be recommended. • Establish sediment traps (e.g. silt fences or erosion berms) on areas prone to erosion. Although rainfall is an unlikely event, it must be planned for. Allowance must be made to clear sediment from the traps if erosion occurs during the construction period.	

Construction Phase		Pollution associated with vehicles	Water quality impacts	**0**	**1**	**0**	**1**	**0.5**	**1**	**1**	**2.5**	**3**	**2**	**1**	**2**	**8**	**20**	**Low**	**90**	• Vehicle parking and refuelling areas must be located > 50m from the edge of watercourses, and be clearly defined and bunded with sandbags. • Any fuel storage areas must be bunded to prevent spills from spreading if they occur. • Waste collection and removal must be arranged on a regular basis, and allowance must be made for conducting a litter clean-up for up to 100m downstream and upstream of the wetland and surrounding areas at the development site.	PES: C EIS: Moderate
	Increase in impervious surfaces (roads, buildings)	Stormwater management	Erosion and sedimentation of slopes and watercourses	**1**	**1**	**1**	**1**	**1**	**2**	**2**	**5**	**2**	**2**	**1**	**3**	**8**	**40**	**Low**	**80**	• Use permeable surfaces wherever possible in the development (e.g. gravel pathways and parking areas) given the erodibility of the soil and surrounding steep gradient. • Stormwater associated with the development footprint must be attenuated within the footprint, not channelled in any way, and not dispersed down steep slopes. • Rainwater tanks are advisable and a small dam could be excavated within the development footprint, lined with clay from the site, and used to store excess stormwater durnig periods of high rainfall.	

	Workers on site	Presence in sensitive habitat	Risk of watercourse pollution and degradation	0	1	1	1	0.8	1	1	2.8	2	2	1	2	7	19	Low	90	• Provide portable chemical toilets on site if no other toilet facilities are available nearby. 1 toilet per 10 workers. • Provide bins or rubbish bags for rubbish and place them in an area designated for break-time. Ensure bins are cleaned out on a regular basis. • All workers must be briefed that no waste is to be disposed of in the environment. • All workers must be briefed that no unnecessary access to the watercourse is permitted for the duration of the work.	
Operational Phase	Vegetation Maintenance	Alien vegetation management	Transormation of habitat and loss of biodiversity	1	0	2	1	1	2	2	5	2	3	1	2	8	40	Low	90	• Great inroads have already been made to clearing alien vegetation from the site. This will have be followed up on a regular basis to ensure that progress is maintained and the fire risk is mitigated. • Clearing of alien vegetation along any watercourse (including the wetland) can only be done by hand (chainsaws, ring-barking, Tree Poppers, cut and painting of herbicides) and no heavy machinery is permitted in any watercourse. • Only use herbicides in plant specific applications, no broad-scale applications are permitted within a watercourse. • It may be necessary to use silt fences along the slopes above the wetland if indigenous vegetation takes a substantial time to regenerate resulting in sheet erosion.	

7.1 Summary of Risk Matrix Control Measures

- Do not allow vehicles to overtake by driving off the access road. Contractors must be advised, and this must be enforced using temporary fencing along the road.
- Sections of erosion on the access road cutting and downslope towards the wetland must be repaired so that increased traffic doesn't exacerbate the situation.
- Do not continue with construction work during wet weather (See Appendix 3 for reasons).
- The access road must not be expanded from its current footprint because of the proximity to the wetland and the risk of erosion due to preferential flow paths.
- Contractors must be advised to maintain low travelling speeds (<20 kmph) on the access road.
- If active erosion results in the formation of erosion rills and / or gullies during construction, these areas must be infilled with topsoil and covered with hessian or a geotextile prior to revegetation to control the erosion.
- Where sedimentation downstream occurs as a direct result of construction activities this must be assessed and manual removal (using spades) under the supervision of a freshwater ecologist or environmental site officer may be recommended.
- Establish sediment traps (e.g. silt fences or erosion berms) on areas prone to erosion. Although rainfall is an unlikely event, it must be planned for. Allowance must be made to clear sediment from the traps if erosion occurs during the construction period.
- Vehicle parking and refuelling areas must be located > 50m from the edge of watercourses, and be clearly defined and bunded with sandbags.
- Any fuel storage areas must be bunded to prevent spills from spreading if they occur.
- Waste collection and removal must be arranged on a regular basis, and allowance must be made for conducting a litter clean-up for up to 100m downstream and upstream of the wetland and surrounding areas at the development site.
- Use permeable surfaces wherever possible in the development (e.g. gravel pathways and parking areas) given the erodibility of the soil and surrounding steep gradient.
- Stormwater associated with the development footprint must be attenuated within the footprint, not channelled in any way, and not dispersed down steep slopes (Appendix 3).
- Rainwater tanks are advisable, and a small dam could be excavated within the development footprint, lined with clay from the site, and used to store excess stormwater during periods of high rainfall.
- Provide portable chemical toilets on site if no other toilet facilities are available nearby. 1 toilet per 10 workers.
- Provide bins or rubbish bags for rubbish and place them in an area designated for break-time. Ensure bins are cleaned out on a regular basis.
- All workers must be briefed that no waste is to be disposed of in the environment.
- All workers must be briefed that no unnecessary access to the watercourse is permitted for the duration of the work.
- Great inroads have already been made to clearing alien vegetation from the site. This will have be followed up on a regular basis to ensure that progress is maintained and the fire risk is mitigated.

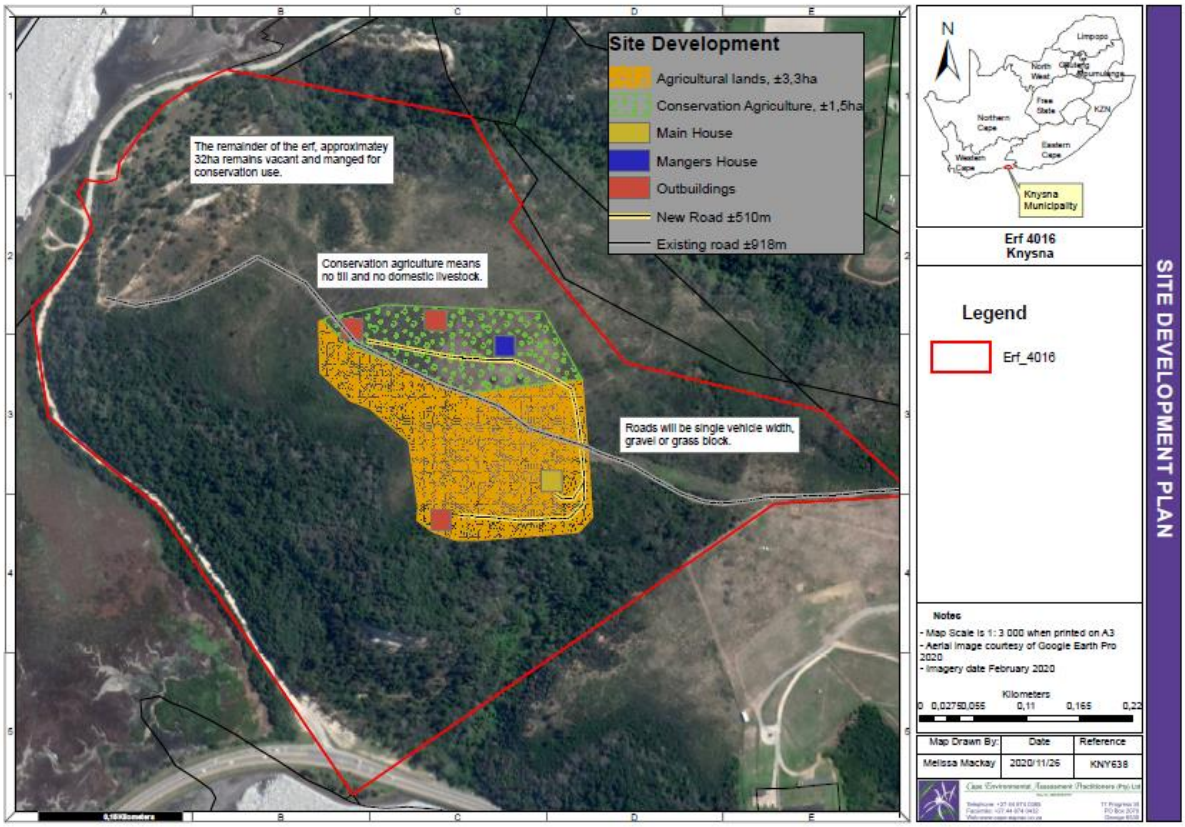
- Clearing of alien vegetation along any watercourse (including the wetland) can only be done by hand (chainsaws, ring-barking, Tree Poppers, cut and painting of herbicides) and no heavy machinery is permitted in any watercourse.
- Only use herbicides in plant specific applications, no broad-scale applications are permitted within a watercourse.
- It may be necessary to use silt fences along the slopes above the wetland if indigenous vegetation takes a substantial time to regenerate resulting in sheet erosion.

8. CONCLUSIONS

- A number of watercourses occur in the area surrounding Erf 4016 which include the Knysna Estuary, non-perennial drainage lines, and a small unchannelled valley-bottom wetland.
- The only regulated area of a watercourse potentially affected by the proposed development is the wetland, as it is located within 500m of the development footprint.
- The PES of the wetland was determined to be C, Moderately Modified, and the EIS was determined to be Moderate. The main impacts are related to infestation of alien vegetation and mild erosion caused by the road cutting upstream.
- In spite of the fact that the wetland is small, all watercourses on, and adjacent to the property must be carefully managed to protect the ecological integrity of the Knysna Estuary which is of high conservation and ecological importance.
- Improvements to the PES of the wetland can be made by continuing clearance of alien vegetation, and repairing erosion damage along the road and upslope of the wetland.
- Passive rehabilitation (self-regeneration of indigenous plants) may be adequate for revegetation of slopes above the wetland. But if slow to occur, may need to include more active rehabilitation measures such as the use of silt fences and active planting to stabilise slopes where aliens have been cleared.
- The results of the Risk Matrix indicated that risks to the wetland are ‘Low’ in their mitigated state, and therefore the development can be Generally Authorised.
- For the level of risk to remain applicable, the development must not deviate to a substantial degree from the current proposed layout, and all mitigation measures must be implemented.

9. APPENDICES

9.1 Proposed site layout for Erf 4016, Knysna



9.2 Risk Matrix Methods

The risk assessment matrix (Based on DWS 2016 publication: Section 21 (c) and (i) water use Risk Assessment Protocol) was implemented to assess risks for each activity associated with the construction and operational phase of the proposed residential development.

The first stage of the risk assessment is the identification of environmental activities, aspects and impacts. This is supported by the identification of receptors and resources, which allows for an understanding of the impact pathway and an assessment of the sensitivity to change. The definitions used in the impact assessment are as follows:

- An activity is a distinct process or task undertaken by an organisation for which a responsibility can be assigned. Activities also include facilities or infrastructure that is possessed by an organisation.
- An aspect is an ‘element of an organizations activities, products and services which can interact with the environment’. The interaction of an aspect with the environment may result in an impact.
- Environmental impacts are the consequences of these aspects on environmental resources or receptors of particular value or sensitivity.
- Resources are components of the biophysical environment and include the flow regime, water quality, habitat and biota of the affected watercourse.

- Severity refers to the degree of change to the status of each of the receptor. An overall severity score is calculated as the average of all scores receptor status in terms of the reversibility of the impact; sensitivity of receptor to stressor; duration of impact (increasing or decreasing with time); controversy potential and precedent setting; threat to environmental and health standards.
- Spatial extent refers to the geographical scale of the impact (Table 8).
- Duration refers to the length of time over which the stressor will cause a change in the resource or receptor (Table 9).
- Frequency of activity refers to how often the proposed activity will take place (Table 10).
- Frequency of impact refers to the frequency with which a stressor (aspect) will impact on the resource (Table 11).

The significance of the impact is then assessed by rating each variable numerically according to the defined criteria (refer to the table below). The purpose of the rating is to develop a clear understanding of influences and processes associated with each impact. The severity, spatial scope and duration of the impact together comprise the consequence of the impact and when summed can obtain a maximum value of 15. The frequency of the activity, impact, legal issues and the detection of the impact together comprise the likelihood of the impact occurring and can obtain a maximum value of 20. The values for likelihood and consequence of the impact are then read off a significance rating matrix and are used to determine whether mitigation is necessary.

In accordance with the method stipulated in the risk assessment key, all impacts for flow regime, water quality, habitat and biota were scored as a 5 (i.e. average Severity score of 5) as all activities occurred within the delineated boundary of the wetland.

Table 7: Scores used to rate the impact of the aspect on resource quality (flow regime, water quality, geomorphology, biota and habitat)

Insignificant / non-harmful	1
Small / potentially harmful	2
Significant / slightly harmful	3
Great / harmful	4
Disastrous / extremely harmful and/or wetland(s) involved	5
Where "or wetland(s) are involved" it means that the activity is located within the delineated boundary of any wetland.	

Table 8: Scores used to rate the spatial scale that the aspect is impacting on.

Area specific (at impact site)	1
Whole site (entire surface right)	2
Regional / neighbouring areas (downstream within quaternary catchment)	3
National (impacting beyond secondary catchment or provinces)	4
Global (impacting beyond SA boundary)	5

Table 9: Scores used to rate the duration of the aspects impact on resource quality

One day to one month, PES, EIS and/or REC not impacted	1
One month to one year, PES, EIS and/or REC impacted but no change in status	2
One year to 10 years, PES, EIS and/or REC impacted to a lower status but can be improved over this period through mitigation	3
Life of the activity, PES, EIS and/or REC permanently lowered	4
More than life of the organisation/facility, PES and EIS scores, a E or F	5

Table 10: Scores used to rate the frequency of the activity

Annually or less	1
Bi-annually	2
Monthly	3
Weekly	4
Daily	5

Table 11: Scores used to rate the frequency of the activity's impact on resource quality

Almost never / almost impossible / >20%	1
Very seldom / highly unlikely / >40%	2
Infrequent / unlikely / seldom / >60%	3
Often / regularly / likely / possible / >80%	4
Daily / highly likely / definitely / >100%	5

Table 12: Scores used to rate the extent to which the activity is governed by legislation

No legislation	1
Fully covered by legislation (wetlands are legally governed)	5

Table 13:Scores used to rate the ability to identify and react to impacts of the activity on resource quality, people and property.

Immediately	1
Without much effort	2
Need some effort	3
Remote and difficult to observe	4
Covered	5

Table 14: Rating classes

RATING	CLASS	MANAGEMENT DESCRIPTION
1 – 55	(L) Low Risk	Acceptable as is or consider requirement for mitigation. Impact to watercourses and resource quality small and easily mitigated.
56 – 169	(M) Moderate Risk	Risk and impact on watercourses are notable and require mitigation measures on a higher level, which costs more and require specialist input. Licence required.
170 – 300	(H) High Risk	Watercourse(s) impacts by the activity are such that they impose a long-term threat on a large scale and lowering of the Reserve. Licence required.

Table 15: Calculations used to determine the risk of the activity to water resource quality

Consequence = Severity + Spatial Scale + Duration
Likelihood = Frequency of Activity + Frequency of Incident + Legal Issues + Detection
Significance\Risk = Consequence x Likelihood

9.3 Soil Features at Erf 4016

Duplex soils are very common in the southern Cape. The presence of duplex soils in some areas within the development footprint was confirmed by soil augering (Figure 9). This wasn't conducted extensively as there was no wetland present in the area. This information is therefore provided in the interest of further informing understanding of the natural environment at the development site as opposed to having specific bearing on the wetland covered by this assessment.

Duplex soils are characterised by distinct soil horizons marked by an abrupt transition. The upper (A) horizon is an Orthic A, underlain by an E (bleached) horizon with a Prismacutanic B horizon. Most likely an Estcourt soil form. The B horizon is enriched with clay and can have reduced permeability which could result in a seasonally perched water table. The latter promotes lateral flow of water through the soil downslope.

In terms of the proposed development, there are a number of factors to consider with this soil type:

- The clay enriched B horizon can be sufficiently hard and dense enough to limit plant rooting and growth, and could be poorly drained during wet periods.
- This soil form has a high risk of soil erosion due to accelerated soil displacement typical of this form.
- During wet weather when the soil may be saturated, soil compaction can result from heavy vehicle traffic, which is why the control measures listed in this assessment stipulate avoiding wet weather for construction.
- This soil form is sensitive to over-grazing by livestock which will result in erosion. Hence any livestock numbers must be kept very low.

Figure 9. Soil auger from surface to showing the relatively light-coloured E-horizon and the abrupt transition to the B-horizon which is enriched in clay.

10. REFERENCES

DWS (Department of Water and Sanitation) (2018) Determination of Water Resources Classes and Resource Quality Objectives in the Breede-Gouritz WMA. Report No. RDM/WMA8/00/CON/CLA/0717.

Macfarlane, D.M., Kotze, D.C., Ellery, W.N., Walters, D., Koopman, V., Goodman, P., Goge, C. (2008). WET-Health: A technique for rapidly assessing wetland health. Water Research Commission Report No. TT 340/08.

Nel, J.L., Driver, A., Strydom, W.F., Maherry, A., Peterson, C., Hill, L., Roux, D.J., Nienaber, S., van Deventer, H., Swartz, E. and Smith-Adao, L.B. (2011) *Atlas of freshwater ecosystem priority areas in South Africa: Maps to support sustainable development of water resources*. Water Research Commission Report No. TT 500/11.

Rountree, M.W., Malan, H.L., Weston, B.C. (2013). Manual for the Rapid Ecological Reserve Determination of Inland Wetlands, Version 2. Water Research Commission Report No. TT 1788/1/12.

South African National Biodiversity Institute (2006- 2018). The Vegetation Map of South Africa, Lesotho and Swaziland, Mucina, L., Rutherford, M.C. and Powrie, L.W. (Editors), Online, http://bgis.sanbi.org/Projects/Detail/186, Version 2018.

Groundwater Complete

Plot 9; Riversdale; Western Cape
Phone: +27844091429; Fax: +2786 571 1798

Company registration CK 2008/202031/23
VAT registration 4280254295
E-mail: Gcomplete@outlook.com

Me. Melissa Mackay
Senior Consultant
Cape EAPrac

September 30, 2020

STATEMENT ON GROUNDWATER ASPECTS AT KNYSNA RE4016

The purpose of this letter is to provide a statement on groundwater use aspects as proposed for the development on Knysna farm RE4016 of Mr. Piet van Niekerk (the applicant).

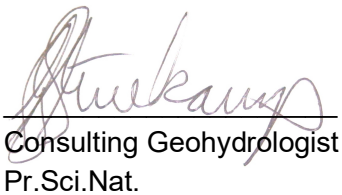
The applicant intends to drill a borehole on the property to augment the main proposed water resource, namely rainwater harvested from roofs. The abstraction volume will be 10 000 litres per day at most and will thus fall under a general authorised use.

The entire property is situated on the Kirkwood Formation, which consist of reddish brown and greenish silty mudstone and sandstone with subordinate grey shale. The groundwater prospectivity is considered low and the aquifer is bound to produce limited yields. The groundwater quality will in all probability be marginal to poor with respect to potable use. It should be usable for non-sensitive purposes such as washing/cleaning and sewage applications.

With all of the above considered, the potential impact from a potentially low yield aquifer at a limited rate and as backup source on the surrounding groundwater environment is considered to be inconsequential.

Should the drilling results differ from the expected scenario and the applicant wants to use groundwater at higher rates, a more detailed assessment will be required.

Sincerely,



Consulting Geohydrologist
Pr.Sci.Nat.

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Our Ref: HM/ EDEN / KNYSNA/ERF 4016
Case No.: 20062502SB0804E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959
Cell: 076 481 8392 (during the lock-down period)
Date: 18 August 2020

Stéfan de Kock
Perception Planning
PO Box 9995
George
6530
perceptionplanning@gmail.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED AGRICULTURAL DEVELOPMENT ERF 4016 (EASTFORD) WELBEDACHT ROAD, KNYSNA, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20062502SB0804E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 7 August 2020. This matter was discussed at the Heritage Officers meeting held on 14 August 2020.

You are hereby notified that, since there is no reason to believe that the proposed agricultural development Erf 4016 (Eastford) Welbedacht Road, Knysna will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

pp.
.....
Dr. Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

ITEM TO:
Municipal Planning Tribunal

Knysna
Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

APPLICATION NO.	3699
CASE OFFICIAL	Ms LV Mniki
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3672/2025
TELEPHONE NO.	+6383
APPLICATION DATE	13 April 2026

LAND USE PLANNING REPORT
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 2352 KNYSNA

PART A: APPLICANT DETAILS	
Name & Surname	Armand Camille Burger
Company name	ValGIS Technologies
SACPLAN registration number	A/767/1994
Registered owner(s)	Henry Phillip Badish
PART B: PROPERTY DETAILS	
Property description	Erf 2352 Knysna
Property Extent	1511m²
Physical address	12 Milkwood Drive
Area/Town	Upper Old Place, Knysna
Current zoning	Single Residential Zone I
Applicable zoning scheme	Knysna Zoning Scheme By-law (2020)
Current land use	Dwelling Houses and Group Housing Units
Are there existing buildings on the property?	Yes
Title Deed number & date	T47506/2021
Any restrictive title conditions applicable?	Yes
Any third party conditions applicable?	None
Any unauthorised land use/building work	Yes
Bondholder's Consent	Yes – Received from Absa and dated 16 February 2026

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

1. APPLICATION DESCRIPTION

An application has been submitted 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(3) for multiple dwelling units on a property zoned "Single Residential Zone I" and the encroachment of the prescribed building lines as contemplated in terms of the Knysna Zoning Scheme (2020), in respect of Erf 2352, Knysna.

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 29 January 2026. The applicant was advised that the extent of transgressions of the Knysna Zoning Scheme By-law (2020) seemed significant. Therefore, the application needs to be clearly articulated and motivated extensively in terms of the criterion set out in Section 93(9) of the Spatial Planning and Land Use Management By-law (2021).

3. BACKGROUND & SUMMARY OF APPLICANT'S MOTIVATION

3.1. The submissions of the applicant provided the following summary of a testimony in respect of the transgressions of the Zoning Scheme (2020):

3.1.1. "When the current landowner, Mr. Henry Badish, bought the subject property in 2021 it consisted of a dwelling house with an outbuilding on the northern half of the erf. During 2025 the business of Mr. Badish – Mediacore (Pty) Ltd – lost a long-term contract with Shoprite's Furniture Division when the latter was bought by Pepkor Holdings Limited. As Mr. Badish stated in his letter of 2 February 2026 (see Annexure N), this eventually led to the construction of two irregular buildings on his property which eventually triggered this application:

As a result, I was forced to retrench all staff and cut every possible cost to manage debt and consolidate the business. Personally, this placed me in a zero-income situation, and I had to draw on my pension to provide for my family. In this context, I commenced building rental units on my property as a mechanism to generate income and ensure the survival of my family.
During the second quarter of 2025 Mr. Badish approached a local firm to assist him with the preparation of building plans".

3.2. As a result, the following proposals shall be considered for the regularisation of the unlawful land uses and transgressions: A rezoning, subdivision, permanent departures, removal of restrictive title deed conditions and the consideration of site development plans.

3.3. The applicant's motivation provides that;

3.3.1. The transgressions have not adversely affected anyone, including neighbouring property owners as no complaints have been received and no notices have been issued.

3.3.2. The retaining structures and outbuilding were established by the previous property owner. The water tank however was installed by the current property owner. These structures are said to be of minor nature because they are indiscernible to neighbours as well as the neighbourhood character.

3.3.3. The boundary wall was established erroneously by the building contractor without the landowners knowledge. The impact thereof is not considered detrimental due to the wide open streetscape – typical of mid 20th century garden suburbs with broad verges and mature trees – significantly reducing the visual impact.

3.3.4. The two additional dwelling units were actioned as a response to severe financial hardship thought to be a form of modest residential densification. The densification is thus considered consistent with the guidelines of the Spatial Development Framework (SDF, 2026).

1. ASSESSMENT OF APPLICATION

1.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	R 5,000.00
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	R 692,900.00

(c) Failure to lodge an application in terms of the Spatial Planning and Land Use Management By (2021)	R 5,000.00
(d) Repeat Offender (approved tariff in (a) above x2)	Not applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	R 5,000.00
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 0)	R1,749,000.00

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

1.2.1. The applicant's submission presents an admission of guilt to transgressions of not only the zoning scheme but the title deed as well. Whilst the nature of the building line encroachments may be considered minor as they are borne from necessity, the height of the street boundary wall is subject to technical assessment in regard to road safety and aesthetics. However, it is noted that given the wide road reserve, it minimises any adverse implications, as motivated by the applicant.

1.2.2. The establishment of additional dwelling units, however, is considered grievous as it effectively results in a change of land use and zoning. Although still residential in nature, there is an increase in density which is not easily comparable to the harmonious group housing developments in the vicinity. As a result, it is considered that the proposal poses a potential precedent or change in the character of the neighbourhood of Upper Old Place whereas the predominant zoning typology is "Single Residential Zone I".

1.2.3. Despite the substantive undermining of planning legislations by the landowner, the plea for leniency in the determination of an administrative penalty is recognised; and met with concession to exercise the Municipal pre-determined penalty. The assessment takes into account the mitigating factors provided by the applicant, including genuine financial hardship and the attempt to regularise the unlawful land use and building works.

2. 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 15,000.00 be determined in accordance with Section 93(2,) for the unauthorised building works and land use, in respect of Erf 2352, Knysna.

3. 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):

3.1. This administrative penalty applies to the building and land use contraventions on the plan numbered *"KNY2352/L2"* and drawn by ValGIS.

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

3.3. 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.

4. REASONS FOR RECOMMENDATION

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

(i) The applicant has acknowledged their willful contraventions of both the zoning scheme and the failure to lodge an application in respect of a restrictive condition contained in the title deed. While the building line encroachments and increased boundary wall height are considered to have limited impact, the unauthorised additional dwelling units represent a significant intensification of land use whose impact on municipal services and the surrounding area were not fully assessed and considered. Furthermore, the landowners conduct is concerning and may set an adverse precedent.

(ii) 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.

5. 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: *Correspondence – Response to the request for estimated costs and extent of contravening structures*

ANNEXURE E: *Africa Property & Construction Cost Guide 2024/25- AECOM*

Administrative Penalty: Erf 2352, Knysna – Application Number 3699			
Author Name: LV Mniki Date: 20/10/2026		Author Signature:	
Registered planner name: S Madumbo SACPLAN registration number: A/1510/2012 Date: 20/10/2026		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

—MOTIVATING MEMORANDUM—

in support of an application

lodged by virtue of Section 15(2)(r)

of the

Knysna Spatial Planning and Land Use Planning Management Bylaw of 2021

for the determination of an administrative penalty

in respect of irregular structures

on

Erf 2352, Upper Old Place, Knysna

INDEX OF CONTENTS

Par.	Heading	Page
1	BACKGROUND	3
2	PRE-APPLICATION CONSULTATION	3
3	THE APPLICATION	3
4	THE SUBJECT PROPERTY	4
5	CURRENT LAND USE RIGHTS	5
6	THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE	5
7	CONSIDERATIONS RELATED TO THE DETERMINATION OF AN APPROPRIATE ADMINISTRATIVE PENALTY	9
8	THE DETERMINATION OF THE PENALTY	13
9	CONCLUSION	13

ANNEXURES

301 Knysna, Erf 2352 - S15(2)(r) - Annexure A - POA

301 Knysna, Erf 2352 - S15(2)(r) - Annexure B - Locality plan

303 Knysna, Erf 2352 - S15(2)(r) - Annexure C - Title Deed T47508 of 2021

304 Knysna, Erf 2352 - S15(2)(r) - Annexure D - SG General plan

306 Knysna, Erf 2352 - S15(2)(r) - Annexure F - Land Use plan

307 Knysna, Erf 2352 - S15(2)(r) - Annexure G - Zoning plan

308 Knysna, Erf 2352 - S15(2)(r) - Annexure H - SDF - Knysna town Settlement and Economic Framework

309 Knysna, Erf 2352 - S15(2)(r) - Annexure I - SDF - Knysna Restructuring Zone

310 Knysna, Erf 2352 - S15(2)(r) - Annexure J - SDF

311 Knysna, Erf 2352 - S15(2)(r) - Annexure K - Site survey - K2352CP

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L1 - Existing development

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L2 - Existing transgressions of the Zoning Scheme

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L3 - Proposed rezoning and subdivision

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L4 - SDP

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L5 - Proposed permanent departures

313 Knysna, Erf 2352 - S15(2)(r) - Annexure M1 - Minutes of pre-application consultation by ReadAl

313 Knysna, Erf 2352 - S15(2)(r) - Annexure M2 - Minutes of pre-application consultation - Supplied by muni

314 Knysna, Erf 2352 - S15(2)(r) - Annexure N - Declaration by landowner

316 Knysna, Erf 2352 - S15(2)(r) - Annexure P - Bondholder consent

1. BACKGROUND

When the current landowner, Mr. Henry Badish, bought the subject property in 2021 it consisted of a dwelling house with an outbuilding on the northern half of the erf. During 2025 the business of Mr. Badish – Mediacore (Pty) Ltd – lost a long-term contract with Shoprite's Furniture Division when the latter was bought by Pepkor Holdings Limited. As Mr. Badish stated in his letter of 2 February 2026 (see **Annexure N**), this eventually led to the construction of two irregular buildings on his property which eventually triggered this application:

> *As a result, I was forced to retrench all staff and cut every possible cost to manage debt and consolidate the business. Personally, this placed me in a zero-income situation, and I had to draw on my pension to provide for my family. In this context, I commenced building rental units on my property as a mechanism to generate income and ensure the survival of my family.*

During the second quarter of 2025 Mr. Badish approached a local firm to assist him with the preparation of building plans. A few months later the matter was then referred to the author, who investigated the case and found irregularities. It was then determined that town planning applications will have to be submitted for the following purposes:

(a) To obtain land use rights and permissions to regularise the existing development; and

(b) To determine administrative penalties in respect of transgressions of the Zoning Scheme By-law.

To address these, the landowner then issued an authorisation to the author as per the attached Power of Attorney (**Annexure A**).

2. PRE-APPLICATION CONSULTATION

The application to obtain the required land use rights as well as this application for the determination of administrative penalties were discussed during a pre-application meeting dated 29 January 2026. The AI-generated minutes of the meeting is attached as **Annexure M1** while the minutes supplied by the municipality is attached as **Annexure M2**.

3. THE APPLICATION

Several transgressions of the Zoning Scheme exist on the property as indicated on the attached **Annexure L2**.

This application is lodged by virtue of Section 15(2)(r) of the Knysna Spatial Planning and Land Use Planning Management Bylaw of 2021 for the determination of administrative penalties in respect of the irregular use of a portion of the property as well as for irregular building work.

To regularise the existing use of and structures on the subject property, several permissions have to be obtained and has been applied for. That application, which was submitted simultaneously and separately with this one, consists of the following components:

(a) Section 15(2)(a) – The rezoning of the proposed Portion A the erf from Single Residential Zone I [SRZI] to General Residential Zone I [GRZI] as shown on Plan number KNY2352/L3 dated 21 February 2026 and attached as **Annexure L3**; and

(b) Section 15(2)(d) – The subdivision of the erf into two portions as shown on Plan number KNY2352/L3 dated 21 February 2026 and attached as **Annexure L3**; and

(c) Section 15(2)(b) – In respect of the **proposed Remainder of the erf**, the permanent departure from the development parameters of the Zoning Scheme:

  (i) to relax the eastern side building line from 2,0 m to 1,50 m in respect of the existing non-interleading en suite bedroom – see item ❶ on **Annexure L5**; and

  (ii) to relax the eastern side building line from 2,0 m to 0,00 m in respect of the existing retaining structures – see item ❷ on **Annexure L5**; and

  (iii) to relax the western side building line from 2,0 m to 0,50 m in respect of the existing retaining structures – see item ❸ on **Annexure L5**; and

(iv) to relax the western side building line from 2,0 m to 0,80 m in respect of the existing water tank which is higher than the boundary wall – see item ❹ on **Annexure L5**; and

(d) Section 15(2)(b) – In respect of the **proposed Portion A** of the erf, the following permanent departures from the development parameters of the Zoning Scheme:

(i) To accommodate the two group housing units: The relaxation of the building line along the common boundary between the proposed Remainder and Portion A of Erf 2352 represented by line **cd** from 3,0 m to 1,60 m – see item ❺ on **Annexure L5**; and

(ii) To allow the existing street boundary wall marked item ❻ on **Annexure L5**, which exceeds the 1,8 m height limit: The relaxation of the height limit to a maximum of 3,12 m at the highest point as shown on plan number KNY2352/Q1 attached as **Annexure Q1**.

(e) Section 15(2)(f) – The removal of title conditions B.4(a), (b) and (d) from Title Deed T47508/2021 to allow the subdivision of the erf; the erection of more than one dwelling unit thereon; and to remove building line restrictions; and

(f) Section 15(2)(g) – A permission in terms of the Zoning Scheme for the approval of the Site Development Plan with plan number KNY2352/L4 dated 21 February 2026 and attached as **Annexure L4**.

4. THE SUBJECT PROPERTY

4.1. Property description

The application applies to Erf 2352, Knysna hereinafter referred to as the subject property.

4.2. Title Deed

The subject property's Deed of Transfer T47508/2021 (**Annexure C**).

Conditions B.4(a), (b) and (d) are restricting the proposed use of the property and will be addressed as mentioned in paragraph 1 above.

> 4. This erf shall be subject to the following further conditions provided especially that wherein the opinion of the Administrator after consultation with the Townships Board and the Local Authority it is expedient that the restriction in any such condition should at any time be suspended to relaxed, he may authorise the necessary suspension or relaxation subject to the compliance with such conditions as he may impose:
>
> (a) Is shall not be subdivided;
>
> (b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
>
> (d) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which 3,15 metres of the rear of 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, an outbuilding no exceeding 3,05 metres in height measured from the floor to the wall plate and not portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as on erf;

4.3. Ownership

The property is owned by **Henry Phillip Badish**.

4.4. Locality

The subject property is situated at 12 Milkwood Drive in the Knysna precinct known as Upper Old Place as shown on **Annexure B**.

4.5. Bonds

The subject property is bonded, and the bondholder's permission has been applied for as shown in **Annexure P**.

4.6. Surveyor General Diagram

The subject property appears sheet 1 of the General Plan for Knysna Extension 2, SG 8467/55, as shown in **Annexure D**.

4.7. Size

According to its Title Deed, the subject property is 1 511 m^2 in extent. This corresponds with the area indicated on the SG diagram of the property.

5. CURRENT LAND USES AND LAND USE RIGHTS IN THE AREA

As shown on **Annexure G**, the property is zoned **Single Residential Zone I [SRZI]**. This map, read together with the Land Use Map attached as **Annexure F** clearly demonstrates that the subject property is situated in an area where residential densification is occurring and where a lower order activity node is found along the town's most important transport corridor, namely the road N2.

6. THE EXISTING DEVELOPMENT AND INCONSISTENCIES WITH THE ZONING SCHEME

6.1. Description of the existing development

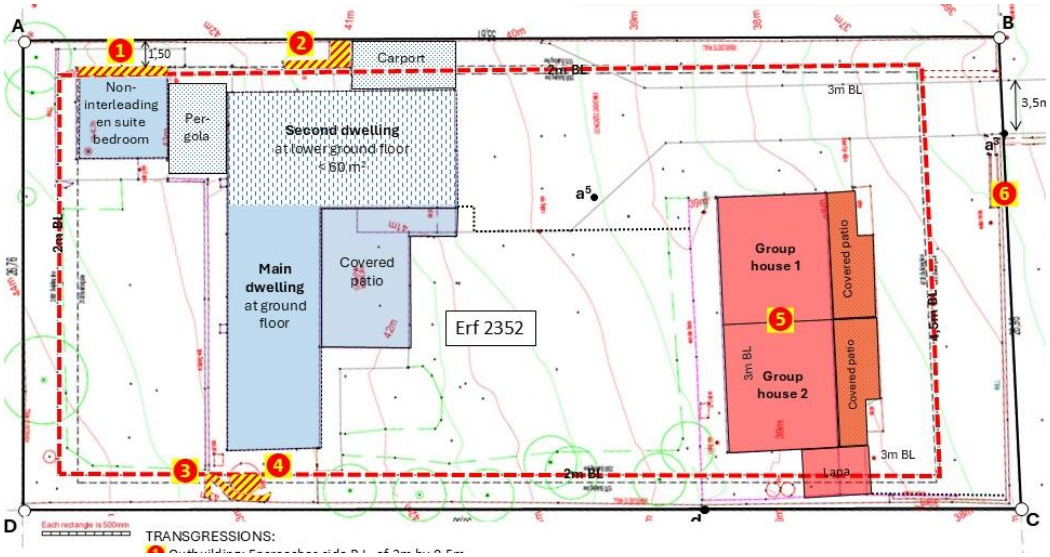
The northern half of the property contains a main dwelling at ground floor level consisting of the following additional components:

- An outbuilding at ground level on the northern side of the main dwelling. The outbuilding was used to provide accommodation for a domestic worker but has been converted into an a non-interleading en suite bedroom of the main dwelling and used for overflow accommodation when the owners receive family or friends for long visits.
- On the eastern side of the main dwelling, at lower ground floor level, a second dwelling unit of less than 60 m^2 has been developed by converting the former double garage.
- A single carport on the eastern side of the main dwelling.

The southern half of the property was vacant, but the landowner built two identical single bedroom dwellings without applying for permission. Refer to **Annexure K** and **Annexure L1** for the positioning of these units.

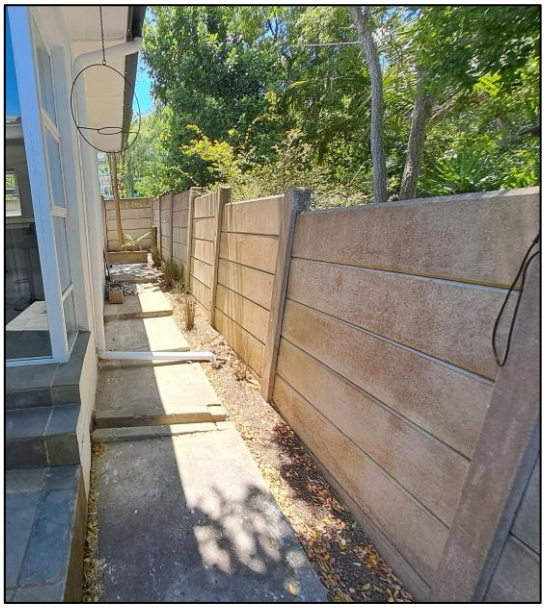
6.2. Analysis of the transgressions

The following image from **Annexure L2** (Existing transgressions of the Zoning Scheme) serves to assist with the tabular analysis of the problems posed by the encroaching building work on the subject property.



1

Outbuilding: Encroaches the eastern side B.L. of 2m by 0,5m
The landowner bought the property with this encroachment.



2

Retaining structures: Encroach the eastern side B.L. of 2m by 2m
The landowner bought the property with this encroachment.

3

Retaining structures: Encroach the western side B.L. of 2m by ±1,5m.
The landowner bought the property with this encroachment.

4

Water tank: Encroaches the western side B.L. of 2m by ± 1,2m.
This encroachment was caused by the current landowner because he had to leave the pathway between the house and the tank open.

5

Group housing units: Land use not permitted on land zoned Single Residential I.
This irregular land use and structures were created by the current landowner for reasons elaborated upon in his declaration attached as **Annexure N**.

6

Street boundary wall height: Near the southeastern corner of the stand, the wall is 3,05m high while the permitted height is 1,8m. This wall was built by the landowner who instructed the contractor to step the wall downwards to the gate. During the construction he was not at home and found the wall upon return. To avoid wasted expenses and legal actions, he decided to leave the wall as is, not realizing that is too high.

6.3. Quantification of the value of buildings and structures transgressing

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

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

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

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

7.1.1. Nature

The nature of the contraventions has been described in depth in paragraph 5 above.

7.1.2. Duration

The duration of each transgression is specified in the table below which should be read with **Annexure L2**.

REFERENCE ON Annexure L2	DESCRIPTION	DATE OF COMMENCEMENT
1	Outbuilding over 2m B.L.	Before the current landowner bought the property in 2021
2	Retaining structure over 2m B.L.	
3	Retaining structure over 2m B.L.	
4	Water tank (JoJo-type) over 2m B.L.	September 2021
5	Two group housing units	September 2021
6	Street boundary wall over 1,8m in height	March 2024

7.1.3. Gravity

General

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

- It did not cause harm, physical or otherwise, to private or public property.
- It did not threaten the security or well-being of society.
- It did not interfere with traffic movements and/or traffic safety or block lines of sight.
- It did not detract from the amenity of the neighbourhood.
- It did not restrict the ventilation of air between neighbouring buildings.
- It did not interfere with the scenic view of neighbours.
- It did not restrict sunlight from reaching streets and/or neighbours' properties.
- It did not potentially obstruct the firefighters or prevent them from fulfilling their duties.
- It did not cause buildings to be positioned too close to each other so as to potentially allow fires from running uninterrupted from building to building.
- It did not interfere with the space required for the provision of engineering services (water, electricity and sewage) and other utilities (i.e. telecommunication lines).
- It did not encroach upon land required for planned new roads or road widenings.
- It did not have a negative impact on the streetscape.
- It did not have a negative impact on the fabric of the neighbourhood.
- It did not contribute to the creation of unacceptable high development densities.
- It did not interfere with the creation of private living conditions on other properties.
- It did not impact on any of the rights of other landowners.
- It did not affect property values in the neighbourhood negatively.
- It did not impact nature detrimentally.

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

The high street boundary wall

The subject property fronts onto Milkwood Drive, which has a generous street reserve of 18.89 m (60 Cape feet). This wide, open streetscape — typical of mid-20th-century garden suburbs with broad verges and mature trees — significantly reduces the visual impact and perceived mass of taller boundary walls. Unlike narrower streets, where high walls can create an enclosed, tunnel-like effect, Milkwood Drive's expansive reserve allows taller

boundary treatments to recede into a backdrop of greenery and sky, preserving the area's relaxed, verdant, and human-scaled suburban character. This context therefore supports greater flexibility in boundary wall design without compromising the streetscape quality.

Several examples of similar height encroachments can be found all over Knysna.

The two group housing units

It can be argued that the two group housing units placed an unjust burden on engineering services systems of the town. To analyse this, the monthly consumption of water and electricity can be compared for the periods from before and after the irregular units were occupied.

At present, the property comprises four habitable dwelling units, the occupation of which is analysed in the table below and compared with the water consumption on the entire property.

YEAR	MONTH	PERMANENT OCCUPANCY OF UNITS (PERSONS)					WATER CONSUMPTION		
		Main house	Granny flat	New unit 1	New unit 2	TOTAL	Kℓ/Month	ℓ/Day	Daily use per person (ℓ)
2024	November	2	2			4	17,00	810	202
	December	2	2			4	23,00	58	14
2025	January	2	2			4	46,00	1 150	288
	February	2	2			4	24,00	889	222
	March	2	2			4	49,00	1 400	350
	April	2	2			4	27,00	931	233
	May	2	2			4	23,15	1 218	305
	June	2	Occasional guests			2	21,01	618	309
	July	2	Occasional guests			2	19,00	594	297
	August	2	Occasional guests			2	22,00	815	407
	September	2	Occasional guests	2		4	17,00	586	147
	October	2	Occasional guests	2	2	6	21,00	636	106
	November	2	Occasional guests	2	2	6	15,00	714	119
	December	2	Occasional guests	2	2	6	Consumption figures not yet available for this period.		
2026	January	2	Occasional guests	2	2	6			
	February	2	Occasional guests	2	2	6			
						Averages	24,94	801,47	230,68

Remarks:

- From the table it is clear that since September 2025, when the use of the irregular structures commenced, the monthly consumption of water on the entire property was below the average of the analysed 13 months.
- Although the full impact of the irregular two group housing units will probably be better understood after another few months of monitoring, at this stage there is no evidence that water consumption on this property increased significantly.

To declare this paradox, it should be considered that (1) the number of residents did not increase significantly; and (2) that the space taken up by the two dwelling units and the newly paved area was previously covered by a lawn which consumed large amounts of water when irrigated.

7.1.4. Extent

General

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

The two group housing units

To determine whether the two irregular group housing units is of such nature and extent that it can eventually be regularised, its compatibility with spatial planning policies should be considered.

National, Provincial and district level policies and guidelines

The land use is in line with the SPLUMA and LUPA principles of Spatial Sustainability and Efficiency. It is also in support of the SDFs of the various tiers of government down to local level.

The Knysna Spatial Development Framework [KSDF] of 2020 – **Annexure J**

The land use is in line with the spatial planning guidelines of the KSDF as outlined below:

- In the short and medium term, urban growth should be absorbed through densification of low-density suburbs surrounding the Knysna CBD.
- Maintain a compact settlement form to achieve efficient, cost-effective service delivery and resource use, create thresholds for future public transport provision and enable equitable accessibility.
- Low density residential estates are not supported and exacerbate fire risk. High end estates should make more efficient use of prime, serviced land before any lateral expansion of estates or market led housing development can be considered. Although this property is not within an estate, the underlying principle of making more efficient use of prime serviced land remains applicable.
- National and provincial government have set municipalities the target of increasing the density of urban areas to an average gross based density of 25 dwelling units / hectare.
- The nearby section of the N2 is earmarked as a Primary Activity Route. For pedestrians it gives access to mass transportation opportunities, ie. kombi taxis. As the subject property is approximately 200 m from the N2, this opportunity can be accessed by those in need.
- According to the Knysna town Settlement and Economic Framework (**Map 16** of the KSDF), the property is situated in a densification area (see **Annexure H**). The proposed use of the property will double the density of Erf 2352 as calculated in the table below which is in line with the KSDF's Spatial Policy Guideline E1i on p70.

CADASTRAL COMPONENT	ZONING	SIZE	DWELLING UNITS	DENSITY (units/ha)
BEFORE THE EXTRA UNITS WERE BUILT				
Erf 2352	Single Residential I	1 511 m^2	2*	13
AFTER THE EXTRA UNITS WERE BUILT				
Proposed Remainder	Single Residential I	893 m^2	2*	22
Proposed Portion A	General Residential I	618 m^2	2	32
	TOTAL	1 511 m^2	4	26

* The two units on the proposed Remainder includes the second dwelling of <60 m^2

- According to **Map 17** of the KSDF the property is situated in a restructuring zone. See **Annexure I.** According to the KSDF, a "*Restructuring Zone, identified in terms of the Social Housing Policy, the Guidelines and the Social Housing Act, 2008, is aimed at promoting spatial transformation i.e. creating affordable housing opportunities within close proximity to jobs and services.*" As the two group housing units are relatively small (<60m^2 each) and situated within walking distance from employment opportunities and a transportation corridor, this development will have the potential to contribute to the spatial transformation of the area.

7.2. The conduct of the persons involved in the contravention

The transgressions marked 1, 2 and 3 on **Annexure L2**

These transgressions originated from a time before the current person owned the land.

The transgressions marked 4 and 6 on **Annexure L2**

The landowner did not know that the positioning of the JoJo tank and the height of the street boundary wall were problematic. Once he was made aware of it by the undersigned, he issued instructions to seek regularisation.

The transgression marked 5 on **Annexure L2**

As explained in the declaration of the landowner attached as **Annexure N**, the irregular construction of the two group housing units during 2025 occurred with the knowledge that permission had first to be obtained. The sequence of events that led to the current situation can be summarised as follows:

- The landowner instructed his architect to prepare plans for the two units near the street boundary in October-November 2024. The first drawings were completed on 14 November 2024.
- By 17 January 2025 a second version of the new building plans were completed.
- Without obtaining any approval, the landowner proceeded with the construction of the two units that were finished as single bedroom group housing units. The change from offices to dwelling units were necessitated by the financial difficulties the landowner's business was facing.
- On 29 July 2025, the landowner instructed the undersigned to submit a land use application on his behalf.
- During August 2025, the two units were completed.

7.3. Whether the unlawful conduct was stopped

The irregular building work

To avoid wasted expenses, no demolitions were conducted because the landowner decided to first exhaust available remedies, namely to apply in terms of section 15(2) of the applicable bylaw for the required permissions.

The irregular land use

Although the irregular use of the two group housing units can be ceased, the landowner's financial situation as expressed in **Annexure N**, does not allow him to. This decision not to stop the occupation and use of the two units was taken with the knowledge that none of the neighbours filed complaints.

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

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

8. THE DETERMINATION OF THE PENALTY

As from 1 July 2025 the policy has changed, and landowners now have the option to accept a pre-determined penalty if the levying of an administrative penalty for the transgression of the Knysna Zoning Scheme is uncontested.

In this case the landowner has opted not to contest the levying of an administrative penalty and has accepted to pay the following penalties as listed the 2025/2026 scale of tariffs:

(a) For irregular building work – item 8(a)(ii) – an amount of R5 000-00 VAT included; and

(b) For irregular land use – item 8(b)(i) – an amount of R5 000-00 VAT included.

9. CONCLUSION

The following points are respectfully submitted in mitigation and support of the application for the determination of administrative penalties on the approved scales applicable to applicants who do not contest the principle of paying penalties:

1. Minor nature and limited impact of encroachments – Items #1 to #4

   Encroachments numbered 1 to 4 are minor in scale and have no discernible negative impact on the adjoining properties, neighbouring residents, or the broader neighbourhood character. Of these, only encroachment #4 was carried out under the current landowner's responsibility. The absence of any prejudice to third parties or the streetscape strongly supports the finding that these transgressions do not warrant demolition or onerous penalties.

2. Street wall height encroachment – Item #6

   The exceedance of the prescribed street wall height is confined to discrete sections immediately adjacent to the gate and does not extend across the full frontage. While the current landowner did not physically oversee the construction, the deviation resulted from an error on the part of the appointed contractor. Should full relaxation of the applicable development parameter not be granted, the landowner is prepared — albeit reluctantly — to lower the affected portions of the wall to achieve compliance. However, given the landowner's current financial constraints, any requirement to incur additional construction costs would cause disproportionate hardship.

3. Irregular group housing units – Item #5

   The two additional dwelling units were constructed by the landowner in good faith as a direct response to severe financial hardship following the closure of his business (as evidenced in **Annexure N**). Recognising the eventual need for regularisation and seeking to avoid a scenario in which demolition might be ordered, the landowner carefully assessed the prevailing development patterns of surrounding erven within the neighbourhood and town. Refer to the Land Use Plan attached as **Annexure F**. In his reasonable opinion, this form of modest residential densification aligns with emerging local trends, is compatible with the prevailing neighbourhood character, and is consistent with applicable land use policies promoting densification in appropriate locations. It was anticipated that such units stood a strong prospect of approval through the formal processes.

4. Absence of complaints, harm, or disruption.

   Importantly, none of the identified contraventions has given rise to any formal complaints from neighbours or affected parties. No person's safety, health, amenity, or property enjoyment has been materially impaired. Furthermore, the overall urban fabric, streetscape, and visual/aesthetic quality of the locality remain unaffected in any adverse way.

In summary, the contraventions are predominantly minor, legacy-related (where not attributable to the current owner), or motivated by genuine financial necessity rather than willful disregard for regulations. They have caused no prejudice to neighbours or the public interest and, in the case of the additional units, arguably advance desirable densification outcomes.

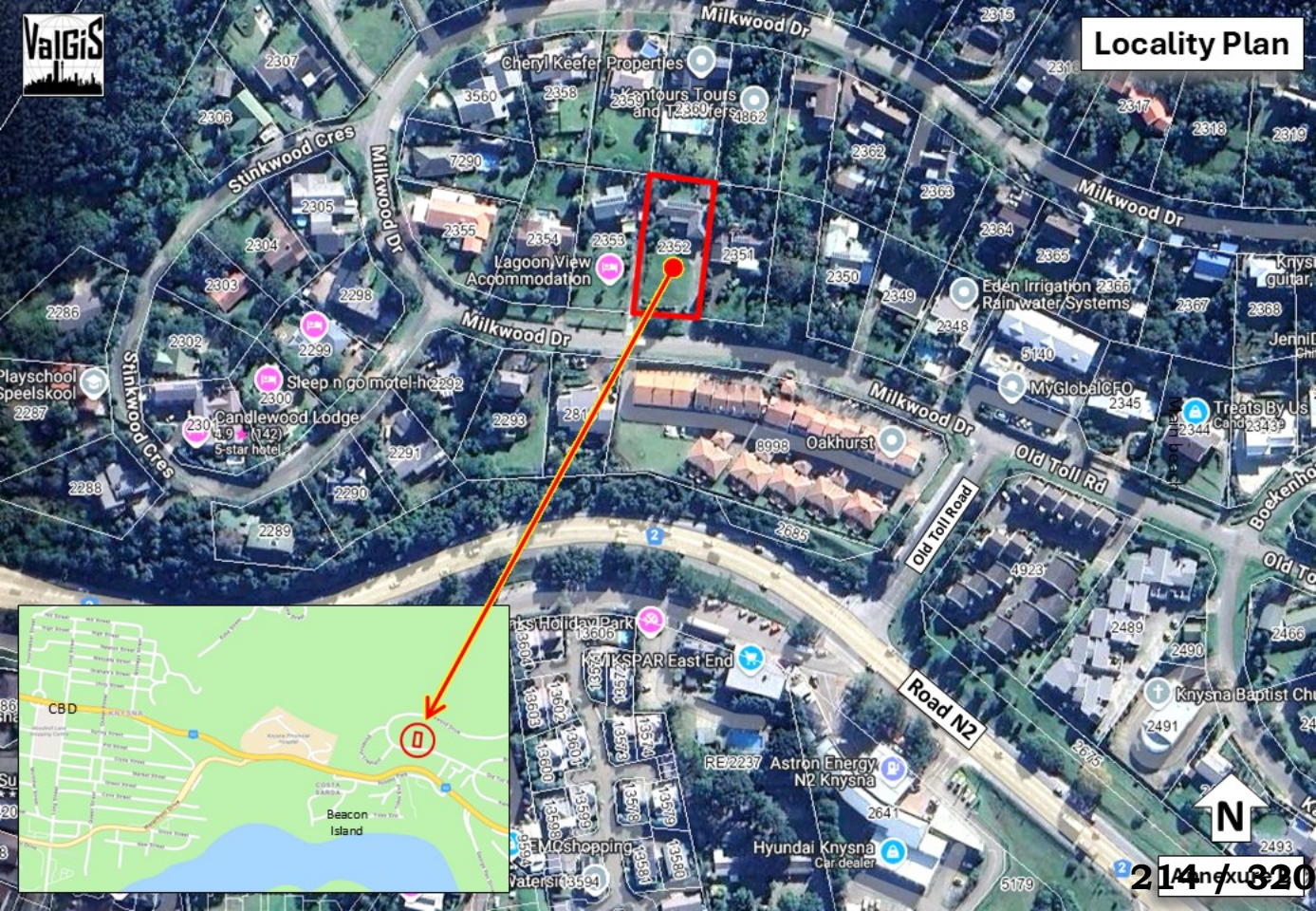
The landowner has demonstrated a willingness to rectify where feasible and has applied by virtue of S.15(2)(a), (b), (d), (f) and (g) of the relevant bylaw to seek the applicable permissions and land use rights.

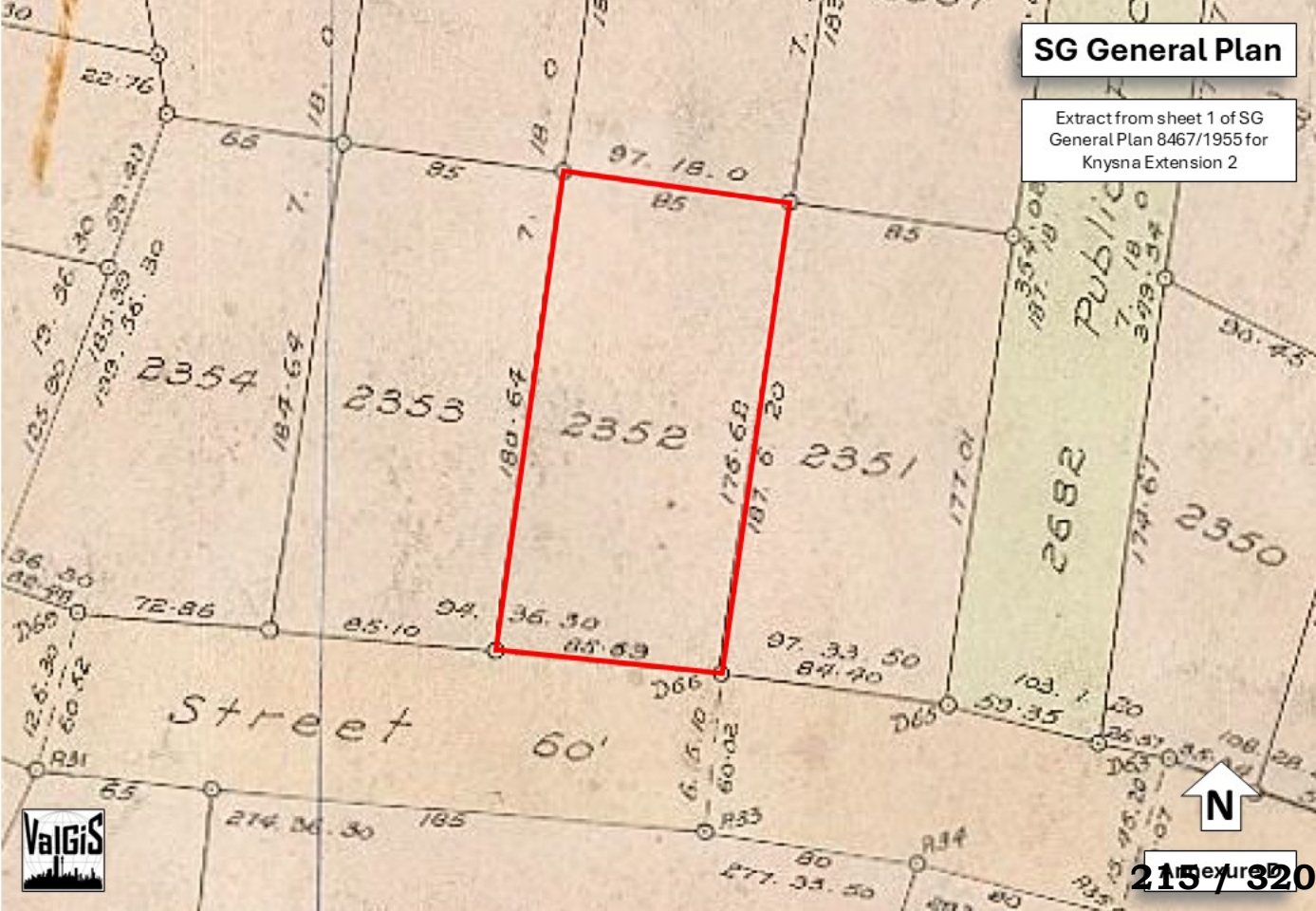
The landowner respectfully requests that the members of the Planning Tribunal exercise their discretion in favour of leniency by way of approving the payment of the pre-determined administrative penalties as mentioned in paragraph 7 above to avoid unnecessary demolition, further financial strain, or injustice.

Should additional information, amended plans, or undertakings be required to facilitate approval, the landowner stands ready to provide these promptly.

Camille B.

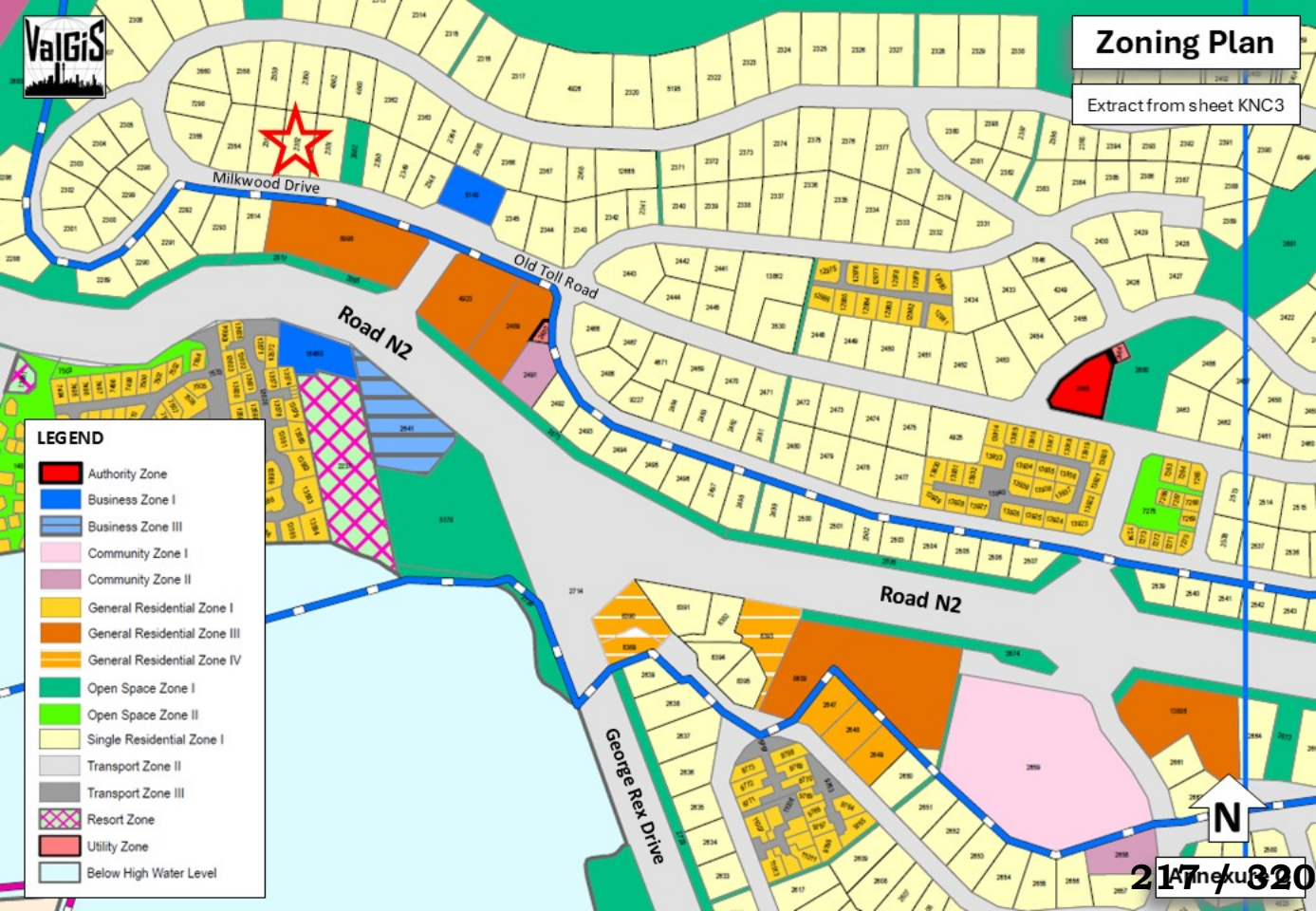
A.C. BURGER Pr. Planner (A/767/1994)


Locality Plan
Milkwood Dr
Stinkwood Cres
Cheryl Keefer Properties
Kantours Tours and Travel
Lagoon View Accommodation
Eden Irrigation & Rain water Systems
Sleep n go motel-hotel
Candlewood Lodge
5-star hotel
Oakhurst
MyGlobalCFO
Treats By Us
Old Toll Rd
Old Toll Road
Road N2
SPAR East End
Astron Energy N2 Knysna
Hyundai Knysna
Car dealer
Knysna Baptist Church
Beacon Island
CBD
N
2307
2306
2305
2304
2303
2302
2301
2300
2299
2298
2286
2287
2288
2289
2290
2291
2293
2355
2354
2353
2352
2351
2350
2349
2348
2362
2363
2364
2365
2366
2367
2368
2345
2344
2343
2489
2490
2491
2466
2493
2641
2675
2685
4923
5140
5179
7290
3560
2358
4862
8998
3606
3594
214 / 320


SG General Plan
Extract from sheet 1 of SG General Plan 8467/1955 for Knysna Extension 2
2354
2353
2352
2351
2682
2350
Street
60'
Public
97. 18. 0
85
180. 64
178. 68
187. 6
177. 0
174. 67
72. 86
85. 10
84. 36. 30
85. 69
97. 33. 50
84. 40
103. 1
59. 35
214. 36. 30
185
277. 33. 50
N
ValGIS

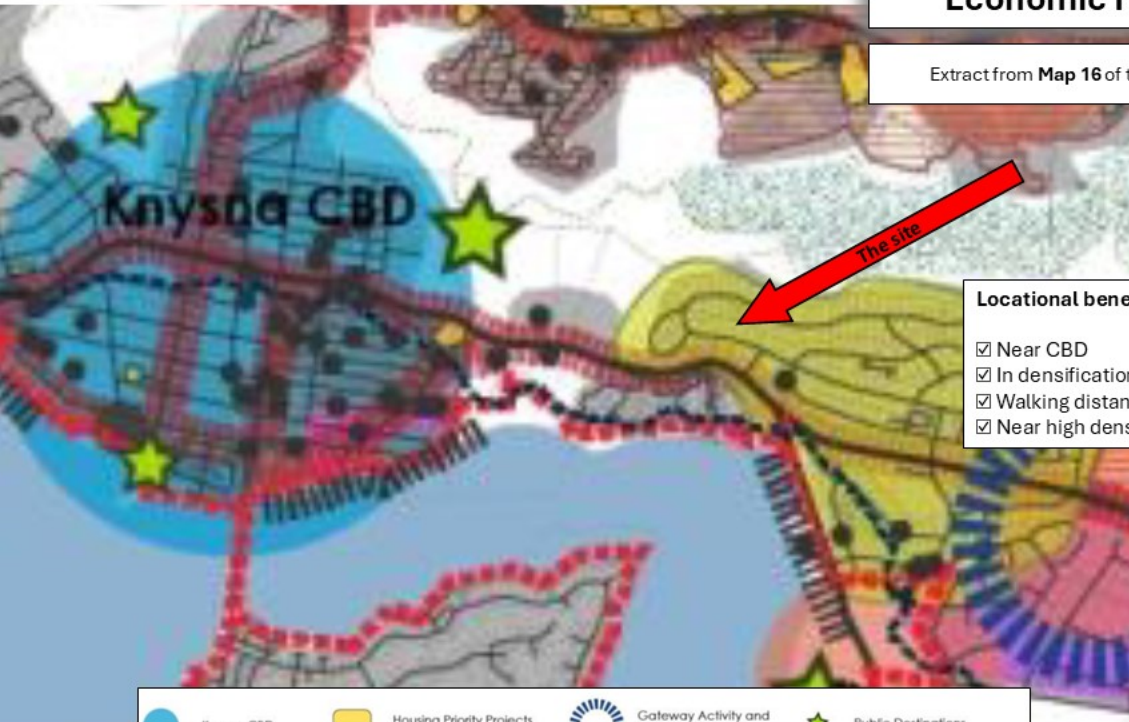
Annexure D

Land Use Plan
LEGEND
The subject property
Stands with higher density residential uses
Businesses
N
Milkwood Dr
Boekenhout Ave
Old Toll Rd
Kamdebo Ave
Bokmakierie Rd
Bokmakierie St
Heron's Way
Dikkop St
Kamassi Rd
Knysna Baptist Church
Hyundai Knysna
Adams Guest House
Abalone Lodges
Sprout Design
Extreme Scooters
Amphitheatre Village
Leading Blinds Knysna
Senate Coastal Heritage Botanica
Plover Rd
216 / 320


Zoning Plan
Extract from sheet KNC3
Milkwood Drive
Old Toll Road
Road N2
Road N2
George Rex Drive
N
LEGEND
Authority Zone
Business Zone I
Business Zone III
Community Zone I
Community Zone II
General Residential Zone I
General Residential Zone III
General Residential Zone IV
Open Space Zone I
Open Space Zone II
Single Residential Zone I
Transport Zone II
Transport Zone III
Resort Zone
Utility Zone
Below High Water Level

Knysna town Settlement and Economic Framework

Extract from **Map 16** of the Knysna SDF, 2020



Locational benefits:

- ☑ Near CBD
- ☑ In densification area
- ☑ Walking distance from activity corridor
- ☑ Near high density activity node

N

Knysna Restructuring Zone

Extract from **Map 17** of the Knysna SDF, 2020

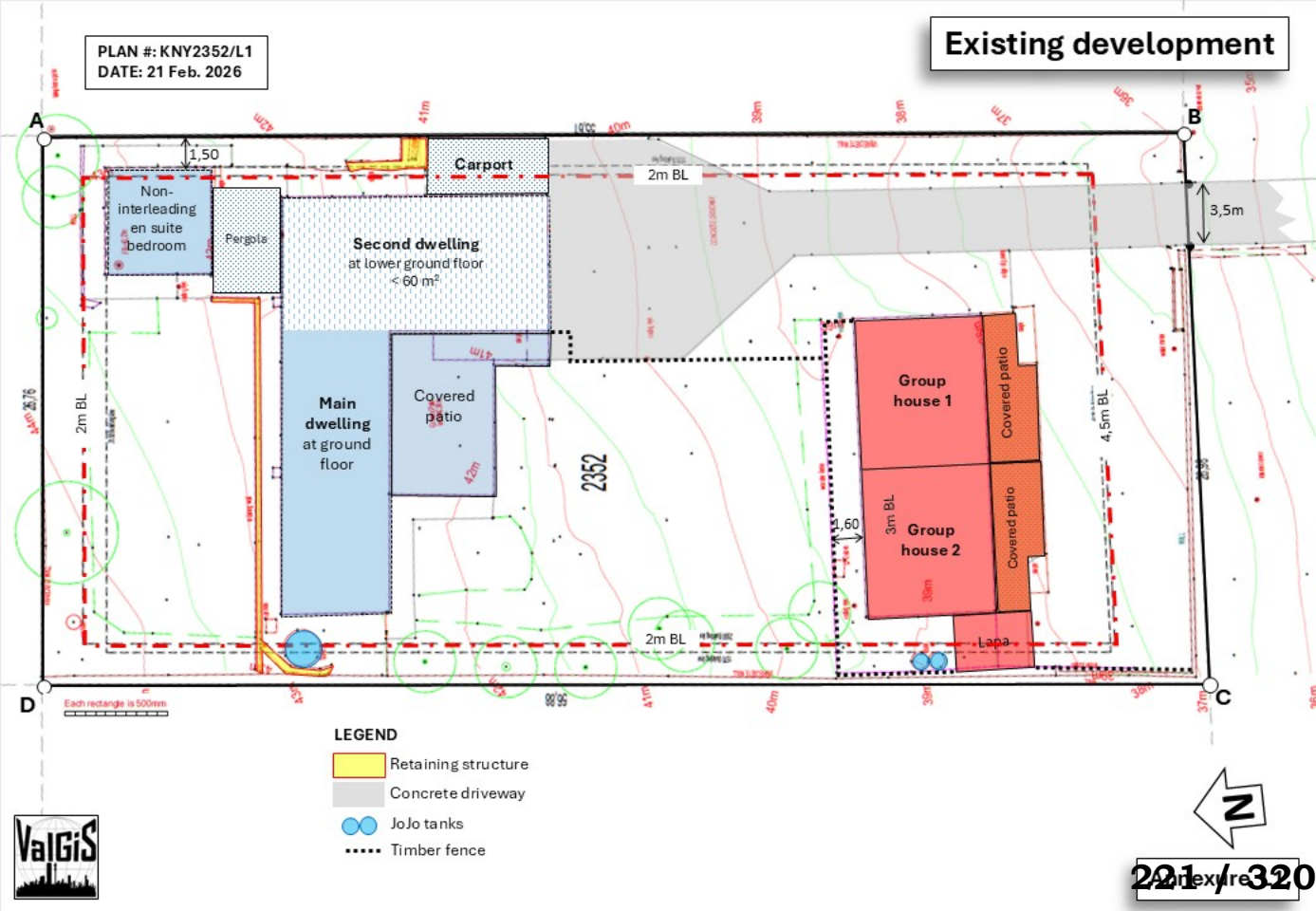
N

Spatial Development Framework

Extract from **Map 21** of the Knysna SDF, 2020

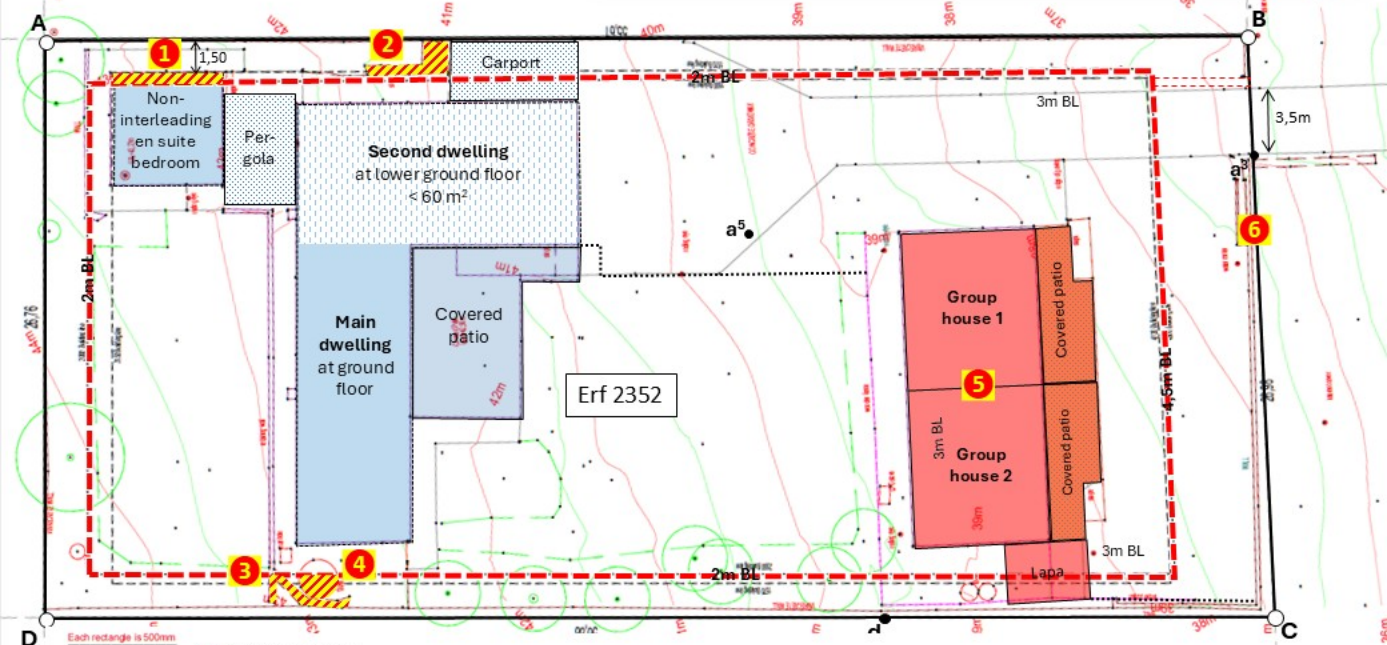
- Urban Edge
- Infill and Housing Priority Areas
- Restructuring Zone
- Conservation Areas within Urban Egde
- Forestry
- Future N2 Reroute Alignment
- Primary Activity Route
- Scenic Routes and Tourism Corridors
- Future Road Connections
- NMT Connections
- Future Growth Direction
- Coastal Destinations
- Future N2 Intersections
- Industrial Areas

N


PLAN #: KNY2352/L1
DATE: 21 Feb. 2026
Existing development
A
B
C
D
1,50
Non-interleading en suite bedroom
Pergola
Carport
2m BL
Second dwelling at lower ground floor < 60 m²
3,5m
Main dwelling at ground floor
Covered patio
2352
Group house 1
Covered patio
4,5m BL
3m BL
1,60
Group house 2
Covered patio
Lapa
2m BL
Each rectangle is 500mm
LEGEND
Retaining structure
Concrete driveway
JoJo tanks
Timber fence
N
ValGiS
221 / 320
Annexure

PLAN #: KNY2352/L2
DATE: 21 Feb. 2026

Existing transgressions of the Zoning Scheme



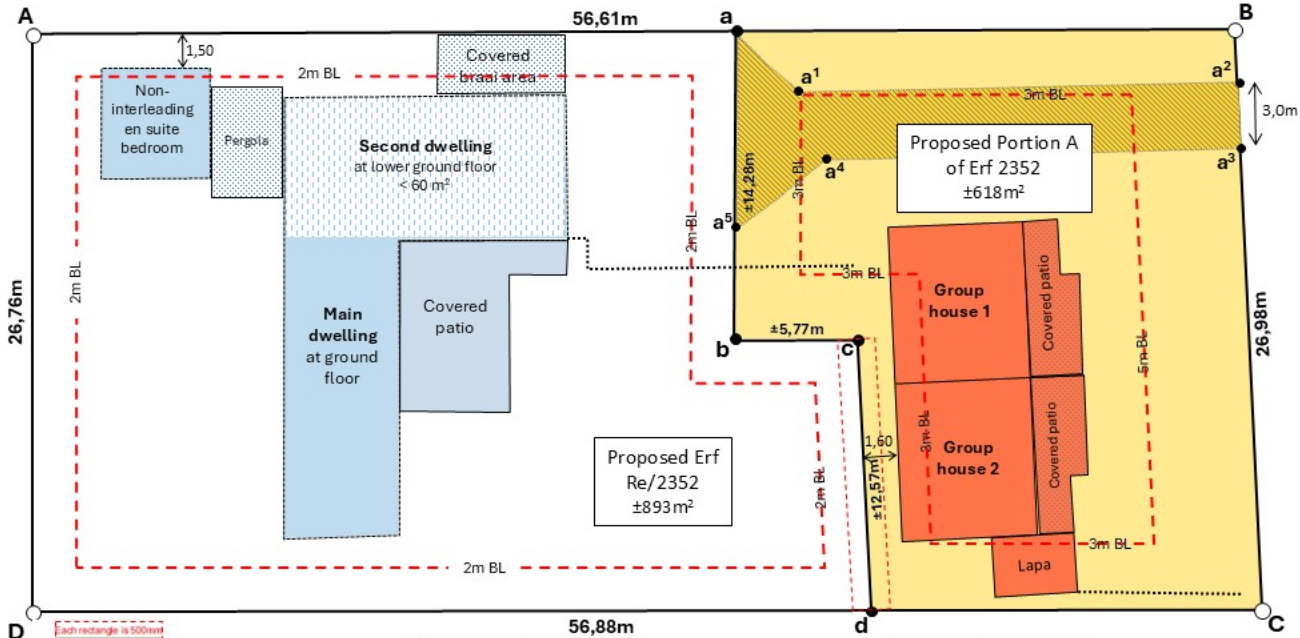
TRANSGRESSIONS:

1. Outbuilding: Encroaches side B.L. of 2m by 0,5m
2. Retaining structure: Encroaches side B.L. of 2m by 2m
3. Retaining structures: Encroach side B.L. of 2m by 1,5m
4. Water tank: Encroaches side B.L. of 2m by 1,2m
5. Group housing units: Land use not permitted on land zoned Single Residential I
6. Street boundary wall height: Above the maximum height of 1,80 m. See Annexure Q1 for details

N

Proposed rezoning and subdivision

PLAN #: KNY2352/L3
DATE: 21 Feb. 2026



DEVELOPMENT PARAMETERS	SRZI	GRZI	
Parking			
Standard	2,00	2,00	per unit
Visitors	Optional	0,25	per unit
Building lines			
Street	4,00	5,00	
Lateral	2,00	3,00	
Open space (m2)	n.a.	50,00	per unit

NOTES ON THE SUBDIVISION:

1. Figure ABCDA represents existing Erf 2352, Knysna.
2. Figure AabcdDA represents the proposed Remainder.
3. Figure aBCdcba represents the proposed Portion A.
4. Figure $aa^1a^2a^3a^4a^5a$ represents a right of way servitude to be registered in favour of the proposed Remainder of Erf 2352.

Proposed ROW servitude on the alignment of the concrete driveway as shown on the Site survey - K2352CP attached as **Annexure K**

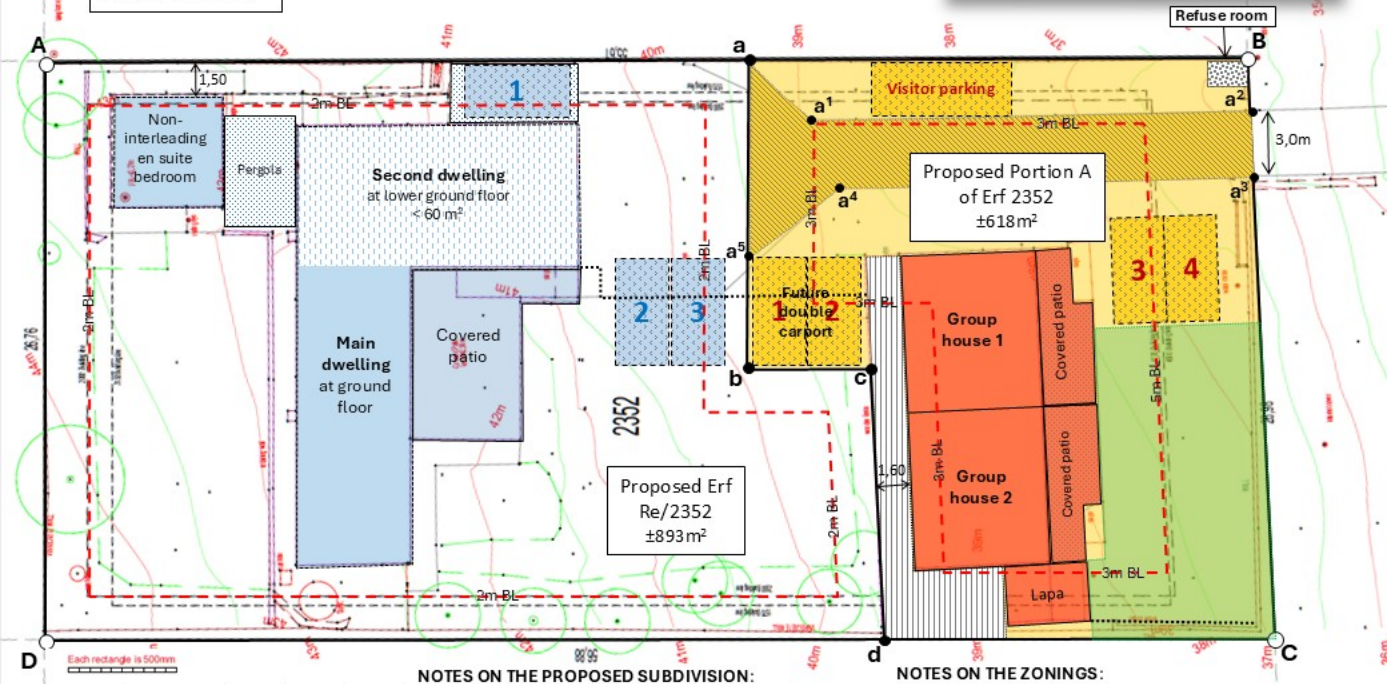
NOTES ON THE ZONINGS:

1. Figure ABCD is now zoned **Single Residential Zone I**.
2. Figure aBCdcba is proposed to be rezoned to **General Residential Zone I**.

N

Site Development Plan

PLAN #: KNY2352/L4
DATE: 21 Feb. 2026



DEVELOPMENT PARAMETERS

	SRZI	GRZI	
Parking			
Standard	2,00	2,00	per unit
Visitors	Optional	0,25	per unit
Building lines			
Street	4,00	5,00	
Lateral	2,00	3,00	
Open space (m2)	n.a.	50,00	per unit

NOTES ON THE PROPOSED SUBDIVISION:

1. Figure ABCDA represents existing Erf 2352, Knysna.
2. Figure AabcdDA represents the proposed Remainder.
3. Figure aBCdcba represents the proposed Portion A.
4. Figure $aa^1a^2a^3a^4a^5a$ represents a right of way servitude to be registered in favour of the proposed Remainder of Erf 2352.

NOTES ON THE ZONINGS:

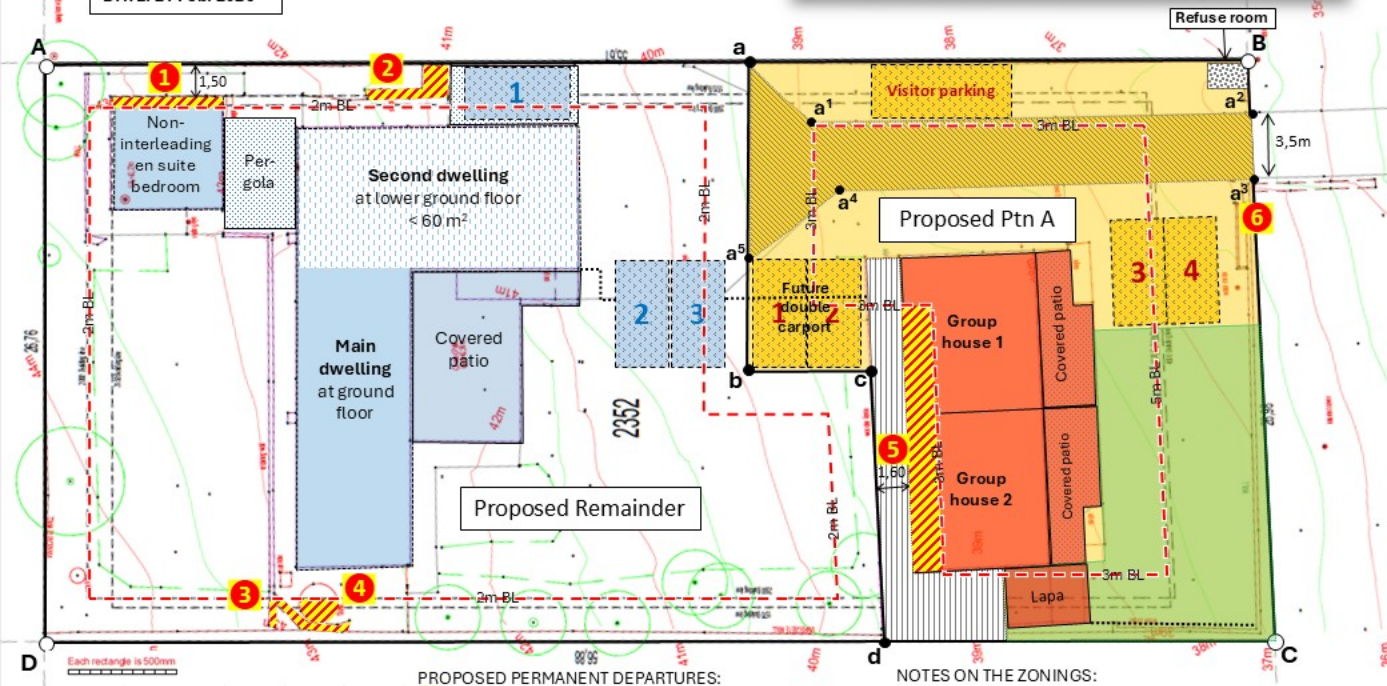
1. Figure ABCD is now zoned Single Residential Zone I.
2. Figure aBCdcba is proposed to be rezoned to General Residential Zone I.

Proposed ROW servitude
Service yard
Open space with lapa (>120m²)

N

Proposed permanent departures

PLAN #: KNY2352/L5
DATE: 21 Feb. 2026



Each rectangle is 500mm

DEVELOPMENT PARAMETERS

	SRZI	GRZI	
Parking			
Standard	2,00	2,00	per unit
Visitors	Optional	0,25	per unit
Building lines			
Street	4,00	5,00	
Lateral	2,00	3,00	
Open space (m2)	n.a.	50,00	per unit

PROPOSED PERMANENT DEPARTURES:

1. Outbuilding: Side B.L. from 2m to 1,5m
2. Retaining structure: Side B.L. from 2m to 0m
3. Retaining structures: Side B.L. from 2m to 0,5m
4. Water tank: Side B.L. from 2m to 0,8m
5. Group housing units: Lateral B.L. from 3m to 1,6m
6. Boundary wall height: From 1,8m to 3,05m

NOTES ON THE ZONINGS:

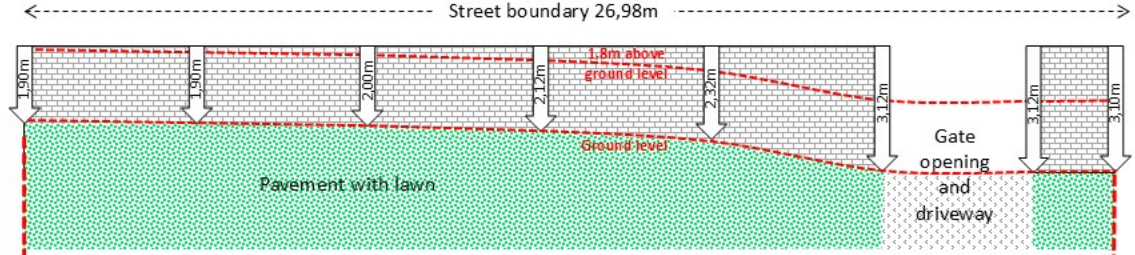
1. Figure ABCD is now zoned Single Residential Zone I.
2. Figure aBCdcba is proposed to be rezoned to General Residential Zone I.

Proposed ROW servitude
Service yard
Open space with lapa

N

PLAN #: KNY2352/Q1
DATE: 21 Feb. 2026

Street boundary wall height



Southern elevation: Milkwood Drive street boundary wall

ValGIS Technologies
Specialising in land use and town planning

Postnet Suite 256
Private Bag 1006
PLETTENBERG BAY
6600
A.C. Burger
Professional Planner
Reg. No. A/767/1994
083 453 1532
camille@valgis.co.za
CC Reg No CK2001/038846/23

The Municipal Manager
Knysna Local Municipality
PO Box 21
KNYSNA
6570

31 March 2026

For attention: The Manager: Land Use Management

Dear Sir,

ERF 2352, KNYSNA: APPLICATION IN TERMS OF S15(2)(r) OF THE KNYSNA SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW OF 2021 FOR THE DETERMINATION OF ADMINISTRATIVE PENALTIES

Our reference is KNY2352/Badish.

Kindly find the following documentation in support of the application mentioned above:

1. Proof of payment of the prescribed application fees of **R5 641,22** calculated as follows:

#	SECTION	TYPE	AMOUNT
1	15(2)(a)	Rezoning	R4 523,42
2	15(2)(b)	Subdivision	R2 144,32
3	15(2)(d)	Permanent departures	R2 471,53
4	15(2)(f)	Removal of restrictions	R1 084,24
5	15(2)(g)	Zoning Scheme permission (SDP)	R1 058,92
			R11 282,43
		50% of the application fees to regularise	R5 641,22

2. The completed application form.
3. The motivation memorandum with the following annexures:

- 301 Knysna, Erf 2352 - S15(2)(r) - Annexure A - POA
- 301 Knysna, Erf 2352 - S15(2)(r) - Annexure B - Locality plan
- 303 Knysna, Erf 2352 - S15(2)(r) - Annexure C - Title Deed T47508 of 2021
- 304 Knysna, Erf 2352 - S15(2)(r) - Annexure D - SG General plan
- 306 Knysna, Erf 2352 - S15(2)(r) - Annexure F - Land Use plan
- 307 Knysna, Erf 2352 - S15(2)(r) - Annexure G - Zoning plan
- 308 Knysna, Erf 2352 - S15(2)(r) - Annexure H - SDF - Knysna town Settlement and Economic Framework
- 309 Knysna, Erf 2352 - S15(2)(r) - Annexure I - SDF - Knysna Restructuring Zone
- 310 Knysna, Erf 2352 - S15(2)(r) - Annexure J - SDF
- 311 Knysna, Erf 2352 - S15(2)(r) - Annexure K - Site survey - K2352CP

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L1 - Existing development

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L2 - Existing transgressions of the Zoning Scheme

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L3 - Proposed rezoning and subdivision

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L4 - SDP

312 Knysna, Erf 2352 - S15(2)(r) - Annexure L5 - Proposed permanent departures

313 Knysna, Erf 2352 - S15(2)(r) - Annexure M1 - Minutes of pre-application consultation by ReadAI

313 Knysna, Erf 2352 - S15(2)(r) - Annexure M2 - Minutes of pre-application consultation - Supplied by ...

314 Knysna, Erf 2352 - S15(2)(r) - Annexure N - Declaration by landowner

316 Knysna, Erf 2352 - S15(2)(r) - Annexure P - Bondholder consent

317 Knysna, Erf 2352 - S15(2)(r) - Annexure Q1 - Street boundary wall height

Yours sincerely,

A.C. Burger Pr. Planner

CJ Ballan Inc
16 Green Street
Knysna
6570

Prepared by me

CONVEYANCER
Janine Fouche (LPCM60411)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 2 380 000,00	R 1 778,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

VERIFIED MORTGAGES
VAT FOR R 1 483 000,00
B 000026842 / 2021
2021 -09- 23

T 000047505 / 2021

DEED OF TRANSFER

DATA / CAPTURE
05 -10- 2021
LITHA VUYO MADAMA

BE IT HEREBY MADE KNOWN THAT

Janine Fouche (LPCM60411)

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

DOROTHEE GUDRUN WATERSTON
Identity Number [redacted]
Married out of community of property

which said Power of Attorney was signed at Knysna on 4 August 2021

And the appearer declared that his/her said principal had, on 7 April 2021, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

HENRY PHILLIP BADISH
[redacted]

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

ERF 2352 KNYSNA
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1511 (ONE THOUSAND FIVE HUNDRED AND ELEVEN) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T12691/1967 with diagram Number 718/1967 relating thereto and held by Deed of Transfer Number T116201/2004

A. SUBJECT to the conditions referred to in Deed of Transfer No. T2474/1974.

B. SUBJECT FURTHER to the following conditions contained in said Deed of Transfer No. T12691/1967 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No. 33/1934 with the approval of the establishment of Knysna Town Extension No. 2, namely:

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them to regulations published under Provincial Administration Notice No. 401 dated 17th October 1935 and in the memorandum which accompanies the said regulations.

2. The owner of this erf shall without compensation be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or erven within or without this subdivision to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
3. The owner of this erf shall be obliged without compensation to receive such material or permit such excavation to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

4. This erf shall be subject to the following further conditions provided especially that wherein the opinion of the Administrator after consultation with the Townships Board and the Local Authority it is expedient that the restriction in any such condition should at any time be suspended to relaxed, he may authorise the necessary suspension or relaxation subject to the compliance with such conditions as he may impose:

(a) Is shall not be subdivided;

(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

(c) Not more than half the area thereof shall eb built upon;

(d) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which 3,15 metres of the rear of 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, an outbuilding no exceeding 3,05 metres in height measured from the floor to the wall plate and not portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as on erf;

(e) In the event of the provision of a Town Planning Scheme being made applicable to this erf, which provisions are more restrictive that the provisions contained in the above, then the provisions of such scheme shall apply."

C. SUBJECT FURTHER to the following special conditions contained in the said Deed of Transfer No. T12691/1967 imposed by the Transferors therein for the benefit of themselves and their successors in title as described in Condition 13 hereunder:

"1. No structure or other building shall be erected by the transferee on the property before a dwelling house is erected of a value of not less than Four Thousand Rand (R4 000.00) including buildings. In calculating the said amount, the transferee shall be entitled to take into account a reasonable allowance for any work or labour personally done by the transferee in connection with the said buildings provided that this condition shall not apply to erven which may in terms of these Conditions of Sale be used for purposes other than the erection of a dwelling house. All buildings on this erf shall be constructed or brick, stone, concrete, or such other material as the transferors may at their entire discretion and in writing permit.

2. Prior to the commencement of any building operations in this erf, the transferee shall submit to the transferors a plan of the proposed buildings, which shall include a site plan, a plan of sewerage and drainage and particulars of the materials to be employed in construction. No buildings shall be erected on this erf until the transferors hall have signified in writing their approval of such plans. In the event of the transferee committing any breach of the terms of this condition, the transferors may at their option either call upon the transferee to demolish any structure which he may have erected, or alternatively, may re-purchase the erf at the same figure as may have been paid by the transferee, in which event no compensation shall be payable to the transferee for any improvements erected on the erf, or for any costs which he may have p aid in connection with the acquisition thereof.

3. The transferee shall not keep on the erf any love goat, ox, cow, bull, sheep, pig or donkey, without the written permission of the transferors first had and obtained.

5. The transferee shall not erect any corrugated iron fence or screen on this property without the permission of the transferors first had and obtained.

6. The property hereby transferred shall not be used for the burial of night soil.

7. No offensive, unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amending ordinance shall be carried on any erf in the Township

8. The transferors shall not be liable to contribute to the costs of erecting or maintaining any boundary fence on the property hereby transferred.

9. The property hereby transferred shall not be used for camping or as caravan site, except with the written permission of the transferors first had and obtained.

10. The transferee shall not use of suffer to be used any portion of the property or any buildings or erections hereon, for the purpose of advertising or displaying any advertisement save in the case of erven reserved for use as hotel or trading sites.

11. The transferors hall not be bound or obliged to subject any one or other of the remaining erven in the Township to conditions the same or similar to those herein imposed, and no claim shall lie against the transferors by the transferee in respect of any such variation of conditions.

12. The conditions as set out herein shall be without prejudice to and in addition to any regulations which may already have been passed or which may already have been passed or which may hereafter be passed by competent Local Authority.

13. The term "transferors or their successors in title" shall mean the aforementioned transferors as the registered owners of the land remaining registered int heir name under the said Certificate of Consolidated Title No. 15249 dated 24th October 1957, and their successors in title thereto excluding the owner of any subdivision of the land so held which may be alienated and transferred by the said transferors subsequent to 5th May 1965, being the original date of the sale of the land hereby conveyed.:

(The "Transferors" in the a foregoing condition were Grace Stroebel (bornde Vos), widow, ian Stroebel; Kenneth Stroebel; Doreen de Vos (born Stroebel) married out of community of property to Dirk de Vos; and Dirk de Vos).

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

DOROTHEE GUDRUN WATERSTON, Married as aforesaid

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

HENRY PHILLIP BADISH , Unmarried

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 380 000,00 (TWO MILLION THREE HUNDRED AND EIGHTY THOUSAND RAND) .

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

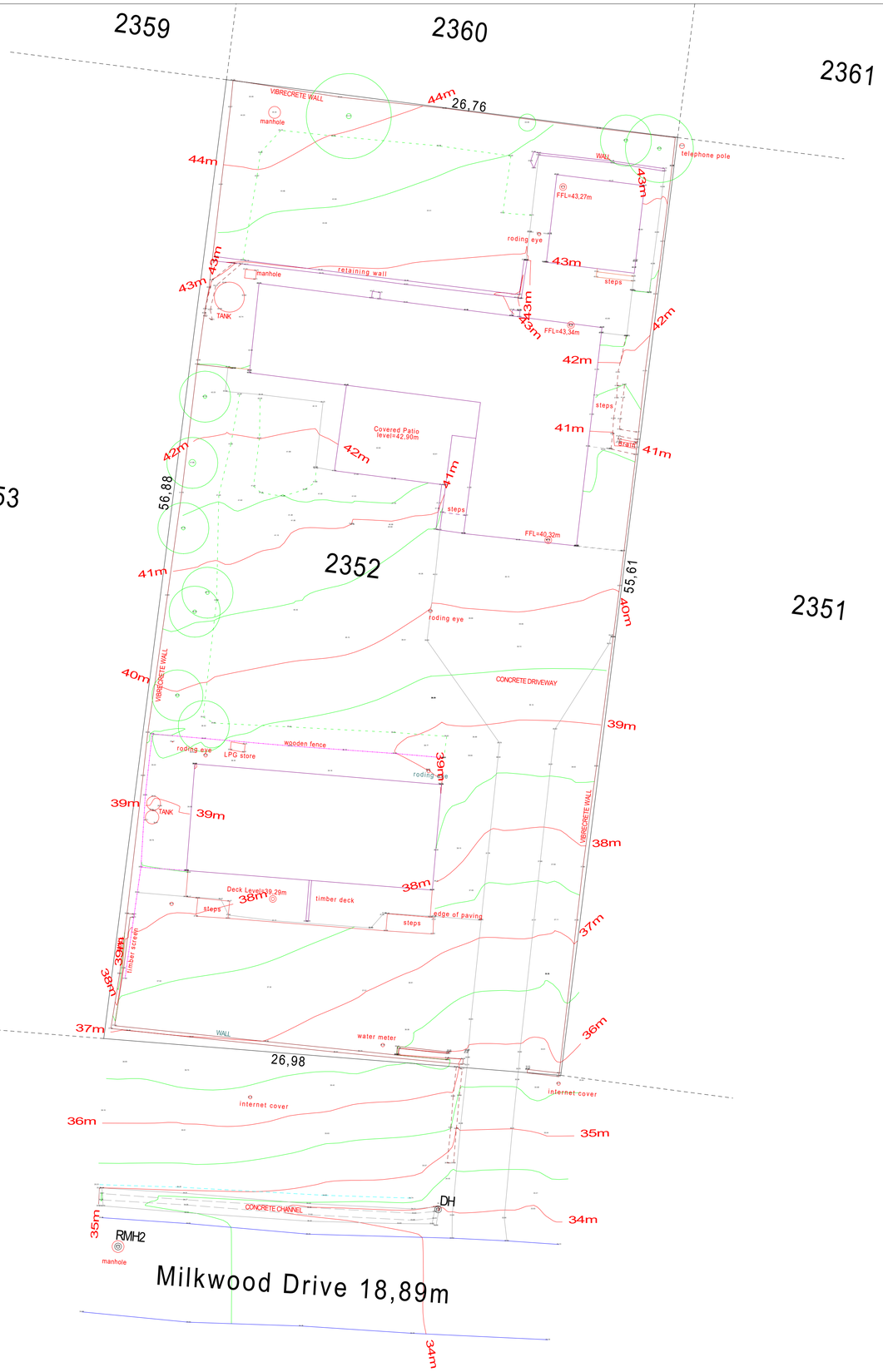
THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 23 SEP 2021

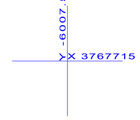
q.q.

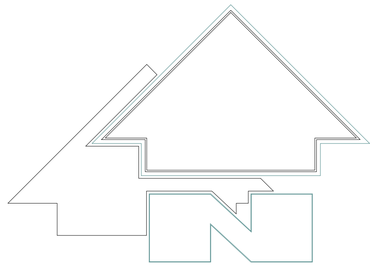
In my presence

REGISTRAR OF DEEDS

Annexure K







WG23

Scale 1:150, A1

Date of Survey
26/08/2925

Notes :

1. Beacons not found or verified by survey Cadastral as per Surveyor General GIS (2023)
2. Benchmark = "BM" = See Benchmark List
3. Survey based on Town Survey Mark KN15
   Name Y =-5910.73 X = 3767870.65
   Height = 24.45 above A.M.S.L
4. Contours approximate through dense vegetation
5. This plan represents the contours/features at the date of survey - see above

Benchmark List

Name	Y	X	Height	Description
RMH2	-5956.152	3767784.187	34.808	Centre of Manhole Cover
DH	-5974.984	3767782.001	34.000	Drill Hole in Concrete Headwall

This Plan may not be copied, amended or transferred without the written consent of VPM Surveys.

© 2025 VPM Surveys all rights Reserved

NO	DATE	DESCRIPTION
C		
B		
A		

REVISIONS

DATE: 29/08/2025	SCALE: 1:150, A1
SURVEYED ON: 26/08/2025	SURVEYOR: M. BANTOM (GPrLS 1559)
DRAWING FILE: SERVER:\\ALLYDAT 4\Knysna\K1-10000\K2352CP	

VPM SURVEYS
Professional Land Surveyors
Township Planners,
GIS & GPS consultants
Topographic, Sectional Title
& Engineering Surveys
16 Green Street P.O.Box 173
Knysna 6570
Tel: 044 3022300 Fax: 0866898908
e-mail: info@vpmsa.co.za

CLIENT
Henry Badish

PROJECT
Site/Contour Plan

TITLE
ERF 2352
Upper Old Place
Knysna

DRG NO	REV
K2352CP	

Knysna
Municipality • Munisipaliteit • uMasipala
INCLUSIVE. INNOVATIVE. INSPIRED.

KNYSNA MUNICIPALITY

PRE –APPLICATION MEETING

Minutes of meeting held on the

29 JANUARY 2026

At

09:00

Microsoft Teams

MINUTES

No	Item	Presentation
1.	**Opening and Welcoming**	Mr S Madumbo
2.	**Attendance** Mr S Madumbo (Chairperson) – KM : Town Planning **(KM)** Ms N Vonya – KM : Town Planning **(KM)** Ms L Mniki – KM : Town Planning **(KM)** Miss S. Sitinga: Town Planning **(KM)** Ms. B Koti: Town Planning **(KM)** Ms. N Nkoane: Aesthetics Committee **(KM)** Mr Raymond Talmaggies: Technical Services **(KM)** Mr Mulalo Maseneke: Environmental Management **(KM)** **Steward Mqhele** **Vanessa Movius** **Camille Burger** **Andre Vercueil** **Marike Vreken** **Lourens du Toit**	

3.	**Items for consideration** **Please note: Meeting minutes do not reflect verbatim discussions*	
3.1	**<u>Erf 653, Rheenendal – Application for Temporary Land Use Departure</u>** **<u>Discussion and Recommendations:</u>** **Steward:** the application is for a temporary departure on the property, for a liquor store. Rhenendal currently has a lot of illegal liquor stores, the property owner wishes to legalise the existing liquor store. **SHM**: the application was already submitted and a few concerns were raised by our department. There has been applications of this kind in the past. One was refused for a rezoning to business as it was not desirable. One was previously successful, a street away. And that was a temporary departure. Concerning your application, there was a number of matters that needed to be clarified. Looking at the correspondence, the issue was the existing dwelling house without building plans. There also needs to be clarification on what portion of the property will be used for the liquor shop. Additionally, based on the images, there was also a concern regarding the existing deck. The main concern was that once the temporary departure is approved, the establishment might grow into something bigger in terms of its operation, the application therefore needs to demonstrate how this will be mitigated against. **Steward**: concerning the deck it is clarified that the liquor store is contained within the garage and the public will not access the deck which is only accessible through the main house, and this space is mainly for the use of the permanent occupants of the property. The issue with changes on the operations will be addressed as it is a valid concern. **SHM**: the motivation needs to be explicit in clarifying how the operation will not be later unlawfully expanded. Parking on the property is also a concern as the garage will be used for the store, the motivation must clarify what parking provisions will be made for the use of the dwelling house, as well as for retail use (liquor store), in terms of the Zoning Scheme Bylaw.	KM Officials and Steward Mqhele

	The applicant is advised to refer to previous applications of this nature within the same area.	
3.2	**Erf 2187, Knysna – Application for Subdivision** **Discussion and Recommendations:** **VM:** the proposal is to subdivide a propery into two portions. **SHM:** the purpose of this meeting is for applicants to present their proposal and are advised and it is advised that the clients sources the services of a professional town planner. The application needs to be motivated for in terms of policy and desirability. The application is not merely a matter of completing an application form, the application has to be in line with the Knysna Spatial Planning and Land Use Management By-law. There seems to be a previously approved subdivision on the property, there is an SG diagram dated 1995, and another a some years ago. The client is advised to include the application history on the motivation, and the client is welcome to visit the Town Planning office to go through the file to establish and clarify on the history.	KM Officials and Vanessa Movius
3.3	**Erf 2352, Knysna – Application for Rezoning, Subdivision and Departure** **Discussion and Recommendations:** **CB:** the subject property is located within upper old place. The property has an existing house that is placed on the upper side of the property. The property wishes to regularise the use of the property by rezoning the southern part adjoining the street to general residential one to allow for a group housing. The proposed units will be for lower income one bedroom units. There are also a few encroachments on the property that need to be addressed, as well as new encroachments resulting from the subdivision. Another aspect of the property is relating to title conditions that need to be addressed, as well as a site development plan and an administrative penalty application.	KM Officials and Camille Burger

	SHM: the owner of the property built a number of units without permission. This is a serious contravention in terms of municipal services alone. This needs to be argued extinsivly on the administrative penalty application. This demonstrates complete disregard for the planning bylaw. **CB:** the proposal is in line with the SDF and is compitable with the chareter of the area. **SHM:** the applicants sentiments are agreed to with to some extent. However, on milkwood drive, there are flats and grouphousing developments on a number of properties on the street, it appears there is a node for higher density development, however the subject property is a bit out of that. From the local area context. However if you are going to densify in a single residential area and change zoning, the general residential category is different in terms of density. Additionally, the issue is that the proposal has to be consistent with the character of the area, regarding the subdivision, this might not be the case. The precident has not been set. The application motivation should address this concern. **CB:** counter arguments will be highlighted to address these concerns. The SDF will be interrogated to give guide. The zoning schemes definition of group housing aligns with this proposal, and it ticks all the boxes. SHM: the proposal is for a subdivition to portion a and a remainder. How will portion a obtain access? **CB:** there is an existing right of way servitude. **SHM:** the servitude is not desirable, although there is a number of them in the area, there seems to be neighbourly conflicts when it comes to such, the application needs to address how this will be managed. There needs to also be a notorial agreement in this regard, considering that ownership changes over the years. **CB:** the proposal will be revisited and consideration will be given for a panhandle. Another consideration was that if there is a panhandle on the righhand boundary, there will be a double access, which will not be desirable.	

	SHM: compliance with general residential zoning requires that development be uniform, and a design guilines is required. This needs to be demonstrated on the application, as it is a parameter for group housing. Compliance with the to both development paarmeters and requirements must be demonstrated. At this stage, the design manual is not to be submitted, but the motivation must speak to issues such as architectural style. **CB**: the are seven proposed departures, for an outbuilding, retaining wall, double car port, group housing units building lines, boundary wall height. The property is on a steep slope, hence the need for the boundary wall. **SHM:** why not a stepped wall, instead of a wall that high? **CB:** only a small section on the driveway, where there is an excavation, which makes the wall very high. **SHM**: the proposed departure on the height of the wall is excessive and the proposal needs to make strong arguments to that.	
3.4	**Erf 774, Knysna – Application for Departure** **Discussion and Recommendations:** **AV:** the existing house on the property encroaches on the street building line, as well as the northern lateral building line. Therefore the application is to regularise the existing dwelling house by applying for the relation of these building lines. The proposed additions to the structure did not encroach on any building lines. Shm: the applicant states that there is no record of existing approved building plans. The building has been in existence for some time and there is evidence to that fact and proof that it is legal despite not having approved building plans. **AV:** it seems the building has been in existence from the 1900s, looking at the architectrural style. There is a record for an application for a soakaway, but that is not applicable. Other than that there is no other record on the property. An application for heritage western cape has already been submitted and is in for consideration. **SHM:** this will be taken into advise from the building control department to establish its legal standing, to establish if there is a necessary	KM Officials and Andre Vercueil

	application to be submitted, as there was no applicable building line when the property was built and only the building plans for the extension would be required. The sceptic tank the applicant mentions can also be used as evidence. The applicant is advised to go through that plan again and establish when it was done.	
3.5	**<u>Erf 21266, Knysna (A Portion of Erf 21001) Knysna – Application for Subdivision</u>** **<u>Discussion and Recommendations:</u>** **MV:** the property is a group housing property that was approved in 2015. The property was approved for 10 tiny homes in 2022, with an open space included. The owner of the property wishes to subdivide it into three properties. **SHM:** the issues of densification will be critical, as policy speaks to densification to address the issue of the housing crisis in the town. This also raises issues of efficient use of land. **MV:** the interest from the outside in the tiny homes was very low, and its intention was to provide affordable housing. **SHM:** how do the property sizes compare to the surrounding properties? **MV:** it seems to be in line with the neighbouring previously approved properies. **SHM: will they be freehold properties?** **MV: yes** **SHM:** there needs to be compliance with the design manual. Howevre, the site itself, will it have compliance with group housing in terms of the zoning shceem bylaw? **MV:**That is one of the questions we seek to address **SHM:** there is a good case for a rezoning, however there is also no issue with keeping the group housing, however, compliance must be demonstrated. The refuse room is at the front of the estate. Waste management will likely require clarification on how that will work. The applicant is advised to clarify this on the motivation. **SHM:** if there is anything applicable or relevant from the previous approval, the applicant is advised to also address this on the motivation. The applicant is also advised to be explicit in their arguments for the proposed property sizes.	KM Officials and Marike Vreken

	MULALO: there was an environmental authorization granted with the SDP. There should've been a condition that if there is a diversion from that authorization, the competent authority be notified.	
3.6	**Remainder of Erf 21001, Knysna – Application for Departure** **Discussion and Recommendations:** **MV:** this property is adjacent to the previous subject property on the ajenda. It's a small holding house. In 2022, when the amended layout was approved, this property was reduced. The prescribed building line is 10m. an sdp was was previously approved. The property owners wish to build a second storey on the existing approved dwelling house. There will also be a building line relaxation required. An existing tiny home will be moved to this property for a second dwelling, and a relaxation for the building line for this will be required. **SHM:** small holding allows for a dwelling house and a second dwelling provided that its small than 60m. The proposed additional floor, will require a departure. The application seems straight forward. **MV:** Is there a need for HOA consent or the neirghbouring properties, or the normal advertising process will be followed? **SHM:** the normal advertising process requires all neighbouring properties to be notified. The neighbouring properties may give comments or support on the proposal.	KM Officials and Marike Vreken
3.7	**Erf 3926, Sedgefield – Application for Consent Use & Administrators Consent** **Discussion and Recommendations:** **Lourens du Toit:** a previous pre-application consultation was done on this property, but there are some matters of clarification from the previous minutes. The previous preconsulltation was for a warehouse. The owner wishes to establish more options. The proposed options are listed as consent uses on the zoning of the subject property.	KM Officials and Lourens du Toit

	SHM: that zoning came from the subdivision of at the time of establishment of the township. A zoning certificate was recently issued and there might be a restriction on the use of the property. Business zone I, the property was limited to a nursery. In terms o the 1980 sedgefield scheme, so there is a restriction on the use of this property. For a consent use it may be acceptable, however, it seems this proposed use might not be compitable with the area, as it is within a residential area, and at the end of a residential street, and to obtain access to the property one would have to go through the whole residential area, and therefore will have impact. The nursery was probably to minimize impact. Wearhousing and motor repair garage might not be desirable. These uses in terms of urban form might not be appropriate. Although it possibly wouldn't be visible from the street, it might be higher than the neighbouring single residential properties and will therefore standout. **Lourens du Toit:** there is a community zone and informal housing neighbouring the property, therefore the subject property would also be a buffer between the residential area and the other two properties. Would that make a difference? **SHM:** the applicant is advised that they may make that argument. The access point through the panhandle would not be desirable considering the nighbouring properties. **SHM:** an extract from the sedgeilf LSDF recognizes the area for residential purposes. The policy suggests residential development and that means the policy does not support the proposal. **Lourens:** the proposal is a low intensity use and is to provide garaging for trailers and boats for properties in the area who seem not to have enough space for such garaging and storage. **SHM:** the scale will be important in that will the use be compitable with the character of the area. The applicant is advised how the suggested low impact will work. **Lourens:** Whats the maximum development potential? What land use would be more applicable? There is also a title deed condition on the propery. **SHM:** condition D15, the property may not be used for any other uses other than residential properties. This is a third party condition and	

	would require consent from the transferer. Therefore no removal of restrictions will be required.	
4.	**The Chairperson closed the meeting.**	

/SS

02 February 2026

To Whom It May Concern

I am writing to provide context regarding building additions to my property that were undertaken without prior council approval or the necessary zoning permissions.

My business, Mediacore (Pty) Ltd, held a long-term contract with Shoprite Furniture Division, valid until 2028 with annual reviews and cost adjustment terms. Through this contract, we provided an in-store video and audio network that promoted Shoprite's House & Home and OK Furniture brands, delivering a daily audio "radio station" type service tailored to these stores.

Unfortunately, due to the sale of the House & Home and OK Furniture brands to Pepkor Holdings Limited, the contract between Mediacore (Pty) Ltd and Shoprite Checkers (Pty) Ltd was terminated. This left my business in a critical financial position, following already significant financial strain during the COVID-19 pandemic, where we had raised considerable capital to sustain operations.

As a result, I was forced to retrench all staff and cut every possible cost to manage debt and consolidate the business. Personally, this placed me in a zero-income situation, and I had to draw on my pension to provide for my family. In this context, I commenced building rental units on my property as a mechanism to generate income and ensure the survival of my family.

It is important to note that the construction of these units was part of a long-term plan for retirement and career transition, but at the time, I was not in a position to afford the legal process required for correct zoning or building approvals. The work was undertaken purely out of necessity to provide for my family, with no intention to flout council regulations or act in bad faith.

I sincerely request your understanding of the circumstances that led to these actions and am committed to working with the council to ensure full compliance and rectify any outstanding penalties regarding the property.

Thank you for your consideration.

Yours faithfully,

Henry Badish

Home Loans
Sales and Service Enablement

9 Lothbury Road
Auckland Park, 2092
Private Bag 72007
Cresta, 2118
South Africa

T 0860 111 007
Swift address: ABSAZAJJ
absa.co.za

16.02.2026

Private/Confidential

MR HP BADISH
[redacted]
KNYSNA
6571

Dear Sir / Madam

REQUEST RECEIVED FOR: REZONING, PROPOSED SUBDIVISION, PERMANENT DEPARTURE & REMOVAL OF RESTRICTIVE CONDITIONS

Mortgage loan account number: [redacted]
Property description: ERF 2352 KNYSNA

We refer to the above-mentioned account and grant consent to the request below:

- Rezoning from Single Residential Zone I [SRZI to General Residential Zone I [GRZI
- Proposed subdivision of the Erf into two portions
- Permanent departure from the building line parameters
- The removal of title conditions B.4(a), (b) and (d) from Title Deed T47508/2021
- Additions and alterations

Please instruct a conveyancing attorney to attend to the removal of these restrictive conditions on the title deed. Only a conveyancing attorney can attend at the Deeds office to remove the conditions.

According to your mortgage loan agreement it is your responsibility to ensure that you have sufficient insurance in place.

If you are insured under Absa, our insurance division`s contact number is 0860 100 876.

Kindly take note that the consent letter is valid for one year only.

Yours faithfully

Property Control
Our ref: Nadine Heathcote
Tel: 011 846 5471
Email: hlpc@absa.co.za

Linda Mniki

From: Shaun Madumbo
Sent: 08 July 2026 2:54 PM
To: camille@valgis.co.za
Cc: Linda Mniki; Hennie Smit
Subject: Re: Erf 2352 Knysna - Determination of an Administrative Penalty - (3699)

Good day Camille

Your below response is noted despite our reservations, and will be considered accordingly.

Kind regards

Shaun Madumbo, Pr Pln (A/1510/2012) Senior Town Planner
P O Box 21. Knysna. 6570. Western Cape. South Africa
Tel +27 (0)44 302 6300 (switchboard) or +27 (0)44 302 6268 (direct)
e-mail smadumbo@knysna.gov.za

From: camille@valgis.co.za <camille@valgis.co.za>
Sent: Wednesday, 08 July 2026 14:43
To: Shaun Madumbo <smadumbo@knysna.gov.za>
Cc: Linda Mniki <lmniki@knysna.gov.za>; Hennie Smit <hsmit@knysna.gov.za>
Subject: RE: Erf 2352 Knysna - Determination of an Administrative Penalty - (3699)

You don't often get email from camille@valgis.co.za. Learn why this is important

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day Shaun,

Your email of 07 July 2026 has reference.

I must respectfully disagree with your interpretation of the **Planning By-law** and the requirements for **uncontested administrative penalty applications**. Allow me to address each of your points in turn:

1. **Interpretation of Section 93**

   Section 93(2), read with subsections (8) and (9), does empower the Tribunal to exercise discretion. However, that discretion is **circumscribed by the tariff schedule adopted**

by Council. Where an applicant elects the **uncontested tariff**, the Tribunal's role is administrative: to confirm that the contravention falls within the tariff parameters. To interpret otherwise collapses the distinction between **contested** and **uncontested** applications, rendering the uncontested tariff meaningless.

As held in *Administrator, Transvaal v Zenzile* 1991 (1) SA 21 (A), administrative discretion must be exercised consistently with the purpose of the empowering provision. The uncontested tariff route was introduced to provide **certainty and efficiency**. Requiring detailed construction cost estimates and quantum descriptions in cases where the landowner has already accepted the pre-determined standard penalties **defeats this purpose** and is **inconsistent** with the By-law's intention.

2. **Established Practice and Precedent**

You state that the Municipality has always interpreted the provisions in this way. However, in the uncontested applications I have submitted on behalf of clients (including several in 2025 and 2026), neither the Municipality nor the Tribunal requested **detailed construction cost estimates** or **quantum descriptions**. Those matters were processed on the standard tariff basis using the motivating memorandum and plans.

More importantly, during the **2025/2026 financial year** — the first year in which applicants could elect the uncontested tariff — the Tribunal considered **18 uncontested cases**. In *none* of those Tribunal reports was any mention made of contraventions being **"costed."** If your interpretation were applied consistently, such requests should have been made in those cases as well. The absence of such requests demonstrates that the current demand on **Erf 2352** represents a departure from both **established practice** and the Tribunal's own **precedent**.

The uncontested tariff was introduced precisely to **streamline minor or admitted contraventions** and provide **certainty**. Subjecting every uncontested matter to discretionary recalibration would strip applicants of any benefit from electing the uncontested route and undermine Council's intent.

As held in *Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs* 2004 (4) SA 490 (CC), statutory schemes must be interpreted purposively to give effect to their objectives. The uncontested tariff route was introduced to provide **certainty and efficiency**. Requiring detailed construction cost estimates and encroachment measurements in cases where the applicant has already accepted the pre-determined standard penalty undermines this purpose and amounts to an **unjustified expansion of discretion**.

Moreover, in *President of the Republic of South Africa v South African Rugby Football Union 2000* (1) SA 1 (CC), the Constitutional Court emphasised that **consistent**

administrative practice is a relevant interpretive aid when determining the proper exercise of discretionary powers. The KMPT's consistent practice between July 2025 and June 2026 shows that uncontested applications are routinely processed on the standard tariff without requiring detailed construction cost estimates or quantum descriptions. The current demand therefore represents both a **departure from established precedent and from the statutory** purpose of the uncontested tariff route.

3. **Request for Construction Costs**

The landowner purchased the property with several existing encroachments (items 1–3 on Annexure L2 of the submitted application). He has no historical records of construction costs for these legacy structures. For the works carried out under his ownership:

- **Items 4 and 6** (water tank and street boundary wall) would require professional apportionment of the encroaching component.
- **Item 5** (the two group housing units): The landowner does have records of the costs he incurred for these units. However, in an **uncontested matter** where the **standard pre-determined penalty** is accepted, there is no need to submit a detailed breakdown or valuation of these costs.

Requiring the landowner to incur professional fees to produce detailed estimates (or to have the Municipality apply industry standards and apportion costs) is **unnecessary and disproportionate** in an uncontested matter where the standard pre-determined penalties have been accepted. This would place an **undue financial burden** on a landowner who has already admitted the contraventions and acted in good faith.

As affirmed by the Constitutional Court in *AllPay Consolidated Investment Holdings v SASSA* 2014 (1) SA 604 (CC), **fairness and even-handedness** are fundamental requirements of lawful administrative action. In uncontested matters where the standard penalty is accepted, imposing additional evidentiary burdens not required in comparable cases risks violating this principle.

4. **Two Components of the Penalty**

The **2025/2026 Schedule** already provides **differentiated pre-determined tariffs** for land use and building work contraventions. By accepting both listed amounts, the landowner has given the Municipality a **clear and sufficient position** on both components. No further quantification is required for the Tribunal to determine the penalty on the uncontested basis.

5. **Statutory Construction**

The Planning By-law must be interpreted **harmoniously**: uncontested tariffs simplify and expedite penalty determination, while discretion under Section 93(2) applies primarily to contested matters. Reading Section 93(2) as overriding the uncontested tariff ignores the principle of **harmonious interpretation**.

In *Natal Joint Municipal Pension Fund v Endumeni Municipality* 2012 (4) SA 593 (SCA), the Supreme Court of Appeal held that statutory interpretation must be undertaken through a **contextual and purposive approach**, considering the language used, the purpose of the provision, and the consequences of any particular interpretation. Applied to the present matter, the uncontested tariff mechanism was clearly designed to promote **certainty, simplicity, and efficiency**. Interpreting the By-law in a manner that allows the Municipality to demand detailed construction cost estimates and encroachment measurements even in uncontested cases would undermine this purpose and effectively nullify the intended benefit of the simplified route.

Conclusion

Your interpretation **misapplies Section 93(2)**, **contradicts precedent and practice**, **undermines fairness**, and **ignores statutory purpose**. The uncontested tariff is a lawful, goal-directed mechanism. Requiring construction costings or encroachment quantifications in uncontested matters is **procedurally unfair, legally unsound, and inconsistent with both precedent and case law principles of administrative justice**.

I therefore respectfully request that this application be processed consistently with the **established precedent** for uncontested matters, without imposing further unnecessary cost burdens on the applicant.

Best wishes**,**

Camille
A.C. Burger
Pr Planner
083 453 1532
ValGIS Technologies
PostNet Suite 256
Private Bag 1006
PLETTENBERG BAY
6600
Republic of South Africa

Confidentiality Notice & Disclaimer: The contents of this electronic mail message and any attachments (collectively "this message") are confidential, possibly privileged and intended only for its addressee ("the addressee"). Only the addressee may disseminate or otherwise use this message. Access to this e-mail by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted in reliance on this, is prohibited and may be unlawful. If received in error, please immediately inform the sender before deleting this message without disclosing its contents to anyone. Unless confirmed in writing by an authorised Director of the company this correspondence relates to, neither the sender nor its management or employees will in any way be responsible for any advice, opinion, conclusion or other information contained in this message or arising from its disclosure. The addressee and recipient, if different, indemnify the sender and its employees against all claims whatsoever arising from the use or disclosure of this message. Whilst all reasonable steps are taken to ensure the accuracy and integrity of information and data transmitted electronically and to preserve the confidentiality thereof, no liability or responsibility whatsoever is accepted if information or data is, for whatever reason, corrupted or does not reach its intended destination. **This correspondence is sent without prejudice. All the senders' rights are reserved.**

From: Shaun Madumbo <smadumbo@knysna.gov.za>
Sent: Tuesday, July 7, 2026 10:24 AM
To: camille@valgis.co.za
Cc: Linda Mniki <lmniki@knysna.gov.za>
Subject: RE: Erf 2352 Knysna - Determination of an Administrative Penalty - (3699)

Good day Camille

Your e-mail of 03 July to Linda Mniki refers.

1. I believe that your statement regarding uncontested matters in relation to the determination of an administrative penalty is incorrect. The principle is that an applicant may opt to apply for the uncontested tariff as it allows for a more certain framework that governs penalties; however, and in accordance with Section 93(2) of the Planning By-law (*and read with sub-section (8) and (9)*), the Municipal Planning Tribunal still needs to decide whether that specified tariff is proportionate to the offence and may impose a lesser or greater or even no penalty (with reasons) despite it being uncontested. This has always been our interpretation and implementation of the tariffs and the provisions of the Planning By-law from the outset.

2. In serving this purpose, and as can be seen from our assessment reports, we serve the Municipal Planning Tribunal with options and specifically specifying the maximum penalty that may be imposed to ensure their decision is within the parameters set by Council's tariff should they wish not to impose the uncontested penalty.

3. Now in terms of Linda's request, I am of the opinion that it is not unreasonable, for the reason that it is standard information the landowner should readily have and would need to have should building plan application be made - it is required

information on a building plan application. It seems confusing that the total cost of construction of the applicable buildings is not known. Providing the estimated building costs should not require the use of professionals to determine when it is assumed that the costs have already been paid. Note that in the absence of such information, we will make use of widely accepted industry cost standards published annually.

4. Note that we have on several occasions asked for the same information in other applications where applications have made an uncontested application - therefore, the request is not unprecedented either.

5. There are two components to the application for the determination of an administrative penalty; the first being the unlawful change in the land use and zoning with the penalty determined based on the municipal valuation of the property, while the second is the building work that contravenes the zoning scheme with the building/construction cost need to determine the penalty.

I trust the above clarifies the misunderstanding. Kindly assist us in completing the above application.

Kind regards

Shaun Madumbo, Pr Pln (A/1510/2012) **Senior Town Planner**
P O Box 21. Knysna. 6570. Western Cape. South Africa
Tel +27 (0)44 302 6300 (switchboard) or +27 (0)44 302 6268 (direct)
e-mail smadumbo@knysna.gov.za

Building rates

Rates include the cost of appropriate building services, for example, air-conditioning, but exclude costs of site infrastructure development, parking, any future escalation, loss of interest, professional fees and value-added tax (VAT).

Offices	*Rate per m² (excl. VAT)*
Low-rise office park development with standard specification	R 10,700 – R 13,100
Low-rise prestigious office park development	R 13,800 – R 20,500
High-rise tower block with standard specification	R 15,500 – R 20,500
High-rise prestigious tower block	R 20,500 – R 25,900

Office rates exclude parking and include appropriate tenant allowances incorporating carpets, wallpaper, louvre drapes, partitions, lighting, air-conditioning and electrical reticulation.

Parking	*Rate per m² (excl. VAT)*
Parking on grade, including integral landscaping	R 750 – R 950
Structured parking	R 5,200 – R 5,800
Parking in semi-basement	R 5,800 – R 7,800
Parking in basement	R 6,100 – R 10,700

Retail	*Rate per m² (excl. VAT)*
Local convenience centres (Not exceeding 5,000m²)	R 10,500 – R 13,800
Neighbourhood centres (5,000 – 12,000m²)	R 11,500 – R 15,200
Community centres (12,000 – 25,000m²)	R 12,600 – R 16,100
Minor regional centres (25,000 – 50,000m²)	R 13,300 – R 17,100
Regional centres (50,000 – 100,000m²)	R 14,100 – R 17,100
Super regional centres (exceeding 100,000m²)	R 15,500 – R 20,000

Super regional centres and regional centres are generally inward trading with internal malls, whereas convenience, neighbourhood and community centres are generally outward trading with no internal malls.

Retail rates include the cost of tenant requirements and specifications of national chain stores.

Retail costs vary considerably depending on the tenant mix and sizing of the various stores.

Industrial	*Rate per m² (excl. VAT)*
Industrial warehouses, including office and change facilities within structure area (architect/engineer designed):	
Steel frame, steel cladding and roof sheeting (light-duty)	R 5,400 – R 6,900
Steel frame, brickwork to ceiling, steel cladding above and roof sheeting (heavy-duty)	R 6,100 – R 8,800
Administration offices, ablution and change room block	R 9,900 – R 12,700
Cold storage facilities	R 18,500 – R 26,300

Residential	*Rate per site (excl. VAT)*
Site services to low-cost housing stand (250–350m²)	R 67,000 – R 107,000

	Rate per m² (excl. VAT)
RDP housing	R 3,200 – R 3,400
Low-cost housing	R 4,000 – R 7,000
Simple low-rise apartment block	R 9,800 – R 13,500
Duplex townhouse – economic	R 9,800 – R 13,900
Prestige apartment block	R 19,000 – R 28,000

Cape Station
South Africa

Residential		*Rate per m² (excl. VAT)*
Private dwelling houses:		
Economic		R 7,400
Standard		R 9,300
Middle-class		R 11,200
Luxury		R 15,600
Exclusive		R 25,000
Exceptional ('super luxury')		R 37,000 – R 75,000
Out buildings	– standard	R 6,900
	– luxury	R 9,800

		Rate per no. (excl. VAT)
Carport (shaded)	– single	R 6,000
	– double	R 12,100
Carport (covered)	– single	R 9,400
	– double	R 18,400
Swimming pool		
Not exceeding 50 kl		R 127,000
Exceeding 50 kl and not exceeding 100 kl		R 225,000
Tennis court		
Standard		R 670,000
Floodlit		R 830,000

Student residential	*Rate per m² (excl. VAT)*
High rise tower block with standard specification	R 15,100 – R 16,600

Student residential rates include allowances for furniture, fittings and equipment (FF&E).

Hotels	*Rate per key (excl. VAT)*
Budget	R 840,000 – R 1,339,999
Mid-scale (3-star)	R 1,340,000 – R 2,009,999
Upper-scale (4-star)	R 2,010,000 – R 2,849,999
Luxury (5-star)	R 2,850,000 – R 3,800,000

Hotel rates include allowances for furniture, fittings and equipment (FF&E).

Studios	*Rate per m² (excl. VAT)*
Studios — dancing, art exhibitions, etc.	R 18,500 – R 26,000

Conference centres	*Rate per m² (excl. VAT)*
Conference centre to international standards	R 34,000 – R 43,000

Retirement centres	*Rate per m² (excl. VAT)*
Dwelling houses	
Middle-class	R 11,000
Luxury	R 15,500
Apartment block	
Middle-class	R 11,300
Luxury	R 17,600
Community centre	
Middle-class	R 14,900
Luxury	R 21,700
Frail care	R 17,600

Schools	*Rate per m² (excl. VAT)*
Primary school	R 8,800 – R 10,100
Secondary school	R 10,500 – R 11,200

Hospitals	*Rate per m² (excl. VAT)*
District hospital	R 37,000

Hospital rates exclude allowances for furniture, fittings and equipment (FF&E).

Stadiums	*Rate per seat (excl. VAT)*
Stadium to PSL standards	R 45,000 – R 70,000
Stadium to FIFA standards	R 105,000 – R 138,000
	Rate per pitch (excl. VAT)
Stadium pitch to FIFA standards	R 30,000,000 – R 35,000,000

ITEM TO:
Municipal Planning Tribunal

Knysna
Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

APPLICATION NO.	3753
REPORT AUTHOR	LV Mniki
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/3672/2025
TELEPHONE NO.	044 302 6338
APPLICATION DATE	22 June 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 1493 SEDGEFIELD

PART A: APPLICANT DETAILS	
Name & Surname	Seretse Mthembu
Company name	-
SACPLAN registration number	A/2210/2015
Registered owner(s)	Bernie Martin Hertz
PART B: PROPERTY DETAILS	
Property description	Erf 1493 Sedgefield
Property Extent (m^2)	1115
Physical address	3 Louw Wepenaar Street
Area/Town	The Island, 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	T23284/2026
Any restrictive title conditions applicable?	No
Any third party conditions applicable?	No
Any unauthorised land use/building work	Yes
Bondholder's Consent	None Applicable

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

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) read with Section 93(1), for the encroachment of the 2.0m south-western building line as prescribed under "*dwelling house*" of the Knysna Zoning Scheme By-law (2020) by a portion of the primary dwelling, in respect of Erf 1493, Sedgefield.

2. APPLICANT'S MOTIVATION

The applicant motivated the application as follows:

2.1. The applicant states that Bernie Hertz took ownership of Erf 1493 Sedgefield during 2026, inheriting the as-built portion (0.126m²) of the lounge from the previous landowner.

2.2. In addition, the applicant contends that the nature, extent and gravity of the contravention is negligible as the addition encroaches the prescribed 2.0m lateral building line by 0.333m and that it was a logical extension to the main dwelling house.

2.3. The motivation provides that the as-built additions are logical extensions of the existing main dwelling and have no detectable negative impact on the character neither of the surrounding area nor on the welfare or rights of the surrounding property owners.

2.4. The submission of the subject application is one of a 2-part installment to regularise the unlawful land use as an application for a permanent departure has also been submitted. The conduct of the landowner has thus been forthcoming without persuasion from the Municipality.

2.5. Based on the above, the applicant's have requested a waiver on the imposition of an administrative penalty.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	R 5,000.00
(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 1,091.00
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not Applicable
(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26)	Not Applicable

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

3.2.1. Whilst the applicant has argued for a waiver for the determination of an administrative penalty, they have not provided evidence to attest to the inheritance of the as-built extensions to the dwelling house.

3.2.2. It is considered that the nature of the offence is minor as the portion of the dwelling house (lounge) is in-keeping with the zoning of the property, being "Single Residential Zone I".

3.2.3. In addition, given the extent of the contravention, measuring 0.126m², the definitions of floorspace and coverage are considered in order to provide perspective on what is arguably an insignificant encroachment. According to the Knysna Zoning Scheme By-law (2020), *"floor space, in relation to any building, means the area of a floor which is covered by a slab, roof or projection; provided that [...] any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5m in width , is excluded"*. Furthermore, *"coverage means the area of a land unit that is covered by structures, expressed as a percentage of the total erf area of the land unit, excluding eaves and overhangs extending upto 1,0m beyond an exterior wall of a building or structure"*. Although the contravention in this instance does not qualify with the criterion of exemption, the definitions indicate that a greater extent than the subject 0.126m², of overhanging structures and/ or slabs may be allowable, i.e. do not contribute to the calculations of a building's footprint.

3.2.4. Therefore, the standard municipal penalty of R 5,000.00 is not deemed to be a proportionate response to the unlawful portion of the lounge and that, the amount of R1,091.00 would be more appropriate for the purposes of reconciling the act of contravention. In addition, it is considered that the conduct of the owner has been indicative of being forth-coming in order to work towards the regularisation of the portion of the lounge.

4. RECOMMENDATION

It is recommended that, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), an administrative penalty in the amount of R 1,091.00 be determined in accordance with Section 93(2) for the unlawful encroachment of the 2.0m western lateral building line as prescribed under "dwelling house" of the Knysna Zoning Scheme By-law (2020) upto 1.656m, in respect of Erf 1439, Sedgefield.

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

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

5.1. The 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 apply to the plan numbered "*House-Goma-026SFD-01*", dated April 2026, and shall not be construed as support for future applications lodged in accordance with Section 15(2) of the Planning By-law on the subject.

6. REASONS FOR RECOMMENDATION

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

(i) The applicant has requested a waiver for the determination of an administrative penalty on account of the portion of the dwelling house (lounge) which is encroaching upon the western lateral building line. However, the arguments were not substantiated with supporting evidence that the transgression is as a result of the actions of the previous property owner(s).

(ii) The extent of the encroachment measures 0.126m and is considered negligible when weighed against the exemptions provided for in the Knysna Zoning Scheme By-law (2020) in respect of other structures. The nature of the transgression is further noted to be immaterial as the use is in-keeping with the zoning of the property, "Single Residential Zone I" which allows for a "*dwelling house*". The imposition of a nominal penalty is thus considered proportionate.

7. SUPPORTING APPLICATION DOCUMENTS

ANNEXURE A: *Applicant's motivating memorandum & correspondence*
ANNEXURE B: *Proposed plans*
ANNEXURE C: *Previously approved building plans*
ANNEXURE D: *Copy of the Title Deed in respect of Erf 1493, Sedgefield*
ANNEXURE E: *Locality Map*

Administrative Penalty: Erf 1493 Sedgefield - Application Number 3753			
Author Name: ***LV Mniki*** Date: 19/10/2026		Author Signature:	
Registered planner name: ***Shaun Madumbo*** SACPLAN registration number: ***A/1510/2012*** Date: 19/10/2026		Registered Planner Signature:	
Decision maker: *Municipal Planning Tribunal*			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Daimcon Personnel Collaborative
Urban Planners & Development Facilitators

2nd Floor Merrick House
12 Long Street
KNYSNA
6570

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

8 May 2026

Ref: 1493 Sed

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

Attention: Mr Hennie Smit

APPLICATION FOR THE DETERMINATION OF ADMINISTRATIVE PENALTY: ERF 1493 SEDGEFIELD

1. PURPOSE OF THE APPLICATION AND APPOINTMENT

This proposal relates to Erf 1493 Sedgefield (referred to hereinafter as either "*the subject property*", "*the erf*", or simply "*the site*") located at No. 3 Louw Wepenaar Street, The Island, Sedgefield (see **Annexure A – Locality Map**). The property measures 1115 m² in extent and is developed with a **191,208 m²** single storey dwelling comprising the following building portions:

- The original 81,90m² existing dwelling house (**Annexure B – Approved Building Plan**); and
- As-built additions to the dwelling house measuring 109.308m² inclusive of a 6,30m² swimming pool (**Annexure C – Architectural Drawings**).

Certain portions of the as-built dwelling house fall within the building restriction area in respect of the following building lines:

- The 2m north-eastern lateral building line adjacent to Erf 1494 (1,746m); and
- The 2m south-western lateral building line adjacent to Erf 1492 (1,656m)

The current application is submitted to, particularly, legalise the as-built additions to the main dwelling that encroach on the respective building line concerned. These consist of the following:

- A 0,126m² portion of the as-built lounge encroaching on the south-western lateral building line.

It is to be noted that the portion of the store encroaching the north-eastern lateral building line is permitted on the lateral building line if it subscribes to the criteria set out under Section 21(2) of the Zoning Scheme By-law (2020).

The report is submitted by Seretse Mthembu of the Daimcon Personnel Collaborative (the applicant's agent) on behalf of the property owner, Bernie Martin Hertz, as per power-of-attorney attached as **Annexure D**.

2. APPLICATION HISTORY

According to the General Plan 1128LD (The Town of Sedgefield Extension 1 - **Annexure E**) Erf 1493 Sedgefield came into existence in April 1956.

Title deed records indicate that, between 2018 and 2026, the property changed hands three times, e.g.

- Prior to February 2018, ownership of the property was held by Joachim Alfred Wilhelm Friedrich (see Deed of Transfer No. T7078/2018 – **Annexure F**).
- Subsequent to February 2018 the ownership was transferred to Patrick Dylan Fuller and his partner Zani Roos (**Annexure F**).
- In 2024, the property was transferred to Mr Khaled Gomaa (**Deeds Search Results - Annexure G**).
- According to the current draft title deed and the deeds search results conducted in May 2026, the property is currently under the ownership of Bernie Martin Hertz (**see Annexures G and H**)

Records also show that a building plan with details of the existing main dwelling was approved in August 1985(see **Annexure B – Approved Building Plans**). Between 1985 and 2024 various additions were made to the main dwelling by one of the previous owners (Dylan Fuller and Zani Roos). When Mr Khaled Gomaa took ownership of the property in 2024, the newly added improvements were already in place. The as-built portion of the lounge which this application particularly addresses is part of the said additions that were undertaken by Dylan Fuller and Zani Roos. It will be noted, however that the bulk of these additions do not require town planning approval.

Having acquired the property fairly recently (in April 2026), the new owners are adamant to ensure that all building work on the property is in line with the legal framework governing the construction of buildings within the municipal area. As a result the new owners have sought the services Thank-X-Cube to prepare and submit building plans for municipal approval. Furthermore the new owners have sought the services of Daimcon Personnel Collaborative in order to obtain approval for all town planning applications that are required for the approval of building plans. This application serves as a direct outcome of the new owners' commitment to adhere to local laws and customs..

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

Annexure A: Locality Map
Annexure B: Approved Building Plan
Annexure C: Architectural Drawings
Annexure D: Power of Attorney

Annexure E: General Plan
Annexure F: Deed of Transfer T7078/2018
Annexure G: Deeds Search Results – May 2026
Annexure H: Draft Title Deed – Hertz
Annexure I: Application Form

3. PROPERTY PARTICULARS

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

PROPERTY PARTICULAR	DESCRIPTION
Cadastral Description	Erf 1493 SEDGEFIELD in the Municipality and Division of Knysna, Province of the Western Cape
Location	No. 3 Louw Wepenaar Street, The Island, Sedgefield (**Annexure A – Locality Map**)
Vehicular & pedestrian access	Makou Street
Property size	1115 m²
Ownership	Bernie Martin Hertz
Title deed number	Deed of Transfer No. T23284/2026 (**Annexure H**)
Servitudes	There are no servitudes registered on the property that might have a bearing on the current application
Title deed restrictions	*There are no conditions that have a bearing on the current application.*
Bondholder	N/A
General Plan No.	GP No. 1128LD
S. G. Diagram No.	N/A
Zoning	Single Residential Zone I
Land use	Residential

Table 1: Property particulars

4. APPLICATION FOR AN ADMINISTRATIVE PENALTY

In terms of **Section 15.2(r)**, read with **Section 93.3** of the Knysna Municipality Spatial Planning and Land Use Management By-Law (2021), an application is made on Erf 1493 Sedgefield for the determination of an administrative penalty in respect of the following:

- A 0,126m² as-built portion of the main dwelling (lounge).

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

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

93 Contravention penalties

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

2) The Municipal Planning Tribunal may, where any person has contravened this by-law:
a) decide to impose an administrative penalty; and
b) determine the amount of the penalty.
3) A person making an application contemplated in sub-section (2) must:

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

5. CALCULATION OF ADMINISTRATIVE PENALTY

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

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

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

- **Determination of Administrative Penalty Fee: R 1 235.77,**

being

- **50%** of **R2 471.53** being an application fee in respect of a '*Permanent Departure application.*'

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

- The contravention portion of the retaining structures is **0,126m²** in total (see **Annexure B - Plan showing encroaching structures**).

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

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

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

- Contravention portions: **0,126m²**
- Building Control Scrutiny fee: **R 922.60**
- 50% of scrutiny fee: **R 461,30**
- Proportional cost of building works (including cost of engineering): **R630.00** (at **R5 000.00/m²**).

- **Total cost of building work: R1 091,00** (R461.00 + R630.00)

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

Item	Details	Frequency Measure Occasion	Tariff 2024 / 2025 (15% Vat Incl.)	Tariff 2025 / 2026 (15% Vat Incl.)	% Increase
15.1.1.1	Where gfa (after additions) up to	Minimum Scrutiny Fee	884.56	R922.60	4.3%

	50m2				
15.1.1.2	Where gfa (after addition) from 51m2 to 100m2	Per m2	R15.28	R15.93	4.3%

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

This subsection stipulates certain factors that are to be considered by the Knysna Municipality when determining an appropriate administrative penalty. It is important to consider that this application is only concerned with an as-built portion of the main dwelling which is, to a great extent, a logical extension of an existing lounge. This portion encroaches on the building by 0,344m which is considered negligible by any metric.

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

The nature of the as-built addition (lounge) to the main dwelling and its gravity is miniscule given the fact that the encroaching portion is closer to the common boundary with Erf 1492 by 0,344m only. Considering that an outbuilding which may be significantly large than the 1m² of which the encroaching portion constitutes may be permissible as of right on the 0m boundary line, the encroachment in question is considered miniscule and negligible by comparison.

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

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

Considering that the as-built additions were commissioned and carried out by the third owner from the line of owners who once claimed ownership of the subject property, the conduct of the current owner should not be in question. According to records at both the town planning and building control offices, no notices or correspondence have been filed compelling the previous property owners to address the question of illegality thus painting the line of property owners (or the current owner of that matter) in a negative light. In the absence of any evidence to the contrary it can only be concluded that the conduct of the property owner is, by virtue of the owner's effort in addressing the illegal status of as-built structure on site, is exemplary and a good example within the greater municipal area. The initiative to submit the applications necessary to legalise the as-built additions and pay the necessary fees can only be regarded as exemplary, serving as motivation towards a positive outcome on the decision maker's part.

(c) Whether the unlawful conduct was stopped:

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

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

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

6. PROPOSED CONTRAVETION LEVY

As we conclude, it is important to bring the decision making body's attention to the factors regarding the subject as-built improvement that warrants a full waiver of the contravention penalty. For instance:

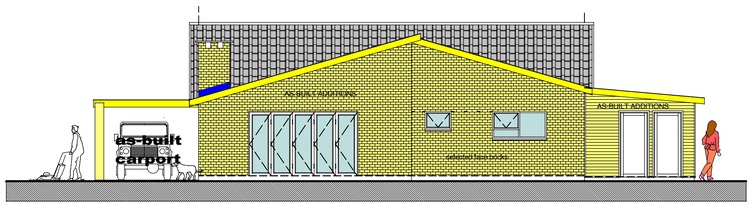
- The second dwelling was built between the prior to 2024 when the most recent owner, Mr Gomaa, took ownership. Having been built on or around 2018, it has served to shape the character of the surrounding landscape and not once has there been any issues raised by the local community in relation to its existence.
- The as-built second dwelling was commissioned by the third previous property owner in line and the property has exchanged owners twice after the as-built structure came to existence.
- The extension of the living area consisting of the kitchen, dining area and lounge entails only very predictable logical additions and alterations and was undertaken with care not to antagonize the owner of Erf 1492 Sedgefield. The minor nature of the encroachment is testament to this principle – despite the fact that an error appears to have been made. Furthermore the footprint of the encroachment on the building restriction side of the building line is almost negligible and hardly detectible by members of the public.
- The extent of the encroachment cannot be detected from the outside through general observation.
- The encroachment itself was commissioned and carried out by the third previous owners who have since relocated to Australia – not to mention that it has changed hand twice since his departure.
- The as-built additions are logical extensions of the existing main dwelling and have no detectible negative impact on the character neither of the surrounding area nor on the welfare or rights of the surrounding property owners.
- Therefore, it is recommended that a contravention penalty be waived in its totality e.g. a **R0.00** penalty is proposed.

Furthermore:

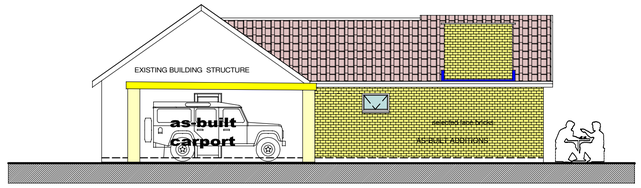
- Minor additions to existing dwelling houses are generally permitted in instances where minor errors were made when the setting up of existing dwellings could not be avoided. That being the norm it could be argued that the minor nature of the subject encroachment could be condoned due to its generally minor and non-overbearing nature.

7. CONCLUSION

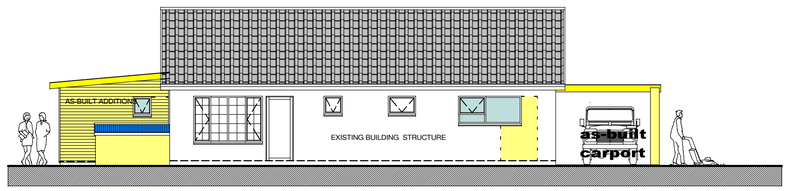
It is our contention that the nature of the contravention has, therefore, little or no negative impact on the surrounding property owners' health, welfare or rights and the property owner has done that which is necessary and appropriate to comply with the zoning scheme by-laws. It is therefore our contention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



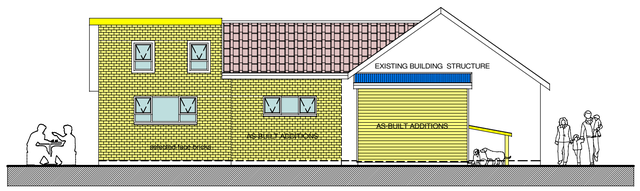
SOUTH ELEVATION 1:100



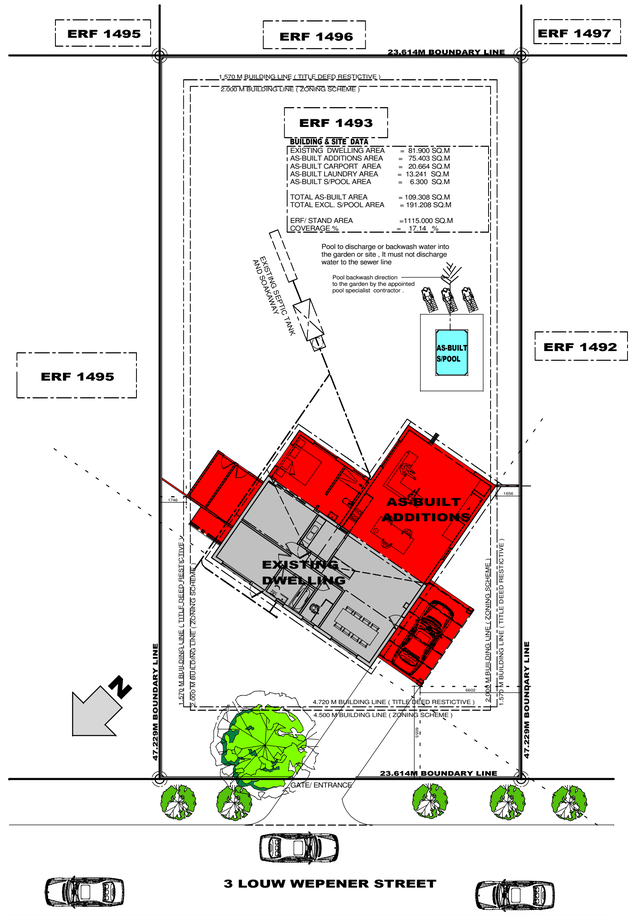
WEST ELEVATION 1:100



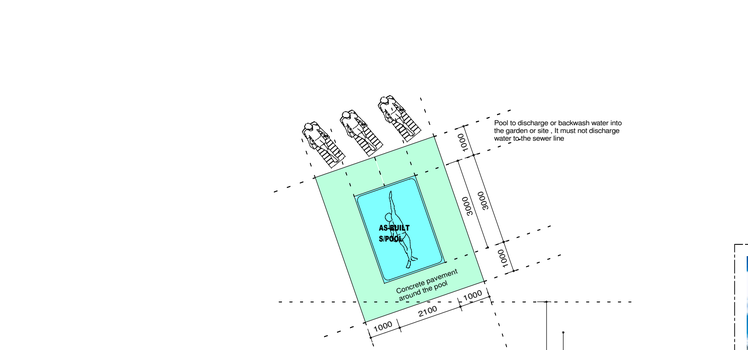
NORTH ELEVATION 1:100



EAST ELEVATION 1:100



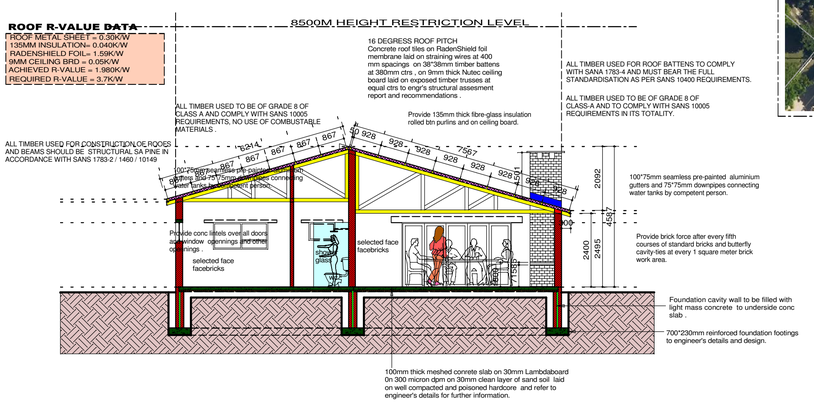
SITE PLAN 1:200



GROUND FLOOR PLAN 1:100

BUILDING IMAGE (NTS)

BUILDING IMAGE (NTS)



SECTION A-A. 1:100

SITE IMAGE (NTS)

Page 5

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

TITLE DEED RESTRICTIVE CONDITION

NOTES

MUNICIPAL BY-LAWS AND THOSE OTHERS AFFECTED AUTHORITES MUST BE ADHERED TO

POSITION OF BOUNDARY PEGS TO BE CHECKED BY A REGISTERED SURVEYOR ,

ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE TO BE CHECKED BY THE CONTRACTOR ON SITE BEFORE COMMENCING WORK AND ANY OF DISCREPENCIES TO BE REPORTED TO THE AUTHOR /ARCHITECT IMMEDIATLY.

NEVER SCALE THIS DRAWING ON SITE BUT RATHER USED FIGURED DIMENSIONS & REFER TO DETAILS

ALL WORKS TO BE DONE IN ACCORDANCE TO NBR SANS 10400 AND SANS 10400- XA REQUIREMENTS

ALL BRICK CAVITY WALLS BELOW FLOOR FINISH LEVEL TO BE FILLED WITH CONCRETE AND DPC TO BE STEPPED

ALL PLUMBING TO BE INSTALLED BY A PLUMBER REGISTERED/COMPETENT.

ALL HOT WATER PIPES TO BE INSULATED AS PER SANS 10254 & 10252-1 REQUIREMENTS , AND TO MEET MUNICIPALITY BY-LAWS.

ENGINEER TO BE APPOINTED FOR ANY STEEL , TIMBER & CONCRETE STRUCTURAL WORKS AND NO SITE AMMENDMENT TO BE DONE WITHOUT ARCHITECTS APPROVAL.

HEALTH & SAFETY INSPECTOR TO BE APPOINTED BY THE CONTRACTOR/CLIENT BEFORE ANY WORK STARTS ON BUILDING SITE.

THIS DRAWING BELONGS TO X-CUBE DESIGNS & THE COPYRIGHT THEREOF IS STRICTLY RESERVED BY THEM .

A COMPETENT PERSON IS TO BE APPOINTED FOR ELECTRICAL & MECHANICAL WORKS AS PER SANS REQUIREMENTS AND MUST BE ON LA DATABASE.

ALL INSTALLATIONS TO BE DONE DONE AS PER REQUIREMENTS OF THE L.A AND SANS 1025.1 , 10400 AND 10254:2012.

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

BUILDING & SITE DATA

EXISTING DWELLING AREA	= 81.900 SQ.M
AS-BUILT ADDITIONS AREA	= 75.403 SQ.M
AS-BUILT CARPORT AREA	= 20.664 SQ.M
AS-BUILT LAUNDRY AREA	= 13.241 SQ.M
AS-BUILT S/POOL AREA	= 6.300 SQ.M
TOTAL AS-BUILT AREA	= 109.308 SQ.M
TOTAL EXCL. S/POOL AREA	= 191.208 SQ.M
ERF/ STAND AREA	=1115.000 SQ.M
COVERAGE %	= 17.14 %

rev	date	description

PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
XOLANI NCUBE
08:09 AM (Africa/Johannesburg) on 21 Jan 2026
SACAP COMPETENCE SEAL

PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
XOLANI NCUBE
08:49 AM (Africa/Johannesburg) on 21 Jan 2026
SACAP LSD APPROVED OR WAIVED

OWNER / CLIENT'S SIGNATURE.....

AUTHORIZED PERSON'S SIGNATURE.....

DRAUGHTSPERSON'S SIGNATURE.....

THANK.X.CUBE
PROFESSIONAL & INTELLIGENT SPACE DESIGNS
SACAP REG No PAD21059
23 MAIN ROAD
MERRICK HOUSE CBD
KNYSNA
6571
CELL: +27 (0)71 341 8641
CELL: +27 (0)83 227 6001
EMAIL: thank.x.cube@gmail.com

This drawing is the property of TBEP(THANK.X.CUBE and may not be copied without prior consent of the owner

Client
HOUSE GOMAA

project
AS-BUILT ADDS AND ALTERATIONS TO EX DWELLING ON ERF 1493 THE ISLAND SEDGEFIELD KNYSNA MUNICIPALITY

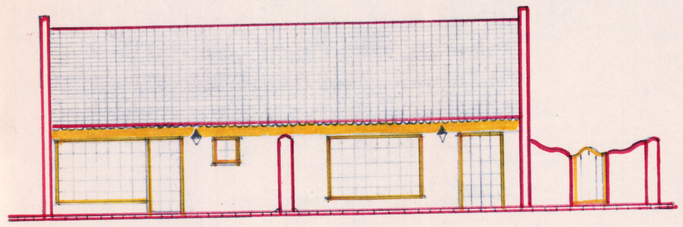
drwg description
MUNICIPAL SUBMISSION

drawings
SITE PLAN
FLOOR PLAN
ELEVATIONS
SECTION A-A

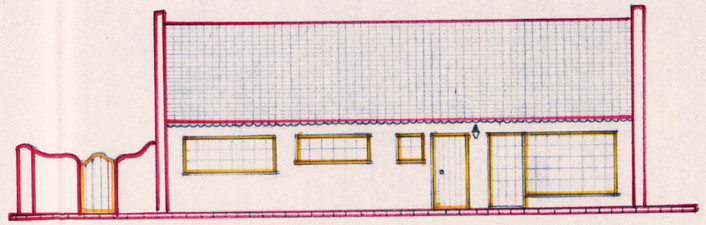
Occupancy Classification: H4 — SINGLE RESIDENCIAL 1

ckd	date	drn / designed	rev	sht - size
XOLANI	APRIL 026	XOLANI	A0	1 OF 1-A1

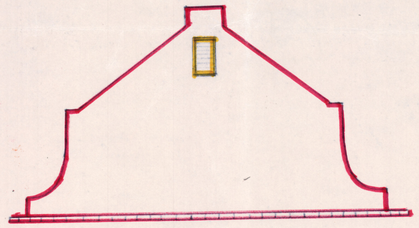
drwg number
HOUSE GOMAA -026SFD-01



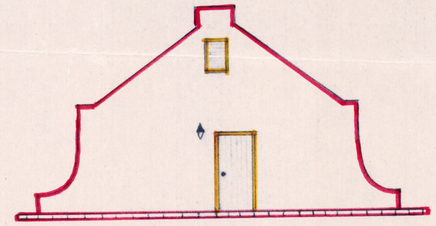
FRONT ELEVATION



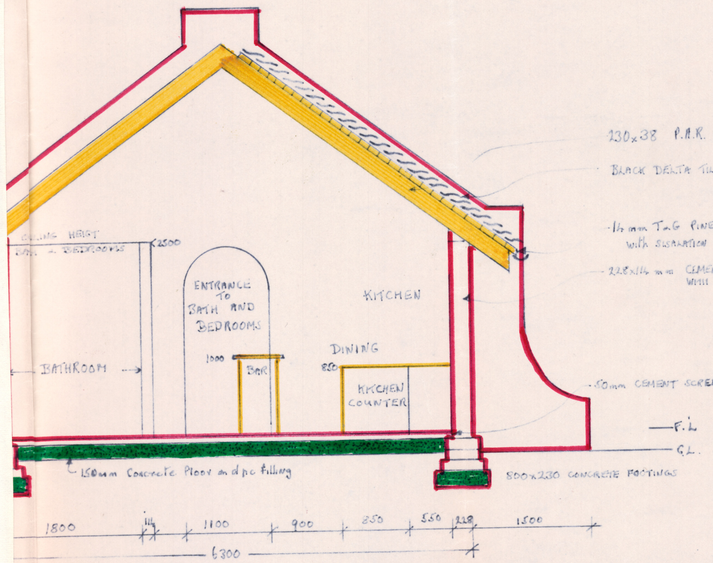
BACK ELEVATION



END ELEVATION



END ELEVATION



SECTION AT A-B

ELECTRICAL LEGEND

CEILING LIGHT		15-AMP S&O	
WALL LIGHT		BELL PUSH	
WALL LIGHT with Pull Switch		BELL	
NEON LIGHT		STOVE POINT	
SPOT LIGHT		SHAVING POINT	
SWITCH		EXTRACTOR FAN	
DIMMER SWITCH		3 PHASE S&O	
2-WAY SWITCH		METER BOARD	
		DISTRIBUTION BOARD	

PROPOSED HOLIDAY CHALET

FOR JOHN HUME

TYPE E2 CHALET

ERF 1493

TOTAL FLOOR AREA 98.28 sq.m.

DATE 28.8.85

SCALES 1:50 1:100

DESIGNED BY A.C.E. SCRACE.

DRAWN BY A.C.E.S.

DEPARTMENTAL

DEPT.	CHECKED
B.I.	
H.I.	
ELECT.	
BLDG. COM.	
T.P. COM.	
COUNCIL	

MUNICIPALITY SEDGEFIELD

Goedgekeur onderhewig aan inagneming van alle regulasies van die Raad en endossement hieronder.

Approved subject to compliance with all the regulations of the Council and endorsement below.

BPG3/1985/1493

Plan Nr./No.

25/9/85

Datum/Date

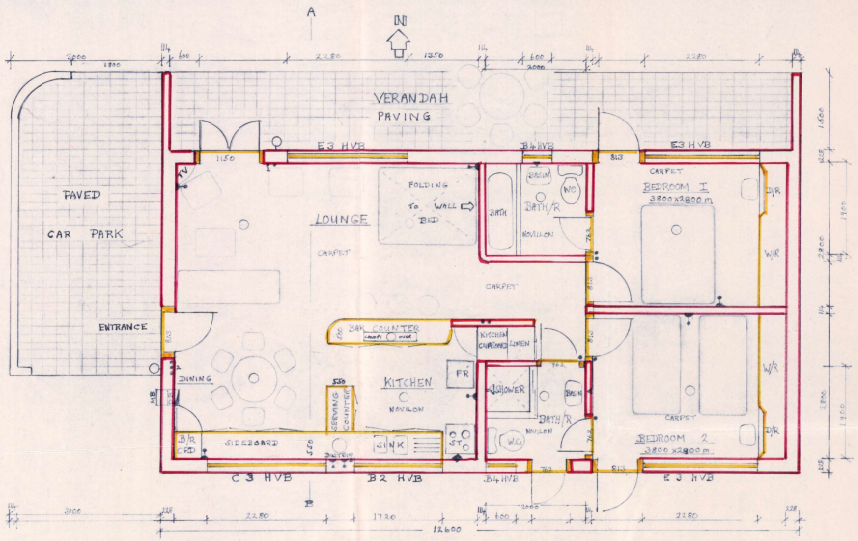
Boubaas/Building Inspector

Elektrisiën/Electrician

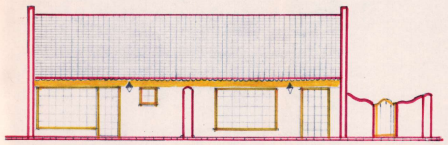
Raad/Council

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

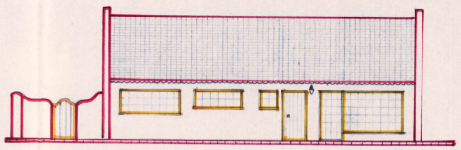
ENDOSSEMENT Nr. 1: — Hierdie planne is goedgekeur onderhewig aan voldoening deur die applikant aan alle bepalings wat in die Transportakte van die betrokke eiendom vervat is.



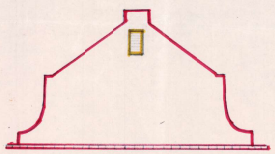
GROUND FLOOR PLAN 98·28 sq m



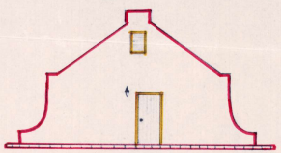
FRONT ELEVATION



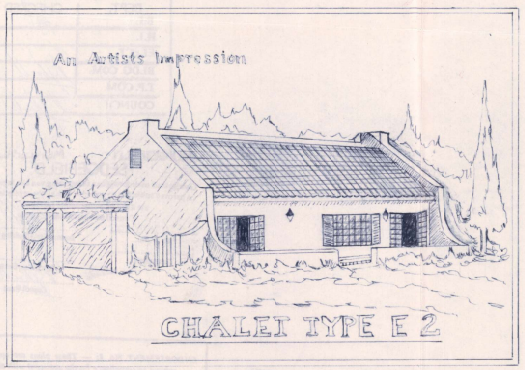
BACK ELEVATION

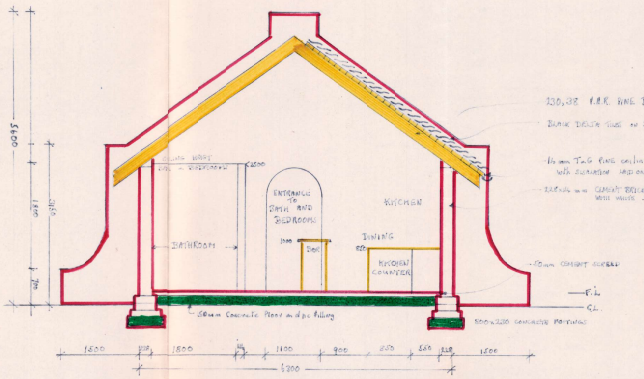


END ELEVATION



END ELEVATION





SECTION AT A–B

ELECTRICAL LEGEND

CEILING LIGHT	15-AMP S&S
WALL LIGHT	BELL PUSH
WALL LIGHT with Pull Switch	BELL
NEON LIGHT	STOVE POINT
SPOT LIGHT	GEYSER POINT
SWITCH	EXTRACTOR FAN
DIMMER SWITCH	3 PHASE S&S
2-WAY SWITCH	METER BOARD
	DISTRIBUTION BOARD

PROPOSED HOLIDAY CHALET
FOR JOHN HUME
TYPE E 2 CHALET
ERF 1493

TOTAL FLOOR AREA 98·28 sq. m.
DATE 28·8·85
SCALES
1·50 1·100
DESIGNED BY A.C.E. SCRACE.
DRAWN BY A.C.E.S.

269 / 320

KAPLAN BLUMBERG SOUTHERN CAPE
11 Pitt Street
Knysna Central
Knysna

Prepared by me

CONVEYANCER
CATHRYN ANN WRIGHT (28838)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 4 700 000 00	R 2 922 00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

T 0000 23284 / 2026

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

NILAUFER GAFFOOR (9405 2)

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

KHAL [redacted]
Born
Unmarried

which said Power of Attorney was signed at SEDGEFIELD on 10 February 2026

And the appearer declared that his/her said principal had, on 19 January 2026, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

BERNIE MARTIN HERTZ
[redacted]
Unmarried

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

ERF 1493 SEDGEFIELD,
IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF WESTERN CAPE

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

FIRST TRANSFERRED by Deed of Transfer Number T5670/1970 with Diagram No. 626/1970 relating thereto and held by Deed of Transfer Number T43901/2024

A. SUBJECT to the conditions referred to in Certificate of Consolidated Title No. 4464 dated 2nd April 1958.

B. ENTITLED to the benefit of the servitude referred to in the following endorsement dated 25 September 1929 on Deed of Transfer No. 822 dated 3rd February 1926, namely:

"By Deed of Transfer No. 9658 dated 25th September 1929, certain 2 rights of way shown on the diagram annexed thereto are to remain open for the use of the owner of the remainder of the land held hereunder as will more fully appear on reference to the said Deed of Transfer."

C. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. 9233 dated 3rd July 1957, imposed by Sedgefield Investments (Proprietary) Limited for their own benefit and their successors in title as owners of the remainder held under Deed of Transfer No. 26897 dated 26th November 1948, namely:-

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

(b) The terms "Transferors" and "Transferee" in these conditions shall be deemed to include the heirs, executors, assigns or successors in title of the Transferors and Transferee."

D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. 5670 dated 6th March 1970 imposed by the said transferors namely F van Niekerk and Sons (Proprietary) Limited for benefit of the said transferors and their successors in title (as defined at the end of the conditions) to the remainder of the property held by said Certificate of Consolidated Title No. 4464 dated 2nd April 1958, namely:

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

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

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

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

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

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

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

8. Alleenlik EEN woonhuis met die gebruiklike buitegeboue sal op enige erf in hirdie dorpsgebied opgerig word. Geen woonstelle sal op hierdie erf opgerig word nie.

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

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

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

12. Hierdie eiendom mag nie onderverdeel word behalwe in spesiale omstandighede nie en dan alleeenlik met die skriftelike toestemming van die Transportgewers.

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

Die bewoording "Transportgewers en hulle opvolgers in titel" sal beteken die gesegde Maatskappy F. Van Niekerk en Seuns (Eiendoms) Beperk as die geregisteerde eienaars van die grond wat in hulle naam geregisteer bly onder Sertifikaat van Gekonsolideerde Titel No. 4464/1958 gedateer 2 April 1958, naamlik:-

> SEKER stuk opgehefte erfpaggrond, gelee in die Afdeling Knysna, synde die restant van Erf Nr. 1626 van die Dorp Sedgefield (naamlik die restant van Sedgefield Dorp Uitbreiding Nr. 1 wat daarop uitgele is)

en hulle opvolgers in titel daartoe, uitsluitende die eienaars van enige onderverdeling van die grond so gehou wat deur die gesegde Transportgewers vervreem of getransporteer mag word na 18 Mei 1966 synde die oorspronklike datum van verkoop van die grond hiermee getransporteer."

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

KHALED GOMAA, Unmarried

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

BERNIE MARTIN HERTZ, Unmarried

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R4 700 000,00 (FOUR MILLION SEVEN HUNDRED THOUSAND RAND) .

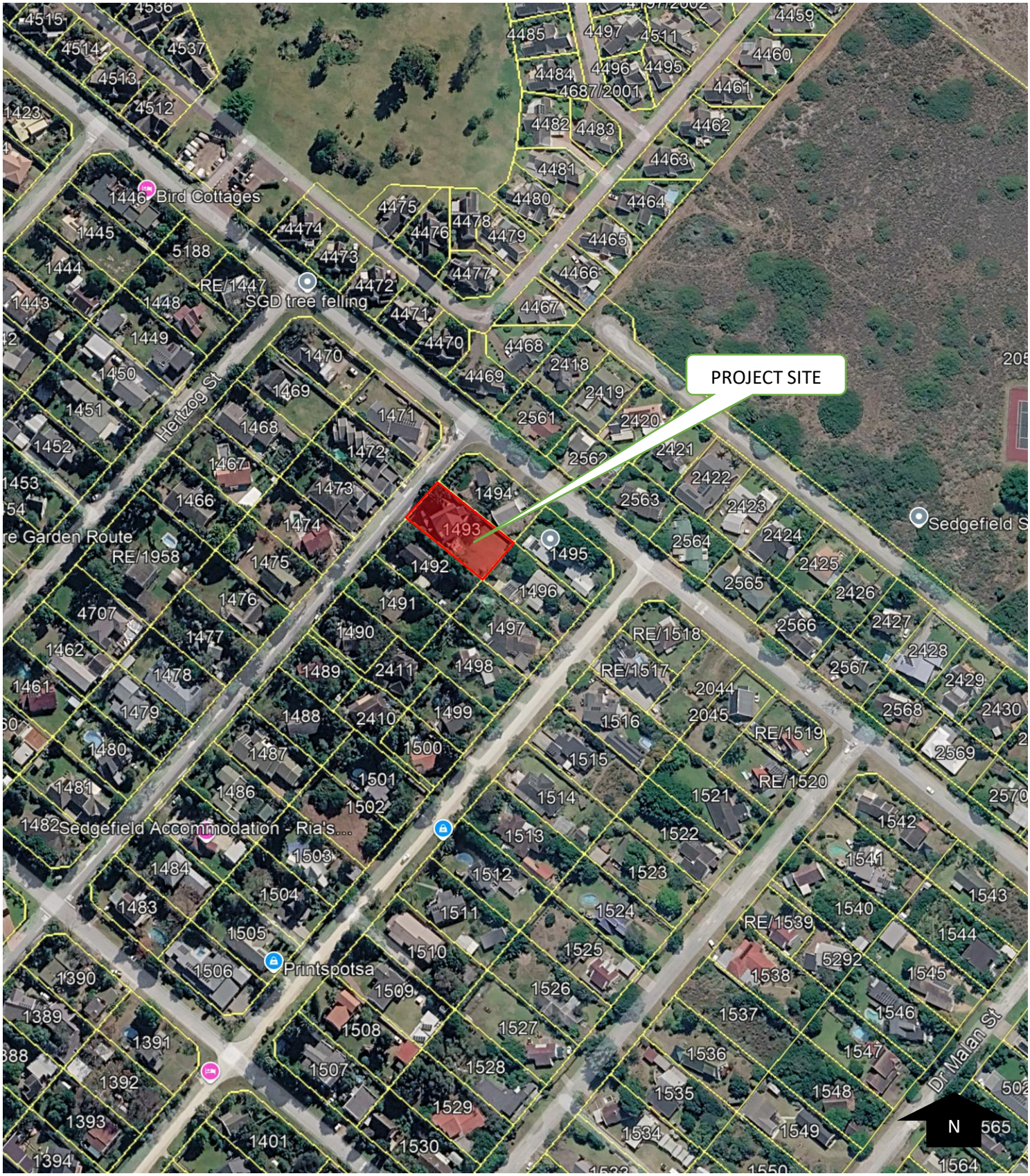
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS: WESTERN CAPE at CAPE TOWN on 21 APRIL 2026

q.q.

In my presence

REGISTRAR OF DEEDS



LOCALITY MAP

ERF 1493, 3 LOUW WEPENAAR STREET, THE ISLAND, SEDGEFIELD

SCALE: NTS
DATE: APRIL 2026
DWG No: LOCALITY PLAN 1

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3792
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	03 August 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 770 BRENTON

PART A: APPLICANT DETAILS	
Name & Surname	***Ramona Jansen***
Company name	***R & R PROJECTS & DRAWING STUDIO***
SACPLAN registration number	***Not Applicable***
Registered owner(s)	***Niel John & Sharon Marie Sharrocks***
PART B: PROPERTY DETAILS	
Property description	***Erf 770 Branton, in the Municipality of Knysna and Division of Knsyna, Western Cape Province***
Property Extent (m^2)	***750***
Physical address	***6 Lerouxnas Avenue***
Area/Town	***Brenton on Sea***
Current zoning	***Single Residential Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Dwelling House***
Are there existing buildings on the property?	***Yes***
Title Deed number & date	***T80393/2024 dated 17 December 2024***
Any restrictive title conditions applicable?	***None***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***N/A***

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

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), read with Section 93(1), for the unauthorised retaining wall encroaching the 2m lateral building lines of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" in respect of Erf 770, Brenton on Sea.

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 the lateral 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 the owners purchased the property and constructed a new dwelling with approved building plans in 2025. There were however deviations from the approved building plans of the dwelling house, but no encroachments of the zoning scheme parameters. A retaining wall was built to accommodate the slope of the property. The existing unlawful retaining wall encroaches on the zoning scheme 2m building line. The owners therefore wish to regularise the unlawful retaining wall.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work (i.to. Zoning Scheme By-law)	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	R 5,000.00
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	Not provided
(c) Repeat Offender (approved tariff in (a) above x2)	Not applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not applicable

(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 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 main reason for the unlawful building work was to accommodate the challenging slope of the property. The encroaching structures have been in existence for approximately one year. Further, the applicant adds that the property owners were not aware that a land use application was required prior to the construction of the retaining walls.

3.2.2. The applicant opted not to contest the minimal penalty and concedes to pay the minimum penalty of **R 5,000.00.** It is agreed with the applicant that a minimum penalty of R5, 000.00 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 lateral building line in terms of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" in respect of Erf 770, Brenton on Sea.

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 "*REV002/0526*" dated November 2025.

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

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

6. REASONS FOR RECOMMENDATION

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

The applicant has conceded to the transgressions and the payment of the penalty as specified in Council's approved tariff list. Therefore, the 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: *Locality map*

ANNEXURE E: *Plans*

ANNEXURE F: *Homeowners Association Consent*

Administrative Penalty: ERF 770 BRENTON			
Author Name: SINOVUYO SITINGA Date: 19 OCTOBER 2026		Author Signature:	
Registered planner name: S. MADUMBO SACPLAN registration number: A/1510/2010 Date: 19/10/26		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

MOTIVATION IN SUPPORT OF
ERF 770
BRENTON ON SEA
KNYSNA

APPLICATION:
Motivation in support of an application lodged by virtue of Section 15(2)(r) of the Knysna Spatial Planning and Land Use Planning Management Bylaw of 2021 to determine an administrative penalty in respect of transgressions of the by-law.

BACKGROUND:
ERF 770 was purchased by the owners to build a new dwelling as per Approved Plans: 2024/41237. The new dwelling was completed by end of 2025 and some deviations of that approved plan took place during the building process. See attached “AS-BUILT” Deviation Plan. Concrete retaining garden walls and Retaining boundary walls was built, due to the slope of the ground and to form some level patio and garden areas. Due to the fact that some of the boundary walls are also doubling as retaining walls, it is seen as a structure and not boundary walls only.

The building line relaxation application is therefore made (separate application) for the “As-Built” structures that are encroaching over the applicable building lines (in terms of Section 15(2)(b) and the application to determine an administrative penalty is herewith applied for as well.

THE SUBJECT PROPERTY:
This application applies to ERF 770, Brenton on Sea, Knysna and is situated in LeRouxna’s Vue Estate, off Amanda Place Street.
Please see Locality Plan attached.

The property is registered to Mr & Mrs Sharrocks with Title Deed Number: T000051215/2023.
There are no title deed conditions restricting the proposed encroachments.

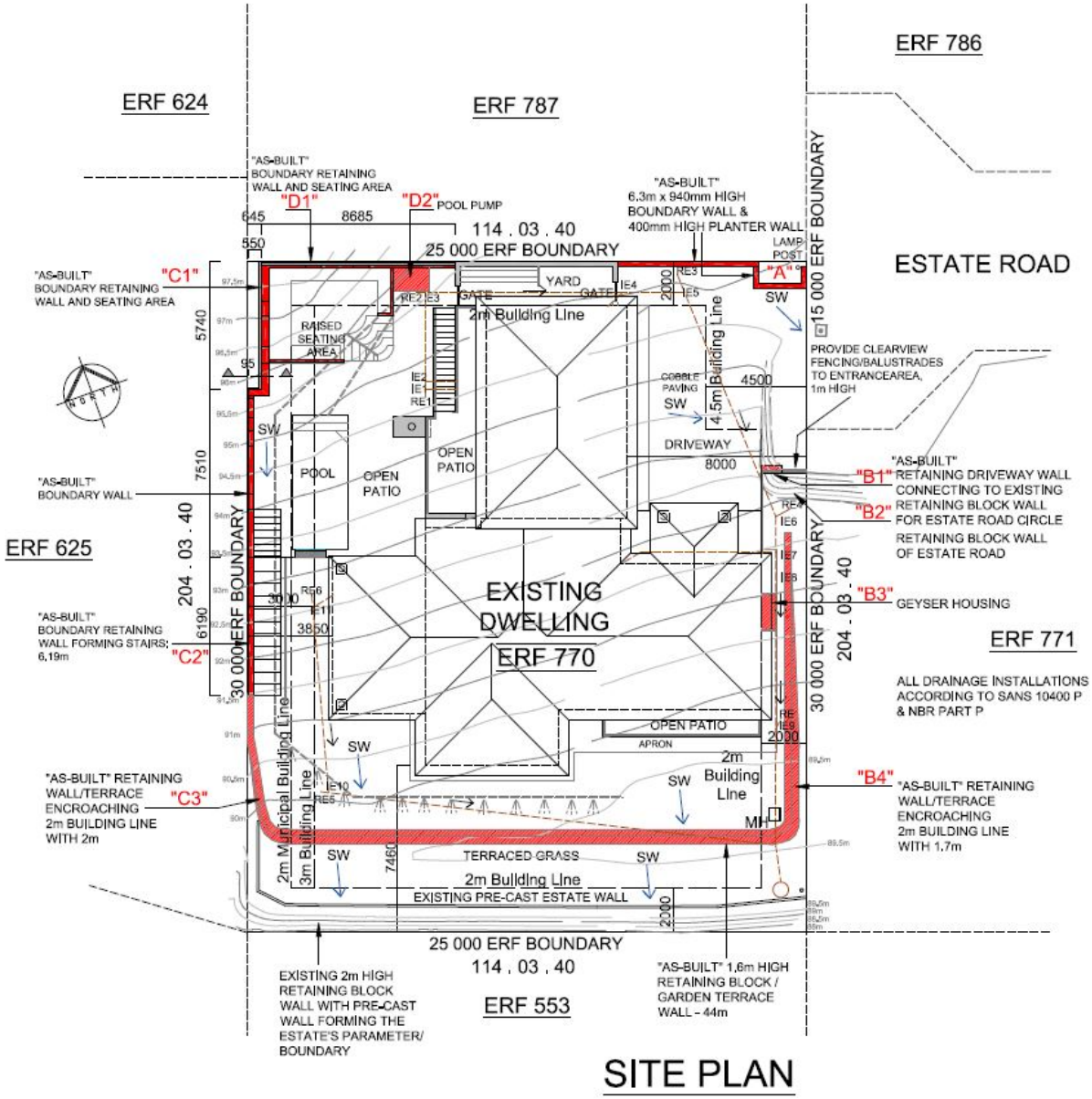
The property is not bonded.

The property is zoned Single Residential Zone 1 and falls within the Knysna Municipal Area in terms of the Knysna Municipality Zoning Scheme By-Law 2020

The topography of the site is the main reason for the encroachments that took place while finishing the new build.

SUMMARY OF THE APPLICATION:
This application is lodged by virtue of Section 15(2)(r) of the Knysna Municipality Spatial Planning and Land Use Management By-law of 2021, to enable the Municipal Planning Tribunal to:

- Decide on the imposition of an administrative penalty
  NOTE: The application is “not contested” and the owners are willing to pay the minimum penalty as per the Town Planning Tariff structure, as they now understand the ways that the current structures are transgressing.



SITE PLAN

TRANSGRESSIONS AS PER SITE PLAN:

A: To relax the Eastern (Street) Building line from 4.5m to 0m to allow for a built planter box of 2.33m x1.23m x 400mm in height

B: To relax the Eastern (Lateral) Building line from 2m to 0.3m to allow for:

1) the part of the new retaining driveway wall (2m to 1.1m)
2) the existing road verge retaining block wall (2m to 0m)

3) the geyser housing (2m to 1.2m)
4) the concrete retaining garden/terrace wall (2m to 0.3m)

C: The Western (Rear) Building line from 2m to 0m to allow for
1) the Retaining Boundary wall and built seating area
2) the built stairway leading to lower garden
3) the concrete retaining garden/terrace wall

D: The Northern (Lateral) Building Line from 2m to 0m to allow for
1) the Retaining Boundary wall and built seating area
2) the poolpump

Cost of construction regarding encroaching structures set out in table below:

Ref No:	COMPONENT ENCROACHING	DESCRIPTION	FOOTPRINT/AREA/LENGTH	COST/RATE		AMOUNT
A	Built Planter Box	230mm wall x 3.9m x 0.4m high	3.9m			1500
B1	Retaining wall driveway	retaining wall acc to engineer x 3.2m				
		high x 0.9m wide	0.9m / 2.6m2	R3600		3240
B2	Existing Road verge/estate road end	retaining block wall	NA	NA		NA
B3	geyser housing	timber frame with nutec cladding	1.4m2	structure		1600
B4	Retaining garden terrace wall	retaining block wall 0m - 1.6m in height	9m2 / 13m2 / 15m	R650	per m2	8450
C1	Retaining boundary wall & seating	retaining wall acc to engineer x 1.65m high	8m2 / 30 m2 / 13.8m	R3400	per m	46920
C2	Garden steps		8.9m2	structure		6000
C3	Retaining garden terrace wall	retaining block wall 0m - 1.6m in height	4.3m2 / 5.9m2 / 7.4m	R650	per m2	3835
D1	Retaining boundary wall & seating	retaining wall acc to engineer x 1.8m high	6m2 / 19m2 / 8.685m	R3400	per m	29529
D2	Poolpump & housing	timber frame with nutec cladding	1.7m2	structure		1800
					TOTAL	102874

CONCLUSION:
The main factor which contributed to the transgressions regarding the building lines, is the challenging slope of the site, which led to inevitable changes made during the construction process regarding the levels around the new dwelling.

A plan was submitted to the Municipal Building Control office to update the boundary walls and a penalty was paid for the changes, however the Retaining walls are structural elements and thus the need for these applications being made, before final submission can take place. The owners were not aware that changing the normal allowed boundary walls to retaining walls would trigger a LUM application as well as changing the layout of the garden terrace walls that were originally on the plans. They take responsibility and immediately sought to get the plans updated and legalized.

RE: DETERMINATION OF AN ADMINISTRATIVE PENALTY AS PER S. 93 (9) of the KNYSNA MUNICIPALITY BY-LAW – SPATIAL PLANNING AND LAND USE MANAGEMENT (2021)
<u>The nature, duration, gravity and extent of the contravention</u>
The nature of all the contraventions has been described and explained in the motivation above.
The transgressions took place in the last few months of 2025, when new build was coming to an end.
The transgressions did not negatively impact the surrounding estate or neighbourhood; it does not impact the traffic in any way or form, has not impacted the view of neighbouring buildings and does not require additional services. It does

not impact the value of neighbouring properties or impacts the rights of other landowners.
These transgressions, in total, does not have any significant negative influence on neighbours, the estate that it is located in or the town of Knysna, and therefore the extent of the transgressions can be seen as of low significance and compatible with the surrounding area/topography.

The conduct of the person involved in the contravention
The owners were not aware of the transgressions being made and upon becoming aware thereof, they gave instructions to rectify the situation by getting plans up to date and approved.

Whether the unlawful conduct was stopped
The applicable transgressions was not stopped, as it was the last building works that took place on a new build, and it was part of finishing off the surrounding yard for safety purposes, including pool safety.

Whether a person involved in the contravention has previously contravened this by-law or a previous planning law
The landowners declared that they have never contravened any of Knysna's planning by-laws in the past.

We respectfully request the Knysna Planning Tribunal to keep the penalty to the minimum Penalty as per the 2025/2026 Town Planning Tariffs, due to the fact that all transgressions are of a lesser size with minimum impact. Herewith the Administrative Penalty application is "not contested" and the minimum penalty will be paid as per the Tariff structure –R5000

……
Ramona Jansen
R&R Projects
[redacted]

POWER OF ATTORNEY

I, the undersigned, appointed below Authorised Representative as legal Representative for the submission of the application, to act on my behalf and take the necessary steps as required by the Local Authority for applicable application.

Local Authority: Knysna Municipality

RE: Building Line Relaxation – and Administrative Penalty Application

OWNER NAME: NJ & SM Sharrocks
ID Number: [redacted] / [redacted]
ERF: 770
AREA: Brenton On Sea

Signature of Owners: ..... / .....

Date: 8/06/2026

AUTHORISED REPRESENTATIVE:
Ramona Jansen
ID Number: [redacted]

Signature of Authorised Representative: .....
Date: 10/6/2026

129

ESI ATTORNEYS
Unit 4 Acorn House
East Wing, Old Oak Office Park
1 Edmar Street
Tygervalley
7530

Prepared by me

CONVEYANCER
~~MARI-JANI SWIEGERS (94086)~~
ANSA FERREIRA (94727)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 1500 000,00	R 1 453,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / VERIFY
04 -12- 2023
NOLUVO MTYATYAMBA

T000051215 / 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS (80715)

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

GAVIN BOTHMA
Identity Number [redacted]
Married out of community of property

DATA / CAPTURE
01 DEC 2023
Nomzamo Siyoko

which said Power of Attorney was signed at GEORGE on 15 August 2023

And the appearer declared that his/her said principal had, on 15 August 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

NEIL JOHN SHARROCKS
Identity Number [redacted]
and
SHARON MARIE SHARROCKS
Identity Number [redacted]
Married in community of property to each other

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

ERF 770 BRENTON,
SITUATE IN THE MUNICIPALITY AND DIVISION OF KNYSNA
PROVINCE OF WESTERN CAPE

IN EXTENT 750 (SEVEN HUNDRED AND FIFTY) Square metres

FIRST TRANSFERRED and still held by Deed of Transfer Number T31669/2012 with General Plan No. 1916/2008 relating thereto

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T256/1960.

B. **ENTITLED** to the benefit of the following condition lettered (c) contained in Deed of Partition Transfer No. T8082/1928, namely:

(c) That the proprietors of BRENTON and their successors in title shall have a right of way by the line or road marked on the diagram annexed to Amended Deed of Grant dated 30th March 1914 to where it joins with the existing public road at or near ASHFORD (the commencement and termination of the said road over which the right of way operates being marked P and O respectfully) or with any public road to be hereafter proclaimed in lieu of the said public road or of which the public have the use in lieu thereof provided that the proprietor for the time being of BELVIDERE) may require the proprietor of BRENTON) for the time being to exercise such right of way by a line eviating as may from time to time mutually be agreed upon along the whole or any part of such line not more than nine four four comma five eight (944,58) metres on either side thereof.

C. **ENTITLED FURTHER** to the servitude referred to in the endorsement dated 7th July 1950 on Deeds of Transfer Nos. T21572/1946 and T21573/1946, which reads as follows:

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

(i) Entitled to enforce certain conditions against certain portion 17 of within mentioned farm, measuring 5,4330 hectares held under Deed of Transfer No. 9837 dated 7th July 1950 relating inter alia to use, ..., buildings, fencing, passage of wires for electric light, laying of water piping, construction of drains, sewers and piggeries.

(ii) Entitled to a right of way 6,30 metres wide marked abcFde on diagram No. 6680/1948 over said Portion 17.

All of which conditions are more fully set out in said Deed of Transfer No. 9837/50.

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

GAVIN BOTHMA, Married as aforesaid

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

NEIL JOHN SHARROCKS and SHARON MARIE SHARROCKS, Married as aforesaid

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 500 000,00 (ONE MILLION FIVE HUNDRED THOUSAND RAND) .

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 29 NOV 2023 2023

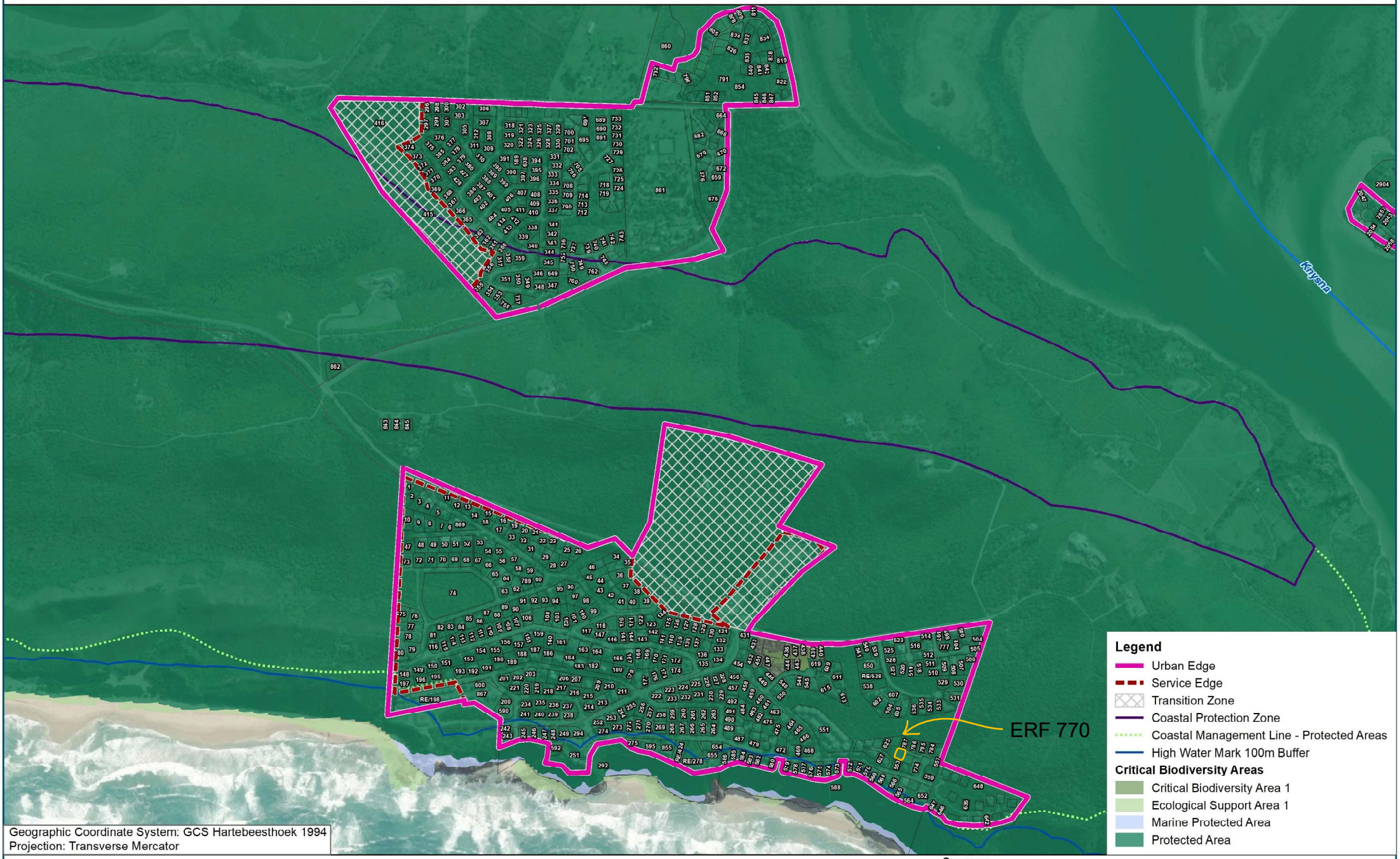
q.q.

In my presence

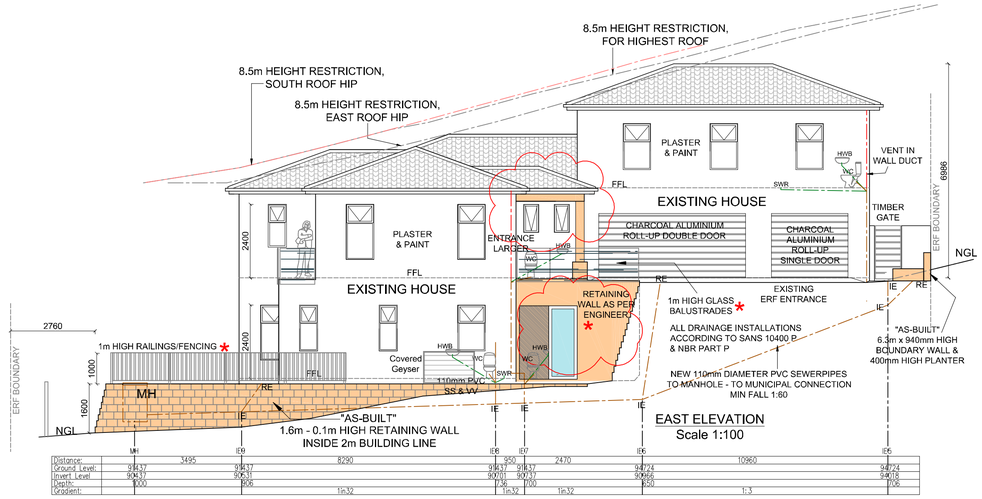
REGISTRAR OF DEEDS

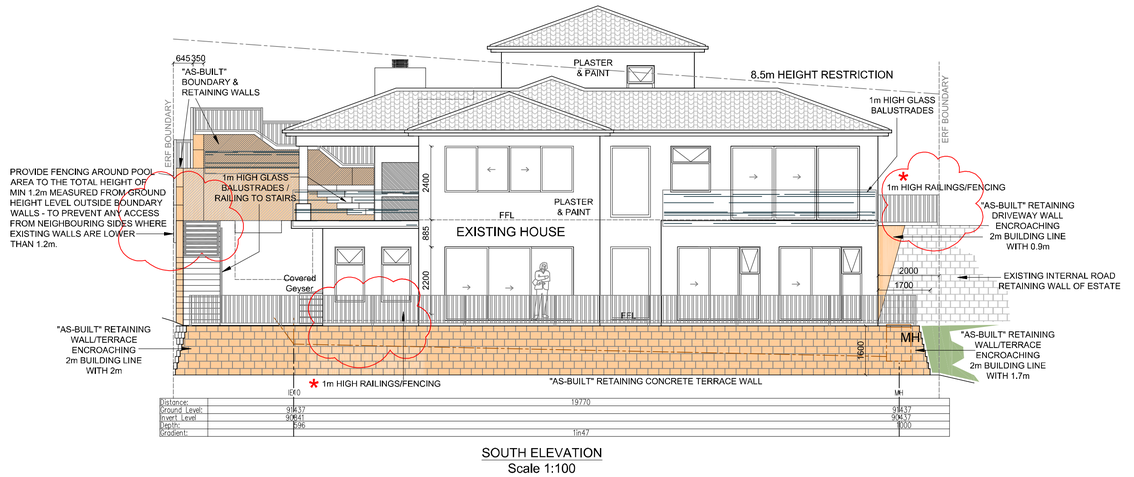
KNYSNA LOCAL MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK

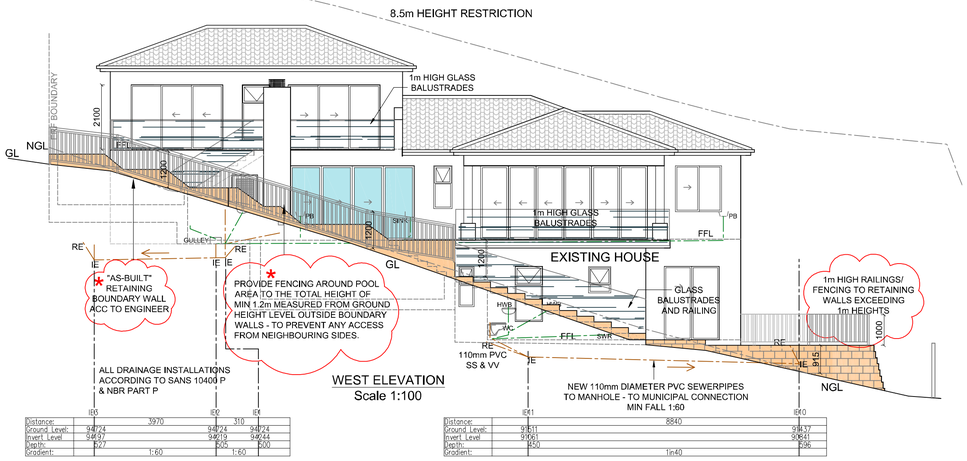
URBAN EDGE PLAN - BRENTON ON SEA

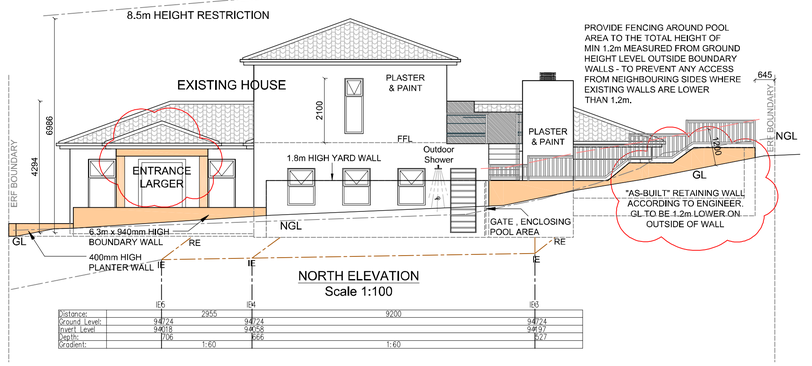


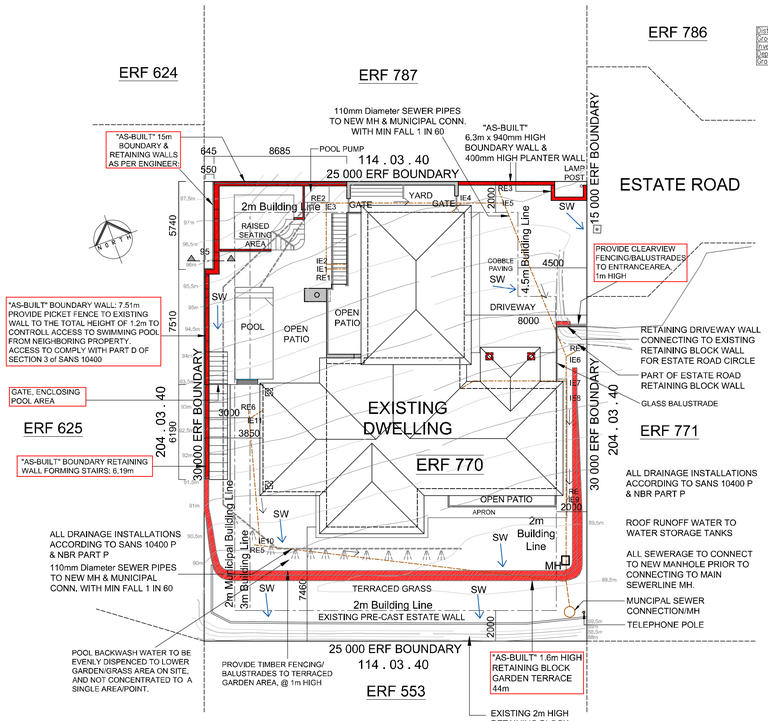
TSHANI CONSULTING C.C.

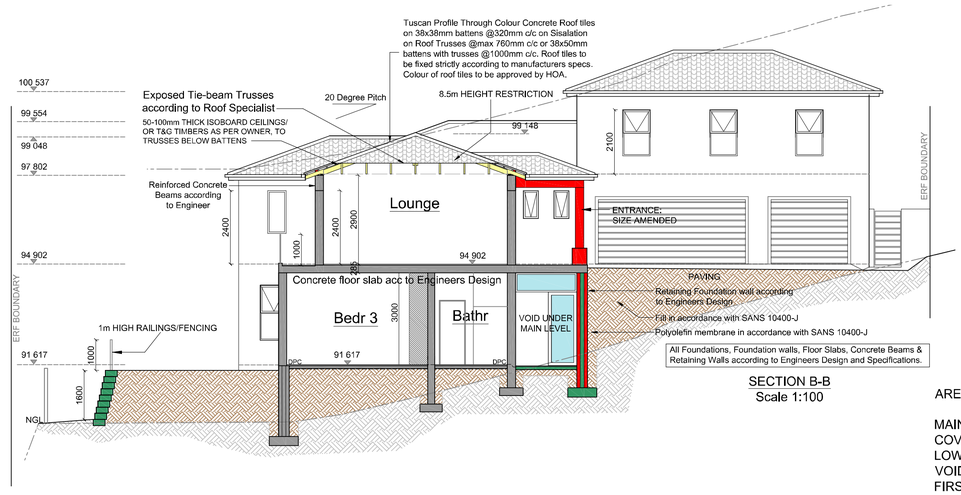


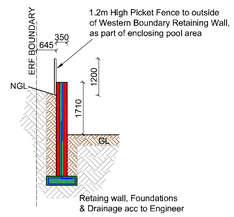












The Trustees:

Trustee:
Leolene Bamberger (Chairperson)
Signature ..... Date 9/6/2026

Trustee:
Gavin Bothma (Vice Chair)
Signature ..... Date 9/6/2026

Trustee:
John William Bothma
Signature ..... Date 9/6/2026

AREAS:	EXISTING:	AS-BUILT/DEVIATION:
MAIN LEVEL:	195m2	206m2
COVERED PATIOS:	40.5m2	32.7m2
LOWER LEVEL:	135.5m2	137.8m2
VOID/STORAGE:	26m2	34m2
FIRST FLOOR FLAT:	60m2	60m2
POOL:	15m2	15m2
OPEN PATIOS:	46.5m2	76.3m2
TOTAL:	446m2	485.5m2
		39.5m2 Additional m2
ERF:	750m2	750m2
FOOTPRINT:	244m2	247.2m2
COVERAGE:	32.5%	33%
(50% ALLOWED)		
BOUNDARY WALL:	22.5m	22.34m

NORTH BOUNDARY WALL: ("As-Built")	---	8.4m
RETAINING BLOCK GARDEN WALLS:	---	44m

5.5m2 - As-built
34m2 - New Area -Total: 39.5m Additional

Amended Plan REV002/0526

CLIENT:
MR. & MRS. SHARROCKS

PROJECT:
DEVIATION OF APPROVED PLAN: AS-BUILT ALTERATIONS/ADDITIONS ON ERF 770, 6 LEROUXNA'S VUE ESTATE, BRENTON ON SEA, KNYSNA

DRAWING TITLE:
SITE PLAN, ELEVATIONS & SECTION

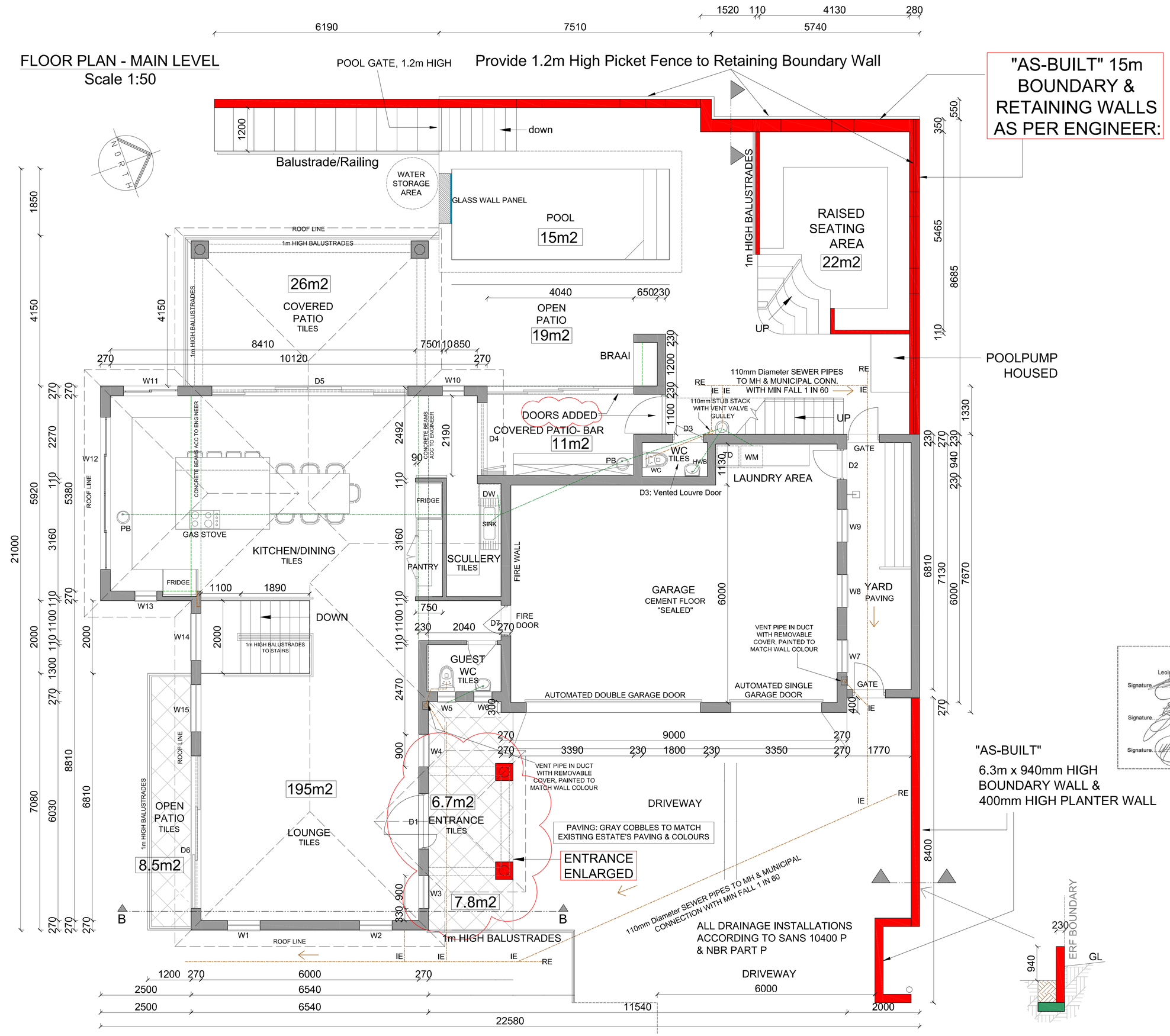
SHEET 1 OF 3(A1)

Scale: 1:200 / 1:100

DRAWN BY:	CHECKED BY:
R JANSEN	Henry Paxton
DATE: NOVEMBER 2025	PLAN NUMBER: 770/K/0924b

COMPANY :
PAXTON ARCHITECTURAL STUDIO pr.st 1163
Henry Paxton
Sen. Arch. Technologist
129 Blombosch
Bietou street
Mossel Bay
6511
cell : 0825739449
e-mail : hpaxton8@gmail.com

FLOOR PLAN - MAIN LEVEL
Scale 1:50



The Trustees:

Trustee: Leolene Bamberger (Chairperson)
Signature ..... Date 9/6/2026

Trustee: Gavin Bothma (Vice Chair)
Signature ..... Date 9/6/2026

Trustee: John William Bothma
Signature ..... Date 9/6/2026

Amended Plan REV002/0526

CLIENT:
MR. & MRS. SHARROCKS

PROJECT:
DEVIATION OF APPROVED PLAN:
AS-BUILT ALTERATIONS/ADDITIONS
ON ERF 770, 6 LEROUXNA'S VUE
ESTATE, BRENTON ON SEA, KNYSNA

DRAWING TITLE:
FLOOR PLAN:
MAIN LEVEL

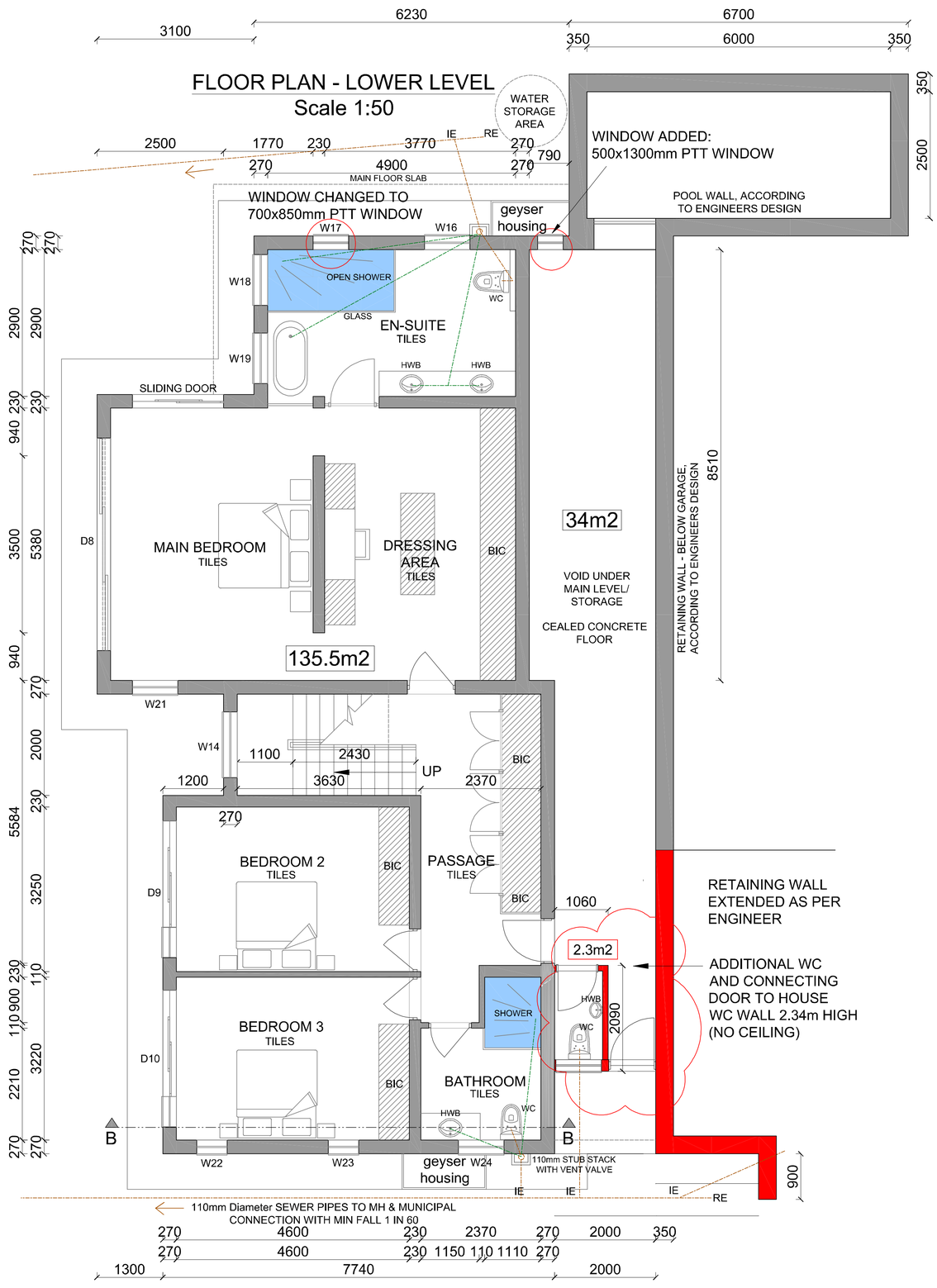
SHEET 2 OF 3(A1)

Scale: 1:50

DRAWN BY:	CHECKED BY:
R JANSEN	Henry Paxton
DATE: NOVEMBER 2025	PLAN NUMBER: 770/K/0924b

COMPANY :
PAXTON ARCHITECTURAL STUDIO pr.st 1163
Henry Paxton
Sen. Arch. Technologist
129 Blombosch
Bietou street
Mossel Bay
6511
cell : 0825739449
e-mail : hpaxton87@gmail.com

FLOOR PLAN - LOWER LEVEL
Scale 1:50



NOTES: Roof : Double pitched roof @ 20degree Pitch.
Tuscan Profile through colour Concrete Roof tiles on 38x38mm battens @320mm c/c on T&G Isoboard or Timber ceilings(as per owner) on Exposed Tie-Beam Trusses by roof specialist. Provide Sisalation under battens/roof covering. Roof tiles fixed strictly acc. to Manufacturers Specifications. Roof Trusses fixed to 114x38wallplate.

Wallplate/Trusses fixed to wall with two strands of 4mm diameter galvanized steel wire - built into masonry wall, minimum 400mm deep.

Main Ceiling to be Isoboard/t&g Timbers placed above Trusses. Final Exposed Truss Design to be approved by Owner. Rhinoboard ceilings to 38x50mm brandering on flat edge @ 400mm c/c to underside of standard Gangnail trusses. Ceilings to be skimmed and painted with good quality white pva paint, or as per owner.
Provide 135mm Insulation above ceilings.

Walls: 270mm Cavity walls - Exterior and Interior walls to be trowel plastered and painted.
Provide infill concrete to support DPC in cavities.
Weepholes in perpend. joints @ 600mm c/c.
Wall ties every 400mm or 6 per m2 in brickwork
DPC around all windows & doors.
Lintols above all windows and doors or Beams acc. to Engineers Design.
Windows and Doors as per schedule/plan.

Foundations and FLoors:
Stripfooting Foundations, Foundation walls and Reinforced Floor Slabs according to Engineers Design.
Foundation walls to get brickforce every row.
Foundation walls must stand minimum of 2 days before filling and compaction begins. 100mm Concrete Floor slab/ or as per Engineers Design: 25mPa, on 250Micron SABS DPC on 50mm Sand bed on well compacted filling, approved by local Auth/ Inspector.
Steel Mesh "Ref 193" in floorslab, in centre of concrete slab or at least 50mm from bottom of slab, or reinforcement acc. to Engineers Design.

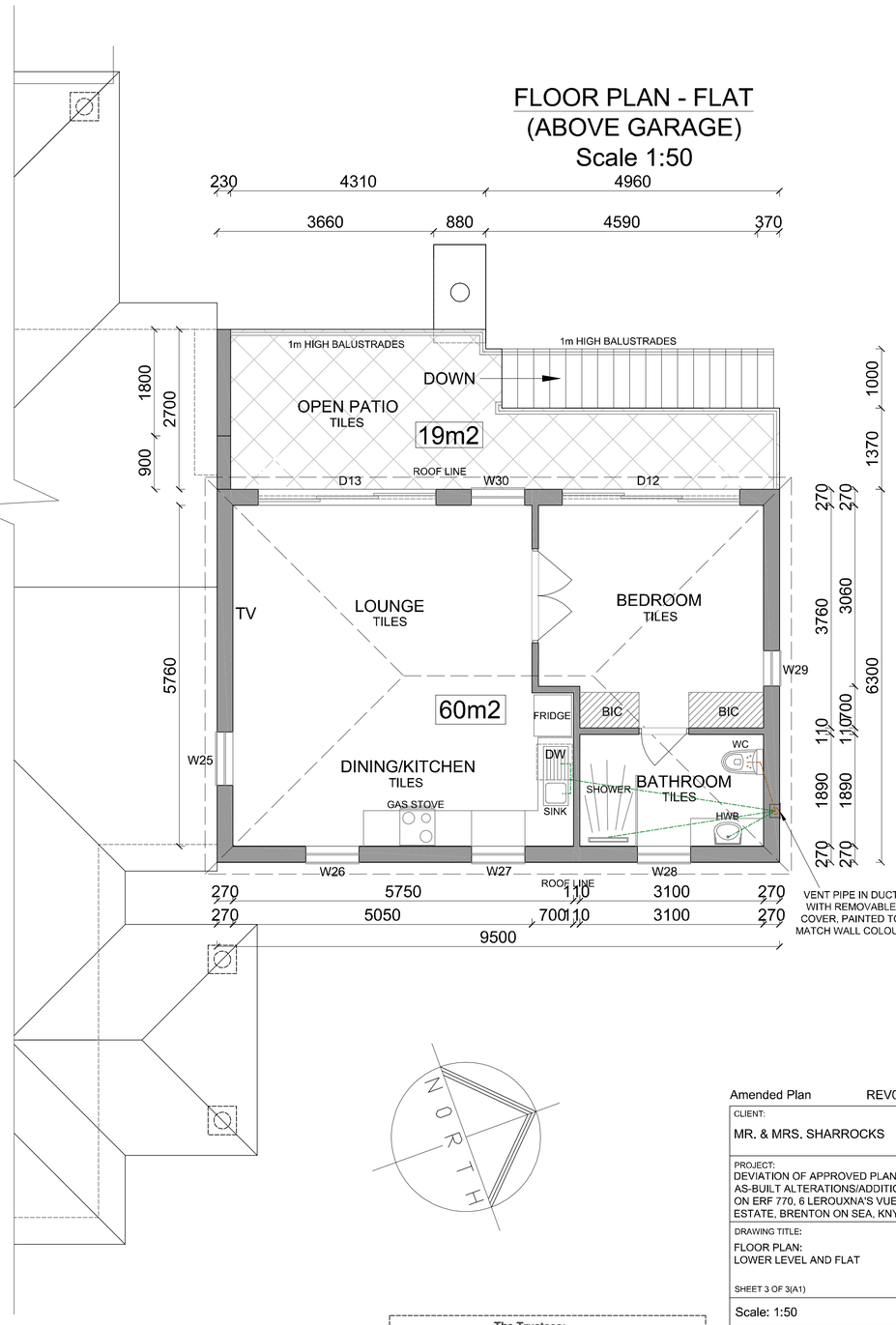
Gutters: "Ogee" profile(or similar) seamless Aluminium gutters and downpipes - colour as per owner and to match house.
Rainwater collection to be directed to watertanks.
Plumbing: All main level plumbing to be concealed in ducts or placed inside walls. Provide a Manhole prior to connection to municipal sewer.

Electrical work & Gas installation by an approved and registered Contractor. Skirtings, Cornices, Tiles, Carpets and Sanitary Ware as per Owner.
ALL DIMENSIONS MUST BE CHECKED ON SITE before work commences. Do not scale plan. Building lines must be adhered to unless approval has been obtained. All work according to NHBRC and Municipal Regulations and to comply with SANS 10400

Any discrepancies on plan/documents to be referred to Architectural Professional or Engineer prior to execution of work and/or ordering of materials.

NOTE: Hot Water Supply
Solar Water Heating shall comply with SANS 1307, SANS10106, SANS10254 and SANS 10252-1 - if applicable. All hot water service pipes shall be cladded with insulation with a min. R-Value of 1, as per SANS 10400-XA 4.1.4
Water installations shall be in accordance with SANS 10252-1 and SANS10254. Hot Water Cylinders to be mounted on exterior walls inside the proper casings or inside roof structure as per Regulations and Specifications - if applicable.

FLOOR PLAN - FLAT (ABOVE GARAGE)
Scale 1:50



Amended Plan REV002/0526

CLIENT:
MR. & MRS. SHARROCKS

PROJECT:
DEVIATION OF APPROVED PLAN:
AS-BUILT ALTERATIONS/ADDITIONS
ON ERF 770, 6 LEROUXNA'S VUE
ESTATE, BRENTON ON SEA, KNYSNA

DRAWING TITLE:
FLOOR PLAN:
LOWER LEVEL AND FLAT

SHEET 3 OF 3(A1)

Scale: 1:50

DRAWN BY:	CHECKED BY:
R JANSEN	Henry Paxton
DATE: NOVEMBER 2025	PLAN NUMBER: 770/K/0924b

The Trustees:

Trustee:
Leolene Bamberger (Chairperson)
Signature ..... Date 9/6/2026

Trustee:
Gavin Bothma (Vice Chair)
Signature ..... Date 9/6/2026

Trustee:
John William Bothma
Signature ..... Date 9/6/2026

COMPANY :
PAXTON ARCHITECTURAL STUDIO pcst 1163
Henry Paxton
Sen. Arch. Technologist
129 Blombosch
Bietou street
Mossel Bay
6511
cell : 0825739449
e-mail : hpaxton8@gmail.com

LEROUXNA'S VUE ESTATE
HOMEOWNERS' ASSOCIATION
BRENTON ON SEA

Date: 5 June 2026

Attention: Mr Randy Daames
Building Control Department, Knysna Municipality

RE: Lerouxna's Vue Homeowners' Aesthetics Approval for consent for Submission: ERF 770, Lerouxna's Vue Estate 6, Amanda Place Road, Brenton on Sea, Knysna
DEVIATION OF APPROVED PLAN/AS-BUILT ALTERATIONS/ADDITIONS

Dear Knysna Municipality

We are pleased to inform you that we have reviewed the amended building plans, and have no reservations or objections – Plan No"770/K/0924b"REV002/0526
Feel free to contact the undersigned if you require any additional information.
For and on behalf of Lerouxna's Vue Estate, Brenton on Sea .

LEROUXNA'S VUE ESTATE HOMEOWNERS ASSOCIATION & AESTETICS COMMITTEE

The Trustees:

Trustee:
Leolene Bamberger (Chairperson)
Signature..... Date 9/6/2026

Trustee:
Gavin Bothma (Vice Chair)
Signature..... Date 9/6/2026

Trustee:
John William Bothma
Signature..... Date 9/6/2026

Kind Regards
LeRouxna's Vue Estate

ITEM TO:
Municipal Planning Tribunal

KNYSNA
Municipality Munisipaliteit uMasipala

APPLICATION NO.	3800
REPORT AUTHOR	Sinovuyo Sitinga
JOB TITLE	Town Planner
SACPLAN REG. NO.	A/2695/2018
TELEPHONE NO.	044 302 6276
APPLICATION DATE	13 August 2026

LAND USE PLANNING REPORT
ADMINISTRATIVE PENALTY: ERF 24 BRENTON

PART A: APPLICANT DETAILS	
Name & Surname	***Seretse Mthembu***
Company name	***Not Applicable***
SACPLAN registration number	***A/2210/2015***
Registered owner(s)	***Rodrick and Karin Andrea Carazo***
PART B: PROPERTY DETAILS	
Property description	***Erf 24 Brenton, in the Municipality of Knysna and Division of Knsyna, Western Cape Province***
Property Extent (m^2)	***1074***
Physical address	***24 Protea Avenue***
Area/Town	***Brenton on Sea***
Current zoning	***Single Residential Zone I***
Applicable zoning scheme	***Knysna Zoning Scheme By-law (2020)***
Current land use	***Dwelling House***
Are there existing buildings on the property?	***Yes***
Title Deed number & date	***T18969/2021***
Any restrictive title conditions applicable?	***Yes***
Any third party conditions applicable?	***None***
Any unauthorised land use/building work	***Yes***
Bondholder's Consent	***N/A***

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

1. APPLICATION DESCRIPTION

The application is for the determination of an administrative penalty in terms of Section 15(2)(r) of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021), read with Section 93(1), for the unauthorised retaining wall encroaching the 4,5m street and 2m lateral building line of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" in respect of Erf 24 Brenton.

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 4,5m building line along the street boundary, as well as 2m on the lateral boundaries, where 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 the subject property has obtained approved building plans in 2021. The owners commenced with building work soon after obtaining approval. However, there were deviations from the approved plans. A second set of plans was the submitted but omitted the retaining walls that existed at the time. Therefore, the application is to regularise the existing unauthorised retaining walls that encroach on the street and the lateral building lines.

3. ASSESSMENT OF APPLICATION

3.1. Administrative Penalty Calculation

	Rand value (R)
1. Unauthorised Building Work (i.to. Zoning Scheme By-law)	*as per Council tariff*
(a) Uncontested: departure from the development parameters as specified in the Zoning Scheme/ failure to comply with Planning By-law/ requires a permission in terms of zoning	R 5,000.00
(b) Unauthorised building work contravening the Zoning Scheme (up to and not more than 100% of the value of the building work unlawfully carried out)	Not provided
(c) Repeat Offender (approved tariff in (a) above x2)	Not applicable
2. Unauthorised Land Use	
(a) Uncontested: Unauthorised Residential Use	Not applicable

(b) Up to and not more than 100% of the municipal valuation of the area that is used unlawfully (municipal valuation 2025/26 = R 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 contravening retaining wall was necessary for ease of vehicular access to the property and to ensure structural integrity of the dwelling house, and that the nature of the contravention can be considered minor. The applicant further adds that, the contravening structures have been in existence for four years and have not proven to cause any negative impact, and thus its impact can be viewed as negligible.

3.2.2. The applicant proposed an uncontested minimal administrative 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 prescribed street and lateral building lines in terms of the Knysna Zoning Scheme By-law (2020) under "Single Residential Zone I" in respect of Erf 24 Brenton.

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 lines as shown on the plan numbered "*CARRAZO 2021/07*" dated July 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 presented their arguments in terms of impact and why construction was needed, however, a contravention of the scheme was committed. The existing retaining walls are not foreseen to have a negative impact on the surrounding properties. The applicant also admitted to the contravention and conceded to the payment of the penalty as specified in Council's approved tariff

list. Therefore, the 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: *Locality map*

ANNEXURE E: *Approved Building Plans*

ANNEXURE F: *Revised Building Plans*

Administrative Penalty: ERF 24 BRENTON			
Author Name: SINOVUYO SITINGA Date: 19 OCTOBER 2026		Author Signature	
Registered planner name: S. MADLIMBO SACPLAN registration number: A/1510/2012 Date: 19/10/2026		Registered Planner Signature:	
Decision maker: Municipal Planning Tribunal			
APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED

Daimcon Personnel Collaborative
Urban Planners & Development Facilitators

No. 1 Fourth Street, Dinangwe
Concordia East
KNYSNA
6570

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

8 August 2026

Ref: 24 BRE

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

APPLICATION FOR THE DETERMINATION OF ADMINISTRATIVE PENALTY: ERF 24, No. 24 PROTEA AVENUE, BRENTON

1. BACKGROUND

1.1. Purpose of the Application

This application relates to Erf 24 Brenton which is located at No. 24 Protea Avenue, Brenton-on-sea. **Figure 1** below is a representation of the site locality and the locality map is attached as **Annexure A**.

Figure 1: Locality Map

The objective of the application is to obtain approval for portions of as-built retaining structures which are in variance with zoning by-law and title deed building line restrictions on site. The structures in question are indicated accordingly on the site plan attached as **Annexure B**. Most of the structures for which the application is submitted are located within 1m above the natural ground level and have a maximum height of 2,64m from the finished floor level. An application for lease by means of encroachment in respect of portions of the as-built retaining structures located outside erf boundaries on the road reserve has been submitted to the municipality. The application is currently being processed and a permanent departure application shall be submitted upon the finalisation of that application.

Figure 2 below is a graphical representation of the retaining structures for which this application seeks to legalise.

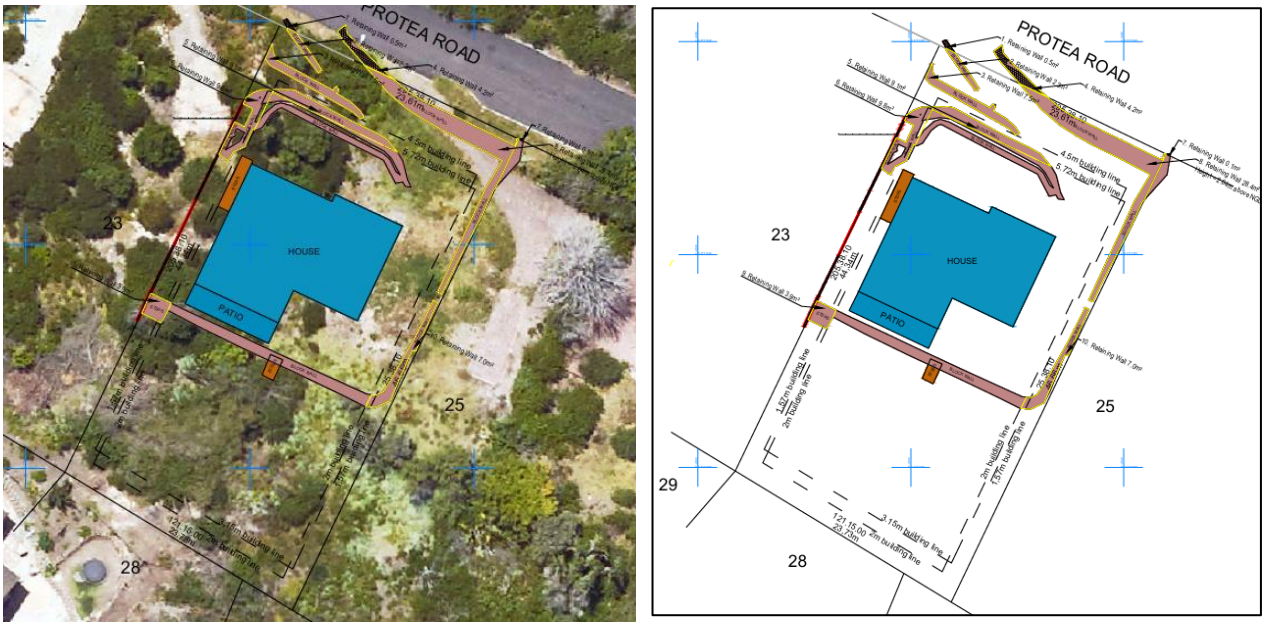


Figure 2: As-built retaining structures on site

1.2. PROPERTY PARTICULARS

A summary of property particulars is captured on the table below.

PROPERTY PARTICULAR	DESCRIPTION
Cadastral Description	ERF 24 BRENTON, IN THE MUNICIPALITY AND DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE
Location	No. 24 Protea Avenue, Brenton on Sea, Knysna (**Annexure A – Locality Map**)
Vehicular & pedestrian access	Protea Avenue
Property size	1 074 m²
Ownership	Roderick and Karin Andrea Carazzo
Title deed number	Deed of Transfer No. T18969/2021 (**Annexure H**)
Title deed restrictions	Condition D.6(d) in as far as it governs the distance within which buildings can be allowed from boundary lines on site.
Bondholder	The property is not bonded
General Plan No.	General Plan No. 1680 LD for Brenton Dorp (**Annexure I**)
S. G. Diagram No.	Not available
Servitudes	None
Current Zoning	Single Residential Zone I
Predominant zoning	Residential – living accommodation for the Carazzo family

Current land use	Single family residence
Predominant land use	Free-standing detached residential buildings on single residential stands
Existing development	Double storey dwelling house with as-built retaining structures (**Annexure B – Area of Retaining Structures and E – revised building plans**).

Figure 3: Property particulars

Figure 4: Image of as-built retaining structures

1.1 MUNICIPAL SERVICES

The property is sufficiently supplied with electricity and water services. These services are supplied by the Knysna Municipality. Sewage disposal is by means of a conservancy tank system.

1.2 PARKING

On-site parking is available in the form of an existing double garage.

1.3 ECOLOGICAL AND HERITAGE STATUS

The site is already heavily disturbed and as such has no remaining plant or animal species of conservation value. There are also no existing buildings or artefacts of conservation or heritage value.

2 DEVELOPMENT PARAMETERS

The status of the retaining structures in relation to the general development parameters contemplated in the zoning scheme is as per the following table:

Zoning Scheme By-law:

ZONING CATEGORY: SINGLE RESIDENTIAL ZONE I				
Parameter	**Maximum limit**	**Proposed**	**Status (complies / does not comply)**	**Required actions**
Height	2m (*zoning scheme*)	2,64m (maximum)	Non-compliant	Apply for relaxation of rule and Administrative Penalty

Building lines	Street (zoning scheme): 4,5m	0m	Non-compliant	Apply for building line relaxation and Administrative Penalty
	Street (*title deed*): 4,72	0m	Non-compliant	Apply for Administrator's Consent
	Side (*zoning scheme*): 2m	0m	Non-compliant	Apply for building line relaxation and Administrative Penalty
	Side (*title deed*): 1,57m	0m	Non-compliant	Apply for Administrator's Consent
	Rear (*zoning scheme*): 2m	N/A	Compliant	None
	Rear (*title deed*): 3.05m	N/A	Compliant	None
Parking bays	2 bays per single residential dwelling	2 parking spaces in the double garage	Compliant	None
Loading bay	N/A	N/A	Compliant	None
Refuse room	N/A	N/A	Compliant	None

Figure 5: Compliance Table

2.1 APPLICATION HISTORY

The Knysna municipality approved building plans on the subject property in November 2021 (**Annexure C – Approved building plans**). Prior to the approval of the building plans the site had been vacant and undeveloped. Construction activities commenced soon after the approval of the building plans but, in the end, the dwelling for which approval was granted deviated slightly from the approved building plans. This prompted the submission of a second set of plans to incorporate the aforesaid deviations.

Furthermore, the slight deviations from the approved building plans prompted the survey of the property to determine the actual position of the dwelling and approved retaining structures. Consequently a professional land surveyor was commissioned to undertake the survey of the property. The survey was undertaken and completed in July 2026.

The results of the survey in the form of a site plan are attached as **Annexure D – Survey Map**. **Figure 3** below represents the extent of development on site from the land surveyor's lens.

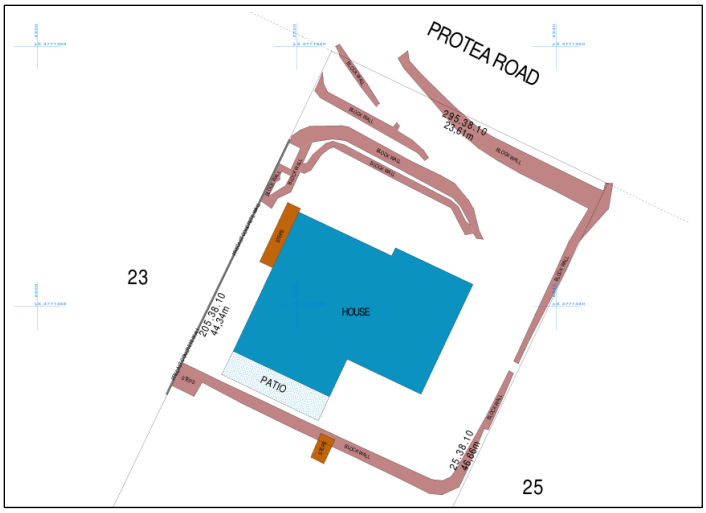


Figure 6: Survey Site Plan

Using the survey plans as a base map, revised building plans were also drawn in July 2026. These plans are attached as **Annexure E – Revised Building Plans**. These plans also included retaining structures which initially did not appear on the approved plans.

The current application is prepared as a direct response to the slight shifting of the position of the approved main dwelling and the survey subsequently undertaken on the property.

2.2 THE APPLICANT

The application is submitted by Seretse Mthembu of Daimcon Personnel CC on behalf of Mr R and Mrs K A Carazzo as per power of attorney attached as **Annexure F**.

The following documents are submitted herewith:

ANNEXURE A	:	**Locality Map**
ANNEXURE B	:	**Area of Retaining Structures**
ANNEXURE C	:	**Approved Building Plans**
ANNEXURE D	:	**Eden Geomatics Survey Map**
ANNEXURE E	:	**Revised Building Plans**
ANNEXURE F	:	**Power of Attorney**
ANNEXURE G	:	**Application Form**
ANNEXURE H	:	**General Plan**
ANNEXURE I	:	**Title Deed**

2. APPLICATION FOR AN ADMINISTRATIVE PENALTY

In terms of **Section 15.2(r)**, read with Section 93.3 of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021), an application is made on Erf 24 Brenton for the determination of an administrative penalty in respect of the unauthorised building work comprising the following:

- Portions of the as-built retaining structures with a total floor area of **65,7m²** and a maximum height of 2,64m encroaching the street and lateral building lines along

These structures are graphically represented in **Annexures B – Area of Retaining Structures**.

Section 93.3 of the KMSPLUMBL deals with the "administrative penalty" and reads as follows:

93 Contravention penalties

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

2) The Municipal Planning Tribunal may, where any person has contravened this by-law:
a) decide to impose an administrative penalty; and
b) determine the amount of the penalty.

3) A person making an application contemplated in sub-section (2) must:
a) submit an application;
b) pay the prescribed fee; and
c) provide the information contemplated in sub-sections (8) and (9).

3. CALCULATION OF ADMINISTRATIVE PENALTY

3.1. The implication of Section 86(4) of the Planning By-law (2021)

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

According to the Planning and Development: Land Use Management application fees 2023/2024 the fee for the submission of a rectification of contravention fee (administrative penalty) fee is calculated as 50% of the tariff of the relevant application required for legalisation of the land use i.e. **R1 830.54**. This amount constitutes **50%** of **R3 530.45** which is a total of the Permanent Departure Fee (**R2, 562.98**) and the fee for Administrator's Consent (**R1 098.10**). The levy rate (buildings) is calculated as 50% of the value of the ordinary plan fee applicable to contravention portion of the building. As can be deduced in **Annexure B**, the total area of the contravention portions of the retaining structures is **65,70m²**.

Additionally paragraph 8(v) of the Planning and Development: Land Use Management Application fees (2024/2025) require *the payment of up to and not more than 100% of the value of the building, construction and engineering work unlawfully carried out in respect of unauthorised building work contravening the zoning scheme*. Taking into account the implication of these documents the calculations on the following paragraph are warranted.

3.2. Calculation of the Levy Rate

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

- Contravention portion: **65,70m²**
- Building Control Scrutiny fee: **R 956.73**
- 50% of scrutiny fee: **R478,37**
- Proportional cost of building works: (including cost of engineer): **65,70m² X ±R1 500,00** for building work **= R98 550,00 (**@ R1 500,00 / m²**)**

- **<u>Total cost of building work: R99 028,37</u>**

4. Implication of Section 93(9) of the Planning By-law (2021)

This subsection prescribes which factors must be considered by the Knysna Municipality when determining an appropriate penalty.

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

The retaining walls in question constitute minor improvements on site that are necessary to provide access onto the site and to also ensure the structural integrity of the existing dwelling house. These structures can be proven both visually and aesthetically to be non-offensive on the visual sensibilities of the surrounding property owners. The structures in question have been in existence for slightly over four (4) years and for the duration of this period no reports exists in the local authority's records being testament to the structures' offensive nature. It is, furthermore, worth noting that the construction of the structures commenced in 2022 (following the approval of the building plans in November 2021). Whilst the structures have constantly been in the public' eye since their completion, there is neither record from local authorities nor from local publications to the effect that the structures constitute a visual nuisance. By the same token it could be deduced that the gravity of the transgressions can only be regarded as negligible.

The extent of the contraventions, given their negligible visual footprint, can only be regarded as non-intrusive. This is further supported by the fact that these structures, being mostly below the natural ground level, have a reduced visual impact on the surrounding properties. This, in our view, is sufficient to provide us with a legitimate expectation that the municipality will be reasonably lenient in determining the appropriate levy.

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

As outlined under Paragraph 3, the property owner set about to seek local authority advice and furthermore approached and appointed a professional land surveyor, an architectural practitioner and town planning consultancy to obtain authorisation from the existing structures on site. An application to comply with the applicable by-law shall be submitted as soon as the current application has been finalized. Furthermore, an application to obtain approval for the continued existence of portions of the retaining structures on the road reserve has already been submitted and undergoing processing.

The property owner also accepts liability for any penalties that the local authority may impose taking for granted that these would be fair and in accordance with the relevant provisions of the zoning scheme by-law. It is the legitimate expectation of the property owner that compliance with local laws and customs is in the interest of both the property owner and the local authority and that, given the property owner's effort at achieving this end, the local authority would be animated by this move in order to arrive at a reasonable figure. This is also taking into the account the amount of time, effort and resources that the local authority stands to save if co-operation of this nature is supported and nurtured.

(c) Whether the unlawful conduct was stopped:

There have, to date, not been any notices served on the land owner to demolish the as-built structures - this being attributed to their less intrusive nature. The structures are an integral part of the property owner's beneficial use and enjoyment of the property in question. Whilst the structures may have been constructed erroneously without having due regard to local regulations, it is our submission that the structures serve an important purpose in ensuring the integrity of foundations on site and in mitigating against potential soil erosion / creep.

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

There are no records to the effect that the current property owner had once been involved in the contravention of any regulations applicable within the municipal area of Knysna. It is our considered view that the property owners, owing to them opting not to contest the determination of the penalty outcome, deserves exemption from the maximum payable penalty and that the continued existence of the as-built structures should be supported.

5. PROPOSED MAXIMUM ADMINISTRATIVE PENALTY

Due to the nature of the as-built retaining structures and the following factors, it is proposed that the Tribunal institutes the most lenient penalty within what is considered reasonable and fair taking into account the following:

- The property owner has taken upon themselves to submit the necessary applications in order to comply with the zoning and scheme, the national building regulations and other municipal regulations.
- The property owner is not a repeat offender. When the previous application for Administrative Penalty was submitted and a decision taken on it, the retaining structures for which this application is presented were already in place. The issue is that these were never correctly depicted on the survey site plan and the property owner was not advised about the implications of the zoning scheme by-law in as far as these structures were concerned.
- Most of these structures fall below the natural ground level and as such are not visually intrusive from the point of view of the surrounding property owners.
- The site has a relatively steep southward facing gradient making it a challenge to have flat usable outdoor space for the owner of the property and the visitors.

- The absence of these structures would render access to the site unsafe and would have negative repercussions for properties lying to the south of the property through soil erosion and soil creep.

Therefore, considering the above factors it is our plea that the property owner is charged the **uncontested** penalty amount of **R5000.00**, or less, in lieu of the actual cost of construction of the structures and cost of the engineer.

6. CONCLUSION

It needs to be emphasized that the property owner is not a repeat offender. The structures for which the determination of administrative penalty is sought are a necessity given the steep nature and the geotechnical conditions of Brenton on Sea. No services are affected by the as-built structures.

It is our contention that the nature of the contravention has no negative impact on the surrounding property owners' safety, health or welfare and the property owners have done that which is necessary and appropriate to comply with the planning and zoning scheme by-laws. We therefore are of the opinion that this report, read with the application for rectification which is to be submitted after finalization of the current application, presents a strong case in support of the fact that the as-built structures do not lack desirability. To that end it is our proposal that this application be considered favourably and that the property owner be subjected to the most lenient penalty so as to render the building work authorized.

SPECIAL POWER OF ATTORNEY

I, **RODRICK CARAZZO (SA ID No** [redacted] the current owner of the under-mentioned property, do hereby nominate, constitute and appoint **SERETSE MTHEMBU (ID No.** [redacted] of **DAIMCON PERSONNEL CC** with power of substitution to be our lawful representative in our name, place and stead to make any necessary Land Use Management applications and related enquiries in order to obtain local authority approvals in respect of **ERF 24 BRENTON**, including the following:

(a) To make any other necessary applications and further to represent me/us in any enquiry or inspection and hearing in relation to the aforementioned matters and generally do whatever may be necessary or desirable to procure Town Planning approvals, authorisations and related matters on the said land;
(b) To alter and amend the application(s) as may be required from time to time, or to withdraw it;
(c) And generally for effecting the purposes aforementioned, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our representative shall lawfully do or cause to be done, by virtue of these presents and whatever our said representatives have to date done herein.

Signed at: Kuruman

Signature: _____ **on this the** 9TH **day of JULY 2026**

In the presence of the under-signed witnesses.

As witnesses:

1. .....

2. .....

Brand & van der Bergh Attorneys
126 Cradock Street, George, 6530

Prepared by me

CONVEYANCER
ABRAHAM VLOK VAN DER BERGH
(LPC M84847)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 850 000,00	R 1142,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

T 000018969 / 2021

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

DE WAAL ESTERHUYSE (LPC M78531)

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

The Trustees for the time being of
DR VAN RENSBURG FAMILIE TRUST
Registration Number : IT20118/2014

DATA CAPTURE
28-04-2021

which said Power of Attorney was signed at GEORGE on 9 February 2021

And the appearer declared that his/her said principal had, on 24 January 2021, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

RODRICK CARAZZO
Identity Number 530816 5075 088
and
KARIN ANDREA CARAZZO
Identity Numbe[redacted]
Married in community of property to each other

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

ERF 24 BRENTON, IN THE MUNICIPALITY AND DIVISION OF KNYSNA, PROVINCE WESTERN CAPE

IN EXTENT 1074 (ONE THOUSAND AND SEVENTY FOUR) Square metres

FIRST TRANSFERRED by Deed of Transfer No T43645/1974 with Diagram No. 9366/1974 relating thereto and held by Deed of Transfer No T45032/2020

A. **SUBJECT** to such conditions as are referred to in Deed of Transfer No T18197/1956.

B. **SUBJECT FURTHER** to and entitled to the benefit of the following conditions (a), (b) and (c) contained in Certificate of Partition Transfer No T8082/1928 which conditions make provision for certain rights of thoroughfare, use of roads and right of way in favour of the owners for the time being of "Belvidere" held by Certificate of Partition Transfer No T8083/1928 and in favour of the owners hereby conveyed :

(a) The proprietors of Belvidere and their successors in title shall have access to BRENTON by and along the whole course of the line of road marked on the diagram of the farm annexed to the amended Grant thereof dated 30th March 1914 (the commencement and termination of the said line of road being marked P and Q respectively) and form the termination of road to the river at or near the picnic place by the existing path. (The termination of the said road and the termination of the said path at the Picnic Place being marked Q and R respectively the said road and path being similarly marked and lettered on the diagram hereto annexed.)

(b) That if the proprietors of BRENTON or any of their successors in title construct a road or use a road for traffic to any point on the Knysna River below the Picnic Place the properties of Belvidere and their successors in title shall be entitled to the use thereof and if it does not connect with any line or road mentioned in clause "A" aforesaid to a right of way from the line mentioned in Clause "A" to the same.

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

C. **ENTITLED** to the servitude a reference to which is contained in the endorsement dated 7th July 1950 noted on Transfers Nos. T21572/1946 and T21573/1946, reading as follows :-

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

(i) Entitled to enforce certain conditions against certain portion 17 of within mentioned farm, measuring 5,4330 hectares held under Deed of Transfer no. 9847 dated 7th July 1950 relating inter alia to use, buildings, fencing, passage of wires for electric light, laying of water, piping, constructing of drains, sewers and piggeries.

(ii) Entitled to a right of way 6,30 metres wide marked abcFde on Diagram No. 6680/1948 over said Portion 17.

All of which conditions are more fully set forth in said Deed of Transfer No. 9837/1950."

D. **SUBJECT FURTHER** to the following conditions imposed by the Administrator when approving of BRENTON TOWNSHIP in terms of Section 18(3) of Ordinance No. 33 of 1934 contained in Deed of Transfer No. T43645/1974 reading as follows : -

1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Kennisgewing van die Provinsiale Adminstrasie Nr. 401 van 17 Oktober 1935 en in die memorandum wat genoemde regulasies vergesel het.

2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is, voorkeur geniet. Enige bepalings van hierdie voorwaardes moet nie opgevat word as sou dit die bepalings van Artikel 146 van Ordonnansie Nr. 15 van 1952, soos gewysig, vervang nie.

3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteitskabels of hoofwaterpype en die rioolvuil en dreinering, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie onderverdeling, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om riole, mangate, vore, waterleidings, en ander werke wat daarmee in verband staan aan te lê, te onderhou, te verander te verwyder of te ondersoek.

4. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die material te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuinsgemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal.

5. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat in hierdie voorwaardes bepaal word nie.

6. Hierdie erf is onderworpe aan die volgende verdere voorwaardes, met dien verstande dat indien die Administrateur na oorleg met die Dorpskommissie en die Plaaslike Owerheid, dit raadsaam ag dat die beperking in enige sodanige voorwaarde te eniger tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan die voorwaardes wat hy oplê :-

   (a) Dit mag nie onderverdeel word nie.

   (b) Dit mag alleenlik gebruik word vir die doel om een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig.

   (c) Nie meer as helfte van die oppervlakte daarvan mag bebou word nie.

   (d) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 5,72 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, opgerig word nie, asook nie binne 3,15 meter van die agtergrens of 1,57 meter van die sygrens gemeen daaraan en aan 'n aangrensende erf nie, met dien verstande dat 'n buitegebou van nie hoër as 3,05 meter nie, gemeet van die vloer tot by die muurplaat, met die toestemming van die plaaslike owerheid binne die hierby voorgeskrewe syruimte vir 'n afstand van 9,45 meter gereken van die agtergrens, opgerig mag word. Wanneer enige twee of meer erwe gekonsolideer word, is hierdie voorwaarde op die gekonsolideerde oppervlakte as een erf van toepassing.

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

The Trustees for the time being of DR VAN RENSBURG FAMILIE TRUST
Registration Number : IT20118/2014

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

RODRICK CARAZZO and KARIN ANDREA CARAZZO, Married as aforesaid

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R850 000,00 (EIGHT HUNDRED AND FIFTY THOUSAND RAND) .

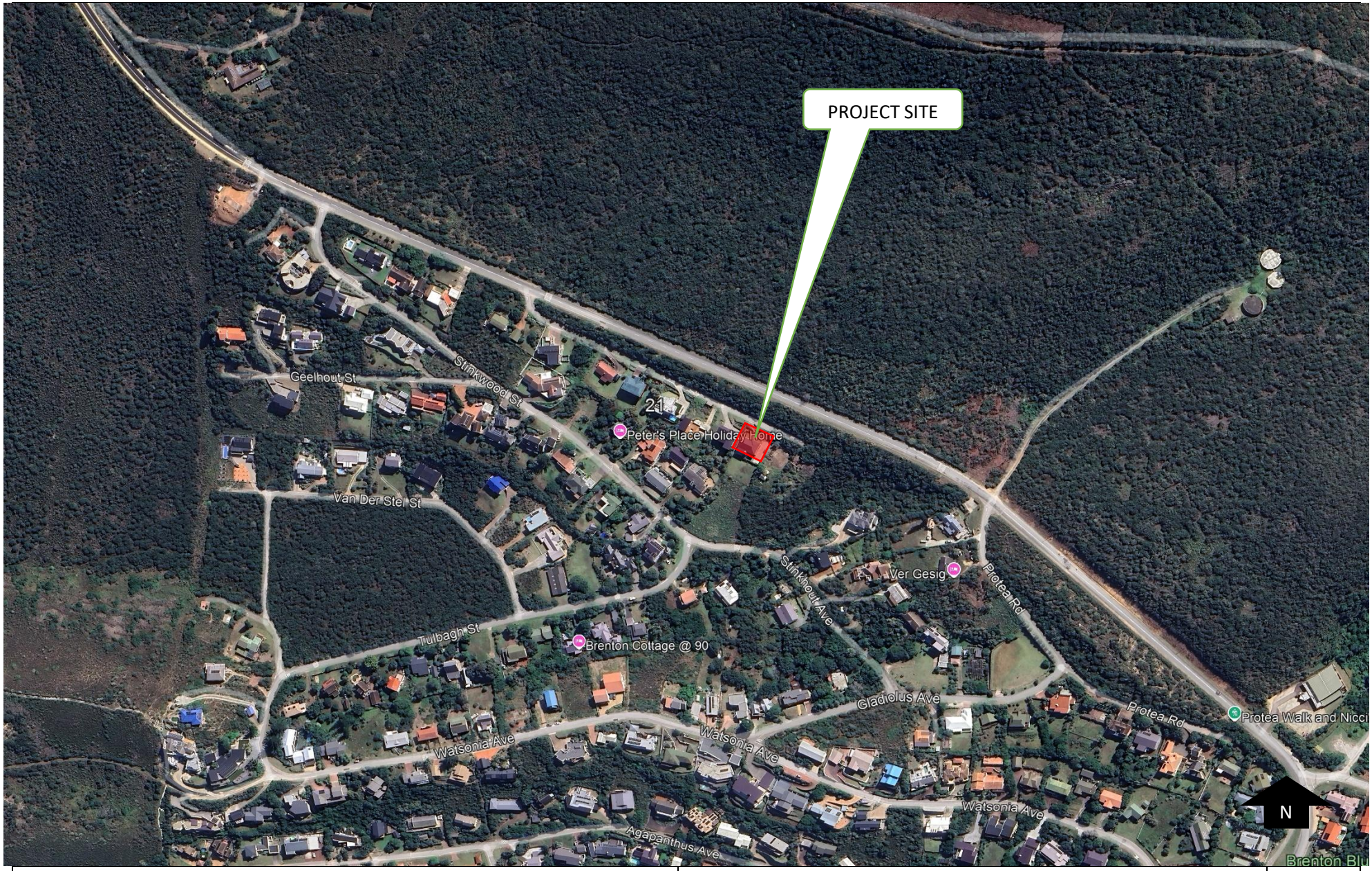
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 21 April 2021

q.q.

In my presence

REGISTRAR OF DEEDS



LOCALITY MAP

ERF 24 BRENTON (24 PROTEA AVENUE, BRENTON ON SEA, KNYSNA)

SCALE: NTS
DATE: 10 AUGUST 2026
Dwg. No.: LOCALITY PLAN 1

File name	RevNo		Date	Signature	Checked
COROZZO 07/21	1	SWIMMING POOL BACK-WASH DETAIL ADDED/ POOL ENCLOSED WITH 1,2M FENCING & SELF-CLOSING GATE. BOUNDARY FENCE DETAIL ADDED	2021/07	AleGrange	AleGrange

Knysna Municipality

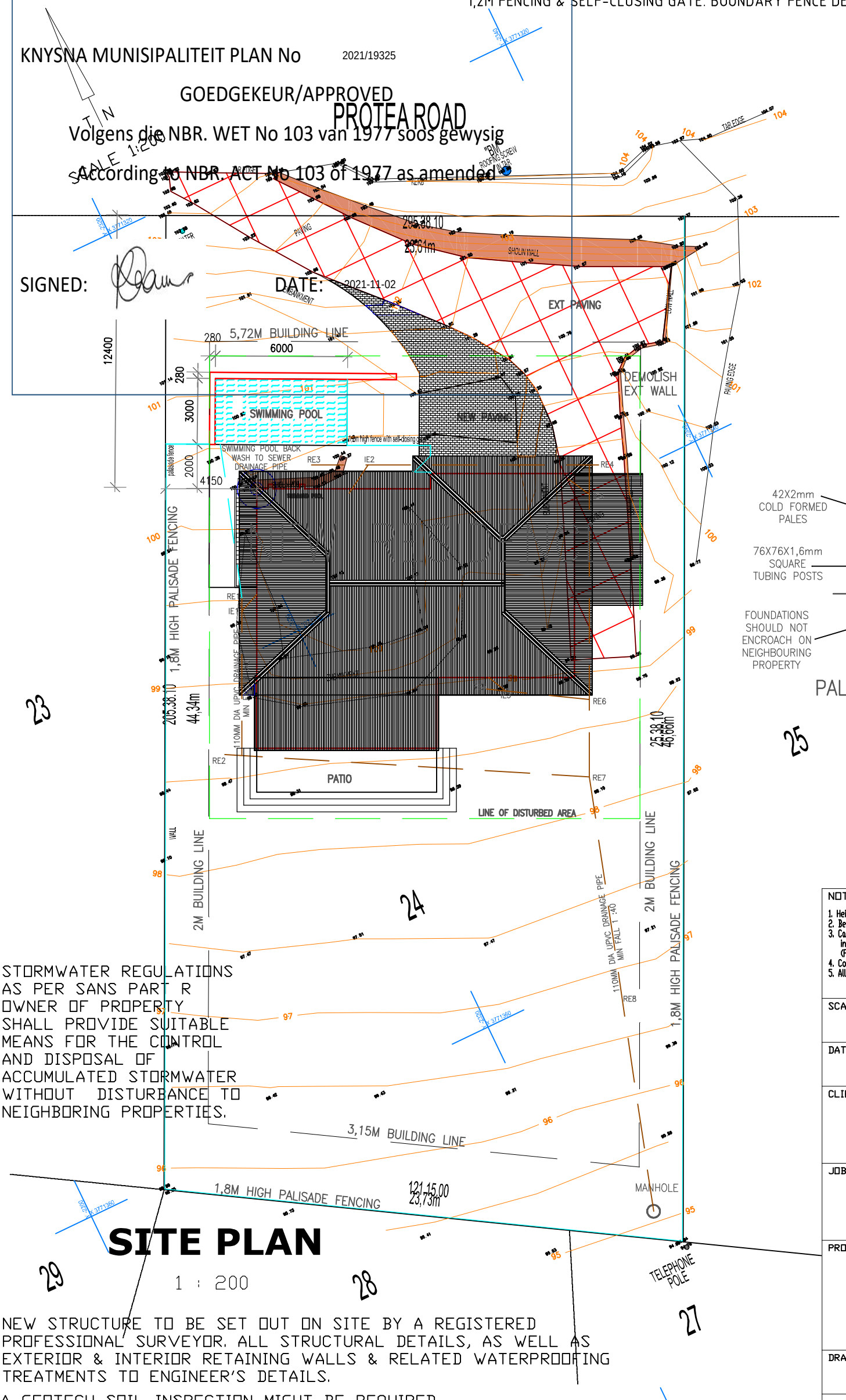
KNYSNA MUNISIPALITEIT PLAN No 2021/19325

GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

According to NBR. ACT No 103 of 1977 as amended

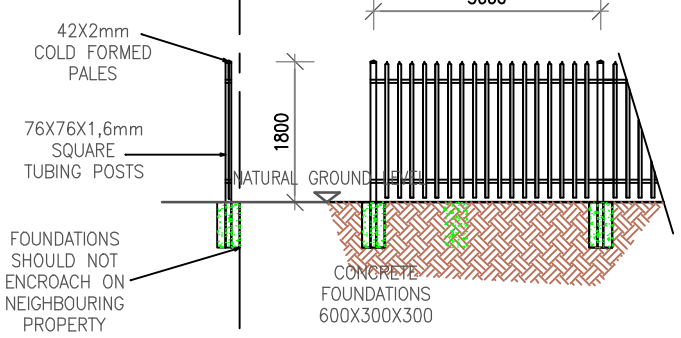
SIGNED: DATE: 2021-11-02



SITE PLAN

1 : 200

COVERAGE SCHEDULE
ERF 24: 1074m²
TOTAL COVERED AREA: 310m²
GROUND FLOOR: 155m²
FIRST FLOOR: 129m² & VERANDAH: 26m²
SWIMMING POOL: 18m²
CARPORT: 18m²
PALISADE FENCE: 106m
FOOTPRINT: 173m²
COVERAGE: 16%



PALISADE BOUNDARY FENCE DETAIL

1 : 100

MATERIALS AND INSTALLATION TO MANUFACTURER'S SPECIFICATIONS

STORMWATER REGULATIONS AS PER SANS PART R OWNER OF PROPERTY SHALL PROVIDE SUITABLE MEANS FOR THE CONTROL AND DISPOSAL OF ACCUMULATED STORMWATER WITHOUT DISTURBANCE TO NEIGHBORING PROPERTIES.

NEW STRUCTURE TO BE SET OUT ON SITE BY A REGISTERED PROFESSIONAL SURVEYOR. ALL STRUCTURAL DETAILS, AS WELL AS EXTERIOR & INTERIOR RETAINING WALLS & RELATED WATERPROOFING TREATMENTS TO ENGINEER'S DETAILS.

A GEOTECH SOIL INSPECTION MIGHT BE REQUIRED.

ALL DIMENSIONS & LEVELS SHOULD BE VERIFIED ON SITE BEFORE QUOTATIONS ARE RENDERED &/OR BUILDING WORK COMMENCES. PLEASE RETAIN & PROTECT ALL NATURAL VEGETATION AROUND BUILDING FOOTPRINT.

ALL MATERIALS USED SHOULD BE SABS APPROVED AND SHOULD COMPLY WITH SANS 10400-XA:2011

NOTES:

1. Heights are based on Approximate Mean Sea Level.
2. Bench Mark = "BM" = roofing screw in tar = 103,98m.
3. Cadastral beacons have been verified in the field by survey in conjunction with Professional Land Surveyor Mde Bruyn (PLS 0134).
4. Co-ordinate system = WG.23.
5. All beacons are 20mm iron pegs.

SCALE: A1 / 1:100

DATE OF SURVEY: DECEMBER 2020

CLIENT:

JOB DESCRIPTION: CONTOUR PLAN

PROPERTY: ERF 24 BRENTON [BRENTON ON SEA]

DRAWING NO: BS24CP

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

PLEASE NOTE:

All dimensions & levels should be verified on site before quotations are rendered &/or building work commences.
All materials used should be SABS approved.
All work should comply with the National Building Regulations, Municipal Bylaws & Scheme regulations.
Boundary pegs to be pointed out & contour plans formulated, if required, by registered Surveyor.
All structural & roof detail to Engineer's specification.
Glazing to comply with the National Building regulation N2 & balustrading with D1.
Notify Building Inspectors in time for the final inspection to obtain Occupancy Certificate.
Report all discrepancies & mistakes to the Designer immediately, please.
Should you have any queries related to this project: I am only a phone call away (044 3826070)
Copyright. This Building Plan & all other related documentaion will remain the property of Algrange Concepts until full payment & signed release by Author

PROJECT:

PROPOSED NEW RESIDENCE FOR MR & MRS R CARRAZO ERF 24, BRENTON-ON-SEA KNYSNA MUNICIPAL AREA

ALGRANGE CONCEPTS
Architectural Design
Annelie le Grange
SACAP T0160
39 Namia Village, Welbedacht, Knysna 6571
0612995400 algrange2@gmail.com
Member of the South African Council for Architectural Practice

File name	RevNo	Revision note	Date	Signature	Checked
COROZZO 07/21			2021/07	AleGrange	AleGrange

Knysna Municipality

KNYSNA MUNISIPALITEIT PLAN No 2021/19325

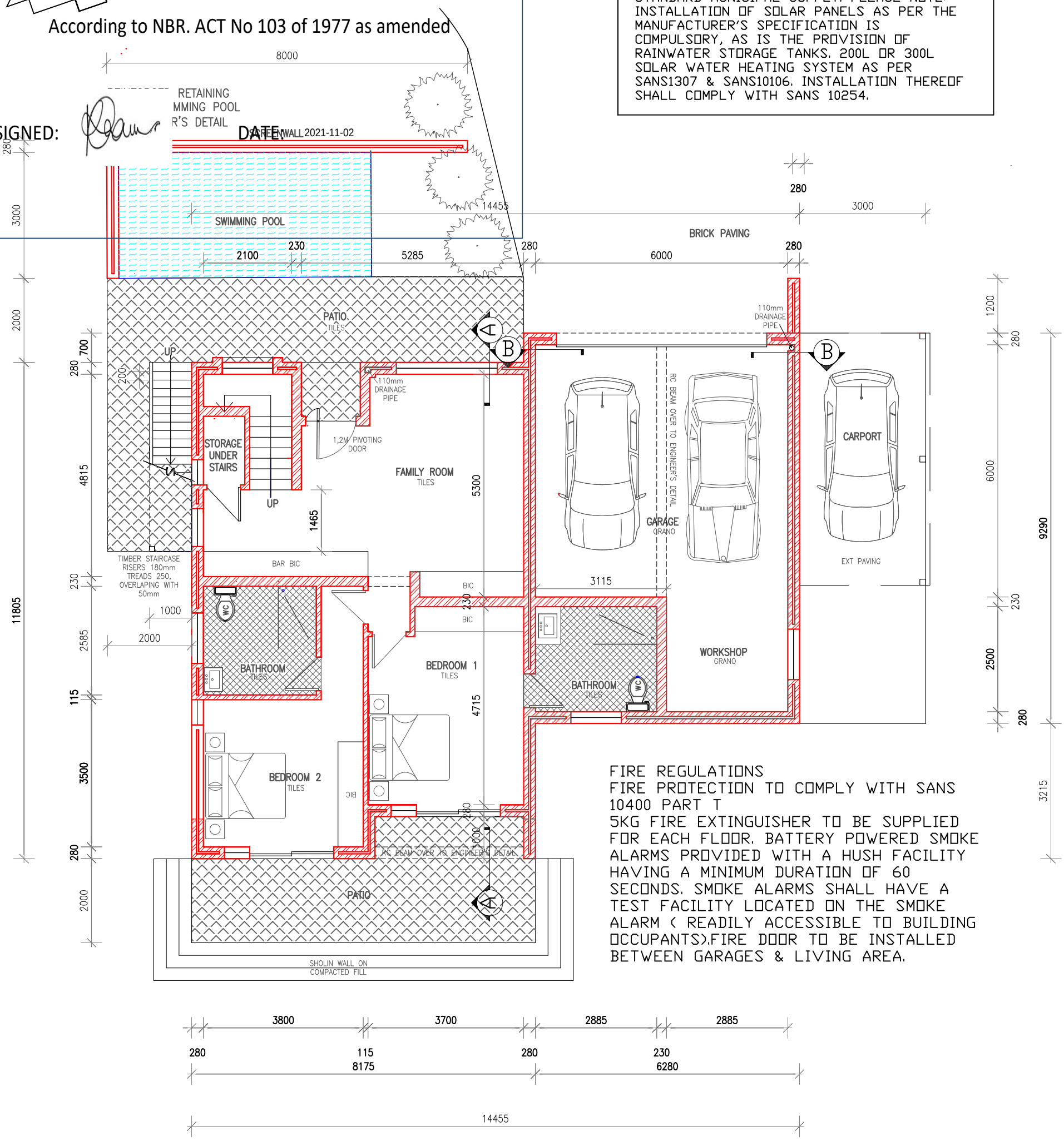
GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2021-11-02

50% OF THE ENERGY SUPPLY TO THIS DWELLING SHOULD BE BY ALTERNATIVE MEANS, PROVIDED BY THE OWNER, OTHER THAN THE STANDARD MUNICIPAL SUPPLY. PLEASE NOTE: INSTALLATION OF SOLAR PANELS AS PER THE MANUFACTURER'S SPECIFICATION IS COMPULSORY, AS IS THE PROVISION OF RAINWATER STORAGE TANKS. 200L OR 300L SOLAR WATER HEATING SYSTEM AS PER SANS1307 & SANS10106. INSTALLATION THEREOF SHALL COMPLY WITH SANS 10254.



FIRE REGULATIONS
FIRE PROTECTION TO COMPLY WITH SANS 10400 PART T
5KG FIRE EXTINGUISHER TO BE SUPPLIED FOR EACH FLOOR. BATTERY POWERED SMOKE ALARMS PROVIDED WITH A HUSH FACILITY HAVING A MINIMUM DURATION OF 60 SECONDS. SMOKE ALARMS SHALL HAVE A TEST FACILITY LOCATED ON THE SMOKE ALARM (READILY ACCESSIBLE TO BUILDING OCCUPANTS).FIRE DOOR TO BE INSTALLED BETWEEN GARAGES & LIVING AREA.

GROUND FLOOR LAYOUT

1 : 100

PLEASE NOTE:

All dimensions & levels should be verified on site before quotations are rendered &/or building work commences.
All materials used should be SABS approved.
All work should comply with the National Building Regulations, Municipal Bylaws & Scheme regulations.
Boundary pegs to be pointed out & contour plans formulated, if required, by registered Surveyor.
All structural & roof detail to Engineer's specification.
Glazing to comply with the National Building regulation N2 & balustrading with D1.
Notify Building Inspectors in time for the final inspection to obtain Occupancy Certificate.
Report all discrepancies & mistakes to the Designer immediately, please.
Should you have any queries related to this project: I am only a phone call away (044 3826070)
Copyright. This Building Plan & all other related documentaion will remain the property of Algrange Concepts until full payment & signed release by Author

PROJECT:

PROPOSED NEW RESIDENCE FOR MR & MRS R CARRAZO ERF 24, BRENTON-ON-SEA KNYSNA MUNICIPAL AREA

ALGRANGE CONCEPTS
Architectural Design
Annelie le Grange
SACAP T0160
39 Narnia Village, Welbedacht, Knysna 6571
0612995400 algrange2@gmail.com
Member of the South African Council for Architectural Practice

File name	RevNo	Revision note	Date	Signature	Checked
COROZZO 07/21			2021/07	AleGrange	AleGrange

Knysna Municipality

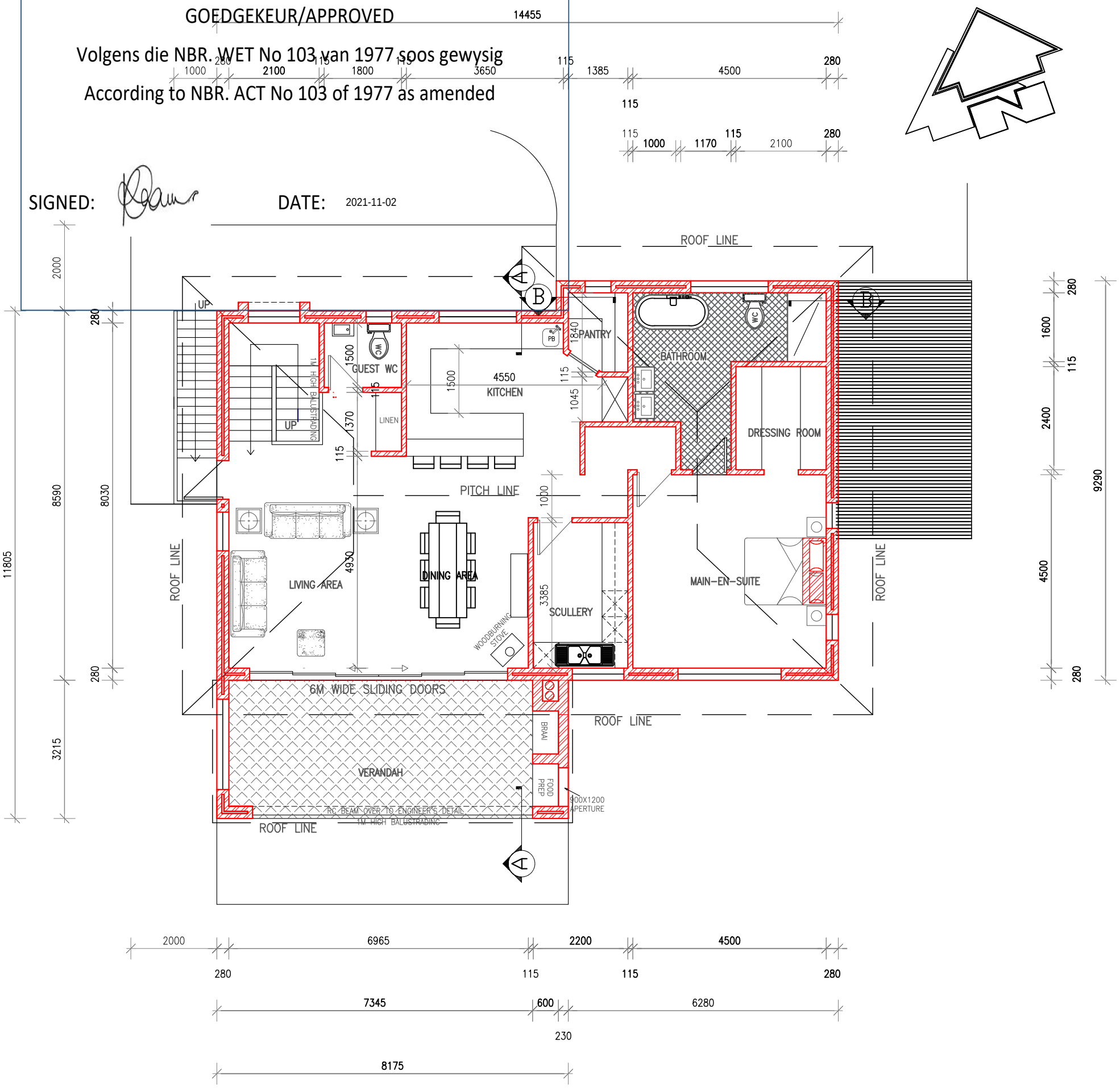
KNYSNA MUNISIPALITEIT PLAN No 2021/19325

GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2021-11-02



FIRST FLOOR LAYOUT

1 : 100

NOTE: THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE CONSTRUCTION NOTES, ENGINEERING DETAILS, MANUFACTURERS SPECIFICATIONS AND ROOFING MANUFACTURER'S PLAN

PLEASE NOTE:

All dimensions & levels should be verified on site before quotations are rendered &/or building work commences.
All materials used should be SABS approved.
All work should comply with the National Building Regulations, Municipal Bylaws & Scheme regulations.
Boundary pegs to be pointed out & contour plans formulated, if required, by registered Surveyor.
All structural & roof detail to Engineer's specification.
Glazing to comply with the National Building regulation N2 & balustrading with D1.
Notify Building Inspectors in time for the final inspection to obtain Occupancy Certificate.
Report all discrepancies & mistakes to the Designer immediately, please.
Should you have any queries related to this project: I am only a phone call away (044 3826070)
Copyright. This Building Plan & all other related documentaion will remain the property of Algrange Concepts until full payment & signed release by Author

PROJECT:

PROPOSED NEW RESIDENCE
FOR MR & MRS R CARRAZO
ERF 24, BRENTON-ON-SEA
KNYSNA MUNICIPAL AREA

ALGRANGE CONCEPTS
Architectural Design
Annelie le Grange
SACAP T0160
39 Narnia Village, Welbedacht, Knysna 6571
0612995400 algrange2@gmail.com
Member of the South African Council for Architectural Practice

File name	RevNo	Revision note	Date	Signature	Checked
COROZZO 07/21			2021/07	AleGrange	AleGrange

Knysna Municipality

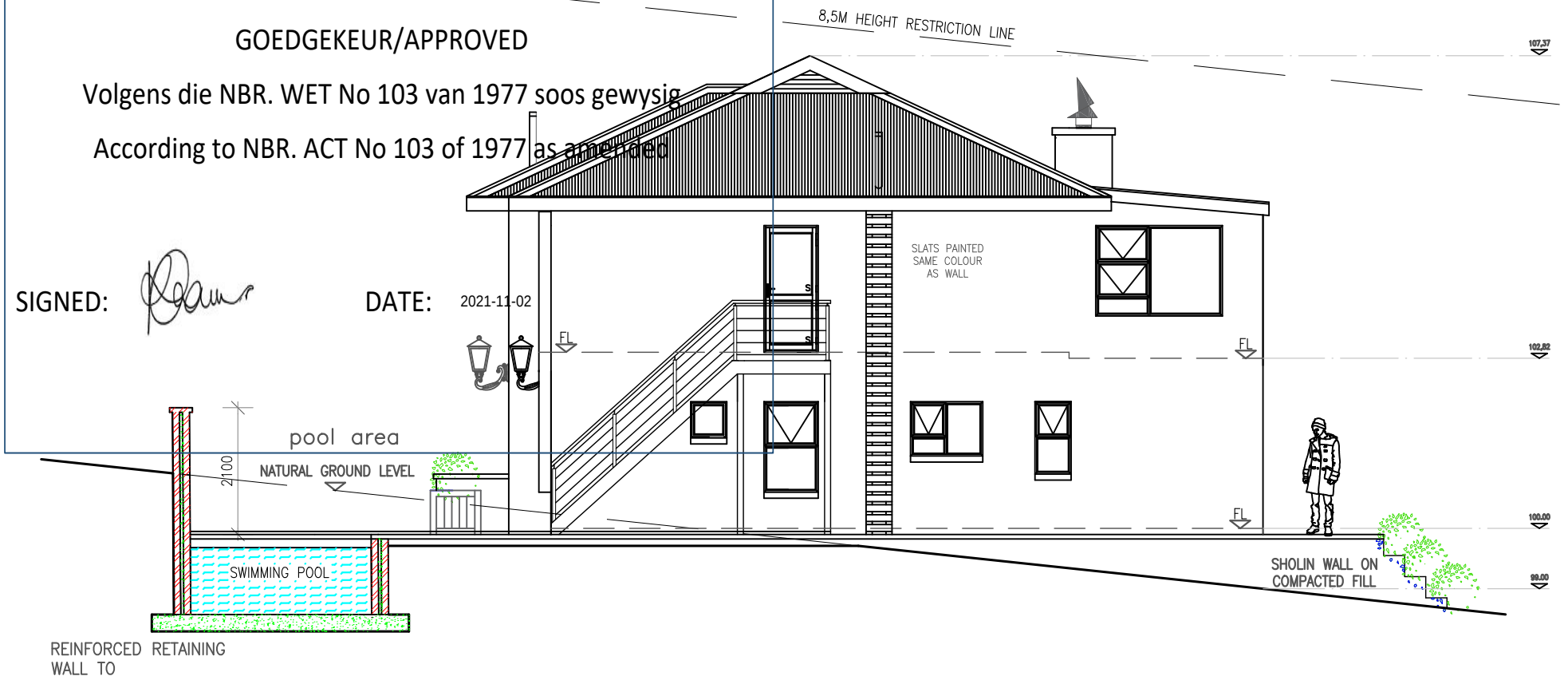
KNYSNA MUNISIPALITEIT PLAN No 2021/19325

GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2021-11-02



NORTH WEST ELEVATION

1 : 100

NORTH EAST ELEVATION

1 : 100

PLEASE NOTE:

All dimensions & levels should be verified on site before quotations are rendered &/or building work commences.
All materials used should be SABS approved.
All work should comply with the National Building Regulations, Municipal Bylaws & Scheme regulations.
Boundary pegs to be pointed out & contour plans formulated, if required, by registered Surveyor.
All structural & roof detail to Engineer's specification.
Glazing to comply with the National Building regulation N2 & balustrading with D1.
Notify Building Inspectors in time for the final inspection to obtain Occupancy Certificate.
Report all discrepancies & mistakes to the Designer immediately, please.
Should you have any queries related to this project: I am only a phone call away (044 3826070)
Copyright. This Building Plan & all other related documentaion will remain the property of Algrange Concepts until full payment & signed release by Author

PROJECT:

PROPOSED NEW RESIDENCE FOR MR & MRS R CARRAZO ERF 24, BRENTON-ON-SEA KNYSNA MUNICIPAL AREA

ALGRANGE CONCEPTS
Architectural Design
Annelie le Grange
SACAP T0160
39 Narnia Village, Welbedacht, Knysna 6571
0612995400 algrange2@gmail.com
Member of the South African Council for Architectural Practice

File name	RevNo	Revision note	Date	Signature	Checked
COROZZO 07/21			2021/07	AleGrange	AleGrange

Knysna Municipality

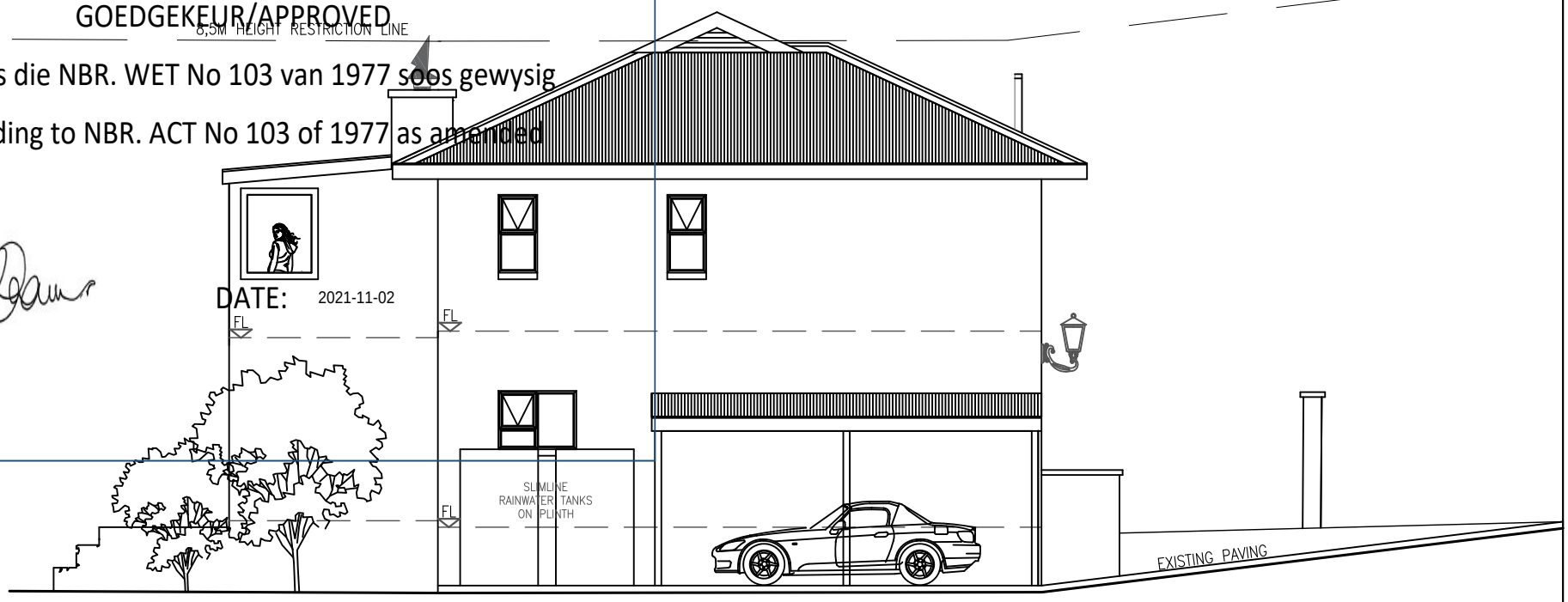
KNYSNA MUNISIPALITEIT PLAN No 2021/19325

GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2021-11-02



SOUTH EAST ELEVATION

1 : 100

SOUTH WEST ELEVATION

1 : 100

PLEASE NOTE:

All dimensions & levels should be verified on site before quotations are rendered &/or building work commences.
All materials used should be SABS approved.
All work should comply with the National Building Regulations, Municipal Bylaws & Scheme regulations.
Boundary pegs to be pointed out & contour plans formulated, if required, by registered Surveyor.
All structural & roof detail to Engineer's specification.
Glazing to comply with the National Building regulation N2 & balustrading with D1.
Notify Building Inspectors in time for the final inspection to obtain Occupancy Certificate.
Report all discrepancies & mistakes to the Designer immediately, please.
Should you have any queries related to this project: I am only a phone call away (044 3826070)
Copyright. This Building Plan & all other related documentaion will remain the property of Algrange Concepts until full payment & signed release by Author

PROJECT:

PROPOSED NEW RESIDENCE
FOR MR & MRS R CARRAZO
ERF 24, BRENTON-ON-SEA
KNYSNA MUNICIPAL AREA

ALGRANGE CONCEPTS
Architectural Design
Annelie le Grange
SACAP T0160
39 Narnia Village, Welbedacht, Knysna 6571
0612995400 algrange2@gmail.com
Member of the South African Council for Architectural Practice

File name	RevNo	Revision note	Date	Signature	Checked
COROZZO 07/21			2021/07	AleGrange	AleGrange

Knysna Municipality

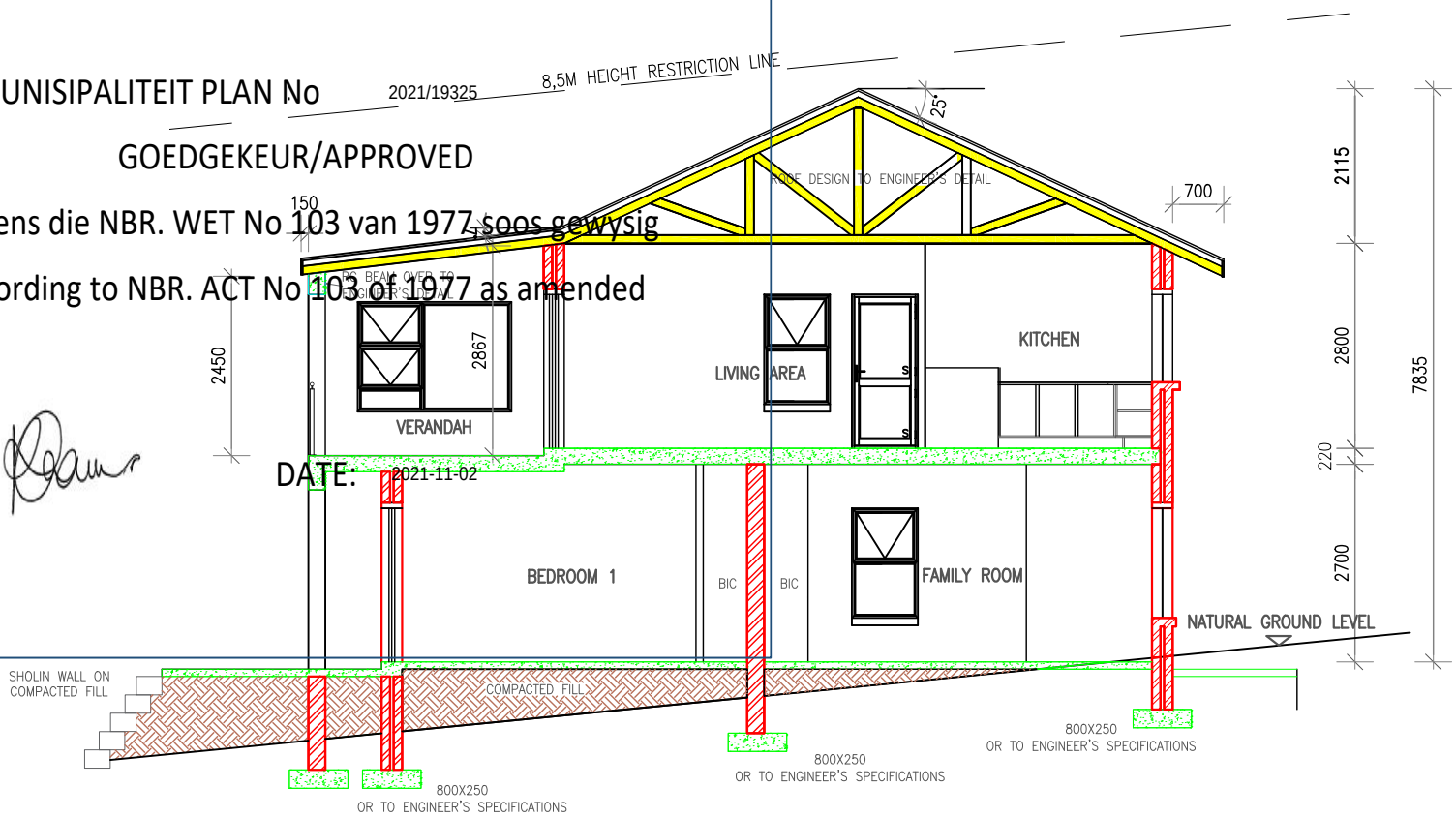
KNYSNA MUNISIPALITEIT PLAN No 2021/19325

GOEDGEKEUR/APPROVED

Volgens die NBR. WET No 103 van 1977 soos gewysig

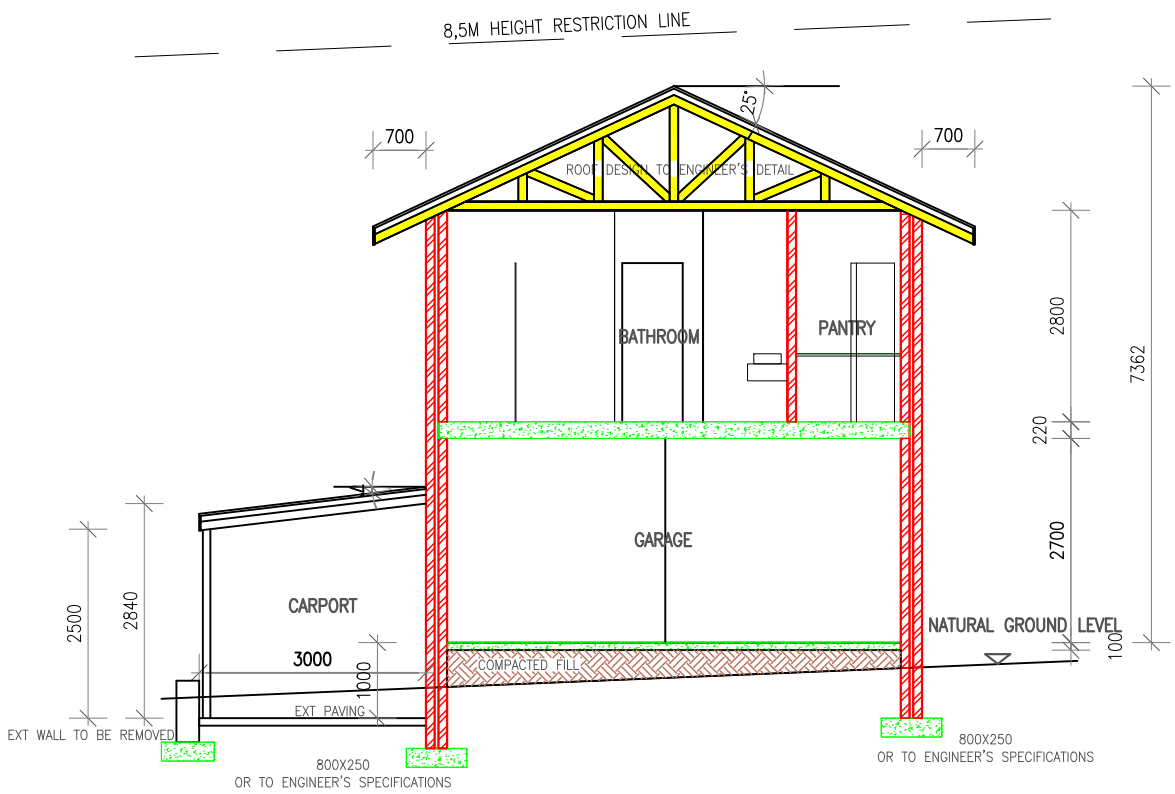
According to NBR. ACT No 103 of 1977 as amended

SIGNED: DATE: 2021-11-02



SECTION A-A

1 : 100



SECTION B-B

1 : 100

FLOORS AS PER PART J SANS 10400
FLOORS OF LAUNDRIES, KITCHENS, SHOWER-ROOMS, BATHROOMS AND TOILETS AND URINALS MUST BE WATER RESISTANT
75mm CONCRETE FLOOR SLABS ON 250 MICRON DPC ON COMPACTED FILL FRRE FROM CLAY AND ORGANIC MATTER. REINFORCED CONCRETE SLABS & BEAMS TO ENGINEER'S DETAIL. FLOOR TREATMENT TO OWNERS SPECIFICATION.

WALLS AS PER SANS 10400 PART K
BRICK AND MORTAR, SMOOTH PLASTERED AND PAINTED TO OWNERS SPECIFICATIONS.

STAIRS AND RAILING TO COMPLY WITH SANS 10400 PART B, D
BALUSTADE HEIGHT 1m FFFL

GLAZING:
SANS 10400 Part N, SABS 0137-200, SABS 1263:

ROOF TO COMPLY WITH SANS 10400 & ITC-SA.
STRUCTURAL DESIGN BY ENGINEER.
CORRUGATED METAL ROOFING, COLOUR CHARCOAL, ON GUNDLE DURAFOIL ULTRA DOUBLE, ON 38X50 PURLINS @ 38MM C/C, WITH ISOTHERM INSULATION 75MM BETWEEN 228X38 TREATED PINE RAFTERS, WITH PVC CEILING PANELS, GROOVE MATT. NUTEC FASCIAS & BARGEBOARDS PAINTED TO MATCH ROOF. PROVISION SHOULD BE MADE FOR RAINWATER GUTTERS TO CHANNEL RAINWATER TO TANKS STORED IN LOWER GROUND FLOOR AREA. SOLAR PANEL REQUIREMENTS, POSITIONING AND INSTALLATION BY SPECIALIST.

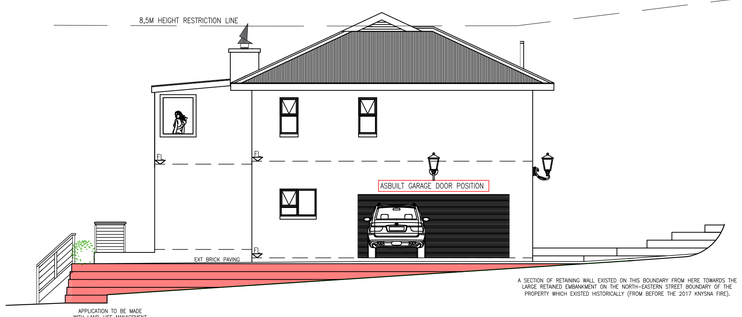
PLEASE NOTE:

All dimensions & levels should be verified on site before quotations are rendered &/or building work commences.
All materials used should be SABS approved.
All work should comply with the National Building Regulations, Municipal Bylaws & Scheme regulations.
Boundary pegs to be pointed out & contour plans formulated, if required, by registered Surveyor.
All structural & roof detail to Engineer's specification.
Glazing to comply with the National Building regulation N2 & balustrading with D1.
Notify Building Inspectors in time for the final inspection to obtain Occupancy Certificate.
Report all discrepancies & mistakes to the Designer immediately, please.
Should you have any queries related to this project: I am only a phone call away (044 3826070)
Copyright. This Building Plan & all other related documentaion will remain the property of Algrange Concepts until full payment & signed release by Author

PROJECT:

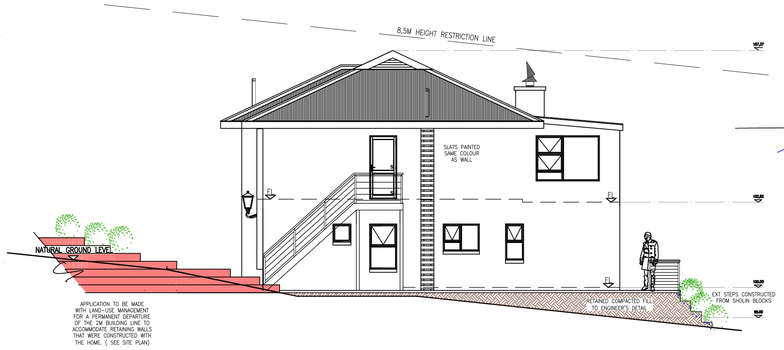
PROPOSED NEW RESIDENCE FOR MR & MRS R CARRAZO ERF 24, BRENTON-ON-SEA KNYSNA MUNICIPAL AREA

ALGRANGE CONCEPTS
Architectural Design
Annelie le Grange
SACAP T0160
39 Narnia Village, Welbedacht, Knysna 6571
0612995400 algrange2@gmail.com
Member of the South African Council for Architectural Practice



SOUTH EAST ELEVATION

1 : 100

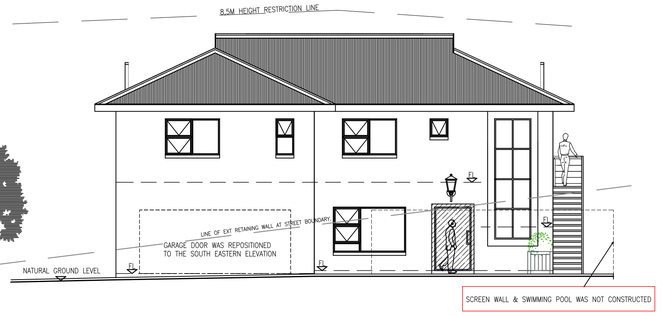


NORTH WEST ELEVATION

1 : 100

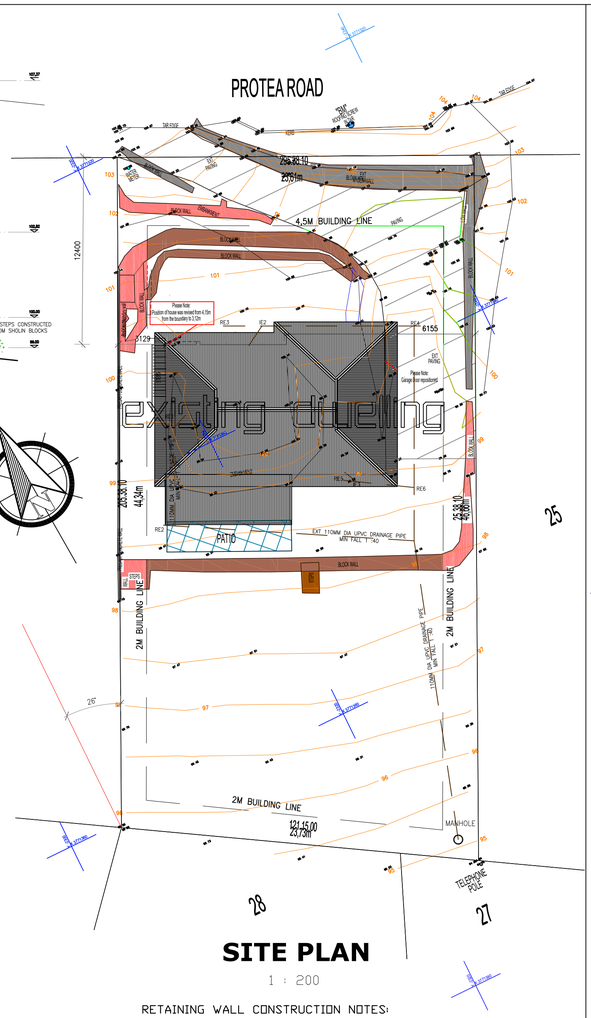
SOUTH WEST ELEVATION

1 : 100



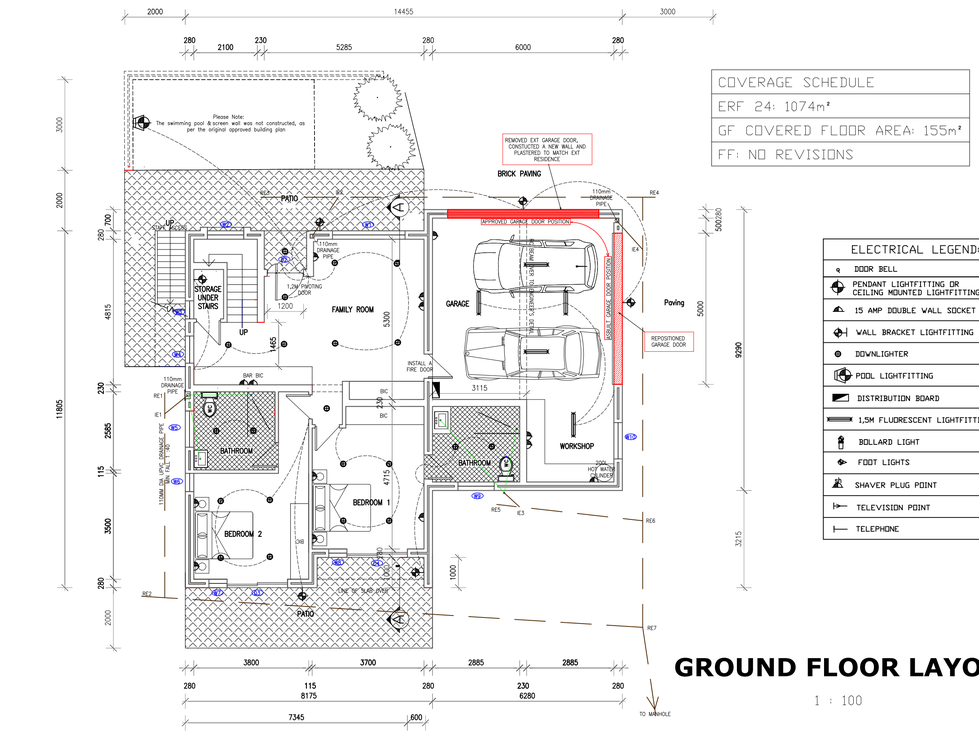
NORTH EAST ELEVATION

1 : 100



SITE PLAN

1 : 200



GROUND FLOOR LAYOUT

1 : 100

COVERAGE SCHEDULE
ERF 24: 1074m²
GF COVERED FLOOR AREA: 155m²
FF: NO REVISIONS

ELECTRICAL LEGEND:
DOOR BELL
PENDANT LIGHTFITTING OR CEILING MOUNTED LIGHTFITTING
15 AMP DOUBLE WALL SOCKET
WALL BRACKET LIGHTFITTING
DOWNLIGHTER
POOL LIGHTFITTING
DISTRIBUTION BOARD
1,5M FLUORESCENT LIGHTFITTING
BOLLARD LIGHT
FOOT LIGHTS
SHAVER PLUG POINT
TELEVISION POINT
TELEPHONE

CONSTRUCTION NOTES:

FLOORS AS PER PART J SANS 10400
FLOORS OF LAUNDRIES, KITCHENS, SHOWER-ROOMS, BATHROOMS AND TOILETS AND URINALS MUST BE WATER RESISTANT
75mm CONCRETE FLOOR SLABS ON 250 MICRON DPC ON COMPACTED FILL FREE FROM CLAY AND ORGANIC MATTER. REINFORCED CONCRETE SLABS & BEAMS TO ENGINEER'S DETAIL. FLOOR TREATMENT TO OWNERS SPECIFICATION.

WALLS AS PER SANS 10400 PART K
BRICK AND MORTAR, SMOOTH PLASTERED AND PAINTED TO OWNERS SPECIFICATIONS.

STAIRS AND RAILING TO COMPLY WITH SANS 10400 PART B, D
BALUSTADE HEIGHT 1m FFFL

GLAZING:
SANS 10400 Part N, SABS 0137-200, SABS 1263:

ROOF TO COMPLY WITH SANS 10400 & ITC-SA.
STRUCTURAL DESIGN BY ENGINEER.
CORRUGATED METAL ROOFING, COLOUR CHARCOAL, ON GUNDLE DURAFOIL ULTRA DOUBLE, ON 38X50 PURLINS @ 38MM C/C, WITH ISOTHERM INSULATION 75MM BETWEEN 228X38 TREATED PINE RAFTERS, WITH PVC CEILING PANELS, GROOVE MATT. NUTEC FASCIAS & BARGEBOARDS PAINTED TO MATCH ROOF. PROVISION SHOULD BE MADE FOR RAINWATER GUTTERS TO CHANNEL RAINWATER TO TANKS STORED IN LOWER GROUND FLOOR AREA. SOLAR PANEL REQUIREMENTS, POSITIONING AND INSTALLATION BY SPECIALIST.

RETAINING WALL CONSTRUCTION NOTES:

RETAINING WALLS INDICATED WERE SURVEYED BY EDEN GEOMATICS.

- EXISTING LAWFUL RETAINING WALL. STRUCTURAL STABILITY REPORT REQUIRED FROM THE APPOINTED ENGINEER.
- EXISTING AS-BUILT RETAINING WALL. STRUCTURAL STABILITY REPORT REQUIRED FROM ENGINEER
- EXISTING AS-BUILT RETAINING WALL ERECTED WITHIN THE 4,5M STREET BUILDING LINE & THE 2M LATERAL BUILDING LINES. APPLICATION MUST BE MADE FOR A PERMANENT RELAXTION OF THE BUILDING LINES TO 0M, BY A TOWN PLANNER TO THE KNYSNA LAND-USE DEPARTMENT. STRUCTURAL STABILITY REPORT REQUIRED FROM ENGINEER AREA OF RETAINING WALL IN THE BUILDING LINE: 41m²

COVERAGE SCHEDULE
ERF 24: 1074m²
TOTAL COVERED AREA: 315m²
GROUND FLOOR: 155m²
FIRST FLOOR: 129m² & VERANDAH: 26m² STAIRCASE 5m²
WALL LENGHT (as built): 101m²
FOOTPRINT: 173m²
COVERAGE: 15%
SINGLE RESIDENTIAL PROPERTY

GENERAL NOTES:

ALL DIMENSIONS AND LEVELS ARE TO BE VERIFIED ON SITE, PRIOR TO THE COMMENCEMENT OF SETTING OUT, WORKSHOP DRAWINGS OR CONSTRUCTION.
DRAWINGS ARE NOT TO BE SCALED.
FIGURED DIMENSIONS ONLY ARE TO BE USED.
ANY DISCREPANCIES, ERRORS AND OMISSIONS ARE TO BE REPORTED TO THE ARCHITECT IMMEDIATELY BEFORE COMMENCING WITH ANY WORK.
ALL ITERIOR DESIGN DRAWINGS ARE TO BE SUBMITTED FOR ARCHITECTS APPROVAL PRIOR TO MANUFACTURE OR INSTALLATION.
ALL WORK IS TO BE EXECUTED IN STRICT ACCORDANCE WITH THE BY-LAWS AND REGULATIONS OF THE LOCAL AUTHORITY.
WHERE REQUIRED, ARCHITECT'S DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ENGINEER'S & OTHER CONSULTANTS' DRAWINGS.
COPYRIGHT AND RIGHT OF REPRODUCTION OF THIS DRAWING OR ANY PORTION THEREOF, IS RESERVED AND REMAINS WITH ANNELIE LE GRANGE

PROJECT

AS-BUILT PLAN SHOWING THE REPOSITIONED GARAGE DOOR TO THE EXISTING RESIDENCE AND THE RETAINING WALLS ON ERF 24, BRENTON ON SEA, KNYSNA FOR MR & MRS R CARAZZO

DRAWING

REVISED: GROUND FLOOR PLAN
ELEVATIONS
SITE PLAN

DATE	SCALE
2026/07	1:100

FILE NAME AND PATH
DWG NO: CARAZZO 2021/07

SIGNATURE: Designer POA — AleGrange
SIGNATURE: Owner — R Carazzo

ALGRANGE CONCEPTS
ARCHITECTURAL DESIGN
Annelie le Grange
SACAP T0106
39 NARNIA VILLAGE, WELBEDACHT, KNYSNA 6571
0612995400 email: algrange2@gmail.com

SCALE:	A1 / 1:100
DATE OF SURVEY:	JULY 2026
CLIENT:	ROD CARAZZO
JOB DESCRIPTION:	SITE PLAN
PROPERTY:	ERF 24 BRENTON (BRENTON ON SEA)
DRAWING NO:	BS24SP

EDEN GEOMATICS
PO Box 348 Knysna 6570
Andre Gericke 072 593 9905
Andre Fisher 082 551 1424
Nick Rabie 071 621 2424

REVISIONS:

DWG NO: CARAZZO 2021/07

CARAZZO 2026/03/01
REVISED RESIDENCE & GARAGE DOOR POSITION

CARAZZO 2026/07/13
INDICATE EXT RETAINING WALL POSITIONS – MUNICIPAL REQUEST

PLAN SIZE A1

CARAZZO 2026/07