KNYSNA MUNICIPALITY

Notice is hereby given of a

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

which will be held on

Wednesday, 2 November 2016
at

09:00

in the Council Chamber
to consider the following items.

MUNICIPAL OFFICES
KNYSNA

B ELLMAN
ACTING MUNICIPAL MANAGER

Chairperson: Cllr V Waxa
Members: Cllr SI Kwinana
          Cllr DMC Pofadder
          Cllr MV Molosi
          Cllr MD Skosana
          Cllr S Arends
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AGENDA

1. OPENING AND WELCOMING

2. SILENT PRAYER

3. ATTENDANCE OF MEMBERS
   3.1 COUNCILLORS PRESENT
   3.2 COUNCILLORS WITH LEAVE
   3.3 COUNCILLORS WITHOUT LEAVE
   3.4 OTHER COUNCILLORS PRESENT
   3.5 OFFICIALS PRESENT
   3.6 MEMBERS OF THE AUDIT COMMITTEE PRESENT
   3.7 MEMBERS OF THE PUBLIC PRESENT


5. DISCLOSURE OF INTERESTS BY COUNCILLORS

5A PRESENTATION
6. MINUTES OF PREVIOUS MEETING

KNYSNA LOCAL MUNICIPALITY

MINUTES

of a meeting of the

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

held in the Council Chamber on

Wednesday, 21 September 2016

at

09:00
1. Opening and Welcoming

At 09:00 the Chairperson welcomed Councillors, officials, and the members of the public to the meeting. He afforded all a moment of silent prayer or reflection.

2. Silent Prayer

3. Attendance of Members :

3.1 Members Present

Cllr V Waxa Chairperson
Cllr SI Kwinana,
Cllr DMC Pofadder
Cllr MV Molosi
Cllr MD Skosana
Cllr S Arends

3.2 Members Absent with leave

None

3.3 Members Absent without leave

None

3.4 Other Councillors Present

Cllr Bouw-Spies
Cllr L Davis
Cllr M Gombo
Cllr M Matiwane
Cllr P Myers
Cllr W Salaze
Cllr A Tsengwa
Cllr L Tyokolo
Cllr E Van Aswegen
Cllr M Weideman
Cllr G Wolmarans

3.5 Officials Present

Mr Matheus, C Acting Municipal Manager
Mr Adonis, D Director : Community Services
Ms Boyce, M Acting Director: Planning and Development
Mr Smit, H Manager: Town Planning & Building Control
Mr Mabula, TP Manager: Environmental Management
Mr Penxa, M Manager: Integrated Human Settlements
Ms Paulsen, M Manager : Legal Services
Ms Botha, M Legal Advisor
Ms.Prinsloo , C Administrative Assistant
Ms. Lakay,J Head : Council Committees and Cllr Support
3.6. Members of the Audit Committee Present:

None

3.7. Members of the Public Present

As per attendance register


5. Disclosure of Interests by Councillors and Officials.

RESOLVED

[a] That the provisions of the Code of Conduct for Councillors be noted.

[b] That it be noted that Mr C Mattheus and Ms M Boyce declared interest in an item on the Agenda.

6. PRESENTATIONS

6.1 SOCIAL HOUSING Restructuring ZONES : AFFORDABLE RENTAL HOUSING STRATEGY AND PLAN

Ms K August from the Department Human Settlements made a presentation on Affordable Rental Housing Strategy and Plan.

RECOMMENDATION FROM THE PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE

[a] That the presentation with by Ms K August from the Department of Human Settlements, be noted;

[b] That the resolution of Council dated 31 May 2016 with regard to the Social Housing Restructuring Zones, be upheld and that a Special Council Meeting meeting be arranged on a date to be determined by the Speaker.

6.2 GEYSER INDUSTRIES : INSTALLATION OF SOLAR GEYSERS

That the representative from Geyser Industries, made a Presentation on Installation of Solar Geysers.
RECOMMENDATION FROM THE PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE

[a] That the presentation by the representative of Geyser Industries with regard to installation of solar geysers, be noted;

[b] That a report be submitted to the Special Council Meeting to be held on 29 September 2016, after consultation has been held with Geyser Industries, officials and other relevant stakeholders.

ABSADREVCO KNYSNA AFFORDABLE HOUSING PROJECT: PROJECT PROPOSALS

RECOMMENDATION FROM THE PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE

[a] That the report and background to the proposed ABSADREVCO Knysna Affordable Housing Project, be noted;

[b] That the discussion document from ABSA/DEVCO regarding their position the proposed development; be noted.

[c] That towards the development of the project by Knysna Municipality and Western Cape Department of human Settlements, independently; be approved.

[d] That the Acting Municipal Manager be mandated to present Council's position in an urgent meeting with Provincial Department of Human Settlements and ABSA/DEVCO;

[e] That a follow up report be submitted regarding the outcome of the proposed meeting, as mention in [d] above.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Integrated Human Settlements

ERF 429, CNR HOEPOSE & THE MAIN SERVICE ROAD, SEDGEFIELD: APPLICATION FOR REZONING, SUBDIVISION AND ROAD CLOSURE (APPLICATION NO. 1055)

RECOMMENDATION FROM THE PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE

[a] That the following correspondence be noted:

[i] Copy of the application from MarikeVreken Town Planners CC dated August 2015;
[ii] E-mail from Mike Young dated 7 August 2015;
[iii] Copy of internal comments dated 6 April 2016;
[iv] Applicant’s response to comments dated 6 October 2015 and 2016;
[b] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of a ±395m² portion of Remainder Erf 1692 Sedgefield (a section of Tinktinkie Street) from “Street Zone” to “Business Zone” to allow said portion to be consolidated with Erf 429 Sedgefield;

c] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of a ±51m² portion of Erf 429 Sedgefield from “Business Zone” to “Street Zone” to allow said portion to be consolidated with Erf 1692, Sedgefield (a section of Tinktinkie Street);

d] That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of a 395m² portion of Remainder Erf 1692 Sedgefield (a section of Tinktinkie Street) in order to allow said portion to be consolidated to with Erf 429, Sedgefield;

e] That approval be granted in terms of Section 23 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of a ±51m² portion of Erf 429, Sedgefield (a section of Tinktinkie Street) in order to allow said portion to be consolidated to with Erf 1692, Sedgefield (a section of Tinktinkie Street);

f] That approval be granted in terms of Section 137 of the Cape Municipal Ordinance, 1974 (Ordinance 20 of 1974) for the closure of a ±395m² portion of Remainder Erf 1692, a portion of Tinktinkie Street in order to consolidate said portion with Erf 429, Sedgefield.

g] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):
[i] This approval applies to the proposals as set out above only and may not be construed as authority to depart from any other legal prescriptions or requirements;

[ii] The approval is subject to the consolidation of the subdivided portion of Erf 1692 with Erf 429, Sedgefield and vice versa;

[iii] The applicant shall provide the municipality with copies of the approved survey diagrams as soon as they get approved by the surveyor-general's office for record purposes;

[iv] This approval shall lapse if the registration of the consolidated erven is not effected within the period of five years;

[v] Paving shall not be allowed over the section of the Erf under which electrical cables servicing 443 and 444 are laid out;
[vi] The applicant shall submit five copies of the approved subdivision plan for endorsement prior to submission to the surveyor-general's office; and

[vii] Any services that are to be relocated shall be relocated at the expense of the property owner.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Planning and Building Control

P03/09/16 ESTABLISHMENT OF THE KNYSNA MUNICIPAL PLANNING TRIBUNAL (KMPT) FOR THE GREATER KNYSNA MUNICIPAL AREA AS PER SECTION 71(1)(A) OF KNYSNA MUNICIPALITY MUNICIPAL LAND USE PLANNING BY-LAW (2016)

Mr Carl Mattheus and Ms Marlene Boyce recused themselves for the discussion of this item.

RECOMMENDED FROM THE PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE

[a] That the establishment and composition of the Knysna Municipal Planning Tribunal, be noted.

[b] That it be noted that the training of Councillors and members of the Knysna Municipal Planning Tribunal by the Western Cape Department of Environmental Affairs and Development Planning will be scheduled in due course.

[c] That the Legal Services Section be afforded an opportunity to liaise with the Department of Environmental Affairs and Development Planning to ascertain whether amendments may be made to the composition of the Knysna Municipal Planning Tribunal.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Town Planning and Building Control.

P04/09/16 REPORT ON THE REVIEW OF THE CONTROL OF THE SEASHORE AND SEA SITUATED WITHIN OR ADJOINING THE AREA OF JURISDICTION OF THE MUNICIPALITY OF KNYSNA BY-LAW

RECOMMENDATION FROM THE PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE

[a] That the report on the review of the by-law for the Control of the Seashore and the Sea situated within or Adjoining the area of jurisdiction of the Municipality of Knysna, as contained in Annexure "A", be noted;
That the current by-law with the proposed amendments, as contained in Annexure "B", be referred to a workshop on a date to be determined by the Speaker.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Planning and Building Control

P05/09/16 MONTHLY REPORTS FOR DEPARTMENTS: EMD, TP & IHS

UNANIMOUSLY RESOLVED

That the monthly reports for the sections of the Directorate: Planning and Development, Environmental Management, Town Planning and Integrated Human Settlements, be noted.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Town Planning and Building Control

P06/09/16 ERF 4970, SEDGEFIELD (A CONSOLIDATED UNIT CONSISTING OF ERVEN 186, 187, 1764, 2024, 2033 AND 4969 SEDGEFIELD

UNANIMOUSLY RESOLVED

That the matter with regard to Erf 4970, Sedgefield (A Consolidated Unit Consisting of Erven 186, 187, 1764, 2024, 2033 and 4969 Sedgefield, be referred to the next Planning and Integrated Human Settlements Committee meeting to be held in November 2016 and that a site visit be arranged prior to the meeting.

7. Closure

The Chairperson thanked everyone present for their contribution and the meeting concluded at 14:35.

Approved

Chairperson: Cllr Waxa
Date

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of a meeting of the SPECIAL PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

held in the Council Chamber on

Wednesday, 29 September 2016

at

12:00
1. Opening and Welcoming

At 12:00 the Chairperson welcomed Councillors, officials, and the members of the public to the meeting. He afforded all a moment of silent prayer or reflection.

2. Silent Prayer

3. Attendance of Members:

3.1 Councillors Present

Cllr V Waxa: Chairperson
Cllr SI Kwinana,
Cllr DMC Pofadder
Cllr MV Molosi
Cllr MD Skosana
Cllr S Arends

3.2 Councillors Absent with leave

None

3.3 Councillors Absent without leave

None

3.4 Other Councillors Present

Cllr L Davis
Cllr M Gombo
Cllr P Myers
Cllr W Salaze
Cllr L Tyokolo
Cllr M Weideman
Cllr C Croutz
Cllr S Kwinana
Cllr M Molosi
Cllr M Willemse

3.5 Officials Present

Ms Boyce, M Acting Director: Planning and Development
Mr Smit, H Manager: Town Planning & Building Control
Ms. Prinsloo, C Administrative Assistant
Ms. Lakay, J Head: Council Committees and Cllr Support

3.6 Members of the Audit Committee Present:
None

3.7. Members of the Public Present

As per attendance register

4. Noting the provisions of schedule 1 (code of conduct for councilors) of the local government municipal system act, 2000

5. Disclosure of Interests by Councillors and Officials.

6. Matters Submitted by the Acting Municipal Manager

SP01/09/16 ERF 4970, SEDGEFIELD (A CONSOLIDED UNIT CONSISTING OF ERVEN 186, 187, 1764, 2024, 2033 AND 4969, SEDGEFIELD), (CNR OF SWAN AND THE SOUTHERN SERVICE STREET ALONG THE N2): APPLICATION FOR REZONING

UNANIMOUSLY RESOLVED

[a] That the following correspondence be noted:
   (i) Application from Jan Vrolijk Town Planners on behalf of Deorista 188 Property Limited dated 20 May 2015;
   (ii) Mailing List;
   (iii) Zoning Certificate dated 21 September 2015;
   (iv) Letter from Mr. and Mrs. Watson; (v) Mr. Roy and Heather Halloway;
   (vi) Ms. Phyllis Kuhn, Penelope Jolliffe and by proxy Stella Jolliffe;
   (vii) Applicant response to comments;

[b] That approval BE GRANTED in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of a portion of Erf 4970 Sedgefield (formerly Erf 187, Sedgefield), from “Single Residential Zone” to “Business Zone” as indicated on the plan drawn by Buitendag Rall & Associates, Subject to the following conditions;

   [i] This approval applies to the application as outlined above and may not be construed and authority to depart from any other legal prescriptions or requirements;

   [ii] The approval is further subject to the submission and approval, by the Knysna Municipality of a detailed site development plan prior to any building plans being approved;

   [iii] The application for the approval of the site development plan shall undergo a proper public participation process as prescribed in the
Knysna Municipality By-law on Municipal Land Use Planning (2016);

[iv] Relevant Augmentation levies and Capital Contributions shall be applicable and shall be determined by the Director: Technical Services;

[v] The property owner shall indicate on the site development the manner in which affected municipal services will be protected.

7. Closure

The Chairperson thanked everybody present for their contribution and the meeting concluded at 12:30.

-oOo-
7. MATTERS ARISING FROM THE MINUTES
MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER

8.1

P01/11/2016 ERF 7537 KNYSNA: PROPOSED REZONING AND DEPARTURE

REPORT FROM ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

To consider an application from Rosalind Gerber on behalf of the property owners, namely ANZOFIN (PTY) LTD (2015/397756/07), for the following:

a) Application in terms of Section 17 (1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Erf 7537, Knysna, from “Institutional 1” to “Educational” to allow for the High School (Heatherhill College) on the property.

b) Application in terms of Section 15 (1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the relaxation of the street building lines from 8m to 0,7m.

c) Application in terms of Section 15 (1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the relaxation of the building height from 8,0m to 9,0m.

The application is recommended for approval.

BACKGROUND

The application property is located in the Central Business District (CBD) of Knysna. The property is situated in corner of Metcalffle, Grahams and Queen Streets within the area characterised by mixed land uses. The locality map is attached as “Annexure A”.

The subject property measures approximately 1713 m² in extent. The property consists of consolidated erven 899, 900, 901 and 902 which forms Erf 7537, Knysna. The property is currently owned by ANZOFIN (PTY) LTD (2015/397756/07) under the Title Deed number T14349/2016.

The property is currently zoned “Institutional”. The property has been used as a Convent by the Roman Catholic Church nuns from 1930; until recently when the owners, The Bishop of the Diocese of Oudtshoorn of the Roman Catholic Church, sold the property to the ANZOFIN (PTY) LTD (2015/397756/07) (Heather Hill College).

A copy of the application which was submitted on May 2015, is attached as “Annexure B.”

Public Participation

Notices were sent by registered mail to 16 (Erven 7538, 4920, 935, 943, 895, 930, 904, 903, 905, 876, 3457, 879, 883, 885, 881, and 875) surrounding property owners and to the Knysna Rate Payers Association and the closing date was 27 June 2016. The applicant had taken the
application to the other three immediate surrounding properties and submitted the proof which was signed copies of the letters. Public notices appeared in the Action Ads and in the Provincial Gazette on the 26th and 27th May 2016 respectively with the closing date for public participation being the 27th June 2016. All documents relating to public participation are attached as “Annexure C”.

Results of public participation

Comments (Annexure D)

One objection was received from the following neighbor - Mrs E.I. Chinnery (owner of Erf 895). The summary of the objection is illustrated below:

a. Missing information on the notices sent.
b. Flooding on the Erf 895 - Mrs E.I Chinnery’s property

The applicant had after receiving the letter from Mrs E.I. Chinnery provided the objector with all missing information. The applicant had taken note of the storm water issues, requirements and suggestions from Mrs E.I. Chinnery. The following was carried out to mitigate the storm water issues:

- Maintenance work was done by applicant on Graham Street,
- Undertake to keep the level of the car-park below the retaining wall,
- Ensure that the fence is of lattice-type,
- Rocks to be loosely packed so as to escape Graham Street drain,

Following to this Mrs E.I. Chinnery (the objector) withdraw her objection. The Municipality had also unblocked storm water drains in Queen Street which solved the problem.

The application was further circulated to all relevant internal departments for comments and inputs. No objections or comments were received from the internal departments including the Aesthetics Committee as there is no proposed change to the existing structure.

The application

This application is for rezoning of the said property from “Institutional” to “Educational” for the purposes of the high school (Heather Hill College). This application also includes the departures, should the rezoning of the property from “Institutional” to “Educational” be approved, the current parameters do not conform to the proposed zoning. The departure applications for relaxation of the building height from 8,0m to 9,0m in order to accommodate the existing buildings and to relax the street building line on Graham and Queen Streets from 8,0m to 0,7m.

DISCUSSION

There are no title deed conditions that have a bearing on the application under consideration. Some of the first test for the desirability of a project is to measure it against the broader strategic context. In this regard the application can be evaluated against the Knysna Spatial Development Framework (KSDF2008), which is presently, the most relevant strategic document.

In terms of the 2008 Knysna Spatial Development Framework, the Basin is the Urban Hub and highest order settlement in the municipal area. Its role should remain of:
- Main service centre to settlement within the municipal area (Sedgefield, Karatara, Buffalo Bay, Rheenendal, Belvidere and Brenton);
- Focus of economic activity (tourism, leisure, 'low-key' industry, retail, services, etc);
- Hub of primary administrative and public service functions in the Municipality;
- Centre of central business and cultural activity in the Municipality;
- Primary area for significant residential development in the municipality.

In light of the above, it further stresses that significant municipal investment is required, and justified, in the above mentioned spheres. Investment must be focused towards developing Knysna to the extent that it fulfills this role. The proposed development seeks to fulfill this role by maintaining the public service functions.

Another test of desirability is whether the site is physical suitable for the type of proposed development. The site location for the proposed development is further discussed below in terms of its compatibility with the existing land uses.

The property is located within the Knysna Central Business District where a vast range of land use activities occur. These activities range from economical activities, residential, administrative, to institutional and etc. To be more exact, erf 7537 is located in "institutional node" where there a good mixture of different institutions i.e. Knysna High School, Frail Care Centre and Churches; sufficiently supported by mixed residential (Low impact residential – single residential to high impact residential – hotels, town houses and flats); and offices. The property is bordered by Metcalfe, Queen and Grahams Streets. The proposed Educational zone is compatible with the existing zones and uses within the area. The proposed zone will not be “out of character” within the area.

The existing 2 stories building is regarded as listed building with Heritage Western Cape. It is noteworthy that there are no proposed changes to the existing building. The proposed land use and zone will only change uses internal i.e. bedroom to classroom. Also architecturally, it conforms to the required style within the surrounding area.

The proposed facility (High School) will be operating using the existing developed footprints and facilities on the property. The respective building areas amount to ± 457m² overall. The areas comprises of school building, science laboratory, office, toilet, store / refuse, stoep and storeroom. The existing main structure is 9,0m; this is in contravention of the scheme requirement of the proposed zoning hence the application for relaxation of the height from 8,0m to 9,0m. The existing structures does not conform to the building lines of the proposed zone hence the application for the relaxation of the building lines from 0,8m to 0,7m. The table below illustrates the parameters for the existing zone (Institutional Zone) and the parameters for the proposed zone (Educational Zone).

<table>
<thead>
<tr>
<th>Parameters</th>
<th>Institutional</th>
<th>Educational</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor factor</td>
<td>At most 1.0</td>
<td>At most 1.0</td>
</tr>
<tr>
<td>Coverage</td>
<td>At Most 60%</td>
<td>At Most 60%</td>
</tr>
<tr>
<td>Height</td>
<td>At most 12m above natural ground level</td>
<td>At most 8m above natural ground level</td>
</tr>
<tr>
<td>Building Lines</td>
<td>Street 4,5m</td>
<td>8m</td>
</tr>
</tbody>
</table>
The applicant has provided the Traffic Statement based on the maximum of 70 (seventy) total students expected to enroll. The professional teachers employed are 6 (six) teachers and 4 (four) part time academic staff. The applicant has also done the analysis of the students’ backgrounds; where half of them are expected to walk to school from the Main Road. Some students are anticipated to use bicycles. Other students will be dropped off and picked up by parents. The drop off and pick up zone is being proposed at the Queen Street entrance. Also the site development plan depicts the 11 required parking as per number of expected students. The proposal was submitted to the Roads and Storm Water Department and no comment was received.

As discussed above under the results of public participation, the objection was not based on the proposed rezoning per se but rather on the structural engineering issues – i.e. storm water management. The applicant and objector were able to reach an agreement and solution. The objection was later withdrawn.

**FINANCIAL IMPLICATIONS**

N/A

**RELEVANT LEGISLATION**

Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1988).

**RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER**

[a] That the following correspondence be noted:
   (i) Locality Plan;
   (ii) Copy of Application;
   (iii) Documents relating to public participation;
   (iv) Objection from Mrs E.I. Chinnery;
   (v) Response from Applicant;
   (vi) Letter for withdrawing the objection from Mrs E.I. Chinnery.

[b] That **approval be granted** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Erf 7537 Knysna Division from “Institutional” to “Educational” in order to allow for a High School;

[c] That **approval be granted** in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure from the Knysna Zoning Scheme Regulations (1992) under the “Educational Zone” in order to allow the relaxation of the allowable height provision; from 8,0m to 9,0m in order to allow the existing structure.
That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure from the Knysna Zoning Scheme Regulations (1992) under the “Educational Zone” in order to allow the relaxation of the allowable street building lines from 8,0m to 0,7m.

That the reasons for Recommending for Approval, be noted:

i. No title deed restriction/s;
ii. No negative comment or objections received;
iii. No foreseeable negative impacts on traffic;
iv. Have the positive impact on the role of the town as identified in the 2008 Knysna Spatial Development Framework;
v. No negative impacts on listed Heritage building as there are proposed additions to the existing building;

That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):

[i] This approval refers to the proposals as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;
[ii] Capital contributions / augmentation fees towards services are to be calculated by the Director: Technical Services and be payable by the applicant;
[iii] Parking to be clearly marked on property as indicated on Site Development Plan,
[iv] All costs pertaining to the implementation of these conditions will be for the account of the developer.

File Number: 9/1/2/13
Execution: Acting Director : Planning and Development
PLANNING AND INTEGRATED HUMAN SETTLEMENT COMMITTEE MEETING

AGENDA

2 NOVEMBER 2016

Notice is hereby given in terms of Sections 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the undermentioned application has been received by the Municipal Manager and is open for inspection during office hours at Municipal Town Planning Offices, Old Main Building, 3 Church Street, Knysna (Tel: 044 302 6319) as well as the Knysna Town Library, Knysna. Any objections, with full reasons thereof, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday, 27 June 2016, quoting the above Ordinance and objector’s erf number and postal/sa-mail address. Kindly note that the application is also available on our website www.knysna.gov.za.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act, (Act 32 of 2000) that people who cannot write may approach the Municipal Town Planning Office at 3 Church Street, Knysna during normal office hours, where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

Applicant: Rosalind Gerber

Nature of application: Rezoning and Departure

1. Rezoning of Erf 7537, Knysna from “Institutional Zone 1” to “Educational Zone” in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) to set up a school or a place of instruction;

2. A departure in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the relaxation of the building line on Queen and Graham Streets, to accommodate the existing building on the property;

3. A departure in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) in order to deviate from the building height from 8.0m to 9.0m, to accommodate the existing building height.

File reference: 107537000
GRANT EASTON, MUNICIPAL MANAGER
27 May 2016

61335

LANEGEBERG MUNICIPALITY

PROPOSED CONSENT USE OF FARM NO 251, ROBERTSON

Applicant: Boland Plan

Properties: Farm No 251, Robertson

Owners: C Barnard

Size: 12.294 ha

Locality: ±10km North-East from Robertson

Proposal: Consent Use for second Additional Dwelling Unit

Existing zoning: Agricultural zone 1

Notice is hereby given in terms of Section 45 of the Langeberg Land Use Planning Bylaw (PN264/2015) that the above mentioned application has been received and is available for inspection during weekdays between 08:30 and 15:00 at the Town Planning Department at 3 Piet Retief Street, Montagu. Any written comments/objections may be addressed in terms of Section 50 of the said legislation to The Manager: Town Planning, 3 Piet Retief Street, Montagu, 6720 on or before 30 days from the date of publication of this notice, quoting your name, address or contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to Tracy Brunnings at 023 614 8000. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

[Notice no.: MK 44/2016]

SA MOKWENI, MUNICIPAL MANAGER, Municipal Offices, Private Bag X2, ASHTON, 6715
27 May 2016

61342

LANEGEBERG MUNICIPALITY

VOORVESTELDE VERGUNNINGSGEBRUIK VAN PLAAS NR 251, ROBERTSON

Aanroek: Boland Plan

Eiendomme: Plaas Nr 251, Robertson

Eiendomsrates: C Barnard

Groote: 12.2940 ha

Ligging: ±10km Noord-Oos van Robertson

Voorselt: Vergunningsgebruik vir tweede Addisionele Woning

Huidige sonering: Landbouse 1

Hiermee word kennis gegee: ingeval Artikel 45 van die Langeberg Verordening op Grondgebruiksplanning (PK264/2015) dat die boegsonee aanroek ontvang is en ter insee le gedurende weekdae tussen 08:30 en 15:00 by die Stadsbeeldplanningsdepartement te Piet Retief Street, Montagu, 6720 on of voor 30 dae vanaf die datum van plasing van hierdie kennisgewing en moet u naam, adres, kontak- boesoepoede, 'n verduidliking van u belang by die aanroek en redes vir beperking of oornemersinsuif, Telefoonnummers kan gereik word aan Tracy Brunnings by 023 614 8000. Die Muniopilitieig mag weë om kommentare te ontvang wat na die sluitingsdatum ingediend word. Enige persoon wat nie kan skryf nie sal deur een munisipale amptenaar bygestaan word om hulle kommentaar meer te skryf.

[Kenningig nr: MK 44/2016]

SA MOKWENI, MUNISIPALE BESTUURDER, Munisipale Kantone, Private Postbus X2, ASHTON, 6715
27 Mei 2016

61342
LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)

APPLICATION NUMBER: 1187, 107537000, 30 Queen Street, KNYSNA

Notice is hereby given in terms of Sections 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the under mentioned application has been received by the Municipal Manager and is open for inspection during office hours at: Municipal Town Planning Offices, Old Main Building, 3 Church Street, Knysna (Tel: 044 302 6319) as well as the Knysna Town Library, Knysna. Any objections, with full reasons thereof, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday, 27 June 2016, quoting the above Ordinance and objector’s erf number and postal/e-mail address. Kindly note that the application is also available on our website www.knysna.gov.za.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act, (Act 32 of 2000) that people who cannot write may approach the Municipal Town Planning Office at 3 Church Street, Knysna during normal office hours, where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

Applicant

ROSALIND GERBER

Nature of application

Rezoning & Departure

1. Rezoning of Erf 7537, Knysna from “Institutional Zone I” to “Educational Zone” in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) to set up a school or a place of instruction;

2. A departure in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the relaxation of the building line on Queen and Graham Street, to accommodate the existing building on the property;

3. A departure in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) in order to deviate from the building height from 8.0m to 9.0m, to accommodate the existing building height.

File reference: 107537000

GRANT EASTON
MUNICIPAL MANAGER
ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985
(ORDONNANSIE 15 VAN 1985)

AANSOEK NOMMER: 1187, 107537000, Queenstraat 30, KNYSNA

Kennis geskied hiermee ingevolge Artikel 15 in terme van die Grondgebruikbeplanning Ordonnansie (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en ter insae lê, gedurende kantoorure by: Munisipale Stadsbeplanning Kantore, Ou Hoofgebou, Kerkstraat 3, Knysna (Tel: 044 302 6319) asook die Knysna Dorp Biblioteek, Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Postbus 21, Knysna, 6570, ingedien word op of voor Maandag, 27 Junie 2016, met vermelding van bogenoemde Ordonnansie en beswaarmaker se ernsnummer en pos/e-pos adres. Neem asseblief kennis dat die aansoek ook op ons webwerf www.knysna.gov.za beskikbaar is.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaresse u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

Aanseoeker

ROsalind GERBER

Aard van Aansoek

Hersonering & Afwyking

1. 'n Hersonering van Erf 7537, Knysna vanaf "Institusionele Sone I" na "Onderneg Sone" in terme van Artikel 15 van die Grondgebruikbeplanning Ordonnansie, 1985 (Ordonnansie 15 van 1985) om voorsiening te maak vir 'n skool of plek van onderneg;

2. 'n Afwyking ingevolge Artikel 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) vir die verslapping van die boulyn aan die kant van Queen- en Grahamstraat a.g.v die posisie van die bestaande gebou op die erf.

3. 'n Afwyking ingevolge Artikel 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) vir die verslapping van die hoogte van die gebou van 8.0m to 9.0m a.g.v die hoogte van die bestaande gebou.

Leërverwysing: 107537000

GRANT EASTON
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6 July 2016.

MS ROSALIND GERBER

BY HAND.

Dear Ms Gerber,

REZONING APPLICATION – ERF 7537 KNYSNA

I refer to our recent discussion regarding your application.

I enclose a copy of my letter dated 16 June sent to the Municipality.

In response thereto you have now given me the missing pages, for which I thank you. I still don’t know what the annexures A1, A4 and A5 relate to, but in view of my decision not to oppose your application provided my concerns as set out in my letter to the Municipality are addressed, this is not significant.

My concerns are set out in the paragraphs marked d, e, f and g. You have indicated that you fully understand the position, and will take all reasonable and necessary steps to ensure that my concerns are properly attended to. This is much appreciated.

Kindly confirm your acceptance of the above by signing the copy of this letter.

Yours faithfully,

[Signature]

INGA CHINNERY

RECEIVED AND AGREED TO:

........................................

DATE:
Knysa Municipality
Municipal Manager

Collab Number: 416464
Application Number: 1187
Responsible Official: THWALA Z

Dear Sir

PROPOSED DEPARTURE AND REZONING APPLICATION: ERF 7537 KNYSNA

Thank you for your correspondence dated the 30 June. I have read the letter from Mrs Chinnery and have taken the following action:

- Supplied the missing pages of the registered letter to Mrs Chinnery this morning.
- I have taken note of the storm water issue and requirements. I attach photos of the maintenance work carried out on the Graham Street perimeter to this end.
- I undertake to keep the level of the car-park below the retaining wall; ensure that the fence is of a lattice-type construction; and that the rocks be loosely packed so that water can escape to the Graham Street drain. A letter to this effect will be drafted and signed by Mrs Chinber and myself.
- Also note that the storm water problem has been reduced since the Queen Street storm water drains were unblocked by the municipality a few weeks ago.
- Mrs Chinnery signed the consent letter in December 2015.

I trust that all is in order and that the application will proceed without further delay.

Yours faithfully,

ROSALIND GERBER

---

Heatherhill College

CAMBRIDGE International Examinations
Cambridge International School
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

AGENDA

2 NOVEMBER 2016

Graham Street.

Shared boundary
Loosely packed stone
19. **FURNISH A BRIEF DESCRIPTION OF THE MANNER IN WHICH THE FOLLOWING MUNICIPAL SERVICES WILL BE PROVIDED**

**NOTE:** Even if a full engineering report is submitted separately, an executive summary should still be provided here.

19.1 **Water:**

AS EXISTING BY KNYSNA MUNICIPALITY.

NO UPGRADE OF WATER SUPPLY SYSTEM REQUIRED.

19.2 **Sewerage:**

AS EXISTING BY KNYSNA MUNICIPALITY.

NO UPGRADE OF SEWER SYSTEM REQUIRED.

19.3 **Electricity:**

AS EXISTING BY KNYSNA MUNICIPALITY.

NO ADDITIONAL EL-CAPACITY REQUIRED.

19.4 **Stormwater:**

AS EXISTING BY KNYSNA MUNICIPALITY.

NO CHANGES TO LANDSCAPE OR ADDITIONAL BUILDINGS PLANNED.

19.5 **Refuse Removal:**

AS EXISTING BY KNYSNA MUNICIPALITY.

REFUSE AND RECYCLE BINS WILL BE LOCATED IN THE EXT. GARAGE/STORE.

(see SDP SCHEDULE plan for reference).
Collab Number: 416464  
Application Number: 1187  
Responsible Official: THWALA. Z

2016-06-30

Anzofin (PTY LTD)  
P.O. Box 3465  
KNYSNA  
6570

Dear Sir / Madam

PROPOSED DEPARTURE AND REZONING APPLICATION: ERF 7537 KNYSNA.

Your application dated 2016-01-22 in respect of the abovementioned property, has reference. Listed below please find copies of comments/objections from internal municipal departments received in response to your application:

ATTACHED LETTER:
1. Letter dated 16 June 2016 from Mrs E.I. Chinnery

Please submit your further comment, motivation or information with regard to matters raised in the above comments. Should you have no comment regarding the above, please advise us accordingly to enable this office to proceed with your application.

Kindly ensure that your response reaches this office on or before 2016 – 07 - 22 and if you should require additional information please do not hesitate to contact Miss Z. Thwala at 044 302 6368 during normal office hours.

Yours faithfully,

................................
G EASTON  
MUNICIPAL MANAGER  
/IZT

Cc Director: Corporate Services  
Building Control Officer  
Director: Technical Services  
Town Electrotechnical Services

Please address all correspondence to the Municipal Manager and quote the above reference  

P O Box 21 • Knysna • 6570 • Tel: 044 302 6300 • Fax: 044 302 6333 • E-mail: knysna@knysna.gov.za
Dear Sir,

REZONING APPLICATION – ERF 7537 KNYSNA

I am the registered owner of Erf 895 Knysna, corresponding to 18 Graham Street Knysna, and have owned that property for over 40 years.

My property is situated directly West of Erf 7537, and we share a common boundary.

I have received by Registered Post a copy of the above Rezoning Application. I place on record that the copy sent to me is incomplete in the following respects:

1. The letter from attorneys referred to in Sect B para 1 is not attached; ✓
2. The Power of Attorney referred to in Sect B para 3 is not attached; ✓
3. The Empowering Resolution referred to in Sect B para 5 is not attached; ✓
4. The Title Deed or Conveyancer’s Certificate referred to in Sect B para 6 is not attached; ✓
5. Page 3 is missing; ✓
6. Page 5 is missing; ✓
7. Page 11 is missing; ✓
8. Page 13 is missing; ✓
9. Page 15 is missing; ✓
10. The consent letters referred to in para 5 on page 18 are not attached; ✓
11. Page 19 is missing; ✓

Without a full and complete copy of the Application I am unable to comment on it fully, nor do I know whether what I did receive, read with what is missing as set out above, is complete, and accordingly I specifically reserve my rights to amplify this letter in whatever respects may be necessary within a period of 14 days after receipt by me of a complete set of documents.

The documents attached to the Application and marked “A4”, “A5”, and “A6” are not identified or referred to anywhere in the application as received by me. Perhaps there is reference to them on 1 or more of the missing pages above, but without this information I am likewise unable to deal with these annexures, and reserve my rights to do so as set out in the preceding paragraph.
Based upon the documents which I have received, I comment as follows:

a. In the 1990’s the then owner of Erf 7537, the Catholic Church, raised the level of part of the property (where the parking area is now) by a considerable distance;

b. This affected the direction of the gradient and my property was partly flooded on 2 occasions, causing warping damage to floor boards and rusting of supporting nails;

c. Following complaints from me and my late husband the Church erected a retaining wall on the western side of the parking area to deal with the problem;

d. To prevent any recurrence of this flooding it is imperative that the top of the retaining wall should always be higher than the parking area behind it;

e. The new fence recently erected on the southern side of the parking area should, as it now is, be of a lattice type construction in order to allow for the proper off flow of stormwater and prevent any flooding of my property;

f. During and after heavy rain the run off rushes down Metcalf Street and Queen Street and over the driveway of the property now owned by Heatherhill College (Erf 7537). This causes flooding of the yard, the water cascades down the steps and forms a large lake/pool in the area of the cut down oak tree.

g. The rocks must be loosely packed so as to allow this water to flow down the slope onto Graham Street and into the storm water drain.

I have discussed this situation with a representative of Heatherhill College (Wayne) to convey my concern. He has indicated that he understands the problem and has taken steps to alleviate it.

Whilst I do not wish to object unnecessarily to the proposed rezoning application, I insist that the Municipality, if it grants approval, must do so on the specific condition that the aspects raised in paragraphs d, e, f and g above are properly dealt with on an ongoing basis.

If this can be properly provided for, then, subject to my right to comment further once I have received a complete copy of the Application as set out above, I will be satisfied.

Kindly acknowledge receipt by signing the copy of this letter.

Yours faithfully,

MRS E. I. CHINNERY

LETTER RECEIVED: ............
DATE: ............

MUNISIPALITEIT / MUNICIPALITY
KNYSNA

2016-06-17

Action: Dk. P K
DO: ............
REZONING APPLICATION

ERF / ERVEN 7537
Please Indicate

KNYSNA
SEDGEFIELD
BRENTON
BELVIDERE
RHEENENDAL
KARATARA

PORTION ...... OF FARM .....................

IF OTHER, PLEASE SPECIFY

..............................................

REZONING OF PROPERTY(IES) FROM

INSTITUTIONAL ..............................................

TO

EDUCATIONAL ..............................................

DATE: 21/12/2015
INSTRUCTIONS TO ASSIST IN COMPLETION OF APPLICATION FORM

1. Note that this application form relates only to rezoning proposals which do not involve simultaneous subdivision of properties.

2. The whole application form must be accurately completed in ink, and any handwriting must be legible.

3. Where applicable, place an 'X' or similar mark in the relevant block only.

4. Where additional information is attached as an annexure, it must be clearly marked as to which subsection of the application form it relates to.

5. The application for rezoning, with all accompanying documentation, must be submitted to:

   The Chief Town Planner
   Knysna Municipality
   11 Pitt Street
   Knysna
   6570

6. **5 (five) complete copies** of the application and all accompanying documentation must be submitted. This includes 5 copies of the completed application form, as well as **5 (five) copies** of all engineering reports, motivation reports, maps, diagrams, etc., which form annexures to the application form.

7. Incorrect and / or incomplete application forms will be returned to the applicant forthwith, as processing of incomplete applications often result in delays in the system, which is unfair to those whose proposals have been properly prepared and motivated.

8. In cases where the application has to be referred to State Departments or other statutory authorities for comment prior to consideration thereof by the Knysna Town Council, and this has not yet been done by the applicant, he / she may be required to submit additional copies of the completed application form together with all annexures, for forwarding to such Departments / authorities.
9. Please ensure that the most up-to-date application fees are paid.

10. It is the responsibility of the applicant to ensure that correct, accurate and complete information is furnished with the application.

11. Kindly note that receipt of an application will be acknowledged in writing. Once so acknowledged, applicants should accept that consideration of the proposal will occur as soon as is practically possible. Personal visits and telephonic enquiries regarding progress will not "speed up" the process, and are not encouraged.

12. Note that it is not the function of municipal officials to complete the application form. Some assistance to clarify "minor uncertainties" can be given, but it is strongly recommended that property owners appoint suitably qualified consultants to act on their behalf.
SECTION A

PARTICULARS OF APPLICANT

1. FULL NAMES: ROSALIND GERBER

2. COMPANY / FIRM: (where applicable, e.g. ABC CONSULTANTS)
   ANZOFIN PTY (Ltd), REG. NO. 2015/397756/07

3. POSTAL ADDRESS:
   PO BOX 3465 ..............................................................................................................
   KNYSNA .........................................................................................................................
   6570 ................................................................................................................................

   .....................................................................................................................................
   .....................................................................................................................................

   NOTE: All correspondence will be directed to the above address

4. TELEPHONE NO.: 044 382 33 95

5. CELL NO.: 074 587 7662

6. FAX NO.:

7. EMAIL ADDRESS: hello@loli.co.za

8. BOND DETAILS

   8.1 Is the property encumbered by a bond?  YES  NO

   8.2 Is the Bondholder's consent attached?  YES  NO  N/A

   NOTE: If the property is encumbered by a bond, the consent of the bondholder to the application
   must be attached to this application.
PARTICULARS OF REGISTERED OWNER

NOTE: Where more than one property is involved in the application, this section should be completed separately for each property.

1. FULL NAME(S) OF REGISTERED OWNER(S):
   ANZOFIN PTY (Ltd) REG. NO. 2015/397756/07
   (Please see attached letter from attorneys)

2. IS THE APPLICANT THE (ONLY) REGISTERED OWNER OF THE PROPERTY CONCERNED?
   YES  NO

3. IS THE POWER OF ATTORNEY FROM THE REGISTERED OWNER(S) ATTACHED?
   YES  NO  N/A
   NOTE: [i] If the application is not made and signed by the registered owner, the power of attorney of the owner must be attached to this application.
   [ii] This is also applicable if the person who is applying is still in the process of obtaining the land unit.

4. IS THE REGISTERED OWNER A COMPANY OR SIMILAR BODY?
   YES  NO

5. IS A CERTIFIED COPY OF EMPOWERING RESOLUTION ATTACHED?
   YES  NO  N/A
   NOTE: If the registered owner is a company or similar body a properly certified resolution confirming consent to the application must be attached to this application.

6. A COPY OF THE MOST RECENT TITLE DEED IN RESPECT OF THE PROPERTY CONCERNED;
   OR
   A CONVEYANCER'S CERTIFICATE CONFIRMING THAT THERE ARE NO RESTRICTIVE TITLE CONDITIONS WHICH MAY AFFECT THE PROPOSAL, IS ATTACHED.
   YES  NO
   NOTE: A copy of either one or the other of the above must be attached.
SECTION C

DETAILS OF LAND UNIT

NOTE: Where more than one property is involved in the application, this section should be completed separately for each such property.

1. ERF NO. ERF 7537, KNYSNA

2. EXTENT OF PROPERTY 1713 M2 (One Thousand Seven Hundred and Thirteen Square Meter)

3. STREET NAME: QUEEN STREET

4. TOWNSHIP (e.g. Paradise, Hornlee, Central Town, etc.) CENTRAL TOWN

5. ARE THERE ANY SERVITUDES REGISTERED ON THE PROPERTY WHICH MAY AFFECT THE APPLICATION?

   YES   NO

6. IF THERE ARE ANY SUCH SERVITUDES, PROVIDE A BRIEF DESCRIPTION THEREOF:

   ..................................................................................
   ..................................................................................

7. IS IT PROPOSED THAT ANY NEW SERVITUDES BE REGISTERED AS PART OF THE APPLICATION?

   YES   NO

8. IF ANY SUCH SERVITUDES ARE PROPOSED, PROVIDE A BRIEF DESCRIPTION THEREOF:

   ..................................................................................
   ..................................................................................
SECTION D

DETAILS OF APPLICATION

1. BRIEF AND ACCURATE SUMMARY (NOT MOTIVATION) OF THE PROPOSAL:

1.1 PRESENT ZONING(S): INSTITUTIONAL

1.2 PROPOSED ZONING(S): EDUCATIONAL

1.3 EXISTING USE(S): CONVENT

1.4 PROPOSED USE(S): SCHOOL/PLACE OF INSTRUCTION

1.5 AMENDMENT OF THE REGIONAL STRUCTURE PLAN

   YES  |  NO

1.6 PRESENT DESIGNATION(S):

1.7 PROPOSED DESIGNATION(S):

1.8 ANY FURTHER COMMENTS:

- 4 -
2. DOES THE APPLICATION ALSO INVOLVE A SIMULTANEOUS:

2.1 Consolidation [combination] of more than one property?

If 'YES', briefly explain:

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<th>YES</th>
<th>NO</th>
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2.2 Application for a Departure [deviation] from the development restrictions [height, building lines, coverage, etc] which would normally be applicable to the property(ies) concerned?

If 'YES', briefly explain:

- BUILDING LINE RELAXATION FROM 8.0M TO 0.7M ON QUEEN AND GRAHAM STREET DUE TO THE POSITION OF THE EXISTING BUILDING ON THE ERF.
- DEVIATION OF BUILDING HEIGHT FROM 8.0M TO 9.0M DUE TO THE EXISTING BUILDING HIGHT.

2.3 Application for a Consent Use from the applicable Zoning Scheme which would normally be applicable to the property(ies) concerned?

If 'YES', briefly explain:

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<th>YES</th>
<th>NO</th>
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2.4 Application for removal / amendment of restrictive conditions of title applicable to the property(ies)?

If 'YES' or 'UNCERTAIN' briefly explain:

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<tr>
<th>YES</th>
<th>NO</th>
<th>UNCERTAIN</th>
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2.4.1 Has, in the case of a simultaneous application in accordance with 2.4 above, the application form prescribed by the Provincial Administration: Western Cape for removal / amendment of restrictive conditions of title been completed and forwarded to both the Provincial authorities as well as the Knysna Municipality?

| YES | NO |

2.5 Application for subdivision of the property(ies) concerned?

| YES | NO |

2.6 Does the proposed rezoning involve any of the following activities?

2.6.1 The construction or upgrading of:

(a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;
(b) nuclear reactors and facilities for the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuel and wastes;
(c) with regard to any substance which is dangerous or hazardous and is controlled by national legislation –
   (i) infrastructure, excluding road and rail, for the transportation of any such substance; and
   (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;
(d) roads, railways, airfields and associated structures;
(e) marinas, harbours and all structures below the high-water mark of the sea and marinas, harbours and associated structures on inland waters;
(f) above ground cableways and associated structures;
(g) structures associated with communication networks, including masts, towers and reflector dishes, marine telecommunication lines and cables and access roads leading to those structures, but not including above ground and underground telecommunication lines and cables and those reflector dishes used exclusively for domestic purposes;
(h) racing tracks for motor-powered vehicles and horse racing, but not including indoor tracks;
(i) canals and channels, including structures causing disturbances to the flow of water in a river bed, and water transfer schemes between water catchments and impoundments;
(j) dams, levees and weirs affecting the flow of a river;
(k) reservoirs for public water supply;
(l) schemes for the abstraction or utilization of ground or surface water for bulk supply purposes;
(m) public and private resorts and associated infrastructure;
(n) sewerage treatment plants and associated infrastructure;
(o) buildings and structures for industrial, commercial and military manufacturing and storage of explosives or ammunition or for testing or disposal of such explosives or ammunition.
2.6.2 The change in the use of land from:
   a) agricultural or zoned undetermined use or an equivalent zoning, for any other land use;
   b) use for grazing to any other form of agriculture use
   c) use for nature conservation or zoned open space to any other land use.

   YES  NO

If “YES”, stipulate the activity(s) (i.e. 2.6.1(e), 2.6.2(b), etc.):

   ........................................................................................................................
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NOTE: The abovementioned activities are subject to regulations promulgated in terms of the Environment Conservation Act, 1989 (Act 73 of 1989) and the National Environmental Management Amendment Act (No.56 of 2002).

2.7 If the answer to 2.6 above is “YES” has an application for authorisation in terms of Act 73 of 1989 been submitted to the Provincial Department of Environmental Affairs and Development Planning?

   YES  NO

If “YES”, indicate the date of submission, as well as the specific office (and responsible person) to which / whom it has been submitted:

   ........................................................................................................................
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3. **MOTIVATION FOR PROPOSAL:**

**NOTE:** Even if a full motivation report is submitted separately, an executive summary should still be provided here: The potential effect of the proposed new land use on the general environment and nearby properties and/or residents should be specifically addressed.

Heatherhill School (HHS) is one of the oldest independent schools in Knysna and is the oldest international curriculum provider on the Garden Route. HHS, originally established as a farm school, has been filling a gap in the Knysna community by providing quality education at affordable rates for 18 years. After many years of looking, Melrose House was earmarked as ideal premises due to a number of reasons:

- the proximity to town,
- the historical provision of educational services in the immediate vicinity and the building itself (it was used as an instructional Convent for young children in the 1930’s)
- the food gardens which are central to the HHS ethos whereby the students will actively engage in Environmental Programmes and food security programmes,
- the proximity to staffing resources,
- the proximity to the telephone exchange for the supply of fast internet,
- no building or renovations are required to meet capacity.

Using the premises for education has been welcomed by the residents in the area. The Churches and old age homes will benefit from the food gardens. The Roman Catholic Church, the seller and neighbor, interviewed the school before making the decision to sell Melrose House. The residents will now have a viable alternative choice of schooling for their children.

Residents have expressed their gratitude for the renovations and restoration of the old building as well as the installation of various security measures which now deter vagrants from using the grounds. It is the character of the building that is especially appealing and as custodians of this chapter of Knysna’s history we will endeavor to maintain the air of charm associated with the area.

Most of the ervens on Metcalfe Street are already zoned educational as is erf 2724 which is a block away. A move from the existing zoning of institutional to educational should have no additional impact on neighbors, services, and the environment. A point of note is that erf 879 has recently been rezoned from educational to institutional in effect negating the impact of this application in the immediate vicinity.

The three streets bordering the property are quiet and the volume of traffic that HHS will generate will be negligible considering the volume that Knysna High already generates. HHS starts 15 minutes after Knysna High thereby reducing the peak traffic flow. Most of our teachers also have staggered starting times and therefore do not add to peak congestion.

Knysna High has open grounds in the block above Melrose House as well as a block away. We already have a good reciprocal agreement with Knysna High in terms of using their sports fields and we hope in the future to be able to use the grounds for the development of sports programmes for HHS.

The variety of uses for which the current institutional zoning provides could place a far greater demand on utilities than a small school. A reformatory, for example, would need to provide residential facilities all year round. A school is effectively only using services for 40 weeks of the year and does not operate during peak tourist season. Nor does a school need to provide shower and bathing facilities thus impacting far less on water usage.

The following charts represent the various modes of transport employed by our students; those students who make use of vehicles are further broken down into the times of drop off and times of collection.

- 8 -
Of the 14 students who use vehicles to school, there are two families who have 3 and 2 students respectively and thus 5 of these students make use of two vehicles.
Our current student numbers can be expected to triple. We are making application to host 60 students at our campus without making infrastructure alterations. Most of our students are "on-line" students and never actually visit the campus.

It is the on-line students that have become the main thrust of Heatherhill School and to this end we believe that approval of this facility will firmly place Knysna as an innovative and technologically astute hub. The facility is able to provide employment to a wide range of people. Certain job descriptions are suitable for remote employment and thus suitably qualified people may be able to work from home.

Heatherhill School currently employs two kitchen and cleaning staff; and two garden and handyman staff. 11 teachers are currently employed and HHS makes extensive use of other services provided by local businesses and contractors. HHS has a strict policy of employing local firms where ever possible.

HHS looks forward to emerging as a valuable member of the community.
4. **LOCALITY PLAN ATTACHED?**

   **NOTE:** A locality plan, a zoning plan and a land use plan must be attached to this application, and should clearly identify the property/properties in respect of which the application is being made as well as the cadastral boundaries and Erf numbers of all other registered properties in the general area concerned.

5. **ZONING PLAN ATTACHED?**

   **NOTE:** The zoning plan should clearly reflect the current zonings of all properties in the general area concerned.

6. **LAND USE PLAN ATTACHED?**

   **NOTE:** The land use plan should clearly reflect the actual land use of all properties in the general area concerned.

7. **PROPOSED SITE DEVELOPMENT PLAN ATTACHED?**

   **NOTE:** A site development plan, clearly indicating all existing and proposed structures on the property(ies) under consideration, proposed parking, landscaping, elevational treatment of buildings, etc. will facilitate consideration of the application, and may in certain cases, depending on the scale and nature of the proposed rezoning, even be a compulsory requirement.

8. **ARE THERE ANY EXISTING MUNICIPAL SERVICES (WATER, STORMWATER OR SEWERAGE, ELECTRICITY CABLES, ETC.) WHICH ARE NOT CURRENTLY PROTECTED BY SERVITUDES ON THE PROPERTY(IES) CONCERNED?**

   If ‘YES’, briefly explain:

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9. **ARE ANY PORTIONS OF THE PROPERTY(IES) INVOLVED, STEEPER THAN A GRADIENT OF 25% (1:4)?**

   **YES**  **NO**

10. **HAS A CONTOUR PLAN BEEN SUBMITTED?**

    **NOTE:** If any portion is steeper than 25%, a contour plan as well as a contour analysis, clearly indicating those areas steeper than 1:4, must be attached to this application.
11. **ARE ANY PORTIONS OF THE PROPERTY(IES) INVOLVED:**

- SITUATED BELOW THE 1 IN 50 YEAR FLOODLINE?
  - YES [ ] NO [ ]
- SUBJECT TO FLOODING?
  - YES [ ] NO [ ]
- SITUATED IN A NATURAL DRAINAGE COURSE?
  - YES [ ] NO [ ]
- SITUATED IN A WETLAND AREA?
  - YES [ ] NO [ ]

12. **IF THE ANSWER TO ANY OF THE QUESTIONS IN 11 ABOVE IS "YES", PROVIDE BRIEF DETAILS IN THIS REGARD, INCLUDING MITIGATING MEASURES TO BE IMPLEMENTED, IF ANY:**

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13. **ARE THERE ANY PROTECTED TREE SPECIES IN TERMS OF THE NATIONAL FORESTS ACT (1989) ON THE PROPERTY(IES) CONCERNED?**

   YES [ ] NO [ ]

   **NOTE:** If there are, the location of these trees must be clearly indicated on the site development plan.

14. **WILL DEVELOPMENT, INCLUDING INSTALLATION OF SERVICES OR CONSTRUCTION WORK, AS A RESULT OF THE PROPOSED REZONING REQUIRE SUBSTANTIAL EARTHWORKS AND / OR REMOVAL / DISTURBANCE OF INDIGENOUS VEGETATION?**

   YES [ ] NO [ ]

   **If 'YES', briefly explain, and include mitigating measures to be implemented, if any:**

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- 12 -
15. IS / ARE THE PROPERTY(IES) SITUATED ALONG OR WITHIN 95m OF A PROVINCIAL OR NATIONAL ROAD OR IS ACCESS PROPOSED FROM ANY OF THESE ROADS?
   If 'YES'; indicate clearly on relevant plan(s).
   [YES][NO]

16. IS / ARE THE PROPERTY(IES) CONCERNED SITUATED IN A SENSITIVE NATURAL ENVIRONMENT (CLOSE PROXIMITY TO AND / OR EFFECT ON THE KNYSNA ESTUARY, SWARTVLEI, Groenvlei, ANY RIVER, OCCURRENCE OF INDIGENOUS FAUNA AND / OR FLORA, VISUAL SENSITIVITY, ETC.)?
   If 'YES'; explain briefly:
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17. IS / ARE THE PROPERTY(IES) CONCERNED, OR ANY STRUCTURE(S) SITUATED ON IT / THEM:
   - DECLARED AS A NATIONAL MONUMENT, OR LISTED IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT (NO. 25 OF 1999)?
     [YES][NO]
   - DECLARED AS A NATURAL HERITAGE SITE?
     [YES][NO]
     OR
   IS / ARE ANY STRUCTURE(S) OR PORTION(S) THEREOF ON THE PROPERTY(IES) CONCERNED IN EXCESS OF 60 YEARS OF AGE?
     [YES][NO]

18. IF THE ANSWER TO ANY OF THE QUESTIONS IN 17 ABOVE IS "YES", PROVIDE BRIEF DETAILS IN THIS REGARD, AND INDICATE ON THE SITE DEVELOPMENT PLAN, WHERE APPROPRIATE:
   MAIN BUILDING A, IS A HERITAGE BUILDING WITH OCCUPANCY IN 1860. OUTBUILDINGS B, C, D, E, F, G ARE OLDER THAN 60 YEARS OF AGE (see attached SDP plan for reference)
19. Furnish a brief description of the manner in which the following municipal services will be provided

**Note:** Even if a full engineering report is submitted separately, an executive summary should still be provided here.

19.1 Water:

As existing by Knysna Municipality.

No upgrade of water supply system required.

19.2 Sewerage:

As existing by Knysna Municipality.

No upgrade of sewer system required.

19.3 Electricity:

As existing by Knysna Municipality.

No additional EL-capacity required.

19.4 Stormwater:

As existing by Knysna Municipality.

No changes to landscape or additional buildings planned.

19.5 Refuse Removal:

As existing by Knysna Municipality.

Refuse and recycle bins will be located in the Ext. Garage/Store.

(see SDP Schedule plan for reference)
PARTICULARS OF CONSULTANT

1. WERE ANY PROFESSIONAL CONSULTANTS INVOLVED IN THE PREPARATION OF THIS APPLICATION?

   YES  |  NO

   NOTE: Where applicable this section should be completed separately for each consultant. If no consultants were used this fact must be indicated with a line through Section E.

2. FULL NAME OF CONSULTANT:
   SANDRO MAAG

3. NAME OF COMPANY/FIRM: (Where applicable, e.g. ABC Consultants)
   BROMAG ARCHITECTS PTY (Ltd)

4. CURRENT POSITION IN COMPANY / FIRM:
   DIRECTOR

5. QUALIFICATIONS / RELEVANT FIELDS OF EXPERIENCE / PROFESSIONAL AFFILIATIONS, ETC.:
   SACAP  6015 Pr Arch
   SAIA    7248 MI Arch

6. CONTRIBUTION TO THE STUDY:
   SDP PLANS

   - 15 -
7. CONTACT DETAILS OF CONSULTANT

POSTAL ADDRESS:

PO BOX 444

KNYSNA

6570

NOTE: Should any correspondence be required to the consultant it will be directed to the above address.

TELEPHONE NO.: .................................................................

CELL NO.: 084 404 4111

FAX NO.: .................................................................

EMAIL ADDRESS: sandro@bromag.co.za........................................
## SECTION F

### DETAILS OF CONSULTATION AND / OR SCOPING PROCESS

1. **HAS THIS APPLICATION BEEN DISCUSSED WITH ANY REPRESENTATIVE OR RESPONSIBLE OFFICIAL OF THE KNYSNA MUNICIPALITY OR ANY OTHER AUTHORITY PRIOR TO SUBMISSION THEREOF?**  
   _YES_  _NO_

2. **IF IT HAS BEEN DISCUSSED, PROVIDE IN A SEPARATE SCHEDULE BRIEF DETAILS IN THIS REGARD UNDER THE FOLLOWING HEADINGS:**
   - Name of Official / Representative
   - Rank / Position
   - Authority / Organisation
   - Date of Discussion
   - Manner of Discussion (telephonic / meeting / correspondence etc.)
   - Issues raised and discussed

3. **HAS A COPY OF THIS APPLICATION BEEN MADE AVAILABLE TO ANY AUTHORITY OTHER THAN THE KNYSNA MUNICIPALITY?**  
   _YES_  _NO_

   *If 'YES', provide the name and address of such authority(ies) and the date of submission to it / them.*

<table>
<thead>
<tr>
<th>Name of Authority</th>
<th>Date Submitted</th>
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**NOTE:** Proof of submission to this Authority (registered postal notice or acknowledgement of receipt by the Authority), as well as a copy of the covering letter to this Authority, must be attached to this application.

4. **WAS IT A STIPULATION OF ANY OTHER AUTHORITY THAT THE APPLICATION SHOULD BE ADVERTISED FOR COMMENT IN TERMS OF ANY OTHER LEGISLATION?**  
   _YES_  _NO_

   *If 'YES', detail in this regard should be attached separately.*
5. HAS THE PROPOSAL BEEN DISCUSSED WITH ANY INTERESTED / AFFECTED PROPERTY OWNERS / TENANTS OR INTERESTED / AFFECTED COMMUNITY ORGANISATIONS (E.g. Ratepayers Organisations, Street Committees, Wildlife Society, etc.)?

If 'NO', briefly explain why not:

If 'YES', provide details (in a separate schedule if necessary) of the persons, and / or organisations involved and summarize the outcome of the discussions (attach written comments of such persons / organisations where possible):

SEE ATTACHED NEIGHBOURS CONSENT LETTERS ......................

- 18 -
SECTION G

APPLICATION FEES

1. See current schedule of fees.

2. Please include proof of payment of the application fees with the application.
DECLARATION

I, ROSALIND GERBER.................................................................

(FULL NAMES AND SURNAMES OF APPLICANT)

HEREBY CERTIFY AS FOLLOWS:

- THAT THE INFORMATION APPEARING IN THIS FORM IS CORRECT AND ACCURATE;
- THAT THE INFORMATION APPEARING IN THE ANNEXURES TO THIS FORM IS CORRECT AND ACCURATE;
- THAT I UNDERSTAND THE APPLICATION.

SIGNATURE OF APPLICANT: .............................................................

DATE: 21/12/2015

--oOo--
RESOLVED THAT:

At a meeting held at Knysna on the 17th December of the year 2015.

1. An application be submitted to the Knysna Municipality for Approval of the Site Development Plan on the property ERF 7537 Knysna

2. R Gerber be and hereby authorized to sign all necessary documentation and papers to enable the above applications to be proceeded with.

CERTIFIED TRUE COPY

Chairperson of the meeting

Witnessed

1. [Signature]

2. [Signature]
ENZOFIN (PTY) LTD

REZONING OF ERF 7537, KNYSNA FROM INSTITUTIONAL TO EDUCATIONAL

17th December 2015

[Signature]

Telephone 0822664729

The undersigned being the registered property owner of Erf Number 895 Knysna, have

A No Objection ☐

B Objection ☐

to the rezoning application of erf 7537 from institutional to educational.

(If B, please state reasons

__________________________________________________________

Signed

[Signature]

Date

Knysna 17/12/2015
ENZOFIN (PTY) LTD

REZONING OF ERF 7537, KNYSNA FROM INSTITUTIONAL TO EDUCATIONAL

17th December 2015

PIETER VAN HAUDEN

Telephone 044 392 1439

The undersigned being the registered property owner of Erf Number 904 Knysna, have

A  No Objection  ☑

B  Objection  ☐

to the rezoning application of erf 7537 from institutional to educational.

(If B, please state reasons

______________________________________________________________)

Signed

[Signature]

Date

17/12/2015
ENZOFIN (PTY) LTD

REZONING OF ERF 7537, KNYSNA FROM INSTITUTIONAL TO EDUCATIONAL

17th December 2015

Michelle Faure

Telephone 044 382 1212

The undersigned being the registered property owner of Erf Number 903 Knysna, have

A No Objection ✓

B Objection □

to the rezoning application of erf 7537 from institutional to educational.

(If B, please state reasons

_________________________________________________________________________

_________________________________________________________________________

Signed

Michelle Faure

Date

14/12/15
COMPANY RESOLUTION FOR
ANZOFIN (PTY) LTD
Reg No 2015/397756/07

RESOLVED THAT:

At a meeting held at Knysna on the 17th December of the year 2015.

1. An application be submitted to the Knysna Municipality for Approval of the Site Development Plan on the property ERF 7537 Knysna

2. R Gerber be and hereby authorized to sign all necessary documentation and papers to enable the above applications to be proceeded with.

CERTIFIED TRUE COPY

[Signature]

Chairperson of the meeting

Witnessed

1. [Signature]

2. [Signature]
ENZOFIN (PTY) LTD

REZONING OF ERF 7537, KNYSNA FROM INSTITUTIONAL TO EDUCATIONAL

17th December 2015

EYKE INSA CHINNERY

Telephone 044 822 66 4729

The undersigned being the registered property owner of Erf Number 895 Knysna, have

A No Objection □
B Objection □

to the rezoning application of erf 7537 from institutional to educational.

(If B, please state reasons)

__________________________________________

Signed

[Signature]

Date

Knysna 17/12/2015
ENZOFIN (PTY) LTD

REZONING OF ERF 7537, KNYSNA FROM INSTITUTIONAL TO EDUCATIONAL

17th December 2015

PIETER VAN HAUDELIN

Telephone 044 382 1289

The undersigned being the registered property owner of Erf Number 904 Knysna, have

A No Objection ☑

B Objection ☐

to the rezoning application of erf 7537 from institutional to educational.

(If B, please state reasons)

_____________________________________________________________

Signed

_____________________________________________________________

Date

17/12/2015
ENZOFIN (PTY) LTD

REZONING OF ERF 7537, KNYSNA FROM INSTITUTIONAL TO EDUCATIONAL

17th December 2015

[Signature: Michelle Faure]

Telephone 044 3621212

The undersigned being the registered property owner of Erf Number 903 Knysna, have

A No Objection ✔

B Objection □

to the rezoning application of erf 7537 from institutional to educational.

(If B, please state reasons

__________________________________________)

Signed

[Signature: Michelle Faure]

Date

18/12/15
POWER OF ATTORNEY
(REGISTERED OWNER'S CONSENT FORM)

I/we, __________________________
(name(s) of registered owner(s))

registered owner(s) of the following property(ies):

Erf 7537, Knysna

(property description(s))

wish to certify that authority is hereby granted to

Rosalind Gerber

(applicant's name)

in terms of the resolution enclosed herewith (applicable if land owner is a registered company / close corporation, trust or other juristic person), to apply for *

- removal / suspension / amendment of restrictions
- rezoning
- consent / conditional use
- departure (temporary / permanent)
- subdivision / subdivision exemption
- site development plan approval / amendment
- amendment of conditions
- township establishment
- other (please specify)

in respect of the above-mentioned property(ies) to enable it to be developed / utilised for the following purpose(s):

Provision of educational services

(proposed purpose(s) / development)

(* please delete whichever not applicable).

The undersigned therefore nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representative / agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

Owner's name: __________________________

Owner's signature: __________________________ Date: 23/12/2015

Power of Attorney proforma doc 28-09-2006

66 | Page
POWER OF ATTORNEY
(REGISTERED OWNER'S CONSENT FORM)

I/we, .................................................................
(nam(s) of registered owner(s))

registered owner(s) of the following property(ies):

Erf 7537, Knysna

(properly description(s))

wish to certify that authority is hereby granted to

Rosalind Gerber
(applicant's name)

in terms of the resolution enclosed herewith (applicable if land owner is a registered company / close corporation, trust or other juristic person), to apply for *

- removal / suspension / amendment of restrictions
- rezoning
- consent / conditional use
- departure (temporary / permanent)
- subdivision / subdivision exemption
- site development plan approval / amendment
- amendment of conditions
- township establishment
- other (please specify);

in respect of the above-mentioned property(ies) to enable it to be developed / utilised for the following purpose(s):

Provision of educational services

(proposed purpose(s) / development)

( * please delete whichever not applicable).

The undersigned therefore nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representative / agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

Owner's name: .................................................................

Owner's signature: ................................................................. Date: 23/12/2015

Power of Attorney proforma.doc 28-09-2006
CERTIFICATE OF CONSOLIDATED TITLE

Issued under the provisions of Section 40 of the Deeds Registries Act No. 47 of 1937

WHEREAS THE BISHOP OF THE DIOCESE OF OUDTSHOORN OF THE ROMAN CATHOLIC CHURCH has applied for the issue to him of a Certificate of Consolidated Title under the provisions of Section 40 of the Deeds Registries Act 1937; and
WHEREAS The Bishop of the Diocese of Oudtshoorn of the Roman Catholic Church is the registered owner of:

1. ERF 899 KNYSNA
   in the Municipality and Administrative District of Knysna
   in the Province of the Western Cape;
   HELD by Deed of Transfer No. T 46533/2000

2. ERF 900 KNYSNA
   in the Municipality and Division of Knysna
   in the Province of the Western Cape;
   HELD by Deed of Transfer No. 3604/1934

3. ERF 901 KNYSNA
   in the Municipality and Division of Knysna
   Province of the Western Cape;
   HELD by Deed of Transfer No. T2455/1930

4. ERF 902 KNYSNA
   in the Municipality and Division of Knysna
   Province of the Western Cape;
   HELD by Deed of Transfer No. T2455/1930

which have been consolidated into the land hereinafter described;

NOW THEREFORE, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Cape Town do hereby certify that the said

THE BISHOP OF THE DIOCESE OF OUDTSHOORN OF THE ROMAN CATHOLIC CHURCH

or Assigns is the registered owner of

ERF 7537 KNYSNA
in the Municipality and Administrative District
of Knysna
Province of the Western Cape

IN EXTENT: 1 713 (ONE THOUSAND SEVEN HUNDRED AND THIRTEEN) square metres

AS WILL APPEAR from annexed Diagram S.G. No. 1894/92
1. SUBJECT, insofar as the figure Avwx on aforesaid Diagram S.G. No. 1894/92 is concerned to such conditions as are referred to in Deed of Transfer No. T199 dated 25 August 1849.

2. SUBJECT insofar as the figure vByw on aforesaid Diagram S.G. No. 1894/92 is concerned, to such conditions as are referred to in Deed of Transfer No. 3151 dated 7th April 1902.

3. SUBJECT insofar as the figure wyCz on aforesaid Diagram S.G. No. 1894/92 is concerned, to the conditions contained in Deed of Transfer No. 3151 dated 7th April 1902.

4. SUBJECT insofar as the figure xwzD on aforesaid Diagram S.G. No. 1894/92 is concerned, to such conditions as are referred to in Deed of Transfer No. 11241 dated 29th November 1921.

AND THAT, by virtue of these presents the said

THE BISHOP OF THE DIOCESE OF OUDTSHOORN OF THE ROMAN CATHOLIC CHURCH

or Assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however reserving its rights.

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

THUS DONE AND SIGNED at the Office of the Registrar of Deeds at CAPE TOWN on 12 June 2000

REGISTRAR OF DEEDS
APPLICATION IN TERMS OF SECTION 40 OF THE DEEDS REGISTRIES ACT NO. 47 OF 1937

I, the undersigned, EDWARD ROBERT ADAMS, in my capacity as the Bishop of the Diocese of Oudtshoorn of the Roman Catholic Church and duly authorised thereto by

THE BISHOP OF THE DIOCESE OF OUDTSHOORN OF THE ROMAN CATHOLIC CHURCH

do hereby apply to the Registrar of Deeds at Cape Town for the issue to THE BISHOP OF THE DIOCESE OF OUDTSHOORN OF THE ROMAN CATHOLIC CHURCH of a Certificate of Consolidated Title in respect of the following property:

1. ERF 899 KNYSNA
   in the Municipality and Administrative District of Knysna, Province of the Western Cape;
   IN EXTENT: 428 (FOUR HUNDRED AND TWENTY-EIGHT) square metres
   HELD by Deed of Transfer about to be registered

2. ERF 900 KNYSNA
   in the Municipality and Division of Knysna, Province of the Western Cape;
   IN EXTENT: 428 (FOUR HUNDRED AND TWENTY-EIGHT) square metres
   HELD by Deed of Transfer No. 3604/1934
3. ERF 901 KNYSNA
in the Municipality and Division of Knysna,
Province of the Western Cape;
IN EXTENT:  428 (FOUR HUNDRED AND TWENTY-EIGHT) square metres
HELD by Deed of Transfer No. T2455/1930

4. ERF 902 KNYSNA
in the Municipality and Division of Knysna
Province of the Western Cape;
IN EXTENT:  428 (FOUR HUNDRED AND TWENTY-eight) square metres
HELD by Deed of Transfer No. T2455/1930

now described as:

ERF 7537 KNYSNA
in the Municipality and Administrative District
of Knysna
Province of the Western Cape;
IN EXTENT:  1713 (ONE THOUSAND SEVEN HUNDRED AND THIRTEEN) square metres
AS WILL APPEAR from Diagram S.G. No. 1894/92

DATED at OUDTSHOORN this 22 day of DECEMBER 1999.

AS WITNESSES:

1. ...........................................
2. ...........................................

...........................................
...........................................
MEMO TO EXAMINERS

1. See Jones fourth Edition re the General Clause and Pivot deed system, pages 110 and 111.


SIGNED at GEORGE this 16th May 2000.

CONVEYANCER – H S BOSMAN
BLACK-BOOKING ENQUIRY ON NAME - CENTRAL PREFECTURE OF SOUTH AFRICA
ID NUMBER -
BIRTH DATE - 0
MARITAL STATUS -
MAIDEN NAME -
TYPE OF PERSON - ADMINISTRATORS

PERSON HAS NO CONTRACTS/INTERDICTS

*** END OF REPORT ***
PROVINCE WESTERN CAPE

PREV DESCRIPTION

DIAGRAM DEED NO T386/8/860

EXTENT 428 SQM

CLEARANCE KNYSNA MUN

NO INTERDICTS

NO DOCUMENTS

OWNER DETAILS

FULL NAME & SHARE CENTRAL PREFECTURE OF SOUTH AFRICA

PURCHASE DATE  T2455/1930

AMOUNT/REASON  C326

O/P/A IDENTITY

TITLES DEED

MMDD

MICROFILM REF

* O/P/A - 0 - MULTIPLE OWNER  P - MULTIPLE PROPERTY  A - MULTIPLE OWNER AND PROPERTY

*** END OF REPORT ***
BLACK-BOOKING ENQUIRY ON NAME - PREFECT APOSTOLIC OF CAPE PROVINCE

ID NUMBER -

BIRTH DATE - 0

MARITAL STATUS -

MAIDEN NAME -

TYPE OF PERSON -

PERSON NAME AND ID

---------------------------------------------------------------------------------------------------------------------

CONTRACTS/INTERDICTS

PRETEND APOSTOLIC OF CAPE PROVINCE

I-2639/1982C-29007/94B
I16/1962SN-T15680/94B
I6602/1978C-T29007/94B
I6602/1978C-T29007/94B

* * * END OF REPORT * * *

hand per me

Tiecks 0
PLANNING AND INTEGRATED HUMAN SETTLEMENT COMMITTEE MEETING

AGENDA

2 NOVEMBER 2016

| PROPERTY DETAILS PRINT FOR PORTION | 0 |
| ERF NO | 900 |
| TOWNSHIP | KNYSNA |
| REG DIV | NOT AVAILABLE |

| PROVINCE | WESTERN CAPE |
| PREV DESCRIPTION | |
| DIAGRAM DEED NO | T374/8/860 |
| EXTENT | 428 SQM |
| CLEARANCE | KNYSNA MJW |

| NO INTERDICTIONS |

| NO DOCUMENTS |

OWNER DETAILS

| FULL NAME & SHARE | PURCH DATE | AMOUNT/REASON | O/P/A IDENTITY | TITLE DEED | MM/DD | MICROFILM REF |
| PREFECT APOSTOLIC OF CAPE PROVINCE | | | | T3604/1934 | 0508 |

* O/P/A – O – MULTIPLE OWNER P – MULTIPLE PROPERTY A – MULTIPLE OWNER AND PROPERTY

*** END OF REPORT ***
van Waart Pawson & Maree

PLANNING AND INTEGRATED HUMAN SETTLEMENT COMMITTEE MEETING

AGENDA

2 NOVEMBER 2016

BEACON DESCRIPTIONS

A, C, D ........ 12mm iron peg
B ........ 12mm iron peg in concrete sloop

COMPONENTS

1. The figure Avwx represents Erf 899 Knysna vide diagram No. 1893/992 annexed to D/T No.

2. The figure vByw represents Erf 902 Knysna vide diagram No. 584/1860 annexed to D/T No. 1860-8-386

3. The figure wyCz represents Erf 901 Knysna vide diagram No. 586/1860 annexed to D/T No. 1860-8-387

4. The figure xwzD represents Erf 900 Knysna vide diagram No. 632/1860 annexed to D/T No. 1860-8-374

SCALE 1:750

The figure A B C D represents 1713 square metres of land being Erf 7537 KNYSNA (and comprises the properties as specified above situate in the Municipality and Administrative District of KNYSNA Province of the Cape of Good Hope. Surveyed in February 1992

by me

(R.J.KOHLER) LAND SURVEYOR

This diagram is annexed to No. 00046534/2000 d.d. 00001206/2000 i.f.o. Registrar of deeds

The original diagram's are as quoted above.

Transfer
Grant
E.E.F.

File S/4587/16/25 S.R. E 484/92 G.P.-NS. (3034) Comp.AM-1AA/X33 (703)
Erf 7537
Traffic Statement

1. Our Historical Demographics
   Our current demographics at 35 pupils is divided into a third being from poorer backgrounds, a third being from middle class backgrounds and a third being from wealthier backgrounds. Currently we have about 10 pupils coming in by mini bus being dropped in the main road or at the taxi rank. 12 pupils either walking or cycling in, 3 pupils who travel in with the teachers and 10 pupils who come in cars, with 2 of them being siblings.

2. Our Target Market
   Although we are an Independent School we have nominal rates and expect our demographics to remain relatively unchanged. We are expecting about 40 pupils in January 2016 and can anticipate growth. We would like to base our application on a maximum of 70 students.

3. Staffing
   Currently we have only 6 full time staff. Three of whom walk or commute by public transport. The other three use their own cars and at the start of next year this will remain the same. We have 4 part time academic staff with vehicles who will require parking and 4 consulting tutors who work occasionally and require parking. As we grow to 70 students we can expect an additional 2 full time staff.

4. Expected Traffic Load
   At a maximum of 70 pupils we expect 25 pupils to use mini-bus taxis to Main Street and taxi rank. We expect about 15 to be walking or by bicycle and about 30 dropped by car during the morning. Currently the load is spread over about 45 minutes as we open from 07h15 and classes only start at 08h00. Some pupils will leave at 14h00 to go home while others do sport or extra classes until 16h00 so the pick-up times are extended.

5. Parking Requirements
   Of the 6 to 8 full time staff, we will need to provide parking for at least 6 vehicles. The part-time academic staff will in total require 2 parking places at any one time. Thus the total requirement for staff parking will be 8 bays. We have provided for 11 parking bays on the SDP.

6. Drop-off Zone
   We propose to direct the parents along Queen Street in a northerly direction and to drop students on Queen Street after which they may turn left along Metcalfe Street and left into Long Street where they can enter town via the traffic lights on the corner of Main and Long Streets. There is no through fare along Queen Street and is Queen Street is devoid of traffic through the day. There are no property access points along the Metcalfe Street border and subsequently the exit route will not disrupt any access to property.
TO WHOM IT MAY CONCERN

Dear Sirs

TRANSFER: THE BISHOP OF THE DIOCESE OF OUDTSHOORN OF THE ROMAN CATHOLIC CHURCH/ANZOFIN (PTY) LTD
PROPERTY: ERF 7537 KNYSNA

We hereby confirm that our firm is in the process of transferring the above property from the Roman Catholic Church to Anzofin (Pty) Ltd.

Yours faithfully

LOGAN - MARTIN INC.

J DE VILLIERS

Logan – Martin Inc • Reg No 1996/001331/21 • Val No 4040186096
20 Woodmill Lane Centre, Main Street Knysna 6571
P.O. Box 6 Knysna 6570
Docex 4 Knysna

Tel: +27 (0)44 382 1115
Fax: +27 (0)44 382 5582
E-Mail patricia@loganmartin.co.za

Directors:
Peter Martin BA LLB (Appraiser) • Gerald Logan B Juris LLB • Delon Barnard B Comm LLB
• Jacques de Villiers B Proc (Dip Auctioneering) • Office Manager: Annetta Smit
Dear Sirs

TRANSFER: THE BISHOP OF THE DIOCESE OF OUDTSHOORN OF THE ROMAN CATHOLIC CHURCH/ANZOFIN (PTY) LTD
PROPERTY: ERF 7537 KNYSNA

We hereby confirm that our firm is in the process of transferring the above property from the Roman Catholic Church to Anzofin (Pty) Ltd.

Yours faithfully,
LOGAN - MARTIN INC.

[Signature]
J.DE VILLIERS

Logan – Martin Inc • Reg No 1995/001331/21
• VAT No 4040189096
20 Woodmill Lane Centre,
Main Street Knysna 6571
P.O. Box 6 Knysna 6570
Doeax 4 Knysna

Tel: +27 (0)44 382 1115
Fax: +27 (0)44 382 5582
E-Mail patricia@loganmartin.co.za
REPORT FROM THE ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

To consider an application from HL & JA Van Oordt in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law (2008) for the consent of Council to erect a 1,8m high street boundary fence in lieu of 1,2m as indicated on Drawing No. 394/04 drawn by Shane Van Blerk dated February 2016. This application is recommended for approval.

BACKGROUND

Erf 3664, Sedgefield (hereinafter referred to as “the property”) is situated on 8 Tasman Street Cola Beach, Sedgefield and is accessed via Tasman Street. A locality map is attached as “Annexure A”.

The property is zoned “Single residential” and is currently utilised for residential purposes and located in a residential area. The current application, a copy of which was submitted on 08 March 2016, is attached as “Annexure B”.

The property measures 918m² in extent and it is currently owned by H L & J A van Oordt under the Title Deed number T16180/1997. There are no restrictive conditions contained in the title deed that can hinder this application.

DISCUSSION

Public Participation Registered letters were sent by the Town Planning Department to possible affected neighbours (Erven 3665, 3663, 3598, 3596 and 3597, Sedgefield); a Mailing list to this regard is attached as Annexure C.

The application was simultaneously circulated to all relevant internal departments for their comments and input. In response to the public participation process one objection were received. The objections came from Mr K. Olivier as per email dated 20 May 2016, attached as Annexure D.

The applicant’s response, dated 24 May 2016, is attached as Annexure E. The objector states that he understands the need for security which the applicant is trying to achieve by the erecting the 1.8m fence, however, is of opinion that the owners right to install security measures should not jeopardize the general esthetics of the surrounding area.

The applicant is of opinion that a galvanized palisade fence will not look esthetically pleasing, and would support this application on condition that the palisade section not exceed 1.2m and
that columns be built in between palisade sections. In response to the letter of objection the applicant stated that the application has nothing to do with aesthetics, but is for the increase of height from 1.2m to 1.8m.

The applicant makes mention of the fact that there are no minimum requirement of guidelines that can allow the municipality with a reference to establish what is acceptable in terms of aesthetics and therefore the type of fence should not be questioned. The applicant mentions the fact the surrounding development areas also make use of palisade fencing and that the recommendation that the objector made is not affordable to owner at this point. Contrary to the objector, the applicant is of the view that the proposed fence is reasonably attractive and will thus not be detrimental to the appearance of the surrounding properties.

In conclusion, the applicant states that it is their view that the proposed fence will in fact improve their security. In summary, this application is submitted in order to allow a higher than permitted boundary fence along the street boundary.

The Knysna Municipality’s Fencing and Fences By-law (2008) govern the height of street boundary walls or fences within the Knysna municipal area at 1.2m above natural ground level. It is for this specific reason that an application is required if property owners are desirous of erecting higher than permitted walls or fences. Judging from the increasing number of applications that the administration receives from property owners requesting approval for higher walls or fences, it is clear that there is growing number of property owners who associate higher boundary walls and fences with improved security. It therefore comes as no surprise that applicant has submitted an application to relax applicable regulations in order to achieve a similar objective.

Whilst the municipality has taken a position that higher street boundary walls or fences should not be permitted and that this position has found expression in the Knysna Municipality’s Fencing and Fences By-law (2008) the municipality has also acknowledged that a room for compromise can be made that accommodates the perceptions of the general public regarding safety whilst upholding the municipality’s responsibility to maintain the aesthetic integrity of the town’s streetscapes. To this end the municipality has on many occasions taken a position to allow street boundary walls or fences with a maximum of 1.8m in height provided that the fences in question, from a height of 1.2m above natural ground level consist of a least open or decorative materials which allow visual connectivity between the public and the private space along movement corridors.

This is not only visually gratifying to the general public, it also improves surveillance and could potentially discourage and avert criminal behavior. In dealing with this proposal it is important to point out that if the applicant required a 1.2m high boundary fence, there would have been no need to submit a town planning application and, in other words, there would have been no need for the application to go out for public participation. This means that the application could have constructed any type of fence in any colour and the surrounding property owners would have had no say in terms of what the implication would have been from a visual perspective. In other words, if the applicant could have had a boundary fence on the boundary of the property in question therefore, it serves no purpose discussing the concerns relating to these aspects.

The discussion therefore will be limited to the height of the fence since it is also the reason that triggered this application. There is no reason for this department to believe that the proposed
fence will constitute a visual offense on surrounding property owners, this being due the subjective nature of what is considered aesthetically acceptable and what is considered to be so. In all fairness this department, being mindful of the need for the residents of Cola Beach to enjoy the benefits of a sense of improved security as well as being mindful of the surrounding property owner’s view in respect of whether the proposed fence should be allowed or not, is not of the opinion that the proposed fence lacks desirability in any manner.

Departmental Comments (Annexure F):

Technical Services: Roads & Stormwater: No objection to fence height. The gate must be set back to at least 4,5m from the edge of the road.

Water & Sewer: *No objection.

Electricity: *No objection;

Environmental Management: No objection, may need comments from Cola Conservancy.

Building Control : Supported.

FINANCIAL IMPLICATIONS

This approval will have no financial implications.

RELEVANT LEGISLATION

Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1988).
Knysna Municipality’s Fencing and Fences By-law (2008).

RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:
   [i] Copy of the applicant’s motivation dated 03 March 2016 and 17 June 2016;
   [ii] Objection letter from Koos Olivier dated 20 May 2016;
   [iii] Applicant’s response to comments dated 24 May 2016;
   [iv] Comments from internal departments dated 24 May 2016;

[b] That, approval be granted in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law (2008) for the consent of Council to erect a 1,8m high street boundary fence in lieu of 1,2m as indicated on Drawing No. 398/044 drawn by Thomson Van Blerk dated February 2016;

[c] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):
   [i] This approval applies to the application as outlined above and may not be construed as authority to depart from any other legal prescriptions or requirement;
   [ii] Building plans of the proposed fence must be submitted for scrutiny and approval prior to any construction work being undertaken;
[iii] The height of the boundary fence shall be limited to 1.8m above natural ground level;

[iv] The gate must be set back to at least 4.5m from the edge of the road;

[v] The property owner shall take responsibility for ensuring compliance with all conditions of approval; and

[vi] This approval does not exempt the applicant from the provisions of any act.

APPENDIX / ADDENDUM

Annexure A - Locality Map
Annexure B - Application
Annexure C - Mailing list
Annexure D - Objection
Annexure E - Response
Annexure F - Internal comments

File Number: 9/1/2/13
Execution: Acting Director: Planning and Development
1. **APPLICATION IS HEREBY MADE FOR THE FOLLOWING** (tick applicable box)

   a) **Consent use** in terms of the relevant Zoning Scheme conditions for a:
   - i. Second Dwelling Unit (in a Single Residential Zone) or an Additional Dwelling (in a residential Zone 1);
   - ii. Place of Entertainment (in a Business Zone);
   - iii. Professional Use (in a General Zone);
   - iv. Other use (as specified) ..........................................................; and /or

   b) **Departure** (for an alteration of the conditions in respect of a particular Zone) in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance (No 15 of 1985) for the relaxation of the:
   - i. Lateral (side) building line(s) from ............m to ..............m; and /or
   - ii. Rear building line from .............m to ............m; and /or
   - iii. Street building line from .............m to .............m; and /or
   - iv. Coverage factor from ...........% to ...........%; and /or
   - v. Building height restriction from ............m to .............m; and /or
   - vi. Street boundary wall / fence height restriction from ........1,2m to ........1,8m; and /or
   - vii. Other zoning scheme condition(s) (as specified) ..................................................; and /or

2. **ERF DETAILS**

   Erf No.: 3664
   Sedgefield
   Buffalo Bay
   Brenton
   Belvidere
   Ptn......... of Farm No...........

   Area / extent of the erf: ........918........m²;
   Zoning of the erf: ..........SINGLE RESIDENTIAL..........

   The street / farm's address is ..........8 TASMAN STREET COLA BEACH SEDGEFIELD..........

   As detailed on the attached Drawings No:......398/4...........dated:........FEB 2016..........

   In respect of a Second Dwelling Unit, the floor area of the main dwelling is ..................m² and that of the second dwelling is ..................m²;

3. **MOTIVATION**

   Submit a separate page addressing all the relevant issues contained in instruction No.2 of the application form (see back of this page for assistance).

4. **I hereby confirm that**:

   a) there are no restrictive Title Deed conditions which may affect the application
   b) there are restrictive Title Deed conditions which affect the application and a second application in terms of the Removal of Restrictions Act (No 84 of 1967) is attached.

5. **I require the proposal to be advertised / notices sent to the affected neighbours in the prescribed manner, for my account;**
   a) I have obtained the written comment of the affected owners and attach originals thereof.
   b) The property is not bonded.

6. **I hereby confirm that the information furnished is correct, accurate and complete:**

   **PLEASE SEND ANY QUERIES/NOTIFICATIONS TO SHANE VAN BLERK**

   **KNYSN@MUNICIPALITY**

   **OWNED OF THE PROPERTY / APPLICANT WITH POWER OF ATTORNEY IF NOT THE OWNER**

   **NAME: H L & J A VAN OORDT**:  
   **POSTAL ADDRESS**: c/o PO BOX 1564, WIL 6538  
   **TELEPHONE**: 044 8831071 **FAX**: 0767677919 **SIGNATURE**: ............

   **DATE**: 15/02/2021

   **THE APPLICATION FORM IS TO BE FILLED IN COMPLETELY AND CORRECTLY IN ORDER TO BE CONSIDERED FOR PROCESSING.**
<table>
<thead>
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<th>ERF</th>
<th>Name/Address</th>
<th>Type</th>
<th>Registration</th>
<th>Address</th>
<th>Text</th>
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<td>PD DU PLESSIS PO BOX 1043 SEDGEFIELD 6573</td>
<td>INSURED PARCEL</td>
<td>PA 459 910 585 ZA</td>
<td>A BOOK COPY</td>
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<tr>
<td>3663</td>
<td>JUDSON P PO BOX 4030 DAINFERN 2055</td>
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<tr>
<td>3597</td>
<td>G LLOYD PO BOX 65114 ERASMUSRAND 0165</td>
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"Annexure C"
Dear Mr Mqhele

Your department’s letter dated 20 April 2016 with the above reference numbers, refers.

My client, Aloma Trust – registered owner of Erf 3596, Sedgefield wish to put in writing that they have understanding for the need to secure property, but at the same time feel that the character of the area should not be jeopardised. It is the opinion that the fencing policy was introduced for amongst others this particular reason. These galvanised steel fences have become very common in urban areas in particular and there is a real concern that blanket approval of such fences would not have a positive impact on the general aesthetics of the area.

In lieu of the above, my client will support the application for an increase of the permitted 1,2m height restriction pertaining to street boundary walls to 1,8m, but recommends the following:

1. Palisade sections not to exceed 1,2m, i.e. footing to be provided.

2. Built columns to be provided in-between palisade sections.

The above will limit the visual impact of the steel sections whilst providing the owners of the property with the security sought. It is trusted this comment will be taken into consideration in the assessment of the application.

Koos Olivier for Aloma Trust (Erf 3596)

Atlas Stadsbeplanning / Town Planning
(t) 021 801 7446
(f) 08666 85601
Hi Shane

Please regard this as the official acknowledgment of receipt of your comments in respect of the above mentioned application. I will make sure to forward your comments to the objector for her response prior to a decision being taken.

Regards

STEWARD MQHELE TOWN PLANNER
P O Box 21, Knysna. 6570, Western Cape. South Africa
Tel +27 (0)44 302 6301 (switchboard) or 302 6339 (direct)
Fax +27 (0)86 590 6758 e-mail smqhele@knysna.gov.za

From: "van blerk" <netvanblerk@telkomsa.net>
To: "Steward MQhele" <smqhele@knysna.gov.za>, "Hennie Smit" <hsmit@knysna.gov.za>
CC: <koos@atlasplanning.co.za>, <gerhard@genset.co.za>, "Harry van Oordt" <pm@cpco.co.za>
Date: 24-May-16 5:13 PM
Subject: Re: Comments/objection received for Erf 3664, Sedgefield

hello Steward,

Thanks for notifying me about the comment on the proposed 1.8m high palisade fence on erf 3664 Sedgefield.

This comment is not relevant in terms of the departure application for the following reasons:

1. My clients' application has nothing to do with aesthetics, but is for the increase of the 1.2m height restriction to 1.8m.
   In his comment, the representative of the owner of the vacant erf 3596 Sedgefield seems to find the height of 1.8m acceptable.

2. There is no restriction in the area regarding palisade type of fencing. Cola Sands, an upmarket development just nearby on Dover Drive is enclosed with palisade fencing, as is the large house on Dover / Coral Reef corner and many others in the area.

3. Whilst my clients appreciate that the owner of erf 3596 Sedgefield is entitled to his aesthetic views, the recommended alternatives proposed are not affordable to my clients, who are entitled to erect a fence that suits their budget and is generally accepted aesthetically.

I would ask that the owner of erf 3596 Sedgefield withdraws his comments because any objection means the application is referred to Council, and may result in a delay in approval of as much as a year. And that would mean the property is unsecured, or has to be fenced with galvanised wire fencing & razor wire [or similar, which do not need approval] in order to protect it.
Hi Shane

Your application dated 08 March 2016 in respect of the above mentioned property, has reference. Attached please find copies of comments/objections received in response to your application.

Please submit your further comment, motivation or information with regard to matters raised in the above comments. Should you have no comment regarding the above, please advise us accordingly to enable this office to proceed with your application.

Kindly ensure that your response reaches this office on or before Friday 20 June 2016.

Regards

STEWARD MQHELE TOWN PLANNER
P O Box 21. Knysna, 6570. Western Cape. South Africa
Tel +27 (0)44 302 6301 (switchboard) or 302 6339 (direct)
Fax +27 (0)86 590 6758 e-mail smqhele@knysna.gov.za

From: "Koos Olivier (Atlas Town Planning)" <koos@atlasplanning.co.za>
To: "Steward Mqhele" <smqhele@knysna.gov.za>
CC: "Gerhard Esterhuysen" <gerhard@genset.co.za>
Date: 20-May-16 8:13 AM
Subject: Erf 3664, Sedgefield (Application 1227 / Collab No: 432696)

Dear Mr Mqhele

Your department’s letter dated 20 April 2016 with the above reference numbers, refers.

My client, Aloma Trust – registered owner of Erf 3596, Sedgefield wish to put in writing that they have understanding for the need to secure property, but at the same time feel that the character of the area should not be jeopardised. It is the opinion that the fencing policy was introduced for amongst others this particular reason. These galvanised steel fences have become very common in urban areas in particular and there is a real concern that blanket approval of such fences would not have a positive impact on the general aesthetics of the area.
In lieu of the above, my client will support the application for an increase of the permitted 1,2m height restriction pertaining to street boundary walls to 1,8m, but recommends the following:

1. Palisade sections not to exceed 1,2m, i.e. footing to be provided.
2. Built columns to be provided in-between palisade sections.

The above will limit the visual impact of the steel sections whilst providing the owners of the property with the security sought. It is trusted this comment will be taken into consideration in the assessment of the application.

Koos Olivier for Aoma Trust (Erf 3596)

Atlas Stadsbeplanning / Town Planning
(t) 021 801 7446
(f) 08666 85601
### Review Feedback on Land Use Application and Formulate Response

<table>
<thead>
<tr>
<th>Land Use File</th>
<th>425185, Sedgefield, Erf 203664000, 1227</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task Ref</td>
<td>903755</td>
</tr>
<tr>
<td>From</td>
<td>Ricardo Pedro</td>
</tr>
<tr>
<td>Due Date</td>
<td>19-04-2016</td>
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<tr>
<td>Date Assigned</td>
<td>16-03-2016 10:12</td>
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<tr>
<td>Comment Reponse In Date</td>
<td>2016-05-24</td>
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<tr>
<td>General Instruction</td>
<td>NOTICES TO THE FF: ERVEN 3665, 3663, 3598, 3596 &amp; 3597 SEDGEFIELD</td>
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<tr>
<td>Application Number</td>
<td>1227</td>
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<tr>
<td>Land Use File Name</td>
<td>Sedgefield, Erf 203664000, 1227</td>
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<tr>
<td>Application Date</td>
<td>2016-03-08</td>
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<td>Application Type</td>
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<td>Application Suburb</td>
<td>Sedgefield</td>
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<tr>
<td>Applicant Name</td>
<td>H L &amp; J A Van Oordt</td>
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<td>LAND UNIT DETAIL</td>
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<tr>
<td>Erf/Farm Number</td>
<td>203664000</td>
</tr>
<tr>
<td>Street Address Number</td>
<td>8</td>
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<tr>
<td>Street Address Town</td>
<td>Sedgefield</td>
</tr>
<tr>
<td>Area (m²)</td>
<td>918.00</td>
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<tr>
<td>Title Deed Number</td>
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<tr>
<td>Title Deed Date</td>
<td>2016-05-24</td>
</tr>
</tbody>
</table>

### INTERNAL DISTRIBUTION

- Application Review Date: 2016-04-19
- Comments from Traffic: No objection. May need comments from Cola Conservancy.
- Comments from Financial Services: No objection. ECONOMIC
- Comments from Corporate Services: No objection.
- Comments from Community Services: No objection.
- Comments from Environmental Services: No objection.
- Comments from Housing: No objection.
- Comments from Technical Services Directorate: ROADS & STORMWATER: *No objection to fence height. The gate must be set back to at least 4,5m from the edge of the road. WATER & SEWER: *No objection. ELECTRICITY: *No objection.
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

AGENDA

2 NOVEMBER 2016

Feedback History

<table>
<thead>
<tr>
<th>Feedback User</th>
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<td>Seretse Mthembu</td>
<td>24-05-2016 16:00</td>
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Reallocated Tasks

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<th>Date</th>
<th>Reallocated</th>
<th>Reallocation Note</th>
</tr>
</thead>
</table>

Task Note

Note

Back
8.3

REPORT FROM THE DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT:

To consider an application from Delarey Enrico Ferreira, on behalf of Alaine Trust IT66/2010 who is the property owner. The Trust duly represented by Alton Errol Bunge and Julaine Bunge for the following:

d) Application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure in order to relax a northern main street building line from 4.5 to 0m to accommodate the existing building and,

e) In terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a rezoning from “General Residential” to “Business” on Erf 3550, Knysna, in order to allow the retention of the existing use of buildings on the property for purposes of Nursery and Country Store.

The application is recommended for approval.

BACKGROUND

The subject property is located at 77 Main Street which is located south of the Main Street towards the western side of Knysna Business District, situated 40m from the junction of Main Street with Waterfront Drive. The property is situated within the Urban Conservation Area. The extent of the Erf is approximately 2184m². The property is registered under the name of Alaine Trust, under the Title Deed number T69646/2011. The property is zoned “General Residential” in terms of the Knysna Zoning Scheme Regulations (1992). A locality map is attached as Annexure A.

The application area is commonly known as “Chameleon Nursery and Country Store” and is currently used as outdoor nursery and country store. The country store retails within the fabric of the main building while the nursery utilises outside space.

This application, a copy of which is attached as Annexure B, was submitted on 18 April 2014.

Public Participation

Public participation was undertaken by means of registered mail and press notices. In that regard notices were sent by registered mail to twenty-eight (28) interested and affected parties, the rate-payers association and to all relevant internal and external departments and statutory bodies for comments. The notices were sent on the 11th March 2014. Public notices appeared in the Action Ads and in the Provincial Gazette on the 13th March 2014 with the closing date for
public participation being the 14th April 2014. All documents relating to public participation are attached as Annexure C.

The application was further circulated to all relevant internal departments for comments and input. A number of comments and recommendations were recorded from departments but none constituted an objection.

Results of public participation

An objection was received from Department of Western Cape Government: Transport and Public Works (Road Network Management), a copy of objection is attached as Annexure D.

From the assessment of the objection, the Department is concerned about the access but it does not provide the grounds and reasons for their objections. It only refers and agrees to the content and approval conditions from Departure Approval letter dated 08 August 2013 (Attached as Annexure E). Main Road N2 falls within the Proclaimed Road that means the Western Cape Government Department of Transport and Public Works (Road Network Management) is the only approving authority.

The applicant’s response addressing comment and objection, dated 19 May 2014, is attached as Annexure F.

The application

This application is effectively for a departure in order to relax a northern main street building line from 4,5m to 0m to accommodate the existing building and for a rezoning from “General Residential” to “Business” in order to allow the retention of the existing use of buildings on the property for purposes of Nursery and Country Store.

It has been noted that the applicant had erroneously applied for the relaxation of the building line. If the Council grants the approval for rezoning to Business, 0m street building is free entry zoning rights. The applicant would have to be refunded for their application fee for relaxation.

Discussion

It is worthy to note that prior this Rezoning and Departure application, the Council had previously approved the temporary use departure to operate a country store on an Erf 3550 Knysna, being zoned General Residential (Annexure E). During advertisement period, no negative responses from the affected parties were received. In an attempt to regularise the existing use in the property, the applicant, following the advice of a Town Planning Department has submitted the rezoning and departure application in order to be able to continue to utilise the property as the Nursery and Country Store.

It has been noted that there is currently an existing mixed use pattern within the vicinity of the area. The proposed rezoning from “General Residential” to “Business” zone of the property will not be introducing a new trend but will be in consistent with the mixed use trend of the vicinity of the area; i.e. 3 - storey higher density apartment blocks (General Residential), a service station (Service Station), a school (Educational), a 3 - storey classic vehicle display / show room or sales (Business) and various forms of tourist accommodation (Single Residential). The mixed
uses increase convenience in town and revive the traditional neighbourhood for live, play and work concepts, therefore it is encouraged for city living.

It is worthy to note that the structure, as it is, conforms to the Urban Conservation Area Guidelines, which aim to promote sensitive and appropriate architecture in historic areas in and around Knysna, and to discourage intentional neglect or destruction of the town’s built heritage. The structure on Erf 3550 Knysna is older than 60 years of age. Then building is included in the inventory of listed buildings.

The Knysna Spatial Development Framework 2008 stresses the importance of safety along the Main road and comprehends the issue that currently exists i.e. “conflicting movement functions also exist in Knysna town centre, where the N2 (a significant mobility route) goes through the centre of town along the Main Street (an integrating route). Both the mobility and integration functions of Main Street are significantly compromised, resulting in major traffic congestion as trucks pass through the town, as well as impacting on pedestrian ease of movement and safety as a result.” This safety could be further compromised by negligently approving development without harmonizing the development and safety. Therefore, the Trotter Street plays a major role for harmonizing the proposed rezoning of the property. Also the Municipal SDF comprehends the issue of pedestrian movement to be implemented along main road.

The proposed rezoning to “Business” conforms to the existing development parameters of the “Business” zone. Refer to the table below.

<table>
<thead>
<tr>
<th>Development Parameters</th>
<th>Knysna Zoning Scheme Regulations</th>
<th>Existing Development on Erf 3550</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Factor</td>
<td>At Most 1.0</td>
<td>0,11</td>
</tr>
<tr>
<td>Coverage</td>
<td>At Most 100%</td>
<td>10,5%</td>
</tr>
<tr>
<td>Height</td>
<td>12m above natural ground level (10m – Conservation Zone)</td>
<td>2 storey (7.5m)</td>
</tr>
<tr>
<td>Building Lines</td>
<td>Street Building Line:4.5m</td>
<td>0m</td>
</tr>
<tr>
<td></td>
<td>Side &amp; Rear Building Lines: 0m</td>
<td>26m along the eastern and 4m along the western boundary.</td>
</tr>
<tr>
<td>Parking</td>
<td>1bay per 25m2 of the building area floor space dedicated to operations</td>
<td>231m2 of operational floor space = 10 parking bays</td>
</tr>
</tbody>
</table>

In terms of Section 36 of LUPO, the proposed rezoning is desirable because of the following reasons:

- It is in line with Municipal 2008 KSDF (Knysna Spatial Development Framework);
- The proposed rezoning does not have the negative impact on the surrounding properties;
- Proposed rezoning, existing structures and existing land uses conform to the Urban Conservation Area Guidelines.
- The proposed rezoning and the land use is in consistent with the land use in the area.
FINANCIAL IMPLICATIONS

N/A.

RELEVANT LEGISLATION

Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1988).

Departmental Comments

Comments: Technical Services

WATER & SEWER:
- No objection in terms of water and sewer.

ROADS & STORMWATER:
- No objection.

Comments: Electro-technical Services

- Any electrical services encountered will be relocated at the cost of the applicant. The applicant is to ensure that there is access to property for meter reading purposes;
- The erf will be limited to one electrical service connection which may not be split into two 30 amp electrical supplies and will be metered by only one meter (no shared supply);
- The electricity meter will be of the split prepayment meter type;
- The erf is also limited to the existing electrical supply;
- Capital Contribution fees as well as costs to upgrade the MV and LV electrical network will be payable by the applicant should an increase in electrical capacity be required for the erf;
- Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;
- Load Switch Accommodation is required and it will be wired in accordance to the Electrical Department’ specification and the switch will be purchased by the applicant;
- Low energy lamps are to be used in all fittings.
- The second dwelling must also have a Council Load Relay fitted irrespective of the water heating device. This relay is to be purchased from Council by the applicant. CFL lamps are to be used in all fittings if advantageous.

Comments: SANRAL

- No comment.

Comments: Building Control

- No objection.
Comments: Environmental Management
- No objection.

Comments: Western Cape Department of Transport and Public Works
- Objects but agrees to the condition impose by Traffic Chief: “All vehicular access to this property to be obtained from Trotter Street”.
- the Department objects unless the vehicular access off Proclaimed Main Road 2 is permanently closed with material similar to the existing fence in that vicinity.

RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:
   [i] Copy of the applicant’s motivation dated February 2014;
   [ii] Public participation;
   [iii] Copy of the objection dated 13 March 2014;
   [iv] Departure Approval dated 08 August 2014;

[b] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Erf 3550 Knysna Division from “General Residential” to “Business” in order to allow the retention of the existing use of buildings on the property for purposes of Nursery and Country Store,

[c] That the Applicant be refunded the Departure Fee as they had erroneously applied for it;

[d] That the decision to be forwarded to Western Cape Government: Department of Transport and Public Works (Road Network Management), subject to:

   i. The lateral building line minimum is maintained for unrestricted access in case of an emergency;
   ii. Parking bays are to be clearly marked as per the site plan submitted with the application;
   iii. No additional structure to be built on this erf for the purpose of the proposal;
   iv. All vehicular access to this property to be obtained from Trotter Street.
   v. Vehicular access off Proclaimed Main Road 2 is permanently closed with material similar to the existing fence.
   vi. Any electrical services encountered will be relocated at the cost of the applicant. The applicant is to ensure that there is access to property for meter reading purposes;
   vii. The Erf will be limited to one electrical service connection which may not be split into two 30 amp electrical supplies and will be metered by only one meter (no shared supply);
   viii. The electricity meter will be of the split prepayment meter type;
   ix. The Erf is also limited to the existing electrical supply;
   x. Capital Contribution fees as well as costs to upgrade the MV and LV electrical network will be payable by the applicant should an increase in electrical capacity be required for the Erf;
xi. Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;

xii. Load Switch Accommodation is required and it will be wired in accordance to the Electrical Department’ specification and the switch will be purchased by the applicant;

xiii. Low energy lamps are to be used in all fittings.

xiv. The second dwelling must also have a Council Load Relay fitted irrespective of the water heating device. This relay is to be purchased from Council by the applicant. CFL lamps are to be used in all fittings if advantageous.

File Number: 9/1/2/13
Execution: Acting Director : Planning and Development
Annexure A – Locality Map
Annexure B – Application
TOWN PLANNING AND ENVIRONMENT DEPARTMENT

REZONING APPLICATION

ERF/ERVEN: 3550

Please indicate

KNYSNA
SEDGEFIELD
BRENTON
BELVIDERE
RHEENENDAL
KARATARA

PORTION ...... OF FARM

IF OTHER, PLEASE SPECIFY

REZONING OF PROPERTY(IES) FROM

General Residential

TO

Business

DATE: 28 February 2014
INSTRUCTIONS TO ASSIST IN COMPLETION OF APPLICATION FORM

1. Note that this application form relates only to rezoning proposals which do not involve simultaneous subdivision of properties.

2. The whole application form must be accurately completed in ink, and any handwriting must be legible.

3. Where applicable, place an 'X' or similar mark in the relevant block only.

4. Where additional information is attached as an annexure, it must be clearly marked as to which subsection of the application form it relates to.

5. The application for rezoning, with all accompanying documentation, must be submitted to:

   The Chief Town Planner
   Knysna Municipality
   11 Pitt Street
   Knysna
   6570

6. 5 (five) complete copies of the application and all accompanying documentation must be submitted. This includes 5 copies of the completed application form, as well as 5 (five) copies of all engineering reports, motivation reports, maps, diagrams, etc., which form annexures to the application form.

7. Incorrect and / or incomplete application forms will be returned to the applicant forthwith, as processing of incomplete applications often result in delays in the system, which is unfair to those whose proposals have been properly prepared and motivated.

8. In cases where the application has to be referred to State Departments or other statutory authorities for comment prior to consideration thereof by the Knysna Town Council, and this has not yet been done by the applicant, he / she may be required to submit additional copies of the completed application form together with all annexures, for forwarding to such Departments / authorities.
9. Please ensure that the most up-to-date application fees are paid.

10. It is the responsibility of the applicant to ensure that correct, accurate and complete information is furnished with the application.

11. Kindly note that receipt of an application will be acknowledged in writing. Once so acknowledged, applicants should accept that consideration of the proposal will occur as soon as is practically possible. Personal visits and telephonic enquiries regarding progress will not “speed up” the process, and are not encouraged.

12. Note that it is not the function of municipal officials to complete the application form. Some assistance to clarify “minor uncertainties” can be given, but it is strongly recommended that property owners appoint suitably qualified consultants to act on their behalf.
**SECTION A**

**PARTICULARS OF APPLICANT**

1. **FULL NAMES:** ................................................................. 

2. **COMPANY / FIRM:** (where applicable, e.g. ABC CONSULTANTS)
   .................................................................  

3. **POSTAL ADDRESS:**
   ................................................................. 

   29 Trotter Street, 

   6570 Kuyums 

   ................................................................. 

   .................................  

**NOTE:** All correspondence will be directed to the above address

4. **TELEPHONE NO.:** ................................................................. 

5. **CELL NO.:** 079 405 2926 

6. **FAX NO.:** ................................................................. 

7. **EMAIL ADDRESS:** adelareyferreirao@gmail.com

8. **BOND DETAILS**

   8.1 **Is the property encumbered by a bond?**

       YES ☐ NO ☐

   8.2 **Is the Bondholder's consent attached?**

       YES ☐ NO ☐ 

   **NOTE:** If the property is encumbered by a bond, the consent of the bondholder to the application must be attached to this application.
SECTION B

PARTICULARS OF REGISTERED OWNER

NOTE: Where more than one property is involved in the application, this section should be completed separately for each property.

1. FULL NAME(S) OF REGISTERED OWNER(S):

   [Signature: Alcine Trust]

2. IS THE APPLICANT THE (ONLY) REGISTERED OWNER OF THE PROPERTY CONCERNED?  

   YES  NO

3. IS THE POWER OF ATTORNEY FROM THE REGISTERED OWNER(S) ATTACHED?  

   YES  NO  NA

   NOTE: (i) If the application is not made and signed by the registered owner, the power of attorney of the owner must be attached to this application.

   (ii) This is also applicable if the person who is applying is still in the process of obtaining the land unit.

4. IS THE REGISTERED OWNER A COMPANY OR SIMILAR BODY?  

   YES  NO

5. IS A CERTIFIED COPY OF EMPOWERING RESOLUTION ATTACHED?  

   YES  NO  N/A

   NOTE: If the registered owner is a company or similar body a properly certified resolution confirming consent to the application must be attached to this application.

6. A COPY OF THE MOST RECENT TITLE DEED IN RESPECT OF THE PROPERTY CONCERNED;  

   OR

   A CONVEYANCER'S CERTIFICATE CONFIRMING THAT THERE ARE NO RESTRICTIVE TITLE CONDITIONS WHICH MAY AFFECT THE PROPOSAL, IS ATTACHED.

   YES  NO

   NOTE: A copy of either one or the other of the above must be attached.
SECTION C

DETAILS OF LAND UNIT

NOTE: Where more than one property is involved in the application, this section should be completed separately for each such property.

1. ERF NO. .................................................... 3550

2. EXTENT OF PROPERTY 2184 m²

3. STREET NAME: 77 Main Street, Knysna

4. TOWNSHIP (e.g. Paradise, Howie, Central Town, etc.)
   .................................................... Central Knysna, 6570

5. ARE THERE ANY SERVITUTES REGISTERED ON THE PROPERTY WHICH MAY AFFECT THE APPLICATION?
   YES ☑ NO

6. IF THERE ARE ANY SUCH SERVITUTES, PROVIDE A BRIEF DESCRIPTION THEREOF:
   ....................................................................................................................
   ....................................................................................................................
   ....................................................................................................................
   ....................................................................................................................
   ....................................................................................................................

7. IS IT PROPOSED THAT ANY NEW SERVITUTES BE REGISTERED AS PART OF THE APPLICATION?
   YES ☑ NO

8. IF ANY SUCH SERVITUTES ARE PROPOSED, PROVIDE A BRIEF DESCRIPTION THEREOF:
   ....................................................................................................................
   ....................................................................................................................
   ....................................................................................................................
   ....................................................................................................................
   ....................................................................................................................

- 3 -
SECTION D

DETAILS OF APPLICATION

1. **BRIEF AND ACCURATE SUMMARY (NOT MOTIVATION) OF THE PROPOSAL:**
   1.1 PRESENT ZONING(S): General Residential
   1.2 PROPOSED ZONING(S): Business
   1.3 EXISTING USE(S): Country Store + Nursery
   1.4 PROPOSED USE(S): Country Store + Nursery
   1.5 AMENDMENT OF THE REGIONAL STRUCTURE PLAN [YES/NO]
   1.6 PRESENT DESIGNATION(S): Urban Development
   1.7 PROPOSED DESIGNATION(S): Urban Development
   1.8 ANY FURTHER COMMENTS:

   in accordance.
2. DOES THE APPLICATION ALSO INVOLVE A SIMULTANEOUS:

2.1 Consolidation [combination] of more than one property?

If 'YES', briefly explain:

2.2 Application for a Departure [deviation] from the development restrictions [height, building lines, coverage, etc] which would normally be applicable to the property(ies) concerned?

If 'YES', briefly explain:

Departure to relax northern Main Street building line from 4.5m to 0m to accommodate the existing building.

2.3 Application for a Consent Use from the applicable Zoning Scheme which would normally be applicable to the property(ies) concerned?

If 'YES', briefly explain:

2.4 Application for removal / amendment of restrictive conditions of title applicable to the property(ies)?

If 'YES' or 'UNCERTAIN' briefly explain:

- 5 -
2.4.1 Has, in the case of a simultaneous application in accordance with 2.4 above, the application form prescribed by the Provincial Administration: Western Cape for removal / amendment of restrictive conditions of title been completed and forwarded to both the Provincial authorities as well as the Knysna Municipality?

YES  NO

2.5 Application for subdivision of the property(ies) concerned?

YES  NO

2.6 Does the proposed rezoning involve any of the following activities?

2.6.1 The construction or upgrading of:
(a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;
(b) nuclear reactors and facilities for the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuel and wastes;
(c) with regard to any substance which is dangerous or hazardous and is controlled by national legislation –
   (i) manufacturing, storage, handling, treatment or processing infrastructure, excluding road and rail, for the transportation of any such substance; and
   (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;
(d) roads, railways, airfields and associated structures;
(e) marinas, harbours and all structures below the high-water mark of the sea and marinas, harbours and associated structures on inland waters;
(f) above ground cableways and associated structures;
(g) structures associated with communication networks, including masts, towers and reflector dishes, marine telecommunication lines and cables and access roads leading to those structures, but not including above ground and underground telecommunication lines and cables and those reflector dishes used exclusively for domestic purposes;
(h) racing tracks for motor-powered vehicles and horse racing, but not including indoor tracks;
(i) canals and channels, including structures causing disturbances to the flow of water in a river bed, and water transfer schemes between water catchments and impoundments;
(j) dams, levees and weirs affecting the flow of a river;
(k) reservoirs for public water supply;
(l) schemes for the abstraction or utilization of ground or surface water for bulk supply purposes;
(m) public and private resorts and associated infrastructure;
(n) sewage treatment plants and associated infrastructure;
(o) buildings and structures for industrial, commercial and military manufacturing and storage of explosives or ammunition or for testing or disposal of such explosives or ammunition.
2.6.2 The change in the use of land from:
a) agricultural or zoned undetermined use or an equivalent zoning, for any other land use;
b) use for grazing to any other form of agriculture use
c) use for nature conservation or zoned open space to any other land use.

If "YES", stipulate the activity(s) (i.e. 2.6.1(e), 2.6.2(b), etc.):


NOTE: The abovementioned activities are subject to regulations promulgated in terms of the Environment Conservation Act, 1989 (Act 73 of 1989) and the National Environmental Management Amendment Act (No.56 of 2002).

2.7 If the answer to 2.6 above is "YES" has an application for authorisation in terms of Act 73 of 1989 been submitted to the Provincial Department of Environmental Affairs and Development Planning?

If "YES", indicate the date of submission, as well as the specific office (and responsible person) to which / whom it has been submitted:
3. **MOTIVATION FOR PROPOSAL:**

**NOTE:** Even if a full motivation report is submitted separately, an executive summary should still be provided here. The potential effect of the proposed new land use on the general environment and nearby properties and/or residents should be specifically addressed.

- Application proposes rezoning + departure from zoning regulations only. No additional development/attenuation intensification of use is proposed currently operating with existing permission proposal in accordance with LUP 1985 + zoning regulations, guidelines, conforms to mandatory statutory requirements and planning guidance documents for this area. Discrepancies are applied for currently.
- Proposal is desirable and positively contributes to existing townscapes, without detracting from adjoining occupier amenity. Retention of this use would enhance the characteristics of the urban conservation area, as well as positively impacting the setting of the listed building on site.
- No detrimental impact to community safety.
- No detrimental impact to highway safety or on-street parking availability.
- Local employment generated for 7 staff members.
- Application site not suitable for private residential / general residential due to high levels of noise pollution from Main Street & associated vehicular traffic.
4. **LOCALITY PLAN ATTACHED?**
   **NOTE:** A locality plan, a zoning plan and a land use plan **must** be attached to this application, and should clearly identify the property/properties in respect of which the application is being made as well as the cadastral boundaries and Erf numbers of all other registered properties in the general area concerned.

5. **ZONING PLAN ATTACHED?**
   **NOTE:** The zoning plan should clearly reflect the current zonings of all properties in the general area concerned.

6. **LAND USE PLAN ATTACHED?**
   **NOTE:** The land use plan should clearly reflect the actual land use of all properties in the general area concerned.

7. **PROPOSED SITE DEVELOPMENT PLAN ATTACHED?**
   **NOTE:** A site development plan, clearly indicating all existing and proposed structures on the property(ies) under consideration, proposed parking, landscaping, elevational treatment of buildings, etc. will facilitate consideration of the application, and may in certain cases, depending on the scale and nature of the proposed rezoning, even be a compulsory requirement.

8. **ARE THERE ANY EXISTING MUNICIPAL SERVICES (WATER, STORMWATER OR SEWERAGE, ELECTRICITY CABLES, ETC.) WHICH ARE NOT CURRENTLY PROTECTED BY SERVITUDES ON THE PROPERTY(IES) CONCERNED?**
   **YES** | **NO**

   If 'YES', briefly explain:

   ..........................................................

   ..........................................................

   ..........................................................

   ..........................................................

   ..........................................................

9. **ARE ANY PORTIONS OF THE PROPERTY(IES) INVOLVED, STEEPER THAN A GRADIENT OF 25% (1:4)?**
   **YES** | **NO**

10. **HAS A CONTOUR PLAN BEEN SUBMITTED?**
    **NOTE:** If any portion is steeper than 25%, a contour plan as well as a contour analysis, clearly indicating those areas steeper than 1:4, **must** be attached to this application.
11. ARE ANY PORTIONS OF THE PROPERTY(IES) INVOLVED:

- SITUATED BELOW THE 1 IN 50 YEAR FLOODLINE?
  YES ☒ NO ☐

- SUBJECT TO FLOODING?
  YES ☒ NO ☐

- SITUATED IN A NATURAL DRAINAGE COURSE?
  YES ☒ NO ☐

- SITUATED IN A WETLAND AREA?
  YES ☒ NO ☐

12. IF THE ANSWER TO ANY OF THE QUESTIONS IN 11 ABOVE IS "YES", PROVIDE BRIEF DETAILS IN THIS REGARD, INCLUDING MITIGATING MEASURES TO BE IMPLEMENTED, IF ANY:

13. ARE THERE ANY PROTECTED TREE SPECIES IN TERMS OF THE NATIONAL FORESTS ACT (1989) ON THE PROPERTY(IES) CONCERNED?

NOTE: If there are, the location of these trees must be clearly indicated on the site development plan.

YES ☒ NO ☐

14. WILL DEVELOPMENT, INCLUDING INSTALLATION OF SERVICES OR CONSTRUCTION WORK, AS A RESULT OF THE PROPOSED REZONING REQUIRE SUBSTANTIAL EARTHWORKS AND / OR REMOVAL / DISTURBANCE OF INDIGENOUS VEGETATION?

Yes ☒ No ☐

If 'YES'; briefly explain, and include mitigating measures to be implemented, if any:

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

- 10 -
15. **IS / ARE THE PROPERTY(IES) SITUATED ALONG OR WITHIN 95m OF A PROVINCIAL OR NATIONAL ROAD OR IS ACCESS PROPOSED FROM ANY OF THESE ROADS?**

   **If 'YES', indicate clearly on relevant plan(s).**

   | YES | NO |

16. **IS / ARE THE PROPERTY(IES) CONCERNED SITUATED IN A SENSITIVE NATURAL ENVIRONMENT (CLOSE PROXIMITY TO AND / OR EFFECT ON THE KNYSNA ESTUARY, SWARTVLEI, GROENVLEI, ANY RIVER, OCCURRENCE OF INDIGENOUS FAUNA AND / OR FLORA, VISUAL SENSITIVITY, ETC.)?**

   **If 'YES', explain briefly:**

   Located within 90m of Knysna Lagoon but does not abut the boundary. Proposal should not impact detrimentally.

17. **IS / ARE THE PROPERTY(IES) CONCERNED, OR ANY STRUCTURE(S) SITUATED ON IT / THEM:**

   - **DECLARED AS A NATIONAL MONUMENT, OR LISTED IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT (NO. 25 OF 1999)?**
     
     | YES | NO |

   - **DECLARED AS A NATURAL HERITAGE SITE?**
     
     | YES | NO |

   **OR**

   IS / ARE ANY STRUCTURE(S) OR PORTION(S) THEREOF ON THE PROPERTY(IES) CONCERNED IN EXCESS OF 60 YEARS OF AGE?

   | YES | NO |

18. **IF THE ANSWER TO ANY OF THE QUESTIONS IN 17 ABOVE IS "YES", PROVIDE BRIEF DETAILS IN THIS REGARD, AND INDICATE ON THE SITE DEVELOPMENT PLAN, WHERE APPROPRIATE:**

   Council records seem to indicate that building was constructed in the 1960's. As proposal does not alter the building or its setting, it is not considered a crucial element of the application.
19. FURNISH A BRIEF DESCRIPTION OF THE MANNER IN WHICH THE FOLLOWING MUNICIPAL SERVICES WILL BE PROVIDED

**NOTE:** Even if a full engineering report is submitted separately, an executive summary should still be provided here.

19.1 Water:

As existing. Borehole on-site.

19.2 Sewerage:

As existing. Kagame Municipality.

19.3 Electricity:

As existing. Kagame Municipality.

19.4 Stormwater:

As existing. Permeable access road + parking area to alleviate/reduce runoff.

19.5 Refuse Removal:

As existing. Kagame Municipality.
PARTICULARS OF CONSULTANT

1. WERE ANY PROFESSIONAL CONSULTANTS INVOLVED IN THE PREPARATION OF THIS APPLICATION?  
   
   ![Yes/No Box]

   **NOTE:** Where applicable this section should be completed separately for each consultant; If no consultants were used this fact must be indicated with a line through Section E.

2. FULL NAME OF CONSULTANT:
   
   [Signature]

3. NAME OF COMPANY/FIRM: (Where applicable, e.g. ABC Consultants)
   
   [Private]

4. CURRENT POSITION IN COMPANY / FIRM:
   
   [N/A]

5. QUALIFICATIONS / RELEVANT FIELDS OF EXPERIENCE / PROFESSIONAL AFFILIATIONS, ETC.:
   
   - B. Art. B. Scien. (Honors degree in Town and Regional Planning)
   - 6 Years Royal Town Planning Institute member - United Kingdom
   - Urban and Environmental Planning Urban Design

6. CONTRIBUTION TO THE STUDY:
   
   - Preparation, compilation, and submission
   - Liaison for duration of pending application
7. CONTACT DETAILS OF CONSULTANT

POSTAL ADDRESS: 20 Trotter Street

NOTE: Should any correspondence be required to the consultant it will be directed to the above address.

TELEPHONE NO.: 07914052926

CELL NO.: 

FAX NO.: n/a

EMAIL ADDRESS: delarryferreira@gmail.com
SECTION F

DETAILS OF CONSULTATION AND / OR SCOPING PROCESS

1. HAS THIS APPLICATION BEEN DISCUSSED WITH ANY REPRESENTATIVE OR RESPONSIBLE OFFICIAL OF THE KNYSNA MUNICIPALITY OR ANY OTHER AUTHORITY PRIOR TO SUBMISSION THEREOF?
   - YES
   - NO

2. IF IT HAS BEEN DISCUSSED, PROVIDE IN A SEPARATE SCHEDULE BRIEF DETAILS IN THIS REGARD UNDER THE FOLLOWING HEADINGS:
   - Name of Official / Representative
   - Rank / Position
   - Authority / Organisation
   - Date of Discussion
   - Manner of Discussion (telephonic / meeting / correspondence etc.)
   - Issues raised and discussed

3. HAS A COPY OF THIS APPLICATION BEEN MADE AVAILABLE TO ANY AUTHORITY OTHER THAN THE KNYSNA MUNICIPALITY?
   - YES
   - NO

   *If ‘YES’, provide the name and address of such authority(ies) and the date of submission to it / them.*

<table>
<thead>
<tr>
<th>Name of Authority</th>
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   **NOTE:** Proof of submission to this Authority (registered postal notice or acknowledgement of receipt by the Authority), as well as a copy of the covering letter to this Authority, must be attached to this application.

4. WAS IT A STIPULATION OF ANY OTHER AUTHORITY THAT THE APPLICATION SHOULD BE ADVERTISED FOR COMMENT IN TERMS OF ANY OTHER LEGISLATION?
   - YES
   - NO

   *If ‘YES’, detail in this regard should be attached separately.*

- 15 -
5. HAS THE PROPOSAL BEEN DISCUSSED WITH ANY INTERESTED / AFFECTED PROPERTY OWNERS / TENANTS OR INTERESTED / AFFECTED COMMUNITY ORGANISATIONS (E.g. Ratepayers Organisations, Street Committees, Wildlife Society, etc.)?

If "NO", briefly explain why not:

- Current application in follow up to the recently approved temporary use departure application dated 05 August 2013. Full public participation was conducted during that application.
- Current application essentially proposes the retention of the existing use which has been operating continuously since April 2012 without any substantiated objection.
- Current proposal not considered to be contentious.

If "YES", provide details (in a separate schedule if necessary) of the persons, and / or organisations involved and summarize the outcome of the discussions (attach written comments of such persons / organisations where possible):

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SECTION G

APPLICATION FEES

1. See current schedule of fees.
2. Please include proof of payment of the application fees with the application.
SECTION H

DECLARATION

(FULL NAMES AND SURNAME OF APPLICANT)

HEREBY CERTIFY AS FOLLOWS:

- THAT THE INFORMATION APPEARING IN THIS FORM IS CORRECT AND ACCURATE;
- THAT THE INFORMATION APPEARING IN THE ANNEXURES TO THIS FORM IS CORRECT AND ACCURATE;
- THAT I UNDERSTAND THE APPLICATION.

SIGNATURE OF APPLICANT:

DATE: 26 February 2014

--oOo--

- 18 -
KNYSNA ERF 3550

PROPOSED REZONING & DEPARTURE

DATE: FEBRUARY 2014

COMPiled BY: DELAREY FERREIRA B.ART.ET.SCIE N (TOWN AND REGIONAL PLANNING)
FOR: THE ALAINE TRUST
MUNICIPALITY: KNYSNA
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Section A: Background and Context

1. **THE APPLICATION**

Application is hereby made on behalf of the Alaine Trust (refer Annexure A: Power of Attorney) for:

- the rezoning of Erf 3550 from “General Residential” zone to “Business” zone to allow the retention of the existing use as a “Nursery and Country Store” on the property in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
- departure from the Knysna Zoning Scheme Regulations, in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985); to relax the northern Main Street building line from 4.5m to accommodate the existing building at 0m from that boundary line.

2. **PROPERTY DESCRIPTION, SIZE AND OWNERSHIP**

A Copy of the Title Deed for Knysna Erf 3550, containing the details outlined below is contained in Annexure B.

- **Title Deed Description:** Erf 3550 Knysna, situate in the Municipality and Division of Knysna, Western Cape Province.
- **Property Owner:** The property is registered in the name of the Alaine Trust.
- **Title Deed Number:** T69646/2011.
- **Title Deed Restrictions:** There are no Title Deed conditions that prevents the proposed development.
- **Bonds:** The property is NOT encumbered by a bond.
- **Property Size:** 2184 (Two Thousand One Hundred and Eighty Four) square metres
Due to the dual use of the property as a country store and outdoor nursery, it has very open characteristics with a significant rear garden towards Trotter Street (see figure 3 below), which is predominantly occupied by plants and garden/landscaping accessories. The site is accessible from both Main Street as well as Trotter Street but the business mainly fronts Trotter Street. The main dwelling has a very attractive setting along the Main Street, within the Conservation Area, see figure 2 above. The main dwelling has also been slightly extended and altered since its original construction. Within the rear garden is a 26sq meter temporary single storey wooden structure for indoor display purposes, which is associated with the use of the outdoor nursery. Car parking is located within the side and rear garden areas and are separated and mostly constructed from natural materials such as fine gravel and bark shavings.
6. **CHARACTER APPRAISAL OF THE AREA**

This area is characterised by mixed land uses within a varying townscape, see figures 3-8 below. Buildings in this area are varied in terms of appearance, scale, frontage set back and usage resulting in a diverse streetscene; which can be separated by the typically urban environment to the north and east of the application site, compared to the more open landscape/townscape characteristics of the land to the west and south of the site. This is very much reflected in the land-uses associated with Main Street compared to the uses found along Trotter Street and Waterfront Drive.

The application site is immediately curtailed by Main Street to the north, Trotter Street to the south, a “business” zoned erf to the west (single storey building with open air display of pre-owned vehicles), and a 3-storey residential block to the east.

Although not within the boundary of the CBD, this section of the Main Street is characterised by uses associated with such a setting which includes (within 100m east/west of site): higher density 3-storey apartment blocks, a service station, assisted living facilities, business buildings, a school, a 3-storey classic vehicle display/show room and sales; and various forms of tourist accommodation.

![Figure 3: ERF 361: Tourist Accommodation](image)

![Figure 4: ERF 3442: Residential Apartments](image)

![Figure 5: ERF 4271: Residential Apartments](image)

![Figure 6: ERF 3398: Business, pre-owned vehicles](image)

Figures 3-6: Streetscape character of Main Street
The Knysna High School sport fields, and the Knysna Lagoon, are to the south of the application site.
The land immediately to the east of the application site comprises a substantial 3-storey residential building with central courtyard parking and access onto Trotter Street.

It is therefore very noticeable that there is a clear distinction between the townscape towards the north and east of the site, which represents a higher level of urban densification and commercial activity, compared to the more open character of the townscape towards the south and west of the site. It is worthy to note that the owner of erven 359, 360, 361, 362 and 3442 is currently advertising that all 5 properties are for sale in order to provide an unique redevelopment opportunity, although at the time of writing this report no such scheme had been implemented in accordance with any relevant approval/s.

Land uses in close proximity to the application area include:

- Erf 3398: Pre-Owned Car dealership with single storey building and uncovered display area.
  Zoned for Business.

- Erf 4271: 3-storey apartment block with central courtyard parking and access to Trotter Street.
  Zoned General Residential.

- Erf 8568: Pre- and Primary School
  Zoned Educational.

- Erf 8106: Petrol Service Station and Car Wash
  Zoned as Service Station.

- Erf 5104: 2-storey apartments with access to Lloyd Street
  Zoned as General Residential.

- Erf 2760: 3-storey classic car showroom and dealership with access to Main Street
  Zoned as Business.

- Erf 359: 2-storey building: financial management services; and or other business
  Zoned as Single residential (for sale for redevelopment)

- Erf 360: Vacant unkept 2-storey residential dwelling
  Zoned single residential (for sale for redevelopment)

- Erf 361: Tourist accommodation with access to Main Street
PROPOSED REZONING and DEPARTURE: KNYSNA ERF 3550

- Any application for a development or activity which will change the character of site exceeding 5000 m² in extent, or the rezoning of a site exceeding 10000 m² in extent, has to notify the relevant Heritage Resource Authority, who may require a Heritage Impact Assessment to be submitted with the application.


- The Knysna SDF was adopted by the Knysna Municipality in November 2008. The document is regarded as spatial planning policy document and is based on the Bioregional Planning Principles and also complies with the guidelines as set out by the Western Cape Provincial SDF.
- Page 23, and section 6.2.1(b) (pg.32) of the document identifies the application site as being located within the Knysna Regional Primary Node, within the identified Urban Edge, where it is suggested that all future urban development should be curtailed within this boundary. In accordance with Provincial Urban Edge guidelines, the urban edges of towns will be drawn relatively closely to the existing edge of the urban fabric, in order to encourage infill development. The site is located just outside the boundaries of the Knysna CBD, as asserted on figure 6.4.
- The KSDF provides policy guidelines pertaining to the Knysna CBD, with focus on revitalizing the CBD, and provides guidance with regards to the support of existing local business as well as improving the quality of the built environment. It is worthy to note that the site does not form part of an identified Precinct plan as per the SDF, but it can be safely assumed that the overall CBD, as well as other, policies can be applied as guidance.


- Section 2.7: Conservation Area
- Section 3.4: General Residential Zone
- Section 3.5: Business Zone
- Annexure B: Guidelines for considering building operations in the Conservation Area


- The draft guidelines (2009) compliments and should be read in conjunction with the Knysna Urban Conservation Area guidelines, but is focused more on appropriate changes in land-use, development
Section C: Development Proposal: Proposal & Motivation

8. THE PROPOSAL

8.1. Rezoning

The application site has continuously operated as a Nursery and “Country Store” since April 2012. The “Country Store” is retail based on sales to the public and occupies the ground floor only of the existing building. The first floor is reserved for storage of stock. The Nursery occupies the rear/side garden areas only. The current zoning of the site is as “General Residential” which does not allow a nursery/country store as a consent use. On the advice of the Municipality the applicant substituted an application for consent use, with an application for a temporary use departure, in order to regularize the current use from a “General Residential” zoned property, please refer to section 3 of this report.

The extant temporary permission allows the use of the premises, zoned as “General Residential”, to be used for the purposes of a country store and nursery, as confirmed by the Municipality in their decision dated 08 August 2012. However, the temporary permission by nature is limited.

No additional development, alterations to the listed building, or any intensification of the existing use, is proposed as part of this application. No additional floor space will be used for the business, apart from the 231 m² ground floor of the existing building, please refer to plan 5. All first floor accommodation will be utilized as storage, with outdoor nursery display towards the Trotter Street frontage only. Parking provision is to be made in accordance with the Zoning Scheme regulations and a total of 10 spaces will be provided for visitors, with up to 5 additional spaces reserved for staff car parking. The parking spaces will be constructed using a permeable surface material to allow for water to filter into the ground and reduce water runoff to Trotter Street and/or lagoon as there is a slight drop in land level from north to south across the length of the site. The access road is gravel, it is intended to keep hard surfaced areas to a minimum.
It is clear that sufficient and safe access/egress can be provided to the application site, especially considering the recently approved and well constructed access to Main Street, as per Municipal decision dated 18 July 2013. The applicant has advised that patrons will be encouraged to use the Trotter Street access/egress only to alleviate pressure on Main Street.

10. **MOTIVATION**

The Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) states in Section 36 that the reasons for refusing an application may only be considered on the basis of the “lack of desirability” of the proposed land use; its detrimental impact on existing rights pertaining to surrounding properties/land-uses and/or occupiers; as well as impact, whether to the built or natural environment, and/or community safety. The following points have been taken into account when evaluating the desirability of this application, and its overall impact:

10.1. **Principle of the Proposal:**

The principle of the existing land-use (Nursery and Country Store) is considered to be acceptable. The Municipality in their decision dated 08 August 2014 confirmed this and issued a temporary use departure allowing the continuation of a business use for a temporary period only. Regardless, the current application will have to adhere to the relevant statutory requirements as per Section B of this report, and be assessed on its own individual merits prior to a recommendation being made by the Municipality.

No additional development, or intensification of the existing use, is proposed as part of the current application. The application seeks to retain the existing development only, but for an indefinite period. If the Municipality were minded to grant approval for the proposed rezoning, it will provide future development rights under the relevant zoning criteria. However, the applicant has no intention at this stage to redevelop the property but if in future a scheme would be forthcoming, such a scheme would have to comply with the relevant legislation at the time, and be judged in its own individual merits also.

The applicant occasionally resided within the property but has advised that due to the high levels of noise pollution emanating from heavy goods vehicles along this transport corridor, that the quality of living is not sufficient. The building on the application site directly abuts the public highway and was constructed before more modern insulating standards. The building is locally listed and as such is being retained as part of the current proposal. By applying for rezoning, the status quo of the on-site operations is retained, and the integrity of the listed building maintained.
10.4. Accessibility of the area:

The application site is easily accessible and is located towards the entrance to Knysna when traveling in an easterly direction. The site directly adjoins the Knysna Main Street (N2), and is found approximately 50m from the junction with Waterfront Drive.

Sufficient and safe access and egress is provided to Main- and Trotter Street for vehicles and pedestrians alike, although it is preferred and advised to use the Trotter Street access. Pedestrian access to site is well linked to the Knysna CBD, as well as adjacent residential areas as well as from the Waterfront development.

The applicant advises that all deliveries to the site are from Trotter Street, as per service agreement. Access to the site from Main Street is only permissible when traveling from east to west, Municipal road markings restrict turning across oncoming traffic when traveling from west to east. Due to existing sight lines and ample road reserve, vehicles turning into the site would not overhang the public highway and would not cause a safety concern. Exiting the site to Main Street is only permissible to the west, Municipal road markings do not allow for turning across traffic in an easterly direction. The applicant encourages local road safety and promotes site access/egress from Trotter Street.

Figure 10: Recently approved and constructed access from Main Street, thoroughfare along eastern portion of site, towards Trotter Street.
10.7. No impact on existing rights:

The proposed development is surrounded by higher density residential development to the east, tourism accommodation establishments along Main Street to the north, a pre-owned vehicle dealership to the west and road reserve and sports grounds to the south.

The impact of the business operation would have been assessed as part of the extant temporary permission issued by the Municipality in August 2012. Nevertheless any application/proposal has to be judged on its own merits and in this instance the business operations on the application site should be assessed against any perceived impacts on adjoining rights.

It is my considered opinion that the proposed development will not impact detrimentally on any existing land use rights. There is negligible impact to land to the south, north and west of the site.

Any potential impact would be to the high level residential component on erf 3442 (see figure 10 below), facing towards the application site, but due to the nature of the business as an attractive nursery, this impact is actually quiet positive as it provides the west facing residents with a pleasant outlook over the open rear garden into the landscaped areas with, little noise emissions.

![Figure 10: West facing residential component from Erf 4271: Summerplace towards rear garden of nursery](image)

Overall, it is considered that the existing business has a positive impact on existing and established rights.

The proposal is consider to contribute positively to overall community safety by operating within a secure premises and providing passive security to adjoining land. The use of the site (as well as associated activities and storage/usage of materials) are not considered to represent any threat to the safety and security of the community. The site is gated and fenced in order to establish boundaries and promote public safety.
PROPOSED REZONING and DEPARTURE: KNYSNA ERF 3550

It is therefore respectfully recommended that the application be supported by the relevant departments and approved by Knysna Municipality.

DELAREY ENRICO FERREIRA
B.Art et Scien (URBAN AND REGIONAL PLANNING)
FEBRUARY 2014
ANNEXURE B:
TITLE DEED
DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

RICHARD JAMES SOMERSET Moffat

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Cape Town on 8th November 2011 granted to him by

The Trustees for the time being of THE MARTIN BURGER FAMILY
TRUST
IT3409/95

GhostConvey 13.5.6.1
And the appearer declared that his said principal had, on 5 September 2011, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

The Trustees for the time being of the ALAINE TRUST
IT66/2010

its Successors in Office or assigns,

ERF 3550 KNYSNA, SITUATE IN THE MUNICIPALITY AND DIVISION OF
KNYSNA, WESTERN CAPE PROVINCE

IN EXTENT 2184 (TWO THOUSAND ONE HUNDRED AND EIGHTY FOUR) SQUARE METRES

FIRST TRANSFERRED by Certificate of Consolidated Title No. T12858/1971 with Diagram No. 2077/71 relating thereto

AND HELD BY DEED OF TRANSFER NO. T31417/1999

I. Insofar as the figure marked c.b.C.D.d. on the said Diagram No. 2077/71 is concerned, subject to the conditions referred to in Deed of Transfer No. T848/1904.

II. Insofar as the figure marked A.a.s.E. on the said Diagram No. 2077/71 is concerned, subject to the conditions referred to in Deed of Transfer No. T11587/1903.

III. Insofar as the figure marked a.B.b.c. on the said Diagram No. 2077/71 is concerned, subject to the conditions referred to in Deed of Transfer No. T850/1904.
WHEREFORE the said Appearer, renouncing all right and title which the said

The Trustees for the time being of THE MARTIN BURGER FAMILY
TRUST
IT3409/95

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

The Trustees for the time being of the ALAIN TRUST
IT66/2010

its Successors in Office 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 950 000,00 (TWO MILLION
NINE 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 9 December 2011

In my presence

REGISTRAR OF DEEDS

GhostConvey 13.5.6.1
ANNEXURE D:
KNYSNA MUNICIPALITY DRIVEWAY RELOCATION
APPROVAL-DATED 18 JULY 2013
Dear Sir,

**DRIVEWAY: 77 MAIN STREET KNYSNA: ERE 3550**

Your Letter dated 2nd July 2013 and our subsequent meeting on the 15th July 2013 refers.

Your request to move the existing driveway on Main Street East for between 10 and 15m is granted subject to the following conditions:

1. modification of the sidewalk to be at your cost and Council approval
2. closure of the existing entrance to be at your cost and Council approval
3. the maximum width on the boundary line not to exceed 6m
4. building of fences and installation of gates to be to the satisfaction of the Building Control Officer.
5. no access from the west along Main Street will be allowed that is contrary to the current road marking and approval of the move does not constitute any approval by Council to disobey the rules of the road.

Yours faithfully

[Signature]

LAUREN WARING
MUNICIPAL MANAGER

Please address all correspondence to the Municipal Manager and quote the above reference.
Annexure C – Documents relating to adverts / Notices
13-03-2014

Municipality: uMasipala

PLANNING AND INTEGRATED HUMAN SETTLEMENT COMMITTEE MEETING
AGENDA
2 NOVEMBER 2016

ORDONNANSE OP GRONDGEbruikBEPANNING, 1985
ORDONNANSE 15 VAN 1985

AANSOEK NOMMER: 650, 103550000, Hoofstraat 77, Knysna

Kennis geskied hiermee in terme van Artikels 16 en 15 van die Grondgebruik Beplannings Ordonnansie (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en ter insae le, gedurende kantoorure by: Munisipale Stadsbeplanning Kantore Old Maingebou Kerkstraat 3 Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word voor of op Maandag 14 April 2014, met vermelding van bogenoemde Ordonnansie en beswaarmaker se erfnommer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelself 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekretaresse u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

Aansoeker:
DELAREY FERREIRA (nms Alaine Trust)

Aard van Aansoek:
Hersoneringen Boulynverslappings

1. Die hersonering van Erf 3550 Knysna vanaf “Algemene Residensie” na “Beslighedsone”;
2. Die verslappings van die noordelike boulyn vanaf 4,5m na 0m om die bestaande gebou te akkommodeer.

Leërverwyking: 103550000

Lauren A. Waring
Munisipale Bestuurder

LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985),
(ORDINANCE 15 OF 1985)

APPLICATION NUMBER: 650, 103550000, 77 Main Street, Knysna

Notice is hereby given in terms of Sections 16 and 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the under mentioned application has been received and is open for inspection during office hours at: Municipal Town Planning Office Old Main Building 3 Church Street, Knysna. Any objections, with full reasons therefore, should be lodged in writing with the Municipal Manager, P O Box 21, Knysna, 6570 on or before Monday 14 April 2014 quoting the above Ordinance and objector’s erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act, (Act 32 of 2000) that people who cannot write may approach the Municipal Town Planning Office at 3 Church Street, Knysna during normal office hours where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

Applicant:
DELAREY FERREIRA (obo Alaine Trust)

Nature of application:
Rezoning and Building line relaxation

1. The rezoning of Erf 3550 Knysna from “General Residential” zone to “Business Zone”;
2. The relaxation of the northern building line from 4,5 m to 0m, to accommodate the existing building.

File reference: 103550000

Lauren A. Waring
Municipal Manager
KNYSNA MUNICIPALITY
LAND USE PLANNING ORDINANCE, 1985
(ORDINANCE 15 OF 1985)

APPLICATION NUMBER: 609, 103550000, 77 Main Street, Knysna

Notice is hereby given in terms of Sections 16 and 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the undermentioned application has been received and is open for inspection during office hours at: Municipal Town Planning Office, Old Main Building 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, PO Box 21, Knysna, 6570 on or before Monday 14 April 2014 granting the above Ordinance and objector’s erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act, (Act 32 of 2000) that people who cannot write may approach the Municipal Town Planning Office at 3 Church Street, Knysna during normal office hours where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

Applicant: DELAREY PERREIRA (Oba Altrine Trust)
Nature of application: Rezoning and building line relaxation
1. The rezoning of Erf 3550 Knysna from “General Residential” zone to “Business Zone”;
2. The relaxation of the northern building line from 4.5m to 0m, to accommodate the existing building.

File reference: 103550000
LAURIEN WARING, MUNICIPAL MANAGER
14 March 2014 56628

THEEWATERSKLOOF MUNICIPALITY
APPLICATION FOR SUBDIVISION OF Erf 2097, BOTRIVIER

Notice is hereby given that an application from Plan Active, Town & Regional Planners, on behalf of Bigcno Investments (Pty) Ltd, for the subdivision of Erf 2097, Botrivier into two portions, namely Portion A (642m²) and Remainder (8042m²), in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985), has been submitted to the Theewaterskloof Municipality.

Further particulars regarding the proposal are available for inspection at the Municipal Office, Botrivier, from 11 March 2014 to 25 April 2014.

Objections to the proposal, if any, must be in writing and reach the Secretary on or before 25 April 2014.

Reference No. 10/2014 Notice No.: KOR 15/2014
S WALLACE, MUNICIPAL MANAGER, Municipal Offices, PO Box 24, CALEDON, 7230
14 March 2014 56624

THEEWATERSKLOOF MUNICIPALITY
APPLICATION FOR SUBDIVISION OF Erf 1010, GREYTONE

Notice is hereby given that an application from Toerien & Burger, Prof. Land Surveyors, on behalf of A.D. & A.T. Dalling, for the subdivision of Erf 1010, Greyton, into two portions, namely Portion A (2535m²) and Remainder (3059m²), in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985), has been submitted to the Theewaterskloof Municipality.

Further particulars regarding the proposal are available for inspection at the Municipal Office, Greyton, from 11 March 2014 to 25 April 2014.

Objections to the proposal, if any, must be in writing and reach the Secretary on or before 25 April 2014.

Reference No. G/1010 Notice No.: KOR 14/2014
S WALLACE, MUNICIPAL MANAGER, Municipal Offices, PO Box 24, CALEDON, 7230
14 March 2014 56625

KNYSNA MUNICIPALITY
ORDONNANCE SUR LE GRONDEURSBEPLANNING, 1985
ORNANDANCE 15 VAN 1985
AANSEKOM NOMMER: 650, 103550000, Houtlaan 77, Knysna

Kennis geeëld hierdie in term van Artikels 16 en 15 van die Grond- gebiet Beplanning Ordonnansie (Ordonnansie 15 van 1985) dat die ondernemende aannemer deur die Munisipale Bestuurder ontvang is en ter inname van gedurende kantoorure by die Munisipale Stadsbeplanners Kantoors in Knysna nie beskikbaar nie volledige redes daarvoor, naamlik skriflik by die Munisipale Bestuurder, Postbus 21, Knysna, 6570 ingediende word van of op Maandag 14 April 2014, nie vermelding van beginnende Ordonnansie en besluitmaker se erkenning nie.

Ingangsartikel 21(4) van die Wet op Planlike Besturing: Munisipale Stelsels 2000 (Wet 32 van 2000) moet elke persoon wat nie kon skryf nie die Stadsbeplanningsafdeling (Kantoor 3) kan nader wees om volledige kantoorure waar die Sekretaris en su skryf kan die betrokke aansprakbaar was om hul besluite en besluitmaker se erkenning te stel.

Aanvraag: DELAREY PERREIRA (Oba Altrine Trust)

Aard van aanvraag:
Hersenning en Boulysingslupping
1. Die hersenning van Erf 3550 Knysna vanaf “Algemene Residen- siërszone” na “Bouwinwestezone”;
2. Die verskynsels van die oorspronklike bouwly van 4.5m na 0m, om die bestaande gebou te akkommodeer.

Aanvraagstelers: 103550000
LAURIEN WARING, MUNISIPALE BESTUURDER
14 Maart 2014 56628

AANSEKOM OMTREK VAN LNP 1010, GREYTONE

Kennis geeëld hierdie in term van artikel van Toerien & Burger, Prof. Land surveys, op deur A.D. & A.T. Dalling, voor die onder- verdeling van Erf 1010, Greyton in twee seëte, naamlik Gedelede A (642m²) en Restant (8042m²), in term van Art. 24 van die Ordonnansie op Grondgebied Beplanning, 1985 (Ordonnance 15 of 1985), ingediende is by die Theewaterskloof Munisipaliteit.


Voorstelnommer: G/1010 Kennisgawing No.: KOR 14/2014
S WALLACE, MUNISIPALE BESTUURDER, Munisipale Kantoors, Postbus 24, CALEDON, 7230
14 Maart 2014 56625
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Annexure D – Objection
REFERENCE: 16/9/4/1-14/02 (Job 22118)
ENQUIRIES: Ms L Haynes
DATE: 13 March 2014

The Municipal Manager
Knysna Municipality
PO Box 21
KNYSNA
6570

Attention: Mr Dale Bastian

Dear Sir

DEPARTURE; REZONING, ERF NUMBER: 3550

1. Your e-mail referenced Application Number: 650 of 3 March 2014 to the District Roads Engineer, Oudtshoorn refers.

2. Municipal Main Road 2, of which Knysna Municipality is the Road Authority, is a Proclaimed Road in terms of Ordinance 19 of 1976, of which this Branch is the only Approving Authority, and is affected by this application. Requests for approvals for accesses and changes within the Sm Building Lines, as per Ordinance 19 of 1976, must be motivated, in accordance with this Branch's guidelines and / or standards, via Knysna Municipality’s Roads Department to this Branch, for its perusal and consideration.

3. This Branch objects to this application. Erf 3550 must obtain vehicular access off Trotter Street only, as per “condition 1” of your Municipality’s approval in favour of “Application Number: 73” of 8 August 2013.

Yours faithfully

[Signature]

ML WATTERS
For EXECUTIVE MANAGER: ROAD & TRANSPORT MANAGEMENT

www.westerncape.gov.za
The Municipal Manager
Knysna Municipality
PO Box 21
KNYSNA
6570

Attention: Mr S Maree

Dear Sir

DEPARTURE; REZONING, ERF NUMBER 3550

1. The following refer:

1.1 Mr D Bastian's e-mail referenced Application Number: 650 of 3 March 2014 to the District Roads Engineer, Oudtshoorn.

1.2 This Branch's letter 16/9/6/1-14/02 (Job 22118) dated 13 March 2014 to the Municipal Manager, Knysna Municipality.

1.3 Your e-mail of 10 April 2015 to Mr M Watters at this Branch.

2. In your e-mail it is mentioned that Knysna Municipality approved an access off Proclaimed Main Road 2 in favour of Erf 3550. As per this Branch's previous letter, Knysna Municipality, although being Road Authority, is not the Approving Authority in terms of Roads Ordinance 19 of 1976. Knysna Municipality's approval of an access off Proclaimed Main Road 2 is therefore illegal.

3. Although safe access, via the less congested Municipal Street System, is available and although Erf 3550 is therefore not prohibited from any access, this Branch is willing to consider the Road Authority's positive motivation to approve another access off the Proclaimed Road Network, provided that it satisfies this Branch's minimum requirements and standards for safe access and will not impede on traffic flow along the congested road system in that vicinity. This Branch, however, does not support approving accesses within functional areas of signalised intersections, and although the existing painted islands should
prohibit drivers of vehicles to make any right turns into and/or out of the approved access, unless permanently being policed. Those painted islands will not prevent such actions; in fact the illegal (unless proven to be approved) freestanding advertisements that are being placed within the road reserve clearly indicate the access to drivers of vehicles travelling from both directions.

4. This Branch remains an objector to the rezoning application that was submitted, unless:

4.1 The vehicular access off Proclaimed Main Road 2 is permanently closed with materials similar to the existing fence in that vicinity; or

4.2 Knysna Municipality can positively motivate to this Branch a suitable access arrangement and provided that the developer, at his own cost, can construct such an approved access arrangement.

Yours faithfully

ML WATTERS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT
Departure Approval - Annexure E
Collab Number:

Application Number: 73

Responsible Official: SOLOMONR

Date: 2013-08-08

A E BUNGE
P O BOX 400
RHEENENDAL
6576

Application Approved by Council

Dear Sir / Madam

APPLICATION TYPE: Departure application, ERF NUMBER: 103550000

APPLICATION NUMBER: 73

Your application dated 2012-05-11 in respect of the abovementioned property, has reference.

That approval be granted in terms Section 15(1)(a)(ii) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for a temporary use departure application to conduct a country store on a General Residential zoned property, Erf 3550 Knysna subject to the following conditions:

a) Any electrical services encountered will be relocated at the cost of the applicant.
b) The applicant is to ensure that there is access to property for meter reading purposes.
c) The erf is limited to 60Amps Single Phase supply.
d) No further electrical upgrades will be permitted until Eskom have completed the upgrading of the 132kV supply line to Knysna and have allowed Knysna Municipality to increase the Notified Demand.
e) Solar or gas assisted water heating devices or heat pumps shall be installed by the applicant.
f) Load switch Accommodation is required and it will be wired in accordance to the Electrical Department's specification and the switch will be purchased by the applicant;
g) CFL lamps are to be used in all fittings if advantageous;
h) The lateral building line minimum is maintained for unrestricted access in case of an emergency;
i) Parking bays are to be clearly marked as per the site plan submitted with the application;
j) No additional structure to be built on this erf for the purpose of the proposal;
k) All building lines for General residential are to be adhered to;
l) All vehicular access to this property to be obtained off Trotter Street;
m) This approval is valid for this application only and is not transferrable to another business to be conducted on this property; and
n) This approval applies to the departure application as outlined and may not be construed as authority to deviate or ignore any other legal requirements.

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

The Director: Land Management (Region 3)
Department of Environmental Affairs and Development Planning
Private Bag X6509
GEORGE
6530

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

Please note that you may not act in terms of the above decision of Council until it has been confirmed, in writing, that an appeal has not been lodged by an objector against the decision. Should you not have been informed within 30 days of receipt of this letter, you are advised to contact R Solomon on 044 302 1627. Should an appeal have been lodged, the decision of the Premier will have to be awaited, which decision will replace Council's decision on the matter.

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

Yours faithfully

Lauren A. Warling
Municipal Manager
Annexure F – Emails addressing comments
for the attention of Mr. Mthembu

Good Morning Sir

I trust this letter finds you well.

Following from our conversation last week I would like to make the following comments relating to the progress of the application for rezoning and departure at Knyansa Erf 3550. I am hoping we can resolve any outstanding issues promptly this week in order to move the matter forward.

I understand the only outstanding matter is the objection from the Provincial Transport and Public Works Department. I have responded to the objection as requested from the Knyansa Municipality, please see e-mails below.

Following from our discussion last week I have contacted Mr. Burger from the W.C. Department who has Provincial jurisdiction on Erf 3550. I requested that he clarifies the objection made by his Department and he then advised me that the objection was protocol as no motivation for the proposal was received from Knyansa Municipality. He clarified that since both Local and Provincial Authority has jurisdiction over this road, that their Department needs to receive motivation/confirmation from Knyansa Municipality that the details of the application are acceptable. Only once Mr. Burger’s Department has received this confirmation from yourselves, can they now withdraw the objection.

In my opinion this is an opportunity missed as Knyansa Municipality seems to have no objection to the existing access arrangements from Main Street to Erf 3550, and the access has been constructed in accordance with the Municipal approval relating to the relocation of this access, dated 18 July 2013. On 16 May 2014 I had a meeting with Ricky from Knyansa Municipality’s Technical Traffic Services. He advised that his Department have got no objection to the current access arrangements, as confirmed in their positive response to the current pending rezoning application.

I am not sure as to why the planning condition relating to the temporary departure approval dated 08 August 2013 restricts access to Trotter Street only. The decisions seem to contradict one another and does not seem to be based on the technical advice from either Knyansa- or Provincial Transport Departments.

Unless the Knyansa Planning Department has an objection to the existing access arrangements, I respectfully request the above mention comments be taken into consideration with the content of the submitted motivation report, and that planning permission be recommended for approval without restrictive planning conditions pertaining to access arrangements to Main Street, thereby leaving Trotter Street as the sole access point. I do feel there is sufficient justification for such as restriction and this seems to be shared by the technical advice I have received so far from both Knyansa’s and Provincial Transport Departments.

I hope you agree with the points raised and I would appreciate your feedback on how the application would be taken forward. If it helps, Mr. Burger did extend an invitation to contact him and I respectfully request that you contact him this week if possible for you. You can quote reference- 22118.

Myself and client are hoping the matter can be resolved promptly and that the application can therefore be considered at the next available Council meeting with a positive recommendation.

Thank you kindly for your assistance so far and please let me know if you have any concerns that you wish to discuss, I am hoping that all outstanding matters are close to resolution this week. I look forward to hearing back from you on the matter.

Kind Regards

Delrey Ferreira

B.Art. E.Scien. (Urban and Regional Planner)
0794082926

[Email Address]

On 30 April 2014 11:47, delrey ferreira <delreyferreira@gmail.com> wrote:

Good Morning Sirs

Thank you for the confirmation over comments and/or objections received in response to the submitted application for the rezoning and departure application at Knyansa Erf 3550.

file://C:/Users/tplanning/AppData/Local/Temp/XPgrpwise/5379F1AEkmdom02kmpo... 5/19/2014
I notice an objection made by the W.C. Transport and Public Works Department dated 13 March 2014.

In response to this objection I would like to make the following comments for your Department's consideration:

The letter unfortunately does not make reference to a reason for objecting to the application.

I have tried to contact the writer of the letter M.L. Watters to clarify this matter and elaborate on the reason for objecting. Unfortunately no response was forthcoming from that Department at the time of writing this letter. I will try and respond to the objection in general.

Firstly, the property already benefits from vehicular access to Main Street. This access is narrow however and application was made to Knysna Council on 02 July 2013 to relocate the access to Main Street in an easterly direction. Knysna Municipality resolved to grant the application on 18 July 2013. This access has now been constructed. It improves highway safety.

Recent approvals by Council have allowed business access to Main street, so I cannot consider that there could be an objection in principle to vehicular access to Main Street. Surely a business would have to have a demonstratable detrimental impact on local highway safety for there to be an objection to an access arrangement to Main Street. Records indicate that the business operations at Er 3550 have not had a detrimental impact on road safety.

The applicant in this instance would prefer to retain access to Main Street but would be willing to accept a planning condition restricting access to Trotter Street only. The applicant respectfully requests that the Knysna Municipality contacts myself to discuss the matter if the objection were to be upheld. I feel very strongly that it would be unfortunate if the application for rezoning was to be refused based on this objection alone so your correspondence in this regard would be greatly appreciated.

Please let me know if you require any further information from me.

Thanks and Regards
DeLaR ey Ferreira
B Art.eSolen
0794098926
delarey.ferreira@gmail.com

On 16 April 2014 11:24, Dale Bastian <planning@knysna.gov.za> wrote:

Hi DelaRay

Attached herewith is a copy of all comments and objections received in respect of your application. You are to respond to these within a period of 30 days to enable this department to proceed with the application. If you should fail to respond within the period allocated, we will assume that you have no comment and we will proceed with the application.

I trust you will find the above in order and that you will not hesitate to contact the undersigned if you require further information.

Dale Bastian Planning Intern
P.O. Box 21, Knysna, 6570, Western Cape, South Africa
Tel: +27 (0)44 302 8300 (switchboard) or 302 1694 (direct)
Fax: +27 (0)44 302 8301
e-mail: dbastian@knysna.gov.za

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Annexure G - Approval of Driveway 18 July 2013
Dear Sir,

**DRIVEWAY: 77 MAIN STREET KNYSNA: ERF 3550**

Your Letter dated 2\textsuperscript{nd} July 2013 and our subsequent meeting on the 15\textsuperscript{th} July 2013 refers.

Your request to move the existing driveway on Main Street East for between 10 and 15m is granted subject to the following conditions:

1. modification of the sidewalk to be at your cost and Council approval
2. closure of the existing entrance to be at your cost and Council approval
3. the maximum width on the boundary line not to exceed 6m
4. building of fences and installation of gates to be to the satisfaction of the Building Control Officer.
5. no access from the west along Main Street will be allowed that is contrary to the current road marking and approval of the move does not constitute any approval by Council to disobey the rules of the road.

Yours faithfully

LAUREN WARING
MUNICIPAL MANAGER

Please address all correspondence to the Municipal Manager and quote the above reference.
REPORT FROM ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

To provide feedback to Council regarding the Initiation of a Knysna Central CBD Regeneration Programme.

BACKGROUND

The Knysna CBD boasts many positive commercial and social developments in recent years, however, certain precincts and sub-corridors are subject to urban decay, not being used to its full potential and/or in serious need of revitalisation.

There are also key town structure interventions required to improve the flow of people and goods in the urban network to promote inward investment in the central CBD. The public, CBD businesses and users have expressed concern about the state of the Knysna CBD and an interest to be part of a revitalisation programme. In response to these challenges and in line with the Knysna Municipality’s long term strategic planning direction- as captured in the Integrated Strategic Development Framework (ISDF) and IDP objectives - a comprehensive CBD regeneration programme is proposed.

DISCUSSION

The Economic Development Department has taken the initiative to conceptualize a CBD regeneration programme based on local and international best practice to respond to the above challenges and institute CBD regeneration as a continuous focus of the Municipality and CBD stakeholders.

The Concept outline submitted through this item aim to do the following:

[i] To inform the initiation of a Strategic Urban Regeneration Programme for the Knysna CBD.

[ii] To capitalise on and unlock vast economic development potential in the Knysna CBD through spatially targeted interventions in an integrated network of identified CBD precincts.

[iii] To inform research; planning; leveraging of resources; institutional co-ordination and cooperation required to successfully implement the programme.

[iv] To provide context and projected implications of the programme for consideration by the Knysna Municipality, CBD businesses and users.

[v] To determine a process plan for short, medium and longer term actions the programme will require. The CBD Regeneration programme will draw on past studies on town enhancement, densification, transport interchange, non-motorises transport and other key proposals found in the ISDF.
It is of vital importance that the basic infrastructural challenges and issues relating to town road & pedestrian infrastructure, cleansing, safety and security be addressed first to enable place-making strategies and actions. A new vision for Knysna’s CBD and its precincts to transition to a smart town with all the necessary infrastructure and design elements that enable urban productivity, functionality and desirability will be a key driver of the programme.

The success of the programme will depend on active partnership between the Municipality and CBD businesses and users to co-create solutions for the transformation of the central CBD.

The concept outline document (Annexure A) includes a draft action plan with programme phases.

A municipal project task team meeting was held on 12 October 2016 (Annexure B) to introduce the programme aim and objectives to municipal departments that will have to play an active role in ensuring the success of project deliverables.

The CBD intervention assessment and implementation plan will focus on the 4 streets identified namely:

1. Main Road
2. Waterfront Drive
3. Long Street
4. Grey Street
5. Taxi Rank Precinct (Nelson Street)

The intervention assessments will be done in for each street and precinct and cover the following elements:

1. Road Infrastructure and Road surfacing
2. Sidewalks, Curbs & Pavements
3. Water drainage
4. Signage (Road & Tourism, Heritage & Business)
5. Pedestrian infrastructure
6. Street Furniture
7. Safety, Security and Law Enforcement
8. Enhancing Informal Trade Spaces
9. Public Parking
10. Delivery Vehicular Access

11. Public and Private Building Frontage/Facades and Delivery Vehicle Access


FINANCIAL IMPLICATIONS

After the initial scoping exercise has been concluded budget requirements will need to be determined for each different element. This will be completed before the 2016/17 adjustments budget to resource the short term deliverables of the programme and incorporate the CBD regeneration programme in the 4th generation IDP and budget planning process. The objective is to realign existing resource as much as possible and use existing staff and budget but do targeted interventions aligned to the needs accordingly.

RELEVANT LEGISLATION

N/A

RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

[a] That the content of the concept document regarding Knysna CBD Regeneration Programme, be noted;

[b] That the introduction and implementation of the CBD Regeneration Programme, be supported.

APPENDIX / ADDENDUM

Annexure A: Concept Outline Document
Annexure B: Task Team Presentation

File Number: 9/1/2/13
Execution: Acting Director : Planning and Development
KNYSNA MUNICIPALITY – CBD Regeneration Programme Concept Outline
2016/17

Version 1.0 – September 2016

PURPOSE OF THE CONCEPT OUTLINE:

1) To inform the initiation of a Strategic Urban Regeneration Programme for the Knysna CBD.

2) To capitalise on and unlock vast economic development potential in the Knysna CBD through spatially targeted interventions in an integrated network of identified CBD precincts.

3) To inform research; planning; leveraging of resources; institutional co-ordination and cooperation required to successfully implement the programme.

4) To provide context and projected implications of the programme for consideration by the Knysna Municipality, CBD businesses and users.

5) To determine a process plan for short, medium and longer term actions the programme will require.
EXECUTIVE SUMMARY

“To make their cities attractive places to live in, civic authorities need to harness the energies of all the individuals and businesses flocking into their metropolises. They need to foster the innovative spirit of social entrepreneurs who can step in with new solutions to meet demands for services and infrastructure. They must increase their political clout by forming productive partnerships with the private sector and civil society groups.” (Quoted from: Liveable Cities: Challenges and opportunities for policymakers. Economist Intelligence Unit, 2010)

The Knysna CBD boasts many positive commercial and social developments in recent years, however, certain precincts and sub-corridors are still underdeveloped, not being used to its full potential and/or in need of revitalisation. There are also key town structure interventions required to improve the flow of people and goods in the urban network. In response to these challenges and in line with the Knysna Municipality’s long term strategic policy direction- as captured in the Integrated Strategic Development Framework (ISDF) - a comprehensive CBD regeneration programme is proposed.

Business owners and CBD users have expressed their interest to be part of addressing the challenges and being part of the solution. Positive developments like new broadband infrastructure, for example, will serve as economic enablers for CBD users, informal traders and formal business.

Business owners in the CBD have also raised serious concern about issues affecting the following:

- safety and security
- cleanliness
- inadequate property maintenance (sometimes by business owners themselves)
- signage
- weak transport planning and;
- a lack of adequate maintenance of pedestrian walkways and road infrastructure.

Research from CBD revitalisation programmes across the world have shown that addressing safety and security and town hygiene challenges is a prerequisite for successful regeneration activities. Therefore, a first priority will be to ensure that the CBD is clean and safe and that a high standard of cleanliness and safety is sustained.

The Programme will seek to leverage existing capacity and resources both internally within the Knysna Municipality and from the private business community. This calls for collective leadership, partnership building and coordination of a systematic and organised process to inform background research, planning and implementation of the CBD revitalisation programme. The process will be initially by the Economic Development Department through an integrated task team made up of key internal and external stakeholders.

1. THE OPPORTUNITY

The broadly demarcated central CBD area (Figure 1) is already a high value, vibrant and prosperous area for commercial, social and cultural practices. There are significant and potentially highly profitable future development and investment opportunities in the area. Business owners have expressed interest to partner to develop and implement solutions to respond to challenges raised and to unlock new potential in the CBD.

The Knysna Mall has had a huge impact on business dynamics and movement of people in the CBD that represents a big challenge, but also an opportunity to redefine the original Main Street corridor in the CBD and unlock new opportunities. The potential can be developed with an integrated partnership approach between business, the Knysna Municipality and other major role players.
2. THE PURPOSE

From this perspective the purpose of the CBD Regeneration programme is to inclusively facilitate an innovative approach to the management, development and promotion of the broadly demarcated area situated within the Knysna CBD. This should be done utilising a facilitative evidence-based strategy and coordinating a partnership of stakeholders that will lead, coordinate and implement focused initiatives with clear outcomes.

Successful revitalisation partnerships seek to inclusively and innovatively facilitate the creation and sustained existence of thriving, economically prosperous CBD areas for the benefit of citizens and inhabitants, by introducing and utilising evidence-based strategies, structures and processes.

3. GOAL & OBJECTIVES

This concept outline document will inform the collective determination of a strategic goal for the programme and the related objectives to be pursued. All stakeholders need to be clear on allocation of roles and responsibilities and businesses must understand what the Municipality can and cannot do and where they need to play an active role in realising the goal and objectives to be defined.

A number of aspirational, programmatic and operational elements are highlighted here to assist the process for defining a clear goal statement and related objectives. These include for the programme to:

a) Have a long-term focus, grounded in the ISDF

Have 3 initial focus areas:

1. **Cleansing & Safety**: Evidence show that this should be the number 1 priority. Audit current capacity and format of keeping CBD precincts a.) Safe and b.) Clean. Develop process and capacity improvement and recommendations.

3. **Re-design, Re-structure & Enable**: Urban structures that are not conducive for business and desirable living, unlocking new enablers, mapping the FLOW of business networks, people and capital. Redefining the CBD core to adapt to changing market dynamics.

b) **Build on existing social and business networks in the CBD to be key partners in the programme**

c) **Initiate and activate community ownership of streets and precincts** – ex Open Streets Knysna, #Loveyourtown PR campaign etc.

d) **Incorporate planning principles (SPLUMA principles) in the restructuring of the urban network system to operate more efficiently and equitably**

e) **Respond to changing market dynamics in the CBD core by redefining the use of spaces in the traditional CBD, whilst promoting and maintaining the town’s heritage roots and preserving landmark assets**

f) **Build an Innovation Eco-system in and around the CBD** – linking with ICT incubator(s) and economic enablers provided through first class broadband network.

4. **REGULATORY AND POLICY IMPLICATIONS**

   The programme will be initiated within the local government regulatory framework and in line with the Knysna Integrated Strategic Development Framework which includes the Spatial Development Framework and the Economic Development Strategy which will form the basis of the new five year Integrated Development Plan (2016-2021). The establishment of a Central Business District Enhancement Area/Town Regeneration Zone in the demarcated focus area could be considered but this will require Council to consider a special levy or creating a Special Ratings Area in the CBD. In the absence of, or in the interim while supportive policy formulation is considered, alternative means to resource the immediate requirements for the programme needs to be found. A partnership approach whereby resources are leveraged, shared and its application aligned to the programme goal and objectives is thus the best option to proceed with.

5. **MANAGEMENT & INSTITUTIONAL ARRANGEMENTS**

   The institutional structure for initiating, designing and implementing the programme needs to be decided upon and a standardised process for engagement with the various CBD precincts included in the focus area needs to be set in place. The process should be informed by applying a ‘lean’ thinking methodology for stakeholder engagement and business process to avoid adding any additional red-tape to this environment. Engagement through and with any new administrative structures should be clear and responsive.

   The following parties (see Table 1 below) are envisaged to play a leading role in the initial phase of the programme:

   **Table 1: Structures & Responsible Officials**

<table>
<thead>
<tr>
<th>STRUCTURE</th>
<th>RESPONSIBLE OFFICIAL/STRUCTURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Sponsor</td>
<td>Knysna Municipality/CBD Business</td>
</tr>
<tr>
<td>Project Coordinator</td>
<td>Mr Petrus van Niekerk (Economic Development: Project Officer)</td>
</tr>
<tr>
<td>Project Manager</td>
<td>Ms Ilse van Schalkwyk (Manager Economic Development)</td>
</tr>
<tr>
<td>Municipal-led Task Team</td>
<td>Think Tank - Task Team</td>
</tr>
<tr>
<td></td>
<td>Economic Development, Town Planning &amp; Building Control (Hennie Smit &amp; Seretse Mthembu, Ntomi Nkoane), Income Department (William Fillies), Property Management (Bevan Ellman), Law Enforcement (Richard Meyer &amp; Steven Langlands) &amp; Parks &amp; Recreation (Deidre Murphy), Road Infrastructure (Shaun Maree &amp; Jemain Cupido)</td>
</tr>
<tr>
<td>Grey Street Business liaison</td>
<td>Mr Ian Fleming, Marti (Log Inn),</td>
</tr>
<tr>
<td>Taxi Rank Precinct</td>
<td>Chick Ramsey, Michael Georgiou, Taxi Operators</td>
</tr>
<tr>
<td>Main Street</td>
<td>Stella Sohn, Greg Dwyer (Royal Hotel)</td>
</tr>
<tr>
<td>Waterfront Drive</td>
<td>John Metlerkamp</td>
</tr>
</tbody>
</table>

187 | Page
6. SCHEDULE OF ACTIONS

The actions required are broken down into short, medium and longer term actions to systematically achieve the institutional and operational objectives of the programme. These actions are captured in Annexure 1. However, a number of priority quick actions – ‘activation actions’ – are required to spark interest amongst businesses during the institutional formation process. This could include addressing smaller signage, road rehabilitation, and business participation sessions in certain sections of the focus area while the internal task team and active stakeholders develops the business plan of the programme with clear timeframes and an action plan.

*Figure 1* indicates the project steps and logical flow of programme phases which is unpacked in detailed outcomes and deliverables for each phase in Annexure 1. Stakeholder consultation will be a continuous process and the exact nature of consultation will depend on the outcome of the project task. It is important, however, that the CBD businesses and users buy-in into the programme is secured and that it is not seen as a purely municipal project. The governance structure need to include CBD stakeholders in the planning process and this needs to be brainstormed by the project task team.

*Figure 1: CBD Regeneration Programme Cycle*
7. BUDGET AND FINANCING

The proposed budget of the programme and leveraging of resources will be discussed at the first meeting of the internal task team. The CBD core’s road surfaces, side-walk surfaces and signage are infrastructural and aesthetic challenges that will require spending in the short term – 2016/17 financial year.

Initial formation and engagement with partners does not require a substantial budget. If a Special Ratings Area/CID is to be established in the medium term it will provide financial resources for the implementation of interventions for safety and security, cleansing and project management capacity etc. However, whether this is the appropriate business model to follow will be explored further during the project scoping phase of the project which is the kick off phase.

8. RESEARCH AND FOCUS AREA

Following an initial scouting exercise the economic development department will undertake a 2-phased urban renewal and CBD revitalisation research exercise to inform further planning and project identification which will be done. The initial research output and deliverables are captured in Annexure 1. CBD Revitalisation has been done successfully both in the Western Cape Province and internationally and there is a second-mover advantage to learn from the challenges other local governments faced during the programme design and implementation stages. Key to the research agenda will thus be to create learning partnerships with these organisations.

A number urban regeneration partnerships in the Western Cape provides relevant ideas for consideration going forward. A few local examples of similar programmes include the:

1. Cape Town Partnership & Central City Improvement District (CoCT CCID)
2. Greater Tygerberg Partnership & Voortrekker Road Corridor City Improvement District
4. George Municipality: George CBD Urban Economic Market Study
5. Overstrand Municipality: CBD Regeneration programme

The section that follows include a number of figures produced by the above institutions that have embarked on city or town regeneration programmes. Figure 2 indicate how the Cape Town Partnership characterised Cape Town CBD into 20 districts neighbourhoods based on its cluster characteristics. This characterisation informed site-specific interventions that build on the existing precinct dynamics. Breede Valley Municipality’s recently launched Business Improvement District (Figure 3) indicate that from a programme planning perspective, clear demarcation of the focus area is required. The process of establishing a Special Ratings Area (SRA) is simplified when the focus area is clearly defined because 51 of business owners in the demarcated area must agree to the introduction of a special levy to fund the programme projects and operational costs.

George Municipality commissioned a CBD Urban Market Study in 2008 that rendered useful data on market dynamics in the George CBD. Similar to the Cape Town Partnership example, the George study clustered its CBD precincts based on functional and spatial indicators (Core, Northern, Southern Nodes) and business activity (retails Strips, Medical and administrative etc)- Figure 4. The Greater Tygerberg Partnership (Northern Areas, Cape Town) that focuses on the regeneration and enhancement of the Voortrekker Road Corridor followed an approach characterised by the development of a partnership eco-system framework.
Figure 2: Cape Town – 20 neighbourhoods

Figure 3: Worcester Business Improvement District

Source: City of Cape Town Central City Improvement District/Cape Town Partnership – 20 Neighbourhoods (left); Worcester CBD Worcester Business Improvement District demarcated area (right)

Figure 4: George CBD Market Nodes

Figure 5: CBD Partnership Eco-System Framework

Source: George CBD Urban Economic Market Study, 2008

Source: Greater Tygerberg Partnership, The Next Three Years, 2013

Figure 5 illustrates conceptual, planning and institutional dynamics considered in establishing a planning and implementation framework for CBD regeneration. The graphic model illustrates programmatic elements like integrated planning, marketing and communication, evidence-based interventions and the need for CBD partnerships to embrace new opportunities presented by the knowledge economy.

The task team will thus need to clearly define the targeted area when planning interventions that will contribute to CBD regeneration and define an integrated planning framework, with related institutional coordination to ensure efficient and effective implementation of projects. The focus area can also be expanded in future should the need arise.
9. CONCLUSION

Achieving the intended impact of the CBD Regeneration programme will depend on inclusive and innovative leadership, utilising knowledge to translate the aspirational goal and objectives into action, and ultimately turning potential into prosperity for the Knysna CBD, its businesses and users. This concept outline document is work in progress and serves as a guide for the proposed planning and implementation processes going forward.
### Annexure 1: Action Plan for CBD Revitalisation Programme

<table>
<thead>
<tr>
<th>ITEM/ACTION</th>
<th>RESPONSIBLE PERSON(S)</th>
<th>OUTCOME</th>
<th>DELIVERABLE</th>
<th>START DATE</th>
<th>FINISH DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. PROGRAMME INITIATION &amp; COORDINATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Finalise Draft Concept Outline</td>
<td>Petrus/Ilse</td>
<td>All internal stakeholders and task team members have clear understanding of programme purpose</td>
<td>Final Draft Concept Outline document</td>
<td>September 2016</td>
<td>19/09/16</td>
</tr>
<tr>
<td>2. Initial Scouting exercise</td>
<td>Petrus</td>
<td>Capture street-by-street observations of CBD phenomena</td>
<td>Photographic street report and observations</td>
<td>Sept 2016</td>
<td>23/09/16</td>
</tr>
<tr>
<td>3. Inception CBD Regeneration Task Team Meeting</td>
<td>Task Team</td>
<td>Form an accountable internal project task team to coordinate planning and implementation</td>
<td>Task team meetings with clear action outcomes, roles and responsibilities</td>
<td>Sept/Oct 2016</td>
<td>On-going</td>
</tr>
<tr>
<td>5. Finalise initial business process plan and brainstorm project coordination structure</td>
<td>Task Team/Petrus/Ilse</td>
<td>Project planning and implementation structure is clarified and actions required identified</td>
<td>Business Process Plan and coordination structure report</td>
<td>Oct 2016</td>
<td>Nov 2016</td>
</tr>
<tr>
<td><strong>2. CBD RESEARCH (PHASE 1): PLANNING &amp; STRATEGY DEVELOPMENT</strong></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>6. Desktop research-approaches and models to municipal led CBD regeneration</td>
<td>Sonja/Petrus</td>
<td>Summarise process followed by other municipal-led CBD revitalisation</td>
<td>Research report</td>
<td>Nov 2016</td>
<td>Feb 2016</td>
</tr>
</tbody>
</table>
### Planning and Integrated Human Settlements Committee Meeting

**Agenda**

**2 November 2016**

<table>
<thead>
<tr>
<th>ITEM/ACTION</th>
<th>RESPONSIBLE PERSON(S)</th>
<th>OUTCOME</th>
<th>DELIVERABLE</th>
<th>START DATE</th>
<th>FINISH DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Audit and gather all relevant data, studies and plans related to Knysna CBD (past, current, forward planning)</td>
<td>Sonja/Petrus</td>
<td>programmes and identify programme requirements for Knysna Municipality</td>
<td>CBD knowledge repository</td>
<td>Nov 2016</td>
<td>Dec 2016</td>
</tr>
<tr>
<td>8. Spatial identification of clusters, corridors, targeted precincts and key land parcels for investment or revitalisation</td>
<td>Sonja/Petrus</td>
<td>Avoid duplication in planning. Synthesise existing data, information and plans to organise CBD data and planning repository</td>
<td>Report</td>
<td>Nov 2016</td>
<td>Dec 2016</td>
</tr>
<tr>
<td>9. Identify short term actions that require immediate attention to enhance CBD (ST IMPLEMENTATION)</td>
<td>Task Team/ED</td>
<td>Inform spatial targeting and urban ‘acupuncture’ approach to planning of programme interventions</td>
<td>Damaged roads are resurfaced, confusing/old signage replaced, safety perceptions addressed, cleansing shortcoming addressed.</td>
<td>Nov/Dec 2016</td>
<td>TBC</td>
</tr>
</tbody>
</table>

**3. CBD Research (Phase 2): Programme Design & Business Plan**

<table>
<thead>
<tr>
<th>ITEM/ACTION</th>
<th>RESPONSIBLE PERSON(S)</th>
<th>OUTCOME</th>
<th>DELIVERABLE</th>
<th>START DATE</th>
<th>FINISH DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Draft Programme Business Plan &amp; Identification of research needs</td>
<td>Sonja/Petrus/Ilse</td>
<td>Having a clear programme framework in place to guide stakeholders with planning and implementation. To identify specific research needs to determine project focus areas and priorities.</td>
<td>Draft CBD Regeneration Business Plan &amp; Research needs framework</td>
<td>Nov 2016</td>
<td>March 2017</td>
</tr>
<tr>
<td>ITEM/ACTION</td>
<td>RESPONSIBLE PERSON(S)</td>
<td>OUTCOME</td>
<td>DELIVERABLE</td>
<td>START DATE</td>
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</tr>
<tr>
<td>12. Qualitative verification of research results per corridor/precinct with businesses &amp; project proposal feedback.</td>
<td>Field Workers/Sonja/Petrus/Ilse</td>
<td>To verify accuracy of data and revise content of project proposals prior to implementation</td>
<td>Consult precinct leaders on project proposals</td>
<td>April 2017</td>
<td>On-going</td>
</tr>
</tbody>
</table>

## 4. TARGETED PRECINCT PROJECT PLANS

| 14. Draft project proposals/place-making project plans (incl. description, impact and timeframes) – draft project plan SoP. | Petrus/Ilse/Project Leader | To have standard project plans in place with clear deliverables and linkage with programme objectives for screening by task team and stakeholders. To ensure accountability for implementation. To coordinate interventions. | Place-making project plans | On-going | On-going |

## 15. IMPLEMENTATION OF PROJECT PLANS

|  | Project Leaders/Ilse/Petrus | Project plans that practically realise the programme objectives are implemented by project leaders and project teams. | Project plans - successfully implemented with measurable impact on CBD enhancement | July 2017 | On-going |

**ON-GOING: STAKEHOLDER CONSULTATION & PROJECT PERFORMANCE MONITORING**

- Determine public engagement plan for business buy-in and ownership. | Task Team/Ilse/Petrus | Alignment with existing PP processes, ensuring effective communication with the right people. | Business engagement sessions with precincts in focus area | Nov 2016 | On-going |
<table>
<thead>
<tr>
<th>ITEM/ACTION</th>
<th>RESPONSIBLE PERSON(S)</th>
<th>OUTCOME</th>
<th>DELIVERABLE</th>
<th>START DATE</th>
<th>FINISH DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication Strategy &amp; Public Relations Campaign(s).</td>
<td>Ilse/Petrus</td>
<td>Determine appropriate timing for and content of communication between Municipality and Business precincts.</td>
<td>Communication strategy</td>
<td>Nov 2016</td>
<td>On-going</td>
</tr>
<tr>
<td>Precinct business participation events at – for example Gray Street (Log Inn).</td>
<td>Ilse/Petrus</td>
<td>Build business community buy-in, ownership and sustained partnership.</td>
<td>Business engagement events</td>
<td>Nov 2016</td>
<td>On-going</td>
</tr>
<tr>
<td>MONITOR AND REVIEW PROGRAMME AND PROJECT PERFORMANCE</td>
<td>ED</td>
<td>To continuously monitor and evaluate programme and project performance and address challenges identified</td>
<td>Programme &amp; Project M&amp;E framework</td>
<td>April 2016</td>
<td>On-going</td>
</tr>
</tbody>
</table>
KNYSNA Central CBD
Regeneration Programme - Project Task Team meeting
14 October 2016
Agenda

1. Introduction & Welcoming
2. Purpose of Meeting
3. CBD Regeneration Concept Outline
4. Draft Implementation Plan
5. Inputs & Discussion
6. Roles & Responsibilities
7. General & Way Forward
8. Thanks & Closure
Programme Purpose

Purpose:
• To capitalise on and unlock economic development potential in the Knysna CBD through spatially targeted interventions in an integrated network of identified CBD precincts.
• To facilitate a programme for sustained regeneration and development of urban-economic infrastructure to enhance the CBD
• To coordinate a partnership of stakeholders that will lead and implement focused place-making initiatives with clear outcomes in the Knysna CBD to the benefit of CBD businesses and users.
Programme Concept Outline Content

1. Executive Summary
2. The Opportunity
3. The Purpose
4. Goal & Objectives
5. Policy Implications
6. Programme Management
7. Programme Implementation Cycle
8. Budget & Financing
9. CBD Focus Area & Research
10. Draft Schedule of Actions (Annexure 1)
Focus Areas – Short, Medium & LT

1. Cleansing & Safety
   - Cleansing processes and capacity
   - Law enforcement & visible policing

2. Revitalisation & Development
   - Infrastructure rehabilitation/upgrade
   - New assets and that create public value in CBD

3. Re-design, Re-structure & Enable
   - Transport planning
   - Pedestrian infrastructure and flow
   - Broadband access enablers

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Observations from Scouting Exercise

- Specific CBD precincts are not clean and perceived to be safe (Taxi Precinct, upper part of Grey Street etc.)
- Pedestrian infrastructure network fragmented- hampering flow of people
- Disproportionate amount of public space taken up by motor vehicles
- Visible law enforcement/policing is absent in densely concentrated areas
- Road infrastructure upgrade, signage, building facades, cleansing & water drainage problems threatening overall CBD image and functionality
- Before focus on comprehensive place-making strategies enabling infrastructure need to be upgraded or put in place
Implementation

Short Term:
• Current Capital projects – focus on enabling infrastructure
• Project inception initiation (Council approval)
• Non-resource intensive actions (process and current capacity improvement – beautification & law enforcement)

Medium-Term
• Projects plans and implementation by CBD target area and by type (refer to draft Implementation Matrix)
• Project plans, teams and resource allocation

Long-term
• Town structure interventions
• Place-making strategies

* Informed by previous town enhancement studies, master plans, IDP, ISDF & CBD programme research

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## Structure & Responsible Officials/Structure

<table>
<thead>
<tr>
<th>Structure</th>
<th>Responsible Official/Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Sponsor</td>
<td>Knysna Municipality/CBD Business</td>
</tr>
<tr>
<td>Project Coordinator</td>
<td>Mr Petrus van Niekerk (Economic Development: Project Officer)</td>
</tr>
<tr>
<td>Project Manager</td>
<td>Ms Ilse van Schalkwyk (Manager Economic Development)</td>
</tr>
<tr>
<td>Municipal-led Task Team</td>
<td>Economic Development, Town Planning &amp; Building Control (Hennie Smit &amp; Seretse Mthembu, Ntomi Nkoane), Income Department (William Fillies), Property Management (Bevan Ellman), Law Enforcement (Richard Meyer &amp; Steven Langlands) &amp; Parks &amp; Recreation (Deidre Murphy), Road Infrastructure (Shaun Maree &amp; Jemaine Cupido)</td>
</tr>
<tr>
<td>Grey Street Business liaison</td>
<td>Ian Fleming, Marti (Log Inn), Chick Ramsey, Michael Georgiou, Taxi Operators</td>
</tr>
<tr>
<td>Taxi Rank Precinct</td>
<td>Stella Sohn, Greg Dwyer (Royal Hotel)</td>
</tr>
<tr>
<td>Main Street</td>
<td>John Metlerkamp, Caltext, Waterfront</td>
</tr>
<tr>
<td>Waterfront Drive</td>
<td></td>
</tr>
<tr>
<td>COMBINED – CBD Regeneration Advisory Task Team (6-12 months into programme only)</td>
<td>TBC</td>
</tr>
</tbody>
</table>
Way Forward

- Council Approval
- Consolidate all existing and planned CBD projects into implementation matrix (inputs by all dept. and units)
- Engage CBD business, property owners and users
- Coordinate sequence of activities
- Complete street-by street diagnosis of challenges and categorise interventions required (Short, Medium, LT)
- Determine additional budget requirements for current financial year for immediate actions and budget for programme roll-out 2017/18; 2018/19
- Next Programme TT meeting
KNYSNA Central CBD Photo Presentation – The Good, The Bad & The Ugly (‘Before’ as at October 2016)
Sidewalks & Pavements

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Signage
Signage

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Roads & Surfacing
Private property - Public Impact
Cleansing
Taxi Precinct
Need to ‘open’ space to create flow
**The Good:** Certain nodes are excelling. Central CBD is a hive of activity despite various vacant commercial spaces in Main Street. Informal and formal retail co-exist. Historical assets and heritage provide unique town character. Examples of businesses that beautify their area/blocks.

**The Bad:** Public hazards. Poles should not be in street- creates space distortion. Stop sign – temporary or permanent solution? Signage confusing. Traffic lights in various areas obstruct road and tourist attraction signs. Crater-like potholes all over CBD. Some streets reduced to single-file driving because of complete road infrastructure implosion. Water outflow infrastructure (ex Gray Street, Trotter Street etc.) not functioning properly. Parking and road surfaces in serious need of proper rehabilitation not quick fixes. Lack of protection of public goods – people problem (pavement bricks disappearing), without control and monitoring processes –i.e. public ownership and responsibility taken for guarding public goods CBD will degenerate over time.

**The Ugly:** Micro-surfaces attracting litter. Most of CBD relatively clean but spaces around trees and electrical boxes filled with litter and weeds. Anyone assigned to taking care of it?
REPORT FROM ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

Attached are the monthly reports for Environmental Management, Integrated Human Settlements and Town Planning and Building Control, for September 2016, received from the Acting Director: Planning and Development.

RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

That the monthly reports for Environmental Management, Integrated Human Settlements and Town Planning and Building Control, for September 2016, received from the Acting Director: Planning and Development, be noted.

APPENDIX / ADDENDUM


File Number: 9/1/2/13
Execution: Acting Director: Planning and Development
PLANNING AND DEVELOPMENT PORTFOLIO COMMITTEE REPORT
DIRECTORATE: PLANNING AND DEVELOPMENT

DEPARTMENT: ENVIRONMENTAL MANAGEMENT
MONTHLY REPORT: September 2016

1. SDBIP INDICATORS

<table>
<thead>
<tr>
<th>Ref</th>
<th>KPI</th>
<th>Unit of Measurement</th>
<th>Comments/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>D165</td>
<td>Environmental Protection and Infrastructure Programme: Propose and Implement</td>
<td>4 per cycle</td>
<td>Projects to commence in November 2016</td>
</tr>
<tr>
<td>D166</td>
<td>Implement Environmental Awareness/Education</td>
<td>6 per annum</td>
<td>Arbour Week completed</td>
</tr>
<tr>
<td>D167</td>
<td>Implement River Health Programme</td>
<td>30 temporary job opportunities per month</td>
<td>34 opportunities created.</td>
</tr>
</tbody>
</table>

2. ADDITIONAL COMMENTS/ ACTIVITIES

3. PERMITS ISSUED

<table>
<thead>
<tr>
<th>Area</th>
<th>Erf Number</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brenton</td>
<td>43</td>
<td>OSCAE</td>
</tr>
<tr>
<td>Brenton</td>
<td>177</td>
<td>OSCAE</td>
</tr>
<tr>
<td>Knysna</td>
<td>2870</td>
<td>OSCAE</td>
</tr>
<tr>
<td>Knysna</td>
<td>3133</td>
<td>OSCAE</td>
</tr>
<tr>
<td>Sedgefield</td>
<td>3799</td>
<td>OSCAE</td>
</tr>
</tbody>
</table>
1. SDBIP INDICATORS

<table>
<thead>
<tr>
<th>KPI [R]</th>
<th>Performance Standard</th>
<th>Comment/ Progress/ Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services to sites in areas earmarked for projects: Dam Se Bos Oupad; Hlalani; Happy Valley and Ethembeni</td>
<td>Erven serviced with bulk services</td>
<td>300 out of 1100 erven already serviced in 2015/16 remaining 880 services will be done in 2016/17</td>
</tr>
<tr>
<td>Construction of subsidized housing units in Nekkies; Dam Se Bos; Oupad and Concordia</td>
<td>Housing units constructed</td>
<td>214 slabs already casted out of a target of 195 for 2015/16</td>
</tr>
<tr>
<td>Human Settlement Plan</td>
<td>Number of opportunities provided</td>
<td>In progress</td>
</tr>
<tr>
<td>Hornlee Toilets</td>
<td>Provide access to proper sanitation through constructing toilets attached to houses in Hornlee.</td>
<td>Phase 1 (65 toilets are 100% complete phase 2 of 150 toilets is in progress.</td>
</tr>
<tr>
<td>Services to sites in areas earmarked for projects: Hornlee</td>
<td>Erven serviced with bulk services</td>
<td>Awaiting for ABSA/DEVCO exit letter.</td>
</tr>
</tbody>
</table>

2. CURRENT HUMAN SETTLEMENTS PROJECTS

2.1 Provision of Infrastructure for 880 erven in Ethembeni, Hlalani, Happy Valley, Bloemfontein, Qolweni, will be implemented in the 2016/2017

2.2 Provision of infrastructure for 200 erven in Oupad, Dam Se Bos, will be implemented, in the 2016/2017 financial year.
2.3 Provision of 165 Top structures in Oupad, Dam se Bos, Nekkies, Concordia
2.4 Provision of 200 Service sites in Oupad, Dam se Bos, Nekkies, Concordia
2.5 Hornlee Toilets(150)
2.6 Rectification of 19 houses
2.7 Electrification of Lapland
2.8 Electrification of Gaaitjie

### 3. PROGRESS ON HUMAN SETTLEMENTS PIPELINE PROJECTS

<table>
<thead>
<tr>
<th>AREA</th>
<th>SITES/TOP STRUCTURES</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloemfontein</td>
<td>150 sites</td>
<td>95 sites serviced, project is 80% complete</td>
</tr>
<tr>
<td>Xolweni</td>
<td>220 sites</td>
<td>84 sites serviced, project is 62% complete</td>
</tr>
<tr>
<td>Ethembeni</td>
<td>200 sites</td>
<td>200 sites serviced, project is 100% complete</td>
</tr>
<tr>
<td>Hlanani</td>
<td>165 sites</td>
<td>93 sites serviced, project is 60% complete</td>
</tr>
<tr>
<td>Happy Valley</td>
<td>120 Sites</td>
<td>120 sites serviced, project is 100% complete</td>
</tr>
<tr>
<td>Vision Services(15/16)</td>
<td>200</td>
<td>Project is 100% complete</td>
</tr>
<tr>
<td>Vision Top structures(15/16)</td>
<td>194</td>
<td>Completed 214 Top structures</td>
</tr>
<tr>
<td>Hornlee toilets</td>
<td>150 toilets</td>
<td>In progress 60% complete</td>
</tr>
<tr>
<td>Rectification</td>
<td>19</td>
<td>17 complete, 2 in progress. Project is 90% complete</td>
</tr>
<tr>
<td>Vision Top structures(16/17)</td>
<td>165</td>
<td>53 houses are on roof top, 62 houses are on Wet works, 40 plastered, 22 painted.</td>
</tr>
<tr>
<td>Vision services(16/17)</td>
<td>150</td>
<td>Tender will be advertised shortly.</td>
</tr>
<tr>
<td>Lapland</td>
<td>30</td>
<td>30 Wendy houses were provided and electricity to 30 Wendy houses was switched on 07/09/16</td>
</tr>
<tr>
<td>Rheenendal</td>
<td>322 sites</td>
<td>Tranche payment 1.1(planning fees) has been approved for 2017/18</td>
</tr>
<tr>
<td>Gaaitjie/Smutsville</td>
<td>Electrification of 70 houses</td>
<td>Project is 100% complete</td>
</tr>
</tbody>
</table>
### 4. STATUS ON 275 SLABS/TOPSTRUCTURES 2016/17

<table>
<thead>
<tr>
<th>AREA</th>
<th>SITES/TOP STRUCTURES</th>
<th>SLABS/TOP STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloemfontein</td>
<td>150 sites</td>
<td>Still awaiting for approval of slab/top structure application</td>
</tr>
<tr>
<td>Xolweni</td>
<td>220 sites</td>
<td>50 slabs/top structures</td>
</tr>
<tr>
<td>Ethembeni</td>
<td>200 sites</td>
<td>70 slabs/top structures</td>
</tr>
<tr>
<td>Hlanani</td>
<td>165 sites</td>
<td>40 slabs/top structures</td>
</tr>
<tr>
<td>Happy Valley</td>
<td>120 Sites</td>
<td>40 slabs/top structures</td>
</tr>
<tr>
<td>Vision Services</td>
<td>75</td>
<td>75 slabs/top structures</td>
</tr>
<tr>
<td>Vision</td>
<td>200</td>
<td>Tender will be advertised shortly.</td>
</tr>
<tr>
<td>Vision Top</td>
<td>120</td>
<td>Tender will be advertised shortly.</td>
</tr>
<tr>
<td>structures</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

MAWETHU PENXA

MANAGER: INTEGRATED HUMAN SETTLEMENTS
1. **SDBIP**

<table>
<thead>
<tr>
<th>KPI [R]</th>
<th>Performance Standard</th>
<th>Target</th>
<th>Progress/ Comments/ Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocate Building Plan Applications</td>
<td>Ensure that all building plan applications are allocated within 5 working days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Allocate Land Use Applications</td>
<td>Ensure that all land use applications are allocated within 10 working days</td>
<td>90%</td>
<td>100%</td>
</tr>
<tr>
<td>Approval of Building Plans within 30 days for plans &lt; 500 m² and within 60 days for plans &gt; 500m²</td>
<td>% building plan applications processed within prescribed time frames</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Ensure an effective and efficient building control service by addressing illegal building activity within 5 working days</td>
<td>% site inspections and action taken within 5 workings days after identification and/ or reporting</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Occupational certification finalized within 30 days after all building and land use requirements are met to satisfaction</td>
<td>% of certification completed within 30 days</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Zoning certificate issued within 10 days</td>
<td>% of zoning certificates issued within 10 days</td>
<td>90%</td>
<td>100%</td>
</tr>
<tr>
<td>Processing of Land Use Applications within 90 days after receipt of all outstanding information</td>
<td>% of applications processed within prescribed time frames.</td>
<td>80%</td>
<td>100%</td>
</tr>
</tbody>
</table>

2. **LAND USE APPLICATIONS**

2.1 Applications in the system between 1-08-2016 and 31-08-2016

- Total: 24
- Delegated: 24
- Non-delegated: 00
2.2 Town Planning applications finalized between 1-08-2016 to 31-08-2016.

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Number of Appl. Approved</th>
<th>Number of Appl. Rejected</th>
<th>Total Appl. Finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departure</td>
<td>13</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Site Development Plan</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Sub-Division;Departure</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Temporary Use Departure</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Extension of rezoning time</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Departure;Temporary Use</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Departure</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Consent Use</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>21</td>
<td>0</td>
<td>21</td>
</tr>
</tbody>
</table>

2.3 Zoning certificate register for between 1-08-2016 to 31-08-2016

<table>
<thead>
<tr>
<th>ERF NUMBER</th>
<th>DATE OF PAYMENT</th>
<th>DATE OF ISSUE</th>
<th>RESPONSIBLE TOWN PLANNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erf 5156, Knysna</td>
<td>16/08/2016</td>
<td>18/08/2016</td>
<td>Dale Dastian</td>
</tr>
<tr>
<td>Erf 18, BB</td>
<td>19/08/2016</td>
<td>19/08/2016</td>
<td>Dale Bastian</td>
</tr>
<tr>
<td>Erf 4091, Knysna</td>
<td>30/08/2016</td>
<td>01/09/2016</td>
<td>Steward Mqhele</td>
</tr>
</tbody>
</table>

3. PROGRESS FOR BUILDING PLANS

3.1 Plans submitted for August 2016

<table>
<thead>
<tr>
<th>Building Plans Received</th>
<th>August 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Plan</td>
<td>95</td>
</tr>
<tr>
<td>Plans with Area &lt;= 500 m2</td>
<td>84</td>
</tr>
<tr>
<td>Plans with Area &gt; 500 m2</td>
<td>11</td>
</tr>
<tr>
<td>Resubmission of Rejected Plan</td>
<td>7</td>
</tr>
<tr>
<td>Plans with Area &lt;= 500 m2</td>
<td>7</td>
</tr>
<tr>
<td>Plans with Area &gt; 500 m2</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>102</td>
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</tbody>
</table>
### 4.3 Processing period from plan acceptance to finalization

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Building Application Outcome</th>
<th>Final Approval Building Control</th>
<th>Building Plan Number</th>
<th>Date Accepted</th>
<th>Date Finalised</th>
<th>Period (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>557844</td>
<td>Rejected</td>
<td></td>
<td>2016/5370</td>
<td>2016-07-11</td>
<td>2016-08-12</td>
<td>32</td>
</tr>
<tr>
<td>559989</td>
<td>Application Approved</td>
<td>2016/5442</td>
<td>2016-07-13</td>
<td>2016-08-17</td>
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<td>35</td>
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<tr>
<td>560494</td>
<td>Application Approved</td>
<td>2016/5457</td>
<td>2016-07-25</td>
<td>2016-08-18</td>
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<tr>
<td>561155</td>
<td>Application Approved</td>
<td>2016/5481</td>
<td>2016-07-20</td>
<td>2016-08-05</td>
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<tr>
<td>561427</td>
<td>Rejected</td>
<td>2016/5493</td>
<td>2016-08-02</td>
<td>2016-08-04</td>
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<tr>
<td>561575</td>
<td>Application Approved</td>
<td>2016/5495</td>
<td>2016-08-17</td>
<td>2016-08-24</td>
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<tr>
<td>561630</td>
<td>Application Approved</td>
<td>2016/5497</td>
<td>2016-08-17</td>
<td>2016-08-31</td>
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<td>14</td>
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<tr>
<td>562923</td>
<td>Application Approved</td>
<td>2016/5506</td>
<td>2016-07-19</td>
<td>2016-08-30</td>
<td></td>
<td>42</td>
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<tr>
<td>562935</td>
<td>Application Approved</td>
<td>2016/5508</td>
<td>2016-07-19</td>
<td>2016-08-17</td>
<td></td>
<td>29</td>
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<tr>
<td>563001</td>
<td>Application Approved</td>
<td>2016/5513</td>
<td>2016-07-20</td>
<td>2016-08-22</td>
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<tr>
<td>563225</td>
<td>Rejected</td>
<td>2016/5522</td>
<td>2016-07-11</td>
<td>2016-08-12</td>
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<tr>
<td>564850</td>
<td>Application Approved</td>
<td>2016/5527</td>
<td>2016-07-14</td>
<td>2016-08-08</td>
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<tr>
<td>564920</td>
<td>Application Approved</td>
<td>2016/5528</td>
<td>2016-07-28</td>
<td>2016-08-08</td>
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<tr>
<td>565201</td>
<td>Application Approved</td>
<td>2016/5530</td>
<td>2016-07-14</td>
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<tr>
<td>565306</td>
<td>Rejected</td>
<td>2016/5532</td>
<td>2016-07-21</td>
<td>2016-08-04</td>
<td></td>
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<tr>
<td>565458</td>
<td>Change Recommendation</td>
<td>Application Approved</td>
<td>2016/5537</td>
<td>2016-07-14</td>
<td>2016-08-05</td>
<td>22</td>
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<tr>
<td>565470</td>
<td>Application Approved</td>
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<td>2016-07-14</td>
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<tr>
<td>565532</td>
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<td>2016/5539</td>
<td>2016-07-20</td>
<td>2016-08-17</td>
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<td>28</td>
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<tr>
<td>565549</td>
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<td>2016/5540</td>
<td>2016-07-21</td>
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<td>26</td>
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<td>2016/5548</td>
<td>2016-07-18</td>
<td>2016-08-08</td>
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<td>21</td>
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<tr>
<td>565856</td>
<td>Application Approved</td>
<td>2016/5549</td>
<td>2016-07-21</td>
<td>2016-08-17</td>
<td></td>
<td>27</td>
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<tr>
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PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
2 NOVEMBER 2016

AGENDA

4.5 PROCESSING PERIOD OF COMPLAINT INSPECTION

01 August 2016
31 August 2016

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4.6 Statistics of Plans Received
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8. LAND USE PROCESSING PERIOD

a. Non-Delegated Decisions

No non-delegated decisions were made during this period.

b. Delegated Decisions
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
2 NOVEMBER 2016
AGENDA

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PLANNING AND DEVELOPMENT PORTFOLIO S80 MEETING
DIRECTORATE: PLANNING AND DEVELOPMENT SERVICES
TOWN PLANNING AND BUILDING CONTROL
MONTHLY REPORT: September 2016

1. SDBIP

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<th>Target</th>
<th>Progress/ Comments/ Status</th>
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<td>Allocate Building Plan Applications</td>
<td>Ensure that all building plan applications are allocated within 5 working days</td>
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<tr>
<td>Allocate Land Use Applications</td>
<td>Ensure that all land use applications are allocated within 10 working days</td>
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<td>100%</td>
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<td>Approval of Building Plans within 30 days for plans &lt; 500 m² and within 60 days for plans &gt; 500m²</td>
<td>building plan applications processed within prescribed time frames</td>
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<td>Ensure an effective and efficient building control service by addressing illegal building activity within 5 working days</td>
<td>site inspections and action taken within 5 workings days after identification and/or reporting</td>
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<td>Occupational certification finalized within 30 days after all building and land use requirements are met to satisfaction</td>
<td>of certification completed within 30 days</td>
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<td>Zoning certificate issued within 10 days</td>
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<td>of applications processed within prescribed time frames.</td>
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2. LAND USE APPLICATIONS

2.1 Applications in the system between 1-09-2016 to 30-09-2016

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2.2 Town Planning applications finalized between 1-08-2016 to 31-08-2016.

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2.3 Zoning certificate register for between 1-09-2016 to 30-09-2016

- Erf 2000, Sedgefield 01/09/2016 01/09/2016 Steward Mqhele
- Erf 3133, Knysna 16/09/2016 16/09/2016 Randall Solomon
- Erf 4672, Knysna 13/09/2016 16/09/2016 Steward Mqhele

3. PROGRESS FOR BUILDING PLANS

3.1 Plans submitted for September 2016

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<th>October 2016</th>
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### 4.3 Processing period from plan acceptance to finalization

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#### 4.4 Processing Period from Plan Acceptance to Building Inspector Allocation

**01 September 2016**

**Date To:** 30 September 2016

**Total:** 76

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### 4.5 PROCESSING PERIOD OF COMPLAINT INSPECTION

01 September 2016

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<tr>
<th>Reference Number</th>
<th>Building Plan Number</th>
<th>Date Inspection Requested</th>
<th>Inspection Date</th>
<th>Days from Request to Inspection</th>
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4.6 Statistics of Plans Received
From: 01 September 2016 To: 30 September 2016

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<thead>
<tr>
<th>Building Plans Received</th>
<th>September 2016</th>
<th>October 2016</th>
<th>Cost of building work</th>
<th>Total m²</th>
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<tbody>
<tr>
<td>New Plan</td>
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4.7 Statistics of Plans Finalised
From: 01 September 2016 to 30 September 2016

<table>
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<tr>
<th>Building Plans Finalised</th>
<th>Final Approval Building Control</th>
<th>September 2016</th>
<th>Total Area (m²)</th>
<th>Cost of Building Work (R)</th>
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<td>New Plan</td>
<td>Application Approved</td>
<td>51</td>
<td>13 208.40</td>
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<td>68</td>
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</table>
Number of Building Plans Received

- Plans with Area <= 500 m²
- Plans with Area > 500 m²
- New Plan
- Resubmission of Rejected Plan
- Total

Total building plans received

- 2014
- 2015
- 2016
### 7. Land Use Period from Receipt to Allocation

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<tr>
<th>Reference Number</th>
<th>Application Number</th>
<th>Applicant Name</th>
<th>Application Type</th>
<th>Application Date</th>
<th>Date Distributed</th>
<th>Period in Days</th>
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<tr>
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<td>Departure; Consent Use</td>
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<td>Departure</td>
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<td></td>
<td></td>
<td>Martin</td>
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### 8. LAND USE PROCESSING PERIOD

#### a. Non-Delegated Decisions

No non-delegated decisions were made during this period.

#### a. Delegated Decisions

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<th>Initial Processing</th>
<th>Initial Comments Requested</th>
<th>Review</th>
<th>Comment Response</th>
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<td>External Comment Due Date</td>
<td>Application Review Date</td>
<td>Comment Response Out Date</td>
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Total Applications Received 25
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REPORT FROM THE ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

To consider an application from VPM Planning (Lizemarie Botha) on behalf of the property owners, namely Antoine Robert Desforntaines, for the following:

[a] Application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) to allow the premises to be used as Guest House containing 5 self-catering units;

[b] Permission to encroach onto the adjacent road reserve (Remainder of Erf 1399) to allow 4 parking bays on the road reserve and to use them for private parking purposes. The application is recommended for approval.

BACKGROUND

The application property is located in number 1 George Rex Drive, in the Heads, within Knysna Municipal Area. The property is situated on the eastern shore of the Knysna Lagoon and offers spectacular views over the Knysna Lagoon. The locality map is attached as “Annexure A”.

The area is characterised by holiday accommodation establishments, restaurants and upmarket residential homes. The subject property measures approximately 514m² in extent. The property is currently owned by Antoine Robert Desforntaines under the Title Deed number T80138/2012. The property is currently zoned “Single Residential”. The property is said to have the dwelling house, an approved second dwelling house above the double garage and an outbuilding with an unauthorised kitchenette.

The second dwelling house (referred to as the granny flat in the report) and double garage had a lower ground floor that served as laundry and storeroom, approved in 1997 and constructed accordingly. The house is presently used as an upmarket guesthouse that offers self-catering units as well as individual rooms in the main house.

This applicant is making this application as the result of zoning scheme transgression illegal notice that was served on the owner informing him of the unlawfulness of running the guesthouse on his property. The purpose of the application is, therefore, to legalise the existing accommodation establishment. The nature of the proposal does not include any additions to the existing dwelling unit. The objective is to turn the existing structures into 5 self-catering holiday apartments.
These units are made up of:

[i] Upper Main House - This is unit 1 of the upper ground floor and loft of the main house. The unit contains 3 (three) on-suite bedrooms with a kitchen, dining room, leisure areas and patio. The unit is self-contained with a separate entrance from the upper terrace.

[ii] Lower Main House - This is the lower ground floor of the main house and contains 3 bedrooms and 3 bathrooms as well as kitchen and covered terrace. This unit has its own separate entrance.

[iii] Lovers Nest - This is honey moon cottage. It used to be staff quarters; it has been converted to a free-standing self-contained one-bedroom self-catering cottage with a balcony over the beach, and private beach access. It has its own small kitchenette.

[iv] Oyster Shell - This is one-bedroom studio apartment which comprises the original storeroom and laundry underneath the second dwelling. It has its own small kitchenette as well.

[v] Angels Liar - This is a two-bedroom family apartment which comprises the original second dwelling below the double garage. It contains one bathroom, a small kitchenette and a lounge and covered veranda.

A copy of the application which was submitted on 18 May 2016; is attached as “Annexure B.”

Public Participation Notices were sent by registered mail to 7 (Erven 1408, 5159, 3097, 1409, 1416, 1414 and 1399).

All documents relating to public participation are attached as “Annexure C”.

Below is the table of comments and objections were received from the surrounding neighbours, and the summary of objections.

<table>
<thead>
<tr>
<th>Objection / Comments</th>
<th>Applicant’s Response</th>
<th>Municipality’ Comments</th>
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</thead>
<tbody>
<tr>
<td>Peter Bain – Summer Place - Erf 1409</td>
<td>The applicant is hoping to enter to agreement with Knysna Municipality to rent a portion of underutilized road reserve for parking purposes. Hence this application in order to pave a way to legalise the guest house</td>
<td>Lack of on-site parking has been noted, however this application accompany the encroachment agreement which is a norm and is in terms of Knysna Zoning Scheme (1992). The land uses are illegal and the Town Planning Unit had brought the transgression to the owner of the property</td>
</tr>
<tr>
<td>Lack of on-site parking for guest house with 9 bedrooms for rent; While the development of the house was approved by the Municipality the land use of guest house is illegal; Front building lines to his property are not exactly 5m;</td>
<td>Departures for building line were approved by the Municipality, The owner encouraged his</td>
<td></td>
</tr>
</tbody>
</table>
The owner advertises on the website and states that onsite parking is not available;
The lock up garage is full of junk and serves as the accommodation to staff members;
Parking bays outside the garage measures 4 and are not sufficient for parking of cars;
Dumping of garden refuse on the verge adjacent to stand 5159.

guests to utilize the public parking.
The garage is empty and is being utilized by applicant as parking of cars.
The distance as measures by the applicant from the garage doors and the edge of the road measured along centre line is 6.65m. The applicant, on the motivation letter says there is enough space for pedestrian movement. The applicant says the garden refuse is and non-perishable garbage is dumped by Heads residents.
The applicant has noted that there is a long standing and ongoing personal animosity between Mr Bain and Desfontaines. Mr Bain is also running self-catering units (2) which is alleged not to have the second dwelling unit approval.
The applicant believes that the objection id perhaps a trade objection.

<table>
<thead>
<tr>
<th>David Wightman – Erf 1414</th>
<th>Applicant’s Response</th>
<th>Municipality’ Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning of the property- Erf 1498; Parking problem; Multiple residential units; Number of kitchens are not known; Suggests a site inspection.</td>
<td>The application is for temporary use departure of the site in order to pave a way to deal with the issue. The report submitted herein presents the current situation on the property which has 5 units, of which one will be occupied by the owner. Site inspection has been conducted.</td>
<td>The application has nothing to do with the zoning but the temporary use departure. There won’t be any change on the zoning. The buildings of the self-catering unit are discussed and the kitchens as well. The application intends to pave a way to legalize the uses.</td>
</tr>
<tr>
<td>Anna Carst – Erf 3097</td>
<td>Applicant’s Response</td>
<td></td>
</tr>
<tr>
<td>Erf 1498 being alleged a Heritage site; There are plenty of self-catering units with adequate parking at the Heads; Guests alleged to be causing congestion and “poach” on neighbours parking; 4 installed Flag poles.</td>
<td>Erf 1498 is not a listed as Heritage site. “Two Angels” as it known is amongst the top 4 of the very-upmarket and popular guest house in Knysna. The Encroachment Agreement application intends to deals with the illegal poles on road reserve.</td>
<td>No information obtained for the property being alleged Heritage site. While there is plenty of self-accommodation, completion is encouraged for growth and choice. Once the encroachment agreement is entered into, the poles issue will be automatically be resolved.</td>
</tr>
<tr>
<td>---</td>
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</tr>
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<td><strong>Mac Gregor Stanford Kruger Inc – on behalf of Andrew Rex Duthie &amp; Caroline Rex Cowling.</strong></td>
<td><strong>Applicant’s Response</strong></td>
<td><strong>Municipality’ Comments</strong></td>
</tr>
<tr>
<td>Infrastructure not being suitable for the intended number of units; Topographical restrictions, the property is not suitable for 5 units; Erecting 4 parking bays will add to the congestion; Establishment of 4 parking bays will restrict movement of pedestrians and their safety, when the bays are occupied The 4 parking bays will set a preceded for other vehicles to park on the verge within the road reserve causing hazard to both motorists and pedestrians.</td>
<td>The application does not require any additional supply of infrastructure. The application was circulated to Engineering Department where no lack of capacity was reported. The 5 units on the property are the approved structures on site. No further additions or construction is required. The applicant does agree that the topography does restrict practical vehicular access on property. The applicant had further motivated based on the Knysna Town Planning Scheme, by saying, as an alternative to the provisions of on-site parking, an owner may, with the consent of the Council where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on site, acquire a prescribed area of land for the provision of parking elsewhere in a position acceptable to the Council. The applicant has then identified suitable land that he is willing to lease from Council and to upgrade it to a suitable standard at his own cost.</td>
<td>The Technical Department has no negative comments when it comes to infrastructure. The 5 units are already existing and the structure were approved. The safety of the pedestrians and movement of cars has been well taken into consideration as there is a report from Kantey &amp; Templar to assess the situation. The report findings are positive. The proposed 4 parking bay will not set precedent as this is a norm and requirement in terms of the Knysna Zoning scheme.</td>
</tr>
</tbody>
</table>
On the issue of the road safety and congestion, the applicant is of view that any drivers who cannot find the parking along George Rex Drive they normally park anywhere along the road, not necessary that the visitors of Erf 1498.

The applicant is of the view that formalization of the parking will stop the random parking along the road and thereby creating a safer environment for road users.

The proposed parking bays have been carefully assessed by traffic engineer. The application was submitted with the traffic statement. The proposal includes a sidewalk of 1.2m wide. The pavement for pedestrian will be on lagoon side of the parking bays in order to protect the pedestrians. Safety rails will be placed along lagoon edge, protecting pedestrians from the slope towards the lagoon. The parking itself will be illuminated and also install cctv cameras. The cameras being at the entrance to the Heads, the applicant believe it will benefit all the Heads residents.

The applicant is of the view that creating formal parking bays will elevate the problem whereas the informal and unplanned nature of verge parking causes issues e.g. illegal dumping, etc.

Objection / Comments Applicant’s Response

Municipality’s Comments

Peter Bain – Summer Place - Erf 1409
Lack of on -site parking for guest house with 9 bedrooms for rent; While the development of the house was approved by the Municipality the land use of guest house is illegal; Front building lines to his property are not exactly 5m; The owner advertise on the website and states that onsite parking is not available; The lock up garage is full of junk and serves as the accommodation to staff members; Parking bays outside the garage measures 4 and are not sufficient for parking of cars; Dumping of garden refuse on the verge adjacent to stand 5159.
The applicant is hoping to enter into agreement with Knysna Municipality to rent a portion of underutilized road reserve for parking purposes. Hence this application in order to pave a way to legalize the guest house Departures for building line were approved by the Municipality. The owner encouraged his guests to utilize the public parking. The garage is empty and is being utilized by applicant as parking of cars. The distance as measures by the applicant from the garage doors and the edge of the road measured along centre line is 6.65m.

The applicant, on the motivation letter says there is enough space for pedestrian movement. The applicant says the garden refuse is and non-perishable garbage is dumped by Heads residents. The applicant has noted that there is a long standing and on-going personal animosity between Mr Bain and Desfontaines. Mr Bain is also running self-catering units (2) which is alleged not to have the second dwelling unit approval. The applicant believes that the objection id perhaps a trade objection. Lack of on-site parking has been noted, however this application accompanies the encroachment agreement which normally the vacant land is leased to be utilized for the parking purposes and is in terms of Knysna Zoning Scheme (1992).

The land uses are illegal and the Town Planning Unit had brought the transgression to the owner of the property hence this application. The Roads and Storm water Unit did not have an issue with the proposed parking and spaces from road reserve. Once the parking has been formalized, it should discourage the illegal dumping on the street verge. The objection herein could be part of the trade objection comparing the number of self-catering units Mr Bain is running on his property. David Wightman – Erf 1414 Applicant’s Response Municipality’ Comments Zoning of the property- Erf 1498; Parking problem; Multiple residential units; Number of kitchens are not known; Suggests a site inspection. The application is for temporary use departure of the site in order to pave a way to deal with the issue.

The report submitted herein presents the current situation on the property which has 5 units, of which one will be occupied by the owner. Site inspection has been conducted. The application has nothing to do with the zoning but the temporary use departure. There won’t be any change on the zoning. The buildings as self-catering unit are discussed and the kitchens as well. The application intends to pave a way to legalize the uses. Anna Carst – Erf 3097 Applicant’s Response Erf 1498 being alleged a Heritage site; There are plenty of self-catering units with adequate parking at the Heads; Guests alleged to be causing congestion and “poach” on neighbours parking; 4 installed Flag poles. Erf 1498 is not a listed as Heritage site. “Two Angels” as it known is amongst the top 4 of the very-upmarket and popular guest house in Knysna.

The Encroachment Agreement application intends to deals with the illegal poles on road reserve. No information obtained for the property being alleged Heritage site. While there is plenty of self-accommodation, completion is encouraged for growth and choice. Once the encroachment agreement is entered into, the poles issue will be automatically be resolved. Mac Gregor Stanford Kruger Inc – on behalf of Andrew Rex Duthie & Caroline Rex Cowling. Applicant’s Response Municipality’ Comments Infrastructure not being suitable for the intended number of units; Topographical restrictions, the property is not suitable for 5 units; Erecting 4 parking bays will add to the congestion; Establishment of 4 parking bays will restrict movement of pedestrians and their safety, when the bays are occupied The 4 parking bays will set a
preceded for other vehicles to park on the verge within the road reserve causing hazard to both motorists and pedestrians.

The application does not require any additional supply of infrastructure. The application was circulated to Engineering Department where no lack of capacity was reported. The 5 units on the property are the approved structures on site. No further additions or construction is required. The applicant does agree that the topography does restrict practical vehicular access on property. The applicant had further motivated based on the Knysna Town Planning Scheme, by saying, as an alternative to the provisions of on-site parking, an owner may, with the consent of the Council where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on site, acquire a prescribed area of land for the provision of parking elsewhere in a position acceptable to the Council. The applicant has then identified suitable land that he is willing to lease from Council and to upgrade it to a suitable standard at his own cost. On the issue of the road safety and congestion, the applicant is of view that any drivers who cannot find the parking around George Rex Drive normally park anywhere along the road, not necessary that the visitors of Erf 1498. The applicant is of the view that formalization of the parking will stop the random parking along the road and thereby creating a safer environment for road users. The proposed parking bays have been carefully assessed by traffic engineer. The application was submitted with the traffic statement.

The proposal includes a sidewalk of 1.2m wide. The pavement for pedestrian will be on lagoon side of the parking bays in order to protect the pedestrians. Safety rails will be placed along lagoon edge, protecting pedestrians from the slope towards the lagoon. The parking itself will be illuminated and also install cctv cameras. The cameras being at the entrance to the Heads, the applicant believe it will benefit all the Heads residents.

The applicant is of the view that creating formal parking bays will elevate the problem whereas the informal and unplanned nature of verge parking causes issues e.g. illegal dumping, etc. The Technical Department has no negative comments when it comes to infrastructure. The 5 units already exist and the structures were approved. The safety of the pedestrians and movement of cars has been well taken into consideration as there is a report from Kantey & Templar to assess the situation. The report findings are positive.

The proposed 4 parking bays will not set precedent as it is normal that the unutilized land is leased and it is in terms of the Knysna Zoning scheme. The application was further circulated to all relevant internal departments for comments and inputs. These units; Public Works, property Management and Water & Sewer commented on the application. Public Works Applicant’s Response Municipality’ Comments Detailed Plans to be submitted. No sidewalk indicated. No objection to the concept subject to approval of details. Plans were submitted to Manager: Public Work, where his final comments resulted in a further change to the parking layout. The final layout has been noted and accepted.

Water & Sewer Applicant’s Response Municipality’ Comments Access to water services must get guaranteed The applicant herein proposed that the section of the property where the parking bays is proposed will be accessible to the Municipality; could be made a condition of approval. The request has been noted.

Property Management Applicant’s Response No objection against the application and that an encroachment agreement must be signed for the additional parking bays. As advised the
encroachment agreement will be signed once the Council has made their decision on the temporary use departure. Once the application is finalised the decision will be forwarded to the Property Management Unit. The application is for temporary land use departure of the said property to allow the premises to be used as guest house containing of 5 self-catering units. Also to request a permission to encroach onto the adjacent road reserve (Remainder of Erf 1399) to allow 4 parking bays on the road reserve and to use them for a private parking purposes. It is important to note that this applicant is as the results of zoning scheme transgression that the owner was made aware of by running the guesthouse on his property.

The purpose of the application is, therefore, to legalise the existing accommodation establishment.

DISCUSSION

There are no title deed conditions that have a bearing on the application under consideration.

Currently the Municipality does not have the regulations for tourism accommodation facility. The only application permitted to regulate such land uses is the through Temporary Land Use Departure which is allows the use for the period of 5 years.

Hence; this application for Temporary Land Use Departure in order to allow for the self – catering units in the property. Alternatively, the Knysna Zoning Scheme allows for the rezoning of the property to “General Residential Zone” which allows for the hotel, flats or boarding houses. Another zone is “Resort Zone” that allows for holiday accommodation in unique natural settings.

Generally the definition of “Guest house” or “guest lodge” means a dwelling unit, with or without second dwelling unit or additional dwelling which, is used for the purpose of letting individuals rooms for residential accommodation, with or without meals and which exceeds the restrictions of a bed and breakfast establishment, and may include separate facilities for guests and owner / manager a or as well as catering for business meeting or training sessions on the property; and may include self-catering units; provided that:

[a] The guest house is retained in a form that can easily be re-used by family as a single dwelling unit or second dwelling;

[b] All amenities and provision of meals shall be for the sole benefit of bone fide guests; The property is situated with the Urban Edge of the Knysna basin, which has been identified as the primary regional node in terms of the Spatial Development Framework (KSDF2008).

The strategic document promotes the intensification and densification within the urban edge. It also recognises the role of tourism as one of the Municipality’s prime economic generators. The SDF promotes the public access and use of the lagoon edge as an important part of experiencing the key place-making element to Knysna Basin. Erf 1498 is one of only few properties in Knysna that is situated right on the edge of the Lagoon as most of the lagoon is confined by either N2 or George Rex Drive.
This unique property, therefore allows visitors to Knysna to have a truly remarkable experience right on the water’s edge. When contextualising the existing use which is self-catering units within the surrounding neighbourhood; the Heads is very popular and oldest places in Knysna. It is popular for its magnificent views and close proximity to Knysna Lagoon.

The proposed land use is legitimising the existing accommodation establishment and not introducing a new land use into the area. The land use will fit in with the already established character of the environment; hence the proposed use does not impact negatively on the character of the area. The need for tourist accommodation is crucial for the Department of Finance, Economic Development and Tourism, where tourism is said to be contributing more than R18 billion to our region’s economy annually and employs 150 000 people. The need for the establishment is imperative where besides being the economic driver of the Knysna Economy but it also contributes to job opportunities in an area. Although there are numerous tourism establishments in the area, the applicant has identified the need for the small but upmarket self-catering accommodation establishment that caters mainly for families. The applicant mentions that “Two Angels” has recently awarded a Certificate of Excellence to accommodation establishment and receive a 95% rating.

The site topography makes it to be a problem for parking on site. The guests in the past have been informed to make use of the public parking further along George Rex Drive. Currently there is double garage and 2 parking bays in front of the garages. The guests have parked in grass verge in front of the Guest House but this is not the ideal situation.

Due to the steepness of the property, the applicant declares that there is no option to provide more on-site parking. The only option is to provide parking bays along the municipal road reserve. There is vacant land to the north of the site, along George Rex Drive road reserve that could be used for the parking. Kantey & Templar was appointed to undertake an investigation and report on the traffic safety situation and slope stability for the proposed additional of street parking bays. The proposed parking bays comply with the 2,2m bay width and 0,2m from the road edge, giving an outer kerb width of 2,4m. The 2,4m width was confirmed by engineer as acceptable.

The total proposed parking spaces are 8 parking bays which is acceptable for the proposed self-catering units. In terms of the Knysna Zoning Scheme, as alternative to the provisions of on-site parking, an owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on site, acquire the prescribed area of land for the provision of parking elsewhere in a position acceptable to the Council. As discussed this application for temporary use departure include the application encroachment agreement with the Municipality.

The Property Management Unit did not object to the proposal subject to the approval of the application herein. In terms of Section 36 of LUPO, the proposed rezoning is desirable because of the following reasons:

[i] No title deed restriction/s;

[ii] Proposed land use conforms to the proposed Knysna Municipality Zoning Scheme By-law when in terms of the definition of the self-catering units;
[iii] No foreseeable negative impact on traffic that will be caused the self-catering unit on the property;

[iv] Have the positive impact on the role of the Heads as identified in the Spatial Development Framework;

[v] The proposed land use fit into the already established nature of the area;

[vi] The tourism industry is a major key economic driver of the Knysna area, therefore it should be supported. It is crucial as it supports the job creation for local people.

FINANCIAL IMPLICATIONS

N/A

RELEVANT LEGISLATION


RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:
   [i] Locality Plan;
   [ii] Copy of Application;
   [iii] Documents relating to public participation and objections;

[b] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure from the Knysna Zoning Scheme Regulations (1992) under the “Single Residential Zone” to allow Erf 1498, Knysna to be used as Guest House containing 5 self-catering units;

[c] That approval be granted to encroach onto the adjacent road reserve (Remainder of Erf 1399) to allow 4 parking bays on the road reserve and to use them for private parking purposes

[d] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):
   [i] This approval refers to the proposals as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;
   [ii] Parking to be clearly marked on property as indicated on Site Development Plan,
   [iii] Encroachment Agreement be finalized,
   [iv] Upon approval of the Encroachment Agreement, a SDP application must be lodged;
   [v] The parking area should be accessible to the municipality at all times;
All costs pertaining to the implementation of these conditions will be for the account of the developer.

APPENDIX / ADDENDUM

Yes

File Number: 9/1/2/14
Execution: Acting Director: Planning and Development
Proposed Temporary Use Departure
1. **INTRODUCTION**

VPM Planning has been appointed by Antoine Robert Desfontaines, the owner of Erf 1498Knysna, to prepare and submit the following applications to the Knysna Municipality (See Power of Attorneys attached as *Annexure A*).

I. Temporary Use Departure in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to allow the premises to be used as a Guest House containing 5 self-catering units;

II. Permission to encroach onto the adjacent road reserve (Remainder of Erf 1399) to allow 4 parking bays on the road reserve and to use them for private parking purposes.

2. **BACKGROUND**

The property contains a dwelling house as well as an approved second dwelling above the garage, and an out building with unauthorized kitchenettes. The house is presently used as an upmarket Guesthouse that offers self-catering units as well as individual rooms in the main house. The property has a single residential zoning that is not compatible with the current land use.

The Main house was constructed more than 25 years ago. In 1989 an outbuilding used as the servant’s quarters and the covered patio was added (Building Plan W001B).

In 1995 the owner applied for permission to construct double garage as well as a granny flat below the garage. The Knysna Council granted the application for a Granny flat as well as departures for building lines and height restrictions. The double garage and Granny flat had a lower ground level that served as a laundry and storeroom, which were also approved in 1997 and constructed accordingly. Building plans are filed at the Knysna Municipality Building office.

A few years ago, the owner decided to rent out the Granny flat and outbuilding as holiday cottages. A small basin and coffee station were added to the outbuilding. The popularity of the place soon encouraged the owner to rent out rooms in the main house as well.

The site is however still zoned “Single Residential “ and according to the Knysna Zoning Scheme only two rooms can be rented out without further permission from Council.

The purpose of this application is to legalise the existing accommodation establishment.
3. PROPERTY INFORMATION

3.1 LOCALITY

Erf 1498 is situated at No. 1 George Rex Drive, in the Heads Township. The property is situated on the eastern shore of the Knysna Lagoon and offers spectacular views over the Knysna Lagoon. The surrounding area is characterised by holiday accommodation establishments, restaurants and upmarket residential homes.

Figure 1: Locality Map

Figure 2: Views over the Knysna Lagoon
3.2 PROPERTY DETAIL

<table>
<thead>
<tr>
<th>Title Deed Description:</th>
<th>Erf 1498, in the Municipality and Division of Knysna, Western Cape.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 Digit code</td>
<td>C03900050000149800000</td>
</tr>
<tr>
<td>Title Deed Number:</td>
<td>TD 80138/2012 (Attached as Annexure B)</td>
</tr>
<tr>
<td>SG Diagram Nr:</td>
<td>SG 1817/1931 (attached as Annexure D)</td>
</tr>
<tr>
<td>Title Deed Restrictions:</td>
<td>None</td>
</tr>
<tr>
<td>Property Size:</td>
<td>1587 (One thousand five hundred and eighty seven) m²</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Antoine Robert Desfontaines</td>
</tr>
<tr>
<td>Bonds:</td>
<td>Yes, bond holders consent attached as Annexure C</td>
</tr>
</tbody>
</table>

4. BIO –PHYSICAL SITE ANALYSIS

4.1 TOPOGRAPHY

The sight has a steep topography and slope in a western direction towards the Knysna Lagoon. The natural slope of the land has been altered through the years and now consists of terraced gardens, retaining structures and multi leveled dwellings and stairs. The municipal road is situated to the east of the property approximately 3m below the level of the first terrace.
4.2 ENVIRONMENTAL CONSIDERATIONS

The property is situated in a sensitive area being directly adjacent to the Knysna Lagoon. The nature of this application will however not result in any physical construction or alterations of the exiting built form and will have no environmental impact on the existing development footprint.

5. PROPOSAL

The property presently consists of a main dwelling as well as an approved second dwelling and an outbuilding with small but unauthorized kitchenettes. Portions of the main house as well as the second dwelling and outbuilding are presently being rented out to short term holiday makers. The establishment is known as Two Angels Guest Lodge. The property is still zoned “Single Residential” and the owner would like to obtain rights to run a Guest House from the premises. The objective is to turn the existing structures into 5 self-catering holiday apartments.

5.1 THE UNITS

Unit 1: Upper Main House

Unit 1 consists of the upper ground floor and loft of the main house. The unit contains 3 on-suite bedrooms with a kitchen, dining room, leisure areas and patio. The unit is self-contained with a separate entrance from the upper terrace.

Figure 5: Entrance to unit 1

Figure 6: Loft Floor plan of Main House

Figure 7: Upper Ground Level Floor plan of Main House
**Unit 2: Lower main House**

Unit 2 comprises the lower ground floor of the main house and contain 3 bedrooms and 3 bath rooms as well as a kitchen with a covered terrace. The unit is accessible from the lower ground terrace.

![Figure 8: Lower Ground Level Floor plan of Main House](image)

**Unit 3: Lovers Nest**

Unit 3 is the honeymoon Cottage known as Lovers Nest and is the old staff quarters that have been converted.

Lovers Nest is a free-standing self-contained one bedroom self-catering cottage with a balcony over the beach, and private beach access.

![Figure 10: Lovers Nest](image)
**Unit 4: Oyster Shell**

Unit 4 is a one bedroom studio apartment which comprises the original storeroom and laundry underneath the second dwelling, and is known as the Oyster Shell;

![Image of Oyster Shell](image)

**Figure 11: Out building floor plan**

**Figure 12: Out building floor plan**

**Unit 5: Angels Lair**

Unit 5 is a 2 bedroom family apartment which comprises the original second dwelling below the double garage. It contains one bathroom, a small kitchenette and a lounge and a covered veranda.

![Image of Angels Lair](image)

**Figure 13: Floor Plan of the Second dwelling**

**Figure 14: Angels Lair**
5.2 PARKING AND ACCESS

Parking is a major problem for this Guest House due to the steepness of the property. Guests have in the past been informed prior to arrival that they have to make use of the public parking facility further along George Rex Drive. There is presently only a double garage, with two parking bays in front of it, available on site. Guest frequently park on the grass verge in front of the Guest house but this is not an ideal situation. The property is situated on a curve in the road and sight distances are poor for oncoming traffic.

Due to the steepness of the property, there is not an option to provide more parking on the site. The only option is to provide parking bays along the municipal road reserve.

There are vacant land to the north of the site, along George Rex Drive road reserve that could be used for parking bays.

Part of the application is to apply for council’s consent to use the road reserve for parallel parking bays, as indicated on the attached map.

This presents an ideal opportunity as the cadastral boundary of the adjacent Erf 5159 is set back with about 5.5m from the street boundaries further south along this section of road. (See adjacent fig 15), creating additional space to accommodate a 25m road reserve.

The contour plan of the area reveals that there is enough flat land to create parking bays and a walkway without compromising the stability of the embankment or traffic flow.

Kantey & Templar was appointed to undertake an investigation and report on the traffic safety situation and slope stability for proposed additional off street parking bays. The traffic statement is attached hereto as Annexure E for your further attention.
The proposed parking bays comply with the 2.2m bay width and 0.2m from the road edge, giving an outer kerb width of 2.4m. This makes the possible parking bay construction feasible without constructing costly retaining walls etc. The 2.4m width was confirmed by the traffic engineer as acceptable. This gives enough space to the embankment side for a walk way (See traffic statement attached as “Annexure E”).

Three of the proposed bays directly in front of the Guest House had to be removed due to unsatisfactory sight distances, but there are still 4 bays that comply with stopping sight distances.

This proposal allows for a total of 8 parking bays for 5 units which correspond with the need of the proposed lodge as set out in the table below.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Parking bays required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper main 3 bedroom unit</td>
<td>2 bays</td>
</tr>
<tr>
<td>Lower Main 3 bedroom unit</td>
<td>2 bays</td>
</tr>
<tr>
<td>Lovers nest one bedroom unit</td>
<td>1 bay</td>
</tr>
<tr>
<td>Oyster Shell one bedroom unit</td>
<td>1 Bay</td>
</tr>
<tr>
<td>Angel Lair 2 bedroom one bathroom family unit</td>
<td>2 Bay</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>8 Bays</strong></td>
</tr>
</tbody>
</table>

This proposed parking ratio for the temporary use departure also correlates with the parking ratios of the General Residential zone which allow for flats, where parking provision of 1.5 bays per unit is prescribed.

5.3 ENGINEERING SERVICES

Water and Sewer

The property is currently connected to the municipal sewer and water network. The holiday units are very small and are not equipped with full kitchens that will encourage cooking and cleaning.

There may be some infrastructure within the road reserve, but it will not be affected as there will not be major construction required, the parking bays will be surfaced with gravel that will ensure easy access to the services by the municipality if required.

Solid Waste

Solid waste will be collected from the same point as is currently the situation. The establishment will collect waste from each unit for central street collection by the Municipality.

Electricity
The current Municipal electrical supply is sufficient for the need of the Guest House. The units will not be equipped with individual meters.

6. LEGAL REQUIREMENTS

6.1 A GUEST HOUSE WITH SELF CATERING UNITS AS A TEMPORARY LAND USE RIGHT

Currently, the Knysna Zoning Scheme allows for the letting, by any occupant of a dwelling-house or any part of such dwelling house; provided that not more than 2 rooms or 5 beds shall so be let. The current zoning scheme does not accommodate accommodation establishments with more than two rooms in any land use category. The only option is to apply for “General Residential Zone” which allows for a hotel or any other residential buildings such as flats or boarding houses, or alternatively for a “Resort Zone” that allow for holiday accommodation in unique natural settings.

The proposed new Knysna Municipality Zoning Scheme Bylaw will provide for a new “Guest House” zone which will make provision for tourist accommodations that exceed the limitations of a “Bed and Breakfast”, but are less intense than a “Hotel”.

According to the draft Zoning scheme By-law a “Guest house” or “guest lodge” means a dwelling unit, with or without second dwelling unit or additional dwellings which, is used for the purpose of letting individual rooms for residential accommodation, with or without meals and which exceeds the restrictions of a bed and breakfast establishment, and may include separate facilities for guests and owner/manager as well as catering for business meetings or training sessions on the property; and may include self-catering units; provided that:

(a) the guest house is retained in a form that can easily be re-used by a family as a single dwelling unit or second dwelling;

(b) all amenities and provision of meals shall be for the sole benefit of bone fide guests;

In order to retain the “Single Residential” character of the property, it was advised by the Town Planning Department in pre-application meetings held on 10 November 2015 and reiterated in a second meeting on 12 April 2106, that a temporary use departure will be a more suitable permission in this transitional stage until the Knysna Municipal Zoning Scheme Bylaw is in place. Since the building was originally constructed as dwelling house, it will be easy to convert it back to a dwelling house if need be.
Application is therefore made for a “Guest House” as a “Temporary Use Departure” until such time as the new Knysna Zoning By-law commences. When this happens there will be a conversion process to a suitable zoning.

6.2 CONSENT TO PROVIDE ALTERNATIVE PARKING

In terms of the Knysna Zoning Scheme, as an alternative to the provisions of on-site parking, an owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on site, acquire the prescribed area of land for the provision of parking elsewhere in a position acceptable to the Council.

6.3 ENCROACHMENT AGREEMENT

As discussed before, the proposed parking bays are situated within the 25m municipal road reserve as defined on SG Diagram 1880/1984 (situated on a portion of the Remainder of Erf 1399 Knysna) and will require a use agreement with the municipality. Figure ABCDEFG on attached Diagram 6 represents an area subject to an encroachment agreement over a Portion of the Remainder of Erf 1399 Knysna for parking purposes in favour of Erf 1498 Knysna.

7. NEED

7.1 THE NEED FOR TOURIST ACCOMODATION

It was recently reported by Mr. Winde that tourist attractions across the Western Cape have seen a marked increase in visitor numbers. The benefits of this thriving industry are spreading across to Knysna as well, resulting in increased job opportunities for urban and rural residents. According to the Department of Finance, Economic Development and Tourism, the tourism industry contributes more than R18 billion to our region’s economy annually and employs 150 000 people. It’s a crucial sector of the Western Cape economy,” said Minister Winde.

The tourism industry is a key driver of the Knysna economy and is likely to remain so over the foreseeable future. Tourism is estimated to contribute between 20% and 22% to the local economy of Knysna. The Knysna Spatial Development Framework also recognises the role of tourism as one of the municipality’s prime economic generators and the broadening of the tourism network is promoted.

Although there are numerous accommodation establishments in the area, the applicant has identified the need for a small but upmarket self catering accommodation establishment that caters mainly for families.
The popularity of the establishment in itself is an indication of market demand. Trip Advisor recently awarded a Certificate of Excellence to accommodation establishment and they received a 95% rating. It is unique and memorable environments like this establishment, that draw more people to Knysna.

8. DESIRABILITY

8.1 COMPATIBILITY WITH THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK 2008

One of the first tests of desirability of a project is to measure it against the broader strategic context. In this regard the application can be evaluated against the Knysna Spatial Development Framework (KSDF2008), which is presently, the most relevant strategic document.

The property is situated within the Urban Edge of the Knysna basin, which has been identified as the primary regional node. In general the SDF promotes intensification and densification within the Urban Edge. The KSDF2008 also recognises the role of tourism as one of the municipality’s prime economic generators.

The SDF promotes public access and use of the lagoon edge as an important part of experiencing the key place-making element of Knysna Basin. This property is one of only a few private properties in Knysna that is situated right on the edge of the Lagoon as most of the Lagoon is confined by either the N2 or George Rex Drive. This unique property allows visitors to Knysna to have a truly remarkable experience right on the water's edge.

It is submitted that the proposal to approve this existing tourism attraction will not compromise the integrity of the municipal IDP & SDF and will in fact promote the intentions contained therein.

8.2 SITE CONSTRAINTS AND OPPORTUNITIES

Another test of desirability is whether the site itself is physically suitable for the type of development proposed;

- The site contains a very uniquely designed and decorated buildings and gardens that enhance the experience for all the guests.
- The conversion of the house into a Guest House with self-catering units will not require any further construction and the conversion back to a normal dwelling will also just require the removal of small basins.
- The site is already supplied with the required infrastructure and will not place an unreasonable demand on the available system.
- The only site constraint is the topography that does not allow vehicle access on to the sight. Parking on site is limited and need to be provided on street, which is not ideal, but can be overcome, by providing parking elsewhere.
It can be concluded that the site has limited constraints which classify this site as highly desirable for development.

8.3 IMPACT ON THE CHARACTER OF THE AREA

Another measure of desirability is to contextualise the proposed land use within its broader context. The Heads Township is one of the oldest neighborhoods in Knysna. It is also an area that is very popular for tourist accommodation establishments due to its magnificent views and close proximity to the Knysna Lagoon. The attached Land Use Plan (Diagram 4) shows how many accommodation establishments there are in the immediate surrounding area. Most of these are operating as bed and breakfast in terms of the old repealed By-Law and will also have to be converted to Guest House Zones in the near future. The proposal to legitimize the existing accommodation establishment is therefore not introducing a new land use into the area. The land use will fit in with the already established character of the environment. Since the conversion of the existing house and outbuildings to a Guest House will not require physical construction or any alteration of the existing building, there will be no visual impact that may detract from the established aesthetic quality of the areas. The building is aesthetically pleasing and is presently contributing to the upmarket character of the area.

8.4 IMPACT ON TRAFFIC

This section of George Rex Drive can become very congested over peak season in December mostly due to traffic generated by the popular restaurants and tourist attractions further along.

The proposal to only rent out self-catering units will result in a down scale of the current operation that is presently renting individual rooms in the house out in addition to the renting out of three independent cottages. This means that the traffic generated will be less as there will now only be 5 opportunities for rental. By reducing the scale and nature of the establishment, the parking demand will also be reduced. The formalisation off street parking by creating dedicated bays in an area that has suitable sight distances will enhance road safety for the Heads residents in general, but also for the guest in particular.

8.5 IMPACT OF PARKING BAYS ON ERF 5159

Erf 5159 is directly adjacent to the road reserve where the additional 4 parking bays are proposed. It will however not be negatively impacted by this proposal. Erf 5159 does not gain access from this section of the road as there is a ±3m drop between the land and the road surface. This property gain access further along George Rex where the slope is more manageable and will therefore not be suffering from reduced accessibility.
This section of the property is also very narrow (±5m wide in this section as indicated on SG Diagram 1880/1984 attached as “Annexure F”) and is therefore not developable in the future and hence there will be no noise or privacy issues to be considered.

9. CONCLUSION

Application is made for planning permission to allow the owners of Erf 1489 to run an upmarket Guest House containing 5 holiday apartments from the property. The existing structures on the site can accommodate 5 separate and self-sufficient units without the need for further construction. The land use will fit in with the surrounding land uses in the area and will contribute to the growing tourist industry of the Western Cape. The parking solution will improve road safety and will be aesthetically pleasing.
Consent letter to rezoning from "single residential" to "general residential"

Account number : 367092840
In the name of : Mr AR Desfontaines
Property description : Erf 1498 Knysna

We refer to the above and advise that Standard Bank has no objection subject to our rights being protected and the following conditions:

- The bank reserves the right to review the rate structure on the account
- No buildings to be demolished without bank’s consent
- Local Authority consent must be obtained and provided to the bank once property is rezoned
- The Bank is not committing to finance the development
- The correct Insurance must be applied

Yours faithfully

[Signature]

Consultant – Service Private Banking Team
PBB Ops Shared Services
Standard Bank
Customer Contact Centre : +27 0860 123 001
CSAdminHLJHB@standardbank.co.za
Dear Madam,

TRAFFIC AND SLOPE ENGINEERING ASSESSMENT – KNYSNA HEADS, ERF 1498

1. Terms of Reference

Kantey & Templar was appointed to undertake an investigation and report on the traffic safety situation and slope stability for proposed additional off street parking bays at this erf.

This report deals with preliminary findings and does not include detail design specifications.

2. Scope of Investigation

A site investigation was conducted on 24 November 2015. The investigation comprised the following:

- A visual inspection of the affected areas.
- Taking of photographs.

3. Findings

a. Slope stability:

From the received drawings the proposed parking bays are 2,5m wide and located 1,0m away from the road edge. Thus the parking bay kerb edge would be 3,5m away from the road edge. This can be decreased to 2,2m bay width and 0,2m from the road edge, giving an outer kerb width of 2,4m. This was done in an attempt to make the possible parking bay construction feasible without constructing costly retaining walls etc. The 2,4m width was confirmed by the traffic engineer as acceptable and used in their checks.

The embankment generally seems stable and suitable for vehicle parking for bay 8 to 11. Bay 5 to 7 would require design checking of the current retaining structures and possible improvement.
b. Traffic assessment:

We had a look at the safety concerns of having the parallel parking on a horizontal curve. To check if the bays were acceptable and safe, we had to determine if a vehicle approaching the curve in the direction of Knyasa has sufficient time to stop before colliding with a vehicle getting ready to reverse into the off street parking bay.

Hence, the stopping sight distance (SSD) on George Rex Drive on this particular section of road in a 40 km/h speed environment is 50m. Due to visibility constraints expected on a horizontal curve bays numbered 5 to 7 are unacceptable as they do not meet the SSD requirements – see attached drawing.

Bay 8 to 11 are within the requirements.

4. Conclusions and Recommendations

Bay 5 to 7 are not suitable for development.

Bay 8 to 11 are suitable for development.

We trust you find the above in order. Any further information or assistance will be provided at your request.

Yours faithfully

CG AGENBAG Pr Eng
KANTEY & TEMPLER (PTY) LTD
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APPROVED IN TERMS OF Sec. II
OF OLD ORDER

REV. ME.355/1/19

DATE 1/98, OF: 10
DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

THAT RICHARD JAMES SOMERSET MOFFAT appeared before me, Registrar of Deeds at CAPE TOWN the said Appearer being duly authorised thereto by a Power of Attorney signed at JOHANNESBURG on 7 June 2012 and granted by:

THE TRUSTEES FOR THE TIME BEING OF THE BERKLEY TRUST
Registration Number 789/1988

KIM MEIKLE ATTORNEY
ATTORNEYS
2193

LEGALPERFECT Version 10.10.95
TRFDOTCT_ALL.DOC – 07-03-2012
AND the Appearer declared that the said Principal had on 11 May 2012 truly and legally disposed of the below mentioned property to the below mentioned Transferee in terms of a resolution of the THE TRUSTEES FOR THE TIME BEING OF THE BERKLEY TRUST, Registration Number 789/1988, made in terms of paragraph 51 of the Eighth Schedule to the Income Tax Act, 1962, the value at the date of disposal being deemed to be equal to the base cost of the interest therein being an amount of R30 000 000.00 (THIRTY MILLION RAND)

And that the said Appearer, in his/her capacity aforesaid, did by these presents, cede and transfer, to and on behalf of

ANTOINE ROBERT DESFONTAINES
Identity Number 540613 5145 08 8
Unmarried

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

ERF 1498 KNYSNA, SITUATED IN THE MUNICIPALITY DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE

In Extent 514 (FIVE HUNDRED AND FOURTEEN) square metres

First transferred by Deed of Transfer T3774/1933 with Diagram No. 1871/1931 annexed thereto and held by Deed of Transfer T54277/1991

SUBJECT to the conditions referred to in Deeds of Transfer No. T9492/1908 and T9493/1908, both dated 31st December, 1908.

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

TRUSTEES FOR THE TIME BEING OF THE BERKLEY TRUST
Registration Number 789/1988

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:
ANTOINE ROBERT DESFONTAINES
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.

IN WITNESS WHEREOF I, the said Registrar, together with the Appearer, q.q. 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 19 December 2012

In my presence,

REGISTRAR OF DEEDS
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Dear Mr Smit,

We are Number 4 George Rex Drive...... Snoektown Cottage ..... The Snoektown Trust.....Erf 1414....and wish to object to any re-zoning and / parking as regards erf 1498 . Reasons being that it is a single residential stand . We as neighbours agreed to the owner enclosing the bottom of the garage otherwise it would have become an ugly structure on stilts........but now the owner has created multiple residential units on the property........We have no idea how many kitchens , etc. The result being a parking problem . A house and a granny flat would be fair but now between the house ? ...the boathouse ? and the space below the garage....... How many single residences ? 4 perhaps.....maybe 5. Suggest a site inspection .

David Wightman. ( Trustee ).

Colab No.: 

File No.: 15/5/1
Mr G Easton
Municipal Manager
Collab No. 548253

Dear Sir/Madam

PROPOSED REZONING OF ERF 1498 KNYSNA

Reasons why not to allow this proposal to be legalized –

1. HERITAGE SITE – The residence known for generations as “Rockery Nook” (recently Two Angels) must be 100 years old. It was there before The Heads Townships was formed.

2. TOURISM – There are plenty of self-catering units with adequate parking at The Heads. The Heads House is let as a single unit and they have road reserve on George Rex Drive plus Coney Glen Drive if needed.

3. PARKING – Already, the guests at ERF 1498 cause congestion and ‘poach’ neighbours’ parking, in spite of signs indicating ‘private parking’.

4. FLAG POLES – Are the 4 installed in the Road Reserve legal? They certainly detract from the peaceful view across the lagoon. They rattle and cling day and night, incessantly. The nearby neighbours and I find it very intrusive.

5. STORE ROOM AND BOAT HOUSE – The store room and boat house are already converted and cause enough parking congestion without making all the existing/proposed units legal, on a blind corner, by rezoning.

Yours faithfully,
Safra J. Rumbelow
(Owner/Trustee)
The Cottam Ridge Trust
2 George Rex Drive
The Heads
Knysna
(Postal: P O Box 2, Simon’s Town, 7995)
OBSERVATION TO APPLICATION FOR TEMPORARY DEPARTURE

Introduction

I, Peter Geddes Bain, am a trustee of the property Summer Place situated at 5 George Rex Drive, The Heads, Knysna (Erf 1409).

- I have previously raised an objection to the use of #1 George Rex Drive as a guest house because there is a lack of off-road parking to serve the needs of a guest house with 9 rooms for rent. While the development of the house has been done with approval of the Knysna Municipality, the use as a guest house has never been approved.
- Erf 1498 is situated on a corner of George Rex Drive. The property is fully developed with the original house occupying space well over the building line of the public road boundary. It is not 5m from the property boundary (see attached sketch of site plan).
- The outbuildings have also been allowed to be built closer than 5m from the property boundary.
- As early as 2011, the owner started to use the property as a guest house, advertising on the Internet, stating that no off-road parking was available. The Knysna Municipality noted the objection and as recently as June 2015, advised the owner, Mr Desfontaines, to rezone or be closed down (see attached letter).
- The owner is now asking the Knysna Municipality to approve rezoning on the condition that the guest house may use Municipal road verge as “private parking”. Erf 1498 has no off-road parking that complies with minimum parking space size.

I object to this rezoning and justify this objection in the following paragraphs.

OBSERVATION ONE: The on-site parking – 2 garages and 2 garage access driveways

The application states that there is space for 2 vehicles in the garages. Mr Desfontaines has been challenged before for running an engineering business from these garages and has been ordered to stop trading. Although the applicant states that these 2 garages are empty, they are indeed full of storage junk and at least one employee uses the space as a living area. It is noted that the application applies for the storeroom below these garages to be a rentable apartment.

The application states that there is parking space for 2 vehicles outside the garages on the area between the garage doors and the property boundary. However, the parking distance between the garage doors and the property boundary is only 4 meters. The minimum parking space distance is 5 meters. This space does not comply with the minimum requirements of the bylaws.
OBSESSION TWO: Verge parking (bays 8 – 11 on the application)

Background During the peak season, high traffic congestion occurs at The Heads. Visitors and permanent residents share the narrow George Rex Drive to access properties and amenities. The Heads is an internationally known tourist attraction and Knysna is a known Best Tourist Destination in the country. Parking along George Rex Drive is at a premium. Solid red lines mark the areas where roadside parking is impossible. Mr Desfontaines has now applied for "private parking" for 4 cars on Municipal road verge for vehicles using his proposed guest house only.

Mr Desfontaines has for the past 5 years been dumping garden refuse on the verge adjacent to stand 5159, a space that he now wants to use as "private parking". This dumping continues (see attached photo). I maintain that this verge is unstable and should a heavy vehicle (truck, bus, etc.) pull off the road onto this verge, the likelihood of the verge collapsing is extremely high. I have spoken to Mr Agenbag of Kantey & Templier about whether he had inspected the stability of the overfill where the cars are expected to park. He conceded that he just 'looked'; he knows that the slope is particularly steep but has not been tasked to state as a practicing engineer whether it was stable enough to support a heavy vehicle. He conceded that he had no knowledge that the overburden consisted of garden refuse.

The Kantey & Templier traffic checks maintain that a distance of 24 meters exists for parking in this area. There is a transformer box, a Telkom pole and a street light on this verge. 24 meters takes up all the space to the light pole. The application calls for approval for this total distance of 24 meters to be approved by the Municipality for "private use". Casual peak season users need all this space for The Heads tourism. Mr Desfontaines application will make parking congestion along George Rex Drive worse, not better.

In summary, No. 1 George Rex Drive cannot be rezoned to Guest House. It has not fulfilled the requirements in providing adequate parking for guests. Mr Desfontaines’ application is requesting use of public property to fill this need as he has done for the past 4 years. This application is audacious and selfish. Mr Desfontaines has still not made provision for parking on his own premises!

I herewith note with concern that to date no public notice advertisements have been placed in the local / regional newspapers regarding this application.

Yours truly

P G Bain
Trustee, M A Bain Wil Trust
Mr Robért Desfontaines is not disputing that he is running a business (Guest Lodge) on Stand 1498, Knysna. “Rockery Nook” (Two Angels) advertises on the internet that they have accommodation for 17 people. However, the advertised Terms & Conditions state that, “no dedicated parking exists and that occupants must park on the roadside or in the Municipal parking area at the circle.”

Stand 1498 is on a blind corner and George Rex Drive is a very narrow road. Parking on the roadside, especially in High season means pedestrians risk their lives walking past these parked cars “on the shoulder” of the road.

Mr Robért Desfontaines is now exacerbating the parking problem by running an engineering workshop on the same premises. More parking is required for this and engineering is noisy. We object to the noise level resulting from the banging of steel emanating from the premises. If Mr Robért Desfontaines wants to conduct such a business, he should make engineering noises in an Industrial area.

We hereby state that Mr Robért Desfontaines is breaking two bylaws of the Knysna Municipal constitution, noise and lack of parking. It must stop forthwith.

Yours truly,

[Signature]

P G Bain
Trustee, M A Bain Will Trust
27 May 2016

MR STEWARD MQHELE  
KNYSNA MUNICIPALITY  
E-mail: smqhele@knysna.gov.za  

CC: BRUCE COWLING 
E-mail: kestrel@telkomsa.net  

Dear Sir,

PROPOSED TEMPORARY USE DEPARTURE, ERF 1498 KNYSNA

We have been instructed by Andrew Rex Duthie and Caroline Rex Cowling, Trustees of Andrew's Trust and Caroline's Trust, the co-owners of Erf 5159, to lodge an objection to the above.

**OBJECTION TO:** 1) TEMPORARY USE DEPARTURE IN TERMS OF SECTION 15 OF THE LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985) TO ALLOW THE PREMISES TO BE USED AS A GUEST HOUSE CONTAINING 5 SELF-GATERING UNITS

Our instructions are that the owner of Erf 1498 has been operating a Guest House illegally for a number of years. From the report of VPM Planning it is clear that the infrastructure is not suitable for the number of guest and/or number of units that the owner wishes to now turn the residence into.

Parking and access, by admission in the Applicant’s “Proposed Temporary Use Departure”, is a major problem.

The Applicant further states that “Due to the steepness of the property, there is not an option to provide more parking on the site”.
It seems clear that development should be restricted to what the size and the
topography of the property affords, in the same manner as it applies to any other
property developments. Clearly, by the Applicant’s admission of the topographical
restrictions, the property is not suited to 5 self-catering apartments.

OBJECTION TO: ii) PERMISSION TO ENCROACH ONTO THE ADJACENT
ROAD RESERVE (REMAINDER OF ERF 1399) TO ALLOW 4 PARKING BAYS ON
THE ROAD RESERVE AND TO USE THEM FOR PRIVATE PARKING PURPOSES

This road is the access to the Heads, an historic landmark visited by almost all
tourists to Knysna. Congestion of traffic, and parking, is already a problem for visitors
and residents of the Heads, especially in peak holiday times. Encroaching on
the road reserve and erecting 4 parking bays, for exclusive use by the applicant’s guests,
will add to the congestion.

Furthermore, the establishment of 4 parking bays will restrict movement of
pedestrians and their safety when parking bays are occupied. The proposed parking
bays are situated just before a blind bend. Pedestrians can only walk on the side of
the road of the proposed parking bays. Vehicles being parked there will have the
effect that pedestrians, in order to walk around the vehicles, will walk in the road at a
place where vehicles might not see them timeously.

If these parking bays are allowed to be established, it will set a precedent for other
motorists to also park on the verge within the road reserve. In places where the verge
is narrower, vehicles will then encroach on the road itself. This will cause a hazard to
both motorists and pedestrians.

These parking bays will also interfere with access to Erf 5159 in the event of an
emergency. The area below the proposed parking bays is covered in dense natural
vegetation. In the event of a fire, these proposed parking bays would restrict access
by emergency vehicles. This would pose a threat to the buildings on Erf 5159 and
also the applicant’s property.

The establishment of the proposed parking bays could restrict any future
development of Erf 5159, and therefore reduce the value of this property.

The prejudice that will be caused to the general public by the proposed temporary
use departure is therefore severe and should not be allowed.

IN CONCLUSION

The proposed development appears not to be suitable given the constraints of the
topography of the property. Encroaching on a road reserve to accommodate the
applicant would be at the expense of both public and adjoining property owners
safety.

Please therefore note our client’s objection and confirm receipt of this letter.

Yours faithfully
MACGREGOR STANFORD KRUGER INC

OCKIE KRUGER
TEMPORARY USE DEPARTURE APPLICATION Erf - 1498: Knysna

Applicant's response to objections and comments received:

We would like to confirm that we received the following comments and objections in reaction to a public participation process followed by the Knysna Municipality:

1. Internal Municipal Comment: PUBLIC WORKS: WATER & SEWER: PROPERTY MANAGEMENT:
2. Mac Gregor Stanford Attorneys on behalf of the owners of Erf 5159: (Jeanne Mary Duthie and Family);
3. The Cottam Ridge Trust the owners of Erf 3097:
4. David Wightman (4 George Rex Drive) Erf 1414
5. Peter Bain (Summer Place) 5 George Rex: Erf 1409

We would like to comment as follow:

1. **Internal Municipal Comment:**

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<td>More detailed plans must be submitted. No sidewalk indicated. No objection to the concept subject to approval of details.</td>
<td>The final parking plan with detail as requested has been submitted to Shaun Maree at Directorate: Technical Services. His final comments resulted in a further change to the parking layout as requested.</td>
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<td>Access to services must get guaranteed</td>
<td>The section of the property where the parking bays are proposed will be accessible to the municipality; this can be a condition of approval. There may be electrical and water services run under the proposed 4 bays, but these will be investigated and will be made accessible to the satisfaction of the engineering department.</td>
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<td>We have no objection against the application and that an encroachment must be signed for the 4 additional parking bays, at our Town Planning Department.</td>
<td>The encroachment agreement has been signed by the owner of the property and will be signed once Council made a final decision on the use departure.</td>
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2. **Mac Gregor Stanford on behalf of the owners of Erf 5159:**
| Objection 1: From the report it is clear that the infrastructure is presently not suitable for the intended number of units. | The application was forwarded for comment to the Engineering Department and there were no lack of capacity of infrastructure reported. The guest house does not require additional supply of infrastructure and this was stated in the report. |
| Objection 2: from topographical restrictions the property is not suitable for 5 units. | The 5 units fit within the existing approved structures on the site, no further construction would be required. There are thus no topographical conditions relating to the 5 units. The topography does however restrict practical vehicular access to the stand. In terms of the Knysna Zoning Scheme, as an alternative to the provisions of on-site parking, an owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on site, acquire the prescribed area of land for the provision of parking elsewhere in a position acceptable to the Council. It is submitted that the owner has identified suitable land that he is willing to lease from council and to upgrade it to a suitable standard at his own cost. |
| Objection 3: Encroaching on the road reserve and erecting 4 parking bays for exclusive use by the applicant’s guests will add to the congestion. | Comment on Traffic Congestion:
Most of the objections received relates to road safety and congestion along George Rex Drive, rather than the land use itself. The situation at present is that drivers who cannot find parking at the Heads, park indiscriminately anywhere along the road reserve often encroaching onto the road itself, and in conflict with traffic flow, obstructing vehicle and pedestrian traffic; this happens all along this section of the road towards the Heads, and is not as a direct result of this guesthouse, but rather a general lack of public parking for day tourists. |

We believe that the formalisation of the road reserve will stop the problem of random parking along the road and thereby creating a safer environment for road users. The position of the parking bays have been carefully assessed by a traffic engineer and the site distances is suitable (see traffic statement submitted with the application). Previously the guest would randomly park in front of the guesthouse where sight distances are not optimal. This problem will be address by creating formal, clearly visible, demarcated bays in an area that will not impact on road safety.
### Objection 4: The establishment of 4 parking bays will restrict movement of pedestrians and their safety, when the bays are occupied.

**COMMENT ON PEDESTRIAN SAFETY**

Proposed road elevation:

The proposal includes a sidewalk of 1.2m wide. As can be seen from the attached detailed parking layout, the elevated paved pedestrian lane will be on the lagoon side of the parking bays, thereby protecting the pedestrians from traffic movement in the road. This pedestrian access will be available for all pedestrians and not just for the Two Angels Guests. The pedestrian lane will be slightly raised to clearly distinguish between the parking area and the pedestrian area. Safety rails will be placed along the lagoon edge, protecting pedestrians from the slope towards the lagoon. In order to further ensure safety of guest and pedestrians, the owner will also illuminate the parking and pedestrian area at night and install CCTV cameras. Being situated at the entrance to the Heads Township, this will be security benefit to all the Heads residents.

### Objection 5: If these parking bays are allowed, it will set a precedent for other vehicles to park on the verge within the road reserve causing a hazard to both motorists and pedestrians.

**Comment:** See General comment on Traffic Congestion.

It is the informal and unplanned nature of the verge parking that is causing the problems in the area, this is a current reality. Creating formal parking bays will elevate the problem. If more private owners take initiative to upgrade and formalise the road reserve to create safe and planned parking areas where suitable, it will have a positive impact on the area.
Objection 6: These parking bays will also interfere with access to Erf 5159 in the event of an emergency. The area below the proposed parking bay is covered in dense natural vegetation. In the event of a fire the parking bays would restrict access to emergency vehicles. This would cause a threat to the buildings on erf 5159 and to the applicant’s property.

Comment: The access to Erf 5159 will not be affected by the position of the parking bays. There is a height drop of ±6m between the road reserve and the property boundary. A fire truck would not be able to negotiate its way down the slope and dense vegetation. In the case of a fire, a fire truck could stop on the parking bays and the property will have to be reach by foot. Furthermore, the two houses on the property are more than 100m away and have access from the George Rex drive. If the require a second access, there are less steep areas along the road from where a second access could be engineered.

Objection 7: The establishment of the proposed parking bays could restrict any future development of Erf 5159 and therefore reduce the value of the property.

Comment: According to available information, there is not sufficient land on this section of Erf 5159, directly below the proposed parking bays, where a building could be erected, as this section of the property is very narrow (±5m between road reserve and the high water mark as indicated on S.G. Diagram) and very steep. In addition, this area has many ancient, well established and protected Millwood trees and it is highly unlikely that further development rights would be granted in such a sensitive area of the site, so close to the high-water mark.
3. The Cottam Ridge Trust the owners of Erf 3097:

| Objection 1: TwoAngels is a Heritage site | Comment: Erf 1498 is not listed as a Heritage site. |
| Objection 2: There are plenty of self-catering units with adequate parking at the Heads. | Comment: TwoAngels is a very up-market and popular Guest House which is listed in the top 4 of 97 preferred tourist establishments in Knysna (see attached screen capture from the Tripadvisor site). Consequently, it plays an important role in the Knysna tourism industry actively contributing, in so doing, to the popularity and economy of our town. |
| Objection 3: The guests of TwoAngels cause congestion and poach neighbour's parking. | See previous Comment on congestion |
| Objection 4: Flag poles | Comment: The pending encroachment agreement application deals with this issue. |

You come to us for reviews — now you can book your hotel right here on TripAdvisor.

“Just amazing”
Review of TwoAngels Guest House

TwoAngels rated in the top 4 of 97 Speciality Lodgings in Knysna
Date 25 June 2016

TwoAngels Guest House
3097
100 photos

Enter dates for best prices
Check in
Check Out
Show Prices

Complete best prices from big travel sites

Ranked #4 of 97 Speciality Lodgings in Knysna
171 Reviews
Certificate of Excellence
4. David Wightman (4 George Rex Drive) Erf 1414

<table>
<thead>
<tr>
<th>Objection 1: Erf 1498 is zoned Single Residential</th>
<th>Comment: The application for Temporary departure of the site for 5 self-catering apartments deals with this issue.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objection 2: Parking problem</td>
<td>See previous comment on parking and congestion</td>
</tr>
<tr>
<td>Objection 3: there are multiple residential units on the property and nobody knows how many kitchens</td>
<td>Comment: The motivation report submitted provides a transparent description of the current situation, and the application is to legalise the use of the property as a guest house with 5 units, of which one will be occupied by the owner.</td>
</tr>
<tr>
<td>Objection 4: Suggested a site inspection</td>
<td>Comment: Official from the Knysna Municipality has already conducted a site visit and the owner would welcome another site visit if required.</td>
</tr>
</tbody>
</table>

5. Peter Bain (Summer Place) 5 George Rex: Erf 1409

It appears that there is a long standing and on-going personal animosity between Mr Bain and Mr Desfontaines. Mr Bain has lodged several complaints about Mr Desfontaines in the past, none of which has been substantiated by any facts. Mr Bain is also running a Guest House from his property, known as Summer Place. According the website the guest house consist of two self-catering units, it seems without any rights for a second dwelling. The parking conditions on this property are also encroaching onto the road reserve as it has a similar topographical situation. It appears that the objection is perhaps a trade objection that should not be considered.

<table>
<thead>
<tr>
<th>Objection 1: There is a lack of off-road parking to serve the 9 rooms rented.</th>
<th>Comment: Mr Des Fontaines has hope to enter into an agreement with the Knysna Municipality to rent a portion of under-utilised road reserve from them for parking purposes. A total of 8 bays can then be realised, which is enough for the Guest house.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objection 2: The existing house is over the building line of the road boundary.</td>
<td>The footprint of the house has been established long before the zoning scheme came into play. Previous approval has been granted for building line relaxations of the garage and covered veranda.</td>
</tr>
<tr>
<td>Objection 3: the owner advertise on the web site and states that onsite parking is not available</td>
<td>The owner has encouraged clients to park at the public parking area further along the road as the parking bays has not been formalised and the owner is sensitive to the road safety situation.</td>
</tr>
<tr>
<td>Objection 4: The lock-up double garage is full of junk and serves as accommodation for the staff.</td>
<td>Comment: This is an offensive statement referring to your neighbours possessions as “junk”, and is an indication of the emotional nature of the objection. The garage is empty and is used for the parking of cars when necessary. (See attached picture).</td>
</tr>
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<td>---</td>
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</tr>
<tr>
<td>Objection 5: The 2 parking bays immediately outside the garage measure 4m and are not sufficient for the parking of cars.</td>
<td>Comment: The exact distance between the garage doors and the edge of the road measured along the centre line is 6.65m. There is sufficient space for cars to park there while allowing enough space behind the vehicles for safe pedestrian passage on the paved verge of the road (see attached picture). The objector also constructed parking bays encroaching over his property boundary. Additionally, Mr Bain’s property has a very steep parking bay from which one would have to reverse one’s car on the right hand side of the road, in conflict with on-coming traffic. Between this steep ramp and the newly built bays which have been constructed on top of an existing garage, no provision has been made for pedestrian traffic. The steep bank which connects the ramp to the newly built parking bays, forces pedestrians to walk on the tarred surface of the road into oncoming traffic (see attached picture).</td>
</tr>
<tr>
<td>Objection 6: Dumping of garden refuse on the verge of erf 5159.</td>
<td>Comment: The area below the proposed parking bays is currently used as a dumping ground for garden refuse as well as other non-perishable garbage by garden services and certain other Heads residents (see attached picture) an not by the owner of Erf 1489. In addition to this, vagrants who visit the area from time to time drag household garbage bags and spill the contents along the same verge. The staff employed by TwoAngels constantly monitors the road reserve adjacent to erf 1498 and erf 5159 as well as the vegetation below and retrieve any garbage and litter. Such is then re-bagged and taken to designated dumping sites by TwoAngels at their cost (see attached pictures). The photograph attached by Mr Bain regarding dumping of the so called garden refuse, consisted of pruned bushes &amp; roots, plus a heap of soil and stone raked from the verge of erf 1498 in order to facilitate paving of the area. The sand and stone was removed and the adjacent area cleaned immediately upon completion of the paving project.</td>
</tr>
</tbody>
</table>

Prepared by: Lizemarie Botha

VPM PLANNING
REPORT FROM THE ACTING DIRECTOR: DEVELOPMENT

PURPOSE OF THE REPORT

To provide a progress report on the stoppage of work at the Brikkelbos Stream in Trotter Street, alongside Riverwood Primary School.

BACKGROUND

The Municipal Department: Public Works, Roads and Storm water embarked on a canalization project for the Brikkelbos stream abutting Riverwood Primary School in an effort to minimize constant flooding of the school after many requests from the school management. Work started in the first week of July, 2016 and continued until schools re-opened towards the end of July.

The work was stopped as it was then realized that authorization was required in term of Section 5 of the national Environmental Management Act, 1998 and the Protected Areas Act, 2003. A pre-compliance notice was issued by the Department of Environmental Affairs in Pretoria stopping the work and requiring further action from Knysna Municipality which included securing the site.

DISCUSSION

1. The site falls under the jurisdiction of SanParks in terms of Regulation No. R1175, Regulations for the Proper Administration of the Knysna Protected Environment read with the National Environmental Management Act: Protected Areas Act, 2003. Consequently this entails getting approval from SanParks for any work mentioned in the regulations besides the approval from DEA;

2. An environmental consultant will be appointed shortly to coordinate the rehabilitation work which will mostly include securing the exposed river banks. The flora is already returning to the site on its own so this will not be a problem.

FINANCIAL IMPLICATIONS

Not known at this stage but will be limited to rehabilitation of the site where the initial excavations were carried out.

RELEVANT LEGISLATION

RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

That the report with regard to the Brikkelbos Stream Canalization Project, be noted.

APPENDIX / ADDENDUM

N/A

File Number:  9/1/2/14
Execution:  Acting Director : Planning and Development
REPORT FROM ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT
To provide a progress report on the stoppage of work at the Sedgefield Desalination Plant.

BACKGROUND
One of the two extraction points at the Sedgefield Desalination Plant caved in and had to be replaced as the plant cannot function with only one.

The Department: Sewer and Water appointed Royal Harskong DHV to do the consulting work who in turn appointed BNV Civils for implementation.

It had been assumed that the Environmental Management Plan that had been in place for the Desalination Plant would be sufficient to cover the re-opening of the second extraction point. The Department of Environmental Affairs in Pretoria and the South African National Parks did not seem to agree with this assertion, consequently stopping the work in September, 2016.

DISCUSSION
The assertion by DEA and SanParks is that the work being carried out exceeds the scope of the original approval obtained in 2011 which was done under Section 24(G) of the National Environment Management Act, 1998.

Myoli Beach falls under the jurisdiction of SanParks in terms of Regulation No. R1175, Regulations for the Proper Administration of the Knysna Protected Environment read with the National Environmental Management Act: Protected Areas Act, 2003. Consequently, this entails getting approval from SanParks for any work mentioned in the regulations besides the approval from DEA.

CapeE-Prac, a George based environmental consultancy who did the original environmental authorization, have been appointed by Royal Harskoning DHV to handle the legalization process.

As of 18 October, we have not yet received any communication from neither SanParks nor DEA.
FINANCIAL IMPLICATIONS

Not known at this stage but may include complete stoppage of the project. This will be determined by the communication from both SanParks and DEA.

RELEVANT LEGISLATION


RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

That the contents of the report on the Myoli Beach Project Stoppage, be noted.

APPENDIX / ADDENDUM

N/A

File Number: 9/1/2/13
Execution: Acting Director : Planning and Development
9. Closure