SUPPLEMENTARY AGENDA
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

SUPPLEMENTARY

to the AGENDA of the

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

to be held on

Tuesday, 21 September 2016

at 9:00

in the Council Chamber
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7.6

**REPORT FROM THE ACTING DIRECTOR : PLANNING AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

To consider an application from Jan Vrolijk Town Planners, on behalf of Deorista 188 Propriety Limited, the owners of Erf 4970, Sedgefield (hereinafter referred to as “the property”) for the rezoning of the subject property from “Single Residential Zone” to “Business Zone” in terms of section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the purpose of establishing a neighbourhood shopping complex. The application is recommended for approval.

**BACKGROUND**

According to the applicant, Deorista 188 (PTY) Ltd is in the process of reaching an agreement with a developer who will ultimately take responsibility for the construction of the proposed complex. However, this agreement cannot go through as the property has a split zoning i.e. a “Business” and a “Single Residential” which makes it almost impossible for the current proposal to be realized. The survey diagram indicates that the property was consolidated in late 2011 and according to the municipal records, a portion of the property (previously Erf 187, Sedgefield) had a different zoning (“Single Residential”) to the rest of the properties that were consolidated to form Erf 4970, Sedgefield (“Business”).

This situation was a direct result of the fact that no land use application was required for the consolidation of properties in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985). This is, however, no longer the case as the recently promulgated Knysna Municipality By-law on Municipal Land Use Planning (2016) currently requires a land use application to be submitted in cases where a consolidation of properties is sought. It can therefore be deduced that the main object of this application is to rezone the “Single Residential” zoned portion of the subject property in line with the bulk of the Erf. Application details The subject site is located at Swan Avenue at is confluence with the southern service road running parallel to the N2 National Road. A locality plan is attached as Annexure A.

The subject property is approximately 6678m² in extent, a portion of which (591m² is made up of the former Erf 187, Sedgefield – the “Single Residential” zoned portion. The application, copy attached as Annexure B, was submitted on 16 May 2016 The application was advertised in the Provincial Gazette on 27 May 2016 and in the Edge on 1 June 2016 and registered letters was sent to all affected neighbours (See proof of advertising attached as, Annexure C).

Pre-application consultation A pre-application consultation meeting was held on 26 April 2016 at which it was determined that a rezoning application was necessary in order to make provision for the development of the proposed complex. A copy of the minutes of the pre-application consultation meeting is attached as Annexure D.
This application attracted a lot of objections from the immediate neighbours and will be discussed below. Public Participation 1. As indicated, the application was advertised in the prescribed manner, and proof of advertising is attached as, Annexure C).

1. Subsequent to advertising and circulation four letters of objections was received and these were submitted within the commenting period. The letters were received from Mr and Mrs Watson, Mr Roy and Heather Halloway, Ms Phyllis Kuhn, Penelope Jolliffe and by the proxy of Stella Jolliffe.

These are hereto attached as “Annexure E”

(i) Letter from Penelope Jolliffe, Stelle Jolliffe and Mr and Mrs Watson dated 29 June 2016:

The following concerns were:

- The height and type of the wall which will close Sedgewarbler Street has not been specified.
- More clarity is needed as far as the detail of the development proposal is concerned.
- Clarity is required with regard any wall which might be erected along the Flamingo Avenue boundary of the site.
- Clarity is required as to the wall to be erected at the back of Erven 195 and 203 Sedgefield.
- More clarity is required as far as the functioning and finishing of the proposed loading bay area, waste disposal / refuse area, kitchens and their emissions are concerned.
- More clarity is required as far as ventilation proposals are concerned. Applicants
- Response to Comments The concerns raised are concerns about aspects which the owner cannot address at this stage as the owner is not going to develop the erf. These concerns relate to the design, layout and functioning of the building to be erected on the erf.

It was agreed at the meeting referred to in point 2 above that a Site Development Plan will have to be submitted to the Knysna Municipality which, in terms of municipal requirements, will in have to address these aspects.

The objectors were informed that they will once again be granted the opportunity to comment on the SDP once the final SDP is received. They were also given the assurance by Hennie Smit of the Knysna Municipality that they will also be granted the opportunity at that stage to discuss any concerns they may have regarding the final SDP with the future developer. The objectors subsequently indicated their satisfaction with this arrangement and indicated that the rezoning application may be approved subject to the conditions proposed in point 2 above.

These concerns will thus not be further addressed in this letter as the objectors will once again be provided with the opportunity to submit and discuss any concerns they may have with the Knysna Municipality and the developer once the final SDP has been submitted.
(ii.) Letter received from Roy and Heather Halloway dated 23 June 2016:

The following concerns were raised:

- Request for up-to-date plans.
- Volumes of traffic.
- Noise levels.
- Views.
- Blocking of sunlight.

Applicants Response to Comments

The various points raised in this letter of objection will be addressed in the following paragraphs.

Up-to-date plans: This concern has been addressed in full in points 2 and 3 above. The objectors have also accepted the way forward as proposed in these two points.

The volume of traffic:

No details are provided with regard to this specific point and it is as such not possible to reply in detail on this point.

It should, however, be remembered that the main portion of the erf has already business rights and has as such vested rights which cannot be taken away.

Noise levels:

It was explained at the meeting that the positioning of mechanical devises that emanates noise will be addressed by the Knysna Municipal when dealing with the SDP. The noise concerns of the objector will thus be addressed when the SDP is considered. Blocking of views and Sun:

Ninety percent of the consolidated erf is already zoned Business Zone.

In terms of the Sedgefield Zoning Scheme (1980), Erf 4970, Sedgefield is subject to no height restriction. The objector has as such no legal foot to stand on as far as the height of any development on this erf is concerned. Ninety percent of the erf has existing rights which cannot be ignored or taken away. The objector further continues to state that it is however anticipated that the building on the erf will not exceed a height of one storey and will comply with the required building line which is applicable along the rear boundary of Erf 4970 Sedgefield. The fact that the normal building line will be adhered to will ensure that the sun of the adjacent properties will not be negatively affected whilst the height of the proposed building will also be of such a nature that it will not exceed the normal height of a residential building.

(iii.) Letter received from Phyllis Kuhn dated 30 June 2016:

The objectors raised a number of concerns of which is repeated a number of times throughout the letter.

These concerns have been summarized as follows:
• Concern is raised regarding the language the application has been submitted in. A meeting is requested to obtain clarity regarding the application as well as to discuss certain concerns.
• Concerns are raised and repeated several times in the letter regarding the finality of the development plan and the detail of the development proposal which was attached to the application.
• Various concerns are raised and repeated several times in the letter with regard the loading facilities of the proposed development.
• Various concerns are raised and repeated several times in the letter as to how this erf obtained the development rights without the municipality having informed the adjoining residents thereof.
• Questions are also asked as to why the municipality has allowed the development rights without taking cognizance of impact the development will have on existing infrastructure.
• Concerns are raised regarding the parking proposals for the development.
• Concerns are raised about the use of pavements for parking purposes.

The concerns were addressed by the applicant in the following points.

Language Concerns:

A public meeting was arranged whereby the proposal was presented to the objector in her language and the objector was given the opportunity to ask questions regarding her concerns.

After conclusion of the meeting the objector gave an indication that she was satisfied with the decision taken at the meeting and the way forward as proposed in point 2 above (please refer to response letter for points listed).

Development plan concerns:

This concern has been addressed in full in points 2 and 3 above. The objector has also accepted the way forward as proposed in these two points (please refer to response letter for points listed).

Loading facilities:

This concern has been addressed in full in points 2 and 3 above. The objector has also accepted the way forward as proposed in these two points (please refer to response letter for points listed).

Development rights:

Ninety percent of the consolidated Erf 4970 Sedgefield has historic business rights which rights were not approved by the previous Sedgefield Municipality nor the Knysna Municipality. It is thus not a situation, as suggested by the objector, that the Knysna Municipality has neglected its regulating function by granting business rights without taking cognizance of the impact these business rights will have on existing infrastructure and adjoining erf owners. The largest part of the erf has existing business rights for many years which could have been exercised at any time. The fact that the Knysna Municipality will now require that a SDP be submitted for the
development clearly indicates that it is the intention of the Knysna Municipality to enforce the stipulations of the Sedgefield Zoning Scheme Regulations.

The objector is thus unduly critical on the officials of the Department of Town Planning and Building Control of the Knysna Municipality. Hennie Smit has clearly indicated that the municipality will exercise their regulatory role in this instance. Parking provision: The development will comply with the parking requirements as prescribed in the Sedgefield Zoning Scheme.

In addition, additional parking space will be provided along the Service Road for which approval from SANRAL has been obtained. The objector is thus unduly concerned about this aspect. Parking on pavements: The development will comply with the parking requirements as prescribed in the Sedgefield Zoning Scheme. This problem of parking on pavements in Sedgefield cannot be blamed on this development as it is already a problem in Sedgefield. This is a law enforcement issue which should be taken up with the relevant department of the Knysna Municipality. Summary It has been indicated in this letter that the concerns raised can effectively be addressed in the SDP approval process for the development. There is therefore no reason why the application for rezoning cannot be approved. The objectors have in fact indicated at the conclusion of the meeting that there is no objection to the approval of the rezoning application provided the conditions as stipulated in point 2 above are adhered to (refer to response letter for points listed).

DISCUSSION

It is important to note that the application was for the rezoning of the former Erf 187, Sedgefield only as the rest of the erven that form the bulk of this Erf have historically already been rezoned. the application can therefore not be treated as if it was submitted for the whole of Erf 4970, Sedgefield. It should be noted however that the needs and circumstances that were there at the time of the approval of the initial application might have changed over the years and therefore it is important that the needs of the surrounding people are taken into account when a decision on this application is made.

Registered letters were sent to all affected parties. During this process it was discovered that one of the sounding property owners did not receive a notification as the notification was sent out to the previous owner of the property. It should also be noted that our notification is sent to the last known address of any affected property owner which are normally retrieved from the municipal “Promun”.

It is often the case that the system does not take into account transfers that are currently in progress. Therefore, the process was legally and correctly done with the information at hand. This application was also circulated internally and no objection was received from all the affected internal departments. Consistency with the Spatial Development Framework of 2008 It should be noted the Spatial Development Framework of 2008 is being updated currently, however until such time that the new Spatial Development Framework is made available the current document is still applicable. It is important that all development proposals are consistent with the existing SDF. The subject property is located close to the Sedgefield Primary node which according to the SDF of 2008 is similar to the Knysna, but, because of its linear CBD, it is more vulnerable to decentralisation of the business core. If further states that while there are smaller nodes outside the CBD, there should be a meaningful commitment to enhancing and
strengthening the CBD itself, both in terms of the relationship to passing traffic, as well as to residents themselves. It should further be noted that the SDF also highlights the fact the Sedgefield CBD is vulnerable to being decentralised of its business core. Thus any business proposal should be carefully considered in terms of its location. The south-eastern portion of the Erf 4970, Sedgefield is located along the activity street as demarcated by in the SDF.

However, one shouldn’t be ignorant of the fact that the SDF does not directly include the subject property as part of the Primary Note. However, one of its key principles for the Sedgefield CBD promotes the reinforcement of the CBD and Main Street as the focus of retail and commercial activity. It also promotes the maintenance of the main street (North and South service roads) while at the same time encourages pedestrian-friendliness for this area. In terms of site specific circumstances, the SDF is rather vague and leaves a lot of room for interpretation. But what is clear is that it discourages further linear development.

When one looks at the bigger picture by encouraging the strengthening the CBD while at the same time preventing the further decentralisation thereof, it can be argued that this development is consistent with the SDF. As it is located in a way that promotes the strengthening of the CBD and is not located so far away that promotes the decentralisation of its CBD. Existing and proposed zoning comparisons and considerations It should be noted that the surroundingzonings of the area consist of mainly residential and business zones with the majority being residential. It can be argued that the existing land uses and the proposed land uses are complimentary towards one another. This is in line with the principle of spatial justice as described in Chapter 4 of the Spatial Land Use Management Act of 2013. The impact of the proposed development has the potential to be fairly beneficial for the existing residents as it creates a substantial amount of employment opportunities in the short and long term. It is possible that the proposed complex has the potential to cater for a wide range of the commercial needs of the surrounding communities. The desirability of the proposal Administrative and procedural fairness The application was correctly advertised and processed. The legal decision making body for this application is Council’s as there are objections submitted against the application. A public meeting was arranged on request of the Knysna Municipality, by Ward Councillor for the area, to discuss the development proposal as well as the letters of objections received. The meeting took place on 19 July 2016 at the offices of the Knysna Municipality in Sedgefield.

The meeting was attended by Jan Vrolijk and Scholtz Bruwer (the representatives of the owner), Councillor Louise Hart, Hennie Smits (Manager: Town Planning and Building Control, Knysna Municipality), Mr Steward Mqhele (Case Officer, Knysna Municipality), the objectors and members of the local ratepayer’s association. This meeting had all the interests’ parties for this application around the table, to allow everyone to share their grievances and opinion’s. After a long discussion everybody that attended the meeting eventually agreed that the Municipality could go ahead and approve the rezoning application subject to the following conditions: i) That a Site Development Plan will be submitted to the Knysna Municipality for approval prior to commencement of construction. ii) That the Site Development Plan will be advertised and that all the objectors will be granted the opportunity to once again comment on the SDP and to discuss their comments with the developer. It can, therefore, be argued that an unbiased approach was followed in order to allow for development as is encouraged by in our Constitution while at the same time taking into account the surrounding property owners.
Firstly, it should be noted that in terms of Section 36 “Any application under Chapter II or III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned including the guideline proposals in a relevant structure plan in so far as it is related to desirability, or on the basis of its effect on existing rights concerned (except any alleged right to protection against trade competition).” (2) Where an application under Chapter II and II is not refused by virtue of the matters referred to in subsection (1) of this section, regard shall be had, in considering relevant particulars, to only the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned or the effect of the application on existing rights concerned (except any alleged right to protection against trade competition)."

FINANCIAL IMPLICATIONS

- At this stage this proposal has no financial implications on Council.

RELEVANT LEGISLATION

- Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985); -Sedgefield Zoning Scheme Regulations (1980) -Spatial Planning and Land Use Management Act, 2013

RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:
(i.) Application from from Jan Vrolijk Town Planners on behalf of Deorista 188 Propriety 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 Municipal Planning Tribunal, 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

APPENDIX / ADDENDUM
Annexure A - Locality of Erf 4970 Sedgefield Annexure B - Application Annexure C - Gazzette and The Edge and Mailing list Annexure D - Pre-application minutes Annexure E - Combined Objection Annexure F - Response to Objections Annexure G - Diagram
Die Direkteur Beplanning en Boubeheer
Knysna Munisipaliteit
Old Main Building
Churchstraat 3
Knysna
6570

20 Mei 2016

Meneer

AANSOEK OM HERSONERING: ‘N GEDEELTE VAN ERF 4970 SEDGEFIELD

Hierby aangeheg vind ‘n aansoek in terme van Artikel 17 van die Ordonnansie op Grondgebruikbepaling, 1985 (Ord 15 van 1985) vir die hersonering van ‘n gedeelte van Erf 4970 Sedgefield (groot 591m²) vanaf Enkelwoon na Sakesone.

Die volgende dokumentasie is by hierdie aansoek ingesluit

- Die voltooide aansoekvorm.
- ‘n Volledige Motiveringsverslag met alle bylaes.

Bewys van betaling van die aansoekfoie is hereby ingesluit.

U spoedige oorweging van die aansoek sal waarder word.

By voorbaat dank.

Jan Vrolijk

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MOTIVERINGSVERSLAG: AANSOEK OM HERSONERING: ‘N GEDEELTE VAN ERF 4970 SEDGEFIELD

20 Mei 2016

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P.O. Box 655, 6050

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5. WENSLIKHEID VAN AANSOEK OM HERSONERING VAN ‘N GEEDEELTE VAN ERF 4970 SEDGEFIELD

6. SAMEVATTEND
BYLAES

Bylaag "A": Plan wat die gedeelte van Erf 4970 Sedgefield wat gehersoneer staan te word aantoon
Bylaag "B": Aansoekvorm
Bylaag "C": Terreinontwikkelingsplan
Bylaag "D": Soneringserfikaat vir Erf 4970 Sedgefield
Bylaag "E": Ligtingsplan
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Bylaag "K": Konsep Sedgefield Ruimtelike Ontwikkelingsraamwerk
Bylaag "L": Brieue insake dienste
1. **AANSOEK**

Aansoeke word in termie van Artikel 17 van die Ordonnansie op Grondgebruikbepaling, 1985 (Ord 15 van 1985) gedoen vir die hersonering van ‘n gedeelte van Erf 4970 Sedgefield (groot 591m²) vanaf Enkelwoon na Sakesone.

Die gedeelte van Erf 4970 Sedgefield (groot 591m²) wat gehersoneer staan te word, word op die plan wat hierby as Bylaag “A” aangeheg is, aangetoon.

Die voltooi die aansoekvorm is hierby as Bylaag “B” aangeheg.

2. **AGTERGROND**

Dit is die voorneme om ‘n sakegebou op Erf 4970 Sedgefield te ontwikkel wat min of meer sal ooreenstem met die ontwikkeling soos voorgestel op die ontwikkelingsplan wat hierby as Bylaag “C” aangeheg is. Ten einde te verseker dat die erf wel ooreenkomsstig die voorgestelde ontwikkelingsplan ontwikkel kan word is ‘n soneringsertifikaat gedurende September 2015 vir die erf vanaf die Departement van Beplanning en Boubeheer van die Knysna Munisipaliteit aangevra. In termie van die soneringsertifikaat wat aangevra is het gebleek dat die erf in termie van die Sedgefield Soneringskema Sake gesoneer is. ‘n Afskrif van die soneringsertifikaat is hierby as Bylaag “D” aangeheg. Na aanleiding van die soneringsertifikaat is die beplanning en ontwerp van die sakegebou in ooreenstemming met die regulasies van toepassing op ‘n sake erf soos per die Sedgefield Soneringskema onderneem. Planne vir die voorgestelde sakegebou is reeds tot so ‘n mate gefinaliseer dat bouplanne vir die voorgestelde gebou binne die volgende maand by die Knysna Munisipaliteit ingedien sal kan word.
Na aanleiding van onlangse gesprekke met Meneer Seretse Mthembu van die Departement van Beplanning en Boubeheer van die Knysna Munisipaliteit insake die ontwikkelingsvoorstel is daar vasgestel dat 'n gedeelte van die erf inderdaad Enkelwoon gesoneer is en dat die soneringsertifikaat nie die korrekte sonering van die erf weergee nie.

Erf 4970 Sedgefield vorm die konsoludisie van Erwe 186, 187, 1764, 2024, 2033 en 4969 Sedgefield. Die gedeelte van die gekonsolideerde erf wat aanvanklik as Erf 187 Sedgefield bekend gestaan het is klaarblyklik nie Sake gesoneer nie en beskik oor 'n Enkelwoon sonering. Die gedeelte van die erf wat steeds Enkelwoon gesoneer is word op die plan wat hierby as **Bylaag "A"** aangeheg is, aangetoon. Soos vanuit die plan afgelei kan word beskik die erf oor oor 'n driehoekige vorm wat dit uit die aard van die saak 'n moeilik ontwikkelbare erf maak. Die gedeelte wat steeds Enkelwoon gesoneer is, is op die suid-westlike hoek van Erf 4970 Sedgefield geleë.

Laasgenoemde was uit die aard van die saak 'n skok vir die eienaars. In opvolg hiervan is Meneer Hennie Smit Bestuurder Stadsbeplanning en Boubeheer van die Knysna Munisipaliteit besoek met die doel om vas te stel wat die korrekte situasie rondom die sonering van die gedeelte van die erf is. Na aanleiding van die afspraak blyk dit dat die soneringsertifikaat foutiewelik uitgereik is en dat 'n gedeelte van die erf wel Enkelwoon gesoneer is. Alhoewel die gedeelte van die erf volgens die ontwikkelingsvoorstel slegs vir parking en as laasone aangewend gaan word sal die gedeelte van die erf volgens Meneer Hennie Smit wel na Sake geheersoneer moet word.

3. **ONTWIKKELINGSVOORSTEL**

Dit is die voorneme van die eienaars om die gedeelte van Erf 4970 Sedgefield wat tans nog Enkelwoon gesoneer is na Sake te hersoneer ten einde hierdie gedeelte van die erf as deel van die groter ontwikkeling wat vir Erf 4970 Sedgefield beplan word, te kan gebruik.

4. **ALGEMENE INLIGTING RAKENDE ERF 4970 SEDGEFIELD**

4.1 Ligging
Erf 4970 Sedgefield is tussen Finkstraat en Flamingosstraat aan die suidekant van die dienspad wat suid van die N2 Nasionale Pad ontwikkel is, geleë. Die ligging van die erf word op die plan wat hierby as Bylaag “E” aangeheg is, aangetoon.

4.2 Bestaande gebruik

Slowtown Liquors (Aroma Drankwinkel) en die Opendi Backpackers is op Erf 4970 Sedgefield geleë. ’n Gedeelte van die struktuur wat die Opendi Backpackers huisves is op die Enkelwoon gesoneerde gedeelte geleë. Die oorlywende gedeelte van die erf is vakant.

4.3 Oppervlakte

Erf 4970 Sedgefield beslaan ’n oppervlakte van 6678m². Die gedeelte van die erf wat gehersoneer staan te word beskik oor ’n oppervlakte van 591m².

4.4 Landmeter Generaal Diagram

’n Landmeter Generaal Diagram van Erf 4970 Sedgefield is hierby as Bylaag “F” aangeheg. Erf 4970 Sedgefield vorm die konsolidasie van Erwe 185, 187, 1764, 2024, 2033 en 4969 Sedgefield. Erf 4969 Sedgefield is die gedeelte van Sedgewarblerweg wat gesluit is.

4.5 Huidige sonering

’n Soneringsertifikaat is op 21 September 2015 deur die Departement van Beplanning en Boubeheer van die Knysna Munisipaliteit uitgereik. ’n Afskrif van die soneringsertifikaat is hierby as Bylaag “D” aangeheg. In terme van die soneringsertifikaat is Erf 4970 Sedgefield Sake gesoneer. Dit blyk egter vanuit verdere navrae dat die soneringsertifikaat foutiewelik uitgereik is en dat ’n gedeelte van die erf steeds Enkelwoon gesoneer is. Die gedeelte van die erf wat steeds Enkelwoon gesoneer is vorm die oorspronklike Erf 187 Sedgefield. Die gedeelte van die erf wat steeds Enkelwoon gesoneer is word op die plan wat hierby as Bylaag “A” aangeheg is, aangetoon. Die gedeelte wat steeds Enkelwoon gesoneer is, is op die suid-westelike hoek van Erf 4970 Sedgefield geleë.
4.6 Titelakte

Erf 4970 Sedgefield is in die naam van die Deorista 188 Proprietary Limited geregistreer. ’n Afskrif van die titelakte is hierby as Bylaag “G” aangeheg.

4.7 Volmag

’n Volmag waarby Jan Vrolijk Town Planner / Stadsbeplanner deur Gregory Robert Young namens Deorista 188 Proprietary Limited aangestel word om die aansoek te hanteer is as Bylaag “H” aangeheg. ’n Resolusie waarby Gregory Robert Young deur Deorista 188 Proprietary Limited gemagtig word om die aansoek in te dien is hierby as Bylaag “I” aangeheg.

4.8 Verbandhouer se toestemming

Daar is ’n verband by ABSA oor die eiendom geregistreer. Die toestemming van die verbandhouer is hierby as Bylaag “J” aangeheg.

5. WENSLIKHEID VAN AANSOEK OM HERSONERING VAN ’N GEDELTE VAN ERF 4970 SEDGEFIELD

Die volgende redes word voorgehou op grond waarvan daar aangevoer word dat die hersonering van ’n gedeelte van Erf 4970 Sedgefield vanaf Enkelwoon na Sake as wenslik beskou kan word.

- In terme van die konsep Sedgefield Ruimtelike Ontwikkelingsraamwerk word ’n “Primary Node” skematies rondom Kingfisher Drive voorgestel. Volgens die konsep raamwerk word daar voorgestel dat geen verdere liniêre uitbreiding van die sakenode langs die N2 Nasionale Pad toegelaat behoor te word nie en word aanbeveel dat “deepening” van die node weg van die N2 Nasionale pad eerder conveeg behoort te word. Hierdie erf beskik oor ’n sake sonering en vorm op hierdie stadium die westelike grens van hierdie “Primary Node” wat rondom Kingfisher Drive voorgestel gestel word. Die gedeelte van die erf wat oor die Enkelwoon sonering beskik is nie langs die N2 nasionale pad geleë nie maar
waaroor die gedeelte van die erf beskik weerspieël dus nie die ontwikkelingspotensiaal waaroor die gedeelte van die erf beskik nie.

➢ Die sake ontwikkeling wat vir die volle Erf 4970 Sedgefield in die vooruitsig gestel word sal ten volle aan die bepalings van Sedgefield Soneringskema voldoen en geen afwyking ten opsigte van dekking, vloerfaktor, hoogte, boulyne en parkering sal versoek word nie. Die voorstel gaan dus nie enige afwyking benodig nie. Sou die gedeelte egter nie na sake gehersoneer word nie sal daar vir sekere afwykings aansoek gedoen moet word want die ekonomiese lewensvatbaarheid van die voorgestelde ontwikkeling is afhanklik daarvan dat die ontwikkeling oor 'n vloeroppervlakte beskik soos voorgestel. Die toevoeging van die 591m² tot die sake sonering skep die addisionele ruimte wat benodig word om die ontwikkeling ekonomies lewensvatbaar te maak en te verseker dat dit aan alle vereistes van die Sedgefield Soneringskema voldoen.

➢ Die fisiese gesteldheid van die gedeelte is van so 'n aard dat die hoogy ontwikkelbaar beskou kan word. Die erf is absoluut gelyk en met 'n grasperk ontwikkel wat deel vorm van die tuin wat die gebou wat die Opendi Backpackers huisves omring. Geen grondwerke en of verwydering van beskermde plantegroei sal dus hoef plaas te vind nie.

➢ Die gedeelte vorm deel van Erf 4970 Sedgefield wat direkte toegang vanuit die dienspad aanliggend die N2 Nasionale Pad verkry. Erf 4970 Sedgefield is dus hoog toeganklik vanuit 'n verkeersoogpunt.

➢ Die titelakte van die erf bevat geen voorwaarde wat die ontwikkeling van die gedeelte van die erf vir sakedoeleindes belet nie. Vanuit die oogpunt skep die voorstel dus geen probleem nie.

➢ Soos uit die skrywes wat hierby as Bylaag "L" aangeheg is blyk, is dienste beskikbaar en bestaan daar ook geen rede vanuit die oogpunt waarom die aansoek nie goedgekeur

6. SAMEVATTEND

Volgens die inhoud van hierdie verslag kan die aansoek as wenslik beskou word en bestaan daar na mening geen rede waarom die aansoek nie goedgekeur kan word nie.
BYLAAG "A": PLAN WAT DIE GEDEELTE VAN ERF 4970 SEDGEFIELD WAT GEHERSENEER STAAN TE WORD AANTOON
BYLAAG "B": AANSOEKVORM
SUPPLEMENTARY AGENDA
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

TOWN PLANNING AND ENVIRONMENT DEPARTMENT

REZONING APPLICATION

ERF / ERVEN GEDOELE... VAN... ERF 4 770
Please Indicate

KNYSNA
SEDGEFIELD
BRENTON
BELVIDERE
RHEENENDAL
KARATARA

PORTION ..... OF FARM N.Y.T. .....

IF OTHER, PLEASE SPECIFY

N.Y.T.

REZONING OF PROPERTY(IES) FROM
ENKELWOON

TO
SAKE

DATE: 20 MEI 2016
### SECTION A

#### PARTICULARS OF APPLICANT

<table>
<thead>
<tr>
<th>1. FULL NAMES:</th>
<th>JOHANNES GEORGE JACOBLJIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. COMPANY / FIRM:</td>
<td>(where applicable, e.g. ABC CONSULTANTS)</td>
</tr>
<tr>
<td></td>
<td>JAN JACOBLJIC TOWN PLANNER/STADSBEPLANNER</td>
</tr>
<tr>
<td>3. POSTAL ADDRESS:</td>
<td>POBUSB 710</td>
</tr>
<tr>
<td></td>
<td>GEORGE</td>
</tr>
<tr>
<td></td>
<td>6530</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>4. TELEPHONE NO:</th>
<th>0414 873 3011</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. CELL NO:</td>
<td>086 444 7871</td>
</tr>
<tr>
<td>6. FAX NO:</td>
<td>086 510 4383</td>
</tr>
<tr>
<td>7. EMAIL ADDRESS:</td>
<td><a href="mailto:janjacobljic@vodafone.co.za">janjacobljic@vodafone.co.za</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. BOND DETAILS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1 Is the property encumbered by a bond?</td>
<td>YES</td>
</tr>
<tr>
<td>8.2 Is the Bondholder’s consent attached?</td>
<td>YES</td>
</tr>
</tbody>
</table>

**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):
   DEOPLAISTA 188 PROPRIETARY LIMITED

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. GEDELTE JAN ERF 4970 SEDGEFIELD
   VOLLE ERF: 6679

2. EXTENT OF PROPERTY GEDELTE: 5,711 m²

3. STREET NAME: FLAMINGOSTRAAT

4. TOWNSHIP (e.g. Paradise, Homelake, Central Town, etc.)
   SEDGEFIELD

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:
   N.Y.T.

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:
   N.Y.T.
## SECTION D

### DETAILS OF APPLICATION

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

   1.1 **PRESENT ZONING(S):** ENKLOVON

   1.2 **PROPOSED ZONING(S):** SKE

   1.3 **EXISTING USE(S):** OPENDI BACKPACKERS

   1.4 **PROPOSED USE(S):** SANGEBOU

   1.5 **AMENDMENT OF THE REGIONAL STRUCTURE PLAN:**

   1.6 **PRESENT DESIGNATION(S):** N.Y.T.

   1.7 **PROPOSED DESIGNATION(S):** N.Y.T.

1.8 **ANY FURTHER COMMENTS:**

   SIEU AANGEHEGDE MOTIVERINGSUERSLAG

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

2.1 Consolidation [combination] of more than one property?

   Yes | Yes

   No | No

   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?

   Yes | Yes

   No | No

   If 'Yes', briefly explain:

   

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

   Yes | Yes

   No | No

   If 'Yes', briefly explain:

   

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

   Yes | Yes

   No | No

   Uncertain | Uncertain

   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 ☒

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

YES ☒

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 walls 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.

   YES  ❌

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 2.5 above is "YES" has an application for authorisation in terms of Act 73 of 1999 been submitted to the Provincial Department of Environmental Affairs and Development Planning?

   YES  ❌

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.

UOLEDIGE MOTIVERINGSVÆRSLÅG AANGEHEG.
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:
   ........................................................................................................
   ........................................................................................................
   ........................................................................................................
   ........................................................................................................
   ........................................................................................................
   ........................................................................................................
   ........................................................................................................
   ........................................................................................................

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

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:

N.Y.T

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:

BESTANDE GEBOUWE WAT OP ERF VOORKOM

SACHE GELOOPT WOLD

- 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

   N2 - Nasionale Pad

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:

   N.Y.T

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:

   N.Y.T

   - 11 -
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:

GEDEELTE VORM DEEL UAN CRE 4970 SEDGEFIELD

WAT REEFS GEDIENS IS.

19.2 Sewerage:

DITTO

19.3 Electricity:

DITTO

19.4 Stormwater:

DITTO

19.5 Refuse Removal:

DITTO
SECTION E

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:

   JOHANNES GEORGE UROIJE

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

   JAN UROIJE TOWN PLANNER/STADSBERANKER

4. CURRENT POSITION IN COMPANY / FIRM:

   ELENJAAR

5. QUALIFICATIONS / RELEVANT FIELDS OF EXPERIENCE / PROFESSIONAL AFFILIATIONS, ETC.:

   BSc (S & S)

   SACPLAN A/1386/2010

6. CONTRIBUTION TO THE STUDY:

   N.Y.T.
7. CONTACT DETAILS OF CONSULTANT

POSTAL ADDRESS:

PO Box 710
George
6530

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

TELEPHONE NO.: 064 873 3011
CELL NO.: 082 666 7871
FAX NO.: 026 510 4383
EMAIL ADDRESS: janwilijk@vodamail.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.

   Name of Authority  Date Submitted
   
   
   

   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.)?

   YES  |  NO  

If 'NO', briefly explain why not:

   N.A.T

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):

   N.A.T
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

JOHANNES GEORGE VROLTJE

(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: 20 MEI 2016

-18-
SUPPLEMENTARY AGENDA
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

BYLAAG "C": TERREINONTWIKKELINGSPLAN
SUPPLEMENTARY AGENDA
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

BYLAAG “D”: SONERINGSERTIFIKAAAT VIR ERF 4970 SEDGEFIELD
TO WHOM IT MAY CONCERN

ERF 4970, SEDGEFIELD

It is hereby confirmed that the above property is zoned "BUSINESS" in terms of the Sedgefield Zoning Scheme Regulations (1980), and is subject to conditions applicable to it.

DATE OF ISSUE: 21 September 2015

G EASTON
MUNICIPAL MANAGER

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 6331 • E-mail: knysna@knysna.gov.za
3.6 BUSINESS ZONE

3.6.1 Coverage

In this zone the area at the respective floor levels of all the buildings on any site in relation to the site area shall not exceed the following percentages:-

- Blocks of flats and residential buildings above business buildings: 50%
- All other permissible buildings: 100%

3.6.2 Maximum Bulk Factor

No building in this zone shall exceed a bulk factor of 2.00 of which not more than 1.00 may be utilized for residential accommodation above the ground floor.

3.6.3 Building Lines

3.6.3.1 Street Boundaries

3.6.3.1.1 Subject to the provisions of section 17 of Ordinance No. 19 of 1976, as amended, flats above ground floor and business premises may be erected on the street boundary.

3.6.3.1.2 All other buildings shall be set back 4.5m from the street boundary.

3.6.3.2 Lateral Boundaries

3.6.3.2.1 Buildings on the ground floor may be erected on the lateral boundaries of an erf subject to clause 3.6.3.4.2.

3.6.3.2.2 Buildings above ground floor may be erected on the lateral boundaries of an erf for a maximum distance of 12.5m measured from the street boundary or the street building line, whichever applies in terms of clause 3.6.3.1 and thereafter shall be set back at least 4.6m or ½ the height of the building (whichever is the greater) from the lateral boundary subject to clause 3.6.3.4.2.
### 3.6.3.3 Rear Boundaries

3.6.3.3.1 Buildings on the ground floor may be erected on the rear boundary of an erf subject to clause 3.6.3.4.2.

3.6.3.3.2 Flats and residential buildings above the ground floor shall not be erected nearer than 4.5m or ¼ height of the building, measured from the top of the ground floor, whichever is the greater, from the rear boundary of an erf.

### 3.6.3.4 Further Restrictions

3.6.3.4.1 A building or portion of a building may only be erected on the lateral or rear boundary of a property if no windows, doors or ventilation openings are inserted in any wall on such boundary.

3.6.3.4.2 In the event of the common boundary between two erven forming the boundary between this zone and a residential zone, the side and rear space, as the case may be, applicable to the latter shall apply on both sides of the boundary in so far as it is more restrictive.

### 3.6.4 Basements

Subject to the provisions of section 17 of Ordinance No. 19 of 1976, as amended, the building line provisions need not be complied with in so far as basements are concerned.

### 3.6.4 Projections

In this zone projections, excluding advertising signs approved by Council in accordance with the provisions of any other laws, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0.5m of the pavement edge, provided no portion of a projection shall be less than 3m above the pavement and there shall be no access from the building to the canopy.
3.6.6 Provisions for On-site Parking

(For loading and off-loading facilities see clause 4.3)

3.6.6.1 In this zone minimum provision shall be made on the site to the Council’s satisfaction for parking and garaging at all times or as it may please the Council of vehicles of the owner and the general public, on the following basis:

3.6.6.1.1 **Business Premises**

30 m² (one gross parking space) for every 60 m² of the total floor area of that portion of the building which is not devoted to permitted uses other than business use.

3.6.6.1.2 **Blocks of Flats and Residential Buildings**

30 m² (one gross parking space) for each dwelling unit (flat) or, in the case of hotels, boarding houses and other residential buildings, for every 2 bedrooms. In addition to the parking area and parking spaces described above, 30 m² (one gross parking space) for every four dwelling units (flats) or every five bedrooms in the case of hotels, boarding houses and other residential buildings and 600 m² (20 gross parking spaces) for a licensed hotel, shall be provided uncovered on the site and clearly demarcated and suitably sign-posted to the Council’s satisfaction for use by visitors.

3.6.6.1.3 **Places of Assembly**

A minimum area shall be provided on the basis of 30 m² (one gross parking space) for every 8 seats provided in the building subject to a minimum of 450 m² (15 gross parking spaces) for each funeral parlour which has a chapel. Funeral parlours without a chapel shall provide parking space on the same basis as a business building. (Clause 3.6.6.1.1)

3.6.6.2 Further Parking and Site Access Requirements

3.6.6.2.1 The vehicular access/exit ways shall be restricted to not more than one each per site per street abutting the site.

3.6.6.2.2 The vehicular access/exit ways to the site shall be restricted to a maximum total width of 6 m where they cross the street boundary.
3.6.6.2.3 No vehicular crossing over the pavement shall be located nearer than 5 m to any street corner (i.e. the point of intersection of two street boundaries).

3.6.6.2.4 Such parking areas shall be properly constructed to the satisfaction of the Council.

3.6.6.2.5 Such parking areas shall be used exclusively for the parking of vehicles lawfully gaining access thereto and shall not be used for trading purposes or any other purpose.

3.6.6.2.6 The manner in which it is intended that vehicles shall park or stand on such parking area and the means of gaining access and exit shall be shown on a plan to be submitted to the Council which may approve, disapprove or impose such conditions as it may deem fit. The Council may impose more restrictive requirements than those of subclause 3.6.6.2 if considered necessary from any traffic point of view.

3.6.6.3 Parking Alternatives

3.6.6.3.1 As an alternative to the provisions of Clause 3.6.6.1.1, the 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 the site, acquire the prescribed area of land for the parking facilities elsewhere in a position approved by the Council provided he registers a notarial deed against such land to the effect that the Council and the public shall have a free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude to be borne by the Council.

3.6.6.3.2 As an alternative to Clause 3.6.6.3.1, the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the estimated market value per square metre of the land on which the building is erected, multiplied by the area of the land which is required to be provided in terms of Clause 3.6.6.1.1, in which event the Council shall itself acquire the necessary land for such parking purposes.
3.6.7 Places of Assembly

Where a building or portion of a building is to be used as a place of assembly, there shall be provided for such place of assembly a foyer with a minimum area of 1 m² in respect of every 16 seats and a minimum frontage of 1 m in respect of every 100 seats in the building licensed by the Council.

3.6.8 Non-conforming Premises

Before a registration certificate or license of the Council is issued in respect of any premises for which there is no current license at the date of coming into operation of these provisions, or when additions or alterations are made to any building in this zone, all the buildings on the site as well as the premises itself shall be made to comply with the provisions of the scheme, the regulations of the Council and any other laws which may be applicable.

3.6.9 Combined Buildings

In the case of combined buildings in business zones, the provisions shall be calculated in respect of each floor for the use to which such floor is to be put, and the sum of the provisions so arrived at applied to the whole building. Where it is intended to use any one floor of a building for more than one use, the more restrictive provisions shall apply.

3.6.10 Blocks of Flats and residential Buildings

Flats and residential buildings, other than licensed hotels, in this zone may only be erected above the ground floor.

3.6.11 Blocks of Flats

The restrictions applicable to blocks of flats in the general zone are applicable in this zone.

3.6.12 Dry Cleanettes and Laundrettes

Dry cleanettes and laundrettes may be established in this zone provided that they comply with the following provisions:

3.6.12.1 The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes-racks together shall not exceed 275 m²;

3.6.12.2 The minimum distance between the boundaries of any two dry cleanettes or laundrettes, unless situated on opposite sides of a street, shall be 60 m;
3.6.12.3 Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water;

3.6.12.4 The solution used in the cleaning process shall be non-flammable;

3.6.12.5 The combined capacity of the dry cleaning machines that may be installed shall not exceed 20kg dry weight of clothing or other articles per cleaning operation per half hour cycle;

3.6.12.6 The combined capacity of the washing machines that may be installed shall not exceed 27kg dry weight of clothing or other articles per washing operation;

3.6.12.7 In any establishment comprising either a dry cleanette or a laundrette or a combination of both, the maximum personnel shall be 12;

3.6.12.8 Each individual application for the establishment of a laundrette or a dry cleanette in this zone shall be submitted to the Council for its special consent and the Council shall be furnished with full information as to the maximum and minimum capacities of the machines to be operated, the number of employees and floor space to be occupied;

3.6.12.9 If the Council is of the opinion that the site of a proposed dry cleanette or laundrette is unsuitable on the grounds of possible nuisance, danger to public health, etc., it shall submit the application, together with its views and recommendations and the reasons therefore to the Administrator whose decision shall be final.

3.6.13 Funeral Parlours with Chapels

The following additional provisions shall apply:-

3.6.13.1 For the purpose of these provisions, “intersection” and “traffic island” shall have the meanings assigned thereto in P.N.971 of 19 October 1973, referred to in clause 3.12 relating to public garages.

3.6.13.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 13 m in width.

3.6.13.3 No funeral parlour with a chapel shall be permitted nearer than 100 m from-

3.6.13.3.1 the intersection of a declared road, or any other street to which the provisions of section 2(xxiv) of the Divisional Council's Ordinance, 1975...
(Ordinance No. 18 of 1976) apply with any other street of like status;

3.6.13.3.2 any robot whether existing or provided for in the town planning scheme;

3.6.13.3.3 any intersection where traffic is controlled or is proposed to be controlled in terms of the town planning scheme, by a traffic island.
BYLAAG "F": LANDMETER GENERAAL DIAGRAM
SUPPLEMENTARY AGENDA
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

Komponente:
1. Die figuur A g s F stel voor ERF 186, SEDGEFIELD
   Sien Kaart No. 4753/1949  Transportakte No. 1949-406-20272
2. Die figuur r e E stel voor ERF 187, SEDGEFIELD
   Sien Kaart No. 4754/1949  Transportakte No. 1949-406-20272
3. Die figuur j k n p stel voor ERF 1764, SEDGEFIELD
   Sien Kaart No. 7981/1975  Transportakte No. 1976-13128
   Sertifikaat van Verenigde Titel
4. Die figuur k C n stel voor ERF 2024, SEDGEFIELD
   Sien Kaart No. 6454/1982  Transportakte No. 1983-522
   Sertifikaat van Verenigde Titel
5. Die figuur g h q D stel voor ERF 2033, SEDGEFIELD
   Sertifikaat van Verenigde Titel
6. Die figuur h j p q stel voor ERF 4995, SEDGEFIELD
   Sien Kaart No. 3723/2C11  Transportakte No.

Die figuur A B C D E F
stel voor 6670 vierkante meter grond ond. 

ERF 4970, SEDGEFIELD
bevattende 1. tot 6. hierbo
geleë in die Munisipaliteit en
Administratiewe Distriek Khysna Proviinsie van die Wes Kasp
Opgegee in September 2010 - Mei 2011

deur ny

4 LOHN (PL50356) Professionele Landmeter

Hiervl die kaart is geheg aan

Komp. AL-28A/W2 (G98)
AL-28A/W3 (G88)

LPI CO390010

Erf 4970 Sedgefield
ERF 4970, SEDGEFIELD
geleë in die Munisipaliteit en
Administratiewe Distrik Knysna

Bakenbeskrywing:
A, B, C, D, E 12mm ysterpen
F 15mm ysterpen

Skaal 1:1500

Gegemest in September 2010 - Mei 2011

deur my
A. LOUW (PLS0355) Professioneel Landmeter
BYLAAG "G": TITELAKTE
Nademaal hulle die geregistreerde eienaar is van

1. ERF 186 SEDGEFIELD in die Munisipaliteit en Afdeling Knysna, Provincie Wes-Kaap
   Gehou kragtens Akte van Transport T19809/2007;

2. ERF 187 SEDGEFIELD in die Munisipaliteit en Afdeling Knysna, Provincie Wes-Kaap
   Gehou kragtens Akte van Transport T19809/2007;

3. ERF 1784 SEDGEFIELD in die Munisipaliteit en Afdeling Knysna, Provincie Wes-Kaap
   Gehou kragtens Akte van Transport T7062/2008

4. ERF 2024 SEDGEFIELD in die Munisipaliteit en Afdeling Knysna, Provincie Wes-Kaap
   Gehou kragtens Akte van Transport T7063/2008

5. ERF 2033 SEDGEFIELD in die Munisipaliteit en Afdeling Knysna, Provincie Wes-Kaap
   Gehou kragtens Akte van Transport T19808/2007

6. ERF 4699 SEDGEFIELD in die Munisipaliteit en Afdeling Knysna, Provincie Wes-Kaap
   Gehou kragtens Akte van Transport T000070745/2012

Wat verenig is tot die grond hieronder beskryf.

So is dit dat ingevolge die bepaleings van genoemde Wet, ek, die Registrateur van Aktes te Kaapstad, hierby sertificeer dat voornoemde

**DEORISTA 188 PROPRIETARY LIMITED**
Registrasienummer 2005/039068/07

ANNA ELIZABETH REYNOLDS
Cnr York & Victoria Street - GEORGE
Tel: 079 866 1587 044 873 3539
Commissioner of Oaths / Kommissaris van Eda
Practicing Attorney / Praktiseerende Prokuraar
R.S.A.
Se Opvolgers in titel of Regverkygenden, die geregistreerde elenaar is van

ERF 4970 SEDGEFIELD in die Munisipaliteit en Afdeling Knysna, Provinsie Wes-Kaap

GROOT: 6 678 (SES SES SEWE AGT) vierkante meter

SOOS aangedui op aangehegte Kaart LG Nr. 3724/2011

I. WAT BETREF die figure A g s r F en r s E op Kaart LG Nr. 3724/2011:

A. ONDERWORPE aan die voorwaardes verwys na in Akte van Transport Nr. T20272/1949.

B. ONDERWORPE VERDER aan die volgende voorwaardes vervat in Akte van Transport T20272/1949, welke voorwaardes opgele is by die verkoo van die eiendom vir die voordeel van SEDGEFIELD INVESTMENTS (PROPRIETARY) LIMITED, soos beskryf in kluwsule 16 hierna, en was as volg lees:

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

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

3. The Transferors shall be entitled to enforce proper sanitation and cleanliness upon the Transferee in respect of the property hereby sold an may make and enforce all such regulations as the Transferors shall see fit to that end, provided that such regulations shall not require anything in access of that which a Village Management Board or other like Local Authority might require. In the event of the Transferee failing to conform to the requirements of

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R.S.A.
the Transferors, they may carry out such work or do such acts which may be necessary to ensure such sanitation and cleanliness and shall be entitled to recover the costs of such from the Transferee.

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

5. No boarding house or hotel shall be erected on this erf, nor shall the erf of any building thereon be used for the purpose of a Boarding House without the written permission of the Transferors first had and obtained.

6. Burial of night soil on this erf is forbidden.

7. No building shall be erected on this erf within 4,72 metres of any street line which forms the boundary of the erf save where the Transferors shall have in writing permitted otherwise. No building shall be erected within 1,57 metres of any adjoining erf, provided that this restriction shall not apply to the common boundary of erven held by one Transferee. Not more than two-thirds of any erf shall be built upon.

8. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one erf in the Township. No flats or tenement houses may be erected on any erf.

9. The Transferee shall not use or suffer to be used the property sold or any portion thereof or any buildings or erections thereon for the purpose of advertising or displaying any advertisement except first having received written permission from the Transferors.

10. This property shall not without the written consent of the Transferors be used for other than residential and/or agricultural and/or horticultural purposes and all trading rights thereon shall be and are hereby reserved to the Transferors.

11. This erf shall not be used for the carrying on of any offensive unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amendments thereto.

12. This erf shall not be subdivided without the written consent of the Company.
13. The Transferee shall be obliged to allow the drainage and sewerage of any other erf or erven to be conveyed over the erf hereby sold if deemed necessary by any Local Authority as may hereafter be established and in such manner and in such position as may from time to time be required by such Local Authority.

14. The Transferees and their successors in title shall be entitled to assign or delegate all or any of the rights conferred by virtue hereof to and in favour of any Local Authority which may hereafter be constituted of establishment in respect of the whole or any part of the SEDGEFIELD TOWNSHIP.

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

II. WAT betref die figuur j k n p op Kaart LG Nr. 3724/2011

Met verwysing na die figuur j k v u op Kaart No. 3724/2011:

A. ONDERWORPE aan die voorwaarde verwys na in Sertifikaat van Gekonsolideerde Titel Nr. T2542/1928.

B. GEREGTIG op die voordeel van die servituit, 'n verwysing in terme waarvan gedateer 25 September 1929 verskyn op Akte van Transport Nr. T822/1928 en wat as volg lees:

"By Deed of Transfer No. 9695 of 25th September 1929 certain two rights of way shown on the diagram annexed thereto are to remain open for the use of the owner of the remainder of the land held hereunder as will more fully appear on reference to the said Deed of Transfer."

C. ONDERWORPE aan die volgende spesiale voorwaarde opgelê vir die voordeel van Sedgefield Holdings (Proprietary) Limited en hulle opvolgers in titel as eienaars van die restant grootte van Sedgefield Dorpsgebied gehou kragtens Akte van Transport Nr. T8581/1960 en geseke in Akte van Transport Nr. T26715/1967, naamlik:

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

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

3. The Transferees shall be entitled to enforce property sanitation and cleanliness upon the Transferee in respect of the property hereby sold and may make and enforce all such regulations as the Transferees shall see fit to that end, provided that such regulations shall not require anything in excess of that which a Village Management Board or other like local authority might require. In the event of the Transferee failing to confirm to the requirements of the Transferees, they may carry on such work or do such acts which may be necessary to ensure such sanitation and cleanliness and shall be entitled to recover the costs of such from the Transferee.

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

6. No boarding house or hotel shall be erected on this erf, nor shall the erf of any building thereon be used for the purpose of a Boarding House without the written permission of the Transferees first had and obtained.

7. Burial and night soil on this lot is forbidden.

8. No building shall be erected on this erf within 4.72 metres of any street line which forms the boundary of the erf save where the Transferees shall have in writing permitted otherwise. No building shall be erected within 1.57 metres of any adjoining erf, provided that this restriction shall not apply to the common boundary of erven held by one Transferee. Not more than two-thirds of any erf shall be built upon.
9. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement house may be erected on any lot.

12. This lot shall not be used for the carrying on of any offensive unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amendments thereto.

13. This lot shall not be subdivided without the written consent of the Company.

14. The Transferee shall be obliged to allow the drainage and sewerage of any other lot or lots to be conveyed over the Lot hereby sold if deemed necessary by any Local Authority as may hereafter be established, and in such manner and in such position as may from time to time be required by such Local Authority.

15. The Transferors and their successors in title shall be entitled to assign or delegate all or any the rights referred to in this agreement, and in favour of any Local Authority which may hereafter be constituted or established in respect of the whole or any part of the Sedgefield Township.

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

Wat betref die figuur u n p op diagram Nr. 3724/2011:-

A. ONDERWORPE aan die voorwaardes verwys na in Sertifikaat van Geconsolideerde Titel Nr. T2542/1928.

B. GEREGTIG op die voordeel van die servituut 'n verwysing in terme waarvan gedateer 25 September 1929 verskyn op Akte van Transport Nr. T822/1928 en wat as volg lees:

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

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Practicing Attorney / Praktyerende Prokureur
R.S.A

[Signature]
Gevolmekaanser en onderteken van die deur opperlaatse
Certified a true copy of
the original

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

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

3. The Transferors shall be entitled to enforce property sanitation and cleanliness upon the Transferee in respect of the property hereby sold and may make and enforce all such regulations as the Transferors shall see fit to that end, provided that such regulations shall not require anything in excess of that which a Village Management Board or other like authority might require. In the event of the Transferee failing to conform to the requirements of the Transferors, they may carry out such work or do such acts which may be necessary to ensure such sanitation and cleanliness and shall be entitled to recover the costs of such from the Transferee.

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

5. No boarding house or hotel shall be erected on this lot nor shall the lot or any building thereon be used for the purpose of a boarding house without the written permission of the Transferors first had and obtained.

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**Signature:**

ANN. ELIZABETH REYNOLDS

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[#1987 044 870 3539]

Commissioner of Oaths / Kommissaar van Ede
6. Burial and night soil on this lot is forbidden.

7. No building shall be erected on this lot within 4.72 metres of any street line which forms the boundary of the lot save where the transferors shall have in writing permitted otherwise. No building shall be erected within 1.57 metres of any adjoining lot, provided that this restriction shall not apply to the common boundary of lots held by one Transferee. Not more than 2/3rds of any lot sold shall be built upon.

8. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement house may be erected on any lot.

9. The Transferee shall not use or suffer to used the property sold or any portion thereof or any buildings or erections thereon for the purpose of advertising or displaying any advertisement except first having received written permission from the Transferors.

10. This property shall not without the written consent of the Transferors be used for other than residential and/or agricultural and/or horticultural purposes, and all trading rights thereon shall be and are hereby reserved to the Transferors.

11. This lot shall not be used for the carrying on of any offensive, unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amendments thereto.

12. This lot shall not be subdivided without the written consent of the Company.

13. The Transferee shall be obliged to allow the drainage and sewerage of any other lot or lots to be conveyed over the Lot hereby sold if deemed necessary by any Local Authority as may hereafter be established, and in such manner and in such position as may from time to time be required by such Local Authority.

14. The Transferors and their successors in title shall be entitled to assign or delegate all or any the rights conferred by virtue hereof to and in favour of any Local Authority which may
hereafter be constituted or established in respect of the whole or any part of the Sedgefield Township.

15. The term “Transferors” and “Transferees” in these conditions shall be deemed to include the heirs, executors, administrators, assigns or successors in title of the Transferors and Transferees.

III. WAT betref die figuur k B C n op Kaart LG Nr. 3724/2011

Wat betref die geheue van die eiendom

A. ONDERWORPE aan die voorwaarde verwys na in Sertificaat van Gekonsolideerde Titel Nr. 2542 gedateer 22 Maart 1926.

B. GEREIGTIG op die voordeel van die servituut, ’n verwysing in terme waarvan gedateer 25 September 1929 verskyn op Akte van Transport Nr. 822 gedateer 3 Februarie 1928 en wat as volg lees:

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

Wat betref die figuur k B m v op Kaart LG Nr. 3724/2011:

A. ONDERWORPE aan die volgende spesiale voorwaarde soos vervat in Transportakte Nr. T51287/1980 opgeleë vir die voordeel van Sedgefield Holdings (Proprietary) Limited en hulle opvolgers in titel as eiener van die restant grootte van Sedgefield Dorpsgebied gehou kragters Akte van Transport Nr. T51287/1980, naamlik:

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

3. The Transferors shall be entitled to enforce proper sanitation and cleanliness upon the Transferee in respect of the property hereby sold and may make and enforce all such regulations as the Transferors shall see fit to that end, provided that such regulations shall not require anything in excess of that which a Village Management Board or other like local authority might require. In the event of the Transferee failing to confirm to the requirements of the Transferors, they may carry on such work or do such acts which may be necessary to ensure such sanitation and cleanliness and shall be entitled to recover the costs of such from the Transferee.

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

5. No boarding house or hotel shall be erected on this lot nor shall the lot or any building thereon be used for the purpose of a boarding house without the written permission of the Transferors first had and obtained.

6. Burial and interment on this lot is forbidden.

7. No building shall be erected on this lot within 4.72 metres of any street line which forms the boundary of the lot save where the Transferors shall have in writing permitted otherwise. No building shall be erected within 1.57 metres of any adjoining lot, provided that this restriction shall not apply to the common boundary of lots held by one Transferee. Not more than two-thirds of any lot sold shall be built upon.

8. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement houses may be erected on any lot.

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

10. This property shall not without the written consent of the Transferors be used for other than residential and/or agricultural and/or horticultural purposes and all trading rights thereon shall be and are hereby reserved to the Transferors.

11. This lot shall not be used for the carrying on of any offensive unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amendments thereto.

12. This lot shall not be subdivided without the written consent of the Company.

13. The Transferee shall be obliged to allow the drainage and sewerage of any other lot or lots to be conveyed over the Lot hereby sold if deemed necessary by any Local Authority as may hereafter be established, and in such manner and in such position as may from time to time be required by such Local Authority.

14. The Transferors and their successors in title shall be entitled to assign or delegate all or any of the rights referred by virtue hereof to and in favour of any Local Authority which may hereafter be constituted or established in respect of the whole or any part of the Sedgefield Township.

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

Wat betref die figuur v m C n op diagram Nr. 3724/2011:

A. **ONDERWORPE** aan die volgende spesiale voorwaardes soos vervat in Transportakte Nr. 18317/1967 opgelê tot voordeel van Sedgefield Holdings (Proprietary) Limited as eienaar van die restant van Sedgefield Dorpgebied gehou kragtens Akte van Transport Nr. T8581/1960, naamlik:

1. The Transferee shall not be entitled to claim against the Transferors as owner of the remaining extent for the time

**Signature**

**ANNA ELIZABETH REYNOLDS**

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Commissioner of Oaths / Kommissaris van Edel
Practising Attorney / Praktiserende Prokureur
R.S.A.
being of the Sedgefield Township and/or the farm Sedgefield for any consideration or compensation or be entitled to make any claim whatever in respect of the constructions, erection or maintenance of any gates or fences which may at present exist on the boundary line of any lot or lots purchased or which may in future be erected by the Transferee on the boundary line of such land, provided, however, that the said Transferee shall not be debarred from claiming in this regard from any purchase of a lot other than the said Transferors.

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

3. The Transferors shall be entitled to enforce property sanitation and cleanliness upon the Transferee in respect of the property hereby sold and may make and enforce all such regulations as the Transferors shall see fit to that end, provided that such regulations shall not require anything in excess of that which a Village Management Board or other like authority might require. In the event of the Transferee failing to conform to the requirements of the Transferors, they may carry out such work or do such acts which may be necessary to ensure such sanitation and cleanliness and shall be entitled to recover the costs of such from the Transferee.

4. 

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

6. No boarding house or hotel shall be erected on this lot nor shall the lot or any building thereon be used for the purpose of a boarding house without the written permission of the Transferors first had and obtained.

7. Burial and night soil on this lot is forbidden.

8. No building shall be erected on this lot within 4.72 metres of any street line which forms the boundary of the lot save where the Transferors shall have in writing permitted
otherwise. No building shall be erected within 1.57 metres of any adjoining lot, provided that this restriction shall not apply to the common boundary of lots held by one Transferee. Not more than two-thirds of any lot sold shall be built upon.

9. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement houses may be erected on any lot.

10. The Transferee shall not use or suffer to be used the property sold or any portion thereof or any buildings or erections therein for the purpose of advertising or displaying any advertisement except first having received written permission from the Transferors.

11. This property shall not without the written consent of the Transferors be used for other than residential and/or agricultural and/or horticultural purposes and all trading rights thereon shall be and are hereby reserved to the Transferors.

12. This lot shall not be used for the carrying on of any offensive, unhealthy or dangerous trade as defined in the Cape Municipal Ordinance of 1912 or any amendments thereto.

13. This lot shall not be subdivided without the written consent of the Company.

14. The Transferee shall be obliged to allow the drainage and sewerage of any other lot or lots to be conveyed over the Lot hereby sold if deemed necessary by any Local Authority as may hereafter be established, and in such manner and in such position as may from time to time be required by such Local Authority.

15. The Transferors and their successors in title shall be entitled to assign or delegate all or any the rights conferred by virtue hereof to and in favour of any Local Authority which may hereafter be constituted or established in respect of the whole or any part of the Sedgefield Township.

16. The term “Transferors” and “Transferee” in these conditions shall be deemed to include the heirs, executors,
IV. WAT betrof die figuur g h q D op Kaart LG Nr. 3724/2011

I. Wat betrof die figuur s t q D op Kaart LG Nr. 3724/2011:

A. ONDERWORPE aan die voorwaarde verwys na in Akte van Transport Nr. 20272/1949.

B. GEREGTIG VERDER aan die spesiale voorwaardes vervat in Akte van Transport T20272/1949, welke voorwaardes opgelê is by die verkoop van die eiendom vir die voordeel van SEDGEFIELD INVESTMENTS (PROPRIETARY) LIMITED, soos beskryf in klousule 16 hierna, en was as volg lees:

"By Deed of Transfer No. 9658 d.d. 25th September 1926 certain two rights of way shown on the diagram annexed thereto are to remain open for the use of the owner of the remainder of the land held hereunder as will more fully appear on reference to the said Deed of Transfer"

C. ONDERWORPE VERDER aan die volgende spesiale voorwaardes vervat in Akte van Transport Nr. T20272/1949 opgelê tot voordeel van Sedgefield Holdings (Proprietary) Limited en hulle opvolg in titel as eienaar van die restant van Sedgefield Dorpsgebied gehou kragtens Akte van Transport Nr. 165771/1981 naamlik:

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

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

3. The Transferors shall be entitled to enforce property sanitation and cleanliness upon the Transferee in respect of the property hereby sold and may make and enforce all such regulations as the Transferors shall see fit to that end, provided that such regulations shall not require anything in excess of that which a Village Management Board or other like authority might require. In the event of the Transferee failing to conform to the requirements of the Transferors, they may carry out such work or do such acts which may be necessary to ensure such sanitation and cleanliness and shall be entitled to recover the costs of such from the Transferee.

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

5. No boarding house or hotel shall be erected on this lot nor shall the lot or any building thereon be used for the purpose of a boarding house without the written permission of the Transferors first had and obtained.

6. Burial and night soil on this lot is forbidden.

7. No building shall be erected on this lot within 4.72 metres of any street line which forms the boundary of the lot save where the Transferors shall have in writing permitted otherwise. No building shall be erected within 1.57 metres of any adjoining lot, provide that this restriction shall not apply to the common boundary of lots held by on Transferee. Not more than two-thirds of any lot sold shall be built upon.

8. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Townships. No flats or tenement houses may be erected on any lot.

9. The Transferee shall not use or suffer to be used the property sold or any portion thereof or any buildings or erections thereon for the purpose of advertising or displaying any advertisement except first having received written permission from the Transferors.

10. This property shall not without the written consent of the Transferors be used for other than residential and/or agricultural

ANNA ELIZABETH REYNOLDS
Cnr York & Victoria Street - GEORGE
Tel: 079 066 1587  044 813 3890
Commissioner of Oaths / Kommissaris van Oor.
Practicing Attorney / Praktiserende Advokaat
R.S.A.
and/or horticultural purposes and all trading rights thereon shall be
and are hereby reserved to the Transferees.

11. This lot shall not be used for the carrying on of any offensive,
unhealthy or dangerous trade as defined in the Cape Municipal
Ordinance of 1912 or any amendments thereto.

12. The Lot shall not be subdivided without the written consent of the
Company.

13. The Transferee shall be obliged to allow the drainage and
sewerage of any other lot or lots to be conveyed over the lot hereby
sold if deemed necessary by any Local Authority as may be required by such Local Authority.

14. The Transferors and their successors in title shall be entitled to
assign or delegate all or any of the rights conferred by virtue hereof
to and in favour of any Local Authority which may hereafter be
constituted or established in respect of the whole or any part of the
Sedgefield Township.

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

II. Wat betref die figuur ghts op Kaart LG Nr. 3724/2011:-

A. ONDERWORPE aan die voorwaardes verwys na in Akte van
Transport Nr. T20272/1949.

B. GEREGTIG VERDER aan die spesiale voorwaardes vervat in Akte
van Transport T20272/1949, welke voorwaardes opgerê is by die
verkoop van die eiendom vir die voordeel van SEDGEFIELD
INVESTMENTS (PROPRIETARY) LIMITED, soos beskryf in klousule
16 hierna, en was as volg lees:

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

ANNELIZABETH REYNOLDS
Cnr York & Victoria Street. GEORGE
Tel: 079 865 1587 044 872 3539
Commissioner of Oaths / Kommissaar van Ede
Practising Attorney / Praktiseande Advocaat
R.S.A.
V. Wat betref die figuur h j p q op Kaart L.G. Nr. 3724/2011.

A. **ONDERWORPE** aan die voorwaardes verwys na in Sertifikaat van Gekonsolideerde Titel Nr. 2542 gedateer 22 Maart, 1926.

B. **GEREGTIG** op die voordeel van die Servituit, met verwysing na die terme van welke gedateer 25 September, 1929 verskyn op Akte van Transport Nr. 822 gedateer 3 Februarie, 1928 en wat as volg lees:

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

C. **GEREGTIG** op die voordeel van die servituit, 'n verwysing na die voorwaardes gedateer 9 September 1955 soos verskyn in Akte van Transport Nr. 26897 gedateer 26 November 1948 en wat as volg lees:

"By Deed of Transfer No. 14782/1955 d.d. 9/9/55 the owner of the remainder of the within property, together with his nominees, servants, employees and successors in title, shall be entitled to a right of way 18 ft wide over the property thereby conveyed (Para 1), the centre line of which is indicated by the brown line b.c. on Diagram 8141/1954. The said right of way shall be for the passage of pedestrian, animal drawn and vehicular traffic of all kinds, as well as for the driving of cattle. Subject to conditions, as will more fully appear on reference to the said Deed of Transfer."

D. **GEREGTIG** op die voordeel van die servituit, 'n verwysing in terme waarvan gedateer 17 Augustus 1956 verskyn in Akte van Transport No. 26897 gedateer 26 November, 1948, en was as volg lees:

"By Deed of Transfer No. 11681/56 d.d. 17/8/56 the owner of the remainder of within pty, together with his nominees, employees, servants and successors in title, shall be entitled to a right of way 30 ft wide over Ptn 82 (a ptn of the Farm Ruygro Valley - 68.9973 mgn) thereby conveyed, the centre line of which is indicated by the line a.b. on Diagram No. 8144/54 thereunto annexed. The said right of way shall be for the passage of pedestrian, animal-drawn and vehicular traffic of all kinds, as well as for the driving of cattle, as will more fully appear from said Deed of Transfer."

E. **GEREGTIG** op die voordeel van die Servituit 'n verwysing in terme waarvan gedateer 17 Augustus 1956 verskyn op Akte van Transport Nr. 26897 gedateer 26 November, 1948 en wat as volg lees:

[Signature]

**ANNA ELIZABETH REYNOLDS**

[Address]

[Telephone]

[Commissioner of Oaths / Kommissaar van Ede]

[Practicing Attorney / Praktiserende Prokureur]

[R.S.A.]
"By Deed of Transfer No. 11682, 08 d.d. 17/8/56 the owner of the rem. of within prop., together with his nominees, employees, servants and successors in title shall be entitled to a right of way 30 ft. wide over Pt. 84 (a pict. of Ptn. of the farm Ruygte Vally – 40.8572 mgn.) thereby conveyed, of the centre line of which is indicated by the line a.b. on Diagram No. 8145/54 thereunto annexed. The said right of way shall be for the passage of pedestrian, animal-drawn and vehicular traffic of all kinds, as well as for the driving of cattle, as will more fully appear from the said Deed of Transfer."

F. GEREGETIG op die voordeel van die Servituut 'n verwysing in terme waarvan gedateer 20 Februarie, 1957 verskyn op Akte van Transport No. 26897, gedateer 25 November, 1948 wat as volg lees:

"By Deed of Transfer No. 1981/57 with Diagram No. 5770/55 annexed, Portion 85 (a pict. of Ptn 13) of Ruygte Vally, in extent 15,1616 morgen, is subject to a right of way 20' wide, the centre line of which is indicated by the line a.b. on the said Diagram, for the benefit of the remainder of the within property.

G. GEREGETIG op die terme van die Servituut, 'n verwysing in terme waarvan verskyn op Akte van Transport Nr. T8581/60 en wat as volg lees:

In terms of Notarial Deed No. 367/60 dated 26 January 1960 the Remaining Extent of Sedgefield, measuring 232,2170 morgen held under para 1 hereof is entitled to the conditions imposed for the benefit of erfholders in the township as contained in Annexure "A" hereto over properties held under para 1, 3 and 4 of Deed of Transfer No. 2723 dated 2 March 1956 and para's 1-41 of Certificate of Registered Title No. 13800 dated 5 October 1998, as will more fully appear in reference to the said Notarial Deed.
SUPPLEMENTARY AGENDA

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

En dat, kragtens hierdie sertifikaat, genoemde

DEORISTA 188 PROPRIETARY LIMITED
Registrasienummer 2005/039068/07

Hulle Opvolgers in Amp of Regverkrygdes nou en voortaan daartoe geregig
is ooreenkomstig plaaslike gebruik, maar behoudens die regte van die Staat.

TEN BEWYSE waarvan ek, voornoemde Registrateur, hierdie Akte onderteken
en met die ampseël bekrachtig het.

ALDUS GEDGEN en geteken op die kantoor van die Registrateur van Aktes te
KAAPSTAD op
13 NOV 2012

REGISTRATEUR VAN AKTES

ANNA ELIZABETH REYNOLDS
Cnr York & Victoria Street - GEORGE
Tel: 079 866 1587 - MA373 3589
Commissioner of Oaths / Kommissaris van Ede
Practicing Attorney / Praktiserende Preekuur

R.S.A.
SUPPLEMENTARY AGENDA
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

BYLAAG "H": VOLMAG
Hiermee verleen ek die ondergetekende:

Gregory Robert Young

namens

Deorista 188 Proprietary Limited

magtiging aan Jan Vrolijk Town Planner/Stadsbeplanner om die volgende aansoek te loods en alle relevante dokumentasie te onderteken:

➢ ’n Aansoek in terme van Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ord 15 van 1985) vir die heronering van ’n gedeelte van Erf 4970 Sedgefield (groot 591m²) vanaf Enkelwone na Sakesone.

Geteken te George op die 20 dag van Mei 2016.

Gregory Robert Young
SUPPLEMENTARY AGENDA

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

21 SEPTEMBER 2016

BYLAAG "I": RESOLUSIE DEORISTA 188 PROPRIETARY LIMITED
BESLUIT GENEEM OP 'N VERGADERING VAN DIE DIREKTEURE VAN DEORISTA (PTY) LTD
Registrasienummer 2005/039068/07
(die "Die Maatskappy")

GEHOU TE GEORGE OP 19 MEI 2016

BESLUIT DAT:

1. Die Maatskappy
   GEDEELTE 4970 SEDGEFIELD soneer van enkel woon na sake.

2. Dat JAN VROLIJK Stadsbeplanner opdrag gegee word om gemelde soneringaanvraag te doen.

<table>
<thead>
<tr>
<th>DIREKTEURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>~REGORY ROBERT YOUNG</td>
</tr>
</tbody>
</table>

MOET DEUR ALLE DIREKTEURE GETEKEN WORD.
SUPPLEMENTARY AGENDA
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

BYLAAG "J": VERBANDHOUER TOESTEMMING
Vir wie dit mag aangaan

DEORISTA 188 (PTY) LTD – ERF 4970 SEDGEFIELD

Hiermee word bevestig dat ABSA, as verbandhouer oor Erf 4970 Sedgefield, geen beswaar het teen die indiening van die volgende aansoek by die Knysna Munisipaliteit vir oorweging nie:

‘n Aansoek in terme van Artikel 17 van die Ordonnansie op Grondgebruikbepanning, 1985 (Ord 15 van 1985) vir die hersonering van ‘n gedeelte van Erf 4970 Sedgefield (groot 591m²) vanaf Enkelwoon na Sakesone."

Vertrou u vind dit in orde

Die Uwe

[Signature]

RELATIONSHIP EXECUTIVE
plette@absa.co.za

Lid van
BARCLAYS

Kleinhandels- en
Besigheidsbankdienste
Absa Cebou
Marinekraal 57
Cape Town 4056
Postbox 377
P.O. Box 6000
Tel: +27 (0)44 601 8000
Fax: +27 (0)44 691 3006
Swift-code: ABSAZAJB
absa.co.za
SUPPLEMENTARY AGENDA
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING
21 SEPTEMBER 2016

BYLAAG “K”: KONSEP SEDGEFIELD RUIMTELIKE ONTWIKKELINGSRAAMWERK
SUPPLEMENTARY AGENDA

Gedeelte van Erf 4970 Sedgefield: Aansoek om hersonering

Mei 2015

BYLAAG "L": BRIEWE INSAKE DIENSTE
21 September 2015

To whom it may concern

Erf 4970, Sedgefield have Water and Sewer Service available. There is an existing network to which the development can be connected.

Hope this is in order

Superintendent (Sedgefield)
Water and Sewer
C.Jafta
Scholtz Bruwer

From: "Danie Greeff" <dgreeff@bdeconsult.co.za>
To: <james@knypsa.gov.za>
CC: "Danie de Vries" <ddevries@bdeconsult.co.za>, "Anton Gouws" <agouws@knypsa.gov.za>, 
<gregyoung@xlinet.co.za>
Date: 9/21/2015 12:58 PM
Subject: FW: bde059 SEDGEFIELD MALL: KONSOLIDASIE PLANNE

Mr Hames,

BDE is involved with the proposed Mall in Sedgefield as indicated on the attached plan.

Attached also find, the last correspondence we had with Len regarding the rebate on the existing connect to the stands involved as well as confirmation about the capital contribution at that time.

- It was approved in principle by Len and Anton Gouws, that a new 500 kVA mini-substation be installed to supply the development.
- It was the intention to cut the mini-substation into the existing cable (passing the site) as indicated on the attached drawing.

The attached planning happened some time ago, could you please confirm that the proposal is still supported in principle by Municipality so that BDE can continue with the feasibility?

Kind regards
Danie Greeff Pr.Eng (Reg nr. 20130733)

BDE Consulting Engineers / Raadgewende Ingenieurs
+27 82 574 2391 (M) | +27 86 551 4785 (Fax 2 Mall)
www.bdeconsult.co.za | Disclaimer | CESA

Greg

- We had a telephone discussion with Anton earlier who confirm that the proposed supply layout is still supported.

Kind regards
Danie Greeff Pr.Eng (Reg nr. 20130733)

BDE Consulting Engineers / Raadgewende Ingenieurs
+27 82 574 2391 (M) | +27 86 551 4785 (Fax 2 Mall)
www.bdeconsult.co.za | Disclaimer | CESA

From: Joseph Hames [<james@knypsa.gov.za>]
Sent: 22 September 2015 09:45 AM
To: Danie Greeff
Cc: Anton Gouws; Danie de Vries; gregyoung@xlinet.co.za
Subject: Re: FW: bde059 SEDGEFIELD MALL: KONSOLIDASIE PLANNE

Danie please note that the Augmentation fees has increased with the years.
2015_2015 Costs:

- Sedgefield O/H line cost: R150.00 /kVA inc VAT
- Sedgefield Bulk Levy Contributions: R 15 276.00 jnc VAT

Thus:
(R15,276 + [(500 x 0.5)] / [8.8 x 0.3] + (R150 x 500 kVA) = R1,446,590.91 + R75,000 = R1,521,590.91 inc VAT

Note the above excludes connection cost and deposit.

21/09/2015
"Annexure C"
### minutes

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>Presentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Opening and Welcoming</td>
<td>Mr H. Smit</td>
</tr>
<tr>
<td>2.</td>
<td>Attendance</td>
<td></td>
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<tr>
<td></td>
<td>Mr S. Mthembu (Chairperson)</td>
<td></td>
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<td></td>
<td>Ms J. Fearon</td>
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<td></td>
<td>Mr B. Buskes</td>
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<td>Mr R. Parry</td>
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<td></td>
<td>Mr D. Bastian</td>
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<td>Ms Z. Thwala</td>
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<td>Ms N. Vonya</td>
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<td>Mr S. Mqhele</td>
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<td>Mr R. Hardnick</td>
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<td></td>
<td>Mrs P. Brits</td>
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<td>Mr G. Keen</td>
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<td>Mr S. Branford</td>
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<td></td>
<td>Mrs M. Verken</td>
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<td></td>
<td>Apologies</td>
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<td></td>
<td>Mr S. Langlands</td>
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<tr>
<td>3.</td>
<td>Item for consideration</td>
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<tr>
<td>3.1</td>
<td>Erf 4970, Sedgefield – Proposed Rezoning</td>
<td></td>
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<tr>
<td></td>
<td>Discussion</td>
<td>All</td>
</tr>
<tr>
<td></td>
<td>• The applicant wanted to know what the property was zoned for, and</td>
<td></td>
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<td></td>
<td>• It was agreed to that it had a split zoning i.e. “business” and “single residential”.</td>
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<td></td>
<td>Recommendation</td>
<td></td>
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<tr>
<td></td>
<td>• Still to check if there is any water harvest to be included to the proposal by the developer.</td>
<td></td>
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<td></td>
<td>• Service report is required that includes their water</td>
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<tr>
<td>3.2 PORTION 3 OF THE FARM WESTFORD 191 – PROPOSED CONSENT USE</td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td><strong>Discussion</strong></td>
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<tr>
<td>• The subject site is located approximately 7km along the road in Rheenendal.</td>
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<tr>
<td>• House is older than 60 years – Heritage.</td>
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<tr>
<td>• The intention is to convert the main dwelling into an accommodation establishment (a guest house).</td>
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<tr>
<td>• In terms of SDF the property its located in a Rural node.</td>
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<tr>
<td>• A Consent Use application under Agriculture Zone 1 should be applied for.</td>
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<tr>
<td><strong>Recommendation</strong></td>
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<td></td>
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<tr>
<td>• Eskom is supplier for electricity in an area.</td>
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<tr>
<td>• Environmental authorisation required, Joclyn Fenton to give more clarity.</td>
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<tr>
<td>• For access – To get comments from Roads Engineer.</td>
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<tr>
<td>• Signage to be compliant with Municipal by-law.</td>
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<tr>
<td>• Nature of alterations is unclear.</td>
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<tr>
<td>• Parking to be provided according to conventional standards.</td>
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<td></td>
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</tbody>
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<thead>
<tr>
<th>3.3 ERF 1092 &amp; 2709, KNYSNA – SUBDIVISION AND REZONING TO PARKING ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Discussion</strong></td>
</tr>
<tr>
<td>• There is a need for additional parking given the applicant's intention to extend the office building.</td>
</tr>
<tr>
<td>• By filling the ground 7 parking spaces will be required if they expand office space.</td>
</tr>
<tr>
<td>• Parking is the problem in the area.</td>
</tr>
<tr>
<td><strong>Recommendation</strong></td>
</tr>
<tr>
<td>• The parking is already being used to its full capacity.</td>
</tr>
<tr>
<td>• Parking departure application will be submitted if there is resolution for parking for filling the ground floor.</td>
</tr>
<tr>
<td>• Input from Director Corporate Services is required prior to the application being submitted.</td>
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<td>---</td>
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<tr>
<td>4.</td>
</tr>
</tbody>
</table>
Objection from Penelope Jolliffe and by proxy Stella Jolliffe And Mr and Mrs Watson
Re the zoning of erf 4970 Sedgefield to Business zoning

Dear Steward Mqhele

Thank you for attending the meeting this week on 28th June 2016 in Sedgefield. In attendance was Roy and Heather Holloway, of erf 195, No 8 Flamingoe Avenue, Phyllis Kuhn of erf no 160, Stella Jolliffe erf 2015, Stella & by proxy Penelope Jolliffe erf 1719, Kwikkie Street, and by proxy Mr and Mrs Watson from erf 2077, SeaBreeze Flats, and by proxy Penelope Jolliffe erf 1740, No 5 Flamingoe.

As per the rezoning of erf 4970 to business, the above owners being Roy and Heather Holloway, Phyllis and Russell Kuhn have already sent in their objections.

This letter serves as an objection from myself Penelope Jolliffe erf 1740 and Stella Jolliffe erf 2015 and Stella and Penelope Jolliffe, Kwikkie Street erf 1719 and by proxy Mr & Mrs Watson erf 2077.

Objections are as follows:

- Sedgewarbler road; as informed verbally by municipality a wall, height unknown will enclose Sedgewarbler and it will become a culdesac on the Flamingoe road entry into Sedgewarbler, which will service erf 203, and erf 195. The objection is that; The height of the wall needs to be stipulated and the type of wall, the wall is to have no air vents coming from the development.

- Erf 1740 being in Flamingoe Avenue, is directly opposite erf 195 and Sedgewarbler Road and at an angle is erf 203, our objection is as follows: it is unknown what exactly is being built in the development as the plans that were submitted are old plans and were submitted for a pick ‘n pay a number of years ago and currently there is already a Pick ‘n Pay in Sedgefield so it is disconcerting that another Pick ‘n Pay is going to be built. Clarity would be required as to exactly what is being built on this piece of land for the development.

- Re the entire development an external wall running along Flamingoe Avenue; no wall has been shown, we need clarity on this.

- The external wall at the back of erf 195 and erf 203 needs to be a separate free standing wall with no air vents as it is separate from the building and that is not the actual buildings exterior wall. This needs to be clarified.

- The grey area on the plan which stipulates it is for loading and off-loading and empty boxes and waste and rubbish, on plan has not been drawn up clearly, we need clarity on this also.

- The ventilation of the whole development has not been drawn clearly on the plan and this is concerning as it is a health hazard for all of us residents, and if the ventilations are facing Flamingoe Avenue, all the properties surrounding it which are of prime value and are single residential will be adversely affected and values of the properties will also be affected. As an example; The existing Pick ‘n Pay with its current ventilations, off loadings, dumping of waste
etc, is a fine example of not only a health hazard because it has a half wall and behind the wall lies the boxes, waste and it is always wet and dirty and is extremely unsightly. The current trucks coming to Pick 'n Pay come down Sedgewarbler Road and from the main N2 robots down go around the circle and into Flamingoe, the trucks are parking on the Flamingoe Avenue side of the wall and off-loading, when they are supposed to be driving into the allotted area for them and then off loading. The other problem with the current Pick 'n Pay is the staff loitering around outside, sitting on crates, smoking etc, which should be done within in the building in a designated staff area. The trucks and cars speed down Flamingoe Avenue right from the circle to the stop street before Montage which takes one onto the N2, all of which is in bad repair and needs speed bumps to slow the current trucks and cars down. All these problems, we as residents do not want to have across the road from us in Flamingoe Avenue and a suggestion is to put speed bumps along Flamingoe Avenue and the Main Service Road all the way to Extention 1 and to actually stop all trucks from going along Flamingoe Avenue and to only have them utilizing the Main Service Road in order to protect the ecology and environment of Sedgefield.

- What is not clear on the current plan is: Where are the air vents in the building facing, where are the trucks being parked and off and on-loading, how are the trucks turning, where is there entry into the loading area and their exit, along which roads are the trucks driving to get into the said area, which roads are the trucks leaving on, where is the rubbish being dumped, where are the staff hanging out during their breaks, where are the kitchens and their emissions going to be, if there are meat and vegetable and other products waste being disposed of, where is it being disposed and when is the waste being taken away in-order to prevent rat and other animal and bug problems etc.

- The current plan that has been submitted is sketchy and does not clarify enough details to warrant ourselves being happy to not object to the proposed development and the re-zoning of the erf 4970 to business. We would need all of the above to be clarified in detail.

- A suggestion is to put a wall of at least 1800 meters around the entire development similar to the wall at Placid Waters to be in keeping with the look of the area. The wall running from the The corner of the Main Service Road and Flamingoe all the way past Sedgewarbler Road to Fink Road, which would protect the current owners properties from the development and would be aesthetically pleasing, which would mean that all people going in to the centre would need to enter only from the main service road and this would apply to the trucks and any staff members and this would stop the driving of the trucks down Flamingoe Avenue completely and would help to preserve the road and the peaceful, ecological environment we currently enjoy.

To note the single residential houses that are on Flamingoe Avenue are either a road away or are actually on the Swartvlei Lagoon which is an environmental treasure and all developments need to consider the impact they are going to have on the fauna and flora the animal and water kingdom of Sedgefield. This development will certainly in the long term impact negatively on the environment and as it is seeming that even Flamingoe Avenue is to become part of the business centre of Sedgefield the so called 'slow town' Sedgefield is now going to have two shopping centres with a mall in a very small area, which will definitely affect the environment.

To close, we object to the re zoning of erf 4970.

We await your response to the above
Yours Sincerely

Penelope Jolliffe and by proxy Stella Jolliffe

And Mr and Mrs Watson
Objection from Phyllis Kuhn
Attention Mr Steward Mqhele 30 June 2016
To the Municipal Manager
Mr G Easton

Dear Sir

Response to the letter Dated 30 May 2016 refers to the .
Re Zoning : Erf 4970 Sedgefield 30 May 2016

We have had no response from you regarding our previous email on concerns of the rezoning erf 4970. Sent on 22 June requesting more information.
We object to this rezoning as per the application.

Concerns from and matters we want addressed.

No English plans have been submitted. We did asked for one in a meeting with Mr Steward and were told No we can not get as none have been submitted.
Are we not entitled to this right and as no interpreter was offered to assist us to decipherer the language for us to understand the importance of the application and the effect it will have on us. All the other concerned parties in the meeting understood that it was not our right to be furnished with this in the meeting. On this we object and ask in writing now for English a version of the plan and its content in it explaining the application. In order that we as the parties affected by this development can then have a fair chance to understand the application and give comment. Till such time this happens we object. And are waiting for the request in a English copy resubmitting this proposal to us.

Is it now practice to submit plans in languages that other parties do not understand and to address the people who are affected, now they must source at there Expenses a interpreter to interpret it. I ask you a question if I were to submit one plan or any in any of the 11 of the official languages in our new South Africa would this be acceptable. If I were to submit this in Xhosa, Zulu, Northern Sotho or Setswana Tsongo would you accept this and send it to us. And expect us to understand. If so I would like that in writing so we can all use a language to propose any future developments and building plans and confuse every one.

Thank you for attending the meeting on Monday the 27th June how ever you did not supply us with much assistance and it feels like you have already sided with the developer. A fact is that not everyone was given notice regarding the rezoning as you well know See Mr Holloway never recieved his. He is the most effect as he is a boundary neighbour on two sides. He is a rate payer and receives his bills monthly from the municipality yet was left out.
The plan submitted to us here is it?
The plan that the developer is going to be using as it is stated in the meeting that their are other plans waiting on this development?
Can you confirm that with us if this is the accepted plan for the development and as it says it is in the zoning certificate attached 2015. We asked if their any new plans that you have and have they been drawn up and if so which plan is the correct plans.

No access points and exit points for the delivery and loading bay. No wall enclosures are indicated and heights are given.
Is this the only delivery and loading bay for the development and if so what about the other shops in the development how are they to receive deliveries and were?
No delivery entry and exits are visible no ventilation no lighting no paving is on this plan you presented
We where informed in a meeting that their are new plans on the table but nothing is presented to us. With this we object as we not going to allow a development to go through with out the correct plan as we can not comment on a plan that is not presented to us then changed after.
So I ask as I see this is not clear and it is a sketchy plan and a concept idea not a full furnished plan.

Will this be the central delivery point for all trucks to service the entire development and all shops, KFC were is there Delivery point and refuse and recycled bay as it can not be expected that the KFC and shops in its area to be service of Vink Street as there is a taxi rank entrance and parking allocated in this short Street. To service Library and Post office.
Or is it just going to be accepted that truck can block off the Vink street and its service points any time of the day see pic of Vink Street and why it will be a problem.

No delivery entry and exits are visible no ventilation no lighting no paving is on this plan you presented.
This plan see attached annex c from the developers letter.
On this plan there is no plan or explanation and it is very unclear of what the erf is been applied for and how it is going to be serviced.
Except he the developer wants business rights. WITH No plan been furnished of what he intends to do here on this section he is requesting see current plan he attached to us. Nothing has been submitted to support his request and therefore it is not clear what they are going to do on this erf.

They are saying in this letter it's a loading zone and delivery bay, are they following the municiaplity laws and regulations on how this is to be executed, as no plan explains it on this submitted. But no plan is attached to confirm this. How are they going to go about it with regards to access and exits. As it has not been indicated anywhere on the plan. We object to this poor planning.
We ask how it will have a impact on the Flamingo Avenue, Flamingo Lane, Lark lane, the service Road next to N2 and Vink Street?
We all know that the delivery trucks are going to be large and many are interlink trucks and nothing smaller than 10 tons. These trucks will destroy the current infrastructure in place on the roads.

Currently the roads in this area even the tar roads mentioned, let alone the informal gravel track of Flamingo Lane will not handle this excessive heavy traffic of these huge heavy trucks and interlink a average of 16 trucks a day servicing the development I will gladly support this calculation as I work in the Retail and spend my entire day in receiving bays in supermarkets as I deliver and service them myself, plus this informal Road and Flamingo avenue on the intersection to Flamingo lane the informal ground road will also not handle the vehicles going in and out of the development.

Firstly Flamingo lane is a informal gravel Road that enters Flamingo Avenue.

See the pictures attached. Lark lane enters Flamingo Avenue and service public facility and a housing complex. see the concern of this intersection. The Developer has already closed one Street off making these two streets more vulnerable to all the heavy traffic and the extreme heavy tonnage of the trucks. As this development is going to attract more motor vehicles and traffic from all over Sedgefield.

ALL the residence below erf 160 towards the island and all the Island residents plus Montage Village and Montage Mews. All of these residents use this minor road (Flamingo Avenue to gain access to town CBD) it is very narrow just over 5 m wide. low density impact tar road that is currently under server impact and pressure with the current volume of traffic, now to handle all this traffic and all the developments need and service it is a major problem and very dangerous one too. As this development is going to attract more traffic from all of Sedgefield.

IT Is this intersection LARK lane, FLAMINGO AVENUE and Flamingo Lane see pics is not large enough or wide enough. The road surface is not going to cope with all this impact resulting in more dangerous conditions. it's also on a hill poor viability point.

With reference look at the large circle in main CBD that is under pressure to cope with a exciting supermarket smaller in size than this one that you are supporting I am asking the counsel how they could approve this plan that was submitted with out investigating the impact and informing the residents of this plan.

No investigation has taken place to a sure the affected rate payers and residence in this area.

The municipality has not undertaken any considerations to support them in there best interests by consulting with them and doing a correct feasibility work of the impact on the above roads and area.

Please furnish me with the details on how you going to upgrade the roads mentioned to handle this development.

Further more who is going to insure that the pavements in this area are not going to be used for parking. How will it be in managed and supported. Will these pavements be raised curb pavement so pedestrians can walk in safety.

Without any of the heavy trucks and cars harming them and that it is up to scratch for the Quality of this Knysna Sedgefield development standards as prescribed by law. And will SUV vehicles and other larger vehicle have access to park on the pavements in Question or will cement ballasts be placed to prevent this.
There is a current situation with the Pick and Pay development in Sedgefield that has a problem with delivery trucks and cars existing and entering the same complex causing major problems and damaging the already upgraded Road. At the circle see pic as they are using parking bays to off load the trucks and move the goods across one of the major entries and exits as the municipality can clearly see there loading zone is hazardous and causing major problems and is going to be a bigger problem, so we are very disturbed that the town planning has already approved the rezoning and they approved this plan attached which has no plan what so ever of how this delivery and off loading bay is going to function and it's access point and exit points.

Further more we oppose the plan and request that paving and road upgrading must be taken up with the developer and the municipality as to who is responsible for the upgrade to service this development, currently the existing infrastructure is too fragile to handle this size and volume.

The Rate payers are not prepared to invest in this upgrade as the developer must fit the bill as it is his responsibility to insure that it is up to standard for the municipality to sign it off. Or are the municipality going to do the upgrade.

We ask you, Will this be the final plan for this development.

This plan with reference to the applicants' letter says it was aproved on 21 September 2015 by the municipality to be rezoned as a shopping centre with this attached plan given to us but the developer choose then not to rezone this portion as he thought he could easily develop cheaply and take a short cut.

So why did the Municipality approve this rezoning and neglected it as it is clear in the Developers letter and application this is a after thought and not a oversite. However the municipality allowed this plan presented to them as a official plan of the developer and not taken any measures to study it and it's impact. As it is clear the municipality and developer tried to use residential property for business and no plan was furnished for this application to the municipality in 2015. The Municipality never stopped him then but signed it off. We object to this.

It is with this I am concerned for all the Sedgefield ratepayers and residence that the municipality has not investigated the real development and has not put us in mind and our concerns are not relevant.

There needs to be a proper investigation regarding the impact on all the roads intersection and the building plan they submitting and the pavements. Environment's assessment the sustainability of such a large developments that impact on the infrastructure over the next 20 years as to what it will cost us rate payers and municipality if it is not addressed and the right plan is not put in place to insure we get a quality development not a inferior one.
The zoning for this development is for shopping centre supermarket.

It states it was approved for the plan of a shopping mall and in this approval of the Municipality never questioned the illegal use of the land as a problem annex c. Further more the application never had any indication of having a loading and off loading area on the development and from were is this access it neglected to show it on the plan. How can this plan and business rights awarded zoning be approved when the property was not even rezoned ?

And why where all the road and infrastructre not addressed ?

We have never been given the opportunity to comment on the loading activity as it was never submitted to us and still has not been submitted to us in no formal plan.

In the meeting on Monday the 27th June 2016 in Sedgefield. Attended by

- Phyllis Kuhn, Stella Jolliffe, Roy Halloway, Mr Steward from Knysna Municipality, Mr Dale from Knysna Municipality.

It was agreed that this plan furnished in this application presented to us for the rezoning of the land. The applicant has no plan and has made no attempt to furnish us any plan on this rezoning application except this inaccurate misrepresentation of a plan on how they going to conduct business on what they are applying for in the application. The developer has not submitted a conclusive plan or any plan to support this. They have not explained the impact it will have on Flamingo lane and Lark lane and Flamingo avenue or the small intersection, above all or the residence in the immediate areas. Address a major concern regarding the plan submitted to us.

- The parking bays allocated on the plan facing the N2 ALL 68 PARKING BAYS
  Please can you clarify on who’s land they are on is it on municipal land?
  Or is it on Sanral Road Reserve?

  IF on Municipal can we see the application of this approval from the municipality.

  IF on Sanral then can the municality furnish us the application and the approval of the municipality agreeing to attach this land together and allow it to be parking.

- This road is too narrow to have motor cars reversing in and out on both sides of this narrow Road. Main service Road with all the parking on it. In the plan parking bays 1 to 68 and parking 98 to 114

  The developer must make more land available on his development for more on site parking and delivery trucks, and if he is using Municipal land it must be allocated in such a way as not to allow such dangerous parking and the use of parallel parking bays is more suited.

  Is the 115 parking bays the correct ratio to the 3348 meter square for development?

  We’re are all the staff going to park in this development.

  Other issues are that the current Road in front of the development known as main service Road exits and enters the N2 at wagtail Street and Vink Street on the N2. Both these two entrance are under massive pressure with large trucks entering and
exiting. They are too narrow and when the proposed development shopping centre
grocery store is in operation it will require more trucks to deliver to it and in this growing
by double and more of trucks in the volume and the roads and curbing and
pavements will disintegrate at twice as faster rate.

See pictures of how the current curbing and intersection are been affected by heavy
trucks not been able to turn in. Note the damage currently on the curb intersection. Will
the municipality put in traffic lights to control the excitement points like in up the street
as the volume is going to increase ten fold here at these intersections just like at the
pick and pay development in town. Which confuse us as this is also a Pick and Pay as
per plan submitted.

And so will this be at the cost of the rate payers budget to keep repairing and the
degraded infrastructure in town.
Where are the off loading zones for the other business, namely eg KFC in this
development. Can’t see it happening here in Vink Street as it is way to narrow and
services Post Office Taxi rank And a business Park along with the library
Where is the KFC shops recycling and waste site and is it visible to the public and how
will it be accessed.

In closing from my objections as we are willing to discuss the following with you so we
are then able to work together with the rate payers and properties affected by this
development.
I would like the municality to in writing insure there is no off street parking allowed and
no on any pavement as by law in the surrounding area boundaries of this development.

As it is in all case it happens upon default of planning the public take the space and use
the pavement if it is acceable to there vechles.
All PAVEMENTS must be Curbed that is and Raised paving all around the development
for pedestrians especially in Flamingo Lane, Vink Street and the Main Service Street.
No access is allowed on and off into Flamingo Street for any vehicle’s and service
trucks to gain access into this development. As it is stated on the current plan.
A high wall build along Flamingo lane from the Main service road to Flamingo avenue
that is in limits with the municality laws be build to conceal the off loading and loading
bays so it is not visible to Erf 160 along
All the developments and its waist refuse area and recycle area is totally not viable to
public walking and cars driving in this Flamingo lane. And Flamingo avenue, and All
neighbouring properties.
That no advertising my be erected and pasted on this wall or fences facing Flamingo
lane.
Trees are to be planted down this street flaming lane by the developer on the paved
side of there development
Waste bins and recycling must all be contained in the developers property out of sight
to neighbouring properties and not affect nabouring properties.
• No mobile containers to be used for temporary storage and if so allowed they are not to be allowed to be placed on the pavement but all must be placed with in the development and on the 4970 property. Not like in Pick And Pay up the road see pic. As this pic shows how it blocks and vision and affects the traffic exciting and disrupting the delivery area which is now overflowing to the parking area see pic attached.

• The road (gravel Road) Flamingo lane must be upgraded from a informal gravel track as it is to be Tarred with the correct density to handle the future traffic. See pic attached. As it is not within town planning to allow this size development and have such poor roads and informal roads to service such high volume traffic. Paving to be raised curb pavement for pedestrian's to have full access and measures emplaced to prevent vehicles parking on this pavement.
• Correct drainage and flooding drains are placed in order to prevent this road from being damaged in case of heavy rains. Storm water drains to be put in place.

That a correct feasibility study be done and a report submitted that is for the intersections mentioned.

As the concerns that the municality can recommend the development to undertake to upgrade the intersections for the impact on the current intersection especially Lark lane and Flamingo Lane. See picture. Attached.

I have attached pictures of the roads and current infrastructure all taken on the 28th June 2016 so you can see why I am apposing the integrity of this development and ask the municipality to perform a thorough investigation and understanding of the impact assessment on this area as there are going to be major problems in the future as soon as this development is in it full.

Knysna Municipality has a high standard of requirements and these must not be overlooked just to have a development rushed.

We do appose this development currently but am especially concerned when it is not clear that the town planners have not investigated enough the real impact of such a development on such fragile infrastructure that was put in to service this is a huge impact on the fragile infrastructure in Sedgefield as this one.

I see no comments from the town civil engineering or reports any reports to assure us of there undertaking on looking into this development.
No reports on the environmental impact as it will have a huge impact one on the area. No reports from the road planning for this area.
We are requesting that for once a thorough investigation must be made and the recommendations to the proposed development adhered to so our town can prosper and grow with sustainability and the development can enhance the area not impact negatively on it.
We know the development will be here for 50 years and more time, so we asking that the Municality has a proactive approach to get the correct development in. So that they the developer must be responsible for the forthcoming growth and not cut corners that will cause a burden resulting in the municality and rate payers to pay and upgrade the area in the future. The Developer is the one benefiting financially over a long term as a landlord renting out property and therefore he must make correct provisions in the current plan to prevent us residents and rate payers to pay for the mistakes of this planning as it currently will be the case.

Thank you
Phyllis Kuhn
Erf 160
Po Box 319
Sedgefield
6573
Email russellkuhn0@gmail.com
Contact no. 0794951039
Roy & Heather Holloway
Steward Mqehele - Re-zoning of ERF 187 (Flamingo Ave) Sedgefield

From: "holloway3@mweb.co.za" <holloway3@mweb.co.za>
To: <geaston@knysna.gov.za>
Date: 23-Jun-16 5:39 PM
Subject: Re-zoning of ERF 187 (Flamingo Ave) Sedgefield
CC: <mboyce@knysna.gov.za>, <smqehele@knysna.gov.za>, <sedgefield.ratepayers@...>

Dear Mr Easton,

Trust this finds you well. We are writing this email to advise you of our concerns with regard to the re-zoning of ERF 187 (Flamingo Avenue) Sedgefield. As this borders our property ERF 195 (8 Flamingo Ave), we feel that we have the right to have information on details of the intentions of the owner of ERF 187. We understand that letters were sent to the surrounding neighbours for their comments to be submitted before 30 June 2016, but we did not receive this letter as this was apparently sent to the previous owner of ERF 195 (Mr D Cudmore). The purchase of ERF 195 (8 Flamingo) was transferred to Mr R P & Mrs H Holloway on 22 January 2016 but we are still waiting on the title deeds to be sent from Cape Town.

Our concerns are:-

1. the volume of traffic
2. noise levels
3. blocking of our views by buildings
4. blocking out the sun by buildings

Furthermore, we would like to see up-to-date plans and intentions. At this stage, we object to the re-zoning.

If there is any further correspondence to the surrounding neighbours, we would like to be included and for the correspondence to be in English.

Please can we furnish you with our postal address: P O Box 1218, Sedgefield, 6573

It will be appreciated if you can acknowledge receipt of this email.

Kind regards,
Roy & Heather Holloway
PREPOSED APPLICATION

ERF 4970
Current pick and pay development using loading zone to place containers and it is not a temp arrangement it's been in place for over a year and is connected to the main source of the building. It is blocking the view of exiting the complex and endangering motorist ability to see oncoming traffic to the complex.

Our major concern that this developer will do the same...
Deliveries in pick and pay not following the law this is currently a situation in sedgefield PIC taken this Morning it shows trucks of loading in parking bays blocking entrance. It shows the disregard to deliveries and they are crossing the exit and entrance are to the development. Also to the a major hazard.
Current pick and pay abusing parking for delivering
Parking and delivery in Vink Street big concern
Can’t take delivery trucks or more parking loading zones
FLAMINGO LANE

informal road not able for trucks and high traffic volume to the development
The Developers plan shows no plan to reference what he is asking for see plan he submitted no entry and exits no loading bays marked any were and there exit points
The impact on Flamingo lane and Flamingo avenue and Lark Lane intersection. See the concern with regards to heavy traffic and large delivery trucks. And the poor condition of the tar road.
Roads to narrow to handle all the traffic and Delivery trucks
FLAMINGO AVENUE
Flamingo Avenueb
Flamingo Avenue
Pavement used for parking it will happen if no raised curb walk ways are put in place
Pavement used for parking it will happen if no raised curb walk ways are put in place see Flamingo lane borders the development and this application
Vink Street this is currently the case on public abusing low pavements.
The parking od the 114 bays in Question on this plan presented on this service Road see pic bellow we ? It as the road is to Narrow to take it and all the trucks delivering ..hos land is it as they have claimed it on the plan The section were the horse railing is
Damage curbing in main service Road sedge and there is no development yet so more trucks will enter N2 and turn up this road to assess the development and destroy it even more.
Damage curbing in main service Road sedge and there is no development yet so more trucks will enter N2 and turn up this road to assess the development and destroy it even more.
See Vink Street same problem now this is going to be the main entrance for trucks to enter
Road to narrow for the current trucks servicing Sedgefield in Vink Street see the impact
“Annexure F”

The Municipal Manager
P O Box 21
Knysna
6530

Ref: Erf 4970 Sedgefield
21 July 2016

Sir

COMMENTS ON OBJECTIONS RECEIVED: APPLICATION FOR REZONING OF A PORTION OF ERF 4970 SEDGEFIELD

1. Introduction

It is hereby confirmed that I act in this matter on behalf of Deorista 188 Proprietary Limited, the registered owners of Erf 4970 Knysna. It is furthermore confirmed that the following letters have been received by the Knysna Municipality in response to the advertising of the abovementioned application:

- Penelope Jolliffe, Steille Jolliffe and Mr and Mrs Watson.
- Roy and Heather Halloway.
- Phyllis Kuhn.

The basis of refusal of a land use application and the particulars applicable at granting a land use application is stipulated in Section 36 of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985). Any person who wishes to object against an application should thus take cognisance of the contents of this section and should as such base their objections on the points, issues and grounds on which an application may be refused.

Section 36 reads as follows:

“36 (1) Any application under Chapter II or III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned including the...
guideline proposals in a relevant structure plan in so far as it is related to desirability, or on the basis of its effect on existing rights concerned (except any alleged right to protection against trade competition).

(2) Where an application under Chapter II and III is not refused by virtue of the matters referred to in subsection (1) of this section, regard shall be had, in considering relevant particulars, to only the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned or the effect of the application on existing rights concerned (except any alleged right to protection against trade competition)."

It will be indicated in this letter that no objection has been received which can, in terms of Section 36 of Ord 15 of 1985, be regarded as being valid or of such a nature that it warrants the refusal of this application.

2. Public meeting

A public meeting was arranged on request of the Knysna Municipality, by Councillor Louise Hart, the Ward Councillor for the area, to discuss the development proposal as well as the letters of objections received. The meeting took place on 19 July 2016 at the offices of the Knysna Municipality in Sedgefield. The meeting was attended by Jan Vrolijk and Scholtz Bruwer (the representatives of the owner), Councillor Louise Hart, Hennie Smit (Manager: Town Planning and Building Control, Knysna Municipality), Mr Steward Mqhele (Case Officer, Knysna Municipality), the objectors and members of the local ratepayer’s association.

At the meeting it was indicated that the owner was not in a position to address questions with regards the detail of the development as it is the intention to sell the consolidated erf to a development group who will be responsible for the development of the erf. It was furthermore indicated that the sketch plan submitted with the application was merely an indication of what can be developed on the erf. It was however pointed out a development very similar to this development proposal will eventually be developed on the erf.
It was furthermore explained to the meeting that questions regarding the detail design, functioning, finishing, positioning of waste - / refuse - / loading - / ventilation facilities / etc of the development proposal could not be answered at the meeting and that another forum should be made available to address the mentioned concerns of the adjoining erf owners and the local ratepayer’s association.

Hennie Smit thereafter explained to the meeting that the Knysna Municipality would require a Site Development Plan (SDP) to be submitted for approval, before construction may start. It was explained that the SDP will have to address all the concerns raised by the objectors with regard to detail design, layout, finishing, positioning of waste / refuse / loading / ventilation facilities / etc. It was furthermore explained that such SDP will once again be advertised and that the objectors will be granted the opportunity to comment on the final SDP and to discuss their comments with any possible future developer. After a long discussion everybody that attended the meeting eventually agreed that the Knysna Municipality could go ahead and approve the rezoning application subject to the following conditions:

- That a SDP will be submitted to the Knysna Municipality for approval prior to commencement of construction.
- That the SDP will be advertised and that all the objectors will be granted the opportunity to once again comment on the SDP and to discuss their comments with the developer.

3. **Letter received from Mr and Mrs Watson**

The objectors raise the following concerns:

- The height and type of the wall which will close Sedgewarbler Street has not been specified.
- More clarity is needed as far as the detail of the development proposal is concerned.
- Clarity is required with regard any wall which might be erected along the Flamingo Avenue boundary of the site.
- Clarity is required as to the wall to be erected at the back of Erven 195 and 203 Sedgefield.
- More clarity is required as far as the functioning and finishing of the proposed loading bay area, waste disposal / refuse area, kitchens and their emissions are concerned.
- More clarity is required as far as staff facilities are concerned.
- The objectors propose that speed bumps be constructed along Flamingo Avenue and the Service Road.
- A wall around the whole development is suggested.
- More clarity is required as far as ventilation proposals are concerned.

The concerns raised are concerns about aspects which the owner cannot address at this stage as the owner is not going to develop the erf. These concerns relate to the design, layout and functioning of the building to be erected on the erf. It was agreed at the meeting referred to in point 2 above that a SDP will have to be submitted to the Knysna Municipality which, in terms of municipal requirements, will in have to address these aspects. The objectors were informed that they will once again be granted the opportunity to comment on the SDP once the final SDP is received. They were also given the assurance by Hennie Smit of the Knysna Municipality that they will also be granted the opportunity at that stage to discuss any concerns they may have regarding the final SDP with the future developer. The objectors subsequently indicated their satisfaction with this arrangement and indicated that the rezoning application may be approved subject to the conditions proposed in point 2 above.

These concerns will thus not be further addressed in this letter as the objectors will once again be provided the opportunity to submit and discuss any concerns they may have with the Knysna Municipality and the developer once the final SDP has been submitted.

4. **Letter received from Roy and Heather Halloway**

4.1 **Introduction**

The objectors raise the following concerns:
SUPPLEMENTARY AGENDA

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21 SEPTEMBER 2016

- Want to see up-to-date plans.
- The volume of traffic.
- Noise levels.
- Blocking of views.
- Blocking of sun.

The various points raised in this letter of objection will be addressed in the following paragraphs.

4.2 Up-to-date plans

This concern has been addressed in full in points 2 and 3 above. The objectors have also accepted the way forward as proposed in these two points.

4.3 Volume of traffic

No details are provided with regard this specific point and it is as such not possible to reply in detail on this point. It should however be remembered that the main portion of the erf has already business rights and has as such vested rights which cannot be taken away.

4.4 Noise levels

It was explained at the meeting that the positioning of mechanical devises that emanates noise will be addressed by the Knysna Municipal when dealing with the SDP. The noise concerns of the objector will thus be addressed when the SDP is considered.

4.5 Blocking of views and sun

Ninety percent of the consolidated erf is already zoned Business zone. In terms of the Sedgefield Zoning Scheme (1980) Erf 4970 Sedgefield is subject to no height restriction. The objector has as such no legal foot to stand on as far as the height of any development on this erf is concerned. Ninety percent of the erf has existing rights which cannot be ignored or taken away.
It is however anticipated that the building on the erf will not exceed a height of one storey and will comply with the required building line which is applicable along the rear boundary of Erf 4970 Sedgefield. The fact that the normal building line will be adhered to will ensure that the sun of the adjacent properties will not be negatively affected whilst the height of the proposed building will also be of such a nature that it will not exceed the normal height of a residential building.

5. Letter received from Phyllis Kuhn

5.1 Introduction

The objector raises a number of concerns most of which are repeated several times throughout the letter. The concerns have been grouped and can be summarized as follows.

- Concern is raised regarding the language the application has been submitted in. A meeting is requested to obtain clarity regarding the application as well as to discuss certain concerns.
- Concerns are raises and repeated several times in the letter regarding the finality of the development plan and the detail of the development proposal which was attached to the application.
- Various concerns are raised and repeated several times in the letter with regard the loading facilities of the proposed development.
- Various concerns are raised and repeated several times in the letter as to how this erf obtained the development rights without the municipality having informed the adjoining residents thereof.
- Questions are also asked as to why the municipality has allowed the development rights without taking cognizance of impact the development will have on existing infrastructure.
- Concerns are raised regarding the parking proposals for the development.
- Concerns are raised about the use of pavements for parking purposes.

The concerns will be addressed in the following points.
5.2 Language Concerns

A public meeting was arranged whereby the proposal was presented to the objector in her language and the objector was given the opportunity to ask questions regarding her concerns. After conclusion of the meeting the objector gave an indication that she was satisfied with the decision taken at the meeting and the way forward as proposed in point 2 above.

5.3 Development plan concerns

This concern has been addressed in full in points 2 and 3 above. The objector has also accepted the way forward as proposed in these two points.

5.4 Loading facilities

This concern has been addressed in full in points 2 and 3 above. The objector has also accepted the way forward as proposed in these two points.

5.5 Development rights

Ninety percent of the consolidated Erf 4970 Sedgefield has historic business rights which rights were not approved by the previous Sedgefield Municipality nor the Knysna Municipality. It is thus not a situation, as suggested by die objector, that the Knysna Municipality has neglected its regulating function by granting business rights without taking cognizance of the impact these business rights will have on existing infrastructure and adjoining erf owners. The largest part of the erf has existing business rights for many years which could have been exercised at any time.

The fact that the Knysna Municipality will now require that a SDP be submitted for the development clearly indicates that it is the intention of the Knysna Municipality to enforce the stipulations of the Sedgefield Zoning Scheme Regulations. The objector is thus unduly critical on the officials of the Department of Town Planning and Building Control.
of the Knysna Municipality. Hennie Smit has clearly indicated that the municipality will exercise their regulatory role in this instance.

5.6 Parking provision

The development will comply with the parking requirements as prescribed in the Sedgefield Zoning Scheme. In addition, additional parking space will be provided along the Service Road for which approval from SANRAL has been obtained. The objector is thus unduly concerned about this aspect.

5.7 Parking on pavements

The development will comply with the parking requirements as prescribed in the Sedgefield Zoning Scheme. This problem of parking on pavements in Sedgefield cannot be blamed on this development as it is already a problem in Sedgefield. This is a law enforcement issue which should be taken up with the relevant department of the Knysna Municipality.

6. Summary

It has been indicated in this letter that the concerns raised can effectively be addressed in the SDP approval process for the development. There is therefore no reason why the application for rezoning cannot be approved. The objectors have in fact indicated at the conclusion of the meeting that there is no objection to the approval of the rezoning application provided the conditions as stipulated in point 2 above are adhered to.

Yours faithfully

Jan Vrolijk
### SUPPLEMENTARY AGENDA

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

21 SEPTEMBER 2016

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Komponente:

1. Die figuur A g a r F stel voor ERF 186, SEDGEFIELD
   Sien Kaart No. 4753/1949 Transportakte No. 1949-406-20272

2. Die figuur r s E stel voor ERF 187, SEDGEFIELD
   Sien Kaart No. 4754/1949 Transportakte No. 1949-406-20272

3. Die figuur j x r p stel voor ERF 1764, SEDGEFIELD
   Sien Kaart No. 7981/1975 Transportakte No. 1976-13128

4. Die figuur k b c n stel voor ERF 2024, SEDGEFIELD
   Sien Kaart No. 5454/1982 Transportakte No. 1983-622

5. Die figuur g h q D stel voor ERF 2033, SEDGEFIELD
   Sien Kaart No. 7111/1903 Transportakte No. 1903-59940

6. Die figuur h j p q stel voor ERF 4969, SEDGEFIELD
   Sien Kaart No. 3723/2011 Transportakte No.

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Die figuur A B C D E F stel voor 6678 vierkante meter grond synde

**ERF 4970, SEDGEFIELD** bevattende 1. tot 6. hierbo

geleë in die Munisipaliteit en Administratiewe Distrik Knysna, Provincie van die Wes Kaap

Opgeest in September 2010 - Mei 2011

deur my [Signature]

A. LOUW (PLS0356) Professionele Landmeter

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Er 4970 Sedgefield