

SEDFIELD ERF 4308

APPLICATION FOR: REZONING



CLIENT:

GRIBBON TRADING 39 CC

PREPARED BY:

MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



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SECTION A :**BACKGROUND****1. BACKGROUND**

Sedgefield Erf 4308 is located at the Engen Sedgefield node, at the entrance of Sedgefield Island. The N2 National Road forms the northern boundary of Erf 4308. Erf 4308 is directly east of the Engen Sedgefield 1-Stop. The property measures 1,594 ha in extent and currently has a split-zoning consisting of "Business Zone" and "Undetermined Zone", in terms of the Sedgefield Zoning Scheme Regulations.



FIGURE 1: SEDGFELD ERF 4308

During 2009, the Municipality approved a temporary land use departure (**ANNEXURE A**) for a local craft market on Sedgefield Erf 4308, but this temporary land use departure has subsequently lapsed. Section 18(4) of the Municipal Land Use Planning Bylaw, states that "...A temporary departure contemplated in subsection (1)(b) may not be approved more than once in respect of a particular use on a specific land unit..." For this reason, it will now be necessary to rezone the property.

An application for the rezoning and subdivision of Sedgefield Erf 4308 into 2x Portions (Portion A and Remainder) was approved by the Knysna Council on 5 May 2004. Since the approved land use was exercised, the zoning rights vested. Portion A was surveyed and approved by the Surveyor General as Sedgefield Erf 4657. This subdivided portion was never registered and therefore, the approved subdivision lapsed.

The property currently contains the following:

- A business building consisting of a restaurant, craft shop, brewery etc.
- An open Lapa being used as part of the local crafts market (east of the business building)
- A workshop exhibiting & selling craft items (south of the existing business building)
- A nursery (north-east of the business building)

Sedgefield Erf 4308 is being used for tourism orientated businesses and the area is known as the "Scarab Arts & Crafts Village".

Since the temporary land use departure has lapsed; it is necessary to rezone the property to an applicable zoning, in order to allow the existing business uses on the entire property. Since a portion of the property is already zoned "Business Zone"; it is proposed to rezone the remaining "Undetermined Zone" portion also to "Business Zone". This will solve the "policing challenge" of a spilt-zoning and it will allow the existing business uses (craft market) on the entire property. Therefore, application is made to rezone a portion of Sedgefield Erf 4308 from "Undetermined Zone" to "Business Zone".

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners have been appointed by **GRIBBON TRADIN 39 CC** to prepare and submit the required application documentation (See attached: **ANNEXURE B**) Previous Approval

Company Resolution Resolution & Power of Attorney and (**ANNEXURE C**): Application Form for:

- (i) The rezoning of a portion (± 1.448 ha) of Sedgefield Erf 4308, from "Undetermined Zone" to "Business Zone" to allow for business purposes and the Scarab Arts & Crafts Village, in terms of Section 15(2)(a) of the Knysna Municipality By-law on Municipal Land Use Planning, 2016.

3. PROPERTY DESCRIPTION, SIZE & OWNERSHIP

A copy of the Title Deed & Windeed Copy that includes the information outlined below is contained in (**ANNEXURE D**). The SG Diagram No. 7085/1999 for the application area is contained in (**ANNEXURE E**).

Title Deed Number:	62398/2005
Property Owner:	GRIBBON TRADIN 39 CC
Property Description:	Remainder Erf 4308 Sedgefield, in the municipality and division of Knysna, Province of Western Cape.
Property Size:	1,5464 (One Comma Five Four Six Four) Hectares
Title Deed Restrictions:	There are no restrictive title deed conditions.
Existing Servitudes:	There are a number of servitudes registered to the property, these servitudes were registered in favour of the subdivision that was never formally register, therefore the servitudes serve no purposes. The registered servitudes will have no impact on the proposed rezoning application (ANNEXURE F & ANNEXURE G).

Bonds: There are no bonds registered over the property.

SECTION B : DEVELOPMENT PROPOSAL

4. DEVELOPMENT SPECIFICATIONS

The owners of Sedgefield Erf 4308 wishes to obtain permanent business rights to allow the continuation of the existing Scarab Arts & Crafts Village on the entire property. The temporary land use rights that were granted in the past, lapsed and therefore it is necessary to apply for permanent rights, as per the provisions of the Knysna Land Use Planning By-Law.

All structures / buildings on the subject property are existing and no new development is proposed on the areas below 3m MSL. The SDP has made provision for the future expansion of the existing business building (on the area above 3m MSL) and the parking required for the future expansion.

However, no new development / construction is proposed on the areas below 3m MSL, the intension of the land use application is merely to legalise the existing land uses on the area zoned 'Undetermined Zone'.



FIGURE 2: SITE DEVELOPMENT PLAN

The Scarab Arts & Crafts Village has a total of (53) crafters (stalls) that each sell their own authentic, handmade craft. Scarab's Craft Market has been in operation for over fifteen years, providing visitors with a variety of high-quality and unique crafts. The crafters sell their crafts every Saturday at the Scarab Arts & Crafts Village.

The crafters are situated in and around the existing building. There are (53) crafters outside; not all crafters have permanent structures; (40) crafters make use of gazebo's and umbrellas; (11) crafters are located in the open Lapa and (2) crafters are situated within an existing structure.



FIGURE 3: AERIAL IMAGE OF THE OUTSIDE CRAFTERS

The aim of the application is to legalise the entire property to be used as a local craft market, and to allow business uses on the remaining areas above 3m MSL. Currently only a small portion of the site is zoned "Business Zone"; which permits the use of 'business'. A large portion of the craft market is situated on the portion which is zoned "Undetermined Zone", therefore it is necessary to rezone the remaining portion to "Business Zone".

The proposed rezoning will solve the issue of a split-zoning, as the property will have a uniform zoning, which will allow the craft market, as depicted on the Site Development Plan, over the entire property.

The following uses are indicated on the site development plan, and forms the subject of this application:

- (i) Existing Business Building on the area currently zoned for business purposes (742.20m²);
- (ii) As-built Business Building used to produce and sell craft (94.19m²);
- (iii) Proposed future extension of the existing business building on the remaining area above 3m MSL (961.1m²);

- (iv) As-built open Lapa (242.17m²) that contain (11) crafter stalls;
- (v) Total of (53) outside crafter stalls;
- (vi) Stage (33.76m²), used for small school performances / local artists to perform during the craft market;
- (vii) Mosaic exhibition area (200m²);
- (viii) As-built structure, used for ticket office (15.92m²);
- (ix) As-built structure for crafters storage (16.48m²);
- (x) A nursery, with a as-built nursery office (21.72m²).

The figures below illustrate the above-mentioned uses:



FIGURE 4: BUSINESS BUILDING



FIGURE 5: BUSINESS BUILDING (CRAFT SHOP)



FIGURE 6: OPEN LAPA



FIGURE 7: STAGE



FIGURE 8: MOSAIC EXHIBITION AREA



FIGURE 9: TICKET OFFICE



FIGURE 10: CRAFTERS STORAGE



FIGURE 11: NURSERY

4.1. Pre-Application Consultation

A pre-application meeting was held with Knysna Municipality on 21 August 2019 and the minutes is attached in (**ANNEXURE H**). Initially, the suggestion was to rezone the property to "Special Zone" but after a long discussion it was decided the land use isn't "special" enough to warrant the creation of a "Special Zone".

After suggesting to rezone to "Business Zone", the officials present at the meeting was concerned that "Business Zone" is too intensive, pre-empting that the owner will be able to develop to the full potential as set out by the development parameters in "Business Zone" and that it will not fit in the character of the area.

There currently isn't a zoning category in the Sedgefield Zoning Scheme that allows specifically for a 'craft market'. It is the considered opinion to rezone the remaining portion of "Undetermined Zone" to "Business Zone"; to ensure a uniform zoning on the property.

It should be noted that the approval of a "Business Zone" does not automatically allow blanked business rights on the property. The decision-making authority can limit the approval to the site development plan, and may also impose any relevant conditions of approval, that the decision maker may deem necessary, to ensure that the scope of development on the areas below 3m MSL remain a local craft market.

4.2. Developable Area (Above 3m MSL)

The former Sedgefield Council adopted a policy, that allows no land development below 3m MSL. A professional land surveyor was appointed to survey the property, in order to determine all the areas above 3m MSL.

All the areas above 3m MSL are considered suitable for development. As per the figure below; only a small portion of the property is above 3m MSL. The area hatched in **GREEN** is above 3m MSL and suitable for development; all the areas hatched in **BLUE** are below 3m MSL.

A large portion of the property is below 3m MSL, thus the land suitable for future development is very limited. The existing structures within the areas below 3m MSL, are all associated with the craft market. The structures comprise of an open Lapa, ticket office,

crafters storage, a nursery and a stage. The crafter stalls are gazebos and umbrellas; which they assemble the morning of the market and take-down afterwards.

The municipality can impose specific conditions that prevent any development on the areas below 3m MSL; and only allow structures that are reasonably connected to the craft market. The conditions can determine that the scope of the land use on the property (below 3m MSL) will remain that of a craft market.

It is proposed to allow full business rights to all the areas above 3m MSL, as a large portion of this area is already zoned "Business Zone" and is used accordingly.

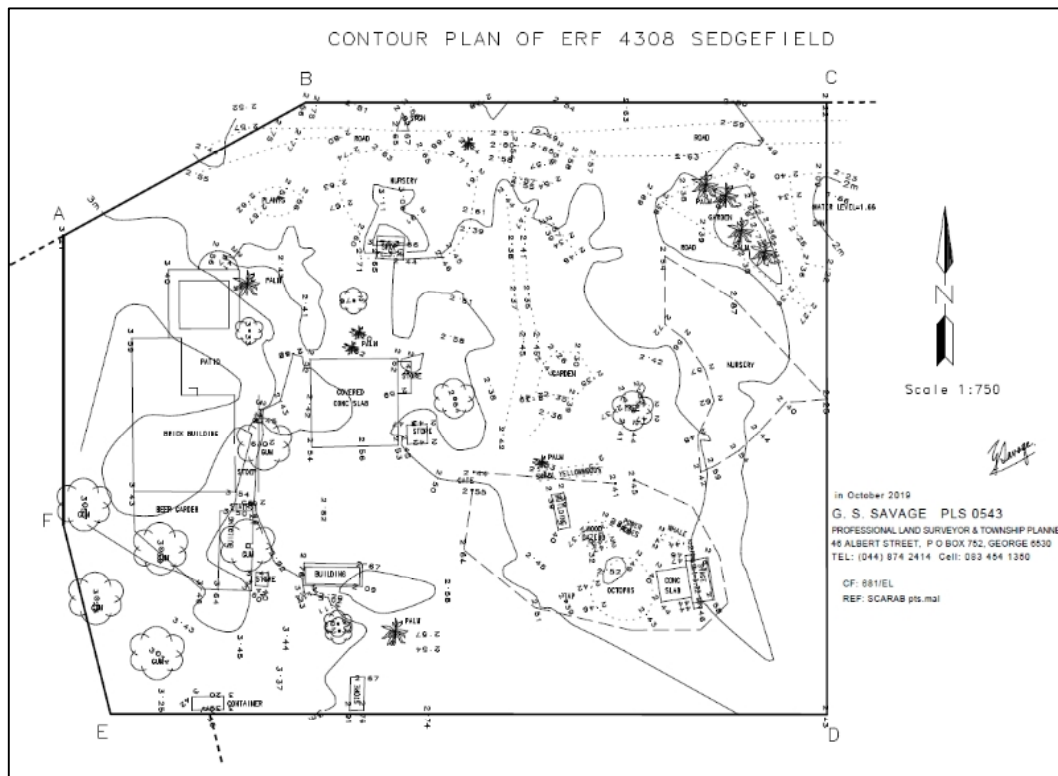


FIGURE 12: CONTOUR PLAN



FIGURE 13: AREAS ABOVE 3M MSL (DEVELOPABLE AREA)

4.3. Business Buildings

There are currently (2) existing business buildings on the property. The one business building (742.2m²) is located on the area currently zoned for business purposes; and consists of a restaurant, craft shop, brewery etc. The other as-built business building (94,19m²) is located south of the existing business building. Both buildings are located in the area above 3m MSL.

It is proposed to continue to use both these business buildings for business purposes.

As per the SDP, it is proposed to expand the business building in the future, within the area above 3m MSL. An expansion of approximately (961.1m²) can be accommodated within the developable area (above 3m MSL). The SDP have set out enough parking to accommodate the future expansion of the business building.

4.4. Open Lapa & Crafter Stalls

(11) Crafter stalls are located within the existing open Lapa, and an additional (42) crafter stalls are provided outside of the Lapa. There is a total of (53) crafter stalls on the property.

4.5. Stage & Ticket Office

A small stage is situated in the south-eastern portion of the property, the stage is used to host small school performances (school choirs) and local artists during the craft market.

The stage is also occasionally used to host artist performances, that require an entrance fee. The as-built ticket office sells the entrance fee tickets during these occasions. These occasional events do not run simultaneously with the craft market.

4.6. Community Mosaic Project

Near the stage area is a Mosaic Exhibition Area; which consists of various objects and features made out of mosaic art, created by the local community. The public also buys tickets at the as-built ticket office to look at these Mosaic exhibitions.

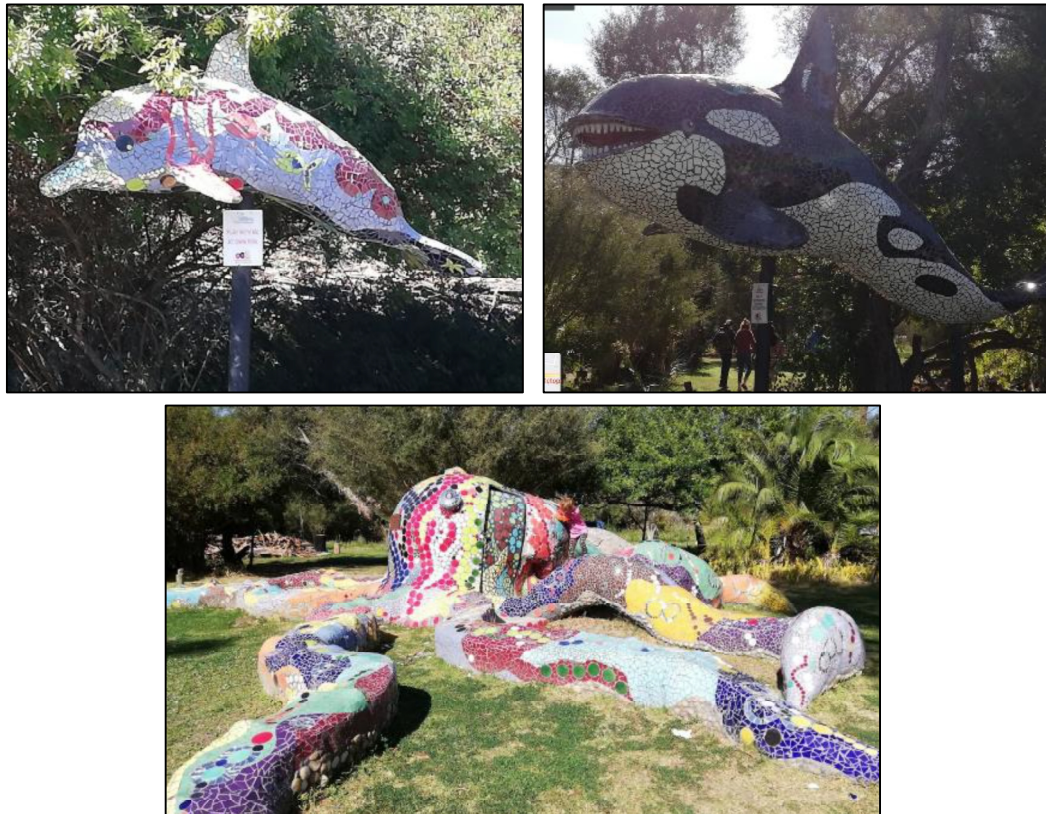


FIGURE 14: MOSAIC EXHIBITION

4.7. Nursery

The nursery is situated north of the open Lapa. The nursery has a as-built office of approximately (21,72m²). The nursery operates throughout the week and during the craft market (Saturdays).

4.8. Parking

When the temporary land use departure for the market was approved during 2009, the parking requirement that was imposed, was:

- 1 bay per 60m² of business space, and
- 4 bays per craft / market stall.

According to the SDP, the business space will be 1703.3m² (existing + proposed), and there are (53) stalls.

- (53) stalls = 212 parking bays
- (1703.3m² business space) = 28 parking bays

Therefore, a total of (240) parking bays is required. According to the SDP, a total of (242) parking bays can easily be provided on the site.

4.9. Access & Egress

Sedgefield Erf 4308 have direct access on Paul Kruger Street, that connects the Sedgefield Island, with the N2 National Road. No direct access will be provided to the N2 National Road. The property has safe and sufficient access from the existing access point.



FIGURE 15: ACCESS POINT



FIGURE 16: ACCESS FROM THE N2 ROAD ONTO PAUL KRUGER STREET

5. STATUTORY SPECIFICATIONS

The following land use application is lodged in terms of the Knysna Municipality By-law on Municipal Land Use Planning, 2016 to achieve the desired outcome:

5.1. Rezoning

The Sedgfield Zoning Scheme Regulations (1980) does not have a specific zoning category for the proposed land use (local craft market); and it could be argued that 'business' is conducted at the 'craft market'. With the limited zoning categories available and considering the existing zonings applicable to the property, it is proposed to rezone the remaining "Undetermined Zone" portion to "Business Zone", to ensure a uniform zoning on the property. There is an existing portion already zoned "Business Zone"; thus the precedent has been set to allow such a zoning.

The proposed "Business Zone" will allow the existing craft market to operate lawfully on the entire property.

Even though the "Business Zone" allows for more intensive business uses, the municipality are in the authorised position to impose certain conditions to ensure that the scope of development remain a local craft market, on all the portions that are below 3m MSL.

The proposal is to allow business purposes on the area above 3m MSL, and only the local craft market on the area below 3m MSL.

In order to allow permanent right to allow the Scarab Arts & Crafts Village on the entire Sedgfield Erf 4308, it is necessary to submit an application for rezoning a portion of

Sedgefield Erf 4308 from "Undetermined Zone" to "Business Zone" in terms of Section 15(2)(a) of Knysna Municipality By-law on Municipal Land Use Planning, 2016.

5.1.1. Sedgefield Town Planning Regulations

The table below illustrate the development parameters for "Business Zone":

BUSINESS ZONE		
<i>"business building" means a building used or intended to be used as shops and/or offices and includes banks, professional chambers, doctors' surgeries, stock or produce exchanges, restaurants and buildings designed for similar uses, but does not include places of assembly, places of amusement, institutional buildings, public garages, industrial buildings or noxious industrial buildings</i>		
Development Parameter		Compliance
Coverage	<ul style="list-style-type: none"> - Blocks of flats and residential buildings above business buildings 50% - All other permissible buildings 100% 	<p>No development is proposed, merely to allow permanent rights for the existing craft market</p> <p>Far less than 100%</p> <p>Comply</p>
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.	<p>No development is proposed, merely to allow permanent rights for the existing craft market</p> <p>Far less than 2,00</p> <p>Comply</p>
Building Lines	<p>Street building line: 4.5m</p> <p>Lateral building line: 0m</p> <p>Rear building line: 0m</p>	<p>No development is proposed, merely to allow permanent rights for the existing craft market</p> <p>Further away than the proposed building lines</p> <p>Comply</p>
Provisions for On-site Parking	<p>Business Premises:</p> <p>Refer to previous approval:</p> <ul style="list-style-type: none"> ▪ 1 bay per 60m² of business space, and ▪ 4 bays per craft / market stall. 	<p>(240) parking bays is required</p> <p>(242) parking bays is provided</p> <p>Comply</p>

Even though the "Business Zone" allows for more intensive business uses, the Municipal Land Use Planning By-law makes provision for the decision maker (authorised official or Tribunal) **to impose certain conditions of approval, linked to a site development plan, to ensure that the scope of development remain as proposed, and that an approval of a "business zone", will not be a blanket approval.**

The proposal is to allow business purposes on the area above 3m MSL, and only the local craft market on the area below 3m MSL.

6. SERVICES INFRASTRUCTURE

The craft market had approved temporary land use rights for the past 10 years, in which they never required additional service infrastructure. The current service infrastructure is sufficient.

Any infrastructure upgrades necessary at the time of the future expansion of the existing business building will be at the cost of the property owner.

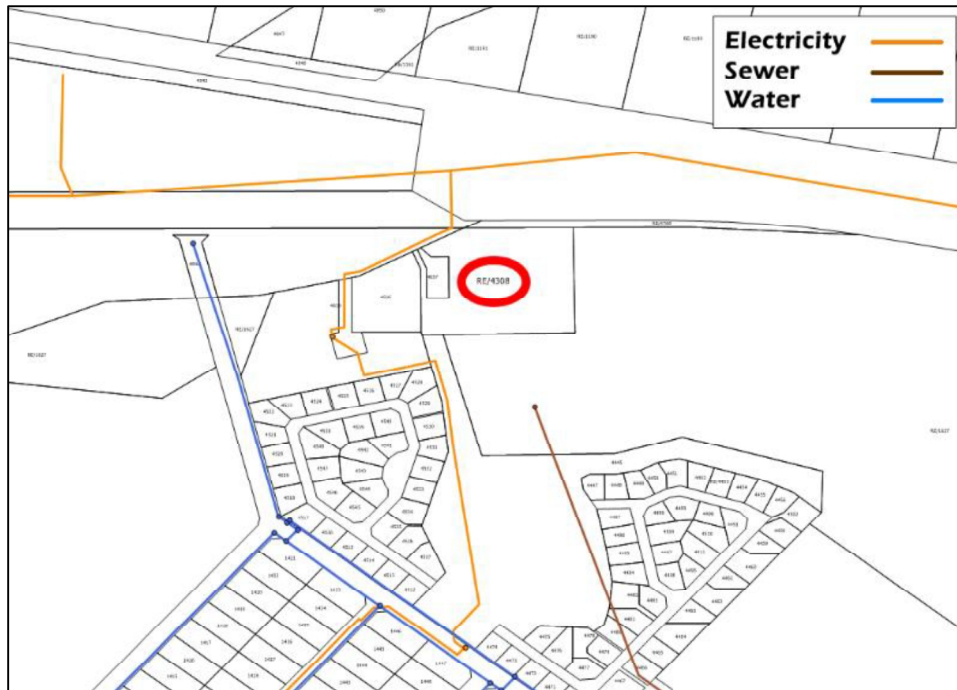


FIGURE 17: EXISTING SERVICES INFRASTRUCTURE

SECTION C :

CONTEXTUAL INFORMANTS

7. LOCALITY

(Plan 1: Locality)

Sedgefield Erf 4308 is situated alongside the N2 Road just outside Sedgefield, towards George. The subject property is situated south of the N2 Road, and adjacent to the Engen Sedgefield 1-Stop. The property is approximately halfway between Sedgefield Central and Sedge Links (golf course). The GPS coordinates for the centre of the property is 34° 0'36.12"S & 22°46'53.00"E.

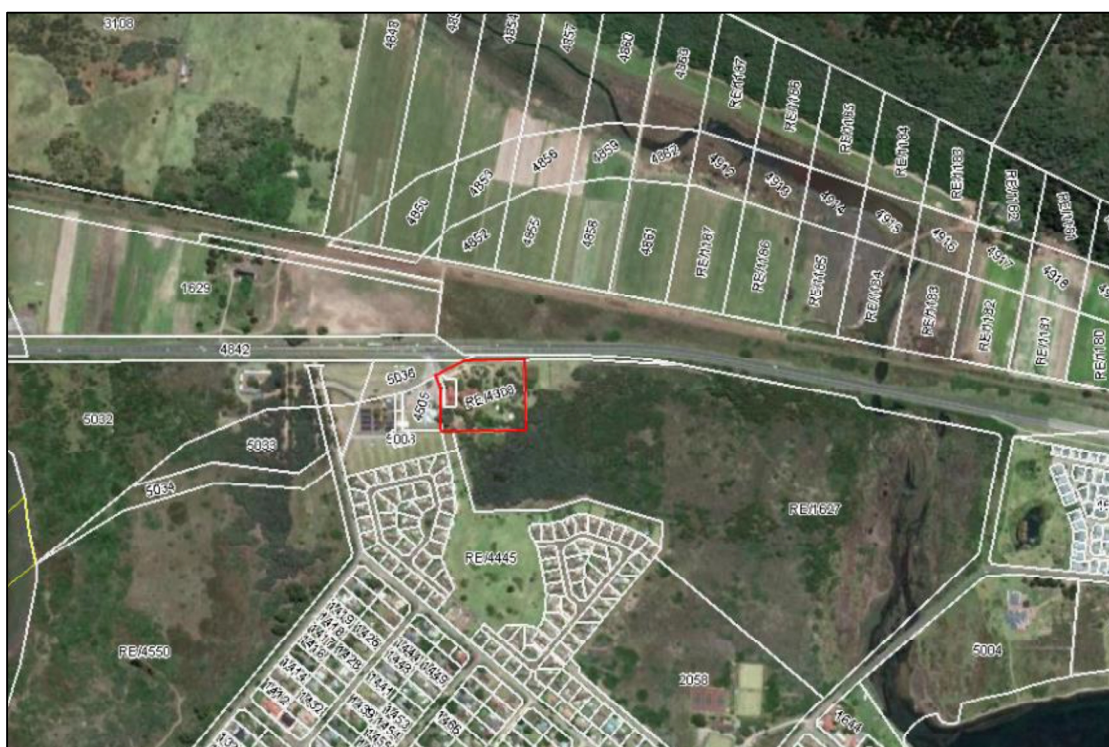


FIGURE 18: LOCALITY

8. CURRENT LAND USE & ZONING

8.1. Land Use

(Plan 2: Land Use Plan)

The site is currently being used for the Scarab Arts & Crafts Village. The current land uses operating on the subject property consists of a restaurant, brewery, craft shop, Lapa, stage, nursery and a ticket office, which are all associated with the craft market. There is a total of (53) crafters who trade their unique craft every Saturday.



FIGURE 19: EXISTING LAND USES

8.2. Zoning

Sedgefield Erf 4308 currently has a split-zoning consisting of "Business Zone" and "Undetermined Zone" in terms of the Sedgefield Zoning Scheme Regulations (1980).

The "Business Zone" portion is approximately 981m² in extent and the "Undetermined Zone" is approximately 14959m² (1.495 ha) in extent.

An application for the rezoning and subdivision of Sedgefield Erf 4308 into 2x Portion (Portion A and Remainder) was approved by the Knysna Council on 5 May 2004. Portion A was surveyed and approved by the Surveyor General as Sedgefield Erf 4657. This subdivided portion was never registered and therefore, the subdivision was never confirmed and lapsed.

The portion of the property zoned for business purposes was utilised as such. Thus, the legal rights to operate business activities on a portion of Sedgefield Erf 4308 has commenced, therefore, confirming the legal business rights on the north western portion of the property.



FIGURE 20: CURRENT ZONING

9. CHARACTER OF THE AREA

The Scarab Arts & Crafts Village is situated approximately 1.3km outside Sedgefield towards George. The site is situated in close proximity to a number of tourist related uses. The immediate character of the area is of a tourism node, as all the following uses are adjacent to one another:

- Engen Sedgefield 1-Stop
- Wimpy - Sedgefield 1 Stop
- Wild Oats Community Farmers' Market
- Mosaic Village and Outdoor Market
- Slow Roasted Coffee Shop and Roastery

All the land uses directly surrounding the Engen Sedgefield 1-Stop are tourism related; thus the area constitutes a small tourism node. The subject property is directly adjacent to these uses, and is basically within this tourism node.

The craft market will continue to contribute to the existing tourism character of the area, as it has been doing for the past 10 years.



FIGURE 21: WILD OATS COMMUNITY FARMERS MARKET



FIGURE 22: MOSAIC VILLAGE AND OUTDOOR MARKET



FIGURE 23: SLOW ROASTED COFFEE SHOP



FIGURE 24: ENGEN 1-STOP

10. EXISTING POLICY FRAMEWORKS

10.1. Western Cape Provincial SDF (2014)

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

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

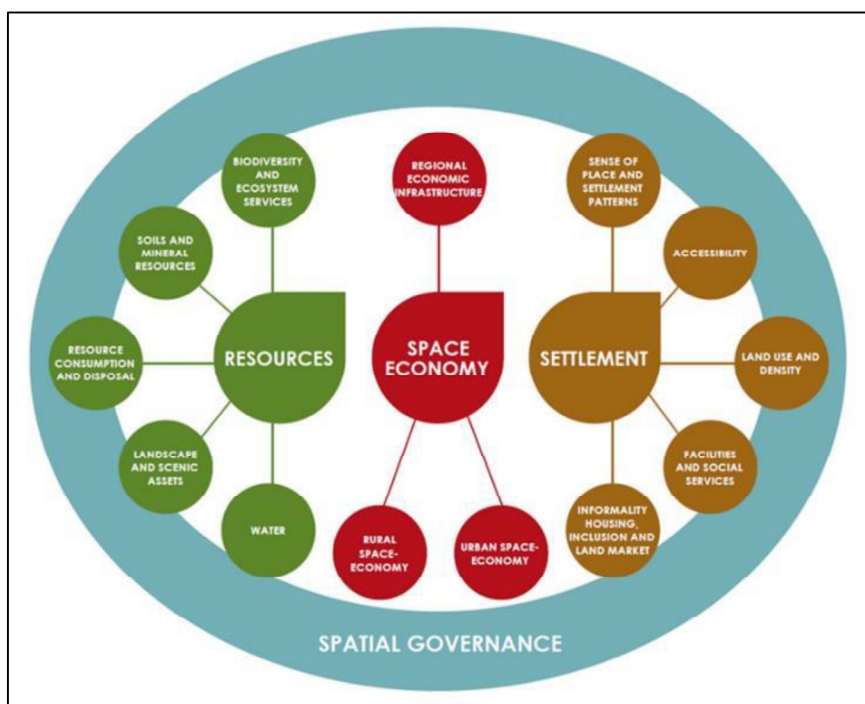
- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements

The Western Cape’s agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth implies the on-going depletion of the Province’s natural capital needs to be broken. This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called ‘decoupling’ of economic growth strived for, requires reductions/substitutions and/or

replacements in the use of limited resources, while avoiding negative environmental impacts. The table below contains a summary of the key transitions promoted in the PSDF:

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

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



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

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

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

POLICY E2: DIVERSIFY AND STRENGTHEN THE RURAL ECONOMY

4. Compatible and sustainable rural activities (i.e. activities that are appropriate in a rural context, generate positive socioeconomic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate) and of an appropriate scale and form can be accommodated outside the urban edge.

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

7. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development (e.g. mixed use development and densification in appropriate locations), and private sector involvement in the rental and gap housing markets.

POLICY S3: PROMOTE COMPACT, MIXED USE AND INTEGRATED SETTLEMENTS

1. Target existing economic nodes (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc) as levers for the regeneration and revitalisation of settlements.

4. Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining and tourism remain important economic underpinnings of rural settlements.

Planning Implication:

The proposal to permanently allow a local craft market complies with the key policies laid down by the PSDF. The proposal is to allow business uses on the remaining areas above 3m MSL, and to legalise the existing craft market. The land use is considered an appropriate scale and form which can be accommodated outside the urban edge. The craft market generates income to various local crafters, which contributes to the economic growth of the area and it also contributes to the tourism sector, as the market attracts a large number of visitors. The local market is situated within a small tourism node, thus it contributes to attract economic activity to the area. Tourism is one of the main economic contributors of the Garden Route area, the existing craft market most definitely contributes to attract visitors, which leads to expenditure in the area.

10.2. Western Cape Land Use Planning: Rural Areas Guidelines (2019)

At this stage, it is not possible to accurately confirm whether the application area is "rural" or not, and therefore whether the rural area guidelines would be applicable to the application area or not.

The application is located within the former municipal boundaries of the Sedgefield Municipality, the version of the Knysna Municipal SDF that was approved by the Knysna Council, contained no map of Sedgefield, and has therefore no clear urban edge. The draft Municipal SDF that was published for public comments, did indicate a map for Sedgefield, and then it was excluded from the urban edge. The Knysna SDF was not supported / approved by the Provincial Government. However, if one refers to the definition of "Urban area" of NEMA, then the application area is actually in the "urban area" as it is within the edge of the built up footprint of Sedgefield, and the existing business building on Erf 4308 is connected to the municipal services.

The Western Cape Land Use Planning: Rural Areas Guideline as approved by Provincial Minister on 3 March 2019 and forms part of the roll-out of the PSDF; the objectives Rural Areas Guideline are to:

- To promote sustainable development in **appropriate rural locations** throughout the Western Cape and ensure that the poor share in the **growth of the rural economy**.
- Safeguard priority biodiversity areas and the functionality of the Province's life-supporting **ecological infrastructure and ecosystem services** (i.e. environmental goods and services).

- To maintain the integrity, authenticity, and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural **landscapes, and natural resources**.
- To assist Western Cape municipalities to **plan and manage** their rural areas more effectively and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate **beyond the current built-up areas**, suitable locations where it could take place, and the **desirable form and scale** of such development.
- Be viewed as a gender mainstreaming tool which will move the Western Cape further along the trajectory towards the achievement of equality, particularly the youth and gender equality imperatives in rural land use planning.

GUIDELINES FOR RESPECTIVE LAND USES

Development in rural areas should not:

- have a significant negative impact on biodiversity, ecological system services or the coastal environment;
- lead to the loss or alienation of agricultural land or has a cumulative impact thereupon;
- compromise existing or potential farming activities;
- compromise the current and future possible use of mineral resources;
- be inconsistent with the cultural and scenic landscape within which it is situated;
- lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;
- impose real costs or risks to the municipality delivering on their mandate; and
- infringe on the authenticity of the rural landscape.

The Western Cape Government approach to managing development pressures for the rural land uses placed under the following categories:



FIGURE 25: WCG RURAL LAND USE CATEGORIES

The proposed land uses would be categorised as:

TOURIST & RECREATION FACILITIES RURAL BUSINESS

These categories are summarised as follow:

Tourist & Recreation Facilities: Towards diversifying the Western Cape's rural economic base into the tourism and recreation sectors and developing these sectors on a sustainable and equitable basis – the WC G approach to tourism and recreational facilities in rural areas is to facilitate appropriate investment in these sectors across the rural landscape.

The objectives for this category as per the guidelines are:

- To diversify the Western Cape's rural economic base into the tourism and recreation sectors, and develop these sectors on a sustainable and equitable basis.
- To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g. animal sanctuary, paintball, shooting ranges, and conference facilities).
- To provide citizens access to resources, the coast and the rural landscape.

Rural Business: Towards strengthening the rural economy, the WCG approach to businesses in rural areas is to facilitate the development of businesses serving the needs of rural communities and tourists, as well as agricultural production, in suitable locations throughout the landscape.

- To facilitate the development of rural businesses serving the needs of local communities, rural tourists and agricultural production.
- To provide guidance on suitable locations for appropriate development along main tourism routes.

Planning Implication:

*The Rural Areas Guidelines are guidelines to maintain the unique character of **rural areas** and to guide spatial planning and land use management in rural areas.*

Nonetheless, the existing craft market is in line and consistent with the objectives of the above-mentioned categories. The proposal is to allow permanent rights for an existing local craft market, hence not detracting from the existing rural/tourism character.

10.3. Eden Spatial Development Framework (2017)

The Eden District Spatial Development Framework was approved in 2017 and aims to establish a strong strategic direction and vision, towards increasing levels of detail in the spatial recommendations that are directive rather than prescriptive and providing guidance to local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration.

This vision and strategic direction identify the four key drivers of spatial change within the District. These drivers are defined in terms of spatial legacies, current challenges, future risks and prospects. The four drivers of change around which this SDF are framed are”

Strategy 1: The economy is the environment; a strategy founded on the principle that a sustainable economy in Eden District is an economy that is positioned for growth.

Strategy 2: Regional accessibility for inclusive growth; a strategy that is based on the notion that improved regional accessibility is essential to achieving inclusive growth

Strategy 3: Coordinated growth management for financial sustainability; a strategy informed by the realities of global fiscal austerity and the need for responsible growth management that does more with less to secure future social and economic resilience.

Strategy 4: Planning, budgeting and managing as one government, this strategy highlights that real intergovernmental cooperation is essential to achieving the spatial transformation goals of SPLUMA and the three spatial strategies above.

These strategies lie at the heart of this SDF and the problem statement, spatial concept, spatial proposals and implementation are organised around these directives.

According to the Eden SDF, Sedgefield’s role within the Eden District is “**Specialised Coastal Centres**”, which is defined as: ‘Urban centres with a special function (often tourism related), as well as a role in terms of serving the surrounding areas and containing a mixture of economic activities and services. Complete settlements aim to improve living standards and social inclusion. Investment in these areas should prioritise to achieve a balance between mixed uses, economic activities, socio-economic groups and services.

The following Spatial Policy Statements & Guidelines are applicable to the proposed land development planning application:

STRATEGY: ACCESS	
Policy 3.1.	Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns
Guideline 3.1.3.	Role and investment focus of specialised coastal centres
	<ul style="list-style-type: none"> These urban centres have a special function (often tourism related), as well as important roles in servicing the surrounding areas and rural settlements. They should be complete settlements. Complete settlements aim to improve standards of living and social inclusion. Investment in these areas should prioritise achieving a balanced mix of uses, economic activities, socioeconomic groups and services.

Planning Implication:

The Eden SDF classifies Sedgefield's role as "Specialised Coastal Centres". It recognises that Sedgefield's role is tourism related, in terms of serving the surrounding areas and containing a mixture of economic activities and services. The local craft market complies with this as it is a tourist attraction, which generate economic activities for the local area. The craft market forms part of a small tourism node outside Sedgefield, which has built up a reputation of one of the best local craft markets in the area.

The local market has been operating on that subject property for more than 10 years until the temporary rights have recently lapse. The craft market attracts people from Mossel Bay all the way to Plettenberg Bay on a weekly basis. This is most certainly an attraction node that connects these surrounding towns and with its accessible location it makes it convenient for the locals.

10.4. Knysna SDF (2017)

The spatial vision for the considered SDF for Knysna Municipality is to establish an authentic place that works for its residents and continues to attract visitors. Equitable and inclusive access to spatial justice (improving access to opportunities, services and amenities) improving economic opportunities.

Economic Development in Towns:

Towns such as Sedgefield, Rheenendal and Karatara (none of which have high growth potential) should receive only limited fixed infrastructure investment. Economic development in these areas may be better served by investing in 'people' rather than places, in the form of social capital spending.

Invest in Smart Growth Settlements

The spatial vision for the considered SDF for Knysna Municipality is to establish an authentic place that works for its residents and continues to attract visitors. Equitable and inclusive access to spatial justice (improving access to opportunities, services and amenities) improving economic opportunities.

To achieve the objectives of SPLUMA and align with regional planning policy frameworks, the establishment of a network of “complete towns and villages” is proposed. Each should have a strong and unique identity, retain and enhance the Knysna coast and forest character and feature:

- Balanced land use
- Densification
- Economic opportunity
- Accessibility
- A high-quality public environment
- Effective and sustainable social services



FIGURE 26: THE KNYSNA SPATIAL FRAMEWORK

According to the Knysna SDF the subject property is situated outside the urban edge.

- *The SDF makes no reference to what development is allowed or proposed outside the urban edge, thus there is no land development guidance.*

The SDF states the following regarding Sedgefield:

- Growth and densification in Sedgefield are constrained by service provision and it could be argued that its strong beach town character is an asset that needs to be protected.

- High levels of unemployment in Knysna North, Hornlee, Sedgefield and Rheenendal in particular.
- The environmental and ground water pollution risks associated with further development in Sedgefield constrain viable densification as areas such as the Island would need full service reticulation to densify without polluting the groundwater and river system.
- In addition its unique character as a quiet, slow town is should be protected suggesting that it remain largely a holiday and retirement town.
- However, there are opportunities for infill and densification close to the N2 that should be pursued to establish a town centre "heart" for Sedgefield.

Planning Implication:

*Apart from the above, nothing else is suggested or proposed in the SDF for Sedgefield. The SDF mentioned that Sedgefield must **focus on creating employment opportunities**. The existing local craft market currently provides employment opportunities for a number of local residents. The craft is produced locally, thus it involves employment opportunities not just at the market, but during the entire process, from harvesting, making and producing the craft at their respective homes/farms/shops. Numerous people are dependent on the market to provide an income for them. The continued success of the craft market is of great importance to a number of local residents and their employees.*

The proposed Spatial Development Framework approved 7 June 2018 does not set any policies or land use management guidelines to guide rural development and to support the spatial planning policies to guide Sedgefield to the desired spatial vision it wishes to achieve. Nonetheless, the property is situated outside the urban edge. The proposal will not impact on the spatial structure of Knysna nor the desired spatial vision and growth direction of the town as per the Knysna SDF.

10.4.1. Site Specific Circumstances

Section 22 of the Spatial Planning and Land Use Management Act, 2013 states that the competent authority may not make a decision which is inconsistent with the municipal spatial development framework.

In this case the municipal SDF does not set any policies or land use management guidelines to guide rural development and to support the spatial planning policies to guide Sedgefield to the desired spatial vision it wishes to achieve. The SDF merely confirms that the property is situated outside the urban edge.

One will therefore have to rely on (i) the Western Cape Land Use Planning: Rural Areas Guidelines (2019), (ii) site-specific circumstances and (iii) the relevant considerations, western cape - Environmental Affairs and Development Planning to achieve a desirable land use planning outcome.

Section 22(2) of the Spatial Planning and Land Use Management Act, 2013 state that the competent authority may depart from the provisions of a municipal SDF only if

site-specific circumstances justify a departure from the provisions of such municipal SDF.

The following site-specific circumstances justify that the proposed local craft market is indeed desirable on the subject property:

- The Scarab Arts & Crafts Village has been operating on Sedgefield Erf 4308 for over the past 10 years. It is an established craft market in the Garden Route and has built up a reputation of being one of the leading tourist attractions in the Knysna/Sedgefield area. This area is famous for the three existing markets in this node, and a well-established tourism land mark, that make a significant contribution to the local economy of Sedgefield.
- The craft market had temporary land use rights to operate on Sedgefield Erf 4308, these rights have subsequently lapsed. The approval is testament that the land use has been considered desirable on the application area. The market has been operating successful under these temporary rights, and now wishes to have permanent rights.
- Section 18(4) of the Municipal Land Use Planning Bylaw, states that "...A temporary departure contemplated in subsection (1)(b) **may not be approved more than once** in respect of a particular use on a specific land unit..." For this reason, it will now be necessary to rezone the property to allow permanent rights for the craft market. Legally, the craft market cannot continue with temporary rights, it has to apply for permanent rights.
- A portion of the property is already zoned "Business Zone"; the business activities within the "Business Zone" is ancillary to the craft market. The property has existing rights for business purposes on the property. Even though the property is situated outside the current urban edge, the fact that a portion of the property has existing business rights, cannot be overlooked.
- The previous Knysna SDF (2007) has identified the area where the application area is located, as a 'Tourism Development' node and the application area was situated inside the urban edge. The 2007 SDF recognised the tourism node; as there are a number of tourism uses clustered together.
- The existing character of the area is that of a tourism character. The site is situated in close proximity to a number of tourism related uses. The immediate character of the area is of a tourism node, as all the following uses are adjacent to one another: Engen Sedgefield 1-Stop, Wimpy - Sedgefield 1 Stop, Wild Oats Community Farmers' Market, Mosaic Village and Outdoor Market & Slow Roasted Coffee Shop and Roastery. All the land uses directly surrounding the Engen Sedgefield 1-Stop are tourism related; thus the area constitutes a small tourism node. The subject property is directly adjacent to these uses, and is within this tourism node.
- There is existing service infrastructure in the surrounding area, no additional service infrastructure is required. The proposal is to allow permanent rights to operate the local market.

- Even though the subject property is situated outside the urban edge of the Municipal SDF; it is argued that it is within the 'urban area' (defined as per the National Environmental Act, 1998), as it is situated within the edge of built-up areas.
- The property is highly accessible off the N2, and the existing access is more than sufficient for the craft market.
- The craft market plays an important role in contributing to the local tourism market. The market has been existing for a number of years; and its reputation has certainly helped to attract visitors to the area. The market also plays an important role in providing numerous local people with employment opportunities.

10.5. Knysna Integrated Development Plan (2017-2022)

The IDP is the planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality's area of jurisdiction.

Knysna Municipality approved the 4th generation IDP during June 2017. According to this IDP, the municipality's vision is to:

- Encourage all members of society to participate in and support the municipal governance structure and to create opportunities for dialogue.
- Conserving and managing natural resources.
- Planning for the growth and development of quality municipal services to support the community.
- Creating an enabling environment to foster the development of our people and enabling them to contribute.
- Supporting and encouraging the development of investment, business and tourism and emerging industries.

The Knysna IDP identified six Strategic Objectives that are aligned to the national strategic focus areas as well as the Provincial Strategic Goals of the Western Cape Government. These objectives applicable to the proposed development are:

STRATEGIC OBJECTIVES	
-	To create an enabling environment for social development and economic growth.
-	To grow the revenue base of the municipality

The subject property is located in **WARD 1** of the Knysna Municipality.

The figure below illustrates the SWOT Analysis of Ward 1:

Ward 1: SWOT Analysis	
Strengths	Weaknesses
<ul style="list-style-type: none"> • Good teamwork amongst ward committee members • Strong representative councillor that is committed to serve the people of the ward • Good culture of waste recycling • Reliable and sustainable water supply • Vibrant youth development practitioners • Tourist attractions, including the established brand of the Slow Festival • Passionate, competent residents that create a sense of community • Availability of skills of retired residents - "Grey Power" • Sports and sport facilities • Resilience of the community • Adequate infrastructure in terms of public amenities • Talent amongst the community especially in terms of arts and culture 	<ul style="list-style-type: none"> • Not enough training programmes & workshops to develop the capacity amongst residents • Limited land available for development results in inadequate housing opportunities • Culture of non-payment of municipal accounts • Inadequate disaster management mechanisms • High rate of unemployment and poverty due to low skills base amongst local residents • Lack of proper street signage • Too many liquor outlets contributing to substance abuse that directly leads to a relatively high crime rate • Putting planning to action • Lack of planned maintenance on infrastructure • Lack of law enforcement results in a delayed police response time • High rate of learner drop-outs • Lack of ownership and sense of pride from the community in terms of their facilities
Opportunities	Threats
<ul style="list-style-type: none"> • Improved accessibility to public amenities for people living with disability / Effective utilization of public amenities • Creation of job opportunities • Functional youth advisory desk, to provide school learners with access to bursaries and career guidance • Improved alignment between the IDP and the budget of the municipality as well as other government departments • Sedgfield is earmarked as a pilot site for the "Building Healthy Communities" programme of Department of Health • Programmes to enhance social cohesion amongst all sectors of society • Instilling a sense of pride in community members • Installation of water meter readers • Relocation and upgrading of the fire and police stations into fully-fledged stations • Bringing services such as doctors' practices closer to the people, e.g. mobile clinic 	<ul style="list-style-type: none"> • Decreasing commercial activities • Remote location of police station and clinic for most people • Inequitable levels of services rendered by the municipality • Absence of a high school in the ward contributes to a high drop-out rate at schools • Lack of social services • Only one access road into Smutsville/ Sizamile • Hazardous situation at the dunes • Waste water spillage in the estuary • Limited traffic law enforcement, especially in the township areas, results in a delayed police response time • Putting planning to action • Lack of planned maintenance on infrastructure • Limited land available for development results in inadequate housing opportunities • Too many liquor outlets contributing to substance abuse that directly leads to a relatively high crime rate • Lack of ownership and sense of pride from the community in terms of their facilities

FIGURE 27: SWOT ANALYSIS - WARD 1

Planning Implication:

The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. The craft market will continue to attract tourists/visitors and generate income in Sedgfield.

It is, therefore, the considered opinion that the proposal will meet these strategic objectives of the Knysna IDP as outlined above which is self-explanatory and therefore the proposal could be regarded as being consistent with the Knysna IDP.

SECTION D :

MOTIVATION

11. ASSESSMENT OF APPLICATIONS

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

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

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework; and take into account: —
 - (i) the public interest.
 - (ii) the constitutional transformation imperatives and the related duties of the State.
 - (iii) the facts and circumstances relevant to the application.
 - (iv) the respective rights and obligations of all those affected.
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions.

11.2. Knysna Municipality By-law on Municipal Land Use Planning, 2016

The Knysna Municipality By-law on Municipal Land Use Planning, 2016 as promulgated by G.N 7565 dated 12 February 2016 states in Section 65 the general criteria necessary for considering an application by the municipality.

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

CRITERIA	REFERENCE IN REPORT
The impact of the proposed land development on municipal engineering services .	Par. 6
The integrated development plan , including the municipal spatial development framework.	Par. 10.5

CRITERIA	REFERENCE IN REPORT
The applicable local spatial development frameworks adopted by the Municipality.	Par. 10.4
The applicable structure plans .	n/a
The applicable policies of the Municipality that guide decision-making .	Par. 11.2
The provincial spatial development framework .	Par. 10.1
where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework.	Par. 10.3
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par. 10.2
The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act. Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act ; and	Par. 19
Applicable provisions of the zoning scheme	Par. 5

12. SPECIFIC LOCATIONAL REQUIREMENT

The Scarab Arts & Crafts Village is situated within an existing tourism node at the entrance of the Sedgfield Island. Most of the adjacent properties are used for business/tourism purposes of similar use to the existing craft market on Sedgfield Erf 4308. This is the perfect location for a craft market, as it is in close proximity to the other existing markets and tourism related uses in the immediate surrounding area. Situated at the entrance of the Sedgfield Island neighbourhood, and close to the Sedgfield CBD, makes it highly accessible for the local residents to get fresh and unique produce/craft close to the comfort of their homes.

13. SOCIO-ECONOMIC IMPACT

The Scarab Arts & Crafts Village is one of the Garden Route's most successful and popular craft markets to date, and attracts hundreds of people (especially tourists) from surrounding areas on a weekly basis (every Saturday). This market is definitely one of Sedgfield's most popular tourist attractions. Tourism is one of the main economic drivers of Sedgfield. This craft market is currently providing work for a number of local entrepreneurs that sell all kinds of unique craft on a weekly basis.

This market has grown over the past 10 years and is a full-time job for most of these entrepreneurs.

14. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Par. 10** of this report, the proposal is consistent with the relevant spatial planning policies. The proposal is consistent with the relevant spatial planning policies for the following reasons:

- (i) Complies with the strategic objectives as set out in the Western Cape Spatial Development Framework.
- (ii) Consistent with the Spatial Policy Statements & Guidelines of the Eden Spatial Development Framework.
- (iii) Consistent with the Western Cape Land Use Planning: Rural Areas Guidelines.
- (iv) The proposal is directly aligned with 2 strategic objectives as set out in the IDP of Knysna Municipality and it will enhance the Sedgfield economy by encouraging year-round residents and permanent employment.

15. CONSISTENCY WITH THE CHARACTER OF THE SURROUNDING AREA

The Scarab Arts & Crafts Village is consistent with, and contributes to the existing character of the area. The existing tourism character of the area will not be negatively impacted by the proposed rezoning application. In fact, the rezoning will contribute to a permanent tourism character of the area, as it will allow permanent rights to operate the craft market.

16. NO IMPACT ON EXISTING RIGHTS

The Scarab Arts & Crafts Village had temporary land use rights to operate the craft market. Granting rights to operate the craft market permanently, will have no impact on any established land use rights of the surrounding land owners. The fact that there were no complaints / issues in running the craft market the past 10 years is proof that the existing land use have not impacted any existing rights in a negative way. Allowing permanent rights for a craft market will have no impact on the existing rights of the surrounding properties.

17. NO IMPACT ON EXISTING SERVICES

The proposal will have no impact on the existing municipal services infrastructure as it is only to legalise the existing craft market, in its current form. The existing services infrastructure is adequate for the current use, and since no extension of the market is proposed, there is no need for additional services capacity to allow the proposed land use application.

Any infrastructure upgrades necessary at the time of the future expansion of the existing business building will be at the cost of the property owner.

18. RELEVANT CONSIDERATIONS, WESTERN CAPE - ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

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

ELEMENTS FOR CONSIDERATION	KEY QUESTIONS TO ASK	PROPOSAL (DESIRABILITY)
Economic impact	<i>Positive or Negative impact on neighbourhood / settlement?</i>	<ul style="list-style-type: none"> Positive economic impact. Additional Expenditure in Sedgefield, and capturing passing tourism trade. Contribute to tourism growth.
Social impact	<i>Greater social justice, equity of access to opportunity</i>	<ul style="list-style-type: none"> Permanent access to local and unique craft. Contributes to the existing tourism node. Contributes to a space that attract people and promotes social interaction. The existing community mosaic project provides a space for the local community to produce their products and an outlet to sell their projects.
Scale of capital investment	<i>> capital investment - > positive impact</i>	<ul style="list-style-type: none"> Local crafters get the opportunity to sell the craft to tourists. Ensure a permanent place to sell local craft. No new or additional capital investment required from the municipality or private sector.
Compatibility with surrounding land uses		<ul style="list-style-type: none"> Contribute to the existing character of the area. Contribute to the tourism node. Highly compatible with the existing tourism character.
Impact on external engineering services	<i>How much must the developer contribute to municipal costs incurred?</i>	<ul style="list-style-type: none"> No impact on existing service infrastructure. No additional services needed. Make use of existing services connections.

ELEMENTS FOR CONSIDERATION	KEY QUESTIONS TO ASK	PROPOSAL (DESIRABILITY)
Impact on safety, health & wellbeing of the surrounding community		<ul style="list-style-type: none"> Provide opportunity for local entrepreneurs to sell their craft. Opportunity to get additional income by selling local produce. Opportunity for locals to buy local produce at the comfort of close to their homes. Community mosaic project support the upliftment and well-being of the marginalised Smutsville / Sizamele community.
Impact on heritage		<ul style="list-style-type: none"> No heritage impacts. Application area has no heritage value.
Impact on the biophysical environment	<i>Are there negative impacts? Are they adequately mitigated?</i>	<ul style="list-style-type: none"> No NEMA listed activities triggered. Outside any CBA areas. No harvesting of trees and plants No environmental impact, as no additional development is proposed. No new construction below the 3m MSL level.
Traffic impacts, parking access, other transport considerations	<i>Support for densification & functional public transport system?</i>	<ul style="list-style-type: none"> No additional traffic. Access from existing road network. Safe and sufficient access and egress exist.
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		<ul style="list-style-type: none"> No views will be obscured. Fits within character of the area. No additional development is proposed.
Timing – need to densify or protect urban edges	<i>Best option for site at this point in time?</i>	<ul style="list-style-type: none"> Market has been operating for the past 10 years. Cannot continue lawfully as temporary rights have lapsed. Need to obtain permanent land development rights to continue the operation of the market in a lawful manner.

ELEMENTS FOR CONSIDERATION	KEY QUESTIONS TO ASK	PROPOSAL (DESIRABILITY)
Cumulative impacts	<i>Unacceptable cumulative impacts?</i>	<ul style="list-style-type: none"> Positive cumulative impacts as the three markets in this area support each other.
Opportunity costs	<i>Any unacceptable opportunity costs?</i>	<ul style="list-style-type: none"> Private investment No municipal funding required Any potential upgrades that might be required, will be for the account of the applicant.
Alignment with SDF's		<ul style="list-style-type: none"> Proposal consistent with all applicable Spatial policy plans. Refer to Par. 10

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

From the table above, it is clear that the proposed rezoning is desirable on the subject property.

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

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

Section 59 of this Act prescribe the Land Use Planning Principles that are applicable to all land development in the Province. These are summarised in the tables below. The tables below aim to summarise how the proposed development on Sedgefield Erf 4308 complies with these principles.

19.1. Spatial Justice

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Past spatial and other development imbalances must be redressed through improved access to and use of land.	N/A	This policy is not applicable to the application area.

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	N/A	This policy is not applicable to the application area. Not a Spatial Development Framework or Policy.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	N/A	This policy is not applicable to the application area.
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	N/A	This policy is not applicable to the application area.
Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.	N/A	The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Knysna Municipality, 2016.
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	N/A	The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Knysna Municipality, 2016.
The right of owners to develop land in accordance with current use rights should be recognised.	COMPLY	The owners intend to apply for land use rights for a Scarab Market. The land use rights have lapse and therefore must apply for permanent rights.

19.2. Spatial Sustainability

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Promote land development that is spatially compact , resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;	COMPLY	<ul style="list-style-type: none"> The rezoning will allow the owner to lawfully operate the craft market on the subject property within the development parameters of Sedgefield Zoning Scheme. The market is an existing market within the existing "urban area" of the Sedgefield Island. No expansion is proposed, hence the proposal will not result in urban sprawl. The compact urban footprint will be retained.
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	N/A	Not agricultural land.
Uphold consistency of land use measures in accordance with environmental management instruments.	N/A	<ul style="list-style-type: none"> This policy is not applicable to the application area. The approved policy of no development / structures below the 3m MSL level is adhered to.
Promote and stimulate the effective and equitable functioning of land markets.	COMPLY	<ul style="list-style-type: none"> The Scarab Market have been there for the past 10 years and is functioning effectively on the land. Approval of the application for formalise the existing market in its current form, will not impact negatively in the surrounding property values.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	COMPLY	<ul style="list-style-type: none"> The existing infrastructure is adequate for the proposal. No additional service infrastructure is required. Any future costs will be at the cost of the applicant or as determined by the municipality.
Promote land development in locations that are sustainable and limit urban sprawl.	COMPLY	<ul style="list-style-type: none"> The Scarab Market is very suitable for that specific location. It does not require any permanent structure to be constructed. This location is very sustainable, as it is at the entrance to Sedgefield Island, in a well-established tourism node. No urban sprawl, as the proposal is within the existing "urban footprint" of Sedgefield, and no expansion is proposed.

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Result in communities that are viable.	COMPLY	<ul style="list-style-type: none"> The proposal will create a more viable and functional community, as the proposal will result in the continuation of economic opportunities for the Sedgefield Community. For the past ten years the craft market proofed to be viable on Sedgefield Erf 4308, and the other two markets in this node also functioned viable. The Community mosaic project result in much needed community upliftment for the marginalised Smutsville / Sizamele communities in Sedgefield.
Strive to ensure that the basic needs of all citizens are met in an affordable way.	N/A	This policy is not applicable to the application area
The sustained protection of the environment should be ensured.	COMPLY	The craft market does not result in any negative environmental impacts.

19.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	COMPLY	<ul style="list-style-type: none"> The proposal will fully optimise the existing resources, land and existing building/stands on site. The proposal will result in the continuation of the existing craft market. If the proposal is refused, crafters will have to find alternative space elsewhere, to sell their products. This could result in new resources that have to be obtained / used to accommodate the crafters. No additional infrastructure is required to legalise / formalise the Scarab market in its current form on Erf 4308. Any additional costs will be at the cost of the applicant or as determined by the Municipality
Integrated cities and towns should be developed.	COMPLY	The proposal contributes to the integration of the various land uses in the area and surrounding areas. The proposal will allow for better-integrated services for the town of Sedgefield.
Policy, administrative practice and legislation should promote speedy land development.	N/A	The municipality should process this application within the prescribed time frames of the Land Use Planning By-Law for Knysna Municipality, 2016.

19.4. Spatial Resilience

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	COMPLY	<p>The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report.</p> <p>The proposed application complies with the requirements of the Land Use Planning By-Law for Knysna Municipality, 2016.</p>

19.5. Good Administration

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
All spheres of government should ensure an integrated approach to land use planning.	Applicable to Knysna Municipality	<p>This principle has no direct bearing on the application; however, the Knysna Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</p> <p>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</p>
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform		

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

20. CONCLUSION

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

- i. The rezoning of a portion (± 1.448 ha) of Sedgefield Erf 4308, from "Undetermined Zone" to "Business Zone" to allow for business purposes and the Scarab Arts & Crafts Village, in terms of Section 15(2)(a) of the Knysna Municipality By-law on Municipal Land Use Planning, 2016.

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Land Use Planning By-Law for Knysna Municipality, 2016; is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Knysna Municipality.

Marika Vreken Urban and Environmental Planners
March 2020

ANNEXURE A:

Previous Approval

M MAUGHAN-BROWN
4308 SED

Tel: 044-3021605
Fax: 044-3021631

2009-12-17

H M Vreken TRP (SA)
P O Box 2180
KNYSNA
6570



REGISTERED MAIL

Sir/Madam

**PROPOSED TEMPORARY DEPARTURE TO PERMIT A CRAFT MARKET:
ERF 4308 SEDGEFIELD**

Your application dated 31 January 2006 refers.

Please be advised that my Council, at its Council meeting of 26 November 2009, resolved as follows:

“(a) That the following correspondence be noted:

- (i) Application from Scarab Village (Pty) Ltd for a temporary use departure on Erf 4308, Sedgefield
- (ii) Letters from SANRAL, dated 23 August 2006, 28 February 2007 and 11 September 2009;
- (iii) Memoranda from the Director: Technical Services, dated 8 March 2006, 10 July 2006, 21 August 2006, and 9 February 2007
- (iv) Memorandum from the Town Electrotechnical Engineer, dated 7 April 2006;
- (v) E-mail from District Roads Engineer, dated 16 March 2006;
- (vi) Letter from Department of Health, dated 28 March 2006;
- (vii) Letter from Sedgefield Ratepayers and Voters Association, dated 13 April 2006;
- (viii) Letter from Western Cape Department of Agriculture, dated 19 April 2006;
- (ix) Applicant's response to comment dated 10 July 2006;
- (x) Letters from Marike Vreken, dated 28 August 2009 and 9 September 2009 and 16 September 2009;

- (xi) Letters from Wild Oats Farmers Market dated 27 May 2005, 30 September 2009 and 20 October 2009
- (b) That the application for a Temporary Use Departure on Erf 4308 Sedgefield for the operation of a Craft Market be APPROVED, subject to the following conditions:
- (i) The Departure will be valid for a period of Five years, after which a new application must be submitted. It is the responsibility of the operator of the market to abide by this time limit and the Municipality shall not be responsible to notify the operator of the lapsing of the approval.
 - (ii) A detailed site development plan is to be submitted for approval by the Manager: Town Planning and Building Control and the Director: Technical Services and the operator is to adhere at all times to the Approved Site Development Plan, failing which the Temporary Use Departure approval will automatically lapse and the operator will be liable to legal action in terms of the Land Use Planning Ordinance;
 - (iii) The site development plan is to clearly indicate the positions and size of all stalls;
 - (iv) The site development plan is to indicate parking provision, which is to be in terms of the Sedgefield Zoning Scheme (1 bay per every 60 m² of space used for business purposes) for the area zoned for business and 4 bays per stall for the Craft Market;
 - (v) The number of stalls is to be limited to the one quarter of the number of parking bays that can be provided in excess of those required for business use;
 - (vi) Directional signage indicating the route to parking bays is to be provided to the satisfaction of the Manager: Protection Services;
 - (vii) Roads, parking bays and signs are to be established before 16 December 2009;
 - (viii) The 60 metre building line from the N2 is to be observed;
 - (ix) No permanent structures are to be erected in the Craft Market;
 - (x) No hardening of services is to be permitted;
 - (xi) Building plans must be submitted for all structures, whether temporary or permanent;
 - (xii) No water, sewer or electricity connections are to be provided other than those provided to the Art and Craft Centre;
 - (xiii) No structures are to exceed 8,5 metres above natural ground level;

- (xiv) All improvements are to be for the applicant's cost;
- (xv) The Knysna Municipality will not accept liability for losses or damages of whatsoever nature resulting from flooding whether or not these damages occur to goods or structures below the 3m MSL.
- (xvi) All advertising must be approved by the Knysna Aesthetics Committee and any advertising on the N2 must be approved by SANRAL. The Municipality reserves the right to require the immediate removal of any non approved signage."

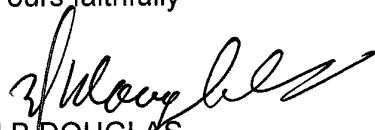
Your attention is drawn to the provisions of Section 44 of the Land Use Planning Ordinance, 1985 (Ord. No. 15 of 1985), in terms of which you have a right to appeal to the Premier of the Western Cape against the decision of Council. Should you wish to exercise this right of appeal, you must lodge such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

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

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

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

Yours faithfully


J B DOUGLAS
MUNICIPAL MANAGER

/ac

cc: Director: Corporate Services
Director: Finance
Director: Technical Services
Director: Planning & Development
Director: Community Services
TEE
BCO

ANNEXURE B:

Company Resolution & Power of Attorney

SPECIAL POWER OF ATTORNEY

I / We, A.F. KNOETX, J. WRIGHT AND F.J.F. BORGES (OF
SCARAB VILLAGE (PTY) LTD) the undersigned,

do hereby nominate, constitute and appoint
THE AUTHORISED AGENTS OF MARIKE VREKEN TOWN & REGIONAL PLANNERS CC and duly
authorised employees of Marike Vreken Town Planners CC
with power of Substitution to be *my/our lawful representatives in *my/our application for:

REZONING

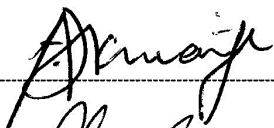
on

SEDGEFIELD ERF 4308

In addition to apply for such amendments of any zoning schemes / structure plans /
Removal of Title Deed Restrictions as may be deemed necessary and to make other
necessary application and further to represent *me/us at any inquiry in relation to the
abovementioned matters and generally do whatever may be necessary or desirable to
procure the approval of the application, by virtue of those present and whatever our said
representative have to date done herein.

Signed at SEDGEFIELD on this 26th day of JUNE 2019

SIGNED:



SIGNED:



SIGNED:



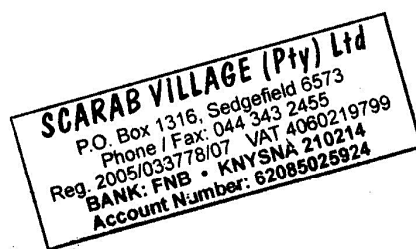
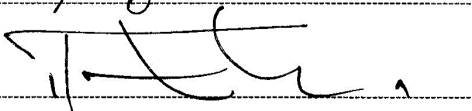
In the presence of the undersigned witnesses:

AS WITNESSES:

1.



2.



SCARAB VILLAGE (PTY) LTD, Reg No: 2005/033778/07
ON 22/09/2005 CONVERTED FROM:

GRIBBON TRADIN 39 CC
Reg No 200410731423

(Name of Company, Partnership, Trust or Close Corporation)

RESOLUTION

Resolution passed at the meeting of the Shareholders/~~Partners/ Trustees/~~
~~Members~~ held in SEDFIELD on the 26th day of JUNE 2019.

Resolved that A. F. KNOETAE in his capacity as DIRECTOR, be and is hereby authorized to do whatever may be necessary to give effect to this resolution and to enter into and to sign such documents necessary to proceed with the applications as specified hereunder on behalf of the Company/ Partnership/ Trust/ Close Corporation with such modification as he/ she in his/ her sole discretion shall deem fit, his/ her signature to be conclusive proof that the documents which bear it are authorised in terms hereof.

DESCRIPTION OF PROPERTY:

SEDFIELD ERF 4308

NATURE OF APPLICATION:

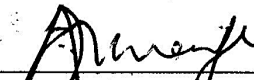


REZONING

SIGNATURE OF SHAREHOLDERS/~~PARTNERS/ TRUSTEES/ MEMBERS.~~

NAME:

A. F. KNOETAE
J. WRIGHT
F. J. F. BORGES

SIGNATURE:

SCARAB VILLAGE (Pty) Ltd
P.O. Box 1316, Sedgfield 6573
Phone / Fax: 044 343 2455
Reg. 2005/033778/07 VAT 4060219799
BANK: FNB • KNYSNA 210214
Account Number: 62085025924

ANNEXURE C:

Application Form



LAND USE PLANNING APPLICATION FORM

(Section 15 of the Proposed Standard Draft By-law on Municipal Land Use Planning)

KINDLY NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Marike				
Surname	Vreken				
South African Council for Planners (SACPLAN) registration number (if applicable)	1101				
Company name (if applicable)	Marike Vreken Town Planners				
Postal Address	Po Box 2180				
	Knysna	Postal Code	6570		
Email	marike@vreken.co.za				
Tel	044 382 0420	Fax		Cell	082 927 5310

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	Gibbon Trading 39 CC				
Physical address					
		Postal code			
E-mail					
Tel		Fax		Cell	

PART C: PROPERTY DETAILS (in accordance with title deed)

Property description [Number(s) of Erf/Erven/Portion(s) or Farm(s), allotment area.]	Remainder Erf 4308 Sedgefield, in the Municipality and division of Knysna, Province of Western Cape.				
Physical Address	Sedgefield Erf 4308 is located at the Engen Sedgefield node, at the entrance of Sedgefield Island. The N2 National Road forms the northern boundary of Erf 4308. Erf 4308 is directly east of the Engen Sedgefield 1-Stop.				
GPS Coordinates	34° 0'36.22"S and 22°46'54.97"E	Town/City	Sedgefield		
Current Zoning	<u>Split Zoning</u> • Business Zone	Extent	1.5464 Ha	Are there existing buildings?	Y N

	• Undetermined Zone						
Applicable Zoning Scheme	Section 8 Zoning Scheme Regulations (1988)						
Current Land Use	Business Building & Craft Market						
Title Deed number and date	T	T02398/2005					
Any restrictive conditions?	Y	<u>N</u>	If Yes, list condition(s)	N/A			
Are the restrictive conditions in favour of a third party(ies)?	Y	<u>N</u>	If Yes, list the party(ies)	N/A			
Is the property encumbered by a bond?	Y	<u>N</u>	If Yes, list bondholder(s)	N/A			
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<u>Y</u>	N	If yes, is this application to legalize the building / land use?	<u>Y</u>	N		
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	<u>N</u>	Are there any land claim(s) registered on the subject property(ies)?	Y	<u>N</u>		

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	<u>Y</u>	N	If Yes, complete the information below and attach the minutes of the pre-application consultation.			
Official's name	Steward Mqhele	Reference Number	Pre-Application meeting – 21 August 2019	Date of consultation	21 August 2019	

PART E: LAND USE PLANNING APPLICATIONS IN TERMS OF SECTION 15 OF THE PROPOSED STANDARD DRAFT BY-LAW ON MUNICIPAL LAND USE PLANNING AND APPLICATION FEES PAYABLE

Tick	Section	Type of application	Cost
√	2(a)	a rezoning of land;	R 3 094.00
√	2(b)	a permanent departure from the development parameters of the zoning scheme;	R 0
√	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
√	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
√	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
√	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
√	2(g)	a permission required in terms of the zoning scheme;	R
√	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
√	2(i)	an extension of the validity period of an approval;	R
√	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
√	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
√	2(l)	a permission required in terms of a condition of approval;	R

✓	2(m)	a determination of a zoning;	R
✓	2(n)	a closure of a public place or part thereof;	R
✓	2(o)	a consent use contemplated in the zoning scheme;	R
✓	2(p)	an occasional use of land;	R
✓	2(q)	to disestablish a home owner's association;	R
✓	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
✓	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.	R
TOTAL A:			R 3 094.00

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
✓	SERVING OF NOTICES	Delivering by hand; registered post; data messages	R
✓	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
✓	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
✓	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
✓	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R

* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

** The applicant is liable for the cost of publishing and serving notice of an application.

KNYSNA MUNICIPALITY'S BANK ACCOUNT DETAILS

Name: Knysna Municipality
 Bank: Nedbank
 Branch no.: 162645
 Account no.: 1626561826
 Payment reference: Erf Number

PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

See attached Motivation Report

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Proposed Standard Draft By-law on Municipal Land Use Planning]

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete. It will not be considered complete until all required information and documentation have been submitted.

Information and documentation required in terms of section 38(1) of said legislation

<u>Y</u>	N	Power of attorney / Owner's consent if applicant is not owner		Y	<u>N</u>	Bondholder's consent (if applicable)
<u>Y</u>	N	Resolution or other proof that applicant is authorised to act on behalf of a juristic person		<u>Y</u>	N	Proof of registered ownership or any other relevant right held in the land concerned
<u>Y</u>	N	Written motivation		<u>Y</u>	N	S.G. diagram / General plan extract
<u>Y</u>	N	Locality plan		<u>Y</u>	N	Site development plan or conceptual layout plan
Y	<u>N</u>	Proposed subdivision plan		Y	<u>N</u>	Proof of agreement or permission for required servitude
<u>Y</u>	N	Proof of payment of application fees		<u>Y</u>	N	Full copy of the title deed
Y	<u>N</u>	Conveyancer's certificate		<u>Y</u>	N	Minutes of pre-application consultation meeting (if applicable) (21 August 2019)

Supporting information and documentation:

Y	N	<u>N/A</u>	Consolidation plan		<u>Y</u>	N	<u>N/A</u>	Land use plan / Zoning plan
Y	N	<u>N/A</u>	Street name and numbering plan		Y	N	<u>N/A</u>	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	<u>N/A</u>	Landscaping / Tree plan		Y	N	<u>N/A</u>	Home Owners' Association consent
Y	N	<u>N/A</u>	Abutting owner's consent		Y	N	<u>N/A</u>	Services Report or <u>indication of all municipal services / registered servitudes</u>
Y	N	<u>N/A</u>	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)		Y	N	<u>N/A</u>	Proof of failure of Home owner's association
Y	N	<u>N/A</u>	Copy of original approval and conditions of approval		Y	N	<u>N/A</u>	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	<u>N/A</u>	Proof of lawful use right		Y	N	<u>N/A</u>	

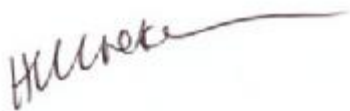
<u>Y</u>	N	N/A	Required number of documentation copies		Y	N	<u>N/A</u>	Other (specify)
PART H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION								
Y	<u>N/A</u>	National Heritage Resources Act, 1999 (Act 25 of 1999)		Y	<u>N/A</u>	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)		
Y	<u>N/A</u>	National Environmental Management Act, 1998 (Act 107 of 1998)						
Y	<u>N/A</u>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)						
Y	<u>N/A</u>	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)						
Y	<u>N/A</u>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations						
Y	<u>N/A</u>	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	<u>N/A</u>	Other (specify)		
Y	<u>N</u>	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.						
<u>Y</u>	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of the Proposed Standard Draft By-law on Municipal Land Use Planning ? If yes, please attach motivation.						

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section [86\(1\)\(e\)](#) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
6. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
7. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services are payable by the applicant as a result of the proposed development.

Applicant's signature:



Date:

17/03/2020

Full name:

Hendrika Marike Vreken

Professional capacity:

Professional Town Planner

SACPLAN registration
number:

1101

FOR OFFICE USE ONLY

Date received:

Received by:

Municipal Stamp

ANNEXURES

The following Annexures are attached for your information, only if applicable:

Please do not submit these Annexures with the application form.

Annexure A: Minimum requirements matrix

Annexure B: Land use planning application submission and protocol

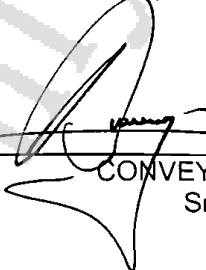
Annexure C: Land use planning application workflow

ANNEXURE D:

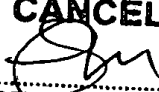
*Copy of Title Deed – T62398/2005 & Windeed
Copy*


293
MILLER'S INC
BEACON HOUSE
123 MEADE STREET
GEORGE
6530

Prepared by me


CONVEYANCER
Snyman T

FEE
R. 500,00

BC 071545 / 2016
GEKANSELEER CANCELLED
 REGISTRATEUR/REGISTRAR
08 DEC 2016

VERBIND	MORTGAGED
VIR FOR R 1225 000,00	
B 000083553 / 2005	 REGISTRATEUR/REGISTRAR
05 AUG 2005	

DEED OF TRANSFER

000002398 / 2005

BE IT HEREBY MADE KNOWN THAT

MARILIZE HUGO

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said
appearer being duly authorised thereto by a Power of Attorney which said Power
of Attorney was signed at GEORGE on 16 MAY 2005 granted to him by

MALCOLM REGINALD DOUBELL
Identity Number 320923 5021 00 7
Unmarried

DATA / VERIFY
22 AUG 2005
OLIVIER Y

DATA / VERIFY
18 AUG 2005
KORACE L

And the appearer declared that his said principal had, on 8 April 2005, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

GRIBBON TRADING 39 CC
No. 2004/107314/23

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

REMAINDER ERF 4308 SEDGEFIELD, IN THE MUNICIPALITY AND
DIVISION OF KNYSNA, PROVINCE WESTERN CAPE;

IN EXTENT 1,5464 (ONE COMMA FIVE FOUR SIX FOUR) HECTARES

FIRST TRANSFERRED and still held by Deed of Transfer No. T20017/2002 with
Diagram S.G. No. 7085/1999 relating thereto.

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

B. ENTITLED to the benefits of the servitude, a reference to the terms of
which dated 25th September 1929 appears on Deed of Transfer No. 822
dated 3rd February 1928, reading as follows:

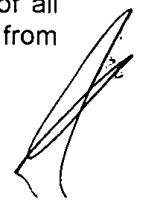
"By Deed of Transfer No. 9658 dated 25th September 1929 certain 2 rights
of way shown on the diagram annexed thereto are to remain open for the
use of the owner of the remainder of the land held hereunder as will more
fully appear on reference to the said Deed of Transfer."

C. ENTITLED to the benefits of the servitude, a reference to the terms of
which dated 9th September 1955 appears on Deed of Transfer No. 26897
dated 26th November 1948, reading as follows:

"By D.T. No. 14782/1955 dd. 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 16 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 said Deed of Transfer."

D. ENTITLED to the benefits of the servitude, a reference to the terms of
which dated 17th August 1956 appears on Deed of Transfer No. 26897
dated 26th November 1948, reading as follows:

"By Deed of Transfer No. 11681/56 d.d. 17/8/56 the owner of the
remainder of within ppty. 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 Ptn. 30 of the farm Ruygte Valley – 68/0873 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. ENTITLED to the benefits of the servitude, a reference to the terms of which dated 17th August 1956 appears on Deed of Transfer No. 26897 dated 26th November 1948, reading as follows:

"By Deed of Transfer No. 11682/56 d.d. 17/8/56 the owner of the rem. of within ppty. together with his nominees, employees, servants and successors in title shall be entitled to – a right of way 30 ft. wide over Ptn. 84 (a ptn. of Ptn. 13 of the farm Ruygte Valley, 40,8572 mgn) thereby conveyed, 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. ENTITLED to the benefits of the servitude, a reference to the terms of which dated 20th February 1957, appears on Deed of Transfer No. 26897 dated 26th November 1948, reading as follows:

"By Deed of Transfer No. 1981/57 with Diagram No. 5770/55 annexed, Portion 85 (a ptn. of Ptn. 13) of Ruygte Valley, in extent 15,1618 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. SUBJECT to the following special conditions contained in the said Deed of Transfer No. 9233/1957 imposed by the Sedgefield Investments (Proprietary) Limited for the benefit of itself and its successors in title as owners of the remaining extent held under Deed of Transfer No. 26897 dated 26th November 1948 namely:

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

2.

3. 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.

- H. ENTITLED to benefits under the terms of the servitude referred to in the following endorsement dated 16th January 1961 on the said Deed of Transfer No. 9233/1957 namely:

"By D/T 275/61 registered this day Portion 3 measuring 12,1480 morgen thereby transferred is subject to the following conditions in favour of the remainder of Lot 1627 measuring 129,3261 morgen held hereunder – conditions relating to uniformity of fencing line, sanitation, ownership, occupation, fencing material, use of property, disposal of night soil,



restriction of buildings, advertising, subdivision, drainage and sewerage, etc. as will more fully appear from said deed of transfer."

- I. By Deed of Transfer No. T104/88 dated 4 January 1988 the remainder of the within property is subject to the following conditions imposed by the Administrator i.t.o. Section 9 of Ordinance 33/1934:

- (a) The owner of this erf shall without compensation, be obliged to allow gas mains, electricity-, telephone- and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven to be conveyed across this erf, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
- (b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

- J. By Deed of Transfer No. T105/88 the remainder of the within property is subject to the following conditions imposed by the National Transport Commission in terms of Seciton 12 of Act No. 54/1971:

1. The land shall not be developed without the written approval of the Commission.
2. With the exception of existing structures, no structures or any other thing whatsoever shall be erected within a distance of 60 metres, measured from the National Road reserve boundary, without the written approval of the Commission.

- K. By Deed of Transfer No. T63413/2000 the within property is ENTITLED to a servitude of pipeline, cable line and bore hole, 2,6 m wide the north western boundary of which servitude is indicated by line G D on Diagram 6726/1999 over Erf 4306 Sedgefield meas. 4047 m². As will more fully appear from said deed of transfer.

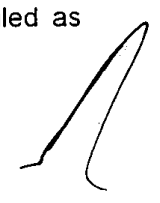
- L. SUBJECT FURTHER to the following endorsement as contained in Deed of Transfer No. T1800/1967, which reads as follows:

"Remainder

Endorsement in terms of Section 31(6) of Act 47 of 1937 (as amended)

A portion of the Remainder of the herein mentioned property, meas. (1) 17,80 ha (2) 1,50 ha. has been expropriated by Republic of S.A. in terms of Section 8(1)(a) of Act on National Roads 54/1971.

Vide Notice of Expropriation No. N10/3/1/064/258 dd 13.6.80, filed as exprop. Caveat Ex 454/80, plans in duplicate filed herewith."



- M. FURTHER SUBJECT to the following endorsement as contained in Deed of Transfer No. T1800/1967 which reads as follows:

"Remainder

Endorsement in terms of Section 31(6) of Act 47 of 1937 (as amended)

A portion of the herein-mentioned property meas. approx. 3010 m² has been expropriated by Republic of South Africa in terms of Sect. 8(1)(a) of the National Roads Act 54 of 1971.

Vide Notice of expropriation No. N10/3/1/064/258 dd 10.5.1985 filed as exprop. caveat Ex464/85, plans filed in duplicate."

- N. FURTHER SUBJECT to the following condition contained in Deed of Transfer No. T20017/2002 and imposed by and in favour of The South African National Roads Agency in terms of Section 49 of The South African National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998):

With the exception of existing structures, no structure or any other thing whatsoever shall be erected laid or established within a distance of 20 metres, measured from the national road reserve boundary, without the written approval of The South African National Roads Agency Limited.

- O. By virtue of Deed of Transfer No. T66446/2002 the within property is entitled to a servitude area 2,6 metres wide, the north western boundary of which servitude is indicated by the line D F on diagram No. 1919/2002 over Erf 4504, Sedgefield, measuring 476 m² and held by the said Deed of Transfer.

- P. By virtue of Notarial Deed of Servitude No. K790/2002S dated 12 July 2002 the within mentioned property is

SUBJECT to a servitude area with ancillary rights in extent 86 sq.m. in favour of

Erf 4504 Sedgefield
in the Municipality and Division of Knysna
Province of the Western Cape

In extent: 476 sq.m.

Held by Deed of Transfer No. T66446/2002

with servitude is indicated by the figure AEB on Diagram SG No. 1919/2002 annexed to Deed of Transfer No. T66446/2002.

As will more fully appear from said Notarial Deed of Servitude.

- Q. By virtue of Notarial Deed of Servitude K791/2002 dated 12 July 2002, the within property is subject to a servitude area 13 metres wide from and parallel and along the entire length of the line C B (being the northern boundary) up to where it meets the line BA on Diagram No. 7085/1999 annexed to T20017/2002 in favour of Erf 4505 Sedgefield, meas. 4523 m² and held by Certificate of Consolidated Title No. T66447/2002.

As will more fully appear from the said Notarial Deed.



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

MALCOLM REGINALD DOUBELL, Unmarried

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

GRIBBON TRADING 39 CC
No. 2004/107314/23

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 550 000,00 (ONE MILLION FIVE HUNDRED AND FIFTY THOUSAND RAND).

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

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

5 August

2005

Att

Hugo

q.q.

In my presence

[Signature]

REGISTRAR OF DEEDS

[Signature]

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

SEDFIELD, 4308, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/08/15 12:22
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference PR1944

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 4308
Portion Number 0 (REMAINING EXTENT)
Township SEDFIELD
Local Authority SEDFIELD MUN
Registration Division NOT AVAILABLE
Province WESTERN CAPE
Diagram Deed T20017/2002
Extent 1.5464H
Previous Description -
LPI Code C03900100000430800000

OWNER INFORMATION**Owner 1 of 1**

Type CLOSE CORPORATION
Name GRIBBON TRADIN 39 C C
ID / Reg. Number 200410731423
Title Deed T62398/2005
Registration Date 2005/08/05
Purchase Price (R) 1,550,000
Purchase Date 2005/04/08
Share 0.00
Microfilm 2005 1875 1751
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (4)

#	Document	Institution	Amount (R)	Microfilm
1	K790/2002S	-	UNKNOWN	2002 0661 2660
2	K791/2002S	-	UNKNOWN	2002 0661 2705
3	SUBDIVISION FROM	TOWN SEDFIELD ,ERF 1627 ,PRTN 0	UNKNOWN	0000000*
4	NOW SUBDIVISION	TOWN SEDFIELD ,ERF 4504 ,PRTN 0	UNKNOWN	-

HISTORIC DOCUMENTS (2)

#	Document	Owner	Amount (R)	Microfilm
1	T20017/2002	DOUBELL MALCOLM REGINALD	180,000	2007 1208 5738
2	B83553/2005	-	1,225,000	2005 1875 1765

DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

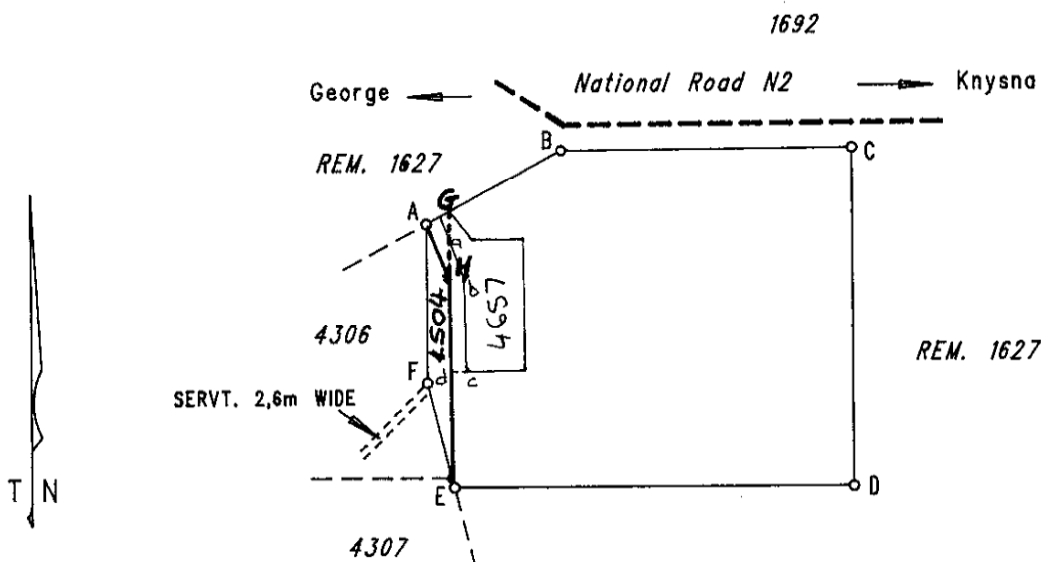
ANNEXURE E:

SG No. 7085/1999

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 23 X			S.G. No. 7085/1999
		CONSTANTS				
AB	52, 31	241 12 10	A	+ 0, 00	+3700000, 00	Approved <i>B. Mtshatshe</i> for Surveyor General 2000-01-06
BC	98, 36	269 37 30	B	+20 245, 22	+64 759, 99	
CD	116, 09	360 00 00	C	+20 199, 38	+64 734, 80	
DE	135, 26	90 00 00	D	+20 101, 03	+64 734, 15	
EF	36, 85	165 57 40	E	+20 101, 03	+64 850, 24	
FA	54, 50	180 00 00	F	+20 236, 29	+64 850, 24	
		3322/220	Δ	+20 245, 22	+64 814, 49	
		3322/449	Δ	+21 571, 94	+66 750, 00	
			Δ	+17 342, 95	+66 280, 15	

DESCRIPTION OF BEACONS

A,B,C,D,E,F .. 12mm iron peg



Scale 1:2 500

The figure A B C D E F
represents 1,5940 hectares of land being
Erf 4308 (a ptn. of Erf 1627) SEDGEFIELD
Situate in Sedgefield Transitional Local Council
Administrative District of KNYSNA
Province of the Western Cape
Surveyed by me in November-December 1999

P.G. Tarboton
Professional Land Surveyor
P.G. Tarboton Reg. No. 0605

This diagram is annexed to
No. *T20017/2002*
dated
i.f.o.

Registrar of Deeds

The original diagram is
No. 5752/1952
Annexed to
D/T 1957. 185 .9233

File No. S/6853/1/1
S.R. No. E3023/1999
Comp. AL-2BA/V23 (681)

THIS PLAN IS APPROVED IN
TERMS OF ACT 98
OF 1994

APPROVED IN TERMS OF SECT. 86
OF ORD. 15/1985

REF. 15/2/3/2/53

DATE 1999.12.01

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMARKS
E858/2002	1919/2002	ERF 4504	476 m ²	66446/02	WV	
E1538/2004	3379/2004	Erf 4657	981 m ²			

SERVITUDES/LEASEHOLD AREAS				
SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	DEED	INITIALED
E858/2002	1919/2002	The figure AGH represents a servitude area in extent of 86 m ² .	66446/02	WV
E1538/2004	3379/2004	The figure abcd represents a serv area		

ANNEXURE F:

SG No. 1919/2002

CANCELLED
 Erf 4505 (66446/02)
W. J. J. J.
 2002.09.30

APPROVED SUBJECT TO SIMULTANEOUS REGISTRATION OF DIAGRAM 1920/2002 BEING ERF 4505

EXEMPT FROM PROVISIONS OF ACT 70 OF 1970
 SECTION 1(a)

EXEMPT FROM PROVISIONS OF CHAPTER III OF ORD. 1971/58

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 23 X			S.G. No. 1919/2002
		CONSTANTS				
AB	20, 30	337 58 20	A	+20 245, 23	+64 760, 00	Approved <i>[Signature]</i> Surveyor General 2002.05.14
BC	68, 22	359 33 30	B	+20 237, 61	+64 778, 81	
CD	33, 55	165 57 40	C	+20 237, 09	+64 847, 03	
DA	54, 50	180 00 00	D	+20 245, 22	+64 814, 49	
SERVITUDE DATA						
AE	8, 49	241 12 10				
EB	22, 91	359 33 30	E	+20 237, 79	+64 755, 91	
DF	11, 16	224 31 20				
FC	40, 50	359 33 30	F	+20 237, 40	+64 806, 53	
		3322/220	Δ	+21 571, 94	+66 750, 00	
		3322/449	Δ	+17 342, 95	+66 280, 15	

DESCRIPTION OF BEACONS

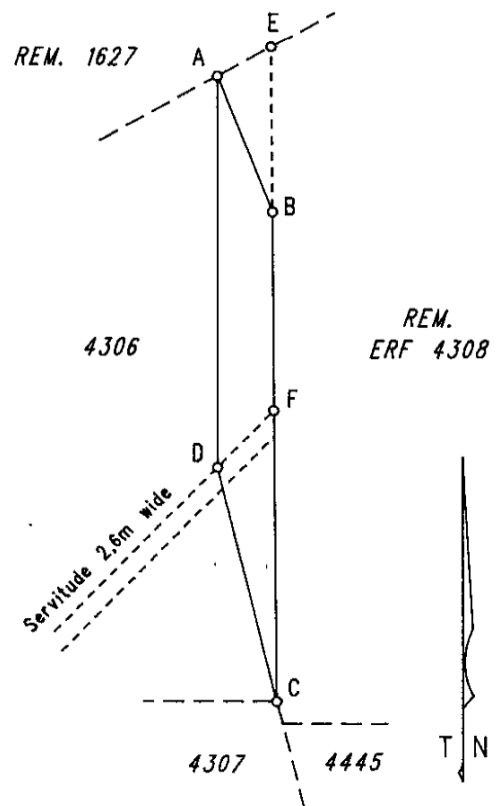
A,B,C,D,E,F .. 12mm iron peg

SERVITUDE NOTES

- 1) The figure AEB represents a servitude area in extent 86 square metres over the remainder
- 2) The line DF represents the NW boundary of a servitude 2,6m wide as indicated

*Included in
 Consol ride
 erf 4505
 Dgm. 1920/2002*

Scale 1:1 000



The figure A B C D
 represents 476 square metres of land being

Erf 4504 (a ptn. of Erf 4308) SEDGEFIELD

Situate in the Municipality and
 Administrative District of KNYSNA
 Province of the Western Cape
 Surveyed by me in November 1999
 and April 2002

[Signature]
 Professional Land Surveyor
 P.G.Tarboton Reg. No. 0605

This diagram is annexed to No. 66446/2002 dated i.f.o.	The original diagram is No. 7085/1999 Annexed to D/T 2002. .20017	File No. S/6853/1/1Vol2 S.R. No. E858/2002 Comp. AL-2BA/V23 (681)
Registrar of Deeds		

ANNEXURE G:

SG No. 3379/2004

Approved in terms of

Act 7/1998

EXEMPT FROM PROVISIONS OF ACT
70 OF 1970

SECTION 1 (a)

APPROVED IN TERMS OF SECT. 25
OF C.O.D. 15/1985

REF 4308 SEDGEFIELD

DATE 18/05/2004

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System WG.23 X		S.G. No.
		CONSTANTS				3379/2004
AB	3, 45	241 12 10	A	+ 0, 00	+3700000, 00	Approved <i>Abledy</i> Surveyor General 15-10-2004
BC	13, 10	315 37 40	B	+20 240, 81	+64 757, 57	
CD	15, 91	269 33 30	C	+20 237, 79	+64 755, 91	
DE	44, 65	359 33 30	D	+20 228, 63	+64 765, 27	
EF	20, 00	89 33 30	E	+20 212, 72	+64 765, 15	
FG	32, 13	179 33 30	F	+20 212, 37	+64 809, 80	
GA	21, 85	157 58 20	G	+20 232, 37	+64 809, 95	
SERVITUDE DATA						
CH	9, 09	90 19 00	H	+20 232, 62	+64 777, 82	
HB	9, 31	179 33 30				
FJ	5, 00	89 33 30	J	+20 237, 72	+64 765, 22	
JH	44, 77	179 33 30				
HG	13, 59	337 58 20				
		3322/220	A	+21 571, 94	+66 750, 00	
		3322/449	A	+17 342, 95	+66 280, 15	

DESCRIPTION OF BEACONS
A ... 12mm Iron peg in tarmac
B,C,D,E,F,G,H,J ... 12mm Iron peg

SERVITUDE NOTES
1) The figure BCH represents a servitude area
2) The figure HGFJ represents a servitude area over the Remainder
3) The figure ABH represents a servitude area.
Vide Diagram S.G.No. 1919/2002
D/T No. 2002- -66446 (Erf 4504)

Scale 1:1 000

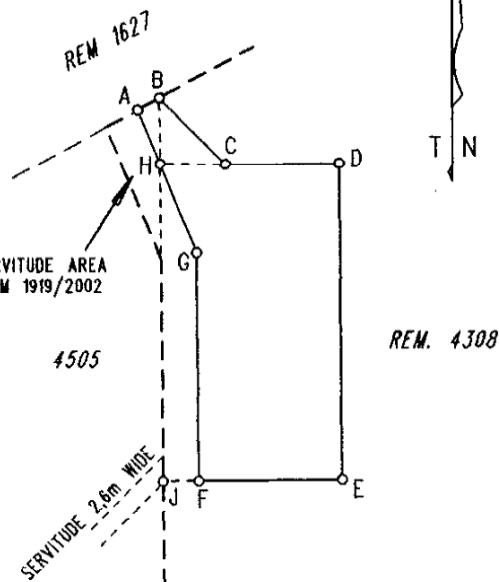
The figure A B C D E F G represents 981 square metres of land being Erf 4657 (a ptn. of Erf 4308) SEDGEFIELD

Situate in the Municipality and Administrative District of KNYSNA Province of the Western Cape

Surveyed by me in June 2004

Professional Land Surveyor
P.G.Tarboton Reg. No. 0605

This diagram is annexed to	The original diagram is	File No. S/6853/1/1Vol2
No. dated i.f.o.	No. 7085/1999	S.R. No. E 1538/2004
	Annexed to	Comp. AL-2BA/V23 (681)
	D/T 2002. 20017	LPI C0390010
Registrar of Deeds		



ERF 4657 SEDGEFIELD

ANNEXURE H:

Pre Application Minutes



Knysna

Municipality • Munisipaliteit • uMasipala
INCLUSIVE. INNOVATIVE. INSPIRED.

KNYSNA MUNICIPALITY
PRE –APPLICATION MEETING

Minutes of meeting held on the
21 August 2019

At
09:00

Planning and Development Boardroom

MINUTES

No	Item	Presentation
1.	Opening and Welcoming	Mr S Mqhele
2.	<p>Attendance Mr S Mqhele (Chairperson) Ms N Vonya – KM: Town Planning Ms L Mniki – KM: Town Planning Mr S Madumbo – KM: Town Planning Mr L Stefane – KM: Town Planning Ms P Booth – KM: Environmental Services (not entire duration)</p> <p>Mr L Botha – Applicant: VPM Planning CC Mr H Labuschagne – Applicant: Marike Vreken Planners Ms M Vreken – Applicant : Marike Vreken Planners</p> <p>Apologies Mr A Africa – KM: TSD M R Hardnick – KM: Environmental Management</p>	
3.	Items for consideration	
3.1	<p><u>Erf 13741 & 13742, Knysna – Application for Subdivision and Consolidation</u></p> <p><u>Discussion</u></p> <ul style="list-style-type: none"> • Situated in Green Pastures • Owned by HOA • Wish to Subdivide and Dispose of the land • Unutilised Private Open Space 	All Municipal officials and the relevant applicant(s).

	<ul style="list-style-type: none"> • Other Portion to create new residential property (to be rezoned) • Remainder to also be rezoned to “Single Residential” • AGM Held and consensus reached for the aforementioned • Applicant does not believe that there was Environmental purposes • Previous approvals will have implications on the requirement of other Land Use Planning Applications such as Amendment of Conditions of Approval • Amendment of General Plan can’t be done (and won’t be required) as there are properties which have been registered • Town Planning won’t know implications on Services, therefore TSD to be consulted • Accessibility to new erven and implication on the existing road portion to be addressed • It appears that there may be a Servitude. <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> • Circulate to TSD and Environmental Management, amongst others • Subdivision Application • Accessibility to new erven and implication on the existing road portion to be addressed • Applicant to investigate Servitude and implications of the proposal therefore • Subdivision • Consolidation • Rezoning • Amendment of Previous Approvals • Compare existing and proposed zoning implications • To be advertised • Submit AGM Minutes • POA/ Co. Res required • Applicant to check for any restrictive conditions and bond on the title deed; and submit necessary motivation, consent and applications, where applicable • Motivate in terms of Section 65 of the Planning By-Law • Information required in terms of Section 38 of the Planning By-Law • Return to Pre-Application Meeting to present prior to submission • Applicant to consult with TP Department following next week’s Transitional Zoning; as well as SDF Meeting to confirm whether Public Participation will take place again; and confirmation on estimated finalisation dates. • DAFF needs to be consulted for Protected Trees. 	
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3.2	<p><u>Erf 592, 593 & 2720, Knysna – Application for Rezoning and Consolidation</u></p> <p><u>Discussion</u></p> <ul style="list-style-type: none"> • All zoned General Residential • Proposal: <ul style="list-style-type: none"> ○ <u>Multi-Purpose Community Centre</u> ○ Church – POW – 200 seater ○ Restaurant ○ Conference Facility (not exclusively for religious purposes) ○ Crèche ○ Office – Administrative; ○ Studios/ Classes ○ Doctors rooms ○ Courtyard ○ Consolidate ○ No fencing • No existing zoning to accommodate multi-purpose proposal • Intended to optimise use of space during the week as the property is expensive and Knysna CBD currently does not have that. • Shared Parking between uses which alternate at different hours • Parking space to be located along the abutting properties to be used as a buffer • On-street diagonal Parking • Special Zone as per Draft Zoning Scheme • Mortimer Street is one way • Access proposed on Gordon Street (dual-way) • Accessible for pedestrians • Architecture is to enhance the urban character • Vegetation: <ul style="list-style-type: none"> ○ Palm Tree ○ Indigenous trees ○ Avocado Tree ○ To be retained and; ○ New trees to be planted • Consultation to be held with TSD • Consultation to be held with Aesthetics Committee • Province has been consulted and (Daleen) said it is a Special case which has Merit seeing as though there is no provision made in current and draft Zoning Scheme • Space (land) is limited in Knysna • Height <ul style="list-style-type: none"> ○ Current zoning allows for 12m ○ Applicant uncertain but considers approx. 10m • No Restrictive Conditions • Refined SDP required for informed Decision 	All Municipal officials and the relevant applicant(s).
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	<p><u>Recommendation:</u></p> <ul style="list-style-type: none"> • Draft Scheme and SDF to be considered in the timing of submission • Motivation to include comparison between current and proposed scheme • Consolidation • Circulate to Environmental Management; TSD • Resolution with Aesthetics Committee to be submitted with the application • Lease Agreement for off-site Parking to be submitted with the application • POA/ Co. Res required • Motivate in terms of Section 65 of the Planning By-Law • Information required in terms of Section 38 of the Planning By-Law 	
3.3	<p><u>Erf 4308, Sedgfield – Application for Rezoning</u></p> <p><u>Discussion</u></p> <ul style="list-style-type: none"> • 1.94ha in extent • Split zone <ul style="list-style-type: none"> ○ Business Zone (small portion) ○ Undetermined (remaining) • Property has history of land use planning applications, some of which, have lapsed • It is assumed that the property has not been developed due to the rule/ policy which did not allow development below 3msl • Proposal: <ul style="list-style-type: none"> ○ Formalise the existing market (of Temporary Structure) which was previously granted under TUD by Rezoning to “Business” ○ With a Site Development Plan with further restrictions • Discuss the intensity of the different business Zones and the compatibility thereof • Survey not yet conducted • Enforcement is a concern • Site Specific Circumstances • Outside of the Urban Edge • Alternative sites ought to be considered • The current land use is desirable • Spatial Planning Policy does not provide guidance • SPLUMA and LUPA Principles may assist 	All Municipal officials and the relevant applicant(s).

	<ul style="list-style-type: none"> Split zoning, Local Business Zone, Commercial Zone, were deliberated as options. However, a suitable Zoning (for the proposed zoning) was not concluded in light of the Environmental constraints <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> Anything inconsistent with the SDF is not preferably supported Applicant wishes to apply for a Rezoning with an emphasis on 'Site Specific Circumstances' Circulate to DEA&DP, amongst others Sect 38, 65 	
3.4	<p><u>Erf 15309 (Fernwood Phase III), Knysna – Application for Rezoning and Subdivision</u></p> <p><u>Discussion</u></p> <ul style="list-style-type: none"> Approved 2002/ 2003 Nodes – Single Residential, Group Housing, Amend intent for properties on the Ridge to rather accommodate Assisted Living (similar to Berg and Kloof) Benefit is that there will be more green space Less Coverage Below 8m, and minimal visual impact as Phase 3 resides in a 'ditch' ROD to be amended Rezone to General Residential Zoning Certificate requested and not received Subdivisional Area or Group Housing Zone – Not certain Current (and approved) access Unused Municipal Reservoir (on Fernwood Land) in close proximity Subdivisional Area has a base zone, therefore, Group Zone Service Reports done and less services to be utilised <p><u>Recommendation</u></p> <ul style="list-style-type: none"> Rezoning Amendment of Previous Approvals Application(s), where applicable Circulate to Internal and External Stakeholders, especially Environmental 38, 65 	
	<p><u>Erf 16370, Knysna (Life Bay Hospital) – Application for Departure</u></p> <p><u>Discuss</u></p> <ul style="list-style-type: none"> Converting existing premises (open stoep/ balcony/ conference room) to allow new consulting rooms There are implications on Parking Applicant to assess/ scrutinise previous approvals to confirm if there is a Site Development Plan and what the Parking Ratios will be 	

	<ul style="list-style-type: none"> • Applicant obtained comment forms signed by the neighbouring property owners • Coverage shall be unchanged <p><u>Recommendation</u></p> <ul style="list-style-type: none"> • Applicant to assess/ scrutinise planning property files to determine whether Amendment applications will be required • Circulate to internal and external stakeholder • POA/ Co. Res required • Applicant to check for any restrictive conditions and bond on the title deed; and submit necessary motivation, consent and applications, where applicable • Motivate in terms of Section 65 of the Planning By-Law • Information required in terms of Section 38 of the Planning By-Law 	
4.	The Chairperson closed the meeting.	
<p><i>*The Municipality reserves the right to make further/ revised Recommendation should additional information be provided.</i></p>		

PLAN 1:








Locality Plan

PLAN 2:

Land Use Plan

LEGEND

Land Uses

-  Agriculture
-  Engen & Wimpy Segdefield 1-Stop
-  Mosaic Village and Outdoor Market
-  Scarab Arts & Crafts Village
-  Single Residential
-  Vacant
-  Wild Oats Community Farmers' Market



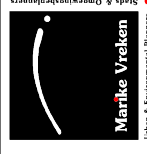
SEDFIELD ERF 4308

LAND USE PLAN



Projection: Transverse Mercator
 Centre Lon: 22°46'49" E
 Centre Lat: 34°00'33" S
 Created: 2020/03/06
 Scale: 1:3500

Stored: Y:\GIS\Approved Projects\PT1944- Sedgefield ERF 4308 (Scarab)\Sedge ERF 1646.nwm



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PLAN 3:

Site Development Plan

LEGEND

Sedgefield Erf 4308

Extent = 1.5464 ha (SG No. 7085/1999)

Building Lines

SANRAL (20m)

National Transport Commission (60m)

SURVEYED CONTOURS

(Surveyed by G.S. Savage - October 2019)

Above 3m Mean Sea Level (MSL)

Under 3m Mean Sea Level (MSL)

EXISTING STRUCTURES

As-Built Lapa (242.17m²)

Existing Business Building (742.20m²)

As-Built Business Building (94.19m²)

As-Built Nursery Office (21.72m²)

As-Built Ticket Office (15.92m²)

Stage (33.76m²)

Mosaic Exhibition Area (200m²)

Nursery

Concrete Slab

Outside Crafters

(53) x Craft Stalls

Crafters Storage (16.48m²)

PROPOSED

Future extension of Business Building (961.1m²)

PARKING

(53) stalls = 212 parking bays

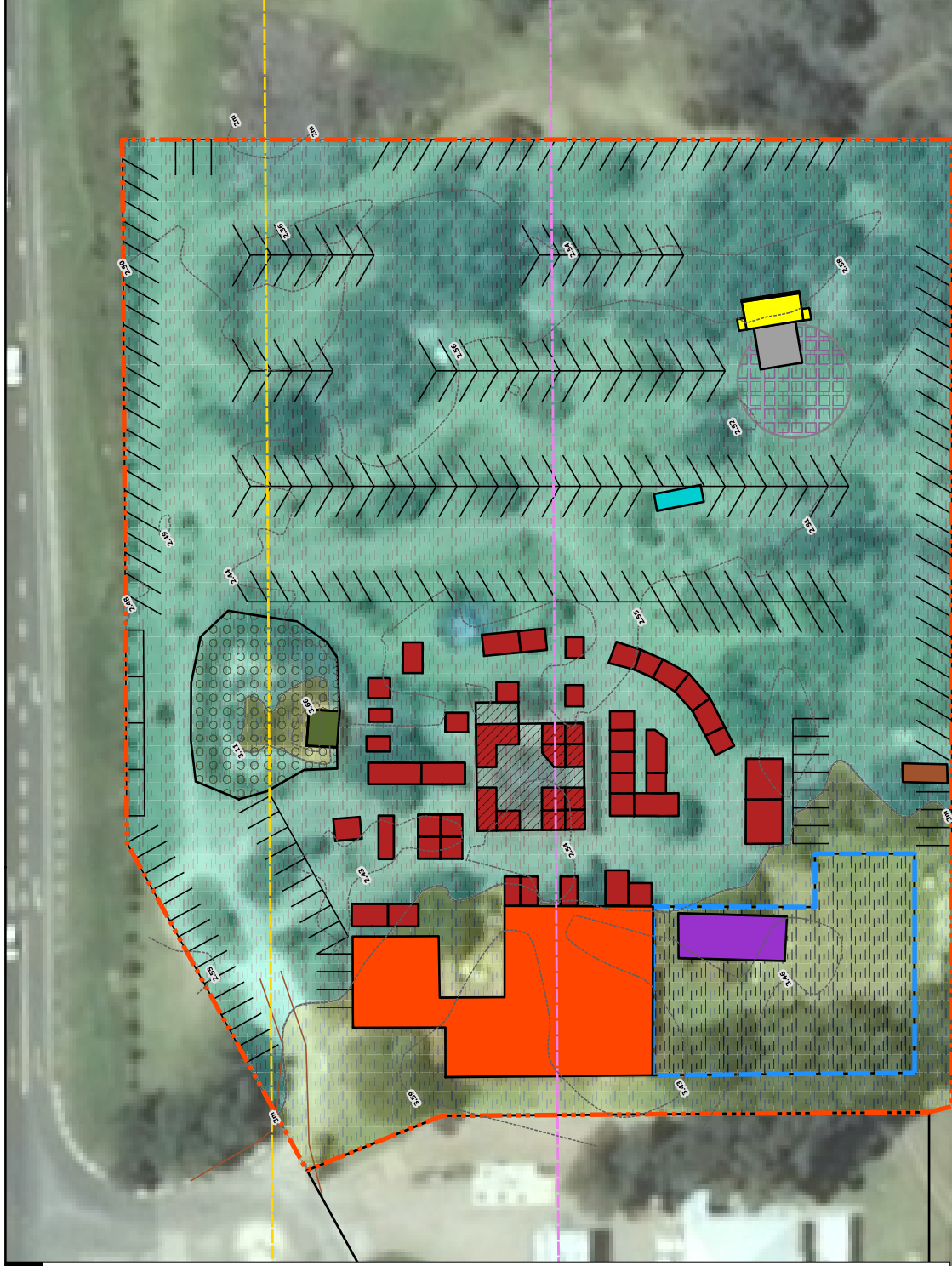
(Crafters: (4) bays per stall)

(1703.3m²) = 28 parking bays

(Business Buildings: (1) bay per 60m²)

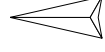
Total Required = (240) Parking Bays

Total Provided = (242) Parking Bays



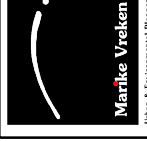
SEDFIELD ERF 4308

SITE DEVELOPMENT PLAN



Projection: Transverse Mercator
Centre Lon: 22°46'53" E
Centre Lat: 34°00'36" S
Created: 2020/03/13
Scale: 1:900

Source: YUGIS/Approved Projects/1944 - Sedgefield Erf 4308 (Sedg) Erf 1946 n/a

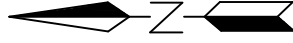
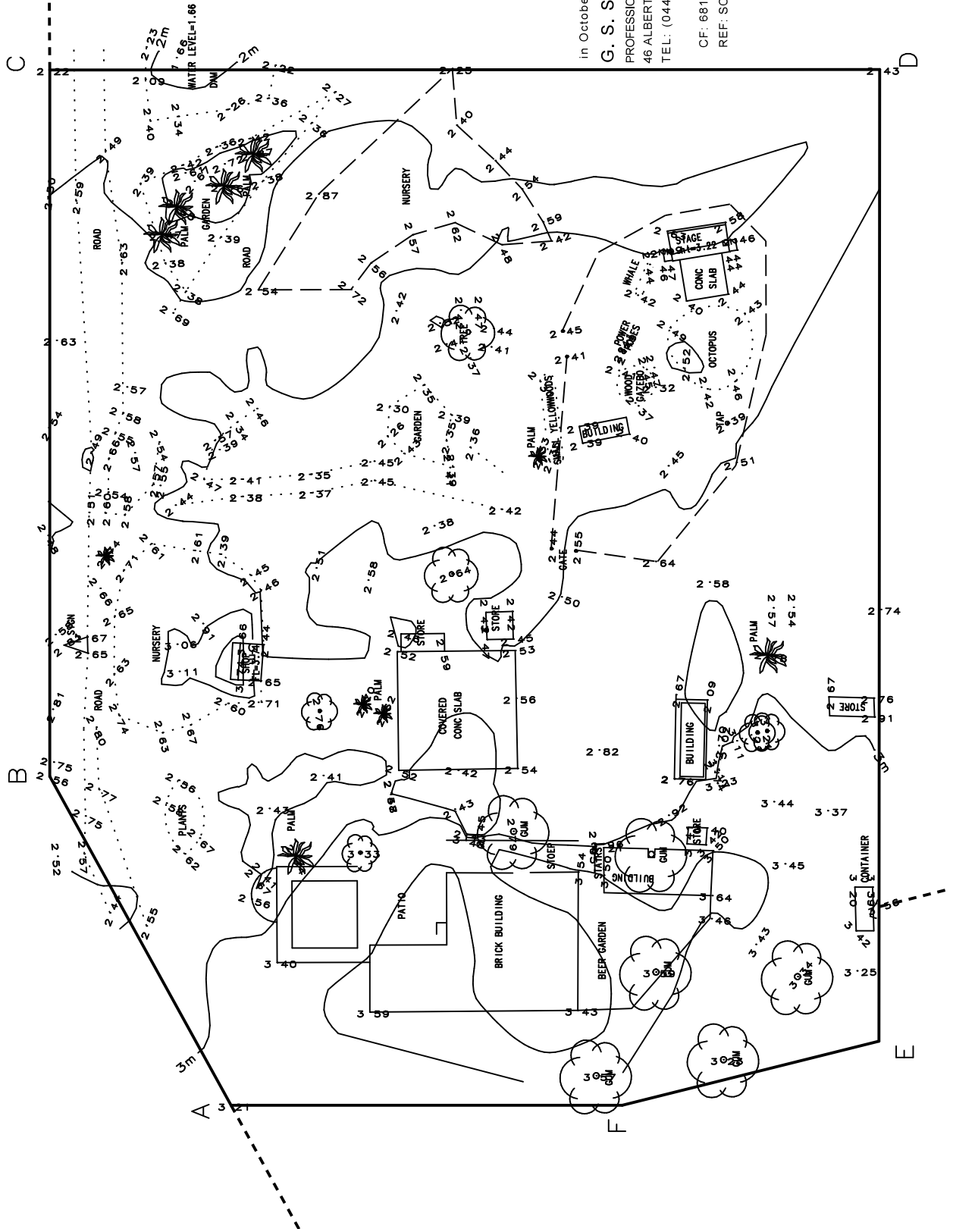


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PLAN 4:

Land Surveyor Plan

CONTOUR PLAN OF ERF 4308 SEDGEFIELD



Scale 1:750

[Signature]

In October 2019
G. S. SAVAGE PLS 0543
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