

Collab Number: 707786
Application Number: 1842
Responsible Official: THWALA. Z



06 – 02 – 2019

Registered Letter

HG ARCHITECTURAL DESIGN & DRAUGHTING

Shop 15, Forest Lodge Complex

SEDGEFIELD

6573

Dear Sir

ERF 1363 SEDGEFIELD: APPROVAL FOR PERMANENT DEPARTURE AND REMOVAL OF RESTRICTIVE CONDITIONS IN TERMS OF KNYSNA MUNICIPALITY LAND USE PLANNING BY-LAW, 2016.

1. Your Application for Permanent Departure and Removal of Restrictive Conditions submitted on 03rd August 2018 refers.
2. The Manager Town Planning and Building Control, Mr J.H. Smit, in his capacity as Authorised Employee, has **granted an approval** in accordance with Section 60 of the Knysna Municipal Land Use Planning By- Law (2016) on 06th February 2019 in terms of Section 15 (2) (b) and (f) for Permanent Departure and Removal of Restrictive Conditions in terms of Restrictive Condition stipulated in Section D. 4. & 5. in Deed of Transfer No. T72372/2017 in order to allow for the proposed second dwelling unit as indicated on the plans drawn by HG Architectural Design & Draughting, drawing numbered SED1363_Bezuidenhout Rev3.pln; dated 02 May 2018
3. **This approval is subject to the following further conditions:**
 - a) This approval applies to the application as outlined above and may not be construed as authority to depart from any other legal prescriptions or requirements;
 - b) Building plans for the proposed second dwelling unit shall be submitted in terms of National Building Regulations and Building Standard Act 1977 (Act 103 of 1977) to the municipality for approval;
 - c) Buildings plans for the proposed second dwelling unit shall not differ substantially from plans drawn by HG Architectural Design & Draughting, drawing numbered SED1363-_Bezuidenhout Rev3.pln; dated 02 May 2018;
 - d) The property owner shall take responsibility for ensuring compliance with all conditions of approval;
 - e) The proposed second dwelling unit size shall be limited to 119,98m²;
 - f) The second dwelling unit or any other structures on a single residential site shall not form the subject of subdivision by means of sectional title;
 - g) The applicant shall ensure that the Title deed and proof of government gazette is submitted to the Registrar of Deeds for the formal Removal of the Restrictive Condition as stipulated in Section D. 4 & 5. in Deed of Transfer No. T72372/2017;
 - h) This approval shall lapse in the event of the applicant not complying with any of the conditions as imposed by Council.

4. Reasons for the above decision are as follows:

- The SPLUMA principles of spatial justice, spatial sustainability, efficiency and good administration.
- The proposal is in line with the Section 59 of Land Use Planning Act, No. 03 of 2014 (LUPA). The principles of spatial justice, spatial sustainability, efficiency and good administration.
- The proposal is in consistency with Knysna Municipality By – Law on Municipal Land Use Planning (2016).
- The proposal does not impact negatively to the neighbouring property rights.

5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the Knysna Municipality on Land Use Planning By- Law (2016).

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

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

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

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act (Act No 32 of 2000).

We trust that you will find the above in order. However, if you have any enquiries; please do not hesitate to contact Miss Z. Thwala on (044) 302 6268 or zthwala@knysna.gov.za.

Regards

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P. HARIPARSAD
ACTING MUNICIPAL MANAGER
JZT