



Knysna

Municipality Munisipaliteit uMasipala
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Collab. Ref.: 2210622

File Ref.: Kny 187/22

App No.: 3027

JH Smit

Tel: 044-302 6318

Via Electronic Mail

2024-09-05

Colin A. Fair

c/o Think Urban

563 7th Road

Halyway Gardens

MIDRAND

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Dear Sir/Madam,

DECISION: DEPARTURE: PORTION 22 OF THE FARM 187, GEORGE

Your application in the above regard, received on 17 August 2023 and accepted 18 March 2024, refers.

Please be advised that the Authorised Official, in terms of Council Resolution SC02/03/16 dated 31 March 2016, has made the following decision:

1. That, **Approval Be Granted**, in terms of Section 60 of the Knysna Municipality By-law on Spatial Planning and Land Use Management (2021) for the permanent departures from the parameters as specified in the Knysna Zoning Scheme By-law (2020) for “Agriculture” on Portion 22 of the Farm Ronde Valley No. 187, George, as shown on plan numbered “*Farm Protea-020-kny-A0*” dated October 2020, as follows:
 - 1.1 the relaxation of the eastern building line (along Portion 37) from 30m to 5,9m to allow for the existing garage and workshop;
 - 1.2 the relaxation of the eastern building line (along Portion 37) from 30m to 8,5m to allow for the existing tractor shed structure;
 - 1.3 the relaxation of the eastern building line (along Portion 37) from 30m to 17.1m to allow for the existing dwelling house;

- 1.4 the relaxation of the eastern building line (along Portion 37) from 30m to 23,4m to allow for the existing seedling nursery;
- 1.5 the relaxation of the southern building line (along Portion 10 and Divisional Road) from 30m to 16,24m;
- 1.6 the relaxation of the western building line (along Portion 21) from 30m to 0,225m and 27,469m to allow for the existing seedling nurseries, respectively.

2. The above approval(s) is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipal By-law on Spatial Planning & Land Use Management (2021):

- (i) The relaxation of the building lines as contemplated in the Knysna Zoning Scheme By-law on Portion 22 of farm 187, Knysna shall be in accordance with the plan numbered “*Farm Protea-020-kny-A0*” dated October 2020;
- (ii) As-built building plans shall be submitted in terms of the requirements of the National Building regulations and Building Standards Act, 1977 (Act No. 103 of 1977) to the Municipality for approval.

3. The reasons for above recommendation are as follows:

- (i) The proposal seeks to legalize a number existing buildings and structures (including the main dwelling house) that are ancillary to the primary agricultural use of the property.
- (ii) Building plans are not available for the main dwelling while aerial imagery dating back to June 1989 suggest that the main dwelling has been in existence from this time.
- (iii) The layout of the farm lends itself to the best use of land by clustering of farm buildings and activities to the south along the Divisional Road thus avoiding the productive farmland stretching several hectares to the north and the forested land on the far-north of the farm. Although the buildings and structures are clustered, it is not believed that its layout and pattern would detract from the agricultural amenity of the subject farm nor its immediate neighboring farms.

- (iv) It is agreed with the applicant that this farm layout and pattern mirrors that of surrounding and adjacent farms and would thus be consistent with the general rural/agricultural character. Furthermore, the clustered farm area has no adjoining farms' buildings in close proximity thereby offering lower risk of an adverse impact on the neighboring farms.

You are hereby informed of your right to appeal to the Appeal Authority in terms of Section 79(2) of the said legislation.

- 1.1 The attached appeal form must be completed and should be directed to the Appeal Authority and received by the Acting Municipal Manager, P.O Box 21, Knysna or via email to knysna@knysna.gov.za , within 21 days of notification of this decision together with proof of payment of the appeal fee.
- 1.2 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. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
- 1.3 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 this decision is not subject to a right of appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Should you have any further enquiries, please contact Sinovuyo Sitinga telephone number: 044-302 6276 or via e-mail address: ssitinga@knysna.gov.za .

Yours faithfully,



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

