



Collab. Ref.: 775394
File Ref.: 4015 Kny
J.H. Smit
Tel: 044-302 6318

KNYSNA
Municipality Munisipaliteit uMasipala
INCLUSIVE. INNOVATIVE. INSPIRED.

Via Registered Mail

2019-04-10

Marike Vreken Town Planners
PO Box 2180
KNYSNA
6570
Email: info@vreken.co.za

Dear Sir/Madam,

**ERF 4015 KNYNSNA: PROPOSED AMENDMENT TO AN APPROVED
SUBDIVISION PLAN**

Your application in the above regard, dated 2 December 2017, refers.

Please be advised that Knysna Municipality Planning Tribunal, on 26 February 2019, unanimously resolved:

“That, Approval be Granted in terms of section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) and that a Special Panel meeting to be held prior the forthcoming Tribunal meeting that is scheduled to be held on 26 March 2019 in order for the draft conditions of approval to be amended before the final decision is made and that the minutes of the Special Panel meeting be included as an addendum to the minutes of the meeting that was held on 26 February 2019.

After deliberation, the Panel

RESOLVED

- (a) That in terms of section 66 of the Knysna Municipality By- Law on Municipal Land Use Planning (2016) the approval is subject to the following conditions:

1. General Conditions

- 1.1 that the conditions of approval in the letter dated 13 January 2015 are still applicable;
- 1.2 That a “Master Home Owners Association” be established for the entire Development, and that all future development phases belong to the Master HOA;
- 1.3 That the applicant enters into a Services Level Agreement with the municipality, prior to the registration of the first phase. This Services Level Agreement shall address all services requirements (e.g. but not limited to roads, water, sewer, storm water, waste removal and electricity), for each respective phase;

2. Phase 1: Existing House

- 2.1 The development on this phase shall be limited to the existing house;
- 2.2 The access road shall be constructed from the house to Welbedacht Lane, to the satisfaction of the Director Technical Services, prior the transfer of Phase 1;
- 2.3 That a right of way servitude be registered over the access road, in favour of the existing house Phase 1 prior to or simultaneous with the registration of Phase 1;
- 2.4 The phase be connected to the municipal water;

3. Phase 2 (Erven 1-41)

- 3.1 The Phase shall be limited to 41 x single residential erven, and a private open space;
- 3.2 If Phase 2 is to be developed as a separate entity, new HOA be established for Phase 2, and that Phase 2 be a member of the Master HOA, prior to the transfer of any erven within Phase 2;
- 3.3 That a right of way servitude be registered over the existing access road, in favour of Phase 2, prior to or simultaneous with the transfer of Phase 2 to a different entity;

- 3.4 That the required open space for group housing development (i.e. 80m² per erf = 3280m²) be transferred to the HOA prior to the transfer of the first erf of Phase 2;
- 3.5 That a road access be constructed from main access road to Phase 2, before the transfer of Phase 2 to another entity;
- 3.6 The developer will be responsible for development of open spaces, as well as any landscaped areas within the township. This development will entail landscaped gardens, road verges and removal of alien plants;

4. Phase 3 (Erven 1,30 and 31)

- 4.1 Phase 3 shall be limited to 3 x single residential erven and a private open space;
- 4.2 If Phase 3 is to be developed as a separate entity, a new HOA be established for Phase 3, and that Phase 3 be a member of the Master HOA, prior to the transfer of any erven within Phase 3;
- 4.3 That a right of way servitude be registered over the existing access road, in favour of Phase 3, prior to or simultaneous with the transfer of Phase 3;
- 4.4 That the private open space be transferred to the HOA prior to the transfer of the first erf within Phase 3;
- 4.5 The developer will be responsible for the development of open spaces, as well as any landscaped areas within the township. This development will entail landscaped gardens, road verges and removal of all alien plants;

5. Phase 4 Hill Side Residential Node (Erven 2-29 and 32-40)

- 5.1 This Phase shall be limited to 37 x single residential erven, and a private open space;
- 5.2 If Phase 4 is to be developed as a separate entity, a new HOA be established for Phase 4, and Phase 4 becomes a member of the Master HOA, prior to the Transfer of any erven within Phase 4;

- 5.3 That the required open space for a group housing development (i.e. 80m² per erf=2960m²) be transferred to the HOA prior to the transfer of the first erf within Phase 4;
- 5.4 That a right of way servitude be registered over the existing access road, in favour of Phase 4, prior to or simultaneous with the transfer of Phase 4 to a different entity;
- 5.5 That the developer will be responsible for the development of the open spaces, as well as any landscaped areas within the township. This development will entail landscaped gardens, road verges and removal of all alien plants;
6. Phase 5 Private Open Space along the Knysna Lagoon
- 6.1 Phase 5 shall be limited to 1x private open space;
- 6.2 Phase 5 may not be transferred without an authorised access (either via an approved access from the north or the south);
- 6.3 Phase 5 shall be transferred to the Master HOA.

RASIONALE

- = The proposal is not in conflict with the section 59 principles of the Western Cape Land Use Planning Act, No. 3 of 2014 (LUPA). The principles of spatial justice, spatial sustainability, efficiency and good administration.*
- = This proposal does not derogate from neighbouring property owners' legal rights.*
- = This proposal is within the urban edge.*
- = The application assessment of this application has concluded that the proposal will allow for the realisation of the proposed development or at least apportion of it. In doing so the potential of job opportunities is also created which will benefit the economy of Knysna.*
- = The South African Roads Agency Limited (SANRAL) has no objection against the application if the functionality of the N2 is not disturbed.*

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 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.

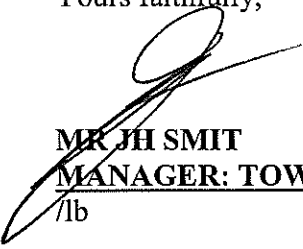
1.2 You are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

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 no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Should you have any further enquiries, please contact Steward Mqhele on telephone number: 044-302 6339 or via e-mail address: smqhele@knysna.gov.za.

Yours faithfully,



MR JH SMIT

MANAGER: TOWN PLANNING & BUILDING CONTROL

/lb

Cc: Building Control Officer: R Daames
Technical Services